

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF COLLECTIVE BARGAINING

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In the Matter of the Improper  
Practice Proceeding :  
  
- between - :  
  
ROBERT SANCHEZ, pro se, :  
  
Petitioner, : Decision No. B-42-2000 (ES)  
  
- and - : Docket No. BCB-2161-00  
  
LEWIS LEVINSON and REGGIE LEBRON, :  
  
Respondents. :  
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**DETERMINATION OF EXECUTIVE SECRETARY**

On November 13, 2000, Robert Sanchez, *pro se* filed a verified improper practice petition against Lewis Levinson, Psychiatric Associate Director, and Reggie Lebron, Senior Rehabilitation Counselor, both at the Lincoln Hospital Mental Health Center in the Bronx.

Petitioner's statement of the nature of the controversy reads in its entirety:

On Oct 12<sup>th</sup>, 2000 at 5:45 pm during supervision mtg. I was warned by higher level staff members that I Robert Sanchez would be fired if Lincoln Hospital Mental Health Ctr. should fail Joint commission inspection.

Petitioner included no other statement and no attachments. The relief Petitioner seeks is that Respondents cease and desist all forms of harassment.

Pursuant to Title 61, § 1-07(d) of the Rules of the City of New York (RCNY), a copy of which is annexed hereto, I have reviewed the petition and determined that it does not allege facts

sufficient as a matter of law to constitute an improper practice within the meaning of § 12-306a of the New York City Collective Bargaining Law (NYCCBL).<sup>1</sup> For the Board of Collective Bargaining to find a violation of the rights enunciated in Section 12-305, a petitioner must allege with sufficient facts that a respondent committed at least one of the acts stated in Section 12-306a, which enumerates improper employer practices. The NYCCBL does not provide a remedy for alleged employer wrongs or inequities that are not defined as improper employer practices under that statute.

In this case, Petitioner has failed to assert that the claimed conduct is related to any protected activity under the NYCCBL, *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 not indicated how

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<sup>1</sup> Section 12-306a provides, in pertinent part:

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. . . .

Section 12-305 of the NYCCBL provides, in relevant part:

Public employees shall have the right to self-organization, to form, join or assist public employee organizations, to bargain collectively through certified employee organizations of their own choosing and shall have the right to refrain from any or all of such activities.

Respondents' warning him that he would be fired if Lincoln Hospital Mental Center failed an inspection was an improper practice under § 12-306a.

Since Petitioner does not allege that the actions of Respondents were intended to, or did, affect any rights protected by the NYCCBL, the petition must be dismissed. The dismissal is without prejudice to any rights that Petitioner may have in any other forum.

Dated: New York, New York  
December 20, 2000

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Victoria A. Donoghue  
Executive Secretary  
Board of Collective Bargaining