

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
: :
: Case No. PERA-D-18-272-E
: :
BRISTOL TOWNSHIP :

FINAL ORDER

On October 17, 2018, Bristol Township (Township) filed a Petition for Decertification with the Pennsylvania Labor Relations Board (Board), seeking decertification of the Transport Workers Union of America, Local No. 282 (TWU) as exclusive bargaining representative of a unit of Township employes. The petition was filed pursuant to Section 607(ii) of the Public Employee Relations Act (PERA or Act) and Section 95.22 of the Board's Rules and Regulations, and alleged that the Township has a good faith doubt regarding whether TWU has the support of a majority of the bargaining unit because "[a]s of August 24, 2018, the number of employees in the TWU Treatment Plant Unit was reduced to one (1)." The Township further alleged in an attachment to the petition that the Board has held that an employer is not required to bargain with a unit permanently consisting of one employe, citing Roaring Brook Township Police Department v. Roaring Brook Township, 20 PPER ¶ 20077 (Final Order, 1989), and that "because this bargaining unit now permanently consists of one member, it should be decertified."

By letter dated November 29, 2018, the Secretary of the Board dismissed the petition on the ground that the allegations in the petition do not establish a good faith doubt of the majority status of TWU, as required by Section 607(ii) of PERA and Section 95.22 of the Board's Regulations. Thereafter, on December 17, 2018, the Township filed timely exceptions and a supporting brief challenging the Secretary's dismissal of the petition. TWU filed a letter concurring with the Secretary's decision on December 26, 2018.

In its exceptions and supporting brief, the Township reiterates the assertions in its petition that the bargaining unit has been completely and permanently reduced to a single employe, that a single employe unit is not an appropriate unit for purposes of collective bargaining, and that it has no duty to bargain with a single employe unit.¹ However, questions of unit appropriateness are not properly raised by way of a decertification petition where the election directed by the Board must be conducted in the unit as previously certified or recognized. Clearfield County, 24 PPER ¶ 24173 (Order and Notice of Decertification Election, 1993). Moreover, the issue here is not whether the Township has a duty to bargain with the unit as presently constituted, but whether the Township's petition establishes a good faith doubt of TWU's majority status among the members of the unit so

¹ But see Alcaraz v. PLRB, 716 A.2d 1238 (Pa. 1998) (holding that a single person unit is appropriate for collective bargaining under Act 111 of 1968).

as to warrant the conduct of a secret ballot decertification election. Springdale Township, 15 PPER ¶ 15054 (Final Order, 1984). The Township's decertification petition alleges no facts regarding employee support or lack of support for representation by TWU necessary to support an employer filed decertification petition under PERA and the Board's Rules and Regulations.

As such, the Township's decertification petition was properly dismissed by the Secretary. Accordingly, after a thorough review of the exceptions and all matters of record, the Township's exceptions to the decision of the Secretary shall be dismissed.

ORDER

In view of the foregoing and in order to effectuate the policies of the Public Employee Relations Act, the Board

HEREBY ORDERS AND DIRECTS

that the exceptions filed by Bristol Township are hereby dismissed, and the November 29, 2018 decision by the Secretary of the Board to dismiss the Petition for Decertification is hereby made absolute and final.

SEALED, DATED and MAILED at Harrisburg, Pennsylvania pursuant to conference call meeting of the Pennsylvania Labor Relations Board, James M. Darby, Chairman, Robert H. Shoop, Jr, Member, and Albert Mezzaroba, Member this sixteenth day of April, 2019. The Board hereby authorizes the Secretary of the Board, pursuant to 34 Pa. Code 95.81(a), to issue and serve upon the parties hereto the within order.