

City, et. Al v. DC37, et. Al, 22 OCB 38 (BOC 1978) [Decision No. 38-78 (Amend. Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

THE CITY OF NEW YORK,

DECISION NO. 38-78

Petitioner

DOCKET NO. RE-92-78

-and-

DISTRICT COUNCIL 37, AFSCME, AFL-CIO
and its affiliated Locals,

Respondent

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In the Matter of

DISTRICT COUNCIL 37, APSCME, AFL-CIO

DOCKET NO. RU-650-78

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

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ORDER AMENDING AND CONSOLIDATING
CERTIFICATIONS

On January 30, 1978, the Office of Municipal Labor Relations of the City of New York filed its petition herein, requesting the consolidation of the following certifications hold by District Council 37, APSCME, AFL-CIO, and/or its affiliated locals:

- I. Certification No. 46G-75 (as amended)
Various custodial and related titles
- II. Certification No. 46H-75, (as amended)
Various general maintenance titles
- III. Certification No. 46I-75 (as amended)
Various parks and public works titles
- IV. Certification No. 8-74
Various seasonal park titles

On March 15, 1978, District Council 37 filed its petition herein, requesting that the Board of Certification add the titles of Debris Remover (CETA) and Arterial Worker (CETA) to Certification "III" above. Uniformed Sanitation-men's Association, Local 831, I.B.T., which had objected to this petition on the ground that the pertinent employees perform work similar to that of Sanitation Men, now states that it "does not intend to seek to represent" these CETA employees. The City states that it has no objection to this petition.

We find that the requested titles may appropriately be added to the requested unit or, a fortiori, to the consolidated unit which we shall order as a result of the City's petition.

The Consolidation Petition

The City's petition had requested that the cited four units be consolidated into one unit. D.C. 37 objected to this proposal but, after a series of conferences and consultations, the parties agreed that two units, supervisory and non-supervisory, respectively, are acceptable. The parties further agree on the composition of these units and the deletion from certification of certain vacant and obsolete or obsolescent titles. All of the foregoing is acceptable to the Board. Our order shall so provide.

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 the titles of Custodial Assistant (Juvenile Detention Center), Senior Attendant, and Watchman (Juvenile Detention Center) be, and the same hereby are, deleted from Certification No. 46G-75 (as amended); and it is further

ORDERED that the titles of Building Repairman and Senior Building Repairman be, and the same hereby are, deleted from Certification No. 46H-75 (as amended); and it is further

ORDERED that Certifications 46G-75 (as amended), 46H-75 (as amended), 46I-75 (as amended), and 8-74 be, and the same hereby are, combined and consolidated so as to constitute two bargaining units, supervisory and non-supervisory, respectively, as shown in the Appendix to this Order; and it is further

ORDERED that the titles of Debris Remover (CETA) and Arterial Worker (CETA) be, and the same hereby are, added to the consolidated non-supervisory unit herein; and it is hereby

CERTIFIED that District Council 37, AFSCME, AFL-CIO, and/or its affiliated locals, is the exclusive representative

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for the purposes of collective bargaining of all employees in the consolidated units.

DATED: New York, N.Y.
August 9, 1978

ARVID ANDERSON
CHAIRMAN

ERIC J. SCHMERTZ
MEMBER

WALTER L. EISENBERG
MEMBER

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APPENDIX

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

Unit A - Supervisory

Asst. Maintenance Supervisor	80682
Asst. Park Director	81205
Borough Foreman (incl. spec.)	91340/51
Chief Life Guard	71210
Crew Chief (Pest Control)	90501
Custodial Foreman (incl. spec.)	80510/11
District Foreman (incl. spec.)	91325/38
Foreman	91310
Foreman (Exterminators)	90535
Foreman of Gardeners	81335
Foreman (Sewer Maintenance)	91322
Foreman (Watershed Maintenance)	91314
Foreman (Water Supply)	91313
General Park Foreman	81135
General Supt. of Repairs to Distribution	91397
Horticulturist	81360
Maintenance Supervisor	80684
Park Supervisor	81111
Principal Custodial Foreman	80561
Principal Park Supervisor	81112
Regional Director (Bureau of Pest Control)	31271
Rodent Control Crew Chief (CETA)	09306
Senior Crew Chief (Pest Control)	90502
Senior Custodial Foreman	80535
Senior Foreman (Exterminators)	90560
Supt. of Repairs to Distribution	91376
Supt. of Sewer Service	91367
Supvsg. Custodial Foreman	80560
Supvsg. Maintainer (OTB)	03857

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Unit B - Non-supervisory

Arterial Worker (CETA)	09792
Asst. Institutional Maintainer	80680
Asst. Maintainer (OTB)	05523
Asst. Masonry Cleaner (CETA)	03619
Asst. Rodent Control Aide (CETA)	03521
Associate Park Service Worker	81106
Attendant	81710
Attendant Guard (OTB)	03845
Building Asst. (CETA)	09360
Climber and Pruner	81303
Curator of Jumel Mansion	81709
Custodial Asst. (incl. OTB)	82015
Debris Remover (CETA)	09776
Elevator Operator	80910
Exterminator	90510
Gardener	81310
Highway Repairer Trainee	92404
Laborer (City Rent)	41288
Life Guard	71205
Lift Aide (CETA)	09361
Maintainer (OTB)	03786
Park Maintainer (CETA)	09751
Park Service Worker (incl. CETA)	51105,
	09377
Pest Control Aide	90500
Playground Assistant	60405
Rodent Control Aide (CETA)	09378
Seasonal Filtration Plant Operator	90910
Seasonal Park Helper	90905
Seasonal Parkman	81010
Security Aide (CETA)	91010
Senior Attendant Guard (OTB)	34415
Swimming Pool Operator	
Traffic Device Maintainer	
Traffic Device Maintenance Trainee	
Watchman	
Water Plant Operator	
Watershed Inspector	

and

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All non-Civil Service employees of the Board of Higher Education performing custodial, cleaning, painting, and related work

(including mechanics) employed at the following student centers of the City University of New York:

Baruch College Student Center, Brooklyn College Student Center, City College (John H. Finley) Student Center, Queens College Student Center, Hunter College (Roosevelt House) Student Center, and Borough of Manhattan Community College Student Center.