

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
 :
 : Case No. PF-U-19-17-W
 : (PF-R-93-25-W)
ROSS TOWNSHIP :

PROPOSED ORDER OF DISMISSAL

On March 26, 2019, the Ross Township Police Association (Association or Union) filed with the Pennsylvania Labor Relations Board (Board) a Petition for Unit Clarification pursuant to the Pennsylvania Labor Relations Act (PLRA) and Act 111, seeking to exclude the position of lieutenant from a bargaining unit of police officers employed by Ross Township (Township or Employer).

On April 9, 2019, the Secretary of the Board issued an Order and Notice of Hearing, assigning June 14, 2019, in Pittsburgh, as the time and place of hearing, if necessary.

The hearing was held on June 14, 2019, in Pittsburgh before the undersigned Hearing Examiner, at which time all parties in interest were afforded a full opportunity to present testimony, cross-examine witnesses and introduce documentary evidence. The Association submitted a post-hearing brief on October 8, 2019. The Township submitted a post-hearing brief on November 8, 2019.

The Examiner, on the basis of all of the matters and documents of record, makes the following:

FINDINGS OF FACT

1. The Township is a public employer and political subdivision under Act 111 as read *in pari materia* with the PLRA.

2. The Association is a labor organization under Act 111 as read *in pari materia* with the PLRA.

3. The Township's police department has a Chief and two lieutenants. One lieutenant, Matthew Grubb, is the administrative lieutenant. The other lieutenant, Randy McAllister is the operations lieutenant. McAllister has been a lieutenant since 2017. Grubb has been a lieutenant since 2018. (N.T. 13).

4. Joseph Lay is the Chief of the Police Department. He has been Chief since April 2016. He has been with the Department since 1990. (N.T. 98).

5. The Department has 43 officers including the Chief, two lieutenants, eight sergeants, and 32 detectives and patrolmen. (N.T. 98).

6. The position of lieutenant has been part of the bargaining unit since its inception in 1993. (N.T. 98).

7. Lieutenant McAllister is the operations commander that oversees the day-to-day operations of the department. He completes schedules and posts them. He schedules training when needed. If the department needs specialized equipment, he will make recommendations to the Chief. (N.T. 100, 173).

8. Lieutenant Grubb is the administrative commander. He is responsible for preparing court appearances and cases and also responsible for overseeing payroll. Grubb also oversees the records division and the K-9 division as he is the K-9 trainer and is in charge of field training program. (N.T. 100-101, 139).

9. Chief Lay has the sole authority to issue new policies, rules and regulations for the Department. (N.T. 102-103).

10. From time to time, Chief Lay will command the lieutenants to issue directives to police officers. These directives often take the form of emails from the lieutenants. (N.T. 104, 132-133, 136-137; Union Exhibit 5, 6).

11. All police officers in the Department have some role in developing new policy. All policy proposals are submitted to Chief Lay who reviews and edits the policy proposals before he adopts them. Police officers do not have the authority to issue or change policies without Chief Lay's approval. Chief Lay determines when a new policy must be developed and then solicits assistance from the lieutenants and other police officers. (N.T. 105-106, 135-136, 156, 164-165, 177-178).

12. Grubb has worked on the sick time usage policy. McAllister has worked on the use of force policy. In both cases, Chief Lay directed those policies to be developed by the lieutenants and eventually reviewed the policies, made changes to them, and issued the policies. (N.T. 110-112).

13. Lieutenant Grubb has done substantial work on assisting the implementation of the Van Meter system (a performance tracking system) in the Department. He was directed to do so by Chief Lay. Lieutenant McAllister has helped implement the system as well. Chief Lay exercised overall control over the implementation of the new Van Meter system. (N.T. 109-116, 137, 159-160, 167).

14. With respect to discipline, lieutenants have the authority to issue oral reprimands only. An oral reprimand includes in-house counseling or remedial training. Written reprimands and stricter discipline come from Chief Lay. (N.T. 117, 162).

15. Ross Township utilizes a civil service procedure for hiring police officers. As such, the lieutenants do not have substantial input into the hiring process. After background investigations on candidates are completed by police officers in the Department, the information is given to Chief Lay. Chief Lay reviews the information and makes a recommendation to the Civil Service Commission. (N.T. 118-119).

16. A discharge of a police officer would be authorized by Chief Lay and presented to the Township Commissioners for approval. No police officer has been discharged recently. (N.T. 120).

17. Chief Lay approves all requests from public groups for police assistance. (N.T. 141-142).

18. Chief Lay prepares the Department budget and presents the proposed budgets to the Township Commissioners. Police Officers have authority to make purchases for the Department based on their authorized line item in the budget prepared by Chief Lay. The Township further requires that all purchases over \$1,000.00 first have a purchase order through the Township's finance director. Chief Lay tracks the Department budget on a weekly basis. Chief Lay has denied spending requests made by the lieutenants. (N.T. 121-126, 139, 158-159).

DISCUSSION

The Association has petitioned the Board to exclude the positions of lieutenant from the bargaining unit, alleging that the position is managerial. The Township opposes the petition and argues that the lieutenants are properly included in the bargaining unit.

The relevant test in this matter is set forth in Fraternal Order of Police Star Lodge No. 20 v. Pennsylvania Labor Relations Board, 522 A.2d 697 (Pa. Cmwlth, 1987), *aff'd* 522 Pa. 149, 560 A.2d 145 (1989). Under Star Lodge, the burden of proving that a position is managerial is on the party seeking to exclude the position. The party must prove that the position meets one of the six criteria of managerial status, which the Court identified as follows:

Policy Formulation - authority to initiate departmental policies, including the power to issue general directives and regulations;

Policy Implementation - authority to develop and change programs of the department;

Overall Personnel Administration Responsibility - as evidenced by effective involvement in hiring, serious disciplinary actions and dismissals;

Budget Making - demonstrated effectiveness in the preparation of proposed budgets, as distinguished from merely making suggestions with respect to particular items;

Purchasing Role - effective role in the purchasing process, as distinguished from merely making suggestions;

Independence in Public Relations - as evidenced by authority to commit departmental resources in dealing with public groups.

522 A.2d 697, at 705.

Significantly, the test for managerial status under Act 111 is disjunctive and not conjunctive, such that performance of any one of these

functions results in a finding of managerial status. Elizabeth Township, 37 PPER ¶ 90 (Final Order, 2006).

In this matter, the Association has not sustained its burden of proving that the lieutenants' duties meet any of the criteria for managerial status under Act 111. I find that in this case the testimony of Chief Lay and Lieutenants Grubb and McAllister was credible and conclusively showed that; (1) The Chief, and not the lieutenants, is responsible for policy formulation and implementation; (2) the lieutenants do not have the authority to hire, dismiss or undertake serious disciplinary actions; (3) the Chief, and not the lieutenants, is responsible for the Department budget and purchases; and (4) the lieutenants do not have independence in public relations. Chief Lay is firmly in control of the Department and the lieutenants' activities support Chief Lay and are supervisory.

Specifically addressing the arguments of the Association, the Association asserts in its brief that the lieutenants formulate, develop and implement department policy. The Association argues:

Perhaps the most clear-cut example of the Lieutenants formulating and implementing policy is their role with respect to the Van Meter system and the PIP, designed to monitor and evaluate officer productivity. . . . Indeed, the department promoted Lt. Grubb specifically to develop and apply the Van Meter system to the department. (Tr. 36-37, 137, 144). Over the course of an entire year, Lt. Grubb attended trainings on the system and collaborated with Lt. McAllister to develop exactly how the program would work within the department. (Tr. 112-115, 137, 144, 160). The Lieutenants designed the program to improve officer productivity and decided exactly which categories of officer productivity the department would measure and track. (Un. Ex. 2, Tr. 36-37, 47-48, 138-139, 145-147, 167-168, 172-173). The Lieutenants also drafted the forms and procedures for officers to follow to standardize program implementation. (Tr. 169-172, Un. Exs. 3, 4). This plainly illustrates the Lieutenants formulated the department's policy regarding the Van Meter program and the PIP.

The Lieutenants' independent control over implementation of the Van Meter program is likewise if not more extensive. Lt. Grubb tracks, maintains, and analyzes each officer's productivity collecting various data points such as citations written and arrests made, amongst others. (Un. Ex. 2, Tr. 35-38, 47-48, 138-139, 167-168, 172-173). The Lieutenants then use this information to decide which officers they consider to be "underperforming" and command Sergeants to follow a certain procedure to further assess and evaluate these officers while coaching them towards improved performance and documenting the evaluation. (Un. Exs. 3, 4, Tr. 38-40, 43, 114-115, 138-139, 161, 172). A long series of emails from the Lieutenants to the police department demonstrate their expansive control over implementation of the Van Meter program and the PIP. . . . These directives ranged from describing exactly how officers should record their time to changes to the policy and how the department would track officer productivity to the goals and requirements of

implementing the system to training to how Sergeants should evaluate and coach officers. . . This unmistakably constitutes policy implementation characteristic of management.

(Association's Brief at 16-17). I disagree with the Association. I find that the record in this matter shows that it was the Chief, not the lieutenants, who was responsible for the formulation and implementation of the Van Meter system. I find the following testimony from the Chief on direct to be credible:

Q. So, could you describe the role of the Lieutenants in the performance tracking system?

A. So, the whole thing started probably in March of 2016, before they were even lieutenants. I learned about this at a PERLA conference, and then I took it and ran with it. . .

Q. Who had the authority to initiate the [Van Meter] system?

A. Well, they got the authority to start working on it from me.

Q. When did it become effective?

A. Well, the first time, it was rolled out to the sergeants at an operational staff meeting, and it was I think the beginning of 2018.

Q. Did you authorize it to be rolled out to the sergeants?

A. Yes.

Q. So, take me through the or take us through the role of the lieutenants in the operation of the performance tracking system.

A. So, mostly it's tasked to Lieutenant Grubb. Lieutenant McAllister does help out, because it can be time consuming at times. So they input the data into the spreadsheets, and then when they get the results, they will go to the respective sergeants on the shifts. . . [T]he sergeants will get those charts with the color coding. Then that would show them, hey, you might have an officer that needs some guidance in an area. So, the sergeants were tasked to figure out, A, why there was a potential problem and, B, how to correct it.

Q. So, it's up to the sergeants to actually act on the data that's presented?

A. Yes.

Q. Were you involved with the changing of [forms used in the performance tracking system]?

A. Every single piece of data or forms that have used, I have reviewed, yes. And some of those I even had sent off to the solicitor for review.

Q. Would the lieutenants be authorized to contact the solicitor for review as to a question like that, or does it have to come from you?

A. That would come directly from me, and I normally get permission from the township manager.

Q. Do the lieutenants have the authority to add to or change the categories that are provided on those spreadsheets without your approval?

A. No. They would come to me. If there were any changes we wanted to implement, that would come up at our command staff meeting.

(N.T. 114-116). The testimony of Grubb at N.T. 137-139 and McAllister at 159-161 corroborate Chief Ley's testimony. The record is clear throughout that it is Chief Lay who has the authority to initiate Departmental policies and develop and change programs of the Department. The record does show that the lieutenants actively assist the Chief. I understand that on this record, from the point of view of a police officer who only may see the emails from the lieutenants regarding policies, it may appear that the lieutenants are responsible for policy formation and implementation. However, the testimony of the Chief and the lieutenants at the hearing showed that the Chief was exercising responsible control over policy formation and implementation.

The Association continues its argument in its Brief:

Additional examples of Lieutenants formulating and implementing department policy are abundant. . . . Grubb manages the following laundry list of programs and departments: the field training officer program, the K-9 division, the department's communication and information systems, the records division, pre-trial case management, the department's fleet, payroll, PFA files, and arrest warrants. (. . . Jt. Ex. 4, Tr. 21, 24-26, 27-31). Numerous emails from Lt. Grubb to the police department further reveal the extent of his independent control over the formulation and implementation of department policy. . . . These directives cover areas such as the process for returning seized property to the public, recording sick time, how officers should complete case documentation, and the procedure for filing PFAs. . . . Lt. Grubb also met with a women's shelter and thereafter designed and implemented a Lethality Assessment Program. (Tr. 54-55, Un. Ex. 5, 7/25/18 email). This exact same conduct led the board to exclude a lieutenant for implementing policy in Employees of Upper Moreland Township, 46 PPER ¶ 5 (2014).

For his part, Lt. McAllister oversees day-to-day operation of the department by managing the patrol division, the detective division, the traffic division, and the armory (. . . Jt. Ex. 4, Tr. 22-23, 26, 32). In discharging these duties, Lt. McAllister frequently addresses problems and applies department policies without ever consulting the Chief. (Tr. 163-164). Directives that Lt. McAllister disseminated via email further evince his discretionary authority to formulate and implement department policy. . . . These directives involved, among other things, Lt. McAllister's establishment of a new procedure for the use of Tasers, scheduling of the workforce, and Township policy regarding criminal complaints. . . . The Board has held that "selecting a policy or protocol that applies elsewhere and deciding that it would benefit one's own police department is the essence of managerial discretion." Employees of Norristown Borough, 43 PPER P 59 (2011). . . . Lt. McAllister did just that when he researched and drafted the township's drone policy while referencing FAA regulations and outside departments' policies on the issue.

(Un. Ex. 10, Tr. 164-166). All of these duties epitomize the managerial function of policy formulation and implementation.

(Association's Brief at 17-18). I do not agree with the Association that the record supports a finding that the lieutenants are managerial based on the numerous examples listed above. Most importantly, as discussed above, the record in this matter shows that it is Chief Lay who has the authority to formulate and implement all the policies of the Department, even though, as documented by the Association, the lieutenants play a role in assisting the Chief including sending emails to police officers regarding Department policy. See Wilkinsburg Borough, 49 PPER 57 (Proposed Decision and Order, 2018) (Hearing Examiner Pozniak held that a lieutenant was not managerial because the Chief was responsible for policy formulation though the Chief considered suggestions from the lieutenant); Pennbrook Borough, 43 PPER 13, (Proposed Decision and Order, 2011) (Hearing Examiner Marino clarified a bargaining unit to include a lieutenant in spite of the fact that the lieutenant had sent an e-mail which informed the officers that it was their responsibility to refuel their patrol vehicles noting that the e-mail "did not constitute a change in or the development of policy, rules or behavior. Rather it was a writing that reminded officers of the existing unwritten policy established by the Chief".) In the events and examples cited by the Association, testimony at the hearing revealed it was the Chief who was the ultimate authority behind the lieutenants directing them in their endeavors. Furthermore, the case cited by the Association to support its argument, Norristown Borough, 43 PPER 59 (Proposed Order of Unit Clarification, 2011), is distinguishable from the matter. In Norristown Borough, Hearing Examiner Marino held that a lieutenant in that matter was managerial under Star Lodge's policy formulation and implementation tests. However, unlike this case, the Chief in Norristown Borough deferred to the opinion of the lieutenant on the matter of policy. In Norristown Borough, Hearing Examiner Mario held:

The Chief defers to Lt. Shannon's judgment where there is disagreement because Lt. Shannon knows PLEAC, not the Chief. Lt. Shannon developed and drafted many policies for the Department, without input from or changes by Chief Bono or Captain Richet, including the following: the policy regarding unbiased policing, mobile video and audio recorders, Tasers and Bicycle patrol. Lt. Shannon is genuinely responsible for formulating many Departmental policies.

Id. Facts such as these are not in the record before me now. Chief Lay credibly testified as follows on direct:

Q. Do officers in the department have a role in developing policy?

A. Yes. There are even patrolmen that play a role in developing policy.

Q. What is that role?

A. If I give a specific example, Officer Segar, who is our information systems officer. . . has worked on policies such as our in-car video camera policy. We recently adopted a PFA weapons seizure database tracking system, to name a few. Sergeant Eckels has worked on use of force policy. I believe Lieutenant Grubb, when he was a sergeant, most likely worked on the K-9 policy. Sergeant Barrett probably at one time worked on the polygraph policy. So, sergeants, lieutenants,

even patrol officers play a role in at least developing policy.

Q. . . . Are those policies then submitted to you?

A. Yes. **They would be submitted to me. I would review them, I make revisions, I make another draft, and the I will most likely sit down with whichever corresponding officer that is and go over it again, review the policy, review the changes, and maybe even make more changes until we get to a final policy that I adopt.**

Q. Do any officers in the department have the authority to issue policies without your approval?

A. No.

Q. What about the authority to change policies without your approval?

A. No.

(N.T. 105-106) (emphasis added). Thus, unlike Norristown Borough, the Chief here is not deferring to any lieutenant in the formulation of policy. The record in this matter does not support a finding that the lieutenants are managerial based on the policy formation or implementation criteria of Star Lodge.

The Association next argues that the lieutenants should be excluded from the unit because they meet the personnel administration criteria of Star Lodge and are thus managerial employees. In its Brief, the Association argues:

The Lieutenants' recent in-depth disciplinary investigations of the bargaining unit most obviously demonstrate their managerial role in personnel administration. Generally, "overall responsibility for police personnel administration" under the Star Lodge analysis pertains to hiring on one hand and initiation of serious discipline such as suspension or discharge on the other hand. Star Lodge at p. 703, 704. . .

In this case, the Lieutenants have initiated and carried out a far-reaching internal investigation of at least a dozen members, of a forty-three member bargaining unit, regarding erroneous accusations of unauthorized computer access. . . . The Lieutenants' investigations and interviews of fellow bargaining unit members plainly fall within the realm of managerial responsibility and the Lieutenants should therefore be excluded from the bargaining unit.

(Association's Brief at 19-20). I do not agree with the Association's argument that the lieutenant's participation in investigations of bargaining-unit members is sufficient to meet the personnel administration criteria of Star Lodge. The personnel administration criteria of Star Lodge requires that the employes in question must be involved in hiring, firing and serious discipline. In Warminster Township the Board has recently held

[The Star Lodge] test for managerial status was developed to recognize the Board's case law holding that management level authority over personnel matters is more than mere exercise of supervisory duties. See Dalton Police Association v. PLRB, 765 A.2d 1171 (Pa. Cmwlth. 2001). Absent evidence of effective involvement in all three elements of hiring, firing and

serious discipline, which would support a finding of overall personnel administration responsibility, performance of only one or two elements amounts to no more than carrying out supervisory duties. Thus, under Star Lodge, to establish managerial status through the criterion of overall personnel administration responsibility, there must be evidence that the position at issue is effectively involved in hiring, issuing serious discipline and dismissals.

Warminster Township, 50 PPER 26 (Final Order, 2018). Applying Warminster Township to this matter, it is clear the lieutenants do not meet the personnel administration criteria of Star Lodge. First, the lieutenants' involvement in internal investigations is, on this record, not sufficient to be serious discipline under Star Lodge as the record does not show that the lieutenants had authority to issue suspensions, demotions or discharges in connection with their investigation. Second, even if the record supported a finding that the lieutenants had the authority to issue serious discipline, the record shows that the lieutenants are not involved substantially involved in hiring and not involved at all in firing. Hiring for the department takes place through a civil service process where the Chief makes recommendations. No one has been discharge in the Department recently, but the Chief credibly testified he would be the person responsible for discharges. Thus, the record in this matter supports a conclusion that the lieutenants are performing supervisory duties, not managerial.

The Association continues its argument to assert that the lieutenants should be excluded because they independently represent the Department to the public, one of the Star Lodge criteria. The Association argues in its Brief:

A number of examples demonstrate how the Ross Township Lieutenants, especially Lt. Grubb, easily satisfy the public relations prong of Star Lodge. Lt. Grubb's duties extend far beyond simply delivering speeches or appearing at community events. Specifically, Lt. Grubb serves as a department representative by meeting with Ross Park Mall management and security in order to discuss the Mall's needs and cooperation with the police department. (Tr. 19-20, 48-50, 154-155, Un. Ex. 5, 6/26/18 email). In turn, the Mall requests and, similar to [Windsor Township and York Township, 44 PPER 107 (2013)], the department devotes a significant amount of resources to policing the mall as officers frequently perform regular and extra work ensuring a police presence at the Mall. Id. In addition, Lt. Grubb represented the department in a meeting with the women's shelter, which led directly to his design and implementation of a Lethality Assessment Program that officers now follow when responding to domestic disputes. (Tr. 54-55, Un. Ex. 5, 7/25/18 email). Without the Chief present, Lt. Grubb also attended "lengthy" meetings with [Magisterial District Judge] Opiela and her staff to discuss a host of issues pertaining to officer court appearances. (Tr. 55-56, 150-151, Un. Ex. 5, 7/26/18 email, 8/15/18 email). Lt. Grubb also recruits new officers to the department at local police academies. (Tr. 68). Additionally, Lt. Grubb schedules and directs officers to attend outside events involving K-9 demonstrations. (Tr. 21, 24). . . . These myriad examples make clear that Lt. Grubb independently represents the police department to the public and exercises the

authority to commit department resources and personnel to the interests of outside agencies, community groups, and businesses. For this reason, the position of Lieutenant should be excluded from the bargaining unit as managerial

(Association's Brief at 23-24). The key analysis for this prong of the managerial test under Star Lodge is the evidence of authority to commit departmental resources in dealing with public groups. The Association above argues that the lieutenants' interaction with the Ross Park Mall indicates such managerial status under Star Lodge. I disagree with the Association that the interaction with the Mall was evidence of an authority to commit Department resources. The key evidence in the respect is the testimony of Lieutenant Grubb on direct:

Q. When a community group comes to you and asks for officer involvement or assets of the department, let's say for an officer to be at an event, do you need to get authority for that from the chief of police?

A. They generally don't come to me. They go to Sergeant Serowik, since he is the special programs coordinator. . . They will come to him and then will say, hey, we are going to do like - we are requested at a fair. I want to have this guy, this guy, and this guy do it. Maybe this one might need overtime. What do you think? I will say, well, I will talk to the chief and let you know. Then I will go to the chief and say, hey, is this okay, one, that we participate in the event and, two, this is the manpower needed, and then he is going to make the decision whether we even participate in it or if anyone goes and what's the extent.

. . .

Q. Are officers expected to patrol the mall as part of an ordinary patrol shift?

A. They can if they are directed to by their sergeants.

Q. I think the question was, the extra time that's not normally part of your regular shift, right, the extra mall time?

A. Oh, no. That's not part of the regular - if you are referring to extra work details, that's not part of the regular shift.

. . .

Q. When you say extended hours will be continuing for the short-term [Union Exhibit 5] you are referring [to] the fact that there are extended hours for the mall, is that correct?

A. That is correct. For the mall extra work detail. And also, that part in there about remaining visible on the mall floor was also part of that as well. That was direction for the officers that were working the mall extra work detail. One of my duties as lieutenant is like facilitator of the extra work program. People call in and they say, can we hire an off-duty officer and I make the monthly sheets for the guys to sign up on and hang them up. The lieutenants have been doing that for the last 19 years, that I am aware of.

(N.T. 141-142, 154-155). This testimony shows that the lieutenants are not managerial under Star Lodge as the decisions to commit department resources with respect to public groups is being made by the Chief. Further, with respect to the mall work the lieutenant's role is merely supervisory: he

puts up sign up sheets for other police officers to volunteer. Additionally, the Association has not shown that the mall work is a commitment of Department resources as the record indicates that the mall work is "extra work" paid for by the mall and not the Department.

Addressing the additional arguments the Association makes above with respect to independence in public relations criteria under Star Lodge, the record in this matter is not sufficient to establish that Lieutenant Grubb had the responsibility to commit Departmental resources in his meetings with the women's shelter or the Magisterial District Judge. The record is also insufficient to establish that the other activities raised by the Association are managerial under Star Lodge instead of merely supervisory.

Finally, the Association argues that the lieutenants have a managerial budgetary or purchasing role in the Department sufficient to exclude them from the unit under Star Lodge. The record in this matter does not support the Association's assertions as the record is clear that Chief Lay maintains strict control of the Department budget and that the lieutenants are only authorized to spend what Chief Lay has budgeted to them and must seek approval for any purchases not in their budget or in excess of \$1,000. Further, any purchasing done by the lieutenants is not substantial enough to meet the standard of Star Lodge. See North Wales Borough, 39 PPER 10 (Final Order, 2008) (Board holds that Hearing Examiner did not error by adopting a *de minimus* standard with regard to the purchasing role criterion of Star Lodge); Brookville Borough, 19 PPER ¶ 19124 (Order and Notice of Election, 1988) ("Moreover, an employe, who does not otherwise have a role in the development of managerial policy or implementation or a role in the overall budget of the department at issue, should not be excluded from a bargaining unit merely because that employe has authority to make purchases on behalf of the Employer which might amount to a few hundred dollars a year.").

CONCLUSION

The Hearing Examiner, therefore, after due consideration of the foregoing and the record as a whole, concludes and finds:

1. The Township is public employer and political subdivision under Act 111 as read *in pari materia* with the PLRA.
2. The Association is a labor organization under Act 111 as read *in pari materia* with the PLRA.
3. The Board has jurisdiction over the parties.
4. The position of lieutenant is NOT managerial, and is properly included in the bargaining unit.

ORDER

In view of the foregoing and in order to effectuate the policies of the PLRA as read with Act 111, the Hearing Examiner

HEREBY ORDERS AND DIRECTS

that the Petition for Unit Clarification is denied and 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 (20) days of the date hereof, this order shall be and become absolute and final.

SIGNED, DATED and MAILED at Harrisburg, Pennsylvania, this 6th day of March, 2020.

PENNSYLVANIA LABOR RELATIONS BOARD

STEPHEN HELMERICH, Hearing Examiner