

L.30, et. Al v. L.704, et. Al, 4 OCB 13 (BOC 1969) [Decision No. 13-69 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 30, AFL-CIO DECISION NO. 13-69

-and

THE DEPARTMENT OF HOSPITALS DOCKET NO. R-81-67

-and

INTERNATIONAL BROTHERHOOD OF FIREMEN
AND OILERS, LOCAL 704, AFL-CIO

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DECISION and DIRECTION OF ELECTION

International Union of Operating Engineers, Local 30, AFL-CIO herein called Petitioner, filed its petition herein with the New York City Department of Labor on September 21, 1967.

This proceeding was transferred to the Board of Certification, pursuant to Rule 13.13 of the Consolidated Rules of the Office of Collective Bargaining, effective January 2, 1968.

On July 17, 1968, International Brotherhood of Firemen and Oilers, Local 704, AFL-CIO, herein called Intervenor, applied to intervene herein. Neither Petitioner nor the City has opposed the application. Accordingly, the application will be granted.

Upon consideration of the investigation made by the Department of Labor, and of its own investigation, the Board of Certification issues the following decision:

I. Undisputed Matters

It is undisputed, and we find and conclude, that in fact and within the meaning of the New York City Collective Bargaining Law, Petitioner and Intervenor are public employee organizations; and that a question or controversy concerning representation exists.

II. The Appropriate Unit

Petitioner and Intervenor request certification as the exclusive bargaining representative of a unit consisting of Stationary Firemen in the Department of Hospitals.

Although the City of New York contends that the the appropriate unit should consist of all Stationary Firemen, City-Wide, no petition for such a unit has been filed by any public employee organization.

The Stationary Firemen in the Department of Hospitals are a readily identifiable and homogeneous group of skilled employees with common interests. Accordingly, we find that they constitute a unit appropriate for the purposes of collective bargaining. We shall conduct an election by secret ballot to determine the present desires of the employees in said unit concerning representation for the purpose of collective bargaining. Both Petitioner and Intervenor will be named on the ballot.

O R D E R

By virtue of and pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, it is hereby,

O R D E R E D, that the application of INTERNATIONAL BROTHERHOOD OF FIREMEN AND OILERS, LOCAL 704, AFL-CIO, to intervene be, and the same, hereby is, granted, and it is further

O R D E R E D, that an election by secret ballot shall be conducted under the supervision of the Board of Certification, or its agents, at a time, place, and during hours to be fixed by the Board, among the employees in the unit found appropriate in Section II above, 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 election), to determine whether they desire to be represented for the purposes of Collective Bargaining by INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 30, AFL-CIO; INTERNATIONAL BROTHERHOOD OF FIREMEN AND OILERS, LOCAL 704, AFL-CIO; or by neither.

Dated: New York, N.Y.

March 31, 1969

ARVID ANDERSON
Chairman

ERIC J. SCHMERTZ
Member

SAUL WALLEN
Member