

DC37 V. CITY, 8 OCB 31 (BOC 1971) [Decision No. 31-A-71 & 31-B-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. 31-A-71  
31-B-71

-and-

DOCKET NOS. RU-206-70  
RU-237-70

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND ORDER

District Council 37, AFSCME, AFL-CIO, and its affiliated Local 371 (herein called Petitioner) filed petitions on July 10 and December 7, 1970, respectively, seeking to add (in RU-206-70) Repair Shop Managers (HDA) to the unit of Repair Crew Chiefs (HDA), Senior Repair Crew Chiefs (HDA), and Real Estate Repairmen, covered by Certification CWR-43/67 (as amended by Decision No.55-69); and (in RU-237-70) to add Repair Crew Workers (HDA) to the unit of Repair Aides (HDA) and Assistant Real Estate Repairmen covered by Certification CWR-42/67 (as amended by Decision No.55-69).

Upon consideration of its investigation, and after due deliberation, the Board 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.

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II. The Appropriate Units and  
Representative Status

The petitioned title of Repair Crew Worker (HDA) is in a direct line of promotion from the certified title of Repair Aide (HDA). City Civil Service Commission Resolution No. 70-131, dated November 25, 1970, provides for the appointment without examination of Repair Aides (HDA) to the title of Repair Crew Worker (HDA) after satisfactory completion of two years' service in the lower title.

Likewise, the title of Repair Shop Manager (HDA) is in a direct line of promotion from senior Repair Crew Chief (HDA). Repair Shop Managers (HDA) direct the work of repair workshops staffed by employees in the certified titles of Senior Repair Crew Chief (HDA), Repair Crew Chief (HDA) (in CWR-43/67); Repair Aide (HDA) (in CWR-42/67); and in the petitioned title of Repair Crew Worker (HDA).

It is clear from the foregoing, and we find, that the duties, skills and interests of Repair Crew Workers (HDA) and Repair Shop Managers (HDA), respectively, are closely related and allied to those of the employees covered by Certifications CWR-42/67 (as amended) and CWR-43/67 (as amended). The City has interposed no objection in either case.

As the title of Repair Crew Worker (HDA) was not in existence at the time Decision No. 55-69 amended Certification

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CWR-42/67, it may properly be accreted to that unit. We shall amend that Certification accordingly.

Our investigation shows that a majority of the employees in the unit of Senior Repair Crew Chiefs (HDA), Repair Crew Chiefs (HDA), and Real Estate Repairmen, covered by Certification CWR-43/67 (as amended by Decision No.55-69), and Repair Shop Managers (HDA), petitioned for herein, have authorized dues check-off in behalf of Petitioner. Accordingly, based on our findings, we shall amend Certification CWR-43/67 (as amended by Decision No.55-69) to include Repair Shop Managers (HDA).

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-42/67 (as previously amended) be, and the same hereby is further amended to include the title of Repair Crew Worker (HDA) and, as amended, the unit shall consist of employees in the following titles: Repair Crew Worker (HDA), Repair Aide (HDA), and Assistant Real Estate Repairman; and it is further

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ORDERED, that the Certification (CWR-42/67) covering the employees in the aforesaid unit shall, effective as of the date below, be cited as "Decision No.31-A-71", the employees in said unit to be subject to existing contracts, if any, and it is further

ORDERED, that Certification CWR-43/67 (as previously amended) be, and the same, hereby is further amended to include the title of Repair Shop Manager (HDA) and, as amended, the unit shall consist of employees in the following titles: Repair Shop Manager (HDA), Senior Repair Crew Chief I(HDA), Repair Crew Chief (HDA), and Real Estate Repairman; and it is further

ORDERED, that the Certification (CWR-43/67) covering the employees in the aforesaid unit shall, effective as of the date below, be cited as "Decision No.31-B-71", the employees in said unit to be subject to existing contracts, if any.

DATED: New York, N.Y.

April 28, 1971

ARVID ANDERSON  
CHAIRMAN

WALTER L. EISENBERG  
MEMBER

ERIC J. SCHMERTZ  
MEMBER

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

A.	Repair Crew Worker (HDA)	90571
	Repair Aide (HDA)	90570
	Assistant Real Estate Repairman	81706
B.	Repair Shop Manager (HDA)	90576
	Senior Repair crew Chief (HDA)	90574
	Repair Crew Chief (HDA)	90573
	Real Estate Repairman	81707