

L.2, NYSNA, et. Al v. City, 26 OCB 6 (BOC 1980) [6-80 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

NEW YORK NURSES CHAPTER, UNITED  
FEDERATION OF TEACHERS, LOCAL NO. 2,  
AFT, NYSUT, AFL-CIO

-and-

LEAGUE OF REGISTERED NURSES,  
DISTRICT 1199, NATIONAL UNION OF  
HOSPITAL AND HEALTH CARE EMPLOYERS  
RWDSU, AFL-CIO

DECISION NO. 6-80

DOCKET NO. RU-738-80

-and-

NEW YORK STATE NURSES ASSOCIATION

-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 January 14, 1980, New York Nurses Chapter, United Federation of Teachers, Local #2, AFT, NYSUT, AFL-CIO, (herein UFT) filed a timely petition requesting certification as the collective bargaining representative of a unit consisting of employees in the titles of Registered Professional Nurse (CETA), Staff Nurse, Nurse-Midwife, Nurse Practitioner, Assistant Head Nurse, Head Nurse, Supervisor of Nurses, Assistant Superintendent of Nurses (Nursing Education), and Instructor-Chairman. Timely interventions were filed by League of Registered Nurses, District 1199, National Union of Hospital and Health Care Employees,

RWDSU, AFL-CIO (herein District 1199); and New York State Nurses Association (herein NYSNA), which is currently certified for the relevant unit (Decision No. 73-73, as amended).

In regard to the present unit, however, the Board notes that the exclusions from the unit of "Staff Nurses (per session) and Staff Nurses employed in the Department of Health" were made in the 1960's and were predicated on the fact that these Staff Nurses were performing "preventive and community-oriented public health services rather than . . . curative patient-centered services." Based on this distinction, these nurses were excluded from the current unit (see Decisions 6-69 and 16-69 and Certificate 9 NYCDL No. 38). Staff Nurses (per session) and Staff Nurses employed in the Department of Health were later reclassified to the "new" titles of Registered Nurse (Per session) and Junior Public Health Nurse, respectively, and the appropriate Certifications were amended accordingly (Decisions 29-71 and 18-76).

In the interim, the Department of Health employed Staff Nurses again. However, these Staff Nurses do not perform-public health work, but, rather, like nurses in the present unit, are involved in direct patient care

(in prisons and methadone clinics). Moreover, the Health Department no longer employs "per session" Staff Nurses. Accordingly, the Board will no longer continue the present exclusions, but will include these Staff Nurses in the current unit.

Similarly, the titles of Assistant Superintendent of Nurses (both the generic title and the specialty of Nursing Education) and Instructor-Chairman are vacant and obsolete. Accordingly, they will be removed from the unit.

The City's Office of Municipal Labor Relations has limited its position in this matter to comments relative to certain authorizations submitted by UFT on January 31, 1980. It is not necessary to treat this issue since UFT's January 14 submission was sufficient for the required 30% showing of interest.

Since each of the Unions, by either an appropriate showing of interest or by virtue of present certification, is eligible to participate in an election, we shall direct such an election accordingly.

#### 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 or its agents, at a time, place, and during hours to be fixed by the Board, among the Registered Professional Nurses (CETA), Staff Nurses, Nurse-Midwives, Nurse Practitioners, Assistant Head Nurses, Head Nurses, and Supervisors of Nurses, employed by the City of New York and related public employers, who were employed during the payroll period immediately preceding the date of this Direction of Election (other than those who have voluntarily quit 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-UFT, District 1199, NYSNA, or by none of them.

Dated: New York, New York  
March 7, 1980

ARVID ANDERSON  
Chairman

WALTER L. EISENBERG  
Member

ERIC J. SCHMERTZ  
Member