

DC37 v. City, 10 OCB 77 (BOC 1972) [Decision No. 77-72 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

-----X

In the Matter of

DISTRICT COUNCIL 37, AFSCME,
AFL-CIO, and/or its affiliated
locals

DECISION NO. 77-72

DOCKET NOS. RB-26-72 and
RU-329-72

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

-----X

DECISION AND ORDER

By a notice dated October 6, 1972, the parties hereto were advised by the Board of Certification of its proposal to consolidate certain specified Certifications held by District Council 37, AFSCME, AFL-CIO, and/or its affiliated locals. The said notice set forth the titles (with, the inadvertent omission of Supervising Typewriter Maintainer) within the Certifications proposed to be consolidated by the Board and included the title of Housing Police Administrative Aide, which had been petitioned for (RU-329-72) by D.C. 37, and the related title of Senior Police Administrative Aide. The said notice also afforded all parties, including the parties hereto, an opportunity to show cause why such proposed consolidation of the specified units and titles should not be acted upon, and said notice was published in the City Record on October 12, 1972.

By letter dated October 24, 1972, the Office of Labor Relations indicated a limited objection to the proposed consolidation, stating that it did "not go far enough" and favored instead an expanded consolidation which would include other proposals made by the Board (Cases RB-18-72 and RB-19-72). The Union has opposed the City's suggestion for an expanded unit beyond that proposed by the Board and, basically, supports the Board's proposed consolidated unit.

However District Council 37, in a letter dated November 3, 1972 also recommends that the titles of Head Clerk and Chief Clerk be added to the proposed consolidated unit herein. Our investigation shows that, with the exception of a single Head Clerk employee in the Office of the District Attorney of New York County, all Head Clerks and Chief Clerks are employed by either the Judicial Conference or the Off-Track Betting Corporation. The Judicial Conference employees in these titles are among a sizeable group of clerical employees of that agency who are the subject of a current Board investigation regarding consolidation possibilities. Employees of the Off-Track Betting Corporation in these titles are included in an "industrial type" unit, consisting of virtually all of that Agency's employees, which has previously been voluntarily recognized by the Corporation. In regard to the one Head Clerk employee in the New York County District Attorney's Office, the Board has ascertained that the Head Clerk title for

the District Attorneys Office has been officially deleted from the classification system by the City Civil Service Commission (C.C.S.C. Resolution No.72-38).

While we do not determine that either of the proposed expanded units is, per se, undesirable, we are of the view that they, are premature at this time and, therefore, we shall adopt our proposal as final without, however, prejudice to the position of either party that still further consolidation is desirable.

Therefore, the Board's proposal is adopted as the decision of the Board, and, accordingly, the Board directs consolidation of the specified units as set forth in the order entered herein.

O R D E R

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

ORDERED that Certifications 54-72 (as amended by Decisions 65-72 and 71-72), 59-72, 55-68 (as amended by Decision No.50-72), I-IR-21/67 (covering Process Server), 9 NYCDL No.15 (covering Senior Process Server), CWR-53/67, CWR-54/67, 52-68 (as amended by Decision No.43-70), MR-20/64 (covering Typewriter Maintainer, Senior Typewriter Maintainer, and Supervising Typewriter Maintainer), that portion of

Certification 6 NYCDL No.59 covering Registrar Assistant, and the Certification by reason of prior voluntary recognition covering the titles of Chief Office Assistant, Confidential Secretary (excluding exempt positions) Engineering Draftsman and Photographer, Legal Secretary, Senior Legal Secretary, Executive Stenographer, Office Assistant, Photographer and Photostat Operator, Secretary, Senior Secretary, Senior Process Server and Court Aide, Supervising Process Server and Court Aide, Head Process Server and Court Aide, Supervising Process Server, and Head Process Server, be, and the same hereby are, combined and consolidated so as to constitute one bargaining unit consisting of the titles set forth below; and it is further

ORDERED that the titles of Housing Police Administrative Aide and Senior Police Administrative Aide be, and the same hereby are, added to and included in the unit as herein consolidated; and it is hereby

CERTIFIED that District Council 37, AFSCME, AFL-CIO, and/or its affiliated locals, is the exclusive representative for the purposes of collective bargaining of all employees in the consolidated unit, to wit: Account Clerk, Clerk (including specialties) , Data Control Clerk, Department Library Aide, File Clerk, Hospital Clerk, Medical Clerk, Shop Clerk, Messenger, Senior Messenger, Supervising Messenger, Public Services Aide, Assistant Public Services Officer, Public Services Officer, Maintenance Control Scheduler, Senior Clerk

(including specialty), Stenographer (Law), Senior Accounting Machine Operator, Tabulator Operator Trainee, all basic and senior level titles in the Office Appliance Operator, Telephone Operator, and Stenographic and Typing Occupational Groups, E.E.A. equivalents to all of the foregoing titles, Supervising Clerk (including specialty) , Supervising Blueprinter, Supervising Blueprinter and Photostat Operator, Supervising Key Punch Operator, Supervising Stenographer, Supervising Tabulator Operator, Supervising Telephone Operator, Supervising Typist, Principal Account Clerk, Administrative Aide, Police Administrative Aide, Police Office Associate (E.E.A., 6,W), Process Server, Senior Process Server, Cashier, Ticket Agent, Toll Collector (Markets) Senior Toll Collector (Markets) , Parking Meter Collector, Supervising Parking Meter Collector, Typewriter Maintainer, Senior Typewriter Maintainer, Supervising Typewriter Maintainer, Registrar Assistant, Chief Office Assistant, Confidential Secretary (excluding exempt positions) , Engineering Draftsman and Photographer, Legal Secretary, Senior Legal Secretary, Executive Stenographer, Office Assistant, Photographer and Photostat Operator, Secretary, Senior Secretary, Senior Process Server and Court Aide, Supervising Process Server and Court Aide, Head Process Server and Court Aide, Supervising Process Server, head Process Server, housing Police Administrative Aide, and Senior Police Administrative Aide, employed by the

Decision No. 77-72
Docket Nos. RB-26-72 And
RU-329-72

6

City of New York and related public employers subject to the jurisdiction of the Board of Certification, and, further, subject to existing contracts, if any, covering any or all of said employees.

DATED: New York, N.Y.
December 22, 1972

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

Decision No. 77-72
Docket Nos. RB-26-72 And
RU-329-72

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

Account Clerk	10105
Administrative Aide	10134
Alphabetic Key Punch Operator (IBM)	10905
Assistant Public Services Officer	60807
Blueprinter	11110
Blueprinter and Photostat Operator	11111
Bookkeeping Machine Operator	11505
Cashier	10605
Chief Office Assistant	01254
Clerk (including specialties)	10106, 10113, 10098
Clerk (E.E.A.), (E.E.A.-6), (E.E.A.-W)	08984, 08949, 08950
Confidential Secretary	01356
Courier (E.E.A.), (E.E.A.-W)	03446, 03545
Data Control Clerk	00032
Department Library Aide	60101
EDP Card Punch Operator (E.E.A.), (E.E.A.-W)	03313, 03546
Engineering Draftsman and Photographer	01490
Executive Stenographer	01502
File Clerk	01504
Fiscal Office Assistant (E.E.A.), (E.E.A.-6), (E.E.A.-W)	03322, 03484, 03548
Head Process Server	01578
Head Process Server and Court Aide	01574
Hospital Clerk	10706
Hospital Office Assistant (E.E.A.)	03295
Housing Police Administrative Aide	70906
Key Punch Operator	10907
Legal Secretary	01665
Maintenance Control Scheduler	03976
Medical Clerk	10108
Medical Recorder (E.E.A.)	00131
Messenger	12005
Office Appliance Operator	11705
Office Assistant	01715
Office Assistant (E.E.A.), (E.E.A.-6), (E.E.A.-W)	03295, 03492, 03553
Office Machine Assistant (E.E.A.) (E.E.A.-W)	03447, 03554

Decision No. 77-72
Docket Nos. RB-26-72 And
RU-329-72

Parking Meter Collector	41110	
Photographer and Photostat Operator	01732	
Photostat Operator	11112	
Police Administrative Aide	10144	
Police Office Associate (E.E.A.), (E.E.A.-6), (E.E.A.-W)	03304,	03495, 03558
Principal Account Clerk	01740	
Process Server	30205	
Public Services Aide	60806	
Public Services Officer	60811	
Registrar Assistant	-	
Secretary	01820	
Secretary (E.E.A.), (E.E.A.-6)	03299,	03497
Senior Accounting Machine Operator	00019	
Senior Clerk (including specialty)	10111,	10099
Senior Key Punch Operator	10917	
Senior Legal Secretary	01857	
Senior Messenger	12010	
Senior Office Appliance Operator	11710	
Senior Police Administrative Aide	10147	
Senior Process Server	30210	
Senior Process Server and Court Aide	01867	
Senior Remington Bookkeeping Machine Operator	11810	
Senior Secretary	01866	
Senior Stenographer	10216	
Senior Tabulator Operator	11033	
Senior Telephone Operator	10810	
Senior Toll Collector (Markets)	41116	
Senior Typewriter Accountant	11910	
Senior Typewriter Bookkeeper	11911	
Senior Typewriter Maintainer	90835	
Senior Typist	10310	
Shop Clerk	10132	
Stenographer	10205	
Stenographer (Law)	10207	
Stenographic Transcriber (E.E.A.), (E.E.A.-6)	03298,	03499
Supervising Blueprinter	11120	
Supervising Blueprinter and Photostat Operator	11121	
Supervising Clerk (including specialty)	10120,	10123

Decision No. 77-72
Docket Nos. RB-26-72 And
RU-329-72

Supervising Key Punch Operator	03985
Supervising Messenger	12015
Supervising Parking Meter Collector	41112
Supervising Process Server	30215
Supervising Process Server and Court Aide	01926
Supervising Stenographer	10220
Supervising Tabulator Operator	11034
Supervising Telephone Operator	10815
Supervising Typewriter Maintainer	90850
Supervising Typist	10315
Switchboard Operator (E.E.A.), (E.E.A.-6), (E.E.A.-W)	03448, 03500, 03560
Tabulator Operator	11032
Tabulator Operator Trainee	11031
Telephone Operator	10805
Ticket Agent	10705
Toll Collector (Markets)	41115
Transcriber (E.E.A.), (E.E.A.-6), (E.E.A.-W)	03297, 03501, 03561
Transcriber Typist (E.E.A.) (E.E.A.-6)	08988, 08946
Transcribing Typist	10308
Typewriter Maintainer	90810
Typist	10305
Varitypist	10307