OFFICE OF COLLECTIVE BARGAINING
BOARD OF COLLECTIVE BARGAINING

In the Matter of the Improper Practice Proceeding	
-between-	DECISION NO. B-8-2000(ES)
OLEN S. JONES, Petitioner,	DOCKET NO. BCB-2126-00
-and-	
NEW YORK CITY POLICE DEPARTMENT, Respondent.	

DETERMINATION OF EXECUTIVE SECRETARY

On March 24, 2000, Olen S. Jones ("Petitioner") filed a verified improper practice petition complaining that the New York City Police Department ("Department") violated several sections of the Civil Service Law concerning his civil service status. He also complains that no test was given for the title Traffic Enforcement Agent, even after completion of nine months of service.

Pursuant to Title 61, Section 1-07(d) of the Rules of the City of New York, 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 practice. The Petitioner herein has failed to state any facts to demonstrate that the Department may have committed acts which constitute an improper practice within the meaning of Section 12-306a of the New York City Collective Bargaining Law ("NYCCBL").[1] With respect to the Petitioner's

[1] NYCCBL §12-306a provides, in relevant part, 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;
> * * *

(continued...)

claims that the Department has violated the Civil Service Law, violations of laws external to the NYCCBL are matters beyond the jurisdiction of the Board of Collective Bargaining and cannot be the basis for an improper practice.[2]

It should be noted that 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. Since the Petitioner does not allege that he has been deprived of any of the rights protected by the NYCCBL, his petition must be dismissed. This dismissal, of course, is without prejudice to any rights that the Petitioner may have in another forum.

DATED: New York, New York
May 18, 2000

VICTORIA A. DONOGHUE
Executive Secretary
Board of Collective Bargaining

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[1] (...continued)
(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. . . .

[2] *Richard McAllen, et al. v. Emergency Medical Services*; Decision No. B-14-83.