



PHOENIX LAW ENFORCEMENT ASSOCIATION

The Professional Association of Phoenix Police Officers Since 1975

August 7, 2012

David Cavazos
City Manager
City of Phoenix
200 W Washington St.
Phoenix, AZ 85004

Dear Mr. Cavazos:

As you are aware, the City of Phoenix (CoP) enacted a Meet and Confer ordinance in 1975, over 37 years ago. The Meet and Confer ordinance was established with three underlying principles in mind:

- (1) "The people of Phoenix have a fundamental interest in the development of harmonious and cooperative relationships between the City government and its employees;"
- (2) "Recognition by public employers of the right of public employees to organize, and full acceptance of the principle and procedure of full communication between public employers and public employee organizations can alleviate various forms of strife and unrest;"
- (3) "The City, its employees and employee organizations have a basic obligation to the public to assure the orderly and continuous operations and functions of government."

Since that time the Phoenix Law Enforcement Association (PLEA) has been the only certified bargaining representative for unit 4 members defined as, "Police Officers, below the rank of Sergeant". The ordinance defines meet and confer as, "Meet and confer is the performance of the mutual obligation of the public employer through its chief administrative officer or his designee and the designees of the authorized representative to meet at reasonable times, including meetings in advance of the budget-making process; and to confer in good faith with respect to wages, hours and other terms and conditions of employment or any question arising thereunder, and the execution of a written memorandum of understanding embodying all agreements reached, but such obligation does not compel either party to agree to a proposal or the making of a concession. Notwithstanding the date an employee representative is certified, and notwithstanding the

date of expiration of any memorandum of understanding, the meet and confer process shall be completed in all instances on all economic items prior to the date set by law for tentative adoption of the annual budget. The duty to meet and confer includes the duty to submit any agreement reached on these matters to the public employer for action pursuant to this ordinance”.

PLEA and the City have had a binding memorandum of understanding (MOU) since 1975; the current MOU is in effect until June 30, 2014.

Recently, there has been much ancillary discussion relating to a matter that is contained within the Phoenix Law Enforcement Association MOU.

As you are aware per the City of Phoenix (CoP) Meet and Confer ordinance, PLEA negotiates the MOU with the City Manager:

“The City Manager or his designee(s) shall serve as the City’s representative(s) in the meet and confer process. The City Manager or his designee(s) shall meet and confer solely with the duly designated representative(s) of authorized employee organizations, and representative(s) of authorized employee organizations shall meet and confer solely with the designated representative(s) of the City Manager. Any deviation from this procedure shall constitute an unfair employment relations practice.”

After the CoP and PLEA reach an agreement, the MOU is then approved by the majority of the City Council. After Council approval the MOU is signed by PLEA and the City Manager.

This brings us to PLEA’s current concern: It has come to our attention that it is being discussed by management, outside the confines of the MOU (where it resides), that the work schedules of Patrol Officers revert back to a 5 day work week. We not only view this as an unfair labor practice, we see it as a lapse of knowledge of how patrol came to work 4/10s. Let me provide you with some background into the history of the patrol officer work schedule and the MOU.

In 1980 (32 years ago) PLEA negotiated a pilot/experimental 4 day work week (4 ten hour shifts followed by 3 days off) for patrol. This item remained in the MOU as “experimental” until 1985. In 1985 (27 years ago) the “experimental” part was removed from the MOU and the 4 day week became the permanent patrol shift.

The City had an opportunity to enter into negotiations with PLEA, with regards to the patrol work schedule this last negotiations period (January 2012) and chose not to. The beginning of a signed and binding contract is not the appropriate time for that negotiation to occur. The contract will be up for negotiations in 2014. The City at that time can propose to change the work schedule of patrol officers and PLEA will in good faith enter into those negotiations at the appropriate time.

Let me also provide some additional information on the 4/10 work schedule for patrol:

The reason that Phoenix Police Officers have worked a 4/10 schedule for at least the last 27 years is because it is the most efficient and safe shift for them to work. The 4/10 schedule provides the necessary overlap for patrol officers to complete their duties. It also provides the highest number of officers during peak call times (Friday and Saturday evenings) than any other type of work schedule. Phoenix is nationally known as one of the most progressive Police Departments in the United States. As such, it hardly seems possible that the Phoenix Police Department has been "doing it the wrong way" for the last 27 years.

Reverting back to an antiquated 5 day patrol schedule causes extreme hardship for the men and women who sacrifice their lives on a daily basis. Patrol Officers would have an additional day of childcare that would need to be arranged at an additional cost. Officers who are divorced would be required to get their visitation agreements modified and instead of having three days with their children, they would only be able to have two. Since it would reduce the amount of parenting time they would have, the Officer would have to pay higher child support. The CoP should desire to make the lives of the Patrol Officers as stress free as possible as they have the highest stress job in the City. This would do the opposite.

It appears that the discussion regarding a 5/8 work schedule centered on the "Berkshire Report". As you are aware the group Citizens for Phoenix specifically asked for a study to be conducted relating to management issues within the Phoenix Police Department, similar to the one that the Dallas Police Department had conducted in 2005 which showed severe issues with the DPD Command Staff. However, The City chose another direction with the "Berkshire Study" which was not supported by Citizens for Phoenix or PLEA.

After the report was completed the community was so upset by the results of the Berkshire Report, that at the request of the founders of Citizens for Phoenix, the City conducted numerous meetings that occurred in every Council District/Precinct Area and allowed for extensive community / taxpayer involvement. The overwhelming consensus from these meetings was the community / taxpayer (90%+) understood and preferred Patrol Officers to work a 4/10 schedule.

Additionally, there are numerous studies that show the 4/10 work schedule is the most efficient for patrol operations. I have attached a very recent study conducted by the Police Foundation. The study finds some interesting facts:

"Ten-hour shifts have advantages over 8-hour shifts.

Ten-hour shifts appear to offer some advantages over 8-hour shifts, both individually and organizationally, with no noted disadvantages. For example those officers working 10-hour shifts got significantly more sleep per night (over half an hour) than those on 8-hour shifts and had a significantly higher quality of work life. Also, those on 10-hour shifts worked the least amount of overtime of the three groups, potentially resulting in cost savings."

“Eight-hour shifts may be more costly than organizations realize.

Officers assigned to 8-hour shifts worked significantly more overtime than did those on 10- or 12-hour shifts. In our study, those officers assigned to 8-hour shifts worked more than five times as much overtime per two-week period (5.75 hours) as those on 10-hour shifts (0.97 hours), and more than three times as much as those on 12-hour shifts (1.89 hours).”

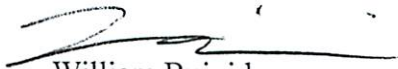
In speaking to the costliness of 5/8's: The approved overtime budget for the Phoenix Police Department is \$10,200,000 conservatively the amount attributed to first responders is approximately \$5,000,000. If Phoenix went to a 5/8 schedule it would cost an additional \$20,000,000 in overtime ($\$5,000,000 * 5 - 1$).

I was unaware that the City of Phoenix had anticipated having \$20,000,000 added to the Police Department's budget. In fact, on August 2, 2012 you told me that the City was still in cost-cutting mode and there was still no money to start hiring additional Police Officers. If the City has now found money to implement the 5/8 schedule maybe that money would be better spent by hiring approximately 200 new Patrol Officers.

Please feel free to contact me at (602) 246-7869 if you have any questions.

Thank you for your time in this matter.

Sincerely,



William Buividas
Treasurer / Chief Negotiator
Phoenix Law Enforcement Association

c: Mayor Greg Stanton
Vice – Mayor Michael Nowakowski
Councilperson Thelda Williams
Councilperson Jim Waring
Councilperson Bill Gates
Councilperson Tom Simplot
Councilperson Daniel Valenzuela
Councilperson Sal Dicciccio
Councilperson Michael Johnson
Assistant City Manager Ed Zuercher
Labor Relations Administrator Lori Steward
PPSLA President Sean Mattson
Chief of Police Daniel V. Garcia
All Police Assistant Chiefs
All Police Commanders