

STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of

BOARD OF EDUCATION OF THE CITY SCHOOL  
DISTRICT OF THE CITY OF NEW YORK,

Employer,

-and-

ATTENDANCE TEACHERS ORGANIZING COMMITTEE,  
Petitioner,

-and-

UNITED FEDERATION OF TEACHERS, LOCAL 2,  
AFT, AFL-CIO,

Intervenor.

BOARD DECISION AND

ORDER

CASE NO. C-2002

In the Matter of

BOARD OF EDUCATION OF THE CITY SCHOOL  
DISTRICT OF THE CITY OF NEW YORK,

Respondent,

-and-

MARVIN DATZ and ATTENDANCE TEACHERS  
ORGANIZING COMMITTEE,

Charging Parties.

CASE NO. U-4438

In the Matter of

BOARD OF EDUCATION OF THE CITY SCHOOL  
DISTRICT OF THE CITY OF NEW YORK and  
UNITED FEDERATION OF TEACHERS, LOCAL 2,  
AFT, AFL-CIO,

Respondents,

-and-

ATTENDANCE TEACHERS ORGANIZING COMMITTEE,  
Charging Party.

CASE NO. U-4567

JACK SCHLOSS, ESQ. and DAVID, BASS, ESQ.,  
for the New York City Board of Education

JAMES R. SANDNER, ESQ., for United Federation  
of Teachers, Local 2, AFT, AFL-CIO

MARVIN DATZ and RAYMOND A. CLIFFORD, on  
behalf of Petitioner/Charging Parties

6685

Case C-2002 comes to us on the exceptions of Raymond A. Clifford on behalf of a group of employees that styles itself as "ATOC-NEA/NYC" to a decision of the Director of Public Employment Practices and Representation (Director) dismissing a petition on the ground that "the organization which filed the petition no longer appears before PERB". The petition, which was filed on November 30, 1979, sought the decertification of United Federation of Teachers, Local 2, AFT, AFL-CIO (UFT) as the representative of a unit of 260 attendance teachers and others employed by the Board of Education of the City School District of the City of New York (District). It also sought the certification of the petitioner in that negotiating unit.

An election was held on March 11, 1980 in which 146 votes were cast for UFT and 31 votes for ATOC-NEA/NYC. On March 13, 1980, Daniel McKillip, an employee of NEA, and the spokesman of NEA/NYC, informed this Board that the petitioners did not intend to challenge the results of the election. A few days later, Clifford, the signer of the petition, filed timely objections.<sup>1</sup> On March 26, 1980, McKillip wrote to this Board that the objections were withdrawn. Clifford then sent a Mailgram to this Board stating that McKillip was without authority to withdraw the objections and that petitioner stands on the objections.

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<sup>1</sup> In its objections, petitioner alleges that the District denied it appropriate access rights. The allegations that are the basis of the objections are also the basis of petitioner's charge in Case U-4567.

The Director scheduled a hearing to ascertain whether there were objections before this Board. There was no testimony at the hearing but Marvin Datz, who appeared on behalf of Clifford, persisted in maintaining that the group he represented was ATOC-NEA/NYC. The Director concluded that ATOC-NEA/NYC had ceased to exist and, consequently, that petitioner, too, had ceased to exist. Accordingly, the Director dismissed the petition. On the same day, the hearing officer assigned to U-4567 dismissed that charge on the ground that the charging party and the petitioner were identical and, therefore, charging party, too, no longer existed before PERB.

Having reviewed the record in Cases C-2002 and U-4567, we find that all we have before us are the conflicting statements of McKillip and Clifford as to the objections to the election and the allegations by Datz as to the identity of the group that he and Clifford represent. This is inadequate evidence on which to determine whether the group represented by Clifford and Datz has a sufficient identity with the organization that stood in the election as petitioner to warrant our consideration of its objections to the election.<sup>2</sup>

We require specific evidence as to the respective authority of McKillip and Clifford to speak for the group that appeared in the election as the petitioner. We also require specific evidence as to the relationship of ATOC to NEA and to NEA/NYC so

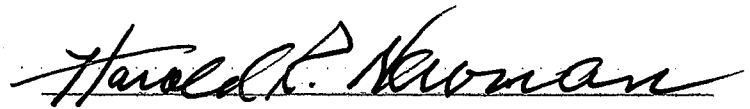
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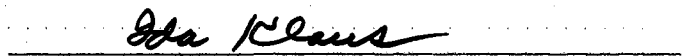
<sup>2</sup> It follows that there is insufficient evidence to justify a conclusion that the charging party in Case U-4567 is no longer before this Board.

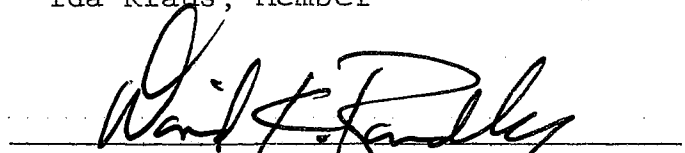
as to ascertain the relationship of the group that is now before us to the group that appeared in the election as the petitioner and to the charging party in Case U-4567.

NOW, THEREFORE, WE DIRECT that a hearing be held for the sole purpose of inquiring into these specific matters and that the evidence be transmitted to us.

DATED: Albany, New York  
January 6, 1981

  
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  
DISTRICT OF THE CITY OF NEW YORK,

BOARD DECISION AND ORDER

Respondent,

CASE NO. U-4422

-and-

BRUCE J. RAMER,

Charging Party.

THOMAS A. LIESE, ESQ., for Respondent

BERNARD WRAY, ESQ., for Charging Party

This matter comes to us on the exceptions of Bruce J. Ramer to a hearing officer's decision dismissing his charge. The charge alleged that the Board of Education of the City School District of the City of New York (District) engaged in acts of discrimination and coercion against him because of his exercise of rights protected by the Taylor Law. More particularly, Mr. Ramer alleged that after filing grievances, and as a result thereof, he was harrassed by the District.

On the record before him, the hearing officer found that Ramer's case merely stood upon a suspicion that derived from the coincidence of the timing of Ramer's grievances and certain actions of his supervisors, but that the evidence established that there was no causal relationship between the events. He credited the testimony of Gloria Rakovic, Ramer's principal, and Stephen Shapiro, her teacher coordinator, that the treatment of Ramer which he complained about resulted from his poor performance of his job and not from his filing of grievances.

Ramer has filed exceptions to the decision of the hearing officer dismissing his charge. He asserts that there is evidence that the action of Rakovic and Shapiro was motivated by "animus". He further argues that the reasons given by Rakovic and Shapiro for their treatment of him are, as a matter of law, not credible because they are based upon hearsay.

Having reviewed the evidence, we affirm the decision of the hearing officer. For an employer to harass an employee shortly after the employee exercised a protected right may be sufficient to raise a suspicion of a causal relationship. Here, however, there is no evidence of a causal relationship between the grievances filed by Ramer and Rakovic's and Shapiro's treatment of him. The record indicates that Rakovic and Shapiro were hostile to Ramer, but not that the hostility was related to Ramer's exercise of protected rights. On the contrary, it shows that the hostility to Ramer was personal and not directed to the employee organization that represents Ramer or to the process under which the grievances were filed.

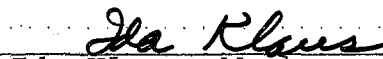
There is much evidence in the record that Rakovic and Shapiro received complaints about Ramer relating to Ramer's relations with students and fellow teachers. Some of the testimony might be considered hearsay if the issue in question before us were whether Ramer has performed as poorly as alleged in the complaints. The issue, however, is not the quality of Ramer's performance, but the motivation of Rakovic and Shapiro for their treatment of Ramer. The question before the hearing officer was

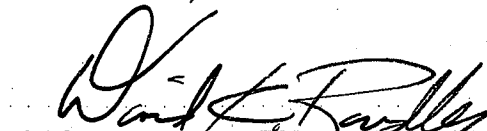
whether Rakovic and Shapiro could reasonably have believed the complaints about Ramer, and whether they acted upon those complaints. The hearing officer was persuaded by the evidence that Rakovic and Shapiro could have reasonably believed the complaints about Ramer and that they did so. He was further persuaded that their treatment of Ramer was precipitated by those complaints and by their judgments that he performed poorly in his job. We affirm the decision of the hearing officer.

NOW, THEREFORE, WE ORDER that the charge herein be, and it hereby is, dismissed.

Dated, Albany, New York  
January 5, 1981

  
Harold R. Newman, Chairman

  
Ida Klaus, Member

  
David C. Randles, Member

STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :  
LAWRENCE UNION FREE SCHOOL DISTRICT, :  
-and- Employer, :  
LAWRENCE PUBLIC SCHOOLS ASSOCIATION OF :  
COUNSELORS AND PSYCHOLOGISTS, : Case No. C-1893  
-and- Petitioner, :  
LAWRENCE TEACHERS ASSOCIATION, :  
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 Lawrence Public Schools Association of Counselors and Psychologists has been designated and selected by a majority of the employees of the above named public employer, in the unit described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

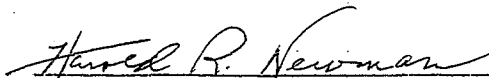
Unit: Included: Guidance counselors and psychologists.

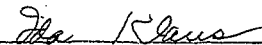
Excluded: All other employees.

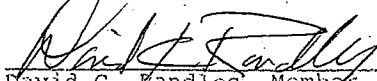
Further, IT IS ORDERED that the above named public employer shall negotiate collectively with Lawrence Public Schools Association of Counselors and Psychologists

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 5th day of January, 1981  
Albany, New York

  
Harold R. Newman, Chairman

  
Ida Klaus, Member

  
David C. Randles, Member

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STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of  
VILLAGE OF AVON,  
Employer,  
-and-  
SERVICE EMPLOYEES INTERNATIONAL UNION,  
LOCAL 200, AFL-CIO,  
Petitioner.  
Case No. C-2981

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 Service Employees International Union, Local 200, 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 exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit: Included: All full-time and regular part-time patrolmen.

Excluded: Chief of Police and all other employees.

Further, IT IS ORDERED that the above named public employer shall negotiate collectively with Service Employees International Union, Local 200, 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 5th day of January, 1981  
Albany, New York

*Harold R. Newman*  
Harold R. Newman, Chairman

*Ida Klaus*  
Ida Klaus, Member

*David C. Randles*  
David C. Randles, Member

6693

PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :  
STATE OF NEW YORK (DIVISION OF STATE POLICE), :  
Employer, :  
- and - :  
FRATERNAL ORDER OF NEW YORK STATE TROOPERS, : Case No. C-2111  
LOCAL 1908, AFL/CIO, :  
Petitioner, :  
- and - :  
POLICE BENEVOLENT ASSOCIATION OF NEW :  
YORK STATE POLICE, INC., :  
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 Police Benevolent Association of New York State Police, Inc.

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: Investigators, Senior Investigators and Investigative Specialists.

Excluded: All other employees.

Further, IT IS ORDERED that the above named public employer shall negotiate collectively with the Police Benevolent Association of New York State Police, Inc.

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 5th day of January, 1981  
Albany, New York

Harold R. Newman  
Harold R. Newman, Chairman

Ida Klaus  
Ida Klaus, Member

David C. Randles  
David C. Randles, Member

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PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :  
COUNTY OF ERIE AND SHERIFF OF ERIE COUNTY, :  
Employer, :  
- and - :  
ERIE COUNTY DEPUTY SHERIFF POLICE : Case No. C-2050  
BENEVOLENT ASSOCIATION, :  
Petitioner, :  
- and - :  
ERIE COUNTY SHERIFF'S DEPARTMENT EMPLOYEES :  
LOCAL 2060, 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 Erie County Sheriff's Department Employees Local 2060, Council 82, AFSCME, 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 exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit: Included: Assistant Bookkeeper Deputy, Assistant Chief Deputy-Civil, Assistant Chief Deputy-Criminal, Chief Account Clerk (Deputy), Chief Identification Officer (Deputy), Clerk Stenographer (Deputy), Clerk-Typist (Deputy), Communications Officer (Deputy), Deputy Sheriff (Female), Deputy Sheriff-Civil, Deputy Sheriff Criminal-Courts, Deputy Sheriff-Criminal, Detective Deputy, Identification Officer (Deputy), Laborer (Sheriff), Lieutenant, Principal Court Deputy, Senior Account Clerk (Deputy), Senior Clerk-Stenographer (Deputy), Senior Communications Officer (Deputy), Sergeant, Special Duty Sheriff Trainee, Special Service Officer, Assistant Cook (Holding Center), Chaplain (R.P.T.) (Holding Center), Cleaner (Holding Center), Clerk-Stenographer (Deputy), Cook (Holding Center), Head Nurse (Holding Center), Holding Center Guard, Holding Center Guard (Female), Holding Center Medical Aide, Kitchen Helper (Holding Center), Principal Holding Center Guard, Steward (Holding Center).

Excluded: All other employees.

Further, IT IS ORDERED that the above named public employer shall negotiate collectively with the Erie County Sheriff's Department Employees Local 2060, Council 82, AFSCME, 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 5th day of January, 1981  
Albany, New York

*Harold R. Newman*  
Harold R. Newman, Chairman

*Ida Klaus*  
Ida Klaus, Member

*David C. Randles*  
David C. Randles, Member

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PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of \_\_\_\_\_ :  
STATE OF NEW YORK (DIVISION OF STATE POLICE), :  
Employer, :  
- and - :  
FRATERNAL ORDER OF NEW YORK STATE TROOPERS, : Case No. C-2109  
LOCAL 1908, AFL/CIO, :  
Petitioner, :  
- and - :  
POLICE BENEVOLENT ASSOCIATION OF NEW :  
YORK STATE POLICE, INC., :  
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 Police Benevolent Association of New York State Police, Inc.

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: Troopers.

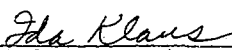
Excluded: All other job titles.


Further, IT IS ORDERED that the above named public employer shall negotiate collectively with the Police Benevolent Association of New York State Police, Inc.

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 5th day of January, 1981  
Albany, New York

  
Harold R. Newman, Chairman

  
Ida Klaus, Member

  
David C. Randles, Member

PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :  
CITY OF HORNELL, :  
Employer, :  
- and - :  
LOCAL UNION 65, INTERNATIONAL BROTHERHOOD : Case No. C-2112  
OF TEAMSTERS, :  
Petitioner, :  
- and - :  
DEPARTMENT OF PUBLIC WORKS EMPLOYEES :  
ASSOCIATION, :  
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 Department of Public Works Employees Association

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 employees of the Department of Public Works.

Excluded: Superintendent of Public Works, General Foreman.

Further, IT IS ORDERED that the above named public employer shall negotiate collectively with the Department of Public Works Employees Association

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 5th day of January, 1980  
Albany, New York

Harold R. Newman  
Harold R. Newman, Chairman

Ida Klaus  
Ida Klaus, Member

David C. Randles  
David C. Randles, Member

PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :  
VILLAGE OF AMITYVILLE, :  
Employer, :  
- and - :  
RAYMOND R. FLEMING, : Case No. C-2119  
Petitioner, :  
- and - :  
CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., :  
SUFFOLK LOCAL 852, AMITYVILLE VILLAGE UNIT, :  
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 Civil Service Employees Association, Inc., Suffolk Local 852, Amityville Village Unit,

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: Laborer, automotive equipment operator, heavy equipment operator, mechanic, and foreman.

Excluded: All other employees.

Further, IT IS ORDERED that the above named public employer shall negotiate collectively with the Civil Service Employees Association, Inc., Suffolk Local 852, Amityville Village Unit,

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 5th day of January, 1980  
Albany, New York

Harold R. Newman  
Harold R. Newman, Chairman

Ida Klaus  
Ida Klaus, Member

David C. Randles  
David C. Randles, Member

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STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :  
HICKSVILLE UNION FREE SCHOOL DISTRICT, :  
Employer, :  
- and - :  
HICKSVILLE FEDERATION OF TEACHERS, NYSUT, : Case No. C-2133  
AFT, AFL-CIO, :  
Petitioner, :  
- and - :  
HICKSVILLE CONGRESS OF TEACHERS, NYEA, :  
NEA, :  
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 Hicksville Congress of Teachers, NYEA, NEA

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.

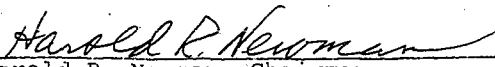
Unit: Included: Full-time and part-time Classroom Teachers, Guidance Counselors, Nurse Teachers, Psychologists, and Librarians.


Excluded: Adult Education Teachers, Per Diem Teachers, and all other employees of the employer.

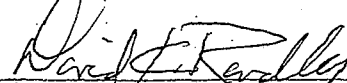
Further, IT IS ORDERED that the above named public employer shall negotiate collectively with the Hicksville Congress of Teachers, NYEA, NEA

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 5th day of January, 1981  
Albany, New York

  
Harold R. Newman, Chairman

  
Ida Klaus, Member

  
David C. Randles, Member

6609

PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :  
HARBORFIELDS CENTRAL SCHOOL DISTRICT, :  
- and - Employer, :  
HARBORFIELDS TEACHERS ASSOCIATION, NEW YORK :  
EDUCATORS ASSOCIATION/NATIONAL EDUCATION ASSOCIATION, : Case No. C-2141  
- and - Petitioner, :  
UNITED TEACHERS OF HARBORFIELDS, NYSUT, :  
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 Teachers of Harborfields, NYSUT, AFT, 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.

Unit: Included: Teachers, including all professional personnel on tenure, on probation, and on interim appointment, including all classroom teachers, reading teachers, school librarians, school psychologists, speech therapists and guidance counselors.

Excluded: Professional personnel on per diem appointment, administrative personnel, including the Superintendent Assistant Superintendents, Principals, Coordinators of Curriculum, Department Chairpersons, Special Education Assistant Principals, Teacher Assistants, Teacher Aides and Student Teachers.

Further, IT IS ORDERED that the above named public employer shall negotiate collectively with the United Teachers of Harborfields, NYSUT, 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 5th day of January, 1981  
Albany, New York

Harold R. Newman  
Harold R. Newman, Chairman

Ida Klaus  
Ida Klaus, Member

David C. Randles  
David C. Randles, Member