

Fire Alarm Dispatchers Ben Ass'n v. City, 56 OCB 9 (BOC 1995) [9-95 (Cert Amend)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

- - - - - X  
In the Matter of :  
  
FIRE ALARM DISPATCHERS :  
BENEVOLENT ASSOCIATION :  
  
-and- : DECISION NO. 9-95  
  
THE CITY OF NEW YORK : DOCKET NO. RU-1154-93  
- - - - - X

ORDER AMENDING CERTIFICATION

On October 12, 1993, the Fire Alarm Dispatchers Benevolent Association ("FADBA") filed a petition requesting that the title, Administrative Fire Alarm Dispatcher (excluding Chief of Dispatch Operations and Deputy Chief) be added to its certification. In the petition docketed as RU-1154-93, FADBA sought to add the title Certification No. 57-78 , covering Fire Alarm Dispatcher titles.

By letter dated February 7, 1994, addressed to the Deputy Chairman/General Counsel of the Office of Collective Bargaining ("OCB"), the City of New York, through its Office of Labor Relations ("City"), indicated that it opposed the petition for representation on the basis that the incumbents in the title were "managerial and/or confidential employees". 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 to the bargaining unit proposed by petitioner or if the employees in the petitioned-for titles are confidential

and should be excluded from bargaining as contended by the City.

On June 14, 1995, the City Personnel Director adopted Resolution No. 95-14 whereby the title Administrative Fire Alarm Dispatcher was deleted and employees in the title were reclassified to the newly created Level II of the title Supervising Fire Alarm Dispatcher.

After adjourning the first scheduled day of hearing for the purpose of allowing the parties to engage in settlement discussions, the parties informed the Trial Examiner that they had reached a settlement regarding the petition docketed as RU-1154-93 and would be submitting a stipulation for approval by the Board. The stipulation was submitted on July 18, 1995.

The stipulation provides, in pertinent part, as follows:

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

1. The Union amends paragraph 3 of the Petition for Certification in Case No. RU-1154-93 to delete "Administrative Fire Alarm Dispatcher (excluding Chief of Dispatch Operations and Deputy Chief)" and to insert "Supervising Fire Alarm Dispatcher Level II (excluding Chief of Dispatch Operations and Deputy Chief.)"

2. The parties agree that the collective bargaining certificate held by the Fire Alarm Dispatchers Benevolent Association, Certification No. 57-78, shall be amended by adding Assignment Levels I and II to the title of Supervising Fire Alarm Dispatcher on the certificate, except that the employees in the title of Supervising Fire Alarm Dispatcher who are detailed to higher positions (i.e., managerial positions above Borough Supervisor) shall be excluded from the bargaining unit while serving in the managerial detail.

3. The parties further agree that employees who, prior to their reclassification to Supervising Fire Alarm Dispatcher Level II, were serving as permanent competitive civil service employees in the title of Administrative Fire Alarm Dispatcher will not be reassigned to Supervising Fire Alarm Dispatcher Level I except in accordance with the disciplinary grievance procedures contained in Article VII Section 1(e) of the unit contract.

4. The parties further agree that upon certification by the

Office of Collective Bargaining, the employees in the title of Supervising Fire Alarm Dispatcher Level II will be covered by the existing Citywide and unit contracts, retroactive to July 1, 1995.

5. All other terms and conditions of employment, including but not limited to hours, wages, and the effective date of any wage increases, shall be the subject of collective bargaining between the parties, which shall commence promptly upon certification by the Office of Collective Bargaining.

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. 57-78 (as amended) be, and the same hereby is, further amended to include the title Supervising Fire Alarm Dispatcher Levels I and II , subject to existing contracts, if any;

DATED: New York, New York

July 31, 1995

DANIEL G. COLLINS  
Member

GEORGE NICOLAU  
Member

Decision No.  
Docket Nos. RU-1154-93

4

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

Supervising Fire Alarm Dispatcher Levels I and II  
(TC # 71060)