

Organization of Staff Analysts, 78 OCB 4 (BOC 2006) [Decision No. 4-2006
(Rep) (Docket No. AC-20-05).]

Summary of Decision: The Organization of Staff Analysts filed a petition to accrete the title Administrative Test and Measurement Specialist. Based on a stipulation submitted by the parties, the Board amended the certification to include certain positions and designated certain positions managerial and/or confidential. (***Official decision follows.***)

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

-between-

ORGANIZATION OF STAFF ANALYSTS,

Petitioner,

-and-

THE CITY OF NEW YORK,

Respondent.

DECISION AND ORDER

On March 14, 2005, the Organization of Staff Analysts (“OSA”) filed a petition to represent the title Administrative Test and Measurement Specialist (Title Code No. 10064) and to add the title to its bargaining unit of Staff Analysts and related titles, Certification No. 3-88. On May 6, 2005, the City of New York (“City”) filed a response to the petition asserting that this title is exempted from collective bargaining because it is managerial and/or confidential.

A hearing was scheduled to determine whether the employees in the petitioned-for title are managerial and/or confidential and, thus, excluded from collective bargaining. However, the parties mutually adjourned several hearing dates as a result of progressively fruitful settlement negotiations. No testimony was taken, and no exhibits were submitted.

On April 25, 2006, the parties executed the Stipulation of Settlement regarding the Administrative Test and Measurement Specialist title. The Stipulation of Settlement provides, in pertinent part:

WHEREAS, it appears that there are seven employees in the petitioned-for title, five in the Department of Citywide Administrative Services and two in the Fire Department; and

WHEREAS, the parties have reviewed the duties and responsibilities of the employees in the petitioned-for title and have agreed that based on their duties the Board is likely to make certain rulings as to their eligibility for bargaining; and

WHEREAS, the parties are desirous of resolving this matter without the necessity of hearings;

NOW, THEREFORE, IT IS STIPULATED AND AGREED by the parties to this proceeding as follows:

1. The parties jointly request the Board of Certification to amend Decision #3-88 to include employees in the title of Administrative Test and Measurement Specialist who are employed in the Fire Department. Employees currently in that title in the Fire Department are:

Jorge Esquilin (Director of Examinations) and Steven Ertrachter (Director of Licensing).

2. The parties further request that the Board of Certification find that employees in the title of Administrative Test and Measurement Specialist who are employed by the Department of Citywide Administrative Services be designated as follows:

Thomas Patitucci (Assistant Commissioner for the Bureau of Examinations) and William F. Klimowicz (Director of Uniformed & Technical Examining Group) are managerial and confidential;

Christine Bernardo (Supervisor of the General and Engineering Examining Group) and Matt Morrongiello (Supervisor of the Uniformed Services Examining Group) are confidential.

Rose Dimant is eligible for inclusion in the bargaining unit.¹

As the parties have reached an agreement, we will amend OSA's Certification No. 3-88 as requested.

¹ Although not contained in the Stipulation of Settlement, the parties indicated that Rose Dimant holds the position of Examiner in the Department of Citywide Administrative Services.

ORDER

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

ORDERED that Certification No. 3-88 (as previously amended) be and the same hereby is, further amended to include employees in the title Administrative Test and Measurement Specialist employed in the New York City Fire Department and employed in the position of Examiner in the New York City Department of Citywide Administrative Services, subject to existing contracts, if any, and it is further

ORDERED that employees in the title Administrative Test and Measurement Specialist who hold the positions of Assistant Commissioner for the Bureau of Examinations, Director of Uniformed and Technical Examining Group, Supervisor of the General and Engineering Examining Group, and Supervisor of the Uniformed Services Examining Group in New York City Department of Citywide Administrative Services are designated managerial and/or confidential and excluded from collective bargaining.

Dated: New York, New York
May 24, 2006

MARLENE A. GOLD
CHAIR

GEORGE NICOLAU
MEMBER

CAROL A. WITTENBERG
MEMBER

NOTICE OF AMENDED CERTIFICATION

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

DATE: May 24, 2006 **DOCKET #:** AC-20-05

DECISION NUMBER: 4-2006

EMPLOYER: The City of New York, represented by the Office of Labor Relations
40 Rector Street, New York, New York 10006.

CERTIFIED/RECOGNIZED BARGAINING

REPRESENTATIVE:

Organization of Staff Analysts
220 East 23rd Street, Suite 707, New York, New York 10010

AMENDMENT: Certification No. 3-88 has been amended to add the following
Title/Code:

Added: **Administrative Test and Measurement Specialist (Title Code No. 10064)
employed in the New York City Fire Department and employed in the
position of Examiner in the New York City Department of Citywide
Administrative Services**

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 24, 2006

DOCKET #: AC-20-05

DECISION NUMBER: 4-2006

EMPLOYER: The City of New York, represented by the Office of Labor Relations
40 Rector Street, New York, New York 10006.

CERTIFIED/RECOGNIZED BARGAINING

REPRESENTATIVE:

Organization of Staff Analysts
220 East 23rd Street, Suite 707, New York, New York 10010

DESIGNATION: **Administrative Test and Measurement Specialists (Title Code No. 10064) in the positions of Assistant Commissioner for the Bureau of Examinations, Director of Uniformed and Technical Examining Group, Supervisor of the General and Engineering Examining Group, and Supervisor of the Uniformed Services Examining Group in the New York City Department of Citywide Administrative Services are designated managerial and/or confidential and are therefore excluded from collective bargaining.**