

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

AMERICAN FEDERATION OF STATE, :  
COUNTY AND MUNICIPAL EMPLOYEES, :  
DISTRICT COUNCIL 89 :  
 :  
v. : Case No. PERA-C-15-36-E  
 :  
LANCASTER COUNTY :

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

On February 9, 2015, the American Federation of State, County and Municipal Employees, District Council 89 (AFSCME) filed a Charge of Unfair Practices with the Pennsylvania Labor Relations Board (Board) alleging that Lancaster County (County) violated Section 1201(a)(1) and (2) of the Public Employee Relations Act (PERA) by refusing to process grievances. On February 19, 2015, the Secretary of the Board declined to issue a complaint and dismissed the Charge, stating that AFSCME failed to allege sufficient facts to support a finding of a violation of Section 1201(a)(1) or (2) of PERA. The Secretary further noted that he was unable to determine whether the Charge was timely because AFSCME failed to allege the date on which it believed an unfair practice had occurred. AFSCME filed an Amended Charge of Unfair Practices with the Board on March 2, 2015. The Board shall treat this filing in the nature of exceptions to the dismissal of the Charge because it was filed within the twenty-day period for filing of exceptions.

AFSCME alleges in its exceptions that the County refused to process grievances to arbitration on November 25, 2014, and thereby violated its duty to bargain under Section 1201(a)(1) and (5) of PERA.<sup>1</sup> Based upon the allegations set forth in the Charge and the further clarification in the exceptions, we shall remand this matter to the Secretary for a determination of whether to issue a complaint concerning AFSCME's allegations that the County violated its duty to bargain under Section 1201(a)(1) and (5) of PERA. This order directing remand shall not be construed by the parties as a determination that the February 19, 2015 decision of the Secretary was in error.

**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that the February 19, 2015 dismissal of AFSCME's Charge of Unfair Practices is rescinded and this matter is remanded to the Secretary of the Pennsylvania Labor Relations Board for further proceedings.

SEALED, DATED and MAILED at Harrisburg, Pennsylvania pursuant to conference call meeting of the Pennsylvania Labor Relations Board, L. Dennis Martire, Chairman, and Albert Mezzaroba, Member, this seventeenth day of March, 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.

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<sup>1</sup> AFSCME does not except to the Secretary's dismissal of its allegation of a violation of Section 1201(a)(2) of PERA.