

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, A.F.S.C.M.E.
AFL-CIO

DECISION NO. 76-68

-and-

DOCKET NOS. R-4-67;
RU-76-68

THE CITY OF NEW YORK

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DECISION, ORDER AND DIRECTION OF ELECTION

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 Labor, and of 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: District Council 37, A.F.S.C.M.E., AFL-CIO, herein called Petitioner, is a public employee organization, and a question concerning representation exists.

II. The Question of Representation

In the amended petition in Case No. R-4-67, Petitioner requests certification as the collective bargaining representative of (1) Rule X Investigators in positions equated to Investigator Rule XI, and (2) Rule X Investigators in positions equated to Rule XI Senior Investigators and Supervising Investigators.

In Case No. RU-76-68, Petitioner seeks certification as bargaining representative of all Rule XI Principal Investigators.

The parties agree that (1) Rule XI Investigators and their Rule X equivalents (non-supervisory employees), and (2) Rule XI Senior Investigators and Supervising Investigators, and their Rule X equivalents (supervisory employees) constitute units appropriate for the purposes of collective bargaining.

Petitioner would include Principal Investigators and the Rule X equivalents in the supervisory unit, but the City contends that Principal Investigators are managerial employees and should not be included in any unit for the purposes of collective bargaining.

Rule XI Investigators, Senior Investigators and Supervising Investigators, and the Rule X equivalents here involved, all perform investigative work at various levels in many City agencies. Rule X Investigators serve in positions equated to the various Rule XI titles in the Investigator Occupational Group. They perform duties identical with those of the Rule XI title to which they are equated. Employees at the Investigator level are non-supervisory; those in, or equated to, the Rule XI titles of Senior Investigator and Supervising Investigator are supervisory.

Petitioner presently is the City-wide representative of Rule XI Investigators, and our investigation discloses that a majority of their Rule X equivalents have demonstrated their desire to be represented by Petitioner by having authorized check-off of dues in favor of Petitioner.¹

Consolidation of the Rule XI Investigators and their Rule X equivalents into a single unit will place all non-supervisory Investigators in a single unit, best serve the interests of the employees and the operation of the public service, and conform to the Board's policy of consolidating units. (Matter of District Council 37, Decision No. 44-68)

Accordingly, we shall certify Petitioner as the representative of a unit consisting of all Rule XI Investigators and their Rule X equivalents.²

¹ A majority of the Rule XI Investigators also are on dues check-off in favor of Petitioner.

² Hospital Care Investigators are in a separate occupational group, and are not covered by this decision.

In addition, we shall conduct an election among the Rule X Investigators serving in positions equated to the Rule XI titles of Senior Investigator and Supervising Investigator to determine whether they desire to be represented by Petitioner for the purposes of collective bargaining, and Rule XI Principal Investigators and Rule X Investigators serving in positions equated to the Rule XI title of Principal investigator may cast challenged ballots in said election, pending determination of the City's contention that said employees are managerial and not entitled to collective bargaining.

CERTIFICATION, ORDER AND DIRECTION OF ELECTION

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

CERTIFIED, that District Council 37, A.F.S.C.M.E., AFL-CIO, is the exclusive representative for the purposes of collective bargaining of all Rule XI Investigators and all Rule X Investigators serving in positions equated to the Rule XI title of investigator; and it is further

DIRECTED, 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 all Rule X Investigators serving in positions equated to the Rule XI titles of Senior Investigator and Supervising Investigator employed by the City of New York 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 or not they desire to be represented for the purposes of collective bargaining by District Council 37, A.F.S.C.M.E., AFL-CIO; and it is further

DIRECTED, that Rule XI Principal Investigators and Rule X Investigators serving in positions equated to the Rule XI title of Principal Investigator may cast challenged ballots in said election.

DATED: New York, N.Y.
December 17, 1968.

ARVID ANDERSON
C h a i r m a n

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