

L.1, et. Al v. City, 6 OCB 81 (BOC 1970) [Decision No. 81-70  
(Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

In the Matter of

ELEVATOR CONSTRUCTORS UNION LOCAL No.1  
OF THE INTERNATIONAL UNION OF ELEVATOR  
CONSTRUCTORS, AFL-CIO

DECISION NO. 81-70

DOCKET NO. RU-201-70

-and-

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND DIRECTION OF ELECTIONS

On July 1, 1970, Elevator Constructors Union Local No.1 of The International Union of Elevator Constructors, AFL-CIO (herein called Petitioner) filed a petition with the Office of Collective Bargaining requesting certification as the collective bargaining representative for the titles of Foreman Elevator Mechanic, Elevator Mechanic and Elevator Mechanic's Helper.

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

I. Undisputed Matters

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

II. The Appropriate Unit

\_\_\_\_\_Petitioner and the Employers agree that the petitioned unit of Foremen Elevator Mechanics, Elevator Mechanics, and Elevator Mechanic's Helpers is appropriate for the purposes of collective bargaining. However, Foremen Elevator Mechanics are supervisory employees, and §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."

Our unit findings, therefore will await the outcome of a self-determination election to be conducted among the supervisory titles. If a majority of the supervisory employees voting in the election vote in favor of a combined unit of supervisory and non-supervisory employees, we shall find such unit appropriate. If a majority of the supervisory employees voting in the election do not vote in favor of a combined unit, we shall find separate supervisory and non-supervisory units appropriate.

DIRECTION OF ELECTIONS

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

DIRECTED:

1. That separate elections by secret ballot shall be conducted under the supervision of the Board, or its agents, at a time, place, and during hours to be fixed by the Board among:

- A. Elevator Mechanics and Elevator Mechanic's Helpers;
- B. Foremen Elevator Machanics  
employed by the City of New York and related public employers subject to the jurisdiction of the Board of Certification, during the payroll period immediately preceding the date of this Direction of Elections, other than those who have voluntarily quit or who have been discharged for cause before the date of the elections.

2. The question to be voted on in the election conducted among the Elevator Mechanics and Elevator Mechanic's Helpers shall be:

\_\_\_\_\_ "Do you desire to be represented for the purposes of collective bargaining by Elevator Constructors Union Local No.1 of The International Union of Elevator Constructors, AFL-CIO?"

3. The questions to be voted on in the election conducted among the Foremen Elevator Mechanics shall be:

"(a) Do you desire to be represented for the purposes of collective bargaining (1) as a unit limited to Foremen Elevator Mechanics, or (2) in a combined unit of Foremen Elevator Mechanics, Elevator Mechanics, and Elevator Mechanic's Helpers?"

"(b) Do you desire to be represented for the purposes of collective bargaining by Elevator Constructors Union Local No.1 of The International Union of Elevator Constructors, AFL-CIO?"

4. If a majority of the Foremen Elevator Mechanics casting valid ballots:

(a) vote in favor of a combined unit with Elevator Mechanics and Elevator Mechanic's Helpers, the votes cast by Foremen Elevator

Mechanics on question (b) in paragraph 3 above, shall be counted and tabulated together with the votes cast by the Elevator Mechanics and Elevator Mechanic's Helpers;

(b) do not vote in favor of a combined unit with Elevator Mechanics and Elevator Mechanic's Helpers, the votes of Foremen Elevator Mechanics on question (b) in paragraph 3 above, shall be counted and tabulated separately.

DATED: New York, N.Y.

November 25, 1970

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ARVID ANDERSON  
CHAIRMAN

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WALTER L. EISENBERG  
MEMBER

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ERIC J. SCHMERTZ  
MEMBER