

SSEU, L.371, DC37 V. City, 6 OCB 66 (BOC 1970) [Decision No. 66-70 (Cert.)]]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of  
SOCIAL SERVICE EMPLOYEES UNION,  
LOCAL 371, DISTRICT COUNCIL 37,  
AFSCME, AFL-CIO

DECISION NO. 66-70

DOCKET NO. RU-132-69

-and-

THE CITY OF NEW YORK

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DECISION AND ORDER

On July 29, 1970, Social Service Employees Union, Local 371, District Council 37, AFSCME, AFL-CIO, filed a motion for reconsideration of Board's Decision No. 64-69 herein, issued on November 17, 1969. The application alleges that the Board's failure to hold a hearing or conference prior to issuing that decision resulted in "a decision which is completely contrary to the purposes and provisions of the New York City Collective Bargaining Law." It further alleges that Terminal Employees, Local 832, I.B.T., the certified representative of the employees concerned, never has negotiated on their behalf.

In Decision No. 64-69, we dismissed Local 371's petition for a unit of Teachers, on the ground that it would not effectuate the purposes of the statute to sever that title from the established unit of instructional employees represented by Local 832, which has been the certified bargaining representative for the unit of instructional employees since 1963. (5 NYCDL No. 104)

The City's answering affirmation, filed August 13, 1970, opposes Local 371's motion for reconsideration on the ground that " the Board is not obligated to hold hearings or conferences," citing Rule 2.9, and that in the interval between the issuance of the Decision and the filing of the motion, the City and Local 832 concluded a contract covering Teachers (Implementing Personnel Order No. 70-27, approved by the Mayor on June 8, 1970).

The present motion was made more than eight months after the decision sought to be reconsidered, and after the negotiation of a contract by Local 832 and the City. Accordingly, we find that that the motion to reconsider was not timely made and that it should be denied for laches.<sup>1</sup>

O R D E R

\_\_\_\_\_ By virtue of and pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law it is hereby,

ORDERED, that the motion filed herein by Local 371, District Council 37, on July 29, 1970, be, and the same hereby is, denied.

DATED: New York, N.Y.  
September 14, 1970.

ARVID ANDERSON  
C h a l r m a n

WALTER L. EISENBERG  
M e m b e r

ERIC J. SCHMERTZ  
M e m b e r

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See Reynolds v. Snow, 197 NYS 2d 590, 600, affirmed 207 NYS 2d 146; Valentine Gardens Cooperative v. Oberman, 237 NYS 2d 535, 537-8.