

City, et. Al v. L.375, et. Al, 18 OCB 47 (BOC 1976) [Decision No. 47-76 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

CITY OF NEW YORK,

DECISION NO. 47-76

Petitioner

DOCKET NO. RE-24G-72

-and-

LOCAL 375, CIVIL SERVICE TECHNICAL  
GUILD, DC37, AFSCME, AFL-CIO

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In the Matter of

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

DOCKET NO. RU-561-76

-and-

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND ORDER

On March 27, 1975, Local 375, Civil Service Technical Guild, filed a Notice of Motion, seeking permission to intervene in opposition to that portion of the City's petition in Case No. RE-24-72 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 position, although covering most of

the titles in the RE-24-72 intervention, also omitted many titles which had been included therein. The Board then issued its Decision No. 25-76, dismissing that portion of the motion to intervene which was not covered by the Union's petition in RU-561-76. That portion of RE-24-72 which is covered by the Union's petition has been severed and docketed as RE-24G-72.

A number of titles in the present proceeding are vacant. It is Board policy to delay consideration of certification of such titles, if the City alleges they are managerial/confidential, until such positions become filled. Accordingly, with respect to these titles, we shall deny the Union's petition and make no finding in the City's petition. These titles are as follows:

Vacant Titles

Administrative Business Project Coordinator  
Administrative Construction Inspector  
Administrative Director of Computer Traffic Control  
Administrative Engineer (Off Track Betting)  
Asst. Administrator (Planning Design and Research)  
Asst. Administrator (Program Development and Control)  
Asst. Administrator (Program Planning, Research and Evaluation)  
Asst. Administration (Project Coordination)  
Asst. Administration (Space Planning, Architecture, Construction and Equipment)

Asst. Director of Engineering (Air Resources)  
Asst. Director of Noise Abatement  
Asst. Director - Project Management  
Asst. To Chief Engineer (Coordinator of Engineering Employees)

Chief Purchase Inspector  
Coordinator of Highway Transportation Studies  
Coordinator of Mass Transit Design  
Coordinator of Traffic (Borough Engineering and Operations)  
Coordinator of Traffic Planning and Highway Safety  
Department Engineer (Board of Water Supply)

Principal Air Pollution Control Engineer  
Principal Civil Engineer  
Principal Civil Engineer (Water Supply)  
Principal Engineer  
Principal Mechanical Engineer  
Principal Planning Consultant (Community Facilities)  
Principal Planning Consultant (Transportation)  
Public Health Engineering Consultant  
Senior Management Consultant (Engineering)  
Senior Principal Project Coordinator  
Superintendent of Buildings and Grounds (Hospitals)  
Supervising Principal Budget Examiner  
Supervising Principal Management Analyst.

For the same reason, we make no finding petition for Rule X Senior Architect and Senior Civil Engineer. We also deny that portion of Union's petition for certification of both Rule X and XI Senior Architect and Senior Civil Engineer on the basis that it is already certified for these titles.

The Union has requested the Board's permission to withdraw the title of Senior Property Manager from its petition. The Board hereby grants this withdrawal and, in addition, notes that the City had previously withdrawn the same title from its petition.

In regard to the remaining titles, the City's Office of Labor Relations alleges that they are all managerial and, therefore, inappropriate for collective bargaining. The employer also alleges that "many of the titles are administrative in nature and have no relationship" to the unit in Certification No. 46J-75 (as amended).

Accordingly, we shall order a hearing on the issues of manageriality and unit placement. However, several of the title herein are more closely related to other cases in which similar hearings already have been scheduled which involve the same parties. Accordingly, we shall sever so much of the instant matter as relates to the title of Principal Quantitative Analyst and add it to consolidated Cases RE-24C-72 and RU-521-75, where it had already been petitioned: and we shall sever so much of the instant matter as relates to the titles of Project Manager and Senior Project Manager and join it to Case No. RU-531-75, which involves the closely related title of Assistant Project Manager.

The remaining titles herein shall constitute Cases RU-561B-76 and RE-24H-72, and shall be joined with consolidated cases RU-440-74, RU-443-74 and RE-24B-72. These titles are as follows:

Remaining Titles

Administrative Project Director  
Administrative Purchase Inspector  
Administrative Supt. of Buildings and Grounds  
Administrative Supt. of Highway Operations  
Administrative Transportation Planner  
Assistant Administrator (Construction Coordination)  
Asst. Administrator (Planning)  
Asst. Administrator (Planning & Research)  
Asst. Administrator (Program Analysis)  
Asst. Administrator (Program Analysis & Development)  
Asst. Administrator (Program Planning & Development)  
(Model Cities)  
Asst. Director of Technical Services  
Asst. Director of Technical Services (Air  
Asst. Health Facilities Planner  
Associate Director of Industrial Engineering  
Chief Architect  
Civil Engineer - WSX

Coordinator of Traffic (Plans & Surveys)  
Coordinator of Traffic (Signals & Communications)  
Principal Electrical Engineer  
Principal Management Analyst  
Principal Planning Consultant (Land Use)  
Principal Planning Consultant (Urban Renewal)  
Principal Urban Designer  
Senior Health Facilities Planner  
Superintendent of Buildings & Grounds.

O R D E R

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

Ordered that so much of the Union's petition herein as relates to the titles listed above under the heading "Vacant Titles" be, and the same hereby is, denied (no finding being made as to their managerial/confidential status in the City's petition herein); and it is further

Ordered that because these positions are also vacant, no finding is made on City's petition to designate Rule X Senior Architect and Senior Civil Engineer managerial/confidential, and it is further

Ordered that so much of the Union's petition herein as requests certification of the Rule X and XI titles of Senior Architect and Senior Civil Engineer be, and the same hereby is, denied, the relief sought having been already granted; and it is further

Ordered that the parties' requests to withdraw the title of Senior Property Manager from their respective petitions be, and the same hereby are, granted; and it is further

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Ordered that the title of Principal Quantitative Analyst be, and the same hereby is, severed from the instant case and added to consolidated cases RE-24C-72 and RU-521-75; and that the titles of Project Manager and Senior Project Manager be, and the same hereby are, severed from the instant cases and added to Case No. RU-531-75; and it is further

Ordered that the remaining titles herein be, and the same hereby are, joined with consolidated cases RU-440-74, RU-443-74 and RE-24B-72 for hearing on the issues of managerial/confidential status and unit placement.

DATED: New York, N.Y.  
November 4, 1976

ARVID ANDERSON  
CHAIRMAN

WALTER L. EISENBERG  
MEMBER

ERIC J. SCHMERTZ  
MEMBER