

PBA v. McGuire (Comm. of NYPD), NYPD, City, 23 OCB 22 (BCB 1979)
[Decision No. B-22-79 (IP)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF COLLECTIVE BARGAINING

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In the Matter of

THE PATROLMEN'S BENEVOLENT
ASSOCIATION, INC.,

DECISION NO. B-22-79

Petitioner,

DOCKET NO. BCB-319-79

-and-

ROBERT J. McGUIRE, as Police
Commissioner of the CITY OF NEW
YORK, the NEW YORK CITY POLICE
DEPARTMENT, and THE CITY OF
NEW YORK,

Respondents.

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DECISION AND ORDER

On March 29, 1979, the PBA filed its improper practice Petition herein alleging that the Police Department had refused to certify a delegate to the Traffic Enforcement Squad, Queens, and seeking an order from the Board requiring the Department to certify the delegate. The City of New York filed its Answer on August 22, 1979, alleging that the Queens Traffic Enforcement Squad was disbanded on March 28, 1979, and that the City had no "intent to coerce or discriminate against police officers or union officials for their union affiliation."¹

It appears that in the Fall of 1978, the PBA sought to have two newly elected delegates certified by the Police Department. The Department, acting pursuant to what it believed was an agreement with PBA, certified only

¹ Numerous adjournments in this proceeding have been agreed to by the parties.

one of the delegates. This action resulted in a total of four delegates certified to represent approximately 294 Police Officers in the Traffic Operations District. The PBA filed a grievance under the collective bargaining agreement on December 19, 1978, protesting the failure to certify one delegate to the Queens Traffic Enforcement Squad. Thereafter, the grievance progressed through the contractual procedures and reached Step IV, where it was denied by the Police Commissioner on March 13, 1979.

We find that the case should not be decided for the reason that it is now moot. The Queens Squad was abolished one day before the serving and filing of the petition herein, and it would not further the objectives of sound labor relations to decide the issues presented in this case where no real controversy appears to exist, and where the requested relief could not be granted.² We note that the PBA has not denied the City's claim that the case is moot, although it secured numerous adjournments with the expressed intention of filing a Reply.

² These issues include the highly complex question of deferral to arbitration in an improper practice case.

O R D E R

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 petition herein be and the same hereby is, dismissed.

DATED: New York, N.Y.
December 31, 1979

ARVID ANDERSON
CHAIRMAN

WALTER L. EISENBERG
MEMBER

ERIC J. SCHMERTZ
MEMBER

FRANKLIN J. HAVELICK
MEMBER

MARIA T. JONES
MEMBER

MARK CHERNOFF
MEMBER

CAROLYN GENTILE
MEMBER
