

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

BRIANNA ELSIE RODRIGUEZ :
v. : Case No. PLRA-C-25-16-E
: :
COLONIAL INTERMEDIATE UNIT 20 :
& :
PENNSYLVANIA STATE EDUCATION :
ASSOCIATION :
:

FINAL ORDER

Brianna Elsie Rodriguez (Complainant) filed timely exceptions with the Pennsylvania Labor Relations Board (Board) on December 29, 2025. Complainant's exceptions challenge a December 16, 2025 decision of the Secretary of the Board declining to issue a complaint and dismissing her Charge of Unfair Labor Practices filed against Colonial Intermediate Unit 20 (Employer) and Pennsylvania State Education Association (Association).

In her Charge filed on November 13, 2025, Complainant alleged that the Employer violated Section 6(1)(a), (b), (c) and (e) of the Pennsylvania Labor Relations Act (PLRA) when it retaliated against her for assisting another employe in the filing of a CPS report. Complainant also claimed that the Association committed an unfair labor practice under Section 6(2)(a), (b), (c) and (e) by violating its duty of fair representation of her in that matter. The Secretary declined to issue a complaint and dismissed Complainant's Charge, initially stating that, because the Employer is a public employer and the Association represents employes of this public employer, both respondents are subject to the Public Employe Relations Act (PERA). The Charge, however, was filed under Section 6 of the PLRA, which is only applicable to police officers, fire fighters and some private sector employes, and thus the Board lacked jurisdiction over her claim. The Secretary further stated that the Board lacked jurisdiction of Complainant's duty of fair representation claim against the Association under either statute,¹ and that her claim against the Employer did not reflect any protected concerted activity.

In her exceptions, Complainant claims that the Secretary erred in dismissing her Charge because the allegations sufficiently set forth claims of Employer interference and retaliation under PERA. Although Complainant now references PERA in her exceptions, she has not remedied the jurisdictional issue and filed a new Charge of Unfair Practice under PERA on the proper form. Teamster Local 529 v. Elkland Borough, 46 PPER 91 (Final Order, 2015). Because the Board lacks jurisdiction to address the merits of Complainant's allegations under the PLRA, the Secretary did not err in declining to issue a complaint and dismissing the Charge for lack of jurisdiction over her claims.

¹ Ziccardi v. Commonwealth of Pennsylvania, Department of General Services, 456 A.2d 979 (Pa. 1982); see also Case v. Hazelton Area Educational Support Personnel Association (PSEA/NEA), 928 A.2d 1154 (Pa. Cmwlth. 2007).

Accordingly, after a 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 Pennsylvania Labor Relations Act, the Board

HEREBY ORDERS AND DIRECTS

that the exceptions filed by Brianna Elsie Rodriguez are dismissed and the Secretary's December 16, 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 twentieth day of January, 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.