

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

BUILDING SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL
32E, AFL-CIO,

DECISION NO. 84-73

Petitioner

DOCKET NO. RU-404-73

-and-

DISTRICT COUNCIL 37, AFSCME,
AFL-CIO,

Intervenor

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS,

Employer

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DECISION AND ORDER

On August 20, 1973, Building Service Employees International Union, Local 32E, AFL-CIO (hereinafter "Petitioner"), filed its petition herein, requesting certification as exclusive collective bargaining representative for a unit of "Janitors, Laborers, Gardeners, Supply and Tool Clerks, Foreman Janitors, Foreman Laborers, Maids or similar jobs", employed at Bronx Community College, New York University Heights Campus. The aforementioned titles were those used by New York University prior to the purchase of the Heights Campus by Bronx Community College. Since the purchase, the positions of the petitioned employees have been classified into civil service job classifications.

District Council 37, AFSCME, AFL-CIO (hereinafter “Intervenor”), has applied to intervene herein on the grounds that “... it is the exclusive collective bargaining agent of the employees performing functions in the titles petitioned for” and “... that a majority of the employees in the appropriate collective bargaining units, as described by the certificates conferring such exclusive bargaining, are members of and wish to continue to be represented by District Council 37.”

The Employer urges dismissal of the petition, contending that the requested unit is inappropriate, “... as a fragmented and incomplete unit.” In addition, the Employer alleges that all of the titles are certified to other unions, and that the petition is untimely.

Appropriateness of Unit

We have, in numerous decisions, set forth the policy of this Board favoring broad, comprehensive units as against small and fragmented units. Our investigation confirms that the positions of the petitioned employees have been classified into civil service job classifications which are used City-wide or at least, University-wide, and are currently certified to other unions.¹ As Petitioner requests certification of

Intervenor is the certified representative for the classified titles, with one exception: Supply and Tool Clerk positions have been classified as Stockman and Storekeeper, both of which titles are certified to Local 237, international Brotherhood of Teamsters.

certain employees at the New York University Heights Campus of Bronx Community College only, there is no doubt that such a unit would be fragmented and incomplete. Accordingly, we shall dismiss the petition. Moreover, in view of the foregoing, it is unnecessary to address ourselves to the question of the timeliness of the petition.

ORDER

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 filed herein by Building Service Employees International Union, Local 32E, AFL-CIO, be, and the same hereby is dismissed.

DATED: New York, N.Y.

October 29, 1973

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER