

DC37 v. City, 22 OCB 52 (BOC 1978) [Decision No. 52-78 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

-----X

In the Matter of

DISTRICT COUNCIL 37, AFSCME,  
AFL-CIO

DECISION NO. 52-78

-and-

DOCKET NO. RU-616-77

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

-----X

DECISION AND ORDER

On August 22, 1977, District Council 37, AFSCME, AFL-CIO, filed its motion herein, pursuant to Rule 2.19 of the Consolidated Rules of the Office of Collective Bargaining, for amendment of its Certification No. 46A-75<sup>1</sup> covering various social service and related titles to reflect the title change s of Principal Program Specialist (Model Cities) and Principal Program Coordinator (Model Cities) to Community Coordinator. Personnel Director's Resolution No. 77-26, dated March 9, 1977, classified the new title of Community Coordinator to replace eleven Model Cities titles, some of which were included in Certification No. 46A-75 (as amended), some of which had been found managerial/confidential and were excluded from bargaining, and some of which had never been decided by this Board.

---

Certification No. 46A-75 (as amended) was later consolidated with another Certification by Decision No. 37-78.

The parties have now entered into a stipulation, which the board approves, as to the status of the employees in the various positions of Community Coordinator. Our order herein reflects this 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

ORDERED that the titles of Principal Program Coordinator (Model Cities) and Principal Program Specialist (Model Cities) be, and the same hereby are deleted from Certification No. 37-78, subject to existing contracts, if any; and it is further

ORDERED that, except for the positions listed below, the title of Community Coordinator be, and the same hereby is added to Certification No. 37-78,<sup>2</sup> subject to existing contracts, if any; and it is hereby

DETERMINED that employees in the title of Community Coordinator who are serving in positions formerly classified as shown below are, within the meaning of title New York City Collective Bargaining Law, managerial and/or confidential and, therefore, excluded from collective bargaining:

---

Although the parties requested that this amendment "be made retroactive to the date of the creation of the title to provide for continuity of representation," the Board notes that this title was created before the instant petition was filed. We will not depart from our policy of declining to issue retroactive certifications. We do, however, point out that the parties may, and frequently do, negotiate retroactive agreements.

Administrative Program Coordinator (Model Cities) <sup>3</sup>  
Administrative Program Specialist (Model Cities)<sup>3</sup>

Assistant Director of Community Resources (Model Cities)<sup>4</sup>  
Director of Community Resources (Model Cities)<sup>4</sup>

Chief of Publications and Reports (Model Cities)  
Personnel Manager (Model Cities)  
Executive Assistant to the Neighborhood  
or Area Director (Model Cities).

DATED: New York, N.Y.  
September 27, 1978

ARVID ANDERSON  
CHAIRMAN

ERIC J. SCHMERTZ  
MEMBER

---

Exclusion continued from Decision No. 40-72.

Exclusion continued from Decision No. 19-75.

Decision No. 52-78  
Docket No. RU-616-77

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

Community Coordinator	56058
-----------------------	-------