

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

TRANSPORT WORKERS UNION OF AMERICA, :  
LOCAL 290 :  
 :  
v. : Case No. PERA-C-15-238-E  
 :  
SOUTHEASTERN PENNSYLVANIA :  
TRANSPORTATION AUTHORITY :

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

The Transport Workers Union of America, Local 290 (Union) filed timely exceptions with the Pennsylvania Labor Relations Board (Board) on September 15, 2015. The Union's exceptions challenge an August 26, 2015 decision of the Secretary of the Board declining to issue a complaint and dismissing the Union's Charge of Unfair Practices filed against the Southeastern Pennsylvania Transportation Authority (SEPTA). Pursuant to an extension of time granted by the Secretary, the Union timely filed a brief in support of its exceptions on October 16, 2015.

In its Charge filed on August 14, 2015, the Union alleged that it represents a meet and discuss unit of first level supervisors employed by SEPTA. The Union further alleged that SEPTA held a meeting on June 25, 2013, in which SEPTA approved a resolution modifying the first level supervisors' pension benefits. The Union asserted that SEPTA's modification of the pension benefits without first meeting with the Union to discuss the proposed changes violated Section 1201(a)(9) of the Public Employe Relations Act (PERA).

The Secretary declined to issue a complaint, stating that the Union's Charge was untimely under Section 1505 of PERA because the modification to the pension benefits did not occur within four months of the filing of the Charge. The Secretary further stated that the Union failed to state a cause of action under Section 1201(a)(9) of PERA because the Union did not allege that it requested a meet and discuss session with SEPTA. Therefore, the Secretary dismissed the Union's Charge.

In its exceptions, the Union initially alleges that its Charge was timely filed because SEPTA approved the proposal to modify the pension benefits on June 25, 2015, and not on June 25, 2013. The Union further alleges that Local President Michael Pearson requested that SEPTA postpone a vote on the proposed modification to the pension benefits in order for it to consider the serious consequences of changing those benefits. The Union additionally requests that its Charge be amended to allege a derivative and independent violation of Section 1201(a)(1) of PERA. Based upon the allegations set forth in the Charge and the further clarification in the exceptions, we conclude that resolution of this Charge will best be served by a thorough examination of the factual and legal issues raised. Therefore, we are hereby remanding this matter to the Secretary with direction to issue a complaint concerning the Union's allegations that SEPTA violated Section 1201(a)(1) and (9) of PERA. This order directing remand shall not be construed by the parties as a determination that the August 26, 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 seventeenth day of November, 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.