

OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION

-----X
In the Matter of :
THE CITY OF NEW YORK AND :
RELATED PUBLIC EMPLOYERS :
-and- :
CITY EMPLOYEES UNION, LOCAL :
237, I.B.T. :
-----X

DECISION NO. 55-76
DOCKET NO. RE-66-76

DECISION AND ORDER

On January 30, 1976, the Office of Labor Relations of the City of New York filed its petition herein, requesting the consolidation of the following certifications previously issued to City Employees Union, Local 237, International Brotherhood of Teamsters:

Certification No. 62B-75 (as amended)

Various custodial, general maintenance, inspection, skilled crafts, and related titles

Certification No. 56-70 (as amended)

Special Officer, Senior Special Officer Supervising Special Officer (except one incumbent), and Hospital Security Officer

On March 24, 1976, Police Benevolent Association Municipal Special and Superior Officers (herein "MSSO") applied to intervene herein. However, as MSSO's petition (Docket No. RU-524-75) [filed July 18, 1975] to represent the special officer unit was dismissed on July 1, 1976 (Decision No. 24-76) on the ground that MSSO had "failed to demonstrate . . . the degree of bona fides required of a labor organization under the NYCCBL," and in view of the fact that MSSO has offered no further evidence of its alleged labor organizational status in the interim, it is without standing to intervene, and its application is hereby dismissed.

On October 8, 1976, Patrolmen and Security Officers Section, Allied Services Division, Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees, AFL-CIO (herein "BRAC"), filed a petition (Docket No. RU-580-76), seeking to represent the special officer unit. In Decision No. 50-76, we dismissed BRAC's petition on the ground that it was untimely filed under Rule 2-7 (contract bar). However, we granted BRAC ten days to intervene in the instant consolidation matter, if it desired to do so. BRAC has not applied to intervene herein.

Positions of the Parties

The City states that the employees in the unit sought "share a community of interest ... in that they perform related work, to wit: 'blue-collar' work." The City adds that the proposed consolidated unit is consistent with the decisions and policies of the Board of Certification and, if adopted, would "further the efficient operation of the public service and... enhance ... sound labor relations ...". The City states that the proposed consolidation would minimize the possibility of "whipsawing" and "leap-frogging" of settlements, and "reduce the number of negotiations and contracts into which petitioner must enter," thereby enabling the City to bargain more efficiently, economically and effectively, and better "implement a uniform labor relations policy."

Local 237 objects to the City's petition on the grounds that it fails "...to recognize the unique work that [Special Officers] perform." Local 237 also alleges that "there is no logical reason for the City seeking this consolidation." The Union concludes

that "The City simply seeks to use this consolidation as an excuse to deny these employees [their] proper wages [and] status . . . to submerge the real interests of the Special Officers [and to deny them] the right to bargain on their own."

The Union offers no evidence to support its allegations concerning the motives of the City in this proceeding. Thus, we have no reason to believe that the consolidation proposed herein would be detrimental either to the Special Officers or to any of the other employees concerned.

Moreover, as we said in Matter of District Council 37, AFSCME, AFL-CIO, and its affiliated Locals (Decision No. 46-75), wherein we consolidated fifty-one units into twelve "broad-based occupational units,":

"We are convinced that our proposal will not deny the affected employees the fullest freedom in the exercise of their right to choose a bargaining representative, since they are all represented by or affiliated with the same labor organization... Moreover, an employee's right to self-determination is not an unqualified one but is limited to the selection of a desired collective bargaining representative for the unit deemed appropriate, by the Board...."

In addition, the Board emphasizes that it has the statutory responsibility to consider not only the wishes of the employees involved, but also the wishes and needs of the public employer for efficient operations and sound labor relations. We are persuaded that our policy of favoring consolidations into broad-based occupational units is consistent with our statutory mandate and will enhance the purposes of the NYCCBL."

In the instant case, both units are represented by the same union, namely, City Employees Union, Local 237, I.B.T. As to occupational similarities, it should be noted that the building custodians in Certification No. 62B-75 enforce "safety requirements" and protect buildings and grounds from vandalism, while special officers likewise are concerned with the observance of "adequate safety precautions" and "safeguard life and property against fire, vandalism, theft, etc." It is also significant that, in the Department of Social Services, the largest employer of building custodians and second largest employer of special officers, and the only agency employing significant numbers of both groups, both are organizationally part of Plant Management, as are stockmen and other unit employees.

Similarly, many of the inspectors in Certification No. 62B-75 issue summonses for violations of the regulations which they enforce and testify at proceedings relating to these violations, while special officers issue summonses to law violators and testify in court in relation thereto.

Thus, the Board is satisfied that the requested consolidated unit is appropriate for collective bargaining purposes and is consistent with the Board's previous decisions.

O R D E R

NOW, THEREFORE, pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, it is hereby

Decision No. 55-76
Docket No. RE-66-76

5.

ORDERED that Certification No. 62B-75 (as amended by Decisions 12-76 and 28-76) and Certification No. 56-70 (as amended by Decisions 97-73 and 14-76) be, and the same hereby are, combined and consolidated so as to constitute one bargaining unit consisting of the titles set forth in the Appendix to this Decision and Order; and it is hereby

CERTIFIED that City Employees Union, Local 237, I.B.T., is the exclusive representative for the purposes of collective bargaining of all employees in the consolidated unit.

DATED: New York, N.Y.
December 9, 1976

ARVID ANDERSON
CHAIRMAN

ERIC J. SCHMERTZ
MEMBER

WALTER L. EISENBERG
MEMBER



APPENDIX

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

Special Officer	70810
Special Officer (CETA)	09450
Senior Special Officer	70815
Supervising Special Officer (except one employee)	70817
Hospital Security Officer	70830
Assistant Bridge Operator	91105
Assistant Bridge Operator (CETA)	09503
Assistant Building Custodian	80605
Assistant Stockman	12205
Blasting Inspector	31815
Bricklayer	92205
Bridge Operator	91110
Bridge Operator-in-Charge	91135
Building Custodian	80610
Cement Mason	92210
Commercial Vehicle Compliance Agent (CETA)	03593
Firearms Control Inspector	33976
Foreman Bricklayer	92271
Foreman Plasterer	92272
Foreman Roofer	90775
Handyman (CETA)	03487
Harness Maker	90719
Horseshoer	92320
Hostler	81901
Junior Building Custodian	80601
Maintenance and Control Planner	03977
Maintenance Man	90726
Maintenance Man Trainee	90784
Maintenance Planning and Control Supervisor	03978
Mason's Helper	92225
Pipe Laying Inspector	33415
Plasterer	92235
Principal Storekeeper	12225
Principal Water Use Inspector	34660

Decision No. 55-76
Docket No. RE-66-76

Refrigeration Service Helper	00065
Refrigeration Service Mechanic	00066
Roofer	90735
Senior Blasting Inspector	31835
Senior Building Custodian	80635
Senior Commercial Vehicle Compliance Agent (CETA)	03337
Senior Pipe Laying Inspector	33435
Senior Storekeeper	12220
Senior Taxi and Limousine Inspector	35134
Senior Transportation Inspector	35135
Senior Water Use Inspector	34635
Stockman	12210
Storekeeper	12215
Supervising Taxi and Limousine Inspector	35140
Supervising Water Use Inspector	34655
Supervisor of Bridge Operations	91160
Supervisor of Building Custodians	80660
Taxi and Limousine Inspector	35116
Transportation Inspector	35115
Warehouse Aide (CETA)	09358
Water Meter Reader	34600
Water Use Inspector	34615

and restored Rule X equivalents