

DC37 v. City, 16 OCB 60 (BOC 1975) [Decision No. 60-75 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME,
AFL-CIO

DECISION NO. 60-75

-and-

DOCKET NO. RU-515-75

THE CITY OF NEW YORK and RELATED
PUBLIC EMPLOYERS

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DECISION AND ORDER

On June 23, 1975, District Council 37, AFSCME, AFL-CIO, filed its petition herein, seeking to amend various certifications by adding Comprehensive Employment and Training Act titles as listed below:

| <u>Certification No. and Unit</u> | <u>Petitioned Title</u> |
|---|---|
| I. 27-70 - College Assistant. | College Counselor (CETA). Remedial Assistant (CETA). |
| II. 60-71 (as amended) - various professional engineering, scientific, and related titles. | Planning Assistant (CETA). |
| III. 10-73 (as amended) - various non-professional construction and engineering - related titles. | Engineering Assistant (CETA). |

Decision No. 46-75 later consolidated these Certifications with others, so that Unit I above is now part of Certification No. 46C-75, and Units II and III above form part of Certification No. 46J-75. (The former is held by District Council 37, AFSCME, AFL-CIO, while the latter is held by Civil Service Technical Guild, Local 375, D.C. 37, AFSCME, AFL-CIO.)

INTERVENTION

Professional Staff Congress/City University of New York has applied to intervene herein in relation to College Counselor (CETA) and Remedial Assistant (CETA), stating that it "is certified by the Public Employment Relations Board to represent a unit consisting of full and part-time employees of the City University of New York in the various titles related to instruction and the support of instruction including those who perform counseling functions. It is our position that the granting of the petition made by District Council 37, AFSCME, AFL-CIO, may infringe upon our-unit and if such is the case, said petition should be denied."

Since this intervention raises questions requiring further investigation, we shall sever this portion of the petition in order to facilitate such further investigation.

APPROPRIATE UNIT AND REPRESENTATIVE STATUS

The Office of Labor Relations of the City of New York does not object to any portion of this petition except that it opposes certification for Planning Assistant (CETA) on the ground that "there are no incumbents.... ..and that the title has been deleted from the CETA program." Our investigation confirms this. Accordingly, we shall deny this portion of the petition.

It appears to the satisfaction of the Board that the title of Engineering Assistant (CETA) should be added to Certification No. 46J-75 (as amended by Decision No. 47-75), and that a majority of the employees in such unit, as amended herein, have demonstrated their desire to be represented by Civil Service Technical Guild, Local 375, DC-37, AFSCME, AFL-CIO, by having authorized check-off of dues in behalf of said organization. Accordingly, we shall grant this portion of the petition.

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 the instant petition as relates to the titles of College Counselor (CETA) and Remedial Assistant (CETA) be, and the same hereby is, severed for the purpose of further investigation; and it is further

ORDERED that so much of Case RU-515-75 as requests that the title of Planning Assistant (CETA) be added to Certification No. 60-71 (as amended) be, and the same hereby is, denied; and it is further

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ORDERED that Certification No. 46J-75 (as previously amended by Decision No. 47-75) be, and the same hereby is, further amended to include the title of Engineering Assistant (CETA), subject to existing contracts, if any.

DATED: New York, New York
December 10, 1975

ARVID ANDERSON
Chairman

WALTER L. EISENBERG
Member

ERIC J. SCHMERTZ
Member

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

Engineering Assistant (CETA)

09407