

irrelevant to the Secretary's dismissal of the petition whether the employees are professional or nonprofessional. There are already professional and nonprofessional court-appointed county units certified, and the Secretary was not required to place the employees into one of these existing units. Therefore, a determination of whether the employees were professional or nonprofessional was not necessary. The Association petitioned the Board to place the employees into an inappropriate, narrow unit comprised of employees in a single office. It is irrelevant to the dismissal of the petition whether the employees are professional or nonprofessional, and therefore, the exception is dismissed.

The Association next argues that the Board should have determined whether the proper bargaining unit for these employees should be separate or part of an existing certified bargaining unit. As discussed above, the Secretary determined that a separate unit of employees in a single office was inappropriate, and that the employees more properly belonged in one of the two existing court-appointed bargaining units. Monroe County; Berks County, supra. This exception is without merit, and is therefore dismissed.

The Association next urges that the broad-based bargaining unit policy issue should be determined at a hearing. This exception is also without merit. For the past two decades, Board policy has been to certify the broadest possible unit to avoid the effects of overfragmentization of bargaining units. Pennsylvania State University, 29 PPER ¶ 29139 (Proposed Decision and Order, 1998)(citing Pittsburgh Board of Education, 24 PPER ¶ 24170 (Final Order, 1993)). The Board is not compelled to divert from this longstanding policy, and the Association has not alleged any facts to substantiate a lack of an identifiable community of interest with either of the existing court-appointed units. Thus, this exception is also dismissed.

The County notes in its response to the Association's exceptions that the Association did not comply with the Board's rules and regulations when it filed its exceptions. The Association did not serve the parties with copies of its exceptions when it filed the same with the Board, as required by 34 Pa. Code § 95.98(a)(4). On April 7, 1999, the Secretary directed the Association to comply with the service requirements of § 95.98(a)(4), which provides that the exceptant shall, "concurrent with its filing of the statement of exceptions and supporting brief, serve a copy of the same upon each party to the proceeding. Proof of service shall be filed with the Board." (emphasis added). The County's brief indicates that it was served with a copy of the Association's exceptions that was postmarked April 14, 1999, twelve days after the exceptions to the Board were postmarked. The Board notes that § 95.42(a) provides that exceptions must be received by the Board at the close of business of the last day of the time limit for filing, and that exceptions to this filing requirement are at the discretion of the Board. However, there is no similar discretionary language in Code § 95.98(a)(4). The Secretary was not required to exercise discretion under this section. Regardless, on April 7, 1999, the Association was given the opportunity and instruction to comply with the Board's service requirements. However, the Association did not comply with these requirements, and the Board will grant no further extensions to comply with the Board's Rules and Regulations. The Association may have served the County, but it did not file proof of service with the Board, as required by § 95.98(a)(4). This failure also supports the Secretary's decision not to direct a hearing in this case.

After a thorough review of the exceptions and all matters of record ,
the Board shall dismiss the exceptions filed by the Association and affirm
the Secretary's decision not to direct a hearing.

ORDER

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 be and the same are dismissed and the Secretary's
decision not to direct a hearing be and the same is made absolute and
final.

SIGNED, SEALED, DATED and MAILED this sixteenth day of November,
1999.

PENNSYLVANIA LABOR RELATIONS BOARD

JOHN MARKLE, JR., CHAIRMAN

EDWARD G. FEEHAN, MEMBER