

DC37, CWA v. City, Related Public Employers, 54 OCB 6 (BOC 1994) [6-94 (Amend. Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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: In the Matter of : DECISION NO. 6-94
: :
: DISTRICT COUNCIL 37, AFSCME, AFL-CIO, : DOCKET NOS. RU-1126-92
: : RU-1127-92
: -and- :
: :
: THE CITY OF NEW YORK AND :
: RELATED PUBLIC EMPLOYERS :
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: In the Matter of :
: :
: COMMUNICATIONS WORKERS OF AMERICA, :
: :
: -and- :
: :
: THE CITY OF NEW YORK AND :
: RELATED PUBLIC EMPLOYERS :
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ORDER AMENDING CERTIFICATION

On December 24, 1992, District Council 37, AFSCME ("DC 37") filed three petitions requesting that three titles used exclusively by the New York City Campaign Finance Board ("CFB") be added, by accretion, to certifications held by DC 37. In a petition docketed as RU-1126-92, DC 37 sought to add the title Systems Administrator (CFB) to Certification No. 46D-75 (as amended), covering various accounting and computer related titles. In petitions docketed as RU-1127-92 and Ru-1128-92, DC 37 requested that the titles Administrative Assistant (CFB) and Analyst (CFB) respectively, be accreted to Certification No. 46C-75 (as amended), covering

clerical and related titles.¹

On January 15, 1993, the Communications Workers of America ("CWA") filed a motion to intervene in RU-1126-92 (Systems Administrator) and in RU-1127-92 (Administrative Assistant). As to the Systems Administrator title, CWA stated that "it has functions closely associated with those performed by employees in the positions we currently represent." Regarding the Administrative Assistant (CFB) title, CWA maintained that the work of this title is basically the same as the work performed by Administrative Assistants throughout the City, which it represents.

On January 11, 1993, the Organization of Staff Analysts ("OSA") filed a motion to intervene in RU-1128-92 (Analyst). OSA stated in its application that Analysts (CFB) perform duties and responsibilities similar to those performed by Analyst throughout the City, a title represented by OSA.

By letter dated April 13, 1993, addressed to the Director of Representation of the Office of Collective Bargaining ("OCB"), the City of New York, through its Office of Labor Relations ("City"), indicated that it did not oppose the petitions for representation and would take no position as to which unit would be the appropriate bargaining unit for the titles. On notice to the parties, the petitions were consolidated by the OCB and the Board

¹ On April 27, 1994, DC 37 amended its petition for the Analyst title (RU-1128-94). As amended, the petition sought to accrete the title to Certification No. 46C-75 (as amended) covering clerical and related titles and Certification No. 46D-75 (as amended) covering Accounting and Electronic Data Processing titles.

of Certification ("Board") directed that a hearing be held before a Trial Examiner to determine whether the petitioned-for titles should be added, by accretion, to the bargaining units proposed by petitioner or to the bargaining units proposed by the intervenors. The hearing was commenced on April 11, 1994.² After several days of hearing had been held, by letter dated July 15, 1994 and addressed to the Trial Examiner at the OCB, CWA, with the Board's approval, withdrew from the proceeding. The result of this withdrawal is that DC 37 is now the only unit seeking to represent the Administrative Assistant (CFB) and the Systems Administrator (CFB) titles.

The parties hereto having agreed, and it appearing to the satisfaction of the Board that the title of Administrative Assistant (CFB) should be added, by accretion, to Certification No. 46C-75 (as amended), covering clerical and related titles, and that the title of Systems Administrator (CFB) should be added, by accretion, to Certification No. 46D-75 (as amended), covering various accounting and computer related titles;

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. 46C-75 (as previously amended) be, and the same hereby is, further amended to include the title

² The consolidated hearing in this case is not yet closed; another day of hearing concerning the analyst title (RU-1128-92) has been scheduled for September 22, 1992.

Administrative Assistant (Campaign Finance Board), subject to existing contracts, if any; and it is further

ORDERED that Certification No. 46D-75 (as previously amended) be, and the same hereby is, further amended to include the title Systems Administrator (Campaign Finance Board), subject to existing contracts, if any.

DATED: New York, New York
August 2, 1994

Malcolm D. MacDonald
Chairman

George Nicolau
Member

Daniel G. Collins
Member

Decision No. 6-94
Docket Nos. RU-1126-92, RU-1127-92

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

Administrative Assistant (Campaign Finance Board) 06603

Systems Administrator (Campaign Finance Board) 06602