

Service Employees International Union, Local 246,80 OCB 4 (BOC 2007)
[Decision No. 4-2007]
(Rep) (Docket Nos. AC-25-06).

Summary of Decision: The New York City Health and Hospitals Corporation filed a petition to amend Service Employees International Union, Local 246's Certification No. 4-91 to delete the titles Automotive Service Worker, Senior Automotive Worker, and Rubber Tire Repairer. As the titles are still used at several New York City agencies, the Board dismissed the petition. (*Official decision follows.*)

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

-between-

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION,

Petitioner,

-and-

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 246,

Respondent.

DECISION AND ORDER

On August 2, 2006, the New York City Health and Hospitals Corporation (“HHC”) filed a petition to amend Certification No. 4-91, a bargaining unit represented by Service Employees International Union, Local 246 (“Union”), to delete the titles Automotive Service Worker (Title Code No. 925080), Senior Automotive Service Worker (Title Code No. 925090), and Rubber Tire Repairer (Title Code No. 907360) to reflect the deletion of the titles from HHC’s Corporate Plan of Titles.

The Union opposes HHC's petition on three grounds. First, the Union asserts that the petition was not supported by an affidavit of an officer or attorney as required by the Rules of the Office of Collective Bargaining (Rules of the City of New York, Title 61, Chapter 1) ("OCB Rules") § 1-02(u)(1).¹ Second, the Union argues that while the titles may currently be vacant at HHC, employees may be hired into the titles in the future, and the Union would have a community of interest with those employees as it represents over 130 workers in these titles within the City of New York ("City"). Lastly, the Union claims that the decertification of the titles would result in the inefficient operation of HHC and would negatively impact labor relations. The Union requests a hearing on these objections.

Our investigation shows that there are incumbents in the titles at issue employed at City agencies under the jurisdiction of the Board of Certification. In order not to deprive these employees of union representation, we cannot amend the bargaining unit to delete these titles. See District Council 37, AFSCME, Decision No. 13-88 at 2 (not deleting titles discontinued at HHC but in use at City agencies); District Council 37, AFSCME, Decision No. 18-88 at 2 (same); see also District Council 37, AFSCME, Decision No. 11A-78 at 2 (restoring previously deleted titles that were no longer used at City agencies upon notification that they continued to be used at HHC); Civil Serv. Technical Guild, Local 375, District Council 37, AFSCME, Decision No. 10-81

¹ OCB Rule § 1-02(u)(1) provides:

A public employer or the certified bargaining representative of a unit may make a motion requesting amendment of a certification to include classes of titles (positions), the names of which are changed, or new speciality designations, or a new class of titles (positions), and/or to delete obsolete titles (positions) or designations. The motion shall be in writing and supported by the affidavit of an officer or attorney for the moving party. The original and three copies thereof shall be filed with the Board together with proof of service on any other parties.

at 2 (same). Therefore, we dismiss the petition. Accordingly, we need not address the Union's other grounds for dismissal.

ORDER

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 the New York City Health and Hospital's petition, docketed as AC-25-06, to amend Service Employees International Union, Local 246's Certification No. 4-91 be, and the same hereby is, dismissed.

Dated: February 8, 2007
New York, New York

MARLENE A. GOLD
CHAIR

GEORGE NICOLAU
MEMBER