

L.375, DC37, Civil Ser. Tech. Guild v. City, 22 OCB 63(BOC 1978)  
[Decision No. 63-78 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

CIVIL SERVICE TECHNICAL GUILD,  
LOCAL 375, DISTRICT COUNCIL 37,  
AFSCME, AFL-CIO

DECISION NO. 63-78

DOCKET NO. RU-684-78

-and-

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND ORDER

On September 28, 1978, Civil Service Technical Guild, Local 375, D.C. 37, AFSCME, AFL-CIO, (herein "Union") filed its petition herein, requesting that its Certification No. 26-78 (as previously amended by Decisions 45-78, 45A-78 and 50-78), covering various engineering, scientific, inspectional, mechanical and related titles, be further amended by substituting therein, for parenthetical designations for all titles, a general provision that titles in the unit be deemed to include all designations which exist or may be subsequently established.

In a letter dated October 27, 1978, the office of Municipal Labor Relations of the City of New York (herein "City") opposed this petition.

Positions of the Parties

The Union points out that many of the titles in Certification No. 26-78 already include "all specialties and fields of specialization" and other "appendages", such as CETA, JOP,

and OTB, and complains that. it must petition for each such "appendage", as it is established, in order to assure that the pertinent employees are covered by the terms of the contract, especially those relating to welfare plan benefits. The Union contends that this requirement causes long delays in coverage for employees in new "specialty titles", and concludes that the relief it seeks would be fair to employees and would avoid unnecessary burdening of the Union.

The City opposes the petition , categorizing it as "... an attempt to usurp the powers of the Board of Certification ... to make final determinations as to appropriate bargaining units..." and as "... denial of due process to future employees hired in newly created titles." The City also points out that granting the petition could lead to the certification of ".... unequated but superficially similar titles..." and "... could create conflicts... with... other organizations representing apparently similar titles."

The Union replies as follows:

Our petition relates only to titles previously certified .... The specialization of such generic titles and the special funding denoted as CETA and the like, does not in reality create new titles.... There is no intent to automatically cover new titles and deny employees due process.

There can be no conflict with other organizations ..... Any specialization, which describes a title unrelated to our basic generic title is in error and should be corrected.<sup>1</sup>

Discussion

This Board has frequently found it necessary to place different "specialties" of the same title in different units, certified to different unions.<sup>2</sup> These appear to be the types of "errors" to which the Union refers in its reply. If so, the power to "correct them lies with the Personnel Director, not this Board."<sup>3</sup>

Accordingly, we shall dismiss the petition herein although we are mindful of the problems described by Petitioner. Indeed, it was precisely for the reasons cited that we promulgated §2.19 of the Revised Consolidated Rules of the Office of Collective Bargaining, which provides for an expedited procedure for certification of, among other things, new specialties of certified titles. The present Petitioner has frequently utilized this Section of the Board's Rules.

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

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See e.g. Decisions 31-75 and 48-75; 54-70 and 15-71: 33-69 and 15-71; 45-71; 46-75(OTB); and 13-71.

See e.g. Decisions 60-69 and 62-71.

ORDERED that the petition filed herein by Civil Service Technical Guild, Local 375, D.C. 37, AFL-CIO, be, and the same hereby is, dismissed.

DATED: New York, N.Y.  
December 20, 1978

ARVID ANDERSON  
CHAIRMAN

WALTER L. EISENBERG  
MEMBER

ERIC J. SCHMERTZ  
MEMBER