

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

- - - - - X

In the Matter of

PARKS POLICY COMMITTEE, DISTRICT  
COUNCIL 37, AFSCME, AFL-CIO

Decision No. 26-69

Docket No. R-19-67

-and-

THE CITY OF NEW YORK

- - - - - X

DECISION AND ORDER

On February 15, 1967, Local 149, District Council 37, AFSCME, AFL-CIO, herein called Petitioner, filed a petition with the New York City Department of Labor requesting certification as the collective bargaining representative for employees in the title Supervisor of Menagerie, all of whom are employed in the New York City Department of Parks.

The proceeding was transferred to the Board of Certification pursuant to Rule 13.13 of the Consolidated Rules of the Office of Collective Bargaining. By order of the Board the matter was consolidated, for purposes of hearing, with another proceeding filed by Petitioner involving Assistant Park Directors employed in the Department of Parks. In each case the City of New York has alleged that the titles are managerial and not entitled to bargain collectively.

A consolidated hearing was held before Malcolm D. MacDonald, Esquire, Trial Examiner, on October 3 and 4, 1968.

Upon consideration of the entire record herein, the Board renders the following Decision:

I\_ Managerial Status of Employees

The City contends that the employees here concerned are managerial-executive employees and are therefore not entitled to bargain collectively..

The title Supervisor of Menagerie is in the competitive class of positions in the Civil Service. There are three persons in this title in the employ of the City of New York. One is in charge of the Central Park Zoo in Manhattan, one is in charge of the zoo in Prospect Park, Brooklyn, and one is in charge of the Flushing Meadow Zoo in Queens.

Supervisors of Menagerie wear a uniform identical with that worn by other Parks Department employees and receive the same uniform allowance. They work from 8 a.m. to 5 p.m.,

5 days a week and receive compensatory time off for overtime.

The salary range for the title is from \$48,200 to \$10,300 per annum. In the hierarchy of the Parks Department the title is at fifth descending level of supervision. Supervisors of Menagerie direct the work of Senior Menagerie Keepers, whose duties are supervisory, and Menagerie Keepers.

The City introduced in evidence the job specification for the title and the testimony of one witness that the specification accurately described the title and its duties. No further testimony or evidence was offered in support of the contention that the title is managerial.

The duties of Supervisors of Menagerie are described in the Job Specifications for the title, under the heading "Examples of Typical Task" , as follows:

"Plans, coordinate directs and supervises the activities of Senior Menagerie Keepers, Menagerie Keepers and other subordinates, with responsibility for the management, operation, routine maintenance of one or new zoos departments. Instructs subordinates in all phases of their work.

Prepares and checks diets of animals. Determines quantity and quality of food needed, requisitions it, and directs its distribution.

Recommends major repairs, changes, and improvements in zoo buildings and facilities. Confers with engineers and architects on the design and construction of animal housing. Estimates and requisitions material needed for major repairs.

Verifies illness of animals and consults with a veterinarian, when necessary. Administers medications and directs the following of veterinarian's instructions as regards care and treatment of sick or new-born animals.

Arranges for the acquisition or disposal of animals. Maintains contract with other zoos, animal dealers, etc., and negotiates the sale and purchase of animals.

Keeps complete records of personnel, animals, food and materials.

Plans or approves work schedules and assignments.

Performs related work as scheduled."

The testimony of witnesses for Petitioner showed that Supervisors of Menagerie have little or no authority to take independent or unreviewed action of a significant nature. Moreover, the job specification, even if it is assumed to be entirely accurate, does not constitute on its face a sufficient basis for a finding that the title is managerial. Accordingly, and on the basis of the entire record herein, we find and conclude that Supervisors of Menagerie are not managerial-executive employees and that they are supervisory employees.

## II. The Appropriate Unit and Representative Status

Petitioner is the collective bargaining agent, under Certificate 1 NYCDL 11 issued by the New York City Department of Labor, of a unit covering various supervisory titles in the Department of Parks, including Senior Menagerie Keeper which is in the line of promotion with the title here involved. They perform related tasks in the operations of the Parks Department and there is a patent community of interest among them.

Our investigation discloses that a majority of employees in the title "Supervisor of Menagerie" have authorized the check-off of dues in favor of Petitioner. We find, therefore, that Petitioner has been designated and selected as their collective bargaining representative by a majority of the said employees.

Accordingly, we will add the title Supervisor of Menagerie to Certification No. 1 NYCDL 11.

## O R D E R

Pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, it is hereby

ORDERED, that Certification No. 1 NYCDL 11 be and the same hereby is, amended to include the title Supervisor of Menagerie.

DATED: New York, N. Y.

April 30, 1969

ARVID ANDERSON  
Chairman

ERIC J. SCHMERTZ  
Member

SAUL WALLEN  
Member

