

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

HARMAR TOWNSHIP POLICE WAGE AND :  
POLICY COMMITTEE :  
 :  
v. : Case No. PF-C-01-96-W  
 :  
HARMAR TOWNSHIP :

**FINAL ORDER**

Harmar Township Police Wage & Policy Committee (Complainant) filed a Charge of Unfair Labor Practices with the Pennsylvania Labor Relations Board (Board) on June 1, 2001, alleging that Harmar Township (Respondent) violated Act 111 of 1968 (Act 111) and Section 6(1)(a) and (e) of the Pennsylvania Labor Relations Act (PLRA). The Complainant contends that on April 20, 2001, the Respondent attempted to enforce policies set forth in the "Harmar Township Police Department Procedures Manual" (Procedures Manual) that have not been bargained. By letter dated June 25, 2001, the Respondent filed a response to the Charge requesting that the Charge be dismissed as untimely because the Procedures Manual was adopted in 1989, revised in 1993, and distributed to all police officers in 1994.

The Secretary of the Board determined that the Charge was not filed within six weeks of the alleged unfair labor practice as required by Section 9(e) of the PLRA. 43 P.S. §211.9(e). Accordingly, by letter dated October 31, 2001, the Secretary advised the Complainant that no complaint would be issued. On November 20, 2001, the Complainant filed timely Exceptions to the Secretary's determination arguing that although the Procedures Manual was adopted in 1989, because it was not enforced or followed until April 20, 2001, the Charge is timely filed.

Section 9(e) of the PLRA provides that "[n]o ... charge shall be entertained which relates to acts which occurred or statements which were made more than six weeks prior to the filing of the ... charge." 43 P.S. §211.9(e). The nature of the alleged unfair labor practice frames the limitations period. For a refusal to bargain a change in terms and conditions of employment, notice to the union of the implementation of the challenged policy or directive triggers the statute of limitations. Officers of the Upper Gwynedd Township Police Department v. Upper Gwynedd Township, 32 PPER ¶32101 (Final Order, 2001); Fraternal Order of Transit Police v. SEPTA, 27 PPER ¶27178 (Final Order, 1996). "Implementation ... is the date when the directive becomes operational and serves to guide the conduct of employees, even though no employees may have been disciplined or corrected for failure to abide by the directive." Upper Gwynedd Township, supra. In Upper Gwynedd Township, the Board held that even where no employe was disciplined under the new policy, because the union had actual notice of the directive when it was announced, a charge filed more than six weeks later was untimely.

In the present matter, the Complainant acknowledged that the Procedures Manual was adopted in 1989, and thus, the Complainant knew or should have known of the implementation of the Procedures Manual as

of that date. See SEPTA, supra. Because the Complainant previously had notice of the implementation of the Procedures Manual, in accordance with the holding in Upper Gwynedd Township, any subsequent date that it was actually applied to particular officers is irrelevant to the timeliness of the charge alleging violations under Section 6(1)(e) of the PLRA. Upper Gwynedd Township, supra; SEPTA, supra. Accordingly, because the Charge was not filed within six weeks of notice of the implementation of the Procedures Manual, the Charge filed June 1, 2001, is untimely.

After a thorough review of the Exceptions and all matters of record, the Board shall dismiss the Exceptions and affirm the Secretary's decision declining to issue a complaint.

#### **ORDER**

In view of the foregoing and in order to effectuate the policies of Act 111 of 1968 and the Pennsylvania Labor Relations Act, the Board

#### **HEREBY ORDERS AND DIRECTS**

that the Exceptions are dismissed and the Secretary's decision not to issue a complaint is made absolute and final.

SEALED, DATED and MAILED pursuant to conference call meeting of the Pennsylvania Labor Relations Board, John Markle Jr., Chairman, L. Dennis Martire, Member, and Edward G. Feehan, Member, this eighteenth day of December, 2001. The Board hereby authorizes the Secretary of the Board, pursuant to 34 Pa. Code 95.81(a), to issue and serve upon the parties hereto the within order.