

NYSNA, 3 OCB2d 31 (BOC 2010)

(Rep) (Docket No. RE-179-08).

Summary of Decision: HHC sought to voluntarily recognize NYSNA as the bargaining representative of the title Care Manager, Registered Nurse in Certification No. 30-82. CWA objected. As the parties entered into a stipulation of settlement in which CWA withdrew its objection, the Board amended NYSNA's certification. ***(Official decision follows.)***

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

-between-

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION,

Petitioner,

-and-

NEW YORK STATE NURSES ASSOCIATION,

Respondent,

-and-

COMMUNICATIONS WORKERS OF AMERICA, LOCAL 1180,

Intervenor.

ORDER AMENDING CERTIFICATION

On October 8, 2008, the New York City Health and Hospitals Corporation ("HHC") filed a Notice of Voluntary Recognition, originally docketed as VR-32-08, seeking to add the title Care Manager, Registered Nurse, Levels I and II (Title Code Nos. 509410 and 509420) to Certification No. 30-82, a bargaining unit represented by the New York State Nurses Association ("NYSNA"). Certification No. 30-82 includes titles such as Nurse Practitioner and Staff Nurse.

On November 10, 2008, Communications Workers of America, Local 1180 (“CWA”) filed a timely objection seeking to add the title to Certification No. 41-73, a bargaining unit which includes titles such as Coordinating Manager.¹ Pursuant to § 1-02(m)(4) of the Rules of the Office of Collective Bargaining (Rules of the City of New York, Title 61, Chapter 1), the Notice of Voluntary Recognition was deemed a representation petition filed by an employer and re-docketed as RE-179-08.

The parties requested mediation and through that process agreed upon a resolution of this matter. On June 25, 2010, the parties submitted a Stipulation of Settlement in which CWA withdrew its objection to NYSNA’s representation of Care Manager, Registered Nurse, Levels I and II.

The Board of Certification is satisfied that no evidence was presented to rebut HHC’s assertion that Care Manager, Registered Nurses have a sufficient community of interest with the members of NYSNA’s bargaining unit.

NOW, THEREFORE, pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law (New York City Administrative Code, Title 12, Chapter 3), it is hereby

ORDERED that Certification No. 30-82 be, and the same hereby is, further amended to add the title Care Manager, Registered Nurse, Levels I and II (Title Code Nos. 509410 and 509420).

¹ Coordinating Managers in the functional title of Care Manager at Jacobi Hospital were excluded from this Board’s decision in *CWA*, 78 OCB 3, at 52 (BOC 2006) because their unit placement was at issue in a petition, docketed as AC-10-03, that had been filed by NYSNA. Following the settlement here, NYSNA withdrew AC-10-03.

Dated: June 29, 2010
New York, New York

MARLENE A. GOLD

CHAIR

GEORGE NICOLAU

MEMBER

CAROL A. WITTENBERG

MEMBER

NOTICE OF AMENDED CERTIFICATION

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

DATE: June 29, 2010 **DOCKET #:** RE-179-08

DECISION: **3 OCB2d 31 (BOC 2010)**

EMPLOYER: New York City Health and Hospitals Corporation
125 Worth Street
New York, NY 10013

CERTIFIED/RECOGNIZED BARGAINING REPRESENTATIVE:

New York State Nurses Association
11 Cornell Road
Latham, NY 12110

AMENDMENT: Certification No. 30-82 has been amended to add the following Title/Code:

Added: **Care Manager, Registered Nurse, Levels I and II
(Title Code Nos. 509410 and 509420)**