

Bond Case Briefs

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Borough v. Pennsylvania Labor Relations Bd.

Commonwealth Court of Pennsylvania - December 4, 2014 - A.3d - 2014 WL 6807216

Local 1813 Union (Union) is a chapter of the International Association of Fire Fighters (IAFF), and served as the bargaining unit for twenty-one full-time firefighters employed by the Borough. The Chambersburg Borough and the Union had a CBA in effect which governed their employment relationship through the beginning of 2012. In addition to paid firefighters, the Borough's fire department utilized the services of four volunteer fire companies.

In July 2011, during negotiations for a successor CBA between the Borough and the Union, the Borough informed the Union that the Borough would need to downsize the number of paid firefighters due to budget constraints. At the time of the negotiations, Patrick Martin was employed as a shift captain in the Borough's fire department, and was also president of the Union.

Martin sent a letter to local IAFF members, including twenty-four IAFF members who provided volunteer fire services, informing them of the proposed reductions and exhorting volunteers to refrain from responding to fire calls within the Borough.

The Borough disciplined Martin and also filed a charge of unfair labor practices against the Union based on the issuance of the letter.

A Pennsylvania Labor Relations Board hearing examiner found that, because the Union did not engage in an unlawful secondary boycott by issuing the letter, the Union did not commit any unfair labor practices under Sections 6(2)(d) or 6(2)(e). Finding no unprotected secondary boycott, the hearing examiner determined that Martin's suspension based on sending the letter was discriminatory, resulting in unfair labor practices under Sections 6(1)(a) and 6(1)(c). Borough Appealed.

The Commonwealth Court reversed, holding that:

- The Union engaged in a secondary boycott when it sent the letter to the volunteer firefighters, who were also members of the IAFF, inducing them to refrain from responding to fires in the Borough; and
- As the Union committed an unfair labor practice in violation of Section 6(2)(d) of the PLRA by engaging in a secondary boycott, Martin's letter was not protected under the PLRA and thus the Board also erred in finding that the Borough committed violations of Sections 6(1)(a) or 6(1)(c) by disciplining Martin for sending the Letter. Accordingly, the Borough was within its rights to discipline Martin.