

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

TEAMSTERS LOCAL 205

:

v.

:

Case No. PF-C-15-45-W

:

BALDWIN BOROUGH

:

ORDER DIRECTING REMAND TO SECRETARY FOR FURTHER PROCEEDINGS

Teamsters Local 205 (Union) filed timely exceptions and a brief in support with the Pennsylvania Labor Relations Board (Board) on July 20, 2015. The Union's exceptions challenge a July 1, 2015 decision of the Secretary of the Board declining to issue a complaint and dismissing the Union's Charge of Unfair Labor Practices filed against Baldwin Borough (Borough).

The Union alleged in its Charge that the Borough violated Section 6(1)(a) and (e) of the Pennsylvania Labor Relations Act (PLRA) and Act 111 of 1968 when it unilaterally required the police officers to attend active shooter training. In declining to issue a complaint and dismissing the Charge, the Secretary stated that the Union failed to state a cause of action under Section 6(1)(e) of the PLRA because decisions regarding qualifications for a position and whether employees receive training are within the Borough's managerial prerogative, citing **FOP Rose of Sharon Lodge No. 3 v. PLRB**, 729 A.2d 1278 (Pa. Cmwlth. 1999), **appeal denied**, 560 Pa. 712, 743 A.2d 923 (1999), **Service Employees International Union, Local 668 v. Commonwealth of Pennsylvania, Department of Military and Veterans Affairs, Southwestern Veterans Center**, 40 PPER 88 (Final Order, 2009), **AFSCME, Council 13, AFL-CIO v. Commonwealth of Pennsylvania (Department of Transportation)**, 18 PPER ¶ 18136 (Final Order, 1987), **Allentown Education Association, PSEA/NEA v. Allentown City School District**, 46 PPER 97 (Final Order, 2015) and **International Association of Fire Fighters, Local 1803, AFL-CIO v. City of Reading**, 31 PPER ¶ 31057 (Final Order, 2000). The Secretary further stated that the Union had failed to allege sufficient facts for finding an independent or derivative violation of Section 6(1)(a) of the PLRA.

The Union acknowledges in its exceptions that an employer's decision regarding whether its employees receive training is generally a managerial prerogative. However, the Union alleges that the Borough's requirement that the police officers attend active shooter training affects the safety of the police officers, and the Union asserts that the Borough is required to bargain over the safety of the officers and the provision of safety equipment to attend this training. The Union further asserts that police officers have previously been injured during this training due to the lack of proper safety equipment. Based upon the allegations set forth in the Charge and the further clarification in the exceptions, we are hereby remanding this matter to the Secretary with direction to issue a complaint concerning the Union's allegation that the Borough violated its duty to bargain under Section 6(1)(a) and (e) of the PLRA regarding safety issues related to the mandatory active shooter training. This order directing remand shall not be construed by the parties as a determination that the July 1, 2015 decision of the Secretary was in error.

ORDER

In view of the foregoing and in order to effectuate the policies of the Pennsylvania Labor Relations Act and Act 111, the Board

HEREBY ORDERS AND DIRECTS

that this matter be remanded to the Secretary of the Pennsylvania Labor Relations Board with direction to issue a complaint.

SEALED, DATED and MAILED at Harrisburg, Pennsylvania pursuant to conference call meeting of the Pennsylvania Labor Relations Board, L. Dennis Martire, Chairman, Robert H. Shoop, Jr., Member, and Albert Mezzaroba, Member, this eighteenth day of August, 2015. The Board hereby authorizes the Secretary of the Board, pursuant to 34 Pa. Code 95.81(a), to issue and serve upon the parties hereto the within Order.