

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: IAS PART 20

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In the Matter of Application of
THE COMMITTEE OF INTERNS AND RESIDENTS
by and through its President,
Faidherbe Ceus, M.D.,

Index No. 12706/93

Petitioner,

For a Judgment Pursuant to Article 78 of
the Civil Practice Law and Rules,

Decision and Order

-against-

DAVID DINKINS, as Mayor of the City of
New York, James F. Hanley, As
Commissioner of the NEW YORK CITY
OFFICE OF LABOR RELATIONS, NEW YORK
CITY HEALTH AND HOSPITALS CORPORATION,

Defendants.

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JOAN B. LOBIS, J.S.C.

Petitioner has commenced the present, Article 78 proceeding to confirm and enforce the New York City Board of Collective Bargaining Decision No. B-26-93, which concerns alleged improper labor practices committed at the New York Health and Hospitals Corporation's Kings County Hospital Center in Brooklyn, New York. The petition is granted solely to the extent that representatives of the New York City Health and Hospitals Corporation are hereby ordered, after consulting with representatives of the Committee of Interns and Residents, to determine a procedure by which Kings County Hospital center will decide whether Dr. Sharon Dillon may be certified as having satisfactorily completed its four year residency program in obstetrics and gynecology, with or without a further period of training, and without regard to her involvement in activities

protected by the NYCCBL. Respondent shall determine such procedure within twenty days after being served with notice of entry of this order.

Since the relief granted must be limited to the enforcement of the Order of the Board below, the ultimate relief petitioner seeks on behalf of Dr. Dillon cannot be granted. Nothing in this decision and order can be construed as requiring the Health and Hospitals Corporation to certify Dr. Dillon after completing its review of her performance. The order merely requires respondent to determine a procedure by which such a determination shall be made. The remainder of the petition is granted to the extent respondents have not complied with the posting requirements. They are directed to do so forthwith.

This constitutes the decision and order of the court.

Dated: Nov. 29, 1993

J. S. C.