

OSA, 13 OCB2d 5 (BOC 2020)

(Rep) (Docket No. AC-1660-19)

Summary of Decision: The Union filed a petition to add the title Deputy Assistant Director (CCRB) to Certification No. 3-88, the Staff Analyst bargaining unit. Based on a stipulation, the Board added the title Deputy Assistant Director (CCRB) (Non-Managerial) to the unit and designated certain Deputy Assistant Directors (CCRB) managerial. (*Official decision follows.*)

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

-between-

THE ORGANIZATION OF STAFF ANALYSTS,

Petitioner,

-and-

THE CITY OF NEW YORK,

Respondent.

ORDER AMENDING CERTIFICATION

On January 22, 2019, the Organization of Staff Analysts (“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 title Deputy Assistant Director (CCRB) (Title Code No. 10193) be added to Certification No. 3-88, the Staff Analyst bargaining unit. The City of New York (“City”) argued that the employees were managerial and/or confidential and thus excluded from collective bargaining.

In 2019, a hearing was conducted concerning the eligibility of Deputy Assistant Directors (CCRB) for collective bargaining. Prior to the conclusion of the hearing, the parties entered settlement negotiations. On February 28, 2020, the Union and the City signed a stipulation of settlement in which they agreed that, with certain exceptions, Deputy Assistant Directors (CCRB) currently in managerial pay plan levels I and II are eligible for collective bargaining and will be represented by the Union in a newly established title, Deputy Assistant Director (CCRB) (Non-Managerial) (Title Code No. 1019A). They further agreed that Deputy Assistant Directors (CCRB) in managerial pay plan level II in the position of Director of Operations and Budget, currently held by David B. Douek, and the position of Director of Policy and Advocacy, currently held by Nicole M. Napolitano, are managerial and, therefore, excluded from collective bargaining.¹

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. 3-88 (as previously amended) be, and the same hereby is, further amended to add the title Deputy Assistant Director (CCRB) (Non-Managerial) (Title Code No. 1019A); and it is further

ORDERED that the employees in the title Deputy Assistant Director (CCRB) (Title Code No. 10193) in managerial pay plan level II in the positions of Director of Operations and Budget and Director of Policy and Advocacy are designated managerial and excluded from collective bargaining.

¹ The parties also agreed that certain Deputy Assistant Directors (CCRB) will be moved into the Executive Agency Counsel title.

Dated: March 18, 2020
New York, New York

SUSAN J. PANEPENTO

CHAIR

ALAN R. VIANI

MEMBER

NOTICE OF AMENDED CERTIFICATION

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

DATE: March 18, 2020 **DOCKET #:** AC-1660-19

DECISION: **13 OCB2d 5 (BOC 2020)**

EMPLOYER: The City of New York
22 Cortlandt Street, 14th Floor
New York, NY 10007

CERTIFIED/RECOGNIZED BARGAINING REPRESENTATIVE:

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

AMENDMENT: Certification No. 3-88, the Staff Analyst bargaining unit, has been amended as follows:

Added: **Deputy Assistant Director (CCRB) (Non-Managerial)**
(Title Code No. 1019A)

NOTICE OF DESIGNATIONS

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

DATE: March 18, 2020 **DOCKET #:** AC-1660-19

DECISION: 13 OCB2d 5 (BOC 2020)

EMPLOYER: The City of New York
22 Cortlandt Street, 14th Floor
New York, NY 10007

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

Deputy Assistant Director (CCRB) (Title Code No. 10193) in the positions of

Director of Operations and Budget
Director of Policy and Advocacy