

**DC 37, 16 OCB2d 19 (BOC 2023)**  
(Rep) (Docket No. AC-1685-21)

***Summary of Decision:*** The Union filed a petition seeking to add NYCHA employees in the Computer Systems Manager, Computer Operations Manager, Telecommunications Manager, and Administrative Management Auditor titles to Certification No. 46D-75, the Accounting and EDP bargaining unit. As prior Board decisions had previously added employees in these titles in managerial pay plan levels I and II to the bargaining unit and designated employees in managerial pay plan levels III and above as managerial, the Board further designated two positions at NYCHA managerial or confidential pursuant to a stipulation. (***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-***

**NEW YORK CITY HOUSING AUTHORITY,**

***Respondent.***

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**ORDER AMENDING CERTIFICATION**

On December 1, 2021, District Council 37, AFSCME, AFL-CIO (“Union”) filed a petition, docketed as AC-1685-21, requesting that New York City Housing Authority (“NYCHA”) employees in the titles Computer Systems Manager (Title Code No. 10050), Computer Operations Manager (Title Code No. 10074), Telecommunications Manager (Title Code No. 82984), and Administrative Management Auditor (Title Code No. 10010) be added to Certification No. 46D-75, the Accounting and EDP bargaining unit. These are

Citywide titles that are used throughout the City of New York (“City”) and related public employers. Indeed, the Union already represents employees in these titles employed by the City.

In prior proceedings, docketed as AC-1602-15 and AC-1610-15, these titles were added to the Accounting and EDP bargaining unit pursuant to stipulations between the City and the Union. *See DC 37*, 13 OCB2d 13 (BOC 2020) (adding employees in the titles Computer Systems Manager and Computer Operations Manager in managerial pay plan levels I and II to Certification No. 46D-75, with the exception of certain positions designated managerial and/or confidential, and designating employees in those titles in managerial pay plan level III and above managerial); *DC 37*, 11 OCB2d 23 (BOC 2018) (adding employees in the titles Telecommunications Manager and Administrative Management Auditor in managerial pay plan levels I and II to Certification No. 46D-75, with the exception of certain positions designated managerial and/or confidential, and designating employees in those titles in managerial pay plan level III and above managerial). NYCHA was not a party to the prior proceedings or the stipulations settling them. After this current petition was filed, OCB became aware that there were employees in these titles at NYCHA. NYCHA argued that its employees in the titles were managerial and/or confidential and, therefore, excluded from collective bargaining.

NYCHA and the Union requested that no hearing be held so that they could negotiate a settlement. On May 17, 2023, the parties signed a stipulation of settlement in which they agreed that NYCHA employees in the titles Computer Systems Manager, Computer Operations Manager, Telecommunications Manager, and Administrative Management Auditor currently in managerial pay plan levels I and II are eligible for

collective bargaining, with the exception of two positions: (1) the Administrative Management Auditor in the position of Assistant Director in the Department of Internal Audit & Assessment, which they agreed is managerial and (2) the Computer Systems Manager in the position of Manager of HR Applications Development in the Human Resources Department, which they agreed is confidential.<sup>1</sup> In addition, the parties agreed that NYCHA employees in these titles in managerial pay plan levels III and above are managerial and/or confidential.

The parties' stipulation is consistent with the Board's prior determinations, which added employees in these titles in managerial pay plan levels I and II to the bargaining unit and designated employees in managerial pay plan levels III and above managerial. *See DC 37, 13 OCB2d 13; DC 37, 11 OCB2d 23.* It is the Board's long-standing practice not to certify Citywide titles by employer. *See Local 1407, DC 37, 40 OCB 21, at 29 (BOC 1987)* (finding that splitting a title based upon agency lines would be a "violation of the principles of the NYCCBL and the policies of the Board"); *Sanitation Medical Officers Assn., 8 OCB 25, at 3-4 (BOC 1971); Local 1, 6 OCB 41, at 2 (BOC 1970); Local 2461, SEIU, 4 OCB 45, at 5 (BOC 1969); see also SEIU, L. 246, 80 OCB 4, 2 (BOC 2007)* (dismissing an employer's petition to remove civil service titles from a bargaining unit when those titles are utilized by other employers). To the extent that our prior decisions did not clearly indicate that the accretion of the titles at issue here applied to all incumbents employed by the City and related public employers, we hereby clarify those decisions.

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<sup>1</sup> The Assistant Director position in the Department of Internal Audit & Assessment is currently held by Anil Agrawal. The Manager of HR Applications Development position in the Human Resources Department is currently held by Lynn Sun.

Pursuant to *DC 37*, 13 OCB2d 13 and *DC 37*, 11 OCB2d 23, employees in the titles Computer Systems Manager, Computer Operations Manager, Telecommunications Manager, and Administrative Management Auditor in managerial pay plan levels I and II have already been accreted to the Accounting and EDP bargaining unit, and employees in these titles in managerial pay plan levels III and above have already been designated managerial and, therefore, excluded from collective bargaining. Accordingly, the only further amendment to the certification that is necessary is to designate two NYCHA positions managerial or confidential pursuant to NYCHA and the Union's stipulation: specifically, an Administrative Management Auditor in the position of Assistant Director in the Department of Internal Audit & Assessment is managerial, and a Computer Systems Manager in the position of Manager of HR Applications Development in the Human Resources Department is 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. 46D-75 (as previously amended) be, and the same hereby is, further amended to designate the Administrative Management Auditor (Title Code No. 10010) in the position of Assistant Director in the Department of Internal Audit & Assessment at the New York City Housing Authority managerial; and it is further

ORDERED that Certification No. 46D-75 (as previously amended) be, and the same hereby is, further amended to designate the Computer Systems Manager (Title Code No. 10050) in the position of Manager of HR Applications Development in the Human Resources Department at the New York City Housing Authority confidential.

Dated: June 1, 2023  
New York, New York

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SUSAN J. PANEPENTO  
CHAIR

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ALAN R. VIANI  
MEMBER



# OFFICE OF COLLECTIVE BARGAINING

## OFFICE ADDRESS

100 Gold Street  
Suite 4800  
New York, New York 10038

## NOTICE OF DESIGNATIONS

## MAILING ADDRESS

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

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:** June 1, 2023                      **DOCKET #:** AC-1685-21

**DECISION:** 16 OCB2d 19 (BOC 2023)

**EMPLOYER:** New York City Housing Authority  
90 Church Street, 11th Floor  
New York, NY 10007

212.306.7160  
www.ocb-nyc.org

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

## IMPARTIAL MEMBERS

Susan J. Panepento, Chair  
Alan R. Viani

## LABOR MEMBERS

Charles G. Moerdler

## CITY MEMBERS

M. David Zurndorfer  
Pamela S. Silverblatt

## DEPUTY CHAIRS

Monu Singh  
Steven Star

### **Administrative Management Auditor**

(Title Code No. 10010) in managerial pay plan levels I or II in the position of

Assistant Director in the Department of Internal Audit & Assessment

### **Computer Systems Manager**

(Title Code No. 10050) in managerial pay plan levels I or II in the position of

Manager of HR Applications Development in the Human Resources Department