



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME, Council #93, Local 298
Public Building Services

Petitioner

v.

City of Manchester, N.H.

Respondent

CASE NO. A-0435:25

DECISION NO. 91-73

APPEARANCES

Representing AFSCME, Council #93, Local 298:

James C. Anderson, Staff Repr.

Representing City of Manchester:

David Hodgen

Also appearing:

Randy Sherman, City of Manchester
Brian Mitchell, AFSCME
Apistotle Zeros, AFSCME

BACKGROUND

In February '91, AFSCME, Council 93, (AFSCME) on behalf of Local 298, Public Building Services employees (PBS) filed an unfair labor practice charge against the City of Manchester (CITY) alleging a violation of the CBA specifically Article 12, Section 4-B relative to employees retroactive checks for 4.5% from January 1, 1989 to December 31, 1989, some eight (8) weeks following the 1990 retroactive payment of the contract, with another unit ratification immediately prior to ratification of this agreement by the Board of Mayor and Aldermen.

The PBS employees, by agreement, should have received their retroactive checks on February 21, 1991. (As of the date of filing of the ULP, February 27, 1991, the employees had not received their checks in compliance with the agreement.)

AFSCME requested a finding of guilty under RSA 273-A and payment of interest at 6.5% on the retroactive monies due the employees.

The City admitted that it had entered into a memorandum of Agreement with AFSCME on October 16, 1990 but denied any violation of Section 4-B of the agreement. It further stated that the unit ratified immediately prior to PBS' agreement was the Police Support Staff Unit whose 1990 retro payments was made on January 31, 1991 and that PBS' payment was not due until March 28, 1991.

The City requested dismissal of the unfair labor charge.

DECISION AND ORDER

After reviewing all evidence and testimony at the June 13, 1991 hearing, the Board finds no violation of the memorandum of Agreement between the parties, therefore the interest payment is denied and the charge DISMISSED.

Signed this 16th day of September, 1991.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and E.Vincent Hall present and voting.