

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

PENNSYLVANIA SOCIAL SERVICES UNION, :
LOCAL 668, SEIU, AFL-CIO-CLC :
 :
v. : Case No. PERA-C-01-492-E
 :
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF PUBLIC WELFARE :
WESTMORELAND COUNTY ASSISTANCE :
OFFICE :

ORDER

On November 13, 2001, the Pennsylvania Social Services Union, Local 668 (Complainant) filed a Charge of Unfair Practices with the Pennsylvania Labor Relations Board (Board) alleging that the Department of Public Welfare (Respondent) violated Section 1201(a)(1) and (3) of the Public Employe Relations Act (PERA). Complainant alleged that the Respondent committed an unfair labor practice when it directed that a "Security Alert" posted by a union steward on September 12, 2001 be removed. The Secretary of the Board issued a letter on January 17, 2002 advising Complainant that no complaint would be issued on the charge. The Secretary noted that the "Security Alert" posted by the union steward interfered with management's prerogative to direct the workforce to open mail, and thus it was within management prerogative to demand that the "Security Alert" be rescinded. On February 11, 2002, by overnight courier, Complainant filed exceptions to the Secretary's letter declining to issue a complaint.

Initially, we note that the exceptions are untimely. The Secretary's letter explicitly provided that

[a]ny exceptions to this decision not to issue a complaint may be filed with the Board within twenty (20) calendar days of the date of this letter in accordance with the procedures set forth in the Board's Rules and Regulations at 34 Pa. Code Section 95.98(a)(1), (2) and (3).

Section 95.98(b) of the Board's Rules and Regulations provides that "[w]here no exceptions are filed to a proposed decision, it will become final upon the expiration of 20-calendar days from the date of issuance." 34 Pa. Code §95.98(b).

The Secretary's letter declining to issue a complaint was issued January 17, 2002. Twenty calendar days therefrom, and the last day to file exceptions, would have been February 6, 2002. The Complainant's exceptions were dated and filed February 11, 2002. In its exceptions, the Complainant does not attempt to explain the late filing of the exceptions despite that, per the Secretary's letter, they were untimely when signed on February 11, 2002.

Accordingly, since the exceptions were not filed within twenty days of the date of the Secretary's letter declining to issue a

complaint, the exceptions are untimely, and the Secretary's decision has become final by operation of Section 95.98(b) of the Board's Rules and Regulations. Since the Secretary's decision has become final, we need not address the merits of the exceptions.¹

ORDER

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

HEREBY ORDERS AND DIRECTS

that the exceptions are dismissed as the Secretary's decision not to issue a complaint has become 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 nineteenth day of February 2002. 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.

¹ Accordingly, Complainant's request for an extension of time to file a brief in support of the exceptions is denied because Complainant has advanced no claim in the exceptions regarding their timeliness warranting the filing of a brief.