

OSA, 11 OCB2d 29 (BOC 2018)

(Rep) (Docket No. AC-1621-16)

Summary of Decision: OSA filed a petition seeking to add the title Administrative Director of Resident Child Care to Certification No. 3-88, the Staff Analyst bargaining unit. DC 37 intervened, seeking to add the title to Certificate No. 37-78, the Social Services bargaining unit. OSA subsequently withdrew interest in the title. Based on a stipulation by DC 37 and the City, the Board added employees in the title currently in managerial pay plan levels I and II to the Social Services bargaining unit and designated employees in managerial pay plan levels III and above managerial and/or confidential, with the exception of one position currently that is eligible for collective bargaining. (*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,

-and-

DISTRICT COUNCIL 37, AFSCME, AFL-CIO,

Intervenor.

ORDER AMENDING CERTIFICATION

On February 5, 2016, 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) requesting that the title Administrative Director of

Resident Child Care (Title Code No. 10016) be added to Certification No. 3-88, the Staff Analyst bargaining unit. The City of New York (“City”) argued that the employees were managerial/confidential and thus excluded from collective bargaining.

On December 28, 2016, District Council 37, AFSCME, AFL-CIO (“DC 37”) filed a motion to intervene seeking to add the title to Certificate 37-78, the Social Services bargaining unit. OSA subsequently withdrew interest in representing the title.

The parties requested that no hearing be held so that they could negotiate a settlement. On July 24, 2018, DC 37 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.¹ Further, DC 37 and the City agreed that employees in managerial pay plan levels III and above are managerial and/or confidential, with the exception of the Executive Director of CAM (Court Services, Admissions and MCCU) position at the Administration for Children’s Services, currently held by Susan Campos, which is eligible for collective bargaining.

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. 37-78 (as previously amended) be, and the same hereby is, further amended to add employees in the title Administrative Director of

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

Resident Child Care (Title Code No. 10016) currently in managerial pay plan levels I and II; and it is further

ORDERED that Certification No. 37-78 (as previously amended) be, and the same hereby is, further amended to add the Administrative Director of Resident Child Care (Title Code No. 10016) in the position of Executive Director of CAM (Court Services, Admissions and MCCU), and it is further

ORDERED that employees in the title Administrative Director of Resident Child Care (Title Code No. 10016) in managerial pay plan levels III and above are designated managerial and/or confidential and, therefore, excluded from collective bargaining.

Dated: August 22, 2018
New York, New York

SUSAN J. PANEPENTO
CHAIR

ALAN R. VIANI
MEMBER



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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-1621-16

DECISION: **11 OCB2d 29 (BOC 2018)**

EMPLOYERS: 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. 37-78, the Social Services bargaining unit, has been amended as follows:

Added: **Administrative Director of Resident Child Care**
(Title Code No. 10016)

currently in managerial pay plan levels I and II; and

in the position of Executive Director of CAM (Court Services, Admissions and MCCU)



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NOTICE OF DESIGNATION

This notice is to acknowledge that the Board of Certification has issued an Order Amending Certification designating a title/positions managerial and/or confidential as follows:

DATE: August 22, 2018 **DOCKET #:** AC-1621-16

DECISION: **11 OCB2d 29 (BOC 2018)**

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

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

Administrative Director of Resident Child Care
in managerial pay plan levels III and above
(Title Code No. 10016)