

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :  
 :  
 : Case No. PF-R-07-18-W  
 :  
 PERRY TOWNSHIP :

**PROPOSED ORDER OF DISMISSAL**

On January 30, 2007, the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International, AFL-CIO, CLC (Union), filed with the Pennsylvania Labor Relations Board (Board) a petition for representation seeking investigation of a question of representation involving non-managerial police officers employed by Perry Township (Township). On February 9, 2007, the Secretary of the Board issued an order and notice of hearing directing that a hearing be held on February 26, 2007. On February 16, 2007, the Union amended its petition to include the chief of police in the proposed bargaining unit. On February 22, 2007, the Secretary issued an amended order and notice of hearing directing that a hearing be held on February 26, 2007. The hearing examiner thereafter continued the hearing at the request of both parties.

On March 9, 2007, the Township filed a request to dismiss the petition as moot because it had permanently and completely ceased providing police services.

On March 16, 2007, the Union filed a charge of unfair labor practices alleging that the Township committed unfair labor practices by contracting out the work of its police officers to a codes enforcement officer when it ceased providing police services. The Board docketed the charge to Case No. PF-C-07-64-W.

On March 28, 2007, the hearing examiner gave the Union twenty days to respond to the Township's request to dismiss the petition. On April 17, 2007, the Union filed a response to sustain the petition because the Township had contracted out the work of its police officers as alleged in the charge. On April 19, 2007, the hearing examiner blocked the processing of the petition pending disposition of the charge.

On April 23, 2007, the Secretary refused to issue a complaint on the charge because "it is apparent that [the codes enforcement officer] would not perform the same duties as a police officer" and because the Township "completely and permanently ceased providing the discretionary public service of a police force[.]" The Union filed no exceptions to the Secretary's refusal to issue a complaint on the charge.

The petition must be dismissed as requested by the Township. When an employer completely and permanently ceases providing police services, a refusal to bargain charge is moot because there is no obligation to bargain with the exclusive representative of its police officers under the circumstances. Saltsburg Borough, 35 PPER 141 (Proposed Decision and Order 2004). Inasmuch as there is no dispute that the Township completely and permanently ceased providing police services, it follows that the petition is moot because the Township would be under no obligation to bargain even if the Union were certified to represent the police officers.

ORDER

In view of the foregoing and in order to effectuate the policies of the Pennsylvania Labor Relations Act, the hearing examiner

HEREBY ORDERS AND DIRECTS

that the petition is dismissed.

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

SIGNED, DATED and MAILED at Harrisburg, Pennsylvania, this twenty-first day of May 2007.

PENNSYLVANIA LABOR RELATIONS BOARD

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DONALD A. WALLACE, Hearing Examiner

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May 21, 2007

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PERRY TOWNSHIP  
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Enclosed is a copy of my proposed order of dismissal.

Sincerely,

DONALD A. WALLACE  
Hearing Examiner

Enclosure

cc: John Zias