

District Council 37, AFSCME,80 OCB 16 (BOC 2007) [Decision No. 16-2007]
(Rep) (Docket Nos. AC-37-07, AC-38-07, and AC-40-07).

Summary of Decision: Three jointly certified bargaining representatives filed a petition to divide their hospital technician bargaining unit by moving some titles to other bargaining units represented by two of the petitioners and providing that the third petitioner be the exclusive certificate holder representing the remaining titles. The City filed motions to delete vacant titles. The Board deleted the requested titles, amended two other bargaining units to add titles formerly included in the joint certificate, and changed the certified bargaining representative for the remaining titles. ***(Official decision follows.)***

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

-between-

**DISTRICT COUNCIL 37, AFSCME, AFL-CIO; 144 DIVISION OF 1199
NATIONAL HEALTH AND HUMAN SERVICES UNION/SEIU; and
CITY EMPLOYEES UNION, LOCAL 237, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,**

Petitioners,

-and-

**CITY OF NEW YORK and
NEW YORK CITY HEALTH AND HOSPITALS CORPORATION,**

Respondents.

ORDER AMENDING CERTIFICATIONS

On August 17, 2007, joint certificate holders District Council 37, AFSCME, AFL-CIO (“DC 37”), the 144 Division of 1199 National Health and Human Services Employees Union/SEIU (“144 Division of 1199”), and City Employees Union, Local 237, International Brotherhood of Teamsters (“Local 237”) filed a petition, docketed as AC-37-07, to split up the represented titles in Certification No. 62D-75 among the three jointly certified bargaining representatives. First, petitioners sought to

delete titles from Certification No. 62D-75 and add them to the 144 Division of 1199's Certification No. CWR 23/67, which includes titles such as Laboratory Microbiologist. These titles are:

Laboratory Assistant (Title Code No. 004960)
Laboratory Associate, Levels I and II (Title Code Nos. 21512, 962710, and 962720)
Laboratory Technician (Title Code No. 215020)
Phlebotomist (Title Code No. 004950)
Senior Laboratory Technician (Title Code No. 21509)
Senior Laboratory Technician (OCME) (Title Code No. 21510).

Second, petitioners sought to delete titles from Certification No. 62D-75 and add them to Local 237's Certification No. 62C-75, which includes titles such as Public Health Educator. These titles are:

Associate Radiographer, Levels I and II (Title Code Nos. 966110 and 966120)
Associate Supervisory Radiographer, Levels I and II (Title Code Nos. 966310 and 966320)
Associate Ultrasound Technologist (Title Code No. 005050)
Electrocardiograph Technician (Title Code Nos. 51312 and 513120)
Electroencephalograph Technician (Title Code Nos. 51313 and 513130)
Nuclear Medicine Technologist, Levels I and II (Title Code Nos. 964310 and 964320)¹
Orderly (Title Code No. 81804)
Radiation Technician (Title Code Nos. 51311 and 513110)
Radiographer (Title Code No. 004890)
Senior Electrocardiograph Technician (Title Code No. 001600)
Senior Radiation Technician (Title Code Nos. 51336 and 513360)
Senior X-Ray Technician (Title Code No. 51335)
Supervisor of X-Ray Technician Services (Title Code No. 51360)
Ultrasound Technologist, Levels I and II (Title Code Nos. 966950 and 966960)
X-Ray Technician Level I, II, and III (Title Code No. 51310).²

Lastly, petitioners sought to change the certified bargaining representative of the titles remaining in Certification No. 62D-75 to solely DC 37. We note that the requested division of titles corresponds with the parties' collective bargaining agreement, which identifies certain titles as being represented by the 144 Division of 1199, other titles as being represented by Local 237, and other titles are being

¹ We note the change in nomenclature from Nuclear Medicine Technician to Nuclear Medicine Technologist. *See City Employees Union, Local 237, IBT, Decision No. 7-87* (adding the title).

² The title Supervising Nuclear Medicine Technologist (Title Code No. 004910) was subsequently added to this list of titles to be moved to Local 237's Certification No. 62C-75.

represented by DC 37 Local 420.

The City of New York (“City”) and the New York City Health and Hospitals Corporation (“HHC”) objected to the petition on the grounds that some titles were vacant and should not be accreted to Certification No. CWR 23/67 or Certification No. 62C-75.³ Accordingly, on October 16, 2007, the City filed a motion, docketed as AC-38-07, to amend Certification No. 62D-75 to delete the following vacant titles:⁴

- Laboratory Technician (Title Code No. 215080)
- Orderly (Title Code No. 81804)
- Radiation Technician (Title Code Nos. 51311 and 513110)
- Senior Laboratory Technician (Title Code No. 21509)
- Senior Laboratory Technician (OCME) (Title Code No. 21510)
- Senior Radiation Technician (Title Code Nos. 51336 and 513360)
- Senior X-Ray Technician (Title Code No. 51335)
- Supervisor of X-Ray Technician Services (Title Code No. 51360).

On November 2, 2007, the City filed a motion, docketed as AC-40-07, to delete vacant titles that would have remained in Certification No. 62D-75:⁵

- IV Technician (Title Code No. 005000)
- Senior Clinician/Educator (Title Code Nos. 966510, 966520, 966530, and 966540)
- Senior Respiratory Care Therapist (Title Code Nos. 966930 and 966940)
- Supervising Ambulance Corpsman (Title Code No. 00223)
- Technician (X-Ray) (Title Code No. 93050).

³ No other objections to the petition were filed.

⁴ The City also sought the deletion of the Citywide title code numbers (51312 and 51313) for the Electrocardiograph Technician and Electroencephalograph Technician titles used at HHC to reflect that these titles were no longer used at City agencies. Because changes to title code numbers for represented titles do not impact the existing bargaining unit or the certified bargaining representative, *see United Fed’n of Law Enforcement Officers*, Decision No. 11-87 at 11, these changes are normally effected administratively. The Office of Collective Bargaining’s records were updated on October 24, 2007 to include only the six-digit HHC title code numbers (513120 and 513130) for the Electrocardiograph Technician and Electroencephalograph Technician titles.

⁵ The unions’ petition and the City’s motions to delete vacant titles were consolidated on November 14, 2007.

Notice of the proposed deletions was given to the petitioners and the public, and no objections were filed. Accordingly, we delete these vacant titles from Certification No. 62D-75.

The Board of Certification is satisfied that no evidence was presented to rebut the unions' assertion that the titles sought to be accreted to Certification No. CWR 23/67 or Certification No. 62C-75 have a sufficient community of interest with the members of those bargaining units. In addition, the proposed amendments would not result in an increase in the number of bargaining units. Therefore, we delete from Certification No. 62D-75 and add to Certification No. CWR 23/67 the following titles:

Laboratory Assistant (Title Code No. 004960)
Laboratory Associate, Levels I and II (Title Code Nos. 21512, 962710, and 962720)
Phlebotomist (Title Code No. 004950).

Similarly, we delete from Certification No. 62D-75 and add to Certification No. 62C-75 the following titles.

Associate Radiographer, Levels I and II (Title Code Nos. 966110 and 966120)
Associate Supervisory Radiographer, Levels I and II (Title Code Nos. 966310 and 966320)
Associate Ultrasound Technologist (Title Code No. 005050)
Electrocardiograph Technician (Title Code No. 513120)
Electroencephalograph Technician (Title Code No. 513130)
Nuclear Medicine Technologist, Levels I and II (Title Code Nos. 964310 and 964320)
Radiographer (Title Code No. 004890)
Senior Electrocardiograph Technician (Title Code No. 001600)
Supervising Nuclear Medicine Technologist (Title Code No. 004910)
Ultrasound Technologist, Levels I and II (Title Code Nos. 966950 and 966960)
X-Ray Technician Level I, II, and III (Title Code No. 51310).

As a result of these amendments, the following titles remain in Certification No. 62D-75:

Ambulance Technician (Title Code Nos. 53057 and 001060)
Ambulatory Care Technician (Title Code No. 001850)
Assistant Bio-Medical Equipment Technician (Title Code Nos. 21561 and 215610)
Beautician (Title Code No. 001360)
Bio-Medical Equipment Technician (Title Code Nos. 21562 and 215620)
Bio-Medical Equipment Technician Trainee (Title Code Nos. 21560 and 215600)

Certified Respiratory Therapy Technician (Title Code No. 00335)
Licensed Barber (Title Code No. 901140)
Licensed Barber (Correction) (Title Code No. 90116)
Maternal & Child Care Technician (Title Code No. 001860)
Medical Waste Technician (Title Code No. 005060)
Medicine-Surgery Technician (Title Code No. 001890)
Mortuary Technician (Title Code Nos. 52015 and 520150)
Operating Room Technician (Title Code No. 001900)
Patient Care Associate (Title Code No. 988010)
Patient Care Technician (Title Code No. 986010)
Pharmacy Technician (Title Code No. 002420)
Psychiatric/Social Health Technician (Title Code No. 001870)
Rehabilitation Technician (Title Code No. 001880)
Respiratory Therapy Aide (Title Code No. 980000)
Respiratory Therapy Technician (Title Code Nos. 00334, 980010, and 980020)
Respiratory Therapy Technician Trainee (Title Code No. 00333)
Senior Bio-Medical Equipment Technician (Title Code Nos. 21563 and 215630)

We grant the unions' request to change the certified bargaining representative of the employees in this bargaining unit to District Council 37, AFSCME, AFL-CIO. In order to avoid confusion between the bargaining unit's current state and its prior form, we rename the bargaining unit Certification No. 16-2007.

NOW, THEREFORE, pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law (New York City Administrative Code, Title 12, Chapter 3), it is hereby

ORDERED that Certification No. 62D-75 (as previously amended) be, and the same hereby is, further amended to delete the vacant titles IV Technician (Title Code No. 005000), Laboratory Technician (Title Code No. 215080), Orderly (Title Code No. 81804), Radiation Technician (Title Code Nos. 51311 and 513110), Senior Clinician/Educator (Title Code Nos. 966510, 966520, 966530, and 966540), Senior Laboratory Technician (Title Code No. 21509), Senior Laboratory Technician (OCME) (Title Code No. 21510), Senior Radiation Technician (Title Code Nos. 51336

and 513360), Senior Respiratory Care Therapist (Title Code Nos. 966930 and 966940), Senior X-Ray Technician (Title Code No. 51335), Supervising Ambulance Corpsman (Title Code No. 00223), Supervisor of X-Ray Technician Services (Title Code No. 51360), and Technician (X-Ray) (Title Code No. 93050);

ORDERED that Certification No. 62D-75 (as previously amended) be, and the same hereby is, further amended to delete and Certification No. CWR 23/67 (as previously amended) be, and the same hereby is, further amended to add the titles Laboratory Assistant (Title Code No. 004960), Laboratory Associate, Levels I and II (Title Code Nos. 21512, 962710, and 962720), and Phlebotomist (Title Code No. 004950), subject to existing contracts if any;

ORDERED that Certification No. 62D-75 (as previously amended) be, and the same hereby is, further amended to delete and Certification No. 62C-75 (as previously amended) be, and the same hereby is, further amended to add the titles Associate Radiographer, Levels I and II (Title Code Nos. 966110 and 966120), Associate Supervisory Radiographer, Levels I and II (Title Code Nos. 966310 and 966320), Associate Ultrasound Technologist (Title Code No. 005050), Electrocardiograph Technician (Title Code No. 513120), Electroencephalograph Technician (Title Code No. 513130), Nuclear Medicine Technologist, Levels I and II (Title Code Nos. 964310 and 964320), Radiographer (Title Code No. 004890), Senior Electrocardiograph Technician (Title Code No. 001600), Supervising Nuclear Medicine Technologist (Title Code No. 004910), Ultrasound Technologist, Levels I and II (Title Code Nos. 966950 and 966960), and X-Ray Technician, Levels I, II, and III (Title Code No. 51310), subject to existing contracts, if any; and it is further

ORDERED that Certification No. 62D-75 (as previously amended) be, and the same hereby is, further amended to provide that District Council 37, AFSCME, AFL-CIO is the certified bargaining

representative of the bargaining unit, renamed Certification No. 16-2007, which includes employees in the titles Ambulance Technician (Title Code Nos. 53057 and 001060), Ambulatory Care Technician (Title Code No. 001850), Assistant Bio-Medical Equipment Technician (Title Code Nos. 21561 and 215610), Beautician (Title Code No. 001360), Bio-Medical Equipment Technician (Title Code Nos. 21562 and 215620), Bio-Medical Equipment Technician Trainee (Title Code Nos. 21560 and 215600), Certified Respiratory Therapy Technician (Title Code No. 00335), Licensed Barber (Title Code No. 901140), Licensed Barber (Correction) (Title Code No. 90116), Maternal & Child Care Technician (Title Code No. 001860), Medical Waste Technician (Title Code No. 005060), Medicine-Surgery Technician (Title Code No. 001890), Mortuary Technician (Title Code Nos. 52015 and 520150), Operating Room Technician (Title Code No. 001900), Patient Care Associate (Title Code No. 988010), Patient Care Technician (Title Code No. 986010), Pharmacy Technician (Title Code No. 002420), Psychiatric/Social Health Technician (Title Code No. 001870), Rehabilitation Technician (Title Code No. 001880), Respiratory Therapy Aide (Title Code No. 980000), Respiratory Therapy Technician (Title Code Nos. 00334, 980010, and 980020), Respiratory Therapy Technician Trainee (Title Code No. 00333), and Senior Bio-Medical Equipment Technician (Title Code Nos. 21563 and 215630), subject to existing contracts, if any.

Dated: December 4, 2007
New York, New York

MARLENE A. GOLD
CHAIR

GEORGE NICOLAU
MEMBER

CAROL A. WITTENBERG
MEMBER

NOTICE OF AMENDED CERTIFICATIONS

This notice is to acknowledge that the Board of Certification has issued an Order Amending Certifications as follows:

DATE: December 4, 2007 **DOCKET #:** AC-37-07, AC-38-07, and AC-40-07

DECISION NUMBER: **16-2007**

EMPLOYERS: City of New York, represented by the Office of Labor Relations
40 Rector Street, 4th Floor
New York, NY 10023

New York City Health and Hospitals Corporation
125 Worth Street
New York, NY 10013

AMENDMENT 1: Joint Certification No. 62D-75 has been amended to delete the following vacant titles/codes:

Deleted: **IV Technician (Title Code No. 005000)**
Laboratory Technician (Title Code No. 215080)
Orderly (Title Code No. 81804)
Radiation Technician (Title Code Nos. 51311 and 513110)
Senior Clinician/Educator
(Title Code Nos. 966510, 966520, 966530, and 966540)
Senior Laboratory Technician (Title Code No. 21509)
Senior Laboratory Technician (OCME) (Title Code No. 21510)
Senior Radiation Technician (Title Code Nos. 51336 and 513360)
Senior Respiratory Care Therapist (Title Code Nos. 966930 and 966940)
Senior X-Ray Technician (Title Code No. 51335)
Supervising Ambulance Corpsman (Title Code No. 00223)
Supervisor of X-Ray Technician Services (Title Code No. 51360).
Technician (X-Ray) (Title Code No. 93050)

AMENDMENT 2: Joint Certification No. 62D-75 has been amended to delete the following titles/codes and

Certification No. CWR 23/67 has been amended to add the following titles/codes:

Added: **Laboratory Assistant (Title Code No. 004960)**
 Laboratory Associate, Levels I and II
 (Title Code Nos. 21512, 962710, and 962720)
 Phlebotomist (Title Code No. 004950)

Certified Bargaining Representative:

144 Division of 1199 National Health and Human Services Employees
Union/SEIU
310 West 43rd Street
New York, NY 10036

AMENDMENT 3: Joint Certification No. 62D-75 has been amended to delete the following titles/codes and

Certification No. 62C-75 has been amended to add the following titles/codes:

Added: **Associate Radiographer, Levels I and II**
 (Title Code Nos. 966110 and 966120)
 Associate Supervisory Radiographer, Levels I and II
 (Title Code Nos. 966310 and 966320)
 Associate Ultrasound Technologist (Title Code No. 005050)
 Electrocardiograph Technician (Title Code No. 513120)
 Electroencephalograph Technician (Title Code No. 513130)
 Nuclear Medicine Technologist, Levels I and II
 (Title Code Nos. 964310 and 964320)
 Radiographer (Title Code No. 004890)
 Senior Electrocardiograph Technician (Title Code No. 001600)
 Supervising Nuclear Medicine Technologist (Title Code No. 004910)
 Ultrasound Technologist, Levels I and II
 (Title Code Nos. 966950 and 966960)
 X-Ray Technician, Levels I, II, and III (Title Code No. 51310)

Certified Bargaining Representative:

City Employees Union, Local 237, International Brotherhood of Teamsters
216 West 14th Street
New York, NY 10011

AMENDMENT 4: Joint Certification No. 62D-75 has been amended provide that District Council 37, AFSCME, AFL-CIO is the certified bargaining representative of the bargaining unit, renamed Certification No. 16-2007

Unit Titles: Ambulance Technician (Title Code Nos. 53057 and 001060)
Ambulatory Care Technician (Title Code No. 001850)
Assistant Bio-Medical Equipment Technician
(Title Code Nos. 21561 and 215610)
Beautician (Title Code No. 001360)
Bio-Medical Equipment Technician (Title Code Nos. 21562 and 215620)
Bio-Medical Equipment Technician Trainee
(Title Code Nos. 21560 and 215600)
Certified Respiratory Therapy Technician (Title Code No. 00335)
Licensed Barber (Title Code No. 901140)
Licensed Barber (Correction) (Title Code No. 90116)
Maternal & Child Care Technician (Title Code No. 001860)
Medical Waste Technician (Title Code No. 005060)
Medicine-Surgery Technician (Title Code No. 001890)
Mortuary Technician (Title Code Nos. 52015 and 520150)
Operating Room Technician (Title Code No. 001900)
Patient Care Associate (Title Code No. 988010)
Patient Care Technician (Title Code No. 986010)
Pharmacy Technician (Title Code No. 002420)
Psychiatric/Social Health Technician (Title Code No. 001870)
Rehabilitation Technician (Title Code No. 001880)
Respiratory Therapy Aide (Title Code No. 980000)
Respiratory Therapy Technician
(Title Code Nos. 00334, 980010, and 980020)
Respiratory Therapy Technician Trainee (Title Code No. 00333)
Senior Bio-Medical Equipment Technician
(Title Code Nos. 21563 and 215630)

Certified Bargaining Representative:

District Council 37, AFSCME, AFL-CIO
125 Barclay Street
New York, NY 10007