

L.15C, et. Al v. City, 6 OCB 38 (BOC 1970) [Decision No. 38-70  
(Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

In the Matter of  
LOCAL 15C, INTERNATIONAL UNION OF  
OPERATING ENGINEERS, AFL-CIO,  
-and-  
THE CITY OF NEW YORK

DECISION NO. 38-70  
CASE NO. RB-1-70

DECISION AND ORDER

The Board of Certification, by notice dated April 2, 1970, directed the parties hereto to show cause why Certification 2 NYCDL No. 10 should not be terminated pursuant to the Board's policy of terminating departmental certificates (Matter of New York City Local 246, S.E.I.U., AFL-CIO, Decision No. 45-69).

Local 15, International Union of Operating Engineers, AFL-CIO, filed an affidavit in opposition.

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

On March 18, 1960, the City Department of Labor certified Local 15C as the exclusive collective bargaining representative of Oilers employed in the Department of Sanitation. On October 5, 1966, the certification was amended "to cover employees in the title of Oiler (Portable), successor title to the formerly covered Oiler title."

Local 15 opposes termination of the certification upon the ground that all Oilers (Portable) are employed in the Department of Sanitation and that the certification therefore is the equivalent of a City-wide certification.

After Certificate 2 NYCDL No. 10 first was issued, the New York City Civil Service Commission abolished the title of

Oiler (except for certain incumbents) and created the titles Oiler (Portable) and Oiler (Stationary) [Resolution 64-31]. It was this reclassification which resulted in the amendment of the certification mentioned above.

In February, 1970, however, the Court of Appeals vacated the reclassification as arbitrary (Morrison v. Hoberman, decided 2/20/70), and the City Civil Service Commission re-established the single title of Oiler.

As the title "Oiler (Portable)" no longer exists, and since Oilers are employed in various City departments, Local 15's certification cannot be considered, and is not, the equivalent of a City-wide certification. Accordingly, we shall terminate the certification.

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 Certification 2 NYCDL No. 10 be, and the same hereby is, terminated.

DATED: New York, N.Y.

May 28, 1970.

TO: Corcoran & Brady, Esqs.  
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