

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

AMERICAN FEDERATION OF STATE, :
COUNTY AND MUNICIPAL EMPLOYEES, :
DISTRICT COUNCIL 47 :
 :
v. : Case No. PERA-C-15-132-E
 :
CITY OF PHILADELPHIA :

ORDER DIRECTING REMAND TO SECRETARY FOR FURTHER PROCEEDINGS

On May 18, 2015, the American Federation of State, County and Municipal Employees, District Council 47 (AFSCME) filed a Charge of Unfair Practices with the Pennsylvania Labor Relations Board (Board) alleging that the City of Philadelphia (City) violated Section 1201(a)(1) and (5) of the Public Employee Relations Act (PERA) by unilaterally designating certain bargaining unit members as essential employees and refusing to bargain over the impact of the City's decision. On May 28, 2015, the Secretary of the Board declined to issue a complaint and dismissed the Charge, stating that the determination of the workload and assignment of duties to a public employee fall within the City's managerial prerogative under Section 702 of PERA. The Secretary further stated that AFSCME failed to allege that it requested impact bargaining and that the impact was severable from the City's decision. AFSCME filed an Amended Charge of Unfair Practices with the Board on June 8, 2015. The Board will treat this filing in the nature of exceptions to the Secretary's decision because it was filed within the twenty day period for filing of exceptions.

AFSCME alleges in its exceptions that it requested to bargain over the impact of the City's decision with respect to wages, scheduling and hours of work and that the City refused AFSCME's request. Based upon the allegations set forth in the Charge and the further clarification in the Amended Charge that the Board is treating as exceptions, we are hereby remanding this matter to the Secretary with direction to issue a complaint. This order directing remand shall not be construed by the parties as a determination that the May 28, 2015 decision of the Secretary was in error.

ORDER

In view of the foregoing and in order to effectuate the policies of the Public Employee Relations Act, 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 twenty-first day of July, 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.