

City, et. Al v. DC37, et. Al, 14 OCB 23 (BOC 1974) [( Decision No. 23-74 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

THE CITY OF NEW YORK,

DECISION NO. 23-74

Petitioner

DOCKET NOS. RE-32-73  
(RB-20-72)

-and-

DISTRICT COUNCIL 37, AFSCME, AFL-CIO,  
and LOCAL 832, INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS,

Respondents

----- X

THE CITY OF NEW YORK,

DOCKET NO. RE-47-74

Petitioner

-and-

DISTRICT COUNCIL 37, APSCME, AFL-CIO,

Respondent

----- X

LOCAL 237, INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS and LOCAL 832, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS, jointly,

DOCKET NO. RU-437-74

Petitioners

-and-

THE CITY OF NEW YORK,

Respondent

----- X

DECISION AND ORDER

By a Notice of Proposed Consolidation of Certifications dated October 6, 1972, published in the City Record on October 21, 1972, the Board of Certification set forth its proposal (RB-20-72) to consolidate into a single bargaining unit all employees in the following three supervisory units:

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2.

- (1) Motor Vehicle Dispatcher and Garage Foreman, certified to District Council 37, AFSCME, AFL-CIO, under MR-19/67;
- (2) Senior Garage Foreman, certified to District Council 37, AFSCME, AFL-CIO, under MR-9/65; and
- (3) Supervisor of Motor Transport, certified to Terminal Employees Local 832, I.B.T., under MR-15/64.

On June 29, 1973, the Office of Labor Relations of the City of New York filed a petition (RE-32-73), requesting the same consolidation.

Since the Board's proposal was made, the first two of the above listed units have been amended so that the titles and certification numbers are now as follows (the certified representative is unchanged):

- (1) Motor Vehicle-Foreman and Senior Taxi and Limousine Dispatcher; Certification No.11-73; and
- (2) Senior Motor Vehicle Foreman; Certification MR-9/65, as amended by Decision No.45-73.

Local 832 opposes the inclusion of its Supervisor of Motor Transport in the proposed consolidation.

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3.

On April 11, 1974, the Office of Labor Relations filed a second petition (RE-47-74), requesting consolidation not only of the aforementioned units "1" and "2", but also of their non-supervisory counterparts, also certified to District Council 37, AFSCME, AFL-CIO, under Certification No.15-72 (as amended by Decision No.12-73), and consisting of Automotive Operator (EEA), Motor Vehicle Operator, and Taxi and Limousine Dispatcher.

Finally, on April 30, 1974, Locals 237 and 832, both I.B.T., jointly moved for consolidation of unit "3" with Certification No.9-74, held by Local 237 and covering Taxi and Limousine Inspector, Transportation Inspector, Blasting Inspector, Pipe Laying Inspector, Water Use Inspector, and related titles. The City opposes this motion on the ground that "the title Supervisor of Motor Transport shares no community of interest with the inspectional titles sought to be consolidated therewith." In light of the fact that the only objection to the Board's proposal (and, also, to the City's petitions, the last of which seeks, basically, to extend further the Board's proposal by including non-supervisory employees) revolves about the Supervisor of Motor

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4.

Transport employees, we shall consolidate the remaining units covered by our proposal and the City's petitions and shall order a hearing for the purpose of taking evidence concerning the appropriate unit placement of Supervisor of Motor Transport.

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 a hearing be held for the purpose of taking evidence regarding the unit placement of the title of Supervisor of Motor Transport; and it is further

ORDERED that Certifications 15-72 (as amended by Decision No.12-73), 11-73, and MR-9/65 (as amended by Decision No.45-73) 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 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: Automotive Operator (EEA), Motor Vehicle Operator, Taxi and

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5.

Limousine Dispatcher, Motor Vehicle Foreman, senior Taxi  
and Limousine Dispatcher, and Senior Motor Vehicle Foreman,  
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.  
                  July 2, 1974

ARVID ANDERSON  
CHAIRMAN

ERIC J. SCHMERTZ  
MEMBER

WALTER L. EISENBERG  
MEMBER

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

Automotive Operator (EEA)	03331
Motor Vehicle Operator	91212,08633
Motor Vehicle Foreman	91232
Senior Motor Vehicle Foreman	91233
Taxi and Limousine Dispatcher	91287
Senior Taxi and Limousine Dispatcher	91288