

Doctors Ass., et. Al v. City, 2 OCB 65 (BOC 1968) [Decision No. 65-68 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

DECISION NO. 65-68

DOCTORS ASSOCIATION OF THE DEPART-  
MENT OF HEALTH OF THE CITY OF  
NEW YORK (SENIOR DENTISTS)

DOCKET NO. R-55-67

-and-

THE CITY OF NEW YORK

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In the Matter of

DOCTORS ASSOCIATION OF THE DEPART-  
MENT OF HEALTH OF THE CITY OF  
NEW YORK (MEDICAL SPECIALISTS)

DOCKET NO. R-56-67

-and-

THE CITY OF NEW YORK

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In the Matter of

VETERINARIANS ASSOCIATION OF THE  
DEPARTMENT OF HEALTH OF THE  
CITY OF NEW YORK

DOCKET NO. RU-51-68

-and-

DOCTORS ASSOCIATION OF THE DEPART-  
MENT OF HEALTH OF THE CITY OF  
NEW YORK

-and-

THE CITY OF NEW YORK

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DECISION, ORDER AND DIRECTIONS OF ELECTIONS

Because of the relationship between the above-entitled proceedings, they have been consolidated for the purpose of decision.

Upon consideration of the investigation made by the Department of and its own investigation, the Board of Certification issues the following decision.

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: Doctors Association of the Department of Health of the City of New York, herein called Petitioner, is a public employee organization and a question concerning representation exists.

II. The Representation Question

Petitioner, on July 25, 1967, filed petitions with the Department of Labor for certification as the exclusive collective bargaining representative of (1) Senior Dentists employed on a per-session basis, and (2) Medical Specialists, including all specialties. These proceedings were transferred to the Board of Certification pursuant to Rule 13.13 of the Consolidated Rules of the Office of Collective Bargaining.

In case RU-51-68, Petitioner and Veterinarians Association of the Department of Health of the City of New York jointly filed with the Board of Certification an application to transfer to Petitioner the certification previously issued to the Veterinarians Association as collective bargaining representative of Veterinarians employed by the City of New York (4 NYCDL No. 16).

Petitioner presently is the certified representative of two units: (1) Clinicians, Dentists and Medical Inspectors (3 NYCDL No. 11), and (2) Optometrists, Part-Time (3 NYCDL No. 92). Those employees, and the employees involved in the present proceedings, all render non-supervisory medical, dental and related services. All are professional employees in the general field of medicine, and have substantial common interests.

On July 17, 1963, notice of the application to transfer the Veterinarians' certification was published in the City Record with notice that objections thereto must be filed within ten days of the date of publication. No objections have been filed.

Our investigation established that the affiliation of the Veterinarians Association with Petitioner was duly approved at a membership meeting of the Association. Accordingly, we shall grant the application to transfer the certification to Petitioner, and the further request that the Veterinarians be included in the unit of Clinicians, Dentists and Medical inspectors for which Petitioner is the certified representative. We shall further amend that certification to include Optometrists, for whom Petitioner is also the certified representative.

In addition, we shall direct that separate elections be conducted among the Senior Dentists (Per Session) and the Medical Specialists (including all specialties), to determine if the employees in those groups desire to be represented by Petitioner for the purposes of collective bargaining. If a majority of the employees in either group, voting in the election, desire such representation by Petitioner, we shall further amend the certification accordingly.

All of the titles here concerned being unique to the departments in which they are found, the existing certification, and any amendments thereof pursuant to this decision, are deemed City-wide.

We find and conclude that the foregoing conforms to our policy of consolidating related occupational titles in a single unit where practical and possible (Matter of District Council 37, A.F.S.C.M.E., AFL-CIO and The City of New York, Decision No. 44-68), and will effectuate the purposes of the New York City Collective Bargaining Law.

#### ORDER AND DIRECTIONS OF ELECTIONS

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

ORDERED, that Certification 3 NYCDL No. 11, covering Clinicians, Dentists and Medical Inspectors, be, and the same hereby is, amended to include the titles of Veterinarians and Optometrists, and it is further

DIRECTED, that separate elections 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:

- A. Senior Dentists employed on a Per Session basis, and
- B. Medical Specialists, including all specialties,

employed by the city of New York during the payroll period immediately preceding the date of this Direction off Election (other than those who have voluntarily quit or who have been discharged for cause before the date of election), to determine whether or not they desire to be represented for the purposes of collective bargaining by Doctors Association of the Department of Health of the City of New York.

DATED: New York, N.Y.  
November 18, 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