

DC37, L.803, IBT v. OTB, et. Al, 14 OCB 21 (BOC 1974) [(Decision No. 21-74 (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. 21-74

-and-

LOCAL 803, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

-and-

O.T.B. MANAGERS' ASSOCIATION,
DIVISION OF S.S.U., AFF. WITH
DIST. 2 MEBA-AMO, AFL-CIO

DOCKET NOS.

-and-

RU-433-74

RU-434-74

NEW YORK CITY OFF-TRACK
BETTING CORPORATION

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AMENDED DIRECTION OF ELECTION

On May 8,1974), we issued our Decision and Direction of Election herein (Decision No. 20-74). Subsequently, by motion dated May 30, 1974, the O.T.B. Managers' (hereinafter Association," Div. of S.S.U., Aff. with Dist. 2 MEBA-AMO, AFL-CIO (hereinafter the "Association") sought to intervene by having its name placed on the ballot in the election directed by the Board in its Decision No. 20.74

District Council 37 and Local 803, I.B.T., by letters dated June 4, 1974 and June 5, 1974, respectively, object to the timeliness of the motion to intervene.

Under the NYCCBL and the Consolidated Rules of the Office of Collective Bargaining, there is no fixed point in time after which a motion to intervene in representation proceedings is considered untimely. The purpose of representation proceedings is to assure that the fullest possible investigation is made in ascertaining the desires of public employees concerning their choice of collective bargaining representatives. The holding of representation elections is one of the means employed toward this end. The Motion to Intervene was filed after the Board's Direction of Election and Notice of Election were issued. However, sufficient time is available to allow the intervention without postponing the scheduled election. Therefore, pursuant to this underlying policy, we grant the motion to intervene.

Intervenor having filed designation cards demonstrating a sufficient showing of interest, we will amend the order of election heretofore issued herein to permit participation by the intervenor in the election scheduled in this matter for June 26, 1974.

AMENDED 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 supervision of the Board of Certification or its agents, on Wednesday, June 26, 1974, from 7:00 A.M. to 8:00 P.M., at the Office of Collective Bargaining, 250 Broadway or 5 Park Place, 28th floor, New York, N.Y. 10007 among the Area Managers (OTB) and Branch Office Managers (OTB) employed by the New York City Off Track Betting Corporation, who were employed during the payroll period immediately preceding the Direction of Election dated May 8, 1974 (other than those who have voluntarily quit or who have been discharged for cause before the date of the election), to determine whether they desire to be represented for the purposes of collective bargaining by District 37, AFSCME; by Local 803, International Brotherhood of Teamsters; by O.T.B. Managers" Association, Division of S.S.U., Aff. With Dist. 2 MEBA-AMO , AFL-CIO; or by none of them. Area Managers (OTB) may vote of the challenged ballots. If sufficiently large majority or plurality of unchallenged ballots could not affect the outcome of the election, we shall direct prompt issuance of an appropriate certification, and we shall direct a hearing in this case to aid us in making a determination on the alleged managerial status of the Area

Managers (OTB). Any such employees found not to be managerial will be included by the Board in the cited unit. On the other hand, if inclusion of the challenged ballots could be dispositive of the outcome of the election, any certification will be delayed until an appropriate determination is made with regard to the alleged managerial status of Area Managers (OTB).

DATED: New YORK, N.Y.

June 10, 1974.

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