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January 14, 2011

Doris A. Smith, Chairperson
Philadelphia Civil Service Commission
Municipal Service Building
1401 JFK Boulevard, 16th Floor
Philadelphia, PA 19102

RE: Deputy Sheriff Officer/Internal Affairs Bureau

Dear Ms. Smith:

This office is counsel to Michael G. Lutz, Lodge No. 5 of the Fraternal Order of Police ("FOP").

The FOP has recently learned that a proposed change to Civil Service Regulation No. 6 will be presented to the Commission on January 26th. This proposed change will find the Deputy Sheriff Officer designated as the principle Internal Affairs Investigator for the Sheriff's Office receiving a pay raise moving her or him to the top base step of the pay range one range higher than their range to which their class is allocated.

Please be advised Deputy Sheriff Officers ("DSO") are represented for the purposes of collective bargaining by the FOP. DSO wage rates have been negotiated and awarded through a series of interest arbitration awards going back to at least 1998. In fact, the terms of a collective bargaining agreement for the period of June 1, 2009 is currently pending before an interest arbitration Panel convened pursuant to the Public Employee Relations Act ("Act 195").

In light of the above, it is respectfully submitted that any change in the wage rate for DSO's by the Commission would constitute an unfair labor practice, in that it would be accomplished unilaterally and without negotiation with or the approval of the FOP. This is particularly true here, as the parties are in the middle of finalizing the terms of a collective bargaining agreement. If the City wishes to improve the pay of certain DSO's, it should place that issue before the arbitration panel currently formulating the party's new agreement. Regardless, in this circumstance the Commission lacks jurisdiction to address wage rates of DSO's.

If you have any questions, do not hesitate to contact me.

Very truly yours,


STEPHEN J. HOLROYD

SJH/jmi

cc: John McNesby, FOP5