

City v. L.1180, CWA, 44 OCB 28 (BOC 1989) [28-89 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of the Application of

THE CITY OF NEW YORK,

Petitioner,

For an Order declaring certain employees  
of the Parking Violations Bureau of the  
Department of Transportation managerial  
and/or confidential pursuant to Section  
2.20 of the Revised Consolidated Rules  
of the Office of Collective Bargaining,

DECISION NO. 28-89

-and-

LOCAL 1180, COMMUNICATIONS WORKERS OF  
AMERICA, AFL-CIO; LOCAL 1549, DISTRICT  
COUNCIL 37, AFSCME, AFL-CIO; LOCAL 2627  
DISTRICT COUNCIL 37, AFSCME, AFL-CIO,

DOCKET NO. RE-161-87

Respondents.

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**ORDER**

The City of New York ("City") and Local 1180, Communication  
Workers of America, AFL-CIO ("CWA"), having stipulated, in  
writing, that, with respect to a specified Principal  
Administrative Associate employed by the Parking Violations  
Bureau, the "duties presently performed by the Special  
Adjudications Center Manager, a position occupied by Johnnie Mae  
Paylor, are Managerial and/or Confidential within the meaning of  
Section 201.7(a) of the Taylor Law" and, therefore, exclude the  
position from collective bargaining;<sup>1</sup>

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<sup>1</sup> On April 23, 1987, District Council 37, AFSCME, AFL-CIO,  
the certified representative for employees in certain other  
positions specified in the City's petition, filed a motion  
(continued...)

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

ORDERED, that the employee described above (and any successor employee in the same position who performs substantially the same duties and functions) be, and the same hereby is, designated as managerial and/or confidential employees and is excluded from the unit in Certification No. 41-73, (as amended); and it is further

ORDERED, that all other aspects of the City's petition be, and the same hereby is, dismissed.

DATED: New York, New York  
December 18, 1989

MALCOLM D. MacDONALD  
CHAIRMAN

DANIEL G. COLLINS  
MEMBER

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(... continued)

seeking dismissal of the petition on various procedural grounds. The Board of Certification ("Board") issued an Interim Decision and Order (No. 17-88), denying the motion in its entirety. However, the Board ordered the City to submit certain additional information which would clarify and support the petitioner's claims of managerial and/or confidential status as a precondition to determining whether a hearing in this matter was warranted.

On January 3, 1989, the City requested withdrawal of its application with respect to all aspects of the petition except as to the title Principal Administrative Associate (Special Adjudications Center Manager).