

Legislation Text

File #: 100658, **Version:** 0

Urging the Mayor, in light of the Pennsylvania Labor Relations Board's recent Order holding that Philadelphia's Fire Service Paramedics ("FSPs") do not belong in the same collective bargaining unit as firefighters, to direct all Administration officials to immediately halt ongoing and announced efforts to convert FSPs into non-represented employees, and to instead maintain the working conditions and benefits to which FSPs were entitled prior to the issuance of the Order, pending the resolution of this matter on appeal; and further authorizing Council to retain counsel to represent it in appeals and any related proceedings arising from the PLRB's Order, in order to support the position that FSPs are in fact fire personnel under Act 111 and should be entitled to remain in the uniformed Fire Department bargaining unit represented by the International Association of Fire Fighters, Local 22.

WHEREAS, Philadelphia's Fire Service Paramedics ("FSPs") have been members of the firefighter bargaining unit since the FSP position was created in the late 1980s, serving with courage and dedication on the front lines of defense against a wide range of hazards that threaten the lives of Philadelphians on a daily basis; and

WHEREAS, The City of Philadelphia had never challenged the FSPs' status as fire personnel under Act 111 until the current Administration filed a petition for unit clarification with the Pennsylvania Labor Relations Board ("PLRB") on March 12, 2009 - after a small group of FSPs had successfully contended in federal court that the City had violated overtime requirements of the Fair Labor Standards Act; and

WHEREAS, On September 21, 2010, despite a vigorous and well-reasoned dissent from the PLRB's Chairman, the PLRB issued a Final Order holding that FSPs are not fire personnel for the purposes of Act 111 and therefore are properly excluded from the uniformed Fire Department bargaining unit represented by the International Association of Fire Fighters, Local 22 ("IAFF"); and

WHEREAS, Despite the fact that the "Final Order" has been appealed, the Administration has swiftly and aggressively moved to: sever the FSPs from the uniformed Fire Department collective bargaining unit and the collective bargaining agreement with the IAFF; unilaterally impair their salary, benefits and other working conditions; and instead treat FSPs as non-represented employees; and

WHEREAS, The Administration's precipitous actions, which are set forth in an October 4, 2010 memorandum from the Fire Commissioner, include, among other things: freezing longevity and step increment pay increases to conform with the rules in place for non-represented civil service employees; ending the deduction of union dues beginning with October 8, 2010 paychecks; ending the City's contribution to the IAFF legal services fund on behalf of FSPs; and compelling FSPs and their families to transfer their health coverage from the IAFF plan to the City Administered Plan for non-represented employees, effective November 1, 2010; and

WHEREAS, The IAFF has already asked the PLRB to reconsider its Order and, if the Order is not reconsidered and reversed, to stay its Order pending the IAFF's appeal to Commonwealth Court. If necessary, the IAFF will also ask the Commonwealth Court to stay the PLRB Order pending its review of the matter; and

WHEREAS, The IAFF has already filed a petition with the City seeking to represent the FSPs in a separate

bargaining unit, based on the overwhelmingly favorable response from the FSPs indicating their support for this action; and

WHEREAS, The IAFF has also filed a formal petition with the PLRB seeking recognition of the IAFF as the bargaining representative for the FSPs, an action which should also act as a stay with respect to further changing the FSPs' legal status, benefits, and working conditions pending a formal election; and

WHREAS, The IAFF has filed an unfair labor practice charge with the PLRB challenging the City's unilateral cuts to FSP benefits and working conditions as improper and illegal interference with the representation process; and

WHEREAS, Regardless of the NLRB's technical ruling, it must be acknowledged that Philadelphia's FSPs are among the City's most valued, committed, and professional employees, providing life-saving firefighting services each and every day; now, therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,

THAT the Council strenuously and respectfully urges the Mayor to direct all Administration officials to cease and desist in any and all efforts to convert FSPs into non-represented employees, and to instead maintain for FSPs the working conditions and benefits to which they were entitled prior to the issuance of the PLRB's Order, pending the resolution of this matter on appeal.

RESOLVED FURTHER THAT Council is authorized to retain counsel to represent it in appeals and any related proceedings arising from the PLRB's Order, in order to support the position that FSPs are in fact fire personnel under Act 111 and should be entitled to remain in the uniformed Fire Department bargaining unit represented by the International Association of Fire Fighters, Local 22.