

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

REBECCA V. SCHRADER :  
 :  
 v. : Case No. PERA-C-04-293-w  
 :  
 PITTSBURGH BOARD OF PUBLIC :  
 EDUCATION :

**FINAL ORDER**

Rebecca V. Schrader filed exceptions with the Pennsylvania Labor Relations Board (Board) on July 19, 2004. Schrader's exceptions challenge a June 29, 2004 decision of the Secretary of the Board declining to issue a complaint and dismissing her Charge of Unfair Practices filed against Pittsburgh Board of Public Education (School District) alleging that the School District violated Section 1201(a)(4) of the Public Employe Relations Act (PERA).

In determining whether to issue a complaint, we assume that all facts alleged are true. Generally, a complaint will be issued unless the facts alleged in the charge could not support a cause of action for an unfair practice as defined by PERA. Homer Center Education Association v. Homer Center School District, 30 PPER ¶ 30024 (Final Order, 1998).

First, Schrader alleges that the School Board violated Section 1201(a)(4) of PERA, which provides that a public employer is prohibited from discriminating against an employe because the employe has signed or filed an affidavit, petition or complaint with the Board, or gave information or testimony before the Board. Although the Secretary informed Schrader that her charge failed to allege that the School District's actions were motivated by Schrader's participation in any of the listed activities, in her exceptions, Schrader again failed to allege participation in the protected activities enumerated in Section 1201(a)(4). Therefore, the exceptions are dismissed for failing to perfect her charge to state an appropriate claim under Section 1201(a)(4).

Furthermore, a review of Schrader's specification of charges and additional alleged facts contained in her exceptions indicate that the alleged participation in protected activity occurred subsequent to the alleged retaliatory action. According to Schrader's allegations, the relevant events occurred along the following timeline: the School District indicated its "idea" of implementing an Employe Improvement Plan in response to Schrader's performance; Schrader filed a grievance concerning the improvement plan; the School District implemented the anticipated improvement plan as previously indicated. Therefore, since the School District indicated its decision to implement the improvement plan prior to Schrader's alleged union activity and in response to a perceived deficiency in Schrader's work product, the motivation behind the improvement plan was not discriminatory or retaliatory in nature. Consequently, this exception is dismissed.

After a thorough review of the exceptions and all matters of record, there are no facts alleged to support the Complainant's charge

under Section 1201(a)(4) of PERA. Accordingly, the Board will dismiss the exceptions and sustain the Secretary's decision declining to issue a complaint.

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 and the Secretary's decision not to issue a complaint be and the same is hereby made absolute and final.

SEALED, DATED and MAILED at Harrisburg, Pennsylvania pursuant to conference call meeting of the Pennsylvania Labor Relations Board, L. Dennis Martire, Chairman, and Anne E. Covey, Member, this seventeenth day of August, 2004. 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.