

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME,  
AFL-CIO

DECISION NO. 1-72

DOCKET NO. RU-260-B-71

-and-

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND ORDER

On February 24, 1971, District Council 37, AFSCME, AFL-CIO (herein called Petitioner), filed its petition herein, requesting that the title of Director (Day Care Center) be added to Certification No.63-71, as amended by Decision No.74-71, covering various non-professional, supervisory, social service and related titles.

In a letter dated May 10, 1971, the Office of Labor Relations objected to the request on the grounds that the petitioned title was managerial and/or confidential. The City subsequently withdrew its objection, in a letter dated November 23, 1971.

Pursuant to Decision No.52-71, the instant case was consolidated with a related petition (Docket No. RU-212-70) for Assistant Director (including specialties) for the purpose of hearing on the managerial question. As the City has withdrawn its objection that the petitioned title is managerial, we shall sever the instant case from Case No. RU-212-70.

Upon consideration of its investigation, and after due deliberation, the Board of Certification issues the following decision:

I. Undisputed Matters

It is undisputed, and we find and conclude, that Petitioner is a public employee organization, in fact and within the meaning of the New York City Collective Bargaining Law.

II. The Appropriate Unit and Representative Status

Petitioner seeks to add the petitioned title to an existing unit of various non-professional, supervisory, social service and related titles (Certification No.63-71, as amended). However, we find that Director ( I Day Care Center) is a professional title, since the basic educational requirement for it is a teaching certificate in early child hood education. Therefore, it is more closely related to the unit certified in Decision No.52-71, which covers professional, supervisory and non-supervisory social service titles, including Group Teacher (Day Care Center;, Social Worker, Supervisor I (Social Work), Supervisor II (Social Work), Supervisor III (Social Work),Supervisor II (Training), Supervisor III (Training), Supervising Children's Counselor, and Principal Children's Counselor.

The only incumbent in the title of Director (Day Care Center) has submitted an affidavit stating that she desires to be included in the same bargaining unit, (i.e.,

with the employees covered in Decision No.52-71). Because one employee cannot cast a secret ballot we accept an affidavit in lieu of a self-determination election under §1173-3.01 (see Matter of District Council 37, AFSCME, Decision No.2-70).

It appears to the satisfaction of the Board that a majority of the employees in the amended unit consisting of Director (Day Care Center) added to Certification No.52-71, have demonstrated their desire to be represented by District Council 37, AFSCME, AFL-CIO, by having authorized check-off of dues in behalf of said organization, and, accordingly, we shall add such title to Certification No.52-71.

O R D E R

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

ORDERED that Case No. RU-260-B-71 be, and the same hereby is, severed from Case No. RU-212-70; and it is further

ORDERED that Certification No.52-71 be, and the same hereby is, amended to include the title of Director (Day Care Center); and, as amended, such unit shall consist of Directors (Day Care Center), Group Teachers (Day Care Center), Social Workers, Supervisors I (Social Work),

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Supervisors II (Social Work), Supervisors III (Social Work), Supervisors II (Training), Supervisors III (Training), Supervising Children's Counselors, and Principal Children's Counselors employed by the City of New York and related public employers subject to the jurisdiction of the Board of Certification, subject to existing contracts, if any.

DATED: New York, N.Y.  
January 7 , 1972

ARVID ANDERSON  
CHAIRMAN

WALTER L. EISENBERG  
MEMBER

ERIC J. SCHMERTZ  
MEMBER

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The title and title code number of the employee affected by this decision are as follows:

Director (Day Care Center)	02936
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