

OSA, 12 OCB2d 1 (BOC 2019)

(Rep) (Docket No. AC-71-12)

Summary of Decision: The Union filed a petition to add the title Health Service Manager to Certification No. 3-88, the Staff Analyst bargaining unit. Based on a stipulation, the Board added the title Health Service Manager (Non-Managerial) to the unit and designated certain Health Service Managers managerial. (*Official decision follows.*)

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

-between-

THE ORGANIZATION OF STAFF ANALYSTS,

Petitioner,

-and-

THE CITY OF NEW YORK,

Respondent.

ORDER AMENDING CERTIFICATION

On December 3, 2012, the Organization of Staff Analysts (“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 title Health Services Manager (Title Code No. 10069) in managerial pay plan levels I, II, and III be added to Certification No. 3-88, the Staff Analyst bargaining unit. The City of New York (“City”) argued that the employees were managerial and/or confidential and thus excluded from collective bargaining.

Between 2013 and 2016, a hearing was conducted concerning the eligibility of Health Services Managers for collective bargaining. Prior to the conclusion of the hearing, the parties entered settlement negotiations. On December 14, 2018, the Union and the City signed a stipulation of settlement in which they agreed that, with certain exceptions, Health Services Managers currently in managerial pay plan levels I and II are eligible for collective bargaining and will be represented by the Union in a newly established title with two pay levels, Health Services Manager (Non-Managerial) (Title Code Nos. 1006C and 1006D).¹ They further agreed that Health Services Managers in managerial pay plan level II in the positions at the Department of Health and Mental Hygiene listed on Appendix A and Health Services Managers in managerial pay plan level III are managerial and, therefore, excluded from collective bargaining.²

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 title Health Services Manager (Non-Managerial) (Title Code Nos. 1006C and 1006D); and it is further

ORDERED that the employees in the title Health Services Manager (Title Code No. 10069) in managerial pay plan level II in the positions at the Department of Health and

¹ The parties specified that the stipulation does not apply to employees at the following agencies: the Office of Labor Relations, the Office of Management and Budget, the Mayor's Office of Operations, the Department of Investigation, the Office of Collective Bargaining, and the Office of the Mayor.

² The parties agreed that certain Health Service Managers currently in managerial pay plan levels III will be moved into the non-managerial title.

Mental Hygiene listed on Appendix A are designated managerial and excluded from collective bargaining; and it is further

ORDERED that the employees in the title Health Services Manager (Title Code No. 10069) in managerial pay plan level III are designated managerial and excluded from collective bargaining.

Dated: January 25, 2019
New York, New York

SUSAN J. PANEPENTO

CHAIR

ALAN R. VIANI

CHAIR



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

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: January 25, 2019 **DOCKET #:** AC-71-12

DECISION: 12 OCB2d 1 (BOC 2019)

EMPLOYER: The City of New York
40 Rector Street, 4th Floor
New York, NY 10007

CERTIFIED/RECOGNIZED BARGAINING REPRESENTATIVE:

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

AMENDMENT: Certification No. 3-88, the Staff Analyst bargaining unit, has been amended as follows:

Added: **Health Services Manager (Non-Managerial)**
(Title Code Nos. 1006C and 1006D)



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

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 DESIGNATIONS

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

DATE: January 25, 2019 **DOCKET #:** AC-71-12

DECISION: **12 OCB2d 1 (BOC 2019)**

EMPLOYER: The City of New York
40 Rector Street, 4th Floor
New York, NY 10007

DESIGNATIONS: The following title/positions are designated managerial and, therefore, excluded from collective bargaining:

Health Services Manager (Title Code No. 10069)

in managerial pay plan level II in the positions at the Department of Health and Mental Hygiene currently held by employees listed on Appendix A

in managerial pay plan level III

APPENDIX A

LAST NAME	FIRST NAME	DIVISION	UNIT	OFFICE TITLE
AGERTON	TRACY	FCH	SH ADMINISTRATION	ASSISTANT DIRECTOR OF SCHOOL HEALTH
BLOOM	SCOTT	FCH	BUREAU OF SCHOOL HEALTH	DIRECTOR OF SCHOOL MENTAL HEALTH SERVICES
CLAPP	JENIFER	PPC	CHRONIC DISEASE PREVENTION	DIRECTOR OF HEALTHY EATING INITIATIVES
FOX	RICHARD	FCH	SH FIELD OPERATIONS	DIRECTOR FIELD OPERATIONS
HEINE	LISA	ADM	CLINICAL QUALITY MANAGEMENT	EXECUTIVE DIRECTOR OFFICE OF QUALITY IMPROVEMENT
MCKELVEY	WENDY	EHS	ENVIRON. SURVEILLANCE & POLICY	DIRECTOR OF ENVIRONMENTAL HEALTH SURVEILLANCE
MOORE	ERICKA	FCH	MIRH NEWBORN HOME VISITING	SITE DIRECTOR
PERAZZO	JANINE	MHY	MENTAL HEALTH	DIRECTOR OF TREATMENT SERVICES
PINNADUWA	VINDYA	MHY	SYSTEMS STRENGTHENING ACCESS	SENIOR DIRECTOR OF POLICY AND PLANNING
SEARING	HANNAH	FCH	MATERNAL, INFANT, & REPR. HLTH	DIRECTOR OF RESEARCH & EVALUATION
SIMEONE	RICKY	EHS	PEST CONTROL SERVICES	DIRECTOR OF PCS
TIEZZI	LORRAINE	FCH	SH REPRODUCTIVE HEALTH	HEALTH SERVICE MANAGER
VOLPE	JOHN	MHY	EXECUTIVE DEPUTY COMMISSIONER	SPECIAL ADVISOR
WHITTEN	ALZEN	FCH	MATERNAL, INFANT, & REPR. HLTH	PROGRAM DIRECTOR
ZIMMERMAN	REGINA	EPI	BUREAU OF EPIDEMIOLOGY SRVCS	DIRECTOR, DATA GOVERNANCE AND INFORMATICS