

DC 37, 11 OCB2d 24 (BOC 2018)

(Rep) (Docket No. AC-1603-15)

Summary of Decision: The Union filed a petition to add the titles Administrative Assessor and Administrative Real Property Manager to Certification No. 46K-75, the Real Estate bargaining unit. Based on a stipulation, the Board added Administrative Real Property Managers currently in managerial pay plan levels I and II to the bargaining unit, with the exception of certain positions designated managerial and/or confidential. In addition, the Board designated Administrative Real Property Managers in managerial pay plan levels III and above, and all employees in the title Administrative Assessor, managerial and/or confidential and, therefore, excluded from collective bargaining. (***Official decision follows.***)

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

-between-

DISTRICT COUNCIL 37, AFSCME, AFL-CIO,

Petitioner,

-and-

THE CITY OF NEW YORK,

Respondent.

ORDER AMENDING CERTIFICATION

On April 9, 2015, District Council 37, AFSCME, AFL-CIO (“Union”) filed a petition pursuant to § 1-02(u) of the Rules of the Office of Collective Bargaining (Rules of the City of New York, Title 61, Chapter 1) requesting that employees in the titles Administrative Assessor (Title Code No. 10005) and Administrative Real Property Manager (Title Code No. 10047), be added to Certification No. 46K-75, the Real Estate

bargaining unit. The City of New York (“City”) argued that the employees were managerial/confidential and thus excluded from collective bargaining.

The parties requested that no hearings be held so that they could negotiate a settlement. On July 24, 2018, the Union and the City signed a stipulation of settlement in which they agreed that Administrative Real Property Managers currently in managerial pay plan levels I and II are eligible for collective bargaining, with the exception of the Director, Marketing and Affordable Oversight position at the Department of Housing Preservation and Development, currently held by Victor Hernandez.¹ In addition, the parties agreed that Administrative Real Property Managers in managerial pay plan levels III and above and all Administrative Assessors are managerial and/or confidential.

NOW, THEREFORE, pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law (New York City Administrative Code, Title 12, Chapter 3), it is hereby

ORDERED that Certification No. 46K-75 (as previously amended) be, and the same hereby is, further amended to add employees in the title Administrative Real Property Manager (Title Code No. 10047) currently in managerial pay plan levels I and II, with the exception of the Director, Marketing and Affordable Oversight position, which is designated managerial; and it is further

¹ In addition, the stipulation specified that it does not apply to present and future employees in these titles at the following agencies: the Office of Labor Relations, the Office of Management and Budget, the Office of Operations, the Department of Investigation, the Office of Collective Bargaining, and the Office of the Mayor.

ORDERED that employees in the title Administrative Real Property Manager (Title Code No. 10047) in managerial pay plan levels III and above are designated managerial and/or confidential and, therefore, excluded from collective bargaining; and it is further

ORDERED that employees in the title Administrative Assessor (Title Code No. 10005) are designated managerial and/or confidential and, therefore, excluded from collective bargaining.

Dated: August 22, 2018
New York, New York

SUSAN J. PANEPENTO

CHAIR

ALAN R. VIANI

MEMBER



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M. David Zurndorfer
Pamela S. Silverblatt

DEPUTY CHAIRS

Monu Singh
Steven Star

NOTICE OF AMENDED CERTIFICATION

This notice acknowledges that the Board of Certification has issued an Order Amending Certification as follows:

DATE: August 22, 2018 **DOCKET #:** AC-1603-15

DECISION: **11 OCB2d 24 (BOC 2018)**

EMPLOYER: City of New York
40 Rector Street, 4th Floor
New York, NY 10006

CERTIFIED/RECOGNIZED BARGAINING REPRESENTATIVE:

District Council 37, AFSCME, AFL-CIO
125 Barclay Street
New York, NY 10007

AMENDMENT: Certification No. 46K-75, the Real Estate bargaining unit,
has been amended as follows:

Added: **Administrative Real Property Manager**
currently in managerial pay plan levels I and II
(Title Code No. 10047)



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NOTICE OF DESIGNATION

This notice is to acknowledge that the Board of Certification has issued an Order Amending Certification designating titles/positions managerial and/or confidential as follows:

DATE: August 22, 2018 **DOCKET #:** AC-1603-15

DECISION: **11 OCB2d 24 (BOC 2018)**

EMPLOYER: City of New York
40 Rector Street, 4th Floor
New York, NY 10006

DESIGNATIONS: The following titles/positions are designated managerial and/or confidential and, therefore, excluded from collective bargaining:

Administrative Assessor
(Title Code No. 10005)

Administrative Real Property Manager
(Title Code No. 10047)

in managerial pay plan levels I or II in the position of
Director, Marketing and Affordable Oversight; and

in managerial pay plan levels III and above