

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
 :
 : Case No. PF-R-23-65-W
 :
 MT. PLEASANT TOWNSHIP :
 :

ORDER DIRECTING SUBMISSION OF ELIGIBILITY LIST

On July 26, 2023, Teamsters Local Union No. 205 (Union) filed with the Pennsylvania Labor Relations Board (Board) a petition for representation pursuant to the Pennsylvania Labor Relations Act (PLRA), as read with Act 111, seeking an investigation into a question of representation of all full-time and regular part-time firefighters employed by Mt. Pleasant Township (Township or Employer) and alleging that thirty per cent or more of those employes, excluding managerial employes, wish to be exclusively represented by the Union.

On August 10, 2023, the Secretary of the Board issued an Order and Notice of Hearing directing that a hearing be held on September 18, 2023, in Pittsburgh. During the hearing on that date, all parties in interest were afforded a full and fair opportunity to present evidence and cross-examine witnesses. The Union and Employer declined to file a post-hearing briefs.

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

FINDINGS OF FACT

1. The Township is a political subdivision and public employer within the meaning of Act 111, as read with the PLRA. (N.T. 10).
2. The Union is a labor organization within the meaning of Section 3(f) of the PLRA, as read with Act 111. (N.T. 10).
3. Fort Cherry Professional Fire Fighters IAFF, Local 5337 (IAFF Local 5337) was previously certified at PF-R-21-44-W to represent all full-time and regular part-time firefighters of the Township.
4. Notice for the hearing was posted in a conspicuous place at the Township. IAFF Local 5337 did not appear at the hearing or communicate with the undersigned Hearing Examiner. (N.T. 6).
5. IAFF Local 5337 relinquished its charter with the IAFF in June, 2022. Current firefighters for the Township testified that IAFF Local 5337 is no longer active at the Township. There is currently no collective bargaining agreement between IAFF Local 5337 and the Township. (N.T. 9-11; PLRB Exhibit 1).
6. The full-time and regular part-time firefighter employes share an identifiable community of interest. (N.T. 7).

7. 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 firefighters; and excluding managerial employes. (N.T. 7).

8. The Union has an adequate showing of interest.

DISCUSSION

The Union filed a petition to represent the full-time and regular part-time firefighters of Mr. Pleasant Township. This is a rival petition as the incumbent IAFF Local 5337 was certified by the Board in 2021 to represent the firefighters. However, it is clear that IAFF Local 5337 is defunct and has abandoned the bargaining unit. The election will proceed without IAFF Local 5337 on the ballot.

CONCLUSIONS

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

1. The Township is a political subdivision and public employer under Act 111, as read with the PLRA.
2. The Union is a labor organization under Act 111, as read with the PLRA.
3. The Board has jurisdiction over the parties.
4. The Union has an adequate showing of interest.
5. The full-time and regular part-time firefighters employes share an identifiable community of interest.
6. IAFF Local 5337 is defunct and has abandoned the bargaining unit.
7. 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 firefighters of the Township, and excluding management level employes.

ORDER

In view of the foregoing and in order to effectuate the policies of the Act, the Hearing 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 twenty-eighth day of September, 2023.

PENNSYLVANIA LABOR RELATIONS BOARD

_____/s/ Stephen A. Helmerich_____

Stephen A. Helmerich, Hearing Examiner