

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
: :
: Case No. PERA-U-22-102-E
: (PERA-R-6853-E)
BUCKS COUNTY :

FINAL ORDER

A Petition for Unit Clarification under the Public Employee Relations Act (PERA) was filed with the Pennsylvania Labor Relations Board (Board) on April 18, 2022, by the American Federation of State, County and Municipal Employees, District Council 88 (Petitioner), seeking to sever the bargaining unit of non-professional employees certified by the Board at Case No. PERA-R-6853-E into two separate bargaining units in the Bucks County Sheriff's Office. On November 19, 1975, the Board certified an appropriate bargaining unit of "all full-time and regular part-time Deputy Sheriffs, and Clerical and Technical employees in the Sheriff's Office" jointly employed by the Bucks County Commissioners and Bucks County Sheriff. In its Petition for Unit Clarification, Petitioner seeks to sever the existing certified bargaining unit into two separate units: A unit of all full-time and regular part-time Deputy Sheriffs in the Sheriff's Office; and a separate unit of all full-time and regular part-time non-professional employees in the Sheriff's Office. Pursuant to the request, the Bucks County Commissioners and Bucks County Sheriff would remain the joint employer for both proposed units, and Petitioner would remain the certified bargaining representative for both units.¹

Based on an investigation and review of the allegations in the Petition, on May 11, 2022, the Secretary administratively dismissed the petition without a hearing. On May 31, 2022, the Petitioner filed timely exceptions and a supporting brief. On exceptions, Petitioner argues that the Secretary erred in declining to direct a hearing on Petitioner's claim that there is a lack of a community of interest between the deputy sheriffs and other non-professional employees in the Bucks County Sheriff's Office.

A community of interest under PERA has been defined to mean that if classifications of non-professional employees share common or similar work duties, hours, rates of pay, responsibilities, licensure, interest or interchange, fringe benefits and bargaining objectives, they constitute one appropriate unit. Chichester School District, 7 PPER 61 (Nisi Decision and Order, 1976). An identifiable community of interest exists despite differences in employee classifications or job duties. Id.; Lansdale Borough, 24 PPER ¶ 24053 (Final Order, 1993). For non-professional employees in the Bucks County Sheriff's Office, the ever-present community of interest rests in the singularity of their joint employer, and the combined exercise of responsibilities and efforts within their individual jobs to fulfil the

¹ There is no contention from the Petitioner, nor from either employer, that the deputy sheriffs are security guards within the meaning of Section 604(3) of PERA.

obligations and duties of the Sheriff's Office. See Chichester School District, supra.

Where severance of an existing certified bargaining unit into two smaller units is sought it must be alleged and shown that the incumbent employe representative is unable to fulfill its duty to fairly represent the interest of one of the groups vis-à-vis the other employes in the unit. Commonwealth of Pennsylvania, 8 PPER 50 (Nisi Decision and Order, 1976). Here, there is no claim by the Petitioner that it is unable to fulfill its duty of fair representation to either the deputy sheriffs or the other non-professional employes due to its representation of the other. To the contrary, Petitioner here seeks to remain the certified bargaining representative for each of the sought-after smaller units. Accordingly, Petitioner has not alleged, and cannot establish, that there is a conflict in bargaining objectives between the deputy sheriffs and other non-professional employes to warrant severing the existing bargaining unit into two separate smaller units in the Sheriff's Office. Moreover, a unit of deputy sheriff's separate from other non-professional court-related employes in the sheriff's office would run afoul of the Board's broad-based bargaining unit policy and be contrary to the statutory proscription of over-fragmentation. 43 P.S. §1101.604(1) (ii); Venango County, 22 PPER ¶ 22153 (Final Order, 1991) (holding that proposed unit limited to county's deputy sheriffs was inappropriate).

After a thorough review of all matters of record, the Secretary did not err in administratively dismissing the Petition for Unit Clarification which sought the severance of the certified bargaining unit of employes in the Bucks County Sheriff's Office. Accordingly, the Petitioner's exceptions shall be dismissed and the May 11, 2022, decision of the Secretary to administratively dismiss the petition without a hearing shall be sustained.

ORDER

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

HEREBY ORDERS AND DIRECTS

that the exceptions filed to the above captioned matter are hereby dismissed, and the Secretary's May 11, 2022 decision administratively dismissing the petition without a hearing, be and hereby is 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, Albert Mezzaroba, Member, and Gary Masino, Member, this sixteenth day of August, 2022. 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.