

Commissioner, Bernard Kerik, and one against the Correction Officers Benevolent Association (“COBA”) and the New York City Office of Labor Relations (“City”). These petitions have been consolidated for decision. As to the nature of the controversy, the Petitioner alleges that COBA committed an improper practice when it failed to represent her concerning disciplinary charges brought against her by the DOC. The Petitioner alleges that Israel Rexach, Vice-President of COBA, did not respond to her telephone calls nor did he respond to a letter from State Assemblyman Denis requesting that the Union intervene on the Petitioner’s behalf. Petitioner maintains that she was deprived of due process because no investigation was conducted regarding the charges brought against her. As a remedy, Petitioner seeks reinstatement with full back pay and requests that her union dues be refunded.

Pursuant to Title 61, §1-07(d), of the Rules of the City of New York (“RCNY”), a copy of which is annexed hereto, a claim alleging conduct in violation of §12-306 of the NYCCBL must be filed within four (4) months of the date the alleged improper practice occurred. According to the documentation submitted by the Petitioner, the Petitioner was apparently suspended from her duties as of April 22, 1998. It is also apparent that a meeting was scheduled between Mr. Rexach and the Petitioner on May 10, 1999, but that Mr. Rexach did not keep the appointment. In other words, the Petitioner was suspended nearly two years before she filed the instant petition and the Union’s representation of her allegedly was problematic close to a year before the petition was filed. On the basis of this record, I conclude that the petition was filed outside the four-month limitations period.

For the above reason, the petition must be dismissed as untimely. Such dismissal is, of course, without prejudice to any rights that the Petitioner may have in any other forum.

Dated: New York, New York
March 29, 2000

Victoria A. Donoghue
Executive Secretary