

UFA v. City, 9 OCB 5 (BCB 1972) [Decision No. B-5-72 (IP)]

OFFICE OF COLLECTIVE BARGAINING
BOARD OF COLLECTIVE BARGAINING

In the Matter of

UNIFORMED FIREFIGHTERS ASSOCIATION
LOCAL 94, I.A.F.F.,

DECISION NO B-5-72

DOCKET NO. BCB-108-71

Petitioner

-against

THE CITY OF NEW YORK,
Respondent

DECISION AND ORDER

On November 17, 1971, Uniformed Firefighters Association, Local 94, I.A.F.F., the petitioner herein, petitioned this Board "to render a determination that the City of New York has failed to negotiate in good faith." The petition, dated November 15, 1971, was filed pursuant to §1173-.5.0a(1) of the New York City Collective Bargaining Law (NYCCBL) and §3.4 of the Board's Consolidated Rules, and alleges that in over a year of negotiations between the petitioner and the City for a collective bargaining agreement to cover a period commencing January 1, 1971, "The Respondent [City] has failed to adhere to the requirements established by §3.4 of the Consolidated Rules of the Office of Collective Bargaining, which defines the duty of a public employer-to bargain collectively in good faith."¹

¹ The petition refers, "in particular," to certain alleged refusals to bargain by the City. In view of our disposition of this proceeding, noted below, we deem it unnecessary to particularize concerning these allegations.

After the filing of the petition herein, petitioner and the City continued their negotiations. The negotiations culminated in a collective bargaining agreement accepted by both sides, subject on the part of the petitioner to a referendum by the affected employees. This referendum, recently held, supported petitioner's acceptance of the agreement.

In view of the supervening events since the filing of the petition herein, this Board is persuaded that no useful purpose would be served under the NYCCBL by a further processing of the petition and that the petition therefore should be dismissed.

Accordingly, we shall dismiss the petition herein. Inasmuch as received it our dismiss filing of a we have been advised that petitioner has not yet s copy of the agreement as finalized, from the City, al will note that it is without prejudice to the new petition in the event of a dispute concerning the City's refusal or failure to execute its agreement with petitioner.

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 petition herein be, and the same hereby is, dismissed without prejudice to the filing of a new petition in the event of a dispute concerning the City's refusal or failure to execute its agreement with petitioner.

DATED: New York, N.Y.
January 26, 1972

ARVID ANDERSON
C h a i r m a n

WALTER L. EISENBE
M e m b e r

ERIC J. SCHMERTZ
M e m b e r

WILLIAM MICHELSON
M e m b e r

THOMAS J. HERLIHY
M e m b e r (Alternate)