UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

MEGAN M. JAMES; WILLIAM A. LESTER; ANGELA PEASE, individually and on behalf of others similarly situated,	)))	
	)	Case No. 2:19-cv-53
Plaintiffs,	)	
	)	
v.	)	
	)	
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 668; STEVE CATANESE, in his official capacity as President of Service Employees International Union, Local 668; COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF LABOR AND INDUSTRY; W. GERARD OLEKSIAK, in his official capacity as Secretary of Pennsylvania Department of Labor and Industry; THOMAS W. WOLF, in his official capacity as Governor of the Commonwealth of Pennsylvania; MICHAEL NEWSOME, in his official capacity as Secretary of the Pennsylvania Office of Administration; ANNA MARIA KIEHL, in her official capacities as Chief Accounting Officer for the Commonwealth of Pennsylvania and Deputy Secretary of the Office of Comptroller Operations,	))))))))))))))))))	District Judge Bissoon
	)	Electronically Filed
Defendants.	)	

JOINT MOTION TO STAY PROCEEDINGS

AND NOW, come the Commonwealth Defendants, by their attorneys Yana L. Warshafsky, Deputy Attorney General, and Nancy A. Walker, Chief Deputy Attorney General, and respectfully submit the following Joint Motion to Stay Proceedings, and in support thereof aver the following:

1.   This class action lawsuit was filed on January 17, 2019, by three employees of the Department of Labor and Industry. (*See generally* ECF No. 1.) The employees challenged, *inter alia*, certain "union security" provisions of the collective bargaining agreement ("CBA") between

SEIU Local 668 and the Commonwealth Defendants, and sought prospective relief enjoining the future application of those provisions. *See id.* ¶3.

2.   The Defendants filed their respective Answers denying Plaintiffs' allegations and denying that Plaintiffs are entitled to any relief in this action. (ECF Nos. 24 & 26.) An Initial Case Management Conference was scheduled for June 26, 2019. (ECF No. 32.)

3.   Following the parties' June 4, 2019 Rule 26(f) conference, counsel for SEIU Local 668 circulated a Side Letter Agreement, signed by the Union President and a Commonwealth Official. Said letter is attached hereto as Exhibit 1.

4.   Superseding the challenged "union security" provisions of the CBA, this Side Letter Agreement provides that any employee of the Commonwealth who is or in the future becomes a member of Local 668 "may, at any time, resign from the Union, regardless of any window period which may be specified in the collective bargaining agreement or the Public Employee Relations Act," (Exhibit 1.), and that Side Letter Agreement, unless otherwise altered or terminated by Local 668 and the Commonwealth, will remain in effect until a successor CBA becomes effective.

5.   Counsel for SEIU Local 668 has represented that the tentative agreement for a successor CBA has recently been reached by Local 668 and the Commonwealth, and that the tentative agreement incorporates the principles established by the Side Letter Agreement by removing union security provisions challenged by Plaintiffs in this matter from the successor agreement.

6.   Following the circulation of the Side Letter Agreement and representations concerning the tentative agreement for the successor CBA, the parties participated in a conference call on June 12, 2019, in order to discuss the next steps in this litigation.

7.   As a result of the discussion on the June 12, 2019 conference call, all parties agreed to file the instant Motion requesting that this litigation be stayed pending the ratification of the successor CBA. This will allow the parties time to consider the effect of the Side Letter Agreement and any successor CBA on the claims for relief in this matter, including Plaintiffs' claim for prospective relief against application of the "union security" provisions of the CBA, and to further discuss any implications for the future of this matter, including with respect to Plaintiffs' claims for retrospective monetary relief.

WHEREFORE, it is respectfully requested that this Honorable Court grant the instant Motion to Stay Proceedings.

Respectfully submitted,

JOSH SHAPIRO
Attorney General

By: */s/ Yana L. Warshafsky*
Yana L. Warshafsky, DAG
Office of Attorney General
/s/ Nancy A. Walker
Nancy A. Walker, CDAG
Office of Attorney General
Counsel for Commonwealth Defendants

/s/ P. Casey Pitts
P. Casey Pitts, Esq.
Altshuler Berzon LLP
Counsel for Defendant SEIU Local 668

/s/ Nathan J. McGrath
Nathan J. McGrath, Esq.
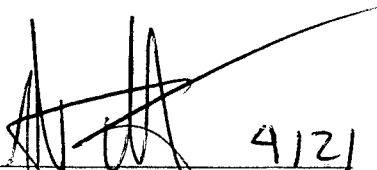The Fairness Center
Counsel for Plaintiffs

EXHIBIT 1

**SIDE LETTER BETWEEN
THE PENNSYLVANIA SOCIAL SERVICES UNION, LOCAL 668, SEIU
AND
THE COMMONWEALTH OF PENNSYLVANIA**

Per discussions between SEIU Local 668 and the Commonwealth, effective immediately, the undersigned parties agree as follows:

1. Any employee of an agency under the Governor's Jurisdiction, Commonwealth of Pennsylvania (hereafter referred to as the Employer) who is currently a member of PSSU, Local 668, SEIU (hereafter referred to as Union) or who may become a member of Local 668 in the future may, at any time, resign from the Union, regardless of any window period which may be specified in the collective bargaining agreement or the Public Employee Relations Act.

2. Requests to revoke Union membership shall be directed to the Union rather than the Employer.

3. Any resignation requests received by the Employer should be redirected to the Union.

4. The Union shall be solely responsible for processing member resignations.

5. The Employer shall honor an employee's dues deduction authorization card.

6. When it is determined by the Union that an employee's payroll dues deduction should cease, the Union shall be responsible for notifying the Employer.

7. Such notices shall be communicated in writing and shall include the effective date of the cessation of payroll dues deduction.

8. The Employer shall rely on the information provided by the Union to cancel or change authorizations.

_____   4/2/19
Steve Catanese, President
SEIU Local 668

_____   3/29/2019
Jay Gasdaska, Director
Office of Employee Relations and
Workforce Support