

L.1199, et. Al v. City, 4 OCB 35 (BOC 1969) [Decision No. 35-69 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

DECISION NO. 35-69

LOCAL 1199, DRUG AND HOSPITAL  
UNION, R.W.D.S.U., AFL-CIO

-and-

DOCKET NO. RU-85-69

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND CERTIFICATION

On December 30, 1968, Local 1199, Drug and Hospital Union, RWDSU, AFL-CIO, filed its petition herein requesting certification as the exclusive collective bargaining representative of Pharmacist Trainees and Pharmacist Technicians.

Upon consideration of its investigation, and after due deliberation, the Board of Certification issues the following decision:

I. Undisputed Matters

It is undisputed, and we find and conclude, that Petitioner is a public employee organization in fact and within the meaning of the New York City Collective Bargaining Law.

II. The Appropriate Unit

Petitioner was certified by the New York City Department of Labor, in 1965 and 1966, as representative of a unit consisting of approximately two hundred Pharmacists, Senior Pharmacists, Supervising Pharmacists, and Principal Pharmacists (7 NYCDL Nos-43, 45, 46, and 50; and MR-1-66). The requested

Decision No. 35-69  
Docket No. RU-85-69

titles were established in 1968 and have approximately fifteen incumbents.

Pharmacists, Senior Pharmacists, Supervising Pharmacists and Principal Pharmacists perform various levels of pharmaceutical work. Pharmacist Trainees receive training in and assist in the performance of pharmaceutical work. Pharmacist Technicians perform routine, sub-professional pharmaceutical work.

The City recommends that Pharmacist Trainees be added to the existing unit, but objects to the addition thereto of Pharmacist Technicians on the grounds that the latter are "technical employees whose status does not ripen ... into a professional category."

Pharmacist Trainees must be graduates of a school of pharmacy recognized by the State of New York. At the end of a year of satisfactory training and service, Trainees who receive a license to practice pharmacy in New York are appointed to the title of Pharmacist.

Pharmacist Technicians must be graduates of a college of pharmacy recognized by the State of New York, or licensed pharmacists in another State or Country. They may take the New York State licensing examination if they can establish, to the satisfaction of the New York State Board of Pharmacy, that

Decision No. 35-69  
Docket No. RU-85-69

their educational background and professional training are equivalent to the requirements of the State of New York. If they need supplementary courses to qualify for such equivalency, they are allowed to pursue such courses.

Pharmacist Trainees and Pharmacist Technicians alike assist in filling prescriptions, and compounding and storing pharmaceuticals. Both Trainees and Technicians work under the supervision of a licensed pharmacist.

It is clear from the foregoing, and we find, that the duties, skills, and interests, of the Pharmacist Trainees and Pharmacist Technicians are closely related and allied to those of the Pharmacists, Senior Pharmacists, Supervising Pharmacists, and Principal Pharmacists and that the petitioned titles properly should be placed in the cited unit.

### III. Representative Status

Our investigation discloses that a majority of the employees in the appropriate unit have authorized dues check-off in behalf of Petitioner. We find and conclude that Petitioner has been designated and selected by a majority of the employees in the appropriate unit as their representative for the purposes of collective bargaining.

Decision No. 35-69  
Docket No. RU-85-69

CERTIFICATION

Pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, it is hereby

C E R T I F I E D, that Local "1199, Drug and Hospital Union, R.W.D.S.U., AFL-CIO, is the exclusive representative for the purposes of collective bargaining of all Pharmacist Technicians, Pharmacist Trainees, Pharmacists, Senior Pharmacists, Supervising Pharmacists, and Principal Pharmacists, employed by the City of New York and related public employers under the jurisdiction of the Office of Collective Bargaining.

DATED: New York, N.Y.

June 16, 1969

ARVID ANDERSON  
C H A I R M A N

ERIC J. SCHMERTZ  
M E M B E R