

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

DEPUTY SHERIFFS ASSOCIATION :  
OF CHESTER COUNTY :  
 :  
v. : Case No. PERA-C-12-68-E  
 :  
 :  
CHESTER COUNTY :

**ORDER DENYING MOTION FOR RECONSIDERATION**

The Deputy Sheriffs Association of Chester County (Association) filed a Motion for Reconsideration with the Pennsylvania Labor Relations Board (Board) on August 28, 2014, from the Final Order of the Board issued on August 19, 2014. Chester County (County) filed a Response to the Motion for Reconsideration on September 2, 2014.

Section 95.98(g)(2) of the Board's Rules and Regulations provides as follows:

A party to a decision of the Board may, because of extraordinary circumstances, file a request to reconsider the decision with the Board within 7-calendar days following the date of service of the decision. The party shall state with specificity the grounds claimed and, where applicable, shall specify the page of the record relied upon. A copy of the request shall have been actually served upon each party of record prior to filing the request, and a statement of the service shall accompany the request.... The filing of a request for reconsideration will not operate to stay the effectiveness of a decision of the Board unless otherwise ordered by the Board.

The Association's Motion for Reconsideration was accompanied by a United States Postal Service Form 3817 Certificate of Mailing evidencing deposit in the first-class mail on August 26, 2014. However, the Board's Rules and Regulation do not permit the filing of a Motion for Reconsideration by mail. In the Matter of the Employees of the City of Oil City, 21 PPER ¶21113 (Order Denying Motion for Reconsideration, 1990). Thus, the date of filing of the Association's Motion for Reconsideration was August 28, 2014, the date of receipt by the Board. 43 Pa. Code 95.42(a). As such, the Association's Motion for Reconsideration was filed with the Board beyond the seven-day period for requesting reconsideration. Accordingly, the Association's Motion for Reconsideration is untimely, and must be denied. Temple University Hospital Nurses Association v. Temple University Hospital, 33 PPER ¶133162 (Order Denying Motion for Reconsideration, 2002).

Even if the Association's Motion for Reconsideration had been timely, there are no "extraordinary circumstances" warranting reconsideration of the Board's August 19, 2014 Final Order. A majority of the Board voted to sustain the County's exceptions to the Proposed Decision and Order, and find no unfair labor practice arising from Patrick Miller's termination from employment for insubordination. The Association argues in its Motion for Reconsideration that the Final Order is inconsistent with well-established Board precedent. However, the arguments raised by the Association in support of its Motion for Reconsideration have been thoroughly considered and addressed by the Board in the majority and dissenting opinions, and the majority holding in the Final Order is supported by prior Board decisions. Accordingly, the Association's Motion for Reconsideration presents no exceptional circumstances warranting further review.

After a thorough review of all matters of record, the Association's Motion for Reconsideration is untimely and is hereby denied.

**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 the Motion for Reconsideration filed by the Association is denied.

CHAIRMAN L. DENNIS MARTIRE CONCURS IN THE DENIAL OF RECONSIDERATION ON THE TIMELINESS BASIS ONLY.

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 September, 2014. 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.