

DC 37, 1 OCB2d 9 (BOC 2008)

(Rep) (Docket No. AC-39-07).

Summary of Decision: The City filed a petition to amend certifications to reflect title names changes resulting from the functional transfer of some employees in two titles, represented by DC 37 and OSA respectively. As there was no allegation of changed duties, the Board amended the certifications to reflect the nomenclature changes. ***(Official decision follows.)***

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

-between-

CITY OF NEW YORK,

Petitioner,

-and-

**DISTRICT COUNCIL 37, AFSCME, AFL-CIO and
ORGANIZATION OF STAFF ANALYSTS,**

Respondents.

ORDER AMENDING CERTIFICATIONS

On October 16, 2007, the City of New York (“City”) filed a petition pursuant to § 1-02(u) of the Rules of the Office of Collective Bargaining (Rules of the City of New York, Title 61, Chapter 1) requesting that the Board of Certification add the title Senior Systems Analyst (EDP) (HMH) (Title Code No. 12651) to Certification No. 46D-75, a bargaining unit represented by District Council 37, AFSCME, AFL-CIO (“DC 37”), and add the title Senior Management Consultant (HMH) (Title Code No. 12652) to Certification No. 3-88, a bargaining unit represented by the Organization of Staff Analysts (“OSA”). The titles at issue were established by the Department of

Citywide Administrative Services (“DCAS”) in an Amendment to Classification to reflect that some employees in the titles of Senior Systems Analyst (EDP) (Title Code No. 040030) and Senior Management Consultant (Title Code Nos. 983710 and 983720), represented by DC 37 and OSA respectively, were functionally transferred from the New York City Health and Hospitals Corporation (“HHC”) to the Department of Health and Mental Hygiene (“HMH”).¹

Notice of this petition was given to DC 37, OSA, and the public. OSA filed an objection, which it subsequently withdrew. No other objections were filed.

“This Board has a long history of granting requests to amend a certification when our investigation confirms the allegation that a mere change in a title’s name has occurred” and there has been no change in the employees’ duties. *City Empl. Union, Local 237*, 80 OCB 8, at 11-13 (BOC 2007) (citing cases). Here, there is no allegation that the functional transfer of the employees at issue resulted in a change of their duties. Accordingly, we find that amendment of DC 37 and OSA’s respective bargaining units to reflect the nomenclature changes is appropriate.

NOW, THEREFORE, pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, it is hereby

ORDERED that Certification No. 46D-75 (as previously amended) be, and the same hereby is, further amended to add the title Senior Systems Analyst (EDP) (HMH) (Title Code No. 12651), subject to existing contracts, if any; and it is further

¹ We note that DCAS’s Amendment to Classification establishing the Senior Systems Analyst (EDP) (HMH) and Senior Management Consultant (HMH) titles places an asterisk before these titles to denote that each is “[f]or incumbents of this title who are transferred from HHC to HMH only. No new appointments will be made to this title.” As the information denoted by the asterisk does not impact the bargaining unit or the certified bargaining representative, we do not include the asterisk in our Order Amending Certifications.

ORDERED that Certification No. 3-88 (as previously amended) be, and the same hereby is, further amended to add the title Senior Management Consultant (HMH) (Title Code No. 12652), subject to existing contracts, if any.

Dated: March 3, 2008
New York, New York

MARLENE A. GOLD
CHAIR

GEORGE NICOLAU
MEMBER

CAROL A. WITTENBERG
MEMBER

NOTICE OF AMENDED CERTIFICATIONS

This notice is to acknowledge that the Board of Certification has issued an Order Amending Certifications as follows:

DATE: March 3, 2008 **DOCKET #:** AC-39-07

DECISION NUMBER: 1 OCB2d 9 (BOC 2008)

EMPLOYER: City of New York, represented by the Office of Labor Relations
40 Rector Street, 4th Floor
New York, NY 10006

CERTIFIED/RECOGNIZED BARGAINING REPRESENTATIVES:

District Council 37, AFSCME, AFL-CIO
125 Barclay Street
New York, NY 10007

Organization of Staff Analysts
220 East 23rd Street, Suite 707
New York, NY 10010

AMENDMENTS: District Council 37, AFSCME, AFL-CIO's Certification No. 46D-75 has been amended to add the following title/code:

Added: Senior Systems Analyst (EDP) (HMH) (Title Code No. 12651)

Organization of Staff Analysts' Certification No. 3-88 has been amended to add the following title/code:

Added: Senior Management Consultant (HMH) (Title Code No. 12652)