

AFSCME Council 93 / Local 1444 Berlin City Employees and City of Berlin, Decision No. 2021-047 (Case No. G-0277-3).

Background: The Union claimed that the City violated RSA 273-A:5, I (e) & (g) when it asked to postpone a previously scheduled impasse mediation session causing it to be rescheduled and when it issued a request for a quote for health insurance in December, 2020 instead of October as required under the parties' mediation agreement. The City denied the charges and claimed that both parties made a good faith effort to meet on a regular basis to engage in collective bargaining. According to the City, the rescheduling of the mediation session was the result of an administrative error on the part of the City's counsel and did not reflect on the City's good faith efforts in its negotiations with the Union.

Decision: The evidence was insufficient to prove that the City failed to negotiate in good faith when it rescheduled an impasse mediation session. However, the City breached its duty to negotiate in good faith in violation of RSA 273-A:5, I (e) when it failed to communicate with the Union regarding changes to the parties' impasse mediation agreement and unilaterally changed a material term of this agreement.

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.