

OSA, 9 OCB2d 29 (BOC 2016)

(Rep) (Docket No. AC-1613-15)

Summary of Decision: OSA sought to add the titles Strategic Initiative Specialist (NC-DOT), Strategic Initiative Specialist (NC-HRA), and Strategic Initiative Specialist (NC-DEP) to Certification No. 3-88. By agreement of the parties, the Board added the titles to the unit and designated two positions confidential. *(Official decision follows.)*

**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.

ORDER AMENDING CERTIFICATION

On October 20, 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 titles Strategic Initiative Specialist (NC-DOT) (Title Code No. 50103), Strategic Initiative Specialist (NC-HRA) (Title Code No. 50938), and Strategic Initiative Specialist (NC-DEP) (Title Code No. 50940) be accreted to Certification No. 3-88, the Staff Analyst bargaining unit.¹ The City of New York (“City”)

¹ OSA also sought to represent the title Strategic Initiative Specialist (NC-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 the statute. *See* NYCCBL § 12-304(c); *Plumbers*

argued that the employees are managerial and/or confidential and do not share a community of interest with members of the bargaining unit.

At the request of the parties, no hearings were held so that they could negotiate a settlement. On November 18, 2016, the City withdrew its objections to OSA's representation of the titles. In addition, the City and OSA agreed to designate as confidential the position of Deputy Chief of Staff, currently held by Madeline Ehrlich, within the title Strategic Initiative Specialist (NC-DOT) and the position of Employee Assistance Specialist, currently held by Kaitlyn Maceira, within the title Strategic Initiative Specialist (NC-DEP).²

The Board of Certification is satisfied that no evidence was presented to rebut OSA's assertion that the titles Strategic Initiative Specialist (NC-DOT), Strategic Initiative Specialist (NC-HRA), and Strategic Initiative Specialist (NC-DEP) have a sufficient community of interest with the members of its certified bargaining unit.

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 Strategic Initiative Specialist (NC-DOT) (Title Code No.

Local Union No. 1, 1 OCB2d 28 (BCB 2008), *affd.*, *Matter of Plumber's Local Union No. 1 v. Gold*, 2010 NY Slip Op 30293(U) (Sup. Ct. New York County Feb. 2, 2010). Accordingly, the portion of OSA's petition seeking to represent Strategic Initiative Specialist (NC-DOE) is dismissed.

² OSA and the City also agreed that OSA would not seek to represent employees holding these positions unless the duties and assignments substantially change such that they are no longer confidential.

50103), Strategic Initiative Specialist (NC-HRA) (Title Code No. 50938), and Strategic Initiative Specialist (NC-DEP) (Title Code No. 50940), subject to existing contracts, if any.

ORDERED that the position of Deputy Chief of Staff within the title Strategic Initiative Specialist (NC-DOT) and the position of Employee Assistance Specialist within the title Strategic Initiative Specialist (NC-DEP) are designated confidential and, therefore, excluded from collective bargaining.

Dated: December 6, 2016
New York, New York

SUSAN J. PANEPENTO
CHAIR

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
ALAN R. VIANI
VACANT

CITY MEMBERS
M. DAVID ZURNDORFER
PAMELA S. SILVERBLATT

DEPUTY CHAIRS
MONU SINGH
STEVEN E. STAR

LABOR MEMBERS
CHARLES G. MOERDLER

NOTICE OF AMENDED CERTIFICATION

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

DATE: December 6, 2016 **DOCKET #:** AC-1613-15

DECISION: 9 OCB2d 29 (BOC 2016)

EMPLOYER: City of New York, represented by the Office of Labor Relations
40 Rector Street, 4th 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:

Added: **Strategic Initiative Specialist (NC-DOT)** (Title Code No. 50103)
Strategic Initiative Specialist (NC-HRA) (Title Code No. 50938)
Strategic Initiative Specialist (NC-DEP) (Title Code No. 50940)



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NOTICE OF DESIGNATION

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

DATE: December 6, 2016 **DOCKET #:** AC-1613-15

DECISION: 9 OCB2d 29 (BOC 2016)

EMPLOYER: City of New York, represented by the Office of Labor Relations
40 Rector Street, 4th 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 position of Deputy Chief of Staff within the title Strategic Initiative Specialist (NC-DOT) and the position of Employee Assistance Specialist within the title Strategic Initiative Specialist (NC-DEP) are designated confidential and, therefore, excluded from collective bargaining.