

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
: :
: Case No. PERA-U-10-94-E
: :
BUCKS COUNTY :

FINAL ORDER

On April 19, 2010, the Bucks County Security Guards Association (Association) filed timely exceptions with the Pennsylvania Labor Relations Board (Board) to the April 1, 2010 decision of the Secretary of the Board, in which the Secretary declined to direct a hearing on the Association's Petition for Unit Clarification. In the petition, the Association sought a determination by the Board that the current unit of security guards, certified at Case No. PERA-R-05-293-E, is a court-related bargaining unit. In dismissing the petition, the Secretary noted that in a Final Order dated October 15, 2008, the Board held that the security guards are not "directly involved with and necessary to the functioning of the courts", 43 P.S. § 1101.604(3), and therefore are not court-related employees for purposes of the Public Employee Relations Act (PERA). See Bucks County Security Guards Association v. Bucks County, 39 PPER 160 (Final Order, 2008). The Association did not appeal the Board's Final Order.

In its exceptions, the Association argues that the Secretary did not obtain any new evidence upon which to base a refusal to direct a hearing. The Association contends that "the facts and circumstances of the bargaining unit members' employment has changed to warrant a clarification." Therefore, the Association argues that the Secretary erred by refusing to direct a hearing.

Where the status of a position has been previously litigated, the Board will not process a unit clarification petition unless the petitioner alleges that there are changed job duties that would warrant a different result. Gateway School District v. PLRB, 470 A.2d 185 (Pa. Cmwlth. 1984); Chambersburg Area School District, 20 PPER ¶ 20149 (Final Order, 1989); Northeastern Intermediate Unit #19, 11 PPER ¶ 11232 (Nisi Order of Unit Clarification, 1980).

In this case, the issue of whether the security guards are court-related employees was previously litigated, and the Board determined that they are not. However, in seeking to relitigate this issue, the Association does not identify any new job duties that would demonstrate court-related status. Instead, the Association vaguely asserts that "the facts and circumstances of the bargaining unit members' employment has changed..." Because the Association has failed to allege the specific new job duties that would warrant a different result from the prior case, the Secretary did not err by dismissing the Association's Petition for Unit Clarification.

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 by the Association are hereby dismissed and the Secretary's decision declining to direct a hearing on the Petition for Unit Clarification be and the same 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, Anne E. Covey, Member, and James M. Darby, Member, this eighteenth day of May, 2010. 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.