

L.375, DC37, Civil Ser. Tech. Guild v. City, et. Al, 14 OCB 39 (BOC 1974) [( Decision No. 39-74 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

CIVIL SERVICE TECHNICAL GUILD,  
LOCAL 375, DISTRICT COUNCIL 37,  
AFSCME, AFL-CIO

DECISION NO. 39-74

DOCKET NOS. RU-441-74  
RU-459-74

-and-

DISTRICT COUNCIL 37, AFSCME,  
AFL-CIO and its affiliated  
LOCAL 375

-and-

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND ORDER

On May 8, 1974 a petition was filed by Civil Service Technical Guild, Local 375, District Council 37, AFSCME, AFL-CIO, seeking to amend Certification No.10-73 (as previously amended by Decision No.43-73) by adding the titles of Environmental Control Technician, Senior Environmental Control Technician and Supervising Environmental Control Technician. On June 27, 1974 a petition seeking the same amendment was filed by District Council 37, AFSCME, AFL-CIO and its affiliated Local 375.

APPROPRIATE UNIT

Certification No.10-73 covers a unit of non-professional engineering-related, construction and mechanical titles, including Instrument Maker (Radiology). Employees in the titles of Environmental Control Technician, Senior Environmental Control Technician and Supervising Environmental Control Technician have responsibility for the maintenance, installation and operation of electro-mechanical equipment. In addition, they are responsible for the sampling, testing and measurement of air pollution. Accordingly, we find the petitioned titles appropriate for inclusion in this unit. The employer consents to amending the certification by adding these titles (while taking no position as to the description of the representative).

It further appears to the satisfaction of the Board that a majority of the employees in the petitioned titles have demonstrated their desire to be represented by Civil Service Technical Guild, Local 375, District Council 37, AFSCME, AFL-CIO, by having authorized check off of dues in behalf of said organization. Accordingly, we shall grant the requested amendment.

In addition, our investigation shows that the titles certified to Local 375 in 9 NYCDL No.25, as amended by Decision No.57-69 (Air Pollution Laboratory Maintainer and Junior Air Pollution Laboratory Maintainer) have been

reclassified to the new titles of Environmental Control Technician and Senior Environmental Control Technician (see CCSC Resolution No. 73-80) and are presently obsolete and vacant. Accordingly, we shall terminate Certification 9 NYCDL No. 25 (as amended).

#### DESCRIPTION OF CERTIFICATE HOLDER

Certification No. 10-73 (as amended by Decision No. 43-73) was issued to "Civil Service Technical Guild, Local 375, District Council 37, AFSCME, AFL-CIO." It is to the unit dealt with in that certification that the titles covered by the instant decision are to be added. The above-quoted form of description of the unit representative is identical with that used in the May 8, 1974, petition of Local 375; the form used in D.C. 37's June 27, 1974, petition differs in that it seeks an amended certification in the name of "District Council 37, AFSCME, AFL-CIO and its affiliated Local 375." The differences of the two petitions would appear to relate to matters of internal union administration and not to constitute an issue appropriate for resolution by this Board in this proceeding, since there is no dispute over the composition of the bargaining unit or as to the identity of the unit representative and since the number of employees added to the unit in this instance comprise only 1.4% of the total unit. A case in which so few employees are involved is not the proceeding to resolve such internal union differences as may exist.

O R D E R

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

ORDERED that Certification 9 NYCDL No.25 (as amended by Decision No.57-69) be, and the same hereby is, terminated; and it is further

ORDERED that Certification No.10-73 (as previously amended by Decision No.43-73) be, and the same hereby is, further amended to include the titles of Environmental Control Technician, Senior Environmental Control Technician, and Supervising Environmental Control Technician, subject to existing contracts, if any.

DATED: New York, N.Y.  
August 13, 1974

ARVID ANDERSON  
CHAIRMAN

WALTER L. EISENBERG  
MEMBER

ERIC J. SCHMERTZ  
MEMBER

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Decision No. 39-74  
Docket Nos. RU-441-74  
RU-459-74

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

Environmental Control Technician	90971
Senior Environmental Control Technician	90972
Supervising Environmental Control Technician	90973