

Prob. & Parole Off. Ass. v. City, 2 OCB 64 (BOC 1968) [Decision No. 64-68 (Amend. Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

PROBATION AND PAROLE, OFFICERS ASSOCIATION  
OF GREATER NEW YORK

-and-

DECISION NO. 64-68

THE CITY OF NEW YORK

-and-

DOCKET NO. RU-45-68

THE JUDICIAL CONFERENCE OF THE STATE OF  
NEW YORK

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DECISION AND AMENDMENT OF CERTIFICATION

On May 27, 1968, Probation and Parole Officers Association of Greater New York, herein called Petitioner, filed its petition herein with the Board of Certification, requesting that it be certified as collective bargaining representative for Senior Probation Officers employed by the Judicial Conference and that Certificate 8 N.Y.C.D.L. 100, heretofore issued to Petitioner by the New York City Department of Labor, and covering a collective bargaining unit consisting of Probation Officer, Probation Officer (Incumbent) and Probation Officer Trainee employed by the Judicial Conference, be amended to include the title Senior Probation Officer in said unit.

In a conference on June 6, 1968 a representative of the New York City Office of Labor Relations stated that the City of New York and the Judicial Conference had no objection to the proposed certification and proposed change in the existing unit.

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

I. Undisputed Matters

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

On June 16, 1966, the New York City Department of Labor certified Petitioner as the collective bargaining representative of a unit consisting of the titles Probation Officer, Probation Officer (Incumbent) and Probation Officer Trainee employed by the Judicial Conference (8 N.Y.C.D.L. 100). These titles are found in no other department of the City and the certification is, in effect, a city-wide certification. All of the said titles are non-supervisory.

## II. Appropriate Unit

The title Senior Probation Officer was created by the Title Structure for the Unified Court System which was adopted the Judicial Conference effective July 1, 1966. The title thus had not come into existence when Certificate No.8 N.Y.C.D.L. 100, covering non-supervisory Probation Officer titles, was issued by the New York City Department of Labor on June 16, 1966. It may be for this reason or because, then as now,, there were no incumbents in the title, that the Department of Labor did not include this title in the unit created by Certificate No.8 N.Y.C.D.L. 100. It was the policy of the Department of Labor not to certify units including titles in which there were no incumbents. However, since it is the policy of this Board to certify titles rather than employees, the fact that there are no incumbents in the title Senior Probation Officer does not militate against the addition of that title to an existing unit in which its inclusion is otherwise appropriate.

According to the title specification for Senior Probation Officer, the duties of the title are completely non-supervisory, and the title has not previously been included in any unit for purposes of collective bargaining. Petitioner has engaged in collective bargaining on behalf of the other non-supervisory Probation Officers titles, all of which are covered by the existing unit,) but there has been no collective bargaining on behalf of this title.

The addition to the existing unit of the title Senior Probation Officer would place all non-supervisory Probation Officer titles in a single unit. The titles are all within the same occupational group and form a single line of promotion. The nature of the work performed by each of the titles in the group is substantially similar in nature, with increasing skills required and responsibilities assigned for each successive title in the series.

We find that the addition of the title Senior Probation Officer to the existing unit of non-supervisory Probation Officer titles will best serve the interests of the employees in the several titles in question, will promote the efficient operation of the public service and sound labor relations, and is consistent with the established policy and practice of this Board of favoring the creation of larger, broader collective bargaining units wherever it is possible and practical to do so.

## III. Representative Status

As noted above, there are no incumbents in the title Senior Probation Officer, according to the Comptroller's run-off. The run-off shows, further, that in all of the titles in the unit found appropriate herein, there are 549 employees of whom 294 (53.6%) have authorized the check-off of dues to petitioner. We find, accordingly, that petitioner has been designated by a majority of the employees in the said unit as their collective bargaining representative.

CERTIFICATION

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

CERTIFIED, that Probation and Parole Officers Association of Greater New York is the exclusive bargaining representative for the purposes of collective bargaining of all employees in the titles PROBATION OFFICER TRAINEE, PROBATION OFFICER, PROBATION OFFICER (INCUMBENT) and SENIOR PROBATION OFFICER, employed by the Judicial Conference of the State of New York in the Unified Court System of the City of New York.

DATED: New York, N.Y.

November 18, 1968

ARVID ANDERSON  
CHAIRMAN

ERIC J. SCHMERTZ  
MEMBER

SAUL WALLEN  
MEMBER