

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 ANALYSTS,*

Intervenor,

-and-

THE CITY OF NEW YORK

Respondent.

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* The Organization of Staff Analysts ("OSA" or "the Union") previously affiliated with Local 237, IBT, voted to disaffiliate from that Union on October 11, 1983. OSA thereafter filed a motion to intervene in the representation case. In March 1984, we granted OSA's motion and substituted OSA for Local 237 in these proceedings.

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See, Decision No. 21-84 at pages 7-8. The above caption has been changed to reflect OSA's intervenor status in this case.

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INTERIM DECISION AND ORDER

A. Staff Analysts and Associate Staff Analysts

On November 18, 1980 and June 10, 1982, respectively, we issued our first and second interim decisions (Nos. 39-80 and 23-82) in this matter, finding that the City of New York ("City") had established a prima facie case as to the managerial and/or confidential status of:

1. employees serving in the title Administrative Staff Analyst;
2. employees serving in the titles Staff Analyst and Associate Staff Analyst who, prior to their reclassification to the staff analyst series, had been excluded from collective bargaining by a decision of the Board of Certification ("Board") finding their predecessor titles to be managerial or confidential, if such employees continue to perform the duties of their predecessor titles; also, the successors to employees who held such previously excluded titles;
3. employees serving in the title Associate Staff Analyst who perform duties in the areas of personnel administration, labor relations or budget, who are paid at a rate equal to or in excess of the minimum pay level for employees in the Managerial Pay Plan.¹ These employees were found to be prima facie managerial;

¹ At the time of that determination, the minimum pay level for employees in the Managerial Pay Plan was \$25,320. Effective July 1, 1983, the minimum was increased to \$27,734.

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4. employees serving in the title Associate Staff Analyst who perform duties in the areas of personnel administration, labor relations or budget, who are paid at a rate less than the minimum pay level for employees in the Managerial Pay Plan. These employees were found to be prima facie confidential, subject to the condition that the City provide the names of the managerial employees with whom these employees have a confidential relationship;
5. employees serving in the title Staff Analyst who perform duties in the areas of personnel administration, labor relations or budget. These employees also were designated prima facie confidential, subject to the condition that the City provide the names of the managerial employees with whom, these employees have a confidential relationship.²

In Decision No. 20-82, we also determined that the City had the burden of producing additional evidence and

² OSA subsequently challenged our interim findings. In Decision No. 21-84, we confirmed our interim findings, but deferred decision on the status of Staff Analysts and Associate Staff Analysts who were the subject of the rebuttal case presented by OSA between May 9 and October 4, 1984. Thereafter, in Decision No. 5-85, we determined that 45 of the Staff Analysts and Associate Staff Analysts challenged by OSA were managerial or confidential and declared ineligible for collective bargaining; 39 were not managerial or confidential and declared eligible for collective bargaining.

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argument in support of its claim with respect to Staff Analysts and Associate Staff Analysts who were not within the categories of its prima facie case.

Thus, charged with preparing to go forward with the remainder of its affirmative case concerning an estimated 600 Staff Analysts and Associate Staff Analysts on September 3, 1982, Bruce McIver, then Director of the City's Office of Municipal Labor Relations ("OMLR") wrote a letter to Arvid Anderson, Chairman of the Board, proposing to have the City Personnel Director conduct desk audits of all positions not covered by the interim decisions. The City continued to take the position that all employees in the staff analyst series are managerial and/or confidential and, therefore, should be found ineligible for collective bargaining. It suggested, however, that a significant number of the employees not covered by our interim decisions might not be performing duties appropriate to their titles in the staff analyst series. The City proposed to offer those employees whom the desk audits revealed to be performing duties not appropriate to the Staff Analyst or Associate Staff Analyst title in which they were employed the option

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of reclassification to a title appropriate to the duties actually performed or reassignment to duties appropriate to the staff analyst titles. In addition, the City requested that we issue an order designating as managerial and/or confidential those employees whom the desk audits revealed to be performing duties appropriate to their titles.

Mr. McIver's proposal was circulated among the parties and discussed at a conference held on September 8, 1982. Efforts by the City to obtain the Unions' consent to the proposal were inconclusive and, in December, 1983, the City Department of Personnel began to conduct audits of approximately 600 Staff Analyst and Associate Staff Analyst positions.³

³ In January 1984, OSA filed an improper practice petition in which it challenged the City's desk audit and reclassification plan. The petition, docketed as BCB-686-84, was dismissed in its entirety on October 25, 1984. Organization of Staff Analysts v. City of New York, Decision No. B-22-84. Pursuant to Section 205.5(d) of the Taylor Law, the Public Employment Relations Board ("PERB") asserted jurisdiction "for the purpose of considering the substantive determination" of the Board of Collective Bargaining. 17 PERB ¶3114 (PERB 1984). After hearing the arguments of the parties and receiving their written submissions, PERB remanded to the Board of Collective Bargaining the issue of the City's motivation for re-evaluating, reclassifying and transferring employees in the staff analyst series during the course of the representation proceeding. 18 PERB ¶3068 (PERB 1985). The parties subsequently reached

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Subsequent to the completion of the desk audits, the Unions requested that the City state its position with respect to the audited staff analyst positions. In a letter dated October 19, 1984, the City stated that it is still its position that those desk audited employees who are performing duties appropriate to the Staff Analyst or Associate Staff Analyst titles are managerial and/or confidential; and maintained that "it is the City's belief that the Desk Audits amply confirm its position." If necessary, however, the City indicated that it was prepared to submit further evidence in support of its position, including the testimony of persons who conducted the audits and the testimony of the audited employees.

OSA responded to the City's statement of its position in a letter dated November 5, 1984.⁴ OSA asserted

(Footnote 3/ continued)

an agreement and, on March 26, 1986, executed a stipulation of settlement. OSA withdrew, with prejudice, its underlying improper practice charge; and in Decision No. B-33-86, the Board of Collective Bargaining directed that the case docketed as BCB-686-84 be closed.

⁴ SSEU, Local 371 also responded to the City's statement of its position. In a letter dated October 30, 1984, it asserted that "the desk audits do not, in and of themselves, establish the status of the employees audited,

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that while some of the desk audits accurately reflect the duties performed by the employees involved, and that it was prepared to submit those audits to the Board for a determination of manageriality and/or confidentiality, "many, if not most [of the audits], do not reflect [the subject employees'] duties accurately." As to this larger number, OSA claimed that the City should be required to produce the audited employees to testify in support of its contention that the employee is managerial or confidential.

OSA strenuously objected, on grounds of hearsay, to any procedure that would enable the City to establish a prima facie case simply by offering into evidence the disputed desk audits. In addition, the Union objected to the City's request for additional opportunities to prove its case through the testimony of the auditors and/or the individual employees, if the Board found that the audits alone were insufficient. OSA maintained

(Footnote 4/ continued)

and that probative, legally - admissible evidence is required." According to SSEU, Local 371, "the burden of proof mains on the City to come forward with such probative evidence to support its claim."

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that " [u]nless the City is prepared to go forward forthwith with the testimony from the individual employees involved the Board should find that the City has not met its burden of proof as to the residual unit and should find that those employees are eligible for collective bargaining."

On December 26, 1984 we issued Decision No. 21-84. In that decision, we declined to extend our findings of manageriality and/or confidentiality to those employees whom, the City contended, the audits revealed to be performing duties appropriate to their staff analyst titles. We stated, however, that assuming a proper foundation was laid, including information as to the procedures followed, the audits would be admissible as evidence of the duties performed and of the alleged managerial and/or confidential status of the audited employees.

Thereafter, the City requested an opportunity to re-evaluate its position with regard to the desk audits. In a letter dated April 1, 1985, the City indicated that it would not enter the desk audits into evidence. Instead, the City proposed to present testimony with regard to each of the employees in question.

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The parties and the Hearing officer then assigned to the case met subsequently to discuss the procedures and a schedule for the receipt of evidence concerning the audited employees. The City indicated that with regard to a small number of the audited Staff Analysts and Associate Staff Analysts, its affirmative case of alleged managerial/confidential status would consist solely of the desk audits that were performed for such employees. The City also indicated that it would submit a list of these employees to the Unions and the Hearing Officer.

The Unions agreed to review the City's list and thereafter state their agreement or opposition to the managerial/confidential designation. In addition, the Unions were requested to indicate whether their opposition to the managerial/confidential designation was based upon an allegation that the duties performed are not accurately reflected in the desk audits, in which case a hearing would be held so that the Unions could offer contradictory evidence of the duties performed by such employees; or whether its opposition was based solely upon the legal conclusion of managerial/confidential

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status, in which case the City would be given an opportunity to file a written statement containing legal argument in opposition to the Unions' statements.

On April 25, 1985, the City submitted a list with the names of eighteen audited Staff Analysts and Associate Staff Analysts; and stated that the desk audits performed on those eighteen employees would be introduced into evidence as the sole basis for its claim that they are managerial/confidential. In a letter dated May 9, 1985, OSA conceded that the Board would find ten of the eighteen Staff Analysts and Associate Staff Analysts listed by the City to be managerial or confidential.⁵ OSA alleged, however, that the audits of the remaining eight employees were insufficient or inaccurate, and requested that they be called to testify.

Hearings to determine the public employee status of the desk audited Staff Analyst and Associate Staff Analyst positions commenced on May 21, 1985. A few

⁵ In a letter dated May 17, 1985, District Council 37 conceded that sixteen of the eighteen Staff Analysts and Associate Staff Analysts listed by the City are managerial or confidential; but that the audits of the two remaining employees "are not sufficient to determine whether they are managerial or confidential or do not accurately reflect their duties."

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months after the hearings commenced, CWA Local 1180 informed the Hearing Officer that it would not be attending the weekly hearings. However, CWA requested that it be informed of any "developments" in the case. CWA as well as all of the Union parties to this proceeding have received notice of all scheduled hearings. Except for OSA, the individual Union parties' to this proceeding have appeared only when the hearing concerned employees of agencies in which they are interested.

The rulings herein are based on a record comprised of nearly 4,000 pages of testimony, by more than 230 desk audited Staff Analysts and Associate Staff Analysts, taken over the course of thirty hearing dates during the period May 21, 1985 through February 27, 1986. In addition, the record consists of twenty-three exhibits submitted by the City, twenty-five exhibits submitted by the Union⁶ and six exhibits submitted by the Hearing

⁶ The majority of City and Union exhibits are desk audits of individual Staff Analysts and Associate Staff Analysts positions which were completed by the City Department of Personnel.

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Officer. The parties did not file briefs.⁷

B. Additional Titles

Two of the six petitions consolidated for decision in these proceedings involve employees serving in two distinct titles: Quantitative Analyst (Docket No. RU-521-75) and Program Research Analyst (Docket No. RU-533-75). In Resolution No-77-25, the City Personnel Director earmarked these titles "for present incumbents only", indicating that the titles would be deleted from the Classified Service of the City of New York once employees serving in the titles, or appointed to the titles from eligible lists that either existed at the time of, or

⁷ On May 20, 1986, the City stated that it might want to file a brief on some of the Staff Analysts and Associate Staff Analysts who testified during the period covered by this interim decision. The Unions objected, on the ground that the City was advised previously that the Board was preparing an interim decision and, therefore, should have requested an opportunity to file a brief at the time it first learned that a decision was being drafted. The City was given until May 27, 1986 to file a brief. The City thereafter requested an extension of time, which the Board granted. On June 12, 1986, the day its brief was due, the City advised the Hearing officer that after careful consideration, It decided not to file a brief.

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were established as a result of, an examination scheduled prior to the promulgation of Resolution NO-77-25, resigned, retired or otherwise vacated their positions. In Decision No. 12-79, we reiterated our determination that Docket Nos. RU-521-75 and RU-533-75 should be made a part of the staff analyst proceedings since the functions of these "earmarked" titles were subsumed by the staff analyst series of titles.⁸ Prior Board decisions concerning the staff analyst series of titles, however, did not deal with the representational claims for those two titles or with the City's objections thereto.

Hearings for the purpose of taking testimony concerning the duties performed by incumbents in the Quantitative Analyst and Program Research Analyst titles were held on April 15, April 19 and May 31, 1985.⁹

⁸ We first ordered the consolidation of these petitions with the Staff Analyst case in Decision No. 45-78.

⁹ We take administrative notice of the fact that, according to the latest available payroll printout, at the present time there are only nine employees in the Quantitative Analyst and Program Research Analyst titles. Since these titles are earmarked "for present incumbents only", we will not make a determination as to the public employee status of those Quantitative Analysts and Program Research Analysts about whom we heard testimony, but who are no longer listed in these titles.

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14.

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).

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;¹⁰
- (2) inclusion of title in the Managerial Pay Plan;¹¹

¹⁰ See Decision Nos. 43-69; 45-78.

¹¹ See Decision Nos. 19-75; 45-76.

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- (3) involvement in personnel administration,¹² labor relations,¹³ or budget - related¹⁴ functions;
- (4) salary level.¹⁵

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.¹⁶

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

A. Staff Analysts and Associate Staff Analysts

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

¹² See Decision Nos. 73-71; 63-72.

¹³ See Decision Nos. 43-69; 19A-70

¹⁴ See Decision Nos. 73-71; 8-72.

¹⁵ See Decision Nos. 79-68; 73-71.

¹⁶ See Decision Nos. 70-68; 11-76

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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.

Human Resources Administration (HRA)

OSA and District Council 37 conceded that based upon their desk audits, the OCB would find the following Staff and Associate Staff Analysts to be managerial or confidential:

- 1-7. Dave Chester, Associate Staff Analyst
Myra Delacuesta, * Staff Analyst
Mary Diaz, Associate Staff Analyst
Arthur Horowitz, Associate Staff Analyst
Louistine C. Jackson, Associate Staff Analyst
Sherry Kavaier, Associate Staff Analyst
Nancy Stoney, Provisional Associate Staff Analyst

Based upon the testimony of the following Staff and Associate Staff Analysts, OSA and District Council 37 conceded that the GCB would find them to be managerial and/or confidential:

8. Francine Rose is involved with personnel administration. She interviews applicants and makes hiring recommendations; she performs analysis to determine the number and type of staff needed. She is a managerial employee.

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- We take administrative notice of the fact that she was not listed on the latest available payroll printout.

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9. Betty Payne is also involved with personnel administration. She is a confidential employee.
10. Malkit Bains works in Family and Adult Services. OSA conceded that the OCB would find him to be managerial and/or confidential.
11. Richard Guarino is an Associate Staff Analyst in the Office of Management Services, Division of Personnel Services of Family and Adult Services (FAS). His duties include formulating the employer's Step I response to union grievances; representing FAS at labor-management meetings. In addition, he interviews applicants and makes hiring decisions. He is a managerial employee.
12. Joel Helman is a Staff Analyst in the Audits Compliance Unit of the Office of Management Planning. He makes recommendations regarding proposed cost-savings programs for HRA (e.g., program to eliminate the GAAP (PEG)); he meets with representatives of the office of Management and Budget to discuss proposed PEG projects; he monitors HRA's implementation of PEG projects. In addition, he analyzes HRA audit reports prepared by the State Comptroller's Department of Social Services to determine whether the audit is valid and, if so, whether corrective actions should be instituted. He is a managerial employee.
13. George McCorkell is an Associate Staff Analyst in the Division of Program Analysis of FAS, Bureau of Management Systems. He interviews prospective employees for the Bureau and makes recommendations as to whether or not they should be hired. He is a managerial employee.

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14. Sol Daiches *is a provisional Associate Staff Analyst the Project Focus Unit of FAS, Bureau of Management Systems Planning, Research and Evaluation. In addition to other duties, he examines proposed staffing levels in the Protective Services for Adults Unit; trains caseworkers in order to standardize client assessment and directs the Unit's research activities. He is a managerial employee.
15. Fred Williams is a Staff Analyst in the Contract Management Unit of FAS. He serves as the liaison between the HRA Inspector General (IG) and outside agencies which run programs for FAS. He refers fraud and corruption cases to the IG; follows up on recommendations from the IG Office to ensure that the recommendations are implemented. He meets with the IG on a monthly basis to discuss the status of pending investigations. in addition, he prepares the budget for the unit. He is a managerial and confidential employee.
16. Richard Walters is a provisional Associate Staff Analyst currently working in the Department of Personnel Services, Staff Control Unit of the Department of General Social Services. He is in charge of the Unit which generates salary, ethnicity and staffing analysis reports for the HRA Department of Personnel. In addition, he interviews applicants and makes hiring recommendations. He is a managerial and confidential employee.

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

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17. Roland Price is an Associate Staff Analyst in the Division of Project Management of the Office of Management Design. Currently, he is working in the office of the First Deputy Administrator for HRA. He conducts analysis and writes proposals for implementation of the Beattie Commission recommendations regarding the reorganization of HRA; he designs models and recommends the percentage of staff each division should receive; he writes proposals in preparation for meetings with the municipal unions. He is a managerial and confidential employee.
18. Lydia Resnansky is a provisional Associate Staff Analyst in the Bureau of Security Services. As the Special Assistant to the Director of Security, she is responsible for the day to day administration of the security services operation. She assigns special officers to the various locations; makes recommendations concerning the reorganization of the security services operation; and recommends disciplinary action to be taken against special officers found guilty of misconduct. She is a managerial employee.
19. Michael Wall is an Associate Staff Analyst in the Office of Facility Operations. He assigns the staff to investigate complaints filed by city employees in HRA's Office of Labor Policy and OMLR concerning allegedly unhealthy working conditions in violation of their collective bargaining agreements. He discusses the results of the investigation with representatives of the Office of Labor Policy and OMLR; and negotiates a resolution of the complaint. He is a confidential employee.
20. Melvin Feinstein is an Associate Staff Analyst in the Central office of the Food Stamp Program. As the Assistant Director for Personnel Operations of the Food

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20. Melvin Feinstein (Continued)
Stamp Program, he is responsible for recommending and implementing personnel actions for the more than 1200 employees working in the Program (e.g., hiring, terminations, disciplinary action, approval of leave requests). He is a managerial and confidential employee.
21. Charles Waxman is a Staff Analyst in the Personnel Division of the Department of Social Services, Income Maintenance. He counsels the various income maintenance responsibility centers on personnel related matters; he investigates salary complaints; monitors and maintains overtime controls for the responsibility centers; prepares the roster of managerial and non-managerial merit increases; screens referrals from the Mayor's Office and the New York City Department of Personnel in response to positions that are posted. He is a confidential employee.
22. Jeffrey Keller is an Associate Staff Analyst in the Bureau of Information Services of the office of Administrative Services. He is the Director of the HRA Records Management Program. He is responsible for planning, developing and implementing a schedule of record retention and disposition, which must be consistent with Federal, State and City rules and regulations. He prepares manuals and directives regarding record management that are issued agency-wide. In addition, he supervises a staff of nine employees. He is a managerial employee.
23. Anne Stanner is an Associate Staff Analyst in the Fiscal Electronic Data Processing Unit of the Office of Income Support, Administrative Office. As the Assistant Director for Planning and Management Systems, she

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23. Ann Stanner (Continued)

is responsible for the preparation of the Management Plan and the budget for the Unit. She is also responsible for the organizational chart; she analyzes the staffing requirements of the Unit. In addition, she directly supervises two employees in the title Staff Analyst. She is a managerial employee.

Department of Environmental Protection (DEP)

1. Uriel Gunthorpe is an Associate Staff Analyst in the Operating and Engineering Analysis Unit of the Executive Bureau. He acts as liaison between the Executive Bureau and the Bureau of Water Supply; he works on special projects for the Bureau of Water Supply (e.g., budgetary projects, program enhancement projects) which involve research, analyses and recommendations that may result in the hiring of additional personnel. He attends meetings with representatives of the Office of Management and Budget and the Mayor's office of Operations at which the project and his recommendations are discussed. He is a managerial and confidential employee.
2. Jerry Rosenberg is an Associate Staff Analyst in the Analysis Unit of the Bureau of Water Supply, Field Operations Division. He is the Chief of the Analysis Unit. He gathers information and prepares special reports (e.g., overtime planning and budget reports); he develops the plan for the Mayor's Executive Management Report. He analyzes the activities of the repair and maintenance facilities and develops programs for the Bureau and the Office of Field Operations. In addition, he supervises a small staff of employees in the titles Staff Analyst, PAA and office Associate. He is a managerial employee.

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22.

3. Peter Hark is a Staff Analyst in the management Planning Section of the Bureau of Water Pollution Control, Plant operations Division. He is the Deputy Chief of the Management Planning Section. He oversees the Management Information System and ensures that the proper corrective and preventive maintenance programs are in effect. He monitors the use of overtime in the Plant Operations Division. He determines whether internal requests for overtime by locations and/or individuals - are justified. He works on special projects (e.g., an increased staffing proposal which required a detailed analysis of manpower utilization by location). He is a managerial employee.

Department of Sanitation

1. Nurullah Hajra is a Staff Analyst. OSA and District Council 37 conceded that based on her Desk Audit the OCB would find her to be managerial or confidential.

Based upon the testimony of the following Staff and Associate Staff Analysts, OSA and District Council 37 conceded that the OCB would find them to be managerial and/or confidential:

2. Harvey Goldstein is an Associate Staff Analyst in the Radio Communications Section of the Bureau of operations. He is the Director of the Radio Communications Section. His duties include writing requests for proposals; evaluating bid responses; negotiating contracts for equipment or services; directing the installation of equipment; solving communications problems as they arise. In addition, he makes recommendations on the purchasing of new equipment. He is a managerial employee.

3. James Marks is an Associate Staff Analyst in the office of Energy Conservation and Control of the Bureau of Support Services. As the Director of the office of Energy Conservation and Control, he is responsible for developing the energy policy for the Department; he sets the target on the amount and type of energy used at the various locations, which is incorporated into the Mayor's Management Report. In addition, he is the "drought coordinator" for the Department and sets the water conservation policy for the Department. He is a managerial employee.
4. Michael Howard is a Staff Analyst in the Home Visitation Program for the Medical Division. As the Assistant Director for the Home Visitation Program, he is responsible for implementing the Department of Sanitation's Policy and Procedure No. 11 which states that each person out sick must remain at home while on paid medical leave. He approves requests to leave home while on sick leave for specified reasons; he compiles evidence to support the Department's claim that an employee has violated Policy and Procedure No. 11. Along with the Director, he supervises a staff of 28 employees; and he assumes the duties of the Director in his absence. He is a managerial and confidential employee.

Department of Parks and Recreation

1. Jody Hoffman-Czwartacky is an Associate Staff Analyst in the Queens Borough office. As the Director of Capital Programs for Queens, she designs the capital program for the current and succeeding fiscal years. She participates in the formulation of the budget and

1. Jody Hoffman-Czwartacky - (Continued)
meets and negotiates with elected officials and community boards. She monitors the progress of on-going capital projects from inception to completion; she makes recommendations on new capital projects City-wide and suggests changes in existing programs within the approved budget. She is a managerial employee.
2. Stanley Hauptman is an Associate Staff Analyst in the Bureau of Technical Services on Randall's Island. He is responsible for the Bureau's monthly planned action reports, which set forth all personnel actions (e.g., promotions, merit increases); the capital budget allocation for vehicle acquisitions; and the energy budget. In addition, he conducts management surveys for the Chief of Technical Services and the Deputy Commissioner of operations (e.g., reviewing the Procurement Unit's purchasing procedures and recommending improvements in the operation). He is a confidential employee.

Department of General Services

1. Susan Denning is an Associate Staff Analyst. OSA and District Council 37 conceded that based on her Desk Audit the OCB would find her to be managerial or confidential.

Police Department

1. William Smarrito is a Staff Analyst in the Legal Bureau. He works with the New York City Corporation Counsel in

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1. William Smarrito (Continued)
defending Article 78 lawsuits. He conducts research on motions pending in court actions; makes recommendations on Freedom of Information Act requests and conducts research on current controversial issues. He is a confidential employee.

Off-Track Betting Corporation (OTB)

1. Linda Cauttero is a Staff Analyst. OSA and District Council 37 conceded that based on her Desk Audit the OCB would find her to be managerial or confidential.
2. Michael D'Ambros'io is a Staff Analyst in Branch Operations, Operations Control. He represents the Corporation at administrative disciplinary hearings, which concern the integrity of employees who handle OTB fund. He researches and refers cases to the security department. He is a confidential employee.

Department of Finance

1. Richard Reiskin is an Associate Staff Analyst in the Tax Operations Bureau. He writes informational procedures and policies, both for internal use and for the public. He performs management studies; and represents the Commissioner on the Quality of Work Life Committee. He is a confidential employee.

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Comptroller's Office

1. Chana Schwartz is a Staff Analyst. OSA and District Council 37 conceded that the OCB would find her to be managerial or confidential.

Department of Health

1. Charles Kirnon is an Associate Staff Analyst in the Special Programs Unit of the Environmental Health Division, Bureau of Pest Control. He is the Director of the Special Programs Unit. He conducts research to develop new programs and to find new sources of money from which new programs can be developed: he writes proposals for new programs and prepares the unit's annual budget request. In addition, he supervises a staff of eight employees. He is a managerial employee.

After hearing the testimony of the following Staff and 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. Edward Jove¹⁷ is an Associate Staff Analyst in the Office of Policy and Economic Research of the office of Policy and Program Development. His duties include coordinating the production of a semi-annual report concerning the "poverty population" in New York City, New York State and the United States. The report, which does not contain recommendations, is used by HRA administrators and scholars outside of the Agency.

¹⁷ Prior to the Issuing of this interim decision, the City informed us that Mr. Jove has passed away.

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2. Melvin Levy is an Associate Staff Analyst in the same office as Edward Jove (supra). His duties involve the "generating of information", rather than writing reports or recommending changes in policy or procedure. He creates tables and performs statistical analysis.
3. Jeanne Miles is an Associate Staff Analyst in the Office of Service Planning of the Office of Policy and Program Development. She helps to organize public hearings, conferences and meetings with other city agencies, voluntary agencies, consumers and the public.
4. Beth Watkins* is a Staff Analyst in the Insurance Department of the Office of Budget and Fiscal Affairs. Her responsibilities include preparing memoranda and correspondence in the Director's name; compiling statistics; updating the procedures manual used by the benefits analysts and coordinating the preparation of reports.
5. Marvin Dozier is a Staff Analyst in the Child Support Management Systems Unit of the office of Income Support. He coordinates the tracking of child support enforcement cases.
6. William Lennon is a Staff Analyst in the Estate Tracking Unit of the Department of Social Services, MAP, Third Party Recovery Unit. He researches the names, addresses and value of the estate of people who recently died and matches these names with people who received funds from medicaid. He submits the list of names to the Legal Department so that the money disbursed by medicaid can be recouped from the value of the estate.

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- We take administrative notice of the fact that she was not listed on the latest available payroll printout.

7. Linnette Flowers-Cephus is a Staff Analyst in the Division of Medical Payments of MAP. She is involved in the processing of medical rates for medicaid, based upon the Medical Revision Handbook which lists the rates for various hospitals.
8. Charles Pettignano is an Associate Staff Analyst in the User Test Group of the Welfare Management System (WMS). He verifies that the WMS computer system is functioning according to the design by inputting data at the "screen level"; he completes data forms when problems arise within the system.
9. Lenett Bligen is an Associate Staff Analyst in the same group as Charles Pettignano (supra). He assists in the implementation of the VqMS computer program at the various income maintenance and food stamps sites. He ensures that the site liaisons know how to operate the system; he assists employees at the site locations in data entry and maintenance procedures.
10. Delores Richards is an Associate Staff Analyst in the same group as Charles Pettignano and Lenett Bliger (supra). Her duties include testing the WMS computer system to determine where there are problems. She reports the test results to a project leader. When there are problems in the system she writes reports, which are technical in nature, to the State so that the system can be corrected.
11. William Carrithers is a Staff Analyst in the Community Affairs Section of the Department of General Social Services (DGSS). He researches and analyzes information pertaining to social services.

12. Andrea Simon is a Staff Analyst in the Bureau of Computer operations of DGSS. Her duties include training employees in the district offices to enter information onto the computer; she works with computer programmers on the development of new computer systems. In addition, she works on special projects and reports which require statistical analysis.
13. Robert Croghan is an Associate Staff Analyst in the Division of Management Services of DGSS. He works on field surveys and special projects (e.g., the demography of relocated families) which generally require statistical analysis.
14. Mario Berra is an Associate Staff Analyst in the UNIVAC Group of the Office of Data Processing, Benefits Insurance Group. He is involved with the changeover from one computer system to another; he tests and modifies computer programs.
15. Wendy Chang is a Staff Analyst in the Quality Control Unit of Special Services for Children, office of Administrative Services. She reviews demographic information and, when appropriate, changes the eligibility codes on the computer terminal. She performs data entry functions in the legal activities area.
16. Alyce White is a Staff Analyst in the Central Complaint System of the Crisis Intervention Services. She prepares weekly and monthly reports regarding complaints about HRA services.

Police Department

1. Samuel Dornberg is a Staff Analyst in the Program Liaison Section of the Patrol Services Bureau. He Monitors the Patrol Strength Reporting System; he coordinates surveys and project reports which are required for statistical studies by the Chief of Patrol. He also works on special projects as assigned.
2. Milton Sirota is an Associate Staff Analyst in the same section as Samuel Dornberg (supra). His duties include gathering and transcribing data and preparing charts and tables, which are used to determine high crime areas and ways to reduce crime in those areas.
3. Loree Rosenthal*is a Staff Analyst in the Administrative Section of the Detectives Bureau, Central Robbery Division. She acts as liaison to the "field units"; she makes sure that procedures are followed and forms are filled out correctly; she administers an expense account. In addition, she supervises two employees in the title PAA.
4. Rose Weiss-Fischler*is a Staff Analyst in the same section as Loree Rosenthal (supra). She keeps tracks of the overtime work performed by police officers, and informs her supervisor when officers have exceeded the overtime cap. She keeps the maps, which show the areas where extra police officers have been deployed, up to date.

• We take administrative notice of the fact that they were not available payroll printout.

5. John McSherry is a Staff Analyst in the Resource Analysis Section of the Office of Management Analysis. He conducts management audits, surveys and studies; he serves as liaison between the Comptroller's Office and the audited unit of the Police Department. In addition, he answers correspondence from other police departments and organizations.
6. Simeon Wright is a Staff Analyst in the Crime Analysis Unit of the Office of Management Analysis and Planning. He works on crime statistics (e.g., value of property stolen, value of property recovered), which is incorporated into the Mayor's Management Report.
7. Esther Fowler is a Staff Analyst in the same unit as Simeon Wright (*supra*). Her duties include updating statistics and entering them on a personal computer. She also responds to inquiries from the public regarding crime statistics.
8. Beatrice Keshner is an Associate Staff Analyst in the office of Management Analysis and Planning. Her duties include writing summaries of reports that deal with issues that are important to the Police Department (e.g., court case in New Jersey regarding the mandatory retirement of State Police Officers at age 55).
- 9 & 10. Donald Ross and Kenneth DeJohn are Staff Analysts in the Management Plan and Report Unit of the office of Management Analysis and Planning. They collect data from the various sections of the Department for the Mayor's Management Report and the monthly executive report; they review the data collected for statistical accuracy.

- 11 & 12. James Mannheimer is an Associate Staff Analyst and Margaret Samarotto is a Staff Analyst in the Office of Emergency Management of the Office of Chief of Department. They review and revise the written plans for disasters and emergencies (e.g., strikes, snowfalls and hurricanes); they participate in the implementation of the plan in the event of an emergency or disaster.
13. Alan Zimmerman is a Staff Analyst in the Systems Development Section of the Management Information Systems Division. He oversees the computer monitoring system which keeps track of all communications addressed to the Section; he monitors the status of on-going projects. In addition, he is responsible for the "roll call functions" which entails making sure that sick leave, vacation and tour change requests are properly filled out.
14. Sheldon Kier is an Associate Staff Analyst in the Administrative unit of the Inspectors Division. He researches and analyzes information for management reports and communications; he edits management reports.
15. Paul Gorman is a Staff Analyst in the Community Affairs Division. He collects data on special programs (e.g., narcotics in the schools), reviews the data to make sure it complies with established guidelines and writes statistical summaries. He also writes speeches for Division personnel, including the Commanding officer, when they are required to make public appearances.

Department of Sanitation

1. Elaine Koonce is a Staff Analyst in the Program and Development Unit of the Medical Division. As the Assistant to the Director of Health and Safety, she attends meetings with the Director, prepares the minutes of the meeting and follow up memoranda. In addition, she serves as the personnel coordinator for the Medical Division, which entails the performance of clerical functions, such as advertising available positions, preparing the paperwork for new hires and coordinating the completion of performance evaluations.
2. Lorraine Gewirtz is a Staff Analyst in the Operations, Planning, Evaluation and Control Section. She works on studies which require the collection of data in the field; she writes reports which are factual and do not contain recommendations.
3. Alma Pugliese is a Staff Analyst in the Manpower Control Section of the Office of Planning, Evaluation and Control. She works on quarterly projections, which are based upon current information and past history, to determine the manpower needed in the cleaning and collection department. She works on special projects as they arise.

Department of Housing, Preservation and Development (HPD)

1. Eldy Correa is a provisional Staff Analyst in the Social Services Unit of the Relocation Division. She assists in the relocation of older senior citizens, which involves interviewing the tenant and recommending relocation to a shelter, nursing home or hospital. In addition, she makes sure that services provided by other city agencies (e.g., HRA) are offered to the relocated tenant.

2. Helen Goodine is a Staff Analyst in the Tremont Site Office of the Office of Property Management. Her duties include statistical research on the occupancy level for commercial and residential properties s", prepares monthly reports on the funds HPD receives from federal and state agencies. She assists Real Property Managers on special projects concerning issues about which she has knowledge.
3. Leopold Loher is a Staff Analyst in the Community Development Section. He gathers information on Section 8 housing and prepares the Section 8 Report, which lists properties that have been substantially rehabilitated and new construction in the field. In addition, he works on urban renewal plans and assists in the "map room".
4. Linda McAulev is a Staff Analyst in the Executive Unit of the Office of Development. She serves as computer liaison to the Department of City Planning Computer Center, which is where HPD's data base is located and monitored. She also serves as the personal computer coordinator for the Office of Development which entails assisting the staff in developing and executing computer programs and suggesting new computer equipment. In addition, she analyzes data generated from computer reports to make sure that the program is correct.

Comptroller's Office

1. Ira Gorfein is an Associate Staff Analyst in the Bond Section of the Accountancy Division. As the Unit Chief of the Bond Section, he is responsible for coordinating the information that is required for the sale of New York City bonds, which includes applicable

1. Ira Gorfein (continued)
local finance laws; probable period of usefulness; amount of money authorized for the project; amount of money already spent on the project and number of years payments are to be made. He controls all of the revenue that is derived from the sale of bonds. In addition, he supervises one employee in the title accountant.
2. Paula Miller is a Staff Analyst in Division K of the Bureau of Financial Audit. She conducts "investigative" audits which entails collecting data from various agencies, examining vouchers and purchase orders, analyzing the data and writing a report. The purpose of the audit is to determine whether bills are paid properly and to detect any fraud or irregularities.
3. Gregory Hackett is a Staff Analyst in the Administrative Services Bureau. He analyzes the telecommunications needs of the Agency. He determines the type of equipment required and makes recommendations on the type of equipment that should be ordered.

Taxi and Limousine Commission (TLC)

1. Phyllis Tica is a Staff Analyst in the Non-Medallion Section of the Legal Department. She compiles statistics related to summonses that have been issued (e.g., how many summonses there are, the number satisfied, the number withdrawn, the number submitted to the County Sheriff's Office).

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2. Edward Hall is a Staff Analyst in the Computer Service Division. He maintains the daily calendar of hearings held at the TLC; he compiles all of the available information on the licensee or medallion owner for each case. Also, he is responsible for the daily, weekly and monthly statistics on the disposition of each case heard at the TLC. These statistics are incorporated into the Mayor's Management Report.

Off-Track Betting Corporation (OTB)

1. Irving Leibowitz is a Staff Analyst in the Facilities Department. He is responsible for the payroll, petty cash fund, building permits and requirement contracts. He maintains the overtime records.
2. Joyce Drapala is a Staff Analyst in the Industry Research Division of the Planning Department. She gathers statistics on racetracks in the metropolitan area as well as the entire country; she performs analysis for the various departments within OTB on the current state of the racing industry. In addition, she supervises one employee in the title Office Clerk.

Department of Environmental Protection

1. Paul Henry is a Staff Analyst currently working in the Energy Use Group. His duties include making sure that the plants report their energy consumption on time; he digests the information received and writes reports, which take the form of charts and tables. The reports are factual and do not contain recommendations.

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Department of Health

1. Joseph Gapper is an Associate Staff Analyst in the Office of community Services. He works on the Community Board Budget Request and the District Resource Statement. He advises the Assistant Commissioner on matters pertaining to Community Boards and on special projects. As the Assistant Director of the office, he supervises eight employees in his supervisor's absence. However, "major decisions" are deferred until his supervisor returns.
2. Dejares Gantt is a Staff Analyst in the Evaluation Unit of the Office of Personal Health Services. She conducts audits of the Bureau of Child Health medical records.

Department of Employment

1. Steven Wright is a Staff Analyst in the office of Budget and Fiscal. He investigates the fiscal problems experienced by agencies contracted to train or employ the underprivileged population.

Department for the Aging

1. May Engler is an Associate Staff Analyst in the Research Unit of the Bureau of Research, Planning and Analysis. She works on reports pertaining to the elderly population, which are printed and made available to the public. In addition, she collects data which is used to prepare testimony on the Agency's policy toward proposed legislation.

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

Human Resources Administration (HRA)

1. Michael Phillips is an Associate Staff Analyst in the Division of Budget and Policy Analysis of the Department of General Social Services (DGSS). He is the Deputy Director of the Division. He oversees the preparation of the DGSS annual budget request; prepares the fiscal portion of the Consolidated Services Plan and produces the District Resource Statement. He works on special projects related to the budget and fiscal affairs of DGSS, and is called upon to discuss the implications of his findings and analysis with the Director of the Division, Deputy Administrator and other Executive Staff members. He oversees the execution of the Random Moment Survey, a cost claiming mechanism for state reimbursement, and trains those employees who conduct the survey. He oversees the Sub-Impress Funds audits. He directly supervises an Associate Staff Analyst who, in Decision No. 5-85, was found to be a managerial employee. He is designated as confidential because of his involvement in the preparation of the DGSS budget. He is also designated as managerial because he regularly participates in the essential processes by which policy proposals are formulated and put into effect.
2. Patrice Peltier is an Associate Staff Analyst in the office of Budget and Fiscal Affairs, Central Insurance Program. She oversees the "risk management system" which involves analyzing insurance utilization reports, reviewing the status of litigation and the

2. Patrice Peltier (Continued)
monthly reports to determine the amount of money expended for insurance coverage. She works on reports which evaluate areas to which constituent agencies may be at risk due to hazardous conditions and makes recommendations to reduce the risk. She serves as liaison with insurance brokers and carriers. In addition, she serves as the administrative officer of the program and oversees all personnel matters, including the approval of time and leave requests and disciplinary actions. She is a managerial and confidential employee.
3. William Borock is an Associate Staff Analyst in the Office of Community Affairs (OCA). His responsibilities include preparation of the "mission statement" which sets forth the future programs planned by the OCA. He attends meetings with Deputy Administrators at which OCA activities are discussed and future programs are developed. He coordinates the preparation of a monthly HRA Briefing Report for the Mayor's Community Assistance Unit and a quarterly Demographic Data Report. He has access to the Mayor's Town Hall briefing reports, which contain confidential information. Because he regularly participates in the essential processes by which policy proposals are formulated, he is designated as a managerial employee. Because he has access to confidential information that may impact on personnel policies, he is also designated as a confidential employee.
4. Arthur Horowitz is an Associate Staff Analyst in the Fiscal Operations Section of Special Services for Children, Office of Fiscal Management and Budget. He is the Deputy Director of Fiscal Operations. He directly supervises two special assistants and in-

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4. Arthur Horowitz (Continued)
directly supervises all of the employees in the section. He interviews employees and makes recommendations on whether they should be hired. He meets with union representatives to discuss staff members' complaints. He monitors expenditures and participates in high level meetings at which program changes are discussed. He is designated as both a confidential and a managerial employee.

Department of Environmental Protection

1. Marshall Green is a Staff Analyst in the Engineering Division of the Bureau of Air Resources. He prepares the Management Report for the Engineering Division. He oversees the collection of data for reports issued by the Director of Engineering's office; he reviews the reports to determine whether goals have been met and to spot trends which could result in shifts in personnel. He prepares the Public Sector Report which is used by the Environmental Control Board to determine whether public sector agencies are in compliance with the Pollution Code. He completes the performance evaluations of all full-time non-managerial employees in the Division and assists in the preparation of performance evaluations for managerial employees. He assists in the development of the Division's budget which entails collecting data, preparing statistical reports and analyzing the impact that policy changes will have on the budget. He is designated as both a confidential and a managerial employee.

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Department of Health

1. Edward Bourne is a Staff Analyst in the Office of Employment and Training of the Bureau of Personnel Management. As a personnel representative, he works with Bureau managers and directors to determine their personnel needs and recommends how these needs can best be filled. He participates in informal performance evaluation appeal hearings; he reviews performance evaluations and recommends whether a formal hearing should be held. He is responsible for developing new recruitment and performance evaluation procedures. He is designated as both 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. Donald Loggins is an Associate Staff Analyst in the Department of Social Services, Office of Data Processing, Division of Management Services - Personnel Management. His duties include writing managerial and non-managerial job descriptions. He interviews staff, compares their job descriptions to the Civil Service specifications and determines whether the position should be reclassified. He is a confidential employee.

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2. Sherrill Kraus is an Associate Staff Analyst in the Work Measurement and Analysis Unit of the Income Maintenance Operations Division. She works on "work measurement projects." Her duties on a recent project pertaining to caseload size and staffing needs included collecting data for entry into the computer; interviewing employees to determine how their job functions could be altered to make the division more efficient; summarizing data and recommending changes in the employees' job functions. In addition, she assists in the design of proposed projects and makes recommendations on how they can be implemented. She is designated as a confidential employee.
3. Norma Banks 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 is a confidential employee.
4. Peter Mastropolo is an Associate Staff Analyst in the office of Income Maintenance Operations. He is currently working in the Income Maintenance office of Training. He is responsible for the preparation of the Income Maintenance office of Training budget; he writes the "adjustment fix" to determine the number of staff necessary; he makes recommendations with respect to the hiring of staff for the projects he is in charge of. He also conducts research and prepares reports for the Director of the Training Office concerning training methods. He is a confidential employee.

5. Naresh Sharma is an Associate Staff Analyst in the Claim Reconciliation Unit of the Department of Social Services, Bureau of Budget. He analyzes all monthly expenses and claims related to the personnel, payroll for the Department of Social Services; he access to payroll information for all Department personnel. He also recommends changes in claim reporting procedures to reconcile abnormalities designated as a confidential employee.
6. Josette Kernizan is a Staff Analyst in the Division of Medicaid Transportation of the Medical Assistance Program (MAP). She is the Special Assistant to the Director of the Division. She works on special projects for the Director; writes procedures for the reimbursement of transportation costs; and serves as liaison between medical facilities, the City and the State. She collects personnel data on the Division's staff; evaluates personnel records and makes recommendations (e.g., whether a request for transfer should be granted). In addition, she attends the Deputy Administrator's "cabinet meetings" when the Director of the Division is unavailable. She is a confidential employee.
7. Temi Gluck is an Associate Staff Analyst in the Operations Audit Section of MAP, Program Budget Control Division. She conducts audits of the various sections of MAP which evaluate the utilization of staff, levels of supervision and organizational structure to determine whether the Section is in compliance with federal, state and MAP procedures; and whether the procedures are efficient and effective. She prepares reports which recommend changes in the audited section's procedures and organizational structure. In the Director's absence, she monitors the audits of MAP sections that are regularly conducted by the federal and state governments and by City agencies. In addition, she has been called upon to handle disciplinary matters in the Director's absence. She is designated as a confidential employee.

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8. Alan Mindel* is an Associate Staff Analyst in the Restricted Recipient Program of MAP. As the Deputy Director of the Restricted Recipient Program, he directly supervises a Staff Analyst and two PAA's who are responsible for the processing of referrals for the Program. In addition, he explains the program to providers, handles provider billing problems and meets monthly with State representatives, either alone or with the Director, to coordinate the State and City functions under the Program. He prepares a portion of the monthly HRA Management Report; and he has been designated as a Step I grievance officer. He is a confidential employee.
9. Laurette Bouchard is an Associate Staff Analyst in the Division of Project Management in the Office of Management Design. She is working with the Director of the Division of Management Systems on a plan to reorganize and expand that division. In addition, she works with high level division directors in the development of performance indicators and project goals. She is a confidential employee.
10. Michael Spector is an Associate Staff Analyst in the Division of Management Planning of the Department of Social Services, General Administration Services, Bureau of Project Services. His duties include editing and rewriting job descriptions and job classifications based upon material submitted by bureau directors. His work product is submitted to the General Administrative Services Director of Personnel. He is designated as a confidential employee.

* We take administrative notice of the fact that he was not listed as an Associate Staff Analyst on the latest available payroll printout; and City representatives have indicated that his current title is provisional Administrative Manager, M-I.

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11. Diane Hopsia is an Associate Staff Analyst in the same Division as Michael Spector (supra). She analyzes problems that arise within General Administrative Services and designs procedures to correct those problems. In addition, she works on salary scale studies which compare the salaries of employees performing similar work in the public versus the private sector. She is a confidential employee.
12. Eugene Calvert is an Associate Staff Analyst in the Office of Field Services of Special Services for Children, Administrative Office. He works with the Deputy Director on the development of case management guidelines; he processes the budget for submission to the office of Management Development. In addition, he performs statistical analysis for the Director regarding the number of on-going and new cases in each office and agency-wide, which are used by the Director to determine staffing levels at each field office. He is designated as a confidential employee.
13. Robert Crawford is an Associate Staff Analyst in the Management Services Unit of the Office of Facility operations. He is the Executive Assistant to the Director of Management Services, who is responsible for handling grievances pertaining to working conditions and meeting with union representatives to resolve such grievances. Mr. Crawford's duties include investigating problems at HRA offices (e.g., inadequate lighting) and recommending solutions to the problems. He is designated as a confidential employee.

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Police Department

1. Peter Ostapenko is a Staff Analyst in the Resource Analysis Section of the office of Management Analysis and Planning. He works on staffing level studies, which entails the evaluation of procedures and facilities to determine whether additional personnel or more efficient procedures are necessary. He also analyzes the duties of employees in specific job titles, which are used by the Office of Management and Budget to determine whether additional personnel are required in those titles. In addition, he answers correspondence directed to the Mayor and Police Commissioner; he assists in the preparation of briefing documents and other reports used by executives of the Police Department. He is a confidential employee.
2. Michael Light is a Staff Analyst in the Office of Equal Employment Opportunity. His duties include preparation of annual and quarterly reports pertaining to the Department's recruitment, hiring and promotion practices, which are used to determine whether the Department's practices comply with the requirements of Title VII of the Civil Rights Act of 1964. In addition, he serves as liaison between the Office of Equal Employment Opportunity and other units of the Department. He is designated as a confidential employee.
3. Ruth Green is a Staff Analyst in the Management Planning and Reporting Unit of the Office of Management Analysis and Planning. She works on budget reports which are used to determine the amount of money spent on specific programs and missions; she compares the actual and projected budget numbers and reports this information to the Commissioner, Mayor's Office of

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3. Ruth Green (Continued)

Operations and the City Comptroller's Office. She Works on special projects involving job analysis and personnel related problems; she coordinates the preparation of the Department's contribution to the Mayor's Management Report and the Executive Report. She is a confidential employee.

4. Madeline Kronish is a Staff Analyst in the Management Report Unit of the Office of Management Analysis and Planning. Her duties involve the verification of information submitted by the various units of the Department for the Mayor's Management Report. She also works on special projects (e.g., updating information pertaining to the Civilian Complaint Review Board so that it could be inputted on the computer). She is designated as a confidential employee.

5. William Wilkins is a Staff Analyst in the Civilian Complaint Review Board (CCRB), which investigates complaints lodged by citizens against police officers. He analyzes the number of complaints within the different categories of allegations; he prepares reports which explain the reasons for significant variations, where appropriate; and makes recommendations to reduce the number of complaints. In addition, he supervises a small staff, including employees in the titles Principal Administrative Associate (PAA) and Office Associate, who are responsible for providing monthly statistical data. He is a confidential employee.

6. Stanley Bernacke is a Staff Analyst in the Patrol Borough Manhattan North Section of the Patrol Services Bureau. He serves as the Personnel Officer of the Section in the absence of his supervisor, which includes acting upon requests for transfers from police

6. Stanley Bernacke (Continued)

officers and civilian employees; communicating with the precincts to determine the need for reallocation of personnel. He has frequent access to the confidential personnel files of employees assigned to the Section. In addition, he assists the planning officer in the preparation of monthly reports that set forth the planned activities for the command. He is a confidential employee.

7. Lillian Frango is a Staff Analyst in the Quality Control Section of the Office of the Chief of Department. She reviews the confidential investigations reports which describe the state of command for all precincts and all commanding officers; she alerts the Chief to precincts and commanding officers found to be working "below standard"; she requests that individuals and precincts be reinvestigated when necessary. She also prepares the Mayor's Management Report. She is designated as a confidential employee.

8. James Fessender is a Staff Analyst in the Analysis Unit of the Internal Affairs Division. As the Director of the Analysis Unit, he is responsible for briefing new commanding officers on the corruption status of their command. He has access to the identity of individuals who have been charged or who are being investigated; he is informed of the disposition of pending cases. He works on special projects involving in-depth studies of "corruption hazards" and makes recommendations which could result in a change in policy or procedure. He is a confidential employee.

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Off-Track Betting Corporation (OTB)

1. Carl Petrigno is a Staff Analyst in the Finance Section of the Computer Audit Division. His duties include auditing and evaluating OTB computer systems to ensure that the information is accurate and that only authorized personnel have access to the information. He has frequent access to confidential personnel files and financial information. He is a confidential employee.
2. Robert McCallum is a Staff Analyst in the Long Island ~ffi~tyCentral Repair Facility. He prepares the department's expense budget and the personnel overtime budget. He analyzes overtime records and prepares reports which are used to determine the department's manpower needs, manpower utilization and justification for replacing personnel. He is designated as a confidential employee.

Department of Sanitation

1. Shelia DiPolo is a Staff Analyst in the Advocate's Division of the Inspector General's office. Her duties include logging in charges against department employees for alleged violations of the Code of Discipline; and making sure that the proper person is assigned to investigate the matter. She acts as liaison with the Office of Labor Policy. She prepares reports on the status of pending cases; she has access to the hearing officer's report and recommendations; she handles appeals from the report and recommendations. In addition, she prepares reports on "problems in the field" which are used by the Deputy Inspector General to determine whether a rule or regulation should be changed or clarified. She is designated as a confidential employee.

- 2 - 4. Marilyn Moch and Herb Graetz are Associate Staff Analysts, and Armand Kaladjian is a Staff Analyst in the Labor-Management Committee Program of the Bureau of Motor Equipment, Production Control Division. They are "facilitators" for the approximately 23 Quality of Work Life Committees in the Department's Labor-Management Program. Each of the Staff and Associate Staff Analysts are responsible for five to six of the 23 committees. Their duties include developing the agenda, chairing committee meetings and recording the minutes of the meetings. They assist in the development and implementation of committee recommendations and attempt to work out compromises between labor and management committee representatives. They also gather and analyze statistical data to determine whether implementation of committee recommendations have led to operational improvements.

In addition, Ms. Mock supervises a small staff including employees in the titles Staff And Associate Staff Analyst and Office Associate in the Labor Management Committee Program. She reviews the minutes prepared by each of the facilitators and, when appropriate, coordinates their activities. They are designated as confidential employees.

Department of Housing, Preservation and Development (HPD)

1. Sharon Snell is a Staff Analyst in the Central Complaint Bureau of the Code Enforcement Division. She interviews prospective per them employees and makes recommendations with respect to hiring; she serves as liaison between per them employees and the Department's staff services office. She analyzes staffing needs and equipment utilization; she makes recommendations to improve the operational efficiency of the Bureau. In the absence of the Director and Deputy Director, she is in charge of the office. She is a confidential employee.

Department of Health

1. Daniel Keppel is a provisional Associate Staff Analyst in the Bureau of Lead Poisoning Control. His duties include analyzing whether or not the various sections of the bureau are functioning properly and, when they are not, recommending solutions to the problems uncovered. He is involved in personnel administration, which entails determining the type of position necessary to perform a particular function, level of pay, and method of recruitment. In addition, he supervises a staff, including employees in the titles Community Coordinator and Staff Analyst, who are responsible for monitoring the service contracts. 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. Jacob Silverstein is a provisional Associate Staff Analyst in the office of Special Projects of the Department of Social Services, Bureau of Income Maintenance. He is the Acting Deputy Director of the Electronic Payment File Transfer Program (EPFT). He writes procedures and evaluates the implementation of the EPFT Program. He manages the office of Food Stamps Physical Claims and the client relations section of the Photo Identification office. He is responsible for the day-to-day operation of the office; he determines priorities and writes office procedures. He interviews prospective employees and recommends which applicants should be hired. He is a managerial employee.

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2. Marva Castro* is a Staff Analyst in the office of Program Development of the Department of Social Services, Office of Policy and Program Development. She manages the Mayor's Scholarship Program and the Community Law Office Program. She evaluates the programs' effectiveness, prepares work plan charts and performs site visits. She provides technical assistance to the agencies connected with the programs. She prepares the budget for the programs, monitors their expenses and determines whether requests for budget modifications should be approved. She is a managerial employees.
3. John Dyer is an Associate Staff Analyst in the Office of Budget and Fiscal Affairs (OBFA) of the Department of Social Services, Bureau of Receivable, Analysis and Recoupment. He is currently working on the development of a system for conversion to the state-mandated Medicaid Management Information System (MMIS); he wrote the OBFA policy for advance payments under the MMIS. He works on projects which are designed to identify and recover overpayments made by HRA; he makes recommendations to improve HRA receivables. He assists in the developments of new OBFA projects; develops operating procedures for other HRA units and trains employees in the new procedures. He is designated as a managerial employee.
4. Cathy Berzin is a provisional Associate Staff Analyst in the Division of Management Services of the Department of General Social Services. She evaluates HRA policies and develops new systems and procedures (e.g., the protective services for adults procedure; eligibility screening rules for the Food Stamps, Medicaid and Income Maintenance programs). She determines the level of staff that should be assigned to particular types of cases. She is a managerial employee.

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

5. Kathleen Turner* is an Associate Staff Analyst in the Field Operations Administration Section of the Department of General Social Services. As the Special Assistant to the Director of Field Operations Administration, she acts as liaison with the Department of Investigation. She receives referrals from elected officials, community service agencies and clients concerning problems resulting from the intervention of social services employees and assigns those cases to borough managers for investigation; she determines whether social services employees have, in fact, failed to perform their duties properly and whether censure is warranted. In addition, she supervises a small staff, including employees in the titles PAA, Supervisor and secretary. She is a managerial employee.
6. Michael O. Sackey is an Associate Staff Analyst in the Estate Tracking Program of MAP, .Third-Party Recovery Unit. He created and currently manages the Estate Tracking Program. He sets the unit's goals and objectives; determines staffing needs; screens applicants for positions within the unit; and supervises the staff, including several Staff Analysts, assigned to the unit. He is designated as a managerial employee.
7. Denise Campbell is a provisional Associate Staff Analyst in the Quality Control Section of MAP. She is responsible for the day-to-day operation of the Quality Control Section; she supervises the staff; determines staffing needs; interviews applicants and makes hiring decisions. She analyzes State quality control findings; writes reports for agency manager-regarding their error rates and recommends corrective measures. She is a managerial employee.

We take Administrative notice of the fact that she was not listed on the latest available payroll printout.

8. Gerald Heller is an Associate Staff Analyst in the Transportation Planning Unit of the Medicaid Transportation Division. He reviews manuals and develops new procedures to make the Division function more efficiently. He reviews legislation and evaluates its effect on the goals and objectives of the Medicaid Transportation Division. He supervises a Staff Analyst. He is designated as a managerial employee.
9. Harrell Smith is an Associate Staff Analyst in the Management Planning Section. He serves as liaison between the executive staff (e.g., HRA Office of Operations, Deputy Mayor, Office of Management and Budget) and HRA program areas. He assists HRA program areas in developing their management plan and determines the sufficiency of agency targets. He reviews the draft management plan for the Commissioner and makes recommendations for improvements. He is a managerial employee.
10. Irwin Romaner is an Associate Staff Analyst in the same section as Harrell Smith (supra). He monitors the Office of Child Development, Crisis Intervention Services, Office of Legal Affairs and office of Policy and Program Development. He gathers and evaluates quantitative data pertaining to the programs' operation, productivity and finances. He prepares confidential status reports for the Commissioner; he attends meetings with HRA administrators at which the policies for these programs are formulated. He is designated as a managerial employee.
11. Carmilla McGuire is a Staff Analyst in the office of Procurement services, Bureau of Contracting Services. As the Deputy Director of the Bureau, she assumes the Director's responsibilities in his absence. She interviews applicants, either alone or with the Director, and recommends which applicants should be hired. In addition, she supervises a staff of employees in the titles of Office Associate and PAA. She is a managerial employee.

12. Florence Wagener is an Associate Staff Analyst in the Education and Employment Development Section of the Office of Policy and Program Development. She is the Deputy Director of the Section. She assists the Director in the development of new programs (e.g., a staff training program conducted by the Board of Education); she attends meetings with HRA program areas and outside agencies at which new programs are proposed and discussed. She performs statistical analyses to determine the kinds of programs that are needed. She is a managerial employee.
13. Janet Wedel is a provisional Associate Staff Analyst in the Office of Policy and Economic Research of the Office of Policy and Program Development. Her responsibilities as a Project Manager include designing research projects pertaining to the Public Assistance and Food Stamps Programs and overseeing their implementation. She prepares reports for the Commissioner which include recommendations. She performs the Director's supervisory duties in her absence; she interviews applicants and participates in hiring decisions. She is designated as a managerial employee.
14. Frederick C. Alexander is an Associate Staff Analyst in the Central Claims Unit of the Agency for Child Development, Management Division, Financial Operations. He is the Acting Director of the Unit.¹⁸ He participates in meetings at which future activities of the unit are planned. He directly supervises a staff of twenty-five employees; he interviews applicants and makes recommendations concerning the hiring of Unit staff. He is a managerial employee.

¹⁸ The former Director was a managerial employee.

15. Gilbert Grennie is a Staff Analyst in the Management Review Unit of the Office of Budget and Fiscal Affairs, Division of Contract Agency Finance. He oversees the day-to-day operation of the Unit and makes recommendations to improve the currently used systems. He acts as liaison with other agencies, city, state and federal, and responds to their audit reports; he ensures that the recommendations contained in the audit reports are implemented. He monitors the performance of delegate agencies to make sure they are in compliance with their contract; and makes recommendations to improve their operational efficiency. He is responsible for the preparation of the management report. He is a managerial employee.
16. George Gritzan is a Staff Analyst in the Input-Output Control Section of the Office of Data Processing. He develops the goals and objectives for the section; determines work priorities and makes recommendations on how the staff, which includes employees in the title Office Associate, should be utilized. He replaces his supervisor in her absence. He attends meetings with the Deputy Commissioner to discuss the performance of the Section; and makes recommendations to improve the operational efficiency of the Section. He is a managerial employee.
17. Margaret Saldok¹⁹ is an Associate Staff Analyst in the Systems Development Division of the Personnel Office. She meets with Division Heads to determine how their operating procedures could be made more efficient; she develops new automated systems and oversees their implementation (e.g., the City-wide management payroll system; payroll personnel system). She serves as liaison between the user and the programmer. She is a managerial employee.

¹⁹ This employee was to be decided in Decision No. 5-85.
See, Decision No. 5-85, p.23.

18. Richard Perlmutter is an Associate Staff Analyst in the office of Program Planning of Special Services for Children. He analyzes proposed city, state and federal legislation and recommends whether it should be supported or opposed. He is also responsible for compiling the agency's legislative proposals; he makes recommendations regarding the potential impact of the proposals. He is a managerial employee.

19. Mary Louise Flood is an Associate Staff Analyst in the Non-Neighborhood Development Area Elderly Program of the Community Development Agency, office of Contract Management and Operations. She oversees the administrative operation of 36 Senior Service Agencies; she conducts field visits and rates the agencies' performance; she makes recommendations regarding the efficiency of their programs; and she represents the agencies when they encounter problems with vendors. She performs statistical studies which analyze the relationship between the number and type of activities an agency was contracted to perform and their budget and staffing level. She attends meetings with the Commissioner, Deputy and Assistant Commissioners and Senior staff members at which program changes are discussed. She is a managerial employee.

Department of Environmental Protection (DEP)

1. Max Varon is an Associate Staff Analyst in the Executive Administration Section of the Bureau of Operating Services. He interviews applicants for new positions and makes recommendations with regard to hiring upon which the Director or Deputy Director of the Bureau act. He serves as liaison with the DEP Department of Personnel; he makes sure that all divisions of the Bureau comply with the Agency's per-

1. Max Varon (Continued)

sonnel rules and regulations. He monitors the Bureau's overtime expenditures; he assists the Deputy Director in allocating the overtime budget among the various divisions of the Bureau. He assists in the preparation of the budget. He also coordinates the Agency's real estate activities and, as a member of the Site Selection Committee, reviews prospective new sites and makes recommendations. He is a managerial employee.

2. Jacob Gelman is an Associate Staff Analyst in the Asbestos Control Program of the Bureau of Science and Technology, Special Projects Division. He is responsible for the preparation of the contract with the "sole source contractor"; he attends meetings with the Director of Special Projects and the contractor to discuss specific terms and conditions of the contract. He serves as liaison between DEP General Counsel and the contractor. Because he is involved in the essential process by which policy decisions with regard to the Asbestos Control Program are made, he is managerial.

Department of Finance

1. Sidney Mehl is an Associate Staff Analyst in the Water Enforcement Unit of the Tax Operations Division, Collections Division. As the Assistant Director of the Unit, he is responsible for supervising unit staff. He works on special research projects for the Commissioner. He researches taxpayers' complaints and formulates responses, which are reviewed and signed by the Commissioner or Deputy Commissioner. He is a managerial employee.

2. Alex Novack is a Staff Analyst in the Brooklyn City Collector's Office. He is the Assistant Brooklyn Deputy Collector and, as such, performs the duties of the Deputy Collector in her absence. He assists the Deputy Collector in planning new projects for the office and supervises the Brooklyn City Collector staff. In addition, he is in charge of the in rem unit, which monitors delinquent properties that are in danger of being foreclosed by the City. He is designated as a managerial employee.

Sanitation Department

1. Albert O'Leary is a Staff Analyst in the office of Public Affairs. As the Deputy Director of Public Affairs, he performs the duties of the Director in his absence. He attends staff meetings conducted by the Commissioner at which Department policy is developed and discussed; he makes recommendations on how Department policy should be publicized. He serves as liaison to elected officials and other City agencies. He is a managerial employee.

Department of General Services

1. David Houser is an Associate Staff Analyst in the Office of Telecommunications Control. He is the Project Manager responsible for the negotiation and purchase of a telephone system for the Civic Center area. He prepares requests for proposals; evaluates proposals submitted by vendors and makes recommendations on which vendors should be selected. He is a managerial employee.

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Department for the Aging

1. Roy Colihan is an Associate Staff Analyst in the Controller Division of the Bureau of Administration. As the Director of Grants Management, he oversees the financial administration of twenty grants. He analyzes current costs and projects future costs; he reviews requests for "advance funds" and makes recommendations for improvement in the procedure followed for advance fund requests. In addition, he supervises a small staff of employees. He is designated as a managerial employee.

Police Department

1. Eileen Bartky is an Associate Staff Analyst in the Resource Analysis Section of the Office of Management Analysis and Planning. She conducts studies and prepares management reports which analyze and evaluate Department programs, policies and procedures. She attends management team meetings and makes recommendations to improve Department programs, policies and procedures. She also responds, on behalf of the Mayor, Police Commissioner or the Police Department, to inquiries from citizens, other City agencies, police departments in other jurisdictions and private companies. She is designated as a managerial employee.

Department of Housing, Preservation and Development (HPD)

1. Carol Abramson is a Staff Analyst in the Request For Proposal Unit of the office of Development. She is involved in the process by which HPD disposes of City-owned land and property. She suggests the requirements to be included in the request for proposal; she advertises the available property; and analyzes the bids received for the review committee's use. She contacts the winner of the bid and stipulates all the terms and conditions with which they are required to comply. She is a managerial employee.

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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 administrative 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 job functions that require supervisory, professional, technical or clerical skills, which are necessary for the implementation of established policy.

Human Resources Administration

1. Daniel Jacobson is a Staff Analyst in the Computer Graphics Division of the office of Administration Services, Bureau of Information Services. He and the small staff he supervises which includes employees in the titles PAA, Office Associate and Office Machine Aide, work with computers to design publication graphics and forms.
2. Faith Stern is an Associate Staff Analyst in the User Test Site Monitoring Unit of the Welfare Management System (WMS). She supervises the Conversion Testing Group, which is responsible for converting the data

2. Faith Stern (Continued)

on-line in HRA so that it can be used in the Wms. She is a member of the Site Monitoring committee; assisted in drafting the Site Monitoring Manual; and provides written and oral reports to various committees comprised of State and City employees. She interviews prospective WMS employees and functions as the Project Manager when her supervisor is unavailable.

3. Ron Lehman is an Associate Staff Analyst in WMS. He compares manual and computerized reports to find the "quirks" in the system; writes reports listing errors in the system and makes recommendations on how the errors can be avoided and the system improved. He supervises approximately twelve employees, including a Supervisor III, Supervisor I, an Associate Clerk, three temporary employees and six wildcat employees. He conducts computer training programs for new temporary employees and employees from other sections.
4. Gerald S. Koszer is an Associate Staff Analyst in the Administration Unit. He is involved in the preparation of the Management Plan, which entails statistical analysis of data and the review and evaluation of targets listed in various department reports. He also evaluates Freedom of Information Act requests to determine whether they should be forwarded to the appropriate section or rejected based upon established guidelines.
5. Ronald Gray is a Staff Analyst in the Program Planning Division of MAP. He works on prepaid health services plans. Using state legislation as a guideline, he estimates the number of people to be enrolled, establishes the rates and the procedures to be followed by the medical providers. He represents

5. Ronald Gray (Continued)

MAP on the Greater New York Hospital Association Committee for Prepaid Health Services Plans and acts as a liaison to hospitals on the technical and legislative aspects of prepaid health services programs; reviews new legislation and evaluates its impact on Medicaid; works on short term projects (e.g., requests for data on medical utilization; Medicaid demographics).

6. Arthur Gaines is a Staff Analyst in the same section as Ronald Gray (supra). He analyzes the monthly Medical Assistance Management Report, reviews the "indicators" to determine how the different functional areas of MAP are performing and where problems may arise. He makes no recommendations with respect to the analysis he performs.

7. Elizabeth Borden is a Staff Analyst in the Estate Tracking Division of MAP, Third Party Recovery Unit. Her duties involve the recoupment of Medicaid payments made to hospitals and nursing homes following the death of the recipient.

8. Ida Sessa is a Staff Analyst in the Third Party Recovery unit of MAP. Through research, she determines what action the City can take to recover money from third-party sources. She serves as liaison with the Legal Department; negotiates small settlements and evaluates referrals from the County Public Administrators Office. In addition, she processes all checks received and performs bookkeeping tasks.

9. John Black is an Associate Staff Analyst in the Office of Home Care Services of MAP, Program Design and Development. He works on a report which evaluates the quality of services provided to home care recipients; participates in the development and tabulation of a questionnaire used to assess the quality of service; coordinates yearly home visit interviews with clients. He is also involved in the development and implementation of a manual case tracking system.
10. Una Delaney is an Associate Staff Analyst in the Contract Management Division of MAP. She performs cost analysis on new and renewed health care provider contracts; makes recommendations for new contract provisions; reviews reports pertaining to the quality of care rendered by health care providers; prepares reports on the type and cost of services; and follows up on grievances from service recipients.
11. Paul Lurie is a Staff Analyst employed in the same section as Una Delaney (supra), who is his immediate supervisor. He monitors two health care provider contracts and performs cost analysis. He surveys plan members to determine whether they are satisfied with the service received; he handles the grievances of dissatisfied plan members.
12. Andrew Lewis is an Associate Staff Analyst in the Health Insurance Division of MAP, Third Party Recovery Unit. He monitors "cost management programs" that detect whether Medicaid recipients are covered by private health insurance plans. He assists in the development of written procedures, which are used by the PAAs and Staff Analyst he supervises, to evaluate whether the programs are cost effective; he prepares reports on the cost effectiveness of the program.

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13. Irving Philips is an Associate Staff Analyst in the Financial Analysis Section of MAP. He reviews requests for out of pocket reimbursement; reviews medicaid contracts and program evaluations; and assists in the technical preparation of the budget.
14. Renee Bash is an Associate Staff Analyst in the Office of Policy Analysis and Services Planning in the Department of General Social Services. She reviews state and federal legislation, reports and bulletins and marks those section which pertain to HRA programs. She prepares reports on the "needs analysis" for certain services provided by the Agency. She works on the Consolidated Services Plan which involves preparation of a narrative section and quantitative reports.
15. Linda Erickson is an Associate Staff Analyst in the Bureau of Computer operations of the Department of General Social Services. Her office title is Manager of Systems Development, and her duties include the modification of on going and special systems. She determines how information can be obtained, evaluates reports to determine whether they meet the needs of the user and identifies trends in the information reported. In addition, she makes recommendations with regard to the acquisition of new equipment.
16. Alan Linett is a Staff Analyst in the Division of Management Services of the Department of Social Services (DSS). He conducts management audits at DSS District Offices to determine whether the proper procedures are being followed. He generates reports from the summary findings, which may recommend that a procedure be changed.

17. Alexander Gelleri is an Associate Staff Analyst in the Office of Management Planning of the Division of Management Services. His duties include compiling information and performing statistical analysis for the monthly field operations management report. In addition, he edits all reports produced by the office.
18. Elizabeth Kearney is an Associate Staff Analyst in the Bureau of Receivables, Analysis and Recoupment of DSS. She tracks advances paid to providers in the medical payments program area. She has access to year to date expenditures, which does not include personnel related expenses.
19. Bernard Gold is an Associate Staff Analyst in the Office of Program Development. He writes requests for proposals for new programs, which includes an analysis of the needs of the targeted population, the services to be provided and a proposed budget. He trains new employees on an informal basis, and offers suggestions to improve the efficiency of his office.
- 20 & 21. Silvio Dobry and Luvenia Pinson are Associate Staff Analysts employed in the same section and perform the same duties as Bernard Gold (supra).
22. William F. Ray is an Associate Staff Analyst in the office of Management Analysis of Special Services for Children (SSC). His duties involve the placement of foster children in educational programs. He gathers research data for reports on the foster care population, and responds to requests for information concerning the education of foster children in and out of New York City.

23. Jerome Marks* is an Associate Staff Analyst in the Office of Placement and Accountability of SSC, Office of Management Analysis. He monitors the in-flow and out-flow of data pertaining to the placement of foster children in New York State; determines whether the state's standards are being complied with; and makes recommendations for greater efficiency in the foster children placement system.
24. Tsvi Atik is an Associate Staff Analyst in the Department of Computer Services of SSC. He is responsible for the development of new computer systems (e.g., a personnel tracking system). He analyzes data to make sure it is accurate and that the new system is functioning properly.
25. Margaret Bunstead is a provisional Associate Staff Analyst in the State Mandate Systems Unit of SSC. She is responsible for the implementation of the state-wide WMS/Child Care Review Services System. She participates in the development of procedures for implementation of the system and performs data base corrections. She evaluates per them employees to determine their job assignments. As the User Liaison, she responds to inquiries and exchanges information with other agenices and counties throughout the state.
26. Georgia Wever is an Associate Staff Analyst in the Division of Legislative Analysis and Legal Liaison of Family and Adult Services (FAS), Bureau of Management Systems, Program Research and Evaluation. She re-

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

26. Georgia Wever (Continued)
views state and federally proposed legislation, regulations and administrative directives to determine whether they will have an impact on FAS programs. She meets with program heads or their designated representatives to gather information required by the state for the FAS Three Year Service Plan. She monitors various improvement projects and reports whether they have met their previously established milestones and completion dates.
27. Mark Travitsky is an Associate Staff Analyst in the Department of Management operations of the Agency for Child Development. He functions as an "in-house consultant and writing specialist". He prepares requests for proposals and technical correspondence; he gives advice to other staff members on how to draft contract specifications.
28. Helene Liebman is an Associate Staff Analyst in the Agency for Child Development. She functions as an "internal consultant" to the Head Start Program, which entails the development of procedures to reduce the complexity of the work flow and to improve the cost effectiveness of delegate agency operations
29. Jennie D. Siff is a Staff Analyst in the office of Policy and Economic Research. She serves as liaison with HRA programs and coordinates the information they submit for the annual District Resource Statement, which provides information about all HRA programs at the community district level. In addition, she monitors a planning, research and analysis contract.

30. Nancy Wallace-Bailey is a Staff Analyst in the Division of Policy and Program Development, Office of Program Evaluation. As a research associate, her duties include gathering information and writing reports on the various programs run by the agency. The reports, which make no recommendations, are used by the Director and Deputy Administrator to determine whether programs are effective and whether they should be continued.
31. Pearlie Mennell is a Staff Analyst in the Assessment and Training Unit of the Bureau of Employment Services. She supervises a small staff of testers, caseworkers and clerical employees. (The testers determine whether home relief clients are employable; the caseworkers refer clients who are employable to training programs, and the clerical staff collects data for bi-weekly reports). She initiates and maintains contact with outside referral agencies.
32. Janet Shelden is a Staff Analyst in the Income Maintenance Program. She is working on a pilot program which is designed to determine whether public assistance recipients are concealing income. Once the pilot program is completed, she will be responsible for the preparation of the final report, including a statistical and cost benefit analysis of the program.
33. Elsie Ward is an Associate Staff Analyst in the Office of Contract and Management Services of the Income Maintenance Program. She is a contract manager and her duties include writing contract specifications based upon established guidelines, supervising the bidding process, identifying vendors, and monitoring the payments and services provided under the contract. In addition, she supervises two PAAs and a Staff Analyst.

34. Beth Ifeller is an Associate Staff Analyst in the Employee Participation Unit of the office of Personnel Services, Division of Employee Relations. As the coordinator of the Employee Participation Unit, she oversees the activities of several on-going programs, such as the Employee Blood Program, Employee Clubs and Organizations Program and the Employee Suggestion Program. She is responsible for the marketing of the programs; and she makes suggestions for procedural changes in how the programs are run. In regard to the Employee Suggestion Program, she meets with the Award Committee and presents the suggestions which have been recommended for an award. In addition, she recommends the amount of money that should be given as an award. These recommendations are based upon the amount of money the City could save by implementing the suggestion.
35. Carlton Baldwin is an Associate Staff Analyst in the Division of Policies and Procedures of the Bureau of Information Services. His duties involve writing, editing and modifying agency documents, including HRA informationals, procedures and executive orders. He does not determine the content of the documents; rather, he ensures that they are formulated properly and grammatically correct. In addition, as Acting Director of the Division, he supervises a small staff, including employees in the titles Office Aide, Office Associate, PAA, Supervisor and Staff Analyst, and monitors their work.
36. Carol Francis Windsor is an Associate Staff Analyst in the Office of Budget and Fiscal Affairs (OBFA), Bureau of Receivables) Analysis and Recoupment investigates various types of programs run by the agency to determine whether they could be managed more efficiently, he prepares reports and, based on the results of his investigation, makes recommendations for changes in the administrative and fiscal management of the program.

37. Thomas Bishop is an Associate Staff Analyst employed in the same Bureau and performs the same duties as Carol Francis Windsor (supra). Unlike Windsor, who investigates various types of programs, Bishop has worked exclusively on programs involving the administration of Medicaid funds.
38. Samuel Berry is a Staff Analyst in the Contracting Unit of the Bureau of Audit Review and Contracting, Office of Audit Services. The function of the Unit is to contract with certified public accounting (CPA) firms to audit HRA programs which are federally funded. His duties as a contract manager include preparation of requests for proposals; meeting with representatives of program areas to be audited to determine whether there are any special requirements that should be included in the proposal; grouping the various programs into "lots" for submission to CPA firms for competitive bidding; and monitoring the progress of each contract. In addition, he coordinates the data to be inputted into the computer system and recommends changes in procedures for computer utilization.
39. Nikki Springer is an Associate Staff Analyst in the Office of Systems Analysis of Adult Services, Office of Management. As the Director of the Office of Systems Analysis, she supervises a small staff, including employees in the titles Senior Auditor of Accounts and Word Processor, who monitor the number of full time and per them employees assigned to Adult Services. She oversees the preparation of the monthly Head Count Report which is used to determine the budget for each responsibility center.
40. Anthony Penel is an Associate Staff Analyst in the Technical Assistance Unit of the Bureau of Purchase Services. His duties involve reviewing the budgets of private non-profit senior centers; auditing their books to ensure compliance with the guidelines and regulations set by the Bureau of Special Services and assisting them in the management of their staff personnel.

41. Diane Cancel is an Associate Staff Analyst in the Community Development Agency, Office of Policy Analysis and Program Development. She, along with the small staff she supervises, which includes employees in the titles Senior Human Resources Specialist, Human Resources Specialist, Community Associate and Office Aide, provides training and technical assistance to agencies using the Management Information System (MIS); she designs MIS forms; and serves as liaison with the HRA Office of Data Processing.

Police Department

1. Barney Puleo is a Staff Analyst in the Resource Analysis Section of the Office of Management Analysis and Planning. He coordinates the Employee Suggestion Program. He reviews suggestions to determine whether they meet the criteria for an award established by the New York City Department of Personnel Employee Suggestion and Incentive Program; he sends the suggestion to the appropriate unit for review and, based upon their analysis, the suggestion is accepted or rejected.
2. John Stein is a Staff Analyst in the Resource Analysis Section #6 of the Office of Management Analysis and Planning. He works on special projects (e.g., fair treatment standards for crime victims; determination of types of non-lethal weapons available for use in dealing with emotionally disturbed people) which involves the collection and analysis of data. He writes reports which generally contain recommendations based upon his research.
3. Ronald Willdigg is an Associate Staff Analyst in the Management Orders and Directives Section of the Office of Management Analysis. His duties involve researching and analyzing changes in the Patrol Guide procedures; and drafting language to implement those changes in procedures.

4. Arthur Haimo is an Associate Staff Analyst in the Crime Analysis Program Planning Section of the Office of Management Analysis and Planning. He reviews crime data audits and recommends procedural changes for the collection of crime data. He works on special projects pertaining to the analysis of crime (e.g., the effect of crime in a particular precinct). He supervises a small staff, including employees in the titles Police Officer, PAA and Staff Analyst and, in addition, spends a small percentage of time teaching statistics to other employees in his section and in the Department.
5. Walter Somerville is a Staff Analyst in the Program Liaison Section of the Patrol Services Bureau. He performs clerical functions related to the transfer and reallocation of personnel. He forwards the list of transfers to the Personnel Department; he checks the paperwork and makes sure that the proper procedures have been followed. In addition, he conducts field surveys and, thereafter, compiles the data obtained from the survey.
6. Joseph Garber is a Staff Analyst in the Patrol Borough Brooklyn North Section of the Patrol Services Bureau. He coordinates the patrol wagon availability; he maintains a list of activities responded to and their disposition. He is responsible for notifying the precincts, borough commands and police headquarters about "spontaneous ongoing situations" that have been called in. He writes memoranda, which quote Department policy on the particular subject that is being addressed; but he plays no role in setting the policy. Also, he works on special projects (e.g., a time and motion study of the mail room to improve the service).

7. Herbert Chenalloy is a Staff Analyst in the Administrative Section of the Court Division. He is responsible for gathering statistics from the Court Division sub-units to determine the number of man-hours saved by implementation of the Court Alert System. This information is included in the Mayor's Management Report. He researches and writes operations orders and procedures pertaining to how police officers are to present themselves for court appearances.

- B. John Maroney is a Staff Analyst in the Management and Control Section of the Support Services Bureau. He is responsible for coordinating and reviewing budgetary information submitted by the sub-units for inclusion in the bureau's monthly reports to the Office of Management Analysis. He prepares the support services portion of the Executive Management report. In addition, he performs "work analysis" and recommends whether procedures should be changed or eliminated to achieve greater efficiency.

Off-Track Betting (OTB)

- 1-3. Linda Coleman, Ashlan Harlan and Diana Chin are Staff Analysts employed in the Corporate Research Department. Their duties include the development of questionnaires for research projects concerning such subjects as community relations, the effectiveness of OTB advertising and whether a new feature or service should be introduced in the OTB system or at selected branches. They analyze the data obtained from the questionnaires and write reports

1-3. Linda Coleman, Ashlan Harlan and Diana Chin (Continued)

which contain recommendations that "generally follow naturally from the surveys and statistics". They also work on site evaluation reports which provide statistics, such as the "handle" or amount of money collected, and an analysis of the advantages of the site being evaluated. These reports are used to determine whether or not a lease should be renewed.

In addition, Diana Chin supervises the field staff responsible for administering the questionnaires. She also acts as liaison with the computer department which tabulates the data.

4. Wendy Gimple is a Staff Analyst in the Real Estate Department. Her duties involve determining whether problems that arise at the branch offices are the responsibility of the landlord, and if not, whether the problem can be resolved by the Facilities Department. She interacts with landlords to ensure that they fulfill their responsibilities under the the terms. and conditions of the lease agreement.
5. Josephine Mezzacappa is a Staff Analyst in the Office of Purchasing and Contracts of the Administration Department. She oversees the bidding process, which entails setting up bid openings and responding to questions from contractors and vendors. She works on special projects (e.g., investigations of firms to determine whether the OTB has done business with them in the past). She supervises three typists and one receptionist; completes their performance evaluations; and approves their leave requests.

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Department of Environmental Protection (DEP)

1. Frederick Ranzoni is a provisional Associate Staff Analyst in the Bureau of Operating Services. His duties as the Telephone Coordinator for the Agency include reviewing requests for additions and changes in the telecommunications system to determine whether it is necessary and how much it will cost. He fills out request forms so that the City can obtain purchase orders; he contacts telephone companies to ascertain the status of orders. He also acts as liaison with the Department of General Services, Office of Telecommunications Control.
2. Mark Simon is a Staff Analyst in the office of Environmental Impact of the Bureau of Planning and Enforcement. He is responsible for coordinating environmental impact reviews. He determines which technical groups should review a project; compiles comments and, thereafter, makes a "declaration" finding either that there will be or there will not be an impact on the environment as a result of the proposed project. He also performs statistical analysis comparing the projected versus the actual number of days it took to complete a project.
3. Bernard Tuchman is an Associate Staff Analyst in the State Implementation Plan Compliance Section of the Bureau of Science and Technology. He, along with a small staff he supervises, including employees in the titles Senior Highway Specialist, Highway Specialist and Research Scientist, monitor the City's compliance with the Clean Air Act. He acts as liaison with the Department of Transportation Air Quality Group, which is responsible for reducing traffic congestion in locations that have been designated as "hard core hot spots". He reports on the progress of studies that measure whether the City is in compliance with the mandated deadlines and standards set by the Environmental Protection Act and the State Implementation Plan.

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4. Paul Roth is an Associate Staff Analyst in the Information Resource Management Unit of the Bureau of Water Supply, Division of Administration. His duties involve implementation of computer processes in support of the mission of the agency and the bureau. He works with a "committee of users"; he assesses the types of computer equipment that are available and recommends which type should be purchased.

Department of Housing, Preservation and
Development (HPD)

1. Daniel Greenberg is a provisional Staff Analyst in the Central Division of the Neighborhood Preservation Office. His duties involve preparation of statistical reports for the Mayor's Management Report; recording information; computer programming; and directing loan activity problems to the appropriate neighborhood offices. He also supervises interns and volunteers and coordinates their activities.
2. David Klipstein is an Associate Staff Analyst in the Project Services Office of the Fiscal Affairs Division. His responsibilities involve gathering information from housing companies for tax certification purposes. He works on special projects, which generally involve data gathering functions. He trains employees in the use of the Department of Finance computer terminal located at HPD and, when necessary, assists in the development of computer programs.

3. George Gentsch is a Staff Analyst in the Office of the Commissioner. He oversees the preparation of HPD's monthly management plan; he coordinates each program's contribution to the report; puts page numbers on the report and has it xeroxed. He reviews the monthly plan and prepares a summary for the Commissioner. He acts as liaison with the Mayor's Office of Operations.

4. Deanna Feder is an Associate Staff Analyst in the Office of Property Management. She coordinates the responses of the various divisions of HPD for audits conducted by the Department of Housing and Urban Development and the New York City Comptroller's Office. She works on statistical studies and reports pertaining to the management of City owned buildings; she gathers information on the availability of apartments for the homeless; and she works on special reports which may contain recommendations (e.g., investigations of the backlog in the tenant, legal affairs unit, which recommended changes in the structure of the unit that would enable it to run more smoothly).

Department of Employment

1. Joyce Bialik is an Associate Staff Analyst in the office of Evaluation of the office of Review, Evaluation and Planning. Her duties include the preparation of quarterly reports which compare the Department's actual performance with the official performance measures. She trains the small staff that she supervises, which includes employees in the titles Office Associate, Employment Planning Specialist and Principal Human Resources Specialist in the use of statistical and quantitative analysis. She analyzes the need for child care among applicants for employment and training services; and evaluates the effectiveness of employment and training programs for refugees.

2. Thomas Anderson is an Associate Staff Analyst in the Systems Development and Design Unit of the Office of Production, Control and Reporting. He is responsible for analyzing and reviewing proposed changes in the way data is recorded and stored to ensure that it meets legislative requirements. He works on computer programs and directly supervises a computer programmer. He maintains all Department records and produces reports for the various divisions of the Department.
3. Victor Swift is a Staff Analyst in the Adult Division. He monitors the fiscal and programmatic aspects of five employment and training contracts. He reviews requests for budget modifications and recommends whether the request should be accepted or rejected. He reviews requests for proposals and makes recommendations based on the "guide book" specifications.
4. Judy Balos is an Associate Staff Analyst in the Office of Staff Development and Technical Assistance. She designs the curriculum for training programs; conducts and evaluates training programs. She also recommends new training courses to the Director of the Office.

Department of Finance

1. Lewis Greenstein is an Associate staff Analyst in the Appraisal Research Division of the Real Property Assessment Bureau. He is responsible for maintaining quality control on data related to the value of real property throughout the City; he works on "regression analysis and prediction models" to develop a uniform assessment system.

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2. Greg Goldstein is a provisional Associate Staff Analyst in the Appraisal Research Division. He, along with a team of researchers, is working on a project which is designed to appraise all one, two and three family residential houses in the five boroughs. He compiles the data collected and, using microcomputers, determines the estimated value of all residential houses.
3. Francine Sardone is a Staff Analyst in the Management Information Systems Unit of the Treasury Bureau. She performs cash-flow analysis. In addition, she interviews students for College Aid positions and assigns and monitors their work.

Comptroller's Office

1. Edward Kontos is an Associate Staff Analyst in the Accounting Directives Unit of the Bureau of Management and Accounting Systems. His responsibilities include researching and writing directives that have been revised by the Comptroller's office (e.g., Financial Integrity Directive; Purchasing Directive; Accounting Services Directive). He acts as liaison with the New York State Office of the Special Deputy Comptroller and the Municipal Assistance Corporation to ascertain the City's costs. He reviews Fire Department Bonds and, as required under the City Charter, verifies the surety's ability to handle the bonds they have issued.
2. Andrew Lettieri is a Staff Analyst in the Management Audit Bureau. As a field auditor, his duties include collecting and analyzing data pertaining to the performance of the various units of the Comptroller's office. He works on draft reports which make recommendations for changes in procedures.

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Department of Health

1. Clifford Allen is an Associate Staff Analyst in the Central Office of Prison Health Services. As the Office Manager, he serves as liaison with the various units in Prison Health Services and resolves administrative problems (e.g., leaks in the building). He reviews the other than personnel services budget and determines whether there are sufficient funds to operate for the year; he prepares requisition forms. He supervises a small staff of employees and evaluates their performance.
2. Sheila Green is a Staff Analyst in the Contract Evaluation Unit. She coordinates the activities of the team responsible for evaluating health care contracts and programs, which include site visits and exit conferences. She works on statistical and financial reports which analyze the programs and makes recommendations for improvements in the program that may be implemented when the contract is renewed.

Department for the Aging

1. Barbara Hanrieder is an Associate Staff Analyst in the Research Planning and Policy Analysis Bureau. She reviews census data and prepares reports which set forth changes in demographic trends. She works on research reports that are used by the Department to make decisions about current and prospective programs.

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Commission on Human Rights

1. Joan Henry is a Staff Analyst in the Office Management Unit of the Administrative services Division. As the Deputy Director of office Management, she oversees the day to day activities of the office and makes sure that the proper procedures, such as the ordering of office supplies, are followed.

Department of Sanitation

- 1-3. John DeFilippo and Jack Beasley are Staff Analysts and Vincent Cheeseman is an Associate Staff Analyst in the Analysis Unit of the Bureau of Motor Equipment, Production Control Division. They evaluate Bureau employee suggestions to determine whether their implementation will yield a cost-savings to the Department. In addition, they perform cost-analysis on all Department equipment, except sanitation trucks.
- 4-6. George Burnett is an Associate Staff Analyst and John Sellers and Mark Miller are Staff Analysts in The Profit Center Unit of the Bureau of Motor Equipment, Production Control Division. They review the production, material and labor "sheets" to determine how much it costs the Department to run the Central Repair Shop on a weekly, bi-weekly and monthly basis.

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B. Additional Titles

The status of the following employees in the titles Program Research Analyst and Quantitative Analyst is contested. We find that their designation as managerial and/or confidential is warranted by the record.

1. James McQuade is a Program Research Analyst²⁰ in the General Administrative Services Division of the HRA. He represents his supervisor, an Assistant Administrator, at meetings and conferences that his supervisor cannot personally attend. He is involved in the preparation of the budget as it relates to buildings, maintenance and telecommunications. He determines current costs and makes projections and recommendations for the succeeding budget period. He also functions as a "resource person" for his supervisor who is authorized to make decisions on health and safety grievances at Step II of the grievance-arbitration procedure. Because he regularly participates in the essential process which results in the formulation of policy proposals and the decision to put such proposals into effect, he is managerial. In addition, he is confidential due to his involvement with health and safety grievances.
2. Naresh Shah is a Quantitative Analyst in the Resources Analysis Section of the Police Department, office of Management Analysis and Planning. He works on studies which analyze the number and types of calls for police

²⁰ Mr. McQuade stated that he was an Associate Staff Analyst. We note, however, that his name appeared on the most recent City of New York Payroll System printout as a Program Research Analyst.

2. Naresh Shah (Continued)

service, and makes recommendations to the Chief of Operations and the Personnel Department regarding manpower allocation and redistribution. He makes recommendations on the assignment of new police academy graduates. He performs statistical analysis on the operation of police department units and divisions, and makes recommendations for improvements. In addition, he works on cost analysis of police salaries and fringe benefits based on information provided by the personnel department. Because he has access to confidential personnel records and the studies he works on and the recommendations he makes have an impact on personnel administration, he is confidential.

The record does not support the designation as managerial or confidential of the following employees in the title Program Research Analyst.

1. Milton G. Campbell is a Program Research Analyst in the Management Records Unit of the Police Department, Office of Management Analysis, Management Procedures Section. He surveys department records and makes recommendations concerning the length of time they should be retained.
2. Haydee Inclan is a Program Research Analyst in the Evaluation Unit of the Department of Health, Office of Personal Health Services. She prepares reports which evaluate the services provided to patients at various City clinics. The reports compare the current year's data with evaluations performed for previous years; they do not contain recommendations for change. She also designs statistical tables for future data collection by auditors, but makes no determination regarding the type of data to be collected.

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3. Carlos Wallace is a Program Research Analyst in the Department of Health, Office of Data Processing. He prepares program modification plans, which include estimates of the time and manpower necessary to implement the changes. Upon the approval of the Director of the Office, he implements the modifications. In addition, he reviews data processing programs to verify that they have been updated properly and that the operators are using the most current programs.
2. David Fleischmann is a Program Research Analyst in the Division of Public Affairs and Information of the HRA, Department of Social Services. He writes and edits brochures, pamphlets and reports about HRA programs which are distributed to the public.

We make no finding with respect to the public employee status of J. B. Gormley, J. M. Svrcek or D. C. Golos. Although these employees are still listed in the titles Program Research Analyst or Quantitative Analyst, the City has neither produced evidence or argument nor stated its position with respect to these employees.

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

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86.

Section 1173-4.1 of the New York City Collective Bargaining Law, it is hereby

DETERMINED, that the 39 Staff Analysts and Associate Staff Analysts listed at pages 16 to 26 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 50 Staff Analysts and Associate Staff Analysts listed at pages 26 to 37 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 6 Staff Analysts and Associate Staff Analysts listed at pages 38 to 41 of our decision herein are managerial and confidential, and therefore are not eligible for collective bargaining; and it is further

DETERMINED, that the 29 Staff Analysts and Associate Staff Analysts listed at pages 41 to 51 of our decision herein are confidential, and therefore are not eligible for collective bargaining; and it is further

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87.

DETERMINED, that the 28 Staff Analysts and Associate Staff Analysts listed at pages 51 to 60 of our decision herein are managerial, and therefore are not eligible for collective bargaining; and it is further

DETERMINED, that the 81 Staff Analysts and Associate Staff Analysts listed at pages 61 to 82 of our decision herein are not managerial or confidential, and therefore are eligible for collective bargaining; and it is further

DETERMINED, that the Program Research Analyst and the Quantitative Analyst listed on page 83 to 84 of our decision herein are managerial and/or confidential, and therefore are not eligible for collective bargaining; and it is further

DETERMINED, that the 4 Program Research Analysts listed at pages 84 to 85 of our decision herein are not managerial or confidential, and therefore are eligible for collective bargaining; and it is further

ORDERED, that the 102 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

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88.

ORDERED, that the 131 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 it is further

ORDERED, that the Program Research Analyst and the Quantitative Analyst 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 4 Program Research Analysts referred to hereinabove and determined not to be managerial or confidential be, and the same hereby are, declared eligible for collective bargaining.

DATED: New York, N.Y.
July 7, 1986

ARVID ANDERSON
CHAIRMAN

MILTON FRIEDMAN
MEMBER

DANIEL G. COLLINS
MEMBER