

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DISTRICT COUNCIL 37, AFSCME,
AFL-CIO

DECISION NO. 52-71

-and-

DOCKET NO. RU-260-71

THE CITY OF NEW YORK
AND RELATED PUBLIC EMPLOYERS

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DECISION AND ORDER

On February 24, 1971, District Council 37, AFSCME, AFL-CIO (herein called Petitioner) filed its petition (Docket No. RU-260-70), requesting that the titles of Group Teacher (Day Care Center) and Director (Day Care Center) be added to Unit II of Certification No.40-71 (formerly CWR-70/67, as amended), covering various non-professional, supervisory, social service and related titles.

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 seeks to add the petitioned titles to an existing unit of various non-professional, supervisory, social service and related titles (Unit II of Decision No.40-71). The City made the objection, with which we concur, that the title of Group Teacher (Day Care Center) is not a supervisory title. However, we find that Group Teacher (Day Care Center) is a professional title, as the basic requirement for it is a teaching certificate in early childhood education. Therefore, it properly belongs in Certification CWR-69/67 (as amended by Decision No.73-70), which covers professional, supervisory and non-supervisory social service titles, including Social Worker, Supervisor I (Social Work), Supervisor II (Social Work), Supervisor III (Social Work), Supervisor II (Training), Supervisor III (Training), Supervising Children's Counselor and Principal Children's Counselor.

It appears to the satisfaction of the Board that a majority of employees in the title of Group Teacher (Day Care Center) have demonstrated their desire to be represented by District Council 37, AFSCME, AFL-CIO, by having authorized check-off of dues in behalf of said organization and, accordingly, we shall add such title to Certification CWR-69/67, as amended.

III. Consolidation of Proceedings

Since the status of the Director (Day Care Center) with respect to his capacity as a managerial and/or confidential employee is disputed, we shall sever from this case the portion thereof which relates to Director (Day Care Center) for the purpose of resolving the dispute as hereinafter provided. There is currently pending before the Board a related petition (Docket No. RU-212-70) for Assistant Director (including specialties). We find that good and sufficient reason exists for the consolidation of said case with that portion of Case No. RU-260-71 which relates to Director (Day Care Center). Accordingly, we shall consolidate these cases for the purposes of hearing, at which testimony will, inter alia, be taken in order to resolve the duties of Director (Day Care Center).

ORDER

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

ORDERED that so much of Case No. RU-260-71 as relates to Director (Day Care Center) be, and the same hereby is, severed; and it is further

ORDERED, that Case No. RU-260-71, as severed, be, and the same hereby is, consolidated with Case No. RU-212-70 for the purposes of hearing; and it is further

ORDERED, that Certification CWR-69/67, as amended, be, and the same hereby is further amended to include the title of Group Teacher (Day Care Center); and, as amended, such unit shall be cited as "Decision No. 52-71" and shall consist of Group Teachers (Day Care Center), Social Workers, Supervisors I (Social Work), Supervisors II (Social Work), Supervisors III (Social Work), Supervisors II (Training), Supervisors III (Training), Supervising Children's Counselors, and Principal Children's Counselors employed by the City of New York and related public employers subject to the jurisdiction of the Board of Certification.

DATED: New York, N.Y.

June 23, 1971

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

Decision No. 52-71
Docket No. RU-260-71

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

Group Teacher (Day Care Center)	02935
Social Worker	52613
Supervisor I (Social Work)	52631
Supervisor II (Social Work)	52632
Supervisor III (Social Work)	52633
Supervisor II (Training)	52638
Supervisor III (Training)	52639
Supervising Children's Counselor	51560
Principal Children's Counselor	51565