

Indepen. Traffic Employ. Uni. v. City, et. Al, 20 OCB 6 (BOC 1977) [Decision No. 6-77 (Amend. Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

INDEPENDENT TRAFFIC EMPLOYEES UNION

DECISION NO. 6-77

-and-

DOCKET NO. RU-589-76

CITY EMPLOYEES UNION, LOCAL 237,
I.B.T.

THE CITY OF NEW YORK

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DECISION AND ORDER
AMENDING CERTIFICATION

On December 21, 1976, Independent Traffic Employees Union (hereinafter "ITEU") and City Employees Union, Local 237, I.B.T. (hereinafter "Local 237") requested the transfer of Certification No. 1-71 (as amended by Decision No. 52-76), held by ITEU, from that organization to Local 237. This Certification covers employees in the titles of Foreman (Traffic Device Maintenance) and Senior Foreman (Traffic Device Maintenance).

The signed statements of Frank Cesare, President of ITEU, and Barry Feinstein, President of Local 237, which were submitted in support of the application, recite that, on September 20, 1976., at an election duly called and held by ITEU, the members present voted to merge with Local 237 and to dissolve ITEU. Petitioner also submitted designations showing that 85% of the unit employees desire to be represented by Local 237.

Notice of this application was published in the City Record on January CIO, 1977, and posted on the Board's public docket as well as on appropriate employee bulletin boards. No objections have been received as of the date of this decision.

Therefore, on the basis of well-settled Board precedent, we shall grant the application.¹ Such amendment is, not, however, to be considered as a new certification or a recertification.

The City's Office of Labor Relations does not oppose the requested transfer but "does oppose the continuation of Certificate No. 1-71 as a separate bargaining unit, on the grounds that such a unit is no longer appropriate. The appropriate unit is a consolidated unit consisting of Certificates Nos. 1-71 and 62B-75 (covering general maintenance employees)." ² The Unions concur.

While we realize that the parties agree that the requested transfer should be granted "only if [the Board] simultaneously orders the [recommended] consolidation", we find that the latter request should be treated as a separate petition so that it may be advertised in accordance with the

See, e.g., Decisions 13-72, 25-72, 21-73, and 11-74.

Certification No. 62B-75 (as amended) was later consolidated with Certification No. 56-70 (as amended) by Decision No. 55-76. This unit is represented by Local 237.

Board's Rules.

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

ORDERED that so much of the instant case as seeks the consolidation of Certifications 1-71 (as amended) and 55-76 be, and the same hereby is, docketed as Case No. RE-77-77; and it is further

ORDERED that Certification No. 1-71 (as previously amended) be, and the same hereby is, further amended so as to change the name of the certified representative therein from "Independent Traffic Employees Union" to "City Employees Union, Local 237, I.B.T."

DATED: New York, New York
March 9, 1977

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

Decision NO. 6-77
Docket No. RU-589-76

The titles and title code numbers of the employees affected by this decision are as follows:

Foreman (Traffic Device Maintenance)	90935
Senior Foreman (Traffic Device Maintenance)	90960