

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
:
: CASE NO. PERA-U-23-17-W
: (PERA-R-13-345-W)
:
:
:
AVONWORTH SCHOOL DISTRICT :

PROPOSED ORDER OF UNIT CLARIFICATION

On February 2, 2023, the Avonworth Educational Support Professionals Association, PSEA/NEA (Association) filed a Petition for Unit Clarification with the Pennsylvania Labor Relations Board (Board) seeking to include the position of Staff Nurse into a unit of nonprofessional employees of the Avonworth School District (District or Employer) certified at PERA-R-13-345-W.

On February 28, 2023, the Secretary of the Board issued an Order and Notice of Hearing, assigning the matter to conciliation, and designating May 19, 2023, in Pittsburgh, as the time and place of hearing, if necessary.

The hearing was necessary and held on May 19, 2023, via Microsoft Teams, before the undersigned Hearing Examiner, at which time all parties in interest were afforded a full opportunity to present testimony, cross-examine witnesses and introduce documentary evidence.

The Association made its closing argument on the record and did not file a post-hearing brief. The Employer declined the opportunity to file a post-hearing brief.

The Hearing Examiner, on the basis of the evidence presented at the hearing, and from all other matters and documents of record, makes the following:

FINDINGS OF FACT

1. The District is a public employer pursuant to PERA. (N.T. 5).
2. The Association is an employe representative pursuant to PERA. (N.T. 5).
3. The Association is the certified exclusive bargaining representative in a subdivision of the employer unit comprised of all full-time and regular part-time nonprofessional employes including but not limited to secretaries, clerks, teacher aides, paraprofessionals, custodians, maintenance employes and food service employes; and excluding management level employes, supervisors, first level supervisors, confidential employes and guards as defined by the Act. (PERA-R-13-345-W).
4. Megan Hewko is employed by the District as the Support Nurse. She supports the Certified School Nurse. She has been in the position for over one year and four months. She works in the District's elementary school and primary center. Her work is directed by the School Nurse and she is supervised by the principals of the two buildings she works in. Hewko has a license as a Licensed Practical Nurse, a high school diploma, and a Associate's degree. Her job duties include attending to students and staff

members for illnesses and injuries, reviewing and inputting medical records, managing orders for diabetic medicine, and administering medicine. (N.T. 9-13; Association Exhibit 2).

5. When performing her duties as Support Nurse, Hewko interacts with custodians, paraprofessionals, and secretaries. Similar to other members of the bargaining unit, Hewko is paid a salary, receives personal days and sick days, and is offered healthcare and other fringe benefits. (N.T. 11-15; Association Exhibit 1).

DISCUSSION

The Association petitioned to include the position of Staff Nurse into a nonprofessional unit of the School District. At the hearing, it was established that the title for the position is Support Nurse. The Employer does not contest the petition, but will not join or consent to the petition which makes this Proposed Order of Unit Clarification necessary. Section 604 of PERA provides, in relevant part, as follows:

The [B]oard shall determine the appropriateness of a unit which shall be the public employer unit or a subdivision thereof. In determining the appropriateness of the unit, the [B]oard shall:

(1) Take into consideration but shall not be limited to the following: (i) public employes must have an identifiable community of interest, and (ii) the effects of over fragmentation.

43 P.S. § 1101.604.

It is the burden of the petitioning party, in this case the Association, to show an identifiable community of interest. When determining whether employes share an identifiable community of interest, the Board considers such factors as the type of work performed, educational and skill requirements, pay scales, hours and benefits, working conditions, interchange of employes, grievance procedures, bargaining history, and employes' desires. West Perry School District v. PLRB, 752 A.2d 461, 464 (Pa. Cmwlth. 2000). An identifiable community of interest does not require perfect uniformity in conditions of employment and can exist despite differences in wages, hours, working conditions, or other factors. Id.

In this case it is clear that the Support Nurse shares an identifiable community of interest with other nonprofessional employes in the bargaining unit. The Support Nurse is an employe of the district, is a nonprofessional employe, interacts with other members of the bargaining unit, is paid a salary similar to secretaries, and has similar fringe benefits to other members of the bargaining unit.

CONCLUSION

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

1. The District is a public employer within the meaning of Section 301(1) of PERA.

2. The Association is an employe organization within the meaning of Section 301(3) of PERA.

3. The Board has jurisdiction over the parties.

4. The Support Nurse position shares an identifiable community of interest with the other members of the bargaining unit and is properly included in the bargaining unit.

ORDER

In view of the foregoing and in order to effectuate the policies of PERA, the Hearing Examiner

HEREBY ORDERS AND DIRECTS

that the bargaining unit is amended to include the position of Support Nurse.

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 (20) days of the date hereof, this order shall be and become absolute and final.

SIGNED, DATED and MAILED at Harrisburg, Pennsylvania, this twenty-eighth day of June, 2023.

PENNSYLVANIA LABOR RELATIONS BOARD

/s/ Stephen A. Helmerich
STEPHEN A. HELMERICH, Hearing Examiner