

LCAO 300, I.B.T. V. CITY, 8 OCB 83 (BOC 1971) [Decision No. 83-71 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

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In the Matter of

TERMINAL EMPLOYEES LOCAL 832,
I.B.T.

DECISION NO. 83-71

-and-

DOCKET NOS. RU-286-71
RE-18-71

CIVIL SERVICE FORUM, LOCAL 300,
S.E.I.U., AFL-CIO

-and-

THE CITY OF NEW YORK AND RELATED
PUBLIC EMPLOYERS

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DECISION AND ORDER

On October 19, 1971, Terminal Employees Local 832, I.B.T. (herein called Petitioner) filed its petition herein, seeking to add the title of Shoemaker to the existing unit of Institutional Instructors, Institutional Band Music Instructors, Institutional Farming Instructors, Institutional Trades Instructors (including specialties) and Teachers (in Department of Correction).

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.

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2.

II. The Appropriate Unit and
Representative Status

By Certifications 5 NYCDL No.104 (as amended) and MR-7-67, issued by the New York City Department of Labor, Petitioner achieved certified representative status of a unit of employees composed of Institutional Instructor, Institutional Band Music Instructor, Institutional Farming Instructor, Institutional Trades Instructor (including the specialties Carpentry and Tailoring) and Teacher (in the Department of Correction).

Certification#33-68, held by Civil Service Forum, Local 300, S.E.I.U., AFL-CIO (Local 300) presently covers the title of Shoemaker. In a letter dated November 3, 1971, Local 300 disclaimed interest in representing employees in this title.

By motions dated September 10, 1971 and April 21, 1971, (Docket No. RE-18-71), the Office of Labor Relations moved to "decertify" Local 300 for the title of Shoemaker, or, in the alternative, to merge Certification No. 33-68, covering Shoemaker, with Certification No. 10-71 covering Fingerprint Technician Trainee, Fingerprint Technician, Senior Fingerprint Technician and Principal Fingerprint Technician. However, in a letter dated November 9, 1971,

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3.

the office of Labor Relations in an apparent change of position, stated that it has no objection, to Petitioner's request to add the title of Shoemaker to the institutional instructional unit. We deem the subsequent letter a final articulation of the City's position-and, therefore, a withdrawal of the motions contained in Case No. RE-18"71.

Employees in the instructional titles are responsible for the operation of a shop or program in correctional institutions and for giving instruction in their field of specialization. The single incumbent in the title of Shoemaker does shoe repair work and trains inmate workers in such work. Based-on the foregoing, we find that a unit consisting of the Shoemaker added to the institutional instructional unit is appropriate for the purposes of collective bargaining.

It appears to the satisfaction of the Board that a majority of the employees in the unit found appropriate above have demonstrated their desire to be represented by Petitioner by having authorized dues check-off in behalf of said organization and, accordingly, we shall add the petitioned title to the institutional instructional unit.

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4.

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 title of Shoemaker be, and the same hereby is, added to the existing unit of institutional instructional titles and, as amended, such unit shall be cited as "Decision No. 83-71", and shall consist of Shoemakers, Institutional Instructors, Institutional Band Music Instructors, Institutional Farming Instructors, Institutional Trades Instructors (including all specialties), and Teachers (in the Department of Correction), employed by the City of New York and related public employers subject to the jurisdiction of the Board of Certification, and subject to existing contracts, if any.

DATED: New York, N.Y.

December 21, 1971

ARVID ANDERSON
CHAIRMAN

ERIC J. SCHMERTZ
MEMBER

WALTER L. EISENBERG
MEMBER

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

Shoemaker	90740
Institutional Instructor	60309
Institutional Band Music Instructor	60310
Institutional Farming Instructor	60311
Institutional Trades Instructor	60312
Institutional Trades Instructor (Tailoring)	60313
Institutional Trades Instructor (Carpentry)	60314
Teacher (in Department of Correction)	00101