

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

FRATERNAL ORDER OF POLICE :
LODGE NO. 5 :
 :
v. : CASE NO. PF-C-26-2-E
 :
CITY OF PHILADELPHIA :

PROPOSED DECISION AND ORDER

On January 15, 2026, as amended on February 2, 2026, the Fraternal Order of Police, Lodge No. 5 (Union or FOP) filed a charge of unfair labor practices with the Pennsylvania Labor Relations Board (Board) alleging that the City of Philadelphia (City) violated Section 6(1)(a) and (e) of the Pennsylvania Labor Relations Act (PLRA), as read with Act 111. The Union specifically alleged that the City unilaterally diverted bargaining unit work on Departures Road at the Philadelphia International Airport (PIA or Airport) to personnel employed by the Philadelphia Parking Authority (PPA), effective January 12, 2026.

On February 13, 2026, the Secretary of the Board issued a Complaint and Notice of Hearing designating a hearing date of Tuesday, April 21, 2026, via Microsoft TEAMS. During the video hearing on that date, both parties were afforded a full and fair opportunity to present documents, testimony, and cross-examination. The Union and the City filed post-hearing briefs in support of their respective positions on August 10, 2026.

The examiner, based upon all matters of record, makes following:

FINDINGS OF FACT

1. The City is a public employer and political subdivision within the meaning of Act 111, as read with the PLRA. (N.T. 7-8)
2. The Union is a labor organization within the meaning of Act 111, as read with the PLRA. (N.T. 7-8)
3. John McGlaughlin is a Union Vice President. He worked in the K-9 unit at the PIA from 2013 to 2023, when he became a Union Vice President. John McGrody is also a Union Vice President, and he remains a Lieutenant in the Philadelphia Police Department (PPD). (N.T. 15-16)
4. Lieutenant Michael Brady has been at the PIA since 2014. At the PIA there is 1 Captain and 4 Lieutenants who supervise different squads. Lieutenant Brady is a squad commander who supervises 11 K-9 officers. (N.T. 107-110)
5. At the PIA, there are 2 roads that serve the terminals: Arrivals Road and Departures Road. On these roads, there is heavy vehicular and foot traffic. Prior to January 2026, police officers were assigned outside each terminal looking for unattended vehicles and bags and ensuring that there were no signs of terrorism. Police officers directed traffic and helped people cross the roads. PPD officers also directed people to move vehicles, and they generally provided direction. (N.T. 16-17)

6. The PIA is designated as the 77th District in the PPD. Police officers in the 77th District are responsible for covering Arrivals and Departures Roads, the terminal buildings, garages, the airfield, and the 12-mile perimeter. (N.T. 34, 101, 108-109)

7. The PPD officers patrol the lots and garages at the PIA. They handle firearms at checkpoints; they make arrests and handle disturbances. They also handle thefts, stolen automobiles, and assaults. They still write citations on Departures and Arrivals Roads. (N.T. 155-156)

8. On Departures Road, the PPD had typically assigned an officer on foot at each of the 7 terminals. Sometimes 1 officer on foot would cover 2 terminals. These officers are responsible for the road, sidewalks, and the inside ticketing area in each terminal. An officer in a vehicle patrols the parking garage. Inside the terminals, there are officers at the security checkpoints. (N.T. 17-18)

9. On Departures Road, PPD officers are the only armed defense before entering the secure part of the Airport. Officers on Departures Road secure and watch the whole road, check for unattended bags, and call for K-9 officers to sweep unattended bags and vehicles. These officers also call PPD dispatch to contact the PPA for Parking Enforcement Officers (PEOs) to tow unattended vehicles after officers from the K-9 Squad (K-9) clear them for safety. After K-9 sweeps an unattended bag, the PPD officer assigned to the area brings it to the Lost and Found and writes a report. (N.T. 20-22, 24)

10. Prior to January 2026, Lieutenant Brady assigned officers to foot beats on Departures Road. "On a good day," there is 1 officer assigned to each of 7 terminals. PPD officers patrolled on foot up and down Departures Road. PPD officers can still ticket unattended vehicles and direct drivers of attended vehicles to move. Lieutenant Brady has directed officers to ticket vehicles, and he has seen officers ticket vehicles. Prior to January 2026, Lieutenant Brady had not ever seen PEOs ticketing or directing traffic on Departures Road. In addition, PPD officers assigned to Departures Road also handle airline ticket counter disputes, screening of bags already behind ticketing, and security checkpoint breaches. These officers also escort money drop-offs and pickups by Brinks personnel. (N.T. 111-118, 139-141, 149-150)

11. PEOs do not have access to PPD radios. PPD Headquarters for the PIA is located on the Airport. Police dispatch for PIA is located at Headquarters. Before a vehicle is left unattended, PPD officers try to make sure it is not left unattended. For unattended vehicles on Departures Road, the PPD officer runs the tag over police radio to ensure that the vehicle is not wanted for involvement in a crime. The PPD officer tickets the vehicle after K-9 has swept it and then calls the PPA to tow the vehicle. (N.T. 22-25, 27)

12. An Assignment Order dated April 9, 2024 shows the mandatory minimum PPD staffing for Departures Road assigning 1 officer for each of the terminals. There are 7 terminals but 5 assignments because 5-Squad covered both Terminals B & C and Line Squad covered both Terminals E & D. (N.T. 119-122, 135; UX-9)

13. On November 26, 2023, Vice President McGrody sent an email to PPD and City management officials protesting that PEOs were performing pedestrian and vehicular traffic direction on Arrivals Road, ordering motorists to move,

directing ingress and egress of vehicles, and controlling the crosswalks. (N.T. 57-59; UX-4; UX-5)

14. McGrody, McLaughlin, and Union President Roosevelt Poplar then had a conference call with Deputy Mayor Rick Lazer about the work that the PPA officers were doing at the PIA. Deputy Mayor Lazer agreed that it was PPD officers' work.¹ Even though the PEOs were only working on Arrivals Road, the discussion included the rest of the Airport because the Union leadership was concerned that the PEOs could start doing the work at other locations at the Airport. (N.T. 65-67; UX-6)

15. During that conference call, Deputy Mayor Lazer repeatedly stated that the 2023 holiday season was projected to be the busiest travel season since the world closed down for the pandemic. Although Mr. Lazer acknowledged that the work was PPD officers' work, he also asserted that it was a busy time at the PIA. The parties came to a verbal agreement that the Union would not object to PEOs doing some work along with PPD officers on Arrivals Road limited to Thanksgiving 2023 through January 1, 2024, and that PEOs would cease performing any work at PIA after January 1, 2024. (N.T. 68-70, 71-72, 78-79; UX-7)

16. PPD assignment sheets show that the PPD had consistently assigned officers to Departures Road on foot beats. On May 1, 2024, the assignment shows that, on Departures Road, 1 officer was assigned to A-West, 1 to A-East, 5-Squad to B & C, 1 to D, 1 to E, and 5-squad to F. Officers in 5-Squad work directly for Captain Samantha Brown who is the top ranking officer for all PPD operations at the PIA. (N.T. 31-37, 145-146; UX-1; UX-2)

17. The May 1, 2024 assignment sheet also shows that there were officers assigned to foot beats on the other side of the TSA security checkpoints in Terminals A-West, A-East, B, C, D, E, and F. The January 1, 2025 assignment sheet shows officers assigned to Departures Road terminals: 1 officer assigned to A-West, 5-Squad assigned to B & C; 1 officer assigned to D, 1 to E; and 1 to F. It also shows 1 officer assigned to a foot beat for behind each of the TSA security checkpoint at terminals A-West; A-East; B, C, D, E, and F. These post assignments are manned on the 7:00-3:00 Tour and the 3:00-11:00 Tour for Departures Road. (N.T. 35-42; UX-1; UX-2)

18. The assignments were all for foot beats on the Departures Road. Foot beats are important because PPD officers are the last line of defense to the secured part of the PIA. The officers are present to handle disturbances, ticketing, and traffic direction in real time, and they timely handle unattended bags wherein there could be an explosive device. (N.T. 122-123)

19. On October 3, 2024, Vice President McGrody emailed PPD management again protesting that PEOs were performing FOP bargaining unit work at the PIA. After McGrody's October 3, 2024 letter, Union members assigned to the PIA reported to the Union leadership that PEOs continued to perform work at the PIA. Vice President McGrody credibly testified that the Union leadership

¹ Lieutenant McGrody's testimony that Deputy Mayor Lazer agreed that PEOs were performing the bargaining unit work of PPD officers on Arrivals Road was not objected to, and it was corroborated by the extensive evidentiary record. The testimony is thus admissible under the Walker Rule and as an admission by the City. (N.T. 66-67).

tries to be reasonable and tries to work with the City. (N.T. 76-80. 99, 103; UX-8)

20. On January 6, 2026, the Commanding Officer of the PIA, Captain Brown, through her Sergeant, emailed Union members assigned to the Airport. The email provided that 1 PPD officer per shift will be assigned to cover all of Departures Road in a radio patrol car responding to radio calls and providing assistance to PEOs. The email also provided that PPD officers previously assigned to Departures Road coverage will be redeployed. The email further provided that PEOs will be assigned to each departing terminal 7 days per week. The email listed PEOs enforcement duties to include handling unattended vehicles, vehicles parked outside designated loading or unloading activity, and vehicles parked illegally. (N.T. 80-84, 136-137; UX-10)

21. When Officer McLaughlin was assigned to the PIA between 2013 and 2023, PEOs were not assigned to Departures Road. Captain Brown testified that, prior to January 12, 2026, PEOs were not working on Departures Road. (N.T. 21, 161-162, 170)

22. On the assignment sheet for January 11, 2025, 7-3 Tour, PPD officers were assigned to foot patrols on Departures Road for Terminals A-West, A-East, B & C, D, E, and F. One officer was assigned to A-West and A-East. One officer was assigned to B & C, for a total of 5 PPD officers covering all the terminals on Departures Road. (N.T. 40-43; UX-3)

23. The assignment sheet for January 12, 2026, 7-3 Tour, shows that instead of assigning an officer to each of the terminals on foot patrol on Departures Road, 1 officer in a patrol car patrolled all the terminals on Departures Road as well as the ramps. The 5-7 officers typically assigned to foot patrols at each of the terminals on Departures Road were replaced by 1 officer in a patrol car. (N.T. 42-43, 85; UX-3)

24. With 1 officer in a patrol car, the discovery of unattended vehicles or bags is slower. If a PEO discovers an unattended vehicle requiring a K-9 sweep for explosives, the PEO has to have PPA contact Police Dispatch to dispatch the officer in the police vehicle who then has to get to the scene before contacting the K-9 officer. With 1 officer covering 7 terminals in a car, that officer has to drive all the way around the loop to return to the beginning of Departures Road. Officer McLaughlin witnessed PEOs on foot on Departures Road stopping vehicles, crossing pedestrians, and directing people to move their vehicles. (N.T. 43-47, 51-54, 85)

25. PEOs are civilian employees of the PPA. They are not police officers in the Union's bargaining unit. After January 12, 2026, police officers assigned to the PIA reported to the Union that PEOs were performing the duties described in Captain Brown's January 6, 2026 email. (N.T. 86-91, 94-95)

26. Captain Brown's January 6, 2026 email implemented a change in deployment policy. Instead of multiple officers assigned to a foot patrol for each of the terminals as before, Departures Road is covered by 1 patrol vehicle, while PEOs are on foot ticketing. Since January 2026, Lieutenant Brady has seen PEOs directing traffic on Departures Road. He has seen PEOs directing traffic on Arrivals Road prior to January 2026, every day since 2023. (N.T. 115-118, 128-129, 134)

27. The email provided that PEOs are performing the initial observation of unattended vehicles, then they are contacting the police. The City did not bargain with the FOP. McGrody has personally observed PEOs direct drivers of attended, illegally parked vehicles to move. After January 12, 2026, Lieutenant Brady personally observed PEOs stepping off the curb and directing traffic. (N.T. 91-94, 128-129, 134)

28. Captain Brown testified that the purpose of her email was to let her staff know of a policy change and that PEOs will be observing all vehicles on Departures Road and issuing citations to any illegally parked vehicles. Captain Brown testified that PPD officers still have the right to issue citations on both Arrivals Road and Departures Road. Captain Brown also testified that the PPA was brought in to assist PPD until Captain Brown's staff numbers return to normal. (N.T. 154-156, 161)

29. At the time of the hearing, 1 police officer was assigned to Departures Road during the day shift and an additional officer was assigned to Departures Road for the 3-11 shift. (N.T. 149, 169)

30. PPD officers assigned to the PIA have the highest longevity in the PPD, and there are a lot of retirements in District 77. The PPD has suffered staffing decreases and has experienced problems with retention and recruitment. (N.T. 101-105)

31. District 77 has been losing police officers since Captain Brown arrived at the PIA 3 years ago. The Airport Unit is budgeted for 125 officers, but the District has only 80 officers, some of whom are on restricted duty status. By the end of the year, Captain Brown anticipates being down to only 65 officers. Captain Brown testified that, because of the manpower shortages, PPD sought help from the PPA. To make ends meet, Captain Brown hires overtime officers every day. (N.T. 146-147, 158, 167)

32. Under Federal Law, PPD must cover the checkpoints and the airfield. Many officers work double shifts and their regular days off to cover the post assignments and meet minimum staffing levels. The checkpoints are upstairs in each of the terminals. One officer for every 6 open lanes at each of the checkpoints is required. Checkpoints are the priority and then the vehicles on the airfield. Captain Brown had to move officers from Departures Road inside to the checkpoints due to staffing shortages. (N.T. 147-149, 171, 174-177)

33. Captain Brown testified that PEOs are ticketing unattended vehicles on Departures Road and that is all that they should be doing. Captain Brown has not observed PEOs directing traffic or dealing with unattended baggage on Departures Road. Captain Brown testified that she did not direct PPA to coordinate traffic on Departures Road and that, if she learned that PEOs were directing traffic on Departures Road, she would investigate and stop it. Captain Brown first heard of PEOs directing traffic at the hearing. Captain Brown testified that PEOs are on Departures Road for the purpose of issuing citations and that neither the FOP nor Lieutenant Brady ever informed her that PEOs may be performing police functions. (N.T. 149-152, 157, 160-163, 182-185)

34. Frank Ragozzino is the Senior Director of Operations for the PPA at the PIA. He confirmed that PEOs began working on Arrivals Road in 2023, as part of a 6-month pilot program, which then became permanent. Director Ragozzino also confirmed that PEOs began issuing citations on Departures Road

in January 2026. The Vice President for Operations for the City's Department of Aviation, Chris Dougherty, requested that PPA manage curbside parking on Departures Road, like they had been doing on Arrivals Road. The PPA writes parking citations throughout the City where PPD officers do the same. (N.T. 187-193, 201, 207-209)

35. PEOs are not trained to direct traffic, and they are not directed to do so by the PPA. Directing traffic would place PEOs in danger as unarmed civilians. Director Ragozzino heard for the first time at the hearing that PEOs were directing traffic, and he was "astounded." Director Ragozzino credibly testified that, if he had heard of PEOs directing traffic, he would investigate and take corrective action, including discipline. Director Ragozzino works closely with Lieutenant Brady. Lieutenant Brady did not inform Director Ragozzino that PEOs were directing traffic. (N.T. 192-197, 209)

36. PEOs are directed to tell drivers not to leave their vehicles unattended at the curbside on Departures Road when they drop off passengers. PEOs contact the PPA to call police dispatch for a K-9 officer to sweep unattended vehicles. Usually, the driver of the unattended vehicle returns and leaves before the K-9 arrives. (N.T. 195-198)

DISCUSSION

In Lake Lehman Educational Support Personnel Ass'n v. Lake Lehman Sch. Dist., 37 PPER 56 (Final Order, 2006), the Board stated the following:

The Commonwealth Court has held that "a public employer commits an unfair practice when it transfers any bargaining unit work to non-members without first bargaining with the unit." City of Harrisburg v. PLRB, 605 A.2d 440 (Pa. Cmwlth. 1992) (emphasis original). In establishing an unfair practice for the removal of bargaining unit work, a union has the burden of proving that the employer unilaterally transferred or assigned work exclusively performed by the bargaining unit to a non-unit employee(s). City of Allentown v. PLRB, 851 A.2d 988 (Pa. Cmwlth. 2004). Even where bargaining unit and non-unit employees have both performed similar duties, a union can satisfy the exclusivity requirement by proving that the bargaining unit members exclusively performed an identifiable proportion or quantum of the shared duties such that the bargaining unit members have developed an expectation and interest in retaining that amount of work. AFSCME, Council 13 v. PLRB, 616 A.2d 135 (Pa. Cmwlth. 1992); City of Jeanette v. PLRB, 890 A.2d 1154, 1159 (Pa. Cmwlth. 2006). Therefore, a public employer commits an unfair practice by altering the manner in which work has been traditionally assigned or by varying "the extent to which members and non-members of the bargaining unit have performed the same work." Wyoming Valley West Educ. Support Personnel Ass'n v. Wyoming Valley West Sch. Dist., 32 PPER 32008, 28-29 (Final Order, 2000) (citing AFSCME, supra).

Lake Lehman, 37 PPER at 179.

The salient facts in this case are undisputed. Prior to January 12, 2026, the PPA did not have PEOs doing any duties on Departures Road, except towing, and the officers of the PPD were assigned to foot beats on the Road

at the terminals where, among many other duties, they searched for unattended vehicles and bags, directed traffic, helped people cross the roads, directed people to move vehicles, ran tags of unattended vehicles, ticketed vehicles, contacted K-9 to sweep unattended bags and vehicles, and called police dispatch to contact PPA to tow unattended vehicles. Although PPA and PPD share ticket writing duties throughout other parts of the City, they did not share that work on Departures Road at the PIA. PPD officers performed ticket writing duties and traffic direction exclusively on Departures Road.

The PPA assigned PEOs to Departures Road at the request of and in cooperation with the City which thereby unilaterally transferred bargaining unit work without bargaining with the FOP. The City certainly has the managerial authority and prerogative to redeploy PPD officers to provide needed coverage for mandatory posts under a severe manpower shortage. However, any and all of the work being done by PEOs on Departures Road, except towing, was bargaining unit work and the City will direct the PEOs to cease any and all work, except towing, on Departures Road until their presence on Departures Road and the extent of their duties are bargained. Indeed, the City had recognized that the same work on Arrivals Road was bargaining unit work, when it entered into a verbal agreement with the FOP in November 2023, to temporarily permit PEOs on Arrivals Road, which the City has since violated.

The credible evidence also shows that the PEOs are directing traffic, which has always been the exclusive function of the PPD on Departures Road. However, the record is also clear that PEOs are performing these duties without authorization and that neither Captain Brown nor Director Ragozzino was aware that PEOs were directing traffic. The City, therefore, did not transfer the bargaining unit work of directing traffic to the PEOs. In any event, the remedy in this case (i.e., the removal of PEOs from Departures Road) will prevent PEOs from directing traffic or performing any other duties on Departures Road.

Accordingly, the City has violated Section 6(1)(a) and (e) of the PLRA, as read with Act 111, by diverting exclusively performed bargaining unit work to employees of the PPA. This conclusion simply requires the City to bargain the matter with the Union before it continues to utilize PEOs on Departures Road. As Vice President McGrody testified, the FOP leadership tries to be reasonable and tries to work with the City. The Union cannot simply wait until manpower at the 77th District improves. By that time, the FOP will have forfeited its exclusive right to and possession of the work on Departures Road, some of which is now being done by PEOs.

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 and a political subdivision within the meaning of the PLRA as read with Act 111.
2. The Union is a labor organization within the meaning of the PLRA as read with Act 111.
3. The Board has jurisdiction over the parties hereto.

4. The City has violated Section 6(1)(a) and (e) of the PLRA, as read with Act 111.

ORDER

In view of the foregoing and in order to effectuate the policies of the PLRA and Act 111, the hearing examiner

HEREBY ORDERS AND DIRECTS

that the City shall:

1. Cease and desist from interfering, restraining or coercing employees in the exercise of the rights guaranteed in the PLRA and Act 111;

2. Cease and desist from refusing to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit, including but not limited to the discussing of grievances with the exclusive representative.

3. Take the following affirmative action, which the hearing examiner finds necessary to effectuate the policies of Act 111, as read with the PLRA:

(a) Immediately cease and desist from diverting exclusively performed bargaining unit work of the PPD officers in the FOP bargaining unit on Departures Road to Parking Enforcement Officers employed by the PPA, which includes any and all work performed by the PEOs on that Road, except towing;

(b) Immediately exclude PEOs from Departures Road until the City bargains the assignment of duties on Departures Road to PEOs with the FOP.

(c) Post a copy of this decision and order within five (5) days from the effective date hereof in a conspicuous place readily accessible to its employees and have the same remain so posted for a period of ten (10) consecutive days; and

(d) Furnish to the Board within twenty (20) days of the date hereof satisfactory evidence of compliance with this decision and order by completion and filing of the attached affidavit of compliance.

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 order shall be and become final.

SIGNED, DATED AND MAILED at Harrisburg, Pennsylvania, this thirteenth day of August, 2026.

PENNSYLVANIA LABOR RELATIONS BOARD

/S/Jack E. Marino

JACK E. MARINO, Hearing Examiner

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

FRATERNAL ORDER OF POLICE	:	
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	:	
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AFFIDAVIT OF COMPLIANCE

The City of Philadelphia hereby certifies that it has ceased and desisted from its violations of Section 6(1)(a) and (e) of the Pennsylvania Labor Relations Act, as read with Act 111; that it has ceased and desisted from diverting exclusively performed bargaining unit work of the PPD officers in the FOP bargaining unit on Departures Road to Parking Enforcement Officers employed by the PPA, which work includes any and all work performed by the PEOs on that Road; that it has excluded PEOs from Departures Road until the City bargains the assignment of duties on Departures Road to PEOs with the FOP; that it has posted a copy of this decision and order in the manner directed therein; and that it has served a copy of this affidavit on the Union at its principal place of business.

Signature/Date

Title

SWORN AND SUBSCRIBED TO before me
the day and year first aforesaid.

Signature of Notary Public