STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of: CITY OF NEW YORK DEPARTMENT OF JUVENILE JUSTICE (CROSSROADS JUVENILE CENTER; HORIZON JUVENILE CENTER; and BRIDGES JUVENILE CENTER), Petitioner, To review under Section 101 of the New York State Labor Law: A Notice of Violation and Order to Comply Issued October 19, 2007 -against- THE COMMISSIONER OF LABOR, Respondent.	DOCKET NOS. PES 07-012 PES 07-013 PES 07-014

INTERIM RESOLUTION OF DECISION

WHEREAS:

The Petitions for review in the above-captioned cases, seeking review of certain Orders issued by the Respondent Commissioner of Labor and stays of such Orders, were filed with the Industrial Board of Appeals (Board) on December 18, 2007.

The Board's Rules of Procedure and Practice (Board Rules) 66.9 (d) provide in relevant part that "upon filing of an application for a stay of enforcement of an order issued under [Labor Law § 27-a], a Hearing Officer, designated by the Board, shall promptly schedule an on-site inspection to be attended by representatives of the applicant, of the affected employees, and of the Commissioner of Labor" (12 NYCRR 66.9 [d]). Pursuant to this rule, notice was sent to all

parties and to the affected employees' collective bargaining representative, AFSCME District Council 37 (AFSCME), of the Board's intention to promptly schedule an on-site inspection.

Following such notice, AFSCME filed an Application for Intervention pursuant to Board Rule 65.7 (12 NYCRR 65.7) on January 8, 2008 which was granted by the Board during a pre-hearing telephone conference held on January 9, 2008 before Devin A. Rice, Associate Counsel to the Board. The Board has the sole discretion pursuant to Board Rule 65.7 (a) to grant any properly made application for intervention.

The Petitioner withdrew its request for a stay in the above-captioned cases by letter dated January 25, 2008 prior to any on-site inspection conducted by the Board.

We find that because the issues of fact and law are the same in all three of the above-captioned cases, these cases should be consolidated for hearing pursuant to Board Rule 65.44 (12 NYCRR 65.44).

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Petitions for review are hereby consolidated for hearing; and

2. The Applications for stays are hereby dismissed; and

3. The Application for Intervention filed by AFSCME District Council 37 is granted.

Anne P. Stevason, Chairman

Gregory A. Monteleone, Member

ABSENT
Susan Sullivam-Bisceglia, Member

J. Christopher Meagher, Member

RECUSED
Mark G. Pearce, Member

Dated and signed in the Office of the Industrial Board of Appeals, at New York, New York, on March 26, 2008.

Filed in the Office of the Industrial Board of Appeals, at Albany, New York, on March 28, 2008.

DAR