

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME, AFL-CIO

-and-

Docket No. RU-46-68

THE CITY OF NEW YORK

Decision No. 59-68

-and-

PAVERS AND ROADBUILDERS DISTRICT
COUNCIL, AFL-CIO

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DECISION and DIRECTION OF ELECTION

District Council 37, AFSCME, AFL-CIO, herein called Petitioner, filed its petition herein on May 23, 1968. On August 7, 1968, Pavers and Roadbuilders District Council, AFL-CIO, herein called Intervenor, applied to intervene herein. Neither Petitioner nor the City has opposed the application. Accordingly, the application will be granted.

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

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 and Intervenor are public employee organizations; and that a question or controversy concerning representation exists.

II. Alleged Interference

Intervenor's application alleges that on or about July 19, 1968, Petitioner falsely represented to employees here concerned that it was the certified representative for Cement Masons. Intervenor requests that Petitioner be denied a place on the ballot because of said misrepresentation. Petitioner denies the allegation.

We do not find it necessary to resolve this issue of fact. The alleged misrepresentation did not involve a subject within the exclusive knowledge of Petitioner, and Intervenor has had ample opportunity to apprise the employees of its version of the facts (Millard Fillmore Hospital, 28 SLRB 525, 527-8, Buffalo General Hospital, 29 SLRB 33, 34). The employees will now have the opportunity to express their choice in the election by secret ballot which we are directing.

III. The Appropriate Unit

Petitioner requests certification as the collective bargaining representative of a unit of Cement Masons and Mason's Helpers, or, in the alternative, certification for separate units of Cement Masons and Mason's Helpers.

These classes of positions are classified in the Skilled Craftsman and Operative Service, and are subject to Section 220 of the Labor Law.

The City has no objection to the establishment of a collective bargaining unit consisting of a journeyman title and the helper title associated with it. Intervenor's application does not question the unit sought and requests that Intervenor be named on the ballot in any election which may be directed.

It long has been customary to include craftsmen and helpers in a single unit (Blacksmith And Blacksmith Helper, 4 NYCDL No. 15; Machinist and Machinist Helper, 4 NYCDL No. 63; Elevator Mechanic and Elevator Mechanic Helper. 8 NYCDL No. 156. See also Gas Consumers Association, 4 SLRB 184, 189, 190-1). We find and conclude, therefore, that Cement Masons and Mason's Helpers are a homogeneous, non-supervisory group of employees and constitute a unit appropriate for the purposes of collective bargaining. Accordingly, we shall conduct an election by secret ballot to determine the present desires of the employees in said unit concerning representation for the purpose of collective bargaining. Both Petitioner and Intervenor will be named on the ballot.

O R D E R

By virtue of and pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, it is hereby

ORDERED, that the application of Pavers and Roadbuilders District Council, AFL-CIO, to intervene be, and the same, hereby is, granted, and it is further

ORDERED, that an election by secret ballot shall be conducted under the supervision of the Board of Certification, or its agents., at a time. place, and during hours to be fixed by the Board, among the employees in the unit found appropriate in Section III above, employed during the payroll period immediately preceding the date of this Direction of Election (other than those who have voluntarily quit or who have been discharged for cause before the date of election), to determine whether they desire to be represented for the purposes of collective bargaining by District Council 37, AFSCME, AFL-CIO; Pavers and Roadbuilders District Council, AFL-CIO; or by neither.

DATED: New York, N. Y.

 October 29, 1968

ARVID ANDERSON
C h a i r m a n

ERIC SCHMERTZ
M e m b e r

SAUL WALLEN
M e m b e r