

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

LOCAL 154, DISTRICT COUNCIL 37, A.F.S.C.M.E.,  
AFL-CIO

DOCKET NO. R-50-67

-and-

DECISION NO. 35-68

THE CITY OF NEW YORK

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DECISION, ORDER AND CERTIFICATION

Local 154, District Council 37, A.F.S.C.M.E., AFL-CIO, herein called Petitioner, filed its petition herein with the New York City Department of Labor on March 14, 1966.

This proceeding was transferred to the Board of Certification pursuant to Rule 13.13 of the Consolidated Rules of the Office of Collective Bargaining.

Upon consideration of the investigation made by the Department of Labor, and of its own investigation, and after due deliberation, the Board of Certification renders the following decision:

I. Undisputed Matters

It was undisputed, and we find and conclude, that Petitioner is a public employee organization in fact and within the meaning of the New York City Collective Bargaining Law.

II. The Appropriate Unit

The unit of employees sought by Petitioner consists of the titles Senior Consultant (Mental Health Standards and Services), Senior Consultant (Psychiatric Nursing), and Assistant Chief Consultant (Mental Health Standards and Services).

The City contends that Mental Health Education Specialists should be included in the appropriate bargaining unit, and that the Assistant Chief Consultant (MHSS), should be excluded therefrom because of his managerial functions.

The employees here concerned are employed by the Community Mental Health Board, and all render consultant and informational services to agencies and voluntary groups providing mental health services.

The qualifications for each of the titles require a master's degree and years of experience in psychiatric or psychological mental health or social work, or satisfactory equivalents.

We find no merit in the City's contention that Senior Consultants (Psychiatric Nursing) should be placed in the same unit or units with other registered nurses. Although Senior Consultants (Psychiatric Nursing), are required to be registered professional nurses, the additional educational and experience requirements, and the consultative and administrative nature of their services (as distinguished from patient care), clearly differentiate them from other registered nurses in both skills and interests.

The Senior Consultants (MHSS), Mental Health Education Specialists, and Senior Consultants (Psychiatric Nursing) are a readily identifiable and homogeneous group, with related skills, educational qualifications and interests, working in the field of mental health. Accordingly, we find that they constitute a unit appropriate for the purposes of collective bargaining, in fact, and within the meaning of the New York City Collective Bargaining Law.

We shall sever so much of the petition as relates to the title of Assistant Chief Consultant (MHSS), and reserve decision on the unit placement thereof, pending determination of the City's contention concerning the alleged managerial status of that position.

### III. Representative Status

A majority of the incumbents in the appropriate bargaining unit described above, have authorized dues check-off deductions in behalf of Petitioner. Accordingly, we find and conclude that Petitioner has been designated and selected by a majority of the employees in said unit as their representatives for the purposes of collective bargaining.

ORDER AND CERTIFICATION

By virtue of and pursuant to the authority 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 so much of the proceeding as relates to a question or controversy concerning the representation for the purposes of collective bargaining of Assistant Chief Consultant (MHSS), be, and the same hereby is, severed, and it is hereby

C E R T I F I E D, that Local 154, District Council 37, A.F.S.C.M.E., AFL-CIO, is the exclusive representative for the purposes of collective bargaining of all Senior Consultants (MHSS), Senior Consultants (Psychiatric Nursing) and Mental Health Education Specialists employed by the City of New York.

DATED: New York, N.Y.

June 26, 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