



OFFICE OF COLLECTIVE BARGAINING

PRACTICE ADVISORY – April 2025

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Contract Bar Rule

The time to file a representation petition is set forth in § 1-02(g) of the Rules of the Office of Collective Bargaining (Rules of the City of New York, Title 61, Chapter 1) (“OCB Rules”). OCB Rule § 1-02(g) provides a 30-day window period to file a representation petition prior to the expiration of a collective bargaining agreement. It also provides that no representation petition can be filed after the expiration of a contract until a successor contract is signed. However, there is an exception: a petition that would otherwise be barred may be processed if the Board of Certification (“BOC”) finds unusual or extraordinary circumstances, such as when there is reason to believe the incumbent union is defunct or has abandoned representation.

Unusual or Extraordinary Circumstances

In settlement of litigation, the BOC has agreed that it will interpret the “unusual or extraordinary circumstances” exception to the contract bar rule to permit the processing of a representation petition filed after the expiration of a collective bargaining agreement in certain circumstances. A petition will be found timely:

- 1) **If it is filed at least three (3) years and less than six (6) years after a contract’s expiration**, provided it is supported by proof of interest of at least sixty percent (60%) of the appropriate bargaining unit and otherwise complies with the NYCCBL and the OCB Rules; or
- 2) **If it is filed six (6) or more years after a contract’s expiration**, provided it otherwise complies with the NYCCBL and the OCB Rules, including but not limited to OCB Rules § 1-02(c)(2), (c)(3), (e)(2), and (f).

The complete OCB Rules can be found [here](#).