

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

TEAMSTERS LOCAL UNION NO. 776 :
 :
 v. : Case No. PERA-C-24-22-E
 :
 ADAMS COUNTY :

FINAL ORDER

Teamsters Local Union No. 776 (Teamsters) filed timely exceptions with the Pennsylvania Labor Relations Board (Board) on June 25, 2024, to a proposed Order Granting Motion to Dismiss Unfair Practice Charge Against Adams County Court of Common Pleas issued on June 6, 2024. In its Charge of Unfair Practice, the Teamsters alleged that the court terminated the employment of the chief union steward in order to discourage union membership during the pendency of the decertification proceeding at Case No. PERA-D-23-186-E, in violation of Section 1201(a)(1) and (3) of the Public Employee Relations Act (PERA). Adams County and the Adams County Court of Common Pleas filed briefs in opposition to the exceptions on August 13, 2024.

In the proposed order, the Hearing Examiner found that the Board's jurisdiction over the facts alleged in the Charge of Unfair Practice, the discipline of a court-appointed bargaining unit employee, were controlled by the Commonwealth Court's recent decision in Cook v. PLRB, 315 A.3d 885 (Pa. Cmwlth. 2022), 318 A.3d 419, 161 M.D. 2021 (Pa. Cmwlth. April 5, 2024) (unreported *en banc* decision). In Cook, the Commonwealth Court expressly held that under the separation of powers doctrine, the Board lacks jurisdiction to issue a complaint of unfair practices against a judicial employer under these circumstances. Id.¹

After a thorough review of the exceptions and all matters of record, the Hearing Examiner properly concluded that the Board lacked jurisdiction to issue a Complaint on the Charge of Unfair Practices against the Adams County Court of Common Pleas. Accordingly, the Board shall dismiss the exceptions, and make the Order Granting Motion to Dismiss Unfair Practice Charge Against Adams County Court of Common Pleas final.

¹ We note that in the *en banc* decision the Commonwealth Court concluded that "the Board lacked jurisdiction to issue the Complaint in the first instance." Id. Thus, presumably, where a civil action is filed in the Commonwealth Court (42 Pa. C.S.A. §761) involving the constitutional, statutory or contractual rights of court-appointed bargaining unit employees otherwise cognizable as an unfair practice, and the court finds that administrative proceedings of underlying claims would not impair the independence of the judiciary, the court may defer the matter to the Board for investigation of the unfair practice under PERA. See, Teamsters Local 115 v. PLRB (Teamsters 115), 619 A.2d 382 (Pa. Cmwlth. 1992); see also, Western Pennsylvania School for Deaf v. PLRB, 438 A.2d 1025 (1982) (process for where jurisdiction of the Board was dependent on the National Labor Relations Board ceding jurisdiction over the employer).

ORDER

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

HEREBY ORDERS AND DIRECTS

that the exceptions filed by Teamsters Local Union No. 776 are hereby dismissed, and the Order Granting Motion to Dismiss Unfair Practice Charge Against Adams County Court of Common Pleas issued on June 6, 2024, shall be, and the same is, hereby made absolute and final.

SEALED, DATED and MAILED at Harrisburg, Pennsylvania pursuant to conference call meeting of the Pennsylvania Labor Relations Board, James M. Darby, Chairman, Albert Mezzaroba, Member, and Gary Masino, Member this fifteenth day of October, 2024. 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.