

DC37 v. City, 6 OCB 2 (BOC 1970) [Decision No. 2-70 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME, AFL-CIO

DECISION NO. 2-70

-and-

DOCKET NO. RU-95-69

THE CITY OF NEW YORK

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DECISION AND CERTIFICATION

On February 3, 1969, District Council 37, AFSCME, AFL-CIO, filed its petition herein requesting certification as the exclusive collective bargaining representative of the Director and the Assistant Director of Rehabilitation employed by the City of New York.

Petitioner subsequently withdrew the former title from the petition.

Upon consideration of its investigation, and after due deliberation, the Board of Certification issues the following decision:

I. Undisputed Matters

It is undisputed, and we find and conclude, that Petitioner is a public employee organization in fact and within the meaning of the New York City Collective Bargaining Law.

II. The Appropriate Unit

Petitioner was certified by the New York City Department of Labor, in 1963 and 1965, as representative of a unit consisting of approximately twenty-three Rehabilitation Counselors and two Senior Rehabilitation Counselors (5 NYCDL No.99, 7 NYCDL No.4, and MR-12-65). The title of Senior Rehabilitation Counselor is now vacant.

Rehabilitation Counselors, Senior Rehabilitation Counselors, and the Assistant Director of Rehabilitation perform various levels of testing, guidance, counseling, and classification work in hospitals and penal institutions.

The City recommends that the Assistant Director of Rehabilitation be added to an existing unit (CWR-70-67) of supervisory social service and related employees. However, that unit consists of non-professional employees, while the employees herein are professional. The cited titles all require master's degrees or specialized baccalaureate degrees, while those included in CWR-70-67 require only unspecialized baccalaureate degrees.

It is clear from the foregoing, and we find, that the duties, skills, and interests of the Assistant Director of Rehabilitation are closely related and allied to those of the

Rehabilitation Counselors and Senior Rehabilitation Counselors. The Assistant Director of Rehabilitation, in an affidavit filed with the Board, has expressed his desire to be included in the same bargaining unit. Accordingly, we find that the titles of Rehabilitation Counselor, Senior Rehabilitation Counselor and Assistant Director of Rehabilitation constitute a unit appropriate for the purposes of collective bargaining.

III. Representative Status

Our investigation discloses that a majority of the employees in the appropriate unit including the Assistant Director of Rehabilitation, have authorized dues check-off in behalf of Petitioner. We find and conclude, therefore, that Petitioner has been designated and selected by a majority of the employees in the appropriate unit as their representative for the purposes of collective bargaining.

CERTIFICATION

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

C E R T I F I E D, that District Council 37,
AFSCME, AFL-CIO, is the exclusive representative for the
purposes of collective bargaining of the Assistant Director
of Rehabilitation and all Senior Rehabilitation Counselors
and Rehabilitation Counselors employed by the City of New
York, subject to existing contracts, if any.

DATED: New York, N.Y.
January 5, 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

Decision No. 2-70
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The titles and title code numbers of the employees affected by this decision are as follows:

Assistant Director of Rehabilitation	60385
Senior Rehabilitation Counselor	51215
Rehabilitation Counselor	51213