

DC37 v. City, 10 OCB 21 (BOC 1972) [Decision No. 21-72 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME,  
AFL-CIO

DECISION NO.21-72

-and-

DOCKET NO. RU-287-71

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND ORDER

District Council 37, AFSCME, AFL-CIO (herein called Petitioner), filed its petition herein on November 9, 1971, requesting to amend Certification No.11-72 by adding the titles of Correctional Aide And Correctional Counselor, and to amend Certification No.63-71, as previously amended by Decision No.74-71, by adding the titles of Correctional Supervisor, Correctional Tour Commander and Correctional Program Director. The cited Certifications are held by Petitioner.

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 Civil Service Commission classified the titles of Correctional Aide, Correctional Counselor, Supervising Correctional Counselor and Principal Correctional Counselor by Resolution No.72-6, dated February 17, 1972. The Board has been informed by the Project Director, Correctional Aide Program, that (a) the titles of Correctional Aide and Correctional Counselor, originally proposed and currently in use by the Department of Correction, have been so classified; (b) the title of Correctional Supervisor, also currently in use in the Department, has been classified as Supervising Correctional Counselor; (c) the title of Correctional Tour Commander, also still used, has been classified as Supervising Correctional Counselor, too; and (d) the title of Correctional Program Director, has been classified, by the cited Resolution, as Principal Correctional Counselor.

The parties agree, and it appears to the satisfaction of the Board, that Correctional Aide and Correctional Counselor should be added to Certification No.11-72, covering various non-supervisory social service and related titles. The City

has not objected to the addition of Supervising Correctional Counselor to Certification No.63-71, as previously amended, covering various supervisory social service and related titles. Since there are incumbents serving in the petitioned titles of Correctional Supervisor and Correctional Tour Commander, we shall also add these titles to the supervisory unit, in addition to the Supervising Correctional Counselor title.

The City has opposed certification of the title of Principal Correctional Counselor (incumbents are currently serving as Correctional Program Directors) on the grounds that it is managerial. Accordingly, we shall sever these titles from the instant case and direct a hearing on the City's allegation with respect to the managerial status of employees in these titles.

It appears from our investigation that a majority of the employees in each of the units found appropriate have authorized dues check-off in behalf of Petitioner. Accordingly, we shall amend Certification No.11-72 to include the titles of Correctional Aide and Correctional Counselor, and Certification No.63-71, as previously amended, to include Correctional Supervisor, Supervisor Correctional Counselor, and Correctional Tour Commander.

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 so much of Case No. RU-287-71 as relates to Principal Correctional Counselor (Correctional Program Director) is hereby severed and a hearing directed on the issue of managerial status of employees in such title; and it is further

ORDERED that Certification No.11-72 be, and the same hereby is, amended to include the titles of Correctional Aide and Correctional Counselor and, as amended, such unit shall consist of Addiction Aides, Addiction Specialists (including specialty), Assistant Area Services Coordinators, Area Services Coordinators, Case Aides, Assistant Case Workers, Case Workers, Children's Counselors, Community Liaison Aides, Community Liaison Trainees, Assistant Community Liaison Workers, Community Service Aides, Assistant Community Organization Specialists (Urban Renewal), Community Organization Specialists (Urban Renewal), Community Aides (Model Cities), Community Trainees (Model Cities), Assistant Community Specialists (Model Cities), Correctional

Aides, Correctional Counselors, Hospital Care Investigators, Home Economist Trainees, Home Economists, House Parents, Senior House Parents, 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), Program Coordinators (Model Cities), Senior Program Coordinators (Model Cities), Program Specialists (Model Cities), Senior Program Specialists (Model Cities), Research Assistants (Behavioral Sciences), Senior Citizen Aides (office for the Aging), Senior Citizen Specialists I (office for the Aging), Senior Citizen Specialists II (office for the Aging), Teacher Aides (Day Care Center), Assistant Teachers (Day Care Center), Vocational Counselors (Methadone Maintenance Treatment Program), 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; and it is further

ORDERED that Certification No.63-71, as amended by Decision No.74-71, be, and the same hereby is, further amended to include the titles of Correctional Supervisor, Supervising

Correctional Counselor, and Correctional Tour Commander, and, as amended, such unit shall consist of Addiction Services Education Specialists, Senior Addiction Specialists, Supervising Addiction Specialists, Senior Area Services Coordinators, Supervising Area Services Coordinators, Senior Children's Counselors, Senior Community Organization Specialists (Urban Renewal), Community Specialists (Model Cities), Senior Community Specialists (Model Cities), Community Liaison Workers, Senior Community Liaison Workers, Correctional Supervisors, Supervising Correctional Counselors, Correctional Tour Commanders, Senior Hospital Care Investigators, Supervising Hospital Care Investigators, Principal Hospital Care Investigators, Supervising Human Resources Specialists (including specialties), Supervisors I (Child Welfare), Supervisors II (Child Welfare), Supervisors III (Child Welfare), Supervisors I (Welfare), Supervisors II (Welfare), Supervisors III (Welfare), 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.  
May 1, 1972

ARVID ANDERSON  
CHAIRMAN

WALTER L. EISENBERG  
MEMBER

ERIC J. SCHMERTZ  
MEMBER

Decision No.21-72  
Docket No. RU-287-71

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

A.	Correctional Aide	51271
	Correctional Counselor	51273
B.	Correctional Supervisor	- -
	Supervising Correctional Counsel	51275
	Correctional Tour Commander	- -