

The Meet and Confer Process: How We Get a New Contract!

BY: Will Buividas Treasurer / Chief Contract Negotiator

I would like to take some time to dispel some rumors relating to how our form of bargaining works.

Rumor #1

We can refuse to negotiate and the current contract remains in effect.

This is **FALSE!** Under the Meet and Confer ordinance we are required to negotiate for a new contract prior to the expiration of the current contract. Furthermore, the City has already sent us a letter indicating that they intend to negotiate a new contract.

Rumor #2

If we fail to reach a new contract, the current contract remains in effect past July 1st. 2012.

This is **FALSE!** Under the Meet and Confer ordinance if no agreement is reached between City Management and PLEA the City Council will impose a new contract on us. The City Council has the authority to impose any terms that they choose. Through the negotiating process we have been able to secure a competitive wage and benefit package and some of the best Officer rights in the State.

Rumor #3

Let's go to arbitration! The City has to do what the arbitrator says.

This is **FALSE!** The ordinance does provide a provision for us to refer the matter to a fact finder (arbitrator); however, his opinion is advisory only and not binding to either party. There have also been cases where the arbitrator will issue a ruling that is lower than the City's last offer. After the fact finder renders a decision the City Council can still impose any terms that they desire.

The City of Phoenix's Meet and Confer Ordinance was passed by the voters in 1975. Since that time PLEA has been the recognized bargaining unit for all Phoenix Police Officers. Under the ordinance all Police Officers under the rank of Sergeant are part of unit 4 or the group that PLEA represents. There are other units that include firefighters, administrative personnel, skill trades, and unskilled trades. There are also two units under another ordinance entitled "Meet and Discuss"; those are PPSLA and a group that represents city civilian supervisors. Both ordinances are similar; however, there are greater protections for units covered under the "Meet and Confer" ordinance.

PLEA is responsible for submitting our proposals to the city no later than December 1st, 2011. The City has to submit their opening contract proposals by January 5th, 2012. After PLEA reviews the City's proposals both sides will sit down and begin negotiating a new contract. PLEA and the City will meet at least weekly, sometimes more, until March 1st, 2012. At that time either side has the option of declaring impasse. This means that one or both sides can't agree to the terms of a new contract.

Several things happen over the next six weeks beginning March 1st, 2012. If no agreement has been reached then a federal mediator will try to find common ground and have both sides agree to a reasonable contract. If this is impossible the matter is either referred to an independent fact finder (arbitrator) or directly to City Council. Either party can request the matter be sent to a fact finder. Once a fact finder is selected he/she will listen to testimony from both sides about any areas that are still in dispute. After the hearing he/she is required to submit their findings to both parties within 5 days. Each side can either accept the recommendations or reject them. If one side rejects the recommendations the matter is immediately referred to the full City Council.

The City Council will listen to testimony from the fact finder, City management, and PLEA. With a minimum of 5 votes the majority of the Council will impose a new one year contract that is binding to both us and the City. Under the ordinance the Council can impose any terms that they see fit. They do not have to take our recommendations, the fact finder's, or City management's. Our new contract will be entirely up to the 9 people sitting on the Council. This will all occur before April 14th, 2012 and will take effect July 1st, 2012. There have been times in the past where both sides have mutually agreed to keep negotiating past April 14th. A few years ago we didn't reach a final agreement until the end of May.

This article is written for informational purposes for the membership. This doesn't signal in any way shape or form that it is our intention to go to impasse. Our goal is always to get a contract at the table rather than leave it up to the 9 people who are on the City Council. As always the membership will have a vote as to accept or reject the proposed contract. Your vote will decide whether we accept the City's last offer or go to impasse and it is for this reason that it is important for the membership to be knowledgeable of the entire "Meet and Confer" process.

This year's negotiation team is: Will Buividas Treasurer / Chief Contract Negotiator, Joe Clure President, Ken Crane Vice-President, Bill Galus Chairman of the Board, Toby Sexton Trustee, Tom Tardy Trustee, and Tim Baiardi Trustee. The City's team has not been announced yet but will be led by Lori Steward (Labor relations Administrator) and usually consists of two Asst. Chiefs, two Commanders, personnel from Budget and Research, and Human Resources.