

OSA v. HHC, CSTG, DC 37 & L. 1180, CWA, 56 OCB 26 (BOC 1995) [26-95
(Cert Amend)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of :

THE ORGANIZATION OF STAFF :
ANALYSTS, :
PETITIONER, :
-and- : DECISION NO. 26-95

THE NEW YORK CITY HEALTH : DOCKET NO. RU-1138-93
AND HOSPITALS CORPORATION, :
RESPONDENT, :
-and- :

CIVIL SERVICE TECHNICAL GUILD :
DC 37, AFSCME, AFL-CIO, :
INTERVENOR, :
-and- :

COMMUNICATIONS WORKERS OF :
AMERICA, LOCAL 1180, AFL-CIO, :
INTERVENOR, :
-and- :

DISTRICT COUNCIL 37, AFSCME, :
AFL-CIO, :
INTERVENOR, :
- - - - - X

ORDER AMENDING CERTIFICATION

On May 17, 1993, the Organization of Staff Analysts ("OSA") filed a petition requesting that the titles, Assistant Health Care Program Planner/Analyst, Health Care Program Planner/Analyst, Senior Health Care Program Planner/Analyst, Planning-Scheduling Analyst, and Senior Planning-Scheduling Analyst be added, by accretion, to its certification. In the petition docketed as Case No. RU-1138-93, OSA sought to add the title to Certification No. 3-88 (as amended), covering Staff Analyst and related titles. Interventions were filed by Local 375, DC37, AFSCME; CWA, Local 1180; and District Council 37, AFSCME. The Health and Hospitals

Corporation ("HHC") filed an objection to the motion alleging the positions were managerial and confidential and ineligible for bargaining. The Organization of Staff Analysts, joined by the intervenors, amended the petition to include the titles Enrollment Sales Representative Trainee and Enrollment Sales Representative.

The Board of Certification ("the Board") directed that an investigatory hearing be held before a Trial Examiner to determine if the employees in the petitioned-for titles are managerial or confidential and should be excluded from bargaining as contended by HHC. The Board also directed that the investigatory hearing determine the appropriate unit in the event the titles were found to be neither managerial nor confidential. After several days of hearing, the parties entered into settlement discussions. The parties informed the Trial Examiner that they had reached an agreement regarding several issues. Pursuant to this agreement HHC withdrew the objection that had been filed. Additionally, petitioner and the intervenors withdrew the amendment to the petition seeking to represent the titles Enrollment Sales Representative Trainee and Enrollment Sales Representative and agreed not to seek to represent the titles for a two year period.

Subsequent to further settlement discussions, the parties informed the Trial Examiner that they had reached agreement regarding the petition docketed as Case No. RU-1138-93, and would be submitting a stipulation for approval by the Board. The stipulation was submitted on December 1, 1995. The stipulation was supplemented by a letter agreement submitted on December 13, 1995. One of the titles included in the supplemental agreement, Planning-Scheduling Analyst, is vacant and has been withdrawn from consideration.

The stipulation, as supplemented, provides, in pertinent part, as follows:

* * *

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, hereto, that:

FIRST: The parties jointly request that the Board of Certification amend the respective collective bargaining certifications of the unions in accordance with this Stipulation.

SECOND: The parties agree that employees holding the titles of Senior Health Care Program Planner/Analyst and Senior Planning-Scheduling Analyst perform duties and responsibilities similar to those performed by employees in the unit referred to in Certification No. 3-88 (as amended), covering Staff Analyst and related titles and share a community of interest with such employees.

THIRD: The parties agree that employees holding the title of Health Care Program Planner/Analyst perform duties and responsibilities similar to those performed by employees in the unit referred to in Certification No. 4-79 (as amended), covering Principal Administrative Associates, Assistant Coordinating Managers and related titles and share a community of interest with such employees.

FOURTH: The parties agree that employees holding the title of Assistant Health Care Program Planner/Analyst perform duties and responsibilities similar to those performed by employees in the unit referred to in Certification No. 28-78 (as amended), covering Medical Utilization Review Analysts, Utilization Review/Management Coordinators, Discharge Planners and related titles and share a community of interest with such employees.

* * *

The parties hereto having agreed, and it appearing to the satisfaction of the Board that the terms of the stipulation are consistent with the rights established under applicable law,

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 Certification No. 3-88 (as previously amended) be, and the same hereby is, further amended to include the titles of Senior Health Care Program Planner/Analyst and Senior Planning-Scheduling Analyst, subject to existing contracts, if any.

ORDERED, that Certification No. 4-79 (as previously amended) be, and the same hereby is, further amended to include the title of Health Care Program Planner/Analyst, subject to existing contracts, if any.

ORDERED, that Certification No. 28-78 (as previously amended) be, and the same hereby is, further amended to include the title of Assistant Health Care Program Planner/Analyst, subject to existing contracts, if any.

DATED: New York, New York
December 19, 1995

STEVEN C. DECOSTA
Chairman

DANIEL G. COLLINS
Member

GEORGE NICOLAU
Member

The titles and title code numbers of the employees affected by this decision is as follows:

Senior Health Care Program Planner/Analyst [983611, 12]

Senior Planning-Scheduling Analyst [03968H]

Health Care Program Planner/Analyst [00028E]

Assistant Health Care Program Planner/Analyst [00027B]