

City v. CWA, L.375, Civil Ser. Tech. Guild, 18 OCB 25 (BOC 1976)
[Decision No. 25-76 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

CITY OF NEW YORK,

DECISION NO. 25-76

Petitioner

DOCKET NO. RE-24-72

-and-

LOCAL 375, CIVIL SERVICE TECHNICAL
GUILD, DC-37 AFL-CIO, AFSCME

-and-

COMMUNICATION WORKERS OF AMERICA,

Respondents

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DETERMINATION AND ORDER

On March 27, 1975, Local 375, Civil Service Technical Guild, filed a Notice of Motion, seeking permission to intervene in opposition to the City's petition in the above-docketed matter, which requested this Board to find that all employees in certain titles were managerial and/or confidential.

On May 27, 1976, Local 375 filed a petition (Docket No. RU-561-76) seeking to add a large number of titles to its Certification No. 46J-75 (as amended), presently covering various engineering, scientific, and related titles. This petition, although covering most of the titles in the RE-24-72 intervention, also omitted many titles which had been included therein. Since Local 375 has taken no further action in pursuit of its motion to intervene, we shall dismiss that portion of the motion which is not covered by the Union's petition in RU-561-76. In light of

Local 375's failure to prosecute its motion to intervene, and in the absence of any further opposition to a finding that the subject titles are managerial and/or confidential, we hereby find them to be managerial and/or confidential and, therefore, ineligible for collective bargaining. These titles are as follows:

Managerial/Confidential

Chief Engineer (W.S.G. & E.)
Chief Project Service Specialist
Consulting Engineer
Deputy Director of Design
Deputy Executive Director (City Planning)
Director of Capital Construction,
Maintenance and Engineering
(Health & Hosp. Corp.)
Director of Construction
Director of Construction Management
(Health & Hosp. Corp.)
Director of Engineering
(Air Pollution Control)
Director of Program Analysis (HHC)
Director of Program Planning and
Development
Director, Industrial Engineering
Director, Product Development and
Evaluation
~~Director of Technical Services (E.D.P.)~~
Executive Assistant for Planning
Executive Assistant to the Director of
Construction

Consistent with our Decision No. 19-75, we make no determination at this time with respect to titles that are currently vacant. These titles are as follows:

Vacant

Chief Budget Examiner
Chief Engineer (Bureau of the Budget)
Chief Engineer (City Planning)

Chief Engineer (Hospitals)
Chief Engineer (Marine & Aviation)
Chief Engineer (Office of the Comptroller)
Chief Engineer (Parks)
Chief Engineer (Pres., Borough of Brooklyn)
Chief Engineer (Pres., Borough of Manhattan)
Chief Engineer (Pres., Borough of the Bronx)

Chief Engineer (Public Works.)
Chief Engineer (Except Board of Education)
Chief Engineer of the Board of Estimate
Deputy Administrator (Space Planning,
Architecture, Construction & Equipment)
Deputy Chief Engineer
Deputy Director of Construction
Deputy Director of Construction Management
(Health & Hosp. Corp.)
Deputy Director of industrial Engineer
Deputy Director - Capital Construction,
Maintenance and Engineering
(Health & Hosp. Corp.)
Director of Architecture (incl. specialties)
Director of Arterial Highly Planning
Director of Comprehensive Transportation
Planning
Director of Engineering (Highways)
Director of Maintenance & Engineering (CYIB)
Director of Noise Abatement
Director of Park Engineering and Construction
Director of Park Planning
Director of Planning, Research and Development
Director of Project Management
Director of Technical Control
Director of Technical Services (Air Pollution
Control)
Director of Toxicological Laboratory
(Office of the Chief Medical Examiner)
Director of Urban Design Group
Director, Project Management
Executive Director to the Urban Design Council
Senior Principal Budget Examiner

ORDER AND DETERMINATION

Pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining law, it is hereby

ORDERED, that portion of the Union's motion to intervene in RE-24-72, which relates to the above-listed titles be and the same hereby is, dismissed; and it is further

DETERMINED, that employees in those titles listed above under the heading "Managerial/Confidential" are, within the meaning of the New York City Collective Bargaining Law, managerial and/or confidential and are, therefore, excluded from collective bargaining.

DATED: New York, N. Y
July 28, 1976

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER