

only "[i]f no question of representation exists..." 34 Pa. Code §95.24(a). The Board has consistently held that the amendment of certification process cannot be employed to occasion a change in the relationship between the employe organization and the public employer or raise a question of representation. Lincoln Intermediate Unit #12, supra.

To ensure that the requested amendment of certification serves the purposes of PERA, and would not raise a question of representation, the Board has held in the similar case of an affiliation, that the petitioner must establish that "(1) the newly affiliated local is a continuation of the old with the same officers and functional leaders, and; (2) steps have been taken to insure that a majority of the membership approves and that there is no loss of identity of the certified local, and; (3) there is no change in the day-to-day relationship with the employer, and; (4) it is made clear that all contract commitments with the employer will be honored..." Lincoln Intermediate Unit #12, 7 PPER at 138. The petitioning party must provide the required information to the Board prior to the processing of the petition. Based on such information, the Board can determine whether the granting of the petition assures affected employes a continuity of their organization and representation, and whether the procedure utilized in bringing about the change accurately reflects the decision of the employes involved.

However, an administrative amendment of the Board's certification is not appropriate if there is any question of the continued identity, or continuity of the employe representative that was named in the Board certification. Indeed, in Steel Valley School District, 14 PPER ¶14167 (Final Order, 1983), the Board stated as follows:

The Association's contention that affiliation is itself sufficient to compel a merger of independent units holds the potential of threatening the rights of certified locals and their employes. In such cases, the local is the certified representative chosen by the employes... The position of the Association would obliterate the distinction and enable the larger entity to swallow the smaller. Such a result is antithetical to the democratic structure of labor relations mandated by PERA... Although the Board does seek to encourage the formation of broadly-based units, the Board will not sanction an interpretation of PERA which serves to defeat employe rights. Westmoreland Intermediate Unit, 12 PPER ¶12347 (1981). As the Board noted in Lincoln Intermediate Unit #12, 7 PPER 137 (1976), the Board will permit affiliation only if it entails no loss of identity for the certified local. To permit the Association to usurp the place of the secretarial organization would be contrary to the purposes of PERA.

Steel Valley School District, 14 PPER at 360.

The information submitted by the Teamsters in its Petition for Amendment of Certification fails to demonstrate continuity of representation, and thus raises a question of representation. Indeed, Teamsters do not contend that they have the same officers and functional leaders as the IAWU, or that the members of the two

organizations each voted to merge into one organization. Rather the facts alleged by the Teamsters indicate that it has assumed representation of the bargaining unit employes, that it has obtained ratification by the Township of collective bargaining agreements to which it was a party, and that it now seeks to administratively supplant the allegedly defunct IAWU as the certified employe representative of the bargaining unit employes. In view of the facts alleged by the Teamsters, administratively amending the Board's certification in Case No. PERA-R-11-244-E to reflect a change in representative from the IAWU to the Teamsters would not serve to effectuate the purposes of PERA. 43 P.S. §§1101.401, 1101.603, 1101.606; 34 Pa. Code 95.24 (c). Indeed, a Petition for Amendment of Certification cannot be used as a mechanism to bypass the statutory procedures for employe free-choice through representation proceedings under Article VI of PERA. Steel Valley School District, supra.; 34 Pa. Code §95.24.²

Accordingly, after a thorough review of the exceptions and all matters of record, the Secretary of the Board did not err in declining to direct a hearing, and dismissing the Petition for Amendment of Certification. Therefore, the exceptions filed by the Teamsters shall be dismissed, and the Board Secretary's decision shall be made absolute and final.

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 by Teamsters Local 312 are hereby dismissed, and the June 2, 2017 decision of the Secretary dismissing the Petition for Amendment of Certification, 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, Robert H. Shoop, Jr, Member, and Albert Mezzaroba, Member this twenty-first day of November, 2017. 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.

² Moreover, as stated by the Secretary, the Petition for Amendment of Certification in this case must nevertheless be dismissed as it was not filed by the named certified employe representative, but by the Teamsters. 34 Pa. Code 95.24(a).