

L.375, DC37, et. Al v. City, 14 OCB 42 (BOC 1974) [(Decision No. 42-74 (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. 42-74

DOCKET NOS. RU-442-74

-and-

RU-460-74

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. 60-71 (as previously amended) by adding the titles of Air Pollution Control Engineering Trainee, Chemical Engineering Trainee, Civil Engineering Trainee, Electrical Engineering Trainee, Mechanical Engineering Trainee, Architectural Trainee, and Landscape Architectural Trainee. 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. 60-71 covers a unit of various engineering, architectural, and related titles, including the Assistant level of engineer, architect and landscape architect. Employees in the petitioned titles are promoted to the appropriate Assistant level title upon satisfactory completion of one year of training and service in the Trainee title. 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).

As previously indicated, the May 8, 1974 and June 27, 1974 petitions before the Board in this matter are identical except for the name or description of the unit representative as set forth in each.

In Decision No. 39-74, involving the same parties, the Board stated that "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."

In the instant case the number of employees to be added to the unit comprise only 0.32% of the total unit.

It further appears to, the satisfaction of the Board that a majority of the employees in the unit as amended herein 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.

ORDER

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

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4.

ORDERED that Certification No. 60-31 (as previously amended by Decisions 43-73, 36-73, 6-73 and, 42-72) be, and the same hereby is, further amended to include the titles of Air Pollution Control Engineering Trainee, Chemical Engineering Trainee, Civil Engineering Trainee, Electrical Engineering Trainee, Mechanical Engineering Trainee, Architectural Trainee and Landscape Architectural Trainee, subject to existing, contracts, if any.

DATED: New York, N.Y.

September 9, 1974

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

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The titles and title code numbers of the employees

affected by this decision are as follows:

Civil Engineering Trainee	20201	
Electrical Engineering Trainee	20301	
Mechanical Engineering Trainee	20402	
Chemical Engineering Trainee		20504
Air Pollution Control Engineering Trainee		20604
Architectural Trainee	21204	
Landscape Architectural Trainee	21304	