

LOCAL 246, S.E.I.U. V. CITY, 8 OCB 68 (BOC 1971) [Decision No. 68-71 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

NEW YORK CITY LOCAL 246,  
S.E.I.U., AFL-CIO

DECISION No. 68 - 71

-and-

DOCKET NO. RU-246-70

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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In the Matter of

CITY EMPLOYEES UNION, LOCAL 237  
I.B.T.

DOCKET NO. RU-256-71

-and-

THE CITY OF NEW YORK

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DECISION AND ORDER

On August 18, 1971, the Board of Certification issued a Decision, Order, and Direction of Election (Decision No. 61-71) in the above-entitled consolidated proceedings dismissing the petition of Local 246, S.E.I.U., AFL-CIO (Docket No. RU-246-70), and directing an election among the Painters, House Painters, Foreman Painters, Foreman House Painters, Sian Painters, and Letterers employed by the City of New York and related public employers subject to the jurisdiction of the Board of Certification.

On August 31, 1971, City Employees Union, Local 237, I.B.T., moved to reopen these proceedings to present evidence of additional facts which, it alleges, were not in the record when the Board of Certification made its decision, and requested leave to present oral argument before the Board in support of its motion.

Other than the submission of an affidavit containing a formal request to submit additional evidence based on the conclusory assertion that the record upon which this Board made its determination is incomplete, the petitioner's moving papers fail to set forth any matter which the Board has not previously considered and to set forth facts sufficient to support the validity of petitioner's conclusory claim. Nor has petitioner offered to produce any newly discovered or previously unavailable evidence raising an issue which could properly be considered as a basis for reopening and continuing the hearing. Under the circumstances, lacking any supporting basis which would warrant a reconsideration of the record and a reopening of this proceeding for the purpose of taking additional evidentiary matter in aid of the Board's investigation of a non-adversary proceeding, no alternative exists but for the Board to adhere to its original decision and deny petitioner's application.

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

O R D E R E D , that the motion of the City Employees Union, Local 237, I.B.T., to reopen the above-entitled proceedings and for oral argument on said motion be, and the same hereby is, denied; and the decision of this Board bearing No. 61-71 be, and the same hereby is, adhered to.

DATED: New York, N.Y.

September 27, 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