

OFFICE OF COLLECTIVE BARGAINING
BOARD OF COLLECTIVE BARGAINING

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In the Matter of the Improper Practice Proceeding	:
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-between-	:
	:
KEITH B. FRANCIS, <i>pro se</i>	:
Petitioner,	:
	:
-and-	:
	:
STANLEY P. SALASS and NYC HEALTH AND	:
HOSPITALS CORP.	:
Respondents.	:
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Decision No. B-15-2000 (ES)
Docket No. BCB-2135-00

DETERMINATION OF EXECUTIVE SECRETARY

On May 17, 2000, Keith B. Francis (“Petitioner”) filed an improper practice petition against Stanley P. Salass and the Health and Hospitals Corporation (“Respondents”) alleging a breach of the duty of fair representation pursuant to § 12-306 of the New York City Collective Bargaining Law (“NYCCBL”).¹ Petitioner does not specify the nature of his controversy but rather attaches a copy of his complaint to the State Division of Human Rights.

Pursuant to Title 61, § 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 meet the minimum pleading requirements set forth in the rules of the Office of Collective Bargaining. RCNY §1-07(e) provides as follows:

¹ Section 12-306(b) of the NYCCBL provides in pertinent part:
b. Improper public employee organization practices. It shall be an improper practice for a public employee organization or its agents:

(3) to breach its duty of fair representation to public employees under this chapter.

(e) Petition - contents. A petition filed pursuant to §§1-07(b), (c) or (d) shall be verified and shall contain:

(1) The name, address, **telephone number** and Fax number (if any) of the petitioner;

(2) The name and address of the other party (respondent);

(3) **Using numbered paragraphs, a statement of the nature of the controversy specifying the provisions of the statute, executive order or collective bargaining agreement involved and a clear and concise statement of the facts constituting the claim under §§1-07 (b), (c) or (d).** If the controversy involves an alleged improper practice, such statement shall include but not be limited to the names of the individuals involved in the particular act alleged and the date and place of occurrence of each particular act alleged. **Such statement may be supported by attachments which are relevant and material but may not consist solely of such attachments.** If the controversy involves contractual provisions, such provisions shall be set forth; (Emphasis added.)

Petitioner fails to satisfy the requirements of RCNY §1-07 (e). The “statement of the nature of the controversy” referred to in RCNY §1-07 (e) above should consist of a clear and concise statement of the facts constituting the alleged improper practice and should include, but not be limited to, the names of the individuals involved in the particular act alleged and the date and place of occurrence of each particular act alleged. A petitioner may not rely solely upon an attachment in order to state the nature of his claim. Furthermore, Petitioner specifies neither his phone number nor the provision of the statute that he believes has been violated.

For the above reasons, the petition must be dismissed as procedurally defective. Dismissal of the petition, however, is without prejudice to re-submission of a petition for reconsideration by the Executive Secretary which does satisfy the minimum pleading requirements set forth in RCNY §1-07 (e) within ten (10) days upon receipt of this determination. In the event the event the Petitioner does so, the charge(s) will be timely only as to conduct which occurred within four months prior to May 17, 2000, the date that the instant

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petition was filed with the Office of Collective Bargaining.

Dated: July 5, 2000
New York, New York

Victoria A. Donoghue
Executive Secretary