

L.144, SEIU, et. al v. HHC,48 OCB 1 (BOC 1991) [1-91 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

LOCAL 144, SEIU, AFL-CIO, LOCAL
237, IBT, AFL-CIO; and DISTRICT
COUNCIL 37, AFSCME, AFL-CIO,
Jointly,

DECISION NO. 1-91

Petitioner,

-and-

DOCKET NO. RU-1060-89

NEW YORK CITY HEALTH AND HOSPITALS
CORPORATION,

Respondent.

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In the Matter of

LOCAL 1199, RWDSU, AFL-CIO,

Petitioner,

-and-

DOCKET NO. RU-1061-89

NEW YORK CITY HEALTH AND HOSPITALS
CORPORATION,

Respondent.

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DETERMINATION AND ORDER

On November 9, 1989, Local 144, SEIU, AFL-CIO ("Local 144"), filed a petition, together with Local 237, IBT, AFL-CIO ("Local 237"), and District Council 37, AFSCME, AFL-CIO ("DC 37"), the other joint representatives of the unit, seeking to add the titles Phlebotomist and Laboratory Assistant of the New York City Health and Hospitals Corporation ("HHC"), to Certification No. 62D-75 (as amended). The petition, which was accompanied by 52 Local 144 "Authorization for Deduction of Dues" cards allegedly

signed by employees in the titles at issue, was docketed as RU-1060-89.¹

On November 14, 1989, the Director of Representation of the Office of Collective Bargaining ("Director") sent an "interest letter" to Local 1199, RWDSU, AFL-CIO ("Local 1199"), advising it of its right to move to intervene in the proceeding.² Also on that day, the Director informed the City of New York's Office of Labor Relations ("the City") of Local 144's petition and requested a statement of its position on the matter.

On November 28, 1989, Local 1199 filed a petition seeking to be certified as exclusive representative for purposes of collective bargaining of employees in the aforementioned titles. Local 1199 claimed that a separate unit was appropriate here because:

"Prior to the creation of these new lines in the HHC, all persons working in the City Hospitals in these positions were on the payroll of the affiliates where (Local 1199 was] the sole collective bargaining agent."³

¹ At the time the petition was filed, there were approximately 103 employees in the two titles.

² The Director determined that this letter was warranted in light of prior inquiries from Local 1199, regarding its desire to represent these titles in a separate bargaining unit.

³ The term "affiliates" refers to various private-sector voluntary hospitals with which HHC has entered into affiliation agreements. E.g., Long Island Jewish Hospital-Queens Hospital Center; Columbia University-Harlem Hospital Center; New York University Medical Center-Bellevue Hospital Center; Albert Einstein College of Medicine-Bronx Municipal Hospital Center.

Local 1199's petition, which was accompanied by six Local 1199 "Application for Membership" cards allegedly signed by employees in the titles at issue, was docketed as RU-1061-89.

On December 1, 1989, the Director informed Local 1199 that its petition was not accompanied by an adequate "proof of interest."⁴ The Chairman of the Board of Certification, however, pursuant to his discretion under Section 13.6 of the OCB Rules, allowed Local 1199 30 days' additional time to submit the requisite showing.⁵ Also on that day, the Director informed the City, Local 144, Local 237 and DC 37 of Local 1199's petition, and requested that they state their respective positions on the matter.

By letters dated December 12, 1989, the City, in its own behalf and on behalf of the HHC, stated that it does not oppose the petition docketed as RU-1060-89, but does oppose the petition docketed as RU-1061-89, "based upon the City's long-standing policy of opposing the proliferation of bargaining units."

On December 14, 1989, Local 144 submitted a letter in which it argued that the petition docketed as RU-1061-89 should be dismissed because, inter alia, "[t]he titles Phlebotomist and

⁴ Section 2.3b.1 of the Revised Consolidated Rules of the Office of Collective Bargaining ("OCB Rules") requires, simultaneously with the filing of a petition for certification, the submission of evidence that at least 30% of the employees in the alleged appropriate unit desires petitioner to represent them.

⁵ Local 1199 met this requirement within the allotted time by filing an additional 28 cards.

Laboratory Assistant are part of a group of titles in the laboratory occupational group which are currently represented by this local."⁶

Thereafter, the Board of Certification ("the Board") directed that both matters be consolidated and a hearing be held to determine whether the petitioned-for titles should be added to the jointly held Certificate No. 62D-75, as amended, or whether the titles' placement in a separate unit was appropriate and a representation election called for. A hearing was held on October 30, 1990. The record remained open pending the submission of supplemental information which the Trial Examiner deemed necessary to the Board's investigation.⁷ The record was closed on December 17, 1990.

⁶ Local 144 has been authorized by the other joint certificate holders in Certification No. 62D-75, as amended, to represent their joint interests in this matter.

⁷ In addition to the items requested by the Trial Examiner, Local 1199 and Local 144 submitted opposing affidavits concerning a matter of interpretation of the NYCCBL.

Local 1199's affidavit, dated December 3, 1990, was signed by six Phlebotomists at Metropolitan Hospital Center. The affiants allege that an official of Local 144 met with them in March 1990, and said: "that by law if no union was given representation rights one year after we began working, we had the right to choose whichever union we wanted." The affiants, who claim to have been employed for more than one year, now seek Local 1199 representation based on this statement. Appended to the affidavit were nine Local 1199 "Application for Membership" cards.

Local 144's affidavit, dated December 13, 1990, was signed by a Local 144 Shop Steward at Metropolitan Hospital Center. While the affiant admits that a meeting was held, she denies that this statement was made and avers that "the Office of Collective Bargaining ha[s] the sole right to determine which Union would represent the Phlebotomists and Laboratory Assistants at [HHC]."

Background

To meet the needs of its health care facilities, HHC established the Phlebotomist and Laboratory Assistant titles on July 1, 1989 and July 17, 1989, respectively. The position description for the title PHLEBOTOMIST, Title Code No. 004950, provides:

PURPOSE OF POSITION:

Under supervision of licensed personnel performs phlebotomy procedures to provide ancillary support to laboratories in drawing blood from patient/client for testing and diagnostic procedures and in support of a blood donor program. Cleans laboratory equipment, and performs clerical duties in support of laboratory/phlebotomy activity.

MAJOR DUTIES:

1. Draws blood for laboratory testing and diagnostic procedures in accordance with established protocols and procedures.
2. May perform blood drawing procedures to support a blood donor program.
3. Provides instruction to patients in order to obtain test samples as required. Collects specimens.
4. Follows procedures on identification of patient and patient specimens and performs related documentation.
5. Inputs phlebotomy requisitions via automated or manual logging systems.
6. Maintains required records and logs.
7. Assists in collecting, cleansing, inspecting and storage, of related laboratory equipment.
8. Performs clerical tasks in support of blood drawing activities.
9. Adheres to infection control practices including blood/body fluid precautions and isolation techniques.
10. Performs related work.

KNOWLEDGE AND SKILLS:

1. Graduation from a senior high school or evidence of having passed an examination for a high school equivalency program, or

2. Satisfactory combination [of] education, training and experience, and
3. Successful completion of the prescribed training program for Phlebotomist.

DIRECT LINES OF PROMOTION:

None. This class of positions is in the Non-Competitive class.

The position description for the title LABORATORY ASSISTANT Title Code No. 004960, provides:

PURPOSE OF POSITION:

Under direct supervision, prepares specimens for analysis. Performs record-keeping, data entry and collection activities relating to patient specimens for diagnostic and treatment purposes using automated and/or manual systems; performs related work.

MAJOR DUTIES:

1. Verifies identification of patient specimens and requests for tests.
2. Sorts specimens with appropriate labeling and identification for distribution to designated laboratories for testing.
3. Performs pertinent data entry and retrieval functions using automated and/or manual systems,
4. Centrifuges and decants specimens.
5. Maintains laboratory records in accordance with established procedures and protocols including the generation, separation, sorting and distribution of reports.
6. Maintains inventory of laboratory supplies and distributes supplies.
7. Delivers laboratory results to designated areas, files results in patients medical records as assigned.
8. Picks up specimens and laboratory requests, delivers specimens to laboratories for analysis and distributes reports.
9. Cleans and maintains equipment.
10. Provides laboratory results in accordance with established procedures and protocols.
11. Adheres to infection control guidelines and procedures.

12. Performs related work.

KNOWLEDGE AND SKILLS:

1. Graduation from a senior high school or High School Equivalency diploma and one year or experience in a laboratory environment performing related work as described in position, or
2. Satisfactory equivalent combination of education, training and experience.

DIRECT LINES OF PROMOTION:

None. This class of positions is in the Non-Competitive class.

Positions of the Parties

Local 144's Position

It is the position of Local 144 that the Phlebotomist and the Laboratory Assistant titles belong in the same occupational group as the titles already included in Certification No. 62D-75, as amended.⁸ Local 144 submits that it has been the certified representative of City titles within the "Laboratory Technology Occupational Group" since the 1960's.

⁸ The jointly held Certification No. 62D-75, as amended, presently covers over 40 medical, hospital and laboratory technician titles, including, inter alia:

IV Technician
Laboratory Associate
Laboratory Technician

In support of the appropriateness of the proposed unit, Local 144 contends that employees in the new titles share a strong community of interest with employees in the existing unit, particularly with those in the title of Laboratory Associate (Local 144 Exhibit No. 1).⁹ Local 144 submits that a comparison of the job descriptions of these three titles reveal that many of the duties and functions are the same. In fact, Local 144

⁹ The position description for the title LABORATORY ASSOCIATE, Title Code No. 21512, provides, in relevant part:

Duties and Responsibilities

Under direct supervision, performs clinical laboratory procedures which require limited technical skill and responsibility.... The following are typical assignments within this class of positions....

Obtain specimens and labels with name, date and source. Stores and preserves specimens.... Prepares specimens and performs or assists in the performance of routine tests and analyses employing standard controls in accordance with stipulated procedures utilizing manual or automated techniques.... [M]aintains upkeep of designated laboratory instruments before and after usage. ... Records results and submits written report or diagnostic tests....

Qualification Requirements

High school graduation and one year of full-time experience or training in a clinical laboratory acceptable to the Department of Health. However, at time of appointment to clinical laboratories, eligibles will be required to possess a valid certificate of qualification issued by the Commissioner of the New York City Department of Health as a clinical laboratory technician....

Direct Lines of Promotion

From: None

To: Laboratory Microbiologist
Junior Chemist

argues, HHC established the new titles in order to relieve Laboratory Associates from duties which do not require a technical license, i.e., the drawing of blood (also referred to as phlebotomy or venipuncture), record-keeping, the maintenance of equipment (Tr. 15, 44-46), and also to "compensate for the lack of Laboratory Associates" employed by the City (Tr. 47).¹⁰

In further support of this argument, Local 144 contends that prior to the establishment of the Phlebotomist title, the duties of this title were performed by Laboratory Associates, often on a per them basis (Tr. 16). In this connection, Local 144 submits a memorandum dated September 11, 1987, from HHC's Vice President for Human Resources to an Executive Director at Seaview Hospital, concerning Venipuncture Duties" (Local 144 Exhibit No. 3). This document, which concerns an out-of-title work grievance filed by Local 144 on behalf of titles higher in the Laboratory Technology Occupational Group than Laboratory Associate (i.e., Junior Chemist and Laboratory Microbiologist), provides, in relevant part:

This memo is in response to your August 17th request for title changes in the Seaview Laboratories.

Although the Laboratory Associate position description is the only one which mentions the actual duty of performing venipuncture indirectly by stating "Obtains Specimens," it does not preclude the other titles from doing so.... Therefore, the function of phlebotomy is a duty which personnel in higher titles

¹⁰ Page references are to the official hearing transcript.

can be asked to perform occasionally since it appears in the lower title's description....¹¹

This memorandum, Local 144 alleges, demonstrates that phlebotomy is a major duty of both Laboratory Associates and Phlebotomists (Tr. 33).

Because of the interchange of functions and the alliance of skills among Phlebotomists, Laboratory Assistants and Laboratory Associates, Local 144 claims that there is a sufficient mutuality of interests in terms and conditions of employment to warrant their inclusion in a single unit. This result, Local 144 argues, is consistent with the Board's policy of favoring broad-based occupational units.

Local 144 also rejects Local 1199's contention that all of the city's current Phlebotomists and Laboratory Assistants were former employees of the affiliates and, thus, former members of Local 1199. Rather, it contends that when the titles were created, many of the positions were filled by employees already in City titles, i.e., Office Aides and office Associates (Tr. 16). Furthermore, Local 144 argues that any employee formerly on an affiliate's payroll who chose to become a City employee, did so because it was to the employee's advantage (Tr. 59, 66). In

¹¹ Local 1199 objected to the introduction of this document based on the unavailability of the August 17th request, referred to therein. The Trial Examiner overruled the objection and admitted the document with the proviso that it would be given the appropriate weight. The City attempted but was unable to produce a copy of the correspondence at issue.

any event, Local 144 claims that since it filed its petition with a 50% showing of interest among the affected titles, it has demonstrated that these employees have a greater desire to be represented by Local 144 (Tr. 103).

Local 1199's Position

At the outset, Local 1199 acknowledges the existence of the Board's policies favoring the establishment of bargaining units along broad occupational lines and against the creation of small separate units. However, Local 1199 argues, these policies are subject to exceptions and must give way to other considerations in appropriate cases.¹² In the instant matter, Local 1199 relies on the following "exceptional circumstance" to support its claim that the separate unit it seeks is warranted:

Local 1199 submits that it has long been the collective bargaining agent for the titles at issue, albeit through contracts entered into between Local 1199 and the private institutions with which HHC's hospitals are affiliated.¹³ In other words, Local 1199 claims that prior to the creation of the Phlebotomist and Laboratory Assistant titles by HHC, the duties of these titles were performed by its members who were on the payrolls of the affiliated institutions. As evidence of these

¹² Local 1199 cites Decision No. 65-73.

¹³ See note 3, supra, at 2.

relationships, Local 1199 submits several examples of collective bargaining agreements between it and the affiliated hospitals,¹⁴ and job descriptions of the titles covered by these agreements, which, it claims, are equivalent (or functionally equivalent) to the Phlebotomist and Laboratory Assistant titles.¹⁵

For example, Local 1199 submits the 1986-89 collective bargaining agreement between Albert Einstein College of Medicine and Local 1199, covering employees of the College employed at Bronx Municipal Hospital Center (Local 1199 Exhibit No. 3). Therein, is listed the title Vena Technician, which Local 1199 alleges is the functional equivalent of the title Phlebotomist. In this connection, Local 1199 also submits a job vacancy list at the College, which contains the following "Summary of Duties & Qualifications" for the title Vena Technician III:

General Responsibilities Include:

Draw patient's blood samples. Collect the samples ordered. Label them with labels previously prepared. Deliver to appropriate laboratories at completion of tour, and other related duties as assigned.

Specific Qualifications Include:

High school graduate. Experience in phlebotomy preferred. Completion of one year training in recognized technical school or equivalent skills and experience. (Local 1199 Exhibit No. 10).

¹⁴ See Local 1199 Exhibit Nos. 3, 4, 5, 6, and 7.

¹⁵ See Local 1199 Exhibit Nos. 8, 9 and 10.

Local 1199 also submits the 1986-89 collective bargaining agreement between New York University Medical Center and Local 1199, covering employees of the University employed at Bellevue Hospital Center (Local 1199 Exhibit No. 6). Therein, is listed the title Laboratory Assistant, which, Local 1199 alleges, is the same title as the one which is at issue in the instant dispute (Tr. 81-82).

As further evidence of its interest in this matter, Local 1199 submitted the testimony of two former members of Local 1199, previously employed as Vena Technicians by the Albert Einstein College of Medicine while working at the Bronx Municipal Hospital Center. Both testified that for personal reasons they chose to change employers when HHC established the Phlebotomist title in 1989 (Tr. 59, 66). However, both assert, they continue to perform the same duties and work in the same locations, among co-workers who are still members of Local 1199 (Tr. 50, 64). Based on this testimony, Local 1199 argues, any weight given the fact that these employees are on different payrolls should be overcome by the strong community of interest that must exist between City employees who work side by side with employees of the affiliates, in the same or equivalent titles and performing the same work.

Based on the bargaining history of the titles at issue, Local 1199 submits that the circumstances warrant the creation of a separate unit for Phlebotomists and Laboratory Assistants and

the designation of Local 1199 as their bargaining representative. In the alternative, Local 1199 argues that should the Board find that either of the proposed bargaining units are appropriate, the evidence supports a direction of election so that affected employees may exercise their "statutory right" to choose a representative. Under these circumstances, Local 1199 asserts, employee choice should be given primary consideration among the various factors which form the basis for the Board's determination.

City's Position

The City urges the Board to deny Local 1199's petition on the ground that it seeks the creation of an additional bargaining unit where there is an appropriate existing unit, i.e., the unit covered by Certification No. 62D-75, as amended.

Discussion

Section 12-309b(1) of the New York City Collective Bargaining Law ("NYCCBL") empowers the Board:

to make final determinations of the units appropriate for purposes of collective bargaining between public employers and public employee organizations, which units shall assure to public employees the fullest freedom of exercising the rights granted hereunder and under executive orders, consistent with the efficient operation of the public service, and sound labor relations¹⁶

¹⁶ We refer the parties to this section of the statute for a correct interpretation of the law with respect to the exclusive power of this Board to determine appropriate bargaining units. (See supra, note 7, at 4).

Section 2.10 of the OCB Rules set forth criteria to be applied by the Board in making determinations of appropriate unit placement of employees. The Rule provides:

In determining appropriate bargaining units, the Board will consider, among other factors:

- a. Which unit will assure public employees the fullest freedom in the exercise of the rights granted under the statute and the applicable executive order;
- b. The community of interest of the employees;
- c. The history of collective bargaining in the unit, among other employees of the public employer, and in similar public employment;
- d. The effect of the unit on the efficient operation of the public service and sound labor relations;
- e. Whether the officials of government at the level of the unit have the power to agree to make effective recommendations to other administrative authority or the legislative body with respect to the terms and conditions of employment which are the subject of collective bargaining;
- f. Whether the unit is consistent with the decisions and policies of the Board.

These criteria are substantially equivalent to the analogous provisions of Section 207(1) of the Taylor Law,¹⁷ which govern unit determinations made by the New York State Public Employment Relations Board ("PERB").

In the instant matter, the issue before us is whether, consistent with the criteria quoted above, the newly created

¹⁷ Civil Service Law, Article 14, Section 200 et seq.

Phlebotomist and Laboratory Assistant titles should be added, by accretion,¹⁸ to a previously certified unit or whether the circumstances presented warrant their placement in a separate bargaining unit. To this end, we ordered a hearing to give the parties a full opportunity to present evidence relating to the unit placement of employees in these titles and have set forth, in detail, the positions of the competing unions.¹⁹

Based on a review of all the relevant considerations, we find no basis to support a finding that a separate unit consisting only of the titles Phlebotomist and Laboratory Assistant would be appropriate. Rather, the record clearly supports the conclusion that the employees in the petitioned-for titles have duties, skills and interests closely related and allied to titles in the Laboratory Technology occupational Group already included in Certification No. 62D-75, as amended.²⁰

There is no dispute that the nature of the work of Phlebotomists and Laboratory Assistants is substantially similar to that of several other titles in the unit, with increasing

¹⁸ In Decision No. 39-69, we defined the term "accretion" as: "the inclusion in an existing unit of new positions or titles which, because of their similarity or close relationship to the unit titles, would have been included in the original unit if they had been in existence at that time."

¹⁹ The City adduced no testimony in support of its position.

²⁰ See supra, note 8, at 7.

skills required and responsibilities assigned for each successive title in the series.²¹ In fact, at no time does Local 1199 allege or attempt to prove that the unit requested by Local 144 is not appropriate.

²¹ In this connection, we take administrative notice that the job descriptions for the titles IV Technician and Laboratory Technician, which are also in the proposed unit, in relevant part, provide:

IV Technician:

Major Duties include, inter alia, venipuncture for the purpose of initiating the administration of physiologically compatible solutions and for the purpose of withdrawing blood. May perform ancillary support to laboratories for venipuncture for laboratory testing and may draw blood to support a blood donor program.

Knowledge and Skills Required include a high school or equivalency diploma, certification as a Phlebotomy Technician and successful completion of a prescribed training program for IV Technician.

Laboratory Technician:

Examples of Typical Tasks include, inter alia, prepares samples and solutions for laboratory analysis. Performs simple tests and analyses or may assist in routine laboratory tests and analyses, such as blood counts, urine analysis, etc. May clean, sterilize and care for laboratory equipment.

Qualifications include high school or equivalency diploma, and completion of a one-year course in chemistry, physics or biology in high school or college; or six months of full-time paid experience in a chemical, biological, clinical or materials testing laboratory; or a satisfactory equivalent combination of course work and experience.

A review of the pertinent job descriptions reveals that there is a significant interchange of duties among the titles in the proposed unit, and that they perform similar and closely related tasks. Most compelling is evidence which indicates that phlebotomy or venipuncture is a major duty and responsibility of at least three titles in the proposed unit (i.e., Phlebotomist, IV Technician and Laboratory Associate). We also find the evidence to support Local 144's contention that the Phlebotomist and Laboratory Assistant titles were created in order to relieve licensed Laboratory Associates from job duties not requiring their technical expertise, i.e., phlebotomy, record-keeping and equipment maintenance.²² Finally, we are convinced that had the Phlebotomist and Laboratory Assistant titles been in existence when the original unit was certified, they would have been included therein, based on the demonstrated community of interest among employees in the Laboratory Technology Occupational Group.²³

Balanced against this showing is Local 1199's contention that a separate unit consisting only of employees in the titles

²² To the extent that Local 144's Exhibit No. 3 (supra, at 9-10) is self-explanatory, we find the evidence to support Local 144's contention that HHC established the Phlebotomist title in order to the alleviate a need to assign certain duties to employees in higher titles in the Laboratory Technology Occupational Group.

²³ E.g., Decision Nos. 23-75; 36-73; 13-71.

Phlebotomist and Laboratory Assistant is warranted by reason of the bargaining history between it and the private institutions with which HHC's hospitals are affiliated. Local 1199 argues that because many of the City employees in the petitioned-for titles were members of Local 1199 when employed in the same or functionally equivalent titles by the affiliated institutions, the circumstances call for the creation of a separate unit in order to give the affected employees an opportunity to choose their collective bargaining agent.

While the function of this Board generally is to provide the machinery whereby the desires of employees may be ascertained, in dealing with a petition for certification we may not base our determination of appropriate unit on an employee's right to self-determination.²⁴ Although in a given case, employee wishes may be considered as one factor in determining this issue, such consideration must be balanced against considerations of efficiency of operations of the public service and sound labor relations. It is the practice, not only in our jurisdiction, but also in the operations of analogous bodies, to make determinations of appropriate bargaining units first and then to allow expressions of employee preference in the choice of the exclusive representative for the unit determined to be appropriate.²⁵

²⁴ Decision Nos. 54-75; 46-75.

²⁵ Decision Nos. 15-87; 14-87.

Furthermore, although HHC's creation of the Phlebotomist and Laboratory Assistant titles may diminish the need for the affiliated institutions to fill as many positions in these (or functionally equivalent) titles as it had in the past, the consequent diminution, if any, of Local 1199's bargaining units at these institutions is not a basis, under the NYCCBL, for a conclusion that a separate unit would be more appropriate.²⁶ In the instant matter, such a determination would require a showing that inclusion of these titles in the unit proposed by Local 144 is inappropriate²⁷ or, in the alternative, that the separate unit proposed by Local 1199 is as appropriate as the unit sought by Local 144, justifying the holding of an election.²⁸ Our investigation reveals that neither is the case.

Accordingly, pursuant to the standards for determining appropriate units set forth in Section 2.10 of the OCB Rules, we find that accretion of the titles at issue to Certification No.

²⁶ See Decision No. 31-73, where we found a sufficient community of interest to warrant the inclusion of Podiatrists in a unit with other medical and related titles, despite the Podiatry Society's long history of collective bargaining on behalf of Podiatrists as a separate unit.

²⁷ Id., where we agreed with the Committee of Interns and Residents that significant differences in the interests and working conditions of interns and residents, i.e., differences in the nature and length of employment, compensation rates and work schedules, warranted their placement in a unit separate from the other medical and related titles.

²⁸ See Decision Nos. 11-90; 27-80.

62D-75, as amended, as proposed by Local 144 in the petition docketed as RU-1060-89, is appropriate. This determination is consistent with our long held policy of favoring broad-based occupational units and curbing the proliferation of additional groups by accreting new titles to existing units having a community of interest.²⁹ Furthermore, because Local 1199 has adduced no proof which constitutes grounds sufficient to outweigh the adverse effect that the creation of a separate unit would have on the efficient operation of the public service and sound labor relations, the petition docketed as RU-1061-89 shall be dismissed.³⁰

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 the petition of Local 144, SEIU, AFL-CIO, Local 237, IBT, AFL-CIO, and District Council 37, AFSCME, AFL-CIO, jointly, docketed as RU-1060-89, be, and the same hereby is, granted, and it is further

²⁹ E.g., Decision No. 46-75.

³⁰ E.g., Decision No. 14-87.

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ORDERED, that Certification No. 62D-75, as amended, be, and the same hereby is, further amended to include the employees in the titles Phlebotomist and Laboratory Assistant subject to existing contracts, if any; and it is further

ORDERED, that the petition of Local 1199, RWDSU, AFL-CIO, docketed as RU-1061-89, be, and the same hereby is, denied.

DATED: New York, New York
January 24, 1991

MALCOLM D. MacDONALD
CHAIRMAN

DANIEL G. COLLINS
MEMBER

GEORGE NICOLAU
MEMBER

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

Phlebotomist	004950
Laboratory Assistant	004960