

DC37 v. City, 28 OCB 22 (BOC 1981) [22-81 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

-----X

In the Matter of

DISTRICT COUNCIL 37, AFSCME,
AFL-CIO

DECISION NO. 22-81

DOCKET NO. RU-799-80

-and-

THE CITY OF NEW YORK

-----X

DECISION AND ORDER

On December 30, 1980, District Council 37, AFSCME, AFL-CIO, filed its petition herein, seeking to add the title of Police Communications Aide to its Certification No. 46C-75 (as amended), covering various clerical and related titles. The Union pointed out that "this is a temporary title [employees in which are] being transferred to Police Communications Technician titles; however, we are filing this petition to protect these employees' rights to health and security benefits."

The requested title was created shortly before May 12, 1980, and the Union petitioned (RU-763-80) on May 28, 1980, to add the title to Certification No. 46C-75 (as amended), while classification of the title was still pending. On August 13, 1980, the title was replaced by that of Police Communications Technician, which had been classified by Personnel Director's resolution No. 80-24 on July 2, 1980. Thereupon, on September 16, 1980, the Union amended its petition by substituting the successor title. Finally on October 29, 1980, the Board issued its Decision No. 36-80, adding the title of Police Communications Technician (as well as that of Supervising Police Communications Technician) to the requested unit.

Decision No. 22-81
Docket No. RU-799-80

Although there were still a few employees who had not been reclassified as Police Communications Technicians when the present petition was filed, our records show, that there are no longer any employees serving in the Police Communication Aide title. Thus, in effect, the petition herein seeks certification for an interim period prior to the full implementation of the Personnel Director's resolution for employees now covered by the Board's Decision No. 36-80 in their present title of Police, Communications Technician.

Since it is the Board's policy not to certify obsolete and vacant titles and since it is contrary to the Board's policy to issue retroactive decisions, we shall dismiss this petition.

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 the petition herein be, and the same hereby is dismissed.

DATED: New York, N.Y.
August 13, 1981

ARVID ANDERSON
CHAIRMAN

MITER L. EISENBERG
MEMBER

DANIEL G. COLLINS
MEMBER