

O'Blades v. NYCTA, Transit Police & OLR, 61 OCB 30 (BCB 1998) [Decision No. B-30-98 (IP)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF COLLECTIVE BARGAINING

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In the Matter of the Improper Practice Proceeding :

-between- :

LIONEL O'BLADES, Sr. : DECISION NO. B-30-98 (ES)

Petitioner, : DOCKET NO. BCB-1996-98

-and- :

NEW YORK CITY TRANSIT AUTHORITY,  
TRANSIT POLICE DEPARTMENT, OFFICE  
OF LABOR RELATIONS, :

Respondents. :

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### DETERMINATION OF EXECUTIVE SECRETARY

On June 16, 1998, Lionel O'Blades, Sr., ("Petitioner") filed a verified improper practice petition against the New York City Transit Authority, Transit Police Department, and Office of Labor Relations ("Respondents"). As to the nature of the controversy, the petition states, "On or about 10/14/86 while on 'restricted duty' [I] was summoned by the Police [Department] of the Transit Authority to report to the Personnel [Department] of the Transit Authority, at which time I received a C-8 from a Joyce Joit, stating that the NYCTA/TPD were 'putting me out' for the disability of angina with an agreement to pay me (an award) in the amount of \$275-- wkly. . . . none of which I am receiving at this date, except for the amount of \$120-- wkly instead."

Pursuant to Title 61, Section 1-07(d) of the Rules of the City of New York ("RCNY"), a copy of which is annexed hereto, the undersigned has reviewed the petition and has determined that it does not allege facts sufficient as a matter of law to constitute an improper public employer practice within the meaning of Section 12-306a of the New York City Collective Bargaining Law ("NYCCBL").<sup>1</sup> 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.<sup>2</sup>

In the instant case, Petitioner has failed to state any facts which show that Respondents

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<sup>1</sup> NYCCBL §12-306a 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 Section 12-305 of this chapter;

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

(3) to discriminate against any employee for the purpose of encouraging or discouraging membership in, 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.

<sup>2</sup> See, e.g., Decision Nos. B-38-97; B-47-93; B-10-89; B-39-88; and B-38-87.

violated any of the rights delineated in the NYCCBL. The gravamen of Petitioner's complaint is that he has not received the amount of disability pension which he expected that he would receive. The Board of Collective Bargaining lacks jurisdiction to consider such a claim.

Since the Petitioner has not stated any claim arising under the NYCCBL, the Petition herein shall be dismissed. Such dismissal is, of course, without prejudice to any rights that the Petitioner may have in any other forum.

DATED: New York, New York  
August 7, 1998

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Victoria A. Donoghue  
Executive Secretary  
Board of Collective Bargaining