

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
: Case No. PERA-R-15-94-E
:
:
BROOKHAVEN BOROUGH :

NISI ORDER OF DISMISSAL

A Petition for Representation was filed with the Pennsylvania Labor Relations Board (Board) on April 10, 2015, by Teamsters Local Union No. 312, affiliated with the International Brotherhood of Teamsters (Petitioner) alleging that it represented thirty (30) percent or more of certain employes of Brookhaven Borough (Employer) and requesting that a hearing be scheduled and an Order be issued for an election to determine the exclusive representative for collective bargaining pursuant to the provisions of Section 603 of the Public Employee Relations Act (Act).

Pursuant to due notice, a telephone pre-hearing conference was held on May 20, 2015, at which time the parties agreed to consider entering into a memorandum of agreement. Thereafter, memoranda of agreement were filed with the Board by both the Petitioner and the Employer on May 28, 2015, stipulating to the unit composition, the site for the election, position on the ballot, the eligibility list, and other matters pertaining to the conduct of the election.

On June 1, 2015, an Order and Notice of Election was issued directing that a secret ballot election be held on June 16, 2015, among the employes of the Employer to ascertain the exclusive representative, if any, for the purpose of collective bargaining with respect to wages, hours, and terms and conditions of employment in a subdivision of the employer unit comprised of all full-time and regular part-time blue-collar nonprofessional employes including but not limited to public works employes; and excluding management level employes, supervisors, first level supervisors, confidential employes and guards as defined in the Act.

The election was conducted by an election officer assigned by the Board.

The Board Representative, from all matters and documents of record, makes the following:

FINDINGS OF FACT

That FINDINGS OF FACT numbers 1 through 6 inclusive, as set forth in the Order and Notice of Election issued June 1, 2015, are hereby affirmed and incorporated by reference herein and made a part hereof.

7. That the Board conducted a secret ballot election on June 16, 2015, among the employes of the Employer within the heretofore-defined appropriate unit in accordance with the Order and Notice of Election issued June 1, 2015.

8. That the question voted on was whether the eligible employes in the appropriate unit wished to be represented by the Teamsters Local Union No. 312, affiliated with the International Brotherhood of Teamsters or whether said employes wished no representative.

9. That three (3) ballots were cast at the election.

10. That of the three (3) ballots, zero (0) ballot was cast in favor of representation by the Teamsters Local Union No. 312, affiliated with the International Brotherhood of Teamsters; three (3) ballots were cast for No Representative; and no (0) ballots were cast by a person whose vote was challenged. No (0) ballots were void.

CONCLUSIONS

The Board Representative, therefore, after due consideration of the foregoing and the record as a whole, and more particularly in consideration of the election conducted on June 16, 2015, concludes and finds:

That CONCLUSIONS numbers 1 through 4 inclusive, as set forth in the aforesaid Order and Notice of Election, are hereby affirmed and incorporated by reference herein and made a part hereof.

5. That a majority of the valid ballots cast by employees of the Employer within the heretofore-defined appropriate unit have not selected and designated the Teamsters Local Union No. 312, affiliated with the International Brotherhood of Teamsters as their exclusive representative for the purpose of collective bargaining.

In view of the foregoing and in order to effectuate the policies of the Act, the Board Representative hereby

ORDERS AND DIRECTS

that the petition heretofore filed to the above case number, be and the same is hereby dismissed, and

IT IS HEREBY FURTHER ORDERED AND DIRECTED

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

SIGNED, DATED and MAILED this twenty-fifth of June, 2015, pursuant to 34 Pa. Code § 95.96(b).

PENNSYLVANIA LABOR RELATIONS BOARD

JOHN B. NEUROHR
Board Representative