

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
 :
 : Case No. PERA-R-24-216-E
 :
 COUNTY OF YORK :

PROPOSED ORDER OF DISMISSAL

On September 16, 2024, the York County Deputy Sheriff's Association (Association) filed a petition for representation (Petition) with the Pennsylvania Labor Relations Board (Board), alleging that 30% or more of the deputy sheriffs in the County of York (County) support the formation of a separate bargaining unit of nonprofessional guards pursuant to Section 604(3) of the Public Employes Relations Act (PERA or Act), with the Association as their exclusive collective bargaining representative. The Petition also alleges that the deputies are currently represented by Teamsters Local No. 776 (Local 776).

On November 7, 2024, the Secretary of the Board issued an Order and Notice of Hearing designating a hearing date of January 29, 2025, in Harrisburg. After multiple continuances at the request of the parties, the hearing was scheduled for and held on October 1, 2025. During the hearing on that date, the Association, the Teamsters, and the County had an opportunity to present testimony, introduce documents, and cross-examine witnesses. On November 20, 2025, all 3 parties filed post-hearing briefs in support of their respective positions.

The Examiner, on the basis of the testimony and exhibits presented at the hearing, and from all of the matters and documents of record, makes the following:

FINDINGS OF FACT

1. The County is a public employer within the meaning of Section 301(1) of PERA. (N.T. 6; JX-1)
2. The Association is an employe organization within the meaning of Section 301(3) of PERA. (N.T. 6)
3. Local 776 is an employe organization within the meaning of Section 301(3) of PERA. (N.T. 6; JX-1)
4. Richard Keuerleber is the County's elected Sheriff. There are approximately 76 sworn deputy sheriffs in the Sheriff's Office. The Sheriff's Office is located in the Judicial Center and has 10 divisions. (N.T. 8-12, 36-37; AX-1)
5. The County's deputy sheriffs are sworn law enforcement officers with the ability to enforce County ordinances, the Pennsylvania Crimes Code, breaches of the peace, and administrative orders signed by the President Judge. (N.T. 19)

6. Deputy sheriffs provide security at the York County Judicial Center guarding County property, County employes, and public individuals inside and outside of the Judicial Center. Deputy sheriffs also provide security at the County Human Services Building, the County Administration Building, and the Pleasant Valley Road Building, also known as the PVR Building. Security after hours is provided by the deputy sheriffs. (N.T. 12-13, 29-30)

7. The job description for County deputy sheriffs, revised June 5, 2017, generally provides, in relevant part, that the deputy sheriffs are responsible for "provid[ing] care and secure custody of detainees, security of courthouse facilities, safety of employees and citizens, and [] serv[ing] warrants and civil process in a diligent manner while protecting and respecting the rights of all." This job description was developed by the Sheriff's Office namely the Chief Deputy of Operations, the Chief Deputy of Administration, along with Human Resources. (N.T. 15-17; AX-2)

8. The County Commissioners adopt County ordinances. Section 85-2 of the County ordinances, entitled "Security Procedures," provides, in part, as follows:

The Commissioners of York County acknowledge the need to establish entry procedures that will provide additional security for the persons using public buildings or property within the county. Any security procedure established at the York County Courthouse shall be coordinated with the President Judge of York County, who shall receive notice and an opportunity to provide information concerning improvements to the contemplated security system or, from time to time, to improve the existing system.

(AX-13)

9. Section 85-3 of the County ordinances provides that "[t]he Sheriff of York County shall manage security for all York County buildings unless otherwise designated by the York County Board of Commissioners." With the exception of 1 private security guard after hours at the Children and Youth Building, the Commissioners have not designated any other person or entity, other than the Office of the Sheriff, to manage and provide security in County buildings and on County property. (N.T. 52-54; AX-13)

10. Section 510 of the County's rules, Policy, and Procedures Manual was updated on April 11, 2023, and provides for security procedures for deputy sheriffs assigned to County buildings and provides guidelines for operating checkpoints and equipment and for handling unauthorized items. This Section was developed by the Chief Deputy of Operations and his Assistant Chief Deputy. (N.T. 25-28; AX-5)

11. The subheading for Procedures under Section 510 provides, in relevant part, the following:

The primary responsibility of the Security Division [of the Sheriff's Office] is the safety of all employees/ visitors and the security of all operations at the facility. Screening shall be conducted to prevent persons entering the York County Judicial Center from bringing weapons, contraband, hazardous materials or any unauthorized or dangerous items into the building. The exterior

of the facility shall be monitored and checked periodically for any suspicious activity or illegal conduct.

(AX-5)

12. Section 530 of the County's Rules, Policy, and Procedures Manual provides for policies regarding prisoner transportation. While transporting detainees and prisoners, the deputy sheriffs are responsible for the care, custody, and control of the transportees. (N.T. 24; AX-4)

13. Section 540 of the County Rules, Policy, and Procedures Manual provides procedures for Central Booking. Deputy sheriffs operate a Central Processing Facility in a corridor inside the County Prison Complex between the Administration Wing and the Female Wing of the Prison, which opened in November 2024. Central Processing is where law enforcement personnel throughout the County bring arrested individuals for finger printing, photographs, booking, and prison intake for detention. The deputy sheriffs then transport detainees for arraignment before magisterial district justices, and they accept bail and payments for costs and fines. (N.T. 13-14, 36-39, 53; AX-6)

14. At any given time, there can be approximately 24 deputies assigned to Central Booking. In the Central Booking area, there are 8-10 holding cells. Deputies are charged with guarding detainees in the holding cells, providing care, and viewing all camera monitors for those cells. (N.T. 36-38)

15. Often the detainees are hostile towards the deputies and under the influence of drugs and/or alcohol upon arrival. Deputies often get assaulted by the detainees. The deputies frequently place hostile detainees in a restraining chair. Deputies receive training on how to verbally de-escalate detainees under the influence of drugs and/or alcohol. (N.T. 38-39).

16. Deputies are responsible for the detainees' security and safety. Deputies conduct cell extractions in Central Booking whereby the deputies enter a holding cell to remove a detainee and place them in a restraining chair when the detainee is trying to harm themselves, if for example, a detainee is banging his/her head against the wall or floor, trying to jump off the sink, or trying to wrap a blanket around his/her neck. (N.T. 39)

17. Deputies in Central Booking also feed the detainees and provide them with hospital gowns and jump suits. All deputies receive cross training to perform various functions, and all deputies can serve in Central Booking. (N.T. 40)

18. Section 608 of the County Rules, Policy and Procedures Manual for public demonstrations, effective June 1, 2015 and revised April 1, 2020, provides direction for deputy sheriffs for handling persons on County property during public gatherings, so as not to impede on their constitutional rights, and to properly assess situations to protect County property, citizens, and employees. This policy was developed by the Assistant Chief Deputy and the Chief Deputy for Operations. (N.T. 17-18, 20-21; AX-3)

19. The "Policy" heading under Section 608 provides, in relevant part, that the "primary responsibility of the York County Sheriff's Office is to ensure public safety and to protect all citizens, county employees, and county property by maintaining order within designated areas." The term

"property" as used here refers to any County owned or leased buildings, any property adjacent to or surrounding County owned or leased buildings. (N.T. 19; AX-3)

20. The "Procedures" heading under Section 608 provides, in relevant part, that the objectives of the York County Sheriff's Office, when dealing with public demonstrations, include protecting individuals and property. (N.T. 20-21; AX-3)

21. Subpart B under the "Mutual Aid" heading of Section 608 provides that the "York County Sheriff's Office shall maintain responsibility for providing all security functions within the interior of all designated county property. (N.T. 20-21; AX-3)

22. Sections 510, 530, 540, and 608 of the County Rules, Policy, and Procedures Manual are Sheriff's Department policies created by the Sheriff's Office. (N.T. 57, 61)

23. In the Summer of 2020, there were public demonstrations, related to the death of George Floyd, around and near County government buildings. On one occasion, individuals gathered around the Judicial Center. The Mayor had closed down the street in front of the Judicial Center, and people assembled on the steps of the Judicial Center. That group of individuals did not have the required permit to assemble there, and a group of people had vandalized the City of York Police Department and other buildings in the area. (N.T. 21-22)

24. During the George Floyd demonstrations, the Sheriff deployed 40 deputy sheriffs on the Civil Unrest Response Team under the County ordinance directing the Sheriff to manage all security in and around County buildings. The City of York Police officers were ordered to stand down during the George Floyd riots. (N.T. 23, 55)

25. The deputy sheriffs handle the majority of security on County property unless there is a major incident requiring additional resources when the Sheriffs' Office will engage the police. In at least the past 20 years, there have been no strikes, no picketing, and no labor unrest involving County employees. The deputy sheriffs have not protected County property during labor unrest involving the Local 776 employees. (N.T. 55-57)

26. The County Director of Elections reports to the Board of Elections which is comprised of the 3 County Commissioners. At the request of the Director of Elections, deputy sheriffs safeguard ballot boxes for drop-off voting. Also, at the request of the Director of Elections, deputy sheriffs provide security at PVR to safeguard County property, County employees, and ballot boxes. In a September 7, 2024 email, the Director of Elections requested that deputy sheriffs wand the watchers during the logic and accuracy testing of the voting equipment prior to the 2024 general election. (N.T. 41-50; AX-7; AX-8)

27. Lieutenant Shannon Martz oversees the Court, security, and transportation divisions for the Office of the Sheriff. She also oversees and schedules drop-box manpower for primary and general elections. The County owns and provides drop boxes at 2 locations: the PVR Building and the Administration Building. The County provides the drop boxes for individuals to deposit their election ballots. The drop boxes are guarded by deputy sheriffs and County election staff. (N.T. 68-75)

28. The deputy sheriffs escort drop boxes, ballots, emergency ballots, election staff, SIM cards, and computer servers to the PVR Building for safe keeping and wait with staff until the Judges of Elections at each polling location throughout the County bring their ballots to the PVR building. Once all the ballots and paperwork are accounted for, the Director of Elections releases the deputies. (N.T. 68-73, 79-80, 84)

29. Lt. Martz assigns deputy sheriffs to provide security for training for Judges of Elections, primary and general election day security, and drop-box security duties. Lt. Martz sends the specific locations, dates, and times assigned to individually named deputies to the Commissioners, the Director of Elections, and the Assistant Chief. (N.T. 74-78; AX-10; AX-11; AX-12)

30. Certain County offices accept and receive checks and cash for fees and fines. County personnel from these offices bring the collected cash and checks to the Sheriff's Office where deputy sheriffs secure the money in a safe until Brinks personnel retrieve the money. This money is County property. (N.T. 28-29; AX-5)

31. The County opposes the petition filed by the Association seeking to create a separate bargaining unit of security guards of County deputy sheriffs. (N.T. 87)

DISCUSSION

The Association has presented 2 theories for carving out a separate bargaining unit comprised of County deputy sheriffs and removing them from their current bargaining unit of court-related employees represented by Local 776. (Association Brief at 5-7). The Association first contends that the deputy sheriffs are guards at prisons under the Act because they have care, custody, and control over pre-arraignment detainees in the Prison corridor, and they transport prisoners. (Association Brief at 5-6). However, the Association did not allege anywhere in its Petition that the deputy sheriffs were guards at the prison. In Section 3 of the Petition, the Association neglected to identify any of the types of bargaining units listed. It did not allege that the deputy sheriffs were either "security guards only" or "prison guards only."

In Section 10 of the Petition, the Association did allege the following:

- 1) Members of the proposed unit are currently included in the bargaining unit representing court related non-professionals.
- (2) Members of the proposed unit are utilized to secure county property, persons therein and the maintenance of operations in County buildings.
- (3) The historical or intended use of the sheriff's deputies to protect county property has been and is at the direction of the County Commissioner's Office.

(Association Petition at § 10). Nowhere in Section 10 of the Petition is there any allegation that the Association was seeking to represent a unit of prison guards. Thus, Local 776 and the County were not on notice to defend against the Petition on those grounds, and they were denied basic due

process. Indeed, the briefs from the County and Local 776 do not address the question of whether the deputy sheriffs are prison guards because they were unaware that prison guard status was an issue in this litigation. Consequently, I did not have the benefit of their advocacy and legal arguments concerning the issue. Accordingly, any claim that the deputy sheriffs are prison guards must be dismissed.

I will, however, address the prison guard issue for the potential of Board review and future attempts by employe organizations to petition for a separate prison guard unit comprised of deputy sheriffs under the Act. In its brief, the Association posits that the deputy sheriffs are prison guards under Section 604(3) of the Act because they have care, custody and control over detainees during the booking and holding of those detainees in cells until arraignment and during statewide and interstate prisoner transports. The Association cites to the Pennsylvania Supreme Court's decision in Lancaster County v. PLRB, 626 Pa. 70, 76, 94 A.3d 979 (2014), arguing thereunder that the Court adopted a broad definition of prison guard and that the deputy sheriffs in this case meet that definition.

In Lancaster County, the Court noted that the Board certified AFSMCE in 1975 as the exclusive collective bargaining representative of a bargaining unit at the prison comprised of all prison security guards, special guards, and transportation, maintenance, and supply employees. The Court further noted that, despite the Board's inclusion of maintenance employes in the prison guard unit, the county and the union had not bargained wages, hours, and terms and conditions of employment for the maintenance mechanics at the prison. In 2009, the county commissioners adopted a reorganization plan placing all county maintenance and custodial employes under the centralized facilities management department, thereby unilaterally removing prison maintenance employes from the prison guard unit, contrary to the Board's certification. Consequently, AFSMCE filed a petition for unit clarification seeking to accrete the maintenance mechanics at the prison back into the prison guard unit.

The Lancaster County Court agreed with the Board that a broad definition of the term "guards at prisons" governs the determination of the prison guard status of employes. On this point, the High Court opined: "it appears that, by the plain words of the statute, the term 'guards at prisons' is broad in meaning, and includes those who are responsible for prisoners on work detail and who supervise prisoners. Under this construct, the term 'guards at prisons' clearly contemplates maintenance employees who supervise inmates, thereby supporting the Board's interpretation of the term 'guards at prisons.'" Lancaster County, 94 A.3d at 987.

The Court further concluded that the legislative intent of designating employes as guards at prisons is to prohibit them from striking. The Court opined that "this prohibition on the right to strike is to ensure the safety of inmates and employees at prisons, as well as the general public. This safety-based policy counsels toward finding a legislative intent to broadly define the term "guard." Id. at 988. The Court further approved the Board's consistent, decades-old approach that the nature of the duties and not the frequency of the duties are the determining factors in deciding whether employes are guards.

However, Lancaster County, supra, is procedurally and factually distinguishable from the instant case. Lancaster County involved a petition for unit clarification where the exclusive collective bargaining

representative of the prison guards sought to accrete non-court-related maintenance mechanics into an existing unit of prison guards. Here, the Association is seeking to form its own unit of prison guards out of the court-related deputy sheriffs.¹

Significantly, the Lancaster County Court analyzed the meaning of a prison guard determination in the context of the statutory intent that prison guards must be prohibited from striking to protect prison operations, inmates, and the public from the effect of a strike by employees who have care, custody, and control over inmates. In this case, the deputy sheriffs are already prohibited from striking because they are court-related employees. 43 P.S. §1101.1001. Due to their court-related functions, there is no statutory reason or mandate to carve them out into a separate prison guard unit to protect the public from the effects of a strike because deputy sheriffs cannot strike and there already exists a prison guard unit with employees who will operate the pre-arraignment detention facility at the Prison Complex should Sheriff Keuerleber reassign the deputies.

The record in this case shows that approximately a third of deputy sheriffs monitor detainees in their holding cells, feed the detainees, and they extract detainees from their cells to prevent them from harming themselves. Those deputies also place detainees in restraining chairs when necessary to prevent them from harming the deputy sheriffs and themselves. In this respect, the record supports the conclusion that a subset of County deputy sheriffs assigned to Central Booking within the Prison Complex have care, custody, and control over pre-arraignment detainees. Although these duties are not the primary responsibility of the deputies, the Lancaster County Court held that the nature of the work and not the frequency is what governs whether employees are guards at prisons.

Overseeing and implementing the custody of detainees may be sufficient to designate non-court-related employees as prison guards to prohibit them from striking and threatening the ability to control the detainees. However, the deputy sheriffs are already prohibited from striking, and there is no threat of compromising the pre-arraignment housing, safety, and control of detainees, the public, or detention operations. Thus, an additional, separate unit of prison guards comprised of deputy sheriffs is not warranted or proper under the Act, even though many deputies have care, custody, and control of pre-arraignment detainees because the deputies' court-related status prevents it. Prison guard status is only afforded to those employees who would otherwise have the right to strike absent such a designation, like the maintenance mechanics in Lancaster County, supra. Deputy sheriffs across the Commonwealth have typically engaged in some level of care, custody, and control of prisoners, related to their court-related duties, most notably prison transport. But deputy sheriffs cannot be classified as prison guards under the Act because they are court-related deputy sheriffs (i.e., the two classifications are mutually exclusive).

The Association further contends that the deputy sheriffs are security guards within the meaning of the Act because of their extensive security functions to protect County property and the people thereon. (Association

¹ Even if the prison guards' current representative sought the inclusion of the deputy sheriffs into the prison guard unit, such a unit clarification is prohibited by the fact that the deputy sheriffs work for a different, independent, court-related employer.

Brief at 6-7). In Erie County, 38 PPER 114 (Final Order, 2007), the Board discussed the different standards for determining whether a petitioned-for group of county deputies qualifies for the guard exclusion under PERA. Basically, when the employer supports the petition, employees will be classified as guards if there is a mere possibility that they will be called to protect the employer's property during a period of labor unrest. This lower standard exists for county employers because the security guard provision under Section 604(3) of the Act is an employer protection that insulates a county employer from a division of loyalty between fellow union members, while ensuring that the employer has guards to enforce rules for the protection of county property and persons thereon. Erie County, supra. However, when the employer does not support the petition, "the union must show that the employees were either actually directed by the County Commissioners to protect County property during a past period of labor unrest or there must exist a policy of the County Commissioners that they intend to use those employees in that capacity in the future." Erie County, supra.

In this case, the County placed its legal position on the record that it opposes the petition seeking to create an additional, separate unit of security guards comprised of deputy sheriffs in the County. (F.F. 31; County Brief at 1). Also, the record is devoid of any evidence that the Board of Commissioners adopted a resolution or ordinance providing that the Commissioners intend to use deputy sheriffs to protect County property and persons thereon during times of labor unrest to prevent a division of loyalty among its employees. Thus, the Union must show that, in fact, the Commissioners deployed County deputy sheriffs to protect County property and persons thereon during past periods of labor unrest.

The record clearly shows that the deputy sheriffs provide myriad essential security functions to protect County buildings, County real estate, and other County properties, such as money, ballots, and voting related equipment, as well as employees, citizens, and detainees on or involved with those properties. The Board and the Commonwealth Court have held that deputy sheriffs' general court-related security functions do not warrant severing them into a separate guard unit unless the deputies have in fact enforced the governing body's rules for the protection of property and persons thereon during labor unrest at the behest of the commissioners. Erie, supra.

The record is also clear that deputy sheriffs have not in fact been directed in the past by the Commissioners to protect said property and persons thereon during labor unrest. Therefore, there is no evidence of the legislative body's intent to use the deputy sheriffs as guards within the meaning of Section 604(3) of the Act. The Commissioners may intend to use local police or to contract with private security to enforce its rules for the protection of property and persons thereon during labor unrest and thereby protect the County from any possible division of loyalty between deputy sheriffs and other County employees. There is simply no threat of a division of loyalty among employees while the deputy sheriffs provide security for citizens, County employees, detainees, and County property without labor unrest. Accordingly, the County's deputy sheriffs are not security guards within the meaning of Section 604(3) of the Act, which is a very specific and narrow type of security function.

CONCLUSIONS

The hearing examiner, therefore, after due consideration of the foregoing and the record as a whole, concludes and finds as follows:

1. The County is a public employer within the meaning of Section 301(1) of PERA.
2. The Association is an employe organization within the meaning of Section 301(3) of PERA.
3. Teamsters, Local 776 is an employe organization within the meaning of Section 301(3) of PERA.
4. The Board has jurisdiction over the parties hereto.
5. The County's Deputy Sheriffs are not prison guards or security guards within the meaning of Section 604(3) of PERA.

ORDER

In view of the foregoing and in order to effectuate the policies of PERA, the hearing examiner

HEREBY ORDERS AND DIRECTS

that the Petition for Representation is dismissed.

IT IS HEREBY FURTHER ORDERED AND DIRECTED

that in the absence of any exceptions filed with the Board pursuant to 34 Pa. Code § 95.98(a) within twenty days of the date hereof, this decision and order shall be final.

SIGNED, DATED AND MAILED at Harrisburg, Pennsylvania, this twenty-fifth day of November, 2025.

PENNSYLVANIA LABOR RELATIONS BOARD

JACK E. MARINO/S

JACK E. MARINO, Hearing Examiner