

City v. DC37, 14 OCB 8 (BOC 1974) [(Decision No. 8-74 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

THE CITY OF NEW YORK

DECISION NO. 8-74

-and-

DOCKET NO. RE-41-73

DISTRICT COUNCIL 37, AFSCME,
AFL-CIO, and/or its affiliated
locals

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DECISION AND ORDER CONSOLIDATING
CERTIFICATIONS

On November 23, 1973, the Office of Labor Relations of the City of New York filed its motion herein, requesting the consolidation of the following certifications held by District Council 37, AFSCME, AFL-CIO, and/or its affiliated locals: Certification No.35-72, covering Playground Assistant, Seasonal Parkman, Seasonal Park Helper and Seasonal Filtration Plant Operator; and Certification No.36-72, covering Life Guard, Life Guard (detailed as Life Guard Lieutenant), and Chief Life Guard.

District Council 37 objects to the consolidation on the ground that the functions of Seasonal park workers are different from those of lifeguards, inasmuch as seasonal park workers are "basically maintenance employees", whereas lifeguards "perform lifesaving functions."

The Union further maintains that "there is a significant difference in wages, fringe benefits and other working conditions" between the two groups; the contracts for the two groups terminate on different dates; and "the lifeguard group is vehemently opposed to any such consolidation."

Discussion

Although, as alleged by the Union, there are differences in the functions performed by lifeguards and the other seasonal park workers herein, there are, nonetheless, also strong similarities between the conditions of employment of these two groups of employees. In the first instance, the overwhelming majority of lifeguards are employed on a seasonal basis, as are all the seasonal park workers. The fact that, traditionally, seasonal workers are employed under conditions which differ from those of year-round employees, fosters collective bargaining problems and interests peculiar to such seasonal workers, thus contributing to a community of interest among them. Secondly, both seasonal groups herein are employed by the same department and are currently represented by sister locals of the same parent union. Thirdly, although lifeguards, unlike seasonal park workers, are not primarily concerned with the performance of maintenance functions, they are, nonetheless, responsible

for the performance of some maintenance tasks when they are employed at the City's swimming pools.

The Board concludes from the foregoing that, for the purpose of determining the appropriate bargaining unit, the similarities of their common seasonal status and union representation logically require the certifications to be combined into a single unit. The significance of the differences in job duties can be fully and adequately dealt with in collective bargaining.

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 Certifications 35-72 and 36-72 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, AFSCE, AFL-CIO, and/or its affiliated locals is the exclusive representative for the purposes of collective bargaining of all employees in the consolidated unit, to wit: Playground Assistants, Seasonal Parkmen, Seasonal Park Helpers, Seasonal Filtration Plant Operators, Life Guards (including those detailed as Life Guard Lieutenants, and Chief Life Guards, 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.

February 4, 1974

ARVID ANDERSON
CHAIRMAN

WALTER L EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

Decision No 8-74
Docket No RE-41-73

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

Playground Assistant	60405
Seasonal Park Helper	81301
Seasonal Parkman	81302
Seasonal Filtration Plant Operator	91005
Life Guard	71205
Chief Life Guard	71210