

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYEES OF :
: :
: Case No. PERA-U-10-229-W
: (PERA-R-06-519-W)
BUTLER COUNTY :

PROPOSED ORDER OF UNIT CLARIFICATION

On June 28, 2010, Butler County (County) filed a Petition for Unit Clarification with the Pennsylvania Labor Relations Board (Board), seeking clarification of a unit of nonprofessional court related employees represented by Service Employees International Union Local 668 (Union) and certified by the Board at Case No. PERA-R-06-519-W to exclude the position of Administrative Assistant in the Public Defenders Office.

On July 19, 2010, the Secretary of the Board issued an Order and Notice of Hearing in which September 14, 2010, in Pittsburgh was assigned as the time and place of hearing.

The parties notified the Board that they would prepare stipulations in lieu of presenting evidence at a hearing. On January 11, 2011, the parties submitted the stipulations.

The examiner, on the basis of the stipulations and from all other matters and documents of record makes the following:

FINDING OF FACT

1. Butler County is a public employer within the meaning of Section 301(1) of PERA.
2. Service Employees International Union Local 668 is an employe organization within the meaning of Section 301(3) of PERA.
3. SEIU is the certified exclusive bargaining representative of a unit of all full-time and regular part-time nonprofessional employees who are involved with and necessary to the functioning of the courts and are not hired, fired, and directed by the courts, including but not limited to employees of the Clerk of Courts, Coroners office, District Attorney's Office, Prothonotary's Office, Public Defender's Office and Register of Wills' Office; and excluding management level employees, supervisors, first level supervisors and confidential employees, and guards, as defined in PERA.

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4. The Administrative Assistant in the Public Defenders Office supervises a moderately sized clerical and stenographic staff. (Stipulation of Parties)
5. The Administrative Assistant in the Public Defenders Office is responsible for the assignment and review of all clerical work within the department. (Stipulation of Parties)
6. The Administrative Assistant in the Public Defenders Office makes recommendations on hiring, discipline and/or discharge of clerical staff within the department. (Stipulation of Parties)

DISCUSSION

The County's petition for unit clarification seeks to exclude the position of Administrative Assistant in the office of Public Defender on the grounds the position is a supervisor within the meaning of Section 301(6) of the Public Employee Relations Act.

Section 301(6) of the Public Employee Relations Act defines a supervisor as:

'Supervisor' means any individual having authority in the interests of

the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees or responsibly to direct them or adjust their grievances; or to a substantial degree effectively recommend such action, if in connection with the foregoing, the exercise of such authority is not merely routine or clerical in nature but calls for the use of independent judgment.

43 P.S. 1101.301(6)

The parties' stipulations demonstrate that the employe in the position of Administrative Assistant in the office of Public Defender meets the statutory test for a supervisor.

CONCLUSIONS

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

1. That Butler County is a public employer within the meaning of Section 301(1) of PERA.
2. That Service Employees International Union, Local 668 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 Administrative Assistant in the office of Public Defender is a supervisor under Section 301 (6) of PERA.

ORDER

In view of the foregoing and in order to effectuate the policies of the Public Employe Relations Act, the hearing examiner

HEREBY ORDERS AND DIRECTS

that the unit previously certified by the Board at Case No. PERA-R-06-519-W is amended to exclude the position of Administrative Assistant in the office of Public Defender.

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 days of the date hereof, this order shall be final.

SIGNED, DATED and MAILED at Harrisburg, Pennsylvania, this twenty-third day of February, 2011.

PENNSYLVANIA LABOR RELATIONS BOARD

THOMAS P. LEONARD, Hearing Examiner