

L.375, et. Al v. City,24 OCB 26 (BOC 1979) [26-79 (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. 26-79

DOCKET NOS. RU-719-79
RU-720-79

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

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DECISION AND ORDER

On August 13, 1979, Civil Service Technical Guild Local 375, AFSCME, AFL-CIO, filed a motion (RU-719-79) seeking an amendment of its Certification No. 29-78 (as previously amended), covering various engineering, scientific, and related titles, to reflect changes in several of the obsolete titles and substituting therefor the corresponding new titles. On August 28, 1979, Local 375 filed another petition (RU-720-79), seeking to add various Engineering Intern and Architect Intern titles to the same certification.

The City's Office of Municipal Labor Relations (OMLR) agrees to a portion of each petition, while objecting to the balance of each. The City has raised no objection to the amendment of Certification No. 26-78 (as requested in RU-719-79) to reflect the "broadbanding" of several CETA

titles included in that certification to the "new" title of Engineering Technican (CETA). Nor does the city opose the request in RU-720-79 to add five Engineering Intern titles to the aforementioned certification. These requests appearing proper to the Board, we shall sever these portions of the petitions and shall grant the pertinent amendments to the certification.

The city objects to that portion of RU-720-79 which seeks to add to the same certification the titles of Architect Intern and Landscape Architect Intern, contending that these titles do not exist. In regard to this objection, petitioner replies that "the Parks Department has recently made application to the Personnel Department of the City of New York to convert ... employees in the [unit] titles of Architect Intern and Landscape Architect Intern" and requests "... that certification proceedings relating to [the] latter two titles be served and held in abeyance until such time as Department of Personnel action finalized."

As our investigation shows that proposals for establishment of the disputed titles are under study by several City agencies, we shall sever that portion of the

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petition in order to allow a reasonable time for such action to be taken.

Finally, the City also objects to that portion of RU-719-79 which concerns the recently established competitive class title of Research Scientist (with three assignment levels) into which the former non-competitive titles of Research Scientist, Senior Research Scientist, Principal Research Scientist [for which petitioner was certified] and also Chief Research Scientist (including all specialties) have been broadbanded. The City limits its objection to the single Chief Research Scientist pointing out that the board has previously found the Chief Research Scientist (Biological Sciences) title to be managerial. The Board had made no finding on the other two specialties of the Chief Research Scientist title because they were vacant.

In light of the foregoing, we shall sever so much of RU-719-79 as relates to the new, competitive title of Research Scientist and direct further proceedings on the question of manageriality.

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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 so much of case No. RU-719-79 as relates to the competitive title of Research Scientists be, and the same hereby is, severed for further proceedings on the question of manageriality; and it is further

ORDERED that so much of case NO. RU-720-79 as relates to the "titles" of Architect Intern and Landscape Architect Intern be, and the same hereby is, severed and held in abeyance for a reasonable time in order to await further action on the possible creation of such titles; and it is further

ORDERED that Certification No. 26-78 (as previously amended) be, and the same hereby is, further amended to substitute the new titles listed therein, and to include the five Engineering Intern titles listed in the Appendix, subject to existing contracts, if any.

DATED: New York, New York
December 13, 1979

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

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APPENDIX

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

<u>Obsolete Titles and Code Numbers</u>	<u>New Title and Code Nos.</u>
Engineering Assistant (CETA) 09407	Engineering Technician
Engineering Technician (CETA) 09455, 09482	(CETA) 09933
Engineering Technician (Drafting) (CETA) 09731	

Added titles and Code Numbers

Air Pollution Control Engineering Intern	20602
Chemical Engineering Intern	20503
Civil Engineering Intern	20202
Electrical Engineering Intern	20302
Mechanical Engineering Intern	20403

