

L.237, et. Al v. City, 16 OCB 57 (BOC 1975) [Decision No. 57-75  
(Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

LOCAL 237, I.B.T., and its  
affiliate, CIVIL SERVICE BAR  
ASSOCIATION

DECISION NO. 57-75

-and-

DOCKET NOS. RU-526-75  
RU-527-75

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND ORDER

The petitions herein, as amended, seek to add, by accretion, the titles of Assistant Lawyer (CETA), Administrative Attorney, and Administrative Hearing Officer (including specialties), to Certification CWR-44/67 (as amended by Decisions 83-73, 11-74, 69-74 and 1-75) presently covering various attorney and law library titles. The City's Office of Labor Relations does not oppose the petition (RU-526-75) for Assistant Lawyer (CETA) but does oppose the petition (RU-527-75) for the remaining titles on the ground that Administrative Attorney is a managerial title, while that of Administrative Hearing Officer does not exist.

Our investigation shows that the petitioned title of Assistant Lawyer (CETA) is equivalent to the unit title of Assistant Attorney and that the other requirements

for accretion have been met. Accordingly, we shall grant the accretion sought in RU-526-75.

On the other hand, our investigation shows that the "title" of Administrative Hearing Officer (with or without specialties) no longer exists, having been abolished in 1973. It is apparently used as an "office title" for certain Administrative Attorneys.

The title of Administrative Attorney was found "managerial and/or confidential" in our Decision No. 19-75, dated April 21, 1975. Consequently, this portion of RU-527-75 is untimely because Rule 2.20(g) provides that "A determination ... pursuant to this section ... shall preclude a petition to represent the title ... for a period of two (2) years...".

Accordingly, we shall dismiss the petition in RU-527-75.

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 petition RU-5271-75 filed herein by City Employees Union, Local 237, I.B.T., be, and the same hereby is, dismissed; and it is further

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ORDERED that Certification CWR-44/67 (as previously amended) be, and the same hereby is further amended to include the title of Assistant Lawyer (CETA), subject to existing contracts, if any.

DATED: New York, N.Y.  
November 21, 1975

ARVID ANDERSON  
CHAIRMAN

ERIC J. SCHMERTZ  
MEMBER

WALTER L. EISENBERG  
MEMBER

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

Assistant Lawyer (CETA)

03312, 09420