COMMONWEALTH OF PENNSYLVANIA Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF

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: Case No. PERA-R-08-86-E

:

LUZERNE COUNTY

ORDER DIRECTING SUBMISSION OF ELIGIBILITY LIST

On March 14, 2008, the Luzerne County Court-Appointed Supervisors Association (Union) filed with the Pennsylvania Labor Relations Board (Board) a petition for representation pursuant to the Public Employe Relations Act (PERA) alleging that thirty per cent or more of the professional and non-professional first-level supervisors who are directly involved with, necessary to and appointed by the Court of Common Pleas of Luzerne County (County) wish to be exclusively represented by the Union. On March 28, 2008, the Secretary of the Board issued an Order and Notice of Hearing (ONH) directing that a hearing be held on Friday, April 18, 2008. The hearing examiner thereafter continued the hearing at the request of the County and without objection from the Union and scheduled the hearing for Tuesday, May 6, 2008. On that date, the hearing was in fact held, and both parties were afforded a full and fair opportunity to present testimonial and documentary evidence and to cross-examine witnesses. On May 21, 2008, the notes of testimony from the hearing were filed with the Board. The Union and the County subsequently agreed to a June 13, 2008 submission date for post-hearing briefs. Both the Township and the Union timely filed post-hearing briefs.

The hearing examiner, on the basis of the evidence presented at the hearing and from all other matters of record, makes the following:

FINDINGS OF FACT

- 1. The County is a public employer within the meaning of Section 301(1) of PERA. (N.T. 6).
- 2. The Union is an employe organization within the meaning of Section 301(3) of PERA. (N.T. 6).
- 3. The Deputy Director of the County Domestic Relations Section is Kevin J. Kane. Mr. Kane ranks above six subordinate first-level supervisors in Domestic Relations. All first-level supervisors report to Mr. Kane. (N.T. 8, 12-16, 121, 147-148; County Exhibit 1).
- 4. All six supervisors' leave requests are subject to the approval of Mr. Kane without input from the Director. County personnel policies are contained in the County "Blue Book." Mr. Kane determines leave based on factors such as seniority. Mr. Kane is responsible for ensuring requisite staffing levels when determining whether to approve a subordinate, first-level supervisor's leave request. Mr. Kane documents first-level supervisors' individual leave and maintains time records which he distributes once per month. In approving leave for the first-level supervisors in Domestic Relations, Mr. Kane ensures that County attendance and leave policies are followed. (N.T. 14, 20-21, 30, 45, 101-103, 124-125).
- 5. Mr. Kane trains first-level supervisors in Domestic Relations when necessary as he did with Support Supervisor Braskey. Mr. Kane monitors and reviews the activities of the Office Manager of Domestic Relations, Ms. Kleckner. (N.T. 56, 143-144).
- 6. Mr. Kane can initiate formal, progressive discipline at lower levels, i.e., oral and written reprimands. His recommendations for serious discipline of employes in Domestic Relations are taken seriously. The Director of Domestic Relations must approve any level of formal discipline. On an as-needed basis, Mr. Kane informally and verbally corrects the behavior of first-level supervisors in Domestic Relations. When Mr. Kane

discovered that a support supervisor erroneously waived a filing fee for a non-welfare petitioner, which contradicted a Court order requiring such a fee, he directed the supervisor to correct the problem. (N.T. 128-130, 136-137, 139-144).

- 7. When Support Supervisor Braskey was hired as a new first-level supervisor, Mr. Kane was involved in evaluating her performance during her probationary period and recommending her to the Director for retention and permanent placement in that first-level supervisory position. (N.T. 146).
- 8. Michael Vecchio is the Deputy Chief of Adult Probation at the County. In the chain of command, the position of Deputy Chief of Adult Probation ranks above five first-level supervisors. All five first-level supervisors report directly to Mr. Vecchio. He monitors the performance of the five supervisors. Mr. Vecchio directs the first-level supervisors in Adult Probation. These supervisors must request leave from Mr. Vecchio who supervises the daily scheduling of the first-level supervisors and maintains a leave record. When Mr. Vecchio approves or denies leave requests, he is ensuring minimum staffing levels in compliance with Departmental policies. (N.T. 69-70, 73, 75, 98, 151, 153, 157-159, 160; County Exhibits 3 & 4).
- 9. Mr. Vecchio participated in determining assignments of probation officers to their particular first-level supervisors. The first-level supervisors go to Mr. Vecchio to resolve problems and questions. (N.T. 72-73).
- 10. Mr. Vecchio has the authority to directly address minor performance matters with any of his subordinate first-level supervisors in Adult Probation. Mr. Vecchio has assisted one of his first-level supervisors in addressing performance matters of one of the probation officers in Adult Probation. Mr. Vecchio reviews the disciplinary actions imposed on employes by his subordinate supervisors. When a supervisor is dealing with a chronic problem concerning an employe, the supervisor will submit a written report to Mr. Vecchio concerning the employe and the problem. Mr. Vecchio can determine and issue discipline to any of his first-level supervisors up to and including written reprimand without reporting it to his Director, although he has not had occasion to do so. Mr. Vecchio is also in charge of ensuring compliance with state and county regulations on a daily basis in Adult Probation. (N.T. 74-75, 77, 79-80, 151, 154, 159-160).
- 11. John E. Johnson has been the Deputy Chief of Juvenile Probation for approximately nine months. In the chain of command, the position of Deputy Chief of Juvenile Probation ranks above two first-level supervisors. Mr. Johnson monitors the daily performance of his first-level supervisors. His approach to supervising is to build consensus, but he has the authority to direct and control the duties and performances of the first-level supervisors as well as resolve conflicts and problems. Mr. Johnson holds daily meetings with his first-level supervisors to coordinate juvenile transportation to and from detention and school. (N.T. 87, 92-93, 162, 173, 177-179; County Exhibit 5).
- 12. Mr. Johnson has not had occasion to discipline any of his first-level supervisors. His first-level supervisors submit their leave requests to him. He determines whether to approve those leave requests based on the County's personnel staffing and leave policies as contained in the County "Blue Book." Mr. Johnson directs his first-level supervisors to perform certain specific or time-sensitive tasks. Mr. Johnson has the authority to approve or deny juvenile records requests submitted by his first-level supervisors. He is bound by state Supreme Court guidelines regarding the release of juvenile records, which also bind the County's Juvenile Probation Department. Mr. Johnson and the President Judge both respond to requests from first-level supervisors in County Juvenile Probation to determine whether juvenile record requests comply with state guidelines. (N.T. 92-93, 112, 163-164, 180-181).
- 13. The parties stipulated and agreed that the employes in the proposed meet and discuss unit of first-level supervisors share an identifiable community of interest. (N.T. 6-7).
- 14. By letter dated August 8, 2008, the parties stipulated and agreed that the positions of Executive Secretary in Adult Probation, Office Manager in Domestic Relations

and Office Manager in the Administrative Unit in the proposed unit of first-level supervisors are non-professional. The parties stipulated and agreed that the remaining positions in the proposed unit of first-level supervisors are professional within the meaning of PERA.

- 15. Pursuant to Section 604(2) of the Act, the professional employes are entitled to vote on whether or not they desire to be included in a unit that includes nonprofessional employes. In the event that a majority of the professional employes vote not to be included in a unit that includes nonprofessional employes, the appropriate units are as follows:
- UNIT I: All full-time and regular part-time nonprofessional first-level supervisory employes who are appointed by, directly involved with and necessary to the functioning of the Luzerne County Court of Common Pleas including but not limited to Adult Probation, Juvenile Probation and Domestic Relations and excluding all other employes, management level employes, supervisors above the first-level of supervision, confidential employes and guards as defined in the Public Employe Relations Act.
- UNIT II: All full-time and regular part-time professional first-level supervisory employes who are appointed by, directly involved with and necessary to the functioning of the Luzerne County Court of Common Pleas including but not limited to Adult Probation, Juvenile Probation and Domestic Relations and excluding all other employes, management level employes, supervisors above the first-level of supervision, confidential employes and guards as defined in the Public Employe Relations Act.

DISCUSSION

In its petition, the Union seeks to represent all first-level supervisors who are directly involved with, necessary to and appointed by the Luzerne County Court of Common Pleas. The County challenges three positions that the Union seeks to have included in the proposed meet and discuss unit. The County argues that the Deputy Director of Domestic Relations, currently held by Kevin J. Kane; the Deputy Chief of Adult Probation, currently held by Michael A. Vecchio; and the Deputy Chief of Juvenile Probation, currently held by John E. Johnson, should be excluded from the proposed meet and discuss unit of first-level supervisors because those three positions are management level employes under Section 301(16) PERA.

As the party seeking to exclude the three positions, the County has the burden of proving the necessary facts to support the exclusion. In the Matter of the Employes of State System of Higher Education, 29 PPER ¶ 29,234 (Final Order, 1998), aff'd, 737 A.2d 313 (Pa. Cmwlth. 1999). Management level employes are specifically excluded from the definition of public employe under Section 301(2) of PERA and therefore must not be included in any meet and discuss unit or bargaining unit. 43 P.S. § 1101.301(16); Employes of Carlynton Sch. Dist. v. Carlynton Sch. Dist., 377 A.2d 1033, 1035 (Pa. Cmwlth. 1976). Section 301 of PERA sets forth the definition of a management level employe as follows:

- (16) "Management level employe" means any individual who is involved directly in the determination of policy or who responsibly directs the implementation thereof and shall include all employes above the first level of supervision.
- 43 P.S. § 1101.301(16). Under this provision, a position is at the management level if the employe holding that position (1) is involved directly in the determination of policy; (2) directs the implementation of policy; or (3) is above the first level of supervision. Pennsylvania Association of State Mental Hosp. Physicians v. PLRB, 554 A.2d 1021 (Pa. Cmwlth. 1988); Commonwealth of Pennsylvania (Attorneys Examiner I), 12 PPER ¶ 12131 (Final Order, 1981). Moreover, the Board has long adhered to a policy of evaluating the actual job duties of the position in question to make unit determinations. In the Matter of the Employes of Elizabeth Township, 33 PPER ¶ 33053 (Final Order, 2002); Washington Township Municipal Auth. v. PLRB, 569 A.2d 402 (Pa. Cmwlth. 1989). When

determining whether a position is accorded managerial status, the Commonwealth Court has held that "employees are properly classified as 'management level' employees where some, but not all, of their employment functions place them within the statutory definition of management level employees as set forth in § 301(16) of the Act." Carlynton, 377 A.2d at 1035.

In interpreting the third criteria of a management employe, the Board has held that "in order to be excluded as a management level employe by virtue of being above the first level of supervision, the position must supervise the first level supervisor." In the Matter of the Employes of Pennsylvania State University, Milton Hershey Medical Center, 20 PPER ¶ 20126, 345 (Final Order, 1989). The term "supervisor" is a term of art that is expressly defined in Section 301(6) of PERA. By invoking that term to further define when a management level employe is "above the first level of supervision," the Board intentionally incorporated the Section 301(6) definition of "supervisor" into the Section 301(16) definition of "Management level employe."

The fact that a position is higher in the chain of command in relation to firstlevel supervisors and the fact that it is one to which first-level supervisors report are strong indicia of management level employes supervising supervisors. But the Board also cautioned that "[t]he mere fact that a position is at a higher pay range or is 'considered' to be administratively and organizationally higher than a first-level supervisory position is insufficient to justify a management level exclusion under PERA." Hershey Medical Center, 20 PPER at 345. In the case In the Matter of the Employes of Commonwealth of Pennsylvania (Department of Labor and Industry), 9 PPER ¶ 962 (Final Order, 1978), the Board held that a position was excluded from the unit because "[t]he record show[ed] that [the employe] also exercise[d] supervisory powers inasmuch as he is responsible for the overall direction of the personnel in the Eastern District, including Workmen's Compensation Referees," who are first-level supervisors. Department of Labor and Industry, 9 PPER at 461. The Board has also held that completing performance evaluations of subordinate employes, where those evaluations were utilized for promotional and disciplinary purposes, is a significant supervisory function warranting exclusion from the unit. In the Matter of Employes of Reading Area Community College, 17 PPER ¶ 17071 (Proposed Order of Unit Clarification, 1986), aff'd, 18 PPER ¶ 18004 (Final Order, 1986) (concluding that an employe who executed performance evaluations which were used for promotional purposes was exercising a supervisory function); compare, In the Matter of the Employes of Pennsylvania State University, 19 PPER ¶ 19156 (Final Order, 1988) (executing performance evaluations did not reflect supervisory status because those evaluations were not used to reward or discipline employes).

In <u>Carlynton</u>, the Commonwealth Court expressly rejected the Board's application of the balancing test provided in Section 604 of PERA for determining whether a position is at the management level. This Section provides as follows:

The board shall determine the appropriateness of a unit which shall be the public employer unit or a subdivision thereof. In determining the appropriateness of the unit, the board shall:

* * * *

(5) Not permit employes at the first level of supervision to be included with any other units of public employes but shall permit them to form their own separate homogenous units. In determining supervisory status the board may take into consideration the extent to which supervisory and nonsupervisory functions are performed.

43 P.S. § 1101.604(5). The <u>Carlynton</u> Court specifically held that "[i]n construing the language of Section 604(5) to provide for a 'weighing' test applicable in determining management level status versus supervisory status, the PLRB erred." <u>Carlynton</u>, 377 A.2d at 1036. The Court further opined that "Section 604(5) clearly pertains to the inappropriateness of including first level supervisors in bargaining units with nonsupervisory, i.e., rank and file, personnel." <u>Id.</u> Accordingly, the Board's balancing test under Section 604(5) only applies to determining whether positions should be

excluded from rank and file bargaining units as first-level supervisors and not to determining whether positions above the first level of supervision are management level.

In <u>Carlynton</u>, the Commonwealth Court concluded, contrary to the Board, that, as long as the employe in the position in question "<u>at times</u>" determined or implemented policy for the employer, the position was at the management level. <u>Carlynton</u>, 377 A.2d at 1035. Because the <u>Carlynton</u> Court expressly prohibited applying the balancing test of supervisory duties to determining managerial status, as opposed to first-level supervisory status, and because it is reasonable to apply the same standard of proof to all three equal but disjunctive criteria of Section 301(16), a proponent of the third management-level exclusion of that Section must prove that employes above the first level of supervision "at times" perform recognized supervisory functions.

Deputy Director of Domestic Relations

The actual job duties of record for the Deputy Director of Domestic Relations establish that Mr. Kane both implements policy and supervises supervisors. Therefore, he is a management level employe within two of the three standards of Section 301(16) of PERA and is excluded from the proposed meet and discuss unit. Mr. Kane is the Deputy Director of the County Domestic Relations Section. He ranks above six subordinate first-level supervisors in Domestic Relations. All first-level supervisors report to Mr. Kane. All six supervisors' leave requests are subject to the approval of Mr. Kane without input from the Director. Mr. Kane determines leave based on factors such as seniority. Mr. Kane is responsible for ensuring requisite staffing levels when determining whether to approve a subordinate, first-level supervisor's leave request. Mr. Kane documents first-level supervisors' individual leave and maintains time records, which he distributes once per month. Mr. Kane trains first-level supervisors in Domestic Relations when necessary, as he did with Support Supervisor Braskey. Mr. Kane monitors and reviews the activities of the Office Manager of Domestic Relations, Ms. Kleckner.

In this regard, Mr. Kane is higher in the chain of command in relation to first-level supervisors, and he is the one to whom first-level supervisors report, which is indicative of being above the first-level of supervision. In approving leave for the first-level supervisors in Domestic Relations, Mr. Kane implements County attendance, leave and staffing policies in accordance with the County's personnel policy handbook, which is known as the "Blue Book." By training first-level supervisors, he directs and monitors their performance, and he ensures that their job performance complies with County personnel policies as well as the County's legal and regulatory policies with respect to Domestic Relations matters.

Mr. Kane can initiate formal, progressive discipline for first-level supervisors at lower levels, i.e., oral and written reprimands. The Director of Domestic Relations must approve any level of formal discipline. On an as-needed basis, Mr. Kane informally and verbally corrects the behavior of subordinate, first-level supervisors in Domestic Relations. When Mr. Kane discovered that a support officer and support supervisor erroneously waived a filing fee for a non-welfare petitioner, contradicting a Court order requiring such a fee, he directed them to correct the problem. In this manner, Mr. Kane ensured the implementation of one of the County's filing fee policies as developed by the Family Court. When Support Supervisor Braskey was hired as a new first-level supervisor, Mr. Kane was involved in evaluating her performance during her probationary period and recommending her to the Director for retention and permanent placement in that firstlevel supervisory position. Evaluations relied upon for purposes of promotion, demotion or retention are indicative of supervisory status. Reading, supra. Perhaps no evaluations and/or recommendations are more significant than the ones that actually qualify employes for permanent placement in a position in a non-probationary status. The record, therefore, demonstrates that Mr. Kane, at times, implements County leave, staffing and filing fee policies and that he, at times, exercises supervisory powers over first-level supervisors "inasmuch as he is responsible for the overall direction of [them]." Department of Labor and Industry, 9 PPER at 461. Accordingly, the Deputy Director of Domestic Relations is a multi-faceted management level position, and Mr. Kane's actual job duties satisfy two of the three criteria of management level employe in Section 301(16) of PERA.

Deputy Chief of Adult Probation

The actual job duties of record for the Deputy Chief of Adult Probation establish that Mr. Vecchio implements policy and supervises supervisors. Therefore, he is a management level employe within two of the three standards of Section 301(16) of PERA and is excluded from the proposed meet and discuss unit. Mr. Vecchio is the Deputy Chief of Adult Probation at the County. In the chain of command, the position of Deputy Chief of Adult Probation ranks above five first-level supervisors. All five first-level supervisors in adult probation report directly to Mr. Vecchio. He monitors and directs the performance of the five supervisors. These supervisors must request leave from Mr. Vecchio who maintains a leave record and ensures that the adult probation department is adequately staffed in accordance with County requirements. Mr. Vecchio is responsible for approving first-level supervisors' requested leave. He supervises the day-to-day scheduling of the first-level supervisors.

When Mr. Vecchio approves or denies leave requests, he is ensuring minimum staffing levels in compliance with departmental policies. Mr. Vecchio participated in determining assignments of probation officers to their particular supervisors. The first-level supervisors go to Mr. Vecchio to resolve any problems or questions. Mr. Vecchio has the authority to directly address minor performance matters with any of his subordinate first-level supervisors in Adult Probation. Mr. Vecchio has assisted one of his firstlevel supervisors in addressing performance matters of one of the probation officers in Adult Probation. Mr. Vecchio reviews the disciplinary actions imposed on employes by his subordinate supervisors. When a first-level supervisor is dealing with a chronic problem concerning an employe, that supervisor will submit a written report to Mr. Vecchio concerning the employe and the problem. Mr. Vecchio can determine and issue discipline to any of his first-level supervisors, up to and including written reprimand, without reporting it to his Director, although he has not had occasion to do so. Mr. Vecchio is also in charge of ensuring compliance with state and county regulations on a daily basis in Adult Probation. The record, therefore, demonstrates that Mr. Vecchio, at times, implements County leave and staffing policies and that he, at times, exercises supervisory powers over first-level supervisors "inasmuch as he is responsible for the overall direction of [them]." Department of Labor and Industry, 9 PPER at 461. Accordingly, the Deputy Chief of Adult Probation is a multi-faceted management level position, and Mr. Vecchio's actual job duties satisfy two of the three criteria of management level employe in Section 301(16) of PERA.

Deputy Chief of Juvenile Probation

The actual job duties of record for the Deputy Chief of Juvenile Probation establish that John E. Johnson implements policy and supervises supervisors. Therefore, he is a management level employe within two of the three standards of Section 301(16) of PERA and is excluded from the proposed meet and discuss unit. Mr. Johnson is the Deputy Chief of Juvenile Probation. In the chain of command, the position of Deputy Chief of Juvenile Probation ranks above two first-level supervisors. Mr. Johnson monitors the daily performance of his first-level supervisors. His first-level supervisors submit their leave requests to him. He determines whether to approve those leave requests based on the County's personnel staffing and leave policies, as contained in the County "Blue Book." His approach to supervising is to build consensus, but he has the authority to direct and control the duties and performances of the first-level supervisors and to resolve conflicts and problems. Mr. Johnson holds daily meetings with his first-level supervisors to coordinate juvenile transportation to and from detention and school.

Mr. Johnson has not had occasion to discipline any of his first-level supervisors. He directs his first-level supervisors to perform certain specific or time-sensitive tasks. Mr. Johnson has the authority to approve or deny a request for juvenile records submitted by one of his first-level supervisors. Mr. Johnson is bound by state Supreme Court guidelines regarding the release of juvenile records, which bind the County's Juvenile Probation Department. Mr. Johnson and the President Judge both respond to records requests from first-level supervisors in County Juvenile Probation. Both also determine whether those requests comply with state guidelines and whether those records should be released per the request under the guidelines. The record, therefore,

demonstrates that Mr. Johnson, at times, implements County guidelines regarding the release of juvenile records as well as leave and staffing policies as they pertain to his first-level supervisors. Although Mr. Johnson is a consensus builder, he, at times, supervises his first-level supervisors within the meaning of Section 301(16) of PERA and Board case law "inasmuch as he is responsible for the overall direction of [them]."

Department of Labor and Industry, 9 PPER at 461. Accordingly, the Deputy Chief of Juvenile Probation is a multi-faceted management level position, and Mr. Johnson's actual job duties satisfy two of the three criteria of management level employe in Section 301(16) of PERA.

The County, therefore, has met its burden of proving that the three positions of Deputy Director of Domestic Relations, Deputy Chief of Adult Probation and Deputy Chief of Juvenile Probation are properly excluded from the proposed meet and discuss unit as management level employes under Section 301(16) of PERA.

CONCLUSIONS

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

- 1. The County 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.
- 4. The position of Deputy Director of the County Domestic Relations Section, currently held by Kevin J. Kane, is a management level position and is thereby properly excluded from the meet and discuss unit.
- 5. The position of Deputy Chief of Adult Probation, currently held by Michael A. Vecchio, is a management level position and is thereby properly excluded from the meet and discuss unit.
- 6. The position of Deputy Chief of Juvenile Probation, currently held by John E. Johnson, is a management level position and is thereby properly excluded from the meet and discuss unit.
- 7. The positions of Executive Secretary in Adult Probation, Office Manager in Domestic Relations and Office Manager in the Administrative Unit in the proposed unit of first-level supervisors are non-professional. The remaining positions in the proposed unit of first-level supervisors are professional.
- 8. Pursuant to Section 604(2) of the Act, the professional employes are entitled to vote on whether or not they desire to be included in a unit that includes nonprofessional employes. Should a majority of the professional employes vote to be included with the nonprofessional employes, the unit appropriate for the purpose of meeting and discussing is a subdivision of the employer unit comprised of all full-time and regular part-time white collar professional and non-professional first-level supervisors who are appointed by, directly involved with and necessary to the functioning of the Luzerne County Court of Common Pleas including but not limited to Adult Probation, Juvenile Probation and Domestic Relations and excluding all other employes, management level employes, supervisors above the first-level of supervision, confidential employes and guards as defined in the Public Employe Relations Act.
- 9. In the event that a majority of the professional employes vote not to be included in a unit that includes non-professional employes, the appropriate units are as follows:
- UNIT I: All full-time and regular part-time nonprofessional first-level supervisory employes who are appointed by, directly involved with and necessary to the

functioning of the Luzerne County Court of Common Pleas including but not limited to Adult Probation, Juvenile Probation and Domestic Relations and excluding all other employes, management level employes, supervisors above the first-level of supervision, confidential employes and guards as defined in the Public Employe Relations Act.

UNIT II: All full-time and regular part-time professional first-level supervisory employes who are appointed by, directly involved with and necessary to the functioning of the Luzerne County Court of Common Pleas including but not limited to Adult Probation, Juvenile Probation and Domestic Relations and excluding all other employes, management level employes, supervisors above the first-level of supervision, confidential employes and guards as defined in the Public Employe Relations Act.

ORDER

In view of the foregoing and in order to effectuate the policies of the Public Employe Relations Act, the hearing examiner

HEREBY ORDERS AND DIRECTS

that the County shall within ten days of the date hereof submit to the Board and the other parties an alphabetized list of the $\underline{\text{names}}$ $\underline{\text{and}}$ $\underline{\text{addresses}}$ of the employes eligible for inclusion in the unit set forth above.

IT IS HEREBY FURTHER ORDERED AND DIRECTED

that any exceptions to this order may be filed to the order of the Board's Representative to be issued pursuant to 34 Pa. Code § 95.96(b) following the conduct of an election.

SIGNED, DATED and MAILED at Harrisburg, Pennsylvania, this eleventh day of August, 2008.

PENNSYLVANIA LABOR RELATIONS BOARD

JACK E. MARINO, Hearing Examiner