

CEU, et. Al v. City, 16 OCB 13 (BOC 1975) [Decision No. 13-75 (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. 13-75

DOCKET NOS. RU-488-74
RU-500-75

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

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DECISION AND DIRECTION
OF ELECTION

City Employees Union, Local 237, I.B.T., filed two petitions in this matter, one (RU-500-75) timely and accompanied by an appropriate showing of interest, and another (RU-488-74) which was not timely filed. Both requested certification as the collective bargaining representative of a unit consisting of Junior Building Custodians, Assistant Building Custodians, Building Custodians, Senior Building Custodians, and Supervisors of Building Custodians.

Civil Service Forum, which is certified (Decision No. 10-68, as amended by Decision No. 75-68) for the same unit, intervened in timely manner.

We find that the appropriate unit should include not only the employees in the petitioned titles but also the employees who are serving in restored Rule X titles who are serving in positions equated thereto.

The Office of Labor Relations objects to the earlier petition (RU-488-74) on grounds of contract bar, and we hereby dismiss same for that reason, but does not object to the later petition (RU-500-75). Since the unit found appropriate herein is essentially the same as the petitioned unit, we shall direct an election accordingly.

DIRECTION OF ELECTION

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

DIRECTED that an election by secret ballot shall be conducted under the supervision of the Board or its agents, at a time, place, and during hours to be fixed by the Board, among junior Building Custodians, Assistant Building Custodians, Building Custodians, Senior Building Custodians, Supervisors of Building Custodians, and employees in restored Rule X titles serving in positions equated thereto, employed by the City of

New York and related public employers subject to the jurisdiction of the Board of Certification during the payroll period immediately preceding this Direction of Election, other than those employees who have voluntarily quit, retired, or who have been discharged for cause, before the date of the election, to determine whether they desire to be represented for the purposes of collective bargaining by City Employees Union, Local 237, I.B.T; by Civil Service Forum, Local 300, SEIU, AFL-CIO; or by neither.

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

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER