

fellow employee. On May 4, 1995, the Union filed a Step III grievance with the Office of Labor Relations ("OLR") on behalf of the Petitioner. On July 25, 1995, the OLR hearing officer denied the grievance and sustained the penalty of termination of employment. On July 31, 1995, the Union's legal department recommended that, given "the extreme gravity of the charges and the substantial evidence already presented to support such charges," the grievance not proceed to arbitration.

Pursuant to Title 61, §1-07(d) of the Rules of the City of New York ("OCB Rules"), a copy of which is annexed hereto, the undersigned has reviewed the petition and has determined that it is untimely on its face. Under §1-07(d) of the OCB Rules a petition alleging conduct in violation of NYCCBL §12-306 must be filed within four (4) months of the date the alleged improper practice occurred. Since the petition does not allege that the Respondents committed any acts in violation of §12-306 of the NYCCBL within four (4) months of the filing of the instant petition, it must be dismissed as untimely under RCNY §1-07(d). This dismissal is without prejudice to any rights Petitioner may have in another forum.

Dated: New York, New York
June 5, 1997

Victoria A. Donoghue
Executive Secretary
Board of Collective Bargaining