



Cornell University  
ILR School

Cornell University ILR School  
**DigitalCommons@ILR**

---

Board Decisions - NYS PERB

New York State Public Employment Relations  
Board (PERB)

---

3-18-2009

## State of New York Public Employment Relations Board Decisions from March 18, 2009

New York State Public Employment Relations Board

Follow this and additional works at: <http://digitalcommons.ilr.cornell.edu/perbdecisions>

Thank you for downloading an article from DigitalCommons@ILR.

Support this valuable resource today!

---

This Article is brought to you for free and open access by the New York State Public Employment Relations Board (PERB) at DigitalCommons@ILR. It has been accepted for inclusion in Board Decisions - NYS PERB by an authorized administrator of DigitalCommons@ILR. For more information, please contact [hlmdigital@cornell.edu](mailto:hlmdigital@cornell.edu).

---

# State of New York Public Employment Relations Board Decisions from March 18, 2009

**Keywords**

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

**Comments**

This document is part of a digital collection provided by the Martin P. Catherwood Library, ILR School, Cornell University. The information provided is for noncommercial educational use only.

**STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD**

---

In the Matter of

**UNITED PUBLIC SERVICE EMPLOYEES UNION,**

Petitioner,

-and-

**CASE NO. C-5828**

**VILLAGE OF WHITEHALL,**

Employer,

-and-

**COUNCIL 82, 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 the United Public Service Employees Union 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 full-time Police Officers and Sergeants.

Excluded: All other employees.

FURTHER, IT IS ORDERED that the above named public employer shall negotiate collectively with United Public Service Employees Union. 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: March 18, 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

**UNITED PUBLIC SERVICE EMPLOYEES UNION,**

Petitioner,

-and-

**CASE NO. C-5843**

**CARLE PLACE UNION FREE SCHOOL DISTRICT,**

Employer,

-and-

**CARLE PLACE EDUCATIONAL SUPPORT STAFF  
ASSOCIATION,**

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,<sup>1</sup>

Pursuant to the authority vested in the Board by the Public Employees' Fair Employment Act,

IT IS HEREBY CERTIFIED that the United Public Service Employees Union has been designated and selected by a majority of the employees of the above-named

---

<sup>1</sup> By letter dated December 22, 2008, Carle Place Educational Support Staff Association disclaimed any representational interest in the unit.

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 full-time Clerk, Senior Clerk Typists, Clerk Typists, Senior Stenographers, Stenographers, Stenographic Secretaries, Senior Account Clerks and Duplication Machine Operator.

Excluded: Personnel Clerks, Superintendent's Secretary, Principal Typist Clerk in the Business Office and all other employees.

FURTHER, IT IS ORDERED that the above named public employer shall negotiate collectively with the United Public Service Employees Union. 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: March 18, 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

**ADMINISTRATIVE PROFESSIONAL GROUP, NEW YORK  
STATE UNITED TEACHERS/AFT, AFL-CIO,**

Petitioner,

-and-

**CASE NO. C-5630**

**CAYUGA COUNTY COMMUNITY COLLEGE,**

Employer.

---

**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 Administrative Professional Group, affiliated with the 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 found to be appropriate and described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Included: Admissions Assistant, Admissions Assistant (PT), Admissions Recruiter, Assistant Comptroller, Assistant Director of Admissions, Assistant Director of Buildings and Grounds, Assistant Director Cayuga Advantage, Assistant Director of Financial Aid, Assistant Director of Fulton Campus,

Assistant Director of Publications and Communications, Assistant Registrar (PT), Athletic Trainer, Banner Functional Support Specialist, CILL Director, Computer Programmer, Coordinator of Electronic Media and Voice Communications, Coordinator of College Health Services, Coordinator of Security Coordinator of Theatre Operations, Director of Admissions, Director of Adult Learning, Director of Building and Grounds, Director of Business Services, Comptroller, Director of Distance Learning, Evening and Special Programs, Director of Information Technology, Director of Institutional Research and Planning, Director of Publications and Communications, Instructional Assistant, Instructional Assistant (PT), Network Operations Administrator, Registrar, Voice and Technical Education Admissions Counselor.

Excluded: All other titles.

FURTHER, IT IS ORDERED that the above named public employer shall negotiate collectively with the Administrative Professional Group, affiliated with the New York State United Teachers/AFT, 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: March 18, 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

**WEST ISLIP SECRETARIAL EMPLOYEES,**

Petitioner,

-and-

**CASE NO. C-5849**

**WEST ISLIP UNION FREE SCHOOL DISTRICT,**

Employer,

-and-

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

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 the West Islip Secretarial Employees 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

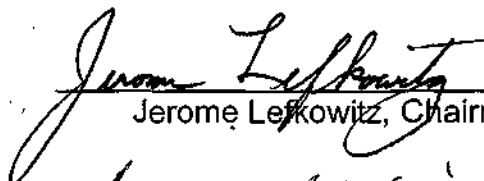
representative for the purpose of collective negotiations and the settlement of grievances.

Included: Clerks, Clerk Typist, Senior Clerk Typist, Steno, Senior Steno, Account Clerk, Senior Account Clerk, Switchboard Operator, Duplicating and Bookkeeping Machine Operator, Computer Operator, Computer Programmers, Handicapped Services Aide, Principal Stenographer, Principal Account Clerk, School Administrative Aide, Secretarial Assistant and School Attendance Aide.

Excluded: All other titles.

FURTHER, IT IS ORDERED that the above named public employer shall negotiate collectively with the West Islip Secretarial Employees. 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: March 18, 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

**UNITED PUBLIC SERVICE EMPLOYEES UNION,**

Petitioner,

-and-

**CASE NO. C-5844**

**COPIAGUE UNION FREE SCHOOL DISTRICT,**

Employer,

-and-

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

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 the United Public Service Employees Union 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 full-time employees employed by the employer in the category of non-supervisory service employees including Maintenance, Groundskeepers and Custodial Workers.

Excluded: All other employees.

FURTHER, IT IS ORDERED that the above named public employer shall negotiate collectively with the United Public Service Employees Union. 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: March 18, 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

**UNITED PUBLIC SERVICE EMPLOYEES UNION,**

Petitioner,

- and -

**CASE NO. C-5845**

**LINDENHURST UNION FREE SCHOOL DISTRICT,**

Employer,

- and -

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

Intervenor/Incumbent.

---

**RICHARD M. GREENSPAN, ESQ., for Petitioner**

**GUERCIO & GUERCIO (JODI BENJAMIN FEINER, Esq., of counsel), for  
Employer**

**STEVEN A. CRAIN, ESQ., for Intervenor/Incumbent**

**BOARD DECISION AND ORDER**

On November 4, 2008, the United Public service Employees Union (petitioner) filed, in accordance with the Rules of Procedure of the Public Employment Relations Board, a timely petition seeking certification as the exclusive representative of certain employees of the Lindenhurst Union Free School District (employer).

Thereafter, the parties executed a consent agreement in which they stipulated

that the following negotiating unit was appropriate:

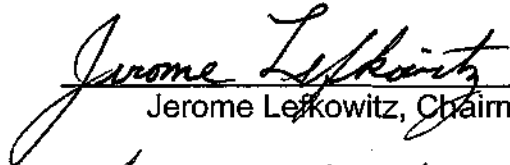
Included: All full-time custodians, groundspersons and maintenance personnel.

Excluded: Plant Facility Administrator, Asst. Plant Facility Administrator, Custodial Supervisor, Tabulating Unit Supervisor, Aide Monitors, Cafeteria Aides, Playground Aides, Library Aides, Classroom Aides & Receptionist.

Pursuant to that agreement, a secret-ballot election was held on January 23, 2009, at which a majority of ballots were cast against representation by the petitioner.

Inasmuch as the results of the election indicate that a majority of the eligible voters in the unit who cast ballots do not desire to be represented for the purpose of collective bargaining by the petitioner, IT IS ORDERED that the petition should be, and it hereby is, dismissed.

DATED: March 18, 2009  
Albany, New York

  
Jerome Leffkowitz, Chairman

  
Robert S. Hite, Member

  
Sheila S. Cole, Member