

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of the Application of

THE CITY OF NEW YORK,

Petitioner,

For an order declaring all employees
in various sections of the Mayor's
Office managerial or confidential
Pursuant to Section 2.20 of the
Revised Consolidated Rules of the
Office of Collective Bargaining,

-and-

DECISION NO. 6-86

DISTRICT COUNCIL 37,
AFSCME, AFL-CIO,

DOCKET NO. RE-104B-80

-and-

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

-and-

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

-and-

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO,

-and-

CIVIL SERVICE BAR ASSOCIATION,
affiliated with LOCAL 237,
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,

-and-

ALLIED BUILDING INSPECTORS,
LOCAL 211, IUOE, AFL-CIO,

Respondents.

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DETERMINATION AND ORDER

On January 30, 1980, the City of New York ("City") filed a petition, which was docketed as RE-104-80, seeking a determination pursuant to Section 2.20 of the Revised Consolidated Rules of the office of Collective Bargaining ("OCB Rules") that all employees in certain sections of the Office of the Mayor are managerial or confidential. On April 11, 1983, the City amended its petition to seek additional managerial or confidential designations with respect to employees in other sections of the Mayor's Office. On June 13, 1984, the Board of Certification ("Board") issued its Decision No. 7-84 finding that the employees in certain sections of the Mayor's Office are managerial and/or confidential, that employees in other sections are not managerial and/or confidential,¹ and severing that portion of the petition which requested a finding that the Bureau of Labor Services ("BLS") is managerial

¹ In each of these sections, however, the City was permitted to identify two individuals to be designated as confidential. No objections to the City's designations were received and, on October 18, 1984, the Board issued a further decision declaring the designated employees to be confidential. Decision No. 16-84.

and/or confidential. The severed part of the petition, docketed as RE-104B-80, was referred to hearing before a Trial Examiner designated by the OCB. The managerial and/or confidential status of BLS is the subject of the present decision.²

Upon the joint request of the City, District Council 37 ("D.C. 37") and the Communications Workers of America ("CWA"),³ proceedings in RE-104B-80 were held in abeyance for an extended period of time. On March 11, 1986, the first scheduled day of hearing, the parties appeared before the OCB and indicated their desire to discuss with one another the possibility of a settlement. Discussions were held off the record and the hearing was adjourned to a later date.⁴

On May 12, 1986, counsel for the City submitted a letter to the OCB Trial Examiner modifying its application in RE-104B-80 to request only that eleven named positions in BLS be de-

² The functions and responsibilities of BLS are recited in some detail in Decision 7-84 (at pp. 19-23) and will not be repeated herein. Essentially BLS is charged with ensuring that City contracts are in compliance with the equal employment opportunity requirements of City, State and Federal laws. Executive Order No. 50 § 1 (1980).

³ The other unions listed in the caption for this proceeding did not participate in this part of the case as none of them represents employees in BLS. However, D.C. 37 represents its constituent locals in this proceeding.

⁴ The second scheduled hearing date, April 16, 1986, was canceled upon the advice that a settlement had been achieved.

signated as managerial and/or confidential, and withdrawing its petition as to all remaining positions except one. With respect to that position, Senior Project Planner, the City requests that its petition be held in abeyance pending the outcome of separate representation proceedings in which the City has taken the position that employees in the Project Planner series of titles are managerial and/or confidential.⁵

Notice of the City's last amended application, including a statement that D.C. 37 and CWA do not oppose said application, was sent to counsel for these unions. No objection has been received from either of them, nor have any of the employees affected by the amended petition registered objection. Accordingly, we shall grant the City's application with the exception of the position bearing the office title Assistant Director - Construction which, we are advised, is presently vacant.⁶ The titles affected by our decision are listed in an Appendix annexed hereto.

⁵ Docket Nos. RU-929-84 and RU-947-85.

⁶ We have consistently declined to make a decision as to the manageriality or confidentiality of vacant titles. E.g., Decision Nos. 28-80; 25-76; 19-75.

O R D E R

NOW, THEREFORE, pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, in contemplation of Section 201.7(a) and Section 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

ORDERED, that the application of the City of New York to have the position of Senior Project Planner in the Bureau of Labor Services of the Office of the Mayor designated as managerial and/or confidential shall be held in abeyance and shall be decided in the proceedings docketed as RU-929-84 and RU-947-85; and it is further

ORDERED, that the individuals named in the attached Appendix (and such successor employees in the same positions as perform substantially the same duties and functions) be, and the same hereby are, designated as managerial and/or confidential and are excluded from collective bargaining.

DATED: New York, N.Y.
June 12, 1986

ARVID ANDERSON
CHAIRMAN

MILTON FRIEDMAN
MEMBER

DANIEL G. COLLINS
MEMBER

A P P E N D I X

<u>Name</u>	<u>Civil Service Title</u>	<u>Office Title</u>
Oliver J. Gray	Director of Labor- Management Relations (Office of the Mayor)	Director
Esta R. Bigler	Deputy Director, Bur- eau of Labor Services	Deputy Direc- tor/General Counsel
Coral R. Barnett	Secretary (Office of the Mayor)	Executive Secretary
Bessie Wright	Administrative Manager	Assistant Director- Administrator
Lois Smart	Office Aide	Secretary
Hector Rivera	Office Associate	Secretary
Diana Autin	Attorney	Deputy General Counsel
Marlene Archer	Administrative Manager	Assistant Director-Supply & Service
Zabrina Cooper	Stenographer/Secretary	Secretary
Lisa Middleton	Stenographer/Secretary	Secretary

NOTE: Of the above, the positions of the Director, Admini-
strative Managers and two Secretaries were previously deter-
mined to be managerial and/or confidential and ineligible
for collective bargaining in Decision Nos. 19-75 and 26-76.