

Communications Workers of America, 78 OCB 3 (BOC 2006) [Decision No. 3-2006

(Rep) (Docket No. RU-1162-94).]

Summary of Decision: Communications Workers of America filed a petition to add employees in the title Coordinating Manager to its bargaining unit. With limited exceptions, the Board found the title eligible for collective bargaining. (*Official decision follows.*)

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

-between-

COMMUNICATIONS WORKERS OF AMERICA, LOCAL 1180,

Petitioner,

-and-

**THE CITY OF NEW YORK and THE
HEALTH AND HOSPITALS CORPORATION,**

Respondents.

DECISION AND ORDER

On May 3, 1994, Communications Workers of America, Local 1180 (“Union”) filed a petition with the Board of Certification (“Board”) seeking to represent employees of the City of New York (“City”) and the Health and Hospitals Corporation (“HHC” or “Corporation”) in the title Coordinating Manager Levels A and B (Title Code 98011E and 98012H) (“CM”) and add them to its bargaining unit, Certification No. 41-73.¹ HHC asserts that certain individuals in the petitioned-

¹ The City does not use the petitioned-for title and did not take a position as to the Union’s petition.

for title are managerial and/or confidential and are therefore not eligible for collective bargaining. We find that employees in the CM title are eligible for collective bargaining, with the limited exception of certain positions, listed in Appendices A and B, which are managerial or confidential and, therefore, are excluded from collective bargaining.²

BACKGROUND

HHC is a public benefit corporation established pursuant to N.Y. Unconsolidated Laws § 7381 et seq., and is governed by a Board of Directors, which provides health and medical services through its operation of facilities that provide comprehensive care and treatment for the ill and infirm. The Corporation consists of ten acute care hospitals, five diagnostic and treatment centers, four long-term care facilities, a certified home health care agency, and more than 80 community health clinics. HHC's President and Chief Executive is in charge of HHC's daily operations and has a seat on its Board of Directors. Five Senior Vice-Presidents in charge of areas such as operations, facilities, development, and finance work in HHC's Central Office located on Worth Street in Manhattan and report directly to the President. HHC's health care facilities are organized into seven networks. Each network is headed by a Senior Vice-President. One or more Executive Directors ("ED") and Senior Associate Executive Directors ("Senior AED") report to the network Senior Vice-

² While appropriate bargaining unit placement is not an issue presented in this case, the unit placement of approximately 18 CMs working in the functional title of Care Manager at Jacobi Hospital is at issue in a pending case, Docket No. AC-10-03. In that case, the New York State Nurses Association is seeking to represent a few CMs, purportedly certified nurses, and add them to its bargaining unit, Cert. No. 30-82. In the instant matter, we determine that CMs are eligible to participate in collective bargaining, but we reserve decision on the appropriate unit placement of the CMs working in the functional title of Care Managers at Jacobi Hospital for resolution in Docket No. AC-10-03. Accordingly, the accretion order in this case does not apply to CMs working in the functional title of Care Manager at Jacobi Hospital.

Presidents. In addition, every hospital or healthcare facility within a network has a Chief Executive Officer (“CEO”) and/or a Chief Operating Officer (“COO”), and a Chief Financial Officer (“CFO”). The North Bronx Health Care Network (“NBHN”) includes Jacobi and North Central Bronx hospitals. The Generations +/ Northern Manhattan Health Care Network (“Generations +”) includes Harlem, Lincoln and Metropolitan hospitals. The South Manhattan Health Care Network (“SMHC”) includes Bellevue, Coler-Goldwater, and Gouverneur hospitals. The Central Brooklyn Health Care Network (“CBHC”) includes the Kings County and McKinney facilities. The Northern Brooklyn Health Care Network (“Northern Brooklyn”) includes Woodhull hospital. The Southern Brooklyn/Staten Island Health Care Network (“SBSI”) includes the Coney Island and Sea View facilities. The Queens Health Care Network (“QHC”) includes Queens and Elmhurst hospitals.

CMs at HHC work in various departments and offices of all HHC hospitals and facilities. Some, though classified as Cms, have functional job titles. Many other Cms do not have functional job titles. Individuals in the CM title perform and/or supervise a variety of administrative tasks and functions including planning; coordinating; training; assigning work or equipment; maintaining equipment or records. The job specification for the CM title states the following:

Purpose of position:

This class of positions encompasses supervisory or administrative work of varying degrees of difficulty and with varying degrees of latitude for independent initiative and judgment as follows:

1. For the activities of professional and non-professional staff in delivering a health therapy program and support services including physical, occupational, inhalation specialties, radiological, laboratory, emergency, ambulatory care services, medical utilization review and quality assurance.
Coordinates rehabilitation services as indicated so as to integrate these programs with other hospital programs to maximize patient treatment and recovery. Coordinates, supervises and monitors medical utilization review and/or

quality assurance programs for the health care facilities.

2. For planning, controlling, coordinating administrative and office operations and interpreting compliance with predetermined standards for quality care in a variety of organizational settings and modalities in the delivery of business office and management support systems. Integrates, coordinates these programs, operations, functions and services with other hospitals and Central Office sectors to optimal levels of performance in the administration and supervision of such functional activities.
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Major duties:

There are two assignment levels to differentiate ascending order of assignment difficulty with corresponding higher pay levels.

A. Assignment Level

Under general supervision with moderate latitude for independent initiative and judgment performs some of the following functions:

1. Consults with medical and professional staff of other departments and staff from associated health care fields to plan and coordinate joint patient and management objectives. Acts as liaison between the department of medical services and other administrative divisions.
2. Provides administrative supervision for a program of comprehensive health service of professional and non-professional staff involving therapists, counselors, and related health personnel.
3. Plans, develops and may conduct training programs to maintain proficiency of staff and use of new equipment and methods.
4. Allocates staff on basis of workload, space and available equipment.
5. Participates in budgetary planning, reviews operating costs, performs cost studies and prepares department budgets.
6. May supervise studies related to the service/program and analyzes modifications and development of systems and procedures to improve departmental operations. Makes recommendations and implements.
7. Coordinates research projects and conducts special studies to evaluate the various rehabilitative programs in department and within the overall objective

of the department.

8. Directs the process of medically prescribed orders for requisitioning of equipment, prosthetic appliances and the medical supplies for patients.
9. As required, consults with medical, nursing and other staff involved in treatment to clarify ambiguities and secure documentation of the records and to secure necessary and timely certification and verification.
10. May analyze patient records with attending staff to determine whether they document that the length of stay and medical services rendered are consistent with reimbursement formulas, completing necessary forms.
11. Ensures that compliance manuals are current and that policies and procedures are followed.
12. May represent the Departmental Administrator in internal contacts with community groups, organizations and agencies.
13. Supervises the office administration, and office record keeping activities of the department.
14. Is responsible for employee supervision, performance and employee development of assigned personnel in areas of responsibility and accountability.
15. Supervises the preparation and publication of operational manuals and procedures.

B. Assignment Level

Under direction and with wide latitude for the exercise of independent initiative and judgment, directs and/or coordinates the administration aspects of the department and performs some of the duties described in A above.

The instant petition is not the first time the Union has sought to accrete the CM title to its bargaining unit. In January 1986, the Union petitioned for the titles CM and Assistant CM to be added to its Certification No. 41-73. That case was settled in August 1987 by the parties' agreement that Assistant CMs would be added to the requested bargaining unit. In addition, the parties

stipulated that they would request “a finding by the New York City Office of Collective Bargaining that the HHC title of Coordinating Manager is managerial within the meaning of the Taylor law and the New York City Collective Bargaining Law.” The Union further agreed that for the life of the collective bargaining agreement or for at least three years from October 1, 1990, it would not petition the Board for the CM title. In its decision, *Communications Workers of America*, Decision No. 5-91, the Board adopted the parties’ agreement, ordered that the title Assistant CM be added to Certification No. 41-73, and designated the CM title managerial.

In the instant petition filed on May 3, 1994, more than three years after the Board’s Order, again the Union requested that the CM title be added to its Certification No. 41-73. In response to the petition, HHC took the position that the Board’s 1991 designation of the CM title as managerial was appropriate and that the Union had a burden to prove that there had been a “change in circumstances” in CM duties since the Board issued its 1991 decision.

The Rules of the Office of Collective Bargaining (Rules of the City of New York, Title 61, Chapter 1) (“OCB Rules”)§ 1-02(v)(6), provides:

A determination by the Board made pursuant to this subdivision regarding the managerial or confidential status of a title shall be final and binding and, subject to § 1-02(v)(2)(iii) of these rules, such determination shall preclude a petition to represent the title and employees or a petition to designate the title and employees managerial or confidential for a period of two years or until the period specified in § 1-02(v)(2)(i) above, whichever is later. A petition filed pursuant to this subdivision shall include a statement of facts demonstrating such a material change in circumstances subsequent to the Board’s prior determination as to warrant reconsideration of the managerial or confidential status of the title or employee.

In April 2002, both parties submitted written positions concerning the applicability of § 1-

02(v)(6) of the OCB Rules.³ The Union argued that the purpose of OCB Rule § 1-02(v)(6) was to avoid unnecessary litigation in cases where there has been no change in the title since the Board's earlier determination. According to the Union, since the Board's decision did not address the merits of the managerial issue, there was no risk that the issue would be relitigated. Further, the Union argued that an enormous increase in the number of employees in the CM title, from 680 in February 1991 to 1489 in April 2002, was sufficient to show a substantial change in circumstances.

On May 10, 2002, the Director of Representation wrote to the parties on behalf of the Board:

The requirements of Rule 1-02(w)(6) do not apply in this instance for the following reasons. First, as the Board has stated, the rule was intended to prevent unnecessary and duplicative litigation in instances where the Board has made a determination of managerial or confidential status based on a full and complete record. *See Local 1180, Communications Workers of America*, Decision No. 4-88, at 17. The Board's determination in Decision No. 5-91 was not made based on a full and complete record, but based on the parties request that the Board make such designation.* *Id.* at 3. Second, to require Petitioner to demonstrate changed circumstances, would ignore the reality of the settlement process in representation cases and the intent of the parties' stipulation in this matter. Representation cases have been settled by the parties under terms where the Petitioner agrees not to seek one or more titles for a specified period of time, in exchange for the City's consent to the eligibility of another title. The parties' full stipulation (not completely embodied in Decision No. 5-91) is consistent with this practice inasmuch as it acknowledges Petitioner's right to seek the Coordinating Manager title after the expiration of the contract covering Assistant Coordinating Managers or after three years.

In any event, even assuming Rule 1-02(w)(6) were applicable to the facts in this case, Petitioner has demonstrated a sufficient showing of changed circumstances based on the significant growth in the number of employees in the Coordinating Manager title since 1991.

Therefore, the processing of the instant petition will proceed and HHC will have the burden to establish that the title is managerial and/or confidential as it asserts.

* Further, since a complete record was not created in that case, the Board's ability to

³ When the OCB Rules were amended in January 2004, § 1-02(w)(6) was renumbered to 1-02(v)(6).

compare, analyze and determine whether or not changed circumstances now exist is limited.

Thereafter, the parties agreed to request written surveys from the more than 1600 employees in the CM title at that time. Over the course of many months and with the assistance of the Deputy Chair of Dispute Resolution, the parties reviewed these surveys and came to an agreement concerning a resolution of the issues presented. A stipulation was entered into by the parties stating that they “agree that the title of CM is not managerial and is properly accreted to Certification No. 41-73” and reserving to the Board’s determination the managerial or confidential status of 74 individuals.⁴ With respect to the 74 contested individuals, the parties and the Deputy Chair of Dispute Resolution, met twelve times over a fifteen month period during which the surveys of the contested individuals were reviewed and discussed. During these conferences, the parties further explained the roles and functions of the CMs in issue and made oral arguments supporting their respective positions. In the absence of a formal hearing, the Board’s determination as to whether these employees are eligible for collective bargaining is based on these conferences, the surveys and the parties’ arguments.

POSITIONS OF THE PARTIES

HHC’s Position

In regard to the status of the disputed CMs, HHC asserts that the employees

⁴ In January 2004, CWA filed an improper practice petition, Docket No. BCB-2378-04, in which it challenged HHC’s decision to reclassify individuals in the CM title to other titles. The parties agreed to hold this improper practice petition in abeyance pending the resolution of the instant representation case. As part of the parties’ agreement concerning the eligibility of the CM title, the parties also reached an agreement and executed a stipulation of settlement that resulted in the withdrawal of the improper practice charge.

should be designated managerial or confidential. Certain employees have policy-making, personnel and/or labor relations functions, or have a broad scope of authority, and therefore should be designated managerial. The remaining employees should be designated confidential because they assist managers who have a direct role in personnel administration, collective bargaining, or labor relations.

Union's Position

The Union argues that all of the disputed employees are eligible for collective bargaining because they do not have a regular or significant role in policy making, labor relations, personnel administration, or budget-making. In most instances, these employees do not exercise independent judgment or initiative. Further, they do not assist managers in collective bargaining, administration of collective bargaining agreements, or personnel administration.

DISCUSSION

Section 12-305 of the New York City Collective Bargaining Law (New York City Administrative Code, Title 12, Chapter 3) ("NYCCBL") states, in pertinent part, that "public employees shall be presumed eligible for the rights set forth in this section . . . ," such as the right to self-organization and the right to bargain collectively. Therefore, when an employer objects to the bargaining status of a title, that employer has the burden to demonstrate that a title is not eligible for bargaining because it is managerial and/or confidential. Pursuant to NYCCBL § 12-309(b)(4), determinations concerning employees' eligibility for representation are made consistent with the N.Y. Civil Service Law Article 14 ("Taylor Law"), § 201.7; *See Communications Workers of America*, Decision No. 5-87 at 16-17. The relevant language of § 201.7(a) provides:

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 negotiation 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, the Board of Certification has consistently held that formulation of policy is the single most important factor indicating managerial status. *EMS Superior Officers Ass'n*, Decision No. 10-2001 at 21; *District Council 37*, Decision No. 4-97 at 31, *aff'd*, *City of New York v. District Council 37*, No. 403334 (Sup. Ct. N.Y. Co., Apr. 27, 1999); *Assistant Deputy Wardens Ass'n*, Decision No. 11-95 at 17-18; *District Council 37*, Decision No. 34-81 at 7; *Civil Serv. Technical Guild, Local 375*, Decision No. 45-78 at 5, *rev'd*, *Civil Serv. Technical Guild, Local 375 v. Anderson*, N.Y.L.J., Oct. 9, 1979 (Sup.Ct. N.Y. Co.), at 10, *aff'd*, 79 A.D.2d 541 (1st Dep't 1980), *rev'd*, 55 N.Y.2d 264 (1981) (reinstating the Board's decision). We have also considered the following factors as reliable indicia of managerial status: the number of subordinate employees; area of authority; involvement with labor relations; preparation of budget and allocation of funds; and involvement in personnel administration. *See Allied Bldg. Inspectors, Local 211, I.U.O.E.*, Decision No. 13-86, and *Communications Workers of America*, Decision No. 63-72 (personnel administration); *Civil Serv. Technical Guild, Local 375*, Decision No. 5-85, and *Civil Serv. Forum, Local 300, SEIU*, Decision No. 8-72 (preparation and allocation of budget); *District Council 37, Local 317*, Decision No. 46-72, and *Civil Serv. Bar Ass'n*, Decision No. 43-69 (involvement in labor relations); *District Council 37*, Decision No. 19-71 (scope of authority); *Serv. Employees Int'l Union, Local 144*, Decision No. 43-69 (number of subordinates).

This Board has defined “policy” as an objective of a governmental agency to fulfill its mission and the methods, means, and extent of achieving such objectives. *EMS Superior Officers Ass’n*, Decision No. 10-2001 at 21; *Uniformed Sanitation Chiefs Ass’n*, Decision No. 4-2000 at 26. Employees who “formulate” policy include those with the authority or responsibility to select among options and to put a proposed policy into effect as well as those who “regularly participate” in the “essential process” which results in a policy proposal and the decision to put such proposal into effect. *Unif. Fire Officers Ass’n, Local 854*, Decision No. 15-92 at 19-20; *District Council 37*, Decision No. 36-82 at 14. Participation in the formulation of policy must be “regular,” “active,” and “significant” to support a finding of managerial status. *Id.*

As to the issue of confidentiality, § 201.7 (a) of the Taylor Law defines a “confidential” employee as one who acts in a confidential capacity to a managerial employee involved in collective negotiations, the administration of collective bargaining agreements, or in personnel administration. To determine confidential status, the employer must meet a two-pronged test. First, the employee must assist a manager in collective negotiations, the administration of collective bargaining agreements, or in personnel administration. Second, the employee must act in a confidential capacity to that manager. *See New York City Dep’t of Investigation Investigator’s Ass’n*, Decision No. 2-2003 at 17-18; *Civil Serv. Employees Ass’n*, 32 PERB ¶ 3001 (1999). This analysis is to determine whether the employee regularly has “access to confidential information concerning labor relations and/or personnel matters to such an extent that [employee’s] inclusion in collective bargaining would lead to conflicts of interest inimical to the bargaining process and the full and fair representation of the employer’s interests.” *District Council 37*, Decision No. 4-98 at 13-14. The secretive or highly sensitive nature of an employee’s work alone does not compel a confidential designation. *Ass’n of*

New York City Assistant Dist. Attorneys, Decision No. 13-74 at 26. Rather, the employee's involvement in collective negotiations, the administration of collective bargaining agreements, or personnel administration makes him or her ineligible for inclusion in collective bargaining.

Since the parties stipulated that the majority of CMs are eligible for collective bargaining and the surveys submitted support such a finding, we will evaluate the application of the Taylor Law standards to only the contested CMs. We determine the eligibility of the CM employees as organized into three groups: Human Resources ("HR") staff, Executive Office staff, and employees who work in locations other than in HR and Executive Offices.

HUMAN RESOURCES STAFF

Central Office

Phong Nguyen, a CM Level A, works with the Director of Classification and Compensation of the HR Office at HHC's Central Office. Nguyen prepares and issues pay authorizations; writes and uses programs that extract data from HHC's databases; creates analytical and statistical reports on hires, promotions, salary adjustments, and terminations; and produces monthly reports on overtime and quarterly reports on absenteeism. In addition, he prepares and updates the plan of titles. Nguyen has access to labor relations information such as possible settlements of union issues and all employee information. Nguyen directly assists his supervisor, the Senior Director of Labor Relations, and the Assistant Vice-President for Work-Force Planning and Development by compiling reports on employee salaries, overtime, other earnings, and differentials. The Senior Director of Labor Relations represents HHC at collective bargaining. Nguyen is privy to confidential information concerning proposed personnel changes or labor relations issues. Based on these facts, we find that Nguyen's position as assistant to the Director of Classification and Compensation is confidential. The Director

of Classification and Compensation and the Senior Director of Labor Relations, whom he assists, are managers involved in collective negotiations, the administration of collective bargaining agreements, and personnel administration. Further, Nguyen functions in a confidential capacity to these managers by retrieving and analyzing data used for collective negotiations, the administration of collective bargaining agreements, or in personnel administration.

Ana Trujillo, a CM Level A, also works in the Central Office HR department. She reports to the Deputy Director of Labor Relations and spends the majority of her time performing background investigations on new hires, verifying professional licenses and qualifications, and requesting proof of address. The Deputy Director of Labor Relations, whom Trujillo assists, is a manager involved in the administration of collective bargaining agreements and personnel administration. Trujillo has access to all personnel records and background information on all employees, including criminal records. She assists in general orientation presentations for new employees and gathers payroll and timekeeping information for new employees. Trujillo functions in a confidential capacity to this manager by conducting personnel background investigations on all new hires. Therefore, we find that Trujillo's position as an assistant to the Deputy Director of Labor Relations is confidential.

Home and Health Care Division

Ruth Gage, a CM Level A, is the Compliance Coordinator and reports to the Assistant Personnel Director for the Home and Health Care Division. Similar to Trujillo at Central Office, Gage is responsible for processing all background investigations for Home and Health Care staff, including verifying past employment, education, and criminal records. In addition, she notifies employees of license renewal requirements and deadlines and coordinates submission of performance evaluations, mandatory training, and physicals. She has access to all background investigation files

and personnel records and attends HR department staff meetings, at which issues concerning hiring, firing, demotions, Equal Employment Opportunity (“EEO”), and labor relations are discussed. Gage audits personnel files, prepares and processes Workers’ Compensation claims, and maintains a tracking report on these claims. She also participates in new employee orientation. The Assistant Personnel Director, whom Gage assists, is directly involved in EEO and personnel administration. Gage functions in a confidential capacity to the Personnel Director and the Assistant Personnel Director. Therefore, we find that Gage’s position as Compliance Coordinator is confidential.

Hal Keshner, a CM Level B, is the Grants Manager in the HR office for the Home and Health Care Division. He reports to and assists the AED for HR and other senior staff, who are involved in the administration of collective bargaining agreements, and personnel administration. The majority of his time is spent writing, planning, coordinating, and developing grant applications. He oversees the implementation of grant-funded projects, monitors vendors associated with those projects, and makes timely and appropriate recommendations for corrective action on grant-funded projects. Keshner performs personnel administration functions by preparing the annual and semi-annual performance evaluation outcome report for the HHC Board of Directors, and researching and preparing reports for the senior HR staff. His reports for the senior HR staff concern salaries, personnel expenses, turnover, and layoffs. He regularly attends HR staff meetings, at which issues concerning hiring, firing, demotions, EEO, and labor relations are discussed. He also provides technical assistance to the HR Director and staff. Keshner coordinates performance improvement projects on such topics as resume processing, background investigations, and timely performance evaluations. Based on these duties, we find that Keshner’s position as the Grants Manager is confidential.

Generations +/ Northern Manhattan Health Care Network

Linda Biblioni, a CM Level B, works in the HR and Volunteer Services department of the Generations + Network at Metropolitan. She reports directly to the Senior Associate Director of the department. Biblioni is responsible for screening; training; placing volunteers, students, and interns; supervising the youth programs; and creating and maintaining bulletin boards, job descriptions, and reports relating to volunteer services. She attends monthly meetings with senior management concerning volunteer issues and has made recommendations at these meetings concerning volunteer programs for students. Biblioni has a responsible and significant role in coordinating and maintaining the volunteer services programs for the network, but we do not find that she is managerial or confidential. She does not have a regular or significant role in policy-making, labor relations, or personnel administration. In addition, there is no indication that she functions in a confidential capacity to a manager involved in personnel, labor relations, or collective bargaining. Accordingly, she is eligible for collective bargaining.

Lourdes Vincens, a CM Level A, works in the HR department for the Generations + Network at Metropolitan. She reports to the Senior Associate Director for HR and works closely with the Network AED of HR and the Senior Associate Director of Recruitment and Employment, who are responsible for the network's personnel administration and labor relations. Vincens supervises clerical staff who process personnel and employment information for the network such as new hires, transfers, salary adjustments, promotions, demotions, and license or education verification documents. She prepares, reviews, and edits functional job descriptions and oversees job postings for the network. Vincens is responsible for overseeing the recruitment and employment process for the Harlem and

Renaissance facilities.⁵ She reviews and screens all employment applications, verifies qualifications, and prepares application referral packages. Vincens also attends a monthly vacancy control committee meeting with senior HR staff. Her duties are an integral part of the network HR department's operations, and are more than routine or clerical in nature. Vincens acts in a confidential capacity to the Senior Associate Director by assisting her in performing personnel duties. Therefore, we find that Vincens's current recruitment and employment duties support a confidential designation.

Rousana Birthwright, a CM Level B, also works in the HR department for the Generations + Network at Metropolitan. She reports to the Senior Associate Director for HR. She assists the Senior AED and the Senior Associate Director on HR projects and reports involving salary, title designations, and employment status. She participates in interviews of selective candidates for HR staff positions, prepares layoff lists, monitors and analyzes employment conditions, and makes appropriate recommendations, including conducting research related to the regulatory standards of Joint Commission on Accreditation of Healthcare Organizations ("Joint Commission"). Birthwright coordinates the annual file audit review for the Joint Commission, assists the Network Senior Associate Director on monitoring the department budget, attends monthly network HR staff meetings, and keeps minutes on these meetings. She supervises two Clerical Associates and one Personnel Labor Relations Associate, who process and maintain all the background investigation materials for the network's employees. Birthwright also serves as a liaison with facilities and government, educational, and private agencies regarding background investigation requirements. Birthwright functions in a confidential capacity to the Senior Associate Director and Senior AED by assisting them

⁵ Renaissance is a diagnostic and treatment facility.

on HR projects and in performing personnel administration duties. We find that Birthwright's position is confidential.

Jean Daniels, a CM Level A, is the assistant to the Senior AED for the HR department for the Generations + Network at Metropolitan. The Senior AED is responsible for the network's labor relations and personnel functions. Daniels answers the Senior AED's phone, opens and reviews his mail, types his correspondence, maintains his calendar, maintains the personnel files of the network's executive staff and the HR staff, and has access to the network personnel files. She maintains the department vacation schedule and processes overtime requests. She supervises and evaluates the department's receptionist, a Clerical Associate. Daniels also maintains the HHC and Network Policy and Procedures Manual. Based on these facts, the Board finds that the position held by Daniels is confidential since she acts in a confidential capacity to a manager involved in collective negotiations and personnel matters.

Harlem

Mary Short, a CM Level A, works in the House Staff Affairs section of the HR office at Harlem. This office along with the Graduate Medical Education section handles all personnel activities for interns and residents. Short reports directly to the Senior Associate Director in charge of Graduate Medical Education and Training. She coordinates the daily operations of the House Staff Affairs Office, assists in creating and compiling statistical data for reimbursement reports, and maintains and updates databases and rosters. She chairs the Residency Program Coordinators bi-monthly meetings and coordinates the credentialing of residents, including reviewing and processing academic and licensing records. In addition, she compiles and edits the house staff manual, attends meetings for the Senior Associate Director, and audits house staff personnel files for the Joint

Commission. Short also supervises and evaluates the office clerical staff, revises procedures to improve work flow, and coordinates house staff receptions and an annual research fair. Based on these facts, the Board finds that the position held by Short is confidential. She performs personnel duties for interns and residents and acts in a confidential capacity to the hospital's Senior Associate Director, a manager who is involved in personnel administration.

Lincoln

Lenore James, a CM Level A, works in the Graduate Medical Education section of the HR office at Lincoln. She reports directly to the Senior Associate Director in charge of Graduate Medical Education and Training, the same person to whom Short reports. In addition, James' job duties are similar to Short's duties. James coordinates the daily operations of the Graduate Medical Education office. She assists with the credentialing process, supervises and evaluates a Clerical Associate, and audits personnel files for the Joint Commission report. She coordinates all new resident activities, new resident orientations, and resident graduation activities and prepares the department's budget for the Senior Associate Director's review. Based on these facts, the Board finds that the position held by James is confidential. She performs personnel duties for interns and residents and acts in a confidential capacity to the Senior Associate Director, a manager who is involved in personnel administration.

South Manhattan Health Care Network

Bellevue

Shirley Facey, a CM Level A, is the Benefits Manager in the HR/Benefits office at Bellevue. She reports to the Director of HR and is one of five employees who are in charge of distinct functions within the HR department. Facey supervises a CM Level A and a Personnel Labor Relations

Associate. She oversees the processing of immigration, health benefits, workers compensation, pension and flexible spending requests; coordinates “giving campaigns”; participates in benefit education programs; and generally manages and supervises the employee benefits office. She also performs intake and investigation of EEO complaints, prepares reports on EEO activities, gathers information on EEO complaints filed with outside agencies, and attends EEO fact-finding meetings. Facey has a significant role in the administration of employee benefits, as well as the EEO complaint process, and her duties are integral to the operation of the HR department at Bellevue. Her role in personnel administration is not of a routine or clerical nature and requires the exercise of independent judgment. Accordingly, we find the Benefits Manager position held by Facey is managerial.

Margaret Holley, a CM Level A, works in the HR/Benefits office at Bellevue and reports to Facey, the Benefits Manager. Holley prepares COBRA packages and processes health insurance applications, pension requests, leaves of absence, and terminations. She answers questions regarding health and pension benefits, assists with new employee benefit orientation, and files related documents. Holley’s work is of a routine nature and there is no evidence that she exercises her own discretion or acts in a confidential capacity to her supervisor, Facey. Therefore, we find that her position is neither managerial nor confidential and is eligible to participate in collective bargaining.

Arthur Simmons, a CM Level A, is the Labor Relations Manager in the HR department at Bellevue. Similar to Facey, Simmons reports to the Director of HR and is one of five employees who are in charge of distinct functions within the HR department. Simmons conducts Step I disciplinary and grievance hearings and makes determinations on these issues. He represents management at Step II and III grievances, disciplinary hearings at OATH, and the Personnel Review Board. He assists and advises managers on disciplinary procedures that must be followed and conducts labor relations

training for staff. He meets with union and management representatives to discuss and mediate disputes, represents the hospital at Worker's Compensation hearings, and consults with and advises the Personnel Director on issues and problems. Simmons has a significant role in labor relations on a day-to-day basis, and his duties are integral to the operation of the HR department at Bellevue. His role in the administration of the collective bargaining agreements is not of a routine or clerical nature and requires the exercise of independent judgment. Accordingly, we find the Labor Relations Manager position held by Simmons is managerial.

Joe Williams, a CM Level B, is the Training Coordinator in the HR department at Bellevue. Similar to Facey and Simmons, Williams reports to the Director of HR and is one of five employees who are in charge of distinct functions within the HR department. Williams coordinates and is responsible for all aspects of new employee orientation for Bellevue and the SMHC network. He assists other departments in developing and implementing training programs, updates and prepares training materials, and oversees an annual in-service program. He is in charge of the Perfect Attendance program, which involves preparing, collecting, and reviewing applications and requesting related compensation. Williams participates in various hospital committees, assists in coordinating "giving campaigns," and coordinates the hospital response to city and corporate educational programs. Williams' training responsibilities and related duties are significant and integral to the operation of the Bellevue HR department. His role in developing training programs and administering the Perfect Attendance program involves personnel duties that require the exercise of independent judgment and is not of a routine or clerical nature. Accordingly, we find that the Training Coordinator position held by Williams is managerial.

Coler-Goldwater

Orlando Acosta, a CM Level A, is the Employment Manager in the HR office at Coler-Goldwater.⁶ He is one of six CMs who report directly to the AED of the hospital and perform different HR functions. Acosta supervises another CM, and two or three Personnel Representatives, a title that was previously designated confidential by the Board in *Communication Workers of America*, Decision No. 63-72. Acosta coordinates the hiring process for staff in the Coler-Goldwater and Gouverneur facilities, including preparing and posting personnel vacancies, generating civil service lists, and processing hiring approvals. He interacts with directors and administrators in all three facilities to coordinate acceptances and review qualifications. Acosta ensures timely distribution of employee acceptances to other staff in order to accomplish physicals, reference checks, and background checks. He also coordinates with the Wage and Salary Manager to ensure timely processing of payroll. Acosta has a significant role in personnel administration, and his duties are integral to the operation of the HR department at Coler-Goldwater. His duties require the exercise of independent judgment and are not of a routine or clerical nature. Accordingly, we find the Employment Manager position held by Acosta is managerial.

Brian Ellis, a CM Level B, is the Assistant Director of Labor Relations at Coler-Goldwater. He reports directly to the head of the HR Department, an AED. Ellis' job duties include acting as a Step IA grievance hearing officer, issuing decisions on grievances, mediating disputes between managers and union representatives, and representing the hospital at all other levels of the grievance process, except arbitration. He advises managers on administration of the collective bargaining agreements as well as corporate personnel policies and procedures, he and makes decisions

⁶ Coler-Goldwater Hospital is made up of two separate facilities: Coler at the north end of Roosevelt Island and Goldwater at the south end. There are administrative offices in each hospital. The ED and COO split their time between the two facilities.

concerning line of duty pay status under the collective bargaining agreements and sick leave donations. Ellis supervises two CMs and one Personnel Labor Relations Associate. Ellis regularly attends senior management meetings at which labor relations and personnel issues and proposed resolutions are discussed. Similar to Simmons at Bellevue Hospital, Ellis has a significant role in labor relations on a day-to-day basis, and his duties are integral to the operation of Coler-Goldwater's HR department. Ellis' role in labor relations and administration of the hospital's collective bargaining agreements is not of a routine or clerical nature and requires the exercise of independent judgment. Accordingly, we find the Assistant Director of Labor Relations position held by Ellis is managerial.

Peter Maris, a CM Level A, is the Compensation Manager in the HR department of Coler-Goldwater and reports directly to the AED. Maris is responsible for handling all the Workers' Compensation claims. He also acts as a liaison with the New York State Department of Labor concerning unemployment claims and related issues. He has access to all personnel records and HR files. He processes leave of absence requests and submits them to the AED for approval. Maris provides back-up to the Benefits Manager, supervises clerical staff performing HR projects, and completes other HR projects as assigned by the AED. Maris performs significant personnel administration functions that are an integral part of the HR department's operations. His duties are not of a routine or clerical nature. Accordingly, we find Maris' position as Compensation Manager for Coler-Goldwater is managerial.

Patricia Fisher, a CM Level A, works in the HR Department of Coler-Goldwater and is in charge of marketing, external relations, employment ads, publications, regulatory documents, and the Other Than Personnel Services ("OTPS") budget. She also reports directly to the AED in charge of the department. The AED, to whom Fisher reports and directly assists, is the most senior hospital

staff member in charge of personnel and labor relations. Fisher processes employee evaluations, licenses, and personnel action forms. Her OTPS budget duties include processing invoices and purchase orders. She responds to questions concerning the hospitals' web sites and acts as a liaison between the HR and Information Technology departments. She compiles and analyzes data from patient/resident surveys, creates a patient/resident guide, and is responsible for consumer and recruitment advertising. She also participates in new employee orientation and organizes employee recognition day, the employee barbeque, and other special projects for the AED. Fisher functions in a confidential capacity to this manager in her performance of personnel duties. Therefore, we find that Fisher's position is confidential.

Barbara Gore, a CM Level B, is the Secretary to the AED of the Coler-Goldwater HR department. Her responsibilities include answering the department's phones, scheduling, and typing correspondence for the AED and the Assistant Director, Ellis. She has access to all the personnel records, labor relations documents, and other information in the HR department. She regularly attends HR staff meetings at which HR publications and programs are discussed and assists in compiling all HR publications. Gore functions in a confidential capacity to the AED and the Assistant Director by assisting them in their performance of personnel and labor relations duties. Therefore, we find that Gore's position as Secretary to the AED of HR is confidential.

David Martin, a CM Level B, is the Wage and Salary Manager in the HR department of Coler-Goldwater. He also reports directly to the AED in charge of the department. Martin prepares and processes personnel action forms for new hires, enters wage and salary data into the department's databases, performs wage and salary audits, prepares employee transfer information forms, and reviews qualification information for new hires. Martin also gathers information for unemployment

and retirement buy backs. He works closely with the AED and the Assistant Director, who are responsible for the hospital's personnel administration and labor relations. Martin's duties are integral part of the HR department's operations and personnel administration. Martin functions in a confidential capacity to the AED and Assistant Director. Therefore, we find that Martin's position as Wage and Salary Manager is confidential.

Jose Torres, a CM Level A, works in the HR department of Coler-Goldwater. He also reports directly to the AED in charge of the department. Torres is responsible for managing the HR file room: maintaining security of the files as well auditing files for the Joint Commission and state surveys. He enters data regarding professional licenses and performance evaluations into the HR database and follows up with managers concerning license requirements and evaluation deadlines. He is the layout manager for hospital publications and is responsible for fingerprinting all new employees and coordinating the installation of a new employee identification card system. Torres is also responsible for negotiating and coordinating contracts with film and television production companies for use of hospital property. He acts as the hospital liaison with production companies who use the hospital, coordinates production and filming schedules, and ensures that appropriate security and equipment is available. Torres' personnel file responsibilities as well as his licensing and evaluation duties are personnel administration functions that are integral to the HR department's operations. He acts in a confidential capacity to the AED and Assistant Director by assisting them in personnel administration duties. Therefore, we find that Torres' duties support the designation of his position as confidential.

Northern Brooklyn Health Care Network

Charles Allen, a CM Level B, is the Employment/Recruitment Manager in the HR department of the Northern Brooklyn Network and is responsible for network hiring and recruitment. He reports to the Network Senior AED of HR. Allen supervises and evaluates two Personnel Representatives and one Clerical Associate, who are responsible for processing new hires, appointments, and job postings. Allen reviews and approves, subject to the Senior AED's agreement, all assignments, promotions, and transfers. He attends and actively participates in monthly HR meetings with the Senior AED, at which hiring and promotion decisions, as well as all employment related policies, are discussed. He oversees an HR satellite office and the HR reception area and assists in preparing the department's budget. Allen has a significant role in personnel administration and his duties are not of a routine or clerical nature. Accordingly, the Board finds that Allen's position as Employment/Recruitment Manager is managerial.

Mildred Miranda, a CM Level A, is in charge of the Human Resources Information System ("HRIS") in the HR department of the Northern Brooklyn Network. She reports to the Associate Director of Operations and Compliance. Miranda follows up with department managers concerning performance evaluation deadlines and missing documentation. She assists on special projects such as training initiatives, HIPAA surveys, and personnel file audits. Miranda prepares the HR report to the HHC Board of Directors. Miranda updates and maintains an HR database and trouble shoots minor hardware and software problems. She designs, generates, and modifies reports on personnel data for the Associate Director of Operations and Compliance and the HR Senior AED and other network staff. She enters data concerning performance evaluations, department orientation, and training information. She supervises a Clerical Associate and a Computer Associate, who perform data entry and other clerical or computer functions. Miranda assists Associate Director of Operations

and Compliance and the HR Senior AED in performing personnel functions. Based on these facts, the Board finds that Miranda's position supports a confidential designation.

Central Brooklyn Health Care Network

Barbara Stark, a CM Level A, is the Wage and Salary Manager for the CBHC Network at Kings County. She reports directly to the Senior Associate Director of HR. Stark is responsible for investigating and processing salary claims. She assists the AED and Senior Associate Director with resolving salary and contractual discrepancies and answers managers' and employees' questions concerning salary. Stark arranges for payments pursuant to labor relations decisions, conducts periodic surveys of salaries and parities, audits personnel/payroll transactions, and maintains records and reports on pay rates. She reviews medical staff appointment packages for completeness, submits completed credential packages to the Medical Board, participates in new employee orientations, and supervises Clerical Associates. She works closely with the AED and the Assistant Director, who are responsible for the hospital's personnel administration and labor relations. Similar to Martin at Coler-Goldwater, Stark's duties are integral part of the HR department's operations. Stark functions in a confidential capacity to the AED and the Assistant Director by assisting them in their performance of personnel duties. Therefore, we find that Stark's position as Wage and Salary Manager is confidential.

EXECUTIVE/OPERATIONS OFFICE PERSONNEL

CMs working in Executive Offices in eleven different facilities were in dispute. These employees generally assist administrators or executive personnel at the highest levels of HHC's central administration or a facility.

Central Office

At HHC's Central Office, Marilen DeOcampo, a CM Level A, works in the Medical and Professional and Clinical Affairs Department and reports to the Senior Assistant Vice-President ("Senior AVP"), a physician. She provides support to the Quality Assurance Committee of the HHC Board of Directors. On behalf of the Senior AVP, DeOcampo develops and revises templates for the HHC Board of Directors' Quality Assurance reports. She is also responsible for preparing the weekly committee meeting minutes, reports, and materials for these meetings, including statistical summaries and quarterly reports on adult and pediatric asthma and psychiatric re-admissions. At these weekly meetings, issues are discussed and information is exchanged relating to employee discipline, personnel matters, and labor relations. She provides corporate-wide data concerning trend analysis and indicators. She works with other staff on creating and analyzing quarterly statistical reports that are submitted annually to the HHC Board of Directors and reviews, recommends, and trouble shoots on department software and other computer equipment. Since the assistance DeOcampo provides these managers can concern labor relations or personnel matters and she has regular access to and is responsible for gathering and handling materials that contain sensitive or private personnel or labor relations information, DeOcampo's position is designated confidential.

Barbara Fraind, a CM Level B, works in the Operations Department of HHC's Central Office as the Executive Assistant to the Senior Vice-President of HHC Operations, who oversees corporate labor relations. Her responsibilities include maintaining the Senior Vice-President's calendar, answering his phone, typing, and filing all his correspondence. She also performs more general office functions such as reviewing work of the support staff, training support staff, following-up with managerial staff, and processing time and leave requests and personnel reports for office staff. Fraind has access to information concerning labor relations, personnel, HR, and EEO issues that

involve the Senior Vice-President. Accordingly, the Board finds that Fraind's position as Executive Assistant to the Senior Vice-President of Operations is confidential since she assists a manager involved in labor relations and personnel matters.

At Central Office, Carroll Marti, a CM Level A, works in the Office of HHC's President. She reports to an Executive Secretary and is responsible for logging in and out all the President's correspondence, tracking correspondence, maintaining the President's files, reviewing his emails, and assisting in creating a monthly report to the Mayor. As noted earlier, HHC's President is on the Corporation's governing Board of Directors, is the most senior staff position in the Corporation, and therefore is ultimately responsible for all labor relations or personnel matters. Marti has regular access to and is responsible for processing documents that contain sensitive or private labor relations, collective bargaining, and personnel information. Based on these facts, the Board finds that Marti's position is confidential.

Ann McClenton, a CM Level B, is the Office Manager in the Inspector General's Office at HHC's Central Office and reports directly to the Inspector General. She is in charge of maintaining the office operations including overseeing the support staff; backing up the Senior Executive Secretary; planning, developing, and monitoring the department budget; purchasing and monitoring equipment; maintaining facilities; and timekeeping. In addition, McClenton is the liaison with the Legal Affairs Office concerning vendor approvals and with the HR office. She has regular access to confidential information concerning all of the employee and vendor investigations. Accordingly, the Board finds that McClenton's position as Office Manager is confidential since she acts in a confidential capacity to the Inspector General, who has significant personnel responsibilities with

respect to HHC employees, and she has regular access to and is responsible for gathering and handling materials that contain personnel information.

Angela Powell, a CM Level A, is the Executive Assistant to the ED of the Health and Home Care Operation and works at HHC's Central Office. The ED is responsible for and must approve all personnel actions and is involved with labor relations, Department of Investigations, and HR issues. Powell is responsible for preparing minutes of weekly senior management meetings as well as conferences. She supervises a Clerical Associate, does timekeeping, prepares requests for proposals and statistical reports, maintains the ED's calendar and files, and screens all incoming phone calls. In addition, she types all the ED's correspondence and is the liaison between the ED and all staff. Accordingly, the Board finds that the Executive Assistant position held by Powell is confidential since she assists a manager involved in labor relations or personnel matters and has regular access to information regarding personnel and labor relations issues.

Generations +/ Northern Manhattan Health Care Network

Rita Lopez, a CM Level B, is the Executive Assistant to the ED of the Generations + Network. She maintains the ED's schedule and is in charge of scheduling executive staff meetings with 20 Network Directors, three Deputy Directors and other executive staff. The ED is the third-most senior person in the network's Executive Office. Lopez manages the Executive Office at Harlem, makes transportation arrangements for the ED, opens and reviews all correspondence, and then assigns logging in the mail to her subordinates. Lopez also assists the Special Assistant to the ED on special projects. She attends monthly executive staff meetings and joint senior staff meetings that are chaired by the ED and the Senior Vice-President. Lopez prepares the agendas and transcribes minutes for these meetings. Based on these facts, the Board finds that the position held by Lopez is confidential

since she assists managers who are directly involved in labor relations and personnel administration matters.

Norma Diaz and Henry McFarlane, both CM Level A, report to Rita Lopez. Diaz logs in and distributes mail, schedules meeting rooms, answers phones, and arranges transportation. She assists in compiling and organizing documents for distribution at the monthly executive staff meetings, types and distributes letters and memos, and assists in maintaining the ED's calendar. Similar to Diaz, McFarlane answers phones, reviews incoming mail, and types documents and memos. McFarlane also maintains files, monitors supply inventories, monitors and maintains equipment and machines in the executive office, attends meetings, and prepares minutes. Both Diaz and McFarlane's surveys indicate that they have access to executive office mail from the Inspector General's Office and the Labor Relations department that is labelled confidential. However, their surveys do not indicate that they directly assist either the ED or the Senior Vice-President or other executive staff in the administration of collective bargaining agreements or personnel duties. Therefore, their access to confidential information concerning labor relations and/or personnel matters is not so significant that their inclusion in collective bargaining would "lead to conflicts of interest inimical to the bargaining process and the full and fair representation of the employer's interests." *District Council 37*, Decision No. 4-98 at 13-14. Accordingly, we find Diaz and McFarlane's positions are not confidential and are eligible to participate in collective bargaining.

Ivelisse Ramos, a CM Level B, works in the Generations + Administration office at Lincoln. Ramos assists the Network Senior Vice-President, who reports directly to HHC's President. She types his correspondence, answers his phone, and keeps his calendar. She also attends and takes minutes at senior staff meetings. Ramos supervises the executive office staff, including a CM Level

A, and manages the office's operations. Because of her confidential working relationship with the Network's Senior Vice-President and her regular attendance at senior staff meetings, we find that Ramos' position is confidential.

Ximena Arenas-Valle, a CM Level A, reports to Ramos. She is responsible for handling the Senior Vice-President's mail responses. In addition, Arenas-Valle provides clerical coverage for the executive office and assists the ED, the second highest network position. There is no evidence that Arenas-Valle directly assists either the Senior Vice-President or the ED in their personnel or labor relations functions. Further, her survey did not indicate that she has access to any confidential information relating to either personnel or labor relations. Accordingly, the Board finds that Arenas-Valle's position is not confidential and, therefore, is eligible for collective bargaining.

Harlem

Wayne Boyce, a CM Level B, works as an Administrator on Duty ("AOD") in the Administration/Operations office at Harlem. He reports directly to the AED of the hospital. As an AOD, Boyce is the most senior administrative staff member onsite during other than normal business hours and, during that time, is responsible for the safe and effective operation of the hospital. He is an integral part of the executive administrative management team and is responsible for all aspects of the hospital's functions, including patient relations, coordination of patient care services, admissions, housekeeping, facilities management, and public affairs. As an AOD, the scope of his authority is broad and he has direct involvement in resolving personnel and labor relations issues as they may arise, in addition to direct supervision of several hundred employees. Accordingly, the AOD position held by Boyce is designated managerial.

Metropolitan

Pamela Talley, a CM Level B, assists the CFO at Metropolitan. She is responsible for directing and organizing the Finance Administration Office. Talley acts as a liaison between her office and other hospital administrators and department heads. She supervises all record keeping and administration work performed by a CM and a Principal Administrative Assistant. Talley maintains the CFO's schedule, establishes office procedures, and is the timekeeper for the office. She assists the CFO in preparing finance data for collective bargaining. She also works directly with the Property Officer to insure appropriate processing of checks/cash received and has financial reporting, distribution, and task force committee responsibilities. Talley assists and acts in a confidential capacity to the hospital's CFO, a manager who is involved in collective bargaining and labor relations matters. Accordingly, the Board finds that Talley's position is confidential.

Renaissance

Valerie Worth-Barney, a CM Level A, works in the Administration office of Sydenham, a satellite of the Renaissance facility, and reports to an Associate Director. She is responsible for coordinating and monitoring patient flow, physician schedules, and the daily operation of the satellite facility. She prepares weekly and monthly reports relating to the facility's operation, supervises a clerical employee and a cashier, and evaluates their work. The Board finds that Worth-Barney's current position is not managerial or confidential. She does not have a role in policy formulation, personnel, or labor relations. In addition, she does not assist in a confidential capacity a manager involved in collective bargaining or personnel functions. Therefore, Worth-Barney's position is eligible to participate in collective bargaining.

Sheldon Tucker, a CM Level B, is in charge of social work and administers a patient care initiatives grant. He reports to an Associate Director. Tucker manages three clinics and is responsible

for monitoring and creating the budget for the clinics, coordinating staff assignments, and purchasing supplies. Tucker is also the AOD for a clinic on Saturdays and is responsible for resolving patient complaints and assuring adequate staffing. He maintains data concerning patient demographics and completes New York State quarterly reports. Tucker is the Outreach liaison and the outreach committee chairperson. He attends monthly meetings with the committee's multi-disciplinary staff. He also monitors and maintains social work staff coverage and provides emergency back-up for social work services. Tucker supervises several clerical employees and one social work supervisor. He attends bi-monthly meetings with network executive staff during which issues of finance, staff deployment, and legal mandates are discussed. He gives feedback in these meetings concerning all aspects of the clinics' functions and makes recommendations on improvements to functionality, feasibility of implementing new programs, maintenance of care standards, and new program effectiveness. Based on these facts, Tucker's position supports a managerial designation. As an AOD for the clinic, Tucker exercises a broad scope of authority and is regularly involved in resolving personnel and labor relations issues as they may arise. Further, Tucker's regular participation in bi-monthly executive staff meetings demonstrates that he "regularly participates" in the "essential process" which results in a policy proposals and the decision to put such proposal into effect. *Unif. Fire Officers Ass'n, Local 854, Decision No. 15-92 at 19-20; District Council 37, Decision No. 36-82 at 14*

South Manhattan Health Care Network

Jacqueline Toribio, a CM Level A, works in the SMHC Programs-Administration Department at Bellevue. She reports to the COO of the SMHC Network. Toribio assists the network COO in assembling documents for use in collective negotiations and personnel matters, including discipline

and termination. Toribio maintains a department calendar; distributes and files the SMHC COO and other department personnel's correspondence; designs, develops, and implements forms for the department; assembles materials for committees chaired by the COO; reviews and edits articles for the Bellevue magazine; assists the editor in determining content and design of the magazine; attends monthly manager meetings; takes minutes at monthly hospital-wide staff meetings; and assists in preparation of the office budget and SMHC Program Division's budgets. Based on these facts, the Board finds that the position held by Toribio is confidential since she assists the COO in collective negotiations and personnel matters.

Bernice Vargas, a CM Level A, is also employed in the SMHC Programs-Administration Department at Bellevue and reports to the SMHC Senior Vice-President and his special assistant. Vargas' survey indicates that she is responsible for "assisting" and "being on call" for the Senior Vice-President and his assistant. Examples of her duties include opening the office, making coffee, changing the desk calendar, assisting with opening and sorting the mail, filing, answering phones, running errands, handling matters relating to use and maintenance of the cars, and backing up the front office staff. Her survey did not indicate that she directly assists either the Senior Vice-President or his special assistant in their labor relations or personnel duties or that she has access to any confidential information relating to either personnel or labor relations. The Board finds that the position held by Vargas is not managerial and/or confidential and, therefore, is eligible for collective bargaining.

Bellevue

John Clark, Lawrence Dugan, and Peter Schectman, all CMs Level B, work in the Operations Division of Bellevue and report directly to the hospital's COO. They are all AODs on alternating

shifts. Similar to Boyce at Harlem, these AODs are an integral part of the executive administrative management team and are responsible for all aspects of the hospital's operations, including patient relations and patient care. They are the most senior administrative staff people on-site during other than normal business hours and, during that time, they are responsible for the safe and effective operation of the hospital. An AOD's functions include coordination of patient care services, admissions, housekeeping, facilities management, and public affairs. The scope of their authority is broad and they have direct involvement in resolving personnel and labor relations issues as they may arise, in addition to indirect supervision of several hundred employees. Accordingly, the AOD positions held by Clark, Dugan and Schectman are designated managerial.

Juanita Brown, a CM Level B, also works in the Operations Division of Bellevue and reports directly to the hospital's COO. She keeps the COO's calendar, maintains the schedule for administrative weekend coverage, manages the office, maintains statistical data, takes minutes at monthly manager meetings, screens and resolves staff complaints, prepares presentations for the COO to give the staff, and keeps time and leave records for senior managers. In addition, she acts as a liaison between the COO and the AODs and the Material Management, Information Systems, Security, Facilities Management, Safety, Psychiatric and Prison Services, Clinical Support and Rehabilitation, and Planning departments. She must maintain the confidentiality of information flowing in and out of the department, including personnel and labor relations information. Based on these facts, the Board finds that the position held by Brown is confidential since she assists the COO, a manager involved in administration of collective bargaining agreements and personnel administration.

Coler-Goldwater

Gaile King, a CM Level B, is the Executive Assistant to the Medical Director and AED of Coler. She takes minutes at senior staff meetings and executive committee meetings, maintains an office calendar, schedules appointments, and types for both the Medical Director and the AED. King processes confidential mail for all senior management, including the CEO. Similarly, Mabel Ocasio is an Executive Assistant at Coler and reports to the Senior Executive Secretary. She maintains and coordinates calendars for both the CFO and the AED, and types and processes confidential mail for all senior management. She files correspondence and other information for the CEO and is responsible for other general office support. Both King and Ocasio have regular access to and handle documents that contain personnel and/or labor relations information. Based on these facts, the Board finds that King and Ocasio's positions as Executive Assistants are confidential since they assist the AED, Medical Director, CEO, and CFO, all of whom are involved in the administration of collective bargaining agreements and personnel administration matters.

At Goldwater, Jennifer Scott, a CM Level A, works in the Executive Office and reports to the Chief of Staff.⁷ Scott schedules appointments and types for and assists the ED and COO, both of whom have labor relations responsibilities. She distributes and files confidential correspondence for both; maintains the monthly AOD schedule; processes payments of patient recreational activities, petty cash reimbursements, and auxiliary purchase orders; and performs other general office administrative and/or secretarial functions. Scott's duties are not distinguishable from King and Ocasio's responsibilities at Coler. Accordingly, the Board finds that Scott's position is confidential

⁷ The Chief of Staff at Goldwater was designated confidential in *Organization of Staff Analysts*, Decision No. 1-2006.

since she assists managers involved in administration of collective bargaining agreements and personnel matters.

Gouverneur

Isabel Marin, a CM Level A, works in the Administration/Executive Office at Gouverneur. She reports to the Executive Secretary and is responsible for coordinating and maintaining general office operations, such as maintaining a conference room registration book, scheduling, providing secretarial support and back-up for the Executive Secretary, performing reception duties, mail distribution, and typing. In addition, she revises the minutes of the weekly senior staff meetings and Advisory Board meetings and is privy to all incoming mail for the COO, ED, and other executive staff. We find that, similar to the other executive office staff who assist a COO, CEO, or an ED, Marin's position is confidential since she assists and acts in a confidential capacity to managers who are directly involved in personnel and labor relations matters.

Bibi Samaria, Joseph Hagler, Annie Battle, and Valerie Scott all work in the Medical Staff office of Gouverneur. Samaria, a CM Level B, is the Executive Assistant for and reports to the Medical Director, a manager who is directly involved in personnel and labor relations matters. She is responsible for supervising two other CMs, Hagler and Battle, and takes minutes at all medical staff meetings and credentialing meetings. During these meetings, managers discuss the daily medical operations as well as personnel and/or labor relations issues. Samaria also reviews all medical staff appointment files and prepares files for various surveys and audits. Based on these facts, the Board finds that Samaria is a confidential employee since she assists and acts in a confidential capacity to the hospital's Medical Director.

Joseph Hagler and Annie Battle, both CMs Level A, report directly to Samaria and review medical credentials. Hagler generates monthly Medicare, managed care, and other reports; takes minutes at credentials meetings; and interacts with care providers. Battle is responsible for distributing provider appointment and re-appointment packages. Both Battle and Hagler perform credential verifications. These verifications include school, training, malpractice history, and NYS licensing, and are part of the Medical Director's personnel responsibilities. In addition, Battle prepares files for the credentials committee. Similarly to Samaria, both Battle and Hagler provide assistance to the Medical Director. Based on these facts, the Board finds that Hagler and Battle's positions are confidential.

Valerie Scott, also a CM Level A, is an assistant to the Medical Director at Gouveneur. She handles time sheets and payroll for the Medical Director's Office staff, screens the Director's mail, attends meetings with the Medical Director, and takes minutes. She maintains the Director's schedule, answers his phone, and performs other general clerical duties such as typing and filing. Scott also supervises a Clerical Associate. She is privy to information concerning physician evaluations, grievances, and disciplinary actions. Scott also schedules employees for physicals. Based on these facts, the Board finds that Scott's position is confidential since she assists and acts in a confidential capacity to a manager who is directly involved in personnel and labor relations matters.

Central Brooklyn Health Care Network

Delia Cameron, a CM Level A, assists the COO/CFO for the CBHC network. She works at Kings County in the Administration Office, where she is responsible for coordinating all administrative and secretarial services for the COO, the second-most senior official in the network.

Cameron is the liaison with the department heads who report to the COO. She maintains day-to-day communication with senior staff and Central Office and performs special assignments for the COO. She is privy to Inspector General reports, labor relations information, legal affairs documents, and EEO and patient information that the COO generates or receives. She maintains the COO's schedule, types his correspondence, reviews and sorts his mail, and maintains the COO's files. We find that Cameron's position, similar to the other executive office staff who assist the COOs, is confidential. She assists and acts in a confidential capacity to a manager who is directly involved in personnel and labor relations matters.

Southern Brooklyn/Staten Island Health Care Network

Coney Island

Sharon Blanco, a CM Level B, is the Executive Assistant to the CEO/Senior Vice-President of Coney Island. She is responsible for maintaining calendars and typing for the CEO and the COO. She attends and takes minutes at executive staff meetings, senior staff meetings, and Leadership, Managed Care Oversight, and Labor-Management committee meetings. At these meetings, all hospital operations are discussed including labor relations and personnel issues. She supervises the clerical staff in the executive office and is the liaison for the CEO and COO with other departments, facilities, and other agencies. Based on these facts, the Board finds that Blanco's position as Executive Assistant to the hospital's CEO/Senior Vice-President is confidential since she assists managers who are directly involved in labor relations and personnel matters.

OTHER OFFICES

Central Office

Jacqueline McCann, a CM Level B, is a Project Assistant in the Communications and Marketing department of Central Office. She reports to the Senior Director of the department. Her duties include managing the department budget; overseeing certain vendors and marketing activities; and arranging audio, video, and database use for in-house presentations. Her budget duties entail reviewing bills and initially approving them for payment. Her survey did not indicate that she engages in policy making or other managerial activities. Further, her survey did not indicate that she assists the Senior Director in any labor relations or personnel duties or that she has access to confidential information relating to either personnel or collective bargaining. Based on her duties, the Board finds that McCann's Project Assistant position is not managerial and/or confidential and, therefore, is eligible for collective bargaining.

Euthimia Miller, a CM Level B, works in the Early Intervention Program at Central Office as the Assistant to the Director of Regional Services. She is responsible for assisting the Director of Regional Services by maintaining communication with service providers, patients' families, and the early intervention staff. She attends meetings within the department for the Director. She also researches issues on behalf of the Director, assists with special projects, creates spreadsheets, and generates monthly and quarterly statistical reports. Based on her survey, we find that she does not have any policy-making responsibilities or any role in collective bargaining or personnel administration. Although the Director of Regional Services appears to have some role in personnel administration, the record does not show that Miller's responsibilities in relation to the Director are of such a nature that her "inclusion in collective bargaining would lead to conflicts of interest inimical to the bargaining process and the full and fair representation of the employer's interests." *District Council 37*, Decision No. 4-98 at 13-14. Accordingly, the Board finds that Miller's position

– Assistant to the Director of Regional Services – is not managerial or confidential and, therefore, is eligible to participate in collective bargaining.

Trise Watson-Howell, a CM Level A, works in the Medical and Professional Affairs office of Central Office. She reports to an Assistant Vice-President (“AVP”) and is responsible for preparing materials for committee meetings, transcribing tapes, taking meeting minutes, maintaining the AVP’s schedule, and processing the AVP’s correspondence. She also maintains the office’s personnel files; interviews student interns; and reviews out-of-town travel requests, computer/software requests, and OTPS expenditures. Watson-Howell assigns work to a Secretary and a Principal Administrative Assistant. She has no budget or policy-making responsibilities. Her survey did not indicate that she assists the AVP in any labor relations or personnel duties or that she has access to any confidential information relating to either personnel administration or collective bargaining, other than disciplinary actions. Based on these duties, the Board finds that Watson-Howell’s position is not managerial and/or confidential and, therefore, is eligible for collective bargaining.

Generations + / Northern Manhattan Health Care Network

Harlem

Renee Rowell, a CM Level A, works in the Public Affairs department at Harlem. She reports directly to the Senior Associate Director and is responsible for assisting the Renaissance and Harlem facilities’ Advisory Boards in formulating, developing, and executing programs. She oversees the daily operations of the Public Affairs office, prepares the budgets for the Renaissance Advisory and Auxillary Boards and for the Public Affairs department, and supervises a Clerical Associate. Rowell works closely with executive staff at the Renaissance facility to meet joint objectives. She also

coordinates special events and activities and prepares agendas, minutes, and fact sheets for three organizations. She is an AOD for the Renaissance facility. As noted earlier, an AOD is the senior administrative staff member on-site during other than normal business hours and, during that time, is responsible for the safe and effective operation of the facility. The scope of an AOD's authority is broad and an AOD has direct involvement in resolving personnel and labor relations issues. Accordingly, the Board finds that the responsibilities of Rowell's AOD position supports a managerial designation.

Metropolitan/Lincoln

Renee Watson, a CM Level A, is the Assistant Director of the Administration office for Metropolitan and Lincoln. She is an AOD and reports to the Deputy ED at Lincoln and the Associate Director at Metropolitan. Similar to Rowell at Harlem and other AODs, Watson is the senior administrative employee in the medical center and is in charge of maintaining the center's continuous operation during other than normal business hours. She consults with all staff to resolve problems and emergencies, makes regular rounds through the medical complex, and provides guidance on implementing policies and procedures. Watson assumes the responsibilities of the Deputy ED in his absence. In addition, she attends bi-weekly meetings with the network executive staff during which the daily operations of the medical center are discussed. As an AOD, Watson has a broad scope of authority and is regularly involved in resolving personnel and labor relations issues as they may arise. Accordingly, we find that her position as Assistant Director is managerial.

South Manhattan Health Care Network

Coler-Goldwater

Carlos Pena, a CM Level A, works in the Building Services Department at Coler. He reports to the Department Director and is responsible for supervising the building services operations on the night shift at the Coler-Goldwater facilities. Building services is responsible for cleaning and maintenance of the buildings and disposal of medical waste. Pena directly supervises a few housekeeping supervisors and indirectly supervises nearly 40 other housekeeping personnel. He evaluates and disciplines employees with approval from the Director. Although he has substantial supervisory responsibilities, he does not have a role in policy making, labor relations, or personnel administration. Accordingly, the Board finds that Pena's position is neither managerial nor confidential and, therefore, is eligible to participate in collective bargaining.

Renee Sullivan, a CM Level A, works in the Nursing Department at Coler and reports to the Senior Associate Director of Nursing and the ED of Nursing. Her duties include processing scheduling requests and overtime, coding time sheets and time cards, copying employee evaluations and weekly schedules, typing purchase requisitions and personnel requisitions, processing tuition and petty cash reimbursement requests, maintaining her supervisors calendars, and keeping track of employees on leave of absence. Her survey did not indicate that she engages in policy making or other managerial activities. Further, she neither assists the Senior Associate Director or the ED of Nursing in collective bargaining or personnel functions nor has access to any confidential information relating to either personnel administration or collective bargaining. Accordingly, the Board finds that Sullivan's position is not managerial and/or confidential and, therefore, is eligible for collective bargaining.

Monica Lewis, a CM Level A, works as the Office Manager in the Safety Office of Coler-Goldwater and reports to the office's Director. Her duties include taking minutes at monthly or bi-

monthly Safety, Accident Prevention, Hazardous Material and Waste, and Plant Technology committee or sub-committee meetings. In addition, for each of these committees, she schedules the meetings and conferences; prepares and distributes announcements, agendas, and materials; and arranges for food and special equipment, if needed. After each meeting, she submits the minutes to the committee chairperson, makes requested revisions, and distributes the minutes to the committee members. In addition to other general clerical duties, Lewis maintains the office's personnel files; answers the phones; greets visitors; and opens, sorts, and distributes the incoming mail. Lewis does not have any policy-making responsibilities or any role in collective bargaining or personnel administration. Her survey did not indicate that she assists the Director in any labor relations, collective bargaining, or personnel duties. Accordingly, the Board finds that Lewis' position as the Office Manager is not managerial and/or confidential and, therefore, is eligible for collective bargaining.

Gouverneur

Shaline Udai, a CM Level A, is an Administrative Assistant in the Quality Management/Regulatory Affairs Office of Gouverneur. She reports directly to the hospital's Chief of Staff. Udai is responsible for duplication and distribution of committee materials, typing, and other general office clerical duties. In addition, she schedules meetings and maintains the calendars for the Associate Director of Quality Management and the AED of Regulatory Affairs. Udai takes minutes at one or more Quality Management and/or Regulatory Affairs committee meetings, but the record does not show who attends these meetings or what types of issues are discussed. Therefore, we are not persuaded that the information to which she is privy, either through the interoffice mail or at meetings, "would lead to conflicts of interest inimical to the bargaining process" and impair "the full

and fair representation of the employer's interests." *District Council 37*, Decision No. 4-98 at 13-14.

Based on these facts, we find that Udai's position as Administrative Assistant is neither managerial nor confidential and, therefore, is eligible for collective bargaining.

Northern Brooklyn Health Care Network

Woodhull

Felix Rodriguez, a CM Level A, is an AOD for Clinical Services at Woodhull. He reports to the hospital's AED. As an AOD, Rodriguez is an integral part of the executive administrative management team and is responsible for all aspects of the clinics' operations, including patient relations and patient care. Rodriguez is the most senior administrative staff person on-site during other than normal business hours and, during that time, is responsible for the safe and effective operation of the clinics. An AOD's functions include coordination of patient care services, admissions, housekeeping, facilities management, and public affairs. The scope of his authority is broad and he had direct involvement in resolving personnel and labor relations issues as they may arise, in addition to indirect supervision of many employees. Accordingly, the AOD position held by Rodriguez is designated managerial.

Southern Brooklyn/Staten Island Health Care Network

Coney Island

Michael Chapman and Akim Islam work in the Emergency Room at Coney Island. Chapman, a CM Level B, is the Emergency Room Manager and reports to the hospital AED. Chapman is responsible for the supervision and training of the clerical and ancillary personnel in the department, including Islam. He hires clerical and administrative staff; prepares employee schedules; acts as a liaison with other departments; monitors the OTPS budget; and purchases supplies and equipment.

In addition to his supervisory responsibilities, Chapman attends meetings with high level HHC or facility officials when patient satisfaction strategies and other department issues are discussed. These meetings are held only as needed, and Chapman regularly makes recommendations concerning the issues discussed. Chapman has substantial supervisory responsibilities, but does not have a regular or significant role in policy making, labor relations, or personnel administration. He does not assist a manager in collective bargaining or personnel duties. Accordingly, the Board finds that Chapman's position as Emergency Room Manager is neither managerial nor confidential and, therefore, is eligible to participate in collective bargaining.

Akim Islam, a CM Level A who reports to Chapman, facilitates patient care in the department; identifies and resolves problems; reports child abuse/neglect or sexual/physical abuse to appropriate agencies; arranges patient transportation; and acts as a signatory for patients who are unable to approve treatment. Islam evaluates and assigns work to two Clerical Associates. According to his survey, he has no role in policy making, personnel, or labor relations matters. Further, his survey did not indicate that he assists a manager in any collective bargaining or personnel duties. Accordingly, we find that Islam's position is not managerial or confidential and, therefore, is eligible for collective bargaining.

Erin Moss, a CM Level A, is the Assistant Ambulatory Patients Accounts Manager in the Finance department at Coney Island. She reports to a CM and is responsible for assisting that person in overseeing the daily operations of the unit and maintaining the ambulatory care staff's schedule. She assists in implementation of managed care policies and helps educate patients on the hospital's insurance and self-pay policies. In her survey, Moss indicated that she attends high level monthly meetings with HHC or facility officials during which managed care and finance issues are discussed

but stated that she does not make recommendations at these meetings or have a role in policy formulation. Moss approves the time and leave for department supervisors, generates monthly supervisor schedules, and signs evaluations. She also supervises CMs, Assistant CMs, and other employees and has access to personnel action forms, salary, and personal data for the department's staff. Although Moss has substantial supervisory responsibilities, she neither has a role in nor assists a manager in policy making, labor relations, or personnel administration. Accordingly, the Board finds that Moss' position as Assistant Ambulatory Patients Accounts Manager is neither managerial nor confidential and, therefore, is eligible to participate in collective bargaining.

North Bronx Health Care Network

Gary Belviso, a CM Level B, works in the Non-Emergent Transportation office for the NBHN at Jacobi and reports to the AED for the network. He is responsible for the department's operations, including supervising approximately 30 Motor Vehicle Operators and their supervisors. He schedules the staff, oversees daily vehicle inspection and maintenance, coordinates gasoline availability, oversees operation of the employee parking lot shuttles, and reviews department reports, invoices, work orders, and purchase orders. Belviso also coordinates transportation for special events and functions and is on call 24 hours a day, seven days per week. Although Belviso has substantial supervisory responsibilities, he does not have a role in policy making, labor relations, or personnel administration and does not assist a manager in collective bargaining or personnel duties. Accordingly, the Board finds that Belviso's position is neither managerial nor confidential and, therefore, is eligible to participate in collective bargaining.

Joanne Grimes, a CM Level B, is in charge of patient relations, chaplaincy, and interpreter services for the NBHN. She works at Jacobi in the Community Affairs office and reports to the AED

for Community Affairs. She regularly reviews written policies and procedures regarding patient relations, chaplaincy, and interpreting services, and annually drafts revisions to these policies and procedures. She also regularly attends senior management meetings where performance improvement, regulatory matters, and legal affairs are discussed. Grimes coordinates interpreter services; directs and supervises 16 employees, including patient representatives and other support staff; prepares written monthly reports concerning patient needs; and coordinates all the chaplaincy programs. She directs and coordinates patient satisfaction and ambulatory care surveys. Grimes also serves as a liaison between her department, other managers, health care providers, patients, families, and visitors and seeks resolution to patient complaints. The Board finds that Grimes' position supports a managerial designation since she regularly participates in the policy-making process for her department.

Jacqueline Jones, a CM Level B, is the Director of Admitting for the NBHN. She works at Jacobi and reports to the Director of Financial Operations. She assists in covering the department 24 hours a day/seven days per week and is available by pager at all times. Jones manages the admitting department's operations, including admitting, pre-admitting, and processing patient information. She supervises many staff, including the Admissions Officer, the Assistant Director of Hospitals, an Assistant Healthcare Program Planner, and various clerical employees. She fills in for the Director of Financial Operations in his absence and communicates with other administrators and staff. Jones ensures the timely and accurate processing of Department of Health Certificates and oversees the release of bodies. With senior network staff, she attends monthly meetings, at which patient flow issues, admissions, and discharge issues are discussed. Jones regularly makes recommendations at these meetings on such topics as ways to improve timely discharges. She participates in special

projects such as staffing analyses and prepares the department's budget. She generates and updates the department's policy and procedure manual and drafts new policies for the department. Based on these facts, we find that Jones has a regular and significant role in making policy for the Finance department. Accordingly, her position as Director of Admitting is designated managerial.

Linda Lugo, a CM Level B, is the Assistant Director of the Environmental Services department for the NBHN at Jacobi. She reports to an Associate Director and is responsible for the department's daily operation, including directly supervising and directing about 20 employees, assuring compliance with policies and procedures, monitoring annual in-service training, reviewing quality assurance, and monitoring OTPS expenditures. She also acts as a liaison on environmental service issues with the administrative and nursing staff, prepares reports, evaluates staff, and interviews and hires new employees. She represents the department in labor-management meetings and is privy to information concerning discipline and job reassignments prior to public disclosure. In her survey, she stated that she does not have any role in policy formulation. Lugo has substantial supervisory responsibilities but does not have a significant role in labor relations or personnel administration. Further, there is no evidence that she assists a manager in collective bargaining or personnel duties. Accordingly, the Board finds that Lugo's position as Assistant Director of the Environmental Services is neither managerial nor confidential and is, therefore, eligible to participate in collective bargaining.

Vincent Stanco, a CM Level A, works in the Regulatory Affairs/Risk Management department of the NBHN at Jacobi. He reports to the department's AED. His responsibilities include reviewing and revising policies and procedures, maintaining the intranet database of policies and procedures, training staff on use of the intranet, coordinating the Joint Commission mock

surveys, preparing reports on mock survey results, auditing medical records, and organizing investigatory findings on patient safety issues. Stanco has a significant role in monitoring and reporting on the network's compliance with Joint Commission standards. Stanco's survey states that he participates in the "review and revision of policies and procedures." However, the record contains no explanation of what kinds of policies or the extent of his policy-revision duties. Accordingly, the Board finds that Stanco's position is not managerial or confidential and, therefore, is eligible to participate in collective bargaining.

Jacobi

Janice Halloran, a CM Level B, is the Administrator in the Emergency Medicine department at Jacobi. She reports to an Associate Director and is responsible for managing and supervising over 41 administrative and clerical employees. She supervises staff who process all the department's personnel forms and information and is the department's representative at grievance hearings for support staff after Step I. She assists the Network Director with all aspects of emergency preparedness, assists in developing policies and procedures to address patient care issues, and assists in preparing the OTPS and Personnel Services ("PS") budgets. Halloran coordinates with the patient advocates team to resolve issues and oversees staff orientation, development, and in-service training. She also assists the Network Director concerning quality assurance issues. Halloran stated in her survey that she participates in policy making for her department. She assists the Associate Director in formulating all department policies and attends senior executive staff meetings during which Joint Commission or Department of Health issues, emergency preparedness, performance improvement initiatives, and new construction projects are discussed. She regularly makes recommendations at these meetings concerning emergency incidents and emergency preparedness. Based on these facts,

we find that Halloran has a regular and significant role in making policy. Accordingly, her position as Administrator is designated managerial.

Robert Saunders, a CM Level B, also works in the Emergency Medicine department at Jacobi and reports to the Deputy ED of Patient Care Services. Saunders coordinates the daily administrative operations of the department and is responsible for monitoring patient flow and overseeing environment of care issues such as cleanliness, supplies, and equipment. He manages construction/renovations projects within the department, generates monthly statistical reports, and attends department meetings on performance and patient flow. Saunders assists senior management in preparing the annual PS and OTPS budgets. He supervises clerical employees, oversees their scheduling and evaluations, and approves their time and leave requests. He also hires clerical personnel for the department and attends grievance meetings. Saunders attends monthly and bi-monthly meetings with high level officials during which all issues affecting the operation of the department are discussed. His survey indicated that he does not regularly make recommendations at these meetings. Saunders performs high level supervisory and administrative duties but does not have a significant role in policy making, personnel, or labor relations. Accordingly, we find that Saunder's position is not managerial or confidential and, is eligible to participate in collective bargaining.

Therefore, with the exception of the positions that we find to be managerial or confidential, the title Coordinating Manager is eligible for collective bargaining. The surveys submitted do not indicate that most Coordinating Managers have policy-making, labor relations, or personnel duties. With the exception of the Coordinating Managers in the functional title of Care Manager at Jacobi,

whose unit placement is at issue in pending case Docket No. AC-10-03, the title Coordinating Manager is added to CWA's bargaining unit, Cert. No. 41-73.

ORDER

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

ORDERED, that the employees in the title Coordinating Manager Levels A and B (Title Codes 98011E and 98012H) are eligible for collective bargaining, except for the positions currently held by those employees set forth in Appendices A and B, which are designated managerial and/or confidential and excluded from collective bargaining; and it is further,

ORDERED, that Certification No. 41-73 (as previously amended) be, and the same hereby is, further amended to include the title Coordinating Manager Levels A and B (Title Codes 98011E and 98012H), subject to existing contracts, if any and excluding employees in the functional title Care Manager at Jacobi, whose unit placement will be addressed in Docket No. AC-10-03.

Dated: May 15, 2006
New York, New York

MARLENE A. GOLD

CHAIR

GEORGE NICOLAU

MEMBER

CAROL A. WITTENBERG

MEMBER

Appendix A			
MANAGERIAL DESIGNATIONS			
Facility	Name	Department	Functional Title
<i>Bellevue</i>	Clark, J.P.	Administration Duty Office	Administrator on Duty
	Dugan, L.J.	Administration Duty Office	Administrator on Duty
	Facey, Shirley	Human Resources	Benefits Manager
	Schectman, Peter	Administration Duty Office	Administrator on Duty
	Simmons, Arthur	Human Resources	Labor Relations Manager
	Williams, Joe D.	Human Resources	Training Coordinator
<i>Coler-Goldwater</i>	Acosta, Orlando	Human Resources	Employment Manager
<i>Goldwater</i>	Ellis, Brian D.	Human Resources	Asst. Director Labor Relations
	Maris, Peter	Human Resources	Compensation. Manager
<i>Harlem</i>	Boyce, Wayne	Administration/ Operations	Administrator on Duty
	Rowell, Renee	Public Affairs	
<i>NBHN</i>	Grimes, Joanne	Community Affairs	
	Jones, Jacqueline	Admitting	Director of Admitting
<i>Jacobi</i>	Halloran, Janice	Emergency Medicine	Administrator
<i>Metropolitan/ Lincoln</i>	Watson, Renee	Administration	Assistant Director
<i>Renaissance</i>	Tucker, S.D.	Administration	

Appendix A			
MANAGERIAL DESIGNATIONS			
<i>Northern Brooklyn</i>	Allen, Charles	Recruitment/Human Resources	Employment /Recruitment Manager
<i>Woodhull</i>	Rodriguez, Felix	Clinical Services	Administrator on Duty

Appendix B			
CONFIDENTIAL DESIGNATIONS			
Facility	Name	Department	Functional Title
<i>Central Office</i>	De Ocampo, Marilen	Med./Prof. Affairs	
	Fraind, Barbara	Operations	Exec. Asst. to the Senior VP of Operations
	Marti, Carroll	President's Office	
	McClenton, Ann S.	Inspector General	Office Manager
	Nguyen, Phong H.	Human Resources	
	Trujillo, Ana	Human Resources	
<i>Home Health</i>	Gage, Ruth	Human Resources	Compliance Coordinator
	Keshner, Hal	Human Resources	Grants Manager
	Powell Angela	ED's Office	Exec. Assistant to ED
<i>Generations +</i>	Birthwright, Rousana	Human Resources	
	Daniels, Jean A	Human Resources	
	Lopez, Rita	Exec. Administration Office/Harlem	
	Ramos, Ivelisse	Exec. Administration Office /Lincoln	
	Vicens, Lourdes	Human Resources	
<i>Harlem</i>	Short, Mary	Human Resources	
<i>Lincoln</i>	James, Lenore	Human Resources	
<i>Metropolitan</i>	Talley, Pamela	Finance	
<i>SMHC</i>	Toribio, Jacqueline	Executive Office	
<i>Bellevue</i>	Brown, Juanita	Chief Operations Office	
<i>Coler-Goldwater</i>	Fisher, Patricia M.	Human Resources	
	Gore, Barbara A.	Human Resources	Secretary to AED
	King, Gaile	Executive Office	Exec. Asst. to Medical Director

Appendix B			
CONFIDENTIAL DESIGNATIONS			
	Martin, David	Human Resources	Wage and Salary Manager
	Scott, Jennifer	Executive Office	
	Ocasio, Mabel	Executive Office	Exec. Assistant
	Torres, Jose	Human Resources	
<i>Gouverneur</i>	Battle, Annie	Medical Staff Office	
	Hagler, Joseph	Medical Staff Office	
	Marin, Isabel	Admin./Exec. Office	
	Samaria, Bibi	Medical Staff Office	Exec. Asst. to the Medical Director
	Scott, Valerie	Medical Director's Office	
<i>Northern Brooklyn</i>	Miranda, Mildred	Human Resources	
<i>CBHC</i>	Cameron, Delia	Administration	
	Stark, Barbara	Human Resources	Wage and Salary Manager
<i>Coney Island Hospital</i>	Blanco, Sharon	Administration	Exec. Asst. to the CEO

NOTICE OF AMENDED CERTIFICATION

This notice is to acknowledge that the Board of Certification has issued a Decision and Order as follows:

DATE: May 15, 2006

DOCKET #: RU-1162-94

DECISION NUMBER: 3-2006

EMPLOYER: The City of New York and the New York City Health and Hospitals Corporation
125 Worth Street, New York, New York 10013

CERTIFIED/RECOGNIZED BARGAINING

REPRESENTATIVE:

Communications Workers of America, Local 1180
6 Harrison Street, 4th floor, New York, New York 10013-2898

AMENDMENT: Certification No. 41-73 has been amended to add the following
Title/Code:

Added: Coordinating Manager Levels A and B (Title Codes 98011E and 98012H)

NOTICE OF DESIGNATION

This notice is to acknowledge that the Board of Certification has issued a Decision and Order designating a title/position managerial and/or confidential as follows:

DATE: May 15, 2006

DOCKET #: RU-1162-94

DECISION NUMBER: 3-2006

EMPLOYER: The City of New York and the New York City Health and Hospitals Corporation,
125 Worth Street, New York, New York 10013

CERTIFIED/RECOGNIZED BARGAINING

REPRESENTATIVE:

Communications Workers of America, Local 1180
6 Harrison Street, 4th floor, New York, New York 10013-2898

DESIGNATION: The positions currently held by employees listed in attached Appendices A and B are designated managerial and/or confidential are therefore excluded from collective bargaining.