

CEU, et. Al v. City, 14 OCB 10 (BOC 1974) [( Decision No. 10-74 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

-----X

In Matter of

CITY EMPLOYEES UNION, LOCAL 237,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS,

- and -

DECISION NO.: 10-74

LOCAL 733, SERVICE EMPLOYEES  
INTERNATIONAL UNION, ALF-CIO

DOCKET NO.: RU-390-73

- and -

NEW YORK CITY AND RELATED  
PUBLIC EMPLOYERS

-----X

DECISION AND DIRECTION OF ELECTION

On July 2, 1973, City Employees Union, Local 237, International Brotherhood of Teamsters, filed a petition accompanied by an appropriate showing of interest, claiming to represent a majority of the four (4) Supervisors of Bridge Operations, and requesting that these employees be accreted to a unit consisting of 146 Assistant Bridge Operators, 89 Bridge Operators, and 44 Bridge Operators-in - Charge, for which it had previously been certified (9NYCDL #90). Local 237's most recent contract covering the certified unit expired December 31,1973.

DECISION NO.: 10-74  
DOCKET NO.: RU-390-73

Local 733, SEIU, AFL-CIO, which currently represents the Supervisors of Bridge Operations, the only title in the certificate CWR 29/67, and whose contract for that unit also expired December 31, 1973, intervened in timely manner. It took the position that an election should be conducted by the Board among the Supervisors of Bridge Operation to determine which union the employees desired to represent them.

The City maintained that the appropriate unit was one embracing all four bridge operation titles involved.

Accretion to an established unit is permissible only where the title to be accreted is a new one which was created after the established unit was certified to a union (Dec. No. 44-68). The title of Supervisor of Bridge Operations was classified by the Civil service Commission at the same time (1955) as the other three bridge operator titles - well before the titles were certified. Accordingly we find that accretion is not proper under the circumstances, and shall direct that an election be held among the Supervisors of Bridge Operation.

DECISION NO.: 10-74  
DOCKET NO.: RU-390-73

---

DIRECTION OF ELECTION

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

DIRECTED that, as part of the investigation authorized by the Board, an election by secret ballot shall be conducted under the supervisors of the Board of Certification or its agents, at a time, place, and during hours to be fixed by the Board, among the Supervisors of Bridge Operators employed by the City of New York and related public employers, subject to the jurisdiction of the Board of Certification, who were employed during the payroll period immediately preceding the date of this Direction of Election (other than those who have voluntarily quite or who have been discharged for cause before the date of the election), to determine whether or not they desire to be represented for the purposes of collective bargaining by City Employees Union, Local 237, International Brotherhood of Teamsters,

DECISION NO. 10-74  
DOCKET NO.: RU-390-73

or Local 733, Service Employees International Union,  
AFL-CIO, or by neither.

DATED: NEW YORK, NEW YORK

FEBRUARY 6, 1974

Arvid Anderson  
Chairman

Eric Schmertz  
Member

Walter L. Eisenberg  
Member