

L.1070, DC37 v. Judi. Confer., 12 OCB 21 (BOC 1973) [Decision No. 21-73 (Amend. Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

----- X

In the Matter of

LOCAL 1070, DISTRICT COUNCIL 37,  
AFSCME, AFL-CIO

DECISION NO. 21-73

-and-

DOCKET NO. RU-354-73

SUPREME AND SURROGATE'S COURT LAW  
STENOGRAPHERS ASSOCIATION

-and-

THE JUDICIAL CONFERENCE OF THE  
STATE OF NEW YORK

----- X

DECISION AND ORDER  
AMENDING CERTIFICATIONS

By Notice of Motion dated January 16, 1973, District Council 37, AFSCME, AFL-CIO, and Supreme and Surrogate's Court Law Stenographers Association (hereinafter alternately referred to as "D.C. 37," "SSCLSA" or the "Unions") requested the transfer of the two bargaining certificates held by SSCLSA from that organization to "District Council 37, American Federation of State, County and Municipal Employees, AFL-CIO, and its affiliated Local 1070". The requested transfer involves certificates covering employees in the title of Law Stenographer (Decision No.44-70)and Senior Law Stenographer and Head Law Stenographer (Decision No.45-70).

The January 16, 1973 affidavit of Barbara Ayers, President of SSCLSA, which was submitted in support of the motion, recites the following:

On November 15, 1972, at a meeting duly called and held by SSCLSA, the members present voted by secret ballot to affiliate with District Council 37.

The affidavit further recites that the SSCLSA will be a separate chapter of Local 1070, affiliated with D.C. 37, with its own jurisdiction over the employees now in the unit, and that the present officers of SSCLSA will continue to remain in office "on the chapter level until new officers are elected". The affidavit further states that the chapter "will elect its own negotiating committee, have representatives on the local Executive Board, and handle its own grievances with the assistance of the District Council."

A copy of the minutes of the meeting of November 15, 1972, bears the certification of Mollie Scheff, as Secretary, and Barbara Ayers, as President, attesting to the fact that the affiliation resolution was duly adopted at the cited meeting of SSCLSA.

Notice of the Union's application was published in the City Record on January 31, 1973, and, further, a letter was forwarded to the Judicial Conference of the State of New York (the only agency employing the affected employees), together with a copy of the Notice published in the City Record, advising the Conference to post said notice at conspicuous places where its employees customarily assemble. No objections to the motion have been received.

By reason of the foregoing facts and circumstances and in accordance with our prior decisions we find that no question of representation exists. Accordingly, we shall grant the motion to amend the certification. (Matter of Civil Service Forum, Local 300, S.E.I.U., AFL-CIO, Decision No.13-72; Matter of Association of Claim Examiners, Decision No.25-72; and Matter of Municipal Association of Electronic Data Processing Personnel, Decision No.8-73). Such amendment, however, is not to be considered as a new certification or a recertification.

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 the motion to transfer the certifications issued by this Board to the Supreme and Surrogate's Court Law Stenographers Association, bearing Decision Nos.44-70 and 45-70, be, and the same hereby is, granted by amending the same; and it is further

ORDERED, that said certifications be, and the same hereby are, amended by naming therein "District Council 37, American Federation of State, County and Municipal Employees, AFL-CIO, and its affiliated Local 1070" in place and in stead of "Supreme and Surrogate's Court Law Stenographers Association."

DATED: New York, N.Y.  
February 28, 1973

ARVID ANDERSON  
CHAIRMAN

WALTER L. EISENBERG  
MEMBER

ERIC J. SCHMERTZ  
MEMBER

Decision No. 21-73

Docket No. RU-354-73

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

Law Stenographer	08350
Senior Law Stenographer	08355
Head Law Stenographer	08360