

City, et. Al v. DC37, 22 OCB 56 (BOC 1978) [Decision No.56-78  
(Amend. Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

CITY OF NEW YORK

DECISION NO. 56-78

-and-

DOCKET NOS. RE-98-78

SCHOOL CROSSING GUARDS ASSOCIATION  
OF THE CITY OF NEW YORK, INC.

RU-676-78

RU-679-78

RU-680-78

-and-

DISTRICT COUNCIL 37, AFSCME,  
AFL-CIO

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AMENDED DIRECTION OF ELECTION

On September 22, 1978, we issued our Decision and Direction of Election herein (Decision No. 51-78) providing that unit employees hired on or before September 22, 1978 would be eligible to vote. in a subsequent conference, the election was scheduled for November 15, 1978.

In a letter dated October 16, 1978, District Council 37 (D.C. 37) requested an extension of the voter eligibility date from September 22, 1978 to a date closer to the date of the election. The request was based on the fact that a substantial number of School Crossing Guards have been hired subsequent to September 22, 1978.

In a letter dated October 20, 1978, the City's Office of Municipal Labor Relations stated that it had no objection to this request.

In a letter dated October 24, 1978, School Crossing Guards Association ("the Association") objected to a later eligibility cut-off date because "new eligibility lists would have to be compiled and additional time given the parties to communicate with the new eligibles." The Association concludes that this would necessitate postponing the election.

The Board's investigation reveals that 211 School Crossing Guards were hired between September 22 and October 20, 1978, and additional hires are planned to take place by October 30, 1978. Thus, the size of the unit will increase by approximately 10%. So substantial an increase both in absolute and relative numbers of employees in this newly created unit justifies extending the eligibility date to October 30, 1978, in order to afford the opportunity to vote to the greatest possible number of unit employees.

The Board perceives no need in granting the request for extension of voter eligibility, also to postpone the election. The opportunity of "organizing" the new eligibles is equally available to both unions. The

change in the eligibility cut-off date thus causes no harm or prejudice to any interested party and occasions no delay in the final resolution of this matter.

Both D.C. 37 and the Association have been certified to represent units of some of the employees now comprising the unit in which the election is to be held and, on that basis, each is entitled to participate in the election without other showing of interest. The extension of eligibility to additional employees will, for the same reason, require no additional submission by either union.

AMENDED DIRECTION OF ELECTION

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

DIRECTED that an election by secret ballot shall be conducted under the supervision of the Board or its agents, on Wednesday, November 15, 1978, from 9:00 A.M. to 8:00 P.M., at 250 Broadway (5 Park Place), 19th floor,

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Docket Nos. RE-98-78, RU-676-78

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New York, N.Y., among School Crossing Guards and School Crossing Guards (CETA) employed or hired by the City of New York as of October 30, 1978, other than those employees who have voluntarily quit, retired, or who have been discharged for cause, before the date of the election, to determine whether they desire to be represented for the purposes of collective bargaining by District Council 37, AFSCME, AFL-CIO; by School Crossing Guards Association of the City of New York, Inc.; or by neither.

DATED: New York, New York  
October 26, 1978

ARVID ANDERSON

Chairman

WALTER L. EISENBERG

Member

ERIC J. SCHMERTZ

Member