

Civil Ser. Bar Ass. v. City, 6 OCB 19 (BOC 1970) [Decision No. 19-70 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

In the Matters
of
CIVIL SERVICE BAR ASSOCIATION
-and-
THE CITY OF NEW YORK and RELATED
PUBLIC EMPLOYERS

DECISION NO. 19-70

DOCKET NOS.: RU-34-68
RE-10-68

DECISION AND ORDER

Civil Service Bar Association (herein called the Association) petitioned the Board for certification as the exclusive bargaining representative of Principal Attorneys and the restored Rule X equivalents thereof. The petition is opposed on the grounds that Principal Attorneys are managerial and/or confidential employees (Docket No. RU-34-68).

The City has filed a motion to amend certain certifications, issued to the Association by the City Department of Labor, by excluding therefrom Supervising Attorneys and the restored Rule X equivalents thereof, on the ground that said employees are managerial and/or confidential employees (Docket No. RE-10-68).

The proceedings were consolidated by the Board, and a hearing thereon was held before Oscar Geltman, Esquire, Trial Examiner, on September 29 and 30, October 15 and 16, and November 21, 1969.

Briefs were filed by the City Office of Labor Relations and by the Civil Service Bar Association on February 3, 1970 and February 4, 1970, respectively. The Association served a reply brief on March 3, 1970.

In the interest of expedition, we are issuing this Decision and Order, with a Memorandum Opinion to follow.

Upon consideration of the entire record herein, and the briefs of the parties, and due deliberation having been had, the Board makes the following Findings and Conclusions, and issues the following Decision:

Findings and Conclusions

1. Principal Attorneys and employees in restored Rule X titles serving in positions equated thereto, employed by the City of New York and related public employers subject to the jurisdiction of the Board of Certification, are managerial employees, and do not constitute a unit appropriate for the purposes of collective bargaining, in fact or within the meaning of the New York City Collective Bargaining Law.

2. Supervising Attorneys and employees in restored Rule X titles serving in positions equated thereto, employed by the City of New York and related public employers subject to the jurisdiction of the Board of Certification, are not managerial employees in fact or within the meaning of the New York City Collective Bargaining Law.

3. The record herein is insufficient to identify and determine whether some Supervising Attorneys and employees in restored Rule X titles serving in positions equated thereto, employed by the City of New York and related public employers subject to the jurisdiction of the Board of Certification, are confidential employees in fact and within the meaning of the New York City Collective Bargaining Law.

DECISION NO. 19-70

DOCKET NOS. RU-34-68, RE-10-68

3.

O R D E R

_____ Pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, it is hereby

O R D E R E D , that the motion filed by the City of New York in Docket No. RE-10-68 be, and the same hereby is, denied without prejudice to a further application to exclude specified Supervising Attorneys as confidential employees;

O R D E R E D , that the petition filed by Civil Service Bar Association in Docket No. RU-34-68 be, and the same hereby is, dismissed,

DATED: New York, N.Y.

April 30 , 1970.

ARVID ANDERSON
C h a i r m a n

WALTER L. EISENBERG
M e m b e r

ERIC J. SCHMERTZ
M e m b e r