

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

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

DOCKET NO. R-82-67

DECISION NO. 44-68

-and-

THE CITY OF NEW YORK

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DECISION AND AMENDMENT OF CERTIFICATION

On October 3, 1967, District Council 37, A.F.S.C.M.E., AFL-CIO, filed its petition herein with the New York City Department of Labor. The 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 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 Petitioner is a public employee organization in fact and within the meaning of the New York City Collective Bargaining.

II. The Appropriate Unit

Petitioner claims to represent the Hospital Clerks employed in Department of Hospitals, and requests that said title be added to the City-wide unit of non-supervisory clerical and related titles for which Petitioner is the certified collective bargaining representative (CWR No. 52-67). The City has interposed no objection, and no other union has sought to intervene herein.

Under Mayor Wagner's Executive Order 49, (1958), organization of City employees for collective bargaining began with the certification of representatives of departmental units.¹

¹ Departmental units are defined in Mayor Lindsay's Executive Order 40 (1967) as any unit less than City-wide. The typical departmental unit, however, is limited to a group of employees in a single department or agency.

Because of the necessity for uniformity in any title (class of positions) common to departments throughout the City's personnel structure, the authority of departmental representatives was substantially restricted. Except for titles unique to a particular department, their primary function was the processing of employee grievances. As organization progressed, unions representing departmental units which, in the aggregate, included a majority of the employees in a City-wide title were certified as the exclusive representative of all employees in the title. The scope of collective bargaining thus was expanded to include wages and other terms and conditions of employment which are applicable to that title only.²

Although the certification of representatives of hundreds of City-wide titles brought major terms and conditions of employment to the bargaining table, the multiplicity of separate units resulted in delays in the negotiation of agreements. In many instances, tacit or express consent negotiations were conducted covering a number of related City-wide titles represented by the same union, and the agreement reached was incorporated in a single contract or Personnel Order (see, e.g. I.P.O.67/1, 67/18, 67/35, 68/18).

In the summer of 1967, the Department of Labor began consolidating and combining titles into City-wide units of occupationally related titles. In our opinion, such a policy based upon mutuality of interest among occupationally related titles, the history of collective bargaining and other factors is essential to the effectuation of the purposes and policies of the Statute and the proper functioning of the collective bargaining process, and should be applied wherever it is possible to do so without severe dislocations or inequities.

Among the units so created in 1967, was one consisting of 45 non-supervisory clerical and related titles, encompassing over 19,000 employees. Petitioner is the certified collective bargaining representative of that unit.

² "New York Employees Relations Program" (1963), pp. 21-24, "Procedure for Joint Collective Bargaining with the Director of the Budget and the Personnel Director Under Executive Order No. 49."

The title here concerned, Hospital Clerk, was created by the Department of Personnel (P.O. 50/67), in the latter part of 1967, and was not included in the non-supervisory clerical unit mentioned above.³ There are about 470 employees in the title, all employed in the Department of Hospitals.

Hospital Clerks, under supervision, perform routine clerical and related work in various municipal hospitals. The title is listed by the Department of Personnel and the City Occupational Group as Clerk, Medical Clerk, and Shop Clerk, all of whom perform clerical work, under supervision, and are included in the non-supervisory clerical unit represented by Petitioner.⁴ The line of promotion is the same for Hospital Clerks, Clerks, and Medical Clerks, and the wage scale for Hospital Clerks is within the range of other titles included in that unit.

It is clear from the foregoing, and we find, that the duties, skills and interests of the Hospital Clerks are closely related and allied to those of the employees in the non-supervisory clerical unit, and that this title properly should be placed in, and accreted to, that unit. Accordingly, we shall amend Certificate CWR No. 52-67 to include the title Hospital Clerk.

AMENDED CERTIFICATION

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

ORDERED, that Certificate CWR No. 52-67 be, same hereby is, amended to include the title Hospital Clerk.

DATED: New York, N.Y.
July 30, 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

³ The Civil Service examination for the position was not given until December, 1967.

⁴ Medical Clerks are employed in the Department for Health, and Shop Clerks in the Department of Water Supply, Gas and Electricity. There are over 5,000 Clerks employed in various departments and agencies throughout the City.