

IUOE, L. 211, 13 OCB2d 6 (BOC 2020)

(Rep) (Docket No. RU-1673-19).

Summary of Decision: IUOE Local 211 filed a petition to represent the Inspectors (Highway & Sewers) bargaining unit, represented by LEEBA. As the petition was timely and supported by a sufficient showing of interest, the Board conducted an election to ascertain the employees' wishes as to their union representation. Based on the results of the election, the Board dismissed IUOE Local 211's petition. ***(Official decision follows.)***

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF CERTIFICATION**

In the Matter of the Certification Proceeding

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 211,

Petitioner,

- and -

**LAW ENFORCEMENT EMPLOYEES BENEVOLENT ASSOCIATION and
THE CITY OF NEW YORK,**

Respondents,

DECISION AND ORDER

On November 22, 2019, the International Union of Operating Engineers, Local 211, ("IUOE Local 211") filed a petition to represent employees in the titles of Highways and Sewers Inspector (Title Code No. 31626), Associate Inspector (Highways and Sewers) (Title Code No. 31645), Apprentice Inspector (Highways and Sewers) (Title Code No. 35007), Service Inspector (DOT) (Title Code No. 33765), and Senior Service Inspector (DOT) (Title Code No. 33766) (collectively, "Inspectors (Highways & Sewers)"), represented by the Law Enforcement Employees Benevolent Association ("LEEBA") in Certification No. 29-15.

As the petition was timely and supported by a sufficient showing of interest, the Board

conducted an election to determine whether the employees in the Inspectors (Highways & Sewers) bargaining unit wished to be represented for the purposes of collective bargaining by IUOE Local 211, LEEBA, or neither.¹ *See* New York City Collective Bargaining Law (New York City Administrative Code, Title 12, Chapter 3) § 12-309(b)(2).

The election was held by phone and on-line ballot in accordance with § 1-02 of the Rules of the Office of Collective Bargaining (Rules of the City of New York, Title 61, Chapter 1) (“OCB Rules”) for the employees at issue. The ballots were counted on March 6, 2020.

The majority of employees casting valid ballots voted to continue to be represented by LEEBA for purposes of collective bargaining. No party filed objections in the time provided by OCB Rule § 1-02(r). Accordingly, IUOE Local 211’s petition to represent the Inspectors (Highways & Sewers) bargaining unit is dismissed, and LEEBA remains the certified bargaining representative of Certification No. 29-15. *See Council 82*, 2 OCB2d 35, at 2 (BOC 2009).

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

ORDERED that the representation petition filed by the International Union of Operating Engineers, Local 211, docketed as RU-1673-19, be, and the same hereby is, dismissed.

¹ The petition was filed more than one year since LEEBA was certified, on October 6, 2015, to represent this unit. *See* OCB Rule § 1-02(t) (protecting a newly certified bargaining representative from challenge for only one year). In addition, at the time the petition was filed, LEEBA and the City of New York had not signed a collective bargaining agreement covering this bargaining unit. *See Council 82*, 2 OCB2d 22, at 8-10 (BOC 2009) (holding that the City’s contract with a prior bargaining representative does not insulate the current bargaining representative from challenge by employees or a rival union).

Dated: March 18, 2020
New York, New York

SUSAN J. PANEPENTO

CHAIR

ALAN R. VIANI

MEMBER