

DC 37 v. City/OSA v. City,56 OCB 1 (BOC 1995) [1-95 (Cert Amend)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of :
DISTRICT COUNCIL 37, AFSCME, AFL-CIO, : DECISION NO. 1-95
-and- : DOCKET NOS. RU-1128-92
THE CITY OF NEW YORK AND :
RELATED PUBLIC EMPLOYERS :
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In the Matter of :
ORGANIZATION OF STAFF ANALYSTS, :
-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). On January 11, 1993, the Organization of Staff Analysts ("OSA") filed a motion to intervene in RU-1128-92 (Analyst).

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 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.

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 approval of the Board of Certification ("Board"), withdrew from the proceeding. The withdrawal left DC 37 as the only union

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.

seeking to represent the Administrative Assistant (CFB) and the Systems Administrator (CFB) titles. Consequently, by Decision No. 6-94, the Board added, by accretion, the title of Administrative Assistant (CFB) to Certification No. 46C-75 (as amended), covering clerical and related titles, and the title of Systems Administrator (CFB) to Certification No. 46D-75 (as amended), covering various accounting and computer related titles.

On the last day of hearing concerning the analyst title, October 4, 1994, DC 37 and OSA agreed to submit post-hearing briefs by November 30, 1994. A few days prior to that date the parties informed the Trial Examiner that they had reached a settlement and would be submitting a stipulation for approval by the Board. The stipulation was submitted on December 21, 1994.

The stipulation provides as follows:

WHEREAS, [DC 37] filed a petition to represent employees in the New York City Campaign Finance Board ("CFB"), in the title of Campaign Finance Board Analyst, (RU-1128-92), and [OSA] intervened in that proceeding; and

WHEREAS, the CFB has provided the unions with position descriptions and performance evaluations for the employees in the CFB Analyst title previously referred to; and

WHEREAS, a number of hearings have been held by a trial examiner duly designated by the Board of Certification, and witnesses have testified on behalf of DC 37 and OSA; and

WHEREAS, meetings have been held between the unions, the Office of Labor Relations ("OLR") and CFB; and

WHEREAS, it appears that those employees employed in Level I of the CFB Analyst title are performing duties and responsibilities which are similar to duties and responsibilities performed by employees in Certification No. 46C-75, as amended, covering clerical and administrative titles represented by DC 37 and its constituent Local 1549; and

WHEREAS, it appears that certain other employees employed at Levels II and III in the CFB Analyst title are performing duties and responsibilities similar to those performed by employees in the collective bargaining unit of staff analysts and related titles as provided in Certification No. 3-88, as amended; and

IT IS HEREBY STIPULATED AND AGREED, by and among the parties to this proceeding as follows:

1. The parties jointly request that the Board of Certification amend the collective bargaining certificates of DC 37 and OSA in accordance with this stipulation.

2. The parties agreed that the employees employed in Level I of the CFB Analyst title perform duties and responsibilities similar to those performed employees covered by Certification No. 46C-75, as amended, the clerical and administrative bargaining unit represented by DC 37 and its constituent Local 1549, respectively, and otherwise share a community of interest with such employees.

3. The parties agreed that the employees employed in Levels II and III of the CFB Analyst title perform duties and responsibilities similar to those duties and responsibilities performed by employees in the unit referred to in Certification No. 3-88, as amended, covering staff analysts and related titles, and otherwise share a community of interest with such employees.

The stipulation having been agreed to by the parties thereto, and it appearing to the satisfaction of the Board that the terms of the stipulation are consistent with the record adduced herein and with the rights established under applicable law,

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 amended) be, and the same hereby is, further amended to include the title Analyst (Campaign Finance Board), Level I, subject to existing contracts, if any; and it is further

ORDERED, that Certification No. 3-88 (as amended) be, and the

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same hereby is, further amended to include the title Analyst (Campaign Finance Board), Levels II and III, subject to existing contracts, if any.

DATED: New York, New York
January 17, 1995

Chairman

George Nicolau
Member

Daniel G. Collins
Member

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

Analyst (Campaign Finance Board), Levels I, II and III

Code No. 06601