

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
: :
: :
: : CASE NO. PERA-U-14-267-W
: :
PORT AUTHORITY OF ALLEGHENY COUNTY :

**PROPOSED ORDER OF UNIT CLARIFICATION
AND
PROPOSED ORDER OF DISMISSAL**

On August 11, 2014, the Amalgamated Transit Union, Local 85 (Union) filed a petition for unit clarification, under the Public Employee Relations Act (PERA or Act), with the Pennsylvania Labor Relations Board (Board) seeking to include the positions of Maintenance Technical Trainers (Technical Trainer), Rail Maintenance Training Instructors and Maintenance Work Order Specialists into the existing unit of all full-time and regular part-time nonprofessional first-level supervisory employes of the maintenance and transportation divisions of the Port Authority of Allegheny County (Authority).

On September 18, 2014, the Secretary of the Board issued an order and notice of hearing, directing that a hearing be held on March 6, 2015, in Harrisburg. After several granted continuance requests, the hearing was held on March 23, 2016, in Pittsburgh. During the hearing on that date, both parties were afforded a full and fair opportunity to present testimonial and documentary evidence and to cross-examine witnesses. Also during the hearing, the Union withdrew the petition regarding the Maintenance Work Order Specialists. Throughout the proceedings, the Rail Maintenance Training Instructors were referred to as Maintenance Training Specialists (Training Specialists). On May 9, 2016, the Authority filed its post-hearing brief. On June 13, 2016, the Union filed its post-hearing brief.

The examiner, based upon all matters of record, makes the following:

FINDINGS OF FACT

1. The Authority is a public employer within the meaning of Section 301(1) of PERA. (N.T. 4)
2. The Union is an employe organization within the meaning of Section 301(3) of PERA. (N.T. 4)
3. The parties stipulated and agreed that, if the positions sought to be included by the petition are not managerial, the individuals holding those positions share an identifiable community of interest with the employes already included in the unit of first level supervisory non-professional employes in the maintenance and transportation divisions of the Authority.
4. The Training Specialists are part of the Maintenance Apprenticeship Program, known as "MAP." The MAP trains employes, with no prior technical skills or training, for a technical position. MAP training consists of theory training and on-the-job practical training. There are currently 11 MAP positions at the Authority. Some examples of these positions are: Rail Tech A, Rail Tech B, Shop Mechanic, Machinist, Electronic Maintenance, Building Electrical, Signalmen, HVAC Tech, Wiremen, Radio Repairmen. Training Specialists also develop the theoretical training for Overhead Lineman, which is not part of the MAP. (N.T. 9-10, 26-28, 54)
5. The MAP is under the direction of an oversight committee that is comprised of Union representatives and an Authority manager. (N.T. 58)
6. Training Specialists provide theory training in electronics, train signaling and Light Rail Vehicle (LRV) operations. They have developed courses, outlines, syllabi and testing used for training employes. The Training Specialists teach theory of operation and not practical application. The practical training is achieved through on-the-job experience. The course in Basic Electronics is designed to teach fundamentals

about how electricity works and not specific applications. (N.T. 12-14, 30, 53-54; Employer Exhibits 1-2)

7. Training Specialist James "Jeff" Gensamer developed the Basic Electronics course from the course provided at the Allegheny County Community College. The Authority predetermined the text book to use for the Basic Electronics course. Mr. Gensamer used that book to develop the relevant daily course work for Basic Electronics. Mr. Gensamer developed other courses, for example the LRV Technician Course, from the information provided by the manufacturers' manuals and handbooks. (N.T. 15-16, 69)

8. The Basic Electronics course is provided to the Radio Repairmen, which is one of the eleven MAP positions. The course is a five-week, 200-hour course and is one of approximately seven courses a radio repairman must complete. (N.T. 16)

9. The Training Specialist also prepares PowerPoint presentations as well as labs and assessments for basic electronics. (N.T. 17-20; Employer Exhibits 3-4)

10. Matthew Homic is the Manager of Facility Systems and Non-Revenue Equipment at the Authority. Experienced maintenance workers have asked Manager Homic to change training because some training had not been relevant to the required maintenance work. Manager Homic has relayed those complaints to the Training Specialists and directed the modification of training to meet the needs in the field. New equipment and technology require the Authority to update training. (N.T. 20-24, 31-32)

11. The Training Specialists cannot make substantive or overall changes to courses. The Managers meet with the Training Specialists to ensure that any changes comply with the training expectations of the Authority. The Training Specialists can only advise on topic coverage or substantive changes. They need management's approval to make any substantive changes to a course. Overall course material and length is predetermined by managers above the Training Specialist. Course material has been determined by the MAP Oversight Committee. Substantive changes to course material must be approved by division managers or the MAP Oversight Committee. Even the modification of an individual trainee's time to get through a course due to illness must go through the MAP Oversight Committee. (N.T. 55-59, 69)

12. Training Specialists have the authority to change the beginning and end dates of a course. Training Specialists can change the duration of the course depending on the number and aptitude of students in a given class and the concomitant speed of progress. The Training Specialists are required to consult with a supervising manager before changing a lesson plan. The Training Specialists cannot change minimum passing and grading requirements, which have been determined by the MAP Oversight Committee. (N.T. 56-58)

13. A three-person committee interviews candidates for the On-the-Job Trainer (OJT) positions. That committee is comprised of a Training Specialist, a Union representative and an Authority manager, which often has been the Manager of Rail Maintenance. The Authority manager makes the ultimate decision in selecting a candidate. The Manager makes the request for the OJTs, he schedules the interviews and he decides who receives the position. (N.T. 28-29, 60)

14. Signals training was developed by an outside company. Signals training is governed by Federal regulations and cannot be modified by the Authority. (N.T. 74)

15. Mr. Gensamer was involved in modifying LRV training based on feedback from his managers, Mr. Homic and Mr. Schmidt, who received information from the field indicating that employees were not meeting expectations. Those managers determine the changes that the Training Specialists make to the courses with the managers' approval. Any changes in course material requires the approval of management and/or the MAP Oversight Committee. (N.T. 72-73)

16. In 2014, the Manager of Facility Systems, Mr. Homic, led a collaborative effort to create an outline for a six-week course to modify the training for Techs working on Light Rail Vehicles (LRV). Mr. Homic determined that LRV training needed to be modified and supplemented, in large part due to the disappearance of large volumes of manufacturer supplied materials. Mr. Homic gave an outline to Mr. Gensamer. Mr. Gensamer then recommended modifications to the training, daily lesson plans and testing. The LRV rewrite was a nine-month project. (N.T. 24, 75-77)

17. There are four Technical Trainers whose work responsibilities primarily relate to buses. The Technical Trainers develop courses and standard operating procedures (SOPs) for bus maintenance at the Authority. At the direction of Al Perez, the Director of Training, all four Technical Trainers collaborated on developing the climate control preventative maintenance manual. The manual had to be approved by management above Mr. Perez's level. All four Technical Trainers have developed classes that comply with the expectations of the bus and component part manufactures. The classes follow the manufacturers' recommendations. Any manuals and classes must be approved by management. (N.T. 36, 86-89; Employer Exhibits 7-8)

18. Different bus manufacturers use different electrical systems. The Director of Main Shop and Bus Maintenance Training develops training for the mechanics on those systems. (N.T. 38-39)

19. The Technical Trainers develop SOPs for maintaining the different components on new buses. They train mechanics on those SOPs and proper maintenance protocols. Technical Trainers have tailored SOPs based on the equipment, work flow, experiences and geographic conditions at the Authority. (N.T. 40, 42-44)

20. The Director of Bus Maintenance Training developed the preventative maintenance manual for the climate control system when he was a Technical Trainer. The Technical Trainers collaboratively developed the preventative maintenance inspection manual for the New Flyer Artic buses. The Technical Trainers were required to obtain approval for the manual. There are at least a dozen preventative maintenance manuals for each bus fleet. If changes need to be made to any preventative maintenance or inspection manual, the Technical Trainers are required to seek approval from management before making any changes. (N.T. 41, 45, 89, 100; Employer Exhibit 9)

21. Technical Trainers travel to the Gillig Bus Company in San Francisco, California to ensure that buses ordered by the Authority meet the specification requirements of the Authority. The Technical Trainer then provides his signature verifying that the Authority ordered bus has been built and inspected and that it meets the specifications of the Authority. A sample bus inspection report demonstrates that Technical Trainers have identified and permitted discrepancies on the buses. None of the Technical Trainers order buses. (N.T. 50, 92-93; Employer Exhibit 11)

22. Mark Galabinski is a Bus Maintenance Technical Trainer who performs new-hire training. There is a classroom component and a hands-on component. He starts training new hires on a fork lift. Trainees spend four hours in a classroom then they take a test for the forklift. The sweeper/scrubber is another piece of equipment on which new hires train. Trainees train a full day on a bus. It takes approximately eight days to train a new employe. (N.T. 80-85)

23. Michael Allen is an Instructor in Road Operations in the first-level supervisory unit at the Authority. He trains new bus operators and maintenance employes on driving and operating a bus. Mr. Allen uses a training manual, and he designed the training program. The training involves both classroom work and practical learning. The training period for a new driver is ten weeks. For mechanics, the training is thirteen days. Bob Duffy is Mr. Allen's Manager of Training. Mr. Allen's other Manager is Tony Berkly. (N.T. 101-106, 113)

24. Alex Sendek is a Rail Maintenance Training Instructor in the first-level supervisory unit at the Authority who reports to Aaron Schmidt. He is required to train all new hires and current employes to operate equipment used to maintain the rail system and the three busways. The manufacturers often provide pre-trip inspection materials and checklists with the equipment, sometimes in the form of DVDs. Mr. Sendek also obtains pre-trip inspection materials from the internet. (N.T. 114-116, 120-121, 124)

25. Mr. Sendek developed the High-Rail Vehicle refresher training program, which is a safety based program to improve awareness of proper High Rail operations, including pre-trip safety inspections and proper rail engagement and rail operations. Mr. Sendek has participated in modifying SOPs, but management must review and approve any proposed changes. (N.T. 125-127)

DISCUSSION

The Union's the petition in this matter seeks to include the Training Specialists and the Technical Trainers. The Union has the burden of establishing that the individuals in those positions share an identifiable community of interest with the existing members of the first-level supervisory unit. The parties stipulated and agreed that the Training Specialists and the Technical Trainers share an identifiable community of interest with the existing first-level supervisory unit members, if they are not managers. (F.F. 3; Authority's Post-hearing Brief at 9).

"PERA encourages the inclusion of public employes in bargaining units and thereby seeks to protect employes by affording them the right to organize and bargain collectively." **In the Matter of the Employes of Rome Township**, 40 PPER 54 (Order Directing Submission of Eligibility List, 2009). As the party seeking the exclusion of the two petitioned-for positions from the first-level supervisory unit, the Authority has the burden to establish that the Training Specialists and the Technical Trainers should be excluded as managers within the meaning of PERA, **In the Matter of the Employes of the State System of Higher Education**, 29 PPER ¶ 29234 (Final Order, 1998), *aff'd*, 737 A.2d 313 (Pa. Cmwlth. 1999), as it recognized at the hearing and in its post-hearing brief. (N.T. 5-7; Authority's Post-hearing Brief at 9). The Authority emphasizes that a unit clarification petition invokes the Board's investigatory powers and, therefore, the Authority's burden here is one of persuasion; it does not have a strict burden of proof. (Authority's Post-hearing Brief at 10 (citing **Riverview Intermediate Unit #6**, 37 PPER 106 (Final Order, 2006))).

Section 301(16) of the Act provides that a "Management level employe" means any individual who is involved directly in the determination of policy or who responsibly directs the implementation thereof and shall include all employes above the first level of supervision." 43 P.S. §1101.301(16). In applying this statutory definition, the Board has established a three-part disjunctive test and has held "that an employe who satisfies any of the following three criteria is a manager: (1) either the employe is directly involved in the determination of policy; (2) the employe directly implements policy; or (3) the employe is above the first level of supervision." **In the Matter of the Employes of Allegheny-Clarion Valley School District**, 41 PPER 21 (Final Order, 2010). In its brief, the Authority argues that the Training Specialists and the Technical Trainers are management level employes under the first two prongs, not the third. (Authority's Post-hearing Brief at 11).

Long ago, in the case **In the Matter of the Employes of Horsham Township**, 9 PPER ¶ 9157 (Order and Notice of Election, 1978), the Board breathed meaning into the statutory language. The **Horsham** Board opined that an employe who is "involved directly in the determination of policy," under the first prong of the statutory test, is as follows:

An individual who is involved directly in the determination of policy would include not only a person who has the authority or responsibility to select among options and to put a proposed policy into effect, but also a person who participates with regularity in the essential process which results in a policy proposal and the decision to put such a proposal into effect. Our reading of the statute does not include a person who simply drafts language for the statement of policy without meaningful participation in the decisional process, nor would it include one who simply engaged in research or the collection of data necessary for the development of a policy proposal.

Horsham, 9 PPER at 327. In the very same case, the Board opined that the language in the second prong of the statutory test, requiring that an employe "responsibly direct[] the implementation [of policy]," refers to the following:

[P]ersons who have a responsible role in giving practical effect to and ensuring the actual fulfillment of policy by concrete measures provided that such role is not of a routine or clerical nature and bears managerial responsibility to ensure completion of the task. The administration of policy involves basically two functions: (1) observance of the terms of the policy, and (2) interpretation of the policy both within and without the procedures outlined in the policy. The observance of the terms of the policy is largely a routine ministerial

function. There will be occasion where the implementation of policy will necessitate a change in procedure or methods of operation. The person who effects such implementation and change exercises that managerial responsibility and would be responsibly directing the implementation of policy.

Id.

The Authority maintains that the Training Specialists and the Technical Trainers "are directly involved in determining Port Authority's policy regarding the level and type of training that it provides to its maintenance employees." (Authority's Post-hearing Brief at 11). The Authority contends that the Board has previously held that a public employer's determination of the training necessary for its employees is inherent managerial policy and that developing that training means that the Training Specialists and Technical Trainers are developing managerial policy. (Authority's Post-hearing Brief at 11 (citing **City of Reading**, 31 PPER ¶ 31057 (Final Order, 2000)). The Training Specialists, argues the Authority, regularly determine what constitutes the MAP, how it is designed and delivered, whether it needs modification and what those modifications should be. (Authority's Post-hearing Brief at 11-13). They also assess training needs and revamp programs when technology changes require. **Id.** The Authority maintains that the determination of minimal qualifications is a managerial function, citing **AFSCME Council 13 v. Commonwealth of Pennsylvania**, 18 PPER ¶ 18136 (Final Order, 1987), and the Training Specialists determine the minimal standards for employees seeking positions under the MAP. (Authority's Post-hearing Brief at 15). Similarly, the Technical Trainers responsibly author Authority policies regarding maintenance standards for mechanics. They establish policies for each of the twelve different components on buses and deliver training on those standards.

Both Training Specialists and Technical Trainers, contends the Authority, responsibly implement managerial policy, within the meaning of **Horsham, supra, West Penn Township**, 39 PPER 41 (Order Directing Submission of Eligibility List, 2006) and **Bensalem Township School District**, 43 PPER 144 (Proposed Order of Dismissal, 2012). (Authority's Post-hearing Brief at 14-16). The Authority argues that these employees ensure the basic public transportation mission of the Authority of providing safe transportation for passengers by developing and delivering the necessary training for employees (who are required to perform highly skilled and technical work) to ensure the continuity of that safety. (Authority's Post-hearing Brief at 15-16).

TRAINING SPECIALISTS

As Hearing Examiner Pozniak saliently iterated in **In the Matter of the Employes of Allegheny County**, 47 PPER 4 (Proposed Order of Unit Clarification, 2015), the Board has long distinguished technical discretion from managerial discretion. Examiner Pozniak properly opined that the Board has held as follows:

[P]olicy formulation and implementation must be distinguished from technical expertise. To define the problem and directly implement the proposed solution to a problem is not the same as performing a function within a known discipline with competence. The former has to do with policy and the latter deals with technical expertise.

Allegheny County, 47 PPER at 9 (citing **City of Lebanon**, 4 PPER 24 (1974)). The Training Specialists here rely on their technical discretion and expertise to perform their training functions under the policies that have been developed and implemented by management personnel, who direct and control the Training Specialists' work.

Training Specialists teach academic courses in theory only, not hands-on applications. The Training Specialists train employees with no technical skills under the MAP for a technical position at the Authority. Although the Authority has argued that the Training Specialists determine the aptitude and qualifications for MAP candidates, the record does not support this assertion. The record reveals that the Authority developed aptitude testing for MAP candidates. Moreover, the record demonstrates that the MAP

Oversight Committee determines the requirements for the successful completion of MAP training courses, including grading requirements. In this manner, the Authority's reliance on **City of Reading, supra**, and **AFSCME, supra**, is misplaced. Although establishing minimum qualifications is a matter of managerial prerogative and policy, this record does not demonstrate that the Training Specialists control minimum qualifications for entering the MAP or graduating from the MAP.

The MAP program is under the direction and control of the MAP Oversight Committee. Matthew Homic is the Manager of Facility Systems and Non-Revenue Equipment. Prior to 2007, the MAP employes enrolled in the Basic Electronics Course at the community college. Mr. Homic brought the Basic Electronics Course and education in-house for MAP employes. Both the in-house and community college versions of the Basic Electronics Course teach the fundamentals of electricity and electric circuit components. In developing the Basic Electronics Course, Mr. Gensamer relied on his vast experience and education in the sciences. He also copied relevant material from the community college course and from the text book chosen by the Authority. Mr. Gensamer utilized his professional expertise and technical knowledge, not any management level policy making authority, to develop a body of technical information and course work. These technical materials are devoid of administrative policies and the course design alone is not managerial or administrative.

The managerial policy to provide in-house training in electronics and the selection of the course text book was Mr. Homic's decision, not Mr. Gensamer's. Mr. Gensamer cannot change the grading system without approval from the MAP oversight Committee. He cannot make any substantive course changes without approval from the MAP oversight Committee. Although he developed the course from the Authority chosen text and the community college course, all substantive material is approved by Mr. Homic and the Oversight Committee. Mr. Gensamer has the limited ability to alter a course beginning and ending dates, depending on the number of students in a given class and the progress made therein. The course materials selected and compiled by the training Specialists are technical in nature. The Training Specialists are not developing, compiling or implementing administrative policies for the Authority. They are selecting and compiling technical materials to be used in training and not to be used to govern employment, behavior or administration.

Manager of Facilities, Mr. Homic, determined that the LRV training needed to be modified. Mr. Homic led a collaborative effort to create an outline for a six-week course for the Technicians working on the LRVs. Mr. Homic's outline was given to the Trainer Specialists who then developed a course pursuant to the parameters set by Mr. Homic. Mr. Gensamer utilized his technical abilities to perform a nine-month rewrite of the LRV training, however, the modified and supplemented LRV training was done at and under the direction of Mr. Homic. Developing the daily lesson plans and labs for academic courses that are required by the Authority does not constitute the requisite development or implementation of managerial policy.

Modification in academic training is engendered in the field as a result of perceived deficiencies in training. Those reports are received by managers, like Mr. Homic and Mr. Schmidt, who then direct that the Training Specialists make modifications to course materials. The managerial policy is to provide in-house training to employes to maintain the operations of equipment used by the Authority to provide safe public mass transportation. Mr. Homic, as Manager, is responsible for defining the training issues and directing the implementation of solutions to those identified training issues. **Allegheny County, supra**. The development of those policies and the implementation of those training policies are not effectuated, in whole or in part, by the Training Specialists. The Training Specialists have no ability to determine changes in the subject matter of training, without managerial approval.

Regarding the selection of OJTs, a Training Specialist participates in a three-person interview committee to interview candidates for the position of OJT. Also, on the interview committee is a manager from the Authority. The record clearly demonstrates that the Manager makes the request for the OJTs, schedules the interviews and decides who receives the position. Thus, the Training Specialists do not possess managerial authority involving the selection, transfer or hiring of OJTs, or any other personnel. Accordingly, the Training Specialists do not develop or implement managerial policy, and they are not managers.

TECHNICAL TRAINERS

The Technical Trainers develop SOPs for maintenance protocols for the buses and the various bus systems from information supplied by the manufacturers. All those SOPs and protocols must be approved by management. As with the academic course development and delivery of the Training Specialists, the technical discretion and expertise utilized by the Technical Trainers in drafting maintenance SOPs and manuals, defining technical and mechanical protocols, do not involve the administration of the Authority's enterprise, as required by Board law. Employees are not managers simply because they have input in the manner in which they perform, improve and modify the technical requirements of their job duties.

Moreover, there are currently training instructors, like the Technical Trainers, in the first-level supervisory unit who train maintenance employees by teaching academic course work with training manuals and practical, hands-on learning. Mr. Michael Allen designed the training program for operating a bus, which includes training on all the individual bus routes within his assigned region. Mr. Alex Sendek is a Maintenance Rail Training Instructor in the first-level supervisory unit. He developed pre-trip inspections materials for rail system maintenance equipment and a refresher safety program for High-rail vehicle operations. He has also participated in modifying maintenance protocols. All such materials and courses are approved by management.

The Technical Trainers, however, are managers under the second prong of the statutory test and the code enforcement line of cases. In **Municipal Employees of the Borough of Slippery Rock v. PLRB**, 14 A.3d 189 (Pa. Cmwlth. 2011), the Commonwealth Court affirmed the Board's determination that a code enforcement officer was a management level employee under the second part of the test under Section 301(16). In **Slippery Rock**, the code enforcement officer independently exercised his managerial discretion in determining whether structures, properties and permit applicants complied with the Borough's ordinances. Significantly, the code enforcement officer in **Slippery Rock** did not have any direct supervision nor did he seek approval for any of his independent discretionary determinations about whether applicants or properties complied with the health, safety and welfare policy determinations of the Borough.

It is the inherent managerial prerogative of the Authority to establish the requisite specifications for its buses deemed necessary, given its unique experience in providing safe public transportation in the greater Pittsburgh area and given the geographic and climatic challenges presented. Having identified certain problems and equipment needs from experience, management has determined solutions and established policies through its custom specifications in ordering buses to meet those needs that are unique to the Authority. The Authority has established certain policies with respect to the performance capabilities of its equipment. The Technical Trainers do not order any buses or establish the specifications and therefore, do not develop the performance policies and specifications of the bus equipment.

However, the Technical Trainers travel to the Gillig Bus Company in San Francisco, California to ensure that the bus manufacturer has built Authority ordered buses to the custom specifications of the Authority. Each Technical Trainer spends approximately two weeks at a time inspecting buses at the manufacturer's plant in different stages of assembly and construction. They inspect and ensure compliance with Authority specifications from the basic underlying structural, mechanical, electrical and HVAC components through to the trimming and painting details of the completely assembled bus. The Board has held that (with respect to whether inspection duties of a position qualify that position as managerial) where the employee in question merely follows rules or policies, without the authority to enforce or deviate from them, the position is not managerial. **Horsham, supra; Tredyffrin Township**, 21 PPER ¶ 21118 (Order Directing Submission of Eligibility List, 1990); **York Housing Authority**, 44 PPER 56 (Order Directing Submission of Eligibility List, 2012).

A sample bus inspection record indicates that the Technical Trainers identify compliance, discrepancies and shortages in bus construction and assembly. They exercise managerial discretion in determining whether discrepancies in Authority specifications will be permitted or rejected. In this regard, the Technical Trainers, like the code

enforcement officer in **Slipper Rock, supra**, exercise independent discretion without supervision or review to determine whether buses are built in compliance with the performance policies and specifications of the Authority. Although the buses are inspected again once they are delivered to the Authority, none of the buses would be delivered without the approval of the Technical Trainers.

Accordingly, the Authority has met its burden of persuasion that the Technical Trainers exercise independent discretion in implementing Authority policy under the second prong of the statutory test and that they are management-level employees. The Training Specialists, however, are not management level employees; they do not develop or implement Authority policy.

CONCLUSIONS

The hearing examiner, therefore, after due consideration of the foregoing and the record as a whole, concludes and finds as follows:

1. The Authority is a public employer within the meaning of section 301(1) of PERA.
2. The Union is an employe organization within the meaning of Section 301(3) of PERA.
3. The Board has jurisdiction over the parties.
4. The position of Maintenance Training Specialist at the Authority is NOT a management level position and is thereby properly included in the first-level supervisory unit.
5. The position of Maintenance Technical Trainer at the Authority is a management level position and is properly excluded from the first-level supervisory unit.

ORDER

In view of the foregoing and in order to effectuate the policies of the Public Employe Relations Act, the hearing examiner

HEREBY ORDERS AND DIRECTS

that the unit certified by the Board at PERA-R-93-456-W is hereby amended to include the position of Maintenance Trainer Specialist.

IT IS HEREBY FURTHER ORDERED AND DIRECTED

that in the absence of any exceptions filed pursuant to 34 Pa. Code § 95.98(a) within twenty (20) days of the date hereof, this decision and order shall be and become absolute and final.

SIGNED, DATED and MAILED at Harrisburg, Pennsylvania, this twenty-fifth day of July, 2016.

PENNSYLVANIA LABOR RELATIONS BOARD

JACK E. MARINO, Hearing Examiner