

DC37 v. City, 4 OCB 41 (BOC 1969) [Decision No. 41-69 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME, AFL-CIO

DECISION NO. 41-69

-and-

DOCKET NO. RU-71-68

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND CERTIFICATION

District Council 37, herein called Petitioner, by petition filed October 16, 1968, seeks to add "by accretion" the title of Borough Foreman (including specialties) to a group of titles in the Construction and Maintenance Supervisory Service for which Petitioner has been certified as City-wide representative. The titles are: Foreman (including specialties), District Foreman (including specialties), Superintendent of Repairs to Distribution and General Superintendent of Repairs to Distribution.

The City, which at first opposed Petitioner's request, has withdrawn its objections.

Since Petitioner is presently certified only for the separate titles described above, rather than for a unit including those titles, Petitioner's request has been treated as a request for issuance of a unit certification.

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

The employees in the titles of Foreman (including specialties), District Foreman (including specialties), Borough Foreman (including specialties), Superintendent of Repairs to Distribution and General Superintendent of Repairs to Distribution are skilled supervisory employees, constituting a readily identifiable and homogeneous group with common interests, which comprises the entire Construction and Maintenance Supervisory Service. An additional title so closely related to the foregoing as to require inclusion in the same unit is that of General Foreman, Grade 4, a restored "unlimited grade" title which is equivalent to the title District Foreman.

Accordingly, we find and conclude that all employees in the Construction and Maintenance Supervisory Service and in the title of General Foreman Grade 4, constitute a unit appropriate for the purposes of collective bargaining in fact and within the meaning of the New York City Collective Bargaining Law.

## 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.

CERTIFICATION

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

CERTIFIED, that District Council 37, AFSCME, AFL-CIO, is the exclusive representative for the purposes of collective bargaining of all employees in the Construction and Maintenance Supervisory Service and in the title of General Foreman Grade 4, 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 24, 1969

ARVID ANDERSON  
C h a i r m a n

ERIC J. SCHMERTZ  
M e m b e r

SAUL WALLEN  
M e m b e r