

CEU, et. Al v. City, 16 OCB 12 (BOC 1975) [Decision No. 12-75 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

CITY EMPLOYEES UNION, LOCAL 237,
I.B.T,

-and-

CIVIL SERVICE FORUM, LOCAL 300,
SEIU, AFL-CIO

DECISION NO. 12-75

DOCKET NO. RU-487-74

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

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DECISION AND ORDER

On December 5, 1974, City Employees Union, Local 237, I.B.T., filed its petition herein, requesting that the titles of Purchase Inspector (including specialties), Senior Purchase Inspector (including specialties), and Principal Purchase Inspector be added to its Certification No. 9-74 (as amended by Decisions 32-74 and 73-74), presently covering various commercial activities inspectors and related titles.

Local 300, the certified representative of the petitioned titles, has applied to intervene herein, stating, inter alia, that Petitioner "may have failed to procure 30% of the signatures" of the petitioned employees. Petitioner, in fact, has not submitted any showing of interest among the

petitioned employees. Allied Building Inspectors, Local Union No.211, IOUE, AFL-CIO, has also applied to intervene herein but has not submitted any showing of interest among the petitioned employees (even after this omission was pointed out). As we are dismissing the petition herein, we need not pass on these applications to intervene.

The Office of Labor Relations recommends that this petition be denied on various grounds, including contract bar. Rule 2.7 of the Consolidated Rules of the Office of Collective Bargaining provides that "A petition for certification ... shall be filed not less than five (5) or more than six (6) months before the expiration date of the contract...". As the contract for the petitioned titles will expire on June 30, 1975, this petition was not timely filed. Accordingly, we shall dismiss the petition.

In this connection, the Board notes that, although Local 300 was, during the latter part of 1974, merged with another local of Service Employees international Union, AFL-CIO, the merger was terminated effective December 18, 1974, and no interruption of its contractual obligations took place.

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 the petition filed herein by City Employees Union, Local 237, I.B.T., be, and the same hereby is, dismissed.

DATED: New York, N.Y.
April 3, 1975

ARVID ANDERSON
CHAIRMAN

ERIC J. SCHMERTZ
MEMBER

WALTER L. EISENBERG
MEMBER