

Paver & Roadbuilders DC v. City, 6 OCB 82 (BOC 1970) [Decision No. 82-70 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

In the Matter of

PAVERS AND ROADBUILDERS DISTRICT
COUNCIL

DECISION NO. 82-70

-and-

DOCKET NO. RU-181-70

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

DECISION AND DIRECTION OF ELECTION

_____ On April 13, 1970, Pavers and Roadbuilders District Council (herein called Petitioner) filed a petition with the office of Collective Bargaining requesting certification as the collective bargaining representative for the title of Paver. Petitioner later amended the petition to include the titles of Foreman Paver, Rammer and Flagger.

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

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
and Representative Status

_____ Petitioner and the Employers agree that the petitioned unit of Pavers, Rammers, Flaggers and Foremen Pavers is appropriate for purposes of collective bargaining. However, Foremen Pavers 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 bargaining 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 employees.

Our investigation establishes, and we find, that majorities of (A) Pavers, Rammers and Flaggers and (B) Foremen Pavers, have authorized the check-off of dues to Petitioner. Accordingly, if the supervisory employees vote in favor of a combined unit with the non-supervisory employees, we shall certify Petitioner as the exclusive collective bargaining representative of such combined unit. If a majority of the supervisory employees do not vote in favor of a combined unit, we shall certify Petitioner as the representative of separate supervisory and non-supervisory units.

DIRECTION OF ELECTION

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

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 Foremen Pavers, 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 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 Foremen Pavers, Pavers, Rammers and Flaggers.

DATED: New York, N.Y.

November 25, 1970

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER