

THE LAW LIBRARIANS SUPREME COURT FIRST DEPARTMENT V. CITY, 8 OCB 54
(BOC 1971) [Decision No. 54-71 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

THE LAW LIBRARIANS SUPREME COURT
FIRST DEPARTMENT

DECISION NO. 54-71

DOCKET NO. RU-261-71

-and-

THE JUDICIAL CONFERENCE OF THE
STATE OF-NEW YORK

-and-

THE CITY OF NEW YORK

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DECISION AND ORDER

On March 19, 1971, The Law Librarians Supreme Court First Department (herein called Petitioner) filed its petition requesting certification as the exclusive collective bargaining representative of a unit of employees of the Supreme Court, First Department, in the titles of Librarian, Assistant Librarian, and Library Clerk. In 1966, the New York City Labor Department certified Supreme and Surrogate's Court Attaches Association as the exclusive bargaining representative of all the Librarians and Assistant Librarians in the Unified Court System in the City of New York [8 NYCDL No.33]. This Association has not intervened herein.

The Office of Labor Relations opposes the petition on the grounds that: (1) It was untimely filed under the contract bar rule; (2) petitioner has not proved that it is a bona fide employee organization; and (3) the petition seeks a fragment of

an occupational grouping which, inferentially, the City deems appropriate. Since we dismiss the petition on the latter ground, we do not find it necessary to treat the first two objections.

Appropriate Unit

In addition to the petitioned employees, there are Librarians or Law Librarians serving in the Surrogate's Court of New York County, the Supreme Court of the Second District, and the Supreme Court of the Eleventh District. Petitioner contends that the petitioned employees can be distinguished from employees in the same or similar titles serving in other courts because the former are required to prepare memoranda of law and perform legal research. However, memoranda of law must, of necessity, be prepared and legal research performed in all courts. Thus, Petitioner, while seeking to establish that the petitioned employees perform some duties not performed by Librarians and Law Librarians in other courts, tends to demonstrate that the former may more properly belong in a unit with employees whose primary function is the preparation of memoranda of law and the performance of legal research, such as Law Assistants.

Moreover, the petitioned employees, like Librarians and Law Librarians in other Courts, also perform such librarian-type duties as maintaining collections; cataloging, classifying,

indexing, and discarding statutes, law reports, text books, law reviews, etc. Thus the factors which are usually considered to ascertain the appropriateness of the unit for petitioned employees (similarity of duties, tasks and functions within a single administrative unit) might lead us to include not only the Librarians and Law Librarians in the Surrogate's Court of New York County and the Supreme Courts of the Second and Eleventh Judicial Districts, but also the Law Assistants of the various Supreme and Surrogate's Courts. In any case, while the Board merely sets forth in brief and general terms the possibilities that exist for a viable and system-wide unit, its decision is predicated upon the specific unit request before it. In the Board's view, the unit requested is too narrow in scope, and, therefore, the petition will be dismissed.

Existing Certification

Supreme and Surrogate's Court Attaches Association, the certified representative of two of the petitioned titles, has failed to intervene in the instant case, having stated that it "was dissolved" on December 31, 1970. Accordingly, we treat the failure to intervene and the fact of dissolution as an abandonment of the unit and, therefore, we shall terminate the certification for these two titles.

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 the petition filed herein by the Law Librarians Supreme Court First Department be, and the same hereby is dismissed; and it is further

ORDERED that Certification 8 NYCDL No.33, held by Supreme and Surrogate's Court Attaches Association, be, and the same hereby is, terminated.

DATED: New York, N.Y.

June 24, 1971

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER