

United Steelworkers, Local 8938/Manchester Water Works v. City of Manchester, Decision No. 2008-265 (Case No. G-0058-5).

Background: The union filed an unfair labor practice complaint claiming that the city committed an unfair labor practice by failing to negotiate in good faith because the city refused to apply an agreed-upon drug testing policy to all employees, including non-affiliated employees. The city moved to dismiss the complaint claiming that the PELRB lacked jurisdiction to interpret a contract providing for final and binding arbitration.

Decision: The PELRB denied the city's motion to dismiss. The PELRB found that, because there was no meeting of the minds between the parties, the contract did not exist and, therefore, the matter was not arbitrable and the PELRB had jurisdiction over the matter. PELRB denied the union's complaint finding that the evidence was insufficient to show that the city failed to negotiate in good faith.

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.