



January 14, 2015

Larry D. Cheskawich, Board Secretary
Pennsylvania Labor Relations Board
651 Boas Street, Room 418
Harrisburg, PA 17121

RE: Trometter v. Pennsylvania State Education Association - National Education Association
Case No. PERA-M-14-366-E

The Fairness Center, on behalf of Mary Trometter, submits the following as a rebuttal to the joint response filed by the Pennsylvania State Education Association (“PSEA”) and the National Education Association (“NEA”) on December 19, 2014. Ultimately, the Pennsylvania Labor Relations Board (“PLRB”) should find that the PSEA and NEA willfully or otherwise violated section 1701 of the Public Employee Relations Act (“PERA”) and impose statutory penalties, including fines, imprisonment, or both. See 43 Pa.C.S. § 1101.1701.

INTRODUCTION

The joint response filed by the PSEA and NEA admits to the conduct alleged in Trometter’s charge of illegal contributions. Trometter’s charge alleged that (1) union dues were used to fund—through the NEA’s SuperPAC—a letter that was sent to Trometter’s husband urging him to vote for Tom Wolf for Governor; and (2) union dues were used to fund the PSEA’s magazine, PSEA Voice, which provided direct or indirect support for Tom Wolf for Governor.

The PSEA and NEA admitted to this conduct by sworn affidavits of staff members with personal knowledge of the conduct. Specifically, Amy Kurtz, Campaigns and Elections Department manager for the NEA, admitted that its SuperPAC, “[t]he NEA Advocacy Fund[,] receives all of its funding from dues paid by NEA members” and that “[t]he NEA Advocacy Fund paid for the production and distribution of the Letter.” (PSEA-NEA Response Exh. B, ¶¶ 3,6). And David Broderic, the Director of Communications for the PSEA, admitted that the “PSEA uses general treasury funds to pay the expenses for production and mailing of PSEA Voice,” the November issue of which “contain[ed] a number of articles urging members to vote in the then-upcoming elections and, specifically, to vote for Tom Wolf for governor.” (PSEA-NEA Response, Exh. A, ¶¶ 4, 7).

Yet the PSEA and NEA argue that section 1701 does not mean what it actually says and rely ultimately on their “privilege” under Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), to use dues dollars in support of political candidates. They ask the PLRB to extend itself beyond the bounds of PERA to interpret both the Pennsylvania Election Code and to decide, for the first time, the applicability of Citizens United to Pennsylvania’s regulation of their use of dues dollars.

Of course, the PSEA and NEA were ignoring section 1701 long before Citizens United, and even since then, they have lacked the confidence in their “privilege” under Citizens United to seek a court ruling abrogating their responsibility under section 1701. It is not up to the PLRB to twist the language of section 1701 to protect the PSEA and NEA.

Instead, the PLRB should enforce section 1701’s clear prohibition on using union dues to support political candidates.

STATEMENT OF FACTS

The PSEA and NEA misrepresent at least three facts relevant to the PLRB’s determination in this proceeding. First, the PSEA and NEA suggest that dues dollars sent from the NEA to the NEA Advocacy Fund—\$14,500,000.00 in dues this year, by last report¹—are classified for all purposes as NEA “expenditures.” However, the NEA Advocacy Fund’s own disclosure to the federal government correctly labels the transfer of dues dollars from the NEA to the NEA Advocacy Fund as “contributions.” (Trometter Charge, Exh. B, p. 6). These contributions from the NEA to the SuperPAC ultimately paid for the letter that Trometter’s husband received.

Second, the PSEA and NEA misrepresent that NEA and the NEA Advocacy Fund are, like the PSEA, “unincorporated associations” entitled to benefit from certain provisions of the Pennsylvania Election Code. However, the NEA is a “federally chartered corporation,” incorporated in the District of Columbia by act of Congress. 36 U.S.C. §§ 151101-151108. And the NEA Advocacy Fund is a political action committee and separate segregated fund connected to the NEA. (Rebuttal Exh. A).

Finally, the PSEA and NEA suggest that the PSEA Voice is a “private communication” to its members and their families, a characterization with dubious import to Trometter’s charge. Yet the inside cover of the PSEA Voice belies that characterization: “Subscriptions are \$4.25 for members and \$8 for nonmembers.” (Trometter Charge, Exh. C, p. 2) (emphasis added). Not only is the PSEA Voice available to nonmembers (for 188% of the price to members), it is also available to the general public on their website for free, outside of the “members only content” area. (Rebuttal Exh. B).

DISCUSSION

“Every statute shall be construed, if possible, to give effect to all its provisions.” 1 Pa.C.S. § 1921(a). Where a statute is clear and unambiguous, the General Assembly’s intent is clear, and legislative attempt need not be ascertained by other means. Id. at (b), (c). Section 1701 is clear:

No employe organization shall make any contribution out of the funds of the employe organization either directly or indirectly to any political party or organization or in support of any political candidate for public office.

43 Pa.C.S. § 1101.1701 (emphases added).

The PLRB’s duty in this proceeding is to “exercise those powers and perform those duties which are specifically provided for in [PERA].” 43 P.S. § 1101.501. Under PERA, the PLRB is charged with

¹ See Federal Election Commission, NEA Advocacy Fund Post-General Report of Receipts and Disbursements (filed Dec. 4, 2014), available at <http://docquery.fec.gov/pdf/899/14952795899/14952795899.pdf#navpanes=0>.

enforcement of section 1701 and is also required to “establish such rules and regulations as it may find necessary to prevent the circumvention or evasion” of the law. 43 P.S. § 1101.1701. The PLRB’s rules state that charges of illegal contributions may be referred to the Attorney General. 34 Pa. Code § 95.112(c).

Meanwhile, the PSEA and NEA ask the PLRB to look beyond the clear words of section 1701, draw on statutory language outside of the PLRB’s area of expertise, and guess whether and to what extent section 1701 comports with the complex Citizens United decision. The PLRB should decline this invitation and enforce the law as written.

1. The uses of dues to which the PSEA and NEA have admitted constitute “contributions” prohibited by section 1701

In sending members’ dues to a SuperPAC and in using dues to provide campaign support in the PSEA Voice, the PSEA and NEA made “any contribution” for purposes of and in violation of section 1701. And because the term “any contribution” is unambiguous, the PLRB should enforce the statute as written. It should not, in other words, look to “other statutes upon the same or similar subjects,” the “consequences of a particular interpretation” for the PSEA and NEA, or previous “administrative interpretations” of the statute. 1 Pa.C.S. § 1921; see Seeton v. Pennsylvania Game Comm’n, 937 A.2d 1028, 1037 (Pa. 2007) (“While an agency’s interpretation of an ambiguous statute it is charged with enforcing is entitled to deference, courts’ deference never comes into play when the statute is clear.”).

Section 1701 uses the term “any contribution,” but it also includes qualifiers of that term that render it impossible to sidestep. The prohibited contributions include both “direct or indirect” contributions as well as any contributions “in support of” a candidate for office. These qualifiers make clear that section 1701 does not merely target payments to a candidate or a committee (“direct”), they also prohibit payments uncoordinated with a particular candidate or committee (“indirect”). The breadth of section 1701’s prohibition is underscored by the prohibition of contributions generally “in support of any political candidate for public office.”

Given the clarity and breadth of section 1701, the NEA used dues dollars to “contribute” to the NEA Advocacy Fund in support of Tom Wolf. The NEA’s SuperPAC itself discloses as “contributions” the dues dollars it received from the NEA and ultimately used to pay for the letter Trometter received. (Trometter Charge, Exh. B, p. 6; PSEA-NEA, Exh. B, ¶¶ 3,6). These contributions were indeed “any contribution[s] out of the funds of the employe organization either directly or indirectly . . . in support of any political candidate for public office.” 43 P.S. § 1101.1701. The PSEA’s and NEA’s attempt to avoid this characterization should be rejected.

Likewise, the PSEA used dues dollars to “contribute” to Tom Wolf by giving substantial promotional space—the sort of which Wolf’s campaign would otherwise pay to receive—in the PSEA Voice. The PSEA and NEA defend its use of the magazine with a myopic focus on the term “contribution” at the exclusion of the rest of section 1701, ignoring the qualifiers “direct or indirect” and “in support of” found within section 1701. In context, the statutory term “contribution” includes provision of

promotional space in the PSEA's magazine as direct or indirect "giv[ing] (something, such as money, goods, or time) to help" in support of a political candidate.² (PSEA-NEA Response, p. 3).

For the same reason, the PSEA's and NEA's focus on the difference between the terms "contribution" and "expenditure" are largely irrelevant to section 1701. The qualifiers "direct or indirect" and "in support of" clearly extend section 1701's use of the term "contribution" beyond the definition adopted within election law. Contrary to the PSEA's and NEA's contention, the statutory language captures more than traditional—direct—contributions to a candidate or a political committee.

Accordingly, the PLRB should interpret section 1701 as written, enforce the prohibition against misuse of membership dues to support political candidates, and levy appropriate penalties against the PSEA.

2. Section 1701 is unambiguous and does not conflict with the Pennsylvania Election Code

The PSEA and NEA argue that, because they find it difficult to harmonize section 1701 with provisions of the Pennsylvania Election Code, the PLRB should misread or ignore section 1701. In addition to the fact that there is no conflict before the PLRB, the PSEA and NEA would require the PLRB to improvidently interpret provisions of the Election Code to the exclusive benefit of the PSEA and NEA. The PLRB should reject the PSEA's and NEA's argument.

"Every statute shall be construed, if possible, to give effect to all its provisions." 1 Pa.C.S. § 1921(a) (emphasis added). Statutes should be read together only where the words of a statute are ambiguous, id. at (b), (c), and then only when it is "established that the statutes relate to the same thing," Fetty v. Dep't of Transp., Bureau of Driver Licensing, 7874 A.2d 236, 241 (Pa. Cmwlth. 2001).

The PSEA and NEA argue that the PLRB should immediately begin to reconcile two supposedly conflicting statutes. However, because section 1701 is not ambiguous, there is no basis to look outside of PERA for alternative readings. See 1 Pa.C.S. § 1921. Neither have the PSEA or NEA attempted to establish that the two statutes relate to the same thing or otherwise conflict.

Contrary to the PSEA's and NEA's contention, there is no conflict present between section 1701 and the Election Code because enforcement of section 1701 will not "prohibit direct private communications . . . by an unincorporated association to its members and their families on any subject." 25 Pa.C.S. § 3253(c). First, as delineated above, neither the NEA nor the NEA Advocacy Fund are "unincorporated associations" entitled to claim protection under this provision of the Election Code. It would not conflict with the Election Code to enforce section 1701 and prohibit use of dues to fund the letter Trometter's husband received.

Second, also delineated above, the PSEA Voice is not a "direct private communication . . . to members and their families." Although the PSEA has stated that the magazine "is intended for PSEA members and their immediate families," it also makes the magazine available to nonmembers and publicly

² The PSEA and NEA argue that they "did not give money or any other thing of value" in providing promotional space to Tom Wolf. (PSEA-NEA Response, p. 3) (emphasis omitted). However, the PSEA sells advertising space within the PSEA Voice to vendors, and, in the November 2014 issue of the magazine, devoted substantial space in support of Tom Wolf. (Trometter Charge Exh. C).

posts electronic versions freely available to the general public. It would not conflict with the Election Code to enforce section 1701 and prohibit use of dues to fund Tom Wolf with the PSEA Voice.

In fact, section 1701 does not “prohibit direct private communications” in the first place. Section 1701 merely addresses the ability of unions to use member dues to do the communicating when the communicating involves support for political candidates. Public-sector unions are still free to communicate on “any subject,” pursuant to the Election Code; section 1701 simply indicates that, to support political candidates, unions must draw from “voluntary contributions by individuals.” See 43 P.S. § 1101.1701.

Because section 1701 is unambiguous and does not conflict with the Election Code, the PLRB should enforce section 1701 and penalize the PSEA and NEA for violating the law.

3. The PLRB should not presume constitutional doubt with respect to valid state law

The PSEA and NEA urge the PLRB to “avoid grave doubts” about the constitutionality of section 1701. The PSEA’s and NEA’s doubts about the constitutionality of section 1701 are both self-serving and misplaced. These questions should be addressed—if at all—in court, rather than the administrative phase of a proceeding involving a valid state law. The PLRB should reject the invitation to essentially declare section 1701 unconstitutional.

By law, statutes are presumed not to violate the state or federal constitutions. 1 Pa.C.S. § 1922. “An act of the General Assembly carries a strong presumption of constitutionality, and it will not be declared unconstitutional unless it ‘clearly, palpably and plainly’ violates the Constitution.” Marcavage v. Rendell, 888 A.2d 940, 944 (Pa. Cmwlth. 2005) (quoting League of Women Voters of Pa. v. Commonwealth, 692 A.2d 263, 270 (Pa. Cmwlth. 1997)). “All doubts are to be resolved in favor of sustaining a statute.” Commonwealth v. Green, 849 A.d 1247, 1250 (Pa. Super. 2004) (quoting Commonwealth v. Nguyen, 834 A.2d 1205, 1208 (Pa. Super. 2003)).

The PSEA and NEA rely on Citizens United to support their “privilege” in sending letters to unwilling recipients using members’ names without permission and in using the bulk of dues-paid magazines to support political candidates.³ But section 1701 remains a valid state law, and the applicability of Citizens United is far more complex than the PSEA and NEA represent.

For one, no court or administrative agency has applied Citizens United to section 1701, the bulk of which is indisputably constitutional. Citizens United left intact provisions like section 1701’s prohibition of traditional—direct—contributions to political candidates and their committees. See Citizens United, 558 U.S. at 359. It also certainly left intact provisions like section 1701’s self-reporting provision.⁴ See Pa. Dep’t of State, Statement Regarding the Effect of the U.S. Supreme Court’s Decision in Citizens United v.

³ The NEA and PSEA also rely on United States v. CIO, 335 U.S. 106 (1948), in which the U.S. Supreme Court addressed members-only union magazines. Importantly, the Court did not see the case as involving “an expenditure by the CIO in circulating free copies to nonsubscribers, nonpurchasers or among citizens not entitled to receive copies of ‘The CIO News,’ as members of the union.” Id. at 110. Here, again, the PSEA makes the PSEA Voice available to nonmembers and the general public.

⁴ Interestingly, even the reporting mechanism within section 1701 is entirely ignored by the PSEA and NEA, who have yet to file a single report since the law was enacted in 1970. (Rebuttal Exh. C).

Larry D. Cheskawich

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FEC on Pennsylvania Law (Mar. 4, 2010), available at http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS_0_160329_772781_0_0_18/DOS%20Statement%20on%20Citizens%20United%20Case%2003-10.pdf.

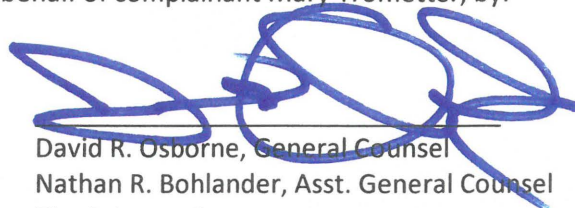
Moreover, Citizens United did not involve state interests related to collective bargaining or compulsory public-sector unionism, state interests underlying section 1701. Section 1701 is among the “protection[s] of the rights of the public employe, the public employer and the public at large” and aims specifically at ensuring against corruption within and from without public unions. 43 P.S. § 1101.101. Simply stated, public-sector unions should not be beholden to public employers, the leadership of which is largely determined by election. But particularly within Pennsylvania—a compulsory union membership state where public employees must “opt out” in order to avoid payment of union dues—public unions occupy a unique role, expected to advance the state’s interest in “labor peace.” See Abood v. Detroit Bd. of Educ., 431 U.S. 209, 224 (1977). “Labor peace,” if that is the reason we need forced unionism, is impossible to find if unions—the selected instrument for achieving this interest—are using dues for partisan politics.

Because the holding in Citizens United is far more complex than the PSEA and NEA claim and would take the PLRB beyond the scope of its duties, the PLRB should decline to pass judgment on the constitutionality of section 1701. It should instead enforce the law with which it has been given the task of enforcing.

CONCLUSION

As stated above, Trometter’s charge states a violation of section 1701, and the PSEA and NEA fail to provide the PLRB with reason to ignore its statutory duty of enforcement. The PLRB should enforce section 1701 and impose statutory penalties, including fines, imprisonment, or both. See 43 Pa.C.S. § 1101.1701.

Respectfully submitted, January 14, 2015, on behalf of complainant Mary Trometter, by:



David R. Osborne, General Counsel
Nathan R. Bohlander, Asst. General Counsel
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Harrisburg, PA 17101
david@fairnesscenter.org
717-421-8155

REBUTTAL EXH. A

STATEMENT OF ORGANIZATION

FEC FORM 1

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

NEA Advocacy Fund

ADDRESS (number and street) 1201 16th Street NW Suite 418

(Check if address is changed)

Washington DC 20036
CITY STATE ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed) jtakacs@nea.org

Optional Second E-Mail Address

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed) N/A

2. DATE 09 / 09 / 2013

3. FEC IDENTIFICATION NUMBER C C00489815

4. IS THIS STATEMENT NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Michael Edwards

Signature of Treasurer Michael Edwards [Electronically Filed] Date 09 / 09 / 2013

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate _____

Candidate Party Affiliation	Office Sought:	House	Senate	President	State
					District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

<input type="checkbox"/> Corporation	<input type="checkbox"/> Corporation w/o Capital Stock	<input checked="" type="checkbox"/> Labor Organization
<input type="checkbox"/> Membership Organization	<input type="checkbox"/> Trade Association	<input type="checkbox"/> Cooperative

In addition, this committee is a Lobbyist/Registrant PAC.

- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

In addition, this committee is a Lobbyist/Registrant PAC.

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. _____ FEC ID number
2. _____ FEC ID number
3. _____ FEC ID number
4. _____ FEC ID number

Write or Type Committee Name

NEA Advocacy Fund

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

National Education Association

Mailing Address 1201 16th Street NW
 Washington DC 20036
 CITY STATE ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Adrienne Calhoun
 Mailing Address 1201 16th Street NW Ste 418
 Washington DC 20036
 CITY STATE ZIP CODE
 Title or Position
 Custodian of Records Telephone number 202 822 7093

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Michael Edwards
 Mailing Address 1201 16th Street NW Ste 418
 Washington DC 20036
 CITY STATE ZIP CODE
 Title or Position
 Treasurer Telephone number 202 822 7255

Full Name of Designated Agent

Adrienne Calhoun

Mailing Address

1201 16th Street NW Ste 418

Washington

DC

20036

CITY

STATE

ZIP CODE

Title or Position

Assistant Treasurer

Telephone number

202

822

7093

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

M&T Bank

Mailing Address

25 South Charles St.

Baltimore

MD

21201

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

FEC MISCELLANEOUS TEXT RELATED TO A REPORT, SCHEDULE OR ITEMIZATION

Form/Schedule: F1A
Transaction ID :

The amendment is being filed to change the Treasurer and update the Committee and all officer addresses. Please update your records accordingly.

Form/Schedule:
Transaction ID:

FORM 1S -STATEMENT OF ORGANIZATION (Supplemental Page)

Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

[ADDITIONAL]

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

[ADDITIONAL]

Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NEA Fund for Children and Public Education

Mailing Address

1201 16th Street NW Ste 418

Washington

DC

20036

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship:

- Connected Organization
- Affiliated Committee
- Joint Fundraising Representative
- Leadership PAC Sponsor

[ADDITIONAL]

Designated Agent

Full Name

Mailing Address

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Telephone number

Joint Fundraiser Participant

[ADDITIONAL]

FEC ID number

C

REBUTTAL EXH. B



THE PENNSYLVANIA STATE EDUCATION ASSOCIATION
The Power of a Great Education AN AFFILIATE OF THE NEA

SEARCH PSEA.org



HOME ISSUES & ADVOCACY MEMBERSHIP CENTER YOUR PROFESSION NEWS & EVENTS ABOUT PSEA PSEA MEMBERS

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Home > Membership Center > PSEA Publications > Voice

The Voice for Education November 2014

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Note: This content is intended for PSEA members and their immediate families.

Cover Story: [Vote Nov. 4: Votes, not polls win elections](#)

President's Column

[It's time to vote for a fresh start](#)

Executive Director's Column

[A tale of two Toms](#)

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- [PSEA members use social media to get out the vote](#)
- [Tom Wolf has a vision for education - But he wants to listen and learn from YOU](#)
- [Kids, Cuts, and Consequences](#)

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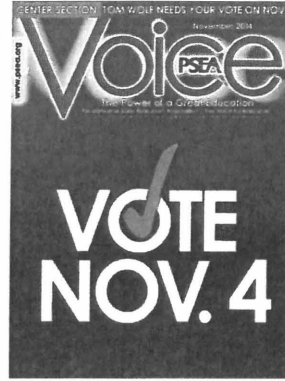
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PSEA Resources

- [Get a jump on PSEA-Retired](#)
- [Diversity is a priority](#)
- [Offices to be filled at May 2015 House](#)
- [ESPs recognized Nov. 19](#)
- [Golfers win big for Valero fund](#)
- [Member Spotlight: Jerry Smith, Dallastown Area Education Association](#)

[Voice Archive](#)



Member Advocacy Center

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Contact your Legislators regarding issues that affect public education.

Contribute to PACE

Protect your rights and your profession. Make a contribution.

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STUDENTS DISCUSS FUNDING CUTS





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Email Address or Username:

Password:

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REBUTTAL EXH. C

ATTESTATION OF NONEXISTENCE OF RECORDS

Name of Requester: David R. Osborne, Esquire

Records Requested: "certified copies of any "report or affidavit evidencing" "any contribution out of the funds of the employe organization either directly or indirectly to any political party or organization or in support of any political candidate for public office" filed by the Pennsylvania State Education Association ("PSEA") or National Education Association ("NEA") with the Pennsylvania Labor Relations Board ("PLRB"), pursuant to the Public Employe Relations Act, section 1701, and section 95.111 of the PLRB's rules and regulations."

"The Fairness Center" v. Dep't of Labor and Indus. - AP 2014-1908

I, Larry Cheskawich, Secretary, Pennsylvania Labor Relations Board, hereby declare under the penalty of perjury, pursuant to 18 Pa.C.S. § 4904, that the following statements are true and correct based upon my personal knowledge information and belief:

1. In my capacity as the Secretary for the PLBR, I am familiar with the records of the PLRB and have knowledge as to the possible locations, within the Department of Labor and Industry (Department), of all records documenting the PLBR's operations.
2. Upon receipt of the request, I conducted a thorough examination of files in the possession, custody and control of the Department for records responsive to the request underlying this appeal.
3. Additionally, I have inquired with relevant Department personnel and, if applicable, relevant third party contractors as to whether the requested records exist in their possession.
4. After conducting a good faith search of the Department's files and inquiring with relevant Agency personnel, I have located no such records within the Department's possession, custody or control.
5. It is understood that the foregoing does not mean that the requested records do not exist within another person's or agency's possession custody or control; however such records do not exist within the Department's possession, custody or control.

Date: December 17, 2014

Signature: 

Larry Cheskawich, Secretary

Pennsylvania Labor Relations Board

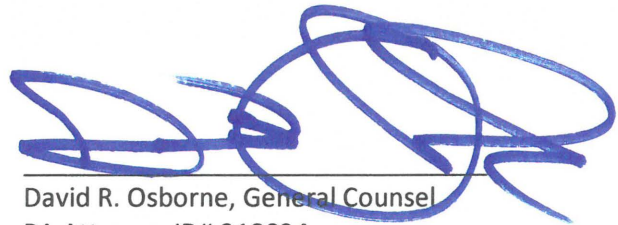
CERTIFICATE OF SERVICE

I, David R. Osborne, certify that a copy of the foregoing, filed on behalf of Mary Trometter, has on this date been served by first class mail, addressed as follows:

Michelle F. Duggan, Staff Attorney
Pennsylvania State Education Association
400 N. Third Street
Harrisburg, PA 17101

Jason Walta, Senior Staff Counsel
Office of General Counsel
National Education Association
1201 16th Street NW
Washington, DC 20036

Date: January 14, 2015



David R. Osborne, General Counsel
PA Attorney ID# 318024
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