

DC37, L.375, 1219, 1414 v. City, 12 OCB 96 (BOC 1973) [Decision No. 96-73 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME,  
AFL-CIO, and its affiliated  
Locals 375, 1219, and 1414

DECISION NO. 96-73

-and-

DOCKET NO. RB-40-73

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND ORDER

By a notice dated August 14, 1973, the parties hereto (except the Allied Building Inspectors, not then a party) were advised by the Board of Certification of its proposal to consolidate certain specified Certifications held by District Council 37, AFSCME, AFL-CIO, and its affiliated Locals 375, 1219 and 1414, respectively. The said notice set forth the titles within the Certifications proposed to be consolidated by the Board. The said notice, published in the City Record on August 18, 1973, also afforded all parties, including the parties hereto, an opportunity to show cause why such proposed consolidation of the specified units should not be acted upon.

Positions of the Parties

District Council 37 (hereinafter "DC 37") objects to the inclusion in the consolidated unit of the titles of Watershed Inspector, Demolition Inspector, Senior Demolition Inspector, and Supervising Demolition Inspector. It recommends

that Watershed Inspector be added to Certification No. 41-69 (as amended by Decision No. 12-72), presently covering various foremen and superintendent titles in the Construction and Maintenance Supervisory Service. DC 37 recommends a separate unit for the three Demolition Inspector titles.

Allied Building Inspectors, Local Union No.211, I.U.O.E., AFL-CIO (hereinafter "ABI") objects to the inclusion of the title of Senior Steel Construction Inspector in the consolidate unit on the ground that "there is no true community of interest for Senior Steel Construction Inspector in the proposed bargaining unit" ABI recommends "a consolidation of Senior Steel Construction Inspectors with Steel Construction Inspectors," the latter being included in ABI's Certification No. 71-73, which also covers thirty-four other construction inspection and related titles. DC 37 opposes ABI's intervention, stating, inter alia, that the latter "has no standing to intervene in this proceeding, since it does not represent any of the employees involved."

We find that ABI is not certified to represent any of the employees involved herein and shall deny its application to intervene for that reason.

The Office of Labor Relations does not reply to ABI's objection but opposes that of DC 37. The OLR urges the adoption of the Board's proposal in its entirety. DC 37 replies

by citing a history of separate bargaining for the Watershed Inspector and Demolition Inspector titles and referring to other alleged differences between these titles and the others in the Board's proposed consolidation. DC 37 adds that "Unless the Board agrees with our proposal ... we ask that the matter be scheduled for a hearing ..." Although the City replies that the separate bargaining history does not justify separate units in this case and opposes a hearing, we shall sever from RB-40-73 the titles of Watershed inspector, Demolition Inspector, Senior Demolition Inspector and Supervising Demolition Inspector for the purpose of hearing and taking evidence concerning the appropriate unit placement for these titles.

Since there has been no opposition by any party to the Board's proposal to consolidate all other title in one unit, and the time within which to oppose the Board's proposal, as prescribed in said notice and published in the City Record, has expired, the remainder of the Board's proposal is adopted as the decision of the Board. Accordingly, the Board directs consolidation of the units as set forth in the Order entered herein.

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 the request for intervention by Allied Building Inspectors be, and the same hereby is, denied; and it is further

ORDERED that so much of Case RB-40-73 as relates to the titles of Watershed Inspector, Demolition Inspector, Senior Demolition Inspector and Supervising Demolition Inspector be, and the same hereby is, severed, and a hearing is directed for the purpose of taking evidence regarding the unit placement of the employees in such titles; and it is further

ORDERED that Certifications MR-13/67, 7 NYCDL No.78 (as amended by Decision No.15-69), 56-68, 8-68 (as amended by Decision No.82-73), CWR-6/67 (as amended by Decision No.48-72), 2 NYCDL No.35 (as amended by Decision No.5-70), CWR-107/67, CWR-108/67, the relevant part of Certification MR-9/65, and the title of Safety Officer (certified by reason of prior voluntary recognition) be, and the same hereby are, combined and consolidated so as to constitute one bargaining unit consisting of the titles set forth below; and it is hereby

CERTIFIED that Civil Service Technical Guild, Local 375, District Council 37, AFSCME, AFL-CIO, is the exclusive representative for the purposes,, of collective bargaining of all employees in the consolidated unit, to wit: Waterfront

Construction Inspector, Senior Waterfront Construction Inspector, Painting Inspector, Senior Steel Construction Inspector, Senior Hull and Machinery Inspector, Supervising Hull and Machinery Inspector, Safety Officer, Fire Prevention Inspector, Senior Fire Prevention Inspector, Supervising Fire Prevention Inspector, Air Pollution Inspector, Senior Air Pollution Inspector, Environmental Compliance Aide (EEA) and EEA-6), Environmental Compliance Agent (EEA), Supervising Air Pollution Inspector, Principal Air Pollution Inspector, Traffic Control Inspector, Senior Traffic Control Inspector, and Supervising Traffic Council inspector, employed by the City of New York and related public employers subject to the jurisdiction of the Board of Certification, and, further, subject to existing contracts, if any, covering any or all of said employees.

DATED: New York, N.Y.  
December 18, 1973

ARVID ANDERSON  
CHAIRMAN

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WALTER L. EISENBERG  
MEMBER

ERIC J. SCHMERTZ  
MEMBER

Decision No. 96-73  
Docket No. RB-40-73

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

Air Pollution Inspector	31315
Environmental Compliance Aide (EEA)	03455
Environmental Compliance Aide (EEA-6)	03483
Environmental Compliance Agent (EEA)	03363
Fire Prevention Inspector	31615
Painting Inspector	32815
Principal Air Pollution Inspector	31360
Safety Officer	31617
Senior Air Pollution Inspector	31335
Senior fire Prevention Inspector	31635
Senior Hull and Machinery Inspector	33335
Senior Steel Construction Inspector	32535
Senior Traffic Control Inspector	31735
Senior Supervising	34535
Supervising Air Pollution Inspector	31655
Supervising Fire Prevention Inspector	33355
Supervising Hull and Machinery Inspector	31750
Supervising Traffic Control Inspector	31715
Traffic Control Inspector	34515