

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

RAYMOND D. ROMAN :
 :
 v. : Case No. PERA-C-08-173-W
 :
 SHUMAN JUVENILE DETENTION CENTER :
 BRUCE ATKINS :

FINAL ORDER

Raymond D. Roman (Complainant) filed timely exceptions with the Pennsylvania Labor Relations Board (Board) on June 11, 2008. The Complainant's exceptions challenge a June 5, 2008 decision of the Secretary of the Board declining to issue a complaint and dismissing the Complainant's Charge of Unfair Practices filed against the Shuman Juvenile Detention Center (Center) and Bruce Atkins, a supervisor at the Center.

In the Complainant's Charge filed on May 9, 2008, he alleged that the Center violated Section 1201 of the Public Employee Relations Act (PERA). The Complainant attached numerous documents to his Charge, including grievances and miscellaneous letters, but he failed to specify any factual allegations in his Specification of Charges to indicate how the Center or Mr. Atkins had violated PERA. The Complainant amended his Charge on May 13, 2008 to include a copy of his grievance dated May 7, 2008 that had not been attached to the initial Charge.

In dismissing the Charge, the Secretary stated that the Complainant had failed to list his employer, Allegheny County (County), as a respondent and had failed to allege that the County was involved in the alleged unfair practice, citing Lebanon County Detectives Association v. Lebanon County, 29 PPER ¶ 29005 (Final Order, 1997). The Secretary further indicated that the Complainant had failed to allege any facts in his Specification of Charges to demonstrate how he believed the Center or Mr. Atkins had violated Section 1201 of PERA. The Secretary also noted that the Complainant had failed to specify the subsection and clauses of PERA that had allegedly been violated and failed to properly notarize the Charge. Thus, the Secretary declined to issue a complaint.

In his exceptions, the Complainant challenges the Secretary's decision declining to issue a complaint. In determining whether to issue a complaint, the Board assumes that all facts alleged in the charge are true. Issuance of a complaint on a charge of unfair practices is not a matter of right, but is within the sound discretion of the Board. Pennsylvania Social Services Union, Local 668 v. PLRB, 481 Pa. 81, 392 A.2d 256 (1978). A complaint will not be issued if the facts alleged in the charge cannot 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).

In order for a complaint to be issued on a charge of unfair practices against a public employer, the complainant must list the employer as a respondent and must allege that the employer has committed an unfair practice in violation of the provisions of PERA. See Teamsters Local 771 v. PLRB, 760 A.2d 496 (Pa. Cmwlth. 2000); Lebanon County Detectives, *supra*. The Complainant failed to identify the County as a respondent in his Charge or exceptions and failed to allege that the County has engaged in unfair practices under Section 1201 of PERA. Rather, the Complainant named the Shuman Juvenile Detention Center and Bruce Atkins as respondents, even though his actual employer is the County. Therefore, the Complainant's Charge must be dismissed on this basis alone. The Complainant has also failed to specify what particular actions by any individual or entity support the conclusion that a violation of PERA has occurred. Further, the Complainant's failure to specify the subsection and clauses of PERA that were allegedly violated is another independent basis for the Board to dismiss the Charge. West Whiteland Township Police Association v. West Whiteland Township, 32 PPER ¶ 32127 (Final Order, 2001). Indeed, the Complainant's exceptions fail to remedy any of the deficiencies set

forth by the Secretary in her June 5, 2008 letter. Accordingly, the Secretary did not err in declining to issue a complaint and dismissing the Charge.

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 the Public Employe Relations Act, the Board

HEREBY ORDERS AND DIRECTS

that the exceptions filed by Raymond D. Roman are dismissed and the Secretary's June 5, 2008 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, Anne E. Covey, Member and James M. Darby, Member, this nineteenth day of August, 2008. 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.