

DC37 v. City, 30 OCB 16 (BOC 1982) [16-82 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME,
AFL-CIO

DECISION NO. 16-82

DOCKET NO. RU-854-81

-and-

THE CITY OF NEW YORK

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DECISION AND ORDER

The petition herein, as amended, requests that the new title of Police Attendant (Male) be added to Certification No. 37-78 (as amended), covering a "social service and related" unit, consisting of nearly two hundred titles, including Police Attendant (Female). The City's Office of Municipal Labor Relations opposes this petition on the ground that the duties of the requested title are more similar to those performed by the "security titles" in Certification No. 38B-78 (as amended). The latter unit consists of twenty-nine non-supervisory "custodial, maintenance and related" titles, including Attendant Guard (OTB) and Watchman. The City also recommends that the title of Police Attendant (Female) be transferred from the former to the latter certification.

The Union argues that the similarity of the two Police Attendant titles "requires" them to be in the same bargaining unit, so that the Police Attendant (Female) title having been

placed in the social service unit, Police Attendant (Male) should be "similarly treated" and placed in the same unit. The City contends that the social service unit "has no security titles and consists of titles which primarily perform professional counseling duties."

Discussion

Police Attendants of both genders perform guard and bodily search duties, report any unusual physical condition of prisoners or material witnesses, attend to the personal needs of prisoners, such as food and clothing, and are responsible for maintaining the cleanliness of cells. Thus their duties differ significantly from those of the employees in the social service unit, who are generally concerned with influencing client behavior as well as, in some cases, physical conditions. Accordingly, we find that the non-supervisory custodial and maintenance unit is more appropriate for the Police Attendants than the social service unit. Since a majority of the employees in the custodial and maintenance unit, as amended herein, have authorized check-off of dues in behalf of Petitioner, we shall amend Certifications 37-78 and 38B-78 accordingly.

ORDER

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 Police Attendant (Female) be, and the same hereby is transferred from Certification No. 37-78 (as amended) to Certification No. 38B-78 (as amended), subject to existing contracts, if any; and it is further

ORDERED that Certification No. 38B-78 (as previously amended) be, and the same hereby is further amended to include the titles of Police Attendant (Female) and Police Attendant (Male), subject to existing contracts, if any.

DATED: New York, N.Y.
May 12, 1982

ARVID ANDERSON
CHAIRMAN

DANIEL G. COLLINS
MEMBER

MILTON FRIEDMAN
MEMBER

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

Police Attendant (Female)	90201
Police Attendant (Male)	05161