

DC37 v. City, 10 OCB 40 (BOC 1972) [Decision No. 40-72 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME,
AFL-CIO

DECISION NO. 40-72

-and-

DOCKET No. RU-197B-70
RU-242-70

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

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DECISION AND ORDER

On June 11, 1970 District Council 37, AFSCME, AFL-CIO, (herein called Petitioner) filed a petition, RU 197-70, requesting that Certificate CWR 70/67, as amended, be further amended to include, by accretion, the titles of Senior Community Specialist, (Model Cities), Senior Program Specialist (Model Cities), Supervising Program Specialist, Principal Program Specialist (Model Cities), Principal Community Liaison Worker, Principal Addiction Specialist, and Principal Human Resources Specialist. CWR 70-67, as amended, then embraced a unit of non-professional, supervisory social service and related titles.

On December 9, 1970 the Petitioner filed a petition, RU-242-70, requesting that the additional titles of Principal Program Coordinator (Model Cities), Administrative Program Coordinator (Model Cities) and Administrative Program Specialist (Model Cities) be accreted to Certificate CWR 70/67.

The City challenged as managerial the following titles: Principal Community Liaison Worker, Principal Human Resources Specialist, Principal Program Coordinator (Model Cities), Principal Program Specialist (Model Cities), Administrative Program Specialist (Model Cities), Administrative Program Coordinator (Model Cities), and Principal Addiction Specialist.

On February 2, 1971, the Parties stipulated to sever the titles of Principal Addiction Specialist, Principal Community Liaison Worker, Principal Human Resources Specialist, and Principal Program Specialist from RU-197-70, and the proceeding involving the severed titles was given the Docket Number RU-197B-70. On March 1-2, 1971, the Board of Certification, in Decision No. 17-71, included the titles of Senior Community Specialist (Model Cities) and Community Specialist (Model Cities) as part of CWR 70/67. as amended.

On June 8, 1971, the Board of Certification consolidated RU-197B-70 and RU-242-70 for purposes of hearing on the managerial issue involved in the seven principal and administrative titles.

During the course of the consolidated hearing, the title of Principal Human Resources Specialist was severed for the purpose of separate hearing by another Trial Examiner, and was given the Docket No. RU-197C-70. The latter case is still pending.

Extended hearings were held on the title of Principal Community Liaison Worker and had begun on the four Model Cities titles between October 19, 1971, and March 8, 1972. Before testimony was concluded on those titles, and before any testimony was received as to the remaining title, the parties requested an adjournment for the purpose of exploring the basis for a settlement of the managerial issue involved in all six titles with a view to obviating further extended hearings.

On August 4, 1972, the parties stipulated in writing as to the managerial status of persons in the six titles involved. In pertinent part the stipulation is as follows:

- (A). Employees in the civil service title of Principal Community Liaison Worker do not perform managerial or confidential functions within the meaning of the New York City Collective Bargaining Law, except those employed in the Office of Neighborhood Government and the Mayor's Educational Task Force.

- (B). Employees in the civil service title of Principal Addiction Specialist do not perform managerial or confidential functions within the meaning of the New York City Collective Bargaining Law, except those functioning in the office titles of Director of School Training, Director of Services Planning, Director of State Evaluations, and Director of Rikers Island Program.
- (C) All employees in the civil service titles of Administrative Program Coordinator (Model Cities) and Administrative Program Specialist (Model Cities) perform managerial functions within the meaning of the New York City Collective Bargaining Law.
- (D). Employees in the civil service titles of Principal Program Coordinator (Model Cities) and Principal Program Specialist (Model Cities) do not perform managerial or confidential functions within the meaning of the New York City Collective Bargaining Law, except those who function in the office titles of Project Director, Director of State-Federal Liaison Unit, Director of Open Space Programs Development, Assistant to the Deputy Mayor, Director of Neighborhood Task Force (Mayor's Office), and Program Coordinator (Mayor's Office).

The Board, in this case, approves the terms of the stipulation of the parties, and finds and concludes that the titles of Administrative Program Coordinator (Model Cities) and Administrative Program Specialist (Model Cities) are managerial; and that the titles of Principal Community Liaison Worker, Principal Addiction Specialist, Principal Program Coordinator (Model Cities) and Principal Program Specialist (Model Cities) are non-managerial, with the exception of the employees cited in the stipulation.

O R D E R

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

O R D E R E D, that Certificate No. 63-71, as amended by Decision Nos. 74-71 and 21-72, be, and the same hereby is, further amended to include, by accretion, the titles of Principal Community Liaison Worker (except those persons in the title employed in the Office of Neighborhood Government and the Mayor's Educational Task Force); Principal Addiction Specialist (except those persons functioning in the office titles of Director of School Training, Director of Services Planning, Director of State Evaluations, and Director of Rikers Island Program); Principal Program Coordinator (Model Cities) and Principal Program Specialist (Model Cities) except those persons in either of the last two titles functioning in the office titles of Project Director, Director of State-Federal Liaison Unit, Director of Open Space Program Development, Assistant to the Deputy Mayor, Director of Neighborhood Task Force (Mayor's Office), and Program Coordinator (Mayor's Office) and it is further

ORDERED, that the unit set forth above shall be cited as Decision No. 40-72.

DATED: New York, N. Y.
August 9, 1972.

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

Decision No. 40-72
Docket No. RU-197B-70
RU-242-70

The titles and title code numbers of the employees affected by this decision are as follows:

Principal Community Liaison Worker	56095
Principal Addiction Specialist	56085
Principal Program Coordinator (Model Cities)	03024
Principal Program Specialist (Model Cities)	02941