



THE CITY OF NEW YORK INDEPENDENT BUDGET OFFICE

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VIA EMAIL

Craig Hammerman
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Council Member Inna Vernikov
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Dear Mr. Hammerman and Council Member Vernikov,

At your request, the Independent Budget Office has examined the factors that could be at play should the City move the lifeguard unit from the Department of Parks and Recreation to the Fire Department with the intention to align public safety roles across City agencies. In particular, IBO investigated the following:

- The current status of lifeguard employment within the New York City Department of Parks and Recreation (DPR);
- Considerations for the process if the City's lifeguard positions were transferred from DPR to the Fire Department of the City of New York (FDNY);
- How many former lifeguards are currently employed by the City of New York in other positions, to illustrate career pathways that former lifeguards undertake;
- Rules which restrict City employees holding multiple employment positions within the City.

Current Status of City Lifeguards and Pay

The City employs some lifeguards year-round to work at indoor swimming facilities; however, most lifeguards are hired seasonally during the peak summer season from late May through early September, staffing DPR pools and beaches. DPR operates 65 pools—53 outdoor pools and 12 indoor pools located in DPR Recreation Centers. Pools can range in size from mini-pools and wading pools to Olympic-size swimming pools and pools vary in terms of operating hours and swim programming. DPR also maintains 9 beach locations covering over 14 miles, open to the public during the summer swimming season. Over the past five years, the city has averaged a headcount of 834 lifeguards in July, during the summer season, and 59 in January during the winter season. In 2024, the city had 924 lifeguards hired in July and had more than lifeguards on payroll (76) in January than in the previous five years.

Two local chapters within the District Council 37 (DC37) union represent lifeguard titles: Local 461 represents lifeguards, and Local 508 which represents lifeguard supervisors. The current collective bargaining agreement between the City and DC37, which represents around 150,000 city employees in many different titles, covers the period from May 26, 2021 through November 6, 2026. This agreement stipulates annual raises of 3% from 2021 through 2024, and a 3.25% raise in 2025 for all employees represented by DC37. Separately, negotiations with [DC37 and the City](#) led to base pay increases specifically for lifeguard titles. In 2024, the hourly wage of lifeguards was permanently raised to \$22 per hour, and a \$1,000 retention bonus was offered again for the summer season.

Lifeguard Employment and Pay						
	Calendar Year					Average
	2020	2021	2022	2023	2024	
July Headcount	777	1,000	756	712	924	834
January Headcount	68	52	47	50	76	59
Average Hourly Pay	\$20.28	\$20.57	\$21.26	\$22.66	\$23.05	\$21.56

SOURCE: IBO analysis of City Human Resource Management System data

New York City Independent Budget Office

Considerations from Transferring Lifeguard Positions from DPR to FDNY

Moving a function from within one agency to another is not without precedent. Recently, the function of street vendor enforcement was moved from the New York Police Department to the Department of Consumer and Worker Protection, and then again moved to the Department of Sanitation. It is possible for the City to opt to move the Lifeguard Unit from DPR to another agency. Should the new agency be the Fire Department, such a move would be subject to the following considerations:

- 1. Collective Bargaining and Management.** Any transfer of a union-represented position from one City agency to another would be subject to collective bargaining. If the City’s lifeguard program were moved to FDNY, how FDNY would oversee and manage the lifeguard program would need to be renegotiated. There have been recent changes in this area within DPR. Historically, all lifeguard positions fall under the management of the Lifeguard Coordinator, who reports directly to DPR’s First Deputy Commissioner for Operations. Due to recent [rulings](#) from an Office of Collective Bargaining arbitration panel, the Parks Department is now able to make changes to the existing management structure, allowing for more layers of managerial oversight of the City’s lifeguard program from DPR agency staff. This brings the agency’s management structure of the lifeguard program more in line with other areas of DPR staffing.
- 2. Establishing FDNY Program for Seasonal Hiring.** FDNY would need to establish a seasonal worker program, which it currently does not have. There may be models within existing FDNY programs, such as the Fire Cadet Academy or FDNY Exploring Program, or other uniformed programs that may serve as reference point, but the management structures would still need to be established. In general, new job titles within an agency require additional training, and potentially more data tracking and personnel capacity. DPR has many seasonal jobs, including most lifeguard positions. Other seasonal DPR positions include Recreation Specialist, Summer

Camp Counselor, and Urban Park Ranger, as well as a large job training participant program, among others.

- 3. *Decisions on Civilian or Uniformed Positions.*** FDNY is a uniformed agency that also has civilian titles within the agency, while DPR is not a uniformed agency. Questions about reporting structures and whether lifeguards would be classified as uniformed or civilian employees would need to be determined as part of any DPR-to-FDNY lifeguard transfer. Similar questions about moving positions between a uniformed and non-uniformed agency came up in the context of discussions to shift School Safety Agents from the New York City Police Department (NYPD) to the Department of Education (DOE). Moving a specific job function from one City agency to another largely depends on the support of the mayoral administration, City Council legislation, or both.
- 4. *Expense of Fringe and Post-Employment Benefits.*** FDNY's workforce has considerably larger pension and other post-employment benefit costs per retired worker, which would need to be reflected in budgets. This is due in part to the Fire Pension Fund's larger overhead costs, but also in part to a higher fringe benefit rate for first responders. These costs include higher rates for workers compensation and other welfare benefits for fire-related titles than for workers in non-fire titles. In fiscal year 2024, fringe costs for civilian employees were approximately 59% of base salary, where for uniform FDNY employees they were around 134% of base salary.

Difficulties in Hiring Lifeguards

Amidst a national lifeguard shortage, DPR has cited several specific hurdles that restrict or have restricted the number of lifeguards hired. In May 2024, an arbitration panel ruled in favor of the City to lessen the certification requirements to serve as a City lifeguard working at smaller shallow pools. The City's proposed changes to the standards were taken through arbitration at the Office of Collective Bargaining, and partially granted. The arbitration panel upheld the City's proposal to alter both vision and swim test standards for smaller shallow pool lifeguards, which the City argued would ease hiring. For the tiered system to continue under a new managing agency, FDNY would need to commit to and manage this recent rule change.

Additionally, the City has restricted City staff serving in other roles from concurrently working in a lifeguard title. Under current City rules, being active in two City job titles simultaneously requires a waiver of this restriction to be granted by the Department of Citywide Administrative Services. The waiver requirement is due to budgetary implications of staff incurring overtime under the Fair Labor Standards Act. However, the impact of the waiver restriction appears to be limited—only 33 waivers had been requested from 2019 through 2022, of which 21 were approved. In a similar vein, another possible disincentive that some noted is that teachers who became lifeguards over the summer essentially had to pay into two different pension systems. This barrier was addressed in the 2023-2024 New York State legislative session by Senate Bill 6877/Assembly Bill 7311. However, with both the waiver and the pension system items, it would be difficult to measure the effect that either has had on decreasing the possible number of applicants.

One characteristic unique to the lifeguard workforce is that 16-18 year olds compose 18% of the workforce annually on average. As students in high school are not eligible to work until the end of the school year, which ends in mid to late June, Parks is unable to bring on about a fifth of its workforce for several weeks, if not a full month, of the swim season. Another issue that affects recruitment is the timing of pay increase announcements. In recent years, final decisions on pay increases or bonus incentives for staying on through an entire season happened only shortly before the season begins, or in some instances, after the season had already started. By holding parts of the compensation package undetermined, the City may have lost potential hires to other employers or municipalities. Similarly, the timing and frequency of the municipal lifeguard certification exams likely factor into the size of the potential workforce. These factors are recruitment challenges that would not be changed if lifeguards were simply under a different agency.

Career Pathways for City Lifeguards

In discussion around the transfer of lifeguards from DPR to FDNY, one consideration was whether this shift would provide a full, non-seasonal career path for lifeguards. While it is certainly possible that this would increase lifeguards transitioning to other first responder titles, evidence suggests that this is already taking place. As of August 2024, there are slightly over 7,200 individuals that have inactive lifeguard titles, meaning that they have been employed as a City lifeguard at some previous point in time. Among former lifeguards, 1,098 individuals are currently employed by the City in different titles, with 309 employed by FDNY, and another 133 employed by NYPD. Additionally, another 519 are employed by the Department of Education, which is by far the largest employer among city agencies. The remaining 137 are spread out among 31 other city agencies.

If you have any questions or would like additional information, please contact me at LouisaC@ibo.nyc.gov or Logan Clark, who prepared this letter, at LoganC@ibo.nyc.gov.

Sincerely,

Louisa Chafee, Director