

Sup. Surr. Court Att. Ass. v. Jud. Confer., 2 OCB 41 (BOC 1968) [Decision No. 41-68 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

SUPREME SURROGATE'S COURT
ATTACHES ASSOCIATION

DOCKET NO. R-187-66

DECISION NO. 41-68

-and-

THE JUDICIAL CONFERENCE OF THE STATE
OF NEW YORK

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DECISION AND ORDER

Supreme and Surrogate's Court Attaches Association, herein called Petitioner, filed its petition with the New York City Department of Labor on December 6, 1966. Pursuant to Rule 13.13 of the Consolidated Rules of the Office of Collective Bargaining, this proceeding was transferred to the Board of Certification.

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 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 a question or controversy concerning representation exists.

II. The Appropriate Unit

Petitioner requests certification as the exclusive bargaining representative of a unit consisting of various employees of the New York City Unified Court System in thirty-six different titles. Some of the title are unique to the Unified Court System whereas others are city-wide titles. Combination of unique and non-unique titles in a single unit is not permissible under the executive order which makes §1173-5.0b of the New York City Collective Bargaining Law applicable to non-judicial employees of the Unified Court System. The unit sought also includes both supervisory and non-supervisory, and professional and non-professional titles (cf. N.Y.C.C.B.L. §1173-3.01).

The requested unit, moreover, would combine titles which lack the similarity of duties and skills, and the mutuality of interests, which are key factors in unit determination and placement. Nor does it constitute a proper residual unit, since there are over fifty additional titles not presently included in any appropriate bargaining unit.

O R D E R

Pursuant to 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.

July 15, 1968

ARVID ANDERSON
CHAIRMAN

ERIC SCHMERTZ
MEMBER

SAUL WALLEN
MEMBER