

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
: :
: Case Nos. PERA-D-20-249-E
: (PERA-R-16-336-E)
STROUD TOWNSHIP :

ORDER DIRECTING SUBMISSION OF ELIGIBILITY LIST

On October 19, 2020, Bradley Dailey filed a Petition for Decertification under the Public Employee Relations Act (PERA or Act) with the Pennsylvania Labor Relations Board (Board), alleging that thirty percent or more of the blue collar nonprofessional employes of Stroud Township (Township or Employer) no longer wish to be represented by Teamsters Local 773 (Union) and requesting that the Board schedule a hearing and order an election pursuant to Section 607 of PERA.¹

On November 6, 2020, the Secretary issued an Order and Notice of Hearing, assigning the matter to conciliation, and directing a hearing on January 8, 2021, if necessary. The parties entered a duly executed stipulation of facts on December 16, 2020 in lieu of appearing for a hearing before the Board.

The Hearing Examiner, from all matters and documents of record, makes the following:

FINDINGS OF FACT

1. The Township is a public employer within the meaning of Section 301(1) of PERA. (Stipulation at ¶ 1)
2. The Union is an employe organization within the meaning of Section 301(3) of PERA. (Stipulation at ¶ 2)
3. Bradley Dailey is a public employe within the meaning of Section 301(2) of PERA. (Stipulation at ¶ 3)
4. The unit deemed appropriate for the purpose of collective bargaining is a subdivision of the employer unit comprised of all full-time and regular part-time blue collar nonprofessional employes including but not limited to laborers, equipment operators, mechanics, crew leaders, parks superintendents, golf course mechanics and heavy equipment operators; and excluding the management level employes, supervisors, first level supervisors, confidential employes and guards as defined in the Act. (Stipulation at ¶ 4)

¹ Section 607 of PERA provides that "[i]f there is a duly certified representative: (i) a public employe or a group of public employes may file a petition for decertification provided it is supported by a thirty percent showing of interest..." 43 P.S. § 1101.607.

DISCUSSION

Bradley Dailey has petitioned to decertify the Union, which is the exclusive bargaining representative for a unit of blue-collar nonprofessional employes at the Township. It is well settled that an election pursuant to a petition for decertification must be held in the unit as previously certified by the Board. Medical Rescue Team South Authority, 31 PPER ¶ 31059 (Final Order, 2000). The parties have stipulated to the previous certification of the unit in this case. Therefore, an election will be ordered consistent with the stipulation.

CONCLUSIONS

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

1. The Township 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. Bradley Dailey is a public employe within the meaning of Section 301(2) of PERA.
4. The Board has jurisdiction over the parties.
5. The unit deemed appropriate for the purpose of collective bargaining is a subdivision of the employer unit comprised of all full-time and regular part-time blue collar nonprofessional employes including but not limited to laborers, equipment operators, mechanics, crew leaders, parks superintendents, golf course mechanics and heavy equipment operators; and excluding the 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 Township 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 4th day of
January, 2021.

PENNSYLVANIA LABOR RELATION BOARD

/s/ John Pozniak
John Pozniak, Hearing Examiner