

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
:
: Case No. PERA-D-24-7-E
: (PERA-R-99-419-E)
SUSQUEHANNA COUNTY :

ORDER DIRECTING SUBMISSION OF ELIGIBILITY LIST

On January 25, 2024, Vicki Walsh (Walsh or Petitioner) filed a Petition for Decertification with the Pennsylvania Labor Relations Board (Board) alleging a thirty percent showing of interest and seeking to decertify a unit of all full-time & regular part-time court-related nonprofessional employees of Susquehanna County (County or Employer) certified at PERA-R-99-419-E.

On February 27, 2024, the Secretary of the Board issued an Order and Notice of Hearing on Walsh's petition designating March 25, 2024, via Microsoft Teams, as the time and manner of hearing.

On March 22, 2024, Teamsters Local Union 229 (Union) filed a charge of unfair practices with Board alleging that County violated Section 1201(a) (1), (2) and (3) of the Public Employee Relations Act (PERA or Act) by encouraging and supporting a decertification process against the Union. This matter was docketed at PERA-C-24-58-E.

On March 29, 2024, the Hearing Examiner blocked this petition and held it in abeyance pursuant to the Board's blocking charge policy. Charley v. PLRB, 583 A.2d. 65 (Pa. Cmwth., 1990). On July 24, 2024, the Hearing Examiner issued a Proposed Decision and Order (PDO) which dismissed the charge and rescinded the complaint in PERA-C-24-58-E. No exceptions were filed to this PDO and it is now a final order.

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

FINDINGS OF FACT

1. Susquehanna County is a public employer within the meaning of Section 301(1) of PERA. (Finding of Fact 1.)¹
2. The Union is an employe organization within the meaning of Section 301(3) of PERA. (Finding of Fact 2.)
3. Walsh is a County employe and member of the bargaining-unit. She is a public employe within the meaning of Section 301(2) of PERA (Finding of Fact 5).
4. The PDO in PERA-C-24-58-E is incorporated into the record of this matter.

¹ References are made to the Findings of Fact in the PDO in case PERA-C-24-58-E. A copy of the PDO is attached to this Order.

5. The Union is the certified bargaining agent for a unit certified as "all full-time and regular part-time nonprofessional employes who are directly involved with and necessary to the functioning of the courts but who are not hired, fired and directed by the courts including but not limited to employes in the offices of the District Attorney, Register & Recorder, Public Defender, Prothonotary & Clerk of Courts, and Sheriff; and excluding management level employes, supervisors, first level supervisors, confidential employes and guards as defined in the Act. (PERA-R-99-419-E; Finding of Fact 2.)

DISCUSSION

Walsh has filed a petition to decertify the Union as the exclusive representative of the bargaining unit. The petition is no longer blocked by the charge filed at PERA-C-24-58-E as the PDO in that matter is final. It is well settled that an election pursuant to a petition for decertification must be held in the unit as previously certified by the Board. In the Matter of the Employes of East Taylor Township, 41 PPER 73 (Order Directing Submission of Eligibility List, 2010) citing Medical Rescue Team South Authority, 31 PPER ¶ 31059 (Final Order, 2000). Therefore, an election will be ordered among those employes consistent with the Board's precedent.

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. The Union is an employe organization within the meaning of Section 301(3) of PERA.
3. Walsh is an employe within the meaning of Section 301(2) of PERA.
4. The Board has jurisdiction over the parties.
5. The Petitioner has an adequate showing of interest.
6. The unit appropriate for a decertification election is comprised of all full-time and regular part-time nonprofessional employes who are directly involved with and necessary to the functioning of the courts but who are not hired, fired and directed by the courts including but not limited to employes in the offices of the District Attorney, Register & Recorder, Public Defender, Prothonotary & Clerk of Courts, and Sheriff; and excluding management level employes, supervisors, first level supervisors, confidential employes and guards 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 employees 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).

SIGNED, DATED and MAILED at Harrisburg, Pennsylvania this twenty-second day of August, 2024.

PENNSYLVANIA LABOR RELATIONS BOARD

 /s/ Stephen A. Helmerich

Stephen A. Helmerich, Hearing Examiner