

City v. L. 246, SEIU, 9 OCB 13 (BCB 1972) [Decision No. B-13-72
(Arb)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF COLLECTIVE BARGAINING

In the Matter of

THE CITY OF NEW YORK,
Petitioner

DECISION NO. B-13-72

-and-

DOCKET NO. BCB-117-72

LOCAL 246, S.E.I.U., AFL-CIO,
Respondent.

DECISION AND ORDER

The City's petition herein seeks a determination that a grievance urged by Respondent is not arbitrable.

Respondent Union asserts as an arbitrable grievance certain conduct by the City which it claims constitutes an improper employer practice under Subdivision (2) of §1173-4.2 of the Administrative Code, i.e., the New York City Collective Bargaining Law (NYCCBL). The conduct complained of is:

"Refusal by the Department of Sanitation to allow a Union representative to be present when a member of the Union is charged with a violation of rules and regulations."

The City asserts, and we find, that the alleged grievance does not come within any of the definitions of "grievance" contained in either NYCCBL §1173-3.0o or in §8a(2) of Executive Order 52 and that, therefore, the grievance is not arbitrable.

For the foregoing reason, the request for arbitration is denied and we shall, therefore, grant the City's petition for a determination that the grievance asserted herein is not arbitrable.

O R D E R

Pursuant to the powers vested in the Board of Collective Bargaining by the New York City Collective Bargaining Law, it is hereby

ORDERED, that the Union's request for arbitration is denied and the petition of the City for a determination that the grievance herein is not arbitrable be, and the same hereby is, granted.

DATED: New York, N.Y.
July 11 1972.

ARVID ANDERSON
C h a i r m a n

WALTER L. EISENBERG
M e m b e r

ERIC J. SCHMERTZ
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