

Spec. & Sup. Off. Bene. Ass. v. City, 10 OCB 72 (BOC 1972)
[Decision No. 72-72 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

SPECIAL AND SUPERIOR OFFICERS
BENEVOLENT ASSOCIATION
affiliated with
ALLIED CRAFTS SECURITY UNION OF
NORTH AMERICA,

Petitioner

INTERIM DECISION

NO. 72-72

DOCKET NO. RU-330-72

THE CITY OF NEW YORK AND
RELATED PUBLIC EMPLOYERS,
Respondent

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INTERIM DECISION AND ORDER

The matter before us is an appeal pursuant to Rule 10.11 of the Consolidated Rules, from the ruling of Philip J. Ruffo, Esquire, Trial Examiner in this proceeding.

The Trial Examiner's ruling precludes the attorney for the intervenor from eliciting any testimony or evidence designed to establish that the officers of Allied Crafts Security Union of North America, the parent organization of the petitioner, and individuals with whom they have been closely and intimately related in the past in purported labor organization activities, are individuals with criminal records; that the status of allied Crafts Security Union of North America as a purported labor organization is questionable, particularly because of alleged criminal background; and that the president of Allied Crafts Security Union of North America, the parent organization of the petitioner, has been involved in organizations of dubious status, all of which cast doubt as to whether the purpose of the parent organization and its affiliate is that of a labor organization.

Having thus been precluded, Mr. Simon then made an offer of proof with respect to all of the foregoing which was opposed by the attorney for the parent organization, Allied Crafts Security Union of North America, and the petitioner, "Special and Superior Officers Benevolent Association, affiliated with Allied Crafts Security Union of North America."

We have read pages 744 through 782, inclusive, of the transcript in this proceeding which relates to the ruling of the Trial Examiner, the offer of proof, the opposition thereto, and the appeal to us in accordance with Rule 10.11 of the Consolidated Rules. In accordance with the rule, the Chairman has authorized and directed immediate review by the entire Board of Certification of the Trial Examiner's ruling and our determination is as follows:

We have decided to permit evidence in support of its offer to stand the position of Local 237, it is claiming that the character and history of petitioner's parent organization and its principal officers are such that it is not a labor organization within the meaning of the NYCCBL, and, furthermore, that even if it can be characterized as a labor organization its record of activities is such that its affiliate cannot escape the taint of its parent organization, and, therefore, should not be accorded a place on the ballot in seeking to represent City employees.

We can only make a determination as to such a claim upon consideration of any relevant testimony and evidence as to the intervenor's allegations.

Specifically, the Board is of the view that the record in this proceeding shall be developed to include testimony and evidence concerning (i) the background of events preceding and including the formation of Special and Superior Officers Benevolent Association, affiliated with Allied Crafts Security Union of North America; (ii) the facts surrounding the formation and activities of the parent organization, Allied Crafts Security Union of North America; and (iii) evidence, if any, of prior criminal records of the officers of the parent organization and its affiliate.

The Trial Examiner is authorized to make specific rulings with respect to any questions or objections to questions relative to the testimony to be elicited as indicated by our ruling.

The Trial Examiner is also directed to contact the parties promptly for the purpose of scheduling a resumption of the hearings.

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 Intervenor's offer of proof be, and the same hereby is, accepted as follows, to wit, that the record in this proceeding shall be developed to include testimony and evidence concerning: (i) the background of events preceding and including the formation of Special and Superior Officers Benevolent Association, affiliated with Allied Crafts Security Union of North America; (ii) the facts surrounding the formation and activities of the parent organization, Allied Crafts Security Union of North America; and (iii) evidence, if any, of prior criminal records of the officers of the parent organization and its affiliate.

DATED: New York, N.Y.
 November 28, 1972.

ARVID ANDERSON
C h a i r m a n

WALTER L. EISENBERG
M e m b e r

ERIC J. SCHMERTZ
M e m b e r