

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
: :
: Case No. PERA-R-19-221-W
INDIANA COUNTY : (PERA-R-09-123-W)
: :
:

ORDER DIRECTING SUBMISSION OF ELIGIBILITY LIST

On October 7, 2019, United Mine Workers of America, Region 1, AFL-CIO, CLC (UMWA) filed a Petition for Representation with the Pennsylvania Labor Relations Board (Board) alleging a thirty percent showing of interest and seeking to replace the incumbent Independent Corrections Officers of Pennsylvania (ICOP) as the exclusive representative of a unit employes of Indiana County (County) with the description of: all full-time and regular part-time first level supervisory prison guards including but not limited to sergeants; and excluding management level employes, supervisors above the first level of supervision and confidential employes as defined in the Public Employe Relations Act (PERA or Act).

On October 28, 2019, the Secretary of the Board issued an Order and Notice of Hearing, in which the matter was assigned to a pre-hearing conference for the purpose of resolving the matters in dispute through mutual agreement of the parties, and November 26, 2019, in Pittsburgh, as the time and place of hearing, if necessary.

The hearing was ultimately held on February 14, 2020, in Pittsburgh, before the undersigned Hearing Examiner. All parties in interest were afforded a full opportunity to present testimony, cross-examine witnesses and introduce documentary evidence. A representative for ICOP did not appear at the hearing.

The Hearing Examiner, based on all matters of record, makes the following:

FINDINGS OF FACT

1. The County is a public employer within the meaning of PERA. (N.T. 5).
2. UMWA is an employe organization within the meaning of PERA. (N.T. 5-8).
3. ICOP is an employe organization within the meaning of PERA. (N.T. 5).
4. UMWA has an adequate showing of interest as defined by the Act.
5. The previously certified unit is: all full-time and regular part-time first level supervisory prison guards including but not limited to sergeants; and excluding management level employes, supervisors above the first level of supervision and confidential employes as defined in the Public Employe Relations Act. (PERA-R-09-123-W)

DISCUSSION

The UMWA filed a rival petition to replace ICOP as the exclusive representative of a unit of first-level supervisory prison guards. The hearing was necessary because the President of ICOP had retired and left Pennsylvania and was unresponsive to communications from the Board. This prevented agreement among the parties on the issue of an election. At the hearing, it was determined that UMWA is indeed an employe representative pursuant to the Act and, therefore, the election can move forward.

CONCLUSIONS

The Hearing Examiner, therefore, after due consideration of the foregoing and the record as a whole, concludes and finds as follows:

1. The County is a public employer within the meaning of Section 301(1) of PERA.
2. UMWA and ICOP are employe organizations within the meaning of Section 301(3) of PERA.
3. The Board has jurisdiction over the parties.
4. The unit appropriate for the purpose of collective bargaining is a subdivision of the employer unit comprised of all full-time and regular part-time first level supervisory prison guards including but not limited to sergeants; and excluding management level employes, supervisors above the first level of supervision and confidential employes as defined in the Act.

ORDER

In view of the foregoing and in order to effectuate the policies of the Act, the Hearing Examiner

HEREBY ORDERS AND DIRECTS

that the County shall within ten (10) days from the date hereof submit to the Board a current alphabetized list of the names and addresses of the employes eligible for inclusion in the unit set forth above.

IT IS HEREBY FURTHER ORDERED AND DIRECTED

that any exceptions to this decision and order may be filed to the order of the Board's Representative to be issued pursuant to 34 Pa. Code § 95.96(b).

