

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
: THE BOROUGH OF PUNXSUTAWNEY : Case No. PERA-U-07-208-W
: (PERA-R-6541-W)
:

PROPOSED ORDER OF UNIT CLARIFICATION

On May 14, 2007, the Borough of Punxsutawney (Borough) filed with the Pennsylvania Labor Relations Board (Board) a Petition for Unit Clarification (Petition) seeking to exclude two positions as confidential: (1) the Receptionist/Accounts Payable/Recycling Coordinator; and (2) the Bookkeeper/Treasurer. On May 31, 2007, the Secretary of the Board issued an Order and Notice of Hearing directing that a hearing be held on Tuesday, June 26, 2007, in State College, Pennsylvania. After a series of unopposed continuance requests, the hearing was scheduled for and held on October 29, 2007, in State College. On that date, both parties were afforded a full opportunity to present testimony, cross-examine witnesses and introduce documentary evidence. During the hearing, after some testimony was taken, the representative for AFSCME, Council 13 (Union) stipulated to the status of the two positions at issue.

The hearing examiner, on the basis of all matters and documents of record, makes the following:

FINDINGS OF FACT

1. On March 27, 1975, the Board certified the Union as the exclusive collective bargaining representative for the following employes of the Borough:

All full-time and regular part-time Mechanics, Laborer/Operators, Junior Operators, Maintenance employes, Assistant Foremen, Clerical employes, and Police Clerks; and excluding management level employes, supervisors, first level supervisors, confidential employes, and guards as defined in the Act.

(PERA-R-6541-W).

2. The parties stipulated and agreed that the Receptionist/Accounts Payable/Recycling Coordinator and the Bookkeeper/Treasurer are both confidential employes within the meaning of Section 301(13) of PERA and that the two positions will be removed from the bargaining unit. (N.T. 17-18).

CONCLUSIONS

The examiner, therefore, after due consideration of the foregoing and the record as a whole, concludes and finds as follows:

1. The Borough is a public employer within the meaning of Section 301(1) of PERA.
2. The Union is an employe organization within the meaning of Section 301(3) of PERA.
3. The Board has jurisdiction over the parties hereto.
4. The position of Receptionist/Accounts Payable/Recycling Coordinator is confidential within the meaning of Section 301(13) of PERA.

5. The position of Bookkeeper/Treasurer is confidential within the meaning of Section 301(13) of PERA.

ORDER

In view of the foregoing and in order to effectuate the policies of PERA, the examiner

HEREBY ORDERS AND DIRECTS

that the Certification of Representative issued on March 27, 1975 at Case No. PERA-R-6541-W is hereby amended to exclude the positions of Receptionist/Accounts Payable/Recycling Coordinator and Bookkeeper/Treasurer from the bargaining unit, and

IT IS HEREBY FURTHER ORDERED AND DIRECTED

that in the absence of any exceptions filed with the Board pursuant to 34 Pa. Code § 95.98(a) within twenty days of the date hereof, this order shall be final.

SIGNED, DATED and MAILED at Harrisburg, Pennsylvania, this eighth day of November 2007.

PENNSYLVANIA LABOR RELATIONS BOARD

Jack E. Marino, Hearing Examiner