

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-6-69

DOCKET NO. BCB-41-69

- v. -

UNIFORMED FIREFIGHTERS' ASSOCIATION  
LOCAL 94, INTERNATIONAL ASSOCIATION  
OF FIRE FIGHTERS, AFL-CIO

Respondent.

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DECISION AND ORDER

Respondent Union has requested arbitration of a grievance concerning "The Employer's elimination of Ambulance No. 3", which, according to Respondent, constitutes "a reduction in benefits previously enjoyed by the members of Respondent to which said members are still entitled. . ."

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 that the subject herein is strictly a managerial prerogative and not within the purview of arbitrability.

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 and (in Article XIII) defines the term "grievance" as "a complaint arising out of claimed violations, misinterpretations or inequitable application of the provisions of this Contract or of existing policy or regulations of the Department."

The meaning of the term "existing policy" as used in the contract; whether the City's provision of the ambulance in question and any related services constituted 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 interpretation or application of the provisions of the contract.

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. SCHMETZ  
MEMBER

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MEMBER

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MEMBER

EDWARD SILVER  
MEMBER

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MEMBER

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MEMBER