

Independent Traffic Employ. Uni. V. City, 6 OCB 88 (BOC 1970)
[Decision No. 88-70 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

In the Matter of

INDEPENDENT TRAFFIC EMPLOYEES UNION,
Petitioner

DECISION NO.88-70

DOCKET NO. RU-211-70

-and-

DISTRICT COUNCIL 37, AFSCME, AFL-CIO,
Intervener

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

DECISION, ORDER AND DIRECTION OF ELECTION

_____Independent Traffic Employees Union (herein ITEU) petitioned for certification as the representative of Foremen (Traffic Device Maintenance), Senior Foremen (Traffic Device Maintenance), and Supervising Superintendents of Maintenance.

District Council 37, AFSCME, AFL-CIO, (herein D.C. 37) moved to intervene herein. Neither ITEU nor the City opposed the application to intervene and, accordingly, it will be granted.

Upon consideration of the entire record herein, and due deliberation having been had, the Board issues the following decision:

1. Background

_____ In December, 1968, the Board granted an application of Local 3, IBEW, to transfer to it the certificate previously issued to ITEU covering Foremen (TDM) and Senior Foremen (TDM) (Decision No.77-68). Also in December 1968, the Board added Supervising Superintendents of Maintenance to the unit (Decision No.78-68). Thereafter, because of an AFL-CIO finding that Local 3 had raided District Council 37, Local 3 disclaimed further representation of the employees.

2. The Appropriate Unit

_____ All parties stipulate that the appropriate bargaining unit consists of Foremen (Traffic Device Maintenance), Senior Foremen (Traffic Device Maintenance), and Supervising Superintendents Of Maintenance, employed by the City of New York. This is the same unit previously certified, and we find it to be appropriate.

Accordingly, we shall conduct an election by secret ballot among the employees in the appropriate unit to determine whether or not they desire to be represented for the purposes of collective bargaining and shall place the names of ITEU and District Council 37 on the ballot.

ORDER AND DIRECTION OF ELECTION

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

ORDERED, that the application of D.C. 37 to intervene herein be, and the same hereby is granted; and it is further

DIRECTED, that an election 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, to determine whether Foremen (Traffic Device Maintenance), Senior Foremen (Traffic Device Maintenance), and Supervising Superintendents of Maintenance, employed by the City of New York and related public employers subject to the jurisdiction of the Board, who were 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 to be represented for the purposes of collective bargaining by Independent Traffic Employees Union; by District Council 37, AFSCME, AFL-CIO; or by neither.

DATED: New York, N.Y.
December 7, 1970

ARVID ANDERSON
CHAIRMAN

ERIC J. SCHMERTZ
MEMBER

WALTER L. EISENBERG
MEMBER