

June 4, 2004

Amy L. Rosenberger, Esquire
Willig, Williams & Davidson
1845 Walnut Street, 24th Floor
Philadelphia, PA 19103

Re: Pleasant Valley Manor, Inc.
Case 4-RC-20840

Dear Ms. Rosenberger:

The above-captioned case petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, as amended, has been carefully investigated and considered.

As a result of the investigation, I find that further proceedings are unwarranted. The petition was filed on May 24, 2004, by American Federation of State, County and Municipal Employees, AFL-CIO, District Council 87 (Union), seeking certification in a unit of certain employees employed by Pleasant Valley Manor, Inc. (PVM), a nursing home located in Monroe County, Pennsylvania. The investigation disclosed that prior to 1974 PVM was operated directly by the County government. On October 7, 1974, the County Commissioners incorporated PVM as a nonprofit corporation. The corporation is governed by a Board of Trustees consisting of the three elected Monroe County Commissioners and two trustees appointed by the Commissioners. The Board of Trustees has appointed an Administrator to run the day to day operations of PVM, but the Trustees retain final authority on budget and employee relations matters. In addition, the Union currently represents a different unit of employees at PVM, pursuant to a certification issued by the Pennsylvania Labor Relations Board in 1972. The current collective bargaining agreement covering those employees was signed on behalf of PVM only by the Board of Trustees. Based on the fact that all Trustees are either elected officials of Monroe County or appointed by elected officials, it was concluded that PVM is an agency of Monroe County and, therefore, is a political subdivision of the Commonwealth of Pennsylvania within the meaning of Section 2(2) of the Act exempt from NLRB jurisdiction. *Community Health and Home Care, Inc.*, 251 NLRB 59 (1980); *Northern Community Mental Health Care, Inc.* 241 NLRB 323 (1979); See generally *NLRB v. Natural Gas Utility District of Hawkins County*, 402 U.S. 600 (1971). Accordingly, I am dismissing the petition in this matter.

Very truly yours,

DANIEL E. HALEVY
Acting Regional Director

cc:

Pamela Reimer, Administrator, Pleasant Valley Manor, Inc., 4227 Manor Drive, Stroudsburg,
PA

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American Federation of State, County and Municipal Employees, AFL-CIO, District Council 87,
1258 O'Neill Highway, Dunmore, PA 18512

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