

City, et. Al v. Court Clerks Ass., et. Al, 14 OCB 38 (BOC 1974) [(Decision No. 38-74 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

----- X

In the Matter of

THE CITY OF NEW YORK on behalf of
itself and Related Public Employers,

DECISION NO. 38-74

Petitioners

DOCKET NO RE-44-74

-and-

UNIFORMED COURT OFFICERS ASSOCIATION,
LOCAL 598, SEIU, AFL-CIO

-and-

COURT CLERKS BENEVOLENT ASSOCIATION,
LOCAL 584, SEIU, AFL-CIO

-and-

SUPREME COURT UNIFORMED OFFICERS
ASSOCIATION

-and-

NEW YORK STATE COURT CLERKS ASSOCIATION,
Respondents

----- X

TERMINAL EMPLOYEES LOCAL 832, I.B.T.,
Petitioner

DOCKET NO. RU-419-74

-and-

OFFICE OF COURT ADMINISTRATION STATE OF
NEW YORK

-and-

THE CITY OF NEW YORK,
Respondents

----- X

LOCAL 1070 and DISTRICT COUNCIL 37,
AFSCME, AFL-CIO,

DOCKET NO. RU-421-74

Petitioner

-and-

OFFICE OF COURT ADMINISTRATION STATE OF
NEW YORK

-and-

THE CITY OF NEW YORK,

Respondents.

----- X

TERMINAL EMPLOYEES LOCAL 832, I.B.T.,
Petitioner

DOCKET NO. RU-428-74

-and-

OFFICE OF COURT ADMINISTRATION STATE OF
NEW YORK

-and-

THE CITY OF NEW YORK,

Respondents.

----- X

Decision No. 38-74

Docket Nos. RE-44-74

RU-419-74

RU-421-74

RU-428-74

2.

A P P E A R A N C E S:

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Uniformed Officers Association, New York State
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for Terminal Employees Local 832, I.B.T.

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DECISION AND ORDER

The issue before the Board of Certification in these cases, which were consolidated for the purpose of hearing, (Decision No. 15-74), is the question of appropriate unit or units for collective bargaining of certain employees of the New

York State Office of Court Administration* employed in New York City. The City of New York is the fiscal authority for payment of the New York City employees, and the New York City Office of

* On June 4, 1974, the office charged with the function of overseeing the administration of the courts became known as the Office of Court Administration. See Section 211 of the Judiciary Law, as amended by Chapter 615 of the Laws of 1974.

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

3.

Labor Relations has the responsibility for bargaining on fiscal matters. There are some 2393 employees in the titles in this proceeding and they have been represented in the separate units listed below:

Certification 8 NYCDL No.4 (as amended by Dec. N0.13-71) - held
by UCOA, Local 598, SEIU, AFL-CIO
Uniformed Court Officer
Court Assistant (Trial Part);
542 employees.

Certification No.67-71 (as amended by Dec. No.5-72) - held by SCUOA
Senior Court Officer
Sup'g Court Officer
Chief Court Attendant
Warden, Grand Jury
Confidential Attendant;
702 employees.

Certification 8 NYCDL No.112 (as clarified by Dec. No.4-69) - held
by CCBA, Local 584, SEIU, AFL-CIO
Assistant Court Clerk
Assistant Surrogate's Court Clerk
Deputy Clerk of District;
289 employees.

Certification No.45-72 - held by
NYS Court Clerks Association
Court Clerk I, II, III, and IV
Surrogate's Court Clerk, I, II, and III
(all including specialties, where applicable); 860 employees.

Decision No. 38-74
Docket Nos. RE-44-74
 RU-419-74
 RU-421-74
 RU-428-74

4.

In RU-419-74, filed on January 9, 1974, Terminal Employees Local 832, I.B.T., petitioned seeking certification to represent employees in the titles of Uniformed Court Officer and Court Assistant (Trial Part) who are included in Certification 8 NYCDL No. 4 as amended by Dec. No. 13-71.

In RU-421-74, filed January 10, 1974, Local 1070 and District Council 37, AFSCME, AFL-CIO, seek certification to represent Confidential Attendants who are currently included in the SCUOA Certification No. 67-71 as amended by Dec. No. 5-72. The Petition requests that Confidential Attendants be added to "Unit A of the unit described in Dec. No. 44-73 consisting of, among others, Principal, Head and Chief Clerks and Court Assistants."

The petition in RE-44-74, filed on January 21, 1974 by the City of New York, seeks consolidation of all of the above-listed units on the ground that the "employees share a community of interest in that they perform related work and have voluntarily initiated joint collective bargaining and fact finding."

In RU-428-74, filed on January 31, 1974, Local 832 seeks certification to represent employees in the titles Senior Court Officer, Supervising Court Officer, Chief Court Attendant, Confidential Attendant and Warden, Grand Jury who

Decision No. 38-74
Docket Nos. RE-44-74
 RU-419-74
 RU-421-74
 RU-428-74

5.

are included in Certification No. 67-71 as amended by
Dec. No. 5-72.

The last pleadings herein were received on
July 2, 1974.

POSITIONS OF THE PARTIES

Local 832 takes the position that the historic structure of four separate bargaining units is the only appropriate structure. It relies on the history of bargaining prior to 1971.

Local 832 has "no disagreement" (Transcript, page 225) with the Petition in RU-421-74 with respect to Confidential Attendants. However, consistent with its petitions in RU-419-74 and RU-428-74, it opposes the consolidation sought by the City in RE-44-74. It argues that the Board should maintain the historic bargaining units and that inclusion of Court Officer titled employees in a unit with Court Clerk titled employees is improper because it would combine uniformed security personnel with non-uniformed clerical personnel. (In 1972, Local 832 petitioned to represent Uniformed Court Officers, but in Dec. No. 73-72, the Board dismissed the petition as untimely under the contract bar rule. The question of the appropriate unit was not at issue in that case.) Local 832 argues that it would be improper to combine Uniformed Court Officers with the Senior Court Officers who supervise

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

6.

them in the face of the Senior Court officers' wish to remain in their present separate unit. Local 832 contends that no true joint bargaining took place among the four existing units during the last round of bargaining such as would justify a consolidation of units herein. Finally, Local 832 made an offer of proof that there was a conspiracy between the City of New York and the Judicial Conference to deprive Local 832 of its right to represent employees in the units for which it has filed petitions. Counsel for Local 832 excepted to the Trial Examiner's ruling which precluded questioning of witnesses with respect to this subject.

The City, consistent with its petition, contends that the only appropriate unit is the consolidated unit sought in RE-44-74, although it has no objection to the transfer of Confidential Attendants to Local 1070 and DC 37 as requested in RU-421-74.

The Supreme Court Uniformed Officers Association supports the Petition in RU-421-74 to transfer Confidential Attendants out of its certification. As to the other petitions herein, the SCUOA opposes consolidation into one unit and requests "that the existing unit represented by the Association be maintained."

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

7.

The Uniformed Court Officers Association, Local 598, SEIU, the Court Clerks Benevolent Association, Local 584, SEIU, and the New York State Court Clerks Association take no position as to any of the petitions. However, Counsel for these four associations has stated that:

"In the event it is determined that one unit is appropriate, the four organizations - Uniformed Court officers Association, Supreme Court Uniformed Officers Association, Court Clerks Benevolent Association and the New York State Court Clerks Association - wish, if an Election is required, to appear on the ballot, and receive the certificate jointly."

DISCUSSION

The City introduced into evidence job descriptions for the titles at issue herein in support of its position that the employees sought to be consolidated into a single unit have a community of interest. The City also produced testimony to show that, although there are now four units separately certified to represent the employees, the four unions representing those units had voluntarily participated in joint bargaining in the last round of negotiations which began in 1971 and culminated on February 7, 1974 with the signing of contracts for the period July 1, 1971 to June 30, 1974.

The evidence in the record as to the duties of the employees in the four units at issue herein consists of the job specifications for each title. These have traditionally been accepted by the Board, subject to the introduction by any party

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

8.

of other evidence to show that the specifications are inaccurate or incomplete. No party introduced any such evidence in this case.

The job specifications show that the emphasis in the descriptions of duties in the Court Officer series is on the maintenance of "order and decorum," and on responsibility for the safety and the conduct of jurors and spectators. However, a Uniformed Court Officer assists in swearing witnesses, may advise prisoners of their rights to counsel, answers inquiries of lawyers and litigants, assists in calling the calendar and performs errands from courtroom to court offices.

In the Court Clerk series, the emphasis in the job descriptions is on clerical duties such as preparing court forms, examining papers submitted by attorneys and litigants and processing decisions and reports. However, the Assistant Court Clerk and Court Clerk I, for instance, also give information and assistance to attorneys and litigants, assist in empaneling jurors and calling calendars, and administer oaths.

Thus, it is evident that there is a considerable similarity in the duties of the Court Officer and Court Clerk series, and that employees in both series of titles may be called upon to perform identical or at least similar and closely related tasks.

Decision No.38-74

Docket Nos. RE-44-74

RU-419-74

RU-421-74

RU-428-74

9.

The specifications also show that the Uniformed Court Officer and the Court Assistant (Trial Part) are entry level titles. Following the mandated promotion procedures, the Uniformed Court Officer and Court Assistant (Trial Part) may be promoted to Assistant Court Clerk or Senior Court Officer. The Assistant Court Clerk may be promoted successively to Court Clerk I, II, III and IV. The Senior Court Officer may be promoted successively to Supervising Court Officer or to Court Clerk I, II, III and IV. ¹ The same pattern obtains in the Surrogate's Court with respect to Assistant Surrogate's Court Clerk and Surrogate's Court Clerk I, II and III. The record shows that not all the employees in the unit have followed the lines of promotion outlined in this paragraph. For instance, some Court Clerks I have started their careers as Senior Court Officers, a title which they attained through open competitive examination and appointment. Thus, there is a great deal of similarity, and, indeed, possibility of crossover, between the promotion ladders for the court clerical and court officer series.

This description has been reduced to its simplest form, and certain "red circle" titles reserved for present incumbents only are excluded from the discussion.

Decision No. 38-74

Docket Nos. RE-44-74

RU-419-74

RU-421-74

RU-428-74

10.

In support of its allegation that the four units of employees herein had voluntarily entered into joint negotiations with the City during the last round of negotiations, Mr. Robert Pick, Assistant Director of Labor Relations for the City of New York, testified as to the negotiations which culminated in collective bargaining contracts for the period July 1, 1971 to June 30, 1974. Mr. Pick testified, in substance, that he met jointly with representatives of all four of the units representing the employees and that the unions presented joint demands. The City proposals to the employees were coordinated within a basic structure which allowed for differences among the various titles involved. All four unions were represented by the same counsel. The negotiations reached impasse and were submitted jointly to an impasse panel which issued a single Report and Recommendations covering all four units. The record shows that bargaining continued subsequent to the issuance of the Report and Recommendations, and that contracts with common expiration dates were executed by all four of the unions on February 7, 1974. The contracts basically redistributed the wage increases prescribed by the impasse panel.

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

11.

Mr. Owen K. Flynn, the Chairman of the Court Officials Council of New York, testified about the formation and purposes of the Council. The Council was formed in 1969 by the four certified unions in this proceeding to further their joint interests in securing meaningful promotional opportunities and to bargain about fringe benefits. Although the Constitution of the Council states that the purpose of the organization is "the union of its members for their mutual benefit, through collective negotiations, on non-fiscal items", Mr. Flynn testified that the Council has bargained about wages with the City. The bargaining was conducted by the Council, although each of the four unions in the Council retained the right to accept or reject the contract terms applying specifically to its members. Economic demands were formulated separately by the members of each union and they were coordinated at Council meetings held prior to the joint negotiating sessions. At these Council meetings, Mr. Flynn testified, "the theory of bargaining together was developed ... and agreed to ...". (Record, p.158). The strategy mapped out by the Council was to seek agreement with the City first on economic demands for the lowest paid group, the Uniformed Court Officers, "holding the demands for

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

12.

the other groups in abeyance.... We agreed that if the offer made to the UCO group wasn't meaningful, that we would let the entire issue of collective bargaining stand or fall on that ... [N]o other group would go in and try to do something for itself until what we felt was the base group was satisfied." (Record p.165).

The Report and Recommendations of the Impasse Panel issued on February 21, 1973, states that:

"This is the first time all such titles have bargained together, it being the Unions' views at this time that the only way to structure a rational relationship of title to title for rate purposes was to have all titles bargaining jointly. The City, too, finds this an acceptable bargaining structure."

The Report reveals that the Unions submitted a comprehensive proposal to the impasse panel covering all their demands. The Unions sought a two year contract and proposed a new pay rate structure, an annuity fund and longevity increases. The demands are noteworthy in the instant case because they constituted a single proposal for all the employees represented by the four certified unions herein.

Decision No. 38-74

Docket No. RE-44-74

RU-419-74

RU-421-74

RU-428-74

13.

The evidence presented to the Board shows that the employees in the 4 units at issue herein perform closely related duties in the court system, and that employees in different titles may be assigned to perform identical duties. The evidence also shows that there are common lines of promotion for the employees. Employees in the Court officer series of titles are customarily promoted to the Court Clerk series. Finally, the evidence conclusively shows that the certified representatives of all the employees at issue herein voluntarily engaged in joint collective bargaining negotiation for over three years prior to this proceeding through the Court Officials Council of New York; that the representatives jointly met and formulated the strategy in dealing with the employer that they would not bargain separately but would insisted on an acceptable offer from the employer for the “base” group of employees as a starting position for further joint negotiations; and that the issue of contract terms was submitted jointly to an impasse panel which issued a single Report and Recommendations for all of the units herein.

Consistent with the mandate in §1173-5.0(b) (1) of the NYCCBL that the Board shall consider the efficient operation of the public service and sound labor relations in determining appropriate units which “shall assure to public employees the fullest freedom of exercising the rights” to bargain collectively, the board has evolved a policy favoring the

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU 421-74
RU-428-74

14.

consolidation of small fragmented bargaining units into larger, more effective units. In DC 37, AFSCME, AFL-CIO, and the City of New York, Dec. No.44-68, we set forth our policy of consolidation:

"In our opinion, such a policy, based upon mutuality of interest among occupationally related titles, the history of collective bargaining and other factors is essential to the effectuation of the purposes and policies of the statute and the proper functioning of the collective bargaining process, and should be applied wherever it is possible to do so without severe dislocations or inequities."

This policy has proved useful and effective, and we have applied it consistently in numerous cases since 1968. (For example, DC 37 et al., Dec. No. 83-70 and The Doctors Association, Dec. No. 31-73.)

The employees and the employer herein have voluntarily demonstrated that they can bargain effectively together and that a joint unit will insure the employees their rights of representation., We find that a consolidated unit will promote sound labor relations and the efficient operation of the public service as required by the statute. Pursuant to the standards for determining appropriate units set forth in §2.10 of our Rules, we find that the employees in the units herein have a community of interest in that they perform similar and closely related duties in the court system; that the officials of government

Decision No. 38-74
Docket Nos. RE-44-74
 RU-419-74
 RU-421-74
 RU-428-74

15.

at the level of the unit we find herein have the power to agree with respect to the terms and conditions of employment which are the subject of collective bargaining; that the history of joint collective bargaining among these employees demonstrates that they should be in a single consolidated unit; and we find that this consolidated unit is consistent with our policies and decisions. Therefore, measuring the facts of this case against the standards set forth in the statute, our rules, and our decisions, we find that the consolidation of the units herein is proper.

OTHER CONTENTIONS OF LOCAL 832

Local 832 contends that inclusion of Court Officer titled employees in a unit with Court Clerk titled employees is improper because it would combine uniformed security personnel with non-uniformed clerical personnel. The Board's policy of not combining members of a uniformed force in the same unit with non-members applies only to members of the uniformed forces as defined in §1173-4.3a(4) of the NYCCBL: these include the "uniformed police, fire sanitation and correction services" for whom the scope of

bargaining is governed by a different section of the Law than that applicable to any of the employees herein.² We note further that §1.20 of the Criminal Procedure Law defines a "Peace Officer" as, inter alia:

- "(b) An attendant, uniformed court officer or an official of the supreme court in the first and second departments;
- (d) A marshal, clerk or attendant of a district court;
- (e) A clerk, uniformed court officer or other official of the criminal court of the City of New York;
- (f) A uniformed court officer or an official of the civil court of the City of New York; ... "

Therefore, we conclude that uniformed officers of a court are not clothed with any status denied to the other "officials", "clerks", or "attendants" at issue in this proceeding.

Local 832 alleges that a unit combining Uniformed Court Officers and Senior Court Officers would improperly combine supervisors with the employees they supervise. Section 1173-5.0b(1) of the NYCCBL provides that:

"where supervisory ... employees petition to be represented for purposes of collective bargaining separate and apart from non-supervisory ... employees

See The Doctors Association, Dec. No.31-73.

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

17.

... the board of certification shall not include such supervisory ... employees in a bargaining unit which includes non-supervisory ... employees ... unless a majority of the supervisory ... employees voting in an election vote in favor thereof; ...

Although the SCUOA requested that "the existing unit represented by the Association be maintained, "it did not allege that its unit as presently constituted was a supervisory unit nor that the supervisory employees wished to be represented separate and apart from non-supervisory employees. Nor did it move for a supervisory self-determination election. As it is now constituted, the SCUOA unit is a mixed unit and includes both supervisory and non-supervisory employees. Moreover there are supervisory employees in the other units at issue herein. The Board has held that a "supervisory unit" must include all related supervisory employees, and may not include some and exclude others.³ Thus, were the Board to find a supervisory unit in the instant case, it must include all the supervisors in the consolidated unit. In order to set in motion the procedure required by §1173-5.0b(1), a party is required to petition to represent all of the supervisory employees in the unit found to be appropriate separate from non-supervisory employees. No such petition

See Local 3, IBEW, AFL-CIO, et al, Dec. No.98-70.

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

18.

or motion supported by a showing of interest among the supervisory employees in the consolidated unit has been filed, and none of the parties sought to introduce any evidence which would support such a petition or motion. Therefore, we find that the provisions of §1173-5.0b(1) do not apply herein.

Finally, we find that the allegations by Local 832 concerning a conspiracy to deprive it of its rights to represent employees are not properly before the Board in this case. The instant proceeding seeks to determine the appropriate unit for collective bargaining of certain employees employed by the Office of Court Administration. Counsel for Local 832 sought to elicit testimony from representatives of the employer concerning the decision-making process which led to the filing of the City's petition for consolidation in an effort to show that an illicit conspiracy existed. Counsel's offer of proof was that:

"were the witness permitted to testify, he would testify that the determination by the City and the Judicial Conference to file the motion to consolidate the units was as a direct result of the petition by Local 832 in case Number RU-419-74, defined specifically for the purposes of thwarting that petition, and was part of a plan and conspiracy to deprive the Uniformed Court Officers of the opportunity to be represented in a separate collective bargaining unit as historically they had been."

Decision No. 38-74
Docket Nos. RE-44-74
 RU-419-74
 RU-421-74
 RU-428-74

19.

The preferred testimony with respect to the motivation of the employer in seeking a consolidated unit is not material or necessary to the Board's determination herein of the appropriate unit for collective bargaining; as set forth above, valid reasons for the submission of the City's petition have been advanced to the Board. The City is merely exercising its right to express its position as to the appropriate unit, i.e. a consolidated unit. We therefore support the Examiner's ruling in this regard.

CONFIDENTIAL ATTENDANTS

Although the Confidential Attendants have been in the unit represented by the Supreme Court Uniformed Officers Association described above, the history of collective bargaining demonstrates that there has been a record of conflict between Confidential Attendants and other unit employees.

The Confidential Attendants have retained counsel to represent their interests in relation to the SCUOA and in the hearing on the instant case. Counsel for the Confidential Attendants testified at the hearing that Local 1070 of District Council 37, AFSCME, AFL-CIO has agreed to represent the Confidential Attendants in "Unit A" of Decision 44-73, consisting of, among others, Principal, Head and Chief Clerks

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

20.

and Court Assistants, subject to approval by the Board of Certification. The Confidential Attendants have unanimously voted to approve their proposed inclusion in the unit represented by Local 1070, and a substantial majority of them have signed prescribed dues check-off authorizations in behalf of Local 1070.⁴

Although we have previously held (in Dec. No. 5-72) that the most appropriate unit would include Confidential Attendants, we find that the clerical unit of court employees represented by Local 1070 is an appropriate unit in which to place Confidential Attendants. None of the parties to the instant proceeding, including the employer, has objected to the inclusion of Confidential Attendants in the unit proposed by Local 1070.

Copies of such authorizations have been filed with the OCB, but, because of statutory exclusive check-off provisions, such authorizations will not be processed by the employer while the SCUOA remains certified as bargaining representative for Confidential Attendants.

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

21.

The SCUOA has disclaimed interest in representing the Confidential Attendants,⁵ and a majority of the Confidential Attendants have demonstrated a desire to be represented by Local 1070, DC 37 in "Unit A" of Dec. No. 44-73. In addition, a majority of the employees in the unit as amended by the inclusion of Confidential Attendants have authorized check-off to Local 1070. We shall, therefore, find such a unit appropriate and shall certify Local 1070, DC 37 as representative under the conditions set forth below.

THE APPROPRIATE UNITS

Upon the basis of the entire record and the briefs, the Board finds that a unit consisting of the employees in the titles listed below is appropriate for collective bargaining:

Uniformed Court Officer; Court Assistant (Trial Part); Senior Court Officer; Supervising Court Officer; Chief Court Attendant; Warden, Grand Jury; Assistant Court Clerk, Assistant Surrogate's Court Clerk; Deputy Clerk of District; Court Clerk I, II, III, and IV, Surrogate's Court Clerk I, II and III (all including specialties where applicable).

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

22.

The certified collective bargaining representatives of these employees have stated that, should the Board determine that a consolidated unit is appropriate, they wish to receive the certificate jointly. A substantial majority of the employees in the consolidated unit found herein have authorized dues check-off to the certified representatives. Local 832, which did not petition for the consolidated unit, has a showing of interest among the employees in the consolidated unit of substantially less than the 30% required of a petitioner.

Section 1173-5.0b(2) of the New York City Collective Bargaining Law empowers the Board:

"to determine the majority representative of the public employees in an appropriate collective bargaining unit by conducting secret-ballot elections or by utilizing any other appropriate and suitable method designed to ascertain the free choice of a majority of such employees * * * " (emphasis added)

Rule 2.12a provides:

"If the Board determines, as part of its investigation, to conduct an election, it shall determine who may participate in the election and appear on the ballot, ***. An intervening public employee organization, other than the certified

Decision No. 38-74

Docket Nos. RE-44-74

RU-419-74

RU-421-74

RU-428-74

23.

public employee organization, shall not be entitled to appear on the ballot except upon a showing of interest, satisfactory to the Board of at least ten (10) per cent of the employees in the unit found to be appropriate." (emphasis added)

The NYCCBL clearly does not mandate elections.⁶ The Board is empowered to determine representation by "any other appropriate and suitable method."⁷

Rule 2.3(b) requires a petitioner for certification to demonstrate a showing of interest of 30% among the employees in the appropriate unit. Since Local 832 has not demonstrated such a showing of interest, dismissal of the petitions in RU-419-74 and RU-428-74 would not be inappropriate.

The sole exception is on a petition to decertify a previously certified representative. NYCCBL, §1173-5.0b(3).

cf. §207.2 of the New York State Public Employees Fair Employment Law (Taylor Law) which provides for determination of majority representation "on the basis of dues deduction authorization and other evidences, or, if necessary, by conducting an election." (emphasis added)

Decision No. 38-74

Docket Nos. RE-44-74

RU-419-74

RU-421-74

RU-428-74

24.

However, the Board is mindful of Local 832's efforts to organize employees of the Office of Court Administration. As set forth above, a petition filed by Local 832 in 1972 was found to be untimely under the contract bar rule. In the instant proceeding, Local 832 has timely filed petitions for two existing units of employees supported by adequate proof of interest in those existing units, albeit not in the consolidated unit. Following lengthy hearings on the City's request to consolidate the existing units, the Board has determined to change the prevailing unit structure. Therefore, in the interests of equity and fairness, the Board will not dismiss Local 832's petitions, but instead will afford Local 832 30 days additional time to submit the 30% proof of interest in the consolidated unit required by Rule 2.3(b). In view of the fact that the Board has received three separate documents signed by a significant number of employees purporting to withdraw designations previously executed for Local 832, we shall require that any documents submitted as proof of interest by Local 832 hereunder be dated after the date of this decision. If newly executed proof of

Decision No. 38-44
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

25.

interest is timely submitted within thirty days of the date of this decision, we shall direct the holding of an election among the employees in the consolidated unit to ascertain their desires concerning collective bargaining representation. If no such sufficient, newly dated proof of interest is timely submitted to the Board, we shall dismiss the Petitions in RU-419-74 and RU-428-74 and we shall certify the SCUOA, Local 598, SEIU, the CCBA, Local 584, SEIU, the SCUOA and the NYSCCA as joint representatives on the basis of a majority of dues check-off authorization in the appropriate unit.

We have further found, as stated above, that the inclusion of Confidential Attendants in "Unit A" of Dec. No. 44-73 would constitute an appropriate unit for collective bargaining. Therefore, since Local 1070 has submitted copies of dues check-off authorization cards by a substantial majority (76%) of the Confidential Attendants, we shall grant Local 1070's petition and issue a certification provided that the authorization cards are submitted to the employer for implementation within 30 days of this decision. If the union does not submit proof that the cards have been submitted within 30 days, we shall direct an election to determine the desires of the employees.

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

26.

DETERMINATION AND ORDER

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

DETERMINED, that Supreme Court Uniformed Officers Association has disclaimed interest in representing and no longer represents the Confidential Attendants; and it is further

ORDERED, that Certification No. 67-71 (as amended by Dec; No. 5-72) is further amended by deleting therefrom the title of Confidential Attendant; and it is further

ORDERED, that the Petition of Local 1070, DC 37 is granted to the extent that the Petitioner may submit the proof described by this decision within 30 days for such further action as is required by the Board; and it is further

ORDERED, that the Petition of the City of New York be, and the same hereby is, granted to the extent described in this Decision; and it is further

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

27.

DETERMINED, that the unit appropriate for collective bargaining pursuant to the petition of the City of New York is,

Uniformed Court Officer; Court Assistant (Trial Part); Senior Court Officer; Supervising Court Officer; Chief Court Attendant; Warden, Grand Jury; Assistant Court Clerk, Assistant Surrogate's Court Clerk; Deputy Clerk of District; Court Clerk I, II, III, and IV, Surrogate's Court Clerk I, II and III (all including specialties where applicable);

and it is further

ORDERED, that Local 832 be afforded the opportunity consistent with this decision to file newly executed proof of interest of at least 30% of the employees in the consolidated unit herein found to be appropriate within 30 days of this decision for such further action as is required by the Board.

DATED: New York, N.Y.
August 6, 1974

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

Decision No. 38-74
Docket Nos. RE-44-74
RU-419-74
RU-421-74
RU-428-74

DETERMINED, that the unit appropriate for collective bargaining pursuant to the petition of the City of New York is,

27.

Uniformed Court Officer; Court Assistant (Trial Part); Senior Court Officer; Supervising Court Officer; Chief Court Attendant; Warden, Grand Jury; Assistant Court Clerk, Assistant Surrogate's Court Clerk; Deputy Clerk of District; Court Clerk 1, 11, 111, and IV, Surrogate's Court Clerk 1, 11 and III (all including specialties where applicable); and it is further

ORDERED, that Local 832 be afforded the opportunity consistent with this decision to file newly executed proof of interest of at least 30% of the employees in the consolidated unit herein found to be appropriate within 30 days of this decision for such further action as is required by the Board.

DATED: New York, N.Y.
August 6,, 1974

ARVID ANDERSON

CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER