

CWA v. City, 12 OCB 41 (BOC 1973) [Decision No. 41-73 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO,

-and-

THE CITY OF NEW YORK and
RELATED PUBLIC EMPLOYERS

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DECISION NO. 41-73

DOCKET NO. RB-28-72

DECISION AND ORDER

By a Notice of Proposed Consolidation of Certification, dated December 12, 1972, published in the City Record on December 29, 1972, the Board of Certification set forth its proposal to consolidate into a single bargaining unit all employees in the following three groupings:

(1) Administrators IP II, and III, certified to Communications Workers of America, AFL-CIO, under 9 NYCDL No. 41 (as amended by Decision No. 10-69);

(2) Personnel Assistants and Personnel Associates (with certain exceptions), Administrative Assistants (including specialties), Administrative Associates, Senior Administrative Assistants, Senior Shorthand Reporters, Principal Telephone Operators, Supervising Photostat Operators, and employees in restored Rule X titles serving in positions equated hereto, certified to Communications Workers of America, AFL-CIO (Decision No. 61-72);

(3) Assistant Planning and Operations Officer (Civil Defense), Chief of Resources Management (Civil Defense), Operations Assistant (Civil Defense), Planning and Operations Officer (Civil Defense), Security Officer (Civil Defense), and Training Coordinator (Civil Defense), uncertified titles for whom Communications Workers of America, AFL-CIO, was then seeking certification (Case No. RU-335-72).

While the Board's proposal to consolidate the above three groupings of employees was pending, the parties agreed to enlarge the unit consisting of the employees in group (2) by including therein the employees in group (3), and the Board so ordered (Decision No. 4-73). Consequently, the Board's proposal is now reduced to consolidating in one unit the employees who are presently in (1) and group (2), as enlarged.

The Office of Labor Relations and the Communications Workers of America, AFL-CIO, have expressed approval of the proposed consolidation, but the Administrative Board of the Judicial Conference, a related public employer, (hereinafter referred to as the Board) has objected to the joining of the Board's three unique titles in group (1) with the more than fifteen City-wide titles in group (2). The objection sets forth three grounds: 1) all the Board's unique titles are supervisory, but certain of the City-wide titles to which they are to be joined "may no be supervisory"; 2) there is insufficient community of interest between the Board's titles and the City-wide titles; and 3) although all the tiles in the proposed unit are paid by the same fiscal authority, to wit, the City, the unique employees are subject to the personnel rules and regulations of the Administrative Board in respect to personnel matters while the non-unique employees are subject to those of the City Civil Service Commission.

The Unit Question

A careful study of the titles in the two units proposed to be consolidated shows that all are in the competitive class, that they have similar wage structures, and that their official job descriptions call for the performance of similar work of an administrative or high-level clerical

nature. Our investigation reveals that all the employees in the titles proposed to be consolidated are, or may be, assigned to supervisory duties. Moreover, we note that prior to the Court reorganization of 1962, employees in various City-wide administrative titles performed the work now done by Administrators I, II and III.

The long history of joint bargaining by the Board and City representatives for the unique titles as well as the bargaining authorized by the Board to be conducted solely by the City with the non-unique employees, discloses neither conflict between the joint employer representatives nor any intrusion upon the statutory authority of the Judicial Conference to administer the Unified Court System,

In the past the Board has combined in the same unit employees in both unique and non-unique titles of such public employers as the City Housing Authority, the Health and Hospitals Corporation, and the Offices of the District Attorneys.¹ It has done this in furtherance of its general long-term policy objectives of preventing the proliferation of small and fragmentary units, by creating

Decision No. 77-72 consolidates with City-wide clerical titles, unique clerical titles in the Health and Hospitals Corp., the Housing Authority and the District Attorneys' Offices. Decision No. 75-72 consolidates into a single unit of verbatim transcribing reporter titles, City-wide titles and unique titles in the District Attorneys' Offices Decision No. 58-72 and Decision No. 6-72 likewise combine titles unique to the Health and Hospital Corp. and those in Mayoral, agencies.

larger bargaining units, and reducing the number of bargaining units. The Board has found that such policy objectives are justified by the need to simplify and reduce the task of negotiation, and the desirability of achieving greater uniformity of conditions among similar classes of employees whose community of interests are similar and not diverse. (Decision No. 44-68)

For the foregoing reasons, consistent with the Board's policy to instill stability in the bargaining process as well as in bargaining relationships, we shall consolidate the two units. Our decision is in no way intended to alter the pre-existing arrangements between the Judicial Conference and the Office of Labor Relations regarding the manner of bargaining for the unique or non-unique titles in the consolidated unit.

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. 61-71, as amended by Decision No. 4-73, and Certification No. 9 NYCDL #41, as amended by Decision No. 10-69, 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 hereby

CERTIFIED, that Communications Workers of America, AFL-CIO, is the exclusive bargaining representative for the purposes of collective bargaining of all the employees in the consolidated unit, to wit:

Administrators I, II, III,
Personnel Assistant (with certain exceptions),
Personnel Associate (with certain exceptions),
Administrative Assistant (including specialties),
Administrative Associate,
Senior Administrative Assistant,
Senior Shorthand Reporter,
Supervising Shorthand Reporter,
Principal Telephone Operator,
Supervising Photostat Operator,
Assistant Planning and Operations Officer
(Civil Defense),
Chief of Resources Management (Civil Defense),
Operations Assistant (Civil Defense),
Planning and Operations Officer (Civil Defense),
Security Officer (Civil Defense),
Training Coordinator (Civil Defense),

and employees in restored Rule X titles who are serving in positions equated thereto, employed by the 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 the said employees.

DATED: New York, N.Y.

April 30, 1973.

ARVID ANDERSON
C h a i r m a n

ERIC J. SCHMERTZ
M e m b e r

WALTER L. EISENBERG
M e m b e r