

SSEU, et. Al v. City, 2 OCB 66 (BOC 1968) [Decision No. 66-68 (Amend. Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of the Petition of

SOCIAL SERVICE EMPLOYEES UNION,  
NATIONAL FEDERATION OF SOCIAL  
SERVICE EMPLOYEES

DECISION NO. 66-68

-and-

DOCKET NO. RU-6-68

THE CITY OF NEW YORK  
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DECISION AND AMENDMENT OF CERTIFICATION

On January 1, 1968, Social Service Employees Union, herein called Petitioner, filed a petition with the Office of Collective Bargaining requesting certification as the exclusive collective bargaining representative of employees in the title "Senior Caseworker" employed by the Department of Welfare, now the Department of Social Services. Petitioner, in the alternative, requested amendment of its existing certification as representative of a unit consisting of Caseworker, Home Economist, Home Economist Trainee, Children's Counselor and Case Aide, to include the title "Senior Caseworker."

A conference of all interested parties was held on February 16, 1968.

I. Undisputed Matters

It is undisputed, and we find and conclude, that Petitioner is a public employee organization in fact and within the meaning of the New York City Collective Bargaining Law.

II. The Application to Intervene

District Council 37, A.F.S.C.M.E., AFL-CIO, seeks to intervene herein, claiming that Senior Caseworkers are supervisory employees and should be "accreted" to the unit of supervisory social service employees, for which District Council 37 "and/or its affiliated locals" is the certified representative (CWR 70/67).

As hereinafter discussed, we find that Senior Caseworkers are not supervisory-employees. For this reason, and since no proof of interest has been submitted in support of the application to intervene (see Rules 2.12 and 13.9), the application is denied.

III. The Appropriate Unit and Representative Status

The title of Senior Caseworker was established pursuant to a collective bargaining agreement between Petitioner and the City, dated September 21, 1967. The contract further provides that the City will recognize Petitioner as the sole and exclusive collective bargaining representative of the employees in said title when established, "subject only to formal certification by the office of Collective Bargaining."

The title was established on January 11, 1968 (Personnel Order No. 3/68).

Senior Caseworkers, under general supervision, carry a caseload of difficult multi-problem and complex cases requiring a variety of special services. They may be assigned to cases involving placement of minors for adoption, and placement of adults with severe mental or physical handicaps in foster homes. Their work and interests are closely related to those of Case Aides, Caseworkers, Home Economists, Home Economist Trainees and Children's Counselors, for whom Petitioner is the certified collective bargaining representative (6NYCDL No. 58 as amended by Decision No. 37-68).

Both Petitioner and the City assert that Senior Caseworkers are not supervisory employees. According to the most recent Examination Announcement, Senior Caseworkers assist the unit supervisor in identifying special staff training needs and in supervising auxiliary social services personnel. Although Senior Caseworkers at times, may "assist" in the supervision of auxiliary personnel, this function is of a sporadic nature. The basic supervisory function rests in Supervisors I, who, in an arbitration proceeding were awarded additional compensation "For each day on which a Case Aide Trainee is or was added to a unit. . ." (Matter of City of New York and Local 371, A.F.S.C.M.E., AFL-CIO, award of arbitrator Daniel House, dated August 2, 1968.)

The role of the Senior Caseworker is not truly or substantially supervisory, but more in the nature of the guidance and assistance furnished by leadmen to less experienced employees.

Our investigation establishes that the vast majority of the Senior Caseworkers have authorized dues checkoff in favor of Petitioner.

Accordingly, we shall amend Certificate CWR-66/67 to include the title of Senior Caseworker.

O R D E R

Pursuant to the powers 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 Certification CWR-66/67 previously issued to Social Service Employees Union, National Federation of Social Service Employees, be, and the same hereby is, amended to include the title of Senior Caseworker.

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