

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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Mark G. Pearce
Members



Sandra M. Nathan
Deputy Counsel

Devin A. Rice
Associate Counsel

Empire State Plaza
Agency Building 2, 20th Floor
Albany, New York 12223
Phone: (518) 474-4785 Fax: (518) 473-7533

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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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,	:	
	:	DOCKET NOS. PES 07-012
To review under Section 101 of the New York State	:	PES 07-013
Labor Law: A Notice of Violation and Order to Comply	:	PES 07-014
Issued October 19, 2007	:	
	:	
-against-	:	
	:	
THE COMMISSIONER OF LABOR,	:	
	:	
Respondent.	:	

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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.

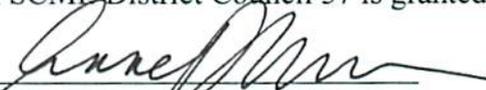
Following such notice, AFSCME filed an Application for Intervention pursuant to Board Rule 65.7 (12 NYCRR 65.7) on January 8, 2008 which was granted by the Board during a pre-hearing telephone conference held on January 9, 2008 before Devin A. Rice, Associate Counsel to the Board. The Board has the sole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

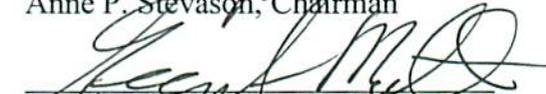
We find that because the issues of fact and law are the same in all three of the above-captioned cases, these cases should be consolidated for hearing pursuant to Board Rule 65.44 (12 NYCRR 65.44).

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.



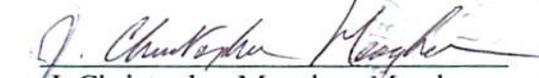
Anne P. Stevason, Chairman



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