

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-

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

Petitioner,

-and-

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

Petitioner,

-and-

COMMUNICATIONS WORKERS OF AMERICA,  
LOCAL 1180,

Petitioner,

-and-

ORGANIZATION OF STAFF ANALYST

Intervenor,

-and-

THE CITY OF NEW YORK,

Respondent.

- - - - - X

DECISION NO. 14-86

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

INTERIM DECISION AND ORDER

On July 7, 1986, the Board of Certification ("Board") issued Decision No. 8-86, wherein we determined the public

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2.

employee status of more than 230 Staff Analyst and Associate Staff Analyst positions that were the subject of desk audits conducted by the New York City Department of Personnel from December 1983 through mid-1984.<sup>1</sup> It is for the purpose of determining the public employee status of the remaining desk audited Staff Analyst and Associate Staff Analyst positions that we now render this interim decision.

The rulings herein are based on a record comprised of more than 1,500 pages of testimony, by 120 desk audited Staff Analysts and Associate Staff Analysts, taken over the course of sixteen hearing dates during the period March 4, 1986 through June 24, 1986. The record also consists of several exhibits submitted by the organization of Staff Analysts ("OSA"). In addition, the City of New York ("City") submitted briefs in support of its position on the public employee status of several Staff Analysts and Associate Staff Analysts who testified in this proceeding;<sup>2</sup> to which OSA thereafter replied.

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<sup>1</sup> For a complete history of the desk audit portion of this proceeding see Decision No. B-86 at pp. 2-12.

<sup>2</sup> At a hearing on June 3, 1986, the City announced that it would no longer state its position on the record. Instead, the City indicated that it would submit letter briefs setting forth its position on each employee who testified.

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3.

By letter dated August 8, 1986, the Hearing Officer assigned to the case informed the parties that the record in the March 4 through June 24, 1986 portion of the representation proceeding would be closed on August 25, 1986. Thereafter, upon learning that some important information was excluded from the record, the Hearing officer wrote to the City on August 21 and August 27, 1986. The City forwarded the requested information to the Hearing Officer on September 4 and September 10, 1986; whereupon the record was closed.

#### **DETERMINATION**

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).

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4.

In implementing this Section of the Taylor Law in prior decisions, we have considered inter alia 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>

In addition, with respect to confidential status, we have relied upon an employee's access on a regular basis to confidential information concerning labor relations and personnel matters.<sup>9</sup>

In accordance with these criteria, we make the following findings with respect to the public employee status of the employees listed below.

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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.

<sup>9</sup> See Decision Nos. 70-68; 11-76

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5.

During the course of the hearings in this case, OSA conceded on the basis of desk audits or testimony that, based upon the Taylor Law definition and the criteria we considered in prior decisions, the Board would find that a number of the subject employees are managerial or confidential. To the extent that the other Union parties to this proceeding were present when such concessions were made, they joined in the concessions or did not "object". We find that the record supports their designation as such.

The Unions conceded that based upon their desk audits and/or testimony, the Board would find the following Staff and Associate Staff Analysts to be managerial or confidential<sup>10</sup>:

Human Resources Administration (HRA)

1. Smithy Dunbar is an Associate Staff Analyst in the Office of Staff Development and Training of Family and Adult Services, Office of Management. Because of his involvement in employee relations, he is a managerial employee.
2. Fred Charney is an Associate Staff Analyst in the Institutional Services Unit of the Department of Long-Term Care. He is a managerial employee.
3. Mohammed Moussa is an Associate Staff Analyst in the New Applications Unit of the Medical Assistance Program (MAP), Community Eligibility Division. He monitors the performance of unit personnel to determine their level of productivity; he assists in the development of plans to improve the productivity of the Unit. He is a managerial employee.

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<sup>10</sup> In those cases where the employee's name, title and unit appear without a summary description of job duties, the unions conceded that the Board would find the employees to be

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6.

Department of Transportation (DOT)

1. Richard Retting is an Associate Staff Analyst in the Safety Division. He is a managerial employee.
2. John Besignano is an Associate Staff Analyst in the Traffic Enforcement Division. He works on special projects, such as the development of a proposal for the reorganization of the managerial level of traffic enforcement operations. In addition, he writes management position descriptions. He is a managerial employee.
3. William Donley is a Staff Analyst in the Bureau of Highways, Division of Arterial Highway, Bridge and Tunnel Operations. He is a managerial and/or confidential employee.

Department of Health

1. Thomas J. Reed is an Associate Staff Analyst in the Contract Evaluation Unit. As the Director of the Unit, he supervises seven employees in the titles Staff Analyst, Compliance Specialist, Physician, Senior Secretary and Secretary. He serves as the Chairman of the Site Visit Teams, which evaluates programs run by the Department of Health as well as services provided by outside agencies; he prepares evaluation reports, which include recommendations. In addition, he attends meetings and is called upon to comment on policy proposals. He prepares the quarterly management report and sets productivity targets for the Unit. He is a managerial employee.
2. Nauford Phipps is an Associate Staff Analyst in the Bureau of Data Control in the Environmental Affairs Division. He is the Director of the Bureau of Data Control, which supplies data processing services to the various Bureaus within the Division. He assigns work, supervises and evaluates Bureau employees. He meets with other Bureau directors and develops data processing programs to meet their requirements. Al-

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(Footnote 10/continued):

managerial or confidential based on the desk audit, no further evidence was submitted on the record.



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7.

Nauford Phipps (continued)

so, he works on special projects assigned to him by the Deputy Commissioner. He is a managerial employee.

Department of General Services (DGS)

1. Rita Gunther is an Associate Staff Analyst in the Office of Management Information Systems of the Executive Division. She is responsible for developing the initial budget plan; she meets with Assistant Commissioners to determine their budgetary needs; she prepares new budget requests. She works on special projects and writes reports which include recommendations to improve the operational efficiency of the Office. Finally, she supervises a staff of six employees in the titles Staff Analyst, Community Service Aide and Clerk. She is a managerial and confidential employee.

Department of Corrections

1. Michael SeJan is an Associate Staff Analyst in the Management Planning Unit of the Food Services Division. As the Director of the Unit, his duties include preparation of the budget and preparation of the Executive Management Plan and the Mayor's Monthly Report for the Division. He interviews prospective employees and recommends which applicants should be hired. In conjunction with the Deputy Commissioner, he reviews disciplinary action taken against employees in the Division to determine whether the action taken is appropriate; he reviews the work of Correctional Review Specialists and Public Health Sanitary Inspectors. He attends executive level staff meetings and makes recommendations, which are usually acted upon. He is a managerial and confidential employee.



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8.

Department of Investigation

1. Nilufer Torun is a Staff Analyst in the Corruption Prevention and Management Review Unit. He is a managerial and/or confidential employee.

Department of Ports, International Trade and Commerce

1. Julian Stein is an Associate Staff Analyst in the Port Planning and Development Unit. He is a managerial and/or confidential employee.

Bronx Borough President's Office

1. Warren Castaneira is a Staff Analyst in the Executive Section. is a managerial and/or confidential employee.

After hearing the testimony of the following Staff and I Associate Staff Analysts, the City stated that, based upon the Taylor Law definition and the criteria we considered in prior decisions, it would not claim that they are managerial or confidential.

Human Resources Administration (HRA)

1. Aaron Finkelstein is a Staff Analyst in the Management Analysis and Control Section of Family and Adult Services, Bureau of office Service Operations, Division of Management Services. He is currently working on the Shelter Care Information Management Systems Project (SCIMS). His duties include preparing written documentation and filling out tech-

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9.

Aaron Finkelstein (continued)

nical forms; maintaining an inventory of the hardware, software and communications equipment for the SCIMS project. In addition, he performs "follow-up work" for his supervisor.

2. Elizabeth D'Aversa is an Associate Staff Analyst in the Wang Task Force Section of Family and Adult Services, Bureau of Service Operations, Bureau of Adult Administrative Services. She serves as liaison with shelters for the homeless and computer programmers; she makes technical recommendations to facilitate the implementation of a computer system linking the shelters to a central processing unit.
3. Ruthena Barcus is a Staff Analyst in the Management Services Section of Family and Adult Services. She conducts audits of work performed by the Community Districts, which entails reviewing records to determine whether forms are being completed according to agency procedures; she writes summary reports of her findings.
4. Steven Chenen is a Staff Analyst in the Quality Control Unit of the office of Quality Assurance. He conducts audits on the Food Stamp Program and makes recommendations which are designed to reduce the error rate in the processing of food stamps cases.
5. Beatrice Bildner is a Staff Analyst in the Office of Management Design of the Bureau of Management Systems Services, Division of Project Management. She analyzes the various computer systems which have been implemented by the Agency; she writes procedures for employees who must use the computer systems.
6. James Freaney is a provisional Associate Staff Analyst employed in the same office as Beatrice Bildner (*supra*). He performs quantitative analyses to determine whether it would be cost effective to replace manual systems with computer systems. He prepares advance planning documents and requests for proposals which are submitted to the Office



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10.

James Freaney (continued)  
of Management Design and the Office of Computer  
Planning and Programming.

7. Imtiaz Bokhari is an Associate Staff Analyst in the Welfare Management Systems Section of Income Maintenance. His duties include testing, and when necessary modifying, the computer programs for the Food Stamp Program and the Public Assistance Program to insure compliance with the programs' specifications.
8. Stephen McGarry is a Staff Analyst in the Procedures Unit of the Medical Assistance Program (MAP). His duties include drafting and editing procedures, manuals and guides which interpret state and federal social services laws and regulations pertaining to medicaid eligibility.
9. Randolph Corbett is a Staff Analyst in the Hospital Eligibility Section of MAP. He conducts hospital surveys and reviews medicaid applications; he writes statistical reports on the work performed by the various sections within MAP.
10. Victor Sedhom is a Staff Analyst in the Management Planning Section of MAP, Transportation Department. His duties include writing the procedures for programs run by the Transportation Department.
11. Joseph Brunson is a Staff Analyst in the 104B Liens Program of MAP; Third Party Recovery Unit.
12. Regina Weiss <sup>11</sup> is a Staff Analyst in the Contract

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<sup>11</sup> We take administrative notice of the fact that the public employee status of Ms. Weiss was decided previously in Decision No. 5-85. Based upon the testimony and evidence presented at that time, the Board determined that Ms. Weiss was a confidential employee. Upon reconsideration, we find that she does not come within the statutory definition of a managerial or confidential

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11.

Regina Weiss (continued)

Services Unit of Crisis Intervention Services. She is a contract manager. Her duties include monitoring expenditures to make sure they are in line with contractual requirements; preparing packages of material for Board of estimate approval so that contractors can be paid pursuant to the terms of their agreement with the Agency.

13. Arthur Doyle is an Associate Staff Analyst in the Management and Operations Section of the Office of Placement and Accountability.
14. Anahid Sarkissian is a Staff Analyst in the Planning Unit of the Division of Transportation.
15. Donald Schimelfenig is an Associate Staff Analyst in the MAP, Office of Procedures.
- 16-17. Sheryl Treshan and Andrea Bloom are Staff Analysts in the Quality Assurance Unit of the Office of Audit and Quality Control.

Department of Transportation (DOT)

1. William Blake is a Staff Analyst in the Division of Traffic. His duties include preparing specifications for goods and services needed by the Division; preparing requisitions for the purchase of goods and services and, when they are received, certifying and forwarding the bills for payment to the Office of Fiscal Affairs.

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(Footnote 11/ Continued):

employee, and therefore, is eligible for collective bargaining.

2. John Bolden is a Staff Analyst in the Legal Department of the Bureau of Traffic Operations. He answers correspondence from the public, insurance companies and attorneys concerning traffic signals. He prepares monthly reports on the status of requests for information. He appears in court as an expert witness when litigation against the City of New York involves traffic signals.
3. Jeremy Strickland is an Associate Staff Analyst in the Highway Operations Section of the Bureau of Highways. His duties include ordering gasoline and tokens for Bureau vehicles; preparing statistical reports on the productivity of the Section. In addition, he supervises one employee in the title Principle Administrative Associate II (PAA).
4. Irwin Cohen is an Associate Staff Analyst in the Prior Notification Unit of the Bureau of Administration. As the Deputy Director of the Prior Notification unit, he prepares the mayor's management Plan which lists the number of potholes in the City, the number of potholes repaired and the number of pothole complaints received by the City. He testifies in court on behalf of the City as an expert on Local Law 82 - the Pothole Law; he works on special projects as assigned which may contain recommendations. He supervises a staff of eight employees; he interviews prospective employees and makes recommendations concerning the hiring of Unit staff.
5. Charles Lieberman is an Associate Staff Analyst in the Arterial Traffic Services Division of the Bureau of Traffic Operations.
6. Joel Tolchinsky is a Staff Analyst in the Off-Street Parking Unit of the Division of Parking.
7. T.V. Dwyer is an Associate Staff Analyst in the Management Services Division of the Bureau of Administration.
8. Alcvin Eisenzimmer is a Staff Analyst in the Payroll Unit of the Office of Financial Management.

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13.

Department of Health

1. Barbara McCants is a Staff Analyst in the Data Management Unit of the Bureau of Lead Poisoning. She supervises eight employees in the titles Office Aide, Office Associate, Community Associate and Assistant Community Liaison; she assigns them work and evaluates their performance. She interviews prospective employees and, along with a panel composed of four staff members, makes recommendations concerning the hiring of Unit staff. She prepares statistical reports which do not contain recommendations.
2. Avion Soyer<sup>12</sup> is a Staff Analyst in the Data Collection Unit of the Bureau of Patient Information and Billing Services. His duties include supervising a staff of two employees in clerical titles; he monitors the "clerical correctness of paper work" which records the medical services provided to patients. He also trains the Unit staff in new reporting procedures.
3. Enid Roy<sup>13</sup> is a Staff Analyst in the Bureau of Patient Information and Billing Services, Bedford Health Center. She meets with clinical staff-members to discuss changes in the State's data reporting requirements. She reviews data reporting forms and medical charts to make sure there are no discrepancies. She writes statistical reports concerning errors made in the completion of data reporting forms.

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<sup>12</sup> Mr. Soyer is a part-time employee. He works 30 hours per week.

<sup>13</sup> Ms. Roy is also a part-time employee. She works 30 per week.

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14.

14. Sandra Gross is an Associate Staff Analyst in the Registration, Billing and Analysis Unit of the Bureau of Radiation. As the Chief of the Unit, she oversees the registration of all x-ray equipment used by doctors and hospitals in New York City. She prepares monthly reports which set forth the amount of money collected for the registration and inspection of x-ray equipment. In addition, she supervises a staff of two employees.
5. Charles Reiche is an Associate Staff Analyst in the Office of Environmental Health Services, Restaurant Inspection Unit.
6. Ronald Crenshaw is a Staff Analyst in the Pest Control Program, Bedford-Stuyvesant.

Department of Mental Health, Mental Retardation and Alcoholism Services

1. Gloria PettyJohn is an Associate Staff Analyst in The office of Program Review and Evaluation. She monitors agencies that have contracted with the Department to provide services to determine whether they are in compliance with State and Department requirements. She interviews the agency's administrative staff, reviews client charts, evaluates the physical plant and checks the license and credentials of agency staff. She prepares reports and makes recommendations based on her findings, which generally focus on the budget and level of services.
- 2 - 3. Tilak Gupta and Brenda Fox are Associate Staff Analysts in the Management Information Systems Section.



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15.

Department of Housing, Preservation and Development (HPD)

1. Emmet Hinkelman is a Staff Analyst in the Fiscal Operations and Policy Analysis Unit of the Division of Property Management. He prepares statistical reports which generally do not contain recommendations.
2. James Gibbons\* is an Associate Staff Analyst in the Bio-Statistics Unit.

Office of Economic Development

1. Don Baharav is a provisional Associate Staff Analyst in the Division of Policy Analysis. He analyzes economic indicators, such as the rate of unemployment and retail sales, to determine the current economic condition of New York City; he writes factual reports based upon his analysis of the data. He is also responsible for coordinating consultant contracts, which entails writing the specifications, defending proposed contracts before a departmental review panel and handling the technical aspects of the contracts once they are approved and awarded.

Financial Information Services Agency (FISA)

1. Jim Phillips III is a Staff Analyst in the User Services Unit of the Integrated Financial Management System (IFMS). He makes sure that reports are sent to agencies using the IFMS on a daily basis; he handles the special problems encountered by users and he provides users with requested information (i.e., reports on vendors). In addition, he supervises a staff of five employees in the titles of PAA I and Office Associate.

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\* We take administrative notice of the fact that he was not listed on the latest available payroll printout.

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16.

Department of Parks and Recreation

1. Robert Bleiberg is a Staff Analyst in the Office of Plan Research.

Employee Retirement System

1. Albert Myrick is an Associate Staff Analyst in the Data Processing section.

Police Department

1. Risa Puld is a Staff Analyst in the Inspections Division.

Office of Payroll Administration

1. Eileen McGrath is a Staff Analyst in the User Services Unit.

Queens County District Attorney's Office

1. Frank Musumeci is a Staff Analyst in the Computer Systems Section.

Fire Department

1. Myron Hyman is a Staff Analyst in the Accounting Office.
2. Jack Schulstein is a Staff Analyst in the Information systems Section.

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17.

Department of Correction

1. James Griffin is a Staff Analyst in the Administrative Data Systems Unit of the Division of Information Systems.

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

Department of Transportation (DOT)

1. Sean Cody is an Associate Staff Analyst in the Employee Assistance Program. He is the Director of the Program, which is designed to help employees with poor job performance because of alcoholism, drug abuse, marital problems or mental health problems. He designed the Program; and he makes recommendations to improve the effectiveness of the Program. He performs assessments and intakes which entails interviewing the employee to obtain background information, helping the employee realize that there is a problem that is interfering with job performance, talking to the employee to determine the root of the problem and recommending treatment to improve the employees' productivity. Employees are referred to the Program by their supervisor, the Inspector General, their Union or they may seek the help of the Program on their own. Mr. Cody acts as liaison with the referral source to determine the employee's progress; he has access to employee personnel records.

In addition, he and his assistant, a social worker, conduct employee orientation programs at the borough offices and train supervisors in how to refer properly employees to the Program. He is a managerial and confidential employee.

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18.

2. Hal Klinger is an Associate Staff Analyst in the Transportation Analysis Unit of the Division of Operations Analysis and Planning. As the Deputy Director of the Unit, his duties include preparing analytical reports for the Deputy Commissioner (i.e., reports concerning the reorganization of the entire Department); preparing correspondence from the Deputy Commissioner to the Mayor's Office or to other City agencies. He supervises six analysts in the preparation of the Executive Management Report and on ad hoc special projects. He participates in the recruitment of personnel and assists in the preparation of the budget. In addition, he develops the agenda for the Bureau Chief's Meeting and performs follow-up work on the projects discussed at those meetings. He is a managerial and confidential employee.

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

#### Human Resources Administration (HRA)

1. Sandra Phillips is a Staff Analyst in the office of Work Maturity and Analysis of the Department of Social Services, Division of Income Maintenance Operation. She works on cost effectiveness studies which are designed to determine whether the number of steps required to perform a specific job function could be reduced and simplified. She monitors procedural compliance by Income Maintenance Centers of the State and City social service guidelines and recommends changes in the methods by which work is performed to ensure compliance with the established requirements. She recently worked on a project pertaining to caseload size and staffing needs, which recommended that the Income Maintenance Centers are overstaffed. She is a confidential employee.

2. Nina Edwards is an Associate Staff Analyst in the Office of Administrative Services. She is the Assistant to the Executive Deputy Administrator. As such, she is regularly privy to substantive changes in policy concerning staffing and procedures before the final decision is made and the change implemented. She performs analysis, prepares memoranda and sets up new procedures. Currently, she is working on a project concerned with the implementation of a new procedure for monitoring overtime. She is a confidential employee.
3. James Johnson is an Associate Staff Analyst in the Office of Personnel Services of the Department of Social Services. He is a Personnel Manager, and his duties include checking personnel transactions, which are completed at the sub-division level, for accuracy. He has frequent access to the personnel files of individual employees. He reviews requests for additional staff and their classification level. In addition, he is responsible for interpreting the guidelines set forth in City manuals as well as the Civil Service Law. He is a confidential employee.

Department of Transportation (DOT)

1. Ernest Hinkson is a Staff Analyst in the Division of Administration of the Bureau of Traffic Operations. He is the Assistant to the Chief of Administration. His duties include coordinating the management reports of eight divisions within the Bureau, writing monthly highlights from the report and reporting on the critical indicators, which are used to determine the Bureau's monthly performance. He attends Personnel and Budget Meetings every two weeks where agency policy is discussed and decided. In his supervisor's absence, he attends Quality of Work Life Meetings. He is a confidential employee.

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20.

Department of Mental Health, Mental Retardation and Alcoholism Services

1. Rochelle Brodsky is a provisional Associate Staff Analyst in the Office of Fiscal Services. She is the Assistant to the Assistant Commissioner of Fiscal Services, and her duties include preparation of the budget; monitoring the budget and reviewing budget modifications. She also reviews all work prepared in the Office; and writes and reviews procedural manuals for the Units that are supervised by the Assistant Commissioner. She interviews prospective employees and recommends which applicants should be hired. She is a confidential employee.

Department of Buildings

1. David Krause is an Associate Staff Analyst in the Staten Island Borough Superintendent's Office. He is the Executive Assistant to the Borough Superintendent. He is responsible for preparing reports which justify budget requests for additional personnel and new equipment; he prepares reports on the progress of construction jobs over which the Department has jurisdiction. He serves as liaison with public officials and their staff; he answers complaints and inquiries from public officials and the general public; and he assists the Borough Superintendent in implementing new systems and procedures that are designed to improve the efficiency of the office. In addition, he supervises one office Aide and two Co-op students. He is a confidential employee.

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### Youth Bureau

1. Robert Militello is an Associate Staff Analyst in The Time Control Unit of the Division of Personnel. He is in charge of the Time Control Unit which maintains the time records for all full time and part-time Bureau employees. He is responsible for preparing reports (i.e., absence control reports, sick leave abuse reports) for the Deputy Executive Director, Assistant Executive Directors and Department Heads. He has frequent access to individual employee personnel records and is privy to information which forms the basis for disciplinary action. In addition, he assists the Personnel Director in the preparation of tasks and standards for Division employees. He is a confidential employee.

The status of the following employees is contested.

We find that their designation as managerial is warranted by the record.

### Human Resources Administration (HRA)

1. Esther Curenton is a Staff Analyst in the Emergency Food Program of Crisis Intervention Services. Her duties include negotiating contracts with outside agencies and monitoring their spending under the contract. She provides assistance in the area of program planning, develops evaluation instruments to assess program performance and makes recommendations to improve program planning and performance. She drafts and edits fiscal reports. She supervises a caseworker and a temporary employee. In addition, she participates in meetings at which new programs and procedures are developed. Currently, she is working on a project which requires interviewing prospective employees and recommending which applicants should be hired. She is a managerial employee.

2. Barbara Schwartz is a provisional Associate Staff Analyst in Special Services for Children, office of Program Planning, office of Contract Management. She is the Deputy Director of the office of Contract Management. Her duties include preparing consultant contracts, reviewing the cost of contracts to make sure they comply with stated requirements and re-viewing the bid and selection process. She prepares special reports concerning procedures for the selection of consultants which are submitted to the Deputy Administrator. She is in charge of the Office in the absence of the Director; she is responsible for training the staff in new procedures. She is a managerial employee.
3. James Milona is an Associate Staff Analyst in the Third Party Recovery Unit of MAP. He manages two programs - the Bank Clearance Program, which attempts to recoup funds by verifying bank accounts that medicaid applicants have acknowledged on their application and identifying bank accounts that they have not acknowledged; and the 104B Lien Program, which attempts to recoup funds obtained by medicaid clients through the settlement of personal injury cases. His duties include writing procedures for the program, training and supervising the staff, which includes employees in the titles Staff Analyst and PAA, and deciding which cases to pursue and which cases to drop. He makes recommendations to his supervisor to improve the efficiency and effectiveness of the programs he manages. He is a managerial employee.

Department of Transportation (DOT)

1. Judith Layzer is an Associate Staff Analyst in the Street Assessment Unit of the Division of Management



Judith Layzer (continued)

Services. She is the Deputy Director of the Unit, which is responsible for rating the condition of New York City streets and highways. She prepared the initial plan for the street assessment project. She hired and currently supervises the unit staff, which includes five employees in the title City Planning Technician. She meets and negotiates with representatives of the State Department of Transportation, Planning Division; she makes recommendations to her supervisor which are generally accepted. She is a managerial employee.

2. Allen Hiss is an Associate Staff Analyst in the Parking Violations Bureau, Division of Policy Analysis, Office of Rental and Leasing Adjudication. He prepares bills for rentals and leasing companies setting forth their outstanding judgment debts; he reviews the work of Administrative Law Judges, who are responsible for the adjudication of summonses, to ensure that they comply with Bureau policy and procedures. He determines where the enforcement efforts of the office should be directed; he makes recommendations on how the Bureau can best carry out its functions and responsibilities within the parameters of the Vehicle and Traffic Law. These recommendations go to Counsel for the Bureau and the Director and Deputy Director for the Bureau. He supervises six employees in the titles PAA, office Associate and Office Aide. He interviews prospective employees and recommends which applicants should be hired; he prepares position audit descriptions. He is a managerial employee.
3. Eleanor Lippman is an Associate Staff Analyst in the office of Surface Transportation Planning. She is the Deputy Director of the Office, and her duties include supervising the preparation of federally funded studies concerned with facilitating the movement of goods and people on New York City streets. She reviews and prepares comments on proposed legislation; she conducts research and prepares reports that go to the State legislature. She generates ideas for new studies and writes

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24.

Eleanor Lippman (continued)

"thumbnail sketches", including a proposed budget for the study and staffing for the study, which are presented to an interagency council. She responds to complaints and suggestions from the public and, when appropriate, proposes changes in department policy and procedure. She supervises ten employees in the titles Planner, Highway Transportation Specialist, Engineering Technician Trainee, College Intern and Secretary. She is a managerial employee.

4. Irwin Loewenstein is an Associate Staff Analyst in the Risk Management Section, Prior Notification Unit. He is the Director of the Unit, which is responsible for administering Local Law 82 - the Pothole Law. He writes procedures which describe how defective pavement conditions should be surveyed; he supervises sixteen employees. In addition, he testifies on behalf of the City in litigation concerning personal injury or property damage allegedly caused by defective conditions; he interviews and makes recommendations concerning the hiring of prospective Unit employees. He is a managerial employee.

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25.

Department of Mental Health, Mental Retardation and Alcoholism Services

1. J. Stephen Farrell is an Associate Staff Analyst in the Office Services Unit of the Office of Administration. He is the Director of the Unit, which provides purchasing, space planning, inventory, equipment maintenance and transportation services for the Department. He supervises a staff of eight employees in the titles PAA III, Office Aide, Community Service Aide and Clerk. He is responsible for hiring Unit staff and, when necessary, takes disciplinary actions against staff members. He conducts analysis and makes recommendations on the organizational structure of the Department which are generally accepted. He is a managerial employee.

Department of Sanitation

1. Louis DiMartino is a provisional Associate Staff Analyst in the Fiscal Services Unit of the Bureau of Motor Equipment. He prepares special reports for the Director concerning service contract specifications, which justify the expenditure of additional money and illustrate how the money would be spent. He prepares analysis on the cost-effectiveness of new tools; he reviews research reports submitted by the Production Control Unit. He makes effective recommendations as to whether requirement contract costs should be increased or decreased based on the size and condition of the fleet. He is a managerial employee.

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26.

Environmental Protection Agency (EPA)

1. Peter Gormanly is an Associate Staff Analyst in the Program Evaluation Unit of the Bureau of Sewers, Executive Division. He works on special projects assigned by the Director; he writes reports that include recommendations which he discusses with his supervisor and the Commissioner. He responds to customer complaints and inquiries; he prepares the Mayor's Management Report. In addition, he supervises six employees in the titles Assistant Civil Engineer, Staff Analyst, PAA and Office Associate. He is a managerial employee.

The status of the following employees is contested. The record does not support their designation as managerial or confidential. There is no evidence that these employees formulate policy, are involved in collective negotiations, have a major role either in the administration of collective bargaining 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. Rather, the record shows that they perform complex job functions that require supervisory, professional, highly technical or clerical skills, which are necessary for the implementation of established policy.

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27.

Human Resources Administration (HRA)

1. Janice Cerra is an Associate Staff Analyst in the Management Analysis and Control Section of Family and Adult Services, Bureau of Office Service Operations, Division of Management. As the supervisor of the Shelter Care Information Management Systems computer project (SCIMS), her duties include training and supervising a staff of six employees in the titles provisional Associate Staff Analyst, Staff Analyst and Secretary. These employees handle "the various technical details that go into making the system function." She prepares documents for state approval (i.e., advance planning documents which include a cost benefit analysis and description of the SCIMS project) and attends meetings at which questions concerning the project are discussed.
2. Rekha Schoumaker is a Staff Analyst in the Office of Recoupment and Case Closing of Income Maintenance Programs. She monitors the computer system to make sure that the information generated, which pertains to the closing of public assistance cases, is correct. She reports problems with the system to the Director of the office; makes recommendations which are designed to improve the productivity and efficiency of the office. She performs statistical analysis.
3. Nancy Hellman is an Associate Staff Analyst in the Office of Budget and Fiscal Affairs, Bureau of Receivable, Analysis and Recoupment. She analyzes the procedures used by the Bureau to recoup money and prepares reports which make recommendations to improve collection procedures.
4. Al Gundersheimer is an Associate Staff Analyst in the Division of Management and Operations Analysis of Special Services for Children, Office of Placement and Accountability. His duties include maintaining a record of reports that are overdue, preparing special statistical reports, keeping track of performance evaluations that are due and overdue and preparing the organizational chart for the Division.

5. Tom Heyer is a provisional Associate Staff Analyst in the Division of State Mandated Systems of Special Services for Children, Bureau of Computer Systems and Services. He is responsible for maintaining and updating the distribution list for reports that are produced by the State or in-house by Special Services for Children. He analyzes the statistical portions of those reports which are used to determine how the reporting procedures used by the various field offices can be improved.
6. Donald Weinberg is a Staff Analyst in the Audit Review Section of the Bureau of Audit Review and Contracts. His duties include preparing a manual that describes the job duties and functions of clerical employees assigned to the Section; preparing charts and forms so that programs can be monitored, and responding to questions from auditors. He indirectly supervises five clerical employees and assigns and reviews their work.
7. William Jones is an Associate Staff Analyst in the Welfare Management System (WMS),<sup>14</sup> Installation Unit. He is the coordinator of the medical Assistance Program team of trainers, and his duties include coordinating the design and production of training materials, scheduling training programs for agency staff and analyzing the effectiveness of the training programs. When necessary, he makes recommendations to modify the training programs to the Project Manager. He also supervises four employees in the titles Associate Staff Analyst, Computer Software I and Human Resources Specialist.

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<sup>14</sup> WMS is a state mandated program which is designed to create a computerized central eligibility file for public assistance, medical assistance, food stamps and other service programs.

8. Gail Brodt is an Associate Staff Analyst in WMS, Food Stamp Program. Her duties include training, monitoring and evaluating Income Maintenance staff at the various Food Stamp sites; she writes training procedures. In addition, she is currently serving as a liaison with Electronic Data Systems, a private corporation which represents the State, to implement the WMS system at Food Stamp sites.
- 9-10. Richard Gleason is an Associate Staff Analyst and David Mouzon is a provisional Associate Staff Analyst in the Training Unit of WMS. They conduct training sessions on the WKS system for Agency staff. In addition, they are involved in the "conversion process" which entails verifying information from one computer system against a second computer system.
11. Minna Scharff is a Staff Analyst in the Contract Management Unit of the Medical Assistance Program (MAP). She monitors health care provider contracts. She surveys plan members to determine whether they are satisfied with the service received; she prepares reports based upon the survey results which target areas that need improvement. She serves as a liaison with the health care provider, the City and various City agencies; she prepares a report on the grievances of dissatisfied plan members which is used by the City in its contract negotiations with the health care provider.
12. Dorothy Mason is a Staff Analyst in the Restricted Recipient Program of MAP. She compiles statistical data and prepares monthly reports for the Agency and the State which lists the number of people restricted for the month because of medicaid abuse. She reviews the programs procedures and makes recommendations to improve the day to day operation of the program.

13. Gary Jacoby is a Staff Analyst in the Citizens Participation Unit of the Community Development Agency (CDA) who is responsible for preparing and analyzing draft budgets for area policy board elections. He is in charge of preparing a manual describing the policies and procedures for funding anti-poverty programs in New York City. He serves as liaison to three area policy boards; he attends their meetings and analyzes their activities to make sure that they adhere to stated guidelines. He also works on special projects as they are assigned (i.e., to determine whether an alternative to elections for area policy boards is feasible).
  
14. Amy Kahn is an Associate Staff Analyst in the Office of Family Planning of the Family and Children Services Agency. She oversees the auditing of family planning services provided by clinics that are members of the Community Family Planning Council. The purpose of the audits is to verify compliance with State standards so that it can be determined whether clinics, and the Council itself, will be funded from year to year by the Board of Estimate. She designs audit instruments, supervises the auditors, analyzes the audit findings and writes reports which include recommendations to improve contract compliance. She also serves as liaison with the Community Family Planning Council.



Department of Transportation (DOT)

1. Ann Conway is a Staff Analyst in the TIRAS Computer Section of the Traffic Division. She serves as liaison between the Data Processing Section and the Traffic Enforcement Unit. She inputs Traffic Agents field patrol sheets into the computer; she identifies errors on the input sheets and makes recommendations for new computer operations procedures. She analyzes computer reports and prepares statistical reports (i.e., the number of summonses issued by Traffic Enforcement Agents by man days). In addition, she supervises three Traffic Enforcement Agents; she interviews and makes recommendations concerning the hiring of prospective Section employees.
2. Robert Backes is a provisional Associate Staff Analyst in the Bridge operations, Arterial Highways and Tunnels Section of the Division of Highways. His duties include gathering and analyzing statistical data. He prepares reports which attempt to quantify the amount of work to be performed by the different trades people (i.e., carpenters, electricians, pavers, ect). He makes recommendations to improve the procedures for data collection and analysis and the "paper flow".
3. Robert Crowe is an Associate Staff Analyst in the Project Management Section of the Bureau of Highways. He is the coordinator for the capital design program for the borough of Brooklyn, which involves shepherding contracts from the initial design stage through the bid process. He prepares certificates of labor, setting forth the number of hours to be spent on each aspect of the job, which are reviewed by his supervisor and certified by the Commissioner. He prepares factual reports specifying problems that have arisen, steps taken to resolve the problems, expected completion dates and cost. He also determines whether schedules are complied with and notifies the budget department when money is due under the terms of the contract.

4. Eric Klein is a Staff Analyst in the Operations Division of the Parking Violations Bureau (PVB), Directors office. He is responsible for preparing the spending schedule and budget variance reports for the Division. As the Division's purchasing agent, he is charged with ordering office equipment. He performs quantitative analysis for the Executive Management Report; and answers correspondence from the public.
5. Faith Gabel is a Staff Analyst in the PVB. She evaluates the standard operating procedures to determine whether the Bureau could be run more efficiently. She is currently working on a special project concerning payments made to collection agencies. Her duties include checking to make sure invoices list the payment made and that the money was actually deposited. She supervises three employees; she interviews, makes recommendations on hiring and trains new personnel.
6. Edward Price is a Staff Analyst in the Highway Safety Unit of the Bureau of Plans and Programs. He coordinates the development of highway safety grant proposals for federal funding; he organizes the Standing Committee which reviews grant proposals before they are submitted to the State for approval. He also analyzes New York City highway safety problems. He prepares statistical reports on the number and types of accidents.
7. Christopher Wasiutynski is an Associate Staff Analyst in the Bureau of Research and Planning, Division of Mass Transit Planning and Review. He reviews transportation legislation to determine its impact on New York City; he drafts testimony for DOT personnel setting forth the Department's position on pending legislation; he serves as liaison with the City's transportation lobbyist in Washington, D.C. In addition, he works on special projects which are often assigned to him by the Deputy Commissioner.

8. Marsha Ambrose is a provisional Associate Staff Analyst in the Transportation Analysis Unit of the Division of operations Analysis and Planning. Her duties involve data collection and verification for the Executive Management Report and the Mayor's Management Report. She is also involved in the implementation of the Payroll Management System, which involves researching the "leave codes" that should be used in the reporting of absenteeism.
  
4. Sandra Schnur is an Associate Staff Analyst in the Bureau of Research and Planning, Half-Fare Program for the Handicapped. As the Director of the Program, which evaluates and approves or rejects applications for half-fare, she is responsible for making the final determination on each application. She prepares the budget for the program, which is submitted to the Metropolitan Transportation Authority (MTA). She prepares statistical reports which are submitted to the DOT and the MTA. She supervises two employees in the title Office Aide.

In addition, she is the Manager of the 16-B2 Program, which gives vehicles to private non-profit agencies that provide services to elderly and disabled persons. She prepares reports on the final evaluations of the New York City Interagency Review Committee, which is responsible for reviewing applications and determining which agencies will be recommended.

#### Department of Health

- 1-3. Anne Whiting and Jan Kwartowitz are Staff Analysts and John Byrne is an Associate Staff Analyst in the Management Audit Division. Ms. Whiting's duties include gathering information and writing requests for proposals for audits of all line item budgets by certified public accounting (CPA) firms. She functions as a facilitator for CPA firms and makes sure that they have access to the information that they need; she reviews drafts of the CPA audits and, with her supervisor, determines whether any changes should be made.

Ms. Whiting, Mr. Kwartowitz and Mr. Byrne conduct internal audits and, when necessary, makes recommendations to improve the efficiency and effectiveness of the audited programs. Also, they conduct research and compile data to respond to audits performed on Department programs by outside agencies (i.e., Comptroller's Office).

- 4 -5. David Shepherd and Thomas M. Reed are Associate Staff Analysts in the Bureau of Prison Health Services. Mr. Shepherd works in the Bronx House of Detention; Mr. Reed works in Riker's Island Hospital. The Bureau's mission is to provide health care services to the prison population. Their job is to act as liaison between the Department of Correction and the Department of Health; they identify operational problems and make suggestions on how they can be resolved.
6. Hamilton Harriss is an Associate Staff Analyst in the Bureau of Prison Health Services. He is a contract manager, and his duties include monitoring the budget of Montefiore Hospital, which provides services to inmates at various institutions, to make sure invoices and accounts payable are in order. He supervises ten employees in PAA and clerical titles.

#### Youth Bureau

1. Susan Mullgrav is an Associate Staff Analyst in the Residential Services Unit of the Department of Program Development and Intergovernmental Relations. She is responsible for administering contracts with non-profit agencies that provide residential services for young people. She, along with a field program officer that she supervises, visits program sites. They monitor programs and provide technical assistance to ensure compliance with the terms of the contract. Also, with the assistance of her supervisor and her staff, she gathers data and conducts research for the New York City Plan for Runaway Homeless Youth, which is submitted to the State Division for Youth for approval.

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35.

Employee Retirement System

1. Bruce Greengart is a provisional Associate Staff Analyst in the Programming and operation Unit of the Data Processing Division. He assists his supervisor, a Computer Manager, in systems diagramming so that manual operations can be computerized. He writes specifications for program analysts and, on occasion, writes computer programs. To a limited degree, he assists the Deputy Director of the Division in planning the budget.
2. Linda Chiariello is an Associate Staff Analyst in the Member Benefits Division. The function of the Division is to determine the eligibility of employee members who want to retire, based on the service and age requirements, and if they are eligible, their final compensation basis. Ms. Chiarello's duties include reviewing the work product of the staff to make sure that their computations are correct. She prepares a weekly compilation of the number of cases completed. In her supervisor's absence, she oversees the work flow and develops procedures to improve the efficiency of the Division.

Department of Mental Health, Mental Retardation and Alcoholism Services

1. Doris Eis is an Associate Staff Analyst in the Office of Contract Management. She monitors community mental health center contracts; she reviews the budgets submitted by the non-profit agencies to make sure they comply with the Department's guidelines. She supervises a PAA III, who is responsible for monitoring alcoholism services contracts. She prepares special reports concerning the effect of legislative changes on agencies that contract with the Department to provide services.

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36.

Department of General Services (DGS)

1. Brenda Sullivan is a Staff Analyst in the Bureau of Space Management and Leasing of the Division of Public Structures. She monitors the other than personnel services (OTPS) budget for her Unit; she advises her supervisor when budget modifications are necessary and prepares the paperwork for the approval of the Assistant Commissioner. She fills out purchase order forms for equipment and supplies; she processes personal expense forms for the staff.
2. Irving Brickman is an Associate Staff Analyst in the Budget Control Unit of the Division of Financial Management and Administration. His duties include monitoring the OTPS budget for the Unit; preparing monthly variance reports and preparing statistical analysis on the amount of money spent in the various code categories. He also serves as the "time-keeper" for the Unit.
3. Joseph Cappiello is a Staff Analyst in the Central Storehouse of the Division of Municipal Supplies. He prepares the OTPS budget for the Central Storehouse; he prepares special reports concerning equipment utilization and equipment down time. He supervises an office associate, an office aide and the custodial/maintenance staff. In addition, he is in charge of the salvage office for the Bureau.

Office of Economic Development

1. Joyce Saffir is a Staff Analyst in the Mayor's office of Film, Theater and Broadcasting. Her duties include issuing permits to motion picture companies for filming on public property; working with film companies to find locations appropriate for their needs.

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37.

Taxi and Limousine Commission (TLC)

1. Leigh Block is a Staff Analyst in the Driver Renewals Unit. He supervises eight employees in the titles PAA and Office Aide. He prepares reports for his supervisor (i.e., analyzing a computer system used by another unit) which may include recommendations. He attends staff meetings, at which he reports on the status of his Unit and makes recommendations (i.e., on the way medallion cab drivers are licensed).

Department of Sanitation

1. Michael Barbarotto is a Staff Analyst in the Audio-Visual Unit. As the Manager of the Unit, he is responsible for the day to day operation of the Unit, which entails scheduling equipment and personnel to run the equipment, preparing budget requests and supervising an Office Associate. He serves as a technical advisor on new projects.
2. Mark Martti is a Staff Analyst, in the Summons Control Unit of the Enforcement Division. He works on reports related to the deployment of enforcement agents and sanitation policemen; he performs analysis and writes reports on the rate of attrition of enforcement agents. He works on pilot programs and makes recommendations to the Director of the Enforcement Division as to whether programs should be made permanent or discontinued. In addition, he manages a private security system contract.

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38.

Environmental Protection Agency (EPA)

1. Carolyn Hubbard is an Associate Staff Analyst in the Administrative Unit of the Bureau of Water Register. She is currently working on a project designed to clear up delinquent accounts. The project entails sending questionnaires to taxpayers who have not paid their bill. Ms. Hubbard's job is to verify the answers to the questionnaires; and to prepare reports summarizing the work completed on the project for the month. She also supervises two temporary clerical employees.

Department of Correction

2. Marcia Grossberg is a Staff Analyst in the Inmate information System. She analyzes computer reports which keep track of expenditures. She writes requests for proposals for new equipment, and in this role acts as liaison with the Department of General Services. She monitors contracts with vendors for the maintenance of equipment.



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39.

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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 13 Staff Analysts and, Associate Analysts listed at pages 5 to 8 of our decision herein are managerial or confidential, and therefore are not eligible for collective bargaining, pursuant to the stipulation of the parties; and it is further

**DETERMINED**, that the 46 Staff Analysts and Associate Staff Analysts listed at pages 8 to 17 of our decision herein are not managerial or confidential, and therefore are eligible for collective bargaining, pursuant to the stipulation of the parties; and it is further

**DETERMINED**, that the 2 Staff Analysts and Associate Staff Analysts listed at pages 17 to 18 of our decision herein are managerial and confidential, and therefore are not eligible for collective bargaining; and it is further

**DETERMINED**, that the 7 Staff Analysts and Associate

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40.

Staff Analysts listed at pages 18 to 21 of our decision herein are confidential, and therefore are not eligible for collective bargaining, and it is further

**DETERMINED**, that the 10 Staff Analysts and Associate Staff Analysts listed at pages 21 to 26 of our decision herein are managerial, and therefore are not eligible for collective bargaining; and it is further

**DETERMINED**, that the 42 Staff Analysts and Associate Staff Analysts listed at pages 26 to 38 of our decision herein are not managerial or confidential, and therefore are eligible for collective bargaining, and it is further

**ORDERED**, that the 32 Staff Analysts and Associate Staff Analysts referred to hereinabove and determined to be managerial and/or confidential be, and the same hereby are, declared ineligible for collective bargaining; and it is further

**ORDERED**, that the 88 Staff Analysts and Associate Staff Analysts referred to hereinabove and determined not to be managerial or confidential be, and the same hereby

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41.

are, declared eligible for collective bargaining.

DATED: New York, N.Y.  
October 16, 1986

ARVID ANDERSON  
CHAIRMAN

MILTON FRIEDMAN  
MEMBER

DANIEL G. COLLINS  
MEMBER