

**IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT**

ALLEGHENY COUNTY PRISON  
EMPLOYEES INDEPENDENT UNION,

Petitioner

v.

PENNSYLVANIA LABOR RELATIONS  
BOARD,

Respondent

: No. 153 WAL 2025  
:  
:  
:  
: Petition for Allowance of Appeal  
: from the Order of the  
: Commonwealth Court  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**ORDER**

**PER CURIAM**

**AND NOW**, this 2<sup>nd</sup> day of December, 2025, the Petition for Allowance of Appeal is **GRANTED**. The issues, rephrased for clarity, are:

- (1) Whether a public employer’s use of force policy is “inherently managerial” exempting the policy from bargaining under Section 702 of the Public Employee Relations Act (“PERA”), 43 P.S. § 1101.702, or whether the determination of whether such policy is subject to bargaining is determined pursuant the test set out in this Court’s opinion in *Pennsylvania Labor Relations Board v. State College Area School District*, 337 A.2d 262 (Pa. 1972)?
- (2) If the *State College* test is applicable, did the Commonwealth Court err in determining that the Allegheny County Jail’s (“Jail”) policy choice in enacting its new use of force policy outweighed Petitioner’s interest, rendering the use of force policy managerial in nature and exempting the policy from bargaining under Section 702 of PERA?
- (3) What, if any, impact does the fact that the ordinance mandating the implementation of the Jail’s new use of force policy was enacted via referendum, have on the Court’s consideration of whether the challenged

use of force policy is managerial in nature and thus exempt from bargaining under Section 702?