

City v. L.237, L.832, IBT, L.300, SSEU, 17 OCB 10 (BCB 1976) [Decision No. B-10-76]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF COLLECTIVE BARGAINING

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In the Matter of

THE CITY OF NEW YORK,

Petitioner,

-and-

DECISION NO. B-10-76

LOCAL 237, INTERNATIONAL BROTHER-  
HOOD OF TEAMSTERS and LOCAL 832,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, and LOCAL 300, SERVICE  
EMPLOYEES INTERNATIONAL UNION,  
AFL-CIO,

Respondents.

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R E P O R T O F  
THE BOARD OF COLLECTIVE BARGAINING

This is a report of conclusions reached by the Board of Collective Bargaining, pursuant to Section 1173-5.0 a(1) of the New York City Collective Bargaining Law, in the instant matter.

By its Decision No. 18-74, issued on October 31, 1974, the Board of Certification, having found that certain groups of institutional service titles thereto-fore represented, respectively, by Local 237, I.B.T.; Local 832, I.B.T.; and Local 300, S.E.I.U., together constituted an appropriate unit, issued a certification for the said unit to the three named unions jointly.

That certification continues in effect to date and since its inception has been dealt with by the parties, the City, and the joint representatives of the unit, in accordance with the terms of an agreement among the three unions, including provision for the payment to each of the unions by the City of prescribed portions of health and welfare contributions provided for in the collective bargaining agreement between the bargaining unit and the City.

In advance of the June 30, 1976 expiration of the collective bargaining agreement, the New York City Office of Labor Relations wrote to each of the joint unit representatives requesting written approval for the continued allocation and payment of welfare fund contributions on the basis of the same formula that had been applied during the term of the collective bargaining agreement. Local 237, I.B.T., and Local 832, I.B.T., refused to give such approval and by letter dated July 16, 1976, the office of Labor Relations requested that this office "clarify the situation."

A meeting of the interested parties was held at this office on August 2, 1976, at the invitation of Chairman Arvid Anderson. The representative of Local 237, I.B.T., who also acted as spokesman for

Local 832, I.B.T., stated that the-said locals had withheld approval of payments to Local 300, S.E.I.U., as part of a general failure of the three unions to function cooperatively and that the joint certification should be terminated. The parties were advised that the matter would be submitted to the Board for consideration pursuant to Section 1173-5.0 a(1) and were requested to file any further submissions on or before August 6, 1976. A letter, dated August 6, 1976, was filed on behalf of Local 237, I.B.T., and Local 832, I.B.T., which, in essence, reiterates the statements of those unions at the meeting of August 2, 1976. A letter, dated August 3, 1976, from the attorneys for Local 300, submits that payments due to Local 300 should not be withheld.

At its meeting on August 11, 1976, the Board of Collective Bargaining found and concluded that the condition complained of by the Office of Labor Relations arises out of an internal dispute among the joint representatives of the unit and should be resolved by the unions themselves.

No timely petition challenging the existing certification has been filed nor has any basis been established for extraordinary action with regard to the certification.

As for the matter immediately at issue, namely, the disposition of funds payable by the City as contributions to the health and welfare fund of the bargaining unit, it is the opinion of the Board that no consent or other action by the joint representatives of the bargaining unit is required to authorize and empower the City to continue making payments according to the formula which was employed during the term of the now expired collective bargaining contract. Under the New York City Collective Bargaining Law, the City has the right to continue making payments of welfare fund contributions to each of the joint certificate holders in the same manner as it did prior to expiration of the collective bargaining agreement on June 30, 1976; it need not obtain the consent or approval of the joint representatives for such action.

These conclusions were reached by the Board at its meeting of August 11, 1976, Labor Members Gray and Solar, City Member Herlihy and Impartial Members Anderson, Eisenberg and Schmertz present and voting. This Report is issued at the direction of the Board.

DATED: August 13, 1976.

FOR THE BOARD OF COLLECTIVE BARGAINING

S/ ARVID ANDERSON

ARVID ANDERSON  
C h a i r m a n