

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37
AFSCME, AFL-CIO

-and-

LOCAL 1180 COMMUNICATIONS
WORKERS OF AMERICA, AFL-CIO
(Intervenor)

-and-

DECISION NO. 17-95

THE CITY OF NEW YORK
AND RELATED PUBLIC
EMPLOYERS

DOCKET NO. RU-1176-95

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DECISION AND ORDER

District Council 37, AFSCME filed a motion pursuant to Rule 1-02(s), on April 25, 1995, seeking to add the titles Clerical Associate Levels I through IV and Secretary Level I through IV to Certificate No. 46C-75 on the grounds that the petitioned-for titles involve only a change of name from the duties of predecessor titles in the clerical unit which are covered by Certificate No. 46C-75. On June 9, 1995 Communications Workers of America Local 1180 filed a motion to intervene and seeks to add the title Clerical Associate Levels III and IV to Certificate No. 41-73. On June 23, 1995 petitioner, DC 37, filed a motion to sever that portion of the petition not subject to Local 1180's motion to intervene. Intervenor, Local 1180, did not oppose petitioner's motion to sever.

On September 22, 1995 the office of Labor Relations, on behalf of the employers, responded to the petition and intervention. The Office of Labor Relations stated its position that it had no opposition to District Council 37's petition and that Local 1180's community of interest claim seems insufficient, absent a showing that any CWA members will be placed into the

titles in question.

As there is no dispute regarding the titles Secretary Level I through IV and Clerical Associate Levels I, Ia, and II, and it appears to the satisfaction of the Board that the requested unit is appropriate, we shall grant District Council 37's motion and sever the instant petition as requested and grant the uncontested portion of the petition.¹

The Petitioner seeks amendment of its certification to include Clerical Associate Levels III and IV based upon a successor relationship between titles it is certified to represent and the contested levels of the title. The Intervenor has asserted a community of interest with the petitioned for titles based on the performance of similar tasks. The Respondent has raised an issue regarding the sufficiency of the Intervenor's community of interest allegation. Therefore, there is a genuine issue of fact in the instant matter. Consistent with Board policy when there is an issue of fact², we hereby order a hearing to resolve this and any other issue of fact in the remaining portion of the severed petition.

¹ Dec. Nos. 53-76, 52-71, 40-71, 39-71, and 66-68.

² Dec. Nos. 58-68 and 91-70.

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 Case No. RU-1176-95 be, and the same hereby is, severed, and a hearing be scheduled on the issue of unit placement of the title Clerical Associate Levels III and IV, this severed portion of the case shall be docketed as RU-1176a-95, and it is further

ORDERED that Certification No. 46C-78 (as previously amended) be, and the same hereby is, further amended to include the titles Secretary Levels I through IV and Clerical Associate Levels I, Ia, and II, subject to existing contracts, if any.

DATED: New York, New York
October 16, 1995

MALCOLM D. MACDONALD
Chairman

DANIEL G. COLLINS
Member

GEORGE NICOLAU
Member

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

Clerical Associate Levels I through IV (10251)

Secretary Levels I through IV (10252)