

PA: TWO HATTER – STATE SUPREME COURT TO HEAR IAFF APPEAL AFTER UNION OFFICER DISCIPLINED

On May 5, 2015, the Pennsylvania Supreme Court agreed to hear the IAFF's appeal in Chambersburg Borough v. PA Labor Relations Board. The union is appealing from the Dec. 4, 2014 decision by the PA Commonwealth Court (3 to 0), which held that the IAFF had committed an "unfair labor practice" under PA laws when IAFF Local's President (Captain) sent letter to 200 IAFF members to not respond mutual aid into the Borough, and that FD had properly suspended the Captain for 240 hours.
http://www.pacourts.us/assets/opinions/Commonwealth/out/2008CD13_12-4-14.pdf

Facts:

The Borough had informed IAFF President (Captain) Patrick Martin they may be laying off career FF because of financial problems. On Oct. 26, 2011, Patrick Martin sent a letter to about 200 career FF / IAFF members who also volunteer in the area to "refraining from providing volunteer fire fighting services to the Borough of Chambersburg."

The Borough relies on heavy rescue mutual aid coverage from Franklin FD.

"Of those fourteen volunteers who respond to Borough emergencies, twelve of them are IAFF members. (Final Order at 2.) Martin's Letter was received by all of the Franklin members who are also IAFF members. (Final Order at 2.) Therefore, twelve of the fourteen Franklin volunteers who respond to calls within the Borough were affected by Martin's Letter, leaving only two members able to continue to provide volunteer fire fighting services within the Borough."

Holding By Commonwealth Court (3 to 0) – secondary boycott by IAFF

The IAFF and Captain Martin filed charges with State Labor Relations Board, which ruled in their favor. The Borough appealed to Commonwealth Court, which reversed the Board.

"The foregoing supports the conclusion that Martin's Letter induced the Franklin volunteer firefighters to withhold essential firefighting services in order to force Franklin to abandon its obligations under the mutual aid agreement between the Borough and Franklin. In other words, the objective of the Letter was to force Franklin to refrain from dealing with the Borough in accordance with the mutual aid agreement so that the Borough would no longer have the equipment and manpower necessary to protect its citizenry. This reduction in equipment and manpower would force the Borough not to furlough paid firefighters. As such, the Union engaged in a secondary boycott when it sent the Letter to the Franklin volunteer firefighters, who are members of the IAFF, inducing them to refrain from responding to fires in the Borough."

Legal Lessons Learned: The PA Supreme Court may provide helpful guidance on controversial issue of asking career FF not to respond to a jurisdiction on mutual aid while serving as volunteer FF.