

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Pennsylvania State Troopers Ass'n, 611 Pa. 56

23 A.3d 966 (Pa. 2011) · Decided April 28, 2011

SUMMARY

The Pennsylvania Supreme Court reviewed whether an Act 111 interest arbitration award could require the Commonwealth to pay state troopers on union leave compensation designated by their union. The Court held that the award did not violate the State Employees' Retirement Code because the relevant statutory provision addressed retirement rights and did not establish a ceiling on union-leave salaries. The Court reversed the Commonwealth Court's invalidation of the union-leave provision.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice McCaffery; Chief Justice Castille; Justice Baer; Justice Melvin; Justice Saylor; Justice Todd; Justice Eakin
JURISDICTION	Pennsylvania
DECIDED	April 28, 2011
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Pennsylvania State Troopers Association appealed the Commonwealth Court's order vacating the union-leave wage provision of an Act 111 interest-arbitration award.
STANDARD OF REVIEW	Act 111 arbitration awards are reviewed under the narrow certiorari standard, which permits review only for arbitrator jurisdiction, procedural regularity, excess of authority, or deprivation of constitutional rights. The Supreme Court applies plenary review to the preliminary legal determination whether an issue falls within those narrow-certiorari categories.
PRECEDENTIAL VALUE	Published precedential decision of the Supreme Court of Pennsylvania; the lead opinion announced the judgment of the court.
PARTIES	Pennsylvania State Troopers Association v. Commonwealth of Pennsylvania

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QUESTIONS PRESENTED

1. Whether the Act 111 interest-arbitration award's union-leave wage provision violated section 5302(b)(2) of the State Employees' Retirement Code.
2. Whether the award required the Commonwealth to perform an illegal act and therefore exceeded the arbitration panel's authority under the narrow-certiorari standard.

HOLDINGS

1. Section 5302(b)(2) does not impose a statutory ceiling limiting union-leave salaries to the amount a trooper would have received in full-time active service. The provision primarily governs credited service and pension-related rights and does not prohibit an Act 111 arbitration panel from awarding higher union-leave compensation.
2. Because the union-leave wage provision did not require the Commonwealth to perform an illegal act or an act it could not voluntarily undertake, the provision was within the arbitration panel's authority and was beyond judicial review under narrow certiorari.

KEY QUOTATIONS

“Accordingly, we hold that because the arbitration award provision regarding salary of State Troopers on union leave does not violate Section 5302(b)(2) of the SERC, such provision does not require the Commonwealth to perform an illegal act, or one that it may not voluntarily undertake.” (977)

“As such, the arbitration award provision is beyond any court’s scope of review.” (977)

FACTUAL BACKGROUND

The Pennsylvania State Troopers Association and the Commonwealth were parties to a collective bargaining agreement that expired on June 30, 2008. Following an impasse over a successor agreement, an Act 111 interest-arbitration panel issued an award providing that union officers released from duty would be paid by the Commonwealth at an amount designated by the Association, subject to a cap, with the Association reimbursing the Commonwealth for all compensation and benefits. The Commonwealth challenged the provision as inconsistent with section 5302(b)(2) of the State Employees' Retirement Code because the designated amount could exceed the trooper's regular active-service salary.

PROCEDURAL HISTORY

After the parties reached an impasse in negotiations for a successor collective bargaining agreement, an Act 111 arbitration panel issued an award addressing union-leave compensation. The Commonwealth petitioned the

Commonwealth Court for review, arguing that the award violated section 5302(b)(2) of the State Employees' Retirement Code. The Commonwealth Court vacated the union-leave provision, and the Pennsylvania State Troopers Association sought review in the Supreme Court of Pennsylvania.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The order of the Commonwealth Court was reversed to the extent inconsistent with the Supreme Court's decision, and the matter was remanded for treatment consistent with that determination. Jurisdiction was relinquished.

CASES CITED

- Commonwealth v. Pennsylvania State Troopers Ass'n, 979 A.2d 442 (Pa. Cmwlth. 2009)
- Pennsylvania State Police v. Pennsylvania State Troopers' Ass'n, 540 Pa. 66, 656 A.2d 83 (1995)
- City of Pittsburgh v. Fraternal Order of Police, Fort Pitt Lodge No. 1, 595 Pa. 47, 938 A.2d 225 (2007)
- Kirsch v. Public School Employees' Retirement Board, 929 A.2d 663 (Pa. Cmwlth. 2007)
- Kirsch v. Public School Employees' Retirement Board, 603 Pa. 439, 985 A.2d 671 (2009)
- City of Philadelphia v. Fraternal Order of Police, Lodge No. 5, 564 Pa. 290, 768 A.2d 291 (2001)
- Town of McCandless v. McCandless Police Officers Ass'n, 587 Pa. 525, 901 A.2d 991 (2006)
- Pinto v. State Civil Service Commission, 590 Pa. 311, 912 A.2d 787 (2006)
- Mishoe v. Erie Insurance Co., 573 Pa. 267, 824 A.2d 1153 (2003)
- O'Rourke v. Department of Corrections, 566 Pa. 161, 778 A.2d 1194 (2001)
- Delaware County v. First Union Corp., 605 Pa. 547, 992 A.2d 112 (2010)
- Barasch v. Pennsylvania Public Utility Commission, 516 Pa. 142, 532 A.2d 325 (1987)
- City of Philadelphia v. International Ass'n of Firefighters, Local 22, 606 Pa. 447, 999 A.2d 555 (2010)
- Borough of Ellwood City v. Pennsylvania Labor Relations Board, 606 Pa. 356, 998 A.2d 589 (2010)