

ED GAINNEY
MAYOR



KRYSIA M. KUBIAK
CITY SOLICITOR

CITY OF PITTSBURGH
DEPARTMENT OF LAW
CITY-COUNTY BUILDING

October 13, 2023

President and Members of Council
City Council
510 City-County Building
Pittsburgh, PA 15219

RE: \$588,514.92 Surety for Appeal of a \$490,423.10 FOP Grievance Arbitration Award

The FOP pursued a grievance on behalf of retired police officers challenging the City's interpretation of a long-standing term in the collective bargaining agreement about the amount of the City's subsidy for the cost of each eligible retiree's healthcare. The arbitrator granted the grievance, determining the City underpaid for 2017 and 2018 an aggregate amount of \$490,423.10. The City appealed to the Court of Common Pleas to challenge various irregularities in the grievance process. The Court of Common Pleas denied the City's appeal. The City continues to have a valid appeal about the arbitrator's authority to issue this award. According to the Rules of Appellate Procedure, because the City did not prevail with the Court of Common Pleas, it must secure its appeal in order to stay implementation of this grievance award with proof of ability to pay 120% of the amount awarded. While some decisions of the Pennsylvania Labor Relations Board would support the proposition that the City does not need to secure a stay, that result is not certain. If we do not secure the stay we would have to make payments. If we prevail on appeal we may not be able to recoup those payments.

A Resolution for a warrant in the amount of \$588,514.92 is attached for your consideration, chargeable to and payable from Code 9993816000.52121.00.

Submitted by:

A handwritten signature in blue ink, appearing to read "Wendy Kobee".

Wendy Kobee
Assoc. City Solicitor

Very truly yours,

A handwritten signature in blue ink, appearing to read "Krysia Kubiak".

Krysia M. Kubiak
City Solicitor &
Chief Legal Officer