

DC37 v. City, 12 OCB 58 (BOC 1973) [Decision No. 58-73 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME,  
AFL-CIO

DECISION NO. 58-73

-and-

DOCKET NO. RU-361-73

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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CERTIFICATION OF REPRESENTATIVE

On March 9, 1973, District Council 37, AFSCME, AFL-CIO (Petitioner) filed a petition requesting certification as the exclusive collective bargaining representative of various hospital technician titles including Mental Health Assistant, Bio-Medical Equipment Technician Trainee, Assistant Bio-Medical Equipment Technician, Bio-Medical Equipment Technician, Senior Bio-Medical Equipment Technician, Ambulance Technician, Ambulatory Care Technician, Maternal and Child Care Technician, Medicine-Surgery Technician, Operating Room Technician, Psychiatric/Social Health Technician, Rehabilitation Technician.

Most of these employees were formerly Nurse's Aides. The titles were created as a result of a training and upgrading program. The petitioner contends and the City agrees that the new status of the hospital technician titles warrants a separate bargaining unit. Despite the general policy of this Board of seeking to reduce the number of bargaining units representing City employees, we recognize the importance, to a sound

labor-relations program, of promotional opportunities and career ladders for City employees. In the instant matter we find that this factor is of sufficient relative importance to warrant creation of a new unit.

In a letter dated July 6, 1973, amended on July 11, 1973, Civil Service Forum, Local 300, S.E.I.U., AFL-CIO (Intervenor) requested to intervene in said case seeking certification for the following four titles: Bio-Medical Equipment Technician Trainee, Assistant Bio-Medical Equipment Technician, Bio-Medical Equipment Technician, and Senior Bio-Medical Equipment Technician. The Board finds that the Intervenor has check-off authorizations from less than 10% of the employees in the four title unit it requests. Therefore it is not necessary to reach the question of whether such titles constitute an appropriate unit and the request to intervene is denied because of an insufficient showing of interest.

The Health and Hospital Corporation payroll records as of July 6, 1973 show that the petitioner has an overwhelming majority of the employees on check-off, and that the number of employees who have presently authorized the check-off of dues would constitute a majority of employees in the unit even when projected staffing plans are completed.

The City has no objection to Petitioner's request except for the title of Mental Health Assistant which the City states should be added to Certification No.38-73 (Mental Health Worker). The Petitioner subsequently agreed to the City's position and the Board concurs in this request.

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

CERTIFIED that District Council 37, AFSCME, AFL-CIO, is the exclusive representative for the purposes of collective bargaining of all Bio-Medical Equipment Technician Trainee, Assistant Bio-Medical Equipment Technician, Bio-Medical Equipment Technician, Senior Bio-Medical Equipment Technician, Ambulance Technician, Ambulatory Care Technician, Maternal and Child Care Technician, Medicine-Surgery Technician, Operating Room Technician, Psychiatric/Social Health Technician and, Rehabilitation Technician, employed by the City of New York and related public employers subject to the jurisdiction of the Board of Certification, and subject to existing contracts, if any.

DATED: New York, N.Y.

July 17, 1973

ARVID ANDERSON  
CHAIRMAN

ERIC J. SCHMERTZ  
MEMBER

WALTER L. EISENBERG  
MEMBER

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

Bio-Medical Equipment Technician Trainee	21560
Assistant Bio-Medical Equipment Technician	21561
Bio-Medical Equipment Technician	21562
Senior Bio-Medical Equipment Technician	21563
Ambulance Technician	00106
Ambulatory Care Technician	00185
Maternal & Child Care Technician	00186
Medicine-Surgery Technician	00189
Operating Room Technician	00190
Psychiatric/Social Health Technician	00187
Rehabilitation Technician	00188