

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
:
:
Case No. PERA-U-05-21-E
:
(PERA-R-92-217-E)
LOYALSOCK TOWNSHIP SCHOOL DISTRICT :

FINAL ORDER

On October 13, 2005, Loyalsock Township School District (Employer) filed timely Exceptions and a Supporting Brief from a Nisi Order of Amended Certification issued on September 23, 2005, in which the Board Representative amended the certification issued on June 22, 1992 at Case No. PERA-R-92-217-E to effectuate a change in the name of the exclusive representative from the Loyalsock Educational Support Personnel Association, PSEA/NEA to the Loyalsock Township Education Support Professionals, PSEA/NEA (Union). On November 1, 2005, the Union filed its Brief in Opposition to the Employer's Exceptions.

In its exceptions, the Employer claims that the use of the term "Loyalsock Township" in the amended name of the exclusive bargaining representatives is misleading in that it "connotes that the collective bargaining unit is associated with the governmental unit Loyalsock Township, when in fact, it has no relation to that entity" and that the use of the term "Professionals" in the new name of the exclusive bargaining representative creates confusion and the potential for future disharmony because none of the employees included in the existing certified bargaining unit are professional employees within the meaning of Section 301(7) of the Public Employe Relations Act (PERA).

The Amendment of Certification process can be used to either reflect a mere change in the name of a certified representative or to reflect the fact that the organization has internally decided to affiliate with a statewide, national or international employe organization. Each of these procedures is accomplished through the Amendment of Certification process, with the decision to affiliate with another organization being the far more substantive and more likely to have an impact on the relationship with the employer. In Windber Area School District Area, 34 PPER 53 (Final Order, 2003), the Board addressed an Amendment of Certification in which the existing bargaining representative took steps internally to affiliate with a statewide organization. The Board rejected the employer's attempt in that case to interject itself into the Amendment of Certification process by filing exceptions to the Nisi Order of Amended Certification. The Board initially reasoned that the decision of a local union to affiliate with a statewide, national or international organization is an internal union matter, citing School District of Pittsburgh, 5 PPER 68 (Nisi Order of Amended Certification, 1974). The Board held that an affiliation by its very nature is not a change in the bargaining representative that is the exclusive representative of the employees, but is a reaffirmation of its status as the bargaining representative despite its decision to affiliate with a statewide, national or international organization. In Windber Area School District, the Employer requested that the Board afford it a hearing to challenge the fairness of the internal voting process utilized by the union to accomplish the affiliation. The Board concluded that the employer in Windber Area School District did not have standing to file exceptions regarding the Union's internal procedures used to accomplish the affiliation, so long as the certified representative retained its identity and remained the representative of the employees. The Board further noted that "the employer's interests only arise in connection with the effects of the union's decision to affiliate, i.e. its subsequent bargaining relationship with a newly affiliated union ..." 34 PPER at 166.

In this case, the Employer has failed to raise any issue that would impact its subsequent bargaining relationship with the Union. The Nisi Order of Amended Certification involves a mere name change and does not even rise to the level of a change in the affiliation of the exclusive bargaining representative. The Employer's exceptions are based upon the notion that the use of the terms "Loyalsock Township" and

"Professional" in the amended name of the employe organization is somehow misleading. However, it is clear that the Employer in this case is not in any way confused that the reference to "Loyalsock Township" refers to the Loyalsock Township School District and not to Loyalsock Township itself and that the unit presently represented by this employe organization is only comprised of nonprofessional employes of Loyalsock Township School District. Indeed, nothing in PERA or the Board's rules and regulations would prohibit this employe organization, at some time in the future, from representing professional employes within the meaning of PERA. Further, it should be noted that the use of the term "Professional" in the new name of the employe organization does not necessarily refer to professional within the specialized meaning of PERA, but can merely refer to a layman's understanding of professional, i.e. participating for monetary gain or livelihood in an activity or field or connoting professionalism in the performance of work by employes in the bargaining unit. We fail to see how the name change effectuated in this case can in any way have a confusing or misleading effect upon the Employer's future bargaining relationship with the Union. Accordingly, because the Employer has failed in its exceptions to raise any issue that impacts its future relationship with the Union, Windber Area School District requires the conclusion that the Employer lacks standing to challenge the change in the name of the exclusive representative and its exceptions to the Nisi Order of Amended Certification must be dismissed.

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 Nisi Order of Amended Certification in the above captioned matter be in the same are hereby dismissed; and that the Nisi Order of Amended Certification is hereby made absolute and final.

SEALED, DATED and MAILED pursuant to conference call meeting of the Pennsylvania Labor Relations Board, L. Dennis Martire, Chairman, Anne E. Covey, Member, and James M. Darby, Member, this fifteenth day of November, 2005. 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.