

DC 37, 11 OCB2d 26 (BOC 2018)

(Rep) (Docket No. AC-1605-15)

Summary of Decision: The Union filed a petition to add the titles Administrative Public Health Nurse and Administrative Public Health Sanitarian to Certificate No. 28-78, the Health Services bargaining unit. Based on a stipulation, the Board added employees in the titles currently in managerial pay plan levels I and II to the bargaining unit, with the exception of certain positions designated managerial and/or confidential. In addition, the Board designated employees in managerial pay plan levels III and above managerial and/or confidential and, therefore, excluded from collective bargaining. (***Official decision follows.***)

**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.

ORDER AMENDING CERTIFICATION

On April 9, 2015, 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 employees in the titles Administrative Public Health Nurse (Title Code 10032) and Administrative Public Health Sanitarian (Title Code No. 82989) be added to Certification No. 28-78, the Health Services

bargaining unit. The City of New York (“City”) argued that the employees were managerial/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, with the exception of the 16 positions listed on Appendix A, employees in the titles currently in managerial pay plan levels I and II are eligible for collective bargaining and that employees in the titles in managerial pay plan levels III and above are managerial.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. 28-78 (as previously amended) be, and the same hereby is, further amended to add employees in the titles Administrative Public Health Nurse (Title Code No. 10032) and Administrative Public Health Sanitarian (Title Code No. 82989) currently in managerial pay plan levels I and II, with the exception of the positions in Appendix A, which are designated managerial and/or confidential; and it is further

ORDERED that employees in the titles Administrative Public Health Nurse (Title Code No. 10032) and Administrative Public Health Sanitarian (Title Code No. 82989) in managerial pay plan levels III and above are designated managerial and/or confidential and, therefore, excluded from collective bargaining.

¹ In addition, the stipulation specified that it does not apply to present and future employees in these titles 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.

Dated: August 22, 2018
New York, New York

SUSAN J. PANEPENTO

CHAIR

ALAN R. VIANI

MEMBER



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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-1605-15

DECISION: **11 OCB2d 26 (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. 28-78, the Health Services bargaining unit, has been amended as follows:

Added: **Administrative Public Health Nurse**
currently in managerial pay plan levels I and II
(Title Code No. 10032)

Administrative Public Health Sanitarian
currently in managerial pay plan levels I and II
(Title Code No. 82989)



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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-1605-15

DECISION: **11 OCB2d 26 (BOC 2018)**

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

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

Administrative Public Health Nurse
(Title Code No. 10032)

in managerial pay plan levels I and II in the positions currently held by the employees in Appendix A; and

in managerial pay plan levels III and above

Administrative Public Health Sanitarian
(Title Code No. 82989)

in managerial pay plan levels I and II in the positions currently held by the employees in Appendix A; and

in managerial pay plan levels III and above

APPENDIX A

<u>Agency</u>	<u>Name</u>	<u>Title</u>	<u>Office Title</u>	<u>Designation</u>
DEPARTMENT OF HEALTH/MENTAL HYGIENE	ASHMEADE, ANN MARIE	ADMINISTRATIVE PUBLIC HEALTH NURSE	Borough Nursing Director/Deputy Director of Nursing	MANAGERIAL
DEPARTMENT OF HEALTH/MENTAL HYGIENE	BRENNAN, ANNE	ADMINISTRATIVE PUBLIC HEALTH NURSE	Administrative Public Health Nurse	MANAGERIAL
DEPARTMENT OF HEALTH/MENTAL HYGIENE	DUNN, ELISA	ADMINISTRATIVE PUBLIC HEALTH NURSE	NFP Deputy Director	MANAGERIAL
DEPARTMENT OF HEALTH/MENTAL HYGIENE	HOLDER-MOSLEY, ROBERTA	ADMINISTRATIVE PUBLIC HEALTH NURSE	Director, Family & Child Health	MANAGERIAL
DEPARTMENT OF ENVIRONMENTAL PROTECTION	ADOMAKO-BONSU, AKOSUA	ADMINISTRATIVE PUBLIC HEALTH SANITARIAN	Section Chief, EHS Collections	MANAGERIAL
DEPARTMENT OF HEALTH/MENTAL HYGIENE	BAJWA, WAHEED	ADMINISTRATIVE PUBLIC HEALTH SANITARIAN	Executive Director	MANAGERIAL
DEPARTMENT OF HEALTH/MENTAL HYGIENE	GLOVER-COX BARBARA	ADMINISTRATIVE PUBLIC HEALTH SANITARIAN	Borough Manager	MANAGERIAL
DEPARTMENT OF ENVIRONMENTAL PROTECTION	MCATAMNEY, SHAY	ADMINISTRATIVE PUBLIC HEALTH SANITARIAN	Manager, Environmental Compliance	MANAGERIAL
DEPARTMENT OF HEALTH/MENTAL HYGIENE	MIDDLETON, JAMES	ADMINISTRATIVE PUBLIC HEALTH SANITARIAN	Executive Director, Community Sanitation	MANAGERIAL
DEPARTMENT OF HEALTH/MENTAL HYGIENE	MORRISS, JAMES	ADMINISTRATIVE PUBLIC HEALTH SANITARIAN	Director Field Operations/Regulatory Enforcement	MANAGERIAL

<u>Agency</u>	<u>Name</u>	<u>Title</u>	<u>Office Title</u>	<u>Designation</u>
DEPARTMENT OF HEALTH/MENTAL HYGIENE	NOEL, RENEE	ADMINISTRATIVE PUBLIC HEALTH SANITARIAN	Administrative Public Health Sanitarian	MANAGERIAL
DEPARTMENT OF ENVIRONMENTAL PROTECTION	NYARKO, VICTOR	ADMINISTRATIVE PUBLIC HEALTH SANITARIAN	Director of EHS Compliance Systems	MANAGERIAL
POLICE DEPARTMENT	RASHEED, AMIR	ADMINISTRATIVE PUBLIC HEALTH SANITARIAN	Director, Occupational H&S	MANAGERIAL
DEPARTMENT OF HEALTH/MENTAL HYGIENE	TORIN, BETH	ADMINISTRATIVE PUBLIC HEALTH SANITARIAN	Executive Director, Environmental Health	MANAGERIAL
DEPARTMENT OF HEALTH/MENTAL HYGIENE	TORRES, NORMA	ADMINISTRATIVE PUBLIC HEALTH SANITARIAN	Director, Veterinary Public Health Services	MANAGERIAL
DEPARTMENT OF ENVIRONMENTAL PROTECTION	WIN, LARRON	ADMINISTRATIVE PUBLIC HEALTH SANITARIAN	Manager, H&S	MANAGERIAL