

OSA v. City/CWA v. City, 56 OCB 7 (BOC 1995) [7-95 (Cert Amend)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of :
 : DECISION NO. 7-95
 :
ORGANIZATION OF STAFF ANALYSTS, : DOCKET NOS. RU-1137-93
 :
-and- :
 :
THE CITY OF NEW YORK AND :
RELATED PUBLIC EMPLOYERS :
-----X

In the Matter of :
 :
COMMUNICATIONS WORKERS OF AMERICA, :
 :
-and- :
 :
THE CITY OF NEW YORK AND :
RELATED PUBLIC EMPLOYERS :
-----X

In the Matter of :
 :
LOCAL 300, S.E.I.U., :
 :
-and- :
 :
THE CITY OF NEW YORK AND :
RELATED PUBLIC EMPLOYERS :
-----X

ORDER AMENDING CERTIFICATION

On May 10, 1993, the Organization of Staff Analysts ("OSA") filed a petition, docketed as RU-1137-93, requesting that the title Contracting Agent be added, by accretion, to Certification No. 3-88 (as amended). On May 25, 1993, the Communications Workers of America ("CWA") filed a motion to intervene, seeking to add the title to Certification No. 41-73 (as amended). CWA stated that "much of the work that will be performed by the Contracting Agent is the same and/or similar to the work now performed by CWA/Local

1180 represented titles." On September 8, 1993, Local 300, S.E.I.U. ("Local 300") filed a motion to intervene, seeking to accrete the title to Certification No. 8-85 (as amended). Local 300 stated in its application that "the title of Purchasing Agent which Local 300 currently represents performs the same and or similar work" to the work performed by the Contracting Agent title.

The City of New York ("City"), did not oppose the petitions for representation and took no position as to which unit would be the appropriate bargaining unit for the title.¹ The Board of Certification ("Board") directed that a hearing be held before a Trial Examiner to determine whether the petitioned-for title should be added, by accretion, to the bargaining unit proposed by petitioner or to the bargaining units proposed by the intervenors. The hearing was commenced on February 7, 1995 and completed on March 22, 1995. Post-hearing briefs were to be submitted by June 2, 1995.

By letter dated April 24, 1995 and addressed to the Trial Examiner at the OCB, OSA requested, with the Board's approval, to withdraw from the proceeding. By letter dated May 9, 1995, CWA also requested, with the Board's approval, to withdraw from the proceeding. The result of these withdrawals is that Local 300 is

¹ By letter dated May 11, 1993, the Office of Collective Bargaining ("OCB") requested a position from the City in this case. The City did not respond to the request. By letter dated November 16, 1994, the OCB informed the City that a pre-hearing conference had been scheduled in the matter. On December 14, 1994, the OCB provided the City with a copy of the notice of hearing. On at least one day of the hearing a representative from the City was present.

now the only employee organization seeking to represent the Contracting Agent title.

Upon our review of the record herein, we are satisfied that the title of Contracting Agent should be added, by accretion, to Certification No. 8-85 (as amended);

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. 8-85 (as previously amended) be, and the same hereby is, further amended to include the title Contracting Agent, subject to existing contracts, if any.

DATED: New York, New York
May 17, 1995

Malcolm D. MacDonald
Chairman

Daniel G. Collins
Member

George Nicolau
Member

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

Contracting Agent 06627