

L.375, DC37, et. Al v. City, 4 OCB 38 (BOC 1969) [Decision No. 38-69 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

Civil Service Technical Guild,
Local 375, District Council 37,
A.F.S.C.M.E., AFL-CIO

DECISION NO. 38-69

DOCKET NO. RU-91-69

-and

The City of New York

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DECISION AND ORDER

Civil Service Technical Guild, Local 375, District Council 37, AFSCME, AFL-CIO, filed its petition herein, on January 13, 1969.

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, in fact and within the meaning of the New York City Collective Bargaining Law, Petitioner is a public employee organization; and that a question or controversy concerning representation exists.

II. Appropriate Unit

Petitioner requests certification as the exclusive collective bargaining representative of a City-wide unit consisting of Engineering Aides and Junior Draftsmen.

These titles constitute the entire Sub-Professional Engineering and Architectural Group. On February 6, 1968, the titles were designated by the Civil Service Commission "for present incumbents only". (Resolution 68-7). Shortly prior thereto, on Sept. 22, 1967,

the Civil Service Commission had established an Engineering Technician Occupational Group, consisting of the titles Engineering Technician Trainee, Assistant Engineering Technician, Engineering Technician and Senior Engineering Technician. (Resolution 67-81). On February 13, 1968, the titles Engineering Technician (Drafting) and Senior Engineering Technicians (Drafting) were added to that Occupational Group. (Resolution 68-20).

The education requirements for the petitioned titles and for those in the Engineering Technician Occupational Group are sub-baccalaureate and all perform sub-professional engineering or architectural work. The petitioned titles perform "routine" work; the Engineering Technician Trainee and Assistant Engineering Technicians perform "elementary work"; and Engineering Technicians perform work of "ordinary difficulty".

Contrary to the City's assertion, the Engineering Technicians Occupational Group is not covered by Certification No. CWR-15-67. That certification covers a group of professional employees, and was issued prior to the establishment of the Engineering Technicians Occupational Group. Thus, neither group presently is represented for collective bargaining purposes.

In Matter of District Council 37, Decision No. 44-68, we stated:

"In the summer of 1967, the Department of Labor began consolidating and combining titles into City-wide units of occupationally related titles. In our opinion, such a policy, based upon mutuality of interest among occupationally related titles, the history of collective bargaining and other factors is essential to the effectuation of the purposes and policies of the Statute and the proper functioning of the collective bargaining process, and should be applied wherever it is possible to do so without severe dislocations or inequities."

It is clear, and we find, that the duties, skills and interests of the petitioned titles are closely related to those in the Engineering Technicians Occupational Group, and that all should be in the same collective bargaining unit.

As the unit sought is not appropriate for the purpose of collective bargaining, we shall dismiss the petition herein.

ORDER

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

ORDERED, that the petition filed herein, on January 13, 1969, by the Petitioner, be, and the same hereby is, dismissed.

DATED: New York, N. Y.

June 24 , 1969

ARVID ANDERSON
CHAIRMAN

ERIC J. SCHMERTZ
MEMBER

SAUL WALLEN
MEMBER