

L.300, SEIU, et. Al v. City, 2 OCB 43 (BOC 1968) [Decision No. 43-68 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

CIVIL SERVICE FORUM, LOCAL 300,  
B.S.E.I.U., AFL-CIO

Docket No. RU-35-68

-and-

Decision No. 43-68

THE CITY OF NEW YORK

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DECISION AND CERTIFICATION

The petition herein seeks certification as the collective bargaining representative of employees in the titles of Senior Shelter Inspector (Civil Defense) and Supervising Shelter Inspector (Civil Defense) employed in the Department of Public Works of the City of New York. Since all employees in those titles are employed in the Department this petition has been treated as a request for a City-wide certification.

Upon consideration of its 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 titles of Senior Shelter Inspector (Civil Defense) and Supervising Shelter Inspector (Civil Defense) are skilled supervisory employees, constituting a reality, identifiable and homogeneous groups with common interests.

The City contends that these employees should be placed in a combined unit with non-supervisory Shelter Inspectors (Civil Defense). However, Section 1173-3.01 of the New York City Collective Bargaining Law (N.Y.C.C.B.L.) 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 Senior Shelter Inspectors (Civil Defense) and Supervising Shelter Inspectors (Civil Defense) 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 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 Civil Service Forum, Local 300, B.S.E.I.U., AFL-CIO, is the exclusive representative for the purposes of collective bargaining of all Senior Shelter Inspectors (Civil Defense) and Supervising Shelter Inspectors (Civil Defense) 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

Saul Wallen  
M e m b e r

Eric J. Schmertz  
M e m b e r