

City v. DC37, 6 OCB 69 (BOC 1970) [Decision No. 69-70 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

In the Matter of

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

DECISION NO. 69-70

-and-

DOCKET NO. RE-17-70

DISTRICT COUNCIL 37, AFSCME,
AFL-CIO

DECISION, ORDER AND DIRECTION OF ELECTION

_____ On April 30, 1970, the City of New York filed a motion herein requesting the merger and-consolidation of certain certifications previously issued to District Council 37, AFSCME, AFL-CIO, namely: CWR-13/67, covering Appraisers (Real Estate) and Senior Appraisers (Real Estate); CWR-14/67, covering Supervising Appraisers (Real Estate); CWR-18/67, covering Assistant Assessors and Assessors; and CWR-19/67, covering Senior Assessors and Supervising Assessors.

The union and a group of individual appraisers originally contended that appraisers and assessors should remain in separate bargaining units because of certain differences in their duties. The union subsequently withdrew its objection and consented to the consolidation of the certifications.

Both appraisers and assessors are responsible for the determination of the value of real estate. The former are concerned with market value, while the latter's work entails valuation for tax purposes. Their qualification requirements are similar, and their duties, skills and interests are closely related and allied to each other.

Our investigation establishes that a majority of the employees in each of the said-units, and that a majority of the employees in restored Rule X titles serving in positions equated to the cited Rule XI-XII titles have authorized dues check-off in behalf of the union. These Rule X employees are not expressly covered in the cited certifications but manifestly belong in the same unit or units with their Rule XI or Rule XII equivalents.

The employees covered by certifications CWR-14/67 and CWR-19/67 are supervisory. Section 1173-3.0(1) of the New York City Collective Bargaining Law provides that supervisory employees shall not be placed in the same unit as non-supervisory employees without "the consent of a vote of a majority of the * * * supervisory employees involved."

Accordingly, we shall grant the City's motion to the extent of merging (1) the non-supervisory units (CWR-13/67 and CWR-18/67) and (2) the supervisory units (CWR-14/67 and CWR-19/67), adding to each the employees in the restored Rule X titles serving in positions equated to the covered Rule XI and Rule XII titles.

We also shall direct a self-determination election among the employees in the combined supervisory unit. If a majority of the supervisory employees casting valid ballots in the election vote in favor of a combined unit of supervisory and non-supervisory employees, we shall consolidate the two units.

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

ORDERED, that the motion of the City of New York to merge and consolidate certain certifications be, and the same hereby is, granted to the extent of merging and consolidating certifications CWR-13/67 and CWR-18/67, and certifications CWR-14/67 and CWR-19/67; and it is further

CERTIFIED, that District Council 37, AFSCME, AFL-CIO, is the exclusive representative for the purposes of collective bargaining of all Appraisers (Real Estate), Senior Appraisers (Real Estate), Assistant Assessors, and Assessors, and those employees in restored Rule X titles equated thereto, employed by the City of New York and related Public Employers subject to the jurisdiction of the Board of Certification; and it is further

CERTIFIED, that District Council 37, AFSCME, AFL-CIO, is the exclusive representative for the purposes of collective bargaining of all Supervising Appraisers (Real Estate), Senior Assessors and Supervising Assessors, and those employees in restored Rule X titles equated thereto, employed by the City of New York and related Public Employers subject to the jurisdiction of the Board of Certification; and it is further

DIRECTED, that an election-by secret ballot shall be conducted under the supervision of the Board of Certification or its agents, at a time, place, and during hours to be fixed by the Board, to determine whether the Supervising Appraisers (Real Estate), Senior Assessors, and Supervising Assessors, and those employees in restored Rule X titles who are serving in positions equated thereto, employed during the payroll period immediately preceding the date of this Direction of Election (other than those who have voluntarily quit or who have been discharged for cause before the date of the election) desire a separate unit for the purposes of collective bargaining, or desire a combined unit of Appraisers (Real Estate), Senior Appraisers (Real Estate), Supervising Appraisers (Real Estate), Assistant Assessors, Assessors,

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5.

Senior Assessors, Supervising Assessors, and those employees in restored Rule X titles who are serving in positions equated thereto.

DATED: New York, N.Y.

October 7 , 1970

Arvid Anderson
CHAIRMAN

Walter L. Eisenberg
MEMBER

Eric J. Schmertz
MEMBER