

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :  
: :  
: PERA-U-11-78-E  
: (PERA-R-01-21-W)  
ALLEGHENY INTERMEDIATE UNIT 3 AND :  
ALLEGHENY COUNTY HEAD START CENTRAL :  
POLICY COUNCIL :

**PROPOSED ORDER OF UNIT CLARIFICATION**

On March 21, 2011, the Allegheny County Head Start Education Association, PSEA/NEA (Association or Petitioner) filed a petition for unit clarification with the Pennsylvania Labor Relations Board (Board) requesting that the Board include six positions of pre-K Counts Teacher, Pre-K Counts Teacher Assistant, Early Head Start Teacher, Early Head Start Recruiter/Teacher, Home-Based Visitor and Administrative Support II in a unit of all full-time and regular part-time professional and non-professional employes of the Allegheny County Intermediate Unit 3 and the Allegheny County Head Start Central Policy Committee (IU 3 or Respondent) certified by the Board at PERA-R-01-21-W.

On March 24, 2011, the Secretary of the Board issued an Order and Notice of Hearing in which June 27, 2011, in Pittsburgh was assigned as the time and place of hearing, if necessary before Thomas P. Leonard, Esquire, a hearing examiner of the Board.

The parties requested a continuance of the hearing to allow them time to submit a stipulation of facts to the Hearing Examiner. On September 19, 2011, the parties submitted a stipulation of facts.

The Examiner, on the basis of the stipulation of facts and from all other matters and documents of record, makes the following:

**FINDINGS OF FACT**

1. Allegheny County Intermediate Unit 3 and the Allegheny County Head Start Central Policy Committee is a public employer within the meaning of Section 301(1) of the Act. (Board Exhibit 1)

2. Allegheny County Head Start Education Association, PSEA/NEA AFSCME, District Council 86 is an employe organization within the meaning of Section 301(3) of the Act. (Board Exhibit 1)

3. On May 25, 2001, the Board certified the Allegheny County Head Start Education Association, PSEA/NEA as the exclusive representative of the employes of the above-named Employer in the unit described below for the purpose of collective bargaining with respect to wages, hours and other terms and conditions of employment: all full-time and regular part-time professional and nonprofessional employes, including but not limited to teachers, teacher assistants, child care consultants, family child care consultants, child care aides, family advocates, health assistants, speech/language consultants, developmental specialists, itinerant teachers, secretaries, van drivers, van driver assistants and warehouse coordinators; and excluding management level employes, supervisors, first level supervisors, confidential employes and guards as defined in the Act. (PERA-R-01-21-W Board Exhibit 1, Stipulation of Facts)

Pre-K Counts Teacher

4. The qualifications for the position of Pre-K Counts Teacher include: Pennsylvania certification in Early Childhood Education; experience teaching preschool age preferred; current criminal history, child abuse and FBI clearances required (Act

33/34/151) and personal transportation, insurance and valid driver's license required. (Stipulation of Facts)

5. The qualifications, certification and licensing requirements are similar to those for professional positions in the existing unit. (Stipulation of Facts)

6. The position reports to the Education Advisor. Other professional positions in the bargaining unit have similar supervision and evaluation. (Stipulation of Facts)

7. The position works closely with bargaining unit employees in the delivery of education services to students. (Stipulation of Facts)

8. The duties of the position are similar to those of other professional employees in the existing unit. (Stipulation of Facts)

#### Pre-K Counts Teacher Assistant

9. The qualifications for the position of Pre-K Counts Teacher Assistant include: Associate's Degree in Early Childhood Education and/or Child Care/Child Development, and/or CDA credentials and/or 600 hours of documented Early Childhood Education training from an institute of Higher Education; one year experience working with preschool age children; current criminal history, child abuse and FBI clearances required (Act 33/34/151) and personal transportation, insurance and valid driver's license required. (Stipulation of Facts)

10. The qualifications, certification and licensing requirements are similar to those for professional and non-professional positions in the existing unit. (Stipulation of Facts)

11. The position reports to the Education Advisor. Other professional positions in the bargaining unit have similar supervision and evaluation. (Stipulation of Facts)

12. The position works closely with bargaining unit employees in the delivery of education services to students. (Stipulation of Facts)

13. The duties of the position are similar to those of other professional employees in the existing unit. (Stipulation of Facts)

#### Teacher

14. The qualifications for the position of Teacher include: BA/BS Degree in Child Development/Early Childhood Education or a degree in a field related to Early Childhood Education with qualified competencies working with infants/toddler; knowledge of Early Childhood curriculum and screening tools; knowledge and experience in working with infants/toddlers and their families and current criminal history, child abuse and FBI clearances required (Act 33/34/151). (Stipulation of Facts)

15. The qualifications, certification and licensing requirements are similar to those for professional positions in the existing unit. (Stipulation of Facts)

16. The position reports to the Director of Early Head Start. Other professional positions in the bargaining unit have similar supervision and evaluation. (Stipulation of Facts)

17. The position works closely with bargaining unit employees in the delivery of education services to students. (Stipulation of Facts)

18. The duties of the position are similar to those of other professional employees in the existing unit. (Stipulation of Facts)

### Substitute Teacher/Recruiter

19. The qualifications for the position of Substitute Teacher/Recruiter include: BA/BS Degree in Child Development/Early Childhood Education or a degree in a field related to Early Childhood Education with qualified competencies working with infants/toddlers and their families; excellent time management, oral and written communication skills; current criminal history, child abuse and FBI clearances required (Act 33/34/151) and personal transportation, insurance and valid driver's license required. (Stipulation of Facts)

20. The qualifications, certification and licensing requirements are similar to those for professional positions in the existing unit. (Stipulation of Facts)

21. The position reports to the Director of Early Head Start. Other professional positions in the bargaining unit have similar supervision and evaluation. (Stipulation of Facts)

22. The position works closely with bargaining unit employes in the delivery of education services to students. (Stipulation of Facts)

23. The duties of the position are similar to those of other professional employes in the existing unit. (Stipulation of Facts)

### Home-Based Visitor

24. The qualifications for the position of Home-Based Visitor include: BA/BS Degree in Early Childhood/Child Development or a degree in a field related to Early Childhood Education; knowledge and experience in working with parents who have infants/toddlers and pregnant women; knowledge of community resources related to parents, pregnant women, infants/toddlers' physical and mental health; current criminal history, child abuse and FBI clearances required (Act 33/34/151); Parents As Teachers (0-3) preferred and personal transportation, insurance and valid driver's license required. (Stipulation of Facts)

25. The qualifications, certification and licensing requirements are similar to those for professional positions in the existing unit. (Stipulation of Facts)

26. The position reports to the Director of Early Head Start. Other professional positions in the bargaining unit have similar supervision and evaluation. (Stipulation of Facts)

27. The position works closely with bargaining unit employes in the delivery of education services and support services to students. (Stipulation of Facts)

28. The duties of the position are similar to those of other professional employes in the existing unit. (Stipulation of Facts)

### Head Start Field Secretary

29. The qualifications for the position of Head Start Field Secretary include: high school diploma required; business school or associates degree preferred; minimum of 1 year administrative experience required; intermediate level expertise with basic software programs required; data management experience; works with moderate supervision; and current criminal history, child abuse and FBI clearances required (Act 33/34/151) (Stipulation of Facts).

30. The qualifications, certification and licensing requirements are similar to those for professional positions in the existing unit. (Stipulation of Facts)

31. The position reports to the Director of Early Head Start. Other professional positions in the bargaining unit have similar supervision and evaluation. (Stipulation of Facts)

32. The position works closely with bargaining unit employees in the delivery of education services to students. (Stipulation of Facts)

33. The duties of the position are similar to those of other professional employees in the existing unit. (Stipulation of Facts)

#### DISCUSSION

The Association's petition for unit clarification seeks to include six positions in a unit of professional and non-professional employees of the Allegheny Intermediate Unit 3 and Allegheny County Head Start Central Policy Council. The parties submitted a stipulation of facts for the Board's review.

The stipulation of facts shows that three of the positions at issue (Teacher, Substitute Teacher/Recruiter and Head Start Field Secretary) have different names or are different from the positions listed in the petition. Since no objection was raised by the Respondent to this difference, the names of the positions used in the stipulation of facts will be used for this order.

The stipulation of facts will be reviewed to determine whether the positions share an identifiable community of interest with the existing positions in the unit.

Section 604(1) of the PERA provides as follows:

The board shall determine the appropriateness of a unit which shall be the public employer unit or a subdivision thereof. In determining the appropriateness of the unit, the board shall:  
(1) Take into consideration but shall not be limited to the following: (i) public employees must have an identifiable community of interest, and (ii) the effects of overfragmentization."

In FOP v. PLRB, 557 Pa. 586, 735 A.2d 96 (1999), our Supreme Court explained that:

To determine whether employees share an identifiable community of interest, the [Board] and/or the court should consider such factors as the type of work performed, educational and skills requirements, pay scales, hours and benefits, working conditions, interchange of employees, grievance procedures and bargaining history. See, e.g. School District of the Township of Millcreek v. Millcreek Education Association, 440 A.2d 673 (Pa. Cmwlth. 1982); Warren Borough v. International Brotherhood of Electrical Workers, Local No. 1124, 423 A.2d 1117 (Pa. Cmwlth, 1980); Western Psychiatric Institute v. PLRB, 330 A.2d 257 (Pa. Cmwlth. 1974); Allegheny General Hospital v. PLRB, 322 A.2d 793 (Pa. Cmwlth. 1974). An identifiable community of interest does not require perfect uniformity in conditions of employment and can exist despite differences in wages, hours, working conditions, or other factors. See Western Psychiatric Institute, supra."

557 Pa. at 594, 735 A.2d at 100.

The stipulation of facts show that the six position share factors that would demonstrate the existence of an identifiable community of interest with the positions in the bargaining unit. The positions have similar type of work performed and similar educational and skills requirements as the bargaining unit positions.

Furthermore, the stipulation of facts reveals nothing that would prove that the positions should be excluded pursuant to one of the statutory exclusions under PERA, i.e. supervisor under Section 301(6), confidential under Section 301(13) or management level under Section 301(16). Therefore, the six positions will be included in the unit.

#### CONCLUSIONS

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

1. That the Allegheny County Intermediate Unit 3 and the Allegheny County Head Start Central Policy Committee is a public employer within the meaning of Section 301(1) of PERA.
2. That the Allegheny County Head Start Education Association, PSEA/NEA is an employe organization within the meaning of Section 301(3) of PERA.
3. That the Board has jurisdiction over the parties hereto.
4. That the positions of Pre-K Counts Teacher, Pre-K Counts Teacher Assistant, Teacher, Substitute Teacher/Recruiter, Home-Based Visitor and Head Start Field Secretary share an identifiable community of interest with the unit of professional and non-professional employes certified by the Board at PERA-R-01-21-W.

#### ORDER

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

#### HEREBY ORDERS AND DIRECTS

that the petition for unit clarification is granted and the positions of Pre-K Counts Teacher, Pre-K Counts Teacher Assistant, Teacher, Substitute Teacher/Recruiter, Home-Based Visitor and Head Start Field Secretary are included from the unit certified by the Board at Case No. PERA-R-01-21-W.

#### IT IS HEREBY FURTHER ORDERED AND DIRECTED

that in the absence of any exceptions filed with the Board pursuant to 34 Pa. Code § 95.98(a) within twenty (20) days of the date hereof, this order shall be absolute and final.

SIGNED, DATED AND MAILED at Harrisburg, Pennsylvania, this twenty-seventh day of October, 2011.

PENNSYLVANIA LABOR RELATIONS BOARD

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Thomas P. Leonard, Hearing Examiner