DC37 v. City, 6 OCB 74 (BOC 1970) [Decision No. 74-70 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING BOARD OF CERTIFICATION

In the Matter of

DISTRICT COUNCIL 37, AFSCME, AFL-CIO

DECISION NO. 74-70

-and-

DOCKET NOS. RU-120-69 RU-121-69

THE JUDICIAL CONFERENCE OF THE STATE OF NEW YORK

-and-

THE CITY OF NEW YORK

DECISION AND CERTIFICATION

On June 13, 1969, District Council 37, AFSCME, AFL-CIO, filed its petitions herein, requesting certification as the exclusive collective bargaining representative of Assistant Institutional Maintainers (RU-120-69), Assistant Maintenance Supervisors and Maintenance Supervisors (RU-121-69) employed by the Judicial Conference and the City of New York.

Upon consideration of its investigation, and after due deliberation, the Board of Certification issues the following decision:

I. Undisputed Matters

It is undisputed, and we find and conclude, that Petitioner is a public employee organization in fact and within the meaning of the New York City Collective Bargaining Law.

II. The Appropriate Unit and Representative Status

Incumbents of the petitioned titles perform various levels of work in the maintenance, operation and repair of buildings and equipment operated by the Youth House, which is under the jurisdiction of the Office of Probation of the Judicial Conference. The Assistant Institutional Maintainer title is non-supervisory, while the other petitioned titles are supervisory. All three titles are "unique" to the Judicial Conference.

The City urges that several certifications previously issued to Petitioner, covering various titles unique to the Judicial Conference, be consolidated, and the petitioned titles be added thereto. These certifications cover such titles as Court Reporter I, Identification Officer, Interpreter, Principal Clerk, Principal Stenographer, Court Assistant, Head Clerk, and Chief Clerk. The Union opposed such consolidation.

We find no merit in the City's position. Some of the titles are supervisory, while others are non-supervisory (cf. NYCCBL, \$1173-3.01; Matters of New York City Local 246, S.E.I.U. et al, Decision No. 20-70). Moreover, we find no present mutuality of interest sufficient to warrant consolidation of such diverse units. Indeed, to do so well might create a bar to more logical and orderly consolidations in the future.

Our investigation discloses that a majority of the (a) Assistant Institutional Maintainers and (b) the Assistant Maintenance Supervisors and Maintenance Supervisors have authorized dues check-off in behalf of Petitioner. Accordingly, we shall certify the petitioned titles in separate supervisory and non-supervisory units.

<u>CERTIFICATIONS</u>

Pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, it is hereby

CERTIFIED, that District Council 37, AFSCME, AFL-CIO, is the exclusive representative for the purposes of collective bargaining of all Assistant Institutional Maintainers employed by the Judicial Conference and the City of New York; and it is further

CERTIFIED, that District Council 37, AFSCME, AFL-CIO, is the exclusive representative for the purposes of collective bargaining of all Assistant Maintenance Supervisors and Maintenance Supervisors employed by the Judicial Conference and the City of New York

DATED: New York, N.Y. October 19, 1970

Arvid Anderson CHAIRMAN

Walter L. Eisenberg
MEMBER

Eric J. Schmertz

MEMBER

Decision No. 74-70 Docket Nos. RU-120-69 RU-121-69

The titles and title code numbers of the employees affected by this decision are as follows:

Assistant Ir	nstitutional Maintainer	08755
Assistant Ma	aintenance Supervisor	08763
Maintenance	Supervisor	08764