

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

AMERICAN FEDERATION OF STATE, :  
COUNTY AND MUNICIPAL EMPLOYEES, :  
DISTRICT COUNCIL 87 :  
 :  
v. : Case No. PERA-C-15-71-E  
 :  
LUZERNE COUNTY :

**ORDER DIRECTING REMAND TO SECRETARY FOR FURTHER PROCEEDINGS**

The American Federation of State, County and Municipal Employees, District Council 87 (AFSCME) filed timely exceptions and a supporting brief with the Pennsylvania Labor Relations Board (Board) on April 17, 2015. AFSCME's exceptions challenge an April 2, 2015 decision of the Secretary of the Board declining to issue a complaint and dismissing AFSCME's Charge of Unfair Practices filed against Luzerne County (County).

AFSCME alleged in its Charge that a grievance arbitration award was issued reinstating bargaining unit member Keith Deleman to his former position with back pay and that the arbitrator retained jurisdiction for thirty days over the computation of the amount of back pay owed to Mr. Deleman. AFSCME further alleged that the County failed to provide AFSCME with its computation of the amount owed to Mr. Deleman until after the expiration of the arbitrator's jurisdiction over the matter. AFSCME asserted that the County's actions violated Section 1201(a)(1) and (8) of the Public Employe Relations Act (PERA).

In declining to issue a complaint and dismissing the Charge, the Secretary stated that the County's alleged delay in providing its computation of the amount owed to Mr. Deleman was not a violation of Section 1201(a)(8) of PERA. Therefore, the Secretary indicated that AFSCME failed to state a cause of action for a refusal to comply with an arbitration award under Section 1201(a)(8) because AFSCME did not allege that the County was failing to properly pay Mr. Deleman his full back pay. The Secretary further indicated that AFSCME had failed to allege sufficient facts for finding a violation of Section 1201(a)(1) of PERA.

In its exceptions, AFSCME alleges that the County reinstated Mr. Deleman to his former position, but has failed to pay him any back pay due under the arbitration award. 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. This order directing remand shall not be construed by the parties as a determination that the April 2, 2015 decision of the Secretary was in error.

**ORDER**

In view of the foregoing and in order to effectuate the policies of the Public Employe 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 nineteenth day of May, 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.