

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :  
 : Case No. PERA-R-24-34-E  
MONROE COUNTY :

**FINAL ORDER**

A Petition for Representation under the Public Employee Relations Act (PERA) was filed with the Pennsylvania Labor Relations Board (Board) on February 12, 2024, alleging that thirty percent or more of certain employees of Monroe County (County) desire to be represented by the Teamsters Local Union 229 (Petitioner). The Petitioner requested that, pursuant to Section 603 of PERA, the Board schedule a hearing and order an election among all full-time and regular part-time nonprofessional employees in the Prothonotary's Office.

Upon investigation of the petition, by letter dated and issued on March 19, 2024, the Secretary of the Board declined to direct a hearing and dismissed the Petition for Representation, noting that the petitioned for unit was inappropriately narrow under the Board's broad-based bargaining unit policy. On April 5, 2024, the Petitioner filed timely exceptions and a supporting brief with the Board challenging the Secretary's dismissal of the Petition for Representation. On April 24, 2024, the County filed a brief and response to the exceptions.<sup>1</sup>

On exceptions, the Petitioner claims that the nonprofessional employees in the Prothonotary's Office lack a community of interest with the remaining row offices such that they are not appropriately included in a broader county court-related bargaining unit. Section 604 of PERA provides that the Board shall determine the appropriateness of a unit and must take into consideration (1) whether the employees share an identifiable community of interest and (2) the effects of overfragmentization. 43 P.S. § 1101.604.

It is well-established that the county row offices share an identifiable community of interest as among the county court-related offices. *E.g. Berks County*, 28 PPER ¶ 28234 (Court of Common Pleas, Berks County, 1997); *see also* 16 P.S. §1620 ("with respect to ... collective bargaining negotiations involving any or all employees paid from the county treasury, the board of county commissioners shall have the sole power and responsibility to represent ... the county and all elected or appointed county officers having any employment powers over the affected employees...").

With regard to the question of overfragmentization, the Board is guided by its longstanding, broad-based bargaining unit policy under Section 604(1)(ii) of PERA. Since *City of Philadelphia*, 10 PPER ¶ 10059 (Final Order, 1979), the Board has consistently recognized that "the public policy of the Act will best be effectuated by avoiding the dangers of overfragmentization inherent in the certification of a bargaining unit limited to a small number of employees from among a much larger group." *Id.* at 97.

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<sup>1</sup> Petitioner filed a reply brief on May 1, 2024.

As recently noted in Lycoming County, 55 PPER 19 (Final Order, 2023), the Board will deviate from its policy of certifying broad-based units only under the most compelling of circumstances, and therein held as follows:

Therefore, the party seeking deviation from the Board's broad-based bargaining unit policy must demonstrate that an identifiable community of interest is completely lacking between those employees included in and excluded from the proposed unit. West Perry School District, 29 PPER ¶ 29110 (Final Order, 1998), aff'd sub. nom, West Perry School District v. PLRB, 752 A.2d 461 (Pa. Cmwlth. 2000), appeal denied, 795 A.2d 984 (Pa. 2000); Bucks County Public Defenders Office, 13 PPER ¶ 13109 (Final Order, 1981), aff'd, 15 PPER ¶ 15062 (Court of Common Pleas, 1984); Commonwealth of Pennsylvania, Pennsylvania Board of Probation and Parole, supra. Here, the Petitioner has failed to allege sufficient facts to demonstrate that the Bail Release Officers completely lack a community of interest with the County employees in either the court-related or residual units [(neither of which were certified)] to warrant deviation from the Board's broad-based bargaining unit policy. Indeed, the Petitioner is not seeking to represent all of the court-related or residual employees, but is only seeking to represent the Bail Release Officers consisting of five employees. To permit the Petitioner to proceed on its Petition would violate PERA's admonition under Section 604(1)(ii) against overfragmentization.

Upon review of the Petition for Representation and the exceptions, the Petitioner has failed to allege sufficient facts to support that the nonprofessional employees in the Prothonotary's Office lack any identifiable community of interest with the remaining row office employees of the County to preclude a broad-based court-related bargaining unit. Accordingly, the same result reached in Lycoming County, must obtain here. After a thorough review of the exceptions and all matters of record, the Board shall dismiss the Petitioner's exceptions and affirm the Secretary's decision not to direct a hearing on the representation petition.

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

HEREBY ORDERS AND DIRECTS

that the exceptions filed by the Teamsters Local Union 229 are hereby dismissed and the Secretary's March 19, 2024 decision declining to direct a hearing on the Petition for Representation be and the same is hereby made absolute and final.

SEALED, DATED and MAILED at Harrisburg, Pennsylvania pursuant to conference call meeting of the Pennsylvania Labor Relations Board, James M. Darby, Chairman, Albert Mezzaroba, Member, and Gary Masino, Member this twenty-first day of May, 2024. The Board hereby authorizes the Secretary of the Board, pursuant to 34 Pa. Code 95.81(a), to issue and serve upon the parties hereto the within Order.