

LOCAL 237, I.B.T. V. CITY, 8 OCB 77 (BOC 1971) [Decision No. 77-71 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

DECISION NO. 77-71

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

-and-

DOCKET NO. RU-272-71

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

In Matter of

DISTRICT COUNCIL 37, AFSCME,
AFL-CIO,

-and-

DOCKET NO. RU-275-71

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

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DECISION AND ORDER

The above captioned proceedings were consolidated for purposes of decision because of the common questions presented.

On May 21, 1971, City Employees Union, Local 237, I.B.T. (herein called Local 237) filed its petition (RU-272-71) with the Office of Collective Bargaining, requesting certification as the exclusive collective bargaining representative of the employees in the title of Horseshoer.

On June 1, 1971, District Council 37, AFSCME, AFL-CIO (herein called DC 37) filed its petition (RU-275-71) requesting certification as exclusive collective bargaining representative of the employees in the title of Locksmith.

Upon consideration of its investigations, and after due deliberation, the Board of Certification issues the following decision:

I. Undisputed Matters

It is undisputed, and we find and conclude, that the Petitioners are public employee organizations in fact and within the meaning of the New York City Collective Bargaining Law.

II. The Appropriate Unit

Local 237 and DC 37 each requests a separate certification as exclusive collective bargaining representative of a single-title unit consisting of non-supervisory employees whose wages and supplements are subject to establishment pursuant to §220 of the Labor Law. The City opposes the petition for Horseshoer on the grounds that "the title is too small for representation as a single bargaining unit," and that it is "unrelated to any existing unit" to which it can readily be added. "Alternatively, the City recommends the establishment of a separate Miscellaneous Section 220 Unit to contain titles such as this, which are too small for independent representation . . ." A similar position was later taken by the City in regard to the Locksmith petition.

Our investigation shows that there are only six Horseshoers and seven Locksmiths and that there are more than sixty non-supervisory titles subject to §220 of the Labor Law. These titles contain approximately four hundred (400) incumbents, of whom over three hundred (300) are in six titles engaged in the field of plumbing. The remaining employees serve in an assortment of miscellaneous titles such as Harness Maker, Furniture

Maintainer, Glazier, Bridgeman and Riveter, Compositor
(job), etc.

We find, therefore, that the purpose of the NYCCBL would not be served by certifying a small group of employees in a single unit for bargaining purposes. To do so would exhume a past practice which the Board has discarded. Under the circumstances, the inclusion of the petitioned titles in either a broad-based residual unit of uncertified \$220 titles or in amended, related \$220 certificate(s) would be appropriate.

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 petitions filed herein by City Employees Union, Local 237, I.B.T., and District Council 37, AFSCME, AFL-CIO, respectively, be, and the same hereby are, dismissed.

DATED: New York, N.Y.

November 5 , 1971.

ARVID ANDERSON
C h a i r m a n

WALTER L. FTSENER
M e m b e r

ERIC J. SCHMERTZ
M e m b e r