

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-	:
	:
WILLIS ROBINSON,	:
	:
Petitioner,	:
	:
-and-	:
	:
GARY GIOVINAZZO AND EVETTA	:
WOOLLERY,	:
	:
Respondents.	:
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Decision No. B-43-2000 (ES)  
Docket No. BCB-2155-00

**DETERMINATION OF EXECUTIVE SECRETARY**

On October 26, 2000, Willis Robinson, *pro se* filed a verified improper practice petition against two Metropolitan Hospital Center employees: Gary Giovinazzo, Associate Director, Engineering and Maintenance, and Evetta Woollery, Associate Director, Human Resources/Labor Relations. Petitioner alleges, essentially, that Respondents violated §12-306 of the New York City Collective Bargaining Law (“NYCCBL”) when they terminated his employment.<sup>1</sup>

Petitioner was employed by Metropolitan Hospital Center as a painter. On August 9, 1999, Petitioner was arrested while off-duty. On the same day, he was suspended pending a disciplinary hearing. On or about January 26, 2000, Petitioner was served with formal

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<sup>1</sup> NYCCBL §12-306 (a) prohibits improper public employer practices; NYCCBL §12-306 (b) prohibits improper public employee organization practices.

disciplinary charges. He was charged with “misconduct” because he had been arrested and criminally charged. On March 3, 2000, a Step 1(A) disciplinary hearing was held in Petitioner’s case. According to Petitioner, who was absent from the hearing, he did not receive notice of the hearing until after it had taken place. Petitioner was found guilty of the charges and his employment was terminated.<sup>2</sup>

Pursuant to Title 61, §1-07(d), of the Rules of the City of New York, a copy of which is annexed hereto, I have reviewed the petition and have determined that it does not allege facts sufficient as a matter of law to constitute an improper practice within the meaning of §12-306 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: 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.

The Petitioner has failed to state any facts which show that Respondents have violated any rights delineated in the NYCCBL. Petitioner merely states that Respondents “work[ed] hand in hand using underhanded and improper tactics trying to get [him] terminated.” He argues that the termination of his employment was “just an attempt...to get rid of another civil service employee.” Petitioner does not specify any facts or events that are in any way related to statutorily protected employee rights. Absent an allegation that the Respondent’s actions were

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<sup>2</sup> The documents submitted by Petitioner show that the finding of guilt at the Step 1(A) hearing was based, in part, upon a Certificate of Disposition which indicated that Petitioner had pled guilty to a criminal charge.

intended to, or did, affect rights protected under §12-306 of the NYCCBL, Petitioner's claims do not fall within the jurisdiction of the Board of Collective Bargaining.

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

Dated: New York, New York  
December 21, 2000

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Victoria A. Donoghue  
Executive Secretary  
Board of Collective Bargaining