

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

SAALIM RASHIYD :
 :
 v. : Case No. PERA-C-26-40-E
 :
 AFSCME DISTRICT COUNCIL 33, :
 LOCAL 427 :

FINAL ORDER

Saalim Rashiyd (Complainant) filed timely¹ exceptions with the Pennsylvania Labor Relations Board (Board) on March 30, 2026. Complainant's exceptions challenge a March 9, 2026 decision of the Secretary of the Board declining to issue a complaint and dismissing his Charge of Unfair Practices filed against AFSCME District Council 33, Local 427 (Union).

In his Charge filed on January 28, 2026, Complainant alleged that the Union violated Section 1201(b)(1), (3), (4), (8), and (9) of the Public Employe Relations Act (PERA) when it interfered with an internal Union election, engaged in misconduct, and retaliated against him. The Secretary declined to issue a complaint and dismissed Complainant's Charge, stating that the Board lacked jurisdiction of Complainant's claims against the Union because they concerned internal union matters, citing Dailey v. PLRB, 148 A.3d 920 (Pa. Cmwlth. 2016).

In determining whether to issue a complaint, the Board assumes that all facts alleged are true. Issuance of a complaint on a charge of unfair practices is not a matter of right, but is within the sound discretion of the Board. Pennsylvania Social Services Union, Local 668 v. PLRB, 481 Pa. 81, 392 A.2d 256 (1978). A complaint will not be issued if the facts alleged in the charge could not support a cause of action for an unfair practice as defined by PERA. Homer Center Education Association v. Homer Center School District, 30 PPER ¶ 30024 (Final Order, 1998).

In his exceptions, Complainant claims that the Secretary erred in dismissing his Charge because the allegations went beyond those of a purely internal matter upon which the Board would not have subject matter jurisdiction. Specifically, Complainant's exceptions attempt to distinguish election-related claims, which he concedes may fall outside the Board's jurisdiction, from the Union's subsequent alleged retaliatory actions and interference with his protected rights under Article IV of PERA.

Initially, Section 1201(b)(4) of PERA provides that an employe organization is prohibited from "[v]iolating any of the rules and regulations established by the board regarding the conduct of representation elections." 43 P.S. § 1101.1201(b)(4). However, Complainant has not stated a cause of action under that provision because Section 1201(b)(4) only applies to representation elections conducted by the Board and not to internal union elections. Further, Complainant lacks standing to allege a violation of

¹ The Complainant's exceptions are timely because March 29, 2026, the twentieth day following issuance of the Secretary's decision, was a Sunday and is therefore excluded from computation of the twenty-day period for filing exceptions. 34 Pa. Code § 95.100(b).

1201(b)(3) and (9) as the Union's duty to bargain in good faith along with its meet and discuss obligation is owed to the employer and not individual employees. Case v. Hazleton Area Educational Support Personnel Association (PSEA/NEA), 928 A.2d 1154 (Pa. Cmwlth. 2007), appeal denied, 968 A.2d 1281 (Pa. 2009) (individual employees lack standing to allege a violation of Section 1201(b)(3)); Bolen v. United Steelworkers of America, District 10, 33 PPER ¶ 33068 (Final Order, 2002) (individual employees lack standing to allege a violation of Section 1201(b)(9)). Likewise, Complainant lacks standing to allege a violation of Section 1201(b)(8) for a refusal to comply with an arbitration award. Prinkey v. AFSCME District Council 84, 30 PPER ¶ 30186 (Final Order, 1999).

Concerning the Section 1201(b)(1) claims, Complainant alleges in his Charge that the Union conducted a shop steward election in violation of its constitutional requirements, failed to discipline the Union Vice President for improper conduct during the election, and removed his status as a Union delegate in retaliation for raising concerns about the election irregularities. It is well established that unions have the right "to govern their internal affairs without judicial interference". PLRB v. Eastern Lancaster County Education Association, 427 A.2d 305, 308 (Pa. Cmwlth. 1981); Dailey, supra. Indeed, "the Board should not act in a manner that displaces internal union democratic decision-making, unless the union act under review interferes with a member's employment status or otherwise restricts the exercise of rights established in Section 401 of PERA." Dailey, 148 A.3d at 930. Here, the Union's compliance with its constitutional requirements for the holding of internal union officer elections, as well as its decision on who should hold those positions, are internal union matters over which the Board does not have jurisdiction. Moreover, the Union's actions in this matter did not restrict Complainant's employment status or restrict his rights under Section 401 of PERA. The Board notes that Complainant's alleged bad-faith retaliation by the Union stems from the Union's internal election and governance, and thus Complainant's attempted distinction between the two does not vest the Board with subject matter jurisdiction. Therefore, the Secretary did not err in declining to issue a complaint and dismissing the Charge.

After a thorough review of the exceptions and all matters of record, 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

HEREBY ORDERS AND DIRECTS

that the exceptions filed by Saalim Rashid are dismissed and the Secretary's March 9, 2026 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 fifteenth day of September, 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.