

Rice, et. Al v. City, et. Al, 14 OCB 29 (BOC 1974) [(Decision No. 29-74 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

----- X

In the Matter of

JOSEPH RICE, et al,

DECISION NO. 29-74

Petitioners

DOCKET NO. RD-1-74

-and-

AMERICAN FEDERATION OF TELEVISION
AND RADIO ARTISTS, AFL-CIO,
NEW YORK LOCAL,

Respondent

-and-

CITY OF NEW YORK,

Respondent

----- X

DETERMINATION AND ORDER

On January 20, 1974, certain Announcers and Senior Announcers employed by the Municipal Broadcasting System (WYNC) filed a petition for decertification of their certified collective bargaining representative, The American Federation of Television and Radio Artists (AFTRA).¹ The petition was timely filed and met all of the Board's requirements as set forth in §1173-5.0(b)(3) of the NYCCBL and §2.5 of the Board's Rules. A copy of

¹ AFTRA was certified to represent Announcers and Senior Announcers on August 25, 1967, in CWR#8/67 (based on Certification 1 NYCDL No.13, issued on February 6, 1959).

the employees petition was sent to AFTRA. On February 26, 1974, a letter was sent to Mr. Jackson Beck, President of AFTRA, informing him that:

"A petition for decertification of AFTRA, AFL-CIO, as exclusive collective bargaining representative of employees in the titles of Announcer and Senior Announcer has been filed with this Office,

"Please notify us if you desire to appear in this case. Unless this office hears from your organization within two weeks from the date of this letter, we shall assume that you are not interested in this matter, in which event the Board shall proceed without further notice to you."

No reply to this letter has been received.

On March 28, 1974, the City of New York notified the Board that it opposed the petition for decertification "on the grounds that it seeks to remove two titles from what the city believes to be an appropriate unit. The Announcers and Senior Announcers should be deemed to be part of a single consolidated unit of all municipal titles in the Radio and Television Occupational Groups, ...". The City further requested that its letter be deemed a petition for the consolidation of all employees in the Radio and Television Occupational Groups into a single unit. That petition has been docketed as RE-46-74, and we shall deal with the issues raised therein separately.

We find that the Union, by failing to respond to the petition for decertification and by failing to respond to the Board's letter of February 26, has effectively disclaimed any interest in the employees it was previously certified to represent.² Since we have determined that the unusual circumstance exists wherein the Union has disclaimed interest in continuing to function as the exclusive bargaining representative of the unit employees in the titles of Announcer and Senior Announcer, we will terminate the life of the pertinent certification immediately pursuant to 2.18 of the Board's Rules. Under these circumstances, it is not necessary to proceed with a decertification procedure.³ Therefore, we shall dismiss the petition for decertification.

DETERMINATION AND ORDER

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

² See DC 37, AFSCME, AFL-CIO and City of New York, Dec. No.6-73.

³ Little Rock Road Machinery Co., 33 LRRM 1232.

DETERMINED, that the American Federation of Television and Radio Artists, AFL-CIO, New York Local, has disclaimed interest in representing Announcers and Senior Announcers employed by the City of New York, and it is further

ORDERED, that the petition for decertification herein be, and the same hereby is, dismissed.

DATED: New York, N.Y.
July 10, 1974

ARVID ANDERSON
CHAIRMAN

ERIC J. SCHMERTZ
MEMBER

WALTER L. EISENBERG
MEMBER