

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO,

Petitioner

DECISION NO. 91-73

-and-

DOCKET NOS. RU-395-73
RU-407-73

INDEPENDENT TRAFFIC EMPLOYEES
UNION,

Petitioner

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS,

Employer

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DECISION AND ORDER

Positions of Parties

By petition (RU-395-73) dated August 2, 1973 Communications Workers of America, AFL-CIO, requested to accrete the title of Traffic Control Agent to its Certification No. 43-71, presently covering Parking Enforcement Agents.

Thereafter, Independent Traffic Employees Union filed its petition (RU-407-73) dated October 3, 1973, requesting certification of a unit consisting solely of Traffic Control Agents.

In regard to the petition filed by C.W.A., the City of New York state "... that the new title of Traffic Control

Agent as currently projected should be in the same bargaining unit as the Parking Enforcement Agent title."

In regard to the petition titled by independent Traffic Employees Union, the City maintains that the bargaining unit sought by I.T.E.U. is inappropriate. "The City takes the position that the most appropriate unit ... consists of the following titles ...: Traffic Control Agents, Parking Enforcement Agents, Senior Parking Enforcement Agents, Supervising Parking Enforcement Agents and Principal Parking Enforcement Agents." ¹

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

1 C.W.A.'s Petition (RU-395-73)

As we said in our Decision No. 39-69,

Accretion is, in substance, the inclusion in an existing unit of new positions or titles which, because of their similarity or close relationship to the unit titles, would have been included in the original unit if they had ben in existence at that time. In such cases, proof of representation is not required.

I.T.E.U. is the certified representative of the latter three titles, all of which are supervisory.

This principle has been re-affirmed in numerous subsequent decisions.

Both Traffic Control Agents and Parking Enforcement Agents perform duties to help maintain an orderly flow of vehicular traffic. Parking Enforcement Agents enforce laws, rules and regulations relating to the parking, stopping or standing of vehicles; and Traffic Control Agents. In addition to the foregoing duties, direct vehicular and pedestrian traffic and enforce laws, rules and regulations relating to the movement of vehicles. Traffic Control Agents have been recruited from the ranks of Parking Enforcement Agents, and both titles have a common line of promotion to Senior Parking Enforcement Agent. For these and other reasons we find that the petitioned title and the certified title are similar.

As the petitioned title was created after Certification No. 43-71 was issued, we shall accrete the title of Traffic Control Agent to said Certification,

2 I.T.E.U.'s Petition (RU-407-73)

Rule 2.3 of the Consolidated Rules of the Office of Collective Bargaining requires that a petitioner submit evidence that at least thirty percent of the employees

in the alleged appropriate unit desire to be represented by said petitioner for the purpose of collective bargaining. As Independent Traffic Employees Union has failed to submit the required thirty percent showing of interest in the alleged appropriate unit, we shall dismiss this petition. Accordingly, we need not comment on the City's position thereon.

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. 43-71 be, and the same hereby is, amended to include the title of Traffic Control Agent, subject to existing contracts, if any; and it is further

ORDERED that the petition (Docket No. RU-407-73), filed by independent Traffic Employees Union, be, and the same hereby is dismissed.

DATED: New York, N.Y.
December 3, 1973

ARVID ANDERSON
Chairman

WALTER L. EISENBERG
Member

ERIC J. SCHMERTZ
Member

Decision No. 91-73
Docket Nos. RU-395-73
RU-407-73

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

Traffic Control Agent

71615