

L.333, et. Al v. City, 6 OCB 59 (BOC 1970) [Decision No. 59-70
(Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

In the Matter of
LOCAL 333, UNITED MARINE DIVISION,
N.M.U., AFL-CIO,
Petitioner

DECISION NO. 59-70

-and-
DISTRICT NO. 1, PACIFIC COAST
DISTRICT, M.E.B.A., AFL-CIO,
Intervener

DOCKET NO. RU-153-70

-and-
THE CITY OF NEW YORK

A P P E A R A N C E S :

RICHARD NEWMAN, ESQ.

For Petitioner

SCRIBNER, GLANSTEIN & KLEIN, ESQS.

By Joel Glanstein, Esq.

For Intervener

PHILIP J. RUFFO, ESQ.

By Gerald Schilian, Esq.

For The City of New York

DECISION AND ORDER

Local 333, United Marine Division, N.M.U., AFL-CIO
(herein Local 333) petitioned for certification as the
representative of the Captains, Assistant Captains, Mates
and Pilots in the Department of Marine and Aviation and
the Economic Development Administration of the City of
New York.

District No. 1, Pacific Coast District, M.E.B.A.,
AFL-CIO (herein MEBA) moved to intervene herein. Neither
Local 333 nor the City opposed such application and,
accordingly, it will be granted.

A hearing on the petition was held on April 9, 15, and 29, 1970, before Richard J Horrigan, Esquire, Trial Examiner. At the hearing, Local 333 amended its petition to request a "City-wide" unit of deck officers.

Briefs were filed by Local 333 and MEBA on June 19 and June 22, 1970, respectively. Oral argument was heard by the Board of Certification on June 25, 1970.

Upon consideration of the entire record herein, the briefs of the parties, and the oral argument, and due deliberation having been had, the Board issues the following decision.

MEBA is the certified collective bargaining representative of a unit consisting of the deck officers and marine engineers employed in the Department of Marine and Aviation and the Economic Development Administration (Matter of Local 333 N.M.U., AFL-CIO, Decision No. 58-69).

Local 333 seeks to sever, and establish a separate bargaining unit for, the deck officers. At the oral argument. Local 333 conceded that a combined unit of deck officers and marine engineers is "an appropriate unit," but it contends that a separate unit limited to deck officers is equally or more appropriate. It joins in a suggestion, made by the City's Office of Labor Relations, that a self-determination election be conducted among the deck officers only.

MEBA urges that the petition herein should be dismissed as an attempt to fragment an existing City-wide unit for which it is the certified bargaining representative.¹

In the cited case, this Board pointed out that because of the unusual factors in maritime employment, the various certifications issued by the City Department of Labor, covering maritime employees, had been treated by all parties, including the two unions herein, as "City-wide" rather than as "departmental" certifications.

In all prior certifications, deck officers and marine engineers have been placed in the same bargaining unit (see 7 NYCDL Nos, 58, 59, and 60; 9 NYCDL No. 49; Decisions Nos. 11 and 11A-68). Such unit placement is consistent with and conforms to, the Board's policy of placing related supervisory positions in the same bargaining unit (Decisions Nos. 4-69 and 21-69), and its policy against fragmenting units and in favor of consolidation and merger of units wherever possible (Decisions Nos. 44-68 and 58-69).

As no compelling reason has been demonstrated justifying a departure from those policies, we shall dismiss the petition herein,

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 application of District No. 1, Pacific Coast District, MEBA, AFL-CIO, to intervene herein be, and the same hereby is, granted; and it is further

O R D E R E D , that the petition herein be, and the same hereby is, dismissed.

DATED: New York, N.Y.
August 11 , 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