

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

LOCAL 461, D.C. 37, A.F.S.C.M.E.,
AFL-CIO

DOCKET NO. R-186-66

-and-

DECISION NO. 23-68

NEW YORK CITY DEPARTMENT OF PARKS

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DECISION AND ORDER

On November 23, 1966, Local 461, District Council 37, A.F.S.C.M.E., AFL-CIO, filed a petition with the New York City Department of Labor for certification as the collective bargaining representative of the Chief Life Guards employed in the Department of Parks. The proceeding was transferred to the Board of Certification pursuant to Rule 13.13 of the Consolidated Rules of the Office of Collective Bargaining.

In 1958, the Department of Labor certified District Council 37 as the collective bargaining representative of (a) a unit of non-supervisory Parks Department employees including life guards, and (b) a unit of supervisory Parks Department employees including life guards (detailed as life guard lieutenants).

Personnel Order No. 48/66, dated October 28, 1966, and approved by the Mayor on November 9, 1966, sets forth salary rates for life guards, life guards (detailed as life guard lieutenants), and chief life guards, the last being the title here involved. The Personnel Order recites that these rates were determined "as a result of collective bargaining engaged in between the City of New York and the duly chosen majority representative of its employees * * *."

Section 1173-3.01 of the New York City Collective Bargaining Law, defines the term "certified employee organization" as including a public employee organization:

"(3) recognized by a municipal agency
* * * as such exclusive bargaining representative prior to the effective date of this chapter unless such recognition has been or is revoked* * *."

No claim or contention has been made that such recognition was revoked. Thus, at the time the petition was filed, and on the effective date of the statute, District Council 37 was the recognized collective bargaining representative

of the title here involved, and, by virtue of §1173-3.01, is the "certified" representative thereof.

Accordingly, we shall dismiss the petition herein.

O R D E R

By virtue of the power vested in the Board of Certification by the New York City Collective Bargaining Law, it is hereby

O R D E R E D, that the petition herein be, and the same hereby is, dismissed.

DATED: New York, N.Y.

June 11 , 1968

ARVID ANDERSON
C h a i r m a n

ERIC J. SCHMERTZ
M e m b e r

SAUL WALLEN
M e m b e r