

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF COLLECTIVE BARGAINING

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In the Matter of the Improper  
Practice Proceeding

-between-

STEPHEN M. PRIDE,  
Petitioner,

DECISION NO. B-50-93 (ES)  
DOCKET NO. BCB-1536-92

-and-

NEW YORK CITY HOUSING  
AUTHORITY,  
Respondent.

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DETERMINATION OF EXECUTIVE SECRETARY

On November 2, 1992, Stephen M. Pride ("Petitioner") filed a verified improper practice petition against the New York City Housing Authority ("Respondent"), in which he alleged that Respondent terminated him unjustly in violation of Section 12-306a of the New York City Collective Bargaining Law ("NYCCBL").<sup>1</sup>

In his improper practice petition, Petitioner makes the following allegations against the Respondent:

I worked for the New York City Housing Authority for almost 21 years

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<sup>1</sup> Section 12-306a of the NYCCBL provides as follows:

Improper public employer practices. It shall be an improper practice for a public employer or its agents:

(1) to interfere with, restrain or coerce public employees in the exercise of their rights granted in §12-305 of this chapter;

(2) to dominate or interfere with the formation or administration of any public employee organization;

in, (3) to discriminate against any employee for the purpose of encouraging or discouraging membership or participation in the activities of, any public employee organization;

(4) to refuse to bargain collectively in good faith on matters within the scope of collective bargaining with certified or designated representatives of its public employees.

and was a faithful and dedicated employee. I was fired on hearsay and when I went to court no one that accused me showed up. And due to the unjust circumstances I was forced out of my job and livelihood (sic) and also stripped of my benefits such as my pension each month.

Pursuant to Title 61, Section 1-07(d) of the Rules of the City of New York (formerly Section 7.4 of the Revised Consolidated Rules of the Office of Collective Bargaining, hereinafter "OCB Rules"), a copy of which is annexed hereto, the undersigned has reviewed the petition and has determined that the improper practice claim asserted therein must be dismissed because it does not allege facts sufficient as a matter of law to constitute an improper practice within the meaning of the NYCCBL. The NYCCBL does not provide a remedy for every perceived wrong or inequity. Its provisions and procedures are designed to safeguard the rights of public employees set forth therein, i.e., the right to bargain collectively through certified public employee organizations; the right to organize, form, join, and assist public employee organizations; and the right to refrain from such activities.

Petitioner has failed to allege that Respondent has committed any act in violation of §12-306a of the NYCCBL, which defines improper public employer practices. Since the instant petition does not allege that Respondent's actions were intended to, or did, affect any rights protected under the NYCCBL, it must be dismissed. I note, however, that dismissal of the petition is without prejudice to any rights the Petitioner may have in another forum.

Dated: New York, New York  
December 6, 1993

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Loren Krause Luzmore  
Executive Secretary  
Board of Collective Bargaining