

NANPOWER DIRECTORS ASSOCIATION V. CITY, 8 OCB 76 (BOC 1971) [Decision No. 76-71 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

In the Matter of

MANPOWER DIRECTORS ASSOCIATION

DECISION NO. 76-71

-and-

THE CITY OF NEW YORK AND
RELATED PUBLIC EMPLOYERS

DOCKET NO. RU-276-71

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DECISION AND ORDER

On June 9, 1971, Manpower Directors Association filed the representation petition herein, seeking certification as collective bargaining representative of employees of the Human Resources Administration, Manpower and Career Development Agency, Community Development Agency, and various Community Corporations, in the titles of Manpower Director, Supervisor of Counseling, Assistant Director, Coordinator, and related titles.

On September 24, 1971, the City moved to dismiss the petition on the ground that Petitioner is not a public employee organization within the meaning and intent of the New York City Collective Bargaining Law. Our analysis of the Association's constitution and by-laws reveals a lack of any language which would indicate a purpose or objective with respect to the power or authority of the organization to engage in collective bargaining. Moreover, though the Association knew that its status was under challenge, and though furnished the opportunity to do so, it failed to amend its constitution and by-laws to constitute itself as a labor organization.

Further, it is noted that the Association was advised of the time limit within which an answering affidavit to the City's motion (or a request for an extension of time to do so) was required to be filed under Rule 13.11 of the Consolidated Rules of the Office of Collective Bargaining, Petitioner neither filed an answering affidavit nor requested an extension of time to do so. Therefore, the City's allegation not being denied, it is deemed admitted.

Accordingly, we shall dismiss the petition herein.

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 herein be, and the same hereby is, dismissed

DATED: New York, N.Y.

November 5, 1971.

ARVID ANDERSON
C h a l r m a n

WALTER L. EISENBERG
M e m b e r

ERIC J. SCHMERTZ
M e m b e r