

OSA v. City, DC37, Related Public Employers, 46 OCB 1 (BOC 1990) [1-90 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of the Petition of

ORGANIZATION OF STAFF ANALYSTS,

Petitioner,

DECISION NO. 1-90

-and-

CITY OF NEW YORK and RELATED
PUBLIC EMPLOYERS,

DOCKET NO. RU-1021-88

Respondents,

DISTRICT COUNCIL 37, AFSCME,

Intervenor.

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DECISION AND ORDER

By petition filed with this Board on October 11, 1988, the Organization of Staff Analysts ("OSA") sought to add the title of Training Development Specialist (Assignment Level I and Assignment Level II) (collective referred to as "the TDS title") to Certification No. 3-88. District Council 37, American Federation of State, County and Municipal Employees ("DC 37") initially sought to intervene by letter dated November 18, 1988. Subsequently, by letter dated January 13, 1989, the City of New York ("the City") indicated that it would not oppose representation of the TDS title, but in light of DC 37's intervention, it would maintain a position of neutrality regarding the unit placement of the title.

OSA challenged DC 37's intervention alleging various procedural and substantive infirmities in its application. This Board, in Decision No. 11-89, found that DC 37's application to

intervene was substantively adequate but was procedurally defective and denied its application on that basis. We gave DC 37 ten days in which to cure the defects in application. By letter dated July 13, 1989, DC 37 timely cured the defects and its application to intervene was granted.

By notice of hearing dated October 13, 1989, this Board consolidated the instant matter with Docket No. RU-1020-88 for purpose of conducting hearings. Subsequently, by letter dated November 14, 1989, the City asked the Board to sever the hearing of Docket No. RU-1020-88 from Docket No. RU-1021-88, and the Board granted the City's request.

Hearings were held with respect to the instant matter on November 16, and November 29, 1989, before a trial examiner designated by this Board. On November 29, 1989, counsel for DC 37 indicated that DC 37 was considering withdrawing its intervention in the matter and asked that hearings be held in abeyance until it had determined what action it would take. By letter dated December 26, 1989, DC 37 withdrew its intervention, and the trial examiner closed the record.

It appears to the satisfaction of the Board, based on the pleadings and all proceedings had herein, that the title of Training Development Specialist (Assignment Level I and Assignment Level II) should be added, by accretion to Certification No. 3-88, covering certain Staff Analysts, Associate Staff Analysts and Program Research Analysts.

ORDER

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

ORDERED that Certification No. 3-88 be, and the same hereby is, amended by including the title of Training Development Specialist (Assignment Level I and Assignment Level II.)

Dated: New York, New York
January 16, 1990

MALCOLM D. MacDONALD
CHAIRMAN

DANIEL G. COLLINS
MEMBER

GEORGE NICOLAU
MEMBER

The title and title code number of the employees affected by this decision are as follows:

Training Development Specialist	12618
(Assignment Level I and Assignment Level II)	