

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of the Application

-between-

THE CITY OF NEW YORK, on its own behalf
and on behalf of

NEW YORK CITY HEALTH AND HOSPITALS
CORPORATION,

DECISION NO. 23-83

Petitioner,

DOCKET NO. RE-130-82

For an Order declaring certain employees
of the New York City Health and Hospitals
Corporation Managerial or Confidential
pursuant to Section 2.20 of the Revised
Consolidated Rules of the Office of
Collective Bargaining,

-and-

COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO;
and DISTRICT COUNCIL 37, AFSCME, AFL-CIO,

Respondents.

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DETERMINATION AND ORDER

On February 1, 1982, the City of New York ("the City"),
on its own behalf and on behalf of the New York City Health
and Hospitals Corporation ("HHC"), appearing by the Office
of Municipal Labor Relations ("OMLR"), filed the petition
herein, seeking a determination that certain individuals
employed by HHC are managerial and/or confidential within
the meaning of Section 1173-4.1 of the New York City Collec-
tive Bargaining Law ("NYCCBL").

The Communications Workers of America ("CWA") filed its response on February 25, 1982, as did District Council 37 ("D.C. 37") on March 5, 1982. As part of its answer, D.C. 37 requested that the City be ordered to come forth with a bill of particulars; the request was subsequently denied. Several conferences with the parties were thereafter held under the auspices of this office. HHC submitted material updating the petition on November 15, 1982 and on December 2, 1982. on October 14, 1983, OMLR amended the petition herein.

Upon consideration of the record before it and the lack of persuasive evidence to the contrary, the Board of Certification makes the following determination:

I

The employees listed in Appendix A, attached hereto, work as Administrative Assistants, Secretaries and Clerical Support Staff in HHC's Personnel and Labor Relations offices. As such, these individuals regularly assist and act in a confidential capacity to managerial employees who are required to assist directly in the preparation for and conduct of collective negotiations and/or have a major role in personnel administration or in the administration of collective bargaining agreements. These managerial employees include: Personnel Directors, Labor Relations Directors/Officers and Assistant Directors of Personnel.

II

The employees listed in Appendix B, attached hereto, are Supervisors and Specialists in the Confidential Complaint Unit of the Emergency Medical Service ("E.M.S."). These employees act in a confidential capacity to the Executive Director of the E.M.S. and serve as an integral part of the personnel/labor relations process as it relates to employee discipline.

III

The employees listed in Appendix C, attached hereto, serve as Principal Administrative Associates, Office Associates and Office Aides in either the Office of the Vice President for Corporate Affairs or in offices which report to the Vice President for Corporate Affairs, such as the Office of the Assistant Vice President for Labor Relations, the Office of the Assistant Vice President for Personnel Management, the Office of the Personnel Director for Central Office, the Office of Personnel Program Evaluation, the Office of Certification and Examining Services, and the Office of Equal Employment Opportunity. These employees regularly assist and act in a confidential capacity to persons who formulate, determine and effectuate management policies in the fields of labor relations and personnel administration.

IV

The employees listed in Appendix D, attached hereto, serve as Principal Administrative Associates, Office Associates and Office Aides in the Office of the President of HHC or in offices which report to the Office of the President, including the Office of Internal Audits, the Office of the General Counsel, the Office of the Inspector General, the Office of the Vice President for Public Affairs and Special Projects, and the Office of the Vice President for Finance (including the Budget Director's Office and the Corporate Comptroller's Office). These individuals regularly assist and act in a confidential capacity to persons who formulate, determine, and effectuate management policies in the field of labor relations and personnel administration. Additionally, employees listed in Appendix D who work in the Office of the Vice President for Finance (including the Budget Director's Office) are involved in decisions regarding budget cuts or reallocations which may require layoffs.

The facts before us establish that the employees listed in Appendices A, B, C and D regularly assist and act in a confidential capacity to persons who formulate, determine and effectuate policy in labor relations and personnel management, and regularly have access to confidential information pertaining thereto. In keeping with our prior

determinations,¹ we find that these individuals are confidential employees within the meaning of NYCCBL Section 1173-4.1 on account of the particular functions which they perform and are to be excluded from collective bargaining. Additionally, successor employees who are appointed to these positions, and who perform substantially the same duties and functions performed by predecessor employees named in Appendices A, B, C and D will also be ineligible for collective bargaining.

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 employees described in Appendices A, B, C and D, attached hereto (and successor employees in the same positions who perform substantially the same duties and functions) be, and they hereby are, designated as confidential employees and are excluded from collective bargaining.

DATED: New York, N.Y.
 November 23, 1983

ARVID ANDERSON
CHAIRMAN

MILTON FRIEDMAN
MEMBER

DANIEL G. COLLINS
MEMBER

¹ See Decision Nos. 70-68, 63-72, 13-74, 19-75, 32-82.

APPENDIX ABellevue

W. Wintz	PAA ²
R. Terry	Office Associate
E. Rosario	Office Associate
G. Diaz	Office Associate
R. Reinberg	PAA
D. Moultrie	Office Associate
M. Velazquez	Office Associate
C. Cordero	Office Associate

Brooklyn Central Laundry

I. Waddell	PAA
P. Toribio	Office Aide
R. Reeves	Office Aide

Bronx Municipal Hospital Center

M. Mays	PAA
S. Williams	Office Aide
G. Limanowski	Office Associate
F. Topf	PAA
R. Martinez	Office Aide

Coler Memorial Hospital

G. Minucci	PAA
C. Vines	Steno/Sec. Assoc. ³
G. Dennis	Office Associate
E. Powellet	Steno/Sec. Assoc.
S. Davis	Office Associate

Elmhurst

A. Passik	PAA
D. Wasenius	PAA
C. Foote	PAA
G. Virola	Office Associate
D. Castro	Office Aide
R. Serlen	Steno/Sec. Assoc.

² Principal Administrative Associate.

³ Stenographic/Secretarial Associate.

E.M.S.

J. Didrot	Office Associate
M. Medira	Office Aide

Goldwater

R. Mappola	PAA
M. Mavrovich	Steno/Sec. Assoc.

Gouverneur

M. Rodriguez	Office Associate
M. Gombo	Steno/Sec. Assoc.

Harlem

C. Williams	PAA
G. Grosvenor	PAA
S. Grant	Office Aide

Kings County

N. Bhola	PAA
B. Gold	Office Aide

Lincoln

I. Mariconte	PAA
R. Grassi	PAA
F. Reyes	Office Associate
J. Irrizarry	PAA
I. Lugo	Office Aide
C. Mercado	Computer Aide

Metropolitan

W. Bachiller	PAA
C. Monserrate	Office Aide
J. Vidal	PAA

Morrisania NFCC

S. Kassorla	PAA
S. Brereton	Office Aide
L. Mantilla	Steno/Sec. Assoc.
A. Acevedo	Office Aide

North Central Bronx

F. Lowery	PAA
M. Rivera	PAA

Woodhull

R. Heletsi	PAA
P. Pereira	Steno/Sec. Assoc.

APPENDIX B

J. Delventhal	Supervising Investigator
A. Maggiore	E.M.S.S. ⁴
M.J. Schulze	Supervising E.M.S.S.
A. Tychnowitz	Supervising E.M.S.S.

APPENDIX COffice of the Vice President for Corporate Affairs

<u>Name</u>	<u>Title</u>
R. Adelman	PAA
S. Asael	PAA

Office of the Asst. Vice President for Labor Relations

<u>Name</u>	<u>Title</u>
M. Wells	PAA
E. Berg	PAA
C. English	Office Associate
A. Jones	Office Associate
M. Seda	Office Associate
M. Santiago	Office Aide
O. Sebastian	Office Aide

Office of Asst. Vice President for Personnel Management

<u>Name</u>	<u>Title</u>
C. Martin	PAA
D. Worline	PAA
A. Harvey	Office Associate
H. Reese	Office Aide

Office of the Personnel Director for Central Office

<u>Name</u>	<u>Title</u>
N. Godfrey	PAA
C. Rhabb	Office Associate
A. Soto	Office Aide

Office of Personnel Program Evaluation

<u>Name</u>	<u>Title</u>
J. Donnarumma	PAA
C. O'Grady	PAA
R. DelRio	Office Associate

Office of Certification and Examining Services

<u>Name</u>	<u>Title</u>
C. Strong	PAA

Office of Equal Employment Opportunity

<u>Name</u>	<u>Title</u>
G. Velez	PAA
J. Johnson	Office Associate

APPENDIX DOffice of the President

<u>Name</u>	<u>Title</u>
M. Blackstone	PAA
S. Blanco	PAA
M. Flannelly	PAA
D. Singleton	PAA
A. Short	Office Associate

Office of Internal Audits

<u>Name</u>	<u>Title</u>
M. Dino	PAA
K. Douglas	Office Aide
G. Moore	Office Aide

Office of the General Counsel

<u>Name</u>	<u>Title</u>
A. Young	PAA

Office of the General Inspector

<u>Name</u>	<u>Title</u>
L. Day	PAA
P. Kearney	PAA
M. Liburd	Office Associate
A. Soler	Office Associate
N. Crespo	Office Aide
J. Weaver	Office Associate

Office of the Vice President for Public Affairs
and Special Projects

<u>Name</u>	<u>Title</u>
P. Rochelle	PAA
S. Simmons	PAA
P. Williams	PAA

Office of the Vice President for Finance

<u>Name</u>	<u>Title</u>
J. Davis	PAA
V. Camara	PAA

Budget Director Office

<u>Name</u>	<u>Title</u>
L. Dickson	PAA
C. Rivera	PAA
S. Skinner	PAA

Corporate Controller's Office

<u>Name</u>	<u>Title</u>
M. D'Ambrosia	PAA