

What is The Future of Police Management-Employee
Relations in California By The Year 2000

An Independent Study Project

By

Captain. Lewis J. Pollack
Command College Class Number Five

San Leandro Police Department
835 E. 14th. St.
San Leandro, Ca 94577

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NCJRS ABSTRACT (draft)

WHAT IS THE FUTURE OF POLICE MANAGEMENT-EMPLOYEE
RELATIONS IN CALIFORNIA BY THE YEAR 2000?

Lewis J. Pollack

Presents findings from a study initiated for the California POST Command College.

The study begins with a historical perspective of the police labor movement and then looks at how law enforcement agencies are represented at the bargaining table today in California.

The study then discusses current trends and possible events that could impact the subject area, which is followed by a cross-impact analysis of the events and trends.

The author then constructs three future scenarios and selects one as the most desirable future. The most desirable future includes the establishment of a labor-management committee (LMC). The purpose of the LMC is to provide a structure that allows issues to be discussed and resolved on a day-to-day basis, rather than once a year (or more) at contract negotiation time.

The study concludes with a strategic plan, an implementation plan, and a transition-management plan, all of which are designed to transform the concept of a labor-management committee into a reality.

1987 97pp Tables.Charts.Bibliography. Sponsoring agency: State of California Department of Justice, Commission on Peace Officer Standards and Training, Center for Executive Development.

This Command College Independent Study Project is a **FUTURES** study on a particular emerging issue in law enforcement. Its purpose is **NOT** to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.

Studying the future differs from studying the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the future -- creating it, constraining it, adapting to it. **A futures study points the way.**

Executive Summary

A main theme in law enforcement today is the concern about shrinking resources. Police chiefs and managers are being told to "do more with less." The most expensive resource (usually 80-85% of the budget) is manpower. The chief of today must deal effectively with this resource if the mission of the department is to be carried out. That translates to effective labor relations. The police officer will work hard and produce when he or she is happy in his or her work, and feels that they are being treated fairly by their employer.

This research paper began by looking at the history of the police labor movement and then looking at the 1987 League of California Cities Benchmark Survey to determine how police jurisdictions are represented today.

From this background information, a cross-section of professionals were gathered to assist in developing trends and events that impact the issue of police labor relations in California. Following this, a cross-impact analysis was conducted.

Utilizing this information three future scenarios were constructed to show the possible alternatives that could exist if the trends and events occurred.

The scenario that depicted the most desirable future was selected as a basis upon which to build a strategic plan to surface a course of action. Actually, two courses of action resulted from this exercise. The first strategy involved the development of a state school of labor relations jointly sponsored by California Peace Officers Assn. (CPOA), Police Officers Research Association of California (PORAC), and Peace Officers Standards and Training (POST). Both labor and management would benefit from such a school. The second strategy that emerged was to create within the police jurisdiction a labor-management committee (LMC). The basic purpose of the LMC is to provide a framework in which labor and management would work cooperatively in discussing and resolving day-to-day issues. By working cooperatively on an on-going basis, small problems would be resolved before they became big problems. The result would be fewer major issues on the bargaining table at contract negotiation time.

This second strategy of developing an LMC which emerged in the strategic plan, was focused on in the implementation plan and the transition management plan, both of which are designed to make the concept of the LMC become a reality within a police jurisdiction.

The conclusion is that by developing an LMC, the chief or sheriff will create an environment in which the employees will be happier and more productive. This will enable the chief executive to meet the mandate of maximizing his/her most valuable resource, the people who work for the organization.

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What Is the Future of Police Management-Employee Relations
in California

By the year 2000?

Project Background

From the time police departments were first formed, the relationship between management and the rank and file has been important. When this relationship fails or becomes strained we have seen disastrous results, the most infamous being the Boston Police Strike of 1919.

The need to understand the past history of the police labor movement, look at the present situation, and then forecast the future direction of police unionism is critical to managers who are charged with the responsibility of directing their most critical and expensive resource, the personnel under their direction. Will police affiliation with labor unions increase or decrease in the future? Will California have mandatory binding arbitration? If not, what type of conflict resolution is needed or most desirable? Are conflicts an inevitable part of the process? What might managers do today that will bring about the desired state in the future of a harmonious working relationship between police managers and the rank and file?

In this study, I intend to briefly discuss the background of the police labor movement, look at the present situation, and then by looking at current trends and possible events, forecast what the state of police management-employee relations might be in the future. Possible future scenarios will be developed, and a strategic plan will be outlined that will help insure the "desired future".

By forecasting the direction of police management-employee relations, and preparing for it, managers can meet the challenge of working cooperatively with their employees to accent the positive aspects of employee bargaining units and avoid the negative aspects.

History of Police Labor Movement

Most of the "modern" texts on the police labor movement seem to have been written in the 1970's and early 1980's. Almost all of these texts contain a brief history of the police labor movement in the beginning chapters. The following is a condensed history taken from several of these sources.

As early as 1889 five officers in Ithaca, New York walked off their job because their pay had been reduced from \$12 per week to \$9 per week.¹ The AFL began to issue charters to police unions in 1913.²

The Fraternal Order of Police (FOP), which is still strong today east of the Rockies, formed its first chapter in 1915.³ It started as a social and benefit type of association which is typical, and has evolved over the years into more of a labor organization, which is also typical.

In 1918, 450 officers walked off the job in Cincinnati, Ohio after a few officers were fired for trying to organize a meeting to discuss a grievance over salary.⁴

The Boston Police Strike of 1919 remains to this day probably the most significant single event in the history of police unionism. The outcome of this strike virtually killed the police labor movement for the next 20 years. Even after 20 years, recovery was extremely slow. Just prior to the Boston police strike the AFL had been active in issuing charters to police unions. By

mid 1919, 37 local charters had been issued with a membership of over 4,000 officers. Because of poor working conditions in Boston i.e., 80-90 hour work weeks, the Boston Police applied for and received an AFL charter. As this action was in violation of city policy, the city fired 19 of the union leaders. To protest the firings, on September 9, 1919, a total of 1500 of the 1900 officers went on strike. Immediately following, looting of shops and stores began. The Massachusetts State Guard was called in to protect the city. The day the Guard arrived, three persons were killed when the Guard attempted to suppress a riot in South Boston.

Calvin Coolidge, who was then Governor of Massachusetts, and President Woodrow Wilson both made strong statements condemning the police strikes stating those responsible for public safety had no right to strike. The strike lasted four days and ended with all striking police officers being fired. Ironically, pay and benefits were raised for Boston police officers following the strike to enable the city to attract replacements for those fired.

The result of the Boston Police Strike was that strong negative public opinions concerning police unions virtually eliminated any major activity for the next 40 years.⁵

In 1939 the American Federation of State, County and Municipal Employees (AFSCME), an affiliate of the AFL, began to charter police associations but has not made significant in-roads in terms of membership, particularly in California.⁶

During the 1940's and 1950's there was a proliferation of police social, fraternal and benevolent associations but the

majority of these were local organizations with no union affiliations. A few of these local association affiliations did grow into statewide organizations such as PORAC which formed in 1953.⁷

On the national level an association of associations was formed in the early 50's called the International Conference of Police Associations (ICPA).⁸

During the late 50's, the International Brotherhood of Teamsters made attempts to organize police locals but, like AFSCME, made no major inroads in terms of membership. Many local associations used the "threat" of joining unions to gain concessions at the bargaining table.⁹

Management opinion during the 40's and 50's remained strongly anti-union with groups like the IACP issuing strong anti-union statements. Public opinion also remained anti-police union as it had since the Boston Police Strike of 1919.

It wasn't until the 1960's that police employee organizations emerged from their dormancy and began to flex their collective muscle in terms of organizing and demanding better wages and working conditions. The same social forces which created Mario Savio and the Free Speech Movement at U C Berkeley also shaped those officers who were standing on the other side of the picket line. The younger officers in particular were the beginning of the "me" generation. They had little patience with resistance to change albeit their concept of change was different from that of Mario Savio. During this decade militancy became the formula for success. The changes in working conditions, the dangers associated with the job, urban riots, calls for law and order, liberal courts, loss of social status, a desire to move

toward professionalism, all these factors helped shape the more militant police officer. Strikes, job actions such as "blue flu", slow downs, speed ups, etc. became the tactics of police associations and unions in the 60's and 70's to press their demands. And because the public knew that those same officers were on the streets as the "thin blue line", trying to keep cities from burning to the ground, they were for the most part successful in obtaining concessions at the bargaining table for better wages and benefits.¹⁰

Moving into the 1980's three conditions seem to exist, at least in California. The first is that police officers were in fact successful in the 60's and 70's in improving their lot: While I am sure no police officer would say it couldn't be better, California police officers today are generally well paid and receive good benefits. They continue to at least hold their own in today's economy while many in the private sector are not faring as well. The shift seems to be away from pay and benefits and more towards internal policies and procedures. Rank and file police officers want to impact their own day to day working conditions such as assignments and shifts and promotions.

The second condition that seems to exist in the California of the 1980's is that the impact of police unionism seems to have peaked. Its still too early to tell for sure and any number of events can shoot the trend towards unionism upwards again, but police officers generally appear to be holding their own at the bargaining table without the need for unions, not that unions necessarily have a negative impact on the bargaining process. They may in some cases have a very positive impact. This leads

to the third condition that I see existing in California today which is that since the Meyers-Miliias-Brown Act of 1968, representatives on both sides of the table have become much more skilled and sophisticated. Whether the management side of the bargaining table has a city representative or a contracted negotiator and whether the labor side of the table has police officers or a lawyer or union representative speaking on their behalf, all parties seem to have a greater recognition of a win-win philosophy of negotiation. The win-win philosophy is one in which each side feels it has made gains. Both sides of the table should realize that to "defeat" the other side of the table this contract means the next contract is going to be that much more difficult to negotiate. And there always is a next contract to negotiate.

Current Representation in California

Before addressing the future of police labor relations, it would be useful to have some current information as to what type of labor affiliation city and county law enforcement agencies currently have, and who represents labor and management at the bargaining table. A self-reporting survey was obtained through the League of California Cities.¹¹ The survey is part of the League's 1987 Benchmark Survey. The cities were divided into population groupings and the results of the survey are listed on chart 1. (Refer Page 8) The same was done for the counties and the results are listed on chart 2. (Refer Page 9)

What stands out the most in looking at these two charts are that of the 343 cities that reported, only 31 or 9% are represented by either PORAC or COPS and only 25 or 7.3% are represented by unions. Likewise only 64 or 18.7% of the cities

contract for outside services at the bargaining table.

At the county level the number of "outsiders" is even smaller. Of the 57 counties reporting, only 5 or 8.8% are represented by PORAC and only 5 or 8.8% are represented by unions. Only eight counties or 14% contract for services at the bargaining table.

In the vast majority of both cities and counties in California, it is in-house police association personnel sitting across the table from in-house employees on the management side of the table.

CHART 1

Current City Representation

	Population:					
	0-10K	10-25K	25-50K	50-100K	100-250K	over 250K
<u>Number of agencies reporting</u>	149	97	87	66	21	8
<u>Number that provide police services</u>	120	70	70	54	21	8
<u>Type of representation</u>						
Association	72	54	60	45	21	8
PORAC	12	6	4	3	-	-
COPS	5	1	-	-	-	-
OP3	9	3	4	3	-	-
UAW	1	-	-	1	-	-
MISC UNION	2	1	1	-	-	-
Unrepresented	2	1	-	-	-	-
Not stated	17	4	1	2	-	-
<u>Employee negotiator</u>						
Employees	41	29	21	15	7	2
Name listed	51	33	44	36	14	6
Union listed	4	3	2	1	-	-
Not stated	24	5	3	2	-	-
<u>Management Negotiator</u>						
Name listed	83	63	68	47	16	7
City position listed	15	3	1	2	1	-
Not stated	22	4	1	5	4	1
<u>City or Contract</u>						
City	90	52	53	34	9	3
Contract	7	14	16	15	8	4
Not Stated	23	4	1	5	4	1

CHART 2

Current County Representation

	Population 0- 10K	10- 25K	25- 50K	50K 100K	100- 200K	Over 250K
<u>Number of agencies reporting</u>	5	8	6	8	10	20
<u>Number that provide police services</u>	5	8	6	8	10	20
<u>Type of representation</u>						
Association	3	5	3	6	9	16
PORAC	-	-	2	2	-	1
COPS	-	-	-	-	-	-
OP3	1	-	-	-	1	2
UAW	-	-	-	-	-	-
MISC UNION	-	1	-	-	-	-
Unrepresented	-	-	-	-	-	-
Not stated	1	2	1	-	-	1
<u>Employee negotiator</u>						
Employees	1	1	1	1	2	1
Name listed	3	5	2	6	8	17
Union listed	-	-	1	-	-	-
Not stated	1	2	2	1	-	2
<u>Management Negotiator</u>						
Name listed	3	5	4	5	10	20
County position listed	1	2	-	-	-	-
Not stated	1	1	2	3	-	-
<u>County or Contract</u>						
County	3	6	4	4	8	17
Contract	1	1	-	1	2	3
Not Stated	1	1	2	3	-	-

Defining the Future

Of all the concepts and skills taught in the POST Command College, the concept of defining the future is perhaps the most powerful, and will have the most significant impact on California Law Enforcement into the 21st. century and beyond. The idea of looking beyond our immediate, day-to-day concerns and projecting and planning for the future is the essence of the Command College.

In this section I will discuss past and present trends, select the five most significant trends, discuss potential events that could impact police labor relations, select the five most important events, and then do a cross-impact analysis on the trends and events. This section will conclude with three possible scenarios for the future based upon the trends and events.

The Trends

On September 11, 1987, I gathered a group of six people together to assist me in utilizing a Nominal Group Technique process (NGT) to help surface trends and events and do a cross impact analysis. The six people were 1) a chief of police, 2) a captain of police, 3) a personnel director, 4) a president of a police officers' association, 5) a labor relations consultant and negotiator, and 6) a representative of a trade union. The group was given an introduction to the topic and the process to be used. The group was then asked to brainstorm past and emerging trends that relate to police labor relations. The group came up with the following list:

- 1) greater numbers of union members from the public sector

- 2) lower crime rate due to fewer 18-25 year olds
- 3) increasing minimum wages
- 4) diversion of public funds to AIDS
- 5) more demand for benefits by employees
- 6) more women in labor force
- 7) more multi-year contracts
- 8) longer multi-year contracts
- 9) civilianization of management positions
- 10) contract policing
- 11) Soy lent Green (loss of middle class)
- 12) impact of Pacific Basin
- 13) expansion of private security
- 14) short-term management style
- 15) increase of Hispanic population
- 16) more participative management style
- 17) change in values in work force at entry level
- 18) nomadic work force
- 19) early retirements due to physical/stress injuries
- 20) court decisions/laws expanding workers rights
- 21) restrictions in workers comps/benefits to control abuse
- 22) shrinking revenues
- 23) proposition 4-spending limits
- 24) shrinking labor pool
- 25) stronger competition for financial resources
- 26) shrinking numbers of unions in private sector
- 17) unionization of management
- 28) shrinking need for middle management
- 29) computerization
- 30) binding arbitration
- 31) more militant unions
- 32) higher crime rate
- 33) use of outside consultants
- 34) state mandated uses of law enforcement resources
- 35) "Graying" of America
- 36) homeless as a class
- 37) return to police traditions
- 38) concern for "quality of life"
- 39) the "wellness" movement
- 40) increasing number of minorities in State.

Following the brainstorming exercise, I asked the group to use a trend screening form, and the number of trends was screened down to what the group felt were the five most significant. The five most significant trends were determined by group consensus to be the following:

CHART 3

TREND EVALUATION FORM

Subgroup: COMPOSITE OF GROUP

TREND STATEMENT		LEVEL OF THE TREND (Ratio: Today = 100)			
		5 Years Ago	Today	"Will be" in 10 Years	"Should be" in 10 Years
DEMAND FOR STAFF AND/OR BENEFITS BY EMPLOYEES		85	100	172	122
EXPANSION OF PRIVATE SECURITY PERSONNEL		35	100	167	121
CHANGE OF VALUES IN WORK FORCE BY ENTRY LEVEL EMPLOYEES		66	100	120	86
EARLY RETIREMENTS DUE TO PHYSICAL/STRESS INJURIES		63	100	174	66
SHRINKING LABOR POOL		45	100	231	83

- 1) Demand for staff and/or benefits by employees
- 2) Expansion of private security personnel
- 3) Change of values in work force by entry level employees
- 4) Early retirements due to physical/stress injuries
- 5) Shrinking labor pool

After surfacing the most significant trends, the group was asked to use a trend evaluation form, (Refer Chart 3, p. 12) to determine the strength of each trend five years ago, what each trend is projected to be in ten years, and finally, what each trend should be in ten years. Following are five graphs showing the range of levels and the median of the group for each trend: (Refer pgs. 14-18)

The group consensus was that all five trends have climbed from what they were five years ago and will continue to climb over the next 10 years with the greatest amount of growth in trend five, "shrinking labor pool." The group consensus was that trend one and two should be slowed down from the projected rate of growth but that trends three, four and five should actually be reversed rather than just slowed down.

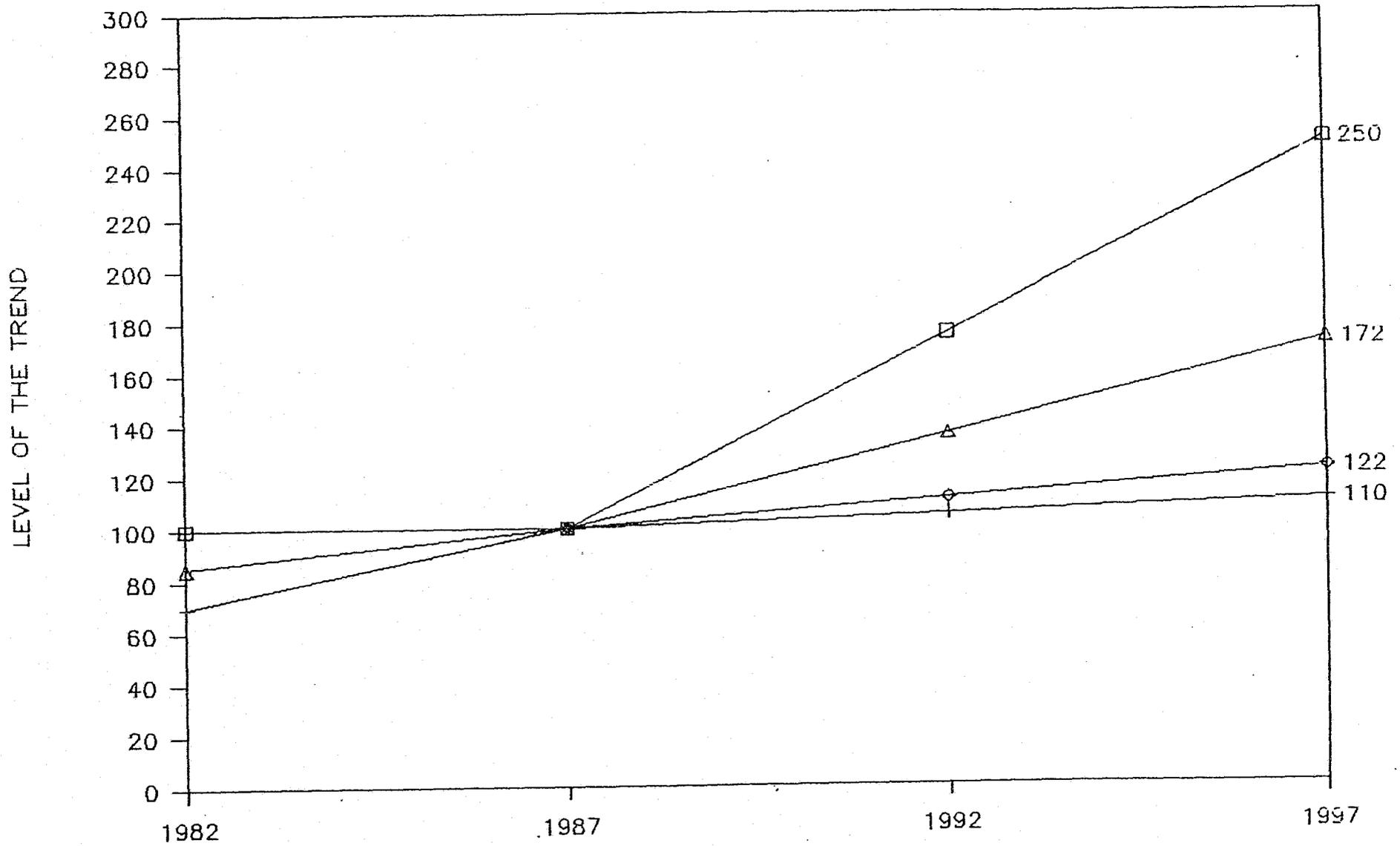
Critical Events

As a next step, the group was asked to brainstorm critical events that would impact the issue of police labor relations in California. The group brainstormed twenty-eight events. The Nominal Group Technique was again used to select the five most significant critical events. The five critical events are:

- 1) the Governor signs a binding arbitration bill
- 2) police strikes are determined to be legal by the courts.
- 3) Proposition 4 (Government spending limit) is rescinded by the voters.

GRAPH ONE

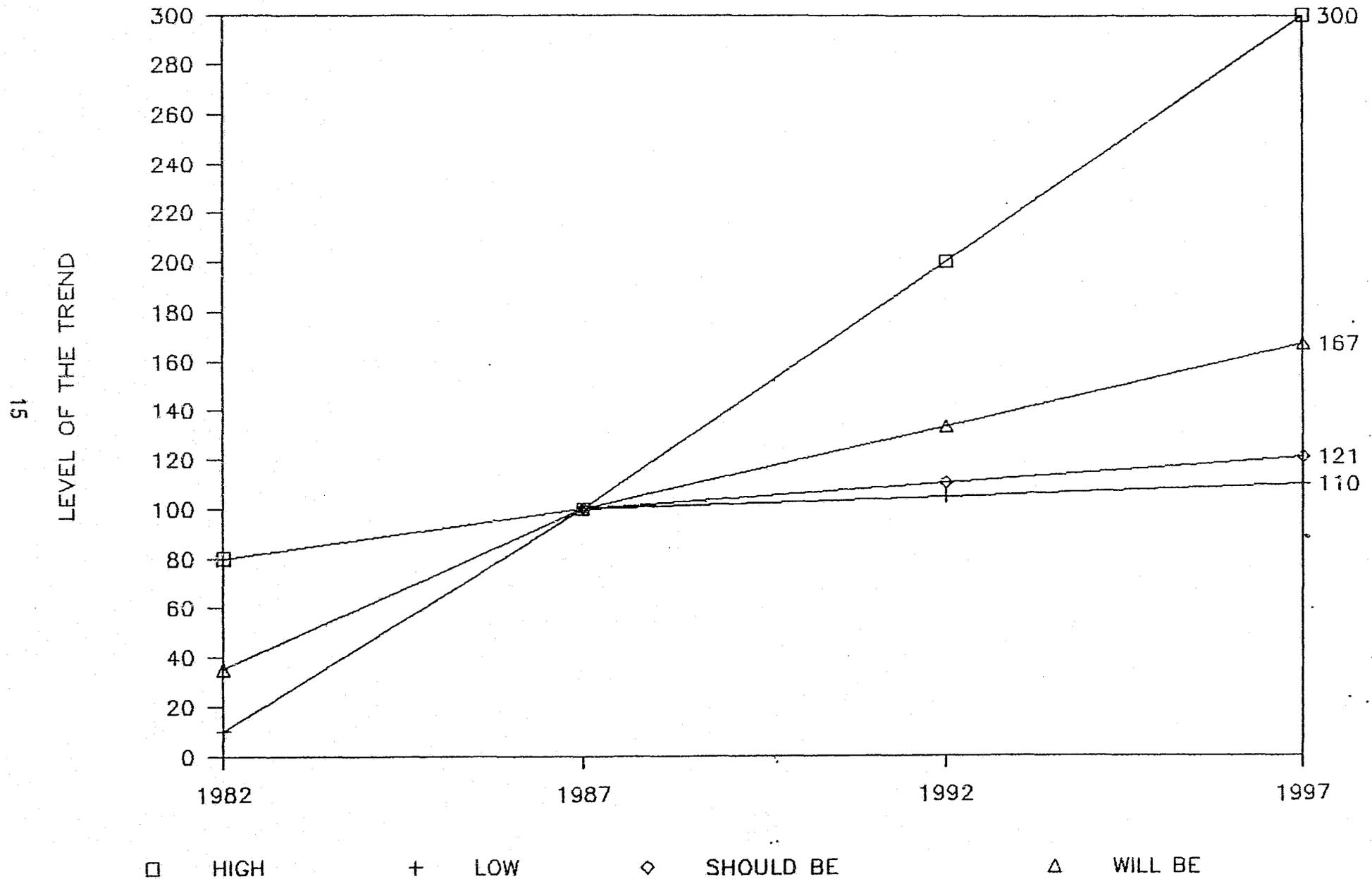
DEMAND FOR STAFF/BENEFITS BY EMPLOYEES



14

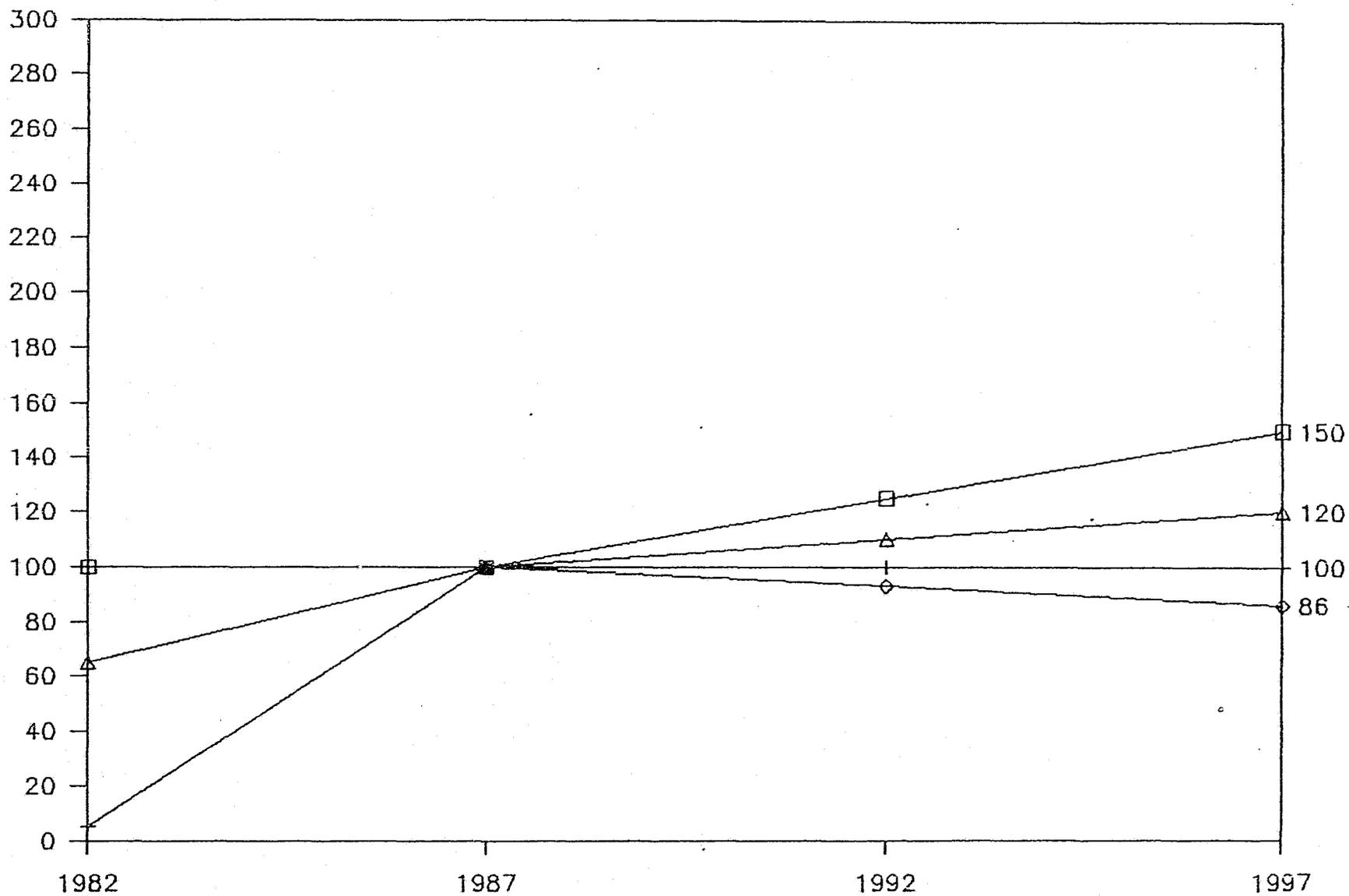
□ HIGH + LOW ◇ SHOULD BE △ WILL BE

GRAPH TWO EXPANSION OF PRIVATE SECURITY PERSONNEL



GRAPH THREE CHANGE OF VALUES BY NEW EMPLOYEES

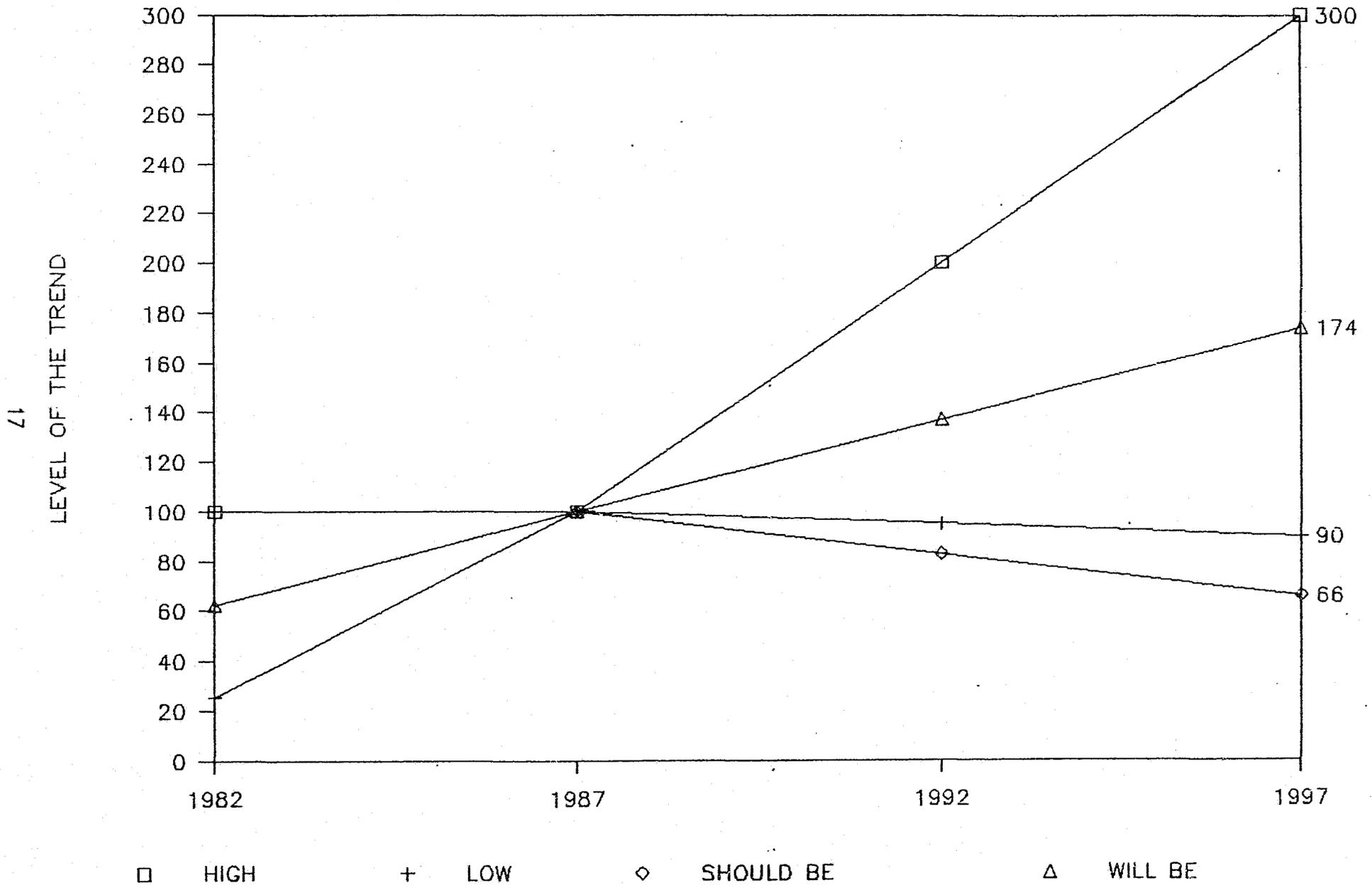
16
LEVEL OF THE TREND



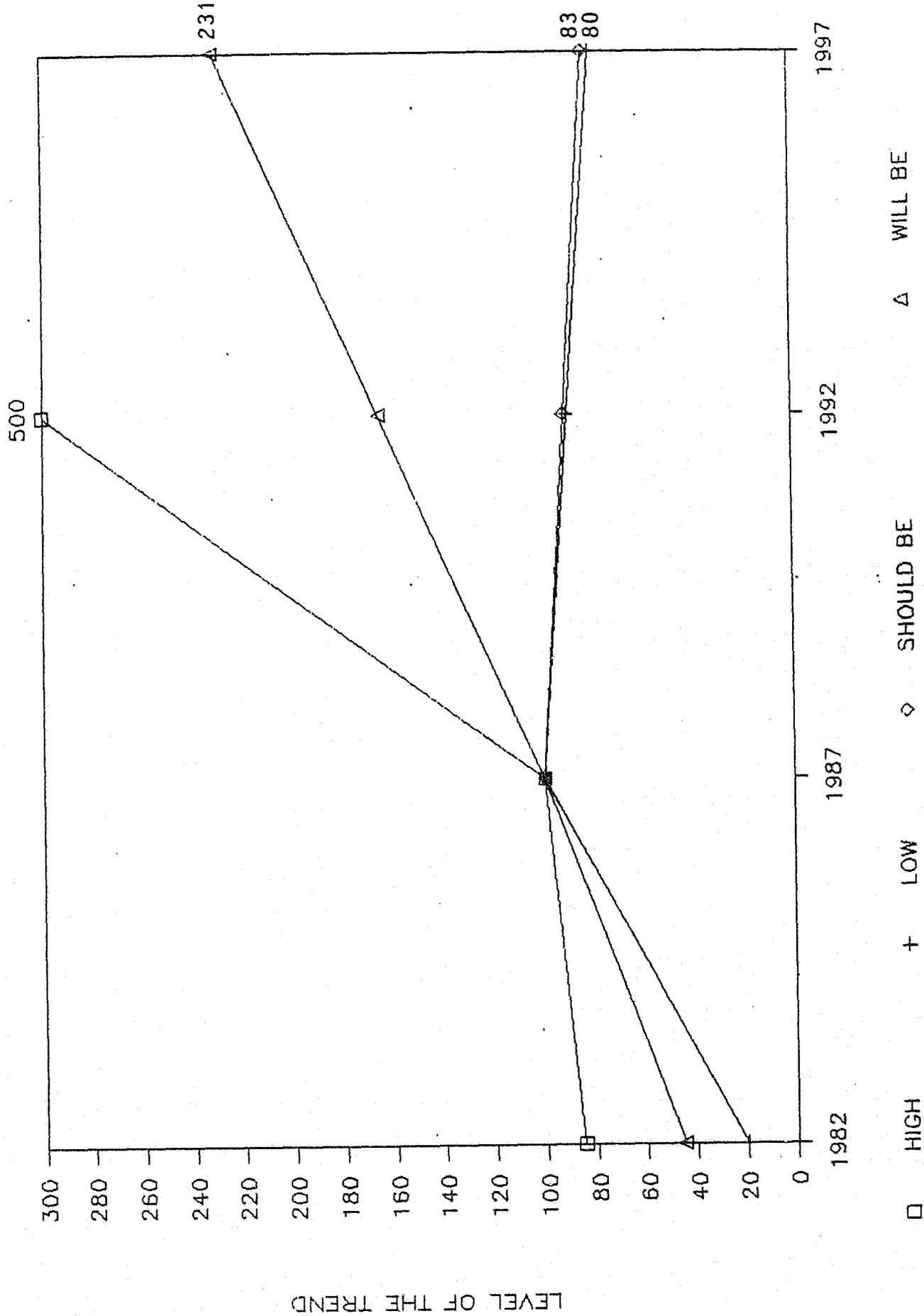
□ HIGH + LOW ◇ SHOULD BE △ WILL BE

GRAPH FOUR

EARLY PHYSICAL / STRESS INJURY RETIREMENT



GRAPH FIVE SHRINKING LABOR POOL



LEVEL OF THE TREND

- 4) the AIDS epidemic spreads dramatically and kills 20% of the state population by 2000.
- 5) the Federal Government establishes a wage freeze that affects all municipal, county and state employees by 2000.

Chart number four (Refer p. 20) shows the median probabilities assigned by the group that each event would occur and the anticipated net impact on the issue area and law enforcement. In looking at chart four, a few things become apparent. First, two events show a rather high probability of occurring by the year 2000, event number one "Governor signs binding arbitration bill," and event number 3 "Prop 4 is rescinded by voters." Events numbers 2 "Strikes are made lawful" and 4 "the AIDS epidemic explodes" have only a slightly better than even chance of occurring by 2000, and event number 5 "a federal wage freeze" has a less than even chance of occurring by 2000.

All of the events, with the exception of event number 3, were felt by the group to have a negative impact on both law enforcement and the issue area should they occur, with the federal wage freeze having the largest negative impact. However, as stated, that is also the event with the least likelihood of occurring. Event number 3, with the highest probability of occurring among the five events, would also have a strong positive impact on both law enforcement and the issue area. If Prop. 4 were rescinded by the voters, spending limits would be eliminated, and more money would become available for public safety purposes.

CHART 4

COMPOSITE OF GROUP

EVENT EVALUATION FORM

EVENT STATEMENT	PROBABILITY			NET IMPACT ON THE ISSUE AREA (-10 to +10)	NET IMPACT ON LAW ENFORCE- MENT (-10 to +10)
	Year that Probability First Exceeds Zero	By 1992 (0-100)	By 2000 (0-100)		
THE GOVERNOR SIGNS A BINDING ARBITRATION BILL	93	57	85	-2.4	-2.0
POLICE STRIKES ARE DETERMINED TO BE LEGAL BY THE COURTS	95	38	56	-2.8	-5.0
PROPOSITION 4 (CANN SPENDING LIMIT) IS RESCINDED BY THE VOTERS	93	56	88	+5.6	+7.2
AIDS EPIDEMIC SPREADS DRAMATICALLY AND KILLS 20% OF THE STATE POPULATION BY 2000	92	57	59	-1.0	-6.0
THE FEDERAL GOVERNMENT ESTABLISHES A WAGE FREEZE THAT AFFECTS ALL MUNICIPAL COUNTY AND STATE EMPLOYEES BY 2000	96	7	43	-6.0	-6.0

Cross-Impact Analysis

Following the event evaluation, the group was asked to do a cross-impact evaluation; comparing events to other events, and then events to trends. The results of this exercise are seen in chart number 5. (Refer p. 22)

The event that the NGT group felt had the highest probability of occurring was event number three, "Proposition 4 is rescinded by voters", with a probability factor of 88 by 2000. This event only significantly impacted two other events; number one and event number two, both in a negative manner. It had insignificant impact on events four or five. If Prop. 4 was rescinded by the voters it would have a negative impact (-17) on the Governor signing a binding arbitration bill. If event three occurred, more money would be available and thus there would be less likelihood that binding arbitration would be needed.

It would also be less likely (-28) that police strikes would become lawful, because Prop. 4 being rescinded would mean more money for cities and counties and therefore police strikes would be less likely to occur.

The event with the next highest probability of occurring is event number one, "the Governor signs a binding arbitration bill" with a probability of 85 of occurring by 2000. Event number one had no impact at all on events four and five and a very small impact (+5) on event number three. If event number one did occur however, it would have a strong impact (-54) on event number two, "strikes are lawful". The value of -54 assigned by the group is the second strongest number on the event to event cross impact analysis chart. Only event two compared to event one has a stronger impact (+64). If the Governor signed a binding arbitration bill, it would be much less likely that strikes would

CHART 5
GROSS-IMPACT EVALUATION FORM

Suppose that this event occurs with this probability normally How would the probability of the events shown below be affected?

		EVENTS					TRENDS				
		E 1	E 2	E 3	E 4	E 5	T 1	T 2	T 3	T 4	T 5
E 1	85	X	-64	+8	-	-	+33	+19	+20	-	+11
E 2	56	+64	X	-3	-	+9	+50	+47	+33	+11	+10
E 3	88	-17	-28	X	+4	+2	+71	+21	+21	- 2	-15
E 4	59	+ 2	- 2	+31	X	+2	+36	+22	+29	+54	+47
E 5	43	+22	+29	+ 1	+10	X	+29	+31	+41	+41	+ 8

Form B.1

E = Event

- E1 - Gov. signs binding arbitration bill
- E2 - Police strike determined to be legal by courts
- E3 - Prop. 4 (Gann Spending Limit) rescinded by voters
- E4 - AIDS epidemic kills 20% of State population by 2000
- E5 - Federal government establishes wage freeze that affects all municipal and county employees by 2000

T = Trend

- T1 - Demand for staff and/or benefits by employees
- T2 - Expansion of private security personnel
- T3 - Change of values in work force by entry level employees
- T4 - Early retirements due to physical/stress injuries
- T5 - Shrinking labor pool

be made lawful for police as there would be little need to strike with binding arbitration which would prevent issues on the bargaining table from going unresolved.

The event with the next highest probability of occurring by 2000 is event number four, "the AIDS epidemic spreads drastically and kills 20% of the state population by 2000". This was felt by the group to have a 59% probability of occurring by 2000. The group felt that if event number four did occur it would have little effect on event one (+2), event two (-2) or event five (+2), but would have a impact on event three (+31).

If the AIDS epidemic were to explode it would be much more likely that proposition 4 would be rescinded by the voters as spending caps would prevent cities and counties from dealing effectively with the increased delivery of services that would surely be needed.

The next event in descending order of probability of occurrence is event number two, "police strikes are determined to be legal by the courts" which the group assigned a probability of 56% of occurring by the year 2000. This event has no impact at all on event number four "AIDS epidemic", and only a slight impact on events number three(-3) "Prop. 4 rescinded" and event number five (+9)"Federal wage freeze". It does have a significant impact on event number one "Binding Arbitration Bill" (+64), in fact, the largest impact of all the cross impacts. If strikes were to become lawful, then there would be a strong push to have the Governor sign a binding arbitration bill to resolve disputes before there was a need to strike. There is strong opinion, however, from groups such as the League of California Cities that state, "We are willing to take a strike but, we can never support binding arbitration." Groups such as the League

feel that elected representatives must always retain control of how money is allocated and spent.

The event with the lowest assigned probability of occurring is event number five (43% by the year 2000), "The Federal Government establishes a wage freeze that affects all municipal, county and state employees". This event, should it occur, would have minimal effect on event number three (+1) and event number four (+10). It would have an impact on event one (+22) and event two (+29). If there was a federal wage freeze then there would be pressure on the Governor to sign a binding arbitration bill to try and head off strikes that would result from wages being frozen, assuming the cost of living was not also frozen.

If there were a Federal wage freeze there would be much more pressure by labor groups to make police strikes legal to try and counteract the freeze.

In looking at how events impact trends (Chart Five, p. 22), it was found that all events had at least some impact on all five trends with only one exception, event number one had no impact at all on trend number four, "early retirements due to physical/ stress injuries". It should also be noted that in the twenty four out of a possible twenty-five places where the five events have a impact on the five trends, twenty two of the twenty four impacts were positive impacts and only two were negative impacts. The two negative impacts both related to event three, "Proposition 4 is rescinded by the voters." Event three had a negative impact (-2) on trend number four, "early retirements due to physical/ stress injuries", and a negative impact (-15) on trend number five, "shrinking labor pool," however they were both relatively weak impacts.

Event three was also responsible for the most significant

impact (+71) on a trend. That trend was trend number one. If proposition 4 is rescinded by the voters, it would have a strong impact on the demand for staff and/or benefits by employees.

Almost all other impacts of events on trends were in the +20 to +50 range with two exceptions on trend four, and four exceptions on trend five.

Scenarios

The information compiled in the previous sections of this project now allow us the opportunity to describe alternative futures (scenarios) incorporating the trends and events that have been established by the NGT group. The alternative future or scenarios are intended to illustrate the effects of the trends and events on the future of law enforcement. Three scenarios were written. The first scenario, "A talk to CALRO" was written as a "system change-play out" type scenario. Scenario two, "Walking the Line," was written utilizing the "slice of time - feared but possible" type scenario. Finally, scenario three, "It's That Time of The Year Again," was written as a "demonstration - desired and attainable" type scenario.

Scenario one: A Talk to CALRO

Captain Janice Wong sat back at her desk. "This is not going to be easy" she thought. She had volunteered to be part of a panel addressing the California Association of Labor Relation Officers (CALRO) at their annual conference. This was a special conference because it was now the year 2000, a time to look at the past as well as the future. Janice's role on the panel was to address the last fifteen years, specifically from 1985 - 2000. Others on the panel were addressing labor relations prior to 1985 and still others were going to address the future. Addressing the future had become rather common place in law enforcement

thanks largely to concepts taught in the Post Command College which was now mandatory for all command officers.

Captain Wong remembered that in the early 90's the AIDS epidemic which started in the early 80's had really taken off. Although scientists had recently discovered a vaccine it was just now being released to the public. Meanwhile AIDS had jumped from the Gay and drug culture to the heterosexual population. To date, almost 20% of the state population had died from AIDS. This had a very significant impact on law enforcement generally, and labor relations specifically. The main impact was on the labor pool. Even prior to the AIDS epidemic explosion, law enforcement was facing a shrinking labor pool because of the age demographics (less 18-25 year olds). Law enforcement was also facing a continuing escalation in the number of early retirements due to physical disabilities and stress retirements. Also, because of the changing values of the newer employees in the 80's and 90's, fewer and fewer were staying for long "careers", but rather were working for 5-10 years and then moving on to a career in another field. The fact that police departments were facing severe manpower shortages led many smaller, wealthier communities to hire their own security guards for protection. This led to further recruiting problems for police agencies because the private security companies started paying wages to make them somewhat competitive with police agencies.

This severe personnel shortage in law enforcement was a factor in causing the state voters to rescind Proposition 4 (spending limits) on a state referendum in 1994. Almost all the cities and counties in the state were at their spending limits by 1994. With the further demands placed on local government by the AIDS epidemic, and the severe labor shortages especially in law

enforcement, the voters of the state realized that they must take the spending caps off local government to allow them to respond to the public needs. It was a landslide vote to repeal the spending limit.

That same year, Governor Garcia signed a bill granting binding arbitration to all municipal, county and state law enforcement bargaining units. While there were not many police strikes in terms of numbers since 1985, they did occasionally occur. Wages and benefit packages were no longer a major issue for law enforcement bargaining units. The bargaining units, however, continued to press for more and more control over issues such as staffing, shift assignment, lateral transfer assignments and other issues traditionally considered to be "management rights". Managers continued to resist intrusion of police officer associations in those areas. Although it was fought hard and long by the League of Cities and the Cal Chiefs association, the personnel shortages had sufficiently raised the fear of police strikes to the point where PORAC and COPS were able to exert enough pressure for a binding arbitration bill to pass and be signed by the Governor. The political action committees of PORAC and COPS had helped Governor Garcia get elected and it was now payback time.

Finally, the California Supreme Court had once again fooled a lot of people. It had been assumed by most of those involved in labor relation's that with binding arbitration would go a prohibition against police strikes. By 1996, however, a sufficient number of Governor Deukmejian conservative court appointees had been replaced by Governor Garcia's more liberal court appointees. The more liberal court ruled that police bargaining units had an absolute right to strike, not just a

limited right as granted in 1985 in the County Sanitation District No. 2 of Los Angeles County vs. Los Angeles County Employees Association, Local 660, SEIU. In that decision the Bird Court had ruled that public employees could strike unless the strike represented a substantial and imminent danger to the public health or safety. The 1996 ruling removed this last restriction and granted an absolute right to strike. The reality was, however, that binding arbitration, at least for the past four years, had prevented any police strikes.

After reflecting on the above, Captain Janice Wong wrote some notes, and feeling that she was now ready to make her presentation to CALRO next week decided to take a space flight to Club Moon this week. She could use the rest.

Scenario two: Walking the Line

Officer Robert Jones was tired. He had been walking in front of City Hall for three hours now and had one more to go before this "shift" was over, and the damn picket sign wasn't getting any lighter. In an hour some of his fellow officers would show up to replace him and the fifteen other officers on the picket line. Jones tried to count the number of picket lines he had walked in the ten years since 1990 when he joined the department. He was sure it was at least ten. The strike each year during contract time had become a ritual, but there were now all the other job actions and strikes over other matters such as discipline and shift assignment, and the rules and regulations.

Jones remembered that when he joined the department in 1990 things between management and labor weren't all that bad. He had been getting good pay and benefits even though the recovery from the stock market crash of '87 was very slow and gradual. As a matter of fact, even now in 2000, the recovery had not matched

the economy of '87. The costs of government to fight the AIDS epidemic had become astronomical. The poor economy starting with the crash of '87 and the costs of fighting AIDS had really drained public funds. The voters in the state not only failed to rescind Prop 4 in 1994, but in 1996 voted even stricter spending limits on state, county and municipal government. They were going to try and keep what little they had for themselves and their families.

The tight economy of the late 80's and early 90's had shifted public opinion away from labor and towards management. Some cities took advantage of this shift in public opinion and tried to bust the unions using the experiences of the Air Traffic Controllers Strike and the NFL Football Players Strike as a model. The tight economy was used as an excuse to really do damage to the police bargaining units. Bargaining became a "we win, you lose" situation for many years into the late 90's. Management approached the bargaining table with a "take it or leave it" attitude. They also began to take back a number of benefits the employees had previously won. The employees began to escalate job actions and strikes of course but the cities were willing to take the strikes, and the new conservative California Supreme Court of 1987 ruled in 1992 that all public sector strikes were illegal. This court action was defied by the police unions initially, but strike leaders were jailed and heavy fines were levied against the bargaining units. This eventually had its effect on the police unions. They collapsed.

The collapse, however, was temporary. The more radical members of the POA's took power from the more moderate members. They also rose to the leadership positions in PORAC, COPS, CAUSE and other labor organizations. They all came together in 1994

and formed the Coalition of California Peace Officers (CCPO). By 1996 CCPO represented 97% of all police officers in the state below the rank of Lieutenant. They began extremely militant job actions and strikes causing all municipal services in the city to come to a halt until their demands were met. After being deprived of any power for so many years the CCPO used their new power with a vengeance.

It was now the year 2000 and Officer Robert Jones was still walking picket lines. Each year had become a power struggle to see who would win and who would lose. But Jones was committed to the cause. "If they want to make this a power struggle, we'll show them whose got the power", he thought. But way back in his mind he knew there had to be a better way of working problems out. He just didn't know how, nor apparently did anyone else.

Scenario three: It's that time of the year again.

The six people filed in the room and sat down. They had just finished lunch together and were getting ready for their first "formal" meeting of the year to kick off negotiating this years contract. Robert Chambers, the Labor Relations officer, Jack Stone the City Personnel Director and Captain Jose Hernandez sat on one side of the table. Officer Bill Tucker, the POA bargaining officer, Sergeant Henry Greenberg, the POA president and civilian records supervisor Judy Kirk sat on the other side of the table. "Even though its now the 21st century, some traditions die hard" joked Sergeant Greenberg, "It's the year 2000 and we still sit on opposite sides of the table".

It felt strange for all six to be sitting across from each other because these six people along with others had been meeting with each other monthly over the past four years since the last

contract was signed. During these cooperative committee meetings they worked as a team in discussing problems and attempting to solve them long before the problems became issues on the bargaining table. For the most part this was very successful.

Contracts were longer term now than they were in the 80's and 90's because most issues could be solved off the bargaining table. This group of six people trusted each other. They had been through team building and communication workshops together and had learned to communicate with each other openly and honestly. There were no hidden agendas. They had also been to the California School for Police Labor Relations (CSPLR) sponsored jointly by CPOA, PORAC and POST. The purpose of this school was to educate and train both sides of the table so that they could deal with each other from equal power positions. Although each team of three represented different interests each team respected the others position and operated on a win-win point of view. Each side knew that if the other side perceived themselves as a "loser" one year, bargaining would be that much tougher next contract as the "loser" would then try to become the "winner". Roberta Chambers remembered that the last time they were at the bargaining table, Bill Tucker had miscalculated some figures that was going to result in the POA accepting less of a percentage than they had normally received from the city towards their health plan. Roberta had pointed out the miscalculation to Bill and the figures were revised. Roberta did this because she knew that Bill would have done the same in return. There was nothing to gain by cheating the other side except loss of the excellent relations now enjoyed.

Roberta said to Bill, I really appreciate your moderate request of a 2% raise this year but we have worked the figures

and can only come up with 1%, however, I think we finally can do something on the 4-10 plan you've been after and we can raise the cap on sick leave accrual".

Bill had asked for a modest 2% because he felt it was a realistic figure. Years ago he would have come in asking for 10%, hope to settle for 5% but be willing to accept 2%. But Bill was as knowledgeable about the city financial situation as was Roberta. He attended department staff meetings, city budget meetings and was provided all the relevant facts and figures by Finance. He trusted the figures. He knew that the economy was staggering, that spending caps were still in effect, that the fight against AIDS, although recently won, had sapped the economy and that the city recently paid a rather large civil suit. Bill was not going to make demands that he knew the city could not meet. He felt a 2% raise was a realistic figure. Roberta was offering 1% and some other benefits. Roberta and Bill did discuss it back and forth for an hour or so; cooperating does not necessarily mean that you see eye to eye on every issue. In the end Bill felt that the other concessions the city was willing to make would be important to members of his bargaining unit and an agreement was reached.

The entire session lasted three hours. Both Roberta and Bill could remember bargaining sessions that lasted for eight hours or more at a time and would go on for days, weeks or months and still end up in court.

It was sort of ironic. Management was never able to obtain a prohibition against police strikes, in fact the courts ruled that police officers have an absolute right to strike. The unions on the other hand were never able to negotiate binding arbitration. But, although police bargaining units could call a

strike at any time there was an impasse, and there was no mechanism to force an agreement if there was impasse, neither strikes nor impasses had occurred in California during the last five years. With the recognition and respect of each others roles, the honest way in which each side dealt with the other, the win-win goals in reaching agreements, and the on-going (not once a year) communication each side had with the other, there was no reason for strikes or impasse.

Bill said to Roberta, "I'll see you at the bargaining table in a few years." "And I'll see you at the cooperative committee meeting next week," she replied.

Policy Consideration

In assessing all the material gathered and reviewed to this point, scenario three is the most desired outcome. The following policy issues are to be considered:

A. Economic - A tighter and tighter economy must be assumed. The "crash" of the stock market in mid-October of this year has caused many forecasters to reevaluate their projections. The market may recover in time and the voters of the state may eventually rescind proposition 4 as being too limiting on city and county budgets. None-the-less, the forecast into the year 2000 indicates that revenues will not keep pace with expenditures.

- 1) there will be more, not less affiliation with public sector unions. Affiliation will tend to be with a national AFL-CIO union such as International Union of Police Associations (IUPA). To date unions have not been tremendously successful in recruiting police associations, but they will probably be more successful in the future.
- 2) Even if POA's do not associate formally with labor unions they will, on the local level, come to look more and more like unions and will refer to themselves as unions.
- 3) Police officers will become more and more vocal for a bigger piece of the salary budget as they compare their pay vs. their job responsibilities to those of other employees such as Fire

department personnel.

- 4) As budgets become tighter, non-economic issues will receive more and more attention at the bargaining table.
- 5) As budgets become tighter, POA's will not strongly resist civilianization but rather will focus on more money for fewer cops.

B. Conflict Resolution - management is interested in making strikes illegal. Bargaining units are interested in binding arbitration - neither will occur.

- 1) police officers will become more knowledgeable and more competent at the bargaining table which is to managements benefit.
- 2) an unlimited right to strike will be allowed for all public employees including police officers.
- 3) impasse resolution will be handled by mediation if outsiders are used at all. Fact-finding and arbitration tend to interfere with good faith bargaining as it causes parties to look to third parties for solutions and takes pressure off reaching an agreement.

C. Political - unlike private sector labor relations, the political process is very important in public sector labor relations.

- 1) It is very conceivable there could be a return of the Democrats to power on both the National level and the state level which would tend to give police labor organization more power within the political system. It also causes a conflict for police officers, however, who are very

conservative on law and order issues but find themselves supporting liberal democrats who are not.

- 2) POA's tend to be successful on the local level in politics but are becoming even more and more sophisticated in this area and will continue to do so in the future.
- 3) The Garcia vs. Metropolitan Transit District case caused the National Government through FLSA to become involved in establishing working conditions on the local level. As this door has now been opened, more attention will be focused by rank and file groups on the national level to improve working conditions on the local level.

D. Management - rank and file relationships

- 1) As the younger officers of the "me generation" become older and start to move into positions of leadership within the POA's, the POA's will tend to become more aggressive and present more of a challenge to the management side of the table.
- 2) The very important question of "who is management" will be resolved and all sergeants and above will be removed from rank and file bargaining units. Sergeants and above will be "management". The down side of this is that the POA's will lose members who tend to be older, more mature and a stabilizing influence on the younger members within the POA.
- 3) In spite of the above, and as mentioned earlier, both sides have become and will continue to be more and more sophisticated at the bargaining

more and more sophisticated at the bargaining table. Both sides will realize the need for win/win outcomes to negotiations. Both sides will also realize that a weak team on the other side of the table creates problems in the long run.

- 4) Both management and rank and file will participate in activities such as team-building workshops and communications workshops to further cooperation and communication.
- 5) New techniques, such as cooperative committees, will be borrowed from the private sector, to try to promote cooperative working relationships 365 days a year. The aim is to resolve problems as they occur and thus keep them off the bargaining table.

STRATEGIC PLAN

The strategic plan is a document that provides the framework for the head of an agency to look at all the variables involved in an issue. This strategic plan will be brought from a macro level to a micro level and focus on one agency, the San Leandro Police Department. This will allow the writer to focus on issues and stakeholders to add clarity to the paper. Although focused on one agency, the goal is to allow any agency, by applying the principles involved, to adapt the plan to meet any agency's needs.

I. Situation

The Environment

The city of San Leandro is a city of 65,500 people located in Alameda County in the greater San Francisco Bay Area. The city has an excellent mix of business/commercial and residential areas, and is relatively well off financially in comparison to other cities in the county. Prior to proposition 13, the city of San Leandro received recognition in national publications by cutting property taxes for 22 consecutive years.

The San Leandro Police Department consists of 86 sworn officers and 45 civilian employees. Since July of 1986 the department turnover has been tremendous especially in the rank of sergeant and above. There is a new chief of police (a former Lieutenant with the department), two out of two new captains, three out of five new lieutenants, and eight out of sixteen new

sergeants. The department, like the city government in general, is responsive to the needs of the community and prides itself on a "proactive" approach to street problems and a fast response time to calls for service.

In the area of labor relations, the SLPOA represents all employees below the rank of Lieutenants although the Lieutenants, Captains and Chief belong as associate, non-voting members. The SLPOA's only affiliation is with FORAC. Joining a labor union has never been a serious issue. The POA has always represented itself at the bargaining table with a three-person team consisting of the POA president, an ex-POA president who has become the "expert" in labor relations and adds continuity from year to year. The third member is a civilian dispatcher who represents the interests of the non-sworn employees. The POA does seek advice from an attorney that is on retainer but he does not participate at the table. On the other side of the table representing management is a negotiator contracted from a private firm, the personnel manager and the Bureau of Services Captain. Most recent contracts have been for two years. They are almost always negotiated on time and the POA has never seriously considered any job actions. Relationships between the two sides of the table are generally friendly and mutually respectful but there has been a couple of times when an issue could not be resolved and the POA has sued in courts; i.e., compensation for the half-hour meal.

THE TRENDS

Five trends were identified in the last section of this

project as those that would impact the future of police labor relations in California by the year 2000. These trends will now be further examined to see what impact they will have, and what threats and opportunities they may present to the agency.

1) Demand for staff and/or benefits by employees

Because law enforcement officers in California are generally well paid and because budgets are likely to become tighter and tighter in the future, POA's will turn more and more of their energy to non-economic issues such as staffing patterns, more time off, lateral training assignments, rules and regulations, and discipline just to mention a few.

The opportunity is for management and the rank and file to work cooperatively to reach agreements on these issues where agreements can be reached. A further opportunity is to discuss these issues as they occur, try and resolve them, and thus keep them off the bargaining table.

The threat is that either side will take a "win at any cost" attitude on one or more of these issues and breakdown trust and communication. Both sides must constantly be aware of the danger of "winning battles and losing wars".

2) Expansion of private security personnel

The expansion of private security personnel may at first glance appear to mean that there will be fewer and fewer jobs for sworn officers. Experience shows us

however, that the opposite tends to be true. Private security personnel generate more work for law enforcement.

The threat is more work generated without additional resources and possibly less resources as the money situation gets worse. Another threat is that as the security guard business flourishes, it may begin to offer salary and benefits that may make these jobs more attractive to the same population that we in law enforcement are trying to recruit.

3) Change of values in work force by entry level employees

Among officers of my generation in law enforcement (24 years of service), this generally refers to the "me generation". The values of this generation have been well documented and do not need to be repeated here. The "me generation" generally refers to employees who are in for jobs not careers, want to know what the organization has done for them lately, and want time off to pursue personal interests. They also do not take orders without questions in return.

The opportunity is to try and change these values into pluses for the organization. The main point here is to realize that basic values are not going to be changed and we as managers must accept the values (what was said about us when we were rookies?), and work with them. This generation will after all be running our organizations in the not too distant future.

The threat is that these officers will make demands upon the organization that it cannot meet. Any employee can only be given so much time off to pursue personal interests before the organization begins to suffer. Their "unreasonable" demands (at least in the eyes of some administrators, and even some POA leaders) may cause a backlash that could easily push these officers toward more militant positions.

4) Early retirements due to physical/stress injuries

This trend has been occurring for many years now and shows no sign of letting up in the immediate future.

There are few opportunities here except to better manage the worker's compensation system so that it serves those who are truly incapacitated and weeds out those who are trying to take advantage of the system.

The threat is two fold. First it creates a monetary drain on cities and thus drains money that can be utilized for more productive things i.e., for raises. Second, and as important, it takes manpower off the line. With the manpower shortage most departments are facing, and the time involved to hire, train and have new officers on the street (8-10 months), most small and medium size departments cannot afford too many worker's compensation cases. It has a spiraling effect in that it causes other officers to work unwanted overtime and thus burns them out.

5) Shrinking labor pool

As with trend three, "the changing values of the work force" this trend is one that has been long discussed and well documented. It tends for the most part to be one of demographics, fewer persons in the 18-25 age group, but it goes beyond that. Most departments would agree it is not a lack of number of candidates, it is a lack of "qualified" candidates. The numbers of candidates who have experimented with drugs, and/or lack a sound education foundation are two main reasons for the lack of "qualified" candidates.

The opportunity is to think of more creative ways to find, recruit and hire "qualified" candidates and many departments throughout the state are starting to do very creative things in this area.

The threat is that: 1) departments may have to lower standards to recruit from the shrinking labor pool, 2) services the citizens want and expect cannot be provided and, 3) we will "burn out" those that we do have working.

Capability analysis-overview

Eight members of the San Leandro Police Department were issued two rating forms and asked to rate both the present capability and future adaptability of the department as they perceive it. These eight people were sworn and non-sworn members of the department. The results were plotted and averaged on chart six. (See Page 45) The results are as follows:

A. Present Capabilities

Strengths

equipment
money
management skills
training
council support
city manager support
pay scale
benefits
community support

Weaknesses

manpower
supervisory skills
growth potential

Other areas were seen as average and acceptable.

B. Future Adaptability

An assessment of the future adaptability of the San Leandro police department shows an organization that for the most part neither rejects change (custodial), or seeks novel change (flexible).

Top management was perceived as having the mentality/personality to seek novel change (both captains are enrolled in Command College program) and having the skills/talents and knowledge/education to encourage strategic change. Line personnel were perceived to be able to adapt to minor change (production). The remainder of the organization was perceived as seeking familiar change (marketing). Refer chart seven. (Page 46).

PRESENT CAPABILITY ANALYSIS: RATING

Instructions

Evaluate for each item, as appropriate, on the basis of the following criteria:

- I Superior. Better than anyone else. Beyond present need.
- II Better than average. Suitable performance. No problems.
- III Average. Acceptable. Equal to competition. Not good, not bad.
- IV Problems here. Not as good as it should be. Deteriorating. Must be improved.
- V Real cause for concern. Situation bad. Crisis. Must take action to improve.

Category	I	II	III	IV	V
manpower	_____	_____	_____	X	_____
technology	_____	_____	X	_____	_____
equipment	_____	X	_____	_____	_____
facility	_____	_____	X	_____	_____
money	_____	X	_____	_____	_____
calls for service	_____	_____	X	_____	_____
supplies	_____	_____	X	_____	_____
management skills	_____	X	_____	_____	_____
P.O. skills	_____	_____	X	_____	_____
supervisory skills	_____	_____	_____	X	_____
training	_____	X	_____	_____	_____
attitudes	_____	_____	X	_____	_____
image	_____	_____	X	_____	_____
Council support	_____	X	_____	_____	_____
C.M. support	_____	X	_____	_____	_____
growth potential	_____	_____	_____	X	_____
specialties	_____	_____	X	_____	_____
mgmt. flexibility	_____	_____	X	_____	_____
sworn/non-sworn ratio	_____	_____	X	_____	_____
pay scale	_____	X	_____	_____	_____
benefits	_____	X	_____	_____	_____
turnover	_____	_____	X	_____	_____
community support	_____	X	_____	_____	_____
complaints rec'd	_____	_____	X	_____	_____
enforcement index	_____	_____	X	_____	_____
traffic index	_____	_____	X	_____	_____
sick leave rates	_____	_____	X	_____	_____
morale	_____	_____	X	_____	_____
	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____

CHART SEVEN

STRATEGIC NEED AREA SAN LEANDRO POLICE DEPARTMENT

FUTURE CAPABILITY ANALYSIS

Instructions

Evaluate Each Item For Your AGENCY as to what type of activity it encourages:

- I Custodial - Rejects Change
- II Production - Adapts to Minor Changes
- III Marketing - Seeks Familiar Change
- IV Strategic - Seeks Related Change
- V Flexible - Seeks Novel Change

Category

	I	II	III	IV	V
TOP MANAGERS:					
Mentality Personality	_____	_____	_____	_____	<u> X </u>
Skills/Talents	_____	_____	_____	<u> X </u>	_____
Knowledge/Education	_____	_____	_____	<u> X </u>	_____
ORGANIZATION CLIMATE:					
Culture/Norms	_____	_____	<u> X </u>	_____	_____
Rewards/Incentives	_____	_____	<u> X </u>	_____	_____
Power Structure	_____	_____	<u> X </u>	_____	_____
ORGANIZATION COMPETENCE:					
Structure	_____	_____	<u> X </u>	_____	_____
Resources	_____	_____	<u> X </u>	_____	_____
Middle Management	_____	_____	<u> X </u>	_____	_____
Line Personnel	_____	<u> X </u>	_____	_____	_____

II. Mission Statement

San Leandro Police Department

"To protect and serve the citizens of San Leandro through the fair and equal enforcement of all laws, and by maintaining a level of police service that will insure the quality of life within the city."

Police Labor Relations

"To ensure that employees of the San Leandro Police Department are advised and receive those services and protections guaranteed by the Meyers Milias Brown Act and the Peace Officer Bill of Rights."

"To promote a positive, non-polarized working relationship between management and non-management employees wherein the rights of the individual law enforcement employee and the mission and objectives of the San Leandro Police Department are equally balanced to provide the best overall service to the citizens of the community."

III Execution

From the information developed in the previous section on defining the future, I asked the same six people to help develop policy/strategy statements on the issue area. The following statements were developed:

1. In-house team building/communication workshops will be held to develop a cooperative team spirit between the city or county and the union negotiating teams.
2. As unions are now in a relatively weak position, efforts will be made to further weaken them and break up bargaining units.

3. Cooperative committees will be formed to allow a mechanism for working out problems as they occur and thus keep non-economic issues off the bargaining table.
4. A definition of "management" as sergeants and above will be established on a state wide basis.
5. Police strikes and job actions will be made illegal.
6. Efforts will be devoted to passing a mandatory binding arbitration bill, as well as a bill to allow the right to strike.
7. A labor relations school sponsored jointly by CPOA and PORAC and funded by POST shall be established. It will be open to all those who bargain for either labor or management.
8. Efforts will be directed towards repealing Myers, Milias Brown (MMB), and having all labor relations fall under the National Labor Relations Act.

A rating sheet was given to each of the six participants and they were asked to rate each of the eight policies as to both the feasibility and the desirability of each policy. The rating sheets were collected and averages were determined for each policy and transferred to a master rating sheet (see chart eight, p.50).

Recommended Strategies

An evaluation of the rating sheet was done to choose the two alternatives with the highest score, and the one that was the most polarized. These are listed with a discussion of the strengths and weakness of each alternative.

Alternative 7: A labor relations school sponsored jointly by

CPOA and PORAC and funded by POST shall be established open to all those who bargain for either labor or management (six points)

The strength of this alternative is that it will foster cooperation between the two sides at the table. The fact that it is sponsored jointly by CPOA and PORAC will indicate to the participants that there is common interest by both labor and management. Common terms and concepts will be taught to both sides and it will promote equal strength on both sides of the table so that win/win contracts will be the outcome.

The weakness is that it will take time and effort to coordinate the activity of the three organizations involved to make this school a reality. Another weakness is that it is mostly designed for organizations where the negotiators on both sides of the table are from within the organization. It will be less effective where the POA has a union negotiator or an attorney sitting at the table, and where management has contracted with a firm to represent them at the table.

Alternative 3: Cooperative committees will be formed to allow a mechanism for working out problems as they occur and thus keep non-economic issues off the bargaining table. (five points)

The strength of this alternative is that it will provide a formal mechanism in-house to resolve issues as they occur. It will also allow rank and file members to feel more like they have a stake in the organization.

CHART EIGHT

RATING SHEET FOR POLICY DELPHI

Alternative 1: In-house team building/communication workshops will be held to develop a cooperative team spirit between the city or county and the union negotiating teams.

Feasibility	DF	PF	PI	DI	SCORE = 4
	3	(2)	1	0	
Desirability	VD	D	U	VU	
	3	(2)	1	0	

Alternative 2: As union are now in a relatively weak position, efforts will be made to further weaken them and break up bargaining units.

Feasibility	DF	PF	PI	DI	SCORE = 1
	3	2	(1)	0	
Desirability	VD	D	U	VU	
	3	2	1	(0)	

Alternative 3: Cooperative committees will be formed to allow a mechanism for working out problems as they occur and thus keep non-economic issues off the bargaining table.

Feasibility	DF	PF	PI	DI	SCORE = 5
	3	(2)	1	0	
Desirability	VD	D	U	VU	
	(3)	2	1	0	

Alternative 4: A definition of "management" as sergeants and above will be established on a state-wide basis.

Feasibility	DF	PF	PI	DI	SCORE = 4
	3	2	(1)	0	
Desirability	VD	D	U	VU	
	(3)	2	1	0	

DF - Definitely feasible	VD - Very desirable
PF - Probably feasible	D - Desirable
PI - Probably infeasible	U - Undesirable
DI - Definitely infeasible	VU - Very undesirable

Alternative 5: Police strikes and job actions will be made legal.

Feasibility	DF	PF	PI	DI	SCORE = 4
	3	(2)	1	0	
Desirability	VD	D	U	VU	
	3	(2)	1	0	

Alternative 6: Efforts will be devoted to passing a mandatory binding arbitration bill, as well as a bill to allow the right to strike.

Feasibility	DF	PF	PI	DI	SCORE = 2
	3	2	(1)	0	
Desirability	VD	D	U	VU	
	3	2	(1)	0	

Alternative 7: A labor relations school, sponsored jointly by CPOA and PORAC and funded by POST, shall be established open to all those who bargain for either labor or management.

Feasibility	DF	PF	PI	DI	SCORE = 6
	(3)	2	1	0	
Desirability	VD	D	U	VU	
	(3)	2	1	0	

Alternative 8: Efforts will be directed towards repealing Myers, Miliias Brown (MMB), and having all labor relations fall under the National Labor Relations Act.

Feasibility	DF	PF	PI	DI	SCORE = 3
	3	2	(1)	0	
Desirability	VD	D	U	VU	
	3	(2)	1	0	

DF - Definitely feasible	VD - Very desirable
PF - Probably feasible	D - Desirable
PI - Probably infeasible	U - Undesirable
DI - Definitely infeasible	VU - Very undesirable

The weakness of this alternative is that it may not be supported fully by the Chief or Sheriff of the jurisdiction who may perceive it as a further intrusion on managements right to run the organization. If either side perceives that the cooperative committee is stacked in favor of the other side it is almost certainly doomed to failure. Another weakness is that while the concept has been used in the private sector, there is less experience in the public sector, and almost no experience in law enforcement. This means there are few models for law enforcement to look at for successes and failures.

Alternative 4: A definition of "management" as sergeants and above will be established on a state wide basis. (four points) This was the most polarized. It was seen by the group as very desirable but probably unfeasible.

The strength is that there will finally be a clarification of the sergeant as part of the management team. It must be added that this condition already exists in some cities, but in most cities, sergeants are part of the rank and file bargaining unit. There is probably not a sergeant in the state who isn't told when he or she is appointed sergeant that "you are now part of management". However when they are not represented as are the other managers in the department, it is not surprising that sergeants often side with the rank and file. If the Chiefs or Sheriffs policies and procedures are to be carried out successfully, the sergeant must perceive him or her self as part of the management team. Becoming part of a management bargaining unit will reduce the dichotomy that most sergeants feel.

The weakness of this alternative is that there is so much

diversity in the way sergeants are represented throughout the state that this alternative must be looked at on a jurisdiction by jurisdiction basis. In some departments, sergeants are already in a different bargaining unit than the rank and file. In others, the sergeants may fight to stay in the rank and file bargaining unit because they do not perceive themselves as part of management. It may also be true that being in the bargaining unit offers advantages that are not received outside the unit; i.e., paid overtime. In still other cases the sergeants may be willing to move out but the move will be resisted by the bargaining unit who will perceive the loss of the sergeant as a loss in the power of the unit as well as a loss of financial support.

The implementation of both strategies number seven "a state school on labor relations," and number three "the establishment of a in-house cooperative committee" would be very beneficial to the area of police labor relations. One calls for work to be done on the state level, the other calls for work to be done on a local level. The steps to be taken in getting a class sponsored by POST is more obvious than establishing a cooperative committee within the police department as this is a relatively new concept within law enforcement. The remainder of this project will therefore focus on planning for and implementing strategy number three. A detailed discussion of labor-management committees (LMCs) is contained in the appendix following the Endnotes (Refer page 87).

In formulating a plan to design and implement a cooperative

committee, the San Leandro Police Department will be used as a case study. However, the concepts and procedures developed in this case study can serve as a model and, thus, be followed by other law enforcement agencies in establishing similar committees.

Stakeholders

A group of eight sworn and non-sworn employees were asked to brainstorm a list of stakeholders. A stakeholder was defined to the group as any person or group of people who would impact on, or be impacted by the issue of police cooperative committees. The group was also asked to be aware of "snaildarters" defined as unconventional stakeholders, those not readily apparent who may be small in size, but powerful in helping or hurting the desired outcome. The stakeholders identified by the group were as follows:

1. Chief of police or sheriff
2. Police Officer Association (POA) or Deputy Sheriffs Association (DSA) president
3. Personnel manager
4. PORAC
5. middle/upper management
6. city manager or county CEO
7. rank and file membership of POA or DSA
8. local taxpayers
9. CPOA
10. first line supervisors
11. private labor relations contractors
12. other city departments heads
13. city or county attorney

14. AFL-CIO labor organizations
15. City or county personnel boards or civil service commissions
16. finance department
17. other city or county bargaining units
18. IACP
19. California Police Chiefs Association or Sheriffs Association
20. mayor/city council or board of supervisors
21. the media
22. POST
23. local colleges with public labor relations programs

The group was next asked to identify those stakeholders they felt would have the largest impact on the issue. After a discussion, a consensus was reached on the following eight groups.

1. Chief of Police or Sheriff
2. POA or DSA president
3. city or county personnel department head
4. City Manager, or County Administrator
5. Mayor/City Council or board of supervisors
6. rank and file members of POA or DSA
7. supervisors/middle management of department
8. local tax payers

General Assumptions

A few general assumptions should be made prior to a discussion of the stakeholder assumptions. First, and most importantly, while cooperative committees (hereafter referred to

as Labor-Management Committees (LMCs) can be beneficial to any jurisdiction, there will certainly be a varied perception of the need from jurisdiction to jurisdiction. Some departments may already enjoy excellent relationships between management and labor and not perceive a need for LMCs, "if it ain't broke, don't fix it." Still other departments may have already installed mechanisms or procedures that provide for on-going, constant communication between management and labor although no name is given to the mechanism, or it is called something other than LMC. This project shall assume that there is some incentive to want to improve the labor management relationship which could currently be strained, or may be functioning well, but the participants would like to function even better.

Stakeholder Assumptions

After narrowing the list of stakeholders down to the eight that would have the greatest impact on the issue area, a list of assumptions was developed for each of the eight as follows:

- 1) Chief of police or sheriff (-)
 - a) another "fad" or "gimmick"
 - b) more meetings to attend
 - c) a further erosion of management rights
- 2) POA or DSA president (+)
 - a) better opportunity to have concerns heard and addressed
 - b) more direct access to the power structure
 - c) an indication to the rank and file that their interests are being protected by the leadership.
- 3) City or County Personnel Department Head(+)

- a) reputation for being innovative among peers
 - b) more issues resolved off the bargaining table
 - c) more cooperation between management and union translates to less work for Personnel Department
- 4) City Manager (+and -)
- a) reputation as being innovative among peers
 - b) conflicts resolved at the department level
 - c) risking inroads into heretofore management rights
- 5) Mayor/City Council (+)
- a) will make negotiating labor contracts much smoother and create less controversy in community
 - b) Reputation of city as being innovative in the area of labor relations
 - c) create more of a "city family" feeling among all the department workers involved
- 6) Rank and file members of POA or DSA (-)
- a) another "game" by management to take advantage of them
 - b) the POA leaders getting too cozy with management for their personal benefit
 - c) another committee that will come and go and accomplish nothing
7. Supervisors and middle managers (-)
- a) allows direct access between rank and file and Chief or Sheriff and cuts them out of process
 - b) loss of power and status within organization
 - c) feeling of "who speaks for us", "who is going to

address our concerns"

8. local taxpayers (+)

- a) more harmony within department translates to happier employees in dealing with public
- b) resolved grievances will lessen threat of job actions and strikes
- c) issues resolved locally will keep control local as opposed to intervention by courts and arbitrators.

After developing the above assumptions for each stakeholder group, each group was then plotted on a chart in terms of the perceived certainty of each groups position and the perceived importance of the group on the issue (refer chart nine, p. 59).

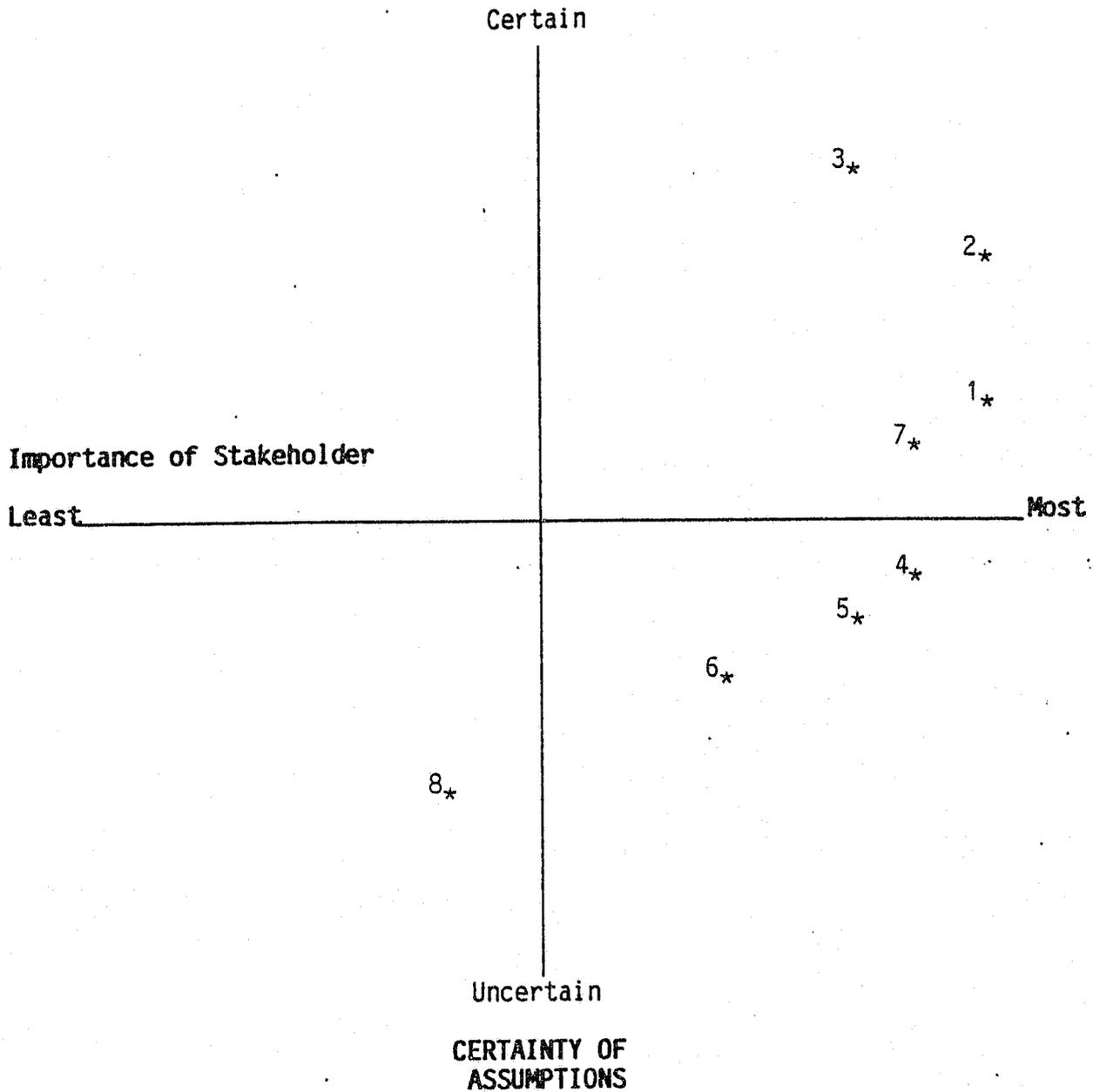
Summary of Stakeholders Assumptions

Of the eight stakeholder groups identified, all but the local tax payers appear to be very important stakeholders, with the most important being the police chief of sheriff and the POA president followed closely by the head of the personnel department, the supervisors and middle managers and the city manager.

Most of the stakeholders fall towards the middle of the chart in terms of the certainty or uncertainty of their position on the issue. Only the head of the personnel department and the POA president tend toward the certain, and the local tax payers tend toward the uncertain. The certainty or uncertainty of the other five stakeholder groups is not known. This probably reflects the fact that the personality of the players involved

CHART 9

STAKEHOLDER ASSUMPTIONS



- 1. Chief of Police
- 2. POA or DSA President
- 3. Personnel Dept. Head
- 4. City Manager or County CDO

- 5. Mayor/City Council
- 6. Rank and file members of POA/DSA
- 7. Supervisors/middle managers
- 8. Local tax payers

would determine their position.

It appears that in order to make the LMCs a reality, that the important but uncertain stakeholders, namely the police chief or sheriff, the city manager and the supervisors and middle managers must be moved from an uncertain to a certain position. Once their positions are more certain than strategies may be developed to move them to a support position. These strategies will be developed later in this project.

Course of action

The following six courses of action seem appropriate to cause the establishment of a labor-management committee within the police or sheriff's department.

The first course of action is to convince the players involved that LMCs are in the best interest of both the city or county and the employees. Everybody must buy into making the system work or it is obviously doomed from the start.

The second course of action after the first is accomplished, is to identify the players who will be involved on the LMC and get them together. It would seem some team building and communication strategies would be appropriate at this point.

The next course of action, and it can actually be incorporated in the above, is to clearly define the LMC, what it will do, what it won't do, how it will do it, when it will do it, etc., to make the concept become a reality.

Before the LMC actually begins to function, the rest of the organization, (both management and rank and file) must be educated as to the intent of the LMC and how it will function within the organization.

Next, the LMC should actually begin to operate, starting with very small issues at first and gradually taking on more complex issues as the committee members begin to feel comfortable with each other.

The next course of action would be to apply already designed monitoring systems to determine if the LMC is meeting all expectations, determine if the LMC can be improved upon, or in the worst case determine if the LMC should be scrapped.

IV Administration and Logistics

During the first three months, meetings will be held with the chief and the POA president, at first separately and then together, to explain the concept, provide a skeletal framework, discuss the advantages of LMCs and obtain a buy-in from both parties to proceed.

During the next three months, the chief will obtain a buy-in from his staff to include first line supervisors. The POA president will obtain buy in from his board of directors and the rank and file. During this same period, the chief and POA president will meet with the city manager to obtain his conceptual buy in to the program. A commitment shall be made to present a specific plan for approval to the city manager and the mayor/council within a year.

In the next six months meetings will be held to include the chief, his top level administrators, a lieutenant, a sergeant and the POA board of directors. The purpose of these meeting will be to establish clear lines of communication. To this end an outside facilitator will be utilized to meet and consult with

the group. The second purpose of these meeting will be to put the process of the LMC together. Agreements shall be reached on such issues as the composition of the committee, what the parameters of the committee shall be, how often the committee will meet, what issues the committee will and won't address, when and where the committee shall meet, etc. The answers to all of these questions will be written down in a document which shall become the by-laws of the committee.

In the next three months these by-laws shall be presented to the city manager for his approval. This approval shall also consist of approval from the city personnel director and the city attorney. The by-laws will then be presented to the mayor and counsel for their approval.

One year and three months has now gone by. The LMC shall now begin to meet and begin to discuss issues and try and resolve them. The preference would be that the LMC begin with small, easy to resolve issues. More difficult issues could be addressed as the group feels comfortable in proceeding with them.

At one year and six months an evaluation of the process shall be conducted with a discussion of the strengths and weaknesses of the LMC. This report shall be issued to the city manager and the mayor and city council.

On-going evaluation, conducted at least annually, shall be carried out thereafter.

Implementation Plan

Introduction

So far, this project has provided a background in the area of police labor relations, has defined the future and developed three future scenarios. This was followed by the development of a strategic plan to help define the specific strategy needed to cause the desired state to come about.

This section will now develop a implementation plan to bring the strategy to reality.

Negotiable and non-negotiable issues

There is actually very little that is non-negotiable on the issue of establishing a Labor-Management Committee. This program does not currently exist and the department could continue to function without a LMC program. This point puts the chief of police in the comfortable position of having a lot of flexibility and room to negotiate in establishing a labor-management committee.

The non-negotiable issues are:

- a. The findings of the LMC on any issue must be advisory only to the chief of police. They cannot be made binding.
- b. The LMC is a supplement to the bargaining process, it does not replace that process. Conditions of the memorandum of understanding (MOU) always take precedent until the MOU is changed in the bargaining process.
- c. Specific grievances will not be discussed, but general conditions that lead to a grievance may be discussed.

- d. Both management and the POA always retains the power to dissolve the LMC if it does not appear to accomplish the goals it intended to accomplish.

The negotiable issues are:

- a. Whether the LMC should be formed in the first place. It is critical that both management and the union want to participate in the program.
- b. Who specifically participates.
- c. What shall be on the agenda (exceptions are discussed above).
- d. When they shall meet, how often, how long, where and other such structural questions.

Stakeholder Negotiations

The four most important stakeholders identified in the strategic plan were 1) police chief or sheriff 2) POA or DSA president 3) city manager or county CEO and 4) police supervisors and middle managers.

Below is a discussion of the anticipated position that each of these stakeholder groups would have on the issue:

A. Police Chief or Sheriff - The police chief or sheriff will have some mixed feelings about this type of a program. On one hand is the positive aspects of being innovative and giving the rank and file more of a stake in the organization. To the extent that the LMC can resolve issues, the employees are apt to be happier and more committed employees. On the other hand the chief or sheriff has probably been in law enforcement for at least 15 years. He has seen the fads come and the fads go. Is this just another waste of time and resources?

The non-negotiable issues for the police chief will be much the same as those already listed for the issue generally:

- a. the findings of the LMC on any issue must be advisory only to the chief, they cannot be binding.
- b. the LMC is not a substitute for those processes already in place that affect bargaining issues covered in the MOU or grievance procedures or discipline processes
- c. the LMC can discuss the general conditions that lead to a grievance or discipline action but not the specifics of any one case.
- d. the chief may opt to withdraw support from the LMC at any time it becomes counter productive to the goals of the department.

The negotiable issues for the police chief or sheriff are:

- a. the very existence of the LMC
- b. who specifically participates
- c. what appears on the agenda(except as discussed above)
- d. when the LMC shall meet, how often, how long, where and other such structural issues.

B. POA or DSA president - the president of the POA or DSA has a very difficult job. He must listen to all the "bitches" of the rank and file even if he disagrees with the person with the complaint. He must convey the image that he is willing to confront and "take on" the administration over these issues or the POA will elect someone else who they perceive will take on the administration. At the same time that the POA president must project a "confrontive" personality to his membership, he usually

has been on the department long enough and is mature enough to know that he must work cooperatively with the chief to obtain the most for the membership. He generally understands the win/win strategy of negotiation.

The POA president would consider the following as non-negotiable issues:

- a. the ability to withdraw participation from the LMC any time it appears the LMC is not in the best interests of the membership.
- b. the POA must have equal power with management in the LMC. The rank and file membership cannot have the viewpoint that the LMC is a ploy by management to manipulate them.
- c. the POA representation on the LMC is to be determined by the POA, not management.

The POA or DSA president would consider the following as negotiable issues:

- a. whether the LMC should be formed at all
- b. what types of issues can be placed on the agenda of the LMC
- c. when the LMC meets, how often, how long, where, and other such structural issues.

C. City Manager - the city manager would listen to a well thought out intelligent presentation as to the benefits of creating a LMC. He would be impressed by the fact it was being brought to him by both the police chief and POA president in a spirit of cooperation to create a better working environment within the police department. He would be intrigued by the

novelty of the idea and the positive image the city may receive by pioneering the concept. He would also be concerned about legal ramifications and would want to consult with the city attorney. Finally, he would be very concerned about the impacts the LMC may have, both positive and negative, on other departments and other bargaining units within the city.

The city manager would consider the following as non-negotiable issues:

- a. the police chief must retain the right to run the department in the best interests of the citizens of the community and all recommendations of the LMC are advisory only and not binding on the chief.
- b. the LMC cannot interfere with any established civil service rules, MOU's or any other established regulations or procedures within the city unless they are changed by already established procedures.
- c. the city managers office retains the right to disband the LMC anytime it is felt it is having an adverse impact on the city as a whole.

The city manager would consider the following to be negotiable issues:

- a. whether a LMC should be formed at all
 - b. who is to participate on the LMC
 - c. how it is to be placed and function within the department
 - d. all of the mechanics as to time, place, location, etc.
- D. Supervisors and middle managers - the supervisors and middle managers are generally going to be very skeptical of LMCs. First of all, they have generally been in the business

long enough to be aware of all the management and organizational "fads" that have come and gone. They will tend to see the LMC as another of the fads. Most importantly, of all the stakeholders involved in LMCs, the sergeant and middle managers stand to lose the most, at least from their point of view. They might perceive that management rights were being sold out, and would be concerned about the POA having direct access to the chief of police to resolve issues. They may view themselves as being emasculated within the organization and the only group without a "voice" to protect their interests.

The sergeants and middle managers would consider the following as non-negotiable issues:

- a. they would want to be represented on the LMC
- b. they would want no "deals" made behind their backs between the chief and the POA that would affect them.
- c. they would want support from the chief that a chain of command still exists and is to be followed.

The sergeants and middle managers would consider the following to be negotiable issues:

- a. whether there should be a LMC established at all
- b. what issues can be placed on the agenda
- c. who is to participate (besides themselves)
- d. the structural issues of the LMC as to where they meet, when, for how long, etc.

Negotiation Strategy

In implementing the strategic plan that was developed, two key points must be kept in mind. These points are outlined in

The Art of Negotiating by Gerald Nierenberg.¹² The first point is that communication is the key to a successful final outcome. Not just this plan, but any plan will be much easier to implement if lines of communication are already open and friendly based upon the day-to-day dealings with people within the organization. If those lines of communication are not already open, or are open but unfriendly, then it will be more difficult to negotiate a win-win situation. This leads to the second critical point made by Nierenberg, and that is a successful conclusion will be reached if every party in the negotiation process feels their needs are satisfied. Open communication and satisfaction of needs will be the base upon which the negotiation strategy will be built. The strategies listed below are taken from The Art of Negotiating.

A. Police Chief or Sheriff - the police chief will start from a negative position because without any real information on LMCs, his first reaction will be one of skepticism. He will perceive the proposal as another fad that is going to take a lot of time and energy of the department only to go the way of all the other fads and disappear.

The chief's buy-in to this plan should be relatively easy however, as the department has the most to gain by the creation of a LMC. The chief will be approached on both a interpersonal level and and inter-organizational level. The task will be to convince the chief that the following needs will be met with the plan in place:

- a. his personal needs will be met in that he will get recognition as the chief of a department that tried

something very innovative and if successful will be copied by other police departments throughout the nation. The LMC concept will undoubtedly be written up in professional journals.

- b. the organizational needs will be met in that the LMC will provide a mechanism to resolve problems at the lowest level of the organization. There will be fewer formal grievances and the formal MOU negotiating process will be much smoother and faster.
- c. the organizational needs will also be met because the rank and file will feel much more of a buy-in to the decisions made. Job satisfaction should go up by meeting their belonging needs, their esteem needs and the need to know and understand. Higher productivity should also be a by-product of the LMC

The five strategies that may be used (as identified and outlined by Nierenberg) are 1) forbearance - there is no urgency in implementing a LMC. Resistance should be expected. The strategy is to go slow until the chief feels comfortable with the plan. 2) participation - all components of the department will work together for the greater good 3) association - this is a very risky step to take and it requires a chief who is innovative and a risk-taker. The chief should know that he will be in the company of other chiefs who are on the "leading edge". 4) blanket- make the initial proposal for the LMC comprehensive so that the decision makers can select those components they like

about the program, and eliminate those components they do not like and 5) salami - the program can be implemented on a incremental basis, adding components and elements as the ones already in place begin to function.

B. POA or DSA president - as indicated in the strategic plan, the POA president will tend to support the creation of a LMC. It creates a mechanism for the rank and file to have input to the decision making process even if the LMC is advisory and not binding in nature.

The POA president will, like the chief, be approached on an interpersonal and interorganizational level with a slight emphasis on the interpersonal level. Typically, both the POA president and the POA as an organization has very high self-esteem needs, self-actualization needs, and the need to know and understand. Also typically, the POA president and board have these needs to a greater degree than the POA members in general. The participation of the POA generally, and the POA president and board specifically in the creation of a LMC should strongly address the needs as outlined above.

The strategies to be used with the POA president are as follows: 1) forbearance--as with the chief, the POA president cannot be rushed in this process. Patience is the key. 2) participation--we are all working for the common good of the department and the community, 3) association--the POA will be working with the leaders of the department and will be respected among the other POA's in the state for negotiating and engaging in such an innovative program, 4) crossroads--introduce many components into the LMC plan and be willing to make concession on

some to gain on others, 5) salami--implement the program in very small slices until eventually the whole is achieved.

C. City manager--The city manager is going to have some mixed reactions when the concept of a LMC is presented to him for approval. As indicated in the section on stakeholder assumptions, he will welcome the opportunity to be innovative and on the "leading edge" in police-management relations and will certainly see the advantage in terms of in-house conflict resolution leading to a better working environment and higher morale. On the other hand, he will feel strongly that the chief must retain ultimate control over the decision-making process and will also be very concerned about the impact on personnel issues, legal issues and the impact on other departments of the city.

The strategies to be used with the city manager are for the most part strategies that would be employed with the individuals already mentioned. The strategies are: 1) forbearance--When the LMC is finally implemented, the city manager will want most of the problems to have been anticipated and the problems worked out. This means that the process cannot be rushed. The city manager is also going to want to get the input of several other stakeholders such as the mayor and city council, the personnel director, and the city attorney. He may also solicit the input of a few "snaildarters" such as other city department heads, other employee associations, other city managers, League of Cities, etc. 2) participation--The city manager likes the team or family concept. He very much believes in the "all working for the common good" concept. 3) association--The success of the LMC

concept will focus attention on the city as having an innovative new program that took some risk to try. The city manager will then join the company of other city managers with that reputation. 4) blanket-- The program presented shall be as broad as possible so that there is then room to scale down the program. 5) salami--The program should be designed so that it can be implemented on an incremental basis, starting with small issues and successes and building up gradually to larger ones.

D. Supervisors and middle managers - This final group will also begin from a negative support position. They will also be the most difficult to move to a support position as they have the most to lose and the least to gain from an LMC process, at least from their perspective. They are the communication link between the rank and file and the chief. With an LMC committee, that link would become much shorter, with the rank and file having more direct access to the decision-making process.

The four negotiation strategies to be used with this group are: 1) forbearance--As with the other three groups, this is the best "when" strategy, although with this group a "fait accompli" strategy could be used, (institute the LMC and direct them to go along with it). It obviously is a better strategy to get everybody to willingly buy into it. This will take time. Without their committed support, the LMC is doomed to failure. 2) participation--Supervisors and middle managers usually got to the position they occupy by being perceived by management as "team players." They also have a stake in the organization and tend to be long-term, loyal employees. These strengths should be

played to in negotiating their support. 3) crossroads--A wide range of matters will become a part of the proposed LMC concept. This will then allow negotiating room so that concessions can be made on some issues and a feeling of "give and take" can take place. 4) salami--As with the other three groups, the LMC is a departure from the normal way of doing business and it should not be a major, drastic change all at one time. It should be instituted in stages so that successes can build upon successes.

Transition Management Plan

Introduction

The "transition stage" is not the present nor is it the future. It is a unique condition of a certain time duration that covers that time between the present and the future we wish to have. It is a time characterized by a lot of uncertainty, high stress on people, high energy and conflict. The purpose of a transition management plan is to provide for as orderly a period of transition as it is possible to plan for.

The Critical Mass

The critical mass are those people/groups who, if they support the changes that are desired, ensure that the change will take place because of the power they possess. In this project the critical mass are as follows:

- a. chief of police or sheriff
- b. POA or DSA president
- c. city manager or county administrator
- d. police supervisors
- e. police middle managers
- f. police rank and file
- g. city or county personnel director

The chart below (chart 10, p.77) plots the perceived current level of commitment each of the critical mass players has towards the plan to establish a labor-management committee (LMC). The chart also indicates the commitment desired of each player to make the plan a reality.

Discussion of Commitment Analysis

In this discussion of the critical mass players, I will assume the players are members of my own organization so that the process can be illustrated. Each organization would obviously have different critical players with different personalities and would need to do their own assessments.

A. Chief of Police - appointed in July of 86. He is young and energetic, being promoted to chief from the rank of lieutenant. He has a strong commitment to change and to upgrade the department. He is a past-president of the POA and is still enjoying a "honeymoon" period with rank and file who are generally supportive of the changes being made. The chief's very first impression of the LMC program would tend to be negative because of the perception that this is another fad and it will take a lot of department energy and resources. However, once the program is explained and the benefits outlined, the chief would be supportive as he supports innovative approaches to problems. Once he understands the concept, he would move to a "make change happen" position which is where he must be if the program is to have any chance of success at all.

B. POA president - second term president of the POA. He is a senior member of the department and has a positive rather than a negative attitude in working with the chief. The POA has a lot of political and community support and can effectively block this change from occurring. The POA president will start from a helping position as the rank and file stand to gain much from a successful LMC. They will have frequent and direct contact with

Chart Ten

Commitment Analysis

Critical Mass Players	Block Change	Let Change Happen	Help Change Happen	Make Change Happen
Chief of Police/Sheriff	X			→ O
POA or DSA President			X	→ O
City Manager or County Administrator			O ←	X
Police Supervisors	X		→ O	
Police Middle Managers	X		→ O	
Rank & File		XO		
City or County Personnel Director				XO

X = Present Position
O = Desired Position

the decision makers who can make the changes desired by the POA happen. The POA president, like the chief, must be in a "make change happen" position. The LMC program will not come about or be successful without his full commitment.

C. City Manager - The city manager is a long term employee of San Leandro (over thirty years) but has only been city manager since July of 1986. He has a very high energy, positive approach to everything he encounters. He will see the LMC program as a very positive program that will help facilitate the family feeling he is trying to instill among employees, and one that will bring a lot of favorable attention to the city. He will of course want the endorsement of the city personnel director and the city attorney before he fully supports the program. He has within his office the power to create a LMC but that would not be in the programs best interests. The police chief and the POA president must be the leaders in the front of this program. The city manager has the resources to help the change happen which is the desired position.

D. Police supervisors/police managers - both of these groups will be discussed together as they have similar concerns and must be moved to the same position. Both supervisors and middle managers will start from a "block change" position. They will perceive the LMC as a threat to their status within the organization. They will perceive the LMC as a mechanism that will allow the POA to go around them and have direct access to the chief. Once the chief is in the "make change happen" position, it will be his job to help move the supervisors and middle managers to a "help

change happen" position. They will need to be in this position because the success of the program depends on their active support. Given their power and role in the organization, they can easily sabotage the program. The chief will explain to them that the chain of command will remain intact and that they will be represented and a part of the LMC. Nothing will occur without their knowledge and input. What will help the chief move this group is the fact that three of the five lieutenants and eight of the sixteen sergeants have been appointed since July, 1986. They are young, still flexible and fully behind the new chief and his administration.

E. Rank and file - the rank and file of the organization is made up of both sworn and non-sworn employees. As with the membership of almost any organization, whether it be police or non-police, the bulk of the membership is inactive and will go along with the leadership unless the leadership is not properly representing their interests, or there is a specific issue that arises that directly affects them in a negative way. The creation of a LMC should be perceived in a positive light by the rank and file. They will start from a "let change happen" position and do not need to be changed from that position.

F. City Personnel Director - the city personnel director, like the mayor, the city manager and the police chief has been in his current position less than two years. As many of the changes that the LMC will bring about affect personal rules, civil service rules, grievance rules, the MOU, etc. the personnel director needs to be in a position of helping the change happen.

Once the personnel director has given his input to the city manager, both positive and negative and the city manager makes the decision to proceed, the personnel director will already be in the help position so need not be moved.

Management Structure

In chapter 5 of the book Organizational Transition: Managing Complex Change by Beckhard and Harris¹³ there is a discussion of management structure as it relates to the transition phase. The question asked here is "what is the most appropriate management system and structure for effectively managing this ambiguous transition state of affairs so that it creates the least tension with the ongoing system and the most opportunity to facilitate and develop the new system?" (pg. 46). Stated more simply, who should manage the change?

In terms of implementing a Labor Management Committee (LMC) I would blend two management structures to most effectively manage the planned transition. I would utilize the structure of a "project manager" along with "representatives of constituencies".

The project manager should be someone very close to the chief but not the chief himself. He is the head of a major constituency (management). The LMC needs a more neutral project manager to leave the chief free to be a participant. Also the process of putting this project together will be very time consuming, time which the chief probably does not have given all his other duties and responsibilities. Finally, the rank and file needs to perceive this committee as one that they will have equal input into the process, and not one that is controlled by

the chief. In this particular case the project manager will be the captain, Bureau of Services. While it is still a management position, he is not the top decision maker. This person is committed to the concept and to making the concept a reality. Furthermore, this person has participated in labor negotiations with the POA so is familiar with them and used to working with them. The project manager in this case would act more like a facilitator while working with the representatives and initially would call meetings, print agendas, seek input, generate minutes and generally keep the process moving along.

The purpose of the LMC is to generate within the organization a climate of democracy and participation. The impact of the various constituencies into the process is essential for success. The project manager would, therefore, work closely with representatives from the following constituencies:

- a. Chief and executive officers
- b. POA president and Board
- c. Middle management
- d. First line supervisors
- e. City manager's office
- f. Personnel director's office

The project manager will work with the representatives of the above-named groups to bring the concept to reality. This will help ensure their respective buy-in to a successful program.

Supporting Technologies

The concept of the LMC has been accepted by the city

manager, the police chief, the personnel director, the POA and the other players involved. There is a commitment from all to make it work. Representatives to the LMC have been selected to participate. They are ready to meet. What next?

If this group is to be successful, honesty and open communication is the key that will make it work. There may be a lot of old "garbage" that people are carrying around; negative things that have occurred in the past, which will interfere with honest and open communications. Basically what needs to happen is that all the "garbage" or "old baggage" needs to be exposed, discussed, and resolved so that the LMC can proceed with a solid foundation upon which to build the future.

This will take a very skilled facilitator from outside the organization who will be perceived by all the participants to be neutral.

The initial group work that the facilitator does can best be accomplished in a retreat atmosphere where the surroundings are serene and there are no outside distractions. The LMC participants and the facilitator will go to retreat for three days during which time the facilitator will concentrate on value clarification and team development. The focus of this three days will be on interpersonal relationships, shared values, listening skills, conflict resolution and team building.

The LMC members will then return to their organization for one month and the following month return for another three-day retreat. The purpose of this retreat, now that the group can communicate effectively with each other, is to put together the structure of the LMC. Again, a facilitator with strength in

organizational development will be retained for the period. The discussion will focus on the mission and goals of the LMC, how it will fit within the structure of the department, what issues it will deal with and how, what issues it won't deal with and why, how conflicts will be resolved, how replacement personnel will be integrated into the committee, how the success or failure of the committee will be assessed and evaluated, and all the other finer details of actually making the LMC operational.

Upon returning from the second retreat, and before the LMC actually become operational, the rest of the organization must be made aware of how the LMC will function. A series of meetings will be held throughout the organization to impart the information to all employees. A brochure will be made up explaining the goals, objectives and structure of the LMC that can be used to not only explain the LMC to those employees currently working for the organization, but also those who will be future employees.

Once the entire organization is familiar with the goals and objectives of the LMC and how it will function within the organization, the LMC can begin to deal with actual problems and issues. The concept has now become a reality.

Conclusion

It was Henry Ford II who said "nobody can really guarantee the future. The best we can do is size up the chances, calculate the risks involved, estimate our ability to deal with them, and then make our plans with confidence."¹⁴ I can't guarantee that Labor Management Committees are the absolute, perfect answer to labor management problems. If they are, it may be true in some departments, but not others. And if they are effective in some departments, it may be for a few years, but not forever. When you get down to the bottom line in labor management relations, it is the personalities involved not the structure. A police chief and a POA president who are committed to the organization, to the people in it, and to arriving at win/win solutions to problems can make it work regardless of the structure. Whether a union is involved or not involved, whether the management represents itself at the bargaining table, or contracts with an outside negotiator is really incidental to good labor management relations. After all, what the labor group normally wants is to be heard and be treated fairly. It's really not all that complicated. Many chiefs throughout the state already have excellent relationships with their bargaining units and formal LMCs are not needed.

On the other hand, in many other departments the relationship may be improved upon. It's not necessary that the relationship be bad, only that it can be improved upon. And even if the relationship is good today, personalities do change. There may be a new chief, or a new POA president or a new city

manager tomorrow. What the LMC does offer is a structure to assist with continuity. That is what the organization itself offers. Any individual or group of individuals can leave the organization tomorrow and the structure will allow the organization to continue to function. It may or may not continue to function as well, but it will function.

The Labor Management Committee provides that structure to allow communications and resolution of problems between management and the rank and file. The problems of recruitment and retention are the most discussed among police managers today. We recognize that the employees of today are not the same as those of the 50's and 60's when "do it because I'm the boss" was all that was needed. "If you don't like it get out." no longer works either because we can no longer afford to lose good employees and they will get out if not satisfied.

As stated, the employee today wants to be treated fairly and wants to be heard. That can be done by the chief and management as a personal commitment. It can also be done through a structure, a LMC, that is very visible to each member of the rank and file. The labor management committee is a statement by the organization to the employee that says, "You will be heard; you will be treated fairly."

By starting today to establish an LMC, a structure will be in place for the future that will allow management and the union to work cooperatively in discussing and resolving issues. This will work to the benefit of not just the police department, but the community as a whole.

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LABOR-MANAGEMENT COMMITTEES (LMC)

Up to this point labor-management committees (LMCs) have been discussed in fairly general terms. There are two reasons for this. The first and most important is that there is no "single" concept of what a LMC should look like. Therefore, by keeping the concept broad, each city or county is free to think of the "concept" in terms of its own "reality." Each jurisdiction is free to ask "can the concept be applied here, and if so, how"? The second reason why LMCs have been discussed in general terms is that the writer knows of no police jurisdiction in California that has implemented a LMC and therefore, there are no "models" to look at.

There is, however, government experience with LMCs. In 1980, Gerald Susman, Ph.D, authored A Guide to Labor-Management Committees in State and Local Government for the Urban Consortium for Technology Initiatives, Public Technology, Inc. This research was co-sponsored by the U.S. Department of Housing and Urban Development and the U.S. Office of Personnel Management. The information presented below is extracted from this guide booklet to put some substance on the skeleton of a LMC, so that a jurisdiction that is seriously interested in forming a LMC may get a clearer picture of the issues involved.

A LMC is formed by at least two district parties; one party represents the public employer, the other party is duly authorized to represent public employees. The employer can form an employee committee, but it is not a true LMC if the employer unilaterally decides to establish the committee, and it is not jointly formed by management and the union (union will hereafter

be used to mean any authorized bargaining unit).

LMCs existed as far back as the 1920's at the Baltimore and Ohio Railroad and in the textile industries of Chicago and Cleveland. We do not see examples of LMCs in the public sector until about 1970. After 1970 the number of public sector committees increased significantly, in part probably influenced by budget squeezes resulting from declining tax revenues and high inflation and by the growth of public sector unions.

Labor Management Committees may be ad hoc to deal with a specific issue or problem, or can be permanent which has been the recent trend. LMCs are formed to study and resolve some outstanding issues that the parties could not settle during negotiations, or may be formed to respond to issues that are likely to arise in future contract negotiations. In either case, the parties consider it advantageous to discuss certain subjects without the pressure of a contract deadline. Most LMCs, however, are created for the purpose of dealing with subjects which the parties have decided cannot or should not be negotiated in a contract. LMCs should not be considered a substitute for collective bargaining, no matter how formally or informally union and management negotiate with each other in a particular jurisdiction. LMCs are a tool to supplement other tools that union and management can use to accommodate their sometimes conflicting and sometimes compatible interests.

Reasons that LMCs may be formed are to 1) improve safety, 2) improve productivity, 3) have a say over workplace issues, 4) deal with a wide variety of personnel administrative issues;

i.e., absenteeism, tardiness, alcoholism, drug abuse, vacation schedules, etc., 5) job security issues, 6) promote a positive image to the public, 7) and promote harmony between employee groups.

To assure that a LMC begins on a sound footing, the parties may find it useful to sanction their efforts by a written statement of intent. It would also be beneficial to first search through the present contract to see if it contains a clause providing for a LMC. If no clause exists, union and management can establish a committee without requiring that a clause be written, propose such a clause when negotiating the next contract or write a memorandum of agreement that supplements an existing contract.

General purpose committees formed to improve labor relations might meet at fixed monthly or quarterly intervals. If the parties decide to work on a specified project, it may be desirable to meet more frequently. Sub-committees formed by the main committee are also likely to meet more frequently than the main committee does.

Direct or out-of-pocket costs, i.e., meals, fees for consultants, or third parties can be shared in a fair and reasonable manner. Indirect costs, i.e., meeting during work hours, are usually borne by the city or county.

An LMC formed within any government unit should include decision-makers among its membership. Key union officers and managers should not be ceremonial members, but regular working members who agree to attend every meeting, unless that is entirely

unavoidable. The frequent absence of key union or management members of the committee will be regarded as a signal to other members that these persons do not consider the committee worthy of their attention and their priorities are elsewhere.

In addition to deciding what key manager and union officials should be on the LMC, it is important to decide what other managers and employees should be on the committee. If the selection of members is too restricted, the interests of some employees and managers will be under-represented. An often-cited problem in this regard is the under-representation of middle managers on the LMC. Election versus appointment to the LMC is a question for the union almost exclusively.

The decision-making authority of a LMC can be either binding or advisory. In most cases, the LMCs are advisory. In an advisory way, the parties can freely and informally discuss issues that impact on the present contract without committing themselves to any modifications in it. Also, the decision-making prerogatives of management are not compromised by discussing matters with the union. Management still can act in areas where it has the right to make decisions unilaterally.

A question to be answered in establishing a LMC is "does the LMC need a third party?". Generally, the greater the conflict potential of a subject that the parties wish to discuss, the more likely that a committee can benefit from a third party who can help the parties resolve the issues that arise from the discussion. Even if the committee members feel no need for assistance in resolving issues, they may benefit from other kinds

of third-party contributions; namely, those of a 1) process consultant, or of a 2) subject expert. A process consultant focuses more on the behavior of committee members; i.e., how they deal with problems, than on the content of the problems they discuss. The subject matter expert can provide the LMC with information about specific subjects; i.e., performance evaluation systems.

The LMC, once constituted should discuss and resolve a number of procedural issues such as 1) should there be a chairperson? A common procedure is to rotate the title of chairperson at fixed intervals or by fixed number of meetings. 2) What constitutes a quorum? A quorum may specify that a minimum number and an equal number of union and management committee members attend a meeting. 3) How will agendas for meetings be established? A common practice is for the parties to exchange a list of items they would like to see on the agenda of the next scheduled meeting. 4) What are the ground rules? and 5) What topics to discuss? Five topics that have been popular in LMC discussions are a) performance evaluations, b) merit increases tied to performance, c) productivity, d) cross-training, and e) supervisor training. The parties may find it useful to begin with topics that are low in conflict potential and low in complexity. Encouraged by success, the parties can then more confidently tackle topics which are more complex and conflict-laden than were the initial ones. Choosing a topic that meets these criteria is not without risk, in that the topic may not adequately sustain the interests of committee members.

It is very important that once a LMC is functioning, that it

keep constituents informed. The simplest way to accomplish this is to take good minutes of meetings. These minutes should then be posted in prominent places in the organization where employees and managers who are not on the committee can learn what is taking place in LMC meetings. Union and management LMC members should make an active effort to communicate directly with employees and managers to solicit their views about what the LMC is doing and what suggestions they might have for modifying or improving decisions.

To maintain the committee, the LMC should not only keep constituents informed but should also learn from the experience of other LMCs. Public employer interest groups such as the U.S. Conference of Mayors, the National League of Cities, and National Association of Counties regularly publish newsletters about states, counties, and municipalities which have established LMCs. In addition, much can be learned at conventions and conferences.

LMCs can also learn from their own experience, especially at annual retreats. At retreats, the activities and goals of the past year, and the structure and function of the committees are reviewed and plans are made for the forthcoming year.

To maintain a LMC, high turnover of committee membership should be avoided if possible because it produces discontinuity and loss of momentum in the committee. Time and energy is required to educate and socialize new members.

A final consideration to be discussed is evaluating the LMC. The creation of an LMC in an organization initiates a new type of relationship between union and management. Members and non-

members will be evaluating the committee whether or not any deliberate effort is undertaken to do this. The question is not why evaluate; rather, the question is how formal, systematic and rigorous do the committee members want their evaluation to be. A LMC can decide on a process evaluation that focuses on how committee activities are conducted or an outcome evaluation that focuses on what the committee produced, or both. An evaluation can also be continuous or it can be a final evaluation, especially if the LMC is established for a specified period of time. One or more of the following methods can be used for the evaluation: a) questionnaires, b) in-depth interviews, c) direct observation, and d) an evaluation of the LMC records.

Anyone who starts a LMC today is still an explorer charting new dimensions of labor-management relations, especially in law-enforcement. Continuous reflection on the tasks of establishing, developing, maintaining, and evaluating a labor-management committee will assure that members will learn from their experience and achieve the objectives they set for themselves.

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Ann Jensen, Personnel Administrator
Shirley Setser, City Risk Manager
Ken Marvin, Captain, Visalia Police Department
Jim Hardbottle, Lieutenant, Visalia Police Department
Mike Dillard, POA Representative
Mike McGee, POA Representative
Mike Correa, POA Representative

NORMAL GROUP TECHNIQUE (NGT) PARTICIPANTS

David Fischer, President, San Leandro Police Officers Assn.
Robert Maginnis, Chief of Police, San Leandro Police Dept.
Austis Rungis, Labor Relations Consultant and Negotiator,
Industrial Employers and Distributionn Assn. Emeryville, CA
Randall Stout, Captain, San Leandro Police Dept.
Glenn Tarver Personnel Director, City of San Leandro
Dan Velasco, Business Rep. Operating Engineers, Local 3