



Case Study: Negotiations

Summary

A California City began negotiations following the end of a three-year agreement with its Police Support Services Association who represented approximately fifty (50) non-sworn employees in the Police Department. LCW served as the Chief Labor Negotiator and successfully negotiated a multi-year agreement with the employees. In addition to the traditional topics at the table, this meet and confer process tackled a request by the employees to modify work schedules in a creative and unusual way.

Challenges

The City was limited to providing salary increases to employees and encouraged the bargaining unit to consider non-economic proposals. The non-sworn employees worked a 4/10 schedule and requested that the Public Safety Dispatchers and Records Clerks be permitted to work a 12.5 hour, three-day-per-week work schedule with one ten hour work day every 28 days. This schedule existed for sworn Police personnel. Granting the request would result in an employee who was regularly scheduled for 208 work days per year to be scheduled for 168 work days – forty (40) fewer days to report to work. Unlike sworn employees who had adopted a 7(k) partial overtime exemption under the FLSA, that work period isn't available to non-sworn personnel. As a result, the request to modify the work schedule would add built in FLSA overtime into the regular work schedule of employees, which was a cost the City wasn't able to agree to.

Results

Our LCW negotiator was able to use both his expertise in the FLSA and creative costing to propose a way to accomplish the work schedule change without increasing costs. He suggested that the employees agree to reduce the hourly rate of their salary schedule in a way that when working the new schedule, the overtime paid would be neutralized. The salary structure modification would result in employees earning nearly exactly the same wages that they currently received for regular hours of work. The cost analysis included impacts to wages, benefits, and overtime. To reach an agreement, the parties spent almost a full day in an interactive workshop with flip charts, salary ranges, and calculators to demonstrate how modifying the work schedules and salary schedules could work. With the modification to the work schedule, the employee would have less commute time, more days off, and would enjoy a schedule that was the same for their sworn counterparts. With this approach, the City could agree to the work schedule adjustment without incurring additional labor costs.

Impact

These negotiations were highly engaging and dynamic. The sharing of detailed information and working through scenarios of potential impacts the changes could have to bargaining unit members required diligence, patience, and collaboration. By restructuring the salary schedule, the long-term financial health of the agency was not negatively impacted. It was a difficult discussion to have employees get past taking a base pay reduction (without an actual reduction in overall compensation) in order to accomplish their core interest of a work schedule change. This City was successful in reaching an agreement by both parties exploring all the possibilities of meeting the interest of one bargaining unit. Today that schedule is in place and the agency enjoys a positive labor relations environment built on the efforts of both labor and city management.

If you have any questions about this issue, please contact our Los Angeles, San Francisco, Fresno, San Diego, or Sacramento office.

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