

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of the Application of

THE CITY OF NEW YORK,

DECISION NO. 28-80

Petitioner,

DOCKET NO. RE-109-80

For an Order declaring employees managerial or confidential pursuant to Section 2.20 of the Revised Consolidated Rules of the Office of Collective Bargaining,

-and-

LOCAL 300, CIVIL SERVICE FORUM, S.E.I.U.; LOCAL 1180, C.W.A., AFL-CIO; LOCAL 237, CITY EMPLOYEES UNION, I.B.T.; LOCAL 375, CIVIL SERVICE TECHNICAL GUILD; DISTRICT COUNCIL 37, AFSCME, AFL-CIO; LOCAL 211, ALLIED BUILDING INSPECTORS; INTERNATIONAL UNION OF OPERATING ENGINEERS, AFL-CIO; DOCTORS COUNCIL; LOCAL 333, UMD, ILA, AFL-CIO; LOCAL 832, TERMINAL EMPLOYEES, I.B.T.; DISTRICT COUNCIL OF NEW YORK CITY, UNITED BROTHERHOOD OF CARPENTERS AND JOINERS,

Respondents.

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INTERIM DECISION AND ORDER

This interim decision concerns a petition filed by the City of New York ("the City") on January 30, 1980 for an order declaring employees working in 55 titles¹ managerial or confidential within

¹ A listing of the titles is attached to this decision as Appendix A.

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the meaning of section 1173-4.1 of the New York City Collective Bargaining Law. Several of the unions who represent employees covered by the petition have objected to it.² Local 371, Social Service Employees Union has filed a motion to intervene in the proceeding.

This interim decision considers several procedural issues raised by the petition and the answers thereto. The decision is not addressed to the substantive merits of the City's petition and the unions' answers.³ The procedural issues which are considered herein fall into four categories: Timeliness and service of the City's petition on Civil Service Technical Guild, Local 375; vacant titles; titles which the Board has previously determined managerial or non-managerial status; severance of the petition into-bargaining unit segments; and consolidation of a part of the petition with another pending representation case.

² Responses to the petition have been received from District Council 37; the Doctors Council; Civil Service Technical Guild, Local 375; Communications Workers of America; and Local 300, SEIU.

³ We have previously, at a meeting on March 11, 1980, dismissed the petition as it relates to three titles, Principal Storekeeper, Principal Water Use Inspector and Assistant Director of Public Health Education, because the petition for the titles was not timely filed (it was filed six months after the contract open period). We also note that while the attachments to the City's petition indicate that the petition is untimely as to a fourth title, Supervisor of Motor Transport, the petition is actually timely because LRO 79/74 provides that the effective period of the contract covering employees in the title is July 1, 1978 to June 30, 1980.

Timeliness and Service of Petition on Local 375

Civil Service Technical Guild, Local 375 (hereinafter Local 375) argues that the petition as it applies to employees in titles represented by Local 375 should be dismissed because it was not properly served with the petition until April 18, 1980 (although the Union admits receiving, on March 5, 1980, a copy of the petition which had been mailed to the wrong address). Local 375 bases its request for dismissal on a requirement it alleges is contained in section 2.20b (1) of the OCB Rules that a petition for the designation of employees as managerial or confidential may be "initiated": "Not less than five (5) or more than six (6) months before the expiration date of the contract covering the employees sought to be designated managerial or confidential..." In this case, the contract open period, except as noted in footnote 3, supra, was January 1980, as the applicable collective bargaining agreements expired June 30, 1980.

OMLR admits that its original petition was mailed to Local 375 at the wrong address, but the City contends that it served the Union at its present address on April 18, 1980. The City maintains that since no action adverse to the interests of Local 375 in this matter was taken by the Board or any party prior to March 5, 1980, when the Union admits it received the original petition, or prior to April 18, 1980, the petition should not be dismissed and service of the petition should be deemed corrected. The City relies on Civil Practice Law and Rules ["CPLR"] section

2001 which provides that a court may permit correction of a mistake, omission, defect or irregularity and, if a substantial right of a party is not prejudiced, the mistake, etc., "shall be disregarded." The City also points out that CPLR section 305 (c) allows amendment of proof of service of a summons "if a substantial right of a party against whom the summons issued is not prejudiced." The City contends that since the delay in service caused Local 375 no prejudice, there is no reason not to permit correction of proof of service and to deny the motion to dismiss.

Local 375 argues that the City's petition is jurisdictionally defective because the petition was not served on the Union until after expiration of the "Statute of Limitations contained in the Revised Consolidated Rules of [the OCB] (see §2.20) which bars the initiation of the instant proceeding after January 31, 1980." The Union also claims that the City failed to satisfy timely the requirement stated in section 2.20(9) of the Rules that the Union be notified of the filing of the petition. Local 375 contends that the City's time to commence the instant proceeding cannot be extended and relies on CPLR section 201, concerning timely commencement of actions, which provides, in pertinent part, "No court shall extend the time limited by law for the commencement of an action." Local 375 concludes that the City's petition cannot be corrected and must be dismissed on jurisdictional grounds.

The reliance by the City and Local 375 on the provisions of the CPLR is, in our opinion, misplaced. The CPLR governs "the pro-

cedure in civil judicial proceedings in all courts of the state and before all judges, except where the procedure is regulated by in consistent statute."⁴ While the CPLR may be consulted for guidance on certain procedural matters, determination of the instant dispute is governed by the OCB Rules.⁵

There is no dispute in the instant matter that the City timely filed with the OCB its petition to have certain employees declared managerial or confidential. The issue is whether a delay in the service of the petition, resulting from a mistake in addressing it to a union as an interested party, warrants dismissal of the part of the petition which concerns the union.

The provisions of the OCB Rules regarding service of a petition seeking managerial designations require that the petition include proof of service⁶ and, further, that a managerial petition contain a statement that "notice of the filing of the petition has been mailed to any certified employee organization which represents employees [working in the titles petitioned-for]."⁷

⁴ CPLR §101.

⁵ Both courts and PERB have held that the timeliness of actions before an administrative agency and rules concerning extension or waiver of time limits to commence an action are governed by the agency's rules and not by the provisions of the CPLR. See, for example, Baldwinsville Central School District, 12 PERB §3040 (1979).

⁶ OCB Rules, §2.20a.

⁷ GCB Rules, §2.20a(9).

In the instant matter, the petition filed by the City appears to satisfy both requirements -- it contains an affidavit of service and a statement that notice of the filing of the petition has been mailed to unions which represent employees serving in the petitioned-for titles. In correspondence addressed to OCB dated February 21, 1980, Local 375 indicates that it has knowledge of the filing of the City's petition and, as stated above, the Union admits receiving a copy of the petition on March 5, 1980.

In consideration of this issue, we believe it helpful to examine two decisions of the State Public Employment Relations Board ["PERB"] which distinguish the agency's rule requirements governing filing of papers with PERB and service of papers on opposing parties. In Baldwinsville Central School District, 12 PERB ¶3040 (1979), PERB held that it was without authority or discretion under its rules to "permit the extension or waiver of the time limit for the filing of an application to designate employees as confidential." [Footnote omitted - emphasis added]. The employer had mailed its application for filing with PERB two days after the last day permitted under PERB's rules and the application was dismissed. In a more recent case, County of Clinton, 13 PERB ¶3021 (1980), a union had timely filed with PERB exceptions to a decision of the Director of Representation but had failed to serve the documents on the opposing parties, as required by PERB's rules. PERB refused to dismiss the petition for the failure of service, finding that there was no apparent

prejudice to opposing parties, there was no apparent affect on substantial rights of individuals, and the petition was properly filed with PERB.⁸

As stated above, in the instant matter there is no question that the petition was timely filed with OCB; the controversy concerns timely service of the petition on Local 375. There are no allegations that the delay in service in any way prejudiced the Union or had an effect on substantial rights of individuals. It does not appear that any prejudice to the Union or impacts on substantial rights could have occurred since no substantive action was taken on the City's petition prior to the time that Local 375 acknowledges that it had notice of the City's petition (February 21st), prior to the time that Local 375 admits that it received the City's petition (March 5th), and prior to the time that the City states it corrected the service and mailed a copy of the petition to the correct address. Moreover, the only actions which have been taken on the City's petition to date were the posting of notices of the City's petition on the public docket maintained by this Board and on agency bulletin boards for ten

⁸ PERB relied on a decision of the Appellate Division in Matter of Lake Placid Club v. Abrams, 6 A.D. 2d 469 (2nd Dept. 1958), aff'd., 6 N.Y. 2d 857 (-19-587-which held inter alia, that rules of an administrative agency which regulate procedures affecting substantial rights of individuals may not be waived, but rules "which do not affect substantial rights of individuals, the waiver of which would not be prejudicial, may be relaxed when the ends of justice require it...." See also, Bivens v. Helsby, 9 PERB ¶7029 (Third Dept. 1976).

days during April 1980 and the publication of a notice of the petition in the City Record on March 5, 1980. These actions, required by section 2.20c of the OCB Rules, are intended to inform employees and interested parties of the filing of a petition and obviously cannot in any way be construed to have prejudiced or harmed the interests of the Union or of any individual in this case. Another reason not to grant the motion to dismiss is that, unlike PERB, this Board and its Chairman are vested with discretion in matters concerning application of the OCB Rules; section 13.6 of the OCB Rules authorizes the Director of OCB, for good cause shown, to "extend or shorten any time limit prescribed or allowed in [the] rules" and section 15.1 of the OCB Rules mandates that the "rules shall be liberally construed...."

Thus, there is clear and sufficient reason to deny Local 375's motion to dismiss. Furthermore, the Union's, argument that service of the petition after expiration of what it terms "the Statute of Limitations" gives rise to a jurisdictional defect is entirely without basis. There is no question-that the Board has jurisdiction over the matter -- the petition is within the statutory authority of the Board to hear and decide and Local 375 has been served with a copy of the City's papers in the matter. The purpose of Rule 2.20b-in setting forth an open period during which a petition seeking designation of employees as managerial is not, as argued by Local 375, to act as a statute of limitations which bars a claim after a period of time has elapsed from the time that the claim arose. Rather, section 2.20b is

addressed to promoting a period of stability in labor relations during the term of a contract and the period of negotiations. That the rule is not a limitations statute is indicated by the fact that the rule does not act to cut off forever stale claims, but permits the filing of a petition to designate employees managerial on a periodic basis into the future -- during successive contract open periods.

Therefore, for the reasons stated above, we will exercise the discretion vested in the Board and permit the corrected service of the City's petition on Local 375 and deny the motion to dismiss.

We also believe that another issue concerning the timeliness of the City's petition, although not raised by any of the parties, should be addressed. The petition seeks to have employees in the title Principal Urban Designer designated managerial or confidential. In Decision No. 45-78, which is dated August 22, 1978, the Board found, inter alia, that employees in the title are not managerial or confidential. In addition to having been the subject of a past Board decision and the special pleading requirements associated therewith, discussed below, the City's petition for this title, filed January 30, 1980, appears to be barred by section 2.20g of the OCB Rules. The rule provides, in pertinent part, that a determination by the Board regarding the managerial or confidential status of a title precludes a petition to designate the title managerial or confidential for a period of two years or until the contract open period, whichever is later. Thus, the

timely period to file a petition seeking managerial or confidential designation of employees in the title Principal Urban Designer would commence August 22, 1980.

As indicated, the petition for this title raises other issues relating to the fact that employees in the title were the subject of a past Board decision. We will therefore render our decision of the timeliness issue in the part of this interim decision dealing with titles that were previously ruled upon by the Board.

Vacant Titles

In Decision No, 19-75, the Board stated that it would not rule on the alleged managerial or confidential status of titles that are vacant as of the date of the decision, a ruling which was followed in Decision No. 45-78. OCB records and other sources indicate that a number of the titles that are the subject of the City's petition are vacant. The titles and the title code numbers are:

Principal Retirement Benefits Examiner	40495
Supervising Economist	40920
Principal Nutritionist	50465
Director of Rent Research	60925
General Superintendent of Repairs to Distribution	91397
Principal Fire Prevention Inspector	31658

Public Health Officer (including specialties)	52802/3
Assistant Coordinator of Highway Transportation Studies	22360
Supervisor of Real Estate Maintenance	80161
District Personnel Officer	12791 [One employee working in the Board of Education]

With respect to the above titles, we direct that a letter be written to the City stating that records indicate that the titles are vacant and that the petition as it relates to the titles will be dismissed unless, prior to hearings to be conducted on the petition, the City furnishes to OCB information to the contrary and states that it can produce, at the hearings, employees presently working in titles that it may claim are not vacant.

Titles Which The Board Has Previously
Adjudicated Managerial or Confidential Status

Over the past several years we have followed a policy of requiring that a petition which seeks reversal of a prior Board determination of manageriality or non-manageriality should include a statement by petitioner indicating that a change in circumstances since the prior Board decision has taken place which is sufficient to warrant a different Board determination. We have followed this policy in order to avoid relitigation of the status of employees in cases where no change in circumstances has occurred since the Board ruled upon their managerial or non-man-

agerial status. We have also indicated that unless a statement of a change in circumstances is supplied, the Board will not process the petition. We have not required the statement in cases where the prior determination of status is a decision of the Department of Labor nor in cases where manageriality or non-manageriality had been stipulated by the parties. We have applied this policy both to petitions filed by the City and petitions filed by a union.⁹

The policy applies to the City's petition for the following titles:

Principal Public Health Sanitarian - In Decision No. 65-70 the Board determined that employees in the title were not managerial and the Board certified D.C. 37 to represent employees in the titles.

Principal Consumer Affairs Specialist - In Decision No. 8-72 the Board found that the one employee then serving in the title was managerial and therefore excluded from collective bargaining. However, in Decision No. 7-77 the Board found that circumstances had changed and that the four employees working in the title were not managerial or confidential and were eligible for collective bargaining.

⁹ This policy was recently applied in RE-105-80, a petition seeking managerial or confidential designation of all employees in the Financial Information Services Agency, and had been applied in an earlier case concerning a union petition to represent employees who had previously been found managerial or confidential (RU-633-78).

Principal Inspector of Ports and Terminals - In Decision No. 70-71 the Board found that employees working in the title were not managerial and therefore were eligible for collective bargaining.

District Supervising Public Health Nurse - In Decision No. 6-69 the Board ruled on the managerial status of employees in the predecessor title to this title and found them not managerial and, therefore, eligible for collective bargaining. After the former title was reclassified to District Supervising Public Health Nurse, the Board considered the appropriate unit placement of the title in Decisions Nos. 29A-71 and 29B-71 and amended an existing certification to include the title in the unit.

Director of Rent Research - In Decision No. 59-69 the Board considered and decided the issue of the status of employees in this title and found the employees were not managerial and therefor eligible for collective bargaining. This title is also the subject of discussion under the preceding section of this memorandum since OCB records indicate that the title is vacant.

Principal Urban Designer - Employees serving in this title were found non-managerial in Decision No. 45-78, a decision which was issued less than two years prior to the City's petition herein. Thus, as discussed above, the petition for this title is barred under section 2.20g of the OCB Rules.

As we have done in prior cases, we direct that the City be informed that before its petition regarding the above titles can

be further processed, it must plead, prior to commencement of hearings in this matter, a change in circumstances since the previous Board adjudication of the managerial or non-managerial status of employees in the titles. If the City fails to supply the information requested, we will adhere to our prior determination of the status of the employees and dismiss the petition.

We dismiss the City's petition as it relates to employees in the title Principal Urban Designer because the petition is clearly not timely under the OCB Rules. The dismissal, however, is without prejudice to a refilling of the petition during a one-month period after August 22, 1980. If the City does repetition for this title, it must plead a change in circumstances which has occurred since the Board found employees in the title non-managerial.

Severance of Petition

As mentioned earlier, the City's petition covers 55 titles (plus specialties) and names 10 unions as respondents. To facilitate the hearing and processing of the case and to avoid requiring parties to be present at times when the hearing does not concern titles they represent, we direct that the City's petition be severed along the lines of the certification in which the titles are included. The parts of the petition will be denoted by letter appendages to the docket number. Our direction in this regard is explained by the following table:

<u>DOCKET NO.</u>	<u>TITLE</u>	<u>CERTIFICATION NO.</u>	<u>UNION(S)</u>
RE-109A-80	Supervising Buyer	64-78	Local 300, SEIU
	Principal Purchase Inspector	64-78	Local 300, SEIU
	Supervising Auditor of Accounts	64-78	Local 300, SEIU
RE-109B-80	Supervisor of Motor Transport	7-78	Local 300, SEIU Local 237, IBT; and Local 832, IBT ¹⁰
RE-109C-80	Principal Administrative Associate (Level III)	41-73	Local 1180, CWA
RE-109D-80	Principal Chemist (including specialties)	26-78	Local 375, CSTG
	Principal Physicist	26-78	Local 375, CSTG
	Principal Urban Designer ¹¹	26-78	Local 375, CSTG
	Principal Planner (including specialty)	26-78	Local 375, CSTG
	Director of Inter-sectional Traffic Control	26-78	Local 375, CSTG

¹⁰ This unit was jointly certified to the three unions indicated. However, in Decision No. 14-80, the Board amended the certification to certify jointly Local 237 and Local 832, IBT, thereby dropping Local 300, SEIU from the certificate.

¹¹ This title was the subject of a previous Board decision. See discussion pages 11-14, supra.

<u>DOCKET NO.</u>	<u>TITLE</u>	<u>CERTIFICATION NO.</u>	<u>UNION(S)</u>
	Assistant Coordinator of Highway Transportation Studies ¹²	26-78	Local 375, CSTG
	Senior Project Development Coordinator	26-78	Local 375, CSTG
	Senior Project Services Specialist	26-78	Local 375, CSTG
	Principal Air Pollution Inspector	26-78	Local 375, CSTG
	Principal Fire Prevention Inspector	26-78	Local 375, CSTG
	Construction Manager	26-78	Local 375, CSTG
	Chief Supervisor of Mechanical Installations	26-78	Local 375, CSTG
	General Superintendent of Construction	26-78	Local 375, CSTG
	General Superintendent of Construction and Repairs	26-78	Local 375, CSTG
	Senior Principal Illustrator ¹³	26-78	Local 375, CSTG
	Associate Landmarks Preservationist	26-78	Local 375, CSTG
RE-109E-80	Principal Rent Examiner Supervising Appraiser (Real Estate)	46K-75 46K-75	D.C. 37 D.C. 37

¹² This title appears to be vacant. See discussion on pages 10-11, supra.

¹³ This title was recently reclassified to Associate Graphic Artist.

<u>DOCKET NO.</u>	<u>TITLE</u>	<u>CERTIFICATION NO.</u>	<u>UNION(S)</u>
RE-109E-80	Supervising Real Estate Manager	46K-75	D.C. 37
	Supervisor of Real Estate Maintenance ¹²	46K-75	D.C. 37
RE-109F-80	Principal Public Health Sanitarian ¹¹	28-78	D.C. 37
	Principal Nutritionist ¹²	28-78	D.C. 37
	District Supervising Public Health Nurse ¹¹	28-78	D.C. 37
RE-109G-80	Principal Consumer Affairs Inspector ¹¹	37-78	D.C. 37
	Principal Inspector of Ports and Terminals ¹¹	37-78	D.C. 37
	Principal Home Economist	37-78	D.C. 37
	Assistant Superintendent (Children's Institutions)	37-78	D.C. 37
	Principal Consultant (Early Childhood Education)	37-78	D.C. 37
	Superintendent of Adult Institutions	37-78	D.C. 37
	Supervisor III (Welfare)	37-78	D.C. 37
	Director of Residential Child Care	37-78	D.C. 37

<u>DOCKET NO.</u>	<u>TITLE</u>	<u>CERTIFICATION NO.</u>	<u>UNION(S)</u>
RE-109G-80	Supervisor III (Social Work)	37-78	D.C. 37
RE-109H-80	Principal Retirement Benefits Examiner ¹²	46D-75	D.C. 37
	Supervising Economist ¹²	46b-75	D.C. 37
	Director of Rent Research ^{11 12}	46D-75	D.C. 37
RE-109I-80	Department Principal Librarian	46C-75	D.C. 37
RE-109J-80	Horticulturist	38A-78	D.C. 37
	Borough Foreman (including specialties)	38A-78	D.C. 37
	Superintendent of Repairs to Distribution	38A-78	D.C. 37
	General Superintendent of Repairs to Distribution ¹²	38A-78	D.C. 37
RE-109K-80	Principal Housing Inspector	71-73	Local 211, ABI
	Principal Construction Inspector	71-73	Local 211, ABI
RE-109L-80	Public Health Officer (including specialties) ¹²	50-73	Doctor's Council

<u>DOCKET NO.</u>	<u>TITLE</u>	<u>CERTIFICATION NO.</u>	<u>UNION(S)</u>
RE-109L-80	Senior Public Health Officer (including specialties)	50-73	Doctor's Council
RE-109M-80	Chief Dockmaster	44-76	Local 333, UMD, ILA
RE-109N-80	General Dock builder Foreman This title is not certified to any union. Employees in the title promote from the Foreman Dockbuilder title which is in a bargaining unit certified to District Council of N.Y.C. and Vicinity of the United Brotherhood of Carpenters and Joiners of America, AFL-CIO (Certification No. 50-68).		

Consolidation

In another case pending before the Board, docketed as RE-118-80, the City has petitioned to have employees in the title Principal Park Supervisor declared managerial or confidential. This title is included in Certification No. 38A-78, represented by D.C. 37. The part of the instant case denoted RE-109J-80 also concerns employees working in titles included in Certification No. 38A-78. Thus, because the parties are the same, the titles involved are in the same bargaining unit and the issue in the two proceedings concerns alleged managerial or confidential status of employees, we order consolidation of the two petitions.

Other Matters

Social Service Employees Union Local 371 has moved to intervene in this proceeding on the grounds that it represents employees working in the titles Superintendent of Adult Institutions, Supervisor III (Welfare), Director of Residential Child Care and Supervisor III (Social Work), which are the subject of the part of the City's petition that has been designated RE-109G-80. The motion was filed on June 4, 1980 and contains proof of service on all parties to this matter. No objection to the motion has been received to date. We therefore grant Local 371's motion to intervene.

The City's petition names Local 300, SEIU as one of three jointly certified representatives of employees in the title Supervisor of Motor Transport. As mentioned above, the Board, in Decision No. 14-80, issued after the filing of the City's petition herein, amended the certification of the bargaining unit that includes the title to drop Local 300 as one of the joint certificate holders. Local 300 has petitioned the Board for reconsideration of the decision and its petition has not yet been considered. However, for purposes of hearing we direct that the union parties to the part of the City's petition concerning the title Supervisor of Motor Transport, which has been designated RE-109B-80, are the two unions presently certified to represent employees in the title, Local 237, IBT and Local 832, IBT, unless, on reconsideration, we reverse Decision No. 14-80.

ORDER AND DIRECTION

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 motion to dismiss filed herein by Civil Service Technical Guild, Local 375 be, and the same hereby is, denied; and it is further

ORDERED, that the part of the petition seeking managerial or confidential designation of employees in the title Principal Urban Designer be, and the same hereby is, dismissed without prejudice to a refilling of the petition for the title during a one-month period commencing August 23, 1980 provided that the petition include a statement indicating that a change in circumstances since Decision No. 45-78 has taken place sufficient to warrant a different determination; and it is further

ORDERED, that the motion to intervene in this proceeding filed by Social Service Employees Union, Local 371 be, and the same hereby is, granted; and it is further

DIRECTED, that the City of New York be informed that the records of the Office of Collective Bargaining indicate that the titles Principal Retirement Benefits Examiner, Supervising Economist, Principal Nutritionist, Director of Rent Research, General Superintendent of Repairs to Distribution, Principal Fire Prevention Inspector, Public Health Officer (including specialties), Assistant Coordinator of Highway Transportation Studies, Supervisor

of Real Estate Maintenance, and District Personnel Officer are vacant and that the petition to have employees in the title declared managerial or confidential will be dismissed unless, prior to the commencement of hearings in this matter, the City informs the Office of Collective Bargaining that there are incumbents in the title who can be produced at hearings to be conducted on the petition; and it is further

DIRECTED, that the City of New York be informed that the Board of Certification has previously found not managerial the employees in the titles Principal Public Health Sanitarian (Decision No. 65-70), Principal Consumer Affairs Specialist (Decision No. 7-77), Principal Inspector of Ports and Terminals (Decision No. 70-71), District Supervising Public Health Nurse (Decision No. 6-69) and Director of Rent Research (Decision No. 59-69), and that the Board will adhere to its determination of the status of the employees in the title unless prior to commencement of hearings in this matter the City files with the Office of Collective Bargaining a statement indicating that a change in circumstances since the previous Board determination has taken place sufficient to warrant a different determination; and it is further

DIRECTED, that the petition herein be divided into parts and designated as indicated on pages 14-19 of this Interim Decision and Order; and it is further

DIRECTED, that the part of the petition designated RE-109J-80 be consolidated with the petition docketed as RE-118-80; and it is further

DIRECTED, that in accordance with Decision No. 14-80 and, unless the decision is reversed on reconsideration, for purposes of hearings in this matter the two unions certified to represent employees in the title Supervisor of Motor Transport, who are the subject of the City's petition designated RE-109B-80, are Local 237, I.B.T. and Local 832, I.B.T.

DATED: August 18, 1980
New York, New York

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

DANIEL G. COLLINS
MEMBER

APPENDIX A

Titles Which Are the Subject of the Petition

Principal Administrative Associate (Level III)
Supervising Buyer
Principal Storekeeper
District Personnel Officer
Principal Chemist (incl. specialties)
Principal Physicist
Principal Urban Designer
Principal Planner (incl. specialty)
Director of Intersectional Traffic Control
Asst. Coordinator of Highway Transportation Studies
Sr. Project Development Coordinator
Sr. Project Services Specialist
Principal Rent Examiner
Principal Public Health Sanitarian
Principal Air Pollution Inspector
Principal Housing Inspector
Principal Fire Prevention Inspector
Principal Construction Inspector
Principal Consumer Affairs Inspector
Principal Inspector of Ports & Terminals
Principal Purchase Inspector
Construction Manager
Chief Supervisor of Mechanical Installations
General Superintendent of Construction
Principal Water Use Inspector
Supervising Appraiser (Real Estate)
Principal Retirement Benefits Examiner
Supvsg. Auditor of Accounts
Supvsg. Economist
Principal Nutritionist
Principal Home Economist
District Supvsg. Public Health Nurse
Asst. Director of Bureau of Public Health Education
Asst. Superintendent (Children's Institutions)
Principal Consultant (Early Childhood Education)
Superintendent of Adult Institutions
Supervisor III (Welfare)
Director of Residential Child Care
Supervisor III (Social Work)
Public Health Officer (both specialties)
Sr. Public Health Officer (both specialties)
Dept. Principal Librarian
Director of Rent Research
Supvsg. Real Estate Manager

Supervisor of Real Estate Maintenance
Horticulturist
Chief Dockmaster
Supervisor of Motor Transport
Borough Foreman (incl. specialties)
Supt. of Repairs to Distribution
General Supt. of Repairs to Distribution
General Supt. of Construction & Repairs
Sr. Principal Illustrator
General Dockbuilder Foreman
Associate Landmarks Preservationist