

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

FRATERNAL ORDER OF POLICE,
LODGE No. 34

v.

CITY OF FARRELL

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Case No. PF-C-16-14-W

ORDER DIRECTING REMAND TO SECRETARY FOR FURTHER PROCEEDINGS

The Fraternal Order of Police, Lodge No. 34 (FOP) filed timely exceptions and a supporting brief with the Pennsylvania Labor Relations Board (Board) on March 25, 2016, challenging a March 7, 2016 decision of the Secretary of the Board declining to issue a complaint and dismissing the Charge of Unfair Labor Practices filed against the City of Farrell (City).

The FOP alleged in its Charge of Unfair Labor Practices that the City violated Section 6(1)(a) and (e) of the Pennsylvania Labor Relations Act (PLRA), as read in *pari materia* with Act 111 of 1968, by refusing to recognize and bargain with the FOP, and failing to maintain the terms of a collective bargaining agreement following the City's withdrawal from the Southwest Mercer Regional Police Commission on January 1, 2016. Relying on **Lewistown Police Association v. Lewistown Borough**, 43 PPER 56 at p. 186 (Proposed Decision and Order, 2011), the Secretary stated in his March 7, 2016 letter that a municipality's withdrawal from a regional police department does not create a statutory bargaining obligation. The Secretary therefore, declined to issue a complaint and dismissed the FOP's Charge of Unfair Labor Practices.

Based upon the allegations set forth in the Charge of Unfair Labor Practices, and the further clarification in the exceptions and supporting brief, we conclude that resolution of the FOP's 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 March 7, 2016 decision of the Secretary was in error.

ORDER

In view of the foregoing and in order to effectuate the policies of the Pennsylvania Labor Relations Act and Act 111, 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 nineteenth day of April 2016. 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.