

OFFICE OF COLLECTIVE BARGAINING
BOARD OF COLLECTIVE BARGAINING

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In the Matter of
THE CITY OF NEW YORK,

Petitioner,

DECISION NO. B-5-69

-v-

DOCKET NO. BCB-31-69

LOCAL 420, DISTRICT COUNCIL 37,
A.F.S.C.M.E., AFL-CIO,

Respondent.

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DECISION AND ORDER

Respondent Union has requested arbitration of a grievance concerning "The employer's unilateral removal of parking privileges of non-professional employees, and the discriminatory treatment of non-professional employees."

Petitioner challenges the arbitrability of the grievance "in that it fails to constitute grounds for a grievance pursuant to Executive Order 52 and Local Law 53 of 1967 and the applicable rules pertaining thereto and does not make out a violation of the agreement between the parties."

Section 1173-3.0 of the New York City Collective Bargaining Law defines the term "grievance" to include "a dispute defined as a grievance by a collective bargaining agreement. The contract between the parties provides for the arbitration of grievances (Article XI §2) and defines that term to include (Article XI, §1):

"(A) A dispute concerning the application or interpretation of the terms of this collective bargaining agreement or any supplemental bargaining agreement;

* * * * *

(B) A claimed violation, misinterpretation or misapplication of * * * * * existing policy or orders applicable to the agency by whom grievant is employed affecting the terms and conditions of employment."

The meaning of the term "existing policy" as used in the contract; whether the provision of parking facilities for non-professional employees constitutes a "policy" within the meaning of that term; and whether the employer has the right to modify or cancel an "existing policy" are questions involving "the application or interpretation" of the collective bargaining agreement between the parties.

Accordingly, we conclude and determine that the grievance herein is arbitrable.

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 grievance herein be, and the same hereby is, referred to an arbitrator to be agreed upon by the parties or appointed pursuant to the Consolidated Rules of the Office of Collective Bargaining.

Dated: New York, N.Y.
July 18, 1969

ARVID ANDERSON
CHAIRMAN

ERIC J. SCHMERTZ
MEMBER

SAUL WALLEN
MEMBER

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MEMBER

EDWARD SILVER
MEMBER

HARRY VAN ARSDALE JR.
MEMBER

EARL SHEPARD
MEMBER