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New York State Public Employment Relations
Board (PERB)

12-21-1978

State of New York Public Employment Relations Board Decisions from December 21, 1978

New York State Public Employment Relations Board

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State of New York Public Employment Relations Board Decisions from December 21, 1978

Keywords

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

Comments

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In the Matter of the :
 SYRACUSE HOUSING AUTHORITY UNIT OF THE ONONDAGA :
 COUNTY CHAPTER, CIVIL SERVICE EMPLOYEES ASSOCIATION, : BOARD
 INC, and CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., : DECISION
 Respondents, : AND
 : ORDER
 upon the Charge of Violation of Section 210.1 : Case No.
 of the Civil Service Law. : D-0170
 :

On September 18, 1978, Martin L. Barr, Counsel to this Board filed a charge alleging that the Syracuse Housing Authority Unit of the Onondaga County Chapter of the Civil Service Employees Association, Inc. (Unit) had violated Civil Service Law (CSL) §210.1 in that it caused, instigated, encouraged, condoned and engaged in a strike against the Syracuse Housing Authority on April 28, 1978. Inasmuch as the respondent Unit had authorized the Authority to remit its dues deductions to the Civil Service Employees Association, Inc. (CSEA), the latter organization was also named as a respondent.

Respondents filed answers but thereafter agreed to withdraw them, thus admitting to all of the allegations of the charge, upon the understanding that the charging party would recommend and this Board would accept a penalty of loss of their dues deduction privileges for three months. The charging party has recommended a three-month suspension of the respondents' dues deduction privileges.

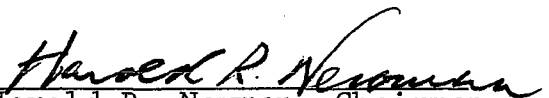
On the basis of the unanswered charge, we find that the Syracuse Housing Authority Unit of the Onondaga County Chapter

of the Civil Service Employees Association, Inc. violated CSL §210.1 in that it engaged in a strike as charged, and we determine that the recommended penalty is a reasonable one.

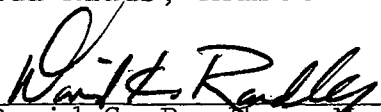
WE ORDER that all of the dues deduction privileges arranged by the Syracuse Housing Authority Unit of the Onondaga County Chapter of the Civil Service Employees Association, Inc., as exclusive representative of employees of the Syracuse Housing Authority and agency shop fee deductions, if any, be suspended for a period of three months commencing on the first practicable date. Thereafter, no dues deductions and agency shop fees shall be deducted on its behalf or on behalf of the CSEA, Inc. by the Syracuse Housing Authority until the Syracuse Housing Authority Unit of the Onondaga County Chapter of the Civil Service Employees Association, Inc. 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

December 20, 1978


Harold R. Newman, Chairman


Ida Klaus, Member


David C. Randles, Member

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of : #2B - 12/21/78
STATE OF NEW YORK (STATE UNIVERSITY AT :
STONY BROOK), :
Respondent, : BOARD DECISION AND ORDER
-and- : CASE NO. U-2756
MICHAEL L. REINSTEIN, :
Charging Party. :

JOSEPH M. BRESS, ESQ., for Respondent

MICHAEL L. REINSTEIN, pro se

This matter comes to us on the exceptions of Michael L. Reinstein from a hearing officer's decision dismissing his charge that the State of New York (State University at Stony Brook) violated §209-a.1(c) of the Taylor Law in that it refused to employ him because he had previously engaged in protected activities by filing grievances while employed at the Downstate Medical Center of the State University. Reinstein had worked as a provisional Campus Security Officer I at the Downstate Medical Center from January 9, 1975 through August 18, 1976. He was terminated in order to accommodate the employment of a permanent employee in accordance with Civil Service Rules and Regulations.

The thrust of Reinstein's charge is that he was denied employment at Stony Brook because of a negative recommendation given by Jackson to Robert Cornute, one of three persons who interviewed him for a position at Stony Brook as Campus Security Officer Trainee I. While there is some evidence that Bluford Jackson, Reinstein's supervisor at the Downstate Medical Center, was hostile to him because he had filed grievances and that he said that he would prevent Reinstein from getting a job on any State University campus, we

find that such hostility, if it did exist, was not a factor in the decision to deny Reinstein employment.

The hearing officer dismissed the charge because he found no evidence that Jackson had made any recommendation. It follows that Jackson made no negative recommendation by reason of Reinstein's protected activities or that any such recommendation was known to any of the three members of the interviewing panel at Stony Brook who rejected Reinstein. He determined that the three interviewers, each of whom denied knowing of any such recommendation, were candid and credible witnesses. He was persuaded by their testimony that they had no knowledge of Reinstein's activities at Downstate and that they rejected Reinstein because of his personal appearance and other reasons unrelated to the pursuit of any protected activities.

In his exceptions, Reinstein argues that Cornute was not a credible witness. In support of this exception, he argues in his brief that

"Bluford Jackson and Robert Cornute are peer level colleagues who meet on a regular basis. The concept that one would not hire a former employee of the other without first consulting his colleague is quite valid."

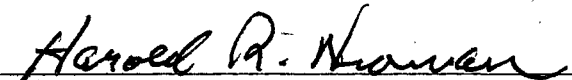
He further argues

"As there was a nine month period between the commencement of Jackson's animus towards Reinstein, and Reinstein's interview at Stonybrook, it must be presumed that ample opportunity existed for Jackson to carry out his threat of 'preventing Reinstein from being appointed to a position on any S.U.N.Y. campus.'"

These arguments are based on mere conjecture and surmise and are not supported by the record. They are not sufficient to overcome the decision of the hearing officer, which was based on his judgment as to the credibility of the witnesses.

NOW, THEREFORE, we order that this charge herein be DISMISSED.

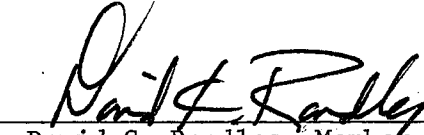
Dated, Albany, New York
December 21, 1978



Harold R. Newman, Chairman



Ida Klaus, Member



David C. Randles, Member

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :
BOARD OF EDUCATION OF THE CITY SCHOOL : #2D - 12/20/78
DISTRICT OF THE CITY OF NEW YORK, :
Employer, :
-and- : Case No. C-1530
NEW YORK STATE NURSES ASSOCIATION, :
Petitioner, :
-and- :
UNITED FEDERATION OF TEACHERS, LOCAL 2, :
AFT, 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 the 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 described below, as their representative for the purpose of collective negotiations and the settlement of grievances.

Unit: Included: Head nurse, staff nurses, physical therapists, senior physical therapists, occupational therapists and senior occupational therapists.

Excluded: All other employees.

Further, IT IS ORDERED that the above named public employer shall negotiate collectively with the 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 20th day of December, 1978
Albany, New York

Harold R. Newman
Harold R. Newman, Chairman

Ida Klaus
Ida Klaus, Member

David C. Randles
David C. Randles, Member

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of : #2D - 12/20/78
:
TOWN OF CAMILLUS, :
:
Employer, :
: Case No. C-1754
- and - :
:
THE CIVIL SERVICE EMPLOYEES ASSOCIATION, :
LOCAL 1000, AFSCME, :
:
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 Civil Service Employees Association, Local 1000, AFSCME

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: A blue collar unit - all blue collar employees in the highway, water, parks, landfill and animal control departments who are full time and non seasonal including laborers, dog wardens, motor equipment operators, maintenance workers, recreational groundsmen and automobile mechanics.

Excluded: All white collar employees, elected officials, foremen and assistant foremen.

Further, IT IS ORDERED that the above named public employer shall negotiate collectively with The Civil Service Employees Association, Local 1000, AFSCME

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 December, 1978
Albany, New York

Harold R. Newman
Harold R. Newman, Chairman

Ida Klaus
Ida Klaus, Member

David C. Randles
David C. Randles, Member