

DC 37 V. CITY, 8 OCB 29 (BOC 1971) [Decision No. 29A-71 & 29B-71 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME,
AFL-CIO, and its affiliated locals

DECISION NOS. 29A-71 and
219B-71

-and-

THE CITY OF NEW YORK AND
RELATED PUBLIC EMPLOYERS

DOCKET NO. RU-245-70

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DECISION AND ORDER

District Council 37, AFSCME, AFL-CIO (herein called Petitioner), filed its petition herein on December 14, 1970, seeking (a) to amend Certification 3 NYCDL No. 40 (as previously amended by Decisions Nos. 6-69 and 16-69), covering various non-supervisory public health nursing titles, by substituting therefor the successor titles of Public Health Nurse, Public Health Nurse.(Session), and Junior Public Health Nurse; and (b) to amend Certification 3 NYCDL No. 37 (as previously amended by Decision 6-69), covering various supervisory public health, nursing titles, by substituting therefor the successor titles of Supervising Public Health Nurse, District Supervising Public Health Nurse and Consultant Public Health Nurse (including various specialties), and by adding thereto the new specialty title of Consultant Public Health Nurse (Nursing Education).

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 Units and
Representative Status

Decisions Nos. 6-69 and 16-69, issued by this Board on February 6 and March 31, 1969, respectively, resulted in (a) a non-supervisory unit consisting of Head Nurses (Public Health), Head Nurses (Public Health) (Session), and Staff Nurses employed full time in the Department of Health [3 NYCDL No. 40, as amended]; and (b) a supervisory unit consisting of Supervisors of Nurses (Public Health), Assistant Superintendents of Nurses (Public Health), and Assistant Superintendents of Nurses (Public Health-various specialties) [3 NYCDL No. 37, as amended].

On May 6, 1969, the City Civil Service Commission classified the new specialty title of Assistant Superintendent of Nurses (Public Health - Nursing Education) [CCSC Res, No. 69-44].

On November 25, 1970, the Commission changed the Nursing (Public Health) Occupational Group to the Public Health Nursing Occupational Group and reclassified the titles therein to Public Health Nurse, Supervising Public Health Nurse, District Supervising Public Health Nurse, and Consultant Public Health Nurse (various specialties). [CCSC Res, No. 70-1321. Finally, on December 22, 1970, the Commission deleted from the Department of Health the titles of Staff Nurse and Head Nurse (Public Health) (Session) and classified, in the Health Services Administration, Department of Health, the titles of Junior Public Health Nurse and Public Health Nurse (Session).

We find that the units in Certifications 3 NYCDL No. 37 (as amended by Decision No. 6-69) and 3 NYCDL No. 40 (as amended by Decisions Nos. 6-69 and 16-69), are still appropriate and, in addition, that the newly classified specialty title of Consultant Public Health Nurse (Nursing Education) should be included in the supervisory unit cited as 3 NYCDL No. 37, as amended.

Our investigation shows that a majority of the employees in each of the above mentioned units have authorized dues check-off in behalf of Petitioner. Accordingly, based upon our findings, and in the absence of any objections by the City, we shall amend each of the cited certifications.

O R D E R

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

ORDERED, that Certification 3 NYCDL No. 40, as previously amended, be, and the same hereby is, further amended, to substitute the titles of Public Health Nurse, Public Health Nurse (Session), and Junior Public Health Nurse [full-time], for the titles therein; and, as amended, it

shall constitute a non-supervisory unit consisting of employees in the following titles: Public Health Nurse, Public Health Nurse (Session), and Junior Public Health Nurse [full-time]; and, it is further

ORDERED, that the Certification (3 NYCDL No. 40), covering the employees in the aforesaid unit shall, effective as of the date below, be cited as "Decision No. 29A-71," the employees in said unit to be subject to existing contracts, if any; and, it is further

ORDERED, that Certification 3 NYCDL No. 37, as previously amended, be, and the same hereby is, further amended to substitute the titles of Supervising Public Health Nurse, District Supervising Public Health Nurse, and Consultant Public Health Nurse (including all specialties), for the titles therein; and, as amended, it shall constitute a supervisory unit consisting of employees in the following titles: Supervising Public Health Nurse, District Supervising Public Health Nurse, Consultant Public Health Nurse (including all specialities); and, it is further

ORDERED, that the Certification (3 NYCDL No. 37), covering the employees in the aforesaid unit shall, effective as of the date below, be cited as "Decision No. 29B-71," the employees in said unit to be subject to existing contracts, if any.

DATED: New York, N.Y.
April 28 , 1971

ARVID ANDERSON
C h a i r m a n

ERIC J. SCHMERTZ
M e m b e r

WALTER L. EISENBERG
M e m b e r

Decision Nos. 29A, 29B -71
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The titles and title code numbers of the employees affected by this decision are as follows:

Decision No. 29A-71

<u>Public Health Nurse</u>	51011
Public Health Nurse (Session	51006
Junior Public Health Nurse [full-time]	51008

Decision No. 29B-71

<u>Supervising Public Health Nurse</u>	51060
District Supervising Public Health Nurse	51065
Consultant Public Health Nurse (including all specialties)	51012/21