

L.375, et. Al v. City, 16 OCB 50 (BOC 1975)[Decision No. 50-75
(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. 50-75

-and-

DOCKET NO. RU-502-75

THE CITY OF NEW YORK

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DECISION AND ORDER

On March 14, 1975, Civil Service Technical Guild, Local 375, District Council 37, AFSCME, AFL-CIO, (herein called Petitioner) filed its petition herein, seeking to add the titles of Monuments Officer and Local Business Center Coordinator to Certification No. 60-71 (as amended by Decisions 42-72, 6-73, 36-73, 43-73, 42-74, 25-75, 31-75 and 40-75), covering various professional engineering, architectural, landscape architectural, scientific and related titles.

Positions of the Parties

The Office of Labor Relations of the City of New York opposes this petition on the ground that "the titles sought to be added share no community of interest with those titles currently covered by Certification No. 60-71." The City adds that "an examination ... of all the specifications involved will reveal that the [petitioned] titles have no

relationship whatsoever to the Engineering/Architectural titles encompassed within the larger unit ... therefore ... a hearing in this matter should be unnecessary. However, in the event that the Board determines that further evidence is required ... the proper procedure for the presentation of such evidence should be via a formal hearing."

Petitioner disputes the City's allegation, pointing out that

"Titles covered by decision #60-71 relate to technical planning design construction, and the like and cover among others, Planners, Architects and Engineers, who develop and supervise technical programs and the design and construction and maintenance of municipal projects."

Petitioner argues that

"The Monuments officer is required to perform work related to the supervision of all phases of monument restoration, design, rehabilitation repair, construction, removal, reconstruction and relocation of over 725 existing memorials. He supervises the preparation of drawings and specifications and the work performed by contractors. His work is akin to the Landscape Architect who is covered by Decision #60-71."

Petitioner also states that the nature of the work of the Local Business Center Coordinator

"necessitates an engineering background. Services of a technical nature are performed in advising tenants as to construction requirements of the Department of Buildings and review work for the Economic Development Administration as to construction requirements to avoid the necessity

of hiring an Architect or Engineer. He intercedes with City Agencies on behalf of business enterprises to show full compliance with construction requirements. The present incumbent is now supervising demolition work in the Brooklyn Navy Yard, advising as to the development of structures to assist business, supervising a study of sewers at the Navy Yard and assisting in the handling of Federal Aid."

Appropriate Unit

Our reading of the official specification for Monuments Officer convinces us that the duties and qualification requirements for this title are most closely related to those of the Monument Restorers and Assistant Monument Restorers in Certification No. 33-72 (as amended by Decision No. 63-73), covering a "parks operation" unit, rather than to any title in any unit I including Certification No. 60-71~certified to Petitioner. The incumbent of the petitioned title is responsible for the training and supervision of the Monument Restorer employees. As this parks unit is certified to District Council 37, AFSCME, rather than the petitioner, we shall deny this portion of the petition.

The remaining petitioned title presents a different aspect. While there is only one Monuments Officer, there are five Local Business Center Coordinators, and Petitioner's description seems to apply to only one of these. In addition, there are two apparently related titles, Assistant Local Business Center Coordinator and Director, Local Business

Center, which might belong in the same unit as the petitioned title. Finally, there is an official specification for Monuments Officer, whereas only a draft specification is available for Local Business Center Coordinator. Accordingly, as part of our investigation, we shall order a hearing on the unit placement of these three Local Business Center titles.

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 so much of Case RU-502-75 as requests that the title of Monuments Officer be added to Certification No. 60-71 (as amended) be, and the same hereby is, denied; and it is further

ORDERED that so much of the instant petition as relates to the title of Local Business Center Coordinator be, and the same hereby is,

severed, and a hearing for the purpose of taking evidence regarding the unit placement of the employees in such title, as well as those in the related titles of Assistant Local Business Center Coordinator and Director, Local Business Center, is hereby directed.

DATED: New York, New York
 October 20, 1975

ARVID ANDERSON
CHAIRMAN

ERIC J. SCHMERTZ
MEMBER

WALTER L. EISENBERG
MEMBER