

**DC 37, 11 OCB2d 27 (BOC 2018)**  
(Rep) (Docket No. AC-1606-15)

***Summary of Decision:*** The Union filed a petition to add the titles Administrative Parks and Recreation Manager and Manager of Radio Repair Operations to Certificate No. 38A-78, the Blue Collar 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 one Manager of Radio Repair Operations position, which is designated managerial. In addition, the Board designated employees in the titles in managerial pay plan levels III and above managerial and, therefore, excluded from collective bargaining. (*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-*

**THE CITY OF NEW YORK,**

*Respondent.*

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**ORDER AMENDING CERTIFICATION**

On April 10, 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 the titles Administrative Parks and Recreation Manager (Title Code No. 10072) and Manager of Radio Repair Operations (Title Code No. 82987) be added to Certification No. 38A-78, the Blue Collar bargaining

unit. The City of New York (“City”) argued that the employees were managerial and/or 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 employees in the titles currently in managerial pay plan levels I and II are eligible for collective bargaining, with the exception of the Manager of Radio Repair Operations position at the Police Department, currently held by Scott Semone, which is designated managerial.<sup>1</sup> Further, the Union and the City agreed that employees in managerial pay plan levels III and above are managerial.

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. 38A-78 (as previously amended) be, and the same hereby is, further amended to add employees in the titles Administrative Parks and Recreation Manager (Title Code No. 10072) and Manager of Radio Repair Operations (Title Code No. 82987) currently in managerial pay plan levels I and II, with the exception of the Manager of Radio Repair Operations position at the Police Department; and it is further

ORDERED that employees in the titles Administrative Parks and Recreation Manager (Title Code No. 10072) and Manager of Radio Repair Operations (Title Code No.

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<sup>1</sup> 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.

82987) in managerial pay plan levels III and above are designated managerial and, therefore, excluded from collective bargaining.

Dated: August 22, 2018  
New York, New York

SUSAN J. PANEPENTO  
CHAIR

ALAN R. VIANI  
MEMBER



# OFFICE OF COLLECTIVE BARGAINING

## OFFICE ADDRESS

100 Gold Street  
Suite 4800  
New York, New York 10038

## MAILING ADDRESS

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

212.306.7160  
[www.ocb-nyc.org](http://www.ocb-nyc.org)

## IMPARTIAL MEMBERS

Susan J. Panepento, Chair  
Alan R. Viani

## LABOR MEMBERS

Charles G. Moerdler  
Gwynne A. Wilcox

## 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-1606-15

**DECISION:**      **11 OCB2d 27 (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. 38A-78, the Blue Collar bargaining unit,  
has been amended as follows:

**Added:**      **Administrative Parks and Recreation Manager**  
currently in managerial pay plan levels I and II  
(Title Code No. 10072)

**Manager of Radio Repair Operations**  
currently in managerial pay plan levels I and II  
(Title Code No. 82987)



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## NOTICE OF DESIGNATIONS

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-1606-15

**DECISION:**      **11 OCB2d 27 (BOC 2018)**

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

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

**Administrative Parks and Recreation Manager**  
in managerial pay plan levels III and above  
(Title Code No. 10072)

**Manager of Radio Repair Operations**  
(Title Code No. 82987)

in the position at the Police Department currently held by Scott Semone; and

in managerial pay plan levels III and above