

NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD



News

George Fowler Resigns From PERB Board

George H. Fowler, a member of the State Public Employment Relations Board since its inception five years ago, has submitted his resignation to Governor Rockefeller effective August 31.

Mr. Fowler, who has been active in state government since 1959, will continue to serve in the public employment relations field on the university level.

He was named as one of the original three members of the State PERB on June 21, 1967 for a term ending May 31, 1973. He had resigned as chairman of the State Commission for Human Rights to accept this appointment. Prior to this, he had served from 1959 to 1961 as Deputy Industrial Commissioner of Labor in charge of the New York office.

In a resolution adopted by the Board, Dr. Helsby and Professor Crowley thanked Mr. Fowler for his dedicated service during the five difficult formative years of the Board. They expressed appreciation for his "sensitive understanding of the negotiations process which he shared with the Board and which has often assisted the Board in the adoption of sound policies and in the alleviation and resolution of labor relations conflicts throughout the State."

State Employees Face Elections

State employees will vote in two separate elections this fall to select negotiating representatives.

In a State Police election ballots were mailed on September 18 and will be counted at PERB headquarters in

Continued on Page 3

TAYLOR LAW-FIVE YEARS OLD

The Taylor Law reached a milestone on September 1 when it effectively completed five years since the enactment of the Law in 1967. In that period of time, the law has gone through a few major and some minor changes and a considerable body of experience has been accumulated by public employees, employers, employee organizations and the Public Employment Relations Board which administers the law.

Some 900,000 state and local public employees now exert their rights under the Law. Included in this number are about 280,000 professional or non-professional employees of boards of education and 175,000 local government employees.

In the five years, more than 12,000 agreements have been negotiated, over 70% without the need for third party assistance. While the number of multi-year contracts has been increasing slowly, the norm is still the one year-contract.

Through June 30, 1972, PERB closed 2,650 impasses — 54% at the mediation stage. Of the nearly 1,200 cases closed by fact-finding, 25% were closed through mediation by the fact-finder; the parties accepted the fact-finder's recommendations in 32% of the cases, and additional negotiations based on the report and recommendations occurred in 42% of the cases closed.

Again through June 30, there had been 144 work stoppages varying from one-shift demonstrations to a few with substantial impact. Most of the stoppages occurred in the initial years, a pattern often noted in states passing similar laws. Strikes since have been relatively minimal in terms of number of strikes, employees involved, and lost time.

Some 1,100 public employees negotiate with various employee organizations representing 2,500 negotiating units. In the five year period, PERB has received 835 petitions for the establishment of negotiating units, has conducted 196 elections and processed 628 improper practice charges.

Public Library, New York City Designated Joint Employer

New York Public Library employees have been found by PERB to be public employees for labor relations purposes, and at the same time the Library and the City of New York were designated as a joint employer.

As a result, the State PERB dismissed a charge by a library employee alleging that the Library violated the Taylor Law by its intention to deduct agency shop payments on behalf of District Council #37, American Federation of State, County and Municipal Employees, AFL-CIO.

The first issue faced by PERB in this allegation was whether or not the library is subject to the provisions of the Taylor Law. While the union and the library stipulated that the library is "legally independent of the City", the City of New York called for a determination that it is a "joint public

Continued on Page 3

PERB DECISIONS

REPRESENTATION

Director

Local 200, Service Employees' International Union, AFL-CIO for maintenance laborers and mechanics of Albany Housing Authority. Sufficient evidence for certification without election. 8/11/72.

County of Rensselaer — Rensselaer County Probation Officers Association and Civil Service Employees Association, Inc. Howard A. Rubenstein, Assistant Director of Representation, dismissed petition for separate unit of probation officers. 8/14/72.

Plainview-Old Bethpage Public Schools, Town of Oyster Bay — Plainview-Old Bethpage Federation of Teachers, Local 1401, AFT, AFL-CIO, and Local 237, International Brotherhood of Teamsters. Unit: school aides. Election ordered. 8/24/72. (See page 3).

Amityville Reading Teachers Association for all part-time reading teachers in Amityville Public Schools. Sufficient showing of interest to warrant certification without election. 9/11/72.

Board

Amityville Public Schools — Amityville Reading Teachers Association. Unit of all part-time reading teachers established. Election ordered. 8/17/72.

New York City Transit Authority — Rank and File Committee for a Democratic Union within the New York City Transit Authority and Local 100, Transport Workers Union of America, AFL-CIO. Decertification petition dismissed as not timely and lacking required 30% showing of interest. 8/31/72.

Suffolk County Water Authority — Utility Workers Union of America, AFL-CIO. Dismissal of union petition to represent all engineering department personnel. Majority of voters voted against representation. 9/14/72.

Certification

Local 200, Service Employees' International Union, AFL-CIO for maintenance laborers and mechanics in the Albany Housing Authority. Without election. 9/14/72.

Elmira City Unit, Chemung County Chapter, Civil Service Employees Association for all employees holding a position by appointment or employment in the City of Elmira. Election 8/18/72. Decision 9/14/72.

IMPROPER PRACTICES

Hearing Officer

City of Lockport — The Hickory Club Police Benevolent Association, Inc. Charge that the City refused to execute a negotiated agreement. Howard A. Rubenstein recommended that City be ordered to execute a contract containing proposals of fact-finder as set forth in report of December 24, 1970. 8/8/72.

Central School District #5, Towns of Huntington and Babylon — Half Hollow Hills Teachers Association, Inc. Charge that the school district denied tenure to a teacher because of union activity. Harvey Milowe recommended dismissal of the charge. 8/14/72.

City of Mount Vernon — Local 456, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. Charge that City refused to negotiate terms and conditions of employment for calendar 1972. Cole H. Pilcher recommended that City be ordered to negotiate in good faith on demand for 1972. 9/6/72.

Board

The New York Public Library, Astor, Lenox and Tilden Foundations — Richard M. Brower and District Council 37, American Federation of State, County and Municipal Employees, AFL-CIO and New York Public Library Guild Local 1930. Charge that Library intended to deduct agency shop payments. Board found Library and New York City a joint employer; referred improper practice to NYC Board of Collective Bargaining. 8/31/72. (See page 1)

Union Free School District #11, Town of Greenburgh — Greenburgh #11 Federation of Teachers, Local 1532 AFT, AFL-CIO. Charge that district failed to negotiate in good faith. District ordered to negotiate in good faith economic terms and conditions of employment. 8/31/72.

Harborfields Central School District #6, Huntington — Harborfields Teachers Association, Inc. Charge that school district refused to negotiate in good faith. Dismissed. 9/14/72.

STRIKE

Hearing Officer

Nyack Teachers Association. Harvey Milowe found the Association in violation of the Law and recommended penalty reflect limited nature and extent of a 1-day strike, the absence of any impact on public health and safety and absence of extreme provocation. 9/8/72.

Board

Yonkers Federation of Teachers, Local 860, AFT, AFL-CIO. 12 months dues forfeiture for 8-day walkout by teachers in Yonkers City School District. 8/17/72.

Greenburgh #11, Federation of Teachers, Local 1532, AFT, AFL-CIO. Dues forfeiture limited to 6 months because of extreme provocation by employer, Childrens Village, Inc. 8/31/72.

Local 200, SEIU. Record did not prove that union encouraged or condoned the strike. Dismissed. 9/14/72.

Hudson Teachers Association and New York State Teachers Association. 9 months dues deduction loss for both organizations for 8 day strike in Hudson City School District. 9/14/72.

PERB Newsletter

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