

L.300, SEIU, et. Al v. L.237, L.832, IBT, 18 OCB 58 (BOC 1976)
[Decision No. 58-76 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

CIVIL SERVICE FORUM, LOCAL 300,
SEIU, AFL-CIO

DECISION NO. 58-76

-and-

DOCKET NO. RU-586-76

LOCAL 733, SEIU, AFL-CIO

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

-and-

LOCALS 237 and 832, I.B.T.

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DECISION AND ORDER CONSOLIDATING
CERTIFICATIONS

On December 6, 1976, Civil Service Forum, Local 300, SEIU, AFL-CIO, filed a petition requesting the consolidation into the indicated groupings of eleven separate units (all now represented by Civil Service Forum, except as shown otherwise):

1. Certification MR-12/65 Unit I
 Senior Mortuary Caretaker and
 Principal Mortuary Caretaker
2. Certification No. 1-74
 various levels of Fingerprint Technicians
 and Identification Officers (and restored Rule X
 equivalent)
3. Certification No. 72-73
 Aqueduct Patrolman,
 Aqueduct Sergeant, and
 Aqueduct Captain

Local 300 also proposes the possible inclusion,
either in this Unit or in "Unit II" (below) of
Certification CWR-97/67, covering Laboratory Helpers. #

See footnote on next page.

Unit II

1. Certification CWR-112/67
Window Cleaner
2. Certification CWR-82/67 (held by
Local 733, SEIU, AFL-CIO)
Elevator Starter
3. Certification CWR-11/67 (held by
Local 733, SEIU, AFL-CIO)
Senior Custodial Assistant[#]

Local 300 also proposes the possible inclusion, either in this Unit or in "Unit I" (above) of Certification CWR-97/67, covering Laboratory Helpers.[#] In addition, Local 300 proposes the possible inclusion, either in this Unit or in "Unit III", (below) of Certification No. 29-73, covering Bookbinder, Bookbinder's Seamstress, and Supervising Bookbinder.

Unit III

1. Certification No. 68-72 (as amended by
Decisions 47-73 and 43-76)
various levels of Buyers and Purchase
Inspectors (including specialties),
Furniture Specifications Writer,
Salvage Appraiser, and related titles
(and restored Rule X equivalents)
2. Certification No. 28-73
Auditor of Printing and various levels
of Auditors of Accounts (and restored
Rule X equivalents)
3. Certification 8 NYCDL No. 67
Satisfaction Clerk
Senior Satisfaction Clerk, and
Mortgage Tax Examiner

Local 300 also proposes the possible inclusion, either in this unit or in "Unit II" (above) of Certification No. 29-73, covering Bookbinder, Bookbinder's Seamstress, and Supervising Bookbinder.

Finally, Local 300 proposes an alternative unit

Certifications CWR-97/67 and CWR-11/67 cover the respective predecessor titles of Laboratory Helper (Men), Laboratory Helper (Women), and Senior Cleaner (Women).

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which would combine all of the foregoing certifications
into one unit.

Positions of the Parties

As shown above, Local 300's position is somewhat flexible. Local 733, concerned only with "Unit II", prefers such a unit to include only Window Cleaners, Elevator Starters, and Senior Custodial Assistants. While Local 733 would also consent to the inclusion of the three bookbinding titles, it is opposed to the inclusion of Laboratory Helpers in this unit. Local 733 conditions its consent on the following:

"that each of the respective Locals ... maintain and keep their respective membership, dues check-off rights, welfare funds, autonomy and independence and that the consolidated Certification be issued as a Co-Certification to Locals 733 and 300 SEIU, AFL-CIO."

Since this is the usual understanding in all joint certifications, this is harmonious with the Board's Order herein.

The Office of Labor Relations of the City of New York recommends that all of the foregoing units be consolidated into one unit. We find that three consolidated units would be more consistent with our recent decisions in such matters.¹ Our Order herein will so provide.

Intervention

Locals 237 and 832, I.B.T., have applied to intervene herein, objecting to the requested consolidation on the

See especially Matter of District Council 37, AFSCME, AFL-CIO, and its affiliated locals (Decision No. 46-75) and Matter of City Employees Union, Local 237, I.B.T., et al. (Decision No. 62-75).

following groups:

[1] Since this appears to be a merging of two local unions, the international union (Service Employees International Union) should be the moving party and not a local union.... the employees affected by this petition should be notified and be given an opportunity to vote their preference.

[2] ... some of the units that Local 300 seeks to consolidate, or put into one unit, should be consolidated into existing units or consolidated units. For example, Aqueduct Patrolmen share a great mutuality of interest with Special Officers and should be in a unit with them.

The Board should hold hearings to determine which units right be most appropriately consolidated or merged.

Intervenors' first point appears to be based upon a misconstruction of the intent of the instant petition. What is sought is not a merger of two local unions but only a consolidation of various bargaining units. Moreover, two of the three consolidated units will be represented by Local 300, alone.

As to Intervenors' second objection, the Board has previously decided² as follows:

" . . a party having a bona fide interest in a proposed consolidated unit, or a segment thereof, should intervene during the pendency of the consolidation proceeding to set forth

Matter of Local 1199 (Decision No. 33-74, reaffirmed by Decision No. 50-74; also cited in Decision No. 50-76).

its unit views. Such intervention will be limited solely to challenging the appropriateness of the unit, unless otherwise timely under Rule 2.7, Contract Bar."

As intervenors have not indicated an interest in any unit other than that of the three aqueduct police titles ("I-3," above), and a challenge thereto is not timely under Rule 2.7, we shall exclude that unit from the consolidation ordered herein, and shall direct a hearing on the sole question of its proper unit placement.

Appropriate Units

Based upon the views of all of the parties and our own analysis, we find that the most logical groupings are (A) a mortuary - laboratory unit, consisting of the titles of Senior Mortuary Caretaker, Principal Mortuary Caretaker, and Laboratory Helper; (B) a custodial unit, consisting of the titles of Window Cleaner, Elevator Starter, and Senior Custodial Assistant; and (C) a residual unit, consisting of all of the remaining petitioned titles, with the exception of the three disputed aqueduct police titles. ("Unit C" contains all other titles for which Local 300 or Local 733 are certified, with the exceptions of the aqueduct police titles and titles in another unit which would not be appropriate for inclusion herein because those titles are subject to Section 220 of the Labor Law.)

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 the application by Locals 237 and 832, I.B.T., to intervene herein be, and the same hereby is, granted; and it is further

ORDERED that so much of the instant case as requests the consolidation of Certification No. 72-73 (covering Aqueduct Patrolman, Aqueduct Sergeant, and Aqueduct Captain) with any of the units herein be, and the same hereby is, severed and docketed as RU-586B-76, and that a hearing be scheduled on the sole issue of the proper unit placement of these titles; and it is further

ORDERED that all Certifications heretofore issued for the titles listed in the Appendix to this Decision and Order shall be terminated and superseded by the following Certifications:

- A. Mortuary and Laboratory
- B. Custodial
- C. Residual.

Units "A" and "C" are to be represented by Civil Service Forum, Local 300, SEIU, AFL-CIO, while Certification "B" is to be held jointly by Locals 300 and 733, SEIU, AFL-CIO. These certifications are subject to existing

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contracts, if any, covering any or all of said employees.

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

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

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APPENDIX

Unit A - Mortuary and Laboratory
replaces the following:

Certification MR-12/65

Senior Mortuary Caretaker (52035)
Principal Mortuary Caretaker (52065)

Certification CWR-97/67

Laboratory Helper (82107)

Unit B - Custodial
replaces the following:

Certification CWR-112/67

Window Cleaner (90749)

Certification CWR-82/67

Elevator Starter (80935)

Certification CWR-11/67

Senior Custodial Assistant (82016)

Unit C - Residual
replaces the following

Certification No. 1-74

Identification Officer (08540)
Senior Identification Officer (08545)
Principal Identification Officer (08550)
Fingerprint Technician Trainee (71105)
Fingerprint Technician (71110)
Senior Fingerprint Technician (71135)
Principal Fingerprint Technician (71165)
and restored Rule X equivalent

Certification No. 68-72 (as amended by
Decisions 47-73 and 43-76)

Assistant Buyer (12110)
Assistant Purchase Analyst (CETA) (09401)
Buyer (including specialties) (12125ff)
Furniture Specifications Writer (12134)
Principal Purchase Inspector (03944)
Procurement and Materials Analyst

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(Unit C - Residual - cont'd.)

Procurement and Materials Specialist	(03942)
Purchase Inspector (including specialties)	(34115ff)
Salvage Appraiser	(12175)
Senior Buyer (including specialties)	(12140ff)
Senior Purchase Inspector (including specialties)	(34135ff)
Specification Analyst	(03943)
Supervising Buyer and restored Rule X equivalents	(12154)

Certification No. 28-73

Auditor of Printing	(12135)
Auditor of Accounts	(40810)
Senior Auditor of Accounts	(40815)
Supervising Auditor of Accounts and restored Rule X equivalents	(40820)

Certification No. 29-73

Bookbinder	(92105,08127)
Bookbinder's Seamstress	(92106)
Supervising Bookbinder	(92170,08128)

Certification 8 NYCDL No. 67

Satisfaction Clerk	(30405)
Senior Satisfaction Clerk	(30410)
Mortgage Tax Examiner	(30505,08135)