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EXPRESS MAIL

John M. Crotty, Esq.
New York State Public Employment
Relations Board
50 Wolf Road
Albany, New York 12205-2670

Re: City University of New York
Case No C-3174

Dear Mr. Crotty:

I am writing to you on behalf of the Professional Staff Congress/CUNY ("PSC") and hereby indicate the PSC's objection to the Petition filed on or about December 2, 1986 with PERB. The basis of our objection is that the petitioner alleges that it is a Petition for certification of a negotiating representative (employee organization) when in fact the purpose of the Petition is one of decertification.

The Rules and Regulations of the Public Employment Relations Board, Section 201.5 provides:

(b) Petitions for decertification shall contain the following:

1. The name, affiliation, if any and address of petitioner.

2. The name or names of the employee organization(s) which have been certified or currently recognized by the public employer and which claim to represent the employees in the unit involved, the expiration date of any contract covering such employees, and the date of the commencement of the fiscal year of the employer.

3. Whether such representation is exclusive.

4. The name and address of the public employer involved.

5. Whether the employee organization(s) which have been certified or currently recognized by the public employer have engaged in a strike or

have caused instigated, encouraged, or condoned a strike against any government.

6. The grounds upon which decertification or revocation of recognition is sought.

7. A description of the unit, including the number of employees.

8. If an employee organization, whether the showing of interest requirement, as set forth in sections 201.3 and 201.4 of these Rules is met.

9. A statement that the matter is not subject to section 206.1 or 212 of the Act (except the Petition filed under Section 201.3(e)).

10. A clear and concise statement of any other relevant facts.

Even a cursory examination of the Petition filed in this manner indicates that it is defective in that it omits, among other things, any statement of the grounds upon which decertification or revocation of recognition is sought. It is the position of the PSC that the inclusion of this material in the Petition is mandatory and the failure of petitioner to include such allegations requires the dismissal of the Petition. In addition, the PSC as the certified exclusive bargaining representative of the job titles sought by petitioner herein is entitled to know and to be placed on notice as a matter of due process of the grounds with reasonable specificity upon which decertification or revocation of recognition is sought by petitioner.

PSC notes that in a letter dated December 16, 1986 the Employer also asserted that the Petition has been improperly filed and should be dismissed.

The PSC would also like to bring to your attention that the answer supplied by petitioner to question 6a. of the Petition (the number of employees alleged to be in unit) is either gross error on the part of petitioner or a material misstatement of fact in that petitioner was in possession of several employee lists supplied by the Employer prior to the filing of the Petition showing approximately 5,850 employees in the titles named in the Petition.

If you have any questions concerning the above, please do not hesitate to contact me.

Very truly yours,

Stephen Perelson

SP:sm

cc: Mr. Arnold Cantor
Jane Denkensohn, Esq.
Jerome Tauber, Esq.