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BUREAU OF AUDIT

September 5, 2025

By Electronic Mail

Susan Panepento
Chair
Office of Collective Bargaining
100 Gold Street, Suite 4800
New York, NY 10038

Re: Final Audit Letter Report on the New York City Office of Collective Bargaining's Responses to Requests, MH25-070A

Dear Chair Panepento:

This Final Audit Letter Report concerns the New York City Comptroller's audit of the New York City Office of Collective Bargaining's (OCB) handling of questions and complaints related to union representation and whether they are addressed in a timely manner and well documented.

Background

Many of New York City's public workers are members of unions. These unions are intended to help workers negotiate for better pay, benefits, and working conditions, and protect them from unfair treatment. Unions play a key role in representing employees in disputes or grievances with management and ensuring that workers' rights are respected.¹ The ability to file complaints and have those issues resolved is an important part of union representation.

OCB was created in 1967 to handle issues related to public employees' union representation. OCB is intended to function as a neutral agency and is authorized to resolve questions concerning union representation and adjudicate issues concerning collective bargaining, retaliation, or discrimination based on union activity, and the union's duty of fair representation. Decisions on these issues are rendered by either the Board of Collective Bargaining or the Board of Certification. OCB also conducts mediations to resolve improper practice claims, representation disputes, and disputes over terms of collective bargaining agreements. In addition, OCB administers the statutory impasse and grievance arbitration processes.²

OCB's policy is to encourage voluntary resolution of disputes between parties. Since its inception, OCB has provided mediation services to the City and the municipal labor unions. Upon request, the Deputy Director for Dispute Resolution, OCB hearing officers, and panel arbitrators are

¹ A grievance is a complaint by an employee concerning any matter relating to their employment.

² An impasse occurs when labor negotiations reach a point where agreement is impossible because neither party is willing to compromise or change position. Grievance arbitration is a method of resolving disputes between an employer and an employee over the violation of an existing contract. A neutral third party, called an arbitrator, listens to both sides and makes a final decision.

available to provide the parties with assistance to resolve or settle collective bargaining disputes, improper practice claims, grievances, and representation matters. Either the City or a union representing municipal employees may request formal mediation of contract disputes.

The objective of this audit was to review how OCB is receiving, tracking, and responding to questions and complaints concerning union representation, to ensure that responses are timely and well documented.

Findings and Recommendations

The audit found that OCB's recordkeeping and responsiveness were inadequate prior to 2024 but showed marked improvements thereafter. OCB significantly improved its tracking of requests and complaints in 2024 to ensure that responses are provided in a timely manner (i.e., within five business days) and well documented, in accordance with OCB's current policies.

Before 2024

The audit found that OCB's tracking of responses to inquiries and complaints was inadequate before 2024. In this period, OCB's documentation showed that only 54% of individuals received a follow-up contact from an OCB attorney within the agency's informal target of five business days, and 38% of people had no record of contact at all. Before 2024, OCB used a Microsoft Access database for their Pro Se Log (Log) to track inquiries and complaints from individuals.

The Log contained several fields, including contact ID, date the call or email was received, first name (redacted), last name (redacted), job title, union name, employer name, the staff member who recorded the call or email, the date forms were sent, who sent the forms, comments, and disposition date.^{3 4}

For the period covering July 6, 2022 through December 27, 2023, the Log contained 94 entries representing individuals who contacted OCB. The Log contained no information in the "Disposition/Date" or "Comments" sections to indicate that they were contacted by an OCB attorney for 36 (38%) of the 94 entries. OCB stated that staff were instructed to contact all callers, but they did not require that staff follow up if a caller was not responsive, which may explain why there was little or no information recorded for some callers.

During this period, there were 51 (54%) individuals who received a response within the five-day target, including 39 who were contacted within one business day. Of the remaining seven individuals who an OCB attorney followed up with, one was contacted 12 days after calling OCB, and the dates that the other six were contacted by an attorney were not recorded in the Log. The Log noted the name of the staff member who received and recorded the inquiry or complaint for 86 (91%) of the 94 calls. All 58 calls noted the name of the attorney.

However, the audit also found that OCB did not adequately track requests for Pro Se information packets. Of the 35 individuals who requested one, OCB's Log indicates that only 11 individuals were sent one. OCB's Log also shows that packets were sent to four individuals who were not listed in the Log as having requested them.

³ OCB's website lists a mailing address but very few (if any) inquiries are submitted via post. During the audit period, no inquiries came via post.

⁴ "Pro Se" employees are City employees who seek to file a claim against their union and/or the City, and who are not represented by an attorney.

After 2024

On January 2, 2024, OCB started using Microsoft Excel for the Log. Since switching to Excel, OCB's recordkeeping and responsiveness has significantly improved, with all inquiries and complaints receiving a response within five business days.

According to OCB, the Excel Log has more features, is more user friendly, and offers a better format to document the Pro Se interactions—for example, by adding a field to record the response date.

For inquiries received after the transition to Excel, recordkeeping and response times appear to be significantly better. In CY2024, the Excel Log shows that 94 individuals contacted OCB (the same number as those who contacted the agency from July 2022 through December 2023). Most inquiries were received by phone; of the 94 entries, only 21 (22%) came via email. According to the Log, all 94 inquiries received a response from an OCB attorney within the five-day target, including 84 (89%) who were contacted within one business day.⁵ The names of the staff members who received and recorded the inquiries or complaints, as well as the attorneys who were assigned, were recorded for all but one individual. The Log suggests that OCB was more responsive to callers who requested a Pro Se packet; according to the Log, all 40 callers who requested a Pro Se packet were sent one.

This audit recommends that OCB should:

1. Document their procedures for responding to inquiries and complaints (specifically regarding documentation of calls and responses), including a target timeframe for an OCB response.

OCB's Response: OCB agreed with this recommendation.

2. Continue to ensure that all inquiries and complaints are responded to in a timely manner and that all relevant information is documented in accordance with their procedures.

OCB's Response: OCB agreed with this recommendation.

Recommendations Follow-up

Follow-up will be conducted periodically to determine the implementation status of each recommendation contained in this letter report. Agency reported status updates are included in the Audit Recommendations Tracker available here:

<https://comptroller.nyc.gov/services/for-the-public/audit/audit-recommendations-tracker/>

Scope and Methodology

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). GAGAS requires that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions within the context of our audit objectives. This audit was

⁵ The auditors verified the emails received and responded to but were unable to validate incoming or outgoing telephone calls. The Log entries provide details which suggests accuracy.

conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93 of the New York City Charter.

The scope of this audit was from July 1, 2022 through December 31, 2024. The primary objective of this audit was to review how OCB is receiving, tracking, and responding to questions and complaints concerning union representation to ensure their responses are timely and well documented.

The methodology for this audit included the following steps; specifically, the auditors:

- conducted interviews with OCB officials, including administrative staff responsible for coordinating with the OCB attorneys who responded to callers' union-related inquiries and complaints.
- reviewed applicable laws, rules, and procedures governing the responsibilities of OCB, including the Office of Collective Bargaining – Rules of the City of New York, and relevant internal guidelines for managing Pro Se complaints.
- obtained and analyzed OCB's records of public inquiries and complaints during the audit period, including the Access Log used from July 6, 2022 to December 27, 2023, and the Excel Log used from January 2, 2024 to December 31, 2024. Auditors evaluated the completeness, consistency, and timeliness of entries in the Logs, focusing on documentation such as the date of call or email, nature of the inquiry, staff response, and whether a Pro Se packet was requested or sent.
- examined the emails received during February, March, July, and December 2024 and found that all email inquiries were appropriately listed in the Log.

The results of the above tests, while not projectable to their respective populations, provided a reasonable basis for auditors to evaluate whether OCB's handling of questions and complaints related to union representation were addressed in a timely manner and well-documented.

Preliminary results of this audit were discussed with OCB officials during and at the conclusion of this audit. OCB agreed to waive the need for an Exit Conference Summary and an Exit Conference. On July 29, 2025 a Draft Audit Letter Report was submitted to OCB with a request for written comments. Our office received a written response from OCB dated August 12, 2025. In its response, OCB agreed with the audit findings and recommendations. The full response is attached to this report as an addendum.

Yours sincerely,



Maura Hayes-Chaffe

c: Melissa Trasky, Director of Administration, OCB



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August 12, 2025

Maura Hayes-Chaffe
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New York, New York 10007

Good morning,

The Office of Collective Bargaining accepts the findings/recommendations in the Draft Audit Letter Report and notes that we have implemented recommendation #1, as advised in the letter. Also, with regard to recommendation #2, OCB will continue to ensure that all inquiries and complaints are responded to in a timely manner and that all relevant information is documented in accordance with their procedures.

Very truly yours,

Melissa A. Trasky
Director of Administration