

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 NO. 30-71

DOCKET NOS. RU-221-70  
RU-222-70

-and-

THE CITY OF NEW YORK AND  
RELATED PUBLIC EMPLOYERS

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DECISION AND ORDER

District Council 37, AFSCME, AFL-CIO (herein called Petitioner), filed two separate petitions on September 8, 1970. The petition in Docket No. RU-221-70 seeks to amend Certification CWR-5/67, presently covering various Youth Board Occupational Group titles, by substituting therefor the reclassified titles in the new Youth Services Specialist Occupational Group, and by adding thereto the new title of Assistant Supervisor of Youth Services, which is classified in the same Occupational Group. The petition in Docket No. RU-222-70 seeks to amend Certification CWR-12/67, presently covering Street Club Workers, by accreting thereto the titles of Assistant Youth Services Specialist and Youth Services Aide.

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 Unit and  
Representative Status

Petitioner was certified by the New York City Department of Labor, in 1967, to represent units consisting of (a) Street Club Workers (CWR-12/67); and (b) fourteen titles in the Youth Board Occupational Group (CWR-5/67). Subsequently, on September 15, 1970, the City Civil Service Commission adopted Resolution No. 70-86, deleting all of the titles in CWR-5/67 and reclassifying their incumbents to the following titles in the new Youth Services Specialist Occupational Group: Youth Services Specialist, Assistant Supervisor of Youth Services (Research), Supervisor of Youth Services (including specialty), Assistant Administrator of Youth Services, and Administrator of Youth Services (including specialty).

The same resolution also classified the new titles (without former equivalent) of Assistant Supervisor of Youth Services [no specialty] and Assistant Youth Services Specialist. We find that accretion is applicable to each of the aforesaid titles since they were created subsequent to the time the existing certifications were issued, and they would have been included in such certifications had they been in existence at the time the certifications were issued. Moreover, we find that a community of interest exists between the employees in the titles sought to be accreted and the employees in the existing certifications. Accordingly, we shall accrete the title Assistant Youth Services Specialist to the unit bearing No. CWR-12/67 (a non-supervisory unit), and the title Assistant Supervisor of Youth Services to the unit bearing No. CWR-5/67 (a supervisory unit),

Our investigation further reveals that the reclassified title of Youth Services Specialist is non-supervisory in nature, Since a majority of the employees in said title have authorized dues check-off in behalf of Petitioner, we shall, accordingly, place said title in the non-supervisory unit having certificate No. CWR-12/67.

In addition, since a majority of the employees in the reclassified titles, exercising supervisory duties, have, likewise, authorized dues check-off in behalf of Petitioner, the representative status of Petitioner is satisfactorily ascertained by virtue of which Petitioner is the exclusive representative of the employees in the supervisory unit in Certification No. CWR-5/67.

The City opposes the certification of Youth Services Aide on the ground that the title has not been established. and there are no such budgeted positions or employees. Our investigation confirms this. Accordingly, we shall exclude Youth Services Aide from the units herein.

In arriving at our determination herein, we have considered the City's recommendation that Assistant Youth Services Specialist and Street Club Worker be added to Certification CWR-66/67 (later superseded by Certification No. 18-71), covering many non-supervisory social service and related titles; and that the titles petitioned in Docket No. RU-221-70 be added to Certification CWR-70/67 (later superseded by Decision No. 17-71), covering many supervisory social service and related titles.

We find, however.- that the existing bargaining relationship does not render it propitious at this time to direct consolidation of the established units. Implicitly, our determination does not compel foreclosure of a further review of the unit question at a time when circumstances coincide with fostering the best interests of the employees and the viability of the bargaining process.

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 CWR-12/67 be, and the same hereby is, amended to include the titles of Assistant Youth Services Specialist and Youth Services Specialist; and, as amended, the unit shall consist of the following titles: Street Club Worker, Assistant Youth Services Specialist, and Youth Services Specialist, subject to existing contracts, if any; and it is further

ORDERED, that Certification CWR-5/67 be, and the same hereby is, amended to substitute in place and instead of the deleted titles, the titles of Assistant Supervisor of Youth Services (including specialty), Supervisor of Youth Services (including specialty), Assistant Administrator of Youth Services, and Administrator of Youth Services (including specialty); and, as amended, the unit shall consist of the following titles :

Assistant Supervisor of Youth Services, Assistant Supervisor of Youth Services (Research), Supervisor of Youth Services, Supervisor of Youth Services (Research), Assistant Administrator of Youth Services, Administrator of Youth Services, and Administrator of Youth Services (Research), subject to existing contracts, if any.

DATED: New York, N.Y.

April 28, 1971,

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

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The titles and title code numbers of the affected by this decision are as follows:

CWR-12/67 (Unit A)

Street Club Worker	51410
Assistant Youth Services Specialist	51436
Youth Services Specialist	51438

CWR-5/67 (Unit B)

Assistant Supervisor of Youth Services	51442
Assistant Supervisor of Youth Services (Research)	51440
Supervisor of Youth Services	51444
Supervisor of Youth Services (Research)	51446
Assistant Administrator of Youth Services	51448
Administrator of Youth Services	51452
Administrator of Youth Services (Research)	51450