

DC37, et. Al v. City, 16 OCB 25 (BOC 1975)[Decision No. 25-75 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

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

DECISION NO. 25-75

-and-

CIVIL SERVICE TECHNICAL GUILD,
LOCAL 375, AFSCME, AFL-CIO

DOCKET NOS. RU-490-74
RU-494-75

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

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DECISION AND ORDER

On December 19, 1974, District Council 37, AFSCME, AFL-CIO, filed its petition (RU-490-74) herein, pursuant to Rule 2.19, seeking to amend Certification No. 10-73 by substituting the title of Associate Space Analyst for that of Space Analyst. On January 7, 1975, Civil Service Technical Guild, Local 375, AFSCME, AFL-CIO, filed its petition (RU-494-75) herein (later amended), seeking "... to amend Certification No. 10-73 as amended by Decision No. 43-73 ..." by substituting the title of Associate Space Analyst for that of Space Analyst. The latter petition also seeks to accrete Senior Meteorologist to Certification No. 60-71 (as previously amended).

On January 16, 1975, Local 375 applied to intervene in Case RU-490-74, seeking dismissal of that petition on the basis that "Actions related to these certificates may be maintained only by the certified representative, Local 375...".

APPROPRIATE UNIT
AND REPRESENTATIVE STATUS

Certification No. 10-73 (as amended by Decisions 43-73 and 39-74) covers a unit of non-professional engineering-related, construction and mechanical titles, including Space Analyst. Our investigation has confirmed the allegation that this title has been reclassified from Space Analyst to Associate Space Analyst without any change in duties. The employer consents to amending this certification by substituting this title (while taking no position as to the description of the unit representative).

The Board notes that there is no dispute among the parties as to the requested composition of the bargaining unit and that the number of Associate Space Analysts, which is small, is not relevant because the petition is for a title change pursuant to Rule 2.19, and involves the same employees already included in the unit as Space Analysts. As to the question relating to

the certified representative, the Board reaffirms its prior decisions (Nos. 39-74 and 42-74) wherein it 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."

Accordingly, we find that the cited certification should be amended to substitute Associate Space Analyst for Space Analyst.

Certification No. 60-71 (as amended) covers a mixed supervisory and non-supervisory unit of various professional titles, including Chemists, Physicists and Geologists. Accordingly, we find Senior Meteorologist, also a professional title, appropriate for inclusion in this unit. We also find that accretion is the appropriate method of adding this title to the unit because it was established after Certification No. 60-71 was issued and would have been included in that unit if it had been in existence at that time.

The employer has no objection to this amendment.

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 the title of Associate Space Analyst be, and the same hereby is substituted for the title of Space Analyst in Certification No. 10-73 (as previously amended by Decisions 43-73 and 39-74), subject to existing contracts, if any; and it is further

ORDERED that Certification No. 60-71 (as previously amended by Decisions 42-72, 6-73, 36-73, 43-73, 42-74 and 73-74) be, and the same hereby is, further amended to include the title of Senior Meteorologist, subject to existing contracts, if any.

DATED: New York, N.Y.
June 2, 1975

ARVID ANDERSON
CHAIRMAN

ERIC J. SCHMERTZ
MEMBER

WALTER L. EISENBERG
MEMBER

Decision No. 25-75
Docket Nos. RU-490-74
RU-494-75

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

Associate Space Analyst	80183
Senior Meteorologist	21950