

L.246, SEIU v. City, 12 OCB 36 (BOC 1973) [Decision No. 36-73 (Amend. Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

NEW YORK CITY LOCAL 246, S.E.I.U., DECISION NO. 36-73
AFL-CIO,

Petitioner

DOCKET NO. RU-349-72

-and-

CIVIL SERVICE TECHNICAL GUILD,
LOCAL 375, DISTRICT COUNCIL 37,
AFSCME, AFL-CIO,

Intervenor

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

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DECISION AND ORDERS AMENDING
CERTIFICATIONS

On November 17, 1972, New York City Local 246, S.E.I.U.,
AFL-CIO (herein called Petitioner) filed its petition herein,
seeking to add the newly-created titles of Senior Automotive Serviceman, Automotive Specialist and
Senior Automotive Specialist Specialist to Certification No.54-70, (as amended by Decision
64-71) presently covering various non-supervisory automotive
trades titles.

On March 1, 1973, Civil Service Technical Guild,
Local 375, District Council 37, AFSCME, AFL-CIO (herein called Intervenor) filed an application to
intervene herein, on the
grounds that the titles of Automotive Specialist and Senior

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

I. Undisputed Matters

It is undisputed, and we find and conclude, that Petitioner and Intervenor are public employee organizations in fact and within the meaning of the New York City Collective Bargaining Law.

II. The Appropriate Unit

Certification No.54-70, (as amended by Decision 64-71) held by Petitioner, covers various non-professional employees engaged in the repair and maintenance of motor vehicles and related equipment, including, among others, Automotive Servicemen and Auto Mechanics. Employees in the title of Senior Automotive Serviceman, which is in a direct line of promotion from Automotive Serviceman to Auto Mechanic, also assist with the repair of automotive equipment. No objection to accreting Senior Automotive Serviceman to this unit has been submitted by any party, and we shall amend the certification accordingly.

However, the City, as well as the Intervenor, have objected to that portion of the petition which seeks to add Automotive Specialist and Senior Automotive Specialist to the Automotive trades unit covered by Certification No.54-70, on

the grounds that employees in the titles are more closely related to engineers and scientists. our investigation shows that the titles of Automotive Specialist and Senior Automotive Specialist are professional, with an educational requirement of a degree in engineering or physics. Incumbents are responsible for the engineering and related aspects of the purchase of automotive equipment, Therefore, we find that these titles properly belong with related professional engineering and scientific titles covered by Certification No.60-71 (as amended by Decisions 42-72 and 6-73), held by the intervenor. Accordingly, we shall accrete Automotive Specialist and Senior Automotive Specialist to Certification No.60-71 (as amended).

ORDERS

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 the petition of Local 246, S.E.I.U., AFL-CIO be, and the same hereby is, granted to the extent that the title of Senior Automotive Serviceman is added to Certification No.54-70, (as amended by Decision 64-71) subject to existing contracts, if any; and it is further

ORDERED that the application by Civil Service Technical Guild, Local 375, District Council 37, AFSCME, AFL-CIO to intervene herein be, and the same hereby is, granted, and the titles of Automotive Specialist and Senior Automotive Specialist are added to Certification No.60-71, as amended by Decisions 6-73 and 42-72, subject to existing contracts, if any.

DATED: New York, N.Y.
April 9, 1973

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

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

Senior Automotive Serviceman	03680
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Automotive Specialist	20130
Senior Automotive Specialist	20131