

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

ROBERT S. FRYE :
 :
 v. : Case No. PERA-C-05-31-E
 :
 TEAMSTERS LOCAL 776 :

FINAL ORDER

Robert S. Frye (Complainant) filed Exceptions with the Pennsylvania Labor Relations Board (Board) from the decision of the Secretary of the Board dismissing his Charge of Unfair Practices.

On January 14, 2005, Complainant filed a Charge alleging that Teamsters Local 776 (Union) violated the Public Employe Relations Act (PERA), by failing to pursue a grievance with Susquehanna Township School District (District). On February 18, 2005, the Secretary issued a letter by certified mail to Complainant, informing him that he must specify the subsection and clauses of Section 1201 of PERA the Union allegedly violated. Additionally, the Secretary informed Complainant that a union's decision not to process a member's grievance through arbitration was not an enumerated unfair practice under Section 1201(b) of PERA. See Ziccardi v. Commonwealth of Pennsylvania, Department of General Services, 500 Pa. 326, 456 A.2d 979 (1982). The Secretary stated that it would be necessary for Complainant to amend his charge to indicate why the Union's actions rose to the level of an unfair practice, given the above-cited case law. Finally, the Secretary informed Complainant that "[f]ailure to amend the charge as requested on the enclosed form within twenty (20) days of the date of this letter may result in a dismissal of the charge." On April 8, 2005, because Complainant failed to amend his charge, the Secretary dismissed the Charge, notifying the Complainant that:

Pursuant to the authority granted to me..., this is to inform you that the Charge of Unfair Practices filed to the above case number has been dismissed since you did not timely respond to my letter of February 18, 2005.

Complainant filed timely exceptions to the Secretary's dismissal of the Charge by letter dated April 26, 2005. In his exceptions, Complainant reiterated and expanded on his allegations against the Union, but did not provide an explanation for his failure to timely respond to the Secretary's certified letter of February 18. Postal records indicate that delivery was attempted on February 22, and notice was provided to the Complainant, who signed for the letter on March 7, 2005, all within twenty days of the Secretary's February 18 letter. Accordingly, Complainant's exceptions are dismissed, and the Secretary's dismissal of the Charge is affirmed.

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 filed to the above case number be and the same, are hereby dismissed, and the Secretary's letter declining 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 May, 2005. 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.