

High Pressure Plant Tenders, 1 OCB2d 35 (BOC 2008)

(Rep) (Docket No. RD-15-08).

Summary of Decision: Employees in the titles of High Pressure Plant Tender and Plant Maintainer, Tender (Hospitals) filed a petition to decertify DC 37 as their bargaining representative. As the petition was timely and supported by a sufficient showing of interest, the Board ordered an election to determine whether employees wish to continue to be represented by DC 37. ***(Official decision follows.)***

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

-between-

**HIGH PRESSURE PLANT TENDERS and
PLANT MAINTAINER, TENDERS (HOSPITALS),**

Petitioners,

-and-

**DISTRICT COUNCIL 37, AFSCME, AFL-CIO,
CITY OF NEW YORK, and
NEW YORK CITY HEALTH AND HOSPITALS CORPORATION,**

Respondents.

DECISION AND DIRECTION OF ELECTION

On August 29, 2008, employees in the titles of High Pressure Plant Tender (Title Code No. 91650) and Plant Maintainer, Tender (Hospitals) (Title Code No. 004340) filed a timely petition, supported by a sufficient showing of interest, seeking to decertify District Council 37, AFSCME, AFL-CIO (“DC 37”) as the exclusive bargaining representative of their bargaining unit, Certification No. 44-71.

Notice was provided to the public, DC 37, the City of New York, and the New York City

Health and Hospitals Corporation. DC 37 opposed the petition on the grounds that it has fulfilled its representation obligations and that public policy favors representation of public employees.

As the petition was timely and supported by a sufficient showing of interest, we order an election to determine whether the employees in the titles included in Certification No. 44-71 wish to continue to be represented by DC 37 for purposes of collective bargaining. *See Giffen*, 34 OCB 2, at 1 (BOC 1984).

NOW, THEREFORE, pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, it is hereby

DIRECTED, that as part of the investigation authorized by the Board, an election by secret ballot be conducted under the Board's supervision, at a date, time, and place to be fixed by the Board, among the employees in the titles High Pressure Plant Tender and Plant Maintainer, Tender (Hospitals) employed by the City of New York and the New York City Health and Hospitals Corporation to determine whether these employees wish to be represented by District Council 37, AFSCME, AFL-CIO for the purposes of collective bargaining. Employees in the High Pressure Plant Tender and Plant Maintainer, Tender (Hospitals) titles employed during the payroll period immediately preceding this Direction of Election, other than those who have voluntarily quit, retired, or who have been discharged for cause before the date of the election, are eligible to vote; and it is further

DIRECTED, that within 14 days after service of this Decision and Direction of Election, the City of New York and the New York City Health and Hospitals Corporation will submit to the Director of Representation an accurate list of the names and addresses of all the employees who are employed and who were employed during the payroll period immediately preceding the date of this

Direction of Election.

Dated: October 27, 2008
New York, New York

MARLENE A. GOLD
CHAIR

GEORGE NICOLAU
MEMBER

CAROL A. WITTENBERG
MEMBER