

## **2009 SYNOPSIS**

**AFSCME Council 93, Local 863/Rochester Public Works Dept., Buildings and Grounds  
v. City of Rochester, Dept. of Public Works and Buildings and Grounds  
Case No. G-0024-6**

The union filed an unfair labor practice complaint against the city claiming that the city violated RSA 273-A:5, I (c), (d), and (g) by refusing to award merit increases to employees of the Public Works Department's Building and Grounds Division in retaliation for their successful modification petition by which they were added to the existing Public Works bargaining unit. The city denied the charges claiming that, under the status quo doctrine, the involved employees were not entitled to merit step increases while negotiations were ongoing.

The PELRB denied the union's complaint finding that the union failed to provide sufficient evidence to establish that the city declined to implement the wage adjustments in retaliation against the employees who were added to an existing bargaining unit as a result of contested modification proceedings or that the city has otherwise violated the provisions of RSA 273-A:5, I (c), (d), and (g).

*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.*