

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

AFSCME COUNCIL 13 AFL-CIO :
 :
 v. : Case No. PERA-C-25-257-E
 :
 DELAWARE COUNTY :

PROPOSED DECISION AND ORDER

On September 25, 2025, the American Federation of State, County and Municipal Employees, Council 13, AFL-CIO (AFSCME or Union) filed a charge of unfair practices with the Pennsylvania Labor Relations Board (Board) against Delaware County (County or Employer), alleging that the County violated Section 1201(a)(1) and (3) of the Public Employee Relations Act (PERA or Act) by terminating employe, Joseph Cirillo, on May 28, 2025, in retaliation for his protected activity.

On October 8, 2025, the Board Secretary issued a Complaint and Notice of Hearing, directing a hearing on November 14, 2025, if necessary. The hearing was subsequently continued to December 9, 2025, at the request of AFSCME and without objection by the County. Hearings ensued on December 9, 2025, and January 22, 2026, at which time the parties were afforded a full opportunity to present testimony, cross-examine witnesses and introduce documentary evidence.¹ The parties each filed separate post-hearing briefs in support of their respective positions on March 23, 2026.

The Hearing Examiner, on the basis of the testimony presented at the hearing and from all other 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. 7)
2. AFSCME is an employe organization within the meaning of Section 301(3) of PERA. (N.T. 7)
3. AFSCME has been the certified bargaining representative for hundreds of employes at the County in the nonprofessional residual unit for many years. (N.T. 19-21; PERA-R-25-183-E)
4. Joseph Cirillo began working for the County Health Department in December 2021 as an Environmental Health Specialist (EHS). His direct supervisor was John Scharf. The County did not have a Health Department prior to that time. (N.T. 63-65)
5. As an EHS employe, Cirillo worked from 8:30 a.m. to 4:30 p.m., Monday through Friday. He was required to be in the field every day from 9:30 a.m. to 3:30 p.m. to perform inspections. He was expected to be in the office from 8:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 4:30 p.m. to perform

¹ The parties needed a second day of hearing to present all of their witnesses and evidence. The parties also agreed to do both hearings virtually.

administrative work and plan his inspections during those two hours of office time each day. (N.T. 273-274)

6. AFSCME began an organizing campaign to represent the employees in the newly formed County Health Department in 2022. (N.T. 21-22)

7. As part of that organizing campaign, AFSCME held a first meeting with the County Health Department employees on November 9, 2022. EHS Cirillo was present at the meeting, along with a number of other employees, including Zachary Babel, who was also an EHS at the time. Both Cirillo and Babel signed authorization cards on that date. (N.T. 23-26, 64; UX-1)

8. EHS Cirillo was involved with AFSCME's organizing efforts at the County Health Department in 2022. He described those efforts as reaching out to AFSCME, speaking to their representatives, and setting up meetings for the environmental health team after work. (N.T. 74)

9. EHS Babel was also involved with AFSCME's unionization efforts at the County Health Department in 2022 and served on the organizing committee. As a result, Babel was aware of Cirillo's support for AFSCME and Cirillo's involvement with the campaign. (N.T. 74-75, 205-211, 238)

10. AFSCME's organizing campaign eventually stalled out in March 2023, and there was a break in the unionization efforts. (N.T. 26, 133-134, 211)

11. In the fall of 2023, EHS Babel applied for one of two vacant supervisory positions at the County Health Department. He was eventually offered the position, starting in January 2024. He testified that Marie Carbonara, who was Administrator of the County's Environmental Health Division, announced his upcoming promotion at a staff meeting in December 2023. (N.T. 211-212)

12. On the day after the staff meeting in December 2023, Babel had a discussion with Cirillo, wherein Babel advised Cirillo that Babel did not want to know about any further organizing efforts since Babel was becoming a supervisor. (N.T. 212, 217-218)

13. In October or November 2024, Erin Russo, who was a Fiscal Assistant employee in the County Health Department, reached out to AFSCME Director of Organizing, Robert Cason, and expressed an interest in resuming the stalled organization effort. Cason advised Russo of the need to reestablish an organizing committee and asked Russo to recruit a couple of people that she trusted. (N.T. 27-28, 47, 51-52)

14. Fiscal Assistant Russo recruited EHS Cirillo to join the AFSCME organizing committee in November 2024, after which Cirillo began approaching employees and assessing their potential support for the Union, which continued through January, February, and March 2025. Cirillo described communicating with employees to assess their support at various meetings and while the employees were walking around the Health Department building during their breaks, as well as during conversations over the phone. (N.T. 28-29, 51-52, 73-76)

15. By April 2025, AFSCME Director Cason wanted the employees to be more public with their support. As a result, some employees started wearing green to work on Fridays because green is AFSCME's color. Those employees

simply wore their own personal green shirts, and not anything that stated "AFSCME." Nor did the employees wear any "AFSCME" pins or other insignia. (N.T. 30-31, 42)

16. On May 7, 2025, AFSCME Director Cason went to one of the three County Health Department's worksites at the Baldwin Tower location with AFSCME's Field Coordinator, Jozette Dowdell, to tour the facility as the Union. Administrator Carbonara came out to greet them in the lobby and tried to summon the County Health Department's Executive Director for assistance. (N.T. 31-32)

17. AFSCME Director Cason and Field Coordinator Dowdell were not permitted to tour the County's Baldwin Tower location on May 7, 2025. Cason advised Administrator Carbonara during the encounter that the Health Department employees were engaging in their protected, concerted right to join a Union and that the Union had received complaints from the employees about their work locations. Cason recalled Carbonara stating "we knew you were coming. We just didn't know when." (N.T. 32-33, 418-419)

18. AFSCME began collecting authorization cards for a potential showing of interest on May 9, 2025. EHS Cirillo and Fiscal Assistant Russo were the individuals on the organizing committee who were responsible for collecting the cards. Cirillo was the individual who got the most cards signed. (N.T. 37, 52, 83-85)

19. The County offered the testimony of John Scharf in support of its position. He has been an Environmental Health Supervisor for about 4.5 years. In this supervisory role, he oversees the EHS employees who report to him, which included EHS Cirillo. (N.T. 271-272)

20. Supervisor Scharf testified that he gave written reprimands to EHS Cirillo in August 2024 and October 2024 for incidents in which Cirillo allegedly violated County policy by trying to change a request for sick leave to vacation time and by driving a County vehicle while being signed into a virtual meeting. (N.T. 286-290; CX-6, CX-8)

21. Supervisor Scharf also gave EHS Cirillo a written reprimand in January 2025 because Cirillo was allegedly signing up to serve on committees at work without getting supervisory approval first. Scharf explained that Cirillo was not performing the required number of inspections per day, and that Cirillo had used his service on those work committees as an excuse for the alleged deficiency. (N.T. 291-294; CX-10)

22. Supervisor Scharf testified that, on May 7, 2025, the owner of an establishment called the 2701 Sports Bar and Grill came in to the County Health Department's Baldwin Tower location and asked why he received an invoice to renew his license, claiming that he had already paid. Scharf met with the owner and learned that he had paid his invoice in the field to EHS Cirillo in November 2024. Scharf verified the owner's claim and sent him on his way. (N.T. 98-100, 335-336; CX-21)

23. Supervisor Scharf saw EHS Cirillo at work on May 8, 2025, at which time Cirillo admitted that he had accepted the payment in the field. Scharf reminded Cirillo that he was not to accept payment in the field under any circumstances, as it was against policy. Scharf credibly asserted that May 7, 2025 was the first time he heard that Cirillo had accepted payment in

the field. Scharf credibly denied that Cirillo had told him about it in November 2024 or January 2025. (N.T. 336-337, 380; CX-21)

24. Supervisor Scharf testified that this was a significant issue for multiple reasons. He described how accepting payment in the field potentially jeopardizes the safety of the County Health Department inspectors, since they would be traveling with cash and/or checks throughout the area. He also stressed how this impacted the integrity of the County's new Health Department. He further noted that the County wants its inspectors to be focused on the food code when they are conducting inspections, and not on collecting payments. Scharf reported the incident to Administrator Carbonara. (N.T. 337-339; CX-21)

25. Supervisor Scharf testified that, also on May 7, 2025, Supervisor Babel came to him about an inspection for a temporary event called the Saint Denis Fun Fair. He explained that Babel was unaware the event was happening and that they could not find the folder for the entire day. He described how they had to get Administrator Carbonara involved with the search until one of the administrative assistants eventually obtained the folder from EHS Cirillo on May 8, 2025. (N.T. 340-342; CX-22)

26. Supervisor Scharf testified that, on May 8, 2025, EHS Cirillo admitted that he had previously made a payment online to the County Health Department for the Saint Denis Temporary Event, on April 16, 2025, while Cirillo was clocked in as an employe for the County Health Department. Cirillo is apparently the chief financial officer, in his personal capacity, for the local Saint Denis church, which hosted the annual event. Cirillo used the church's credit card to make the payment as part of the church's application to host the event. (N.T. 103, 106, 175, 343-347, 350; UX-4, CX-22, CX-37, CX-38)

27. Supervisor Scharf testified that he received an email from Environmental Health Supervisor Samantha Cooper on May 16, 2025, regarding an event called "Derby at the Vineyard," which was scheduled to take place on May 17, 2025. Scharf described how one of Cooper's direct reports, who was a new EHS employe, was going to cover the inspection for Cirillo. Scharf indicated that Cirillo never provided the folder to the new EHS employe and that, after Cooper found the folder on Cirillo's desk, Cooper discovered that the application was incomplete. Scharf stated that it was missing the layout, the food protection manager certificate, the truck license, the commissary license, and the specification sheet. (N.T. 309-310; CX-14)

28. Supervisor Scharf testified that EHS Cirillo was negligent by failing to obtain these documents. Scharf asserted that the new EHS employe had to scramble to get the required information, which was unfair to that employe. He noted that, despite Cirillo's claims that Cirillo could not get in touch with the contact person for the event, Cirillo could have easily obtained the documents by contacting another health department. Scharf stated that Cirillo had plenty of time to get the required documentation given that Cirillo was assigned the folder on April 25, 2025, at the latest. Scharf described how he issued Cirillo a written performance documentation on May 20, 2025 because the matter negatively affected another employe, along with the County residents. He claimed that the incident had the potential to result in people getting hurt. (N.T. 310-312; CX-14)

29. Supervisor Scharf testified that he issued another written performance documentation to EHS Cirillo on May 20, 2025 because Cirillo

admitted to Scharf that Cirillo had approved the licensing of two outdoor public bathing spaces without inspecting them, which is a direct and significant violation of County policy. He described how this conduct put the health and safety of the community potentially at risk for violations, such as bacteria in the pool water or insufficient lifeguards and life-saving equipment. (N.T. 324-329; CX-15)

30. The County also offered the testimony of Marie Carbonara in support of its position. She has been the Administrator of the County's Environmental Health Division for approximately five years. In this role, she oversees the Environmental Health Division of the County and is the direct supervisor of John Scharf, Zachary Babel, and Samantha Cooper, the EHS Supervisors. She testified that the County had a progressive disciplinary system in May 2025, but she also clarified that the County could bypass that process for serious or egregious incidents. (N.T. 418-421)

31. By email dated May 9, 2025, Administrator Carbonara advised Human Resources Generalist Dana Howard of EHS Cirillo's alleged performance issues and policy violations, which included the May 8, 2025 incident in which Cirillo admitted that he accepted a payment while out in the field. Carbonara stressed the seriousness of this alleged policy violation and recommended termination. (N.T. 421-423; CX-26)

32. Administrator Carbonara learned of the May 8, 2025 incidents involving the 2701 Sports Bar and Grill and the Saint Denis event from Supervisor Scharf. Carbonara included the Saint Denis event in her May 9, 2025 email attachments to HR Generalist Howard. Carbonara asserted that the offenses were egregious in nature because the County Health Department maintains a high emphasis on public trust and full transparency, which is damaged by deliberate policy violations. (N.T. 423-424; CX-26)

33. Administrator Carbonara had a discussion with HR Generalist Howard regarding the alleged incidents involving EHS Cirillo on or about May 12, 2025. (N.T. 429-430; CX-27)

34. By email dated May 22, 2025, Administrator Carbonara notified HR Generalist Howard of the two additional writeups involving EHS Cirillo that occurred during that week, including the May 16, 2025 Derby at the Vineyard incident and the May 20, 2025 admission that Cirillo had approved the licensing of two outdoor public bathing spaces without inspecting them. At the time of the May 22, 2025 email, Carbonara had still not received any guidance from Howard regarding her May 9, 2025 recommendation for termination. (N.T. 434-436; CX-28)

35. By email dated May 22, 2025, HR Generalist Howard notified Administrator Carbonara that the County's Human Resources Department would support termination for Cirillo. (N.T. 437-438; CX-29)²

36. Administrator Carbonara testified that the EHS employees are repeatedly instructed not to perform business courtesies, which violates the County's gift ban policy. She described how this includes doing favors for community members, business owners, partners, and stakeholders. (N.T. 439-441; CX-26)

² Howard also indicated that she would be off work for vacation for nearly a week, after which she would be available to support Carbonara with the termination meeting. (N.T. 442-443; CX-29).

37. On May 28, 2025, Administrator Carbonara and HR Generalist Howard presented EHS Cirillo with a letter, discharging Cirillo from County employment. (N.T. 441-442; CX-30)

38. On July 21, 2025, AFSCME filed a petition to accrete the Health Department employes into the nonprofessional County-wide residual unit pursuant to the Board's Westmoreland Intermediate Unit procedure. (PERA-R-25-183-E)

DISCUSSION

The Union argues that the County violated Section 1201(a)(1) and (3) of the Act³ by terminating EHS employe, Joseph Cirillo, from employment on May 28, 2025, in retaliation for his protected activity. Specifically, the Union asserts that it satisfied all three elements of the Section 1201(a)(3) test for discrimination, given that Cirillo was engaged in the protected activity of serving on the organizing committee for the unionization effort in 2022 to 2023, and then again in 2024 to 2025, of which the County had knowledge. The Union relies on Supervisor Babel's participation on the organizing committee when he was an EHS employe, in 2022 to 2023, alongside Cirillo, as evidence of the knowledge requirement. The Union also maintains that Supervisor Scharf personally observed Cirillo's protected conduct at work in 2025 and that Administrator Carbonara was aware of the unionization efforts, at least as of May 7, 2025, when AFSCME Director Cason attempted to tour the Baldwin Tower location. The Union further contends that, in the alternative, the Board should infer knowledge based on the small plant doctrine, as set forth in Pennsylvania Federation of Teachers v. Temple University, 23 PPER ¶ 23033 (Final Order, 1992).⁴ As support for its position that it satisfied the third element of the test, the Union points to the timing of Cirillo's discharge in May 2025, in combination with the County's alleged lack of a plausible explanation for the termination and the alleged disparate treatment of Cirillo, as compared to the County's prior disciplinary practices.

The County, meanwhile, submits that the charge should be dismissed because the Union has not sustained its burden of proving a violation of the Act. The County insists that the record is devoid of any evidence that the County had knowledge of Cirillo's protected activity and that the Board's small plant doctrine is inapplicable. The County similarly contends that it discharged Cirillo for engaging in serious policy violations, and not for any protected conduct. Thus, the County asserts that it would have taken the same action in discharging Cirillo even in the absence of Cirillo's protected conduct.

³ Section 1201(a) of the Act provides that "[p]ublic employers, their agents or representatives are prohibited from: (1) Interfering, restraining or coercing employes in the exercise of the rights guaranteed in Article IV of this act... (3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any employe organization..." 43 P.S. § 1101.1201.

⁴ The Board's small plant doctrine allows the Board to infer knowledge to a small employer when the facts establish that the employe's protected activities were carried out in such a manner, or at such times, that in the normal course of events, the employer must have noticed the activity. Temple University, *supra*. The doctrine typically requires an evidentiary showing of close supervision to support the notion that, in a physically limited setting containing few individuals, little goes unnoticed. *Id.*

In a Section 1201(a)(3) discrimination claim, the Complainant has the burden of establishing the following three-part conjunctive standard: (1) that the employe engaged in activity protected by PERA; (2) that the employer knew the employe engaged in protected activity; and (3) the employer engaged in conduct that was motivated by the employe's involvement in protected activity. Audie Davis v. Mercer County Regional Council of Government, 45 PPER 108 (Proposed Decision and Order, 2014) (citing St. Joseph's Hospital v. PLRB, 373 A.2d 1069 (Pa. 1977)). Motive creates the offense. PLRB v. Stairways, Inc., 425 A.2d 1172 (Pa. Cmwlth. 1981). Once a prima facie showing is established that the protected activity was a motivating factor in the employer's decision, the burden shifts to the employer to demonstrate that the action would have occurred even in the absence of that protected activity. Teamsters Local 776 v. Perry County, 23 PPER ¶ 23201 (Final Order, 1992). If the employer offers such evidence, the burden shifts back to the complainant to prove, on rebuttal, that the reasons proffered by the employer were pretextual. Teamsters Local 429 v. Lebanon County, 32 PPER ¶ 32006 (Final Order, 2000). The employer need only show by a preponderance of the evidence that it would have taken the same actions absent the protected conduct. Mercer County Regional COG, supra, (citing Pennsylvania Federation of Teachers v. Temple University, 23 PPER ¶ 23033 (Final Order, 1992)).

The Board has recognized that, in the absence of direct evidence, it will give weight to several factors upon which an inference of unlawful motive may be drawn. City of Philadelphia, 26 PPER ¶ 26117 (Proposed Decision and Order, 1995). The factors which the Board considers are: the entire background of the case, including any anti-union activities by the employer; statements of supervisors tending to show their state of mind; the failure of the employer to adequately explain the adverse employment action; the effect of the adverse action on unionization activities-for example, whether leading organizers have been eliminated; the extent to which the adversely affected employes engaged in union activities; and whether the action complained of was "inherently destructive" of employe rights. City of Philadelphia, supra, (citing PLRB v. Child Development Council of Centre County, 9 PPER ¶ 9188 (Nisi Decision and Order, 1978)). Although close timing alone is insufficient to support a basis for discrimination, Teamsters Local 764 v. Montour County, 35 PPER 12 (Final Order, 2004), the Board has long held that the timing of an adverse action against an employe engaged in protected activity is a legitimate factor to be considered in determining anti-union animus. Berks Heim County Home, 13 PPER ¶ 13277 (Final Order, 1982).

In this case, the Union has sustained its burden of proving the first two elements of the Section 1201(a)(3) discrimination test. The record shows that Cirillo engaged in significant protected activity in his role during the unionization efforts in 2022 to 2023, and then again on the organizing committee in 2024 to 2025. Cirillo initially signed an authorization card for AFSCME on November 9, 2022, and was involved with the organizing drive until that effort stalled sometime around March 2023. Cirillo resumed those efforts in November 2024 and began approaching employes and assessing their potential support for the Union, which continued through April 2025 until he eventually began collecting authorization cards in May 2025. The County does not dispute the fact that Cirillo engaged in protected activity under the Act.

The County does dispute the second element of the test, claiming that it did not have any knowledge of Cirillo's protected conduct. However, the

record clearly shows that Supervisor Babel was well aware of Cirillo's role in the unionization efforts from 2022 to 2023 and even singled out Cirillo to discuss the matter in December 2023, once Babel received a promotion. The Pennsylvania Supreme Court has definitively held in Lancaster County v. PLRB, 124 A.3d 1269, 1288 (Pa. 2015), that a complainant meets the knowledge requirement by proving **a supervisor** had knowledge of the employe's protected activity. (Emphasis added). On top of that, the record also shows that Administrator Carbonara knew of the resumed organization effort at least as early as May 7, 2025, when AFSCME Director Cason tried to tour the County's Baldwin Tower location and advised Carbonara of the campaign. In fact, Carbonara demonstrated that the County knew of the efforts at some point prior to May 7, 2025, because she stated "we knew you were coming. We just didn't know when." As such, the Union has established that the County knew of Cirillo's involvement in an organizing drive in 2022 to 2023 and that those efforts had resumed at least as early as May 7, 2025.⁵

The Union has not established, however, that the County was unlawfully motivated when it discharged Cirillo on May 28, 2025. Noticeably absent from the record is any direct evidence or overt display of anti-union animus by the County. Nor is there any evidence of an inadequate explanation for the County's actions or disparate treatment of Cirillo to support an inference of unlawful motive. To the contrary, the County has proffered credible and convincing reasons for the discharge. Indeed, Carbonara credibly and persuasively testified that she recommended discharge on May 9, 2025 once the County learned on May 8, 2025 of Cirillo's alleged misconduct involving the 2701 Sports Bar and Grill incident, as well as the April 16, 2025 Saint Denis church incident, because those two offenses were deliberate, egregious in nature, and damaged the County Health Department's high emphasis on public trust and full transparency. The County's decision to terminate Cirillo in May 2025, instead of imposing progressive discipline, is hardly compelling evidence of unlawful motive. Carbonara convincingly explained that, despite the existence of the County's progressive disciplinary policy, the County maintains the authority to bypass that process for serious incidents, which is a common practice for public employers. And, the County's decision to issue written reprimands to Cirillo on May 20, 2025, for the Derby at the Vineyard incident and his admission regarding the pools, similarly falls short of demonstrating animus. The timeline set forth above simply shows that the County learned of two more alleged infractions by Cirillo during the intervening period between Carbonara's May 9, 2025 recommendation and Cirillo's eventual discharge on May 28, 2025. That Carbonara was seeking and waiting for approval from the County's human resources staff is not, by itself, indicative of discrimination.

Nor has the Union proven that the County offered pretextual reasons for the discharge. In support of this assertion, the Union relies on discipline the County issued to two other former employees, Joseph Kelly and Shahida Parker-Johnson. (UX-15, UX-16, UX-17, UX-18, UX-19, UX-20). But the record shows that neither of those employees were similarly situated to Cirillo because neither was accused of accepting payments in the field in violation of the gift ban policy, doing business favors for community members, or otherwise taking deliberate action to damage the County's emphasis on public trust and full transparency, which clearly prompted Carbonara's original recommendation for discharge on May 9, 2025. The Union's contention that the County should not have resorted to the harshest possible discipline for

⁵ In light of the County's direct knowledge of Cirillo's protected activity, it is not necessary to address the Board's small plant doctrine.

Cirillo is essentially a just cause argument, given the lack of any pretextual or shifting reasons for the termination, along with Cirillo's admissions that he engaged in the alleged misconduct at issue. However, the Board has long held that an employer's lack of just cause as an arbitrator might define the term will not support a finding of discriminatory motivation. Utility Workers Union of America, AFL-CIO v. Hempfield Township Municipal Authority, 41 PPER 11 (Proposed Decision and Order, 2010) citing Bucks County Community College, 36 PPER 84 (Final Order, 2005).

As such, the only remaining factor supporting an inference of unlawful motivation on behalf of the County is the timing of Cirillo's termination in May 2025, which followed closely on the heels of AFSCME's visit to the jobsite on May 7, 2025. But, as detailed above, that factor standing alone is insufficient to support a basis for discrimination.⁶ Accordingly, the charge under Section 1201(a)(3) of the Act must be dismissed. Furthermore, while the Union did allege an independent violation of Section 1201(a)(1) of the Act in its specification of charges, the Union's post-hearing brief is devoid of any such discussion or argument that Cirillo's discharge was somehow "inherently destructive" of employe rights. Therefore, the Union's independent claim under Section 1201(a)(1) of the Act has been waived, and the charge under that clause must also be dismissed as a matter of law.

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. AFSCME is an employe organization within the meaning of Section 301(3) of PERA.
3. The Board has jurisdiction over the parties hereto.
4. The County has not committed unfair practices in violation of Section 1201(a)(1) or (3) of PERA.

ORDER

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

HEREBY ORDERS AND DIRECTS

that the complaint is rescinded, and the charge is dismissed.

⁶ In reality, even the timing of the discharge, while certainly suspicious in relation to AFSCME's site visit on May 7, 2025, appears coincidental in large part, given that the County only learned of Cirillo's alleged serious policy violations on May 7, 2025, which Cirillo then admitted on May 8, 2025, leading to the discharge recommendation on May 9, 2025. Cirillo claimed in his testimony that he told Scharf he accepted a payment in the field back in January 2025. (N.T. 100-102). But this testimony has not been accepted as credible, and was persuasively refuted by Scharf himself, who indicated that he first heard of the incident in May 2025.

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 19th day of May, 2026.

PENNSYLVANIA LABOR RELATIONS BOARD

/s/ John Pozniak
John Pozniak, Hearing Examiner