

DC37 v. City, 12 OCB 17 (BOC 1973) [Decision No. 17-73 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME,  
AFL-CIO

DECISION NO. 17-73

-and-

DOCKET NOS. RU-313-72  
RU-324-B-72

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND DIRECTION  
OF ELECTION

On April 25, 1972, District Council 37, AFSCME, AFL-CIO (herein called Petitioner), filed a petition (Docket 14o.RU-313-72), later amended by letter of October 11, 1972, requesting to add Pest Control Aide, Crew Chief (Pest Control), Foreman of Clean-Up (Pest Control), Assistant Rodent Control Aide (E.E.A.), Rodent Control Aide (E.E.A.) and Rodent Control Crew Chief (E.E.A.) to Certification CWR-79/67, as amended by Decision No.4-72, presently covering Exterminators, Foremen (Exterminators) and Senior Foremen (Exterminators).

On June 6, 1972, Petitioner filed another petition requesting amendment of various of its certifications by adding thereto employees in 35 Emergency Employment Act titles (Docket No. U-324-72) <sup>1</sup> including, among others, that of Pest Eliminator

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By various separate decisions employees in the 35 titles were included in certifications by accretion or based on check-off. (See Decisions Nos.42-72, 47-72 through 57-72, 70-72 and 71-72.)

(E.E.A.). This decision is limited only to the aforementioned titles and related titles with the designations "E.E.A.-6" and "E.E.A.-W.".

Upon consideration of its investigation, and after due deliberation, the Board of Certification issues the following Decision and Direction of Election:

I. The Appropriate Unit

Employees in the petitioned titles perform extermination and related rodent and insect control activities. It appears to the Board that employees in the titles of Assistant Rodent Control Aide (E.E.A.-6), Assistant Rodent Control Aide (E.E.A.-W.) Rodent Control Aide (E.E.A.-6), Rodent Control Aide (E.E.A.-W.), Pest Eliminator (E.E.A.-6) and Pest Eliminator (E.E.A.-W), share a community of interest with employees in the petitioned titles and should be included in the same bargaining unit.

The Office of Labor Relations has agreed to a unit consisting of the petitioned titles and the above "E.E.A." titles, and has recommended that the title of Entomologist (Vector Control) also be included in the unit. However, we find that Entomologist (Vector Control) is a professional title, having an educational requirement of a baccalaureate degree with at least 24 credits in biology and zoology, including six credits

in entomology. It is more closely related to other professional scientific titles than to the petitioned titles, which are non-professional. Accordingly, we shall exclude the title Entomologist (Vector Control) from the unit.

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DIRECTION OF ELECTION

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

DIRECTED that, as part of the investigation authorized by the Board, an election by secret ballot shall be conducted under the supervision of the Board of Certification or its agents, at a time, place, and during hours to be fixed by the Board, among the Pest Control Aides, Crew Chiefs (Pest Control), Foremen of Clean-Up (Pest Control), Assistant Rodent Control Aides (E.E.A.), Assistant Rodent Control Aides (E.E.A.-6), Assistant Rodent Control Aides (E.E.A.-W.), Rodent Control Aides (E.E.A.), Rodent Control Aides (E.E.A.-6), Rodent Control Aides (E.E.A.-W.), Rodent Control Crew Chiefs (E.E.A.), Pest Eliminators (E.E.A.), Pest Eliminators (E.E.A.-6), Pest Eliminators (E.E.A.-W.), Exterminators, Foremen (Exterminators), Senior Foremen (Exterminators) and employees in restored Rule X titles who are serving in positions equated thereto, employed by the City of New York and related public

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employers, subject to the jurisdiction of the Board of Certification, who were employed during title payroll period immediately preceding the date of this Direction of Election (other than those who have voluntarily quit or who have been discharged for cause before the date of election), to determine whether or not they desire to be represented for the purposes of collective bargaining by District Council 37, AFSCME, AFL-CIO.

DATED: New York, N.Y.

February 28, 1973

ARVID ANDERSON  
CHAIRMAN

WALTER L. EISENBERG  
MEMBER

ERIC J. SCHMERTZ  
MEMBER