

Local 375, DC 37, 8 OCB2d 31 (BOC 2015)

(Rep) (Docket No. AC-1571-14)

Summary of Decision: In response to stipulations among the parties, the Board added the title Administrative Inspector (Electrical) to Certification No. 15-71 and the titles Administrative Architect, Administrative City Planner, Administrative Construction Project Manager, Administrative Engineer, Administrative Housing Development Specialist, Administrative Inspector (Buildings), Administrative Landmarks Preservationist, and Administrative Landscape Architect to Certification No. 26-78. (*Official decision follows.*)

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

-between-

**CIVIL SERVICE TECHNICAL GUILD, LOCAL 375,
DISTRICT COUNCIL 37, AFSCME, AFL-CIO,**

Petitioner,

-and-

**THE CITY OF NEW YORK AND
THE NEW YORK CITY HOUSING AUTHORITY;**

Respondents,

-and-

LOCAL 3, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,

Intervenor.

ORDER AMENDING CERTIFICATIONS

On January 8, 2014, Civil Service Technical Guild, Local 375, District Council 37, AFSCME, AFL-CIO (“Local 375”) 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 managerial level I of the following ten titles be accreted to Certification No. 26-78, the Engineering and Scientific bargaining unit: Administrative Architect (Title Code No. 10004), Administrative City Planner (Title Code No. 10053), Administrative Construction Project Manager (Title Code No. 82991), Administrative Engineer (Title Code No. 10015), Administrative Housing Development Specialist (Title Code No. 83006), Administrative Inspector (Buildings) (Title Code No. 10073), Administrative Inspector (Electrical) (Title Code No. 10077), Administrative Landmarks Preservationist (Title Code No. 10034), Administrative Landscape Architect (Title Code No. 10023), and Administrative Management Auditor (Title Code No. 10010). Local 3, International Brotherhood of Electrical Workers (“Local 3”) filed a motion to intervene seeking to add the title Administrative Inspector (Electrical) to Certification No. 15-71, the Electrical Inspectors bargaining unit. The City of New York and the New York City Housing Authority (collectively, “Employers”) argued that the employees were managerial/confidential and thus excluded from collective bargaining.

No hearing was held at the request of the parties so that they could negotiate a settlement. On October 2, 2015, Local 375 and the Employers signed a stipulation of settlement in which they agreed that, with the exception of employees in certain positions and in certain agencies, employees presently in level I of the Managerial Pay Plan in eight titles share a community of interest with Local 375’s Engineering and Scientific bargaining unit. Accordingly, the Employers agreed to withdraw their objection to Local 375’s representation of these employees, establish eight new non-managerial titles, and recognize Local 375 as the sole and exclusive bargaining representative of employees in

these titles. In addition, Local 375 and the Employers agreed that the positions held by the 46 employees listed on Appendix A should be designated managerial and confidential and to exclude employees from 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, the District Attorneys' Offices, and the Office of the Mayor. In addition, Local 375 withdrew its interest in the Administrative Management Auditor and Administrative Inspector (Electrical) titles.¹

On October 5, 2015, Local 3 and the Employers signed a stipulation of settlement in which they agreed that Administrative Inspectors (Electrical) presently in level I of the Managerial Pay Plan share a community of interest with Local 3's Electrical Inspectors bargaining unit. The Employers agreed to withdraw their objection to Local 3's representation of these employees.²

¹ Local 375 and the Employers further agreed that Local 375 would be prohibited from filing a petition to represent employees in levels II and III of the Managerial Pay Plan in the eight titles for a period of three years.

² Local 3 and the Employers agreed that Local 3 would be prohibited from filing a petition to represent Administrative Inspectors (Electrical) in levels II and III of the Managerial Pay Plan for a period of three years. In addition, they agreed that their stipulation excludes employees from 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, the District Attorneys' Offices, and the Office of the Mayor.

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. 26-78 (as previously amended) be, and the same hereby is, further amended to add the titles Administrative Architect (Non-Managerial) (Title Code No. 1000A), Administrative City Planner (Non-Managerial) (Title Code No. 1005A), Administrative Construction Project Manager (Non-Managerial) (Title Code No. 8299A), Administrative Engineer (Non-Managerial) (Title Code No. 1001A), Administrative Housing Development Specialist (Non-Managerial) (Title Code No. 8300A), Administrative Inspector (Buildings) (Non-Managerial) (Title Code No. 1007A), Administrative Landmarks Preservationist (Non-Managerial) (Title Code No. 1003A), and Administrative Landscape Architect (Non-Managerial) (Title Code No. 1002G), subject to existing contracts, if any; and it is further,

ORDERED that Certification No. 15-71 (as previously amended) be, and the same hereby is, further amended to add the title Administrative Inspector (Electrical), Level I (Title Code No. 10077), subject to existing contracts, if any.

Dated: October 6, 2015
New York, New York

SUSAN J. PANEPENTO
CHAIR

CAROL A. WITTENBERG
MEMBER

ALAN R. VIANI
MEMBER



OFFICE OF COLLECTIVE BARGAINING

100 Gold St., 4th Floor
New York, N.Y. 10038
(212) 306-7160
FAX (212) 306-7167

IMPARTIAL MEMBERS
SUSAN J. PANEPENTO, CHAIR
CAROL A. WITTENBERG
ALAN R. VIANI

CITY MEMBERS
M. DAVID ZURNDORFER
PAMELA S. SILVERBLATT

DEPUTY CHAIRS
MONU SINGH
STEVEN E. STAR

LABOR MEMBERS
CHARLES G. MOERDLER

NOTICE OF AMENDED CERTIFICATIONS

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

DATE: October 6, 2015 **DOCKET # :** AC-1571-14

DECISION: **8 OCB2d 31 (BOC 2015)**

EMPLOYERS: City of New York, represented by the Office of Labor Relations
40 Rector Street, 4th Floor
New York, NY 10006

New York City Housing Authority
250 Broadway, 9th Floor
New York, NY 10007

AMENDMENT 1: Certification No. 26-78 has been amended as follows:

Added: **Administrative Architect (Non-Managerial)**
(Title Code No. 1000A)

Administrative City Planner (Non-Managerial)
(Title Code No. 1005A)

Administrative Construction Project Manager (Non-Managerial)
(Title Code No. 8299A)

Administrative Engineer (Non-Managerial)
(Title Code No. 1001A)

Administrative Housing Development Specialist (Non-Managerial)
(Title Code No. 8300A)

Administrative Inspector (Buildings) (Non-Managerial)
(Title Code No. 1007A)

Administrative Landmarks Preservationist (Non-Managerial)
(Title Code No. 1003A)

Administrative Landscape Architect (Non-Managerial)
(Title Code No. 1002G)

Certified/Recognized Bargaining Representative:

Civil Service Technical Guild, Local 375,
District Council 37, AFSCME, AFL-CIO
125 Barclay Street
New York, NY 10007

AMENDMENT 2: Certification No. 15-71 has been amended as follows:

Added: **Administrative Inspector (Electrical), Level I**
(Title Code No. 10077)

Certified/Recognized Bargaining Representative:

Local 3, International Brotherhood of Electrical Workers
158-11 Harry Van Arsdale Jr., Blvd.
Flushing, NY 11358



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FAX (212) 306-7167

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NOTICE OF DESIGNATION

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

DATE: October 6, 2015 **DOCKET # :** AC-1571-14

DECISION: **8 OCB2d 31 (BOC 2015)**

EMPLOYERS: City of New York, represented by the Office of Labor Relations
40 Rector Street, 4th Floor
New York, NY 10006

New York City Housing Authority
250 Broadway, 9th Floor
New York, NY 10007

CERTIFIED/RECOGNIZED BARGAINING REPRESENTATIVE:

Civil Service Technical Guild, Local 375,
District Council 37, AFSCME, AFL-CIO
125 Barclay Street
New York, NY 10007

DESIGNATION: The positions currently held by employees listed in attached Appendix A are designated managerial and/or confidential and, therefore, excluded from collective bargaining

APPENDIX A

TITLE	NAME	AGENCY NAME	DESIGNATION
10004-Admin. Architect Lvl 110004	Fontaine, Irma	FDNY	Managerial and Confidential
10004-Admin. Architect Lvl 1	Amoia, Lisa	DOB	Managerial and Confidential
10004-Admin. Architect Lvl 1	Gami, Bharat	DOB	Managerial and Confidential
10004-Admin. Architect Lvl 1	Cohen, Neil	NYCHA	Managerial and Confidential
10004-Admin. Architect Lvl 1	Dennery, Simone	HPD	Managerial and Confidential
10015-Admin. Engineer Lvl 1	Hsu, Wu-Hsuan	DEP	Managerial and Confidential
10015-Admin. Engineer Lvl 1	Seraz, Mohammad	DOB	Managerial and Confidential
10015-Admin. Engineer Lvl 1	Price, Alan	DOB	Managerial and Confidential
10015-Admin. Engineer Lvl 1	Khan, Mohemmed	DOB	Managerial and Confidential
10015-Admin. Engineer Lvl 1	Krenitsyn, Eugene	DOB	Managerial and Confidential
10015-Admin. Engineer Lvl 1	Halkiadakis, Basile (Bill)	DOB	Managerial and Confidential
10015-Admin. Engineer Lvl 1	Fam, Mourad	DCAS	Managerial and Confidential
10015-Admin. Engineer Lvl 1	Paul, Alan	DCAS	Managerial and Confidential
10034-Admin. Landmarks Preservationist Lvl 1	Neeley, William	LPC	Managerial and Confidential
10034-Admin. Landmarks Preservationist Lvl 1	Artus, Bernadette	LPC	Managerial and Confidential
10034-Admin. Landmarks Preservationist Lvl 1	Bond, Carly	LPC	Managerial and Confidential
10034-Admin. Landmarks Preservationist Lvl 1	Kane, Caroline	LPC	Managerial and Confidential
10034-Admin. Landmarks Preservationist Lvl 1	Herrala, Cory	LPC	Managerial and Confidential

10053-Admin. City Planner Lvl 1	Salvo, Joseph	DCP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Carney, Deborah	DCP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Kushner, Cecelia	DCP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Price, Glen	DCP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Whitham, Sarah	DCP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Blessing, Ralph	DCP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Campo, Nicole	DCP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Olinger, Kevin	DCP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Abinader, Olga	DCP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Brede, Shawn	DCP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Herasme, Claudia	DCP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Ruchala, Jr., Frank	DCP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Reynolds, Lucian	MBP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Sandler, Michael	MBP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Tigani, Ahmed	MBP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Baptiste, Erica	MBP	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Eickmann, Andrew	HPD	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Myers, Cyril	HPD	Managerial and Confidential
10053-Admin. City Planner Lvl 1	Walters, Thehbia	HPD	Managerial and Confidential
82991- Admin. CPM Lvl 1	DeRocchis, Paul	FDNY	Managerial and Confidential
82991- Admin. CPM Lvl 1	Bhanote, Anil	ACS	Managerial and Confidential

82991- Admin. CPM Lvl 1	Lochner, Steven	DCAS	Managerial and Confidential
82991- Admin. CPM Lvl 1	Lopez, Cesar	DCAS	Managerial and Confidential
83006-Admin. Housing Dev. Specialist Lvl 1	Chiu, Meilan	HPD	Managerial and Confidential
83006-Admin. Housing Dev. Specialist Lvl 1	Edgeworth, Jessica	HPD	Managerial and Confidential
83006-Admin. Housing Dev. Specialist Lvl 1	Labotz, Kerry	HPD	Managerial and Confidential
83006-Admin. Housing Dev. Specialist Lvl 1	Mahase, Christopher	HPD	Managerial and Confidential
83006-Admin. Housing Dev. Specialist Lvl 1	Williams, Carolyn	HPD	Managerial and Confidential