

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
: Case No. PERA-R-04-319-E
: (PERA-R-89-223-E)
LINCOLN UNIVERSITY :

FINAL ORDER

On July 8, 2004, the International Union, Security, Police and Fire Professionals of America (SPFPA) filed a Petition for Representation with the Pennsylvania Labor Relations Board (Board) alleging that it represented thirty percent or more of a bargaining unit of security officers employed by Lincoln University (Employer) and requesting that pursuant to Section 603(c) of the Public Employee Relations Act (Act) a hearing be scheduled and an order be issued for an election.

On July 30, 2004, the Board Secretary issued a letter dismissing the petition because the SPFPA, previously known as the International Union, United Plant Guard Workers of America (UPGWA), was already the certified bargaining representative of the petitioned-for employees pursuant to a Nisi Order of Certification issued by the Board on October 11, 1989 at Case No. PERA-R-89-223-E. On August 16, 2004, the SPFPA filed timely exceptions to the Secretary's dismissal of the petition for representation. On September 2, 2004, the Employer filed its Answer to the SPFPA's exceptions.

In its exceptions the SPFPA contends that although it has merely changed its name from UPGWA to SPFPA and there has been no change in the identity of the employee organization, the Employer refuses to recognize the newly named SPFPA for purposes of bargaining wages, hours and working conditions for the petitioned-for employees. The SPFPA contends that therefore, there is a question of representation that should be resolved by the conduct of a representation election. However, a change in the name of a certified bargaining representative is ordinarily accomplished by the filing of a petition for amendment of certification pursuant to Section 95.24 of the Board's Rules and Regulations, 34 Pa. Code § 95.24. See York County, 27 PPER ¶ 27204 (Final Order, 1996). A mere change in the name of the certified bargaining representative does not create a question of representation that would require or justify the processing of a representation petition. Further, there is no indication on this record that the certified bargaining representative had abandoned its certification prior to the filing of the Petition for Representation, but merely reflects that upon the change in the name of the employee organization, the Employer refused to bargain with the newly named organization. In these circumstances, the filing of a Petition for Representation is an inappropriate vehicle to accomplish a change in the name of the certified representative and accordingly, the Secretary properly dismissed the Petition for Representation.

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 filed to the Secretary's letter declining to direct a hearing on the petition for representation in the above-captioned matter be and the same are hereby dismissed and that the Secretary's letter is hereby made absolute and final.

SEALED, DATED and MAILED at Harrisburg, Pennsylvania pursuant to conference call meeting of the Pennsylvania Labor Relations Board, L. Dennis Martire, Chairman, and Anne E. Covey, Member, this sixteenth day of November, 2004. 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.