

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

AMERICAN FEDERATION OF STATE :
COUNTY AND MUNICIPAL EMPLOYEES, :
DISTRICT COUNCIL 87 :
 : Case No. PERA-C-10-185-E
v. :
 :
LUZERNE COUNTY :

PROPOSED DECISION AND ORDER

On May 27, 2010, the American Federation of State, County and Municipal Employees, District Council 87 (Union or Complainant) filed a charge of unfair practices with the Pennsylvania Labor Relations Board (Board) against Luzerne County (County or Respondent), alleging that the County violated Sections 1201(a)(1) and (5) of the Public Employee Relations Act (PERA).

On June 9, 2010, the Secretary of the Board issued a Complaint and Notice of Hearing in which the matter was assigned to a conciliator for the purpose of resolving the matters in dispute through the mutual agreement of the parties and August 4, 2010, in Wilkes-Barre was scheduled as the time and place of hearing if necessary.

A hearing was necessary, but was continued to September 23, 2010. A second day of hearing was held on October 8, 2010.

At the hearings, the parties were afforded a full opportunity to present testimony, cross-examine witnesses and introduce documentary evidence. Post hearing briefs were submitted on December 2, 2010 and January 6, 2011.

The 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. Luzerne County is a public employer as defined in Section 301(1) of PERA. 43 P.S. § 1101.301(1). (N.T. 12)
2. AFSCME District Council 87 is an employee organization as defined in Section 301(3) of PERA, 43 P.S. § 1101.301(3), and is the certified collective bargaining representative for a residual bargaining unit in the County. (N.T. 12, 88-89, 107)
3. Until June 30, 2010, the residual bargaining unit included approximately 39 employees working in the Luzerne County's Workforce Investment Development Agency (WIDA), an office within the County. For many years, WIDA staff provided certain state and federally-funded services in Luzerne County which are overseen by the Luzerne/Schuylkill Workforce Investment Board (L/S WIB) and the Commissioners of Luzerne and Schuylkill Counties. (N.T. 89, 108)
4. The L/S WIB was incorporated as a Pennsylvania nonprofit corporation on September 16, 2006. (N.T. 176, Joint Exhibit 10)
5. The parties stipulated and agreed that the work at issue in this unfair practice charge was provided exclusively by the WIDA employees prior to June 30, 2010. (N.T. 88)
6. Under the federal Workforce Investment Act (WIA) (29 U.S.C. §§ 2801, *et seq.*) and its state counterpart, Pennsylvania's Workforce Development Act (24 P.S. §§ 6250.101, *et seq.*), the Commonwealth of Pennsylvania is divided into a number of geographic regions known as workforce investment areas. The Pennsylvania Workforce Development Act, at Section 6250.501 (a)(1), states that the governor, through consultation with the state

workforce investment board and the chief elected officials, designates a workforce investment area. The governor designated Schuylkill and Luzerne Counties together as one such area, known as the NE075 local workforce investment area. (N.T. 157, Joint Exhibit 1)

7. The Luzerne County board of commissioners is the signatory for WIA funds for the Luzerne/Schuylkill workforce investment area. The County commissioners have designated the L/S WIB as the lead entity responsible for WIA-funded activities in the local workforce investment area, and determined that, with regard to such activities conducted Luzerne County, the L/S WIB should work in cooperation with WIDA. (N.T. 21, 59-60; Joint Exhibit 1 at 4; Joint Exhibit 4 at 16)

8. The L/S WIB consists of a board of 43 members. Luzerne County Commissioners appoint 24 of these members and Schuylkill County Commissioners appoint 17. The remaining two members are Commonwealth appointees. (N.T. 18, Joint Exhibit 1, pp 4 and 5)

9. Under the federal and state statutes, the L/S WIB oversees services to residents of Luzerne and Schuylkill Counties, pursuant to Title 1 of the WIA, for both adult and dislocated worker services and youth programs (collectively, "Title 1 Programs"). Additionally, the L/S WIB serves as the conduit to provide services for the Department of Public Welfare (DPW) for the Employment Advancement and Retention Network (EARN). (N.T. 16-17; Joint Exhibit 3 at 6)

10. The L/S WIB oversees the spending of approximately \$10 million in federal and state funds. (N.T. 36, Union Exhibit 6)

11. Pennsylvania law places the workforce investment board in the role of advising and assisting the county commissioners in their decisions. The Pennsylvania Workforce Development Act, 24 P.S. § 6250.501(b) states:

Purpose. - The purpose of each local workforce investment board is to advise and assist the chief elected official in the county or counties served by the local workforce investment board by setting policy to promote effective workforce investment programs in a designated geographic area.

24 P.S. § 6250.501(b)

12. The work of the L/S WIB is done with the involvement of the county commissioners of Schuylkill and Luzerne Counties at various points in each grant year. Consistent with the WIA, the L/S WIB's governing documents provide that the L/S WIB and the commissioners of Luzerne and Schuylkill Counties (referred to collectively in the governing documents and other records as the "Chief Elected Officials" or "CEOs", or the "Local Elected Officials" or "LEOs") must develop a workforce investment plan. According to the current plan, approved by the Pennsylvania Department of Labor & Industry ("L&I") in October, 2009, the WIDA is the designated contractor to provide WIA-funded services in Luzerne County. (N.T. 19-20, 166-167; Joint Exhibit 1 at 2; Joint Exhibit 3 at 6; Joint Exhibit 4 at 16; Union Exhibit 12)

13. Prior to November 2009, Luzerne County Commissioner Maryanne Petrilla designated the WIDA as the fiscal agent for the County, for purposes of WIA-funded programs. Effective November 16, 2009, Commissioner Petrilla made the L/S WIB the recipient of WIA funds, and gave it authority to control those funds. However, the County remains responsible for the proper expenditure of WIA funds by the WIB, for the Luzerne and Schuylkill County workforce investment area. (N.T. 29-35, 74, 76-89, 81-82, 84-85, 144-145, 147, 158, 168-170, 174, 177; Joint Exhibit 4 at 16, 17; Joint Exhibit 5; Union Exhibit 1 at 2-3; Union Exhibit 6 ("Timeline and statement of facts" at 1 of 3); Union Exhibit 13; Union Exhibit 14)

14. On May 12, 2009, officials in the Pennsylvania Department of Labor and Industry (L&I) released an audit report for the Luzerne/Schuylkill Workforce Investment Area, identifying several deficiencies. The audit detailed thirteen (13) findings and requested that a corrective action plan be submitted. (N.T. 65, 158, 177, Union Exhibit 6, p. 2)

15. Richard Ammon, the Executive Director of WIDA, identified a corrective action plan to resolve the deficiencies. (N.T. 159)

16. Mr. Ammon's corrective action plan failed to cure all identified deficiencies. (N.T. 159-161, County Exhibit 3)

17. On July 6, 2009, a hiring team from the L/S WIB and the commissioners of Luzerne and Schuylkill Counties, named Lucyann Vierling as the new L/S WIB executive director. (N.T. 13, 36, Union Exhibit 6 at 3)

18. At the time the deficiencies were first discovered, the WIDA was the fiscal agent for the workforce investment area. Later, L&I concluded that one of the problem areas had not been corrected. As a result, on February 18, 2010, three months after fiscal agent status had been transferred from WIDA to the L/S WIB, Christine Enright, Director of the Department's Bureau of Workforce Development Partnerships, wrote to Commissioner Petrilla concerning the outstanding problems. She directed Commissioner Petrilla to outline a plan of corrective actions to be taken to clear up the problems. In response to this letter, the L/S WIB sent an outline of corrective actions to Ms. Enright. (N.T. 158-160, 165-166; County Exhibit 3; Union Exhibit 5)

19. The current collective bargaining agreement between AFSCME and the County governing the wages, house and working conditions of the residual unit was reached and ratified in August and September, 2009. During negotiations for this agreement, the County never proposed any language concerning subcontracting of bargaining unit work. (N.T. 91-92, 108-109; Joint Exhibit 9)

20. In late 2009 or early 2010, AFSCME began hearing rumors that the County was considering contracting out residual bargaining work in the tax assessor's office. Union representatives met with Commissioner Petrilla and Doug Pape, the County's Chief Clerk, to discuss the proposed subcontract of this work. Shortly after that meeting, the Union began hearing about additional possible subcontracts of bargaining unit work in other County departments. As a result, on January 28, 2010, David Antle, Director of AFSCME District Council 87, sent a letter to Commissioner Petrilla, formally demanding negotiations over any proposed subcontracts of bargaining unit work, and requesting that the County identify all bargaining unit work which it had subcontracted or was considering subcontracting. The County negotiated with AFSCME over the subcontracting of a number of bargaining unit positions and an agreement was reached concerning those positions. However, in the course of these discussions and negotiations, the County never mentioned any intention to subcontract the work of bargaining unit employees at its WIDA office. (N.T. 88, 92-98, 103-104, 109; Union Exhibit 8).

21. Shortly after that agreement was reached, Paula Schnelly, president of the AFSCME local affiliate in Luzerne County, began hearing more rumors of plans to contract out the work of bargaining unit, this time the work of employees in the WIDA office. She spoke with Mr. Pape about these rumors, and he suggested that she meet with Commissioner Petrilla to discuss the matter. (N.T. 107, 111-112)

22. As AFSCME later learned, months earlier, on November 18, 2009, Commissioner Petrilla and her counterpart from the Schuylkill County board of commissioners had agreed that all of the programs overseen by the L/S WIB should be competitively bid, rather than being directly provided through WIDA, for Luzerne County. They agreed that the request for proposals ("RFPs") for these services should be issued through the L/S WIB. (N.T. 36, Union Exhibit 6 ("Media statement"; "Timeline and statement of facts" at 2)

23. On March 8, 2009, the L/S WIB issued the RFPs seeking bids from entities wishing to provide the services for the Title I programs and for the EARN program. The following day, Union representatives and three WIDA employees met with Commissioner Petrilla, Lucyann Vierling, the L/S WIB's executive director, and Martha Herron, the L/S WIB's chair. During that meeting, the management representatives acknowledged that the bargaining unit employees did good work and that they were not the problem that prompted the proposed subcontracting. (N.T. 36-37, 113-117, 175; Joint Exhibits 6-8)

24. In April, 2010, Mr. Antle wrote another letter to Commissioner Petrilla, demanding negotiations over the proposed subcontract of the WIDA employees' work. The County never responded to this letter. (N.T. 98-99; Union Exhibit 9)

25. In each of the RFPs, the L/S WIB told prospective bidders that the L/S WIB's choice of contract was subject to the approval of the County commissioners. Later, at a meeting held with prospective bidders, the L/S WIB again told them that the L/S WIB's choice of a contract for each of the three RFPs was subject to the approval of the county Commissioners or Local Elected Officials (LEOs). (N.T. 38-42; Joint Exhibit 6 at 12; Joint Exhibit 7 at 30; Joint Exhibit 8 at 32; Union Exhibit 2 at 2; Union Exhibit 3 at 2 and Union Exhibit 4)

26. When the L/S WIB initially delayed voting on the proposals, Ms. Enright wrote to Commissioner Petrilla to urge the L/S WIB to "stay the course" and pursue the subcontracts. Ms. Enright's letter advised Commissioner Petrilla that any change in the plan to subcontract services would require an explanation, and would not change the requirement that the L/S WIB must take corrective action to address the deficiencies that had been discovered in 2009. Although the letter addressed actions that purportedly would have to be taken by the L/S WIB, Ms. Enright addressed her concerns only to Commissioner Petrilla, and did not send any letter on the subject to the L/S WIB. (N.T. 70, 160-161, 164-165; County Exhibit 1)

27. On May 12, 2010, Bryon Noon of the Pennsylvania Department of Public Welfare wrote to Ms. Herron, chair of the L/S WIB, directing the L/S WIB to award the EARN grant to the contractor that had been selected by a local management committee, asserting that to fail to do so would violate a contractual obligation of the L/S WIB. Mr. Noon's letter asserts that neither the L/S WIB nor the County commissioners may overturn the decision of the local management committee as to the selection of a contractor for the EARN program. (N.T. 71, 185-186; County Exhibit 2)

28. On May 18, 2010, the L/S WIB "voted to recommend" hiring three private companies to provide Title I and the EARN program services for Luzerne and Schuylkill Counties. The same day, the L/S WIB issued a press release stating that its recommendation concerning the award of contracts for Title I and EARN services "will now be made to the Luzerne and Schuylkill county commissioners for their concurrence." (N.T. 50-51; Union Exhibit 7 at 1)

29. However, the County commissioners never took action on the awarding of the proposed contracts recommended by the L/S WIB. The L/S WIB proceeded to enter into the contracts. (N.T. 72-73, 102, 105, 123, 201-204; Joint Exhibit 11 at 1; Joint Exhibit 13 at 1; Joint Exhibit 15 at 1)

30. Effective July 1, 2010, the Title I and EARN services in Luzerne County previously performed by Luzerne County WIDA employees in AFSCME's bargaining unit are being provided by three private companies - ReDCo Group, Arbor Employment and Training, and Educational Data Investment Services. Prior to July 1, 2010, the work of providing these services was consistently, exclusively performed by County employees in the WIDA office in the AFSCME bargaining unit. They have since been laid off. (N.T. 52-53, 88, 125, 126)

DISCUSSION

Until July 1, 2010, 39 employees of the Luzerne County Workforce Investment Development Agency (WIDA) were the exclusive providers of workforce development services for the citizens of Luzerne and Schuylkill counties. The money for their work came from the federal and state governments as grants to Luzerne County, Schuylkill County and the Luzerne/Schuylkill Workforce Investment Board (L/S WIB). Earlier that year, the L/S WIB decided that the work would in the future be done by three private contractors. When the contracts went into effect, the work was no longer available to the WIDA employees and they were terminated. The employees sought assistance from their union, AFSCME District Council 87.

The union filed a charge of unfair practices alleging that Luzerne County should be found to have committed unfair practices as a result of the L/S WIB's decision. In the

specification of charges filed with the Board, the Union alleges that the County, "through its agents, issued requests for proposals in order to explore whether or not to subcontract the work" performed by the AFSCME bargaining unit. The specifications also allege that the county never approached AFSCME to announce its intention, nor provided AFSCME with information concerning the subcontract. AFSCME requested bargaining and information about the subcontract. However, the County never responded. Finally, the specification of charges alleges that "from May 6 to 20, the County, through its agents" took action to subcontract the work of AFSCME bargaining unit members.

To remedy the alleged violation, the Union seeks the rescission of the outsourced contracts, reinstatement of the former employes to their jobs, back pay and benefits and further negotiation between the county and union.

A public employer commits an unfair practice in violation of Section 1201(a)(5) of PERA when it unilaterally subcontracts bargaining unit work. PLRB v. Mars Area School District, 389 A.2d 1073 (Pa. 1978). A public employer desiring to subcontract bargaining unit work must first affirmatively seek out the union, announce its intentions, provide the union with a bargaining proposal and bargain in good faith with the union either to agreement or to bona fide impasse before implementing a subcontract of an bargaining unit work. Snyder County Prison Board, 912 A.2d 356, at 368 (Pa. Cmwlth. 2006), alloc. denied, 593 Pa. 730, 928 A.2d 1292 (2007).

The County defends the charge by arguing that neither the County nor its agents made the decision to change providers of the workforce investment and development services. The County argues that an independent nonprofit corporation, the regional workforce development agency, the L/S WIB, made the decision. The County points out that the decision was necessitated by the calls from two state agencies to correct deficiencies in the administration of the program that threatened its very funding. The Pennsylvania Department of Labor and Industry had issued an audit that cited the WIDA for deficiencies in the administration of the workforce investment programs. Then both the Department of Labor and Industry and the Department of Public Welfare instructed the L/S WIB to award contracts for services based on an RFP process. The instructions noted that failure to act accordingly could result in loss of federal and state funding for workforce development programs.

The Union counters with the following argument. When the relationship of the County and the L/S WIB is dissected, it becomes clear that the L/S WIB can only act as an instrumentality of Luzerne and Schuylkill Counties. In this instance, Luzerne County is the actor who bears responsibility for making the decision to subcontract. The County should not be allowed to disappear behind the corporate identity of the L/S WIB to avoid its bargaining obligation to the Union over the decision to subcontract.

A complicated federal and state statutory scheme authorizes the programs that were the source of the funding for the 39 employes in this case. Instead of simply sending federal and state money to a local government, the statutes insert regional workforce development boards as partners with the county commissioners in the funding, supervision and oversight for the workforce development money that was the source of the compensation for the 39 employes at issue. Federal and state money come into Luzerne and Schuylkill Counties to the L/S WIB, one of 22 workforce investment areas in Pennsylvania. The law requires that the elected official, the county commissioner, have a role in the administration of the program. They are supposed to help develop the area's workforce development plan

It appears that there are no reported cases involving the relationship between the County Commissioners and a workforce investment board and the change of the contractor. However, the intergovernmental agreement appears to resemble the agreement that was involved in Mifflin County Regional Police Department, 26 PPER 26137 (Final Order, 1995), aff'd sub nom Borough of Lewistown v. PLRB, 558 Pa. 141, 735 A.2d 1240 (1999). In that case, three municipalities joined together to create the Mifflin County Regional Police Department (RPD). The municipalities appointed representatives to the regional department's board of directors, and delegated to the regional department authority to establish wages, hours and working conditions of the police officers.

The Lewistown Police Association, charged Lewistown Borough and the Mifflin County Regional Police Commission with committing an unfair labor practice by failing to comply with an Act 111 interest arbitration award. The award required, inter alia, the participating municipalities to consolidate their pension plans by remitting all pension monies to the regional commission for the purpose of effectuating a new plan run by the board of directors.

The Pennsylvania Labor Relations Board, in a decision that was ultimately affirmed by our Supreme Court, found that the three municipalities were joint employers under Act 111 acting through the RPD, an entity constituted under the Pennsylvania Intergovernmental Cooperation Act. 53 P.S. §§ 481-491. The Board held that although the RPD was not an employer under Act 111, Lewistown Borough, one of the three municipalities, was an employer under Act 111 and that it committed an unfair labor practice under the PLRA and Act 111 by failing to implement the pension provisions of the interest arbitration award.

In making this ruling, the Board and the courts explicitly rejected the notion that municipalities that band together in that way effectively shed their collective bargaining responsibilities in relation to the public employees who perform those services. See Mifflin County Regional Police Department, 26 PPER ¶ 26137 at 135. Rather, the Board held that the municipalities remain joint employers of the employees, albeit acting through the jointly-created entity, with a duty to bargain with the employees' collective bargaining representative. Id. at 324. As a result, the Board found one of the municipalities liable for failing to abide by an award issued in an interest arbitration proceeding between the RPD and the Union.

Similarly, in the present case, state and federal statutes authorize two local governments, Luzerne and Schuylkill Counties, to join efforts to provide workforce development services through the instrumentality of a regional entity, the Luzerne/Schuylkill Workforce Investment Board. As was the case in Mifflin County Regional Police Department, the authorizing statutes provide that the two local governments retain certain responsibilities and obligations when they enter into the intergovernmental agreement.

For example, the federal Workforce Investment Act of 1998 (WIA) requires that the WIB must submit its budget to chief elected official (CEO) for approval. 29 U.S.C. § 2832(d)(3)(A). As is set forth in Joint Exhibit 1, the 2007 Chief Elected Official Agreement provides that "the Board of Commissioners of Luzerne County" is the signatory for WIA funds for the two counties. The WIB and the chief elected official are to conduct oversight with respect to the local youth, adult and dislocated worker programs. 29 U.S.C. § 2832(d)(4). See also Joint Exhibit 3 at 6. The chair of the Luzerne County commissioners, as the chief elected official, is responsible for the proper use of the WIA grant funds. 29 U.S.C. § 2832(d)(3)(B)(i). See also Joint Exhibit 1 at 3, Joint Exhibit 2 at 3 and Joint Exhibit 3 at 3. Also, the WIB must work "in partnership with" the chief elected official to develop a five-year plan for providing workforce investment services to the public. 29 U.S.C. § 2832(d)(1).

The state statute, the Workforce Development Act, also makes this partnership a requirement. See 24 P.S. § 6250.504(a). See also Joint Exhibit 1 at 2-3 and Joint Exhibit 3 at 6,9. The state statute also requires that the local WIB is appointed by the "chief elected official." In a case such as the present one, where the WIB represents more than one county, the board shall enter into an agreement describing the understanding of the counties as to appointments, governance and oversight activities of the local workforce investment board under this act. 24 P.S. § 6250.502(b). As was discussed above, the counties agreed in 2007 for the Board of Commissioners of Luzerne County to be the signatory for WIA funds.

The most relevant of the retained responsibilities and obligations are those involving the selection and termination of contractors for WIA activities. The federal Workforce Investment Act requires that the WIB must select one-stop operators "with the agreement of the chief elected official." 29 U.S.C. § 2832(d)(2)(A). See also Joint Exhibit 2 at 3 and Joint Exhibit 3 at 3. Also, the same section gives the WIB the power

to terminate for cause the eligibility of such operators, "with the agreement of the chief elected official." Section 2832(d)(2)(A)(ii).

If the statute provides that it is the County's responsibility and obligation to select and terminate the eligibility of one stop operators then it follows that it is also County's responsibility and obligation to bargain the transfer of this contracted work to another entity when one of those operators is a unit of county government employees covered by a collective bargaining agreement. As was the case in Mifflin County Regional Police Department, *supra*. where a member municipality, Lewistown Borough, retained the duty to make pension contributions, Luzerne County, as a local government participant in workforce development, retained several obligations, including the duty to bargain over any subcontracting of the work performed for the L/S WIB by members of its bargaining unit.

In addition to the Union's statutory argument that the County is responsible for the decision to subcontract, the Union sets forth three other pieces of evidence that conform to its interpretation of the statutes. This evidence supports its argument that the County cannot passively allow the L/S WIB subcontract the work at issue when there is a collective bargaining agreement.

First, the 2007 Chief Elected Official Agreement (Joint Exhibit 1), the governing document for this intergovernmental activity, expressly states that the local WIB is to carry out the WIA functions "in partnership" with the Chief Elected Officials (CEO's). Second, communications from the L/S WIB's Executive Director to the bidders, in both the RFP's and at a meeting with prospective bidders, stated that the choice of the successful contact bidder was subject to the approval of the county commissioners. Third, the May 18, 2010 press release from the L/S WIB stated that its recommendation of the three contractors for workforce development in the area would be made to the county commissioners.

In recognition of the federal and state statutes for delivering workforce investment services to localities, the obligations these statutes place on the County and finally, the LS/WIB's interpretation, acknowledgement and application of those obligations, it is clear that the change of the contractors that occurred in 2010 required the approval of the Luzerne County. Because it required the County's approval, the County cannot now claim that the L/S WIB's decision to change workforce contractors was beyond its control. Because it retained this control, the County also had an obligation to bargain with the Union representing the workers who lost work in the subcontract. When the County refused to bargain with the union over the subcontract and then proceeded to allow the subcontract to occur on July 1, 2010, it violated its duty to bargain.

To remedy this violation of PERA, the County will be ordered to return to the status quo that existed before the unlawful subcontracting. The County is to rescind the July 1, 2010 contracts with ReDCo Group, Arbor Employment and Training, and Educational Data Investment Services for work that had been exclusively performed by Luzerne County WIDA and return all that work to the Luzerne County WIDA and make whole the employees of the Luzerne County WIDA for the loss of wages and benefits caused by the subcontract.

CONCLUSIONS

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

1. That Luzerne County is a public employer within the meaning of Section 301(1) of PERA.
2. That AFSCME District Council 87 is an employe organization within the meaning of Section 301(3) of PERA.
3. That the Board has jurisdiction over the parties hereto.
4. That Luzerne County has committed unfair practices in violation of Sections 1201(a)(1) and (5) of PERA.

ORDER

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

HEREBY ORDERS AND DIRECTS

that thr County shall

1. Cease and desist from interfering, restraining or coercing employes in the exercise of the rights guaranteed in the PERA.

2. Cease and desist from refusing to bargain collectively with the exclusive bargaining representative of its employes.

3. Take the following affirmative action, which the hearing examiner finds necessary to effectuate the policies of PERA:

(a) Immediately rescind the July 1, 2010 contracts entered into with ReDCo Group, Arbor Employment and Training, and Educational Data Investment Services for work that had been exclusively performed by Luzerne County WIDA and return all that work to the Luzerne County WIDA;

(b) Immediately return all the work delineated in 3(a) above to the employes of the Luzerne County WIDA;

(c) Make whole the employes of the Luzerne County WIDA for all lost wages and benefits as a result of the July 1, 2010 contracts;

(d) Offer to bargain with the union the issue of the subcontracting of the work performed by the Luzerne County WIDA;

(e) Post a copy of this decision and order within five (5) days from the effective date hereof in a conspicuous place readily accessible to the bargaining unit employes and have the same remain so posted for a period of ten (10) consecutive days; and

(f) Furnish to the Board within twenty (20) days of the date hereof satisfactory evidence of compliance with this decision and order by completion and filing of the attached affidavit of compliance.

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 (20) days of the date hereof, this order shall be final.

SIGNED, DATED AND MAILED at Harrisburg, Pennsylvania, this sixteenth day of June, 2011.

PENNSYLVANIA LABOR RELATIONS BOARD

Thomas P. Leonard, Hearing Examiner