

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

TEAMSTERS LOCAL 776 :
 :
v. : Case No. PERA-C-15-107-E
 :
YORK COUNTY :

ORDER DIRECTING REMAND TO SECRETARY FOR FURTHER PROCEEDINGS

Teamsters Local 776 (Union) filed timely exceptions and a supporting brief with the Pennsylvania Labor Relations Board (Board) on May 21, 2015. The Union's exceptions challenge a May 6, 2015 decision of the Secretary of the Board declining to issue a complaint and dismissing the Union's Charge of Unfair Practices filed against York County (County).

The Union alleged in its Charge that the County violated Section 1201(a)(1), (5) and (9) of the Public Employe Relations Act (PERA) by unilaterally changing the correctional officers' staffing assignments from fixed to rotational. The Secretary declined to issue a complaint and dismissed the Union's Charge, stating that the determination of the workload and assignment of duties fell within the County's managerial prerogative under Section 702 of PERA, citing **Joint Bargaining Committee of the Pennsylvania Social Services Union v. PLRB**, 503 Pa. 236, 469 A.2d 150 (1983), **Lincoln University Chapter of the American Association of University Professors v. Lincoln University**, 38 PPER 137 (Final Order, 2007) and **Bangor Area Education Association v. Bangor Area School District**, 33 PPER ¶ 33088 (Final Order, 2002). 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 the County. The Secretary also indicated that the Union failed to allege sufficient facts for finding a violation of Section 1201(a)(1) of PERA.

The Union alleges in its exceptions that its Charge does not concern the County's assignment of duties to the bargaining unit members. Rather, the Union alleges that the County unilaterally changed the past practice of assigning correctional officers to the same housing units with the same officers in order to protect the safety of the officers. The Union further alleges that the County's change in staffing assignments was in retaliation for the Union's actions during a grievance meeting in violation of Section 1201(a)(3) 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. This order directing remand shall not be construed by the parties as a determination that the May 6, 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 sixteenth day of June, 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.