

City v. CEU, L.237, IBT, 20 OCB 9 (BOC 1977) [Decision No. 9-77
(Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

THE CITY OF NEW YORK AND
RELATED PUBLIC EMPLOYERS

DECISION NO. 9-77

DOCKET NO. RE-77-77

-and-

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

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DECISION AND ORDER

On January 13, 1977, the Office of Municipal Labor Relations of the City of New York filed its petition herein, requesting the consolidation of the following certifications held by City Employees Union, Local 237, International Brotherhood of Teamsters:

Certification No. 62B-75 (as amended)¹

Various custodial, general maintenance, inspection, skilled crafts, and related titles

Certification No. 1-71 (as amended)²

Foreman (Traffic Device Maintenance) Senior Foreman (Traffic Device Maintenance).

Our investigation shows that such a consolidated unit would be appropriate for collective bargaining purposes. The union concurs.

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

Certification No. 1-71 (as amended) was transferred to Local 237 by Decision No. 6-77.

Accordingly, we shall grant the petition. In so doing, we are aware that both of the units consolidated herein include both supervisors and their subordinates, and that Section 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." However, to fragment the existing units, by separating supervisors from their subordinates, would be inconsistent with the amendment to Section 1178 enacted by the City Council in Local Law No. 11 of 1977,³ which provides 'that existing bargaining units shall complete negotiations for successor contracts to collective bargaining agreements covering such existing units and expiring on or before January 1, 1977. Moreover, we believe that even the consolidation ordered herein is not inconsistent with the policy expressed in the aforementioned law.

See the City Record of February 8, 1977.

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

ORDERED that Certification No. 55776 and Certification No. 1-71 (as amended by Decisions 52-76 and 6-77) be, and the same hereby are, combined and consolidated so as to constitute one bargaining unit consisting of the titles set forth in the Appendix to this Decision and Order; and it is hereby

CERTIFIED that City Employees Union, Local 237, I.B.T., is the exclusive representative for the purposes of collective bargaining of all employees in the consolidated unit.

DATED: New York, N.Y.
March 21, 1977

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

APPENDIX

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

Assistant Bridge Operator	91105
Assistant Bridge Operator (CETA)	09503
Assistant Building Custodian	80605
Assistant Stockman	12205
Blasting Inspector	31815
Bricklayer	92205
Bridge Operator	91110
Bridge Operator-in-Charge	91135
Building Custodian	80610
Cement Mason	92210
Commercial Vehicle Compliance Agent (CETA)	03593
Firearms Control Inspector	33976
Foreman Bricklayer	92271
Foreman Plasterer	92272
Foreman Roofer	90775
Foreman (Traffic Device Maintenance)	90935
Handyman (CETA)	03487
Harness Maker	90719
Horseshoer	92320
Hospital Security Officer	70830
Hostler	81901
Junior Building Custodian	80601
Maintenance and Control Planner	03977
Maintenance Man	90726
Maintenance Man Trainee	90784
Maintenance Planning and Control Supervisor	03978
Mason' Helper	92225

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Pipe Laying Inspector	33415
Plasterer	92235
Principal Storekeeper	12225
Principal Water Use Inspector	34660
Refrigeration Service Helper	00065
Refrigeration Service Mechanic	00066
Roofer	90735
Senior Blasting Inspector	31835
Senior Building Custodian	80635
Senior Commercial Vehicle Compliance Agent (CETA)	03337
Senior Foreman (Traffic Device Maintenance)	90960
Senior Pipe Laying Inspector	33435
Senior Special Officer	70815
Senior Storekeeper	12220
Senior Taxi and Limousine Inspector	35134
Senior Transportation Inspector	35135
Senior Water Use Inspector	34635
Special officer	70810
Special Officer (CETA)	09450
Stockman	12210
Storekeeper	12215
Supervising Special Officer (except one employee)	70817
Supervising Taxi and Limousine Inspector	35140
Supervising Water Use Inspector	34655
Supervisor of Bridge Operations	91160
Supervisor of Building Custodians	35115
Taxi and Limousine Inspector	35116
Transportation Inspector	35115
Warehouse Aide(CETA)	09358
Water Meter Reader	34600
Water Use Inspector	34615

and restored Rule X equivalents