

Robinson v. Ramsey, Velez of DC 37 & DOH, 67 OCB 5 (BCB 2001) [Decision No. B-5-2001 (ES)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF COLLECTIVE BARGAINING

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In the Matter of the Improper Practice Proceeding :
:
-between- :
:
Christlyn Robinson, *pro se*, :
: Decision No. B-5-2001 (ES)
Petitioner, : Docket No. BCB-2175-00
:
-and- :
:
Darryl Ramsey and Stephanie Velez, :
District Council 37 / New York City :
Department of Health, :
:
Respondents. :
:
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DETERMINATION OF EXECUTIVE SECRETARY

On December 29, 2000, Christlyn Robinson, *pro se* filed a verified improper practice petition pursuant to § 12-306 of the New York City Collective Bargaining Law (“NYCCBL”),¹ in which she named Darryl Ramsey and Stephanie Velez of District Council 37 and the New York City Department of Health as respondents. As the nature of the controversy, the petitioner alleges that “[t]his organization” has failed its responsibility to her as a member and as a city employee. Petitioner also states that she has requested the Union’s assistance to no avail and as a result, she has lost time and disability money.

Pursuant to Title 61, §1-07(d), of the Rules of the City of New York (“RCNY”), a copy of

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

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 provides, in pertinent part, as follows:

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

- (1) The name and address of the petitioner;
- (2) The name and address of the other party (respondent);
- (3) **A statement of the nature of the controversy**, specifying the provisions of the statute, executive order or collective agreement involved, and any other relevant and material documents, dates and facts. If the controversy involves contractual provisions, such provisions shall be set forth;
- (4) Such additional matters as may be relevant and material.
[Emphasis added.]

The “statement of the nature of the controversy” referred to in RCNY §1-07 (e) (3) 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. The statement may be supported by attachments which are relevant and material but cannot consist solely of such attachments. The mere allegation that an organization has failed in its responsibility in lieu of a concisely stated charge setting forth factual allegations, including dates, which, if established, might constitute a violation of the NYCCBL, does not satisfy the requirements of the RCNY.

For the above reasons, the petition must be dismissed as procedurally defective. Dismissal of the petition, however, is without prejudice to resubmission 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 Petitioner does

so, the charge(s) will be timely only as to conduct which occurred within four months of December 29, 2000, the date that the instant petition was filed with the Office of Collective Bargaining.

Dated: New York, New York
January 18, 2001

Victoria A. Donoghue
Executive Secretary