

OFFICE OF COLLECTIVE BARGAINING
BOARD OF COLLECTIVE BARGAINING

In the Matter of

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO,

DECISION NO- B-11-72

Petitioner

DOCKET NO. BCB-89-71

-and-

THE CITY OF NEW YORK,

Respondent

DECISION AND ORDER

By an application dated April 12, 1972, and affidavit dated the same day, the City moves to dismiss the Union's request for the appointment of a trial examiner for the purposes set forth in the Board's order of March 15, 1972 (Decision No. B-7-72).

The ground urged for dismissal is mootness, the City alleging that by reason of the renewal agreement between the parties "the Union has specifically bargained away any rights the Union may have had to training fund contributions . . ." and that the Union's "initial petition in this matter" has clearly been "held defective" by the Board.

The City's application is without merit.

The validity of the Union's claim regarding contributions to the training fund, its continued vitality during negotiation status quo period, and the effect of the execution of the renewal agreement the training fund are all questions which may be considered by the Trial Examiner.

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With respect to the City's second assigned reason for dismissal, that the Board found the Union's initial petition defective, the fact is that the Board's decision did not so hold. Nor has the City supported this allegation by pointing to, any part of the Board's decision which, it is claimed, held the Union's petition defective.

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 City's application be, and the same hereby is, dismissed.

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

ARVID ANDERSON
C h a i r m a n

WALTER L. EISENBERG
M e m b e r

ERIC J. SCHMERTZ
M e m b e r

HARRY VAN ARSDALE, JR.
M e m b e r