

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matters of
DISTRICT COUNCIL 37, AFSCME,
AFL-CIO

-and-

THE CITY OF NEW YORK and
RELATED PUBLIC EMPLOYERS

DECISION NO. 86-70
DOCKET NOS. RU-179-70
RU-194-70
RU-194-70
RU-195-70
RU-210-70

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DECISION, CERTIFICATIONS,
AND ORDER

The four proceedings herein, all instituted by District Council 37, AFSCME, AFL-CIO, have been consolidated for purposes of decision because of the interrelated questions presented.

Upon consideration of its investigation, including the positions of the parties, the Board of Certification issues the following Decision, Certifications, and Order.

I. The Appropriate Bargaining Units

Background

_____ Prior to the establishment of the Office of Collective Bargaining, the New York City Department of Labor issued the following certifications of representative material to the present proceedings:

Certification of Local 299, District Council 37, as representative of Puppeteers, a title unique to the Department of Parks (4 NYCDL No. 52).

Certification of the Parks Policy Committee of District Council 37, as representative of the non-supervisory Parks Department titles

of Recreation Director, Climber and Pruner, Menagerie Keeper, Lifeguard and Seasonal Filtration Plant Operator (1 NYCDL No. 10).

Certification of Local 1212, District Council 37, as representative of Seasonal Parkmen and Seasonal Park Helpers (9 NYCDL No.

Certification of various supervisory Parks Department titles including Lifeguards assigned as Lieutenant (1 NYCDL No. 11).

Positions of the Parties

District Council 37 seeks:

(1) to add the title of Recreation Director (presently included in Certification 1 NYCDL No. 10)¹ and the newly established non-supervisory titles of Cultural Programs Trainee and Cultural Programs Assistant to Certification 4 NYCDL No. 52, which presently covers Puppeteers only;

(2) to add the newly created supervisory title of Cultural Programs Specialist to Certification 1 NYCDL No. 11, which presently covers Assistant Supervisor of Recreation and other supervisory Parks Department titles;

(3) certification as collective bargaining representative of Playground Assistants.

The general thrust of District Council 37's application thus is the establishment of a unit or units of full time recreational employees, with a separate unit for Playground Assistants whose work, though similar, is "seasonal" in nature.

¹ Seasonal Park Helpers assigned as Skate Guards were separately certified to District Council 37 (9 NYCDL No. 7).

The City supports the establishment of a unit of full time recreation and cultural programs employees including the additional, presently unrepresented, titles of Recreation Assistant (Men), Recreation Assistant (Women) and Supervising Puppeteer.* It suggests, however, that all Parks Department seasonal employees, including Playground Assistants, but excluding Lifeguards, should be included in a separate unit of seasonal employees.

Discussion and Findings

Playground Assistants, and certain part-time Recreation Directors, are non-competitive, Rule X, employees. The other petitioned titles are in the Recreation and Cultural Programs Occupational Groups. Employees in these Occupational Groups organize, conduct and coordinate recreation, cultural and leisure time programs and activities. They have a manifest similarity of duties, skills and interests. Indeed, the mutuality of interests common to these employees is much closer and clearer than their mutual interests with the employees who maintain and care for park property, equipment and animals.

Seasonal employees in various other titles are employed in a number of City departments and agencies. They are engaged in diverse and varied occupations. Some, by job specifications, are required to be college or graduate students; others are unskilled or blue collar workers. The maximum period of permissible employment varies from 60 to 312 days per year. While most seasonals apparently are employed in the summer months, other titles have winter employment, and some work both seasons.

We do not believe that the establishment of a broad unit of seasonal employees, or a unit of seasonal Parks Department employees, excluding Lifeguards, would effectuate the purposes and policies of the NYCCBL at the present time. Under all the present circumstances, we conclude that those policies and

The union agrees that these titles should be included.

purposes will be effectuated best by establishing a separate unit of Playground Assistants, without prejudice to future applications for consolidation or merger with some other appropriate bargaining unit or units.

Section 1173-3.01 of the NYCCBL bars a combined unit of supervisory and non-supervisory employees unless the supervisors vote in favor of a combined unit. As the applications by District Council 37 are for separate units, our unit determination will provide for such separation (see Decision No. 20-70, p. 7).

We find and conclude, therefore, that separate units of the titles of:

A. Puppeteer, Recreation Director
(competitive and non-competitive), Recreation Assistant (Men), Recreation Assistant (Women), Cultural Programs Trainee and Cultural Programs Assistant;

B. Cultural Programs Specialist, Assistant Supervisor of Recreation and Supervising Puppeteer;
and

C. Playground Assistant

constitute units appropriate for the purposes of collective bargaining in fact and within the meaning of the NYCCBL.

II. Representative Status

_____ Our investigation establishes that a majority of the employees in each of the units found appropriate above, have authorized the check-off of dues to Petitioner. We find and conclude, therefore, that Petitioner has been designated and selected by a majority of the employees in each of said units as their representative for the purposes of collective bargaining.

CERTIFICATIONS AND ORDER

Pursuant to the powers vested in 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 each of the following appropriate collective bargaining units:

A. Puppeteers, Recreation Director (competitive and non-competitive), Recreation Assistant (Men), Recreation Assistant (Women), Cultural Programs Trainee and Cultural Programs Assistant;

B. Cultural Programs Specialist and Assistant Supervisor of Recreation and Supervising Puppeteer;

C. Playground Assistant;

and it is further

ORDERED, that certifications 1 NYCDL Nos. 10 and 11 be, and the same hereby are, amended by striking therefrom the titles of Recreation Director and of Assistant Supervisor of Recreation, respectively.

DATED: New York, N.Y.
November 25, 1970.

ARVID ANDERSON
C h a i r m a n

WALTER L. EISENBERG
M e m b e r

ERIC J. SCHMERTZ
M e m b e r