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PELRAS UPDATE

Public Employer Labor Relations
Advisory Service

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Act 120 Certification and Protection from Abuse Orders: Officers subject to final PFA orders face revocation or suspension of their Act 120 certification

By Joshua C. Hausman, Esq.

Pennsylvania municipal police officers subject to protection from abuse orders containing firearm relinquishment requirements have always been subject to suspension or revocation of their Act 120 certification by the Municipal Police Officers Training Commission (“MPOETC”). What some municipal employers may not know is that amendments to Pennsylvania’s Protection from Abuse Act and Uniform Firearms Act, which went into effect in 2019, changed the law to require all final protection from abuse orders to order the relinquishment of firearms.

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Takeaways

- Changes to the Protection from Abuse Act and the Uniform Firearms Act require persons subject to final protection from abuse orders to relinquish their firearms and to not possess firearms for the duration of the order.
- Police officers who are subject to such orders will face the suspension or revocation of their Act 120 certifications by MPOETC.

- Such police officers will not be able to perform their duties as municipal law enforcement officers.

The Bottom Line

Police officers who lose their firearms privileges face suspension or revocation of their Act 120 certifications under revised law. Public employers should be aware of these consequences because they impact disciplinary considerations for officers engaged in misconduct, and the attorneys at Campbell Durrant stand ready to assist employers with navigating these difficult and important issues.

Medical Marijuana, CBD Oil and the Workplace: Recent Case Developments

By Paul N. Lalley, Esq.

The tension between federal law and state laws legalizing marijuana (and related products like CBD oil) for medical purposes has presented problems for Pennsylvania's public employers that our firm has discussed in prior articles about Pennsylvania's Medical Marijuana Act. A federal court in Pennsylvania recently dismissed a case in which the plaintiff claimed that she was discriminated against based on her use of CBD oil. In a separate development, the United States Supreme Court is being asked to consider whether state laws that require workers' compensation reimbursement of medical marijuana costs violates federal law. Both cases are worth monitoring to see how courts are grappling with the different status accorded medical marijuana under state and federal law.

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Takeaways

- A federal district court in Pennsylvania has ruled that terminating an employee who failed a random drug test did not violate the ADA or PHRA, even though the employee claimed that the test resulted from prescribed use of CBD oil.
 - The United States Supreme Court is being asked to review a decision by a Minnesota court that workers' compensation orders that require employers to pay for an employee's medical marijuana use to treat a work-related injury violate the federal Controlled Substances Act. A decision to hear the case and uphold the Minnesota ruling could have implications for Pennsylvania's Medical Marijuana Act.
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The Bottom Line

The tension between federal law and state laws (including Pennsylvania's) regarding marijuana remains an issue that courts are being asked to resolve. Public employers are advised to keep alert to these developments when confronting issues related to employee use of medical marijuana, and the attorneys at Campbell Durrant are available to help.

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