

DC37 v. City, 10 OCB 11 (BOC 1972) [Decision No. 11-72 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME,  
AFL-CIO

DECISION NO. 11-72

DOCKET NO. RU-280-71

-and-

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND ORDER

On August 16, 1971, District Council 37, AFSCME, AFL-CIO (herein called Petitioner) filed its petition herein. The petition as subsequently amended requests the addition of the titles of Program Coordinator, Program Coordinator (VISTA), Program Coordinator (Model Cities), Senior Program Coordinator (Model Cities), and Supervising Housing Consultant (Social Service) to Certification No.63-71, as amended by Decision No.74-71, presently covering various supervisory social service and related titles.

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

The City objected that the title of Program Coordinator [no specialty] "does not exist in the classified civil service of the City of New York." Although we have frequently certified titles which are pending classification when there are incumbents in the titles, there are, in this case, no Program Coordinators [no specialty] employed by the City, the title has not been classified, there are no proposed specifications and, there is no intention to establish such positions.

The City further objected that "the title Program Coordinator (VISTA) is inappropriate for representation in are collective bargaining since there are no incumbents in the title and the budget line for this title was eliminated effective July 1, 1971 by budget modification "MA-8." We find that the Housing and Development Administration, the only agency which has used this title in the past, has deleted its budget line for it and has no plans to use this title.

Accordingly, we shall deny the requests for Program Coordinator and Program Coordinator (VISTA).

The title of Supervising Housing Consultant (Social Service) is the only title in the Housing Social Consultant Occupational Group. It is a Rule XII title, unique to the

New York City Housing Authority. in Decision No.12-70 we stated our opposition to inclusion of "unique" Housing Authority titles in the same bargaining unit with "non-unique" titles (those common to both mayoral agencies and the Housing Authority). Since we find the requested unit inappropriate for this reason, we do not reach nor need we consider the City's objection that Supervising Housing Consultant (Social Service) is a managerial title.

Finally, Petitioner originally requested the addition of Program Coordinator (Model Cities) and Senior Program Coordinator (Model Cities) to Certification No.63-71, as amended by Decision No.74-71. This certification covers supervisory social service and related titles. On the other hand, the City recommended that these titles be added to Certification No.48-71, as amended by Decision No.66-71, the counterpart non-supervisory unit. The petitioner the amended its petition to accord with the City's position. We find that nearly all of these employees are non-supervisory. Accordingly, we find the non-supervisory unit covered by Certification No.48-71 (as amended) appropriate for these titles.

It appears to the satisfaction of the Board that a majority of the employees in the amended unit consisting of Program Coordinator (Model Cities) and Senior Program

Parents, Senior House Parents, Community Aides (Model Cities), Community Liaison Aides, Community Service Aides, Community Trainees (Model Cities), Assistant Community Specialists (Model Cities), Program Specialists (Model Cities), Senior Program Specialists (Model Cities), Senior Citizen Aides (office for the Aging), Senior Citizen Specialists I (Office for the Aging), Senior Citizen Specialists II (Office for the Aging), Addiction Aides, Addiction Specialists, Community Liaison Trainees, Assistant Community Liaison Workers, Case Aides, Assistant Case Workers, Case Workers, Children's Counselors, Hospital Care Investigators, Home Economist Trainees, Home Economists, Human Resources Aides, Human Resources Technicians (including specialty), Senior Human Resources Technicians (including specialty), Human Resources Specialist Trainees, Human Resources Specialists (including specialty), Senior Human Resources Specialists (including specialty), Research Assistants (Behavioral Sciences), and employees in restored Rule X titles who are serving in positions equated thereto, employed by the City of New York and related public employers subject to the jurisdiction of the Board of Certification, and subject to existing contracts, if any.

DATED: New York, N.Y.  
March 20, 1972

ARVID ANDERSON  
CHAIRMAN

ERIC J. SCHMERTZ  
MEMBER

WALTER L. EISENBERG  
MEMBER

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The titles and temporary title code numbers of employees affected by this decision are as follows:

Program Coordinator (Model Cities)	02942
Senior Program Coordinator (Model Cities)	03023