

L.237, et. Al v. City, 22 OCB 6 (BOC 1978) [Decision No. 6-78  
(Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

LOCAL 237, INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS and LOCAL 246, SERVICE  
EMPLOYEES INTERNATIONAL UNION,  
AFL-CIO, jointly

DECISION NO. 6-78

-and-

DISTRICT COUNCIL 37, AFSCME, AFL-CIO

DOCKET NO. RU-622-77

-and-

THE CITY OF NEW YORK and RELATED  
PUBLIC EMPLOYERS

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D E C I S I O N  
and  
DIRECTION OF ELECTION

On November 7, 1977, Local 237, International Brotherhood of Teamsters, and Local 246, Service Employees International Union, AFL-CIO, together herein called "the petitioners," filed a petition for certification as joint collective bargaining representatives of Radio Repair Mechanics (RRMs). On December 5, 1977, District Council 37, AFSCME, AFL-CIO, herein called "DC 37," moved in timely fashion to intervene in this matter.

The City's Office of Municipal Labor Relations informed this Board, by letter dated December 21, 1977, that it takes "no position" on the issues raised in this case.

The petitioners seek a "separate independent unit" for the RRMs, maintaining that the concerned individuals "are prevailing rate employees" and, as such, collective bargaining

for them is done by title rather than by unit, and therefore, "there is no real reason against placing them in their own unit." Acknowledging the Board's policy of favoring the establishment of bargaining units along broad occupational lines,<sup>1</sup> the petitioners alternatively propose that if the Board should determine that the creation of a new unit is inappropriate, the RRM's can be added to Local 246, SEIU's prevailing rate automotive trades unit (Certification No. 54-70, as amended).

DC 37, citing Board Decision No. 77-71 in support of its position, contends that the RRM title should be added to the miscellaneous prevailing rate unit established by, and certified to DC 37 in, Decision No. 40-74.

In Decision No. 77-71, the Board, in dismissing two petitions for certification of a small prevailing rate single title unit, stated:

" . . . that the purpose of the NYCCBL would not be served by certifying a small group of employees in a single unit for bargaining purposes. To do so would exhume a past practice which the Board has discarded. Under the circumstances, the inclusion of the petitioned titles in either a broad-based residual unit of uncertified §220 titles or in amended, related §220 certificate(s) would be appropriate."

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See Board Decision No. 46-75, p.7.

Applying this rationale to the facts herein, the Board concludes that the creation of a separate unit for RRMs, as proposed by petitioners, would be inappropriate. The Board views the possible addition of the RRMs to either Local 246's automotive trades unit or to DC 37's miscellaneous prevailing rate unit as consistent with our policies on unit placement. It also appearing to our satisfaction that the petitioners and DC 37 have each demonstrated a sufficient showing of interest for inclusion on the ballot, we will accordingly direct an election to ascertain the wishes of the involved employees.

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 of Certification or its agents, at a time, place, and during hours to be fixed by the Board among all Radio Repair mechanics employed by the City of New York and related public employers subject to the jurisdiction of the Board of Certification

during the payroll period immediately preceding this Direction of Election, 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 Local 237, I.B.T. and Local 246, S.E.I.U., jointly and thereby be added to Local 246's automotive trades unit; or by DC 37, AFSCME, and thereby be added to DC 37's miscellaneous prevailing rate unit; or by neither.

DATED:       New York, New York  
              March 3, 1978

ARVID ANDERSON  
Chairman

WALTER L. EISENBERG  
Member

ERIC J. SCHMERTZ  
Member