

DC 37, 3 OCB2d 20 (BOC 2010)

(Rep) (Docket No. AC-55-10).

Summary of Decision: The City of New York filed a petition to amend District Council 37's Certification No. 6-76 to add the title Mate (DEP), Levels I, II, and III, and to delete the titles Third Mate, Second Mate, and Chief Mate. The Board amended the certification to add the title Mate (DEP) and delete the vacant title of Chief Mate. The Board further held that Third Mate and Second Mate will be deleted when the titles become vacant. *(Official decision follows.)*

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

-between-

THE CITY OF NEW YORK,

Petitioner,

-and-

DISTRICT COUNCIL 37, AFSCME, AFL-CIO,

Respondent.

ORDER AMENDING CERTIFICATION

On March 17, 2010, the City of New York ("City") filed a petition to amend Certification No. 6-76, a bargaining unit represented by District Council 37, AFSCME, AFL-CIO ("Union") to add title of Mate (DEP) (Title Code No. 91580), Levels I, II, and III, and to delete the titles of Third Mate (Title Code No. 06252), Second Mate (Title Code No. 91569), and Chief Mate (Title Code No. 91526) to reflect the reclassification of these titles. Notice of this petition was given to the public and the Union, and no objections or responses were filed.

Our investigation shows that there are no employees currently serving in the Chief Mate title.

However, there are incumbents serving in the titles Third Mate and Second Mate who will be transferred to the Mate (DEP) title after that title is certified. In order not to deprive these employees of union representation, the Third Mate and Second Mate titles will be deleted upon notification from the City that the titles are vacant. *See Local 375, CSTG, DC 37, 80 OCB 10, at 2 (BOC 2007).*

NOW, THEREFORE, pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law (New York City Administrative Code, Title 12, Chapter 3), it is hereby

ORDERED that Certification No. 6-76 (as previously amended) be, and the same hereby is, further amended to add the title Mate (DEP) (Title Code No. 91580), Levels I, II, and III, subject to existing contracts, if any, and to delete the title Chief Mate (Title Code No. 91526); and it is further

ORDERED that Certification No. 6-76 (as previously amended) be further amended to delete the titles Third Mate (Title Code No. 06252) and Second Mate (Title Code No. 91569) when those titles become vacant.

Dated: May 10, 2010
New York, New York

MARLENE A. GOLD
CHAIR

CAROL A. WITTENBERG
MEMBER

NOTICE OF AMENDED CERTIFICATION

This notice is to acknowledge that the Board of Certification has issued an Order Amending Certification as follows:

DATE: May 10, 2010 **DOCKET #:** AC-55-10

DECISION NUMBER: 3 OCB2d 20 (BOC 2010)

EMPLOYER: City of New York, Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

CERTIFIED/RECOGNIZED BARGAINING REPRESENTATIVE:

District Council 37, AFSCME, AFL-CIO
125 Barclay Street, 5th Floor
New York, NY 10007

AMENDMENT: Certification No. 6-76 has been amended to add and delete the following titles/codes:

Added: Mate (DEP), Levels I, II, and III (Title Code No. 91580)

Deleted: Chief Mate (Title Code No. 91526)

To be Deleted when Vacant:

Third Mate (Title Code No. 06252)
Second Mate (Title Code No. 91569)