

# **Bond Case Briefs**

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## **COLLECTIVE BARGAINING - PENNSYLVANIA**

### **Americans for Fair Treatment, Inc. v. Philadelphia Federation of Teachers**

**Commonwealth Court of Pennsylvania - November 21, 2016 - A.3d - 2016 WL 6833073**

Nonprofit organization brought action against school district and teachers' union, seeking declaration that provision of collective bargaining agreement providing for union leaves of absence was unlawful.

School district and union moved to dismiss, for lack of standing. The Court of Common Pleas granted the motion. Organization appealed.

The Commonwealth Court held that:

- Allegations by organization were insufficient to establish associational standing, and
- Organization could not establish taxpayer standing.

Allegations by nonprofit organization were insufficient to establish associational standing to maintain an action against school district and teachers' union to challenge a provision in collective bargaining agreement providing for union leaves of absence. Organization alleged that many of its members were teachers with lower seniority than teachers who were on leave, but complaint lacked any factual allegation sufficient to show that this lower seniority had any direct and non-speculative, immediate effect on the organization's members.

Nonprofit organization could not establish taxpayer standing to challenge lawfulness of union leaves of absence under collective bargaining agreement. School district was better situated to assert claim that union leaves were unlawful, any teachers who were affected by the leave policy could challenge it, and organization did not allege any adverse effect on taxpayers as a whole.