

Rochester Municipal Managers Group and City of Rochester, Decision No. 2009-182 (Case No. G-0068-2).

Background: The union filed a modification petition seeking to add a position of communications supervisor to the existing bargaining unit. The union claimed, inter alia, that the position should be included in the existing unit because, since the formation of the unit, the employee's status changed from probationary to permanent. The city objected claiming that the circumstances have not changed since the bargaining unit was negotiated by the parties and certified, that the position was a confidential position, and that the position did not share a community of interest with the remainder of the bargaining unit.

Decision: The PELRB dismissed the petition finding that the evidence was insufficient to establish that a material change in circumstances warranting modification of the bargaining unit, required under Pub 302.05, has occurred since the formation of the bargaining unit or that the current composition of the unit was incorrect to a degree warranting its modification.

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.