



COBA
DELEGATE
SEMINAR

AUGUST
24th - 27th

GRIEVANCE PROCEDURES

Presentation by
Neil Renois | Recording Secretary

III WHAT YOU MUST KNOW ABOUT FILING A GRIEVANCE

- Know your polices; Know your contract; Know your R&R
- One of the most important ways that a member can protect his/her rights is by filing a Grievance
- The Grievance procedure is contained in Article XXI of the Contract between the COBA and the City of New York
- It is strongly recommended that the Delegate review the Grievance before it is submitted

III WHAT IS A GRIEVANCE?

- Article XXI of the COBA Contract defines a Grievance as follows:
 - a. A claimed violation, misinterpretation or inequitable application of the provisions of this Agreement:
 - b. A claimed violation, misinterpretation or misapplication of the rules, regulations, or procedures of the agency affecting terms and conditions of employment, provided that except as otherwise provided in this Section 1a, the term "grievance" shall not include disciplinary matters;

ARTICLE XXI OF THE COBA CONTRACT DEFINES A GRIEVANCE AS FOLLOWS (CONTINUED):

- c. A claimed violation, misinterpretation or misapplication of the Guidelines for interrogation of Members of the Department referred to in Article XIX of this Agreement;
- d. A claimed improper holding of an open-competitive rather than a promotional examination;
- e. A claimed assignment of the grievant to duties substantially different from those stated in the Correction Officer's job title specification

III STEP I TIME FRAME

- A Grievance must be filed with the Commanding Officer no later than Ninety (90) days after the date on which the violation arose.

TIME FRAMES OF EACH STEP:

	FILING TIME AFTER DATE OF GRIEVANCE	FILE WITH	RESPONSE TIME
STEP #1	90 Days	Facility Head	3 Days
STEP #2	5 Work Days	Agency Head	10 Work Days
STEP #3	10 Work Days	Commissioner of Labor Relations	15 Work Days
STEP #4	15 Work Days	Office of Collective Bargaining	Undetermined

The Step 4 hearing is impartial arbitration. Before this step can be invoked, it must have the approval of the COBA Executive Board



EXAMPLES OF SUCCESSFUL GRIEVANCES

EXAMPLE #1



CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.
"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"
 11 Broad Street, Suite 810
 New York, NY 10004
 Phone: 212-279-0900 / Fax: 212-279-8215
GRIEVANCE FORM



Please Refer To The C.O.B.A. Contract, Rules & Regulations, Directives & Operation Orders To Determine If Your Complaint Is In Fact Grievable

Date: June 28, 2017	Complaint: AMRC	Submitted To Head of Precinct: [Redacted]
Grievant's Name: Henry Hovick COBA Sergeant-at-Arms	Should Be: M84	Complainant Signature: [Signature]
For Office Use Only: Investigator: [Redacted]	On Contract, Rules and Regulations, Directives & Operation Orders: Investigate: [Redacted] (If Grievable) (If Grievable, Right)	
Submitted By Check One: Self ☐ Delegate ☐ Union ☒		# Precinct: [Redacted]

Statement of Facts: Include dates of occurrence if in addition short of necessary

This grievance is being submitted for resolution and is dated: The Month 06, 2017 Deputy Warden [Redacted] (Hearing Officer) summoned Prob. Officer [Redacted] (DOA 627) (He) to have a Command Discipline Hearing (for an alleged incident on 1/11/17) without affording him the right to have one of his Union Delegates present, and without 24 hours prior notice. None of his 4 Delegates at the command were given any notice of a hearing. On arrival [Redacted] explained to Dep [Redacted] that he wanted one of his Delegates and that none were available at the time. Upon information and belief Dep [Redacted] presumed that if he didn't proceed without a delegate and accept a penalty of four (4) violation days that would request for his termination. Fearing he would be terminated, he signed the CD (Form 6450) which indicated by Dep [Redacted] markings of an "X". Moreover, on information and belief Dep [Redacted] checked the box on form 6454 that an Official of his Union-assigned CC [Redacted] indeed, an individual appears next to that every but Officer [Redacted] claims that he did not initial it. This is a total abuse of power by Dep [Redacted] interview Officer [Redacted] and state here from the right of union representation with the threat of termination. The Deputy Warden took adverse advantage of a Probationary Officer. This is a direct violation of Directive 4237K-A (Command Discipline) Page 11 Section VI Paragraph B. Command Discipline Paragraph 3a, which in part states "The member shall have the right to have one instructional representative of his/her line organization present at the interview as a full participant..." This is just one example of many aspects of the Directive that were violated. This also includes the member's Weingarten Rights that were established in 1975 by a U.S. Supreme Court decision that employees have a right to union representation.

Remedy Being Sought: (Use Additional Sheets If Necessary) That the Administration of AMRC cease and desist from having Command Discipline Hearings without affording COBA Members their right to Union representation and assure that all Members and Delegates are given 24 hours notice prior to all CD hearings. Furthermore, COBA requests that the four (4) violation days that were taken from Officer [Redacted] be returned and that he be made whole in every way. His record should be expunged due to all the violations that were committed by the Administration of AMRC.

We warrant before the following Grievance Arbitration Panel (GAP) that the Head of the Precinct who was responsible for a proper disposition of the grievance shall not engage in any activity that would be in violation of the grievance procedure. We warrant that we shall not engage in any activity that would be in violation of the grievance procedure. We warrant that we shall not engage in any activity that would be in violation of the grievance procedure. We warrant that we shall not engage in any activity that would be in violation of the grievance procedure.

Warden's Response: (Use Additional Sheets If Necessary)

Date of Warden's Response: _____ **Warden's Signature:** _____

For Office Use Only: _____ **Received By:** _____ **Date:** _____



MAINTENANCE OF FACILITY GRIEVANCE

EXAMPLE #2

 CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC. "PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK" 75 Broad Street, Suite 810 New York, NY 10004 Phone 212-274-8800/ Fax 212-274-8231 GRIEVANCE FORM			
Please Refer To The C.O.B.A. Contract, Rules & Regulations, Directives & Operation Orders To Determine If Your Complaint Is In Fact Grievable			
Date: 2/9/16	Command: W1	Submitted To: Head of Facility: Deputy Warden Thomas Graham	
Grievant's Name: Benny Bostic COBA Sergeant-at-Arms	Shield #: 12684	Grievant's Signature: 	
Petitioner's Name: Grievance Number:		On Contract, Rules and Regulations, Directives & Operation Orders Violated: COBA Contract Article XVI Section 2	
Submitted By Check One: Self ☐ Delegate ☐ Union ☒ Witness			
This Grievance is being submitted for resolution and/or relief: On Friday February 5, 2016 During a tour at the West Facility by this writer, a water leak that appears to be from the roof in Officers Mess-hall. These damp conditions cause mold and/or mildew and can cause a slip and fall. This has been a constant problem during inclement weather and poses a health and safety concern for our members. This is a direct violation of The Collective Bargaining Agreement Article XVI Section 2 entitled "Maintenance of Facilities".			
Remedy Being Sought: (Use Additional Sheets If Necessary) The COBA is adamantly requesting that the leaking roof and ceiling be repaired and all mold and/or mildew be sanitized and removed as soon as possible. It is further requested that an air quality test of the area be conducted and a copy of the results be forwarded to my office.			
In accordance with the Collective Bargaining Agreement Article XVI Section 2, The Head of the facility shall take any steps necessary to a proper disposition of the grievance and shall reply in writing by the end of the third work day following the date of submission. Section 1, item 5 The C.O.B.A. shall weigh the [name is writing of all grievances filed by employees, all grievance hearings and all determinations. The Union shall have the right to have a representative present at any grievance hearing and shall be given thirty (30) days notice of all grievance hearings.			
Warden's Response: (Use Additional Sheets If Necessary)			
Date of Warden's Response: _____ Warden's Signature: _____			



POST GRIEVANCE

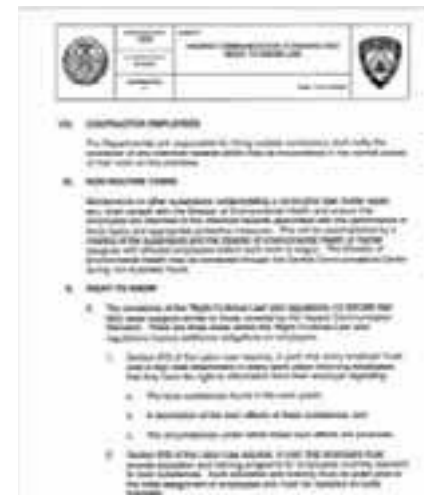
EXAMPLE #3

 CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC. "PATROLLING THE TIGHTEST PRECINCTS IN NEW YORK" 77-10 21st Avenue East Elmhurst, NY 11170 Phone 718-345-2622 / Fax 312-574-8231 GRIEVANCE FORM		
Please Refer To The C.O.B.A. Contract, Rules & Regulations, Directives & Operation Orders To Determine If Your Complaint Is In Fact Grievable		
Date: July 26, 2019	Command: DOC	Submitted To: Acting Warden Juan Rios
Grievant Name: Benny Boncio Sergeant-at-Arms COBA	Shield # 12654	Grievant Signature: 
As Affected By: Division Number:	The Contract, Rules and Regulations, Directives & Operation Orders issued Operations Order #10/17 (Awarding Job Assignments Within A Command)	
Submitted By Check One: Self ☐ Delegated ☐ Union ☒		# Union COBA Delegates R. Lantre #11171 and L. Rivera #15456
This grievance is being submitted for resolution and/or relief. At the June and July monthly Labor Management Meetings (held on June 26, 2019 and July 16, 2019) it was requested in writing on COBA's submitted labor management agenda, that vacant Posts #723E (Strike A), #724E (Corridor A) and #724C (Front Gate) be posted and awarded, in accordance with Departmental Policy. To date, these Posts have yet to be posted. This is a direct violation of Op Order 10/17 (Awarding Job Assignments Within A Command) which in part states: New and vacant job assignments within a command MUST be posted for twenty-one (21) days to permit members an opportunity to apply for the positions... It is COBA's contention that the awarding of job assignments would help boost morale and give officers the opportunity to apply for desired Posts within the command.		
Remedy Being Sought: (Use Additional Sheets If Necessary) That the aforementioned vacant job assignments be posted immediately to begin the bidding process of awarding Posts in accordance with DOC policy.		
In accordance with the Collective Bargaining Agreement Article 12 Section 2, The Board of the Justice shall take any action necessary to a proper disposition of the grievance and shall hold no hearing for the end of the third month day following the date of submission. Section 7 states The Union shall notify the Union in writing of all grievances filed by employees, all grievance hearings, date of decisions, etc. The Union shall have the right to be present at all grievance hearings and shall be given forty-eight (48) hours notice of all grievance hearings.		
Warden's Response: (Use Additional Sheets If Necessary)		
Date of Warden's Response: _____ Warden's Signature: _____ For Officer Use Only: _____ Received By: _____ Date: _____		



|| OSHA ACT OF 1970

The General Duty Clause requires each employer to have a place of employment which are free from recognized hazards that are causing death or likely to cause serious physical harm to employees.



III NEW YORK STATE DEPARTMENT OF LABOR PUBLIC EMPLOYEE SAFETY & HEALTH BUREAU (PESH)

The New York State Department of Labor, Public Employee Safety and Health Bureau (PESH) enforces PESH and OSHA standards for public-sector employees, in accordance with a "State Plan" agreement with OSHA.

PESH was established in 1980.

REGULATORY STRUCTURE



WHAT TO EXPECT WHEN PESH ARRIVES AT YOUR AGENCY?



III RISK ASSESSMENTS



Risk assessments show fire by-products like soot and mold were detected, the byproducts are dangerous and can compromise one's health. As the agency is obliged by safety and health laws to ensure that the workplace is free of serious recognized hazards, I implore management subsequent to any fire, to ensure that all commands adhere to the following:

Removing contaminated air from the work area and replace it with clean air

Removal of Smoke and Soot from All Surfaces

Cleaning and restoration

Supplying appropriate personal protective equipment for staff (respiratory, skin and eye protection)/ Immediately relieving injured staff.

It is my goal to ensure that staffers are carrying on their duties in the highest quality working environment possible, we must vigorously combat to abolish arson in our jails.

#3901 WOP (frm 274r)



III INSPECTION TYPES

- Imminent Danger
- A danger exists which could be expected to cause death or serious physical harm
- Accident/Fatality Investigations
- Complaints (Serious Hazard Alleged)
- A condition which exists that can cause death or physical harm
- Complaints (Non-Serious Hazard Alleged)
- A direct relationship to job safety, but is not serious in nature
- Hazards identified in the news media, other agencies, or collective bargaining
- Follow Up Inspections



III PESH OPENING CONFERENCE



- An Opening Conference meeting is performed to discuss the nature, purpose, and scope of the inspection.
- A generic copy of the complaint is presented.

The inspector will request that the agency download reference documents from the NYS DOL website:

Examples:

- PESH Act Labor
- What is PESH?
- Employer and Employee Rights and Responsibilities
- Workplace Violence Prevention Program
- Recording and Reporting Occupational Injuries and Illnesses



III PESH CLOSING CONFERENCE

The PESH Inspector/Hygienist will discuss:

- type of violations found, if any
- Issuance of Notice of Violations and Order to Comply
- abatement measures which can be taken
- free PESH consultation services
- assigned approximate abatement period
- what is a petition for modification of an abatement date
- how to apply for the appeal process

III SANITATION

On Sunday April 18, 2021, a risk assessment was conducted on Risker Island. Based on findings, the commands are failing to maintain the good order of the facility cleanliness, disinfect all areas, and properly dispose of sewage and waste.

Per CDC guidelines, you may want to either clean more frequently or choose to disinfect (in addition to cleaning) in shared spaces if certain conditions apply that can increase the risk of infection from touching surfaces:

- High transmission of Covid 19- in your community,
- Low number of people wearing masks,
- Infrequent hand hygiene, or
- The space is occupied by certain populations, such as people at increased risk for serious illness from COVID-19

If there has been a sick person or someone who tested positive for COVID-19 in your facility within the last 24 hours, you should clean and disinfect the space.

Inadequate staffing levels do not justify allowing the facilities to go haywire. As the agency is obliged by safety and health laws to ensure that the workplace is free of serious recognized hazards.

In these unprecedented times, a reasonable effort should be made to intensify the cleaning process, an implementation plan should be put into action in order to accomplish daily tasks as resolution.







Notice of Violation and Order to Comply

To: David N. Harris, Municipal Clerk 110 West 120th St, New York, NY 10035	Inspection Number: 10000000000000000000 Inspection Date: 10/10/2025 Inspection Time: 10:00 AM
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Inspection Site:
 110 West 120th St, New York, NY 10035

The violation described in this Notice of Violation and Order to Comply is a violation of the Public Employees Safety and Health Act of 1985. You must abate the violation within the time specified below. If you fail to abate the violation within the time specified, the Department of Correction may take action to enforce the abatement on your behalf.

This Notice of Violation and Order to Comply is issued to you as the responsible party for the violation. You are responsible for the violation and for the safety of the employees who are working at the site. You must take the necessary steps to correct the violation and to ensure the safety of the employees who are working at the site.

Type of Violation: **SERIOUS**

There were damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action or overheating.

West Facility Sally port trailer under left side window, the 120 volt receptacle was broken. **Employees are exposed to electrocution and shock hazard.**

Engineer Distribution Unfilled: The law requires that immediately after an inspection, the inspector must provide a copy of the inspection report to the responsible party. The responsible party must provide a copy of the inspection report to the employees who are working at the site. The responsible party must also provide a copy of the inspection report to the Department of Correction.

Employee Rights and Responsibilities: The responsible party must ensure that all employees who are working at the site are aware of their rights and responsibilities. The responsible party must also ensure that all employees who are working at the site are provided with the necessary safety equipment and training.

Required Action: The responsible party must take the necessary steps to correct the violation and to ensure the safety of the employees who are working at the site. The responsible party must also ensure that all employees who are working at the site are aware of their rights and responsibilities.



NEIL RENOIS
RECORDING
SECRETARY



COBA



DERRICK LASCKO
QUEENS BOROUGH
TRUSTEE

DOC ISSUED NOTICE TO COMPLY AFTER COBA'S NEIL RENOIS & DERRICK LASCKO SAW CONDITIONS IN THE PREA TRAILER



WORKPLACE VIOLENCE

 DIRECTIVE 6302R-A WORKPLACE VIOLENCE PREVENTION PROGRAM

 DEFINITION OF WPV: LOCATED ON PAGE 3 OF POLICY SECTION “I”

I. Workplace Violence (WPV): Any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including, but not limited to: a) an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; b) any intentional display of force which would give an employee reason to fear or expect bodily harm; c) intentional and wrongful physical contact with a person without his or her consent that entails some injury; and d) stalking an employee with the intent of causing fear or material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

 MISCONCEPTION OF WPV: EXAMPLES OF WHAT DOES NOT FIT THE CRITERIA OF WPV

 HOSTILE WORK ENVIRONMENT

 UNPROFESSIONAL BEHAVIOR

 COMMAND DISCIPLINES

 IMPROPER RADIO TRANSMISSIONS

 HOW TO FILE A WPV REPORT: ATTACHMENT F

It is the responsibility of the supervisor receiving the Workplace Violence Incident Report to ensure that all seven required elements are provided on the Workplace Violence Incident Report Form. If not, the complainant's supervisor must return the report to the complainant for completion.

** A UNION DELEGATE CAN ALSO SUBMIT THE FORM

** OR EMAIL DIRECTLY TO

WORKPLACEVIOLENCE@DOC.NYC.GOV



WPV COMMITTEE

- DEPUTY COMMISSIONER FOR QUALITY ASSURANCE IS THE WPV COORDINATOR
- DESIGNEE FROM OFFICE OF ADMINISTRATION
- DESIGNEE FROM OFFICE OF QUALITY & COMPLIANCE
- DESIGNEE FROM OFFICE OF SENIOR DEPUTY COMMISSIONER
- EXECUTIVE DIRECTOR OF LABOR RELATIONS
- LABOR RELATIONS ATTORNEY
- LEGAL DIVISION ATTORNEY

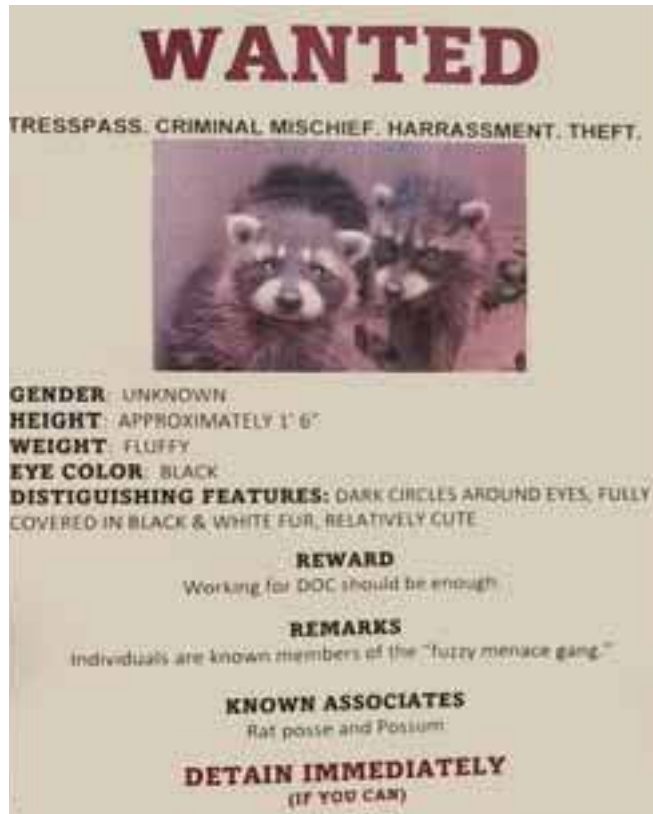
RISK EVALUATIONS

- CONDUCTED BASED ON THE REVIEWING OF THE UNUSUAL INCIDENT REPORTS AND SECURITY STATISTICS MAINTAINED BY OFFICE OF POLICY AND COMPLIANCE (OPC)
 - ASSESSMENT CONDUCTED BY: ASSISTANT COMMISSIONER OF ENVIRONMENTAL HEALTH, LABOR RELATIONS, SECURITY STAFF AND UNION REPRESENTATIVES
- RISK ASSESSMENT: CONTACT UNION REPRESENTATIVE TO ADDRESS A RISK CONCERN IE. INOPERABLE PBA, INOPERABLE PORTABLE RADIO ON POST, LIGHTING, EXPIRED STAB RESISTANT VESTS/BALLISTIC. THESE ISSUES CAN BE AND SHOULD BE BROUGHT UP DURING THE LABOR MANAGEMENT MEETINGS
- ANNUAL RISK EVALUATIONS ARE CONDUCTED: INCLUDES A PHYSICAL PLANT INSPECTION. DOCUMENTATION REVIEWED TO DETERMINE IF SECURITY ISSUES ARE RISK FACTORS

- IF WPV VIOLATION EXISTS, THE DEPUTY COMMISSIONER OF QUALITY ASSURANCE AND INTEGRITY OR DESIGNEE WILL TAKE THE NECESSARY STEPS TO ENSURE THAT THE VIOLATION OF WPV IS CORRECTED

WPV COMMITTEE

- A WRITTEN NOTICE IS PROVIDED UPON COMPLETION OF THE WPV INVESTIGATION TO THE COMPLAINANT AND RESPONDENT.
- IF APPLICABLE, APPROPRIATE COURSE OF ACTION, SUCH AS MEDIATION OR DISCIPLINARY ACTION IS IMPLEMENTED
- ALL RESERVE THE RIGHT TO BRING UNION REPRESENTATION OR AN ATTORNEY FOR THE INTERVIEWING PROCESS
 - IT IS THE RESPONSIBILITY OF THE STAFF MEMBER TO ARRANGE REPRESENTATION TO BE PRESENT
- THE WPV COMMITTEE HAS AN OBLIGATION TO ENSURE NO RETALIATION OF ANY PARTICIPANTS TO WPV CLAIMS (INCLUDING WITNESSES)





Notice of Alleged Safety or Health Hazard

Employment Name: New York City, Department of Correction (DOC), RMC and JRC

Site Address: Street: 15-01 Nassau Street
 City: East Elmhurst State: NY Zip: 11370
 Site Phone: (718) 348-6500 Site Fax: _____

Working Address: Street: 80TH ST, BOSTON
 City: _____ State: _____ Zip: _____
 Work Phone: _____ Work Fax: _____

Management (Official): _____ Phone: _____

Type of Business: (R) _____

Hazard (Description and Location): Describe the dangerous condition below with as much detail as possible. Include the physical location of the alleged hazard. Include the street, city, state, zip in the location, the specific area inside or outside of the site, and appropriate number of employees exposed to it (estimated by each hazard). Use additional pages if needed.

I am submitting this complaint to formally address a workplace hazard regarding an incident that occurred on Tuesday, September 10, 2025, involving members entering the building through the roof and subsequently falling through the ceiling into a facility restaurant, putting and endangering staff. As you are aware, members are known carriers of diseases, and their presence in the ventilation poses a significant threat to the health and safety of our members.

The incident is one of several that have occurred at DOC, RMC and JRC, it has raised serious concerns among our members regarding the lack of preventive measures, safety, and standard of care to these workers to ensure a safe working environment for everyone.

This condition has been brought to the attention of: ☒ The Employer ☐ A Government Agency other than the Department of Labor. Agency Name: State Department of Correction

Complainant's Name (Required): Neil Renois

Choose one: ☐ Do NOT reveal complainant's name to the employer. ☒ Complainant's name may be revealed to the employer.

Complainant's Home Address (Required): Street: 11-05 21st Avenue
 City: East Elmhurst State: NY Zip: 11370
 Phone (Required): (212) 604-1181 Email: nrenois@gmail.com

I, the complainant signed below, believe that job safety or health hazard(s) exists at the establishment named on this form. I am:

☐ an Employee ☒ an Employer (Union) Representative. Please enter the name of the union or organization you represent: Correction Officers' Benevolent Association, Inc.

Print the following (Required):

☐ a Safety and Health Committee member ☐ Other, specify: _____

Signature (Required): *Neil Renois* Date: 9-10-25

PESH 7 (11/15) Page 1 of 2



COBA WORKING FOR YOU!

COMPLAINT FROM COBA

Hazards alleged in the complaint are stated as follows:

1. There are loose and missing tiles in the men's locker room, women's locker room & program trailer creating an uneven and unstable walking surface.
2. Three toilets in the men's locker room are not functioning and over 100 employees use the toilet in the men's locker room.

RESULT FROM INVESTIGATION

COMPLAINT INVESTIGATION RESULTS

A review of the material that you submitted, and an initial on-site inspection of the workplace revealed violations related to items listed in your complaint. Your complaint is sustained. A Notice of Violation and Order to Comply (NOV) has been issued to the employer responsible for the facility.

A copy of the NOV is required to be posted at or near the site of each violation. Please refer to the attached Inspection Narrative and NOV for more details.

PESH UPDATE - WEST FACILITY

Recording Secretary Neil Renois submitted a PESH complaint, resulting in a citation issued at West Facility following locker room complaint

