

Fire Alarm Dispatchers Ben. Ass. V. City, 22 OCB 57 (BOC 1978)
[Decision No. 57-78 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

FIRE ALARM DISPATCHERS
BENEVOLENT ASSOCIATION INC.

DECISION NO. 57-78

DOCKET RU-665-78

-and-

CITY OF NEW YORK

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DECISION AND ORDER

On June 21, 1978, the Fire Alarm Dispatchers Benevolent Association, Inc. (FADBA)¹ filed a petition for certification of a unit of approximately 200 Fire Alarm Dispatchers and Supervising Fire Alarm Dispatchers. By letters dated August 14, 1978 and September 25, 1978, the Office of Municipal Labor Relations (OMLR) took the position that the proposed unit would be too fragmented and that placement of the two titles in District Council 37.'s "clerical unit" would be more appropriate. To date, District Council 37 has not moved to become a party to this proceeding. At the Board of Certification's direction, a hearing concerning this matter was held on October 12, 1978.

Positions of the Parties

In support of its petition, FADBA argues that all Fire Alarm Dispatchers and Supervising Fire Alarm Dispatchers are

The petition for certification was actually filed by the Fire Communications and Electrical Employees Association which soon afterwards incorporated under its present name, the Fire Alarm Dispatchers Benevolent Association, Inc.

employed by the New York City Fire Department thereby establishing the group's strong community of interest. The employees want to be represented by their own organization "as said organization would have intimate knowledge of their problems and needs in collective bargaining ... and would allow these employees the fullest freedom to exercise their rights."

FADBA points to the decertification of the prior certified representative of these employees (see Decision No. 32-78) as evidence of the dispatchers' ardent feelings on the issue of being represented by a union of their own choosing. The dispatchers are unique, FADBA contend for although they are civilian employees "they are also emergency personnel being held responsible to and for the Uniformed Fire Department Regulations as well as working round the clock shifts." In response to OMLR's position that the two titles in question be added to District Council 37's "clerical unit," FADBA asserts that the dispatchers "are by no means clerks and their job functions are in no way similar to any other title [in] the City." Therefore, FADBA concludes that because of the dispatchers' unique and varied problems they are, and should be found to constitute an appropriate unit.

OMLR maintains-that the two dispatcher titles should be added to the above-mentioned District Council 37 unit because the duties of these titles are primarily clerical and administrative in nature and similar in many respects

to the duties performed by other members of the unit, namely, Police Administrative Aides. In addition, OMLR states that to minimize the number of units with which the City has to negotiate is "consistent with the efficient operation of the public service and sound labor relations."² Stressing that the City and not the Fire Department is the "real" employer of the dispatchers, OMLR argues that the number of units affects the number of negotiations, the number of grievances, contract administration, and the negotiation process itself. OMLR concludes that a finding upholding a unit composed solely of the two dispatcher titles would be contrary to the Board's "oft-stated policy" of favoring broadly based units to small fragmented ones.

Discussion

The Board, based on the parties' pleadings and the hearing transcript, as well as on the statutory criteria for unit determinations provided by Section 2.10 of the Consolidated

Section 1173-5.0b(1) of the New York City Collective Bargaining Law provides that the Board of Certification shall have the power and duty "to make final determinations of the units appropriate for purposes of collective bargaining between public employers and public employee organizations, which units shall be such as shall assure to public employees the fullest freedom of exercising the rights granted hereunder and under executive orders, consistent with the efficient operation of the public service, and sound labor relations..."

Rules of the Office of Collective Bargaining,³ finds the proposed unit of Fire Alarm Dispatchers and Supervising Fire Alarm Dispatchers appropriate. Upon examination of the relevant job specifications, the Board is not persuaded that there exists any significant similarity in the duties and functions of dispatchers as compared with those of Police Administrative Aides. A dispatcher's main responsibility is the receipt and transmission of fire alarms and the performance of related activities. Though some Police Administrative Aides are involved in communications work similar to that performed by dispatchers, the title was placed in District Council 37's clerical unit in consideration of the fact that a majority of Police Administrative Aides are primarily assigned various clerical tasks. This rationale

§2.10 Appropriate Units - Determination. "In determining appropriate bargaining units, the Board will consider, among other factors:

- a. Which unit will assure public employees the fullest freedom in the exercise of the rights granted under the statute and the applicable executive order;
- b. The community of interest of the employees;
- c. The history of collective bargaining in the unit, among other employees of the public employer, and in similar public employment;
- d. The effect of the unit on the efficient operation of the public-service and sound labor relations;
- e. Whether the officials of government at the level of the unit have the power to agree or make effective recommendations to other administrative authority or the legislative body with respect to the terms and conditions of employment which are the subject of collective bargaining;
- f. Whether the unit is consistent with the decisions and policies of the Board.

does not apply to dispatchers who are exclusively involved in non-clerical, communications work. Nor does the Board find any strong relationship between the dispatchers and the numerous other titles within the "clerical unit" which would warrant a different conclusion on the question of unit placement.

The Board notes that prior to the decertification of their former bargaining representative, the dispatchers were in a unit with various inspector titles. These titles, with one exception,⁴ were subsequently added to another certification leaving the two dispatcher titles as the sole remnants of the old unit.

We have vigorously followed a policy of unit consolidation over the past few years as evidenced by the reduction in the number of units from 249 in 1972 to the current figure of 82. However, the Board will not blindly adhere to this policy when the particulars of a given case, measured by the statutory criteria, call for a different result. The fact that the two titles in question are exclusively used by the Fire Department, that no other employee organization has expressed an interest in representing these titles and being cognizant of the history of bargaining and giving effect to

The title of Principal Electrical Inspector was severed from the other inspector titles and is scheduled to be the subject of a hearing on the question of manageriality (See Decision No. 53-78).

the fullest freedom of the employees herein to exercise their right of self-organization, we are persuaded that a unit of Fire Alarm Dispatchers is appropriate. It appearing to the Board's satisfaction that an overwhelming majority of the employees in the unit have demonstrated their support for FADBA, we shall grant its petition for certification without conducting a representation election.

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

DETERMINED that the titles of Fire Alarm Dispatcher and Supervising Fire Alarm Dispatcher constitute an appropriate unit; and it is hereby

CERTIFIED that the Fire Alarm Dispatchers Benevolent Association, Inc., is the exclusive representative for the purposes of collective bargaining of all employees in the newly-formed unit.

DATED: New York, N.Y.
November 8, 1978

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER