

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF COLLECTIVE BARGAINING

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In the Matter of

LOCAL 371, DISTRICT COUNCIL 37,  
AFSCME, AFL-CIO,

Petitioner,

DECISION NO. B-1-69

DOCKET NO. BCB-27-68

-and-

THE CITY OF NEW YORK,

Respondent.

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DECISION AND ORDER

The petition herein alleges that the Department of Social Services has instituted a disciplinary proceeding against Frederick Weiss, a shop steward at the Department's Linden Social Service Center, because of certain union activities. It seeks a temporary stay of the disciplinary proceeding pending the Board's determination herein, and an order prohibiting the Department from proceeding against Weiss or any other employee because of the activities involved.

The Department voluntarily has adjourned the disciplinary proceeding pending our determination herein.

The facts, as alleged in the petition herein, are as follows:

In April, 1968, the Department instituted certain procedural changes in the processing of welfare grants. The Department's failure to provide employees with appropriate directions concerning these changes caused an increase in the number of welfare clients coming to the Center. This created conditions of great confusion in which employees were prevented from performing their duties and were threatened with bodily harm.

In response to requests from union members, Mr. Weiss called a meeting which was attended by virtually the entire staff at the Center. The meeting was called and held on the Department's premises, during working hours, and lasted about twenty-five minutes.

Assuming, arguendo, that this Board has power to stay or enjoin disciplinary proceedings, nothing in the petition herein would warrant such action. Accordingly, we shall dismiss the petition, without prejudice to the rights of the employee and his Union for review under Article 78 after the conclusion of the disciplinary proceeding.

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

O R D E R E D , that the petition herein be, and the same hereby is, dismissed.

DATED:       New York, N.Y.  
              February 17, 1969

ARVID ANDERSON  
C h a i r m a n

ERIC J. SCHMERTZ  
M e m b e r

TIMOTHY W. COSTELLO  
M e m b e r

EDWARD SILVER  
M e m b e r