

# Rule Traffic-Agent Titles Belong in Single Union

By MARK TOOR | Posted: Monday, February 3, 2014 5:15 pm

In response to a 2005 law expanding the definition of uniformed titles for city workers, the Board of Collective Bargaining ruled in January that several jobs would need to be represented by different unions.

The biggest impact would be felt by Traffic Enforcement Agents at all four assignment levels and Parking Control Specialists, now represented by three different unions. They will have to come under one union. The BCB said that if more than one union is interested an election will be held to choose a representative, but no details have been announced yet.

## Other Titles Affected

The BCB also ruled:

- Fire Protection Inspectors and Associate Fire Protection Inspectors will be moved from the Civil Service Technical Guild to District Council 37, added to the unit representing Emergency Medical Service workers.
- School Safety Agents will have their own bargaining unit under Teamsters Local 237, which had represented them in another unit. Taxi and Limousine Inspectors and associated titles also will be represented by Local 237. So will Special Officers and associated titles who work for the Administration for Children's Services, the Human Resources Administration and the Departments of Juvenile Justice, Health and Mental Hygiene and Homeless Services. Taxi Inspectors had been represented by Local 237.
- Sanitation Enforcement Agents would continue to be represented by Communications Workers of America Local 1182, which now also represents TEA I's and II's.
- Urban Park Rangers and Associated Urban Park Rangers will remain represented by DC 37, but placed in a new bargaining unit.

The BCB said the changes were required by Local Law 56. Previously, the collective-bargaining law divided workers into two categories: citywide, "for all employees subject to the career and salary plan," and uniformed, which included "employees in the uniformed police, fire, sanitation and correction services."

## New Uniformed Status

The new law added to the uniformed category "persons employed at any level of position or service" in the Police, Fire or Sanitation Departments. It specifically included Fire Protection

Inspectors, Traffic Enforcement Agents, School Safety Agents, Sanitation Enforcement Agents, and supervisors of those four titles.

It also created a new level of bargaining, similar-to-uniformed, for “employees working in various departments or agencies...[who] have certain job characteristics similar to those of employees working in the city’s uniformed services.” These include the Urban Park Rangers and the Taxi and Limousine Inspectors.

The decision said, “Historically, the board has not placed members of the uniformed forces in the same bargaining unit as non-members because the scope of bargaining for these employees is governed by different sections” of the city’s Collective Bargaining Law.

The city had sought to group all the titles covered by Local Law 56 into a single Public Health, Safety and Enforcement Bargaining Unit. It argued that all titles enforce agency regulations and city laws by issuing summonses and making arrests when necessary. Most of the unions responded that the job duties were still too diverse to justify placing everyone in the same unit.

### **Significant Differences**

The BCB found that while all the Local 56 titles engage in similar duties, “they do not all share the same qualifications, training or interchange/contact. Many do not share the same age rates or pay structures, lines of promotion, organizational structures or supervision.”

City labor officials, who spoke on condition of anonymity, said most of the workers involved will not see any immediate changes. “Right off the bat I don’t think anything’s going to happen,” one said. However, another said that employees’ bargaining rights would be expanded.

William Sipser, the attorney for Local 1182, called the BCB decision “a very positive development,” explaining, “The primary thing is they’re going to be able to negotiate on a whole host of issues that were not available before.”

He said that if the issue comes to an election, things looked good for Local 1182, which has substantially more TEA members than the other two unions involved.

### **Unions Sorting It Out**

Robert Cassar, president of Local 1182, said officials of CWA and of DC 37, which represents about 300 TEA III’s and IV’s, were in discussions about who should represent all four levels of agents.

He said that he was happy with the BCB decision and that in an earlier term as Local 1182 president he had pushed for passage of Local Law 56.

One issue the combined union could negotiate he said, was unlimited sick leave, which the Police and Fire Departments have. “Agents are constantly getting hurt in the field,” he said. “They have to wait for Workers’ Comp. While waiting for Workers’ Comp they come off the payroll and lose all their benefits. It’s a hellish situation.”

Another issue, he said, was modified duty for disciplinary reasons. He said the Police Officers receive it but TEAs don’t, so they are punished with suspensions. Officers on modified duty give up their weapons and shields but are assigned to office work so they remain on the payroll.

“We don’t know what the end result will be,” said Joseph Puleo, head of DC 37 Local 983, which represents the TEA III’s and IV’s. He said the union had sought to keep those titles, which handle towing, separate from the I’s and II’s, who issue parking summonses and direct traffic. However, BCB found that the shared law-enforcement connection overrode those differences.

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Taxi and Limousine Inspectors are currently represented by Teamsters Local 237. A story published in the Feb. 7 print edition misidentified the union.