

PBA v. City, 2 OCB 54 (BOC 1968) [Decision No. 54-68 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

PATROLMEN'S BENEVOLENT ASSOCIATION

Docket No. RU-58-68

-and-

Decision No. 54-68

CITY OF NEW YORK

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DECISION AND CERTIFICATION

On July 30, 1968, the Patrolmen's Benevolent Association (PBA) filed a motion and supporting affidavits, requesting the Board of Certification to transfer to the PBA the bargaining certificate previously issued by the New York City Department of Labor to the Policewomen's Endowment Association (PEA).

On August 7, 1968, the office of Labor Relations informed the Board of Certification that the City of New York had no objection to the requested transfer.

Upon consideration of its investigation, and after due deliberation, the Board of Certification issues the following decision:

I. Undisputed Matters

The PBA is a public employee organization in fact and within the meaning of the New York City Collective Bargaining Law.

On April 15, 1963, the New York City Department of Labor certified the PBA as the collective bargaining representative for a unit consisting of the title of Patrolman in the Police Department, excluding those assigned as First, Second and Third Grade Detectives (5 N.Y.C.D.L. No. 48). As this title is found in no other department of the City, the certification consistently has been recognized and treated as a City-wide certification.

On January 27, 1964, the Department of Labor certified the PEA as the collective bargaining representative for a unit consisting of the title of Policewoman, excluding those assigned as First, Second and Third Grade Detectives, in the Police Department (6 N.Y.C.D.L. No. 10). As is true of the title of Patrolman, the title of Policewoman is limited to the Police Department, and this certification, too, has been recognized and treated as a City-wide certification.

On August 22, 1967, at a duly called and properly constituted membership meeting of the PEA, the PEA members present voted unanimously to transfer their organization's bargaining certificate to the PBA.

On March 21, 1968, at a duly called and properly constituted membership meeting of the PBA, a majority of the PBA delegates approved an amendment to the constitution and by-laws of the PBA admitting policewomen to membership in that organization. Thereafter, the vast majority of policewomen executed applications for membership and dues deduction authorization cards in favor of the PBA.

The PEA did not go out of existence on August 22, 1967. As of that date, however, it disclaimed any interest in representing policewomen for collective bargaining purposes and sought to assign these functions to the PBA. The PEA still functions, but primarily as a "social club".

II. Appropriate Unit

Applicants for positions in the titles of Patrolman and Policewoman must satisfy the same age and minimum requirements. Those who are appointed to jobs in these titles have the same span of responsibilities. Thus both patrolmen and policewomen may be called upon:

"To perform general police duties in the various branches of the department; to perform all additional functions prescribed by relevant laws, rules and procedures, orders or directives of the Police Department; and to perform special duties or assignments as directed by the Police Commissioner in his discretion."

The community of interest between the two titles is further demonstrated by the terms of employment of these jobs. For example, the salary . ranges, promotional opportunities, and such fringe benefits as uniform allowances, paid holidays, security benefits, and health and hospital insurance are identical for both titles.

In sum, it is clear that the skills and responsibilities of the Patrolman are sufficiently related to those of the Policewoman to warrant the placement of both titles in the same bargaining unit. Accordingly, we find and conclude that the titles Patrolman and Policewoman (excluding those assigned as First, Second & Third Grade Detectives) constitute a unit appropriate for the purposes of collective bargaining.

II. Representative Status

As noted above, the PBA presently is the certified and recognized collective bargaining representative of the title of Patrolman on a City-wide basis. our investigation discloses that a majority of the employees in the title of Policewoman have authorized dues checkoff in behalf of the PBA. Therefore, in view of the PEA's disclaimer of interest in continuing to represent the Policewomen, and the fact that a majority of the Policewomen have become members of the PBA, we find and conclude that the PBA has been designated and selected by a majority of the employees as their collective bargaining representative in the unit found appropriate above. Accordingly, we shall certify the PBA as the representative of these employees for the purposes of collective bargaining.

CERTIFICATION

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

CERTIFIED, that the Patrolmen's Benevolent Association of the City of New York, Inc, is the exclusive bargaining representative for the purposes of collective bargaining of all employees employed by the City of New York in the titles of Patrolman and Policewoman, excluding those assigned as First, Second and Third Grade Detectives.

DATED: New York, N.Y.

September 4, 1968

ARVID ANDERSON
Chairman

ERIC J. SCHMERTZ
Member

SAUL WALLEN
Member