

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
 :
 : Case No. PERA-R-20-230-E
 : (PERA-R-80-486-C)
READING MUHLENBERG CAREER AND :
TECHNOLOGY CENTER :

ORDER DIRECTING SUBMISSION OF ELIGIBILITY LIST

On September 28, 2020, the Reading Muhlenberg Career and Technology Center Education Support Personnel Association (Union) filed a Petition for Representation with the Pennsylvania Labor Relations Board (Board), alleging a 30 percent showing of interest among a unit of all full-time and regular part-time nonprofessional employes of the Reading Muhlenberg Career and Technology Center (CTC or employer) and seeking an election pursuant to the Public Employe Relations Act (PERA or Act). On October 1, 2020, the Union filed with the Board an amended petition. On October 16, 2020, the Secretary of the Board issued an Order and Notice of Hearing, assigning the matter to conciliation, and directing a hearing on November 18, 2020, if necessary. The Teamsters, Local 429 (Local 429) is currently the certified bargaining representative of the bargaining unit of employes petitioned for by the Union. The parties entered into Stipulations of Fact, rendering a hearing unnecessary, and the hearing scheduled for November 18, 2020, was cancelled.

The Examiner, on the basis of the Stipulations of Fact, and from all of the matters and documents of record, makes the following:

FINDINGS OF FACT

1. The CTC is a public employer within the meaning of Section 301(1) of PERA. (Stipulations of Fact, ¶ 1)
2. Local 429 is an employe organization within the meaning of Section 301(3) of PERA. (Stipulations of Fact, ¶ 2)
3. The Union is an employe organization within the meaning of Section 301(3) of PERA. (Stipulations of Fact, ¶ 3)
4. The unit deemed appropriate for collective bargaining is a subdivision of the employer unit comprised of all full-time and regular part-time nonprofessional employes including, but not limited to Cafeteria Employes, Custodial/Maintenance Employes, Secretarial/Clerical Employes and Aides, and excluding management level employes, supervisors, first level supervisors, confidential employes and guards as defined in the Act. (Stipulations of Fact, ¶ 4)

DISCUSSION

When a rival petition for representation is filed by a union to represent an existing, certified bargaining unit of employes, the unions and the employer must accept an election among eligible employes based on the existing unit, where the placement of positions in or out of the unit and the existence of a community of interest have already been determined.

CONCLUSIONS

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

1. The CTC 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. Local 429 is an employe organization within the meaning of Section 301(3) of PERA.
4. The Board has jurisdiction over the parties.
5. The employes in the existing bargaining unit petitioned for by the Union share an identifiable community of interest.
6. The unit deemed appropriate for collective bargaining is a subdivision of the employer unit comprised of all full-time and regular part-time nonprofessional employes including, but not limited to Cafeteria Employes, Custodial/Maintenance Employes, Secretarial/Clerical Employes and Aides, 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 Examiner

HEREBY ORDERS AND DIRECTS

that the CTC shall within ten (10) days from the date hereof submit to the Board a current alphabetized list of the names and addresses of the employes 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 first day of December, 2020.

PENNSYLVANIA LABOR RELATION BOARD

Jack E. Marino, Hearing Examiner