

Mun. Ass. of Elec. Data Process. Per. V. City, 2 OCB 40 (BOC 1968)  
[Decision No. 40-68 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

----- x

In the Matter of

MUNICIPAL ASSOCIATION OF ELECTRONIC  
DATA PROCESSING PERSONNEL

Docket No. R-80-67

-and-

Decision No. 40-68

THE CITY OF NEW YORK

----- x

DECISION AND CERTIFICATION

Municipal Association of Electronic Data Processing Personnel, herein called Petitioner, filed its petition herein with the New York City Department of Labor on September 12, 1967. 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 issues 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 employees in the title of Supervising Computer operator are skilled supervisory employees, constituting a readily identifiable and homogeneous group with common interests.

The City contends that these employees should be placed in a combined unit with non-supervisory computer operators. However, Section 1173-3.01 of the New York City Collective Bargaining Law (NYCCBL), expressly provides that "Supervisory . . . employees shall not be included in the same bargaining unit as non-supervisory . . . employees without the consent of a vote of a majority of the . . . supervisory employees involved." As the supervisory

employees here have petitioned for a separate bargaining unit, we find no merit in the City's contention.

Accordingly, we find and conclude that Supervising Computer Operators constitute a unit appropriate for the purposes of collective bargaining in fact and within the meaning of the New York City Collective Bargaining Law.

### III. Representative Status

Our investigation discloses that a majority of the employees in the appropriate unit have authorized dues check-off in behalf of Petitioner. We find and conclude that Petitioner has been designated and selected by a majority of the employees in the appropriate bargaining unit as their representative for the purposes of collective bargaining.

### CERTIFICATION

Pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, it is hereby

CERTIFIED, that Municipal Association of Electronic Data Processing Personnel is the exclusive representative for the purposes of collective bargaining of all Supervising Computer Operators employed by the City of New York.

DATED: New York, N.Y.

July 15, 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