

**DC 37, 11 OCB2d 30 (BOC 2018)**

(Rep) (Docket No. AC-1623-16)

***Summary of Decision:*** The Union filed a petition seeking to add the title Administrative Fire Protection Inspector to Certification No. 4-2003, the Emergency Medical Services bargaining unit. Based on a stipulation, the Board added employees in the title currently in managerial pay plan levels I and II to the bargaining unit and designated employees in managerial pay plan levels III and above managerial and/or confidential, with the exception of four positions that are eligible for collective bargaining. (***Official decision follows.***)

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**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.***

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**ORDER AMENDING CERTIFICATION**

On March 15, 2016, 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 the title Administrative Fire Protection Inspector (Title Code No. 10024) be added to Certification No. 4-2003, the Emergency Medical Services bargaining unit. The City of New York (“City”) argued that the employees were managerial and/or 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 employees in the title currently in managerial pay plan levels I and II are eligible for collective bargaining.<sup>1</sup> In addition, the parties agreed that employees in the title in managerial pay plan levels III and above are managerial and/or confidential, with the exception of four positions at the Fire Department currently held by Louis Cendagorta, Frank Lindsay, Daniel McBeth, and Ronald Riccitelli.

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. 4-2003 (as previously amended) be, and the same hereby is, further amended to add employees in the title Administrative Fire Protection Inspector (Title Code No. 10024) currently in managerial pay plan levels I and II; and it is further

ORDERED that Certification No. 4-2003 (as previously amended) be, and the same hereby is, further amended to add the Administrative Fire Protection Inspector (Title Code No. 10024) positions at the Fire Department currently held by Louis Cendagorta, Frank Lindsay, Daniel McBeth, and Ronald Riccitelli; and it is further

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<sup>1</sup> In addition, the stipulation specified that it does not apply to present and future employees in the title 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 Fire Protection Inspector (Title Code No. 10024) in managerial pay plan levels III and above 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



# OFFICE OF COLLECTIVE BARGAINING

## OFFICE ADDRESS

100 Gold Street  
Suite 4800  
New York, New York 10038

## MAILING ADDRESS

Peck Slip Station  
PO Box 1018  
New York, New York  
10038-9991

212.306.7160  
www.ocb-nyc.org

## IMPARTIAL MEMBERS

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Charles G. Moerdler  
Gwynne A. Wilcox

## CITY MEMBERS

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-1623-16

**DECISION:**      **11 OCB2d 30 (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, 5th Floor  
New York, NY 10007

**AMENDMENT:**      Certification No. 4-2003, the Social Services bargaining unit, has been amended as follows:

**Added:**      **Administrative Fire Protection Inspector**  
(Title Code No. 10024)

currently in managerial pay plan levels I and II; and

in the positions at the Fire Department currently held by Louis Cendagorta, Frank Lindsay, Daniel McBeth, and Ronald Riccitelli



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**LABOR MEMBERS**

Charles G. Moerdler  
Gwynne A. Wilcox

**CITY MEMBERS**

M. David Zurndorfer  
Pamela S. Silverblatt

**DEPUTY CHAIRS**

Monu Singh  
Steven Star

**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-1623-16

**DECISION:**      **11 OCB2d 30 (BOC 2018)**

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

**DESIGNATION:**      The following title/positions are designated managerial and/or confidential and, therefore, excluded from collective bargaining:

**Administrative Fire Protection Inspector**  
in managerial pay plan levels III and above  
(Title Code No. 10024)