

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

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

Petitioner,

-and-

DECISION NO. 5-85

LOCAL 1407, DISTRICT COUNCIL 37,  
AFSCME, AFL-CIO,

Petitioner,

-and-

DOCKET NOS. RU-521-75  
RU-533-75  
RU-702-79  
RU-704-79  
RU-707-79  
RU-730-79

SOCIAL SERVICE EMPLOYEES UNION,  
LOCAL 371, AFSCME, AFL-CIO,

Petitioner,

-and-

COMMUNICATIONS WORKERS OF AMERICA,  
LOCAL 1180,

Petitioner,

-and-

CITY EMPLOYEES UNION, LOCAL 237,  
IBT,

Intervenor,

-and-

THE CITY OF NEW YORK,

Respondent.

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DETERMINATION AND ORDER

On December 26, 1984, the Board of Certification ("Board") issued its Decision No. 21-84, the third decision in this matter, dealing with the alleged managerial and/or

Decision No. 5-85  
Docket Nos. RU-521-75,  
RU-533-75, RU-702-79,  
RU-704-79, RU-707-79,  
RU-730-79

2

confidential status of employees serving in the staff analyst series of titles. In Decision Nos. 39-80 and 20-82, we determined that the City of New York ("City") had established a prima facie case of managerial and/or confidential status with respect to specific categories of employees in the series.<sup>1</sup> With the exception of the organization of Staff Analysts ("OSA"), no union challenged our interim findings. In Decision No. 21-84, we confirmed our interim findings, but deferred decision on the status of the Staff Analysts and Associate Staff Analysts who were the subject of the rebuttal case presented by OSA. It is for the purpose of determining the public employee status of the challenged employees that we now render this separate decision.

Hearings in the rebuttal case were held on May 9, May 22, June 19, July 13, July 17, July 25, August 9, September 14, and October 4, 1984 and, at the request of the Board, on March 11, 1985.<sup>2</sup> All parties were present and represented by counsel. While OSA was the moving party in the presentation of the case, the other unions were permitted to examine the witnesses called by OSA. The parties did not

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<sup>1</sup> These categories are described at pages 2-3 of Decision No. 21-81.

<sup>2</sup> By letter to the parties dated January 30, 1985, the Trial Examiner requested that the City provide additional evidence concerning the duties performed by seven employees as to whom the record established in the rebuttal case was ambiguous. The hearing on March 1, 1985 was for the purpose of adducing such additional evidence.

file briefs.

In rendering determinations as to the managerial or confidential status of employees, we are guided by section 201.7(a) of the Taylor Law, which provides in relevant part:

Employees may be designated as managerial only if they are persons (i) who formulate policy or (ii) who may reasonably be required on behalf of the public employer to assist directly in the preparation for and conduct of collective negotiations or to have a major role in the administration of agreements or in personnel administration provided that such role is not of a routine or clerical nature and requires the exercise of independent judgment. Employees may be designated as confidential only if they are persons who assist and act in a confidential capacity to managerial employees described in clause (ii).

In implementing this section of the Taylor Law in prior decisions, we have considered the following criteria:

- (1) the duties set forth in the job specifications;<sup>3</sup>
- (2) inclusion of title in the Managerial Pay Plan;<sup>4</sup>
- (3) involvement in personnel administration,<sup>5</sup> labor relations,<sup>6</sup> or budget - related<sup>7</sup> functions;
- (4) salary level.<sup>8</sup>

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<sup>3</sup> See Decision Nos. 43-69; 45-78.

<sup>4</sup> See Decision Nos. 19-75; 45-76.

<sup>5</sup> See Decision Nos. 73-71; 63-72.

<sup>6</sup> See Decision Nos. 43-69; 19A-70.

<sup>7</sup> See Decision Nos. 73-71; 8-72.

<sup>8</sup> See Decision Nos. 79-68; 73-71.

Decision No. 5-85  
Docket Nos. RU-521-75,  
RU-533-75, RU-702-79,  
RU-704-79, RU-707-79,  
RU-730-79

4

in addition, with respect to confidential status, we have relied upon an employee's access regular basis to confidential information in labor relations and personnel matters.

With these criteria in mind, we now make the following findings with the respect to the rebuttal case in the instant matter.

First, we note that, during the course of the hearings in this matter, OSA and the other unions conceded that a number of the challenged employees are managerial or confidential. The ten individuals listed below, all employed in the Department of Personnel, have been called upon to oversee the printing of civil service examinations. It is clear that performance of this task, even on an occasional basis, as is the case here, warrants the designation of such employees as confidential because of the access afforded to confidential materials not intended for the eyes and ears of rank and file employees or their representatives:

NAME	TITLE
Evelyn Brewster	Staff Analyst
Debbie Delbove	Staff Analyst
John Gillespie	Staff Analyst
Daryl Jenkins	Staff Analyst
Patricia Lynch	Staff Analyst
Herbert Martinez	Staff Analyst
Robert Morris	Staff Analyst
Leroy Washington	Staff Analyst
John Castellaneta	Associate Staff Analyst
Lowell Schatzer	Associate Staff Analyst

Decision No. 5-85  
Docket Nos. RU-521-75,  
RU-533-75, RU-702-79,  
RU-704-79, RU-707-79,  
RU-730-79

5

Although there is testimony in the record to the effect that all staff analysts employed in the Department of Personnel may be assigned to oversee the printing of examinations, no persuasive evidence was offered to support this statement, nor does the stipulation of the parties refer to any except the above-named employees. Our finding of confidential status on the basis of access to the content of examinations is therefore limited to the named employees.

In addition, the unions conceded that the following employees are confidential, and we find that the record supports their designation as such:

1. Linda O'Toole, a Staff Analyst in the Personnel Bureau of the Police Department, has access, via "passwords" that she devises, to all information in the Department computer and is thereby made privy to confidential information relating to personnel and labor-management relations.
2. David Faucher, a Staff Analyst in the Alternative Work Schedules Unit of the Department of Personnel, evaluates proposals for alternative work schedules (AWSs) submitted by City agencies, monitors the implementation of AWSs, and evaluates their impact on productivity. He also attends meetings of the citywide task force on AWSs where potential impacts on collective bargaining are assessed.

Decision No. 5-85  
Docket Nos. RU-521-75,  
RU-533-75, RU-702-79,  
RU-704-79, RU-707-79,  
RU-730-79

6

3. Renee Zwerman, a Staff Analyst in the Employee Management Division of the Personnel Bureau in the Police Department, regularly collects and maintains data necessary for the evaluation of superior officers in connection with a variety of personnel actions (transfers, promotions, etc.).

The status of the following employees is contested. We find that their designation as managerial or confidential is warranted by the record.

Department of Personnel

1. Marianne Gluck is a Staff Analyst in the Unemployment Insurance Division. She investigates and recommends the disposition of unemployment insurance claims and represents the City at hearings. She regularly has access to confidential personnel information which may include disciplinary action taken against a claimant. She is a confidential employee.

The following Staff Analysts perform the same duties as Gluck. They are also designated as confidential:

2. Elizabeth Prodromakis
3. Beverly Session
4. Ellen Warmstein.

5. Deborah Duvdevani is an Associate Staff Analyst in the Unemployment Insurance Division. She reports to the Director of the division and performs duties similar to those performed by Gluck, Prodromakis, Session and Warmstein, but also at the Appeals Board level. In addition, she has supervisory authority. She is a confidential employee because of her regular access to confidential personnel information.

6. Andrea Wrubel is an Associate Staff Analyst in the Employee Relations and Standards Division. She writes personnel policy and procedure bulletins designed to clarify policies on leave regulations for managerial employees. She also reviews and approves employee suggestions for entitlement to monetary awards under the "Suggestions and Incentives" Program. She is a confidential employee because she regularly has access to confidential information.

#### Department of Sanitation

1. Joseph DiPiazza is a Staff Analyst in the Manpower Unit of the Bureau of Personnel. He reports to the Deputy Director of Personnel. His duties include maintaining a monthly report which reflects the ratio of uniformed to civilian employees in the Department, maintaining table of organization changes and a log of personnel actions. As he is privy to confidential personnel information on a regular basis, he is designated as confidential.

2. Stanley Spector is a Staff Analyst in the Bureau of Fiscal Services. He prepares confidential memoranda concerning attrition, vacancy rates and potential hiring needs of the Department. He has attended management meetings at which such matters as payment of the "two-man truck" differential for Sanitation Workers are discussed in preparation for meetings between the employer and the union. He is a confidential employee.....

#### Department of Environmental Protection

Laura Dottin is a Staff Analyst in the Division of Administration of the Bureau of Sewers. Her duties include monitoring overtime to ensure that employees do not exceed the "cap". She makes provisions as to whether the use of overtime will exceed the annual budget. Because she deals on a regular basis with confidential personnel information, she is designated as confidential.

Police Department

1. Jack Ryan is a Staff Analyst in the Classification Unit of the Employment Section. He collects information and writes profiles on candidates for civilian promotion within the Department. He has access to information concerning disciplinary or other individual problems that could result in denial of a promotion. He is also privy to general information relating to anticipated promotions in the Department, viz., which titles and the number of employees. He is confidential.
2. Ner Bresler is a Staff Analyst in the Classification Unit of the Employment Section. He writes reports concerning anticipated Department hirings and promotions (called Planned Action Reports) and has worked on position classification audits. He is a confidential employee.
3. Anne Donovan is a Staff Analyst in the Personnel Planning Unit of the Personnel Office. She prepares the monthly Mayor's Management Report for the Department which includes statistics on absenteeism and projections on hiring and attrition, among other items. She is a confidential employee.
4. Paz Peters is a Staff Analyst employed at the Police Academy. She writes the curriculum for trainees and reviews proposed examination questions. She is a confidential employee.
5. Ina Sinclair is a Staff Analyst employed at the Police Academy. As coordinator of the College Liaison Scholarship Unit, she maintains information concerning available scholarships for police officers who are applying to various college and graduate programs. She solicits and processes applications, counsels applicants and, as secretary to the Police Department Scholarship Committee, attends meetings where the scholarship award recipients are selected.



5. Ina Sinclair (continued)

At these meetings, an applicant's employment record, including disciplinary and sick reports, are considered. Her access on a regular basis to confidential personnel information warrants her designation as confidential.

Human Resources Administration (HRA)

1. Regina Weiss is a Staff Analyst in the Management and Administrative Services Unit of Crisis Intervention Services. Among other duties, she reviews monthly absentee control reports and thus is privy to information which may form the basis for disciplinary action against individual employees. She is confidential.

2. R. Gail Monroe is an Associate Staff Analyst in the office of Personnel Services. He is in charge of a program which is designed to measure and simplify the flow of work. Based upon the results of this program, he makes recommendations concerning staff reductions. He also meets with union representatives as a management spokesman to discuss contemplated changes in work procedures. He is a managerial employee.

3. Elliot Gans is an Associate Staff Analyst in the Budget and Policy Analysis office of the General Social Services Division. He prepares fiscal guidelines for social service programs; he develops audit procedures and ensures compliance, he administers service contracts and prepares reports which are used to determine the level of State reimbursement to the City. Because he is involved in the essential process by which policies are put into effect, he is a managerial employee.

4. Richard Siewert is an Associate Staff Analyst in the Classification Division of the Office of Personnel Services. He reports directly to an Administrative Staff Analyst who is Director of the Classification Division. He analyzes positions to determine their appropriate civil service titles. Where necessary, he performs desk audits of positions in connection with the above function or in connection with out of title grievances. He is a confidential employee.

5. Herbert Wasserman is an Associate Staff Analyst in the Budget and Control Unit of the Agency for Child Development. He prepares budgets for HRA sponsored day care centers; projects and allocates costs; and makes recommendations as to the appropriateness of budgets. Because of his responsible role in developing budgets, he is designated as managerial.

6. Janette Springle is a Staff Analyst in the Employee Relations Division of the Office of Personnel Services. Her duties include writing agency guidelines for adherence to Department of Personnel procedures, interpreting leave policies, advising personnel representatives concerning approval or denial of military leave requests, and analyzing reports relating to leaves of absence and other transactions involving employees not on the payroll. She is designated as confidential.

7. Arthur Cornwell is an Associate Staff Analyst in the Systems and Computer Services Section of the Office of Personnel Services. He develops computer systems to solve large-scale administrative problems of HRA and its divisions. He also assists in the development of management plans which outline the scope, goals and accomplishments of each division; he makes recommendations on levels of staffing and the titles to be used in a division, and "consults" on agency policy. He is a managerial employee.

8. Clara MacDonald is an Associate Staff Analyst employed in the same section and performing the same duties as Cornwell (supra). She is designated as managerial.

9. David Whitbeck is an Associate Staff Analyst in the Employee Relations Division of the Office of Personnel Services. He is in charge of and serves as an advocate for the Alternative Work Schedule (AWS) Program within HRA. This includes setting up and monitoring pilot AWS programs; advising the Assistant Commissioner for Personnel

9. David Whitheck (continued)  
Services concerning the appropriateness of new AWS options; serving as liaison between HRA and the citywide AWS task force; and meeting with union representatives to discuss and explain AWS programs. He is a managerial employee.

10. Fred Steinberg is an Associate Staff Analyst in the Division of Accounts Receivable and Billing in the Office of Budget and Fiscal Affairs. He is Chief of the section that disburses home relief to persons awaiting eligibility for supplemental security income; he has primary responsibility for the disbursement of about one million dollars per month. He is consulted regularly by the Director of the division and assumes the Director's responsibilities in her absence. He is a managerial employee.

11. Rhea Abrams is an Associate Staff Analyst and manager of the Salary Administration Unit of the Office of Personnel services. She interprets provisions of collective bargaining agreements and personnel orders that affect salary rates and authorizes payments in accordance therewith. She is consulted by HRA's Office of Labor Relations concerning employee salary grievances, implements grievance determinations and arbitration awards affecting salary, and responds to salary inquiries from union representatives.; She is a managerial employee.

12. Paul Orloff is a Staff Analyst in the Salary Administration Unit of the Office of Personnel Services. He reports directly to Abrams (supra). His duties include researching salary histories of individual employees in response to inquiries from grievants or from the HRA Office of Labor Relations. He also works on salary transactions which result in giving or taking money away from employees. He is a confidential employee.

13. Camille Fatto is a Staff Analyst. She reports to the Director of the Administrative Support Unit of the office of Personnel Services. Her duties include working on a task force which is clearing up errors in a computerized system that keeps track of all personnel transactions. She analyzes errors and makes recommendations for their correction. She has regular access to confidential personnel information, including hirings, firings, transfers, etc. She is confidential.

14. Michael Minis is an Associate Staff Analyst in the Division of Program Planning and Systems Development of the Agency for Child Development. He analyzes management systems in HRA-sponsored day care centers and restructures programs where necessary to increase efficiency and productivity. He is a managerial employee.

15. John Farley is an Associate Staff Analyst in the Payroll Division of the Office of Personnel Services. As Special Assistant to the Director of Payroll, he is assigned to projects in special problem areas, e.g., writing a proposal for streamlining the processing of workers' compensation claims or resolving a problem getting "per diem" employees in HRA shelters paid properly. His recommendations typically involve alternative methods of performing operational or administrative tasks and may affect personnel or staffing levels. He is managerial.

16. Edward Hunt is an Associate Staff Analyst serving as Acting Director of the Financial Procedures and Management Control Unit of the Bureau of Financial Systems. His duties include determining financial procedures for the divisions of HRA, reviewing the work of the unit and performing other supervisory tasks. He is managerial.

Decision No. 5-85  
Docket Nos. RU-521-75,  
RU-533-75, RU-702-79,  
RU-704-79, RU-707-79,  
RU-730-79

13

Off-Track Betting Corporation (OTB)

1. Margaret Casey is an Associate Staff Analyst in the Corporate Systems Department. She does financial analyses of "racing features" (so-called "simulcall" and of simulcast") used in OTB branches and determines their effect on sales. Based on these analyses, she makes recommendations as to branch closings or expansions and as to the number of windows that should be open at a branch. Her recommendations directly affect staffing levels. She is designated as managerial.

2. Irene Coogan is a Staff Analyst in the Corporate Systems Department. She develops and revises departmental procedures dealing, inter alia, with employee leave time, monitoring sick leave, branch security, discipline and branch closings. Because she is privy to personnel procedures which are not yet final, her duties are confidential.

The status of the following employees is contested. The record does not support their designation as managerial or confidential., as there is no evidence that they formulate policy, are involved in collective negotiations, have a major role either in the administration of agreements or in personnel administration, act in a confidential capacity to a managerial employee, or regularly have access to confidential information relating to personnel or labor relations matters.

Department of Personnel

Betty Wright-Wells is a Staff Analyst in the Employee Blood Program. She acts as liaison between City agencies and the blood program. She sets up blood drives, trains agency coordinators in procedures and policies that must be followed; sets up blood mobiles; and maintains the office.

Decision No. 5-85  
Docket Nos. RU-521-75,  
RU-533-75, RU-702-79,  
RU-704-79, RU-707-79,  
RU-730-79

14

Department of Sanitation

Mark Edelson is a Staff Analyst in the Fiscal Services Section. He reviews and evaluates the agency budget for other-than-personnel services (OTPS) and prepares a variety of monthly budget status reports. He also assists in the preparation of some phases of the non-personnel expense budget.

Department of Environmental Protection

Alan Naider is a Staff Analyst in the Capital Program Unit of the Bureau of Water Pollution Control. His duties include analyzing contracts to ensure that adequate funds are available and that the contracts meet formal criteria of the capital budget. He also schedules contracts for registration with the City Comptroller and prepares forms.

Police Department

1. Irene Ernest is a Staff Analyst in the Program Research, and Grants Development Unit. She solicits proposals for worthwhile projects, assists in the preparation of grant applications, and monitors grants received by the department from federal, state and city sources. In the latter function, she is an intermediary between the funded agency and the funding source, ensuring that money is allocated according to contract. She also prepares monthly and quarterly reports.

2. Catherine O'Connell is a Staff Analyst in the Administrative Services Division. She coordinates and analyzes data received from departmental units relating to their capital budget needs for use in preparing budget request. She monitors OTPS budget expenditures and maintains files relating to budget matters.
3. Gerald Kanner is a Staff Analyst in the Analysis and Evaluation Unit of the Police Academy. His duties include compiling statistics used for cost benefit analyses. While he has worked on the analysis of the data he compiles, he is not consulted as to what is done with the results of his analysis. He also prepares the billing for training by the Police Academy of non-Department personnel.
4. Edith Levin is a Staff Analyst in the Crime Stoppers Unit of the Detective Bureau's Central Robbery Division. She serves as liaison with the media; schedules assignments for detectives to speak with informants; sees that typing and other tasks are done in a timely manner and that there is coverage in the office. She has set up the unit and now that it is running, it has been recommended that the on-going duties be assumed by a clerical-administrative employee.
5. Wilford Harris is a Staff Analyst in the Quartermaster Section of the Administrative Services Division. He prepares and evaluates the inventory of supplies needed by the Police Department, makes recommendations to the head of the section regarding selection of vendors, prepares statistical reports relating to supplies, furniture, etc., and supervises clerical employees.

Decision No. 5-85  
Docket Nos. RU-521-75,  
RU-533-75, RU-702-79,  
RU-704-79, RU-707-79,  
RU-730-79

16

6. Ephraim Arfe is a Staff Analyst employed in the same section and performs the same duties as Harris (supra).

Human Resources Administration (HRA)

1. Henry Foster is a Staff Analyst in the Budget and Policy Analysis Office of the General Social Services (GSS) Division. He works on a report which shows the categories of expenditures by GSS. He also reviews and verifies information submitted by field offices for a monthly random survey of the categories of social services provided by HRA for purposes of claiming state reimbursement. His duties in this connection involve making sure the responses "make sense."

2. Charles Montalbano is an Associate Staff Analyst in the Office of Budget and Fiscal Affairs. His duties involve reviewing delegate agency budgets, setting up procedures to expedite payments, and auditing to ensure that delegate agencies stay within the budgets established in their contracts with the substantive agencies of HRA.

3. William Linhart is a Staff Analyst in the System Operations Bureau of the Office of Budget and Fiscal Affairs. He is working on a long-term project designed to reconcile a manual system with a computerized system for the preparation of the monthly claim for state reimbursement of monies spent by HRA. He determines how much information is to be entered into the computerized system, directs technicians and make; recommendations concerning the amendment of procedures.



4. Margaret Kalmanoff is a Staff Analyst in the Systems Operation Bureau of the Office of Budget and Fiscal Affairs. Like Linhart (supra), she analyzes problems which arise in the reconciliation of the manual and computerized systems for the preparation of the state reimbursement claim.

5. Joseph D'Aiello is an Associate Staff Analyst in the Revenue Accounting Division of the Office of Budget and Fiscal Affairs. His duties involve determining initially the items of submitted HRA expenditures which are subject to reimbursement by state and federal governments; following up with the State to determine the basis for the non-reimbursement or delay in payment of some claims; and conferring with employees of the claiming sub-agencies or sections of HRA to determine the causes of non-reimbursement or delayed payment.

6. David Dorfman is an Associate Staff Analyst in the Revenue Accounting Division of the Office of Budget and Fiscal Affairs. He is involved in seeking reimbursement of City claims previously disallowed by the state and federal governments. He reviews the disallowance and determines whether or not it meets the criteria for rejection.

Decision No. 5-85  
Docket Nos. RU-521-75,  
RU-533-75, RU-702-79,  
RU-704-79, RU-707-79,  
RU-730-79

18

The following two employees in the Office of Budget and Fiscal Affairs perform duties similar to those performed by Dorfman and are therefore deemed not managerial or confidential:

7. George Drakos - Associate Staff Analyst
8. Roger Lew - Associate Staff Analyst.
  
9. Morris Gewirz is an Associate Staff Analyst in the Revenue Accounting Division of the Office of Budget and Fiscal Affairs. His duties are similar to those of D'Aiello (supra).
  
10. John Claude is a Staff Analyst in the Revenue Accounting Division of the Office of Budget and Fiscal Affairs. He prepares forms necessary for booking claims into the system for expediting reimbursement by the state and federal governments.
  
11. George Ceus is a Staff Analyst in the Revenue Accounting Division of the Office of Budget and Fiscal Affairs. His duties are similar to those of Claude (supra).
  
12. Raymond Benz is an Associate Staff Analyst in the Financial Analysis Unit of the Medical Assistance Program. He monitors the City's Medicaid and Medicaid Abusers programs. This includes forecasting program expenditures, monitoring expenditures, and preparing quarterly reports which indicate actual expenditures for the prior quarter as compared with forecasted expenditures.

13. Barbara Travis is an Associate Staff Analyst in the Management Review Unit of the Department of Program Compliance of the Agency for Child Development. She is assigned to special projects, which have included assessing need and eligibility for day care services and investigating errors in the state reimbursement claim relating to attendance at City day care programs. She recommends procedures and develops forms for use in remedying such errors.

14. Stacey Rindler is an Associate Staff Analyst in the Appropriation Accounts Section of the Bureau of Accounts Payable in the Office of Budget and Fiscal Affairs (OBFA). She analyzes the breakdown into categories of public assistance expenditures for inclusion in the state reimbursement claim, recommends additions or deletions from the claim and prepares monthly reports.

15. Ronald Bruno is an Associate Staff Analyst in the Appropriation Accounts Section of the Bureau of Accounts Payable in the Office of Budget and Fiscal Affairs. He oversees the preparation of reports concerning the various categories of HRA administrative and programmatic expenditures (other than personnel services) which form the basis for state and federal reimbursement claims. He also monitors monthly budgets to ensure that there are sufficient funds available in each expense code to meet current obligations; he alerts his superiors when it appears that the funds are not sufficient.

16. David Damsky is a Staff Analyst in the Budget Review Unit of the Budget and Fiscal Division of the Department of Employment. He reviews the fiscal aspects of proposals submitted by private contractors seeking to do training under federally financed job programs and determines the reasonableness of the costs projected by potential contractors.

17. Joseph Lippo is an Associate Staff Analyst in the Financial Procedures and Management Control Unit of the Bureau of Financial Systems. His duties include writing procedures for the Processing of payments through computer and manual systems from the time of receipt at HRA until the time of deposit in the appropriate account.

10. Benard Yen is an Associate Staff Analyst in the Quality Control Section of the Systems Operation Bureau of the Office of Budget and Fiscal Affairs. His duties are similar to those performed by Linhart and Kalmanoff (nos. 4 and 5 supra) and involve evaluation of a partly operational automated system for keeping track of data used for preparing HRA's reimbursement claim to determine whether the computerized system has the potential to replace a manual system. He screens incoming data to make sure they are system-compatible and analyzes other data to determine why were not accepted by the automated system.

39. Erwin Nied is a Staff Analyst in the Income Maintenance Section of the Bureau of Receivables Analysis and Recoupment in the Office of Budget and Fiscal Affairs. His duties are in the "PEG" (Program to Eliminate the Gap) Unit and involve locating monies owed to the City by recipients of welfare and other direct payment subsidies, and devising methods for recouping these monies. He also devises cost-saving procedures for current operations; writes reports; and makes recommendations as to whether a particular matter should be pursued.

Decision No. 5-85  
Docket Nos. RU-521-75,  
RU-533-75, RU-702-79,  
RU-704-79, RU-707-79,  
RU-730-79

21

The following four employees work in the same section as Nied (supra). Although they are assigned to different projects, their work is essentially the same, directed toward generating revenues and effectuating cost savings. They are found not managerial or confidential:

20. John Toman - Associate Staff Analyst
21. Elizabeth Kearney - Associate Staff Analyst
22. Richard Mohatt - Staff Analyst
23. James MacNamara - Staff Analyst.

24. Emmanuel Gyapong is a Staff Analyst in the Systems Analysis Section of the Bureau of Purchased Special Services of Family Adult Services. His duties involve the technical evaluation of specific social service programs to determine whether programmatic goals are being met and writing reports and recommendations for change in program projections.

25. Edward Holtz is a Staff Analyst in the Fiscal Systems Division of the Bureau of Financial Systems in the Office of Budget and Fiscal Affairs. He develops automated accounting and tracking systems used for breaking down HRA expenditures for other-than-personnel-services for the purpose of claiming reimbursement from the State. His duties involve writing computer programs dealing with accounting and fiscal management applications.

#### Department of Transportation

Linda Prussein is an Associate Staff Analyst in the Data and Systems Unit of the Parking Violations Bureau. Her duties involve monitoring the processing of parking summonses; devising quality control mechanisms; and supervising a quality control unit, the purpose of which is

Decision No. 5-85  
Docket Nos. RU-521-75,  
RU-533-75, RU-702-79,  
RU-704-79, RU-707-79,  
RU-730-79

22

to ensure that error rates are within acceptable ranges. She also makes reports and recommendations as to modifications in contracts with computer processing vendors.

Department of Housing Preservation and Development (HPD)

Frances Shapp is a Staff Analyst in the Administrative Services Unit of the Division of Alternative Management Programs. She administers a pilot program which employs disadvantaged youth to perform services in buildings managed by HPD. Her duties include completing all the paperwork for a project in a building; determining the feasibility of a work group's undertaking a particular assignment; acting as liaison with the Commissioner regarding the completion of service to a building; preparing reports; setting up meetings; and auditing vouchers.

Off-Track Betting Corporation

1. Milton Spradley is a Staff Analyst in the Corporate Systems Department. His duties involve typesetting in-house forms relating to Corporation procedures (e.g., betting and racing forms, personnel procedure forms).
2. Cliff Derisi is a Staff Analyst in the Corporate Systems Department. Among the projects to which he has been assigned is to determine the most economical method for storing reports, whether on microfilm or microfiche, on tape, or by filing original copies.

Comptroller's Office

Arnold Kingston is a Staff Analyst in the Bureau of Management Audit. His duties involve supervising and reviewing the work of auditors of

health care providers who have contracts with the City. He also plans and conducts audits that are designed to improve the efficiency and effectiveness of operations. Although the results of the audits conducted under his supervision may form the basis for recommendations affecting levels of staffing and personnel, Mr. Kingston does not make such recommendations.

We make no finding with respect to the managerial or confidential status of two employees out of the seven concerning whom it was specifically requested that additional evidence be provided.<sup>9</sup> This is because, at the last hearing in the rebuttal case, on March 1, 1985, counsel for the City stated, and no objection was raised, that Edward Sisenwein, formerly a Staff Analyst in the Department of Sanitation, no longer holds a title in the staff analyst series, and Helene Gladstein, formerly an Associate Staff Analyst in the Department of Personnel, is no longer employed by the City of New York. With respect to two others of the seven employees referred to above - Richard Gitlin, an Associate Staff Analyst employed in the Department of Personnel and Margaret Saldok, a Staff Analyst employed in the Human Resources Administration - we make no determination at this time. The City was unable to produce these individuals, but has advised us that sworn affidavits will be obtained. No objection to this alternative was made.

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<sup>9</sup>

See note 2 supra.

Decision No. 5-85  
Docket Nos. RU-521-75,  
RU-533-75, RU-702-79,  
RU-704-79, RU-707-79,  
RU-730-79

24

Finally, we note that our finding herein that 39 Staff Analysts and Associate Staff Analysts are eligible for collective bargaining means that a further determination will be required as to their appropriate unit placement. This issue will be dealt with when the City's management/confidential case is complete and the total number of Staff Analysts and Associate Staff Analysts who are eligible for collective bargaining can be ascertained.

O R D E R

Pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, in contemplation of Sections 201.7(a) and 214 of the New York State Civil Service Law, and pursuant to Section 1173-4.1 of the New York City Collective Bargaining Law, it is hereby

DETERMINED, that the ten Staff Analysts and Associate Staff Analysts listed at page 4 of our decision herein, and the three Staff Analysts whose duties are described at pages 5 and 6 of this decision, are managerial or confidential, and therefore are not eligible for collective bargaining, pursuant to the stipulation of the parties; and it is further



Decision No. 5-85  
Docket Nos. RU-521-75,  
RU-533-75, RU-702-79,  
RU-704-79, RU-707-79,  
RU-730-79

25

DETERMINED, that the 32 Staff Analysts and Associate Staff Analysts whose duties are described at pages 6 through 13 of our decision herein are managerial or confidential, and therefore are not eligible for collective bargaining; and it is further

DETERMINED, that the 39 Staff Analysts and Associate Staff Analysts whose duties are described at pages 13 through 23 of our decision herein are not managerial or confidential, and therefore are eligible for collective bargaining; and it is further

ORDERED, that the 45 Staff Analysts and Associate Staff Analysts referred to hereinabove and determined to be managerial or confidential be, and the same hereby are, declared ineligible for collective bargaining; and it is further

ORDERED, that the 39 Staff Analysts and Associate Staff Analysts referred to hereinabove and determined not to be managerial or confidential be, and the same hereby are, declared eligible for collective bargaining, and they shall be placed in a unit appropriate for collective bargaining at a later date.

DATED: New York, N.Y.  
June 4, 1985

ARVID ANDERSON  
CHAIRMAN

DANIEL G. COLLINS  
MEMBER

MILTON FRIEDMAN  
MEMBER