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New York State Public Employment Relations  
Board (PERB)

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7-20-1977

# State of New York Public Employment Relations Board Decisions from July 20, 1977

New York State Public Employment Relations Board

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# State of New York Public Employment Relations Board Decisions from July 20, 1977

**Keywords**

NY, NYS, New York State, PERB, Public Employment Relations Board, board decisions, labor disputes, labor relations

**Comments**

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STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	:	#2A-7/20/77
	:	
CITY OF AUBURN,	:	<u>BOARD DECISION AND ORDER ON</u>
	:	
Charging Party,	:	<u>MOTION FOR REARGUMENT</u>
	:	
-and-	:	
	:	
AUBURN POLICE LOCAL 195, COUNCIL 82,	:	<u>CASE NO. U-2510</u>
AMERICAN FEDERATION OF STATE, COUNTY AND	:	
MUNICIPAL EMPLOYEES, AFL-CIO,	:	
	:	
Respondent.	:	
	:	

On July 1, 1977 the Auburn Police Local 195, Council 82, AFSCME, AFL-CIO (Local 195) filed a Motion with us for reconsideration of the decision and order we issued in this case on June 2, 1977. In that decision and order we determined that Local 195 had violated its duty to negotiate in good faith by improperly insisting upon the submission to arbitration of demands relating to "Discipline and Discharge", a matter covered by §75 of the Civil Service Law. The basis for this determination was our conclusion that "The statutory provisions relating to removal and other disciplinary proceedings are preemptive of the subject matter and are not open to collective negotiation."

Local 195's Notice of Motion states that our decision "is based upon an error of law and misapprehension as to material and relevant facts which would be determinative of the outcome of this proceeding." In support of the Motion, Local 195 submits an affidavit which is actually a memorandum of law.

When the original case was submitted to us, we were concerned about the complexity of the legal issue involved. Finding that the parties' memoranda of law were not sufficiently helpful, we requested supplemental briefs and invited them to present oral argument. Having been unsuccessful in persuading

us in its original memorandum of law, supplemental brief and oral argument, Local 195 now seeks an opportunity to reargue its position. We deny this motion.

In Matter of Binghamton Firefighters, 9 PERB §3078, we said:

"Reconsideration of a quasi-judicial determination by an administrative agency is an unusual procedure (see New York Jurisprudence, Vol. 1, Administrative Law, §§155, 156 and 157). None of these circumstances that would permit such reconsideration are present in the instant case." What was said in that case is applicable here.

ACCORDINGLY, the Motion for Reconsideration is denied.

DATED: New York, New York  
July 20, 1977

DID NOT PARTICIPATE

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Robert D. Helsby, Chairman

*Joseph R. Crowley*  
Joseph R. Crowley

*Ida Klaus*  
Ida Klaus

STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of : #2B-7/20/77  
CITY OF COHOES, :  
Employer, :  
- and - :  
COHOES PROFESSIONAL FIRE FIGHTERS, :  
LOCAL 2562, I.A.F.F., : CASE NO. C-1494  
Petitioner, :  
- and - :  
COHOES FIREMENS' ASSOCIATION, INC., :  
Intervenor. :

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employment Relations Board in accordance with the Public Employees' Fair Employment Act and the Rules of Procedure of the Board, and it appearing that a negotiating representative has been selected;

Pursuant to the authority vested in the Board by the Public Employees' Fair Employment Act,

IT IS HEREBY CERTIFIED that the Cohoes Professional Fire Fighters, Local 2562, I.A.F.F.

has been designated and selected by a majority of the employees of the above-named public employer, in the unit described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit: INCLUDED: All employees of the Cohoes fire department.

EXCLUDED: Fire Chief, Secretary to Fire Chief and Assistant Fire Chief and Public Safety Physician.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with the Cohoes Professional Fire Fighters, Local 2562, I.A.F.F.

and enter into a written agreement with such employee organization with regard to terms and conditions of employment, and shall negotiate collectively with such employee organization in the determination of, and administration of, grievances.

Signed on the 20th day of July, 1977 .

DID NOT PARTICIPATE

Robert D. Helsby, Chairman

*Joseph R. Crowley*  
Joseph R. Crowley

*Ida Klaus*

Ida Klaus

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STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of : #2C-7/20/77  
CITY OF OSWEGO, :  
Employer, :  
- and - :  
SERVICE EMPLOYEES' INTERNATIONAL :  
UNION, LOCAL 200, AFL-CIO, : CASE NO. C-1491  
Petitioner, :  
- and - :  
CIVIL SERVICE EMPLOYEES ASSOCIATION, :  
INC., OSWEGO COUNTY CHAPTER, :  
Intervenor. :

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employment Relations Board in accordance with the Public Employees' Fair Employment Act and the Rules of Procedure of the Board, and it appearing that a negotiating representative has been selected;

Pursuant to the authority vested in the Board by the Public Employees' Fair Employment Act,

IT IS HEREBY CERTIFIED that the Service Employees' International Union, Local 200, AFL-CIO

has been designated and selected by a majority of the employees of the above-named public employer, in the unit described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit: INCLUDED: All employees in the currently recognized unit.  
EXCLUDED: All part-time (20 hours or less), all seasonal employees (6 months or less regardless of hours per week) and all other employees of the employer.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with the Service Employees' International Union, Local 200, AFL-CIO

and enter into a written agreement with such employee organization with regard to terms and conditions of employment, and shall negotiate collectively with such employee organization in the determination of, and administration of, grievances.

Signed on the 20th day of July, 1977.

DID NOT PARTICIPATE

Robert D. Helsby, Chairman

*Joseph R. Crowley*  
Joseph R. Crowley

*Ida Klaus*  
Ida Klaus

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STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :

LINDENHURST UNION FREE SCHOOL  
DISTRICT, :

#2D-7/20/77

Employer, :

- and - :

CASE NO. C-1347

NEW YORK STATE NURSES ASSOCIATION, :

Petitioner. :

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employment Relations Board in accordance with the Public Employees' Fair Employment Act and the Rules of Procedure of the Board, and it appearing that a negotiating representative has been selected;

Pursuant to the authority vested in the Board by the Public Employees' Fair Employment Act,

IT IS HEREBY CERTIFIED that the New York State Nurses Association

has been designated and selected by a majority of the employees of the above-named public employer, in the unit described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit: INCLUDED: All registered professional nurses and persons authorized by permit to practice as registered professional nurses.

EXCLUDED: All other employees of the employer.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with the New York State Nurses Association

and enter into a written agreement with such employee organization with regard to terms and conditions of employment, and shall negotiate collectively with such employee organization in the determination of, and administration of, grievances.

Signed on the 20th day of July, 1977.

DID NOT PARTICIPATE

Robert D. Helsby, Chairman

*Joseph R. Crowley*

Joseph R. Crowley

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*Ida Klaus*

Ida Klaus

STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :  
HARTSDALE FIRE DISTRICT, : #2E-7/20/77  
Employer, :  
- and - :  
HARTSDALE PAID OFFICERS ASSOCIATION, : CASE NO. C-1378  
Petitioner, :  
- and - :  
HARTSDALE PAID FIREMEN'S BENEVOLENT :  
ASSOCIATION, INC., LOCAL 1761, IAFF, :  
Intervenor. :

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employment Relations Board in accordance with the Public Employees' Fair Employment Act and the Rules of Procedure of the Board, and it appearing that a negotiating representative has been selected; )

Pursuant to the authority vested in the Board by the Public Employees' Fair Employment Act,

IT IS HEREBY CERTIFIED that the Hartsdale Paid Officers Association

has been designated and selected by a majority of the employees of the above-named public employer, in the unit described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit: INCLUDED: Deputy fire chiefs and captains.

EXCLUDED: All other employees.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with the Hartsdale Paid Officers Association

and enter into a written agreement with such employee organization with regard to terms and conditions of employment, and shall negotiate collectively with such employee organization in the determination of, and administration of, grievances.

Signed on the 20th day of July, 1977.

DID NOT PARTICIPATE

Robert D. Helsby, Chairman

*Joseph R. Crowley*  
Joseph R. Crowley ✓

4805

*Ida Klaus*  
Ida Klaus



STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :  
SHERIFF'S DEPARTMENT, COUNTY OF ALBANY, : #2F-7/20/77  
AND COUNTY OF ALBANY, :  
Joint Employer, :  
- and - : CASE NO. C-1501  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, :  
CHAUFFEURS, WAREHOUSEMEN AND HELPERS :  
OF AMERICA, LOCAL 294, :  
Petitioner. :

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employment Relations Board in accordance with the Public Employees' Fair Employment Act and the Rules of Procedure of the Board, and it appearing that a negotiating representative has been selected;

Pursuant to the authority vested in the Board by the Public Employees' Fair Employment Act,

IT IS HEREBY CERTIFIED that the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 294 has been designated and selected by a majority of the employees of the above-named public employer, in the unit described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit: INCLUDED: All captains, lieutenants, sergeants, corporals, chief clerk and maintenance supervisor of the Sheriff's Department.

EXCLUDED: All other employees of the Sheriff's Department.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 294 and enter into a written agreement with such employee organization with regard to terms and conditions of employment, and shall negotiate collectively with such employee organization in the determination of, and administration of, grievances.

Signed on the 20th day of July, 1977.

DID NOT PARTICIPATE

Robert D. Helsby, Chairman

*Joseph R. Crowley*  
Joseph R. Crowley

4806

*Ida Klaus*  
Ida Klaus