

IN THE MATTER OF THE EMPLOYES OF :
:
: Case No. PERA-R-25-68-E
:
CITY OF PHILADELPHIA (COMMUNITY LIFE :
IMPROVEMENT PROGRAM) :

1. The City is a public employer within the meaning of Section 301(1) of PERA. (N.T. 8)

2. Teamsters Local Union No. 500 is an employee organization within the meaning of Section 301(3) of PERA. (N.T. 9)

3. AFSCME DC 33 is an employee organization within the meaning of Section 301(3) of PERA. (N.T. 9)

3. Employees in the City's Community Life Improvement Program (CLIP) perform work removing graffiti and cleaning vacant lots throughout the City. The City utilizes a telephone system whereby residents can make a complaint by calling 311, after which the City dispatches the CLIP employees to remove the graffiti, or in the case of a vacant lot, the City sends an inspector, who gives the property owner a certain amount of time to clean the property. If the owner fails to comply, the CLIP employees will clean the vacant lot, and the City then bills the owner for the work. (N.T. 17-20)

4. There are approximately 133 employees in the City's CLIP with job titles of laborers, crew chiefs, senior crew chiefs, surveyors, and supervisors. The surveyors go out to the jobsite a day before the crew is dispatched to ensure that the crew can access the site safely and there is no special equipment needed. The crews work out of various yards located throughout the City, which house a number of crews at each location. (N.T. 20-24)

5. In early 2025, the CLIP employees were exempt from the City's Civil Service system. However, in October 2025, several Human Resources representatives from the City visited the CLIP employees and explained that the City was rehiring for their positions. The Human Resources representatives walked the CLIP employees through the applications process. (N.T. 38, 43-46; Petitioner Exhibit 3)

6. The City does not require the CLIP employees to have a college degree for any of the positions in the crews. (N.T. 68)

7. Janine Labletta has been the Acting Chief Human Resources Officer for the City since November 2025. Prior to that, she was the City's Deputy Director of Human Resources for the Hiring Services Division, which is responsible for the Civil Service job postings, application review, and eligibility lists, as well as maintaining job descriptions and compensation pay plans for various employees. She has been involved with the Office of Human Resources and the Civil Service process since 2011. (N.T. 82-84)

8. Acting Chief Labletta testified that the Human Resources Office reviewed the duties of the CLIP positions and determined that, under the authority of the City's Home Rule Charter and Civil Service regulations, those job titles were related to the City's laboring classifications, which included semi-skilled laborer, labor sub-crew chief, and labor crew chief 1. She explained how those are City-wide job descriptions utilized by the Streets Department, the Water Department, and the Licenses and Inspections Department, whose employees are all represented by AFSCME DC 33. She described how the CLIP positions perform similar job duties to the Civil Service positions and interact with those departments in the performance of their duties. (N.T. 85-87)

9. Acting Chief Labletta testified that the Human Resources Office prepared changes to the job titles for the CLIP employees, which were distributed City-wide by email two weeks prior to the August 20, 2025 Civil Service Commission meeting. She described how the public meetings of the

Civil Service Commission are also advertised on the website for the Human Resources Office. She identified the Civil Service Commission Agenda for August 20, 2025, which included approvals for the CLIP positions of Semi-Skilled Laborer, Labor Crew Sub-Chief, and Labor Crew Chief 1 to become Civil Service positions. (N.T. 87-91; City Exhibit A)

10. Acting Chief Labletta testified that the Civil Service Commission also approved changes to the job titles for supervisory CLIP positions during a public meeting on September 17, 2025, which falls within the first-level supervisory unit represented by AFSCME DC 47. (N.T. 91-93; City Exhibit B)

11. Acting Chief Labletta testified that the City's Administrative Board, which consists of the Mayor, the Managing Director, and the Finance Director, reviewed the actions of the Civil Service Commission as a secondary layer of review required by the Charter and the regulations. She explained that the job descriptions are effective the same day the Administrative Board votes to approve them. She asserted that the job descriptions do not require a 30-day public comment period because the job descriptions are not Civil Service regulations. She noted that the Administrative Board meets a few weeks after the Civil Service Commission public hearing. She therefore reasoned that the job description changes for the rank-and-file CLIP positions were effective in September 2025. (N.T. 93-96)

12. Acting Chief Labletta testified that, after the Administrative Board approved the job description changes, the City posted the jobs to be filled on its website for two weeks in October 2025. She described how the posting states the type of examination required for the positions, which can include various types of assessments or tests according to the regulations. She identified the job posting for the Labor Crew Sub-Chief position, which contained a training and experience requirement of one year as a CLIP Crew Chief employee within three months of the application deadline, or January 24, 2026. She explained that the training and experience requirement was worth 100 percent of the test score for the position, such that employees who answered the supplemental question to indicate experience in CLIP were rated as eligible for the position. (N.T. 96-100; City Exhibit F)

13. Acting Chief Labletta testified that the Human Resources Office employees visited CLIP sites and provided digital access with laptops to assist those CLIP employees with submitting their applications. After that, the Human Resources employees determined who met the minimum experience requirements based solely on the training and experience evaluation, and not based on any computerized multiple choice, written, or performance examinations. She described how the Human Resources Office did not assign individual scores, but rather the Human Resources Office gave every candidate who met the minimum requirement a score of 70. (N.T. 103-105)

14. Acting Chief Labletta testified that the City then generated eligibility lists for the CLIP Semi-Skilled Laborer and Labor Crew Sub-Chief positions in November 2025. She explained that since all the eligible candidates received the same score, the rank order list was generated randomly pursuant to the regulations. She described how there are several criteria that can break a tie score, such as residency requirements for example, which were factored into the lists. (N.T. 107-108, 126-127; City Exhibit C)

15. Acting Chief Labletta identified a printout of the CLIP employees from the Managing Director's office, reflecting the new job titles of those

CLIP employees, that they are classified as Civil Service, and that they all have a seniority date of February 2, 2026. (N.T. 111-113; City Exhibit D)

16. Greg Boulware has been President of AFSCME DC 33 since June of 2024. Prior to that, he served as Business Agent of AFSCME Local 394 for five years. He has worked his entire career for the City, including time in the Water Department as a Semi-Skilled Laborer, Labor Crew Chief, and Grounds Maintenance Worker. (N.T. 141-143)

17. President Boulware testified that the City notified him the CLIP employees had become Civil Service employees of the City effective February 2, 2026. He asserted that the CLIP employees were now covered under the CBA between AFSCME DC 33 and the City, such that the CLIP employees have access to the contractual grievance arbitration procedure, as well as the Civil Service Commission. When asked if DC 33 has filed any grievances on behalf of the CLIP employees, he was unaware of any to date. (N.T. 145-147)

18. President Boulware testified that the CLIP employees have been assigned to Local 696 within AFSCME DC 33. He asserted that the CLIP employees are eligible to be members of DC 33, such that the CLIP employees can attend membership meetings, run for office, and obtain health insurance benefits pursuant to the DC 33 Health and Welfare Fund, which DC 33 administers for the City. He oversees the Health and Welfare Supervisor and claimed that the CLIP employees were being signed up for those benefits as of the date of the hearing. (N.T. 147-149)

DISCUSSION

Teamsters Local 500 has petitioned to represent a nonprofessional unit of blue-collar employees in the City's CLIP program. The City opposes the petition on the grounds that the petitioned-for employees are covered by the 1961 Ordinance because they are now Civil Service employees, who therefore belong in the nonprofessional unit represented by AFSCME DC 33 pursuant to Section 2003 of PERA. In addition, the City contends that Teamsters Local 500 has petitioned for an inappropriate unit, as the petitioned-for unit would create a second unit of nonprofessional blue-collar Civil Service employees, thereby, violating the Board's longstanding broad-based bargaining unit policy and subjecting the City to the whipsaw effect of over fragmentation. AFSCME DC 33 has petitioned to intervene and opposes the representation petition of Teamsters Local 500 on the same grounds as the City.

The Commonwealth Court has long held that the Board lacks subject matter jurisdiction in representation cases involving City employees covered by the April 4, 1961 Ordinance. Employees of City of Philadelphia v. PLRB, 350 A.2d 923 (Pa. Cmwlth. 1976). Since then, the Board has consistently recognized that Section 2003 of PERA requires the dismissal of any petition for representation filed by any labor organization other than AFSCME seeking to represent employees covered by Section 2003 of PERA. Philadelphia Fraternal Order of Corrections Officers v. City of Philadelphia, 30 PPER ¶ 30178 (Final Order, 1999).

In City of Philadelphia, 11 PPER ¶ 11206 (Order and Notice of Further Hearing, 1980), the Board entertained a petition for representation filed by Teamsters Local 115, who was seeking to represent a nonprofessional unit of employees in the City's Office of Housing and Community Development (OHCD). There, the Board took express notice that AFSCME DC 33 is the exclusive

representative of certain nonprofessional civil service employees of the City, pursuant to the April 4, 1961 City Ordinance, which the General Assembly grandfathered into PERA under Section 2003.¹ The Board also observed that AFSCME DC 47 is the exclusive certified bargaining representative of certain professional and supervisory civil service employees of the City. *Id.*

The City of Philadelphia Board went on to opine as follows:

Section 2003 has been construed to mean that we only have jurisdiction over City employees not covered by the 1961 City ordinance. Employees of City of Philadelphia v. PLRB, 23 Pa. Cmwlth. Ct. 233, 350 A.2d 923 (1976). The 1961 City ordinance is limited in its coverage to employment classes within the civil service system. [Office of Housing and Community Development] employees are not subject to the civil service system but are treated in all important respects as if they were. But for the existence of the 1961 City ordinance and Section 2003 of the Act, we could find that the employees in the petitioned-for unit have a community of interest with the other nonprofessional employees of the City. If however, we were to dismiss this petition for want of an appropriate unit, the OHCD employees will be without representation unless they are placed within the civil service system and, hence, within the ambit of the 1961 City ordinance or the ordinance is amended to encompass non-civil service employees. We will not speculate as to when either contingency might occur. County Commissioners of Mifflin County, 10 PPER ¶ 10089 (Court of Common Pleas of Mifflin County 1979). As we have ruled recently, if the choice is between certifying, because of external constraints, a somewhat narrower unit than we normally do or denying public employees bargaining rights, we will choose the former. City of Philadelphia (Register of Wills), 11 PPER ¶ 11049 (1980). Given the existence of the City ordinance and Section 2003 of the Act, we find a residual unit of nonprofessional, non-supervisory, non-civil service employees of the OHCD to be appropriate.

In this matter, there is no need to speculate. The City has demonstrated through the persuasive testimony of Acting Chief Labletta that, while the CLIP employees were initially exempt from the Civil Service system at the time the Petition was filed, those CLIP employees have since been converted to Civil Service positions effective February 2, 2026. Therefore, the CLIP employees are now covered by the 1961 Ordinance, which divests the Board of jurisdiction pursuant to Section 2003 of PERA.

In arguing for a contrary result, Teamsters Local 500 contends that the CLIP employees were somehow improperly classified as Civil Service and also lack a community of interest with the employees represented by AFSCME DC 33.²

¹ Section 2003 provides that "[p]resent provisions of an ordinance of the City of Philadelphia approved April 4, 1961, entitled 'An Ordinance to authorize the Mayor to enter into an agreement with District Council 33, American Federation of State, County and Municipal Employees, A.F.L.-C.I.O., Philadelphia and vicinity regarding its representation of certain City Employees,' which are inconsistent with the provisions of this act shall remain in full force and effect so long as the present provisions of that ordinance are valid and operative." 43 P.S. § 1101.2003.

² Section 604 of PERA provides, in relevant part, as follows:

However, the Board does not adjudicate the propriety of the City's Civil Service determinations, nor does the Board exist as a forum for parties to collaterally attack the same. Any challenges the CLIP employees potentially have to the City's Civil Service determinations must be raised either to the City's Civil Service Commission, the Philadelphia Court of Common Pleas, or some other forum having proper jurisdiction over those matters. The Teamsters' community of interest argument is similarly unavailing. The drafters of PERA saw fit to mandate that the employees covered by the 1961 Ordinance be included in one unit, which means that those Civil Service employees by operation of law share an identifiable community of interest under Section 2003.

In any event, the record shows that the CLIP workers are nonprofessional blue-collar employees under PERA, who clearly share an identifiable community of interest with the other nonprofessional employees in the AFSCME DC 33 unit. Indeed, the Board has for many years routinely certified as appropriate nonprofessional blue-collar units, white-collar units, or blue and white-collar units together. In the Matter of the Employees of Sullivan Township, 53 PPER 66 (Order Directing Submission of Eligibility List, 2022) (to avoid the effects of overfragmentization, however, the Board will not certify different units of blue-collar employees but would require all of the blue-collar employees to be in one unit. Upper Southampton Township Municipal Authority, 21 PPER ¶ 21080 (Order Directing Submission of Eligibility List, 1990) *citing* Methacton School District, 11 PPER ¶ 11040 (Decision and Order, 1980); Montgomery County Intermediate Unit No. 23, 11 PPER ¶ 11227 (Final Order, 1980)). There is little doubt, then, that the nonprofessional blue-collar employees at CLIP share an identifiable community of interest with the nonprofessional employees in the AFSCME DC 33 unit. For these reasons, the Motion to Intervene filed by AFSCME DC 33 must be granted, and the Representation Petition filed by Teamsters Local 500 must be dismissed as a matter of law.

CONCLUSIONS

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

1. The City is a public employer within the meaning of Section 301(1) of PERA.
2. Teamsters Local Union No. 500 is an employee organization within the meaning of Section 301(3) of PERA.
3. AFSCME DC 33 is an employee organization within the meaning of Section 301(3) of PERA and has an interest in this matter.

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:

- (1) Take into consideration but shall not be limited to the following: (i) public employees must have an identifiable community of interest, and (ii) the effects of over fragmentization.

4. The nonprofessional CLIP employees are Civil Service employees of the City, who are covered by the 1961 Ordinance, and share an identifiable community of interest with the nonprofessional Civil Service employees represented by AFSCME DC 33 pursuant to Section 2003 of PERA.

5. The Board lacks subject matter jurisdiction over the Representation Petition filed by Teamsters Local 500, as the petitioned-for CLIP employees are covered by the 1961 Ordinance, and are therefore represented by AFSCME DC 33 pursuant to Section 2003 of PERA.

ORDER

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

HEREBY ORDERS AND DIRECTS

that the Motion to Intervene filed by AFSCME DC 33 is granted, and the Petition for Representation filed by Teamsters Local 500 is dismissed.

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 decision and order shall be final.

SIGNED, DATED AND MAILED at Harrisburg, Pennsylvania, this first day of July, 2026.

PENNSYLVANIA LABOR RELATIONS BOARD

/s/ John Pozniak
John Pozniak, Hearing Examiner