

Civil Ser. Forum, L.300, SEIU, et. Al v. City, 10 OCB 13 (BOC 1972) [Decision No. 13-72 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

-----X

In the Matter of

CIVIL SERVICE FORUM, LOCAL 300,  
S.E.I.U., AFL-CIO

DECISION NO. 13-72

-and-

DOCKET NO. RU-303-72

LOCAL 144, HOTEL, HOSPITAL,  
NURSING HOME AND ALLIED SERVICE  
EMPLOYEES UNION, S.E.I.U  
AFL-CIO,

Petitioners

-and-

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS,

Respondents

-----X

DECISION AND ORDER

Civil Service Forum, Local 300, S.E.I.U., AFL-CIO (herein Local 300), and Local 144, Hotel, Hospital, Nursing Home and Allied Service Employees Union, S.E.I.U., AFL-CIO (herein Local 1441) jointly filed an application with this Board on March 2, 1972 to amend two certifications presently held by Local 300 so as to substitute Local 144 as exclusive representative in place and in stead of Local 300. The certifications in question are Certification No.90-70, covering Laboratory Technicians and Senior Laboratory Technicians (including specialty); and Certification CWR-23/67, as amended by Decision No.24-71, covering Junior Bacteriologists, Assistant Bacteriologists, Bacteriologists, Senior Bacteriologists (including specialty), Senior Biologists (Cancer Research), Assistant Microbiologists, Microbiologists (including specialties), Senior Microbiologists (including spe-

cialties), and Principal Microbiologists.

Notice of the filing of the above application was published in the City Record on March 21, 1972.

In addition, Local 1199, Drug and Hospital Union, RWDSWU, AFL-CIO, had previously advised this office that they wanted to be notified if an application of the type proposed herein were filed. Accordingly, Local 1199 was notified by mail on March 6, 1972, of the filing of the instant application and a copy of such application furnished. Local 1199 did not intervene. Nor has any other organization intervened since the date the above application was published in the City Record.

The affidavit of Camillo F. Penta, sworn to February 25, 1972, and the affidavit of Peter Ottley, sworn to March 1, 1972, presidents of Local.,300 and Local 144 respectively, insofar as pertinent herein, recite the following:

Local 144 represents hospital workers in the private and voluntary hospitals in the metropolitan New York area. Some time in January of 1972, a group of employees represented by Local 300 initiated a move to transfer membership and join Local 144 because of Local 144's long experience in representing hospital workers.

Since Locals 144 and 300 are affiliates of the same International, the transfer of membership from Local 300 to Local 144 was approved by the International. In order to accomplish the transfer of membership, and acting in accordance with the International's constitution, a notice dated January 4, 1972, was sent by Local 300 to its membership setting forth the

date, time, place, and purpose of the meeting, to wit, to determine whether the employees involved "should transfer from Local 300, S.E.I.U. and become part of Local 144, S.E.I.U."

At the meeting, held on January 13, 1972, an election by secret ballot was conducted among the employees involved who "voted to transfer from Local 300 to Local 144."

When considering a request to amend a certification, the fundamental question involved is whether a question of representation exists. We find no question of representation exists in this case and we will, accordingly, amend the certification. It is not disputed that all of the employees eligible to vote were provided with the opportunity to vote to transfer to Local 144, nor is it disputed that the election was democratically conducted and that a majority of employees actually voting voted to become members of Local 144. Moreover, both Locals 300 and 144 are locals of the same International which approved the transfer of the members from Local 300 to Local 144 and that the latter local will succeed the former as exclusive representative of the employees in each of the certified units. In addition, the employer does not oppose the application to amend the certifications. Thus, it appears that the day-to-day relationship between the unit employees and the employer will be maintained and their contractual obligations honored.

In all of the circumstances, we find that the requested substitution of Local 144 as the certified representative of the employees in each of the units would not constitute any real

change of bargaining representative and does not present a question of representation. Such substitution will insure to these employees a continuity of representation which, the record establishes, they desire. We shall, therefore, grant the joint application to amend each of the certifications. Such amendment of each of the certifications is not, however, to be considered as a new certification or a recertification.

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 the application to transfer Certifications No.90-70 and CWR-23/67, as amended by Decision No.24-71, to Local 144, Hotel, Hospital, Nursing Home and Allied Service Employees Union, S.E.I.U., AFL-CIO, be, and the same hereby is, granted; and it is further

ORDERED, that Certifications No.90-70 and CWR-23/67, as amended, be, and the same hereby are, amended by substituting therein "Local 144, Hotel, Hospital, Nursing Home and Allied Service Employees Union, S.E.I.U., AFL-CIO" for "Civil Service Forum, Local 300, S.E.I.U., AFL-CIO."

DATED: New York, N.Y.  
April 12, 1972

Arvid Anderson  
CHAIRMAN

Walter L. Eisenberg  
MEMBER

Eric J. Schmertz  
MEMBER

Decision No.13-12  
Docket No. RU-303-72

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

Junior Bacteriologist	21605
Assistant Bacteriologist	21610
Bacteriologist	21615
Senior Bacteriologist	21625
Senior Bacteriologist (Serology)	21626
Assistant Microbiologist	21665
Microbiologist (including specialties)	21670/79
Senior Microbiologist (including specialties)	21680/89
Principal Microbiologist	21690
Senior Biologist (Cancer Research)	21725
Laboratory Technician	21508
Senior Laboratory Technician	21509
Senior Laboratory Technician (Office of Chief Medical Examiner)	21510