

L.30, et. Al v. City, 6 OCB 25 (BOC 1970) [Decision No. 25-70 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

In the Matter of

LOCAL 30, INTERNATIONAL UNION OF
OPERATING ENGINEERS, AFL-CIO

DECISION NO. 25-70

-and-

CASE NO. RB-4-70

THE CITY OF NEW YORK

DECISION AND ORDER
TERMINATING CERTIFICATION

The Board of Certification, by notice dated April 9, 1970, directed the parties hereto to show cause why departmental certifications Nos. 1 NYCDL 47 and 2 NYCDL 1 should not be terminated.

Local 30, International Union of Operating Engineers, AFL-CIO (herein Local 30) filed an affidavit in opposition on April 27, 1970.

Upon consideration of the papers herein, and due deliberation having been had, the Board of Certification issues the following Decision and Order:

Local 30 opposes termination of its departmental certifications on the ground "that until some other unit has been determined by the Office of Collective Bargaining which will include the employees in question, it is inappropriate and unreasonable to terminate these certificates and so leave these employees without effective representation." It further contends that to "disenfranchise" these employees is "contrary to the underlying principles of the Taylor Law and Executive Order No. 52."

The argument, in effect, would make extent of organization the controlling factor in unit determination. But even more important, as pointed out in Matter of New York City Local 246, S.E.I.U., AFL-CIO, Decision No. 45-69, departmental certifications, with their minimal representational rights, have outlived their original function of "building blocks," and continuation thereof would deny employees their right to full collective bargaining.

Accordingly, we shall terminate the certifications.

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 Certifications Nos. 1 NYCDL 47 and 2 NYCDL 1 be, and the same hereby are, terminated.

DATED: New York, N.Y.

May 13 , 1970.

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