

L.1180, CWA v. City, 4 OCB 8 (BOC 1969) [Decision No. 8-69 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DECISION NO. 8-69

LOCAL 1180, COMMUNICATION WORKERS OF
AMERICA, AFL-CIO

DOCKET NOS. R-2-67
R-188-66

-and-

THE CITY OF NEW YORK

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DECISION AND CERTIFICATION

Local 1180, Communication Workers of America AFL-CIO, herein called Petitioner, filed the above-entitled petitions with the New York City Department of labor for certification as the collective bargaining representative of Personnel Assistants in the Department of Social Services and Personnel Associate in the Board of Water Supply. The proceedings were transferred to the Board of Certification pursuant to Rule 13.13 of the Consolidated Rules of the Office of Collective Bargaining.

A consolidated hearing was held before Richard J. Horrigan., Esquire., Trial Ezmmner, on September 10, 1968. Thereafter the Board directed that said hearing be reopened for the taking of additional evidence and a reopened hearing date was fixed for February 25, 1969. On February 14, 1969, the City and Petitioner entered into a supplemental stipulation.

Upon consideration of the entire record herein and the stipulations of the parties dated February 14, 1969, the Board renders the following decision:

I. Confidential Status of Employees

The City contended that the employees here concerned are confidential employees and hence are not entitled to bargain collectively.

In the stipulation of February 14, 1969, the parties agree that the only Personnel Assistants who are "directly engaged in handling and/or assisting those who are directly responsible for personnel management and labor relations activities in their agency" are Frank Durso, Department of Personnel; Suzanne Smith, Human Rights Commission; and Frank McDermott, Department of Hospitals. A similar stipulation was made as to the title of Personnel Associate. The parties agreed that the only Personnel Associate who is a confidential employee is Jerry Asinelli of the Fire Department.

We find, in accordance with the stipulations, that the above-named employees of the City are confidential employees, and should be excluded from the appropriate bargaining unit. (Matter of Local 188, D.C.37; Decision No. 70-68).

II. The Appropriate Unit and Representative Status

The parties stipulated that Personnel Assistants and Personnel Associates, with the abovementioned exclusions, constitute an appropriate City-wide collective bargaining unit.

Personnel Assistants and Personnel Associates are in the Clerical Administrative Occupational Group and are also in the same promotional line. They perform the same type of work and, manifestly, have a community of interest.

We find and conclude, therefore, that all Personnel Assistants and Personnel Associates (excluding Frank Durso, Suzanne Smith, Frank McDermott and Jerry Asinelli) employed by the City of New York constitute a unit appropriate for the purposes of collective bargaining.

The parties stipulated, and we find, that a majority of the employees in the aforementioned unit have authorized the check-off of dues in favor of Petitioner. Accordingly, we find that Petitioner has been designated and selected as their collective bargaining representative by a majority of the employees in said unit.

C E R T I F I C A T I O N

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 1180, Communication Workers of America, AFL-CIO, is the exclusive representative for the purposes of collective bargaining of all Personnel Assistants and Personnel Associates (excluding Frank Durso, Suzanne Smith Frank McDermott and Jerry Asinelli) employed by the City of New York.

DATED: New York, N. Y.

February 27, 1969

ARVID ANDERSON
CHAIRMAN

ERIC J. SCHMERTZ
MEMBER

SAUL WALLEN
MEMBER