

DC37 v. City, 20 OCB 8 (BOC 1977) [Decision No. 8-77 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter

DISTRICT COUNCIL 37, AFSCME
AFL-CIO

DECISION NO. 8-77

-and-

DOCKET NO. RU-591-77

THE CITY OF NEW YORK

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DECISION AND ORDER

On February 3, 1977, District Council 37, AFSCME, AFL-CIO, filed its petition herein, seeking to add the title of Assistant Masonry Cleaner (CETA) to Certification No. 46G-75 (as amended by Decisions 47-75, 59-75 and 28-76), covering various custodial and related titles. The City's Office of Municipal Labor Relations has no objection to this petition.

It appears to the satisfaction of the Board that employees in the petitioned title have a community of interest-with those covered by Certification No. 46G-75 (as amended). It further appears to the satisfaction of the Board that a majority of the employees, in the unit as amended herein have authorized check-off of dues in behalf of Petitioner.

Accordingly, we shall grant the petition. In so doing, we are aware that one of the petitioned employees is receiving an "assignment differential" for the performance of supervisory duties and that §1178 of the New York City Charter, as added by referendum in 1975, provides, in pertinent part, that supervisory . . . employees shall not belong to the same collective bargaining units . . . as employees supervised by them." We believe, however, that the addition of Only one supervisory employee to an already mixed supervisory/non-supervisory unit containing nearly four thousand employees does not change the complexion of this unit and is, therefore, consistent with the policy expressed by the amendment to §1178 enacted by the City Council in Local Law No. 11 of 1977.¹

O R D E R

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

See the City Record of February 8, 1977.

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ORDERED that Certification No. 46G-75 (as previously amended) be, and the same hereby is further amended to include the title of Assistant Masonry Cleaner (CETA), subject to existing contracts, if any.

DATED: New York, New York
March 21, 1977

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

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

Assistant Masonry Cleaner (CETA) 03619