

DC37 v. City, CUNY, 12 OCB 14 (BOC 1973) [Decision No. 14-73 (Amend Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME, AFL-CIO

DECISION NO. 14-73

-and-

DOCKET NO. RU-187-B-70

THE CITY OF NEW YORK

-and-

THE CITY UNIVERSITY OF NEW YORK

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A P P E A R A N C E S:

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STATE UNIVERSITY OF NEW YORK, URBAN CENTER OF BROOKLYN

by Mr. George Howard

HUMAN RESOURCES ADMINISTRATION

by Mr. Harold Yourman

DECISION AND ORDER
AMENDING CERTIFICATION

On September 10, 1970, District Council 37, AFSCME, AFL-CIO (herein DC 37), filed its petition herein, seeking certification as exclusive collective bargaining representative of a unit of non-instructional employees of the Regional Opportunities Centers (herein ROC) of the City University of New York (herein the University). On March 2, 1971, DC 37 amended its petition by setting forth several alternative units.

On March 21, 1972, DC 37 further amended its petition by substituting employees of the Urban Centers of the University for employees in ROC, which, in the interim, had been disassociated from the City University and had become affiliated with a private corporation. The alternative units for Urban Center employees sought by the petitioner are shown below.¹

Hearings on the unit question were held on February 22, April 18, March 21, and May 16, 1972, before the late Richard J. Horrigan, Esq., Trial Examiner.

Both the Union and the City agreed to the exclusion of the following titles: Assistant Registrar, Assistant Researcher, Assistant Librarian, Assistant to Fiscal Officer, Admissions Officer, Placement Officer, Evening Registrar, and Part-time Doctor.

Positions of the Parties

DC 37's petition, as finally amended, seeks one of the following alternative units for Urban Center employees:

- A) A separate unit of the non-instructional employees of the Urban Centers of the City University of New York; or
- B) A unit composed of the employees in "A" above, together with those in the existing unit of College Office Assistants A and B, College Secretarial Assistants A and B, and College Administrative Assistants ("Gittelsohn employees"), presently certified to the petitioner; or
- C) Appropriate unit(s) consisting of employees in "A" above, together with employees in counterpart City-wide unit(s).

The City states that the Urban Centers are essentially "community corporations" and that the appropriate unit for their employees should be the one set forth by this Board in Local 1115 and Williamburg Community Corporation (Decision No.22-71), i.e. the employees of all community corporations.

Appropriate Unit

We find that employees of Urban Centers are employees of the Board of Higher Education for the purposes of the New York City Collective Bargaining Law. Therefore, based upon an analysis of the entire record, we find that the employees in a majority of the titles petitioned herein constitute an office-clerical group

properly includable for bargaining purposes in a City-wide unit of clerical employees currently certified to Petitioner. It is, in this respect, noted that a number of other Board of Higher Education clerical employees are presently included in this City-wide unit. Accordingly, we shall amend City-wide Certification No.77-72 to include the Urban Center employees in the following titles ² :

Clerk
Clerical Worker I
Clerical Worker II
Clerical Worker
Secretary
Secretary I
Secretary II
Secretary III
Clerk/Typist
Clerk/Typist Jr.
Clerk/Typist/Receptionist/Telephone Operator
Telephone Operator
Assistant Accountant
Assistant Bookkeeper
Registrar (Supv. Records Clk.)
Registrar Clerk
Library Aide
Bookroom Clerk
Supt., Office Services
Assistant for Office Services
Admissions Assistant-Clerk/Typist Supt.

Although some of these titles, e.g. Assistant Accountant, may appear to be closely related to other City-wide units, our analysis shows that, as used in the Urban Centers, they are more properly includable in a clerical and related unit.

With respect to the other employees (Cleaner, Custodian, Custodian Foreman, Senior Custodian Foreman, Special Officer-Driver, Special Officer, Maintenance Repairman, Nurse, School Nurse, Doctor, Buyer, Assistant Purchaser, Tester, Family Education Assistant, Community Activity Aide, Stock Clerk, and Administrative Assistant) so much of the petition as requests certification for them is dismissed, on the grounds of the inappropriateness of including these employees in a basically clerical unit.

However, since neither of the parties to this proceeding has proposed the unit which we find appropriate, we are deferring the effective date of our decision to afford them a reasonable opportunity to object thereto. Unless, therefore, objection is made to this Board, in writing, within ten (10) days after receipt of this Decision and Order, the amended certification and the dismissal of the cited portion of the petition shall then become effective.

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 Certification No.77-72 be, and the same hereby is, amended to include employees in the titles of:

Cler
Clerical Worker I
Clerical Worker II
Clerical Worker
Secretary
Secretary I
Secretary II
Secretary III
Clerk/Typist
Clerk/Typist Jr.
Clerk/Typist/Receptionist/Telephone Operator
Telephone Operator
Assistant Accountant
Assistant Bookkeeper
Registrar (Supv. Records Clk.)
Registrar Clerk
Library Aide
Bookroom Clerk
Supt., Office Services
Assistant for Office Services
Admissions Assistant-Clerk/Typist Supt.

and it is further

ORDERED, that so much of the petition which requests the inclusion of employees in the titles of Cleaner, Custodian, Custodian Foreman, Senior Custodian Foreman, Special Officer-Driver, Special Officer, Maintenance Repairman, Nurse, School Nurse, Doctor, Buyer, Assistant Purchaser, Tester, Family Education Assistant, Community Activity Aide, Stock Clerk, and Administrative Assistant be, and the same hereby is, dismissed; and it is further

ORDERED, that the employees in the titles included in Certification No.77-72, as amended herein, be, and the same hereby are, subject to the provisions of existing collective bargaining agreements, if any; and it is further

ORDERED, that this Order shall become and be effective ten (10) days after receipt thereof, unless prior thereto any of the parties to this proceeding submits written objections to this Board setting forth the grounds for such objections.

DATED: New York, N.Y.
February 14, 1973

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER