

DC37 v. SSEU, L.371, DC37, City, 18 OCB 51 (BOC 1976) [Decision No. 51-76 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME,
AFL-CIO,

DECISION NO. 51-76

Petitioner

DOCKET NO. RU-573-76

-and-

SOCIAL SERVICE EMPLOYEES UNION,
LOCAL 371, D.C. 37, AFSCME,
AFL-CIO,

Intervenor

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

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DECISION AND ORDER

On June 25, 1976, District Council 37, AFSCME, AFL-CIO (herein called Petitioner) filed its petition herein, seeking to add the title of Day Care Eligibility Worker (herein DCEW) to Certification No. 46C-75 (as amended), presently covering various clerical and related titles. On August 16, 1976, Social Service Employees Union, Local 371, D.C. 37, AFSCME, AFL-CIO (herein called Intervenor) filed an application to intervene herein, on the ground that the petitioned titles should be added to Certification No. 46A-75 (as amended), covering various social service and related titles. Petitioner then amended its petition so as "to remain neutral in this matter" and to request that the petitioned title be added to either of the foregoing units, "whichever the Board deems appropriate."

The Office of Labor Relations of the City of New York takes the position that the clerical unit "is inappropriate for a title whose duties indicate a community of interest" with those in Certification No. 46A-75. "This latter unit ... encompasses other Day Care and Social Services titles with whom incumbents in the petitioned-for title have substantial professional relationships." The Human Resources Administrator supports this position.

INTERVENTION

Local 371 urges that the petitioned title be added to "the social service employees bargaining unit," based on the "close and distinct community of interest with the social service employees." In support of its position, Intervenor states that "Day Care Eligibility Workers will work with and be supervised by employees in the Human Resources and Caseworker lines ... [and] will be financed with Title XX funds. Such funds are to be utilized to provide social service rather than clerical functions." Intervenor also contends that the requirement that DCEW's make field visits renders them more similar to social service employees rather than "clerical employees who have sedentary job assignments."

Finally, Intervenor points out that the experience requirements for DCEW's ("day care, community relations,

social work, child welfare, health, social or education action") are more similar to those of social service titles than to those of the clerical unit title to which Petitioner had compared DCEW, Supervising Clerk (Income Maintenance) ("bookkeeping, clerical experience, validation of invoices and vouchers and preparation of statistical data and reports").

We find that, although there is some similarity between the duties of the petitioned title and those of, certain clerical employees in the Human Resources Administration, the preponderance of the evidence supports its placement in the social services unit. Our order herein so provides.

O R D E R

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

ORDERED that the application by Social Service Employees Union, Local 371, D.C. 37, AFSCME, AFL-CIO, to intervene herein be, and the same hereby is, granted; and it is further

ORDERED that Certification No. 46A-75 (as previously amended by Decisions 47-75, 7-76, 28-76, 32-76, 36-76 and 46-76) be, and the same hereby is further amended to include the

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title of Day Care Eligibility Worker, subject to existing contracts, if any.

DATED: New York, N.Y.
November 30, 1976

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:

Day Care Eligibility Worker	09551
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