

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of
LOCAL 1189, DISTRICT COUNCIL 37, AFSCME, AFL-CIO

DOCKET NO. 48-68

-and-

DECISION NO. R-109-66

THE JUDICIAL CONFERENCE CF THE STATE OF NEW YORK

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In the Matter of
LOCAL 1189, DISTRICT COUNCIL 37, AFSCME, AFL-CIO

-and-

DECISION NO. R-30-67

THE DEPARTMENT OF HOSPITALS OF THE CITY OF NEW YORK

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DECISION AND ORDER

On May 16, 1966, Local 1189, District Council 37, AFSCME, AFL-CIO, filed a petition with the New York City Department of Labor for certification as the collective bargaining representative of the Psychologists and Senior Psychologists employed by the Judicial Conference; and on April 5, 1967, Local 1189 filed a similar petition on behalf of the Psychologists employed by the Department of Hospitals "on a session basis." The proceedings were transferred to the Board of Certification pursuant to Rule 13.13 of the Consolidated Rules of the Office of Collective Bargaining.

In 1965, Petitioner was certified by the Department of Labor as the City-wide collective bargaining representative of Psychologists and Senior Psychologists employed on a full-time basis. Implementing Personnel Order No. 68/3, dated January 9, 1968, and approved by the Mayor on January 10, 1968, sets forth salary rates for Psychologists and Senior Psychologists, the titles here involved. The Personnel Order recites that these rates were determined "pursuant to the agreement between the City and Local 1189, District Council 37, AFSCME, AFL-CIO, reached on September 11, 1967." The cited Implementing Personnel Order contains provisions for full-time, part-time, and per-session employees in these titles.

Section 1173-3.0 of the New York City Collective Bargaining Law defines the term "certified employee organization" as including a public employee organization:

"(3) recognized by a municipal agency, or certified by the department of labor, as such exclusive bargaining representative prior to the effective date of this chapter unless such recognition has been or is revoked, or such certificate has been or is terminated."

No claim or contention has been made that such recognition was revoked or that such certificate was terminated. Thus, on the effective date of the statute,, District Council 37 was the recognized collective bargaining representative of the employees here involved, and, by virtue of Section 1173-3.0, is the "certified" representative thereof.

Accordingly, we shall dismiss the petitions herein.

O R D E R

By virtue of 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 petitions herein be, and the same hereby are, dismissed.

DATED: New York, N.Y.

July 29, 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