

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
 : Case No. PF-R-25-56-W
CITY OF PITTSBURGH :

FINAL ORDER

A Joint Request for Representation was filed with the Pennsylvania Labor Relations Board (Board) on October 29, 2025, by Teamsters Local No. 205, affiliated with the International Brotherhood of Teamsters (Teamsters), and the City of Pittsburgh (City) seeking certification of a bargaining unit of all full-time and regular part-time police commanders, pursuant to Act 111 of 1968, as read in *pari materia* with the Pennsylvania Labor Relations Act (PLRA).

The Board's records reveal that, for purposes of Act 111 and the PLRA, the City's police officers are represented by the Fraternal Order of Police, Fort Pitt Lodge No. 1 (FOP) in a recognized bargaining unit that includes all patrol/police officers, master police officers, detectives, sergeants, and lieutenants. On October 28, 2020, the FOP filed a Petition for Unit Clarification at Case No. PF-U-20-69-W seeking to include the position of police commander into the bargaining unit of police officers. Following hearings held on April 20, 2021 and May 25, 2021 to address the duties of the police commanders, the Board's Hearing Examiner issued a Proposed Order of Dismissal (POD) on December 2, 2021, finding and concluding that the police commanders are managerial under the test announced in FOP, Star Lodge No. 20 v. PLRB, 522 A.2d 697 (Pa. Cmwlth. 1987), *affirmed*, 560 A.2d 145 (Pa. 1989), and thus are excluded from the bargaining unit. No exceptions to the POD were filed with the Board.

By letter dated November 13, 2025, the Secretary of the Board declined to direct further proceedings and dismissed the Joint Request for Certification based on a review of the Board's determination in Case No. PF-U-20-69-W, noting that under Section 3(c) of the PLRA, police commanders have been excluded from the right to organize under the PLRA and Act 111. On November 24, 2025, the Teamsters filed timely exceptions with the Board challenging the Secretary's dismissal of the Joint Request for Certification. The City has not filed an answer or exceptions to the dismissal.

It is a long-standing Board policy that, where positions have been previously litigated before the Board, the Board will not relitigate those same positions at a later date absent a showing of a material change in duties. Lower Merion Township, 41 PPER 22 (Proposed Order of Dismissal, 2010); City of Erie, 40 PPER 69 (Final Order, 2009); Gateway School District v. PLRB, 470 A.2d 185 (Pa. Cmwlth. 1984). No material change to the duties of the police commanders has been alleged in the Joint Request for Certification or on exceptions.

The Teamsters' exceptions baldly assert that circumstances have changed because four years have passed since the FOP's petition. Specifically, the Teamsters allege that a different City administration had oversight of the police department four years ago, and it is now the Teamsters, not the FOP, who is petitioning for representation. However, mere passage of time, or

changes to the employer's governing body, do not demonstrate a change in the employe duties. See Lower Merion Township, supra. Accordingly, there are no allegations here that there has been a change in the duties of the police commanders since the December 2, 2021 POD rendering them managerial under the PLRA and Act 111.

Even if the Teamsters were able to demonstrate a material change in the police commanders' job duties such that they would no longer be managerial, the Joint Request for Certification would nevertheless need to be dismissed as a matter of law. Per Act 111 and the PLRA, a police officer is either rank-and-file or managerial, and thus statutorily aligned as the employer under Section 3(c) of the PLRA. All non-management police officers are entitled to collective bargaining rights, and Act 111, as read in *pari materia* with the PLRA, provides for a single bargaining unit of police officers. Id.; Star Lodge, supra; Lower Allen Township, 8 PPER 376 (Nisi Order of Certification, 1977). Were the Teamsters to establish that the police commanders are not managerial, those employes would then become rank-and-file police officers included in the existing bargaining unit of City police officers represented by the FOP. Indeed, it is entirely antithetical to the policies of Act 111, and the public interest, to allow multiple bargaining units of police officers where each unit would have a separate right to constitutionally-binding interest arbitration awards for competing wages, hours and working conditions. See Bucks County Public Defender's Office, 13 PPER ¶13109 (Final Order, 1981) ([r]ecognizing that the danger of the whipsaw effect on public employers can be "devastating to the public interest"). Accordingly, the Joint Petition for Representation for a unit of police commanders is not appropriate and must be dismissed.

After a review of all matters of record before the Board, the exceptions filed by the Teamsters on November 24, 2025 shall be dismissed, and the November 13, 2025 decision of the Secretary dismissing the Joint Request for Certification is sustained.

ORDER

In view of the foregoing and in order to effectuate the policies of Act 111 and the Pennsylvania Labor Relations Act, the Board

HEREBY ORDERS AND DIRECTS

that the exceptions filed by the Teamsters Local No. 205 are hereby dismissed and the Secretary's November 13, 2025 decision declining to direct further proceedings and dismissing the Joint Request for Certification 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, Gary Masino, Chairman, and Albert Mezzaroba, Member, this seventeenth day of March, 2026. 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.