



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MANCHESTER MUNICIPAL EMPLOYEES, LOCAL 298,	:	
AMERICAN FEDERATION OF STATE, COUNTY AND	:	
MUNICIPAL EMPLOYEES, AFL-CIO	:	
	:	
Complainant	:	CASE NO. A-0450
	:	
and	:	DECISION NO. 81-71
	:	
CITY OF MANCHESTER	:	
	:	
Respondent	:	
	:	

APPEARANCES

Representing the Manchester Municipal Employees, Local 298

James J. Barry, Esquire
Joyce Anderson, Executive Director

Representing the City of Manchester

Wilbur Jenkins, Personnel Director
Thomas Clark, Asst. City Solicitor

BACKGROUND

On March 19, 1979, Local 298, AFSCME filed unfair labor practice charges against the City of Manchester alleging that the City had been unfair in granting a pay increase to certain non-union employees and the same increase had not been given to union members who were in fact covered by the same bargaining unit.

A hearing on the matter was held on June 27, 1979 resulting in the following order of the Board.

"July 13, 1979, the Unfair Labor Practice finding requested by the Manchester Municipal Employees, Local 298 is denied because charges were not sustained at the hearing."

July 19, 1979, Local 298, AFSCME filed a motion for a rehearing claiming substantial new evidence in the matter, motion was granted and rehearing held on November 15, 1979.

Local 298 by its counsel, attorney James Barry, introduced ordinances dealing with monies for salaries and charts comparing salaries and benefits paid to city workers. Fringe benefit comparisons were presented concerning the various Blue Cross and Blue Shield plans offered the city employees. Local 298's position was that the non-union members had been given a 7.9% wage increase and a better medical plan than had been granted union members, all of these actions had taken place with the non-union members while negotiations were being conducted between Local 298 and the City. Pay scales and classification charts prepared by the City's personnel office were examined for the purpose of highlighting the discrepancy in wages paid to the two categories of employees, union and non-union. Fringe benefits of Blue Cross and Blue Shield were compared and testimony submitted by letter of costs of various plans of coverage.

The contract language was offered as evidence by Local 298. The union stated that in certain instances, particularly with reference to pay scales, the City ordinance superceded the contract.

Evidence of the end cost of benefits awarded under the contract and those benefits given to non-union employees was presented. Local 298 testified that the subject of upgrading hospital benefit plan for plan C or D to JW had been on the table at negotiations but had never been resolved to the union's satisfaction. These referenced negotiations took place over a period of fourteen months. The union requested plan JW but did not prevail during these negotiations. Plan JW as given to the non-affiliated employees after a survey was taken as to their desire. Eventually the union members did receive plan JW.

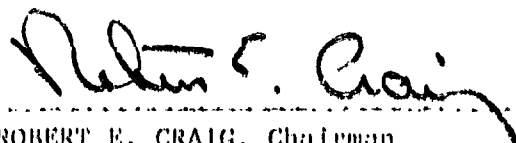
Evidence presented pointed to the end objective of the City of bringing union and non-union employees to an equalized pay and fringe benefit status.

FINDINGS OF FACT AND RULINGS OF LAW

It appears from the evidence that Local 298 negotiated away compliance with the City's classification plan in return for other concessions, in negotiations, in spite of their reliance upon its language as a basis for their argument at hearing.

The City's testimony was basically as originally presented at the first hearing. Interesting actions by the City demonstrated an all-out attempt to bring the employees affiliated and non-affiliated in some semblance of equality.

The Board cannot find that any evidence presented at the rehearing was new in substance and therefore reaffirms its prior decision.



ROBERT E. CRAIG, Chairman
FOR: PUBLIC EMPLOYEE LABOR RELATIONS BOARD

December 28, 1981

By unanimous vote of the members present at the time of the hearing,