

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of  
DISTRICT COUNCIL 37, AFSCME, AFL-CIO,  
Petitioner,  
-and-  
THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS,  
Employer,  
-and-  
LOCAL 237, IBT, AFL-CIO, and  
THE COMMUNICATIONS WORKERS OF  
AMERICA, AFL-CIO,  
Intervenors,  
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ORDER AMENDING CERTIFICATION

On June 12, 1992, District Council 37, AFSCME, AFL-CIO ("District Council 37") filed a petition seeking to add, by accretion, the new title of Traffic Enforcement Agent, Level IV ("TEA-4"), to Certification No. 46L-75 (as amended), a mixed bargaining unit consisting of several motor vehicle operator titles and the Traffic Enforcement Agent, Level III ("TEA-3") title.

On July 13, 1992, Local 237, IBT, AFL-CIO ("Local 237") filed a motion to intervene, seeking to have the TEA-4 title added to Certification No. 67-78 (as amended), a mixed bargaining unit composed of approximately 5,000 employees serving in approximately 65 civil service titles. The unit covers employees serving in various stock, custodial, inspectional, maintenance, and skilled craft positions. It also includes Special Officers, Parking Control Specialists, and Associate Parking Control Specialists. Local 237 asserted that this unit "is the more appropriate one because employees in the new title

and in the titles already represented by Local 237 share a strong community of interest in regard to salaries and duties."

By letter dated July 14, 1992, Local 1182 of the Communications Workers of America, AFL-CIO ("the CWA") also asked to intervene, "based on the fact that CWA Local 1182 already represents Traffic Enforcement Agents, Levels I and II." The Union maintained that much of the work that will be performed by employees in the Level IV position "is the same and/or similar to the work now performed by Traffic Enforcement Agents, Level I and II. Further, many of the employees who will fill the [TEA-4] position are now Traffic Enforcement Agents, Level I and II and are represented by CWA Local 1182."

By letter dated July 28, 1992, the City's Office of Labor Relations stated that "the City does not oppose the title, Traffic Enforcement Agent - Level IV, being represented by a union. However, in light of the intervention by Local 237, IBT, and Local 1182, CWA, the City will be taking no position concerning what the appropriate unit is for this title."

By Board of Certification notice dated February 24, 1993, the parties were summoned to a pre-hearing conference and notified that a hearing would be held to determine whether the petitioned-for titles should be added to the bargaining unit proposed by District Council 37, or to one of the other bargaining units proposed by the two intervenors. The hearing began on June 14, 1993, and concluded on July 12, 1993.

By facsimile transmission received by the Office of Collective Bargaining on July 9, 1993, the CWA announced that it "hereby withdraws its petition to intervene" in the representation proceeding involving the TEA-4

title. The CWA did not appear during the July 12 hearing. Local 237 did appear, but at the commencement of the hearing announced for the record that it, too, was withdrawing its motion to intervene.

Evidence in the Record

District Council 37 presented five witnesses presently serving in the title of TEA-4. They each recounted their job duties in the Level IV title, and they testified that their work was exactly the same as it had been while they served in the TEA-3 title.

The Union's final witness was John Calendrillo, consultant to District Council 37, and formerly the Senior Director of its Blue Collar Division. Mr. Calendrillo provided an historical account of the creation of the TEA-4 title. He testified that the Department of Transportation took over the towing operations from the Police Department in 1981. Tow truck operators were given the then newly-created title of TEA-3. In 1982, the Department formed a Special Compliance Unit to serve in connection with its Shadow Traffic Program. The task of the unit was to monitor construction sites and major highways and intersections, and take steps to alleviate traffic jams as they developed. Although employees in the Special Compliance Unit held the TEA-3 title, they had nothing to do with operation of tow trucks. Mr. Calendrillo said that about one year ago, the Department decided to create the new TEA-4 level, in recognition of the disparity between the TEA-3 job description and the actual work of employees who were serving in its Traffic Intelligence

Division, the successor to the Special Compliance Unit.

Discussion

Both intervening parties have decided to withdraw from this case. It appears to the satisfaction of this Board that the title of TEA-4 should be added, by accretion, to Certification No. 46L-75 (as amended). Accordingly, we will order that the title of Traffic Enforcement Agent, Level IV, be added to Certification No. 46L-75 (as amended), subject to existing contracts, if any.

ORDER

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. 46L-75 (as previously amended) be, and the same hereby is, further amended to include the title of Traffic Enforcement Agent, Level IV, subject to existing contracts, if any.

DATED: New York, New York  
July 29, 1993

MALCOLM D. MACDONALD  
CHAIRMAN

DANIEL G. COLLINS  
MEMBER

GEORGE NICOLAU  
MEMBER