

DC37, et. Al v. City, 22 OCB 2 (BOC 1978) [Decision No. 2-78
(Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME, AFL-CIO

-and-

CIVIL SERVICE FORUM, LOCAL 300, SEIU
AFL-CIO

DECISION NO. 2-78

DOCKET NO. RU-590-76

-and-

PAVERS AND ROADBUILDERS DISTRICT
COUNCIL, LABORERS' INTERNATIONAL
UNION, AFL-CIO

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

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CERTIFICATION OF REPRESENTATIVES

The Unions herein having entered into a written stipulation to the effect that the titles of Highway Repairer and Foreman Highway Repairer¹ constitute an appropriate unit for the purposes of collective bargaining;

City Civil Service Commission Resolution No. 76-64, dated December 8, 1976, inter alia, deleted the titles of Asphalt Worker, Foreman Asphalt Worker, and Foreman (Highway Maintenance) and reclassified their incumbents to Highway Repairer and Foreman Highway Repairer. Accordingly, we shall remove these titles from the appropriate certifications. Since Certification No. 27-73 (as amended) covers only Asphalt Worker, Foreman Asphalt Worker, and Road Mender (CETA) [see below] we will terminate this certification.

The CETA "counterpart" title to Asphalt Worker, Road Mender (CETA), was changed to Highway Repairer (CETA) after Asphalt Worker was reclassified to Highway Repairer. Following our policy of placing CETA titles in the same unit as their civil service equivalents, we will add Highway Repairer (CETA) to the unit certified herein.

Decision No. 2-78
Docket No. RU-590-76

And the Unions having requested joint certification as representatives of this unit;

And the City's Office of Municipal Labor Relations having taken no position in this matter;

And it appearing to the satisfaction of the Board of Certification that the proposed unit, together with the Highway Repairer (CETA), is appropriate, based on criteria established by our prior decisions on unit determination, including the bargaining history of the affected employees;

And it also appearing to the Board's satisfaction that a majority of the employees in the unit have demonstrated their desire to be represented by the Unions as evidenced by dues check-off authorizations;

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. 461-75 (as amended) be, and the same hereby is, further amended by deleting therefrom the title of Foreman (Highway Maintenance); and it is further

ORDERED that Certification No. 27-73 (as amended) be, and the same hereby is, terminated; and it is

CERTIFIED that District Council 37, AFSCME, AFL-CIO; Civil Service Forum, Local 300, SEIU, AFL-CIO; and Pavers and Roadbuilders District Council, Laborers' International Union, AFL-CIO; are the joint representatives for the purposes of collective bargaining of all Highway Repairers, Highway Repairers (CETA) and Foreman Highway Repairers employed by the City of New York and related public employers subject to the jurisdiction of the Office of Collective Bargaining, subject to existing contracts, if any.

DATED: New York, New York
February 2, 1978

ARVID ANDERSON
Chairman

ALTER L. EISENBERG
Member

ERIC J. SCHMERTZ
Member

Decision No. 2-78
Docket No. RU-590-76

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

Highway Repairer	92406
Highway Repairer (CETA)	09305
Foreman Highway Repairer	92472