

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

JONATHAN FROST :  
 :  
 v. : Case No. PERA-C-25-279-E  
 :  
 BERKS COUNTY :

**FINAL ORDER**

Jonathan Frost (Complainant) filed timely exceptions with the Pennsylvania Labor Relations Board (Board) on November 18, 2025. Complainant's exceptions challenge a November 5, 2025 decision of the Secretary of the Board declining to issue a complaint and dismissing the Complainant's Charge of Unfair Practices filed against Berks County (County).<sup>1</sup>

In his Charge filed on October 22, 2025, the Complainant, who is an adult probation officer, alleged that the County violated his Weingarten<sup>2</sup> rights by not permitting Complainant's chosen union representative to be an active participant in an investigatory meeting. The Complainant further stated that the County retaliated against him for engaging in protected activity by terminating his employment. Complainant alleged this violated Section 1201(a)(1), (3), (4), and (5) of the Public Employee Relations Act (PERA). The Secretary declined to issue a complaint and dismissed the Charge, stating that the Board lacked jurisdiction to hear the claims under the Commonwealth Court's decision in Cook v. PLRB<sup>3</sup>. Specifically, the Secretary maintained that, because any alleged unfair practice occurred in the Complainant's role as a court-appointed employee, the Commonwealth Court itself has original jurisdiction over his allegations against the County.

Complainant's exceptions challenge the Secretary's application of Cook to the circumstances of his Charge, asserting that the Court's decision in that case was limited to post-disciplinary matters whereas his Weingarten claim addresses pre-discipline matters. In Cook, the York County Court of Common Pleas filed a Declaratory Judgement action in the Commonwealth Court's original jurisdiction asserting that the Board lacked jurisdiction to entertain charges of unfair practices involving hiring, firing and supervision of court-appointed employees. In seeking declaratory relief, the York County Court of Common Pleas specifically included a January 15, 2020 Proposed Decision and Order where the Board's Hearing Examiner found an

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<sup>1</sup> The Complainant also requested oral argument, which is denied as the exceptions raise no novel issue of law or fact.

<sup>2</sup> The Board has adopted the rule set forth in National Labor Relations Board v. J. Weingarten, Inc., 420 U.S. 251 (1975), that employees have the right to union representation at investigatory interviews that they reasonably believe may result in discipline. Commonwealth of Pennsylvania, Office of Administration v. PLRB, 916 A.2d 541 (Pa. 2007).

<sup>3</sup> 315 A.3d 885 (Pa. Cmwlth. 2022); 318 A.3d 419 (Pa. Cmwlth. April 5, 2024) (unreported *en banc* decision).

unfair practice against Chester County Court of Common Pleas.<sup>4</sup> That matter similarly involved the denial of Weingarten representation to an adult probation officer. The Board argued before the Commonwealth Court that it had jurisdiction in that case as the underlying unfair practice was separate from disciplinary matters. However, the Commonwealth Court specifically held that, pursuant to the separation of powers doctrine, the Board lacks jurisdiction to issue a complaint of unfair practices against a judicial employer where the allegations concern the supervision and discipline of a court-appointed bargaining unit employee. *Id.*; see also Teamsters Local 776 v. PLRB, 2026 WL 60311, 1532 C.D. 2024 (Pa. Cmwlth. January 8, 2026) (reaffirming that the Board lacks jurisdiction, as a matter of law, to review the court's supervision and discipline of court-appointed employees under the separation of powers doctrine).

The Complainant also argues that his position is funded by the County and not the Court of Common Pleas, making his position as an adult probation and parole officer a "hybrid role" not subject to the jurisdictional determinations of Cook. However, under the separation of powers doctrine, the courts control decisions regarding hiring, firing and supervision of court-appointed personnel. See Beckert v. AFSCME District Council 88, 425 A.2d 859 (Pa. Cmwlth. 1981), *aff'd per curiam*, 459 A.2d 756 (Pa. 1983); Jefferson County Court Appointed Employees Association v. PLRB, 985 A.2d 697 (Pa. 2009). Moreover, the authority of Pennsylvania judges over court employees includes those in probation offices. Ellenbogen v. Allegheny County, 388 A.2d 730 (Pa. 1978).

While employees of the judiciary may organize and collectively bargain with their county commissioners for matters related to their wages, hours, and conditions of employment, the Cook holding makes clear that "the judiciary's **exclusive** authority over hiring, firing, and supervising its employees, including the disciplining of those employees, may not be infringed as part of the collective bargaining [process]." Cook, 318 A.3d at 419 (emphasis in original). The Complainant's allegations in the Charge and exceptions are legally indistinguishable from the holding in Cook and Chester County Court of Common Pleas, *supra*. Accordingly the Board lacks jurisdiction over the Charge, and therefore, the Complainant's exceptions are dismissed.

After a thorough review of the exceptions and all matters of record, the Secretary properly concluded that the Board lacked jurisdiction to issue a Complaint on the Charge of Unfair Practices against Berks County. Accordingly, the Board shall dismiss the exceptions and affirm the Secretary's decision declining to issue a complaint.

ORDER

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

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<sup>4</sup> Service Employees International Union Local 668, PSSU v. Chester County Court of Common Pleas, 51 PPER 46 (Proposed Decision and Order, 2020), 56 PPER 3 (Final Order, 2024) (rescinding complaint and dismissing Charge of Unfair Practices for lack of jurisdiction).

HEREBY ORDERS AND DIRECTS

that the exceptions filed by Jonathan Frost are hereby dismissed and the Secretary's November 5, 2025 decision not to issue a complaint 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, Gary Masino, Chairman, and Albert Mezzaroba, Member, this seventeenth day of February, 2026. 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.