

Lanzet v. L.237, IBT, Scarpinato, Jr., 37 OCB 47 (BCB 1986)  
[Decision No. B-47-86 (IP)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF COLLECTIVE BARGAINING

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In the Matter of the  
Improper Practice Proceed

-between-

Sidney Lanzet,  
Petitioner,

-and-

DECISION NO. B-47-86

Frank A. Scarpinato, Jr., Business  
Agent for Local 237, International  
Brotherhood of Teamsters,

DOCKET NO. BCB-899-86

Respondent.

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### **DECISION AND ORDER**

On September 3, 1986, Sidney Lanzet ("petitioner") filed an improper practice petition against Frank A. Scarpinato, Jr., the business agent for Local 237 of the International Brotherhood of Teamsters ("Union"). The Union submitted an answer on September 25, 1986, to which the petitioner replied on October 14, 1986.

### **Background**

The petitioner first alleges that, prior to his discharge from the Taxi and Limousine Commission, the Union shop stewards were unavailable when he needed assistance. In one case, petitioner claims that although he had been able to reach the shop steward by telephone, a supervisor forced the

shop steward to hang up on petitioner in the middle of their conversation. In this respect, petitioner contends that "after each written evaluation [he] tried without success to contact (Mr. Scarpinato) by phone as per HIS orders because his Shop Stewards were being overpowered by their Superiors."

As an additional basis for his improper practice charge, petitioner alleges as follows:

[On] Friday August 23, 1985 at 2:40 p.m. I was forced [sic] to sign the letter of termination under protest. The respondent was called from an outside pay phone and [I] was told by his secretary that as per every other Friday he leaves the office early. This combined with the fact that there was no Shop Steward in that day forced me to call the respondent the very next day at his home and again as is his custom I never heard from him again until I started Legal Proceedings.

Finally, the petitioner alleges that the Union failed to notify him of its meeting dates. The only exception, according to the petitioner, was a meeting held on September 25, 1985, which is the holiday of Kol Nidre in the Jewish religion. By scheduling a meeting on this day, the Union, in petitioner's view, engaged in discriminatory conduct.

#### **DISCUSSION**

Upon review of the petition and reply in this matter, it

is clear that none of the actions of which petitioner complains occurred within the four-month statute of limitations prescribed for commencement of an improper practice proceeding.<sup>1</sup>

Petitioner's failure to comply with the time requirements for filing an improper practice petition precludes the Board from examining the merits of petitioner's complaints.<sup>2</sup> Accordingly, we will dismiss the petition.

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<sup>1</sup> Section 7.4 of the Revised Consolidated Rules of the Office of Collective Bargaining provides as follows:

Improper Practices. A petition alleging that a public employer or its agents or a public employee organization or its agents has engaged in or is engaging in an improper practice in violation of Section 1173-4.2 of the statute may be filed with the Board within four (4) months thereof by one (1) or more public employees or any public employee organization acting in their behalf or by a public employer together with a request to the Board for a final determination of the matter and for an appropriate remedial order.

<sup>2</sup> See Decision Nos. B-11-83; B-24-83.

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 improper practice petition filed by Sidney Lanzet be, and the same hereby is, dismissed.

DATED: New York, N.Y.  
November 25, 1986

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