

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
:
:
Case No. PERA-U-06-235-E
:
(PERA-R-620-C)
:
NORTH SCHUYLKILL SCHOOL DISTRICT :

FINAL ORDER

On January 25, 2007, North Schuylkill School District (Employer) filed timely¹ exceptions with the Pennsylvania Labor Relations Board (Board) to a Nisi Order of Unit Clarification (NOUC) issued by the Board Representative on January 5, 2007. In the NOUC, the Board Representative, pursuant to the agreement of the Employer and the North Schuylkill Educational Support Personnel Association, PSEA/NEA (Association), included the positions of Payroll-Benefits Coordinator, Transportation Supervisor and Cafeteria Manager in the collective bargaining unit of nonprofessional employes of the Employer represented by the Association pursuant to the certification issued by the Board on January 8, 1971 at Case No. PERA-R-620-C.

In its exceptions, the Employer contends that the parties were confused as to the actual job positions at issue in the proceeding and that the Employer mistakenly agreed to include the position of Cafeteria Manager in the collective bargaining unit. On February 8, 2007, the Association filed a Response to the Employer's exceptions in which the Association confirms that the inclusion of the Cafeteria Manager position in the unit was an error and that the Association has no objection to the Board's granting the Employer's exceptions and excluding the Cafeteria Manager from the bargaining unit. Thereafter, on February 12, 2007, the parties filed a joint stipulation agreeing to the exclusion of the Cafeteria Manager.

After a thorough review of the exceptions and all matters of record, the Board will sustain the exceptions and amend the Nisi Order of Unit Clarification issued by the Board Representative to exclude the position of Cafeteria Manager from the unit.

ORDER

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

HEREBY ORDERS AND DIRECTS

that the exceptions filed to the above case number be and the same, are hereby sustained, and the Nisi Order of Unit Clarification be and the same is hereby amended to exclude the position of Cafeteria Manager from the bargaining unit. The Nisi Order of Unit Clarification in all other matters and respects is hereby made absolute and final.

SEALED, DATED and MAILED at Harrisburg, Pennsylvania pursuant to conference call meeting of the Pennsylvania Labor Relations Board, Anne E. Covey, Member and James M. Darby, Member this twentieth day of February, 2007. 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.

¹ Although the Board received the Employer's exceptions on January 29, 2007, a United States Postal Form 3817 Certificate of Mailing, dated January 25, 2007, accompanied the exceptions. Section 95.98 of this Board's regulations provides, in relevant part, that "[e]xceptions will be deemed received upon actual receipt or on the date deposited in the United States mail, as shown on a United States Postal Form 3817 Certificate of Mailing enclosed with the statement of exceptions." 34 Pa. Code §95.98.