

CWA v. City, 12 OCB 52 (BOC 1973) [Decision No. 52-73 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO

DECISION NO. 52-73

-and-

DOCKET NOS. RU-371-73

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

and RU-378-73

DECISION AND ORDER

On May 9 and May 29, 1973, Communications Workers of America, AFL-CIO (herein called Petitioner) filed its petitions herein, requesting, respectively that Administrative Assistant (Parking Violations Bureau) and Administrative Assistant (Income Maintenance) be added to its¹ Certification No. 41-73, presently covering various administrative, shorthand reporting, civil defense, and related titles. The employer agrees to the inclusion of the former title but opposes, at this time, any certification for the latter.

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

* Since the filing of these petitions, this title has been changed to Hearing Administrative Services Coordinator (Parking Violations Bureau) [Personnel Order No. 54/73].

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APPROPRIATE UNIT AND REPRESENTATIVE
STATUS

Certification No.41-73 covers twenty-one titles, including those of Administrative Assistant with the following specialties: IBM Equipment, Univac and Secretarial. The Office of Labor Relations does not object to the requested addition of the recently-classified specialty of Income Maintenance but opposes, at this time, any certification for the Parking Violation Bureau Specialty on the grounds that "... there is no job specification for the title [and] the duties and responsibilities ... are unresolved, making a decision with regard to unit determination quite difficult." The OLR concludes that "Any decision by the Board as to whether or not this title should be accreted to Decision No.41-73 ... would be at best premature."

The responsibility for the issuance of job specifications is the employer's, and failure to issue such a specification may not be used to justify a delay in granting collective bargaining rights to employees. As to the duties being "unresolved", our investigation shows that Administrative Assistant (PVB) has been classified since 1970, thus affording the employer ample time to determine which duties are appropriate to this title. In addition, there were twenty-five employees in this title as early as September 1971. (There are now twenty-four.)

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3.

Our investigation further reveals that the disputed title is classified in the same occupational group as eight of the titles in the pertinent unit, covering the vast majority of the employees in that unit. Its salary range is identical to that of five of the titles in the unit. Finally, it was specifically included in Implementing Personnel Order No.71/24, resulting from collective bargaining between Petitioner and the City, covering eight titles in the present unit.

It should also be noted that all but one of the employees in the title of Administrative Assistant (Parking Violations Bureau) have authorized dues check-off in behalf of Petitioner.

Accordingly we shall amend Certification No.41-73 to include both petitioned specialties. A majority of the employees in such amended unit have authorized dues check-off in behalf of Petitioner.

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

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4.

ORDERED that Certification No.41-73 be, and the same hereby is amended to include the titles of Hearing Administrative Services Coordinator (Parking Violation Bureau) and Administrative Assistant (Income Maintenance), subject to existing contracts, if any.

DATED: New York, N.Y.

July 16, 1973

ARVID ANDERSON
CHAIRMAN

WALTER L.EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

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

Hearing Administrative Services	
Coordinator (Parking Violations	10128
Bureau)	
Administrative Assistant (Income	10142
Maintenance)	