



THE OFFICE OF COLLECTIVE BARGAINING

NEW YORK CITY COLLECTIVE BARGAINING LAW

50 YEARS

1967 – 2017



ACKNOWLEDGEMENTS

The celebration of the New York City Collective Bargaining Law's 50th Anniversary would not have been possible without the remarkable staff of the Office of Collective Bargaining, who, in addition to all their everyday case-handling duties, took on the responsibility of organizing this very special occasion. Much of the credit for this anniversary publication goes to Trial Examiner Kimberly Nosek, without whose leadership it would not have been possible. She did a tremendous job managing the entire production of this publication, while researching, editing, and collecting articles, photos, and other historical materials. Her dedication and enthusiasm were vital and produced amazing results. Specific mention must also be made of other contributors: Deputy General Counsel Abigail Levy drafted the sections covering the pre-enactment, enactment, and amendments to the law. Deputy General Counsel Karine Spencer was responsible for all sections relating to representation. Deputy Chair for Dispute Resolution Monu Singh contributed the materials relating to OCB's dispute resolution services and its register of neutrals. Director of Administration Melissa Trasky compiled all the information on the Board members and OCB staff, wrote the biographies, and coordinated with Cornell University ILR School's Labor and Employment Program. Trial Examiner Kasey Baker also wrote and edited several sections. A special thank you to Mayor Bill de Blasio, Harry Nespoli, Robert W. Linn, George Nicolau, Carol A. Wittenberg, Marlene A. Gold, Steven C. DeCosta, and Alan R. Viani for their insightful contributions to this publication and to all our speakers for sharing their time and experience with us. Of course, the celebration and this booklet could not have been done without the assistance of our incredible support staff: Gwen Wilson, Zolanny Valerio, Diana Aguilera, Carrie Brown, and Amy Villafane.

Finally, we are grateful to our co-sponsor, the Cornell University ILR School's Labor and Employment Program, Dean Kevin Hallock, Esta Bigler, and Lynn Coffey-Edelman for making the Cornell Club available to us and for providing invaluable program support.

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MESSAGE FROM THE MAYOR



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007



June 8, 2017

Dear Friends:

It is an honor to join in celebrating the 50th Anniversary of the New York City Collective Bargaining Law.

New York's history is full of stories of incredible trailblazers who have fought for reform, advocated for increased rights, and helped launch the labor movement in the five boroughs and far beyond. From my administration's efforts to raise the living wage and offer paid parental leave to our work to expand paid sick leave to even more of our residents, we are deeply committed to building on their legacy and creating a stronger and more just future for the hardworking New Yorkers that serve our city every day.

By giving city employees the right to form and join unions, the New York City Collective Bargaining Law has laid the groundwork for much of this progress, and since its enactment by Mayor Lindsay in 1967, it has played a crucial role in shaping the public sector's collective bargaining process and empowering our city's workforce. NYCCBL and the Office of Collective Bargaining are vital to maintaining fairness in labor relations, ensuring neutrality, and moving our city forward in so many ways. I am proud to join in recognizing this important milestone and all that this landmark statute has done to forge a more equitable tomorrow.

On behalf of the City of New York, I offer my best wishes for a wonderful anniversary celebration and another 50 years of meaningful progress.

Sincerely,

A handwritten signature in black ink that reads "Bill de Blasio".

Bill de Blasio
Mayor

MESSAGE FROM THE CHAIR



James Maher Photography

On behalf of the Board of Collective Bargaining, I am pleased to introduce this special publication commemorating the 50th Anniversary of the enactment of the New York City Collective Bargaining Law.

The NYCCBL was preceded by a tumultuous period of employee organization and labor unrest that culminated in 1965, when the City's Welfare Department workers held a month-long strike. During that strike, unions were fined, union officials were arrested and jailed, and employees received termination notices. The 1965 strike, its negotiated resolution, and the support of Mayors Robert F. Wagner and John V. Lindsay, helped to lay the groundwork for a structure and procedure to govern public sector collective bargaining. The hard work and commitment of neutrals and representatives of labor and management resulted in the Tripartite Agreement, which was to later become the NYCCBL. The Office of Collective Bargaining was also born out of those challenging times.

This 50-year-old municipal law was developed through successful collective bargaining and has been instrumental in preserving peaceful and productive labor relations between the City and its unions. The negotiation process that resulted in the Tripartite Agreement is permanently reflected in the Board of Collective Bargaining's unique tripartite structure and the agency's highly effective impartial dispute resolution mechanisms. Over the past five decades, the agency has effectively promoted and encouraged collective bargaining, and on those occasions when mutual resolution has not been possible, its dispute resolution procedures have provided a way to labor peace.

The distinguished and long-serving members of the Board of Collective Bargaining as well as the Office of Collective Bargaining's staff over the years, many of whom are mentioned in this book, must also be acknowledged for their significant contribution to the statute's success and longevity. These noteworthy individuals demonstrated dedication to public service and provided the skills and knowledge necessary to ensure stability, fairness, and progress in labor relations. In many instances their extraordinary tenure at the Office of Collective Bargaining or in municipal labor relations has provided continuity, institutional knowledge and a deep and invaluable understanding of labor relations in New York City. The success of the tripartite process is also due to the proficiency of the labor relations professionals who represent the agencies and unions at the bargaining table and in grievance meetings, arbitrations, improper practice hearings, and mediations. Their understanding and efforts to achieve reasonable solutions to labor relations problems have been vital.

The prevalence of collective bargaining in the American workplace has varied dramatically since 1967. Additionally, the workplace has seen rapid and unpredictable technological and social changes. Throughout these transformations, the NYCCBL has continued to provide an effective, stable structure under which public sector labor disputes can be resolved. I hope you will join me in reflecting on the success of the NYCCBL and celebrating its pivotal role in promoting sound labor relations between the City and its unions.

Susan J. Panepento

MESSAGE FROM THE CHAIRPERSON OF THE MUNICIPAL LABOR COMMITTEE

The NYC Municipal Labor Committee, the statutory representative of 98 unions comprising some 390,000 active members, is pleased to share in the celebration of the 50th Anniversary of the New York City Collective Bargaining Law (“NYCCBL”).

While strikes and other work disruptions by public sector employees are now exceedingly rare, they were common at the time that New York City’s public sector labor relations laws were first developed. Indeed, due to positions taken by management and the dearth of effective dispute resolution options, New York City suffered some of the State’s most crippling labor strife. Transit worker, sanitation worker, teacher and police officer strikes in the City in the 1960s and early 1970s brought the City to a near stand-still, painstakingly underscoring the need for a comprehensive system of labor relations.

In 1965, after the City’s attempt to invoke the Condon-Wadlin Act’s prohibition of strikes by public employees failed to end a work stoppage by the Department of Welfare, the City submitted the disputed issues to a fact-finding panel. The panel resolved the controversy and, more importantly, required the Mayor to appoint a tripartite panel composed of civil officials, civil service union representatives and labor relations experts to study and recommend improvements in the City’s municipal labor relations procedures. That report, which included a Memorandum of Agreement with the Mayor’s designees and seven labor unions, representing a majority of municipal workers, laid the ground work for the NYCCBL. It set forth “procedures which the signatories...unanimously deem to be necessary and desirable for the effectuation of collective bargaining, and of the peaceful settlement of disputes, between the City and the organizations representing its employees.” To implement the Agreement, the City Council adopted Local Law 53, which created the Office of Collective Bargaining, including a seven-member Board of Collective Bargaining that included a balance of two labor and two management representatives. Thus, from that beginning, New York City’s labor relations framework has very much reflected a collective effort.

New York City’s early procedures were a precursor to the State Taylor Law, designed to address and prevent the root causes of strikes state-wide. The Taylor Law left room for local governments to establish their own “substantially equivalent” labor relations schemes, in no small part to allow for the continuation of the NYCCBL construct. At its inception, the NYCCBL held the promise of providing a stable alternative of bargaining and negotiation to public sector strikes and work stoppages.

That promise has more than been fulfilled. Issues of representation are fairly resolved. Workers are protected against unilateral actions by management that impair their rights. And Unions have recourse against a recalcitrant employer that refuses to negotiate a fair contract. The law is not perfect but the NYCCBL has helped to ensure the largely uninterrupted provision of governmental services to the City’s citizenry and it has given public sector workers far greater input in determining the terms of their employment.

This success has not come on its own. As Chair of the MLC, I have seen directly the efforts of the Office of Collective Bargaining, led commendably during my tenure first by Director Marlene Gold and now Susan Panepento and their staff; they deserve significant credit for the effective operation of the law. I have also witnessed the dedication of the members of the Board of Collective Bargaining; they, too, share in the credit. I would be remiss in not recognizing the singular role of the MLC in this process. With the NYCCBL’s structural position for labor, the MLC is able to provide a strong voice for the issues facing the municipal labor force. Working with management, this collective effort has ensured that New York City remains a paradigm for successful public sector collective bargaining. The MLC looks forward with confidence to the NYCCBL’s next 50 years.



A handwritten signature in cursive script that reads "Harry Nespoli".

Harry Nespoli

MESSAGE FROM THE COMMISSIONER OF THE OFFICE OF LABOR RELATIONS

I have been involved in NYC municipal labor relations since 1978, starting when the Collective Bargaining Law was only 11 years old. The decades of the 1960s and 70s had been marked by strikes and job actions by sanitation workers, teachers, welfare employees, bridge operators and a catastrophic fiscal crisis. The creation of the New York City Collective Bargaining Law in 1967 was a testament to the power and effectiveness of collective bargaining. It was created through tripartite negotiations between management, municipal unions, and impartial labor representatives. The brilliance of the Law endures to this day, and provides both labor and management with the necessary framework to operate peacefully, equitably and effectively.

The collective bargaining law declares “the policy of the city to favor and encourage the right of municipal employees to organize and be represented” The City is as committed to that policy today as it was 50 years ago. Since 1967, the City has enjoyed extraordinary labor peace. The structure established by the law remains just as important and necessary today. NYC has the largest and most complex municipal workforce in the country and its unions are a critical force for the national labor movement. Together NYC labor and management show that collective bargaining works.

On behalf of Mayor de Blasio, we look forward to the next 50 years of harmonious labor relations between the City and its municipal labor organizations.



Robert W. Linn

Robert W. Linn



Mayor Bill de Blasio announces a tentative contract with the Uniformed Sanitationmen's Association, Local 831, on May 19, 2015.

Arvid Anderson, OCB Chairman, receives the pen Mayor John V. Lindsay used to sign an amendment authorizing the OCB to use its own counsel in court proceedings.

HISTORY OF THE NYCCBL



NYCCBL – A TRIPARTITE ACHIEVEMENT

The New York City Office of Collective Bargaining was formed in 1967. However, its existence and that of the New York City Collective Bargaining Law were preceded by a series of executive orders issued by Mayor Robert F. Wagner in the 1950s. In July 1957, Mayor Wagner issued Executive Order 38, also known as the “Little Wagner Act,” in deference to his father’s 1935 Congressional legislation, the Wagner Act. EO 38 committed the City to engage in collective bargaining, to recognize unions as employee representatives, and to enter into agreements with them. The following year, Mayor Wagner issued Executive Order 49, which formally authorized collective bargaining between the City and its municipal employee organizations. Yet questions of union representation, grievances, and disputes over new contracts were handled and most often unilaterally resolved by the City’s Department of Labor, an arm of the Mayor’s Office. In addition, collective bargaining was conducted by each City Department and was not coordinated or centralized Citywide. Thus, as City employees became organized, conflicting jurisdictional claims arose between labor organizations along with significant variations in terms and conditions of employment and issues subject to negotiation.



Photo 1: Brooklyn Hospital Strike 1959.
 Photo: Brooklyn Hospital Strike, Jun-Jul 1959, AFSCME,
 District Council 37 Photographs, PHOTOS.247, Box 32,
 Folder 41, Tamiment Library/Robert F. Wagner Labor
 Archives, New York University

Photo 2: Bellevue Hospital Demonstration 1962.
 Photo: Bellevue Hospital Demonstration (Local 420), 1962,
 AFSCME, District Council 37 Photographs, PHOTOS.247,
 Box 32, Folder 66, Tamiment Library/Robert F. Wagner
 Labor Archives, New York University

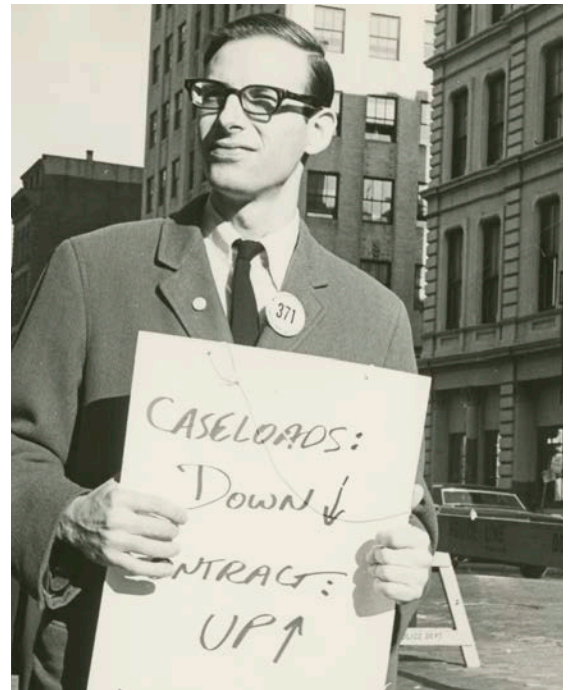
Photo 3: City Employees Rally 1967.
 Photo: City Employees Rally, May 23, 1967, AFSCME,
 District Council 37 Photographs, PHOTOS.247, Box 32,
 Folder 95, Tamiment Library/Robert F. Wagner Labor
 Archives, New York University

THE TRIPARTITE COMMITTEE

In early 1965, some 5,000 City welfare caseworkers conducted a 30-day strike in part over the issue of what subjects were negotiable. A resolution to the strike was negotiated by a three person panel comprised of labor and management representatives and a neutral from the American Arbitration Association. Prompted by the strike and the inadequacy of City and State laws governing labor relations, Mayor Wagner and then Executive Director of District Council 37, Victor Gotbaum, asked the American Arbitration Association's Labor Management Institute to form a tripartite panel to discuss and develop recommendations for establishing a new labor relations system in which impartiality and independence would be major elements. The Tripartite Committee, as it came to be known, consisted of representatives of the City, municipal unions, and impartial members representing the public.

The impartial members of the Tripartite Committee invited 82 City employee organizations to meet with them. Because so many employee organizations wanted to participate in the discussions, a system of proportionate representation reflecting union size and employee classification was created to facilitate the discussion. After hearings and informal discussions with key union and City representatives, the Committee's impartial members created four committees to voice the views of the unions. In addition, a "Committee of the Whole," consisting of five members, was created to represent the unions and to discuss and negotiate substantial matters with the City and impartial members. The Committee of the Whole was comprised of the Chair, District Council 37 Executive Director Victor Gotbaum; Uniformed Firefighters Association President Gerald J. Ryan, representing uniformed services; Building Services Employees' Union, Local 444 President Anthony LaVeglia and Local 237, International Brotherhood of Teamsters Business Agent William Lewis, representing miscellaneous organizations; and Plumbers' Union, Local 1 Business Agent Anthony DaCunto, representing skilled building and service craft employees covered by Labor Law § 220. On October 14, 1965, the Tripartite Committee issued its preliminary report on structure. The Committee continued to meet regularly and, in January 1966, adopted rules governing its procedures. Between February and March 1966, discussions between the union and City representatives continued with the assistance of the impartial members until a detailed agreement was adopted.

On March 30, 1966, the Tripartite Agreement was signed by the four impartial Committee members, two City representatives, and representatives of most of the major unions. Mayor John V. Lindsay, who had assumed office while the negotiations for the Agreement were in progress, approved and implemented the recommendations. The Tripartite Agreement contained the principle features of what was to become the New York City Collective Bargaining Law. In short, it established an independent agency, the Office of Collective Bargaining, to supervise bargaining procedures and to ensure that the obligations undertaken by the City and unions are fulfilled, identified the subjects on which bargaining is appropriate, established the timetable for issuing bargaining notices prior to the termination of collective bargaining agreements, and provided for mediation and fact-finding, among other provisions.



Alan R. Viani
Viani, Alan: President Local 371, then OCB Deputy Director, 1967, Social Service Employees Union Photographs, PHOTOS.014, Box 3, Folder 4, Tamiment Library/Robert F. Wagner Labor Archives, New York University. Permission granted by SSEU, Local 371.

THE CREATORS: THE TRIPARTITE COMMITTEE'S PUBLIC MEMBERS

It is quite possible that the New York City Collective Bargaining Law might not have come into existence were it not for the Public Members of the Tripartite Committee. In July 1965, Mayor Wagner issued a letter to the now-defunct Labor Management Institute of the American Arbitration Association asking it to form a tripartite committee to recommend improvements to the City's collective bargaining mechanisms and identify alternative methods of resolving public employee disputes. The Institute, led by its Director, Jesse Simons, named Sylvester J. Garrett, Father Philip A. Carey, and Arbitrator Peter Seitz as the impartial committee members. Garrett served on the Committee for only a short time and was replaced by Saul Wallen, who became the Committee's Chair. At the time, Wallen was the president of the New York Urban Coalition; Carey was a Roman Catholic priest and a professor at Xavier Institute of Industrial Relations in New York; and Seitz was a prominent arbitrator. Later, Vernon Countryman joined the Committee. Countryman was a Harvard University professor and an expert in commercial bankruptcy laws.

Simons, Wallen, Carey, Countryman, and Seitz worked with City and labor representatives to draft an agreement that formed the foundation of the NYCCBL. Among the many issues identified by the Tripartite Committee was the fact that both representation questions and dispute resolution procedures were handled by the City's Department of Labor, an arm of the Mayor's Office. They were thus regarded with suspicion by the municipal unions. The BCB's current tripartite structure arose out of concern over this issue.

On March 30, 1966, an agreement was signed by three City representatives, including the Mayor, and the representatives of most of the major unions. The signatory unions included District Council 37, AFSCME; Uniformed Firefighters Association; NYC Patrolmen's Benevolent Association; Plumbers' Union, Local 1; Building Service Employees' Union; International Brotherhood of Teamsters, Local 832; NYC Police Department Superior Officers Council; Department of Correction Council of Uniformed Organizations; and Civil Service Forum, Local 300. The preamble to that tripartite agreement states that "the City and the employee organizations signatory hereto affirm their intent to negotiate in good faith on all matters within the scope of collective bargaining and to settle such matters at the bargaining table, not in other forums." It emphasizes the parties' "commitment to the philosophy and practice of the peaceful settlement of disputes in order to prevent strikes or other interruptions of service" and provides that the procedures set forth in the agreement are designed to achieve that result. The Tripartite Committee's Public Members endorsed the agreement and characterized it as a "precedent-making document, well designed to remove the important causes of conflict between the City and its employees."

Following the creation of the Office of Collective Bargaining, a number of the Tripartite Committee's leaders went on to ensure the NYCCBL's success by serving as members of OCB's Board. They included Saul Wallen, Dr. Timothy W. Costello, who served as Mayor Lindsay's Deputy Mayor-City Administrator, and Jesse Frieden, a management lawyer.

Sources: Lefkowitz; 1968 through 1975 OCB Annual Reports; Jesse Simons' 1995 Labor Management Institute publication; "The New York City Office of Collective Bargaining," *New York State Public Employment Labor Relations*, ed. Edward Levin (Apr. 1968) (orange booklet).

THE CHIEF-LEADER, FRIDAY, OCTOBER 30, 1992



MODIFY BARGAINING PROCEDURES: In a photo taken March 30, 1966 in the Mayor's Office at City Hall, city officials endorse agreement to modify labor relations and collective bargaining procedures developed with union leaders. From left to right are Jesse Simons, director of the American Arbitration Association's Labor Management Institute, Deputy Mayor Timothy Costello, Corporation Counsel J. Lee Rankin and Mayor John V. Lindsay.

Photo Courtesy of The Chief-Leader

ENACTMENT OF THE NYCCBL

The year following the signing of the Tripartite Agreement, the City Council passed a bill enacting the New York City Collective Bargaining Law and creating the Office of Collective Bargaining to administer and enforce the NYCCBL. On July 14, 1967, Mayor Lindsay signed the NYCCBL into law. The statute set forth the right of municipal employees to self-organization and defined the City's duty to bargain over wages, hours, and conditions of employment. It provided the Board of Collective Bargaining with the authority to interpret the statute and authorized grievance arbitration, as well as procedures to determine the scope of bargaining, the arbitrability of grievances, and to ascertain whether the City or a particular union has given full faith compliance to the law's requirements and obligations. It further provided procedures for the final determination of representation questions, mediation of contract negotiation disputes, and impasse panels. It also contained a management rights clause.

In September 1967, shortly after the NYCCBL became law, Mayor Lindsay issued EO 52, which implemented separate levels of bargaining for civilian and uniformed services employees. These provisions, while not initially set forth in the NYCCBL, had been contained in the Tripartite Agreement and, therefore, were agreed upon by the Mayor and the unions. EO 52 also declared that its provisions respecting Citywide bargaining should not be construed to deny the City or any union the right to bargain for a "variation or particular application" of a Citywide policy or term of agreement "where considerations unique to a particular department, class of employees, or collective bargaining unit are involved."



Creation of the Office of Collective Bargaining in 1967.

Office of Collective Bargaining Creation, 1967, AFSCME, District Council 37 Photographs, PHOTOS.247, Box 32, Folder 96, Tamiment Library/Robert F. Wagner Labor Archives, New York University

OCB AT THE START

The Office of Collective Bargaining’s tripartite structure represented the first time anywhere in the nation that the administration of public employee labor relations was placed in the hands of an agency in which the three interested parties – the municipal employer, the employees, and the public – would be represented. Moreover, it is notable that many laws, rules, and regulations governing employee relations that have been effectuated in city, state, and federal jurisdictions across the country since 1966 were influenced by the New York City Collective Bargaining Law and the related Executive Orders.

The OCB inherited many of the functions of the City’s Department of Labor, including the determination of bargaining units and the certification of bargaining representatives. It also inherited some of the City’s Labor Department staff and a backlog of representation and certification cases. The agency moved into offices at 250 Broadway and began conducting business immediately. The OCB’s original jurisdiction covered all mayoral agencies and the unions representing these agencies’ employees. In 1968, the OCB’s jurisdiction grew to include certain non-mayoral agencies. These non-mayoral entities included the New York City Housing Authority, non-judicial employees of the State Judicial Conference, the Board of Higher Education, the Comptroller’s office, and the Borough Presidents’ and District Attorneys’ offices. By the conclusion of 1968, the OCB’s jurisdiction covered over 200,000 employees.

OCB’S FIRST GENERAL COUNSELS

The Office of Collective Bargaining’s first General Counsel, Philip Feldblum, served from December 1967 to 1971. Feldblum brought with him a wealth of knowledge upon his arrival at OCB. He had previously served as Associate General Counsel and General Counsel at the New York State Labor Relations Board for twenty-five years. A graduate of Columbia College and Columbia Law School, Feldblum was also a second-generation labor lawyer. His father, Adolph Feldblum, had been the Impartial Chair of the NYC Dress Industry and labor counsel to manufacturer associations. After his departure from OCB, Feldblum began an arbitration practice that lasted many years.

Arvid Anderson observed on the eve of Feldblum’s retirement from OCB that his contributions as General Counsel “to the formal procedure and the still-evolving body of law that regulate labor relations between the City and its employee organizations have become so firmly fixed that many of us now take them for granted. He always looked ahead and met problems in advance. His contributions were immeasurable and will continue to be felt in the operations of the OCB and in the maintenance of rational labor relations in New York City.”

Philip J. Ruffo replaced Feldblum in 1971 and served as OCB’s General Counsel until 1973. Like many of OCB’s staff, Ruffo came to the agency with years of experience in municipal labor relations. After graduating from Brooklyn Law School in 1947, Ruffo worked in private practice representing labor unions. He became General Counsel at the City’s Labor Department in 1962 and also served as Acting Labor Commissioner of that department through 1966. During his time in the City’s Labor Department, Ruffo helped to define the conduct of labor relations in New York City. He was instrumental in formulating labor policies that were later incorporated into the New York City Collective Bargaining Law, such as the contract bar to representation petitions, the right of supervisory employees to join unions, and the use of Citywide bargaining units. In 1967, he became the first General Counsel for the new Office of Labor Relations under Commissioner Herbert L. Haber and he joined OCB’s staff from that position.

Sources: quote from 2/11/1971 OCB Press Release announcing retirement of Philip Feldblum; 2/16/1971 OCB Press Release announcing Philip Ruffo’s appointment; and 1973 Press Release announcing “Ruffo joins CUNY as Labor Relations Legal Advisor.”

EARLY GROWING PAINS

On January 1, 1968, the New York City Collective Bargaining Law and EO 52 went into effect. Over the next several years, the law continued to undergo revisions, as the successes and failures of the process became apparent. Like the original law, many of these amendments were crafted by a tripartite committee comprised of City, labor, and neutral representatives.

While the City and municipal unions were learning how to operate under the NYCCBL, statewide public sector collective bargaining was also taking hold under the Taylor Law. In 1969, the State Legislature ordered the City to submit a plan designed to bring the NYCCBL into substantial equivalence with the Taylor Law by August 1, 1969. The mandate was prompted, in part, by a City sanitation worker strike in 1968 and required the Mayor to address questions of finality of impasse procedures, the Office of Collective Bargaining's jurisdiction, and the relationship of negotiations to the City's budget submission date, among other issues. In response to the mandate, the Mayor submitted to the Legislature numerous proposals, with which the Board of Collective Bargaining and the Municipal Labor Committee concurred. Among the proposals were the expansion of the OCB's statutory jurisdiction to include all public or quasi-public agencies that provide municipal services to City residents and the representation that amendments would be presented to the City Council to make the BCB's decisions regarding impasses final and binding and to grant the OCB permanent jurisdiction over improper practices.



Philip Feldblum, OCB Deputy Chairman and General Counsel, conducts a hearing in 1969.

1969 OCB Annual Report

The first major amendment to the NYCCBL occurred in late December 1971, when the City Council passed two bills that brought fundamental changes in the law. Critically, one amendment made the impasse process final and binding and conferred upon the BCB the ability to issue a final determination on an appeal of an impasse panel's recommendations. Some of the other more significant amendments to the law included provisions that codified substantial portions of EO 52 into law, particularly those relating to the duty to bargain and scope of bargaining; the jurisdiction of the BCB to



The BCB considers a scope of bargaining issue in a social services dispute, (l. to r.): John H. Mortimer, Edward Silver, City members; Eric J. Schmertz, Impartial member; Arvid Anderson, Chairman; Walter L. Eisenberg, Impartial member; Harry Van Arsdale, Jr., Labor member; Harry Frummerman, alternate labor member. *1973 OCB Annual Report.*

determine improper practices; the ability of parties to seek judicial review of all decisions issued by the BCB and the Board of Certification; the ability of the City and unions to include disciplinary grievance arbitration and agency shop provisions in collective bargaining agreements; and standards and criteria to guide impasse panels.

After the initial statutory amendments were passed, one statutory matter that remained unresolved was whether the State Legislature would confer permanent jurisdiction on the BCB to determine improper practices. Although the BCB had been resolving improper practice claims under the NYCCBL's full faith compliance provision since its inception, the State Legislature amended the Taylor Law in 1970 to grant the Public Employment Relations Board exclusive jurisdiction to determine improper practices. The State Legislature's action also simultaneously granted the BCB jurisdiction, renewable annually, to decide improper practice cases in the City. Thereafter, it renewed the BCB's jurisdiction on an annual basis until March 1, 1973, when it failed to act on a measure granting



Productivity Council September 1974, (l. to r.): Barry Feinstein (Teamsters), John DeLury (Uniformed Sanitationmen's Association), Mayor Abraham Beame, Deputy Mayor James Cavanagh, Victor Gotbaum (DC 37). *Photographer Dick De Marsico/Courtesy of NYC Municipal Archives.*



Teamsters Local 237 President Barry Feinstein, Mayor Koch, and Office of Municipal Labor Relations (now OLR) Director Robert W. Linn. *Photographer Joan Vitale Strong/Courtesy of NYC Municipal Archives.*

the BCB permanent jurisdiction, and the authority to determine improper practices in the City went to PERB. In 1975, the State Assembly passed legislation restoring the BCB's jurisdiction over improper practices, but the Senate failed to consider the bill. A similar bill passed both houses, but was vetoed by the Governor in 1976. Notwithstanding the persistent efforts of BCB Chair Arvid Anderson and the continued submission of legislation seeking permanency in subsequent years, the Legislature failed to permanently restore the BCB's jurisdiction over improper practices until 1978. At that time, the BCB also gained broad remedial powers upon determining that an improper practice was committed by an employer or a union.

Sources: "How Bargaining Got Started," by Jesse Simons, *The Chief-Leader*, October 30, 1992; *The AAA's Labor Management Institute, its Origins, History and Progeny*, Jesse Simons, 1995; OCB website; *Public Employee Bargaining in New York City*, Alice H. Cook; Lefkowitz; OCB Annual Reports; March 30, 1966 Tripartite Agreement; *Mayor of the City of New York v. Council of the City of New York*, 9 N.Y.3d 23 (2007) (Read, J. dissenting).

THE SECOND 25 YEARS

The New York City Collective Bargaining Law continued to evolve during its second 25 years. In 1992, the Court of Appeals ruled that the courts lacked jurisdiction to consider injunctive relief requests to preserve the *status quo* while improper practice proceedings were pending before the Board of Collective Bargaining. The State Legislature subsequently amended the Taylor Law to provide that pending a decision on the merits, a party may petition the BCB for permission to seek injunctive relief before the Supreme Court in improper practice cases, upon a showing of likelihood of success on the merits and irreparable harm. Various other issues arose between 1992 and 2001 that led the City and the municipal unions to resume tripartite discussions

THE 25TH ANNIVERSARY OF THE NYCCBL



Former Mayor John Lindsay, Chair Malcolm MacDonald, and Mayor David Dinkins at the 25th anniversary celebration in 1992.

Courtesy of NYC Municipal Archives

At a program held in October 1992, former Chair Arvid Anderson shared his thoughts on the success of the New York City Collective Bargaining Law and the Office of Collective Bargaining:

The OCB has worked because of its tripartite structure, because of the requirement of mutual selection of the neutrals, and because the City and Labor members of the BCB, the OLR and the MLC as well as the impartial members have been genuinely committed to public sector collective bargaining. In short, it has worked well because the parties have wanted it to work. When changes were needed in the law they were jointly worked out.

Whether the political climate of today would permit the bold experiment of an OCB law is really uncertain. However, it is my view that the OCB experiment has succeeded because of the willingness of City administrators and the Municipal Labor Committee to try new ideas to solve employment problems, whether fiscal or political.

Looking to the future it is my hope based on the past 25 years that the original tripartite concept will be maintained and that the OLR and the MLC and their representatives on the BCB will by their constructive cooperation with the OCB impartial, Malcolm MacDonald, George Nicolau, and Dan Collins ensure the OCB's future as an enduring instrument for resolving public employment disputes.

— Arvid Anderson, *Then and Now*, October 28, 1992.

to formulate amendments to the statute. In 1998, based on the proposals of a tripartite committee, the City Council passed a law amending numerous provisions of the statute. New provisions were added to clarify certain aspects of the law or codify existing practices. The Board of Certification's power to determine claims of managerial and/or confidential status was codified, and a statute of limitations for filing improper practice claims was added. In addition, the amendment clarified that orders of both the BCB and the BOC are reviewable by the State Supreme Court. Other amendments were necessary to reflect the judicial resolution of uncertainties in the interpretation of certain statutory provisions and changes made by the State Legislature. They included bringing the statute into accordance with New York Labor Law § 220 concerning the rights of prevailing rate titles and revising the agency shop provision to comport with U.S. Supreme Court precedent.



Stanley Hill, Tom Von Essen, and Mayor Giuliani in 1995.
Courtesy of NYC Municipal Archives

The 21st century brought changes to the statutory provisions on levels of bargaining in the New York City Collective Bargaining Law. Prior to 2005, the NYCCBL provided for two levels of bargaining: Citywide and uniformed. In 2001, the NYCCBL was amended to move employees in emergency medical service and fire alarm dispatch titles from the Citywide to the uniformed level of bargaining. In 2005, the City Council passed Local Law 56 amending the statute to create a bargaining level now called similar-to-uniformed. This new bargaining level provides that employees in specific titles, whose job characteristics are similar to those of employees working in the uniformed level of bargaining, have unit level bargaining rights similar to uniformed service employees.

Sources: "How Bargaining Got Started," by Jesse Simons, *The Chief-Leader*, October 30, 1992; *The AAA's Labor Management Institute, its Origins, History and Progeny*, Jesse Simons, 1995; OCB website; *Public Employee Bargaining in New York City*, Alice H. Cook; Lefkowitz; OCB Annual Reports; March 30, 1966 Tripartite Agreement; *Mayor of the City of New York v. Council of the City of New York*, 9 N.Y.3d 23 (2007) (Read, J. dissenting).

APPEAL OF BCB AND BOC DECISIONS

In 1969, the City Council passed, and Mayor John V. Lindsay signed, authorization for legislation allowing the Office of Collective Bargaining to be represented by its own counsel in legal proceedings rather than by the Corporation Counsel. In the nearly five decades that followed, only a small percentage of the decisions issued by the Board of Collective Bargaining or the Board of Certification have been appealed. Under CPLR Article 78, judicial review of the Boards' decisions is limited to consideration of whether the determination is consistent with lawful procedures, is not arbitrary and capricious, and is a reasonable exercise of the agency's discretion. In general, the courts have shown the BCB and BOC great deference. Out of approximately 117 BCB cases and 29 BOC cases appealed, only eight BCB decisions have been reversed or modified by the courts, while none of the BOC's decisions have ever been overturned.

Sources: 1969 OCB Annual Report; OCB cases subsequent history.

LOCAL LAW 56

One of the unique features of the New York City Collective Bargaining Law is that it provides for different levels of bargaining. In addition to bargaining at the unit level, the NYCCBL provides that bargaining for matters that must be uniform for all employees in the career and salary plan shall be negotiated by the union, council, or group of unions that represents more than 50% of such employees.

In 2005, Local Law 56 made significant changes to the statutory levels of bargaining. It added fire protection inspectors to the uniformed fire service, traffic enforcement agents and school safety agents to the uniformed police service, and sanitation enforcement agents to the uniformed sanitation service. In addition, it created a similar-to-uniformed level of bargaining for taxi and limousine inspectors, parking control specialists, urban park rangers, deputy sheriffs, and special officers at five specified agencies. Local Law 56 impacted employees in 26 civil service titles, in ten bargaining units, represented by seven unions. As a result of Local Law 56, two bargaining units contained titles in the uniformed and Citywide levels of bargaining, two units included titles in the similar-to-uniformed and Citywide levels of bargaining, and one unit had titles in the uniformed, similar-to-uniformed, and Citywide levels of bargaining.

Shortly after passage of the amendment, five representation petitions were filed, including one by the City to consolidate all Local Law 56 titles into a single unit. These petitions raised issues concerning the appropriate bargaining unit placement of the titles based on the changes in levels of bargaining.

After a lengthy hearing and voluminous record, the BOC determined that in several instances the new bargaining levels warranted new bargaining units. It accreted fire protection inspectors to the EMS titles' bargaining unit and consolidated all the traffic enforcement agents and parking control specialists into one unit, which was jointly certified to the three unions that previously represented the titles in different bargaining units. Continuing the

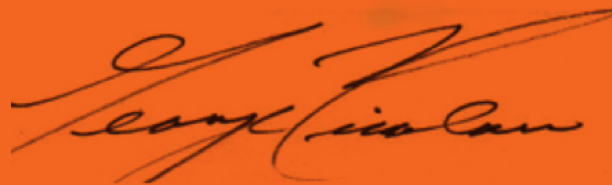
A NOTE FROM FORMER IMPARTIAL BOARD MEMBER GEORGE NICOLAU

I knew a good deal about how the Office of Collective Bargaining came about in 1967 because I was a friend of fellow Arbitrator Arvid Anderson, OCB's first Chair, and Jesse Simons, who in 1965, was the Director of the Labor Management Institute of the American Arbitration Association. Jesse led the discussions of the Tripartite Committee established by then Mayor Robert Wagner, which, in 1967, culminated in OCB's establishment. Many of us have given well deserved credit to those individuals, particularly to Arvid, whose years of hard work brought stability to NYC's public sector labor relations.

In 1986, I finally agreed to Arvid's requests to join OCB as an Impartial Member and attended my first meeting in that role in January 1987, OCB's 20th Anniversary. It's hard to believe that my tenure in that position was only two years short of this celebration.

In those 28 years of Tripartite Board meetings, my first and lasting impression is the civility with which all Board members dealt with each other over these years. While the management and labor Board members fully represented the City and its unions, they listened to each other, respected the arguments that were made and always voted consistent with OCB's role. There were dissents, of course, but there is no question that the great majority of the OCB's decisions were unanimous, a tribute to each members' understanding of OCB's purpose. That understanding, I am certain, will continue to contribute to OCB's success.

I must also go on record this 50th year to, once again, pay my tribute to OCB's superb staff. Their excellence and professionalism is beyond measure.



historic separation of the uniformed services, sanitation enforcement agents were consolidated into a single unit. New units were also created for school safety agents, urban park rangers, and special officers/taxi and limousine inspectors.

Sources: NYCCBL § 12-307(a)(2); *DC 37*, 7 OCB2d 1 (BOC 2014), *aff'd*, *Matter of City of New York v. Bd. of Certification of the City of New York*, Index No. 400199/2014 (Sup. Ct. N.Y. Co. Jul. 28, 2015) (Moulton, J.); *DC 37*, 7 OCB2d 15 (BOC 2014).



Uniformed Firefighters' Association President Steve Cassidy, standing between Mayor Michael Bloomberg and Fire Commissioner Nick Scoppetta at the press conference announcing a contract deal in 2007.

Michel Friang/Courtesy of The Chief-Leader



Mayor Michael Bloomberg, Police Commissioner Raymond W. Kelly, Labor Commissioner James F. Hanley, and Captains Endowment Association President John F. Driscoll announce a tentative contract deal in 2007.

Pat Arnow/Courtesy of The Chief-Leader

A HALF CENTURY OF ARBITRATION

In the years immediately following the enactment of the New York City Collective Bargaining Law, over two-thirds of the cases filed before the Board of Collective Bargaining were petitions challenging arbitrability. However, by 1973 the number of challenges to arbitration had dropped dramatically, as the number of requests for arbitration grew.

A few decades later, the parties' experience and success utilizing arbitration as a dispute resolution mechanism was acknowledged by both the Courts and the BCB and considered when resolving challenges to substantive arbitrability. In 1999, the NYS Court of Appeals recognized the success of the grievance arbitration process in the public sector by denouncing any "anti-arbitrational presumption" and determining that grievances are arbitrable if they fall within the "lawfully permissible scope" of arbitrability, including whether the subject matter is authorized by the Taylor Law and if there is a reasonable relationship between the subject matter of the dispute and the general subject matter of the collective bargaining agreement. *Matter of Board of Education [Watertown Education Ass'n]*, 93 N.Y.2d 132, 1937-8, 143, 688 N.Y.S.2d 463, 467, 471 (1999).

Similarly, in 2002 the BCB held that its prior review of technical omissions in requests for arbitration and its review of the lower steps of the grievance process were no longer necessary. Specifically, the BCB explained that,

[W]e recognize that 35 years after our law was written, arbitration between the parties over whom we have jurisdiction is an everyday occurrence. While we continue to support the integrity of the step process, our historic concerns over nurturing the grievance process are no longer needed. The parties now have vast experience in this process and have become sophisticated in negotiating contract language which suits their mutual needs. Therefore, we leave to the parties' discretion the drafting of specific grievance provisions with the broadest possible scope or the narrowest of exclusions. Adhering to our statute's mandate to favor and encourage arbitration, we will refer to an arbitrator any questions as to whether claims and provisions were properly raised during the step grievance process. To the extent that other Board decisions differ from this finding, they are overruled.

HHC v. NYSNA, 69 OCB 21, at 11 (BCB 2002) (footnote omitted.)

As a result of the widespread use of arbitration to resolve labor disputes, for the last twenty-five years the number of petitions challenging arbitrability have continued to be only a small percentage of all the cases that the BCB considers.

Sources: 1968 through 1973 and 1977 OCB Annual Reports.

A NOTE FROM IMPARTIAL BOARD MEMBER ALAN R. VIANI

Fifty years ago, the New York City Collective Bargaining Law created what I believe is the only public employment labor board in the nation on which labor and management members each select two representatives, who then jointly agree on three “neutral” – or “public” – members (of which I am honored to be one). Over these many years, the Board of Collective Bargaining, assisted by a terrific staff, worked hard to meet the common objectives of labor and management to foster equality and fairness at the bargaining table and advance the state of labor relations in our City. But also during this period, many of us developed the complacency born of an unquestioning certainty that our collective bargaining law would never be repealed or eroded: “It Can’t Happen Here,” we reassure ourselves, to quote the sardonic title of Sinclair Lewis’s prescient 1935 novel. No, I still don’t expect it will happen here in New York City. But collective bargaining in the public sector is in peril across the country – just witness Wisconsin, for example. What better time than our 50th anniversary to recall and cherish our achievements, to recommit ourselves to continuing our strong labor/management relationship, and to promise to be ever vigilant in our quest to preserve and enhance it.



AMENDMENTS TO THE NYCCBL

1967

- New York City Collective Bargaining Law was enacted, creating the Office of Collective Bargaining.
- Mayor John Lindsay issued Executive Order 52, which effectuated the recommendations of the 1966 Tripartite Committee and implemented the NYCCBL.
- The Public Employees Fair Employment Act (known as the Taylor Law) was enacted, creating a Statewide structure for resolving labor disputes and representation matters, but allowing the City to establish its own equivalent collective bargaining structure independent of the State.

1968

- The NYCCBL and Executive Order 52 became effective on January 1, 1968.

1969

- The State Legislature ordered the City to submit a plan designed to bring the NYCCBL into substantial equivalence with the Taylor Law by August 1, 1969. The mandate required the Mayor to address questions of finality of OCB's impasse procedures, its jurisdiction, and the relationship between negotiations and the City's budget submission date, among other issues.
- Local Law 55 was enacted, amending the NYCCBL to provide that OCB's Director may appoint a general counsel and attorneys who, at the direction of the Board of Collective Bargaining or the Board of Certification, may appear for and represent the OCB, the BCB, or the BOC in any legal proceeding.

1970

- The State Legislature officially granted OCB jurisdiction, renewable annually, to decide improper practice cases.

1972

- Local Law 1 amended the NYCCBL to add substantial portions of Executive Order 52 that provided for employee rights to self-organization and established levels of bargaining and scope of collective bargaining provisions. Among other provisions, Local Law 1 also amended the NYCCBL to:
 - authorize the City and unions to make provisions in collective bargaining agreements for the arbitration of grievances, including discipline and the removal of employees;

- permit judicial review of all decisions and determinations of the BOC and the BCB;
- permit parties to negotiate agency shop provisions, to become effective if and when authorized by State law; and
- exclude managerial and confidential employees from bargaining.
- Local Law 2 amended the NYCCBL to provide for final, binding resolution of impasses. The amendment provided that an impasse panel's recommendations are binding unless rejected by either party. If panel recommendations are rejected, an appeal can be made to the BCB, whose review of the impasse panel's recommendations is final and binding.
- Local Law 71 expanded the rights of public employees by providing that the exclusion of managerial and confidential employees from NYCCBL coverage shall not be construed to deny any managerial or confidential employee's rights, including under the NY Civil Rights Law, or to prohibit public employers from hearing grievances from managerial and confidential employees concerning the terms and conditions of their employment.

1973

- The State Legislature amended the Taylor Law to provide that "terms and conditions of employment" would not include pension benefits.
- Mayor Lindsay issued Executive Order 83 to clarify certain aspects of Executive Order 52 of 1967, which implemented the NYCCBL. Among other provisions, Executive Order 83:
 - eliminated pensions from the scope of collective bargaining;
 - provided that the City's Director of Labor Relations has exclusive authority to negotiate on all matters within the scope of collective bargaining; and
 - revised the grievance procedure for mayoral agencies and employees not covered by a contractual grievance procedure.
- After three extensions of OCB's jurisdiction to resolve improper practices, the State Legislature failed to act on a measure permanently granting OCB this jurisdiction. Authority over improper practices in the City went to the Public Employment Relations Board to administer under the Taylor Law.

1974

- The Taylor Law was amended to prescribe that certain titles within the FDNY are not managerial or confidential and thus eligible for collective bargaining.

1975

- In an effort to address the City's fiscal crisis, the City Council passed Local Laws 43 and 44, which permitted the emergency suspension of public employee wage and salary increases granted or required to be granted by collective bargaining.
- Charter Revision Proposal #2 was passed, requiring the placement of supervisory and professional employees in separate bargaining units, granting managerial employees collective bargaining rights and authorizing the Mayor to determine categories of managerial, supervisory, and professional employees. Section 1178 of the City Charter, Chapter 54, was repealed in 1977, prior to its implementation.

1976

- Voters approved amendments to §§ 1175, 1176, and 1177 of the City Charter, Chapter 54. These amendments required the publication of collective bargaining agreements within 60 days of execution and provided that, where practicable, each collective bargaining agreement will be executed prior to the commencement of the fiscal year during which its provisions first take effect.

1978

- The State Legislature amended the Taylor Law to grant permanent jurisdiction to resolve improper practices to the BCB.

1980

- The City Council passed Local Law 51, which amended various provisions of the NYCCBL, including:
 - the agency shop provision, to add that the deduction of agency fees is a mandatory bargaining subject;
 - impasse procedures; and
 - compensation for the impartial members of the BCB.

1983

- The State Legislature amended NY Labor Law § 220 to authorize the establishment of the prevailing wage rate and supplements for covered, labor class employees through collective bargaining.

1984

- The State Legislature amended the Taylor Law to prescribe that certain titles within the NYPD were not managerial or confidential and, therefore, were eligible for bargaining.

1989

- The State Legislature amended the NYCCBL to include additional employees in the uniformed level of bargaining, specifically "any other police officer as defined in subdivision

thirty-four of section 1.20 the NY Criminal Procedure Law who is also defined as a police officer under this code."

1994

- The State Legislature amended Taylor Law § 209(a)(5) to provide for injunctive relief in improper practice cases. It gave the BCB jurisdiction to grant permission to a petitioner to seek injunctive relief in court upon a showing of a likelihood of success on the merits and irreparable harm.

1998

- Local Law 26 was passed with tripartite support making numerous amendments to the NYCCBL, including but not limited to:
 - revising the agency shop provision to comport with US Supreme Court precedent;
 - incorporating the right of prevailing rate employees to bargain over wages pursuant to Labor Law § 220;
 - expressly stating the BOC's power to determine claims of managerial and/or confidential status; and
 - adding a four-month statute of limitations for filing improper practice claims.
- Local Law 27 was passed by the City Council, amending the NYCCBL to mandate that it is the City's policy to provide benefits to domestic partners of City employees.
- The State Legislature amended the Taylor Law to permit the City's uniformed police and firefighters to elect to have their impasses heard by PERB.

2001

- Local Laws 18 and 19 were enacted to move FDNY fire alarm dispatchers and EMS titles from the Citywide to the uniformed level of bargaining.
- Local Law 28 amended the NYCCBL to provide that the impartial Board members shall be paid a per diem fee to be determined by the Board's City and Labor members.

2005

- Local Law 56 was passed amending the statute to remove certain titles from the Citywide level of bargaining, add titles to the uniformed level of bargaining, and create a new bargaining level that provides bargaining rights similar to the uniformed level of bargaining.

2012

- The City Council passed Local Law 39, amending the NYC-CBL's waiver provision in response to a State court decision that interpreted the provision to waive statutory and constitutional claims, in addition to contractual claims, as a condition of invoking arbitration. The amended provision clarified that filing the waiver does not waive the right to submit "any statutory or other claims" to the appropriate tribunal.

DISPUTE RESOLUTION

The Office of Collective Bargaining was born out of a shared desire by New York City and its employees to establish a tripartite, stable, and equitable method for the resolution of municipal labor disputes. From the beginning, arbitration, impasse proceedings, and mediation were the highly effective methods used by the parties to reach mutually agreeable solutions to their disputes.



Alan R. Viani conducts a hearing between the New York City Department of Sanitation and the Boilermakers Local Lodge No. 5.

ARBITRATION

The New York City Collective Bargaining Law was groundbreaking in its embrace of arbitration as a dispute resolution mechanism. Since its inception, the statute expressly provided that the policy of the City is for collective bargaining agreements to contain grievance procedures culminating in impartial binding arbitration. This core tenet has been almost uniformly adopted by the City and the municipal unions and has ensured that represented employees have access to final, binding resolution of their grievances. Most of the negotiated grievance arbitration provisions provide for impartial binding arbitration and require that requests for arbitration be filed with the Office of Collective Bargaining.

The NYCCBL delegated the establishment of procedures regarding impartial arbitration to the Board of Collective Bargaining. As such, the Rules of the Office of Collective Bargaining govern requests for arbitration filed with OCB. In order for cases to be arbitrated, parties must file a request for arbitration along with a waiver. The statute requires that the Board of Collective Bargaining maintain a register of arbitrators who have been approved for listing by a majority of the Board members, including at least one City and one Labor member. The list, also known as the Register of Neutrals, is maintained by the Deputy Chair of Dispute Resolution. In order to appoint an arbitrator to a case, the Deputy Chair sends both sides a panel of nine arbitrators. The parties rank their top five choices and return the panel selections to the Deputy Chair, after which the arbitrator is appointed.

Arbitrators, once appointed, are vested with broad latitude in how they conduct their hearings, and,

WAIVER OF WHAT?

The Board of Collective Bargaining's interpretation of the New York City Collective Bargaining Law has been upheld by the courts in all but a few cases. One such exception occurred when the Board was not a party to a case, which resulted in the reversal of decades of the Board's application of its statutory waiver provision.

Since the NYCCBL was enacted, it has provided that as a pre-condition to invoking the arbitration process, both the grievant and their union must waive their right "to submit the underlying dispute to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award." N.Y.C. Admin. Code § 12-312(d) as written prior to 2013; formerly § 1173-8.0 (d). The Board of Collective Bargaining has explained that the purpose of this waiver was to ensure that a grievant who seeks redress through the arbitration process cannot litigate the same underlying contract dispute in another forum. *See IBT, L. 237, 75 BCB 21 (BCB 2005); UFA, 59 OCB 30 (BCB 1997)*. As a result, the Board interpreted the waiver requirement as "limited to contractual claims under the collective bargaining agreement." *UFA, 73 OCB 3A at 13 (BCB 2004)*.

However, in 2011, in a case brought by District Council 37 to challenge layoffs, the New York State Appellate Division, First Department, broadly interpreted the waiver provision to encompass statutory and constitutional claims, in addition to contractual claims, and thereby overturned several decades of Board precedent. *See Roberts v. Bloomberg, 26 Misc.3d 1006 (2009), aff'd, 83 A.D.3d 457 (2011)*. While the Board was permitted to file an amicus brief on appeal, the court was not persuaded. The New York City Council, however, promptly addressed the court's ruling by amending the NYCCBL in 2012 to comport with the Board's interpretation of the narrower purpose of the waiver requirement. As a result, the current subdivision specifies that the waiver of the underlying contractual dispute "shall not be construed to limit the rights of any public employee or public employee organization to submit any statutory or other claims to the appropriate administrative or judicial tribunal." NYCCBL § 12-312(d); *see also Garg, 6 OCB2d 35, at 9-10 (BCB 2013)*.

under OCB Rules, arbitrators are empowered to issue subpoenas, administer oaths, appoint the time and place of the hearing, and adjourn or postpone a hearing. Upon the conclusion of a hearing, the arbitrator renders an award that is final and binding and that can only be appealed through the New York State judicial system. Under OCB Rules, arbitration hearings are not open to the public unless the parties and the arbitrator agree and the Deputy Director approves.

In 1968, the year OCB was established, 50 requests for arbitration were received, with a total of 16 cases closed and only 7 cases closed by an arbitrator's award. By the next year, 32 cases were decided by award, dealing with a variety of issues. One of the most significant involved a pay dispute arising from emergency closings of certain City agencies after the assassination of Dr. Martin Luther King, Jr. Over the years, the parties have continued to use OCB's binding arbitration process to resolve their contractual and disciplinary disputes.

Sources: 1968, 1969, 1980, and 1990 OCB Annual Reports; NYCCBL; OCB Rules; New York Civil Practice Law and Rules §§ 7505, 7506, 7507, 7509.



Above: Sandra Meckler, an arbitrator on OCB's Register of Neutrals and former OCB Trial Examiner, conducts a hearing between the Assistant Deputy Wardens/Deputy Wardens Association and the New York City Department of Correction in 2017.



Left: Gayle Gavin, an arbitrator on OCB's register of neutrals and former OLR General Counsel, conducts a hearing between the New York City Department of Environmental Protection and DC 37 Local 375 in 2017.

A NOTE FROM FORMER IMPARTIAL BOARD MEMBER CAROL WITTENBERG

The Office of Collective Bargaining has been an important part of my professional life my entire career as a neutral. In 1967, shortly after the New York City Collective Bargaining Law was enacted and the City's unions formed the Municipal Labor Committee (MLC), I was hired as the first Executive Secretary of the MLC. In that capacity, I worked closely with Victor Gotbaum, Executive Director of District Council 37 and Barry Feinstein, President of Teamsters Local 237 to help create the framework in which the MLC functioned.

Years later, when I began to arbitrate, it was OCB that first accepted me onto its arbitration panel and gave me the opportunity to establish my credentials as a neutral. I served as out-of-title arbitrator for DC 37 and the City for a number of years. I also served on several impasse panels, the last one in 2005 when I chaired the UFT/DOE/NYC impasse panel.

Thus, I was honored when I was asked to serve as a neutral on BCB by the City of New York and the MLC. It was a pleasure serving with Chair Marlene Gold and fellow neutral member George Nicolau and to hold the seat that had previously been filled by Dan Collins. The BCB has a rich history and a unique one because of its tripartite structure. My service to the Board

for 13 years was a true pleasure, not only working with Marlene and George, but interacting with all of the labor and management members of the Board. Although party members often argued vociferously for their positions, there has always been respect for each member's point of view. Additionally, I believe that our decisions have benefitted from the input of labor and management members of the Board, including the search for mutuality where possible.

The Board could not have functioned without the expertise and hard work of the OCB staff. The drafts they prepared furthered the analysis and discussion among Board members. In addition, the staff was always available to supplement the record for Board members seeking further background information before formulating their thinking.

The OCB has been successful over the past 50 years in bringing stability to labor relations between the City and its municipal unions. I am certain that the Board and staff will continue its good work into the future.



EXPERIENCE AND STABILITY: OCB REGISTER OF NEUTRALS

The Office of Collective Bargaining's Register of Neutrals has long attracted the most experienced and well-respected neutrals in the field. Since its establishment in 1968, it has drawn arbitrators and mediators with diverse backgrounds and experience, including clergy, academics, retired judges, college presidents, long-serving management and union representatives, and attorneys. In the year of its establishment, OCB had 116 neutrals on its Register, all of whom had gone through a rigorous application process that remains in use today. In order to be appointed to the Register of Neutrals, applicants must have extensive experience in labor matters as a neutral and be recommended by labor, management, and other neutrals. Only after approval by a majority of the Board of Collective Bargaining, including at least one City and one Labor member, can an applicant be appointed to the Register. This tripartite process is a reflection of the fundamental operating structure of OCB.

Over time, there has been remarkable stability on the Register of Neutrals as OCB has been fortunate to have many Register members that have served on the panel for decades. The continuity provided by long-serving arbitrators has contributed greatly to stability in New York City municipal labor relations overall. For example, the late Maurice Benewitz, an arbitrator since 1958 and member of the National Academy, served on the panel for well over 20 years. Margery Gootnick, former President of the National Academy of Arbitrators, who served on three Presidential Emergency Boards and the International Court of Arbitration for Sports, was on the panel until her death in 2012. In fact, almost 60 percent of the neutrals on OCB's Register have been practicing for 20 years or more, and over half are members of the National Academy of Arbitrators. In addition, arbitrators who serve on OCB's Register of Neutrals have consistently had deep roots and experience with NYC and its unions. Indeed, some arbitrators worked as either labor or management representatives in NYC labor relations for many years prior to becoming neutrals and joining the OCB Register. Since its inception, former OCB Staff, such as Eva Robins, Philip Feldblum, Dan Collins, and many others, also served on the Register of Neutrals for years after leaving the agency. Consequently, the parties have greatly benefitted from this level of expertise and familiarity with NYC labor relations.

Sources: 1968 OCB Annual Report.

EXPEDITED DISCIPLINARY & GRIEVANCE ARBITRATION

**New Process
For Arbitration
Of Grievances**

**To Speed Decisions;
Cost City, Unions
Less Money**

In an effort to alleviate a backlog of hundreds of cases, the city's Offices of Collective Bargaining and Labor Relations and District Council 37 have worked out new expedited grievance arbitration procedures in which decisions may be reached on the same day they are heard.

The new procedures, which will also be less costly, are scheduled to kick in at the end of August or early September. They will be available to all municipal employee unions.

To Speed Up City's Grievance Arbitration Process

Set Section 220
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Civil Service LEADER

THE CIVIL EMPLOYEES' WEEKLY

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36 YEAR—Vol. XXVI, No. 15

NEW YORK, FRIDAY, JULY 17, 1992

★ PRICE 50 CENTS

Excerpt from the front page of The Chief-Leader on July 17, 1992.

Over the years, the Office of Collective bargaining has consistently embraced ways to improve the dispute resolution process. One of the most effective methods has been the establishment in 1980 of an expedited arbitration procedure. The procedure was developed through negotiations between the City and District Council 37 and underwent a number of modifications over the years, until the parties agreed on the process that has been in place since 1992. Unlike the standard arbitration procedure, expedited arbitration allows the parties to identify cases that have simpler issues and minimal liability. The cases are then processed through arbitration more quickly, and multiple cases are heard in a day. While a full opportunity is provided for the parties to make all relevant arguments, testimony is often taken in a narrative form, with a limited number of witnesses allowed. Hearing dates are scheduled up to a year in advance, and the cases are heard by arbitrators that the parties have pre-selected. Presently, only the Deputy Chair of Dispute Resolution hears these cases, and the parties' agreement allows for non-precedent setting bench decisions as well as signifi-

cantly shorter, non-precedent setting, written decisions. Since 1992, thousands of cases have been heard through the expedited arbitration process. Many of these cases are resolved by the parties prior to a hearing or at the hearing with the arbitrator's assistance. Those that are heard by the arbitrator are resolved in far less time than if they had been processed in the non-expedited format, often within a matter of months.

Sources: 1980 and 1992 OCB Annual Reports.

DISTRICT COUNCIL 37, LOCAL 375 EXPEDITED

District Council 37, Local 375, which represents employees in Engineering and Scientific titles, and the City, negotiated a separate expedited process solely for cases raising out-of-title claims. This procedure was established in 2001 to address the large number of cases filed and the highly complex nature of the work performed by employees in these titles. There are currently four designated arbitrators that each set aside one day per month to hear these cases, including OCB's Deputy Chair for Dispute Resolution. These arbitrators have served on the OCB panel for decades and possess a high level of knowledge of the job titles and duties performed by employees in the Local 375 bargaining unit. In the nearly two decades that this process has been utilized, the expertise these arbitrators have achieved has resulted in the expeditious resolution of hundreds of out-of-title cases and afforded the parties consistency in arbitration outcomes.

IMPASSE PROCEEDINGS



Impasse panel conducting a hearing in the 1973 Citywide contract dispute (l. to r. around table): Victor Gotbaum, Executive Director, D.C. 37, AFSCME; Alan R. Viani, Director, Research and Negotiations D.C. 37, AFSCME; Joseph Zurlo, President, D.C. 37, AFSCME; James V. Altieri, panel member; Daniel Collins, panel chairman; Monroe Berkowitz, panel member; Thomas J. Herlihy, Assistant City Administrator; Anthony C. Russo; Deputy Director, Office of Labor Relations.
1973 OCB Annual Report

Early impasse procedures in the New York City Collective Bargaining Law were non-binding and not universally accepted. Some believed that these procedures, along with giving up the right to strike, would undermine or eliminate the labor movement. Another criticism was that the use of impasse procedures to resolve contractual disputes would undermine the parties' ability to negotiate and would ultimately replace negotiated settlements. However, these fears were misplaced. From 1968 to 1972, the number of requests for impasse consistently declined. In early 1972, an amendment to the NYCCBL became ef-

fective making impasse awards binding. Despite this, by 1976, the OCB Annual Report indicated that:

[a]n overall review of the OCB's experience with [impasse] finality since adoption in January 1972 indicates that the parties prefer, if possible, to settle their disputes without the necessity of third party participation in negotiations. There has been no experience of the so called "addictive" effect with respect to the impasse procedures. And, while there is an appeal procedure to the tripartite BCB, this has not proved to be an avenue for "two bites at the apple" because the labor, city, and impartial members of the Board have been unwilling to substitute their judgment for that of an impasse panel under the administrative standard of review adopted by the BCB.

The two decades that followed demonstrated the parties' continued desire to settle disputes without resorting to impasse. From 1972 to 1992, the City and municipal unions invoked the impasse provisions in less than 8 percent of all bargaining units, and many of those awards, in whole or in part, represented confirmations of negotiated agreements. Since then, the parties have shown even higher rates of mutual resolution of their contracts and have used the impasse procedures even less frequently.

A NOTE FROM FORMER CHAIR MARLENE A. GOLD

It was my honor and privilege to serve as Chairperson of the Board of Collective Bargaining and Director of the Office of Collective Bargaining from 2000-2014. While adjudicatory bodies in the public sector are common across the United States, the Board of Collective Bargaining is unique among them by virtue of its tripartite nature. The Office and the Board are the 1967 creations of the most seasoned labor leaders, management and neutrals of that era. By their design, an adjudicatory board was born that comprised representatives of the parties themselves as well as three neutral members, including the Chair, who themselves were appointed by the joint agreement of labor and management.

The position of Chairperson presents a number of challenges - to make sure that each dispute presented is considered based on a full and fairly created record; to make sure that the views of labor and management as expressed by the Board members are heard and given every consideration; and by virtue of this discourse, to arrive at the correct decision based on the New York City Collective Bargaining Law and other applicable precedents.

I am so grateful that over the course of my 15 years as Chair there were three neutral Board members- Dan Collins, George Nicolau and Carol Wittenberg, upon whose collective exceptional wisdom and experience I would draw. Each of them individually added to the stature and nationwide reputation of the Board and Office and their service to the Board, and thereby to the City and all City workers, is unparalleled.

Discourse and debate at Board meetings were key to sound decision making. The debate among Board members that could be heated at times, difficult at others and frustrating to some, are to my mind an essential element of getting the bottom line right. I remain convinced that no Board of neutrals can compare to our tripartite board in bringing to bear the concerns and subtleties that each case presents before a decision is rendered.

Finally, no Chairperson could function without Deputy Directors and a staff of professionals committed to a fair and neutral process. I consider myself extremely lucky that the OCB has a staff of devoted and expert professionals, well versed in the law, and committed to all aspects of the dispute resolution process.

Thus, with great fondness for my time at OCB and the people there, my congratulations to the Office of Collective Bargaining for 50 years of serving the City, the unions, and all of the City's represented employees and for its enormous contribution to sound labor relations and labor stability in New York City.



When utilized, impasse procedures proved to be highly effective. This success may be due to their flexibility. Section 12-311(c) of the NYCCBL establishes the process by which parties may avail themselves of impasse panels. In keeping with the tri-partite nature of the statute and the deference given to the parties' interests, the parties may request the appointment of a panel jointly or individually, or a panel may be appointed by the Board of Collective Bargaining. A panel may be comprised of one or three arbitrators and has the power to "mediate, hold hearings, compel the attendance of witnesses and the production of documents, review data, and take whatever action it considers necessary to resolve the impasse." Upon conclusion of an impasse hearing, the panel's report is submitted to the parties and to the Director of the Office of Collective Bargaining. While empowered to resolve the impasse by several methods, the panel is explicitly prohibited by statute from making any report concerning the basic salary and pay plan rules of the City, unless agreed to by the Mayor. The NYCCBL also governs the extent and nature of the information that the panel can take into consideration. Once an impasse panel report is issued, the parties have an opportunity to accept or reject the report, and if rejected, the report may proceed through a statutory appeal process.

Historically, fewer than one-fourth of all impasse reports have been rejected by a party and appealed to the Board of Collective Bargaining. This low rate of rejection is representative of the parties' confidence in the impasse process and the findings of panel arbitrators. Fifty years has shown that rather than being a potential roadblock to collective bargaining negotiations, impasse proceedings under the NYCCBL are an effective method of bringing final resolution to contract disputes.

Sources: NYCCBL; OCB Rules; 1976 OCB Annual Report.

FISCAL CRISIS 1975-79: WHAT DOESN'T KILL YOU MAKES YOU STRONGER

The mettle of the New York City Collective Bargaining Law was tested early by the 1975 fiscal crisis. The City's financial troubles and the subsequent passage of the Emergency Financial Act had a significant impact and served to dominate and shape the character of collective bargaining for many years thereafter. Initially, the crisis raised concerns about the viability of the collective bargaining process in the City. In 1975, the City Council passed Local Laws 43 and 44, amending the NYCCBL to permit wage and salary freezes for represented employees. This change was followed by wage deferral agreements entered into by nearly all the municipal unions. Then in 1976, the City saw a 20 percent reduction in its workforce, approximately one-half of which was attributable to layoffs. That same year, the Emergency Financial Control Board announced a general wage and salary policy applicable to collective bargaining agreements covering City employees for the duration of the financial crisis. These mandates prohibited increases in general wages, salaries, and fringe benefits and required savings in pension and other benefits.

Notwithstanding the limitations that the financial crisis and the Emergency Financial Control Board imposed, the statutory collective bargaining process proved to be resilient as the City and its municipal unions made bargaining part of the solution to the City's fiscal dilemma. This was exemplified by the negotiation of the Coalition Agreement in 1978, which was the first time that unions banded together to agree on a single economic agreement applicable to 65 bargaining units. That agreement also created a labor-management committee to develop and maintain productivity programs to improve city services and fund cost of living increases. The Office of Collective Bargaining also proved to be an asset during the crisis and was called upon to decide several labor disputes concerning the application and impact of financial emergency legislation. The court's affirmance in one of these cases upheld the Board of Collective Bargaining's power to review impasse panel awards and its application of the Financial Emergency Act to the panel's recommendations.

Sources: 1975 through 1979 OCB Annual Reports.

2014 BARGAINING SUCCESSES

The evolution of the City and municipal unions' ability to resolve disputes is perhaps best demonstrated in the most recent round of bargaining. On January 1, 2014, when Bill de Blasio was sworn in as Mayor of New York City, one of the many challenges he faced was that every collective bargaining agreement was expired. Most of those contracts, which cover approximately 300,000 employees, had been expired for three or more years. Over the next three years, the Mayor's Office of Labor Relations and representatives of the municipal unions undertook the herculean task of negotiating contracts for both civilian and uniformed employees. By spring of 2017, they had made tremendous progress, with 99.3% of the workforce having settled contracts, in addition to a Citywide agreement covering health benefits. Equally significant is that nearly all of these contracts were achieved through collective bargaining and without resort to OCB's impasse process.

Sources: <http://www1.nyc.gov/site/olr/index.page>.



DC 37 Executive Director Lillian Roberts and Mayor Bill de Blasio announce a new contract on July 2, 2014.
Courtesy of DC 37



Mayor Bill de Blasio and Patrolmen's Benevolent Association President Patrick Lynch announce a tentative contract agreement covering 23,810 NYPD employees on January 31, 2017.

MEDIATION

At its inception, the New York City Collective Bargaining Law incorporated mediation into the formal dispute resolution processes, highlighting its status as an integral part of conflict resolution. Under the statute, the Office of Collective Bargaining is responsible for overseeing the process of appointing mediators. The statute grants the Director of OCB broad authority to invoke mediation in order to resolve collective bargaining disputes. Upon the request of a party or on his or her own initiative, if the Director “determines that collective bargaining negotiations between a public employer and a certified or designated employee organization would be aided by mediation, he or she shall appoint a mediation panel ... to assist the parties in arriving at an agreement.” On a day-to-day basis, the Deputy Chair for Dispute Resolution is responsible for assisting the parties in mediation or assigning a mediator or mediation panel to a case. Under the NYCCBL, the parties have a statutory duty to cooperate with the mediator or mediation panel in an effort to arrive at an agreement.

From the very beginning, mediation has been regularly used by the parties. In 1968, 35 cases were filed by the



Eva Robins, OCB Deputy Chairman and Executive Director, third from right, and Walter L. Eisenberg, OCB public member, second from right, mediate contract negotiations between City and Social Service Employees Union (Local 371, District Council 37, AFSCME).

parties seeking mediation on fundamental issues that had far-reaching consequences. It was OCB's first year of existence, and the parties were seeking to establish the basic groundwork of terms and conditions of employment for City employees. Eva Robins, the first Deputy Chair of Dispute Resolution, along with other well-respected mediators, such as Dr. Walter L. Eisenberg, who throughout his career held positions such as Dean of Graduate Studies at Hunter College, board chairman at Group Health Insurance, Inc., and member of the New York State Public Employment Relations Board, played a pivotal role in assisting the parties in the settlement of disputes. These mediations were often intense and lengthy proceedings with high stakes for both sides.

In the year of the statute's enactment, the first Citywide agreement, covering 120,000 employees, was reached after 18 mediation sessions conducted by Robins. In addition, a strike by City lifeguards in the summer of 1968 was averted on July 4, after round-the-clock mediation. New Year's Eve 1968 also marked an agreement reached between the NYC Housing Authority and the union representing 5,800 employees, after 33 hours of continuous mediation.

Over the years, OCB's mediation services have been used not just for collective bargaining disputes, but also on an *ad hoc* basis for requests for arbitration, representation cases, and improper practices. Unlike arbitrations, successful mediations result in outcomes that the parties control, giving them a voice and power over the final resolution.

Sources: NYCCBL; 1968 OCB Annual Report.

THE FIRST CITYWIDE AGREEMENT

City, SCME Reach First Citywide Pact Governing Benefits, Rights of 120,000

Covers Overtime, Leaves, Hours, Pensions

An unprecedented agreement that will benefit more than 120,000 city employees in a variety of titles was concluded on Feb. 23 between the city and District Council 37 of the American Federation of State, County, and Municipal Employees, AFL-CIO.

The pact marked the first time in the history of New York City employee labor relations that an agreement was reached on a citywide basis. It resulted from seven months of negotiations between a 40-member AFSCME negotiating committee and the city's Office of Labor Relations, culminated by mediation sessions before Arvid Anderson, the city's Director of Collective Bargaining, and Eva Robins, OCB Deputy Director.

The agreement was achieved on a citywide basis for employees in approximately 300 job titles after District Council 37 had become the first union to represent the majority of Career and Salary Plan employees and employees in virtually all other categories, with the exception of those in the uniformed forces.

The agreement covers a period of three years, retroactive to July 1, 1967 and extending to June 30, 1970. It governs matters like overtime pay, shift differentials, pensions, time-and-leave regulations, summer hours, holidays, personnel practices, meal allowances, pay practices, car allowances, and union rights. Salaries, however, are not



VICTOR GOTBAUM

HERBERT L. HABER

Gotbaum Says 'Significance Will Grow'

committee, called the agreement "a tremendous victory whose significance will grow with the years because of the lasting quality of the gains made, particularly in pensions."

The others who led the union's committee included Harold Baker, D.C. 37 president, and Daniel J. Nelson, its director of research and negotiations.

A detailed summary of the points covered by the agreement follows:

OVERTIME

• Cash payment shall be made for overtime work after 40 hours a week under the following conditions:

Effective March 15, 1968—straight time.

Effective Jan. 1, 1969—time and one-quarter.

Effective Jan. 1, 1970—time and one-half.

The overtime work must be authorized and the employee ordered to perform the work (involuntary overtime.)

The overtime work must exceed 40 hours by at least one hour; thereafter it will be paid in units of one-quarter hour.

Employees receiving cash



ARVID ANDERSON

EVA ROBINS

covered since they are negotiated separately for each title. Many of the items included were embodied in an agreement for the first time. They were not negotiated previously since heretofore no union represented the majority of the 120,000 employees affected, for whom the city wanted a uniform policy.

Victor Gotbaum, District Council 37 executive director and head of its negotiating

"The most sweeping, and in some ways the most important, mediation effort of [1968] was also the agency's first. In fact, it began before the OCB officially came into existence. This was the contract negotiation between the City and District Council 37, AFSCME, representing some 120,000 employees in the Career and Salary Plan, covering a variety of non-salary issues, including overtime, time and leave rules, summer hours, and pensions. It marked the first time the City had ever entered into a single collective bargaining agreement on issues that cut across all departmental and agency lines. Settlement required 18 mediation sessions headed by Deputy Chairman Eva Robins."

Sources: Excerpt from the 1968 OCB Annual Report



EVA ROBINS: TRAILBLAZER AND PEACEMAKER

Eva Robins, OCB's first Deputy Chair, was hand-selected by Arvid Anderson and served in the position from 1968 to 1972. She was fifty-eight years old at the time of her appointment and brought with her a wealth of experience in labor relations as a practitioner, mediator, and arbitrator. During her tenure, she guided the parties through numerous certifications, fact-finding proceedings, negotiations, and arbitrations. Robins also conducted mediations of many complex disputes and helped to establish OCB's dispute resolution role in municipal labor relations.

Born in 1910, in Ontario, Canada to American parents, Robins was one of eight children. She moved with her family to New York City at a young age. She worked full-time and went to St. John's Law School at night, graduating in 1935. For the next 27 years, she worked at Pioneer Ice Cream Brands, Inc. When she left, she took a position with the New York State Board of Mediation. In 1968, after 11 years at the New York State Board of Mediation, she joined

OCB. After leaving OCB in 1972, Robins started a private practice and continued her work as an arbitrator. Notably, she became the first female arbitrator in professional sports when she began working with the National Football League and the National Football League Players Association in the 1980s.

Robins' impressive work history was matched by her dedication to supporting and training new arbitrators and mediators. She served as President of the National Academy of Arbitrators and would regularly hold discussion groups for new arbitrators. She also authored *A Guide for Labor Mediators*, a seminal book in the industry, which has been translated into multiple languages and is still used internationally. The introduction to *A Guide for Labor Mediators* was reflective of Robins' desire to educate and promote newcomers to the field:

Labor mediation is a difficult and frequently lonely occupation, extraordinarily rewarding when it succeeds, depressing when it does not. This Guide is intended to welcome the new labor mediator and share some of the skills, techniques, and experiences of established mediators. Hopefully, this sharing will ease some of the problems likely to be encountered by the new mediator.

Robins' commitment to public service and the field of labor relations as well as her pragmatic approach to dispute resolution helped shape the landscape of NYC municipal labor relations, and the effects of her early leadership are felt even today.

DISPUTE RESOLUTION TRAINING AT OCB

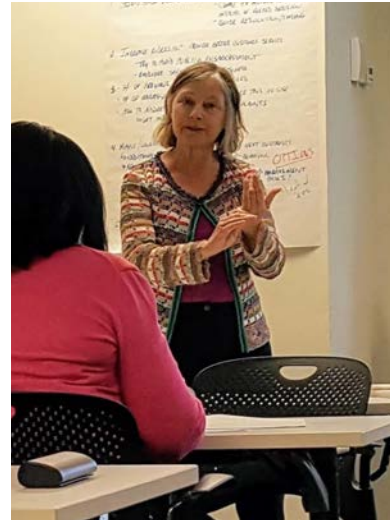


Instructor: Sally Klingel, Director at Scheinman Institute on Conflict Resolution at Cornell University

Photographer Rachel Philipson/Courtesy of Scheinman Institute



Instructor:
Debra Osofsky, Esq.

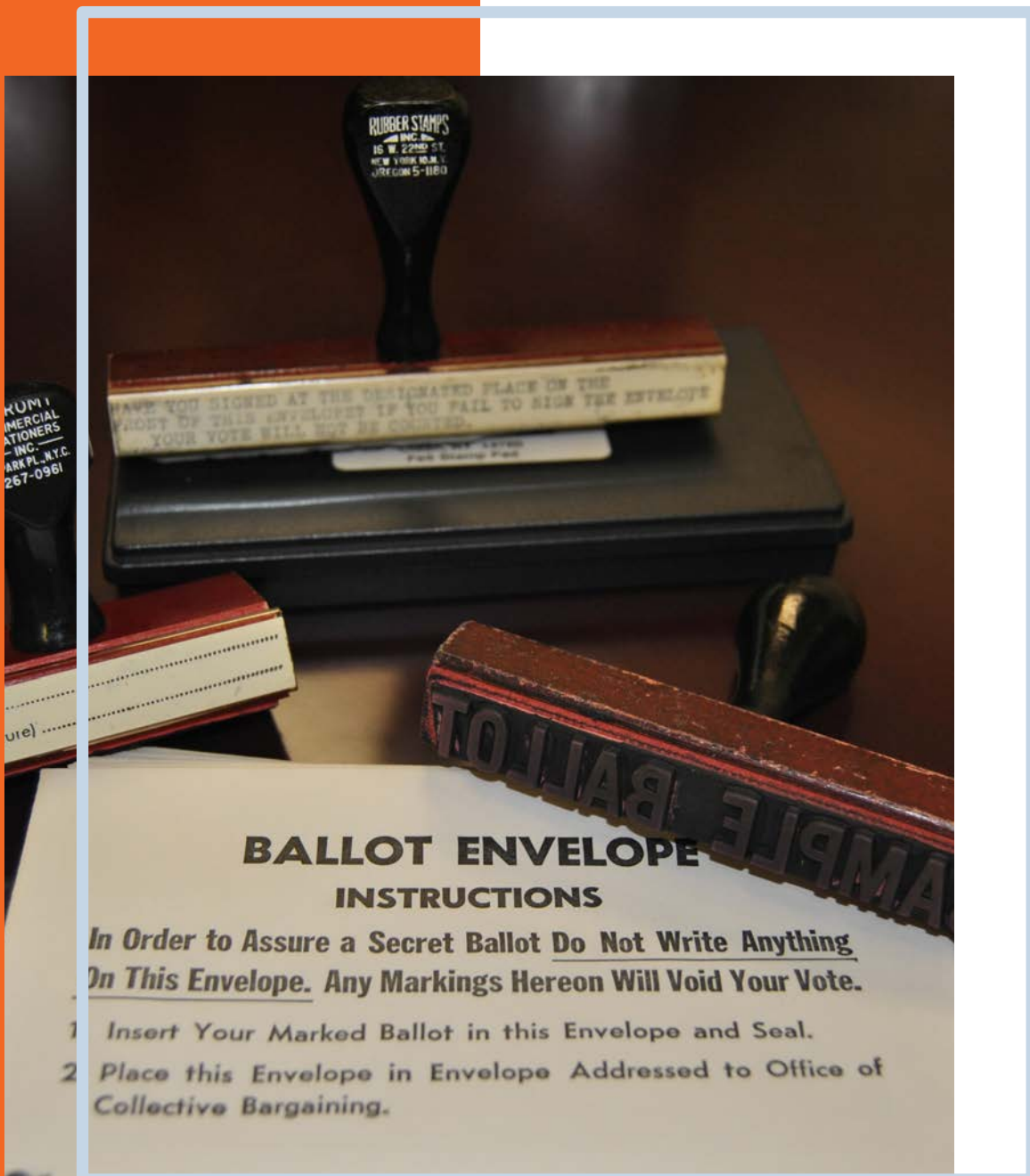


Instructor:
Felice Busto, Esq.

In 2016, the Office of Collective Bargaining began hosting two and three-day training sessions in conflict resolution and mediation skills. This initiative was undertaken as a new approach to advance OCB's legislative mandate to promote and encourage labor peace. The first training, led by instructors from Cornell University, set the tone for those to follow, as it was attended by attorneys and representatives from DC 37 and OLR's legal and negotiating departments. It was a three-day training that was lauded by both sides as being highly successful in demonstrating effective methods of dispute resolution. The training programs offered continue to be tremendously popular, and there are often waiting lists to attend. Participants from diverse agencies and unions have learned both theory and practical application of dispute resolution skills through various exercises, including mock mediations based on real-life scenarios. So far, dozens of attendees have completed the programs and offered positive feedback on the material learned. OCB will be continuing to provide these training programs in order to build our constituents' abilities to work toward the peaceful resolution of disputes.

REPRESENTATION

In representation proceedings, the Board of Certification determines whether employees are eligible for collective bargaining and what bargaining unit is appropriate. The BOC conducts secret-ballot elections or utilizes other means to ascertain the employees' choice and certifies unions as exclusive bargaining unit representatives.



NEW YORK CITY DEPARTMENT OF LABOR

Municipal employees began organizing and seeking collective bargaining rights many years prior to the enactment of the New York City Collective Bargaining Law. As early as 1958, the New York City Department of Labor began certifying unions pursuant to the Commissioner of Labor's authority established by Mayor Wagner's Executive Order No. 49. The bargaining units were departmental, often limited to employees of a single agency. Over time, unions representing several departmental units, which in the aggregate represented a majority of employees in a Citywide title, were certified to represent all employees in that title. In the summer of 1967, the Department of Labor began consolidating titles into Citywide units. In total, the New York City Department of Labor certified approximately 80 labor organizations to represent over 400 bargaining units.

Sources: Thirty-Year Retrospective on the New York City Collective Bargaining Law; 1 NYCCL No. 1; CWR 17-67, DC 37, 2 OCB 44 (BOC 1968).

REPRESENTATION CASES: THE EARLY YEARS

While representation cases are a small portion of the Office of Collective Bargaining's docket now, representation cases constituted a large part of the OCB's caseload for many years. At its inception, on January 2, 1968, OCB inherited 102 pending representation cases from the New York City Department of Labor, some of which dated to 1965. In the first year, an additional 106 representation cases were filed. In total, the Board of Certification had 206 representation cases, while the Board of Collective Bargaining received only 30 petitions, 20 of which challenged arbitrability. Despite inheriting a backlog, the BOC closed 124 cases and issued 80 decisions in its first year. By the end of its second year, the BOC had closed 215 of the 279 representation cases it received and issued 151 decisions.



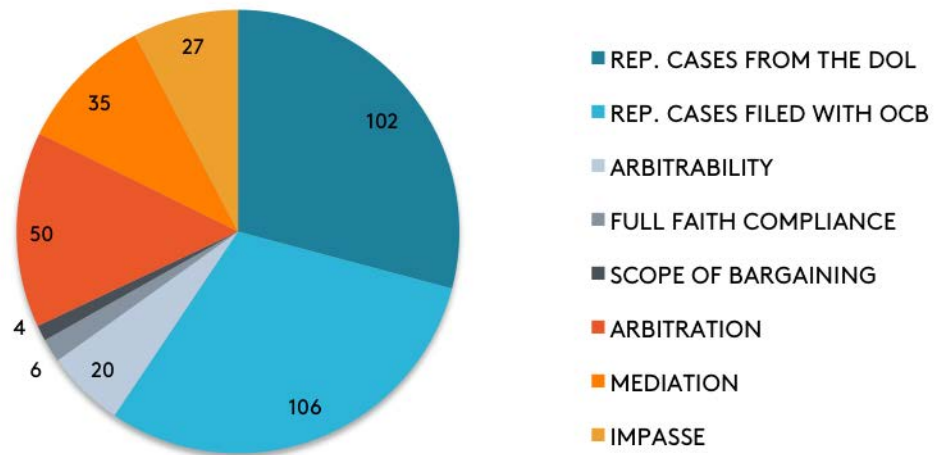
An OCB certification hearing for sanitation officers in 1968.

Dick De Marsico

In OCB's first year, representation cases were 59% of the total caseload, while dispute resolution cases were 32%, and BCB cases were 9%. The proportionately high number of representation petitions continued for several years. Representation cases comprised 53% of OCB's caseload in 1970, and 44% in 1971.

Sources: 1968 through 1971 OCB Annual Reports.

OCB'S CASELOAD IN 1968



CONSOLIDATION OF BARGAINING UNITS

One of the Board of Certification's primary goals at the outset was to combine and consolidate bargaining units. Having over 400 bargaining units delayed, if not impeded, the City's ability to negotiate agreements. Accordingly, the BOC aimed to facilitate bargaining and stabilize labor relations by forming larger units by consolidation or accretion.

One obstacle to unit consolidation was the "no raiding" provision of the AFL-CIO constitution. In 1969, the BOC decided to terminate departmental bargaining certificates in part because unions representing similar titles in different departments would not seek to represent Citywide units of those titles for fear of being exposed to a raiding charge. In that same year, the BOC also signaled that it would not give the AFL-CIO's decisions on raiding blind deference.

In the first four years, the BOC was busy considering motions to consolidate bargaining units that had been filed by either the unions, the City, or jointly by the parties. However, in 1972, the BOC observed that the pace of consolidation requests had noticeably slowed. Accordingly, to maintain the success of the BOC's policy to reduce the number of bargaining units via consolidation or accretion, the OCB staff undertook a reexamination of the City's bargaining structure, and the BOC initiated 14 motions to consolidate. As a result, 15 bargaining units were consolidated into six units, covering 10,000 employees in 54 titles. Eleven bargaining units were consolidated into three units, involving 2,000 employees in 50 titles. Another 11 units, containing 28,000 employees in 125 titles, were combined into three units. The OCB initiated another 22 motions to consolidate in 1973, which resulted in 15 separate bargaining units being merged into one consolidated unit covering 13,500 employees.

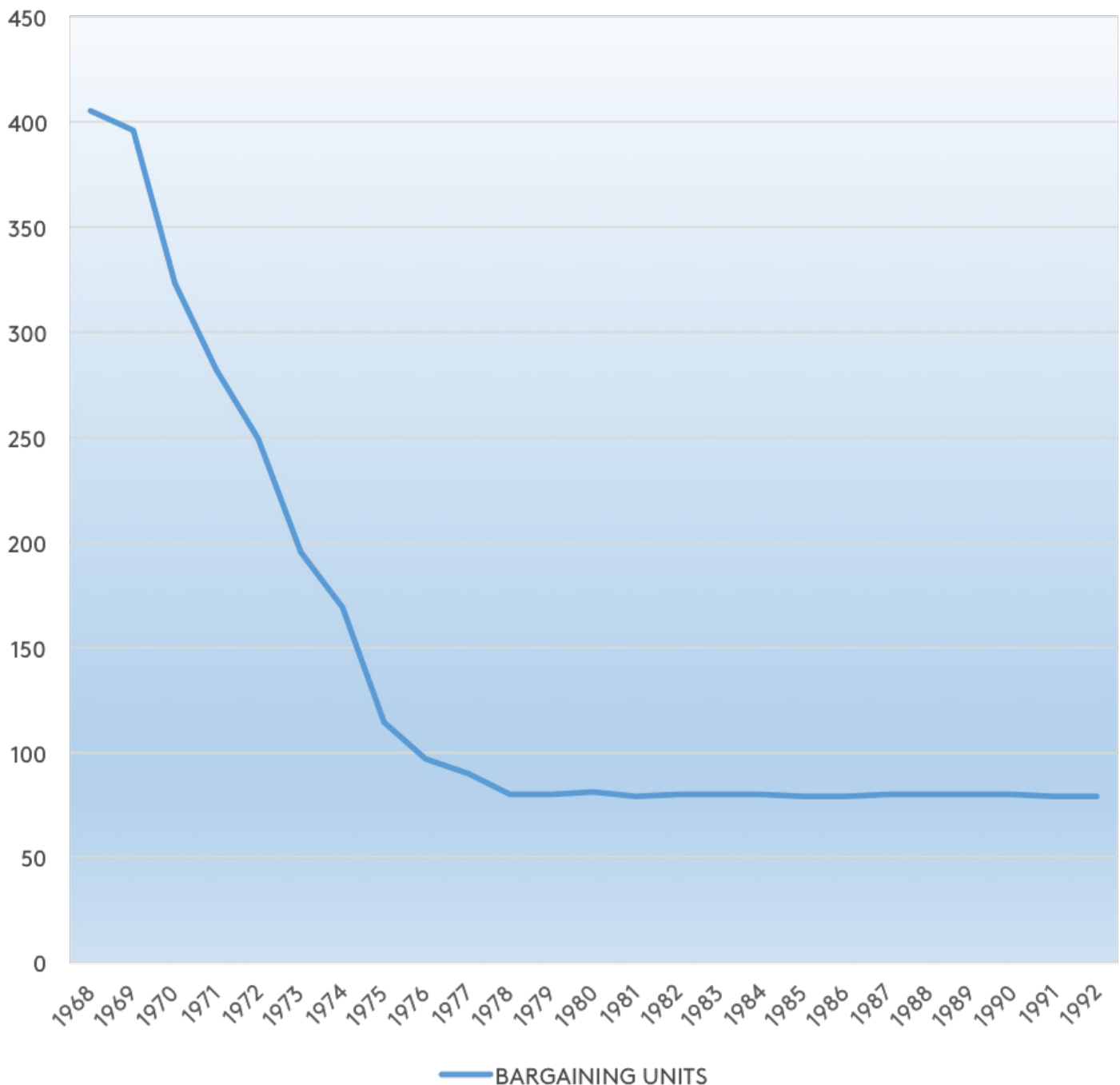
In its first ten years, the BOC successfully reduced the number of bargaining units by 77%. By 1978, it had reduced the number further so that only 80 bargaining units remained. The BOC considered the consolidation

process completed by 1981. By that time, the parties' use of coalition bargaining diminished the need for fewer bargaining units. The scope of unit level agreements had decreased, and the parties' ability to conclude agreements improved.

It is noteworthy that the BOC's policy in favor of consolidation and against unit fragmentation was never a hard and fast rule mandating larger units. During the period of unit consolidation, the BOC continued to create new bargaining units when circumstances warranted it. Indeed, 59 new units were created in the BOC's first six years.

Sources: 1968 through 1992 OCB Annual Reports; *DC 37*, 2 OCB 44 (BOC 1968); *Local 3, IBEW*, 4 OCB 36 (BOC 1969).

REDUCTION IN BARGAINING UNITS

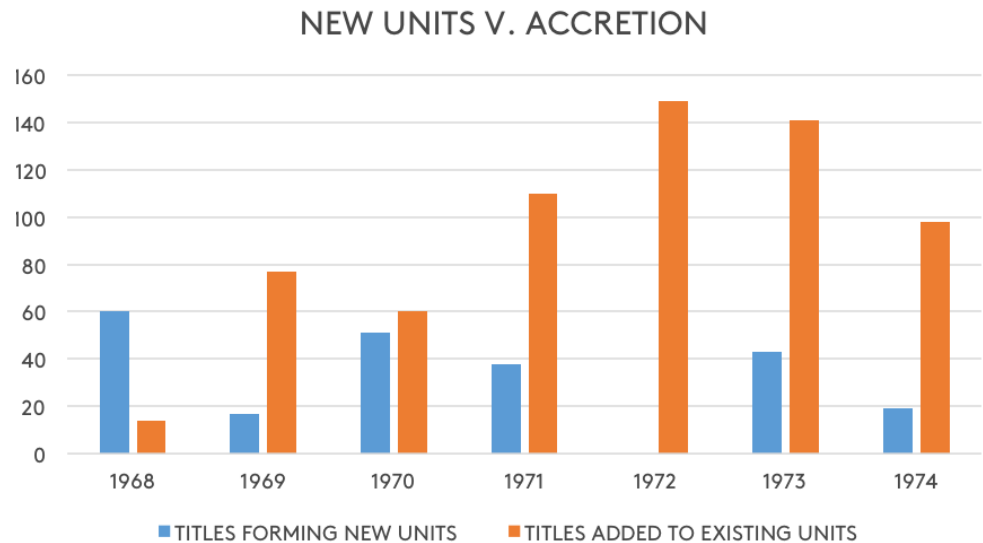


ACCRETION: ANOTHER TOOL TO CURB PROLIFERATION

The Board of Certification has consistently used the accretion process, adding formerly unrepresented titles and newly created titles to existing bargaining units, to avoid proliferation in the total number of bargaining units. In the first four years of the Office of Collective Bargaining's existence, the number of titles over which the City bargained increased by 32% despite the elimination of 99 bargaining units through merger and consolidation. From 1968 to 1971, representation was sought for

427 titles. Instead of creating new units, the BOC added 61% of these titles to existing units. In the OCB's first six years, nearly 2½ times as many unrepresented titles were added to existing units as were certified to new units.

Sources: 1970, 1971, 1973 and 1974 OCB Annual Reports.



MANAGERIAL/CONFIDENTIAL EXCLUSION

When the New York City Collective Bargaining Law was enacted, it was silent regarding managerial or confidential employees. However, the Board of Certification had applied general principles of labor law and excluded employees from collective bargaining since 1968 on the grounds that they were managerial and/or confidential. In 1972, the NYCCBL was amended to specifically exclude managerial and confidential employees from collective bargaining and permit an employer to initiate a petition to designate employees managerial and/or confidential.

Once the Board of Certification had completed its goal of reducing the number of bargaining units, the BOC's caseload shifted to primarily cases regarding managerial and/or confidential status. By 1984, managerial/confidential issues represented 70% of the BOC's caseload. Two decades later, the percentage of the BOC's cases involving managerial/confidential issues remains high.

Sources: 1972, 1973, 1984 and 1986 OCB Annual Reports.

A NOTE FROM FORMER CHAIR STEVEN C. DECOSTA

As we celebrate the fiftieth anniversary of the New York City Collective Bargaining Law, it is useful to consider the historical context within which the Law was drafted. Before enactment of the NYCCBL, public employees in New York City possessed no statutory right to bargain, and there was no statutory framework to assist City management and the representatives of its workers to resolve their disputes. This situation began to change under a series of executive orders promulgated by Mayor Robert Wagner, starting in 1954, but bargaining rights and dispute resolution measures were still quite limited, to the extent they existed at all. The problems inherent in this system culminated in a strike by welfare caseworkers in 1965. That strike was the impetus for the City and union officials to seek to create a better way of resolving public employee disputes. A Tripartite Committee composed of representatives of the City, the unions, and experienced impartial members of the American Arbitration Association's Labor-Management Institute drafted a fair and effective labor relations system that was acceptable to all the members of the Tripartite Committee. This system was enacted into law by the City Council as the NYCCBL, effective September 1, 1967. Thus the public sector labor experiment began in New York City.

Now, fifty years later we can look back on the course (to date) of that experiment. I was a participant in the experiment, first from the management side, then the union side, and lastly for most of my career as a member of the staff and as Director of the Office of Collective Bargaining. It was my privilege to work with some of those professionals who led the agency in its earliest years – Arvid Anderson and Malcolm MacDonald – as well as early Impartial Board Members Walter Eisenberg, Dan Collins, and, of course, George Nicolau. I was also privileged to work with the labor official who led the 1965 strike – and who now serves as a distinguished Impartial Member of the Board – Alan R. Viani. I can report that, for the most part, the tripartite structure works the way the drafters of the law intended: disputes are considered by the Board (based on drafts prepared by the agency's professional staff) and are discussed objectively, with each Board member having the opportunity to ask questions and to state his or her views on the case based on his or her own perspective and experience. The process works best when the parties to cases seek to educate and inform their respective (City or Labor) Board Members and then to rely on the Members' best professional judgment, rather than demanding a particular outcome "no matter what." Usually a consensus is formed during Board deliberations and, consequently, many decisions of the Board are unanimous. However, sometimes there is disagreement, and then the Impartial Board Members cast the deciding votes.

I believe history shows that the NYCCBL has provided the fair and effective dispute resolution mechanism that the members of the Tripartite Committee envisioned back in 1966-67. I think we should be grateful to the drafters and to the leaders of the City and the municipal unions who worked so very hard – cooperatively – to create and, over the years, to update and amend our labor statute. In this day, when public sector bargaining rights are being limited and abolished in some other parts of the country, we can be proud that, here in New York City, we have a statute that continues to safeguard the bargaining relationship between the City and its municipal unions and workers. I am pleased to have been a part of this process.

A handwritten signature in black ink that reads "Steven C. Decosta". The signature is written in a cursive, flowing style.

CHANGES IMPACTING UNITS

In recent years, the Board of Certification has found circumstances that warranted creation of new bargaining units. In 2001, the New York City Collective Bargaining Law was amended to add fire alarm dispatchers and EMS titles to the uniformed fire service. Based on the amendment, a petition was filed seeking a separate bargaining unit for the EMS titles. The BOC held that titles in different levels of bargaining were not appropriately included in one bargaining unit. Accordingly, the BOC removed the EMS titles from a unit of titles in the City-wide level of bargaining and created a separate bargaining unit for those titles.

Subsequently, the BOC removed Environmental Police Officers from a unit of civilian employees and placed them in a separate bargaining unit because they were defined as police officers under the New York State Criminal Procedure Code and the primary characteristic of their duties had changed to include the prevention and detection of crime and the enforcement of the general laws of the state. This was the first time the BOC found a title to be no longer appropriately placed in its original bargaining unit. In doing so, the BOC relied on precedent from the Public Employment Relations Board.

The BOC also created some new bargaining units in 2014, as a result of Local Law 56 of 2005, which amended the NYCCBL to add certain titles to the uniformed level of bargaining and created a similar-to-uniformed level of bargaining. Titles impacted by Local Law 56 were in ten bargaining units, represented by seven unions. The BOC rejected a proposal to combine all Local Law 56 titles into a single bargaining unit because the focus on consolidating units has not ignored existing bargaining relationships. While the changes in the levels of bargaining necessitated removing some titles from their existing bargaining units, the BOC balanced its anti-proliferation policy with other unit placement factors.

Sources: Local Law 18 & 19 of 2001; *DC 37*, 72 OCB 4 (BOC 2003); *LEEBA*, 76 OCB 3 (BOC 2005); *DC 37*, 7 OCB2d 1, at 66 (BOC 2014).

ELECTIONS

When the New York City Collective Bargaining Law was first enacted, the majority of certification cases were decided without elections. Most certifications were issued based on dues check-off authorization cards. Many of the early elections conducted were self-determination elections, which were required to determine if supervisory or professional employees could be included in a bargaining unit with non-supervisory or non-professional employees.

Despite the large number of bargaining units in existence prior to 1968, in its first year of operation, the Office of Collective Bargaining conducted 13 elections for 2,500 employees, in units ranging from four employees to 1,268. In its second year, the OCB conducted 16 elections. Over the next two years, 33 elections were conducted for 12,700 employees. There was a sharp decline in the number of elections in 1972. This was attributed to the small number of employees remaining unrepresented, the increase in requests for accretion, the BOC's willingness to issue joint certifications, and a statutory amendment that no longer required automatic self-determination elections for supervisory or professional employees.

Sources: 1968 through 1971 OCB Annual Reports.

Dick De Mansico

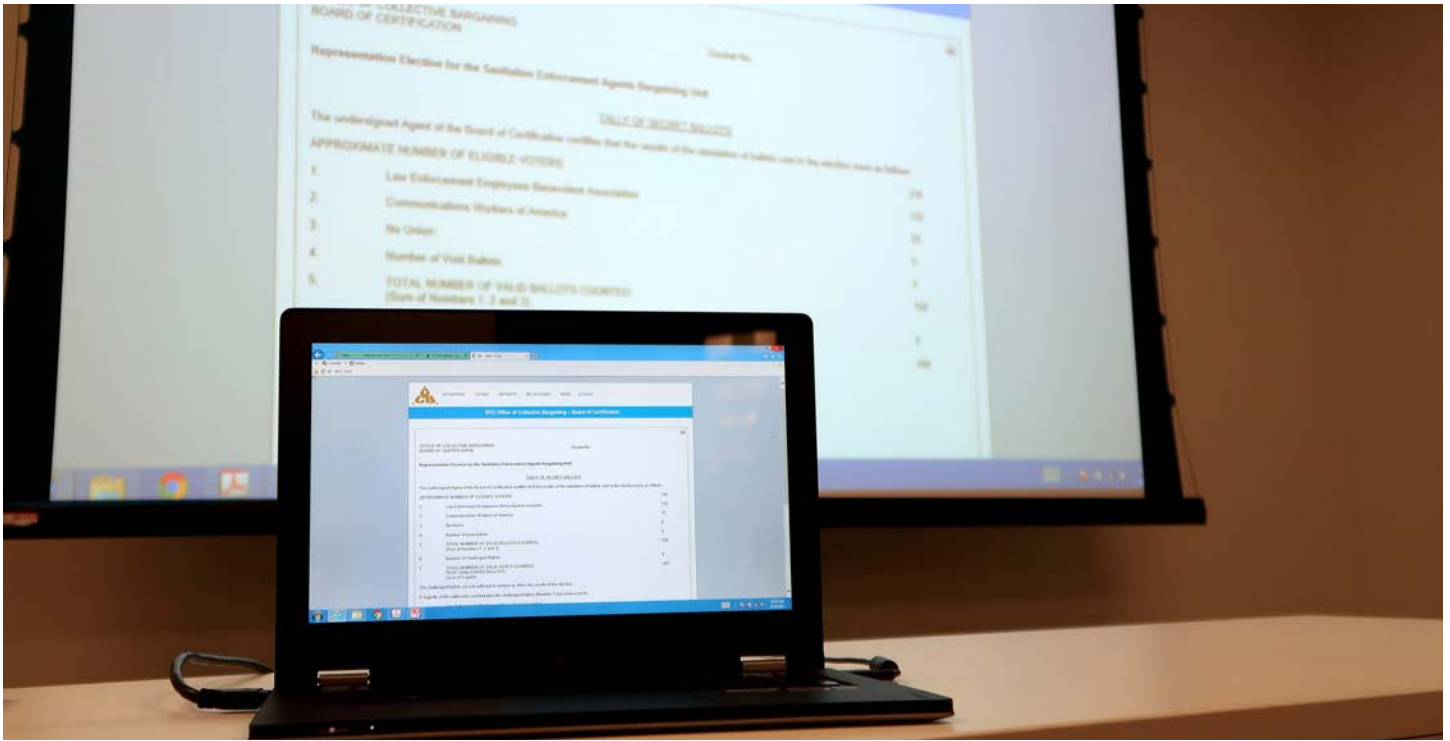


OCB staff conducts a union representation election for cement masons and masons' helpers.



Election voting booth and stamp.

VOTING AND TECHNOLOGY



For most of the Office of Collective Bargaining's history, there was little change in the election process. In-person elections involved voting in a portable voting booth or behind a cardboard privacy screen and placing a paper ballot in either a wooden or cardboard box. Mail ballot elections were commonly used when employees worked in many locations throughout the City. Voting packets were sent in manila envelopes via the postal service, and the ballots needed to be post-marked by a certain date to be valid. Ballot counts were delayed at least a week after the closing of the polls to ensure that the post office had delivered all the ballots. In both in-person and mail ballot elections, the count was often a protracted and suspenseful procedure. As the parties watched, ballots were removed from their mailing envelopes, shuffled, removed from secret ballot envelopes, placed face down in piles, and then counted one at a time as the Board agent held up each ballot to display the markings.

In 2015, the OCB upgraded its election process and

began to conduct elections using an electronic system that permits employees to vote by phone or by web. Voting instructions are professionally published and sent to employees in customized envelopes. Employees are given an identification code to vote either by phone or on the web. If the post office does not deliver the voting instructions, employees who verify their identity can receive another code instantly instead of having to wait for another voting kit to be mailed and delivered. Ballot counts are held one hour after the polls close, and the results are now tabulated and available to the parties instantaneously.

Employee voter turnout has been consistently high in OCB's history. In 1970, 65% of eligible voters voted, and in 1971, 80% of eligible employees voted. We have had a similarly high voter turnout in recent elections, and early data suggests that voter turnout may have increased with the convenience of phone and web voting.

Sources: 1970 and 1971 OCB Annual Reports.

COMING SOON – INTERNET CASE INTAKE!

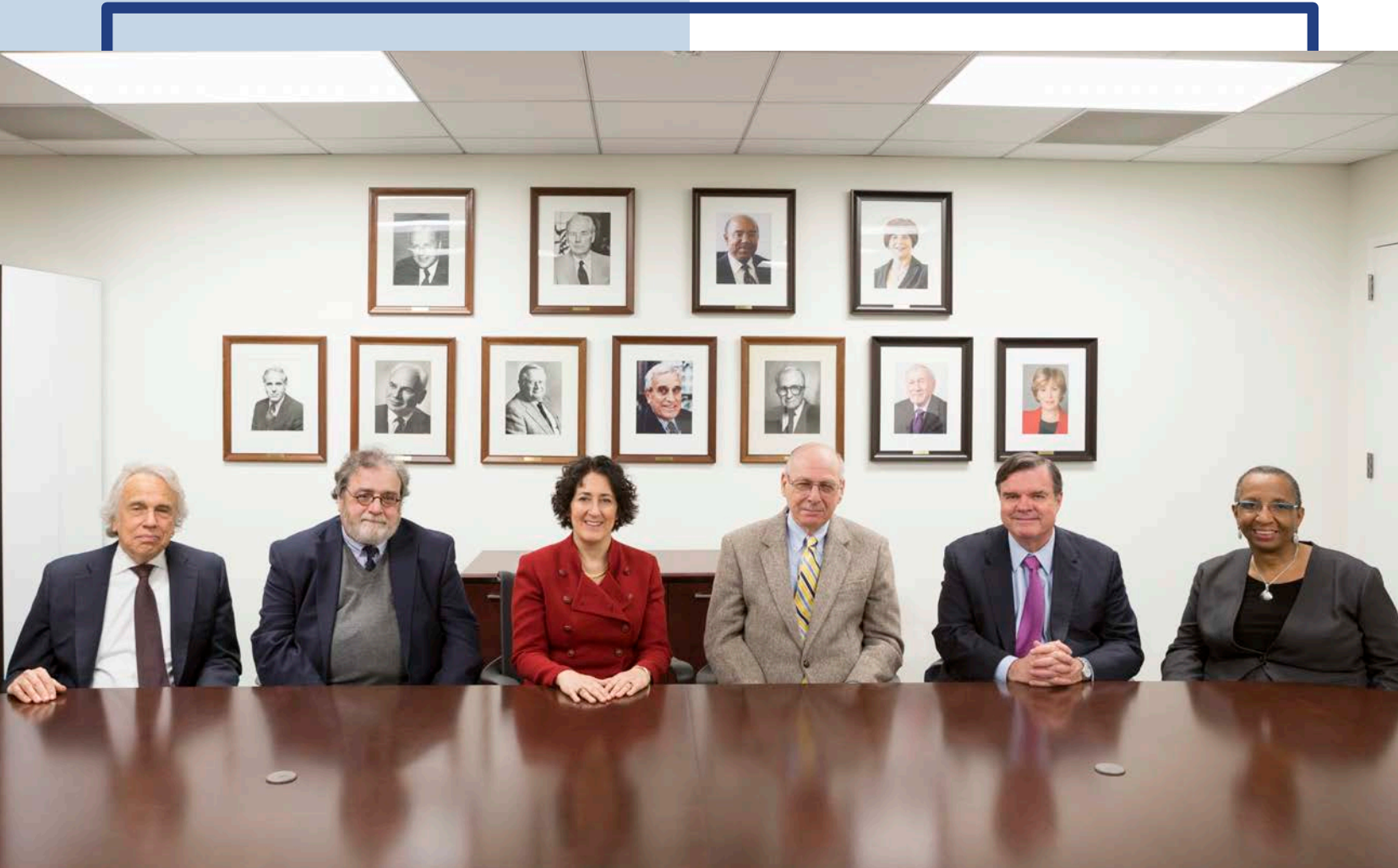
Since the late 1990s, OCB has made every effort to keep on top of automation and changing technology in the workplace. Over more than a decade, OCB was involved in RecTech, a collaboration of City agencies located at 40 Rector Street that shared information and technology resources. Through a RecTech collaboration, the agency obtained and maintained shared servers and information technology staff, internet service, and developed a website. RecTech was also instrumental in obtaining resources to design and implement legal case management software (“CaseMatters” Project) that OCB began using in 2013. As a participant in the CaseMatters Project, OCB has continued to benefit from shared information on technology resources and has provided guidance to legal departments in other agencies.

The last and perhaps most exciting phase of the CaseMatters Project, involves the development of an internet intake platform that will allow our constituents to submit new cases and file papers electronically via our website. This submission process will eliminate certain service requirements and the need for duplication of submissions by our constituents. It will also reduce the amount of data entry required by our staff on each case and finalize our ability to function as a paperless office. As of spring 2017, the design phase of the web intake system was reaching completion.

We hope OCB’s internet intake will be available for use by the end of the year. Look for an announcement of the launch! Also, be on the lookout for training programs we will offer to assist all users on how to submit materials.

THE BOARD OF COLLECTIVE BARGAINING

The New York City Collective Bargaining Law created two adjudicative boards, the Board of Collective Bargaining and the Board of Certification. The tripartite structure of the BCB was uniquely designed to ensure neutrality in the resolution of labor disputes and acceptability to both labor and management.



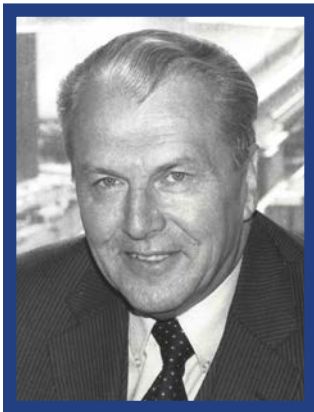
The current Board, (l. to r.): M. David Zurndorfer, City Member; Peter Pepper, Labor Alternate; Susan J. Panepento, Chair; Alan R. Viani, Impartial Member; Daniel F. Murphy, City Alternate; and Gwynne A. Wilcox, Labor Member. Not pictured: Pamela S. Silverblatt, City Member; Charles G. Moerdler, Labor Member; Carole O'Blenes, City Alternate.

James Maher Photography

THE IMPARTIAL MEMBERS

The Board of Collective Bargaining has three impartial members, one of which is the Chair. The impartial BCB members are elected by the unanimous vote of the City and Labor members of the BCB and serve alternating three-year terms. The BCB Chair is the only full-time, salaried, Board member. The other two Impartial members receive per diem fees. The salaries, fees and expenses of the Impartial Board members are paid jointly by the City and the Municipal Labor Committee. In five decades, the BCB has had only five Chairs and eight other impartial members.

THE CHAIRS



ARVID ANDERSON
1967-1987

The first Chair of the BCB was a foundational influence upon the enduring structure of New York City public sector collective bargaining. Arvid Anderson, a pioneer in labor law for public employees at the state and local level, served as OCB's Director from 1967 to 1987.

Anderson was born in Hammond, Indiana in 1921. It was this proximity to the steel mills of Indiana and Chicago, where violence against steelworkers' organization efforts was common, that fostered his lifelong dedication to the peaceful resolution of labor disputes. In a 2005 interview with Jim Stern for the National Academy of Arbitrators (NAA), Anderson recounted his experience at Republic Steel's South Works the day before and the day after the Memorial Day Massacre of 1937, where Chicago police killed ten strikers. A year later, after hearing that the union would picket the site with ten men forever, Anderson became convinced that there had to be a better way to resolve labor disputes. He went on to attend the University of Wisconsin, working summers in steel mills.

World War II interrupted Anderson's study of labor economics. He served for nearly three years with the U.S. Army Air Forces during World War II, where he was a B-17 navigator. His plane was shot down, and he spent seven months as a German prisoner of war. As a result of this heroic service, he was awarded the Air Medal and a Purple Heart and vowed to never eat sauerkraut again.

After World War II, Anderson completed his undergraduate degree and went on to graduate from University of Wisconsin's law school in 1948. During this time, Wisconsin passed the 1939 Employment Peace Act and became the most progressive state in the nation promoting peaceful resolution of employment disputes. After law school, Anderson joined the Wisconsin Employee Relations Commission (WERC), departing briefly to serve in the Korean War as a navigator and then as a first lieutenant in the Judge Advocate General's Division.

In 1960, Anderson became Commissioner of WERC, where he was involved in the development of the Wisconsin public employee bargaining statute. That 1962 law was the first of its kind and formed the basis for many other states to follow in enacting public sector bargaining legislation.

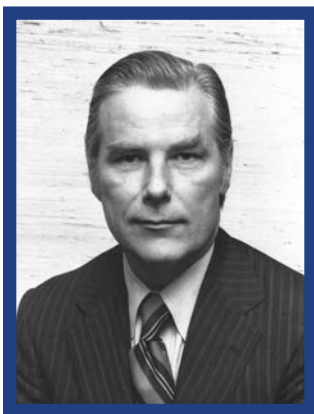
Rumor has it that when Anderson was first approached to head OCB, he turned the offer down. A year later he relented, after coming to the belief that if collective bargaining could be made to work in New York City, it could be made to work anywhere. He was attracted to the unique tripartite structure of the OCB and impressed with the people who would serve as neutrals, initially Saul Wallen and Eric Schmertz, and later Walter Eisenberg, followed by George Nicolau and Dan Collins.

Anderson's early tenure at OCB was not the warmest of welcomes. Shortly after he arrived in 1968, the sanitation strike occurred. Anderson said in his 2005 NAA interview that, "I thought it was a labor dispute but I found out later it was really a dispute over the Republican nomination of who could be more effective in dealing with public employee strikes – Nelson Rockefeller or John Lindsay." After the strike was settled, he became a key player in drafting an amendment to the NYCCBL that would make NYC the first major American city to mandate that contract disputes proceed to binding arbitration, once the Board determined that the parties were at an impasse.

Anderson served as Chair of the BCB for over 20 years. Many of his numerous achievements during that time are recounted in this booklet. He retired after having seen the success of binding arbitration and the consolidation of bargaining units from over 400 to fewer than 80. In the 2005 NAA interview, he praised the tripartite structure of the OCB, stating that it "has worked well because the labor and the city representatives wanted it to work."

After retiring from OCB, Anderson continued his private arbitration practice, became president of the National Academy of Arbitrators from 1987-1988, and served as a member of the U.S. Secretary of Labor Robert Reich's Task Force on Excellence in State and Local Government Through Labor Management Cooperation. Anderson's integrity, skill, and human decency were widely praised. When Anderson died in 2015, the Chief-Leader aptly noted that he "brought stability to the public-employee bargaining process through strong leadership with a light touch. . . ." His longstanding commitment to dispute resolution left an indelible imprint on OCB and NYC labor relations.

Sources: *The Chief-Leader*, Obituary, July 27, 2015; *New York Times*, Obituary, July 23, 2015; *Fireside Chat with Arvid Anderson*, National Academy of Arbitrators, May 28, 2005.



MALCOLM D. MACDONALD 1988-1995

Malcolm D. MacDonald, who succeeded Arvid Anderson as Chair of the BCB on January 1, 1988, was no stranger to OCB. MacDonald had been a member of OCB's staff for twenty years, initially serving as a Trial Examiner and then Deputy Chair and General Counsel. Continuing in his predecessor's footsteps, MacDonald had great respect for the agency's tripartite structure and endeavored to maintain the stability of municipal labor relations. Prior to joining OCB, MacDonald was in private practice and at the City's Law Department as an Assistant Corporation Counsel.

Immediately prior to joining the OCB, he was an attorney with the New York City Department of Labor. MacDonald was a Navy veteran and a graduate of Hofstra College and Brooklyn Law

School. In 1979, he became a Distinguished Visiting Professor of Law at Hofstra University and helped to establish the Hofstra Labor Law Forum.

MacDonald enjoyed celebrating his Scottish heritage. He spent every August in Scotland and attended Scottish events in the New York City area, including caber (pole) tossing.



STEVEN C. DECOSTA
1995-2000

In 1995, Steven C. DeCosta was elected as Chair of the BCB. DeCosta was also a longtime member of OCB's staff, with fifteen years of service prior to his appointment. A graduate of Hofstra University School of Law and Research Editor of its Law Review, DeCosta joined the staff of the OCB as a Trial Examiner in 1980. He was appointed Assistant General Counsel in 1981, Associate General Counsel in 1982, and then Deputy Chair and General Counsel in 1988 and resumed the position of General Counsel from 2000 to 2012. Before joining the OCB, he worked as an attorney in the General Litigation Division of the New York City Corporation

Counsel's Office, handling cases involving civil service, employment, and labor law. In addition, from 1978 to 1980, he was Assistant General Counsel in the Legal Department of District Council 37, AFSCME, AFL-CIO. DeCosta has lectured on labor law issues at the Metropolitan District Office of the Cornell University School of Industrial and Labor Relations, at New York University's Graduate School of Public Administration, the Institute of Labor Relations, and at many continuing legal education programs.

Throughout over thirty years with OCB, DeCosta was involved with every aspect of OCB's operation. For decades, he worked with labor and management representatives to draft several amendments to the NYCCBL and was instrumental in shepherding these revisions through the City Council. DeCosta's tenure as Chair was marked by his calm demeanor, open-door policy with his staff, and a near photographic memory for names and other details of cases long since closed. In his retirement, DeCosta has been enjoying his time traveling around the country and spending time with his family.

Photo: Jacob Mandell



MARLENE A. GOLD
2000-2014

Marlene A. Gold was the first female Chair of the BCB, where she served for 15 years, from 2000 to 2014. Prior to becoming Chair, Gold served as OCB's Deputy Chair for Dispute Resolution and Chief Mediator for five years. Gold brought to OCB a vast knowledge of the City, its agencies and Unions, having served as Deputy Commissioner and Counsel at the Department of Sanitation, the first and only female First Deputy Commissioner of the Fire Department and the First Deputy Commissioner of the Mayor's Office of Labor Relations, where she was responsible for negotiating collective bargaining agreements on behalf of the City. Gold was known

for her ability to identify and capitalize on mutual interests of the parties and conclude deals. Both sides of the table recognized Gold's considerable skills and her commitment to reaching voluntary settlements. As a result, she developed a number of enduring friendships with her adversaries and others in the municipal labor community. These relationships made her a respected and effective Chair.

Gold brought her extensive knowledge of agency operations and the concerns of City employees to her role at OCB. Her tenure as Chair between 2000 and 2014 was characterized by her unwavering focus on resolving the most difficult disputes. Gold's tenacity and commitment to the Board's tripartite process and dispute resolution was well known. She was often successful in building consensus among partisan Board members that lead to many unanimous decisions. Her quick and clever wit often defused the most tense and sensitive situations and opened the door to progress in resolving issues. During her tenure, she was also a member of the Board of the Association of Labor Relations Agencies, an organization of Federal, State, Local and Canadian neutral labor relations agencies. Gold considered the NYCCBL a "jewel" in public sector labor relations.

As Chair, Gold was exacting in ensuring that Board decisions were well reasoned and well written. She worked tirelessly with her staff to ensure that the decisions issued by the Board followed both the law and precedent. She helped develop an extraordinary staff of hearing officers and highlighted their work by having them make presentations to the Board about their cases. The Office of Collective Bargaining is stronger for her efforts.

Upon her retirement, Gold has continued to pursue her arbitration and mediation practice. A member of the National Academy of Arbitrators, she has an extensive public and private sector practice and serves on a variety of arbitration panels. Her public sector panels include arbitrating for the UFT and the Department of Education, Con Edison and Local 1-2, and Rutgers University and AAUP, among others. Gold has a national practice and serves on a number of national airline panels for both pilots and flight attendants and on telecommunication panels in several states. In addition, Gold continues to speak on and teach dispute resolution, including teaching for Cornell ILR in Manhattan and the Labor Arbitration Institute.

Photo: James Maher Photography



SUSAN J. PANEPENTO 2015-PRESENT

Susan J. Panepento is proud to serve as the fifth Chair of the BCB and shepherd the agency into its second half century. Like most of her predecessors, she had been at OCB for many years prior to her election as Chair in 2015. Panepento began working at OCB in 2001 as Director of Representation under the prior Chair, Marlene Gold. In 2004, she was appointed to Deputy Chair for Dispute Resolution, a position she held for the next decade. As Deputy Chair, she successfully mediated several contract disputes and resolved numerous arbitration and improper practice claims.

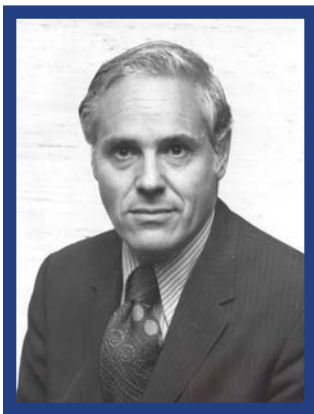
Since her arrival at OCB, Panepento has been actively involved in all areas within OCB's jurisdiction. Through-

out her tenure, she has provided significant guidance at every stage of OCB's proceedings, furthering sound labor relations. On the administrative side, she was instrumental in improving the agency's case handling processes and research capabilities. Since becoming Chair, Panepento has made it a priority to assist in the development of the NYC labor relations community. In conjunction with OLR, DC 37, and Cornell University, she initiated a historic, joint labor and management training in conflict resolution. She has also significantly improved the agency's technology resources and constituent services via website improvements, electronic case handling, and the development of a web-based case intake platform.

Prior to her arrival at OCB, Panepento spent fifteen years in private sector labor relations. During that time, she was an associate with the law firm Cohen, Weiss and Simon, where she represented both national and local unions in federal and administrative proceedings as well as negotiations and grievance arbitration. She also served as a Field Examiner and Attorney with the National Labor Relations Board in Brooklyn, New York. Panepento is a graduate of Cornell University's School of Industrial and Labor Relations and Brooklyn Law School.

Photo: James Maher Photography

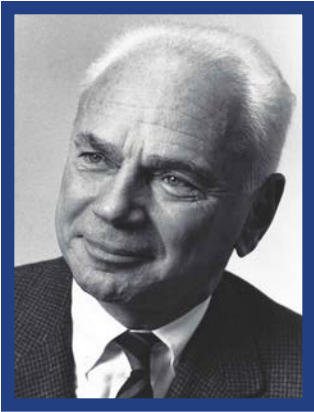
THE IMPARTIALS



ERIC J. SCHMERTZ
1967-1980

Eric J. Schmertz was one of the first impartialists who served on the BCB, where he remained for nearly 13 years. Upon his death in 2010, *The New York Times* called him "one of the nation's most relied-upon labor peacemakers." His dispute resolution style was non-confrontational and was focused on fairness to all the parties involved. *The Times* quoted him as saying "I believe in working with the unions as problem-solving partners . . . I don't believe in confrontational or devious bargaining or sharp bargaining." Schmertz's many notable dispute resolution achievements involved parties as diverse as firefighters, the Rockettes, NYC ferry workers, and taxi drivers. In addition to his work on the BCB, Schmertz held positions with the International Ladies Garment Workers Union and AFSCME and was the Director of the NYS Board of Mediation, dean of the Hofstra University School of Law, and a well-known and respected arbitrator. He served as Commissioner of the Mayor's Office of Labor Relations under Mayor Dinkins, but resumed his practice as a neutral thereafter. He also served on many impasse panels, including one involving the City and the Police Benevolent Association in 1997. Schmertz's enormous accomplishments in the field of labor relations may not have happened had he pursued other interests. When he was in high school, he wanted to be a diplomat and was also scouted by the Pittsburgh Pirates to play baseball.

Sources: *The Chief-Leader*, Obituary December 31, 2010; *New York Times*, Obituary December 22, 2010.

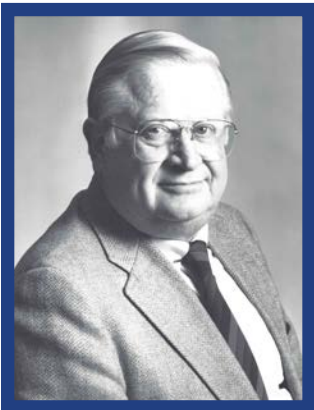


SAUL WALLEN 1967-1969

Saul Wallen was also one of the original impartial members appointed to serve on the BCB. Though Wallen's foray into labor relations and dispute resolution was not planned, his impact on collective bargaining was all the better for his unintended entry into the field. He received his bachelor's degree in economics in 1933, an exceptionally difficult time to land a job in finance. Instead of heading to Wall Street, Wallen began his career as a labor adjuster for the New York City United Association of Dress Manufacturers. Thereafter, he held a series of labor-oriented positions until he was named chairman of the National War Labor Board's New England Region in 1945.

He became a private arbitrator and mediator the next year and spent the remainder of his career resolving labor disputes. Wallen was elected president of the National Academy of Arbitrators in 1954. In 1967, he was elected to the BCB, where he served until his death in 1969. Shortly before his death, Wallen became Director of the New York City Urban Coalition. Brook I. Landis wrote a book on Wallen's arbitration approach, *Value Judgements in Arbitration: A Case Study of Saul Wallen*, in which the author noted the goals Wallen had espoused for an arbitrator: "(1) equity and justice for all members of industrial society; (2) efficiency, productivity, and technological innovation; and (3) stable collective bargaining." Since 1971, the Municipal Labor Committee has funded the Saul Wallen/MLC Internship for an undergraduate of the Cornell University ILR School to work for a summer at OCB's office.

Sources: *Value Judgements in Arbitration: A Case Study of Saul Wallen*, Brook I. Landis, Cornell ILR Book, 1977.

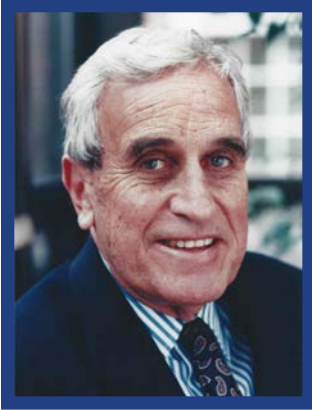


WALTER L. EISENBERG 1969-1980

Walter L. Eisenberg served as an impartial member of the BCB for nearly eleven years. He was elected to hold the seat left vacant by Saul Wallen. Eisenberg grew up in Williamsburg, Brooklyn and graduated from City College in 1941 with a degree in economics. He went on to attain both master's and Ph.D. degrees in the same field from Columbia University. In 1949, he joined the teaching staff at Hunter College of the City University of New York, lecturing on economics. Over his long tenure at Hunter College, he was elected department chairman, then became dean of graduate studies in 1972 until his retirement in 1979. Eisenberg was an accomplished

and well-respected mediator and arbitrator for over 30 years. He was on the Federal Mediation and Conciliation Board and served as a member of the NYS Public Employment Relations Board from 1985-1995. He presided over a wide array of disputes involving federal, state, and city employees. Eisenberg served as board chairman of Group Health Insurance Inc. and a member of the GHI Home Care Board of Governors.

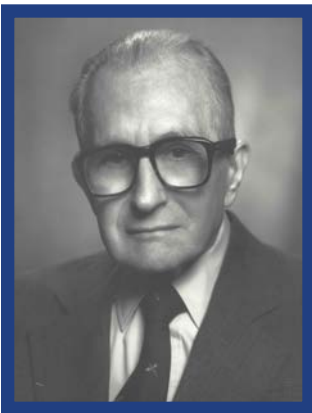
Sources: *New York Times*, Obituary April 28, 1995.



DANIEL G. COLLINS 1980-2002

Daniel G. Collins served as an impartial on the BCB for twenty-two years. He was a soft-spoken man but was widely respected for his fairness and his ability to listen and persuade. Collins graduated from New York University School of Law in 1954, where he was editor of the Law Review. After graduating from NYU Law, he practiced law at Cravath, Swaine & Moore for several years before joining the NYU Law School's faculty in 1961. For more than 40 years, he taught a variety of labor law courses to hundreds of students. However, Collins' imprint on labor relations was not limited to academia. In 1968, he began private practice as an arbitrator in labor-management disputes and, for the thirty years that followed, became one of the most prominent arbitrators in the nation. Collins handled many newsworthy disputes involving celebrities, athletes, transit workers, teachers, and others. He was also an active member of the National Academy of Arbitrators and was uniformly admired by his peers. Arbitrator and mediator Martin Scheinman described Collins to *The New York Times* in 2002 as "wise, studious, an excellent listener." Then BCB Chair Marlene A. Gold also summed him up perfectly in a quote, stating "When he spoke, all the rest of the board members, none of whom are without distinction, listened."

Sources: *The Law School 2002*, published by The New York University Law School, August 23, 2002; *New York Times*, Obituary June 19, 2002.



MILTON FRIEDMAN 1981-1986

Milton Friedman was one of the shortest-serving impartial on the BCB, serving only five years. He was born in Manhattan and served in active duty during World War II, where he was seriously wounded in Italy. Upon his return and recovery, he received a bachelor's degree at New York University and became an editor for the retirement fund of the coat and suit industry in New York. He moved on to work at the New York State Mediation Board from 1950 to 1967 before pursuing a private arbitration and mediation practice. During his neutral career, Friedman resolved many significant labor disputes. For many years, he was the arbitrator for disputes between the National Railway Labor Conference and five railroad unions, and a special arbitrator for disputes between United States Steel and United Steelworkers of America. Friedman was a member and an active participant in the National Academy of Arbitrators. He was also a professor at Hofstra University and taught labor relations classes.

Sources: *New York Times*, Obituary Oct 19, 1989.



GEORGE NICOLAU 1987-2015

For twenty-eight years, the BCB was fortunate to have had George Nicolau as an impartial. Nicolau, long considered a giant in labor-management arbitration, is our longest-serving Board member. Originally from Michigan, Nicolau volunteered for the Army Air Corps during World War II after convincing his high school principal that he could graduate *in absentia*. He was serving as a navigator on the B-17 Flying Fortress, flying a mission to Leipzig, when a burst of flak severely injured him, and part of his leg was amputated. After recovering, he graduated from the University of Michigan, with a degree in political science and economics, and from Columbia Law

School. Motivated by his father's unfair treatment as an immigrant working in non-union companies, Nicolau entered law school with the intention to represent unions. After graduation, he fulfilled this goal by working at union-side law firms handling NLRB proceedings and arbitrations.

In 1963, inspired by President John F. Kennedy, Nicolau left private practice and joined the Peace Corps, where he worked on special projects for two years. Afterward, he became the northeast region deputy director of Sergeant Shriver's Office of Economic Opportunity, working on Head Start and Community Action, education and community programs assisting the poor. In 1965, he was asked by Mayor John Lindsay to head, as Commissioner, a new anti-poverty organization for the City of New York, called the Community Development Agency. Two years later, after resigning from CDA because of the deep cuts in federal funding as a result of the Vietnam War, he became Executive Director of the Ford Foundation's Fund for the City of New York.

In 1970, Nicolau began what would be the focus of his pursuits for years to come when he accepted a position as executive director of the newly-created Institute for Mediation and Conflict Resolution. The organization's goal was to help reduce community conflict by training people -- community leaders, police officers, Department of Justice employees -- in negotiation and mediation skills. By 1975, Nicolau had decided he could become an arbitrator part-time and was placed on the AAA panel. He set up his office in his home and handled his bookings personally, which he still does today. After ten years at IMCR, he left to become a full-time arbitrator.

The highlights of Nicolau's arbitration career cannot be adequately summarized on a page. He may be best-known as the chief arbitrator for Major League Baseball from 1986 to 1995, but his practice spans many fields, including the airline, entertainment, health, and sports industries. He has served as arbitrator for NBA/NBPA, the NHL/NHLPA and Major Indoor Soccer. He is a former president of both the National Academy of Arbitrators and the Society of Professionals in Dispute Resolution. Without question, he is one of the most renowned and well-respected neutrals in the nation.

In an article for the Canadian Baseball Network, Michel Picher told Danny Gallagher that, "There are few arbitrators who command the universal respect that is given George Nicolau . . . [h]is work has known no limit. There is no one more respected in labour arbitration." Nicolau retired from the BCB in 2015. He continues his arbitration practice to this day.

Sources: National Academy of Arbitrators History Committee Interview, Michel Picher September 17, 2006 Canadian Baseball Network; "Arbitrator George Nicolau Still a Beehive of Activity at 91" Michel Picher February 25, 2016. Photo: James Maher Photography



CAROL A. WITTENBERG 2002-2015

Carol A. Wittenberg served as an Impartial Member of the BCB for thirteen years. Wittenberg is a nationally-known arbitrator and mediator who is highly regarded for her fairness and dedication to efficient management of the dispute resolution process. She has been a member of the National Academy of Arbitrators since 1987 and is passionate about her profession. She studied arbitration and mediation under renowned arbitrator, Peter Seitz, who was also a member of the Tripartite Committee. During her career as a neutral, Wittenberg has continued in Seitz's footsteps, teaching courses in arbitration and mediation and encouraging and mentoring many new arbitrators and mediators. She has also authored several treatises on dispute resolution and served as the Cornell ILR School's Neutral in Residence from 2003-2004. During her tenure on the Board, she was admired not only for her intelligence and fairness, but also her devotion to and support for the agency and its staff. Her insistence on a high level of quality and precision in the Board's decisions left an indelible mark.

Wittenberg came to the world of alternative dispute resolution from the academic side. She graduated from Cornell University's School of Industrial and Labor Relations and earned a Master's degree from Hunter College. She served on the Extension Faculty of Cornell University's School of Industrial and Labor Relations for twenty years, where she developed training programs in dispute resolution for a variety of corporations, government agencies, and labor unions. She began a labor-management arbitration and mediation practice while still on the Cornell faculty and considered it a natural transition to become a full-time neutral several years later. Wittenberg became a Principal at Wittenberg & Shaw LLC in 1995 and joined with ADR Associates LLC in 2000, before merging that firm with JAMS in 2004.

Over the past thirty years, Wittenberg has been involved with many noteworthy and public labor disputes. She has arbitrated hundreds of cases for OCB since she first joined the panel in 1982. She also served for nine years on the contract panel for the UFT and the City's Department of Education. Wittenberg served eight years as an arbitrator resolving disputes between the National Football League and the NFL Players' Association, six years as salary arbitrator for the National Hockey League and the NHL Players' Association, and eight years as salary arbitrator for Major League Baseball and the MLB Players' Association. She has arbitrated numerous disputes between major television networks and the Directors' Guild, Writers' Guild, AFTRA, and NABET and has resolved disputes involving major stars in the arts. She has arbitrated hundreds of employment and labor disputes involving the largest national and multi-national companies. She is currently a panelist with JAMS in New York City and continues to resolve employment and labor disputes across the country.



ALAN R. VIANI 2016-PRESENT

Alan R. Viani's election in 2016 as an Impartial Member of the BCB marked completion of a full circle of his involvement with OCB and the NYCCBL over the past fifty years. His presence on the BCB has served to provide insight and continuity to the Board's decisions as it moves into the next half century. Viani was an early supporter of the enactment of the law in the 1960s when he was president of Local 371, AFSCME. Then, Viani was appointed by Arvid Anderson as the Deputy Chair for Dispute Resolution at the OCB. He served in that position from 1986 to 1992, mediating disputes and overseeing the arbitration process administered by the agency. For

over two decades, Viani served on OCB's Register of Neutrals and decided some of the most significant issues brought to arbitration, in addition to serving on numerous impasse panels. In announcing Viani's appointment to mediate a dispute involving the PBA in 2001, then-Director of Conciliation for the NYS Public Employment Relations Board, Richard Curreri, stated that Viani "may well have greater familiarity with the problems and needs of labor and management in the City of New York than does any other neutral."

Viani has spent his entire adult life involved in municipal labor relations. Before becoming a neutral, his long tenure as a municipal union representative was marked by achievements too numerous to mention here. Viani joined Local 371, AFSCME on the very first day he started work for the NYC Department of Social Services in 1961. Only three years later, at the age of 26, he became president of the Local. In January 1965, a majority of his members voted to go on strike. Commonly known as the Welfare Department strike of January 1965, the work stoppage lasted thirty days. Along with other members of the Local's Executive Board and the leaders of the Social Service Employees Union (SSEU), Viani spent 12 days in jail for refusing to order the membership back to work. On June 4, 1965, Viani, along with Victor Gotbaum, the Executive Director of DC 37, and Mayor Robert Wagner signed the first collective bargaining agreement for mayoral employees, which included the establishment of a Tripartite Committee to hammer out the provisions of a collective bargaining law for City employees (now known as the NYCCBL). In 1968, he became the assistant director of District Council 37's Research and Negotiations section. He supported the work of the Tripartite Committee and the enactment of the NYCCBL as a means to bring rationality to the labor relations process and provide mechanisms for impartial dispute resolution. Viani became DC 37's Director of Research and Negotiations in 1973, where he stayed until his "first" retirement in 1986. After leaving OCB in 1992 (his "second" retirement), Viani began a full-time arbitration and mediation practice. In the decades that followed, Viani has continued to have a significant and enduring role in resolving disputes in municipal labor relations. Along with two other state mediators, Martin Scheinman and Richard Curreri, Viani resolved the bitter 2005 New York City Transit strike. He has also been appointed more than once by the NYS PERB to resolve deadlocked talks between New York City and the Patrolmen's Benevolent Association and other disputes between the state and its unions.

Sources: *The Chief-Leader*, "PERB Declares Impasse in PBA Contract Talks" August 24, 2001. Photo: James Maher Photography.

IMPARTIAL MEMBERS THEN AND NOW



Walter Eisenberg, Arvid Anderson,
and Eric Schmertz
*Courtesy of New York City Housing
Authority Photo Unit*



Carol Wittenberg, George Nicolau,
and Marlene Gold



Susan Panepento and Alan Viani
James Maher Photography

CITY AND LABOR MEMBERS

In addition to three impartial members, the seven-member Board of Collective Bargaining has two City members appointed by the Mayor and two Labor members appointed by the Municipal Labor Committee. There is also an alternate appointed for each City and Labor Member. The BOC is comprised only of the three Impartial members.

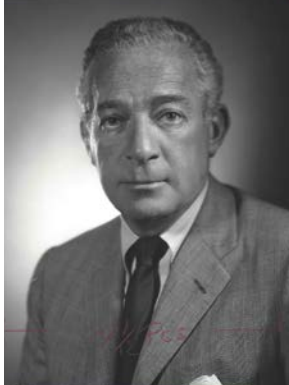


The First Board and Deputy Chair Eva Robins, (l. to r.): Arvid Anderson, Chair; Jesse Freidin, City Member; Earl Shepard, Paul Hall, Harry Van Arsdale Jr., Labor Members; Eric Schmertz, Saul Wallen, Impartial Members; Timothy Costello, City Member; and Eva Robins.
Dick De Marsico

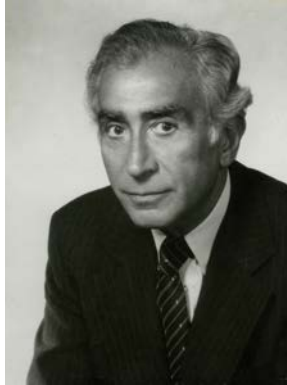
CITY BOARD MEMBERS



Timothy W. Costello
1967-1972



Jesse Freidin
1967-1968



Edward Silver
1968-1991



John H. Mortimer
1972-1974



Vincent D. McDonnell
1974-1978



Virgil B. Day
1976-1980



John D. Feerick
1980-1987



Dean L. Silverberg
1987-1993



Saul G. Kramer
1994-1999



Richard Wilsker
1994-2004



M. David Zurndorfer
2003-present



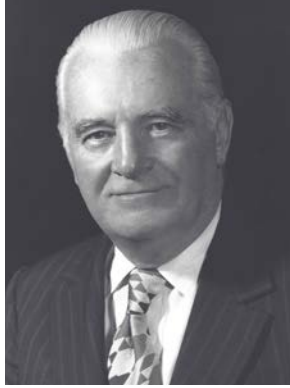
Pamela S. Silverblatt
2008-present

James Maher Photography

LABOR BOARD MEMBERS



Paul Hall
1967-1969



Harry Van Arsdale Jr.
1967-1979



Earl Shepard
1969-1971



William Michelson
1971-1974



Edward F. Gray
1974-1992



Edward J. Cleary
1979-1984



Carolyn Gentile
1984-1999



Jerome Joseph
1992-1998



Bruce H. Simon
2000-2006



Gabrielle Semel
2007-2015

James Maher Photography



Charles G. Moerdler
2000-present



Gwynne A. Wilcox
2017-present

ALTERNATE BOARD MEMBERS

Morris Iushewitz (Labor)	1972-1974
Harry Frumerman (Labor)	1972-1974
Thomas J. Herlihy (City)	1972-1978
Thomas F. Roche (City)	1974-1976
Joseph J. Solar (Labor)	1974-1978
Daniel Persons (Labor)	1974-1978
Frances Morris (City)	1976-1978
Edward J. Cleary (Labor)	1977-1978
Maria Jones (City)	1978-1980
Mark Chernoff (Labor)	1978-1983
Franklin Havelick (City)	1978-1982
Carolyn Gentile (Labor)	1979-1984
Robert Kandell (City)	1981-1982
Patrick F. X. Mulhearn (City)	1982-1987
Dean L. Silverberg (City)	1983-1987
Sandra B. Durant (Labor)	1984-1985
Ida Torres (Labor)	1984-1985
Wilbur Daniels (Labor)	1986-1987
Jerome Joseph (Labor)	1986-1991
Henry F. White (City)	1988-1989
Frederick Schaffer (City)	1989-1990
George B. Daniels (City)	1990-1993
Elsie A. Crum (City)	1990-1991
Thomas J. Giblin (Labor)	1990-1999
Steven H. Wright (City)	1992-1993
Eugene Mittelman (City)	2000-2002
Gabrielle Semel (Labor)	2001-2007
Vincent Bollon (Labor)	2001-2011
Ernest F. Hart (City)	2002-2012
Peter Madonia (City)	2002-2013
Peter Pepper (Labor)	2007-present
Gwynne A. Wilcox (Labor)	2012-2017
Carole O'Blenes (City)	2013-present
Daniel F. Murphy (City)	2017-present

THE OFFICE OF COLLECTIVE BARGAINING



James Maher Photography

OCB BUILDINGS

250 BROADWAY 28TH FLOOR 1967-1980

Resembling a modernist, tiered wedding cake, 250 Broadway was OCB's first office space. Interestingly, these offices provided a view of the future home of OCB, 100 Gold Street, perhaps as a sign of things to come. 250 Broadway was completed in 1962 and currently houses the New York City Housing Authority, the New York City Council Chamber and City Council Members' offices.



Melissa Trasky



Melissa Trasky

110 CHURCH STREET 11TH & 12TH FLOORS 1981-1990

110 Church Street did not house OCB for very long – it was perhaps the agency's shortest stay in an office building. 110 Church was built as a private office building in 1962 and is located on the edges of Tribeca, which wasn't quite the Tribeca we know today. Along with the changes in Tribeca came changes to 110 Church as well – in 1999 the building was converted to loft rentals, given a new address 50 Murray Street, and a new name, "Tribeca House."



Melissa Trasky

40 RECTOR STREET 7TH FLOOR 1990-2014

40 Rector Street, originally known as the Bartlett Building, was built in 1920 in what was known as Little Syria, a thriving neighborhood of immigrants from Greater Syria (Lebanon, Syria, Jordan, Palestine, and Israel) along with Greeks, Turks, Armenians, and others. Lebanese-American writers such as Kahlil Gibran and Ameen Rihani called Little Syria home along with other cultural and educational luminaries. The neighborhood flourished from the late 19th century until the 1940s, when a great deal of lower Washington Street, the hub of Little Syria, was demolished to make way for the Brooklyn-Battery Tunnel. Interestingly, 40 Rector was designed by the same architectural firm, Warren and Wetmore, that designed Grand Central Terminal.

100 GOLD STREET 4TH FLOOR 2014-PRESENT

100 Gold Street is OCB's new home. The contemporary structure was built in the 1960s for use as a private office building. In 1993, the City of New York purchased the building to house the Department of Housing Preservation and Development and a satellite location for offices of the Mayor. Currently, the building houses agencies as varied as the New York City Department of Education and the Parks Department. It served as a rest and relief center for rescue workers after the World Trade Center attack and also houses a Senior Citizen Center for residents in lower Manhattan.



Melissa Trasky

DEPUTY CHAIRS AND DIRECTORS

DEPUTY CHAIR - GENERAL COUNSEL

Philip Feldblum	1968-1970
Philip J. Ruffo	1971-1973
Malcolm D. MacDonald	1973-1987
Steven C. DeCosta	1988-1995
Wendy Patitucci	1996-2000
Steven C. DeCosta	2000-2012
Philip L. Maier	2012-2015
Steven E. Star	2015-present

DEPUTY CHAIR - DISPUTE RESOLUTION

Eva Robins	1968-1971
George Bennett	1972-1974
Thomas M. Laura	1974-1984
Alan R. Viani	1986-1992
Stuart Leibowitz	1993-1995
Marlene Gold	1995-2000
Earl Pfeffer	2000-2004
Susan J. Panepento	2004-2015
Monu Singh	2015-present

DIRECTOR OF REPRESENTATION & EXECUTIVE SECRETARY

John McNamara	1968-1981
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DIRECTOR OF REPRESENTATION

David Tuckerman	1981-1988
John Pertusi	1989-1991
Rory G. Schnurr	1992-2000
Susan J. Panepento	2001-2004
Karine Spencer	2004-present

STAFF



1988

Courtesy of The Chief-Leader



2012



2017

James Maher Photography

1973



Diak De Masico

1982



1989



1991



1993



1995



2014



2014

2014



2017



LABOR RELATIONS AT WORK

Photographer George Cullen, Courtesy of DC 37



Courtesy of DC 37

Courtesy of The Chief-Leader



Courtesy of DC 37



Courtesy of DC 37

Courtesy of SSEU, Local 371.





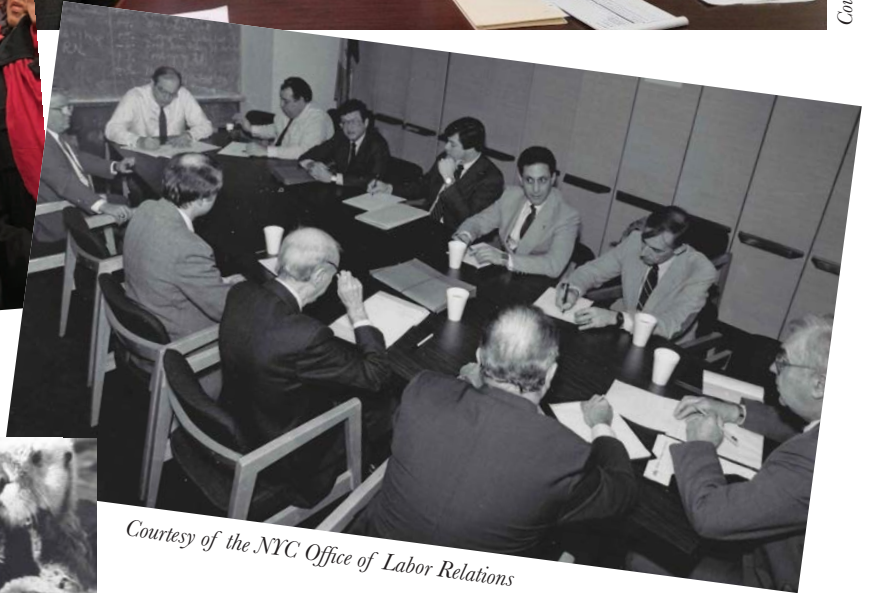
Courtesy of DC 37



Courtesy of DC.37



Courtesy of The Chief-Leader



Courtesy of the NYC Office of Labor Relations



Courtesy of the NYC Office of Labor Relations



Courtesy of the Uniformed Sanitationmen's Association

A FINAL NOTE

I still think it is a good thing to serve the public.... It has been a privilege and a pleasure to be part of an orderly dispute settlement process for many years. At times it has been stressful, but never boring.

Arvid Anderson, from an interview with James Stern at the 58th Meeting of the National Academy of Arbitrators, May 28, 2005.

So many people in the past fifty years have made significant contributions to the success of the New York City Collective Bargaining Law and the enduring system of collective bargaining in the City of New York. Due to constraints of time and resources, we were only able to mention a few in these pages. To all of those who have contributed but were not mentioned, you have our heartfelt gratitude. The success of the NYCCBL cannot be attributed to a single person; the collective efforts of many public servants -- neutrals, labor, and management representatives built and sustained this peaceful and stable labor relations structure.

The future of collective bargaining is difficult to predict. It is likely that the labor relations “experiment” that began in 1967 will face new challenges in the years to come. Over the past fifty years the municipal labor relations community has gained the experience, skills and commitment to navigate those future hurdles. With this support, we are optimistic that the NYCCBL will continue to provide the structure needed to sustain effective collective bargaining for the City of New York in the decades ahead. Thank you for celebrating the first fifty years with us!



CREDITS AND CITATIONS

CREDITS

The photographs in this book are credited to the Office of Collective Bargaining unless otherwise noted.

The staff of the Office of Collective bargaining would like to thank everyone who contributed photographs to this book. The following organizations spent a considerable amount of time gathering relevant photographs, all of which added to this book. Our sincere thanks to: the Tamiment Library/Robert F. Wagner Labor Archives, New York University; The Chief-Leader; District Council 37; the New York City Municipal Archives; the Mayoral Photography Office; the Social Service Employees Union, Local 371; the New York City Office of Labor Relations; the Uniformed Sanitationmen's Association; and the New York City Housing Authority.

Cover photo by Melissa Trasky.

Book design by Nicole Pikulin.

CITATIONS

New York City Collective Bargaining Law (New York City Administrative Code, Title 12, Chapter 3)

Rules of the Office of Collective Bargaining (Rules of the City of New York, Title 61, Chapter 1)



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