

L. 237, CSBA v. City, 56 OCB 20 (BOC 1995) [20-95 (Cert Amend)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of :

THE CIVIL SERVICE BAR ASSOC., :
LOCAL 237, I.B.T. :

-and- : DECISION NO. 20-95

THE CITY OF NEW YORK : DOCKET NO. RU-1182-95
AND RELATED PUBLIC :
EMPLOYERS :

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ORDER AMENDING CERTIFICATION

City Employees Union Local 237, IBT and the Civil Service Bar Association filed a motion pursuant to Rule 1-02(s) seeking to add the title Attorney at Law Levels I through IV to Certification CWR-44/67 (as amended). The petitioner identified the public employers as the City of New York, the New York City Housing Authority, the New York City Transit Authority, and the New York City Board of Education.

On September 1, 1995 the New York City Transit Authority filed a response asking the Board of Certification ("Board") to note the fact that the Transit Authority is not subject to the jurisdiction of the Office of Collective Bargaining, but rather is under the jurisdiction of the New York State Public Employment Relations Board.

The New York City Transit Authority is a "state public authority" as the term is defined in the New York Civil Service Law Section 201.8. As a state public authority the New York City

Transit Authority is specifically excluded from the definition of public employer in the New York City Collective Bargaining Law ("NYCCBL") Section 12-303 g.(3). Additionally, as the Transit Authority correctly notes, a state public authority is expressly included within the jurisdiction of the New York State Public Employment Relations Board in the New York Civil Service Law Section 205.5(b).

The New York City Board of Education is a public employer as defined in the NYCCBL Section 12-303 g.(2). However, as a public employer, the Board of Education has the option to elect coverage under the NYCCBL pursuant to Section 12-304 c. thereof. The Board of Education has not exercised that option to elect coverage and is therefore outside the jurisdiction of this Board.

On September 30, 1995 the Office of Labor Relations responded to the motion. The respondent City of New York on behalf of itself and the New York City Housing Authority¹ offered no objections to the amendment of the certification to include the title Attorney at Law Levels I through IV and it appearing to the satisfaction of the Board that the title of Attorney at Law Levels I through IV should be added to Certification CWR-44/67 (as amended), covering various attorney titles;

ORDER

¹ The New York City Housing Authority is a public authority under NYCCBL Section 12-303 g.(3) and is subject to the jurisdiction of the Board pursuant to the election filed under NYCCBL Section 12-304 c.

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 portion of the motion docketed as RU-1182-95 referring to the New York City Transit Authority and the New York City Board of Education be, and the same hereby is dismissed, and it is further

ORDERED that Certification CWR-44/67 (as previously amended) be, and the same hereby is, further amended to include the title Attorney at Law Levels I- IV subject to existing contracts, if any.

DATED: New York, New York
November 15, 1995

STEVEN C. DECOSTA
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:

Attorney at Law Levels I - IV (30085)