

CEU, L.237, IBT v. FDNY, 2 OCB 4 (BOC 1968) [Decision No. 4-68 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of the Petition of

CITY EMPLOYEES UNION, LOCAL 237,
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS

Docket No. R-20-67

-and-

Decision No. 4-68

NEW YORK CITY FIRE DEPARTMENT

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DECISION AND ORDER

City Employees Union, Local 237, I. B. T., herein called Petitioner, filed its petition herein with the New York City Department of Labor, pursuant to Executive Order No. 49, on March 1, 1967,

Pursuant to Rule 13.13 of the Consolidated Rules of the Office of Collective Bargaining, this proceeding was transferred to the Board of Certification, effective January 2, 1968.

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

I. Undisputed Matters

It is undisputed, and we find and conclude, that, in fact and within the meaning of the New York City Collective Bargaining Law, Petitioner is a public employee organization; and that a question or controversy concerning representation exists.

II. The Appropriate Unit

Petitioner requests certification as the exclusive collective bargaining representative of a unit consisting of the Batterymen in the Fire Department.

On January 21, 1964, District No. 15, International Association of Machinists, AFL-CIO, was certified by the Department of Labor as the exclusive representative for the purposes of collective bargaining of all Machinists, Machinists Helpers, Auto Machinists, Auto Mechanics, Auto Mechanics (Diesel) and Batterymen employed in

the Fire Department, (C-6-4). Previously, on April 1, 1963, the Department of Labor had found a similar automotive unit in the Department of Sanitation to be appropriate and certified Local 246, B.S.E.I.U., AFL-CIO, as the exclusive bargaining representative thereof. (C-5-30).

The above-mentioned titles constitute the automotive trades personnel employed by such departments. Their work consists mainly of servicing, repairing, and overhauling vehicles and other equipment. Batteryman work with the other automotive employees maintaining and repairing the storage batteries used in such vehicles.

In view of the history of collective bargaining in automotive units, and as the duties, working conditions and interests of the batteryman are substantially similar to those of the other automotive personnel, we find that it would not effectuate the purposes of the statute to sever the title of Batteryman and fragmentize the established unit. Accordingly, we shall dismiss the petition.

O R D E R

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

ORDERED, that the petition filed herein, on March 1, 1967, by the Petitioner, be, and the same hereby is, dismissed,

DATED: New York, N.Y.

March 4, 1968.

ARVID ANDERSON
C h a i r m a n

ERIC SCHMERTZ
M e m b e r

SAUL WALLEN
M e m b e r