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Board (PERB)

2-26-1980

State of New York Public Employment Relations Board Decisions from February 26, 1980

New York State Public Employment Relations Board

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State of New York Public Employment Relations Board Decisions from February 26, 1980

Keywords

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Comments

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STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	:	#2A - 2/26/80
UNIT 8456, CHAPTER 864, CIVIL SERVICE EMPLOYEES ASSOCIATION,	:	
	:	
-and-	:	BOARD DECISION AND ORDER
	:	
CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000, AFSCME,	:	<u>Case No. D-0185</u>
	:	
Respondents,	:	
	:	
upon the Charge of Violation of Section 210.1 of the Civil Service Law.	:	
	:	

On November 5, 1979, Martin L. Barr, Counsel to this Board, filed a charge alleging that Unit 8456, Chapter 864, Civil Service Employees Association (the Unit) had violated Civil Service Law (CSL) §210.1 in that it caused, instigated, encouraged, condoned, and engaged in a strike against the Saratoga Springs City School District (District), a public employer as defined in CSL §201.

The charge further alleged that the strike took place during the eight-day work period commencing September 5, 1979, through September 19, 1979, inclusive, involving approximately 60 drivers and mechanics employed by the District.

In addition, the charge named the Civil Service Employees Association, Inc., Local 1000, AFSCME (CSEA), as a party respondent because the Unit has authorized the District to remit its CSL §208 deductions to CSEA and because the charging party contemplated recommending an order directing the District to cease making and remitting said deductions in their entirety without regard as to

whether there had been any participation by the CSEA in the strike.

Respondents filed an answer but thereafter agreed to withdraw it, 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 the Unit's deduction privileges to the extent of two-thirds (66 2/3%) of the amount that would otherwise be deducted during a year^{1/}. The charging party has recommended a suspension of the deduction privileges equal to two-thirds of the annual amount of such deductions.

On the basis of the unanswered charge, we find that the Unit 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 the deduction privileges of Unit 8456,


Chapter 864, Civil Service Employees Association, including any remittances therefrom to the Civil Service Employees Association, Inc., Local 1000, AFSCME, be suspended, commencing on the first practicable date, and continuing for such period of time during which two-thirds (66 2/3%) of the annual amount of dues and agency shop fees would otherwise be deducted by the Saratoga Springs School District on behalf of Unit 8456, Chapter

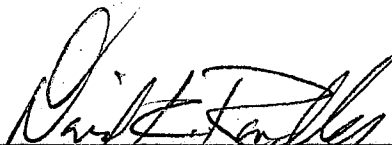
^{1/} This is intended to be the equivalent of an eight-month suspension of the dues and agency fee deduction privileges. Since the deductions are not made uniformly throughout the year, the penalty is expressed as a percentage of the annual deduction.

864, Civil Service Employees Association. Thereafter, no deductions shall be made on its behalf by the Saratoga Springs City School District until Unit 8456, Chapter 864, Civil Service Employees 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: Ithaca, New York
February 27, 1980


Harold R. Newman, Chairman


Ida Klaus, Member


David C. Randles, Member

NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of : #2B - 2/26/80
MILLER PLACE TEACHERS ASSOCIATION, (NYSUT, :
AFL-CIO), Respondent, : BOARD DECISION
AND ORDER
upon the Charge of Violation of Section :
210.1 of the Civil Service Law. Case No. D-0183

On October 22, 1979, Martin L. Barr, Counsel to this Board, filed a charge alleging that the Miller Place Teachers Association (respondent) had violated Civil Service Law (CSL) §210.1 in that it caused, instigated, encouraged, condoned, and engaged in a strike against the Miller Place Union Free School District on September 5, 6, 7, 10, 11, 12, and 13, 1979. The charge further alleged that approximately 130 teachers out of a negotiating unit of 134 participated in the strike.


Respondent filed an answer but thereafter agreed to withdraw it, thus admitting all the factual allegations of the charge, upon the understanding that the charging party would recommend and this Board would accept a penalty of loss of its deduction privileges to the extent of sixty percent (60%) of the amount which would otherwise be deducted during a year^{1/}. The charging party has so recommended.


^{1/} This is intended to be the equivalent of a seven-month suspension of the privileges if deductions were made uniformly from each payroll throughout the year. In fact, the deductions are not made in this manner.

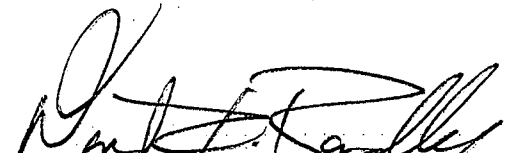
On the basis of the unanswered charge, we find that the respondent violated CSL §210.1 in that it engaged in a strike as charged, and we determine that the recommended penalty is a reasonable one.

WE ORDER that all dues deduction privileges of the Miller Place Teachers Association and agency shop fee privileges, if any, be suspended commencing on the first practicable date, and continuing for such period of time during which sixty percent (60%) of its annual dues and agency shop fees, if any, would otherwise be deducted. Thereafter, no dues or agency shop fees shall be deducted on its behalf by the Miller Place Union Free School District until the Miller Place 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: Ithaca, New York
February 26, 1980


Harold R. Newman, Chairman


Ida Klaus, Member


David C. Randles, Member

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :
PORT BYRON CENTRAL SCHOOL DISTRICT, : #3A - 2/26/80
Employer, :
-and- : Case No. C-1995
PORT BYRON TEACHERS ASSOCIATION, NYSUT, :
AFT, :
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 Port Byron 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: All regular teaching employees (including long-term substitutes who are employed as temporary teachers for one semester or more) requiring teacher certification, below the level of Assistant Building Principal.

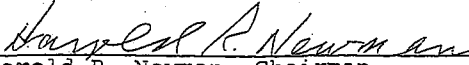
Excluded: All other employees.

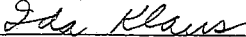
Further, IT IS ORDERED that the above named public employer shall negotiate collectively with

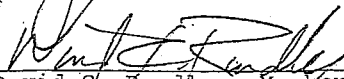
Port Byron Teachers Association, NYSUT, AFT

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 25th day of February, 1980
Ithaca, New York


Harold R. Newman, Chairman


Ida Klaus, Member


David C. Randles, Member

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STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIO BOARD

In the Matter of : #3B - 2/26/80
SAUGERTIES CENTRAL SCHOOL DISTRICT, :
Employer, :
-and- :
SAUGERTIES EDUCATORS ASSOCIATION, : Case No. C-1998
NYEA/NEA, :
Petitioner, :
-and- :
SAUGERTIES TEACHERS ASSOCIATION, :
NEW YORK STATE UNITED TEACHERS, AFT, :
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 Saugerties Teachers Association, New York State United Teachers, 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.

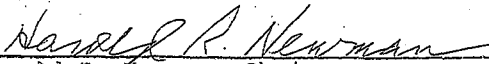
Unit: Included: All certified professional personnel.

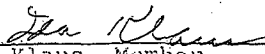
Excluded: Superintendent of Schools, Directors of Curriculum and Administrative Services, Building Principals and Assistant Principals and other administrators above the Assistant Principal level.

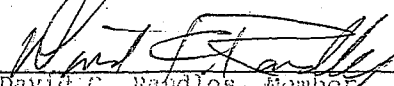
Further, IT IS ORDERED that the above named public employer shall negotiate collectively with the Saugerties Teachers Association, New York State United Teachers, AFT

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 25th day of February, 1980
Ithaca, New York


Harold R. Newman, Chairman


Ida Klaus, Member


David C. Randles, Member