

LEEBA, 2 OCB2d 43 (BCB 2009)

(IP) (Docket No. BCB-2556-06);

(IP) (Docket No. BCB-2593-07)

Summary of Decision: The Board issues a Supplemental Order mandating that both parties to a prior Board decision, *LEEBA, 2 OCB2d 29 (BCB 2009)*, return to negotiations for a new collective bargaining agreement for those in the title of Environmental Police Officer, and that LEEBA bargain in good faith during those negotiations. In the original decision, the Board had refrained from ordering bargaining as a remedy for LEEBA's bad faith conduct, because of the pendency of a related Board of Certification matter. ***(Official supplemental order follows.)***

**OFFICE OF COLLECTIVE BARGAINING
BOARD OF COLLECTIVE BARGAINING**

In the Matter of the Improper Practice Proceeding

-between-

CITY OF NEW YORK,

Petitioner,

- and -

**LAW ENFORCEMENT EMPLOYEES BENEVOLENT
ASSOCIATION,**

Respondent.

SUPPLEMENTAL ORDER

On September 24, 2009, the Board issued a decision in *LEEBA, 2 OCB2d 29 (BCB 2009)*, where we found that the Law Enforcement Employees Benevolent Association ("LEEBA") breached its duty to bargain in good faith during the course of negotiations for a new collective bargaining agreement for Environmental Police Officers ("EPOs"). However, since a representation petition, docketed as RU-1260-09, was filed by a different union seeking to represent these same

EPOs on June 10, 2009, and an election had been ordered by the Board of Certification in *Council 82*, 2 OCB2d 22 (BOC 2009), we held in abeyance an order directing the parties back to the bargaining table to bargain in good faith, pending determination of the representation proceeding.

Subsequent to the *LEEBA* decision, 2 OCB2d 29, and pursuant to the Decision and Direction of Election in *Council 82*, 2 OCB2d 22, an election was held by mail ballot and the majority of EPO employees casting valid ballots voted to continue to be represented by LEEBA for purposes of collective bargaining. No party filed objections in the time provided, and the Board of Certification, in *Council 82*, 2 OCB2d 35 (BOC 2009) held that LEEBA remains the certified bargaining representative of Certification No. 5-2005.

Since the pending Board of Certification matter has now been finally determined, we now complete the remedy for the violation found in *LEEBA*, 2 OCB2d 29, and order the parties to return to negotiations for a new collective bargaining agreement for those in the title of EPO, and that LEEBA bargain in good faith during those negotiations.

ORDER

Pursuant to the powers vested in the Board of Collective Bargaining by the New York City Collective Bargaining law, it is hereby

ORDERED, that the parties in *LEEBA*, 2 OCB2d 29 (BCB 2009), return to negotiations for a new collective bargaining agreement for those in the title of EPO, and that LEEBA bargain in good faith during those negotiations.

Dated: New York, New York
December 23, 2009

MARLENE A. GOLD
CHAIR

GEORGE NICOLAU
MEMBER

CAROL A. WITTENBERG
MEMBER

M. DAVID ZURNDORFER
MEMBER

PAMELA S. SILVERBLATT
MEMBER

GABRIELLE SEMEL
MEMBER