



Pennsylvania Conference of Teamsters

Strength in Numbers 95,000

LEGISLATIVE ACTION ALERT

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General Counsel Update #1 for 2026

>>This article supplied by our legal advisor Tom Kohn, Esq.<<

First, a Happy New Year to all.

Because so many Locals represent court-related public employees, I thought the decision of the Commonwealth Court that was issued today (January 8) would be of interest. In Teamsters Local 776 v. PLRB, the Union appealed from a PLRB order in which the Board held that it did not have jurisdiction over a judicial employer's decision to terminate the employment of a court-appointed employee, a probation officer, who was the chief steward in the bargaining unit. The termination took place after a decertification petition had been filed, as a result of which the County had refused to continue negotiations for a new contract. The termination was for an alleged violation of workplace policies.

The Union alleged that the termination was pretextual and that the employee was "the victim of her station as a Union Steward." It contended that the termination infringed upon the employees' right to organize, and did not involve the judiciary's right to hire, fire or supervise its employees. That assertion was critical, as it has long been held that the courts have a constitutional right to hire, fire and supervise court employees without interference from other government branches, including the PLRB. While the Commonwealth Court, in Teamsters Local 115 v. PLRB, recognized that employees of the judiciary may organize and bargain over matters related to pay, the courts have consistently refused to extend union rights beyond that role, and particularly when it comes to challenging discipline. A limited exception to that doctrine flows from the Local 115 case, where the court stated "that the judiciary cannot fire its employees at its pleasure where its motivation is to prevent organization and bargaining."

In the 776 case, the court made it clear that the 115 exception was exceptionally narrow and that "where the dispute involves the rights of the judicial employer to discharge an employee under a CBA **that already exists**," (emphasis by the court) any interference with the employer's actions would constitute an unconstitutional interference with its rights. The court further stated, "In Teamsters Local 115, this Court made abundantly clear that its ruling applied only to alleged interference with employees' initial efforts to organize because courts, as public employers, are obliged to bargain under the PERA. This narrow exception does not extend to judicial supervision of employees **after** a union is certified and after a CBA is in place."

The bottom line is that attempts to limit the authority of the courts to deal with their employees over personnel matters, such as discipline, have been and will undoubtedly continue to be met with judicial disfavor.



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