

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

PENNSYLVANIA STATE CORRECTIONS :
OFFICERS ASSOCIATION :
 : CASE NO. PERA-C-24-254-E
v. :
 :
COMMONWEALTH OF PENNSYLVANIA :

PROPOSED DECISION AND ORDER

On November 15, 2024, the Pennsylvania State Corrections Officers Association (Union) filed a charge of unfair practices with the Pennsylvania Labor Relations Board (Board) alleging that Commonwealth of Pennsylvania (Commonwealth or Employer) violated Section 1201(a) (1) and (5) of the Public Employee Relations Act (PERA or Act) when the Department of Corrections at State Correctional Institution (SCI) Albion contravened an arbitration award by refusing to post a vacant J-unit Sergeant position up for bid.

On December 5, 2024, the Secretary of the Board issued a complaint and notice of hearing, assigning the charge to conciliation for the purpose of resolving the matters in dispute through mutual agreement of the parties, and designating March 5, 2024, in Harrisburg, as the time and place of hearing.

The hearing was necessary and held on March 5, 2024, in Harrisburg, before the undersigned Hearing Examiner, at which time all parties in interest were afforded a full opportunity to present testimony, cross-examine witnesses and introduce documentary evidence. The Union and the Commonwealth declined to file post-hearing briefs.

The Hearing Examiner, based upon all matters of record, makes the following:

FINDINGS OF FACT

1. The Commonwealth is a public employer within the meaning of Section 301(1) of PERA. (N.T. 7).
2. The Union is an employee organization within the meaning of Section 301(3) of PERA. (N.T. 8).
3. Michael Hull is a corrections officer at SCI-Albion and is a Vice President in the Union. In this role he acts as chief steward for the local union at SCI-Albion and handles all grievances. (N.T. 15, 25.)
4. On June 18, 2024, Hull filed a grievance with the employer with the number "ALB 24-157." Hull included the following description of the alleged violation on this grievance: "[Management] violated the CBA by failing to post, up for bid, the position of J-unit Sergeant (CO2) on the 0600-1400 [and 1400-2200] shifts. Make grievants whole." (N.T. 38-39; Commonwealth Exhibit 3).

DISCUSSION

The Union charges that the County violated Section 1201(a)(1) and (5) of the Act by failing to place the vacant J-unit Sergeant position up for bid at SCI Albion. The Union alleges that this contravenes a prior arbitration award which held that J-unit Sergeant position is a bid post. The charge in this matter was filed on November 15, 2024. The record shows that on June 18, 2024, Hull filed grievance "ALB 24-157", the contents of which indicate that the Union was aware that the Commonwealth was not posting up for bid the vacant position of J-unit Sergeant.

Section 1505 of PERA provides that "[n]o petition or charge shall be entertained which relates to acts which occurred or statements which were made more than four months prior to the filing of the petition or charge." 43 P.S. § 1101.1505. In this matter the Union knew that the Commonwealth was not posting for bid the vacant J-unit Sergeant position by June 18, 2024, which is the date Vice President Hull filed a grievance on the issue. The Charge in this matter, on the same issue, was filed on November 15, 2024, which is more than four months after June 18, 2024. Therefore, the charge is untimely and will be dismissed.

CONCLUSIONS

The Hearing Examiner, therefore, after due consideration of the foregoing and the record as a whole, concludes and finds:

1. The Commonwealth is a public employer within the meaning of Section 301(1) of PERA.
2. The Union is an employe organization within the meaning of Section 301(3) of PERA.
3. The Board has jurisdiction over the parties hereto.
4. The charge is untimely.

ORDER

In view of the foregoing and in order to effectuate the policies of the Act, the Hearing Examiner

HEREBY ORDERS AND DIRECTS

that the charge is dismissed and the complaint is rescinded.

IT IS HEREBY FURTHER ORDERED AND DIRECTED

that in the absence of any exceptions filed pursuant to 34 Pa. Code § 95.98(a) within twenty (20) days of the date hereof, this decision and order shall become and be absolute and final.

SIGNED, DATED AND MAILED at Harrisburg, Pennsylvania, this
twenty-seventh day of March, 2025.

PENNSYLVANIA LABOR RELATIONS BOARD

/s/ Stephen A. Helmerich
STEPHEN A. HELMERICH, Hearing Examiner