

City, et. Al v. L.375, et. Al, 18 OCB 53 (BOC 1976) [Decision No. 53-76 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

CITY OF NEW YORK,

DECISION NO. 53-76

Petitioner

DOCKET NO. RE-241-72

-and-

CIVIL SERVICE TECHNICAL GUILD,
LOCAL 375, DISTRICT COUNCIL 37,
AFSCME, AFL-CIO

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In the Matter of

CIVIL SERVICE TECHNICAL GUILD,
LOCAL 375, DISTRICT COUNCIL 37,
AFSCME, AFL-CIO

DOCKET NOS. RU-531-75
RU-561C-76

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

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DECISION AND ORDER

On October 2, 1975, Civil Service Technical Guild, Local 375, District Council 37, AFSCME, AFL-CIO, filed its petition herein, seeking to add the title of Assistant Project Manager to Certification No. 60-71 (as amended), covering various engineering, scientific, and related titles. Decision No. 46-75 later consolidated this unit with others to form Certification No. 46J-75.

The City's Office of Labor Relations had originally opposed this petition on the ground that the petitioned title was "managerial" and "inappropriate" to accrete to requested unit. In Decision No. 47-76 the Board consolidated this case with cases RU-561C-76 and RE-241-72, concerning the closely related titles of Project Manager and Senior Project Manager, for hearing on the disputed issues.

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Effective October 1, 1976, the New York City Health and Hospitals Corporation deleted Assistant Project Manager from its Corporate Plan of Titles, the title having become vacant in that agency. Thereupon, the City's Office of Labor Relations changed its position because "...there is only one incumbent... in the ... title [and it] does not appear that the duties of this incumbent are managerial within the meaning of the Administrative Code. Accordingly, the City...withdraws its objection to the Petition...."

As there is no longer any dispute, and it appears to the satisfaction of the Board that the requested unit is appropriate, and a majority of the employees in the unit as amended herein have demonstrated their desire to be represented by Petitioner by having authorized check-off of dues in behalf of said organization, we shall sever the previously consolidated cases and grant the instant 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 Case No. RU-531-75 be, and the same hereby is, severed from Cases RU-561C-76 and RE-241-72, and that a hearing be scheduled on the issues of managerial/confidential status and unit placement of the titles of Project Manager and Senior Project Manager; and it is further

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ORDERED that Certification No. 46J-75 (as previously amended by Decisions 47-75, 60-75, 61-75, 5-76, 31-76, 37-76, 41-76 and 49-76) be, and the same hereby is further amended to include the title of Assistant Project Manager, 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 employee affected by this decision are as follows:

Assistant Project Manager 22502