

2008 SYNOPSIS

AFSCME Council 93, Local 863, Rochester Public Works & City of Rochester PELRB Case No. G-0024-4

The union filed a modification petition to include buildings and grounds employees in an existing bargaining unit. The city objected contending that the proposed modification was materially different from the bargaining unit description contained in the recognition clause and that there was no community of interest between the buildings and grounds employees and the rest of the unit. The city also claimed that the modification petition was barred by Pub 302.05, that the union was required to meet the 30% interest requirement per Pub 301.01, and that election procedures associated with the formation of a new bargaining unit must be followed.

The PELRB held that the rules did not require a showing of interest through signature cards or at the ballot box in order to modify an existing bargaining unit. The PELRB found that the city's arguments regarding the election and change in circumstances requirements were without merit and unsupported by law or evidence. Finally, the PELRB found that the union introduced sufficient evidence to satisfy the community of interest requirement, including the evidence of overall direction, common uniforms, similar workplace rules, common purpose and unity, and common activities which reflected a self-felt community of interest. The PELRB granted the modification petition.

Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.