

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

INTERNATIONAL ASSOCIATION OF FIRE :
FIGHTERS, LOCAL 22 :
 :
v. : Case No. PF-C-16-9-E
 :
CITY OF PHILADELPHIA :

ORDER DIRECTING REMAND TO SECRETARY FOR FURTHER PROCEEDINGS

The International Association of Fire Fighters, Local 22 (IAFF) filed timely exceptions and a supporting brief with the Pennsylvania Labor Relations Board (Board) on March 2, 2016, challenging a February 11, 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 Philadelphia (City).

The IAFF alleged in its Charge 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 implementing a new training and certification process for bargaining unit employees. The Secretary declined to issue a complaint and dismissed the Charge. The Secretary stated that matters of employee training and qualifications fall within the City's managerial prerogative, and therefore the allegations would not support a violation of Section 6(1)(e) of the PLRA. The Secretary also indicated that the IAFF failed to allege sufficient facts for finding a violation of Section 6(1)(a) of the PLRA.

The IAFF alleges in its exceptions and supporting brief that the Charge included allegations that the City's General Memorandum 16-04, which implemented the new training, also unilaterally imposed new disciplinary rules that are subject to mandatory negotiation. 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 February 11, 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.