

CWA v. City, 24 OCB 3 (BOC 1979) [3-79 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO

DECISION NO. 3-79

-and-

DOCKET NOS. RU-689-78
RU-692-78

THE CITY OF NEW YORK

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DECISION AND ORDER

On December 8, 1978, Communications Workers of America, AFL-CIO, filed its petition (RU-689-78) herein, pursuant to Rule 2.19, seeking to amend its Certification No. 25-74 (as previously amended by Decision No. 33-75), by adding thereto the new title of Traffic Enforcement Agent. On December 13, 1978, the same Petitioner filed its petition (RU-692-78) herein, seeking to amend Certification No. 26-74, by adding thereto the new title of Associate Traffic Enforcement Agent.

Certification No. 25-74 (as amended) covers a non-supervisor unit of Parking Enforcement Agents (including CETA) and Traffic Control Agents, while Certification No. 26-74 covers a supervisor unit of Senior, Supervising and Principal Parking Enforcement Agents.

The City's Office of Municipal Labor Relations does not object to the certification of the Petitioner as the collective bargaining representative of the employees in the new titles, but ". . . believes that [they] are closely associated in terms of duties and responsibilities and community of interest. Therefore, the City does not believe that it would be appropriate to certify the titles to two different units." The City would not oppose a if . . . request to place the two titles in an appropriate consolidated] unit"

The Union replies that, in 1974, the supervisory employees voted (in a self-determination election) for a unit separate from that of non-supervisory employees, and that they ". . . have more recently expressed a strong desire to remain in a separate bargaining unit and are prepared to demonstrate same in accordance with and as required by, the New York City Collective Bargaining Law, Section 1173-5.0, (b), (1)." The cited section generally bars the inclusion of supervisory employees in the same unit as non-supervisory employees, unless a majority of the former vote in favor of such inclusion.

The City Personnel Director's Resolution No.78-29, dated July 12, 1978, clearly shows that Traffic Enforcement Agent, a "broadbanded" title, is a successor to the titles of Parking Enforcement Agent and Traffic Control Agent, while Associate Traffic Enforcement Agent, also a broadbanded title, is a successor to the titles of Senior, Supervising and Principal Parking Enforcement Agent, and another title,* which, while not presently certified, would in the judgment of the Board, have been appropriate for inclusion in the pertinent supervisory unit, if so petitioned.

In light of all the foregoing, we find that the City's request for consolidation is inappropriate in these cases which basically involve no more than quasi-ministerial changes in the certifications to reflect City reclassifications of the titles involved. Our denial of the consolidation request is without prejudice to the City's right to file a timely petition for such consolidation in the future.

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 the title of Traffic Enforcement Agent be, and the same hereby is, added to Certification No. 25-74 (as amended), subject to existing contracts, if any, and it is further

*Director of Emergency Services (Traffic)

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ORDERED that the title of Associate Traffic Enforcement Agent be, and the same hereby is, added to Certification No. 26-74, subject to existing contracts, if any.

DATED: New York, New York
January 31, 1979

ARVID ANDERSON
CHAIRMAN

ERIC J. SCHMERTZ
MEMBER

WALTER L. EISENBERG
MEMBER

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

Traffic Enforcement Agent	71651
Associate Traffic Enforcement Agent	71652