

DC37 v. Mun. Ass. of Electronic Data Process., 12 OCB 8 (BOC 1973)
[Decision No. 8-73 (Amend. Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In-the Matter of

DISTRICT COUNCIL 37,
AFSCME, AFL-CIO

DECISION NO. 8-73

-and-

MUNICIPAL ASSOCIATION OF ELECTRONIC
DATA PROCESSING PERSONNEL

DOCKET NO. RU-355-73

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DECISION AND ORDER
AMENDING CERTIFICATION

By Notice of Motion dated January 15, 1973, District Council 37, AFSCME, AFL-CIO, and Municipal Association of Electronic Data Processing Personnel (hereinafter referred to alternately as "D.C. 37," "MAEDPP" or the "Unions requested the transfer of the current bargaining certificate from MAEDPP to "District Council 37, American Federation of State, County and Municipal Employees, AFL-CIO, and its affiliated Local 2627." The requested transfer covers employees in the same titles previously included in the certification issued to MAEDPP.¹

The affidavit of Salvatore Ferreri, President of MAEDPP, dated January 15, 1973, submitted in support of the motion recites the following:

On January 10, 1973, at a meeting duly called and held by MAEDPP, the membership voted by secret ballot to affiliate with District Council 37. With reference to the

By its Decision and Order dated August 9, 1972, Municipal Association of Electronic Data Processing Personnel was certified as exclusive bargaining representative (Decision No. 37-72).

minutes taken at the meeting (submitted in support of the motion) the affidavit recites that the MAEDPP will be a separate local affiliated with D.C. 37 with its own jurisdiction over the employees now in the unit and that the present officers of MAEDPP will continue to remain in office "until their terms expire and new elections are held." Further, the affidavit states that the present officials of MAEDPP, together with the staff and officials of D.C. 37, "will continue to represent their members in grievances and collective bargaining."

A copy of the minutes of the meeting, dated January 10, 1973, bears the certification of Wesley Kessler, as Secretary, certifying that it is a true copy of the minutes of the meeting of MAEDPP held on January 10, 1973.

An examination of the minutes confirms the contents of the affidavit of Salvatore Ferreri in every particular and material respect.

Notice of the Unions' application was published in the City Record on January 27, 1973, and, further, a letter to all agencies employing the affected employees was forwarded, together with a copy of the Notice published in the City Record advising each agency to post said notice at a conspicuous place where employees customarily assemble.

There is nothing pending before us in opposition to the Unions' motion.

Therefore, as in prior instances involving the same or similar factual circumstances, we find that no question of representation exists and, accordingly, we shall grant the motion to amend the certification. Such amendment, however, is not to be considered as a new certification or a recertification (Matter of Civil Service Forum, Local 300, S.E.I.U., AFL-CIO, Decision No. 13-72, and Matter of Association of Claim Examiners, Decision No. 25-72).

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 certification issued by this Board to the Municipal Association of Electronic Data Processing Personnel bearing Decision No. 37-72, be, and the same hereby is, granted by amending the same; and it is further

ORDERED, that said certification be, and the same hereby is, amended by naming therein "District Council 37, American Federation of State, County and Municipal Employees, AFL-CIO and its affiliated Local 2627" in place and in stead of "Municipal Association of Electronic Data Processing Personnel."

DATED: New York, N.Y.
February 5, 1973

ARVID ANDERSON
C h a i r m a n

WALTER L. EISENBERG
M e m b e r

ERIC J. SCHMERTZ
M e m b e r