

Would Leave It to OCB

## Mayor Coy on Which Jobs Should Become Managerial

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By DAVID SIMS |

The Bloomberg administration has not decided which civil-service titles would be affected by proposed legislation to designate higher-level employees as managers, saying that those decisions would be left up to the Office of Collective Bargaining after any law was passed.

Draft legislation entitled the “Civil Service Reform Act of 2011” includes a section proposing that employees “who have the authority...to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action” be designated as managers, if such decision “is not of a routine or clerical nature, but requires the use of independent judgment.”

### ‘More-Appropriate Designations’

Mayoral spokesman Jason Post said in an e-mail, “Our proposed law expands the narrow definition of manager to more appropriately designate employees as managers based on their full range of duties and responsibilities. The proposed law does not include specific titles.”

“If the law is passed it would allow us to petition the Office of Collective Bargaining that particular titles should be considered managers,” he continued. “We haven’t done a review of which titles we would petition the change for.”

The legislation is a result of the “Workforce Reform” report by a task force appointed by the mayor, headed by former Department of Citywide Administrative Services Commissioner Martha Hirst. One of that report’s suggestions was to make many high-level civil-service titles, like “school Principals, many Assistant Commissioners, one-star uniformed Chiefs, and some agencies’ Chiefs of Staff” managerial, which would render them ineligible for collective bargaining or membership in a union.

The report specifically focused on Deputy Fire Chiefs, who are currently in the Uniformed Fire Officers Association, as being managerial because they are in charge of some 1,000 employees.

### Might Reach Further Down

The language of the draft legislation sounds like an even broader net would be cast, since many mid- to high-level city employees have the authority described. The report suggested amending the Taylor Law to “refine the legal presumption that public employees are eligible for collective bargaining and to re-define the universe of employees who are deemed to be managerial.”

The fact that a number of decisions by the OCB’s Board of Certification have resulted in “more than 1,500 employees from 40 agencies losing their status as managers” is a key part of the report’s recommendations.

Communications Workers of America Local 1180 President Arthur Cheliotis, who heads the Municipal Labor Committee’s civil-service panel, said that he was troubled by the legislation, particularly as his union represents a large number of low- and middle-level managers in the city.

### ‘Absurd Claim’

“How can you claim that someone making \$55,000 a year is a manager? That’s absurd!” he said in a phone interview. “The fact of the matter is, one of the most demoralized groups around are the managers who aren’t part of the civil-service process.”

Managers can only belong to the Managerial Employees Association, an advocacy group that cannot bargain with the city, and membership is only by choice. They are usually given raises in line with District Council 37’s most recent contract, but those raises are at the discretion of the Mayor or of commissioners at non-mayoral agencies like the Housing Authority or Department of Education. Most recently, managers were granted only 2-percent raises at the DOE and HA because of budget constraints.

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