

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

TEAMSTERS, LOCAL 249 :  
 :  
 v. : Case No. PERA-A-24-178-W  
 :  
 ALLEGHENY COUNTY :

**FINAL ORDER**

The Teamsters, Local 249 (Teamsters) filed with the Pennsylvania Labor Relations Board (Board) a Request for Panel of Neutral Interest Arbitrators on August 9, 2024, concerning an alleged impasse in contract negotiations with Allegheny County (County), for a bargaining unit of court-related, court-appointed employees as set forth under the provisions of Section 805 and 806 of the Public Employee Relations Act (PERA). The Teamsters alleged in its August 9, 2024 Request for Panel of Neutral Interest Arbitrators that the County's budget submission date is December 31, 2024, that mediation through the Pennsylvania Bureau of Mediation commenced on April 30, 2024, and that the Teamsters made a demand to arbitrate with the County on August 9, 2024. The collective bargaining agreement between the Teamsters and the County is set to expire December 31, 2024.

Upon review of the Teamsters' Request for Panel of Neutral Interest Arbitrators and based on the notice received from the Bureau of Mediation under Section 802 of PERA, the Secretary determined that the request did not comport with the statutory requirements of mediation prior to commencing interest arbitration under Section 805 of PERA. Accordingly, by letter issued August 13, 2024, the Secretary of the Board administratively declined to provide a panel of neutral interest arbitrators, stating, in accordance with the Board's policy in AFSCME, District Council 47, Local 810 v. City of Philadelphia, 52 PPER 49 (Final Order, 2021), that the parties have a statutory obligation to fulfill the mediation requirements of Section 801 prior to requesting a list of neutral arbitrators. On September 3, 2024, the Teamsters filed timely exceptions to the Secretary's August 13, 2024 administrative decision.<sup>1</sup>

In City of Philadelphia, supra, the Board announced that it was taking a proactive role in deciding whether to issue arbitration panels under Section 805 and 806 of PERA to ensure that the twenty-days of mediation required by Section 801 and 802 of PERA are being properly utilized in Section 805 cases. The Board held as follows:

Article VIII of PERA is clear. The parties must notify the Bureau of Mediation of a dispute in negotiations over wages, hours or working conditions no later than 150 days prior to the employer's "budget submission date." 43 P.S. §1101.801. Thereafter, mediation must commence. The date mediation commences is when the parties have their first meeting with the mediator. See FOP, Lodge No. 5 v. City of Philadelphia 27 PPER ¶ 27249 (Final Order, 1996). Twenty days must pass after mediation has commenced before

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<sup>1</sup> The Teamsters' exceptions are timely because the twentieth day following issuance of the Secretary's decision, Monday, September 2, 2024, was a legal holiday (Labor Day), and is excluded from computation of the twenty-day period for filing exceptions. 34 Pa. Code § 95.100(b).

a demand for interest arbitration can be made no later than 130 days prior to the employer's "budget submission date". 43 P.S. §1101.802. Only then shall the impasse be submitted to a panel of arbitrators. 43 P.S. §1101.805....

[A] request for a list of neutral interest arbitrators that is made before mediation has commenced, or during the twenty days of mediation, is counter to not only the express process under Article VIII, but also the purposes and policies of PERA.

City of Philadelphia, 52 PPER at 268. Furthermore, in Carbon County Sherriff's Association v. Carbon County, PERA-A-22-225-E (Order Directing Remand for Further Proceedings, November 15, 2022)<sup>2</sup>, the Board noted as follows:

The prerequisite for arbitration under Section 805 that "mediation as required in section 801 of this article has not resolved the dispute" is rendered superfluous if an actual mediation session is not required prior to a demand for interest arbitration. 43 P.S. §1101.805; City of Philadelphia, supra. As reiterated in City of Philadelphia, mediation under Section 801 and 805 of PERA is not merely one party contacting the Bureau of Mediation for the assignment of a mediator, but requires that an actual meeting take place with the assigned mediator with both parties present. FOP, Lodge No. 5 v. City of Philadelphia 27 PPER ¶ 27249 (Final Order, 1996). Furthermore, to allow mediation to have any efficacy, the Board had grafted the mandatory 20-days of mediation in Section 802 to the requirements of mediation under Section 801 of PERA. Teamsters Local 429 v. Lebanon County, 29 PPER ¶ 29108 (Final Order, 1998). Thus, to fulfill the statutory prerequisite of mediation necessary to obtain interest arbitration under Section 805, there must be an actual mediation session, involving both parties and the mediator, that occurs at least twenty days before either party can make a demand upon the other for interest arbitration.

Carbon County, PERA-A-22-225-E at 2).

While the Teamsters did provide notice of the dispute to the Bureau of Mediation on April 30, 2024, based on the report received from the Bureau of Mediation under Section 802 of PERA, the parties had, in fact, first met with the assigned mediator and commenced mediation on August 9, 2024. Thus, here, having commenced mediation on August 9, 2024, the parties are unable to complete twenty-days of mediation on or before August 23, 2004 (130 days prior to the County's budget submission date), and therefore, because the Article VIII timelines are a mandatory prerequisite to Section 805 arbitration, the Teamsters are not statutorily entitled to a list of neutral arbitrators from the Board under Section 806 of PERA.<sup>3</sup>

<sup>2</sup> <https://www.dli.pa.gov/Individuals/Labor-Management-Relations/plrb/final-orders/2022/Documents/Carbon-Co-PERA-A-22-225-E.pdf>.

<sup>3</sup> Although the Board cannot issue a panel of neutral arbitrators under Section 806 for the bargaining dispute over fiscal year 2025, the parties may, pursuant to Section 804 of PERA, proceed to voluntary interest arbitration, and have a continuing obligation to negotiate through mediation for a collective bargaining agreement.

After a thorough review of the exceptions, all matters of record, and the Bureau of Mediation records of the commencement of mediation on August 9, 2024, the Teamsters' exceptions shall be dismissed, and the Secretary's August 13, 2024 decision dismissing the Teamsters' August 9, 2024 Request for Panel of Neutral Interest Arbitrators under Section 805 of PERA will be sustained.

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 the International Brotherhood of Teamsters, Local 249 are hereby dismissed, and the Secretary's August 13, 2024 decision administratively declining to process the Request for Panel of Neutral Interest Arbitrators, be and hereby is made absolute and final.

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.

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