

**Town of Milford and AFSCME Council 93, Local 3657, Milford Police Employees**, Decision No. 2008-151 (Case No P-0797-2).

**Background:** The town filed a petition for declaratory ruling with respect to the application of the previously issued PELRB decision to the parties' 2005-2009 collective bargaining agreement (CBA). The town contended that, under the previous PELRB decision, sergeants should be excluded from the 2005-2009 CBA. The respondent union objected on the ground that under the previous PELRB decision sergeants remained in the bargaining unit until the expiration of the CBA.

**Decision:** The PELRB concluded that, under its previous decision, sergeants remained covered by the 2005-2009 CBA through its expiration and the town was not entitled to exclude sergeants from the CBA before its expiration. The PELRB held that the town was not entitled to litigate whether sergeants should be immediately excluded from the CBA as a matter of law because the town did not appeal the subject PELRB decision and that the PELRB's previous order was final and binding.

*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.*