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State of New York Public Employment Relations Board Decisions from January 18, 1978

New York State Public Employment Relations Board

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State of New York Public Employment Relations Board Decisions from January 18, 1978

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Hon. Mario Cuomo
Secretary of State
162 Washington Avenue
Albany, New York

Dear Mr. Cuomo:

We are transmitting herewith, for filing in your office, the original and three copies of amendments to the Rules of Procedure of the Public Employment Relations Board adopted on January 18, 1978. Prior notice of proposed agency action was included in the State Bulletin of October 25, 1977, and notice of action taken is being forwarded to the State Bulletin as of today's date.

These amendments are to become effective upon filing with your office and will be promulgated by the Public Employment Relations Board on that date, which we presume will be January 19, 1978.

Sincerely,

Joseph R. Crowley, Member
Ida Klaus, Member

Attachments
Pursuant to and by virtue of the authority vested in the Public Employment Relations Board under Article 14 of the Civil Service Law, we, Joseph R. Crowley and Ida Klaus, Members of the Public Employment Relations Board, acting on behalf of such Board, hereby amend NYCRR Title 4, Chapter VII, Part 205, as follows. Any parts of the Rules of the Board not explicitly mentioned herein remain in effect as previously promulgated. These amendments shall take effect on filing with the Secretary of State.

Section 205 is hereby amended as follows:

§205.3 Compulsory Interest Arbitration; Scope.

The following relates to impasses in collective negotiations between a recognized or certified employee organization that represents officers or members of an organized fire department or an organized police force or police department of any county, city (except the City of New York), town, village, fire district or a police district and the employing county, city (except the City of New York), town, village, fire district or police district [when the recommendations of a fact-finding board do not resolve such impasse].

§205.4 (a) Filing. A petition requesting the Board to refer an impasse to a public arbitration panel may be filed by an employee organization or public employer after [ten] fifteen days have elapsed following [submission to] appointment by the Board of [the report and recommendations of the fact-finder applicable] a mediator to such impasse. It shall be served upon the other party to the impasse immediately.

§205.7 [(d) Both parties shall have a right to a stenographic record taken of the arbitration proceeding. A request for a stenographic record must be made in writing to the Board within seven days after the designation of the public arbitration panel. The cost of such record shall be paid by the party requesting it or divided equally between both parties if both make such request. If a stenographic record is requested by either party, three copies of the transcript shall be provided to the arbitration panel.]

We hereby certify that these amendments were adopted by the Public Employment Relations Board on January 18, 1978.

Joseph R. Crowley, Member

Ida Klaus, Member
STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of:
SOUTH HUNTINGTON WATER DISTRICT,
Employer,

-and-
LOCAL 342, LONG ISLAND PUBLIC SERVICE
EMPLOYEES, UNITED MARINE DIVISION,
INTERNATIONAL LONGSHOREMAN'S ASSOCIATION,
AFL-CIO,

CASE NO. C-1520

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 Local 342, Long Island Public Service Employees, United Marine Division, International Longshoreman's Association, 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: Maintenance Mechanic 1, Maintenance Mechanic 2, and all full-time Clerical Employees, with the specific understanding that in the event the employer deems it necessary to hire replacements for the Senior Bookkeeping Machine Operator and Bookkeeping Machine Operator, when those positions are vacated by the incumbents for any reason whatsoever, the replacements will be deemed to be Clerical Employees within the meaning of this unit designation so long as they continue to perform the duties required in the appropriate Civil Service category in which they may be placed.

Excluded: Elected officials and all other employees.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with Local 342, Long Island Public Service Employees, United Marine Division, International Longshoreman's Association, 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 18th day of January, 1978.

[Signature]

Joseph R. Crowley

[Signature]

Ida Klaus
STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY, Employer,
- and -
TRANSIT SUPERVISORS ORGANIZATION, Petitioner,
- and -
LOCAL 237, INTERNATIONAL BROTHERHOOD OF TRANSSTERS Intervenor,
- and -
COMMUNICATION WORKERS OF AMERICA, Intervenor,
- and -
DISTRICT COUNCIL 37, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, LOCALS 1655, 1407 and 154, Intervenor.

CASE NO. C-1272

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 Transit Supervisors Organization 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: Accountant, Assistant Accountant, Associate Accountant, Administrative Assistant, Senior Administrative Assistant, Administrative Associate, Assistant Buyer, Method Analyst, Photographer, Senior Photographer, Supervisory Clerk, Senior Stenographer, Supervisory Stenographer, Supervisory Telephone Operator, Utility Aid, Claims Examiner, Senior Claims Examiner.

Excluded: All other employees.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with the Transit Supervisors Organization 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 18th day of January 1978.

Joseph R. Crowley

Ida Klaus
In the Matter of  
VILLAGE OF LIVERPOOL,  
Employer,  

- and -  
LIVERPOOL POLICE BENEVOLENT ASSOCIATION,  
INC.,  
Petitioner.  

CASE NO. C-1578

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

Unit: Included: All full-time employees, all part-time employees who exceed one day a month.

Excluded: CETA employees and all part-time employees who work less than one day a month.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with Liverpool Police Benevolent Association, Inc.

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 18th day of January, 1978.

Joseph R. Crowley  
Ida Klaus

PERB 58.3 (12-77)
In the Matter of
SAYVILLE UNION FREE SCHOOL DISTRICT,
Employer,
- and -
SUFFOLK EDUCATIONAL CHAPTER, CIVIL SERVICE
EMPLOYEES ASSOCIATION, INC.
Petitioner.

CASE NO. C-1594

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 Suffolk Educational Chapter, Civil Service Employees Association, Inc.

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

Unit: Included: All permanent full and part-time clerical employees and library aides.

Excluded: Managerial and confidential employees.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with the Suffolk Educational Chapter, Civil Service Employees Association, Inc.

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 18th day of January, 1978.

Joseph R. Crowley
Ida Klaus

PUB 58.3 (12-77)
On May 18, 1977, AFSCME, NY, District Council 66 (petitioner) filed, in accordance with the Rules of Procedure of the Public Employment Relations Board, a timely petition for certification as the exclusive negotiating representative of certain employees employed by the Yonkers Community Development Agency (employer).

Following the informal conference, the parties executed a consent agreement which was approved by the Director of Public Employment Practices and Representation on October 31, 1977. The negotiating unit stipulated to therein was as follows:

Included: Program Manager; Development Program Analyst; Grant Fiscal Officer; Assistant Chief of Real Estate; Business Development Officer I and II; Rehabilitation Officer; Assistant Chief of Technical Services; Assistant Chief of Community Services; Principal Engineer; LEAA Fiscal Officer.

Excluded: All other employees of the employer.

Pursuant to the consent agreement, a secret-ballot election was held on December 19, 1977. The results of the election indicate that the majority of eligible voters in the stipulated unit who cast valid ballots do not desire to be
represented for purposes of collective negotiations by the petitioner.¹/

Therefore it is is ordered that the petition should be, and hereby is, dismissed.

Joseph R. Crowley

Ida Klaus

Dated at N.Y., New York
This 18th day January, 1978

¹/ There were four (4) ballots cast in favor of representation by the petitioner and ten (10) ballots against representation by the petitioner. One challenged ballot was cast, but it was not sufficient to affect the results of the election.
In the Matter of
CITY OF YONKERS,
Employer,
and
AFSCME, N.Y. District Council 66,
Petitioner.

CASE NO. C-1696

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 AFSCME, N.Y. District Council 66

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

Unit: Included: Systems Analyst; Program Planner Analyst; Manager-Billings and Receivables; Chief Accountant; Purchasing Director; Professional Engineer; Assistant City Engineer; Traffic Engineer; Computer Operations Supervisor; Assistant to Deputy City Manager; Manager of Vehicle Maintenance; Housing Management Manager; Management Systems Manager; Director of Administration-Parks; Director-Office of Aging; Senior Physical Planner; Water Works Superintendent; Insurance Administrator; Manpower Planner; Property Tax Receiver; Computer Operations Manager; Production Control Supervisor; Assessment Valuation Manager; Manager of Plan Examination.

Excluded: All other employees of the employer.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with AFSCME, N.Y. District Council 66 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 18th day of January , 1978.

Joseph R. Crowley

Ida Klaus
In the Matter of
CAZENOVIA CENTRAL SCHOOL DISTRICT,
Employer,
- and -
CAZENOVIA CENTRAL SCHOOL BUS DRIVERS
ASSOCIATION,
Petitioner.

CASE NO. C-1555

A representation proceeding having been conducted in the
above matter by the Public Employment Relations Board in accor-
dance 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 Cazenovia Central School Bus Drivers
Association,
has been designated and selected by a majority of the employees
of the above-named public employer, in the unit agreed upon by
the parties and described below, as their exclusive representative
for the purpose of collective negotiations and the settlement of
grievances.

Unit: Included: Bus drivers, mechanic/bus drivers, custodian/bus drivers
and mechanics.

Excluded: All other employees.

Further, IT IS ORDERED that the above-named public employer
shall negotiate collectively with Cazenovia Central School Bus Drivers
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 18th day of January , 1978.

[Signatures]

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

[Signature]

[Signature]

[Ida Klaus]

[File Number]

5051
In the Matter of
TOWN OF ROCHESTER,
Employer,
- and -
LOCAL 1968, IBEW, AFL-CIO,
Petitioner.

Case No. C-1563

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 Local 1968, IBEW, AFL-CIO has been designated and selected by a majority of the employees of the above-named public employer, in the unit agreed upon by the parties and described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit: Included: All employees of the Highway Department (laborers, drivers, M.E.O.'s, H.E.O.'s, working foremen and mechanics).

Excluded: Superintendent of Highways.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with Local 1968, IBEW, AFL-CIO.

and enter into a written agreement with such employees 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 18th day of January, 1978.

Joseph R. Crowley

Ida Klaus

PERS 58.3 (12-77)
In the Matter of
CANASTOTA CENTRAL SCHOOLS,
Employer,
- and -
CANASTOTA EDUCATORS ASSOCIATION,
Petitioner,
- and -
CANASTOTA TEACHERS ASSOCIATION,
Intervenor.

CASE NO. C-1570

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

Unit: Included: All regular full-time probationary and tenured teachers; all part-time teachers employed on a fifty percent or more basis and all regular substitutes appointed for, or who actually serve the equivalent of one semester or more continuously in the same position.

Excluded: Central office personnel, building administrator, guidance personnel, school nurse and per diem substitutes.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with Canastota Teachers 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 18th day of January, 1978.

Joseph R. Crowley
Ida Klaus

PLRB-58.3 (12-77) 5053
In the Matter of
WEBUTUCK CENTRAL SCHOOL DISTRICT,
Employer,
- and -
WEBUTUCK CENTRAL EDUCATORS ORGANIZATION,
NYEA/NEA,
Petitioner,
- and -
WEBUTUCK TEACHERS ASSOCIATION, NYSUT/AFT,
Intervenor.

CASE NO. C-1581

Pursuant to the authority vested in the Board by the Public Employees' Fair Employment Act, it is hereby certified that Webutuck Teachers Association, NYSUT/AFT, has been designated and selected by a majority of the employees of the above-named public employer, in the unit agreed upon by the parties and described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit: Included: Classroom teachers, special teachers (art, music, language, physical education), remedial teachers, librarians, school nurses, speech hearing therapists.

Excluded: All others.

Further, it is ordered that the above-named public employer shall negotiate collectively with Webutuck Teachers Association, NYSUT/AFT, 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 18th day of January, 1978.

Joseph R. Crowley
Ida Klaus
In the Matter of

MASSENA CENTRAL SCHOOL DISTRICT,

Employer,

and-

NEW YORK STATE UNITED TEACHERS, AFT,

AFL-CIO,

Petitioner,

and-

MASSENA CENTRAL SCHOOL UNIT, ST. LAWRENCE
COUNTY CHAPTER, C.S.E.A., 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 New York State United Teachers, AFT, AFL-CIO has been designated and selected by a majority of the employees of the above-named public employer, in the unit agreed upon by the parties and described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit: Included: All full-time non-teaching personnel including: Food service helper, cook manager, senior food service manager, cook, head custodians, custodians, cleaners, painters, general mechanics, automotive mechanics, bus drivers, senior auto mechanic, grounds men, general maintenance men, all clerical and office employees included under Schedules I and II and stenographer to the high school principal and the IBM key punch operator under Schedule III.

Excluded: All other employees.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with New York State United Teachers, AFT, 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 18th day of January, 1978.

Joseph R. Crowley

Ida Klaus

PERB 58.3 (12-77)
In the Matter of

WATKINS GLEN CENTRAL SCHOOL DISTRICT,
Employer,
- and -
WATKINS GLEN TEACHERS ASSOCIATION,
Petitioner,
- and -
WATKINS GLEN FACULTY ASSOCIATION,
Intervenor.

CASE NO. C-1571

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

Unit: Included: All certificated personnel
Excluded: Superintendent of Schools, building principals, all substitutes and administrative intern.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with Watkins Glen Faculty 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 18th day of January, 1978.

Joseph R. Crowley

Ida Klaus

PREB 58.3 (12-77)