

Meet and Discuss Proposals
Mesa Police Association Response
May 20, 2009

1. Request: **Restore the 2% salary reduction; review last year's plan to implement COLA and market adjustments.**
- Response: This will not be included in the proposed budget. It is management's priority to restore the 2% pay reduction and merits when the city's financial situation improves to the point where restoration of pay is viable and sustainable. In addition, once the city's financial situation improves a new market survey will be conducted comparing sworn salaries to other valley cities.

MPA Response:

The MPA is concerned about the city losing its competitive edge. Mesa PD near the lowest paid Sergeants in the valley and Officers are near the bottom of the 8 agency market we compete with (APPENDIX A). Besides a 2% cut to their salaries, the legislature will most likely increase the PSPRS contribution for Officers, so police take home pay will be reduced another 1.93%.

2. Request: **Revise the Personnel Rules and Management Policies to give employees the opportunity to appeal any discipline that would result in economic deprivation (primarily one and two day suspensions).**
- Response: The City Manager has requested further study of this request. Currently, employees can grieve suspensions, demotions, and terminations to the City Manager and the City Manager may forward these types of appeals to the Personnel Appeals Board. Employees only have the right to appeal terminations to the Appeals Board; suspensions and demotions are rarely sent to the appeals board for review. In 2008, there were 30 suspensions under 2 days and 19 demotions. Allowing employees to appeal one and/or two day suspensions or demotions could dramatically increase the scope and burden of the Personnel Appeals Board. An alternative would be to allow a pre-deprivation hearing for one and two day suspensions.

MPA Response:

Not all 30 suspensions will result in appeals. The actual number will be lower. Officers have families to feed and taking away one day of pay is a substantial economic deprivation for new officers not topped out and barely making ends meet. Officers risking their lives for this city deserve the highest level of due process that we can provide. The MPA suggests an interim pilot solution. Provide the use of the appeals boards for suspensions greater than 8 hours. This trial period will allow us to see what numbers that produces and if this is worthwhile of continuing.

3. Request: **Revise the Personnel Rules to allow representatives to speak at all internal discipline hearings/boards.**
- Response: Approved to allow representatives to attend PD internal hearings/boards at the employee's request and with supervisory approval. Approval shall not be withheld unless operational needs justify withholding approval. Representatives shall not speak during the hearing unless approved by the chair but will be permitted to give a closing/summary statement on behalf of the employee within any parameters set by the chair.

MPA Response:

Concurrence.

4. Request: **Revise the Personnel Rules so that employee disciplinary appeals go to the Police Chief first and then to an independent outside hearing officer if the employee chooses to appeal the Chief's decision.**

Response: Currently the Police Chief makes disciplinary decisions as a City Manager's designee. Under the proposal, disciplinary decisions would go back to the Chief via appeal. In addition, with this request, appeals would not go to the City Manager's Office and/or the Personnel Appeals Board. Section 404 of the City Charter establishes the Personnel Appeals Board with authority to render advisory decisions to the City Manager. The City Charter (section 303) also establishes the City Manager as the chief administrative officer of the city, responsible for the administration and coordination of all departments, boards, and affairs assigned to him by the charter. Management may consider an alternative appeals process before being reviewed by the City Manager.

MPA Response:

Police matters are different. The charter recognizes this and thus Police civilian review boards **are prohibited** by the city charter. The personnel appeals board is a civilian review board. It is clear the intent of this prohibition is to **not have** civilians sitting in judgment of police tactics, or actions during stressful, life threatening, use of force situations, or critical incidents. The public expects Officers actions should receive fair due process especially in light of the fact most of these officers are risking their lives in fulfilling their duties. Officers are not satisfied and lack faith with the current system. It is antiquated, not considered best practices by all police agencies and is too easily manipulated for political purposes. For police matters, the MPA proposes a simple, minimal cost, process that does not violate the charter and is more in step with modern standard police practice (see APPENDIX B).

5. Request: **Require the use of Mesa police officers and equipment for traffic/construction within the City of Mesa.**

Response: Approved. Policies have been established requiring the use of Mesa police officers and Department Directors have been notified of the requirement.

MPA Response:

Concurrence.

6. Request: **Establish a bank of 500 hours to be used by MPA representatives to research and compile information on association issues.**

Response: No action at this time. The City Manager has requested further study to identify administrative and implementation issues and to determine financial impacts if any especially as they may relate to overtime costs.

MPA Response:

This would require no overtime costs. The time is subject to the approval of the department and would not interfere with operations. The time used is mutually beneficial for the city and assists the city with resolving employee issues. The end result is providing better city services.

7. Request: **Allow MPA representatives to explore regional healthcare with the possibility of proposing a separate medical insurance program for police personnel.**

Response: Approved to research options and return to city management with specific defined proposals. The Human Resources Director will raise this issue with other valley cities.

MPA Response:

The bank of hours (Request 6) could be used to provide better input and more quality research into issues, mutually beneficial to the city, such as this issue. The MPA constantly advocates reviews to reduce the costs or increase benefits.

8. Request: **Share exit interview data from sworn personnel.**

Response: Approved. The Police Chief will notify the appropriate personnel to coordinate the sharing of appropriate information when he receives exit interview information from Human Resources.

MPA Response:

Concurrence.

9. Request: **Move towards a goal of increasing the number of police officers per capita to match the national average.**

Response: No action at this time. Chief Gascon will continue to assess staffing priorities for the department; increased staffing will occur as growth dictates and funding allows.

MPA Response:

Staffing has not kept up with growth. Mesa PD should be staffed at **1200 officers today** instead of the current 800 and dropping. MPA worked hard through our national affiliate (NAPO.org) to ensure stimulus money would be available for additional Officers through COPs grants, with minimal strings attached. MPA supports levying a secondary tax on existing GO debt and establishing a primary property tax to meet Mesa's public safety future needs. MPA also continues to support issues that bring potential prosperity and economic growth to Mesa.

10. Request: **Increase Holiday pay from 8 hours to 10 hours.**

Response: Under consideration. The City Manager has requested further study regarding the viability of increasing holiday leave hours and the potential financial implications.

MPA Response:

MPA requested a timeline for possible implementation and is awaiting a response.

11. Request: **Explore incentive retirement packages for sworn personnel.**
Response: No action at this time. This request would likely result in additional retirement liability for the city.

MPA Response:

This likely will not result in any additional liability for the city. The MPA will draft and submit a more detailed proposal at a later time.

12. Request: **Review city DUI policy to provide non-disciplinary options for addressing employee issues.**
Response: The City Manager has requested further analysis and asked MPA to submit an alternative DUI proposal for consideration. In any case, we need to better educate the workforce on the Employee Assistance Program. To that end, Human Resources and EAP representatives met with the Police Department's Wellness group on April 7, 2009 to discuss EAP counseling and how EAP can be used for educational purposes.

MPA Response:

The city is not adequately caring for Mesa Police Officers traumatize at work and as a result of work related injuries. This policy is a part of a greater problem. Officers who are DUI and are suffering from work related injuries at the time should have mitigating circumstances dictate proper disposition via the city's DUI policy. Hence, MPA is advocating a written change to the policy to make allowance for such situations.

13. Request: **Ensure that promotions occur from current promotional lists.**
Response: The Human Resource Director will ensure that management policies and Personnel Rules governing promotions are adhered to.

MPA Response:

In our experience, this depends on who the police chief is. Simply adding that all promotions be made from a current list will ensure this does not occur again in the future.

14. Request: **Modify the city's Donated Leave Program from an hour for hour program to a value based program whereby the value of donated leave is based on the donor's hourly rate of pay as it relates to the recipient's hourly rate of pay.**

Response: The City Manager has requested further study to identify administrative and implementation issues and to determine any potential financial impacts.

MPA Response:

Currently, the city is profiting from employees who need this program. 1 hour of the Chief's pay is not equivalent to 1 hour of a new officer's pay. The contributing employee can figure and document the conversion rate on the request form (leave of absence form) and the actual hours they are donating to the affected. This would have absolutely a minimal impact.

APPENDIX A

<u>City</u>	<u>Officer</u>	<u>Sergeant</u>
Tempe	76694	92552
Scottsdale	76981	90293
Phoenix	72443	99216
Peoria	73492	97136
Glendale	68418	88924
Gilbert	70748	87825
Mesa	70803	88421
Chandler	73694	90980

May 20, 2009



APPENDIX B

