

**OSA, 10 OCB2d 6 (BOC 2017)**  
(Rep) (Docket No. AC-1611-15)

***Summary of Decision:*** OSA sought to add Confidential Strategy Planner titles at various agencies to Certification No. 3-88. By agreement of the parties, the Board added the titles to the unit and designated three positions as confidential. (***Official decision follows.***)

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**OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION**

**In the Matter of the Certification Proceeding**

***-between-***

**ORGANIZATION OF STAFF ANALYSTS,**

***Petitioner,***

***-and-***

**THE CITY OF NEW YORK,**

***Respondent.***

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**ORDER AMENDING CERTIFICATION**

On August 5, 2015, the Organization of Staff Analysts (“OSA”) 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) (“OCB Rules”) requesting that employees in the following titles be accreted to Certification No. 3-88, the Staff Analyst bargaining unit: Confidential Strategy Planner (HRA) (Title Code No. 54737), Confidential Strategy Planner (DOT) (Title Code No. 54738), Confidential Strategy Planner (DCAS) (Title Code No. 54739), Confidential Strategy Planner (Comptroller) (Title Code No. 54740), Confidential Strategy Planner (ACS) (Title Code No. 54741), Confidential Strategy Planner (HMH) (Title Code No. 54743), Confidential Strategy Planner (DoITT) (Title Code No. 54745), Confidential Strategy Planner (HPD) (Title Code No.

54746), Confidential Strategy Planner (NYCERS) (Title Code No. 54736), Confidential Strategy Planner (Kings County DA) (Title Code No. 54742), and Confidential Strategy Planner (Finance) (Title Code No. 54744).<sup>1</sup> The City of New York (“City”) argued that the employees are managerial and/or confidential.

No hearings were held at the request of the parties so that they could negotiate a settlement. On January 31, 2017, the City withdrew its objections to OSA’s representation of the titles.<sup>2</sup> In addition, the City and OSA agreed to designate as confidential: (i) the Confidential Strategy Planner (DCAS) position of Executive Assistant to the Assistant Commissioner for Examinations, currently held by Arley Reyes; (ii) the Confidential Strategy Planner (DCAS) position of Director of Personnel Policy, currently held by Nelmy Negrete; and (iii) the Confidential Strategy Planner (DOT) position of Deputy Chief of Staff, currently held by Bonny Tsang.<sup>3</sup>

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<sup>1</sup> OSA also sought to represent the title Confidential Strategy Planner (DOE). The Board does not have jurisdiction over employees at the New York City Department of Education (“DOE”) in the absence of the DOE electing to be covered by statute. *See* NYCCBL § 12-304(c); *Plumbers Local Union No. 1*, 1 OCB2d 28 (BCB 2008), *affd.*, *Matter of Plumber’s Local Union No. 1 v. Gold*, 2010 N.Y. Slip Op 30293(U) (Sup. Ct. New York County Feb. 2, 2010). Accordingly, the portion of OSA’s petition seeking to represent the title Confidential Strategy Planner (DOE) is dismissed.

<sup>2</sup> The parties agreed that the stipulation would not cover vacant titles. Accordingly, the Union agreed to withdraw, without prejudice, any claims as to those titles. These include Confidential Strategy Planner (NYCERS) (Title Code No. 54736), Confidential Strategy Planner (Kings County DA) (Title Code No. 54742), and Confidential Strategy Planner (Finance) (Title Code No. 54744).

<sup>3</sup> OSA and the City also agreed that OSA would not seek to represent employees holding these specified positions unless the duties and assignments of these positions substantially change such that they are no longer 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. 3-88 (as previously amended) be, and the same hereby is, further amended to add the titles Confidential Strategy Planner (HRA), Confidential Strategy Planner (DOT), Confidential Strategy Planner (DCAS), Confidential Strategy Planner (Comptroller), Confidential Strategy Planner (ACS), Confidential Strategy Planner (HMH), Confidential Strategy Planner (DoITT), and Confidential Strategy Planner (HPD), subject to existing contracts, if any.

ORDERED that the Confidential Strategy Planner (DCAS) position of Executive Assistant to the Assistant Commissioner for Examinations, the Confidential Strategy Planner (DCAS) position of Director of Personnel Policy, and the Confidential Strategy Planner (DOT) position of Deputy Chief of Staff are designated confidential and, therefore, excluded from collective bargaining.

Dated: April 3, 2017  
New York, New York

SUSAN J. PANEPENTO  
CHAIR

ALAN R. VIANI  
MEMBER



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DEPUTY CHAIRS  
MONU SINGH  
STEVEN E. STAR

LABOR MEMBERS  
CHARLES G. MOERDLER  
GWYNNE A. WILCOX

### **NOTICE OF AMENDED CERTIFICATION**

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

**DATE:** April 3, 2017 **DOCKET #:** AC-1611-15

**DECISION:** 10 OCB2d 6 (BOC 2017)

**EMPLOYER:** City of New York, represented by the Office of Labor Relations  
40 Rector Street, 4<sup>th</sup> Floor  
New York, New York 10006

**CERTIFIED/RECOGNIZED BARGAINING REPRESENTATIVE:**

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

**AMENDMENT:** Certification No. 3-88 has been amended to add the following titles:

**Confidential Strategy Planner (HRA)** (Title Code No. 54737)  
**Confidential Strategy Planner (DOT)** (Title Code No. 54738)  
**Confidential Strategy Planner (DCAS)** (Title Code No. 54739)  
**Confidential Strategy Planner (Comptroller)** (Title Code No. 54740)  
**Confidential Strategy Planner (ACS)** (Title Code No. 54741)  
**Confidential Strategy Planner (HMH)** (Title Code No. 54743)  
**Confidential Strategy Planner (DoITT)** (Title Code No. 54745)  
**Confidential Strategy Planner (HPD)** (Title Code No. 54746)



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**NOTICE OF DESIGNATIONS**

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

**DATE:** April 3, 2017 **DOCKET #:** AC-1611-15

**DECISION:** 10 OCB2d 6 (BOC 2017)

**EMPLOYER:** City of New York, represented by the Office of Labor Relations  
40 Rector Street, 4<sup>th</sup> Floor  
New York, New York 10006

**CERTIFIED/RECOGNIZED BARGAINING REPRESENTATIVE:**

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

**DESIGNATIONS:** The following positions are designated confidential and, therefore, excluded from collective bargaining:

Confidential Strategy Planner (DCAS) position of Executive Assistant to the Assistant Commissioner for Examinations

Confidential Strategy Planner (DCAS) position of Director of Personnel Policy

Confidential Strategy Planner (DOT) position of Deputy Chief of Staff