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Board (PERB)

7-11-1978

State of New York Public Employment Relations Board Decisions from July 11, 1978

New York State Public Employment Relations Board

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State of New York Public Employment Relations Board Decisions from July 11, 1978

Keywords

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Comments

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NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of : #2A-7/11/78
DOVER-WINGDALE TEACHERS ASSOCIATION, NYSUT : BOARD DECISION
AND ORDER
upon the Charge of Violation of Section 210.1 : Case No. D-0164
of the Civil Service Law. :

On March 31, 1978, Martin L. Barr, Counsel to this Board, filed a charge alleging that the Dover-Wingdale Teachers Association, NYSUT (Association) had violated Civil Service Law (CSL) §210.1 in that it caused, instigated, encouraged, condoned and engaged in a one-day strike against the Dover Union Free School District (District) on February 6, 1978.

The charge further alleged that approximately 63 teachers out of a negotiating unit of 81 participated in the strike.

The Association agreed not to file an answer, thus admitting the allegations of the charge, upon the understanding that the charging party would recommend, and this Board would accept, a penalty of loss of the Association's right to have dues and agency shop fees deducted to the extent of one-fourth (1/4) of the amount that would otherwise be deducted during a year.^{1/} The charging party has so recommended.

On the basis of the unanswered charge, we find that the Association violated CSL §210.1 in that it engaged in a strike as charged, and we determine that the recommended penalty is a reasonable one.

^{1/} This is intended to be the equivalent of a three month suspension of such right. Since the deductions are not equal monthly ones throughout the year, it is expressed as a fraction of the annual deductions.

WE ORDER that the deduction rights of the Dover-Wingdale Teachers Association be suspended commencing as of the beginning of the 1978-79 school year and continuing for such period of time during which one-fourth (1/4) of its annual agency shop fees, if any, and dues would otherwise be deducted. Thereafter, no dues or agency shop fees shall be deducted on its behalf by the Dover Union Free School District until the Dover-Wingdale Teachers Association affirms that it no longer asserts the right to strike against any government as required by the provisions of CSL §210.3(g).

DATED: Albany, New York
July 11, 1978


HAROLD R. NEWMAN, Chairman


IDA KLAUS, Member


DAVID C. RANGLES, Member

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	:	#2B-7/11/78
CHEEKTOWAGA-MARYVALE UNION FREE SCHOOL DISTRICT,	:	<u>BOARD DECISION ON</u>
Respondent,	:	<u>MOTION</u>
-and-	:	
MARYVALE EDUCATORS ASSOCIATION (NYEA/NEA),	:	<u>CASE NO. U-3005</u>
Charging Party.	:	

On April 19, 1978, a hearing officer determined that the Cheektowaga-Maryvale Union Free School District (District) had violated subdivision (a) of §209-a.1 of the Taylor Law by denying the Maryvale Educators Association (NYEA/NEA) (charging party) access to teacher mailboxes. The District filed exceptions to the decision and the charging party submitted a brief in opposition to the exceptions. A motion has now been made by the Maryvale Teachers Association (MTA) for permission to intervene in this matter. It is the representative of the faculty employed by the District and its supporting papers argue that it has interests that are adversely affected by the hearing officer's decision. The charging party objects to the motion to intervene. It argues, inter alia, that although MTA might have been permitted to intervene during the course of the proceeding before the hearing officer, it should not be permitted to do so at this time.

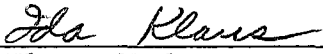
It is a matter for our discretion whether or not we should grant MTA's motion to intervene. In this case, we exercise our discretion to grant the motion. One reason is that MTA has a real interest in this proceeding. It is the representative of the faculty employed by the District and has negotiated an agreement on their behalf. That agreement may be affected by our decision. A second reason is that MTA had no opportunity to intervene during the hearing because no hearing was held, the case being presented on a stipu-

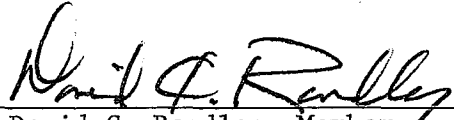
lated record. Finally, we determine that MTA's motion to intervene was made in good faith and was not designed to delay resolution of this proceeding. Its motion papers indicate that it requires only one week for the submission of a brief.

Accordingly, the motion to intervene is granted. A brief by MTA will be considered if served upon the parties and filed with PERB by July 21, 1978,¹ and the parties will be given until August 1, 1978 to file any responses.

DATED: Albany, New York
July 11, 1978


Harold R. Newman, Chairman


Ida Klaus, Member


David C. Randles, Member

¹ We also grant MTA's request that oral argument be heard.

- STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of

MANHASSET UNION FREE SCHOOL DISTRICT,
Employer,

#2C-7/11/78

- and -

MANHASSET ADMINISTRATORS & SUPERVISORS'
ASSOCIATION,

CASE NO. C-1648

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

MANHASSET ADMINISTRATORS & SUPERVISORS' 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: Principals, assistant principals, supervisors, directors and coordinators.

Excluded: General administrator to deputy superintendent, principal of the secondary school, and all other employees.

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

MANHASSET ADMINISTRATORS & SUPERVISORS' 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 11th day of
Albany, New York

July , 1978

Harold R. Newman
Harold R. Newman, Chairman

5293

Ida Klaus
Ida Klaus, Member
David C. Randles
David C. Randles, Member

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of

VILLAGE OF SUFFERN,

Employer,

- and -

LOCAL UNION 1255, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS,
AFL-CIO,

Petitioner.

#2D-7/11/78.

CASE NO. C-1676

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 Union 1255, International Brotherhood of Electrical Workers, 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: Employees of street, refuse, water and sewer departments.

Excluded: All managerial, clerical, foreman-supervisory employees.

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

Local Union 1255, International Brotherhood of Electrical Workers, 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 11th day of July, 1978
Albany, New York

Harold R. Newman
Harold R. Newman, Chairman

Ida Klaus
Ida Klaus, Member

David C. Randles
David C. Randles, Member

5204

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :
BOARD OF EDUCATION OF THE CITY SCHOOL : #2E-7/11/78
DISTRICT OF THE CITY OF NEW YORK, ' :
Employer, :
-and- : CASE NO. C-1671
UNITED FEDERATION OF TEACHERS, LOCAL 2, :
AFT, AFL-CIO, :
Petitioner, :
-and- :
DISTRICT COUNCIL 37, AFSCME, AFL-CIO, :
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 United Federation of Teachers, Local 2, 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: Members of the monitoring task force.

Excluded: All other employees.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with United Federation of Teachers, Local 2, AFT, AFL-CIO

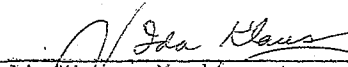
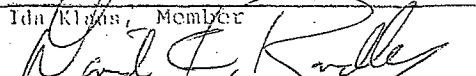
and enter into a written agreement with such employee organization with regard to terms and conditions of employment, and shall negotiate collectively with such employee organization in the determination of, and administration of, grievances.

Signed on the 11th day of
Albany, New York

July , 1978


Harold R. Newman, Chairman

5295


Ida Klaus, Member

David C. Randles, Member

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of

CATTARAUGUS COUNTY BOCES,

Employer,

-and-

CATTARAUGUS BOCES LOCAL 805, CSEA, INC.,

Petitioner.

#2F-7/11/78

CASE NO. C-1653

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

Cattaraugus BOCES Local 805, CSEA, 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 non-teaching employees.

Excluded: Superintendent of schools, art teacher, special education director, payroll clerk in superintendent's office, secretary to director of vocational education, secretary to the superintendent, bills clerk in superintendent's office, assistant treasurer in superintendent's office, secretary to the assistant superintendent, assistant superintendent, board treasurer, business manager, office manager, superintendent of buildings and grounds, assistant superintendent of buildings and grounds, director of educational communications, building administrators, occupational guidance counselors, work study coordinator, licensed practical nurse coordinator, instructional research specialist and all employees in a teaching capacity or employees covered by a recognized bargaining unit.

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

Cattaraugus BOCES LOCAL 805, CSEA, 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 11th day of
Albany, New York

July , 1978

Harold R. Newman

Harold R. Newman, Chairman

Ida Klaus

Ida Klaus, Member

David C. Randles

David C. Randles, Member

5296

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :
METROPOLITAN SUBURBAN BUS AUTHORITY, : #2G-7/11/78
Employer, :
-and- : CASE NO. C-1656
LOCAL 1181-1061 AMALGAMATED TRANSIT :
UNION AFL-CIO and LOCAL 252 TRANSPORT :
WORKERS UNION AFL-CIO, jointly, :
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 Local 1181-1061 Amalgamated Transit Union AFL-CIO and Local 252 Transport Workers Union AFL-CIO, jointly, 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: Information clerks.

Excluded: All other employees.

Further, IT IS ORDERED that the above-named public employer shall negotiate collectively with Local 1181-1061 Amalgamated Transit Union AFL-CIO and Local 252 Transport Workers Union AFL-CIO, jointly, 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 11th day of July, 1978
Albany, New York

Harold R. Newman
Harold R. Newman, Chairman

Ida Klaus
Ida Klaus, Member

David C. Randles
David C. Randles, Member

5297