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State of New York Public Employment Relations Board Decisions from February 9, 2009

New York State Public Employment Relations Board

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State of New York Public Employment Relations Board Decisions from February 9, 2009

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STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of

COUNCIL 82, NEW YORK STATE LAW
ENFORCEMENT OFFICERS UNION, AFSCME,
AFL-CIO,

Petitioner,

-and-

CASE NO. C-5818

COUNTY OF ROCKLAND AND ROCKLAND COUNTY
SHERIFF,

Employer,

-and-

UNITED FEDERATION OF POLICE OFFICERS,
INC.,

Intervenor/Incumbent.

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 Council 82, New York State Law Enforcement

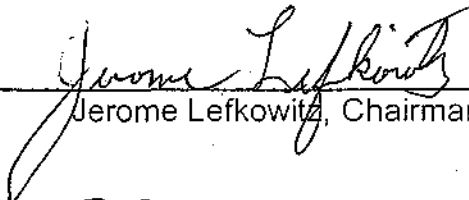
Officers Union, AFSCME, AFL-CIO has been designated and selected by a majority of the employees of the above-named public employer, in the unit agreed upon by the parties and described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Included: All part-time and relief Deputy Sheriffs.

Excluded: All others.

FURTHER, IT IS ORDERED that the above named public employer shall negotiate collectively with Council 82, New York State Law Enforcement Officers Union, AFSCME, AFL-CIO. The duty to negotiate collectively includes the mutual obligation to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written agreement incorporating any agreement reached if requested by either party. Such obligation does not compel either party to agree to a proposal or require the making of a concession.

DATED: February 9, 2009
Albany, New York


Jerome Lefkowitz, Chairman


Sheila S. Cole, Member

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of

MICHELLE CHAMBERLIN,

Petitioner,

- and -

CASE NO. C-5830

ARKPORT CENTRAL SCHOOL DISTRICT,

Employer,

- and -

ARKPORT STAFF UNITED,

Intervenor/Incumbent.

MICHELLE CHAMBERLIN, for Petitioner

HOGAN & SARZYNSKI (JOHN LYNCH of counsel), for Employer

TINA BEVILACQUA, for Intervenor/Incumbent

BOARD DECISION AND ORDER

On September 22, 2008, Michelle Chamberlin (petitioner) filed, in accordance with the Rules of Procedure of the Public Employment Relations Board, a timely petition seeking decertification of Arkport Staff United as the exclusive representative of certain employees of the Arkport Central School District (employer).

Thereafter, the parties consented to an agreement in which they stipulated

that the following negotiating unit was appropriate:

Included: All full-time and part-time employees in the titles of: Teacher Aide (including Special Education Aide, Library Aide, Instructional Aide), Maintenance Mechanic, Head Building Maintenance Mechanic, Groundskeeper, Student Services Secretary, Account Clerk/Payroll, Attendance Coordinator, Cleaner, Custodian, and all other secretarial, buildings, grounds and maintenance titles, and computer support titles employed by the Arkport Central Schools.

Excluded: Secretary to the Superintendent and all other employees.

Pursuant to that agreement, a secret-ballot election was held on January 5, 2009, at which a majority of ballots were cast for representation by the intervenor/incumbent.

Inasmuch as the results of the election indicate that a majority of the eligible voters in the unit who cast ballots desire to be represented for the purpose of collective bargaining by the intervenor/incumbent, IT IS ORDERED that the petition should be, and it hereby is, dismissed.

DATED: February 9, 2009
Albany, New York


Jerome Lefkowitz, Chairman


Robert S. Hite, Member


Sheila S. Cole, Member

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of

DAVID WINFIELD,

Petitioner,

-and-

CASE NO. C-5820

JORDAN-ELBRIDGE CENTRAL SCHOOL DISTRICT,

Employer,

-and-

**CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.,
LOCAL 1000, AFSCME, AFL-CIO, LOCAL 834,
UNIT 7819,**

Intervenor/Incumbent.

DAVID WINFIELD, for Petitioner

MEVEC & COGNETTI (DANNY L. MEVEC of counsel), for Employer

**NANCY E. HOFFMAN, GENERAL COUNSEL (STEVEN A. CRAIN of counsel),
for Intervenor**

BOARD DECISION AND ORDER

On July 18, 2008, David Winfield (petitioner) filed a timely petition for decertification of the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Local 834, Unit 7819 (intervenor), the current negotiating representative for employees in the following unit:

Included: All Full-time and Part-time School Bus Drivers and School Bus Attendant.

Excluded: All other employees, causal and substitute employees..

Upon consent of the parties, a mail ballot election was held on December 2, 2008. The results of this election show that the majority of eligible employees in the unit who cast valid ballots no longer desire to be represented for purposes of collective negotiations by the intervenor.^{1/}

THEREFORE, IT IS ORDERED that the intervenor be, and it hereby is, decertified as the negotiating agent for the unit.

DATED: February 9, 2009
Albany, New York



Robert S. Hite, Member



Sheila S. Cole, Member

^{1/} Of the 23 ballots cast, 8 were for representation and 15 against representation. There were no challenged ballots.