

Bargaining Units Vs. Management: Are Police Unions Necessary?

Carmen J. Sirolli, Sr.

Abstract

Historically, relationships between management and line personnel of police organizations in this country have struggled over numerous issues which contributed to dissension within an agency. With the help of past and present day studies, this research project will identify the issues which resulted in unionization within organizations. This project will also identify how managers can take advantage of some simple management rules to avoid future problems within their organizations. Lastly, we will analyze shared leadership as a possible method which could form a new way of managing in the law enforcement field.

Introduction

Issues Which Brought About Unionization

According to the textbook, *Police Administration*, 2005, police unions in this country have changed the work environments through collective bargaining and, in doing so; have given managers insight into future generations of police officers. To understand why the problem is important, it is necessary to know some basic facts about unionization and what caused unions to form. Since the turn of the century (1919), police officers and other public employees attempted to unionize—because of unfair labor practices, poor pay and benefits, lack of communication and trust from those who supervised—but were stopped by laws that forbid organization. It was not until 1935 when the Federal government created the National Labor Act, which covered private sector employees. After approximately a quarter of a century, Wisconsin became the first state to come out with a modest form of bargaining rights for public sector employees (Swanson, Territo, & Taylor, 2005).

In the early 1960's through the 1970's, numerous bargaining units began to form in the law enforcement field. Some of the main issues officers complained about were the same as those which contributed to the Boston Police strike of 1919. The biggest issues remained poor treatment by supervisors who used favoritism in assignments, shift changes, and approval for police training schools. Other issues were the way citizen complaints were being handled, poor pay and benefits, and uncompensated court appearances (Swanson, Territo, & Taylor, 2005).

In New York City, from 1958 to 1969, the Patrolmen's Benevolent Association (PBA) was believed to have been instrumental in increasing entry level salaries of their officers, obtaining longevity and shift differential pay, improving retirement benefits, and increasing the death benefit. In 1968, the

Boston PBA, in negotiating its first contract, which required mediation, obtained enhanced benefits for its members, such as an annual increase of one thousand dollars, time-and-a-half for all overtime, including court appearances, and 12 paid holidays (Swanson, Territo, & Taylor, 2005).

Shortly after police departments unionized, many chiefs found ways to discipline those who led the unions to fruition. Leaders found themselves being singled out as rebels; they were given less than others, passed over for promotions, demoted, transferred, etc. It was clear that over the past 50 years law enforcement executives have opposed bargaining units and have done so in order to maintain control over their police departments (Swanson, Territo, & Taylor, 2005).

In the early years, the International Association of Chiefs of Police concluded, "Police unions could accomplish nothing" (Swanson, Territo, & Taylor, 2005); now some have taken a different stand with bargaining units.

In an interview, former Phoenix, Arizona Chief of Police Harold Hurtt said, "My reputation is based on the positive relationship management has with the police union—a relationship founded on mutual respect and understanding and increased by constant communications." He also stated, "The unions and the employees have become very powerful." (Hoover, Dowling & Blair, 2006).

In an interview, former Detroit Chief of Police Jerry A. Oliver, Sr. stated, "Unions have been good for policing in this country. In fact, I believe that unions have brought policing through the dark ages." (Hoover, Dowling & Blair, 2006)

Are Police Unions Necessary?

In a perfect world, both police managers and police union leaders want to work together to make their community a safer place to live. Unfortunately, we do not live in a perfect world. Police managers and police union leaders regularly work side by side as law enforcement officers but they do not communicate regularly on labor-management issues that arise each day. (Polzin & DeLord, 2006). According to *Concise Oxford English Dictionary (2004)*, "communicate" means a way of sharing or exchanging information and ideas (Soanes & Stevenson, 2004). Today, bargaining units and managers need to develop some means of communication. They need to learn to set aside old grievances and hard feelings which have developed over the years (Polzin & DeLord, 2006).

Collective bargaining is a form of participation. Both parties participate in deciding what proportion of the "cake" is to be shared by the parties entitled to do so. It is a form of participation also because it involves an allocation of rule-making power between employers and unions in areas which, in earlier times, were regarded as management prerogatives, e.g. transfers, promotions, discipline, modernization, and production norms.

Collective bargaining has valuable by-products relevant to relationships between the two parties. For instance, a long course of successful and bona fide dealings lead to the generation of trust. It contributes to mutual understanding by establishing a continuing relationship. The process, once the relationship of trust

and understanding has been established, creates an attitude of tackling problems together rather than attacking each other. (de Silva, 1996).

According to the authors of *Police Labor-Management Relations (vol. II, 2006)*, members of both sides of the bargaining table should learn to communicate, with the following suggestions:

- Have weekly or monthly meetings.
- Invite each other to breakfast.
- Get together to discuss what is going on within the agency over a cup of coffee.
- Start out by talking about small issues that had been going on during the week and what could be done to improve the department.
- Stand by each other on mutual concerns in the community; doing this in an open forum could help develop open communications.

Some areas of concern are why neither party can cooperate or respect each other and, even more important, trust one another. Once we develop some form of dialog, we need to move on and attempt to work on mutual concerns in order to develop cooperation on other issues which may benefit not only the bargaining unit members, but everyone concerned. A study found that when Japanese managers and employees collectively discussed problems and corrected them together, it enhanced production and the morale of their organization. (de Silva, 1996). Trust is something we all know is earned and we must strive to build our trust on small issues and then move on to larger issues that need just as much attention. Unfortunately, there are issues which will stall out and, even worse, be forgotten. These issues have to be evaluated and both sides need to learn how to deal with the issues as professionally as possible. Other questions may be:

- Is there a middle ground to the solution or is there no ground at all?
- Is it reasonable or not?
- Can we look at this issue another time?

The end result is that attorneys and professional negotiators are the middlemen in the relationship between police bargaining units and police management. Recognizing when to use such intermediaries and when to deal directly with each other is the key to developing the four principles of a labor-management relationship: communications, cooperation, respect, and trust. (Hoover, Dowling & Blair, 2006 & Polzin & DeLord, 2006).

Politics

Keeping in mind the four principles of a labor-management relationship, we need to recognize that there are many politicians who play major roles in every law enforcement agency. They, too, need to rely on their appointed officials to work mutually with bargaining units and to do so fairly, asking what is in the best interest of the organization. Elected officials each make public safety a part of their

platform and vow to reform police issues with the community; they need to find their place with the work force and bargain in good faith so that the community can trust not only our elected officials, but also our law enforcement organizations. (Polzin & DeLord, 2006)

- What does it take to make change?
- What can we do to make change easier?
- Can shared leadership bring life to an organization?

In this research, we will continue by looking at shared leadership as a tool in developing *unity* and not *unionization* within an organization.

Method

The goal of this research paper was to determine whether there is still a need for bargaining units in law enforcement, or can simple business methods be utilized to avoid controversy among department members. This was accomplished in part, by sending surveys to those law enforcement agencies involved in Senior Leadership Class 12 which currently deal with bargaining units represented by either the Fraternal Order of Police or the Police Benevolence Association. I also surveyed the Florida Fraternal Order of Police State Lodge during a State meeting in West Palm Beach; they too are stakeholders at different agencies throughout the State of Florida. Lastly, I surveyed the Ocala Police Departments upper management team, which deals with my local Fraternal Order of Police organization. Each of those surveyed were either members or leaders of bargaining units or representatives of management. The survey consisted of five (5) questions relating to issues which were found to be common among departments with bargaining units: the necessity of unions in police work, morale as it relates to labor-management problems, whether pay can resolve issues, and how communications, cooperation, respect, and trust play a major role in their agencies/bargaining units. Finally, they were asked to explain the level of importance in question four (4). The survey will be available in Appendix A with the outcome being recorded in the results section of this paper. The survey will also show how some agencies resolve their differences with bargaining and non bargaining units with expectations of revitalizing working condition in their agencies.

Results

Forty-three surveys were sent out to various agencies in Florida which were involved in the Senior Leadership Program at the Florida Department of Law Enforcement in Tallahassee, Florida, the State of Florida Fraternal Order of Police, and the Ocala Police Department in Marion County, Florida. Of the 43 surveys, 31

(72%) of the surveys were returned. Those surveyed were members of the upper administration, holding the rank of lieutenant or above.

- Twenty-five (81%) participants indicated bargaining units **are** necessary in police work.
- Thirty-one (100%) participants indicated morale **can** be a direct result of labor-management problems.
- Thirty (97%) participants indicated better pay **cannot** solve most agencies problems.

The survey also showed that some agencies could resolve their differences with bargaining and non-bargaining units with expectations of revitalizing working conditions in their agencies.

It was also asked of those surveyed that **Communications, Cooperation, Respect and Trust** be rated as to the importance of their agency's relationship between bargaining units and management (5 being the most positive end of the scale and 1 the lowest). The majority of the participants claimed to have a very good relationship, with those choosing the middle or bottom end of the scale in the minority. Of the thirty-one organizations returning the surveys, twenty-seven agency leaders felt **communication** was the most important trait leaders could share with their members. This was then followed by **trust, respect**, and, finally, **cooperation**. These leaders felt that if managers were to follow the four tier principles reported in the survey, most agencies would not suffer from poor morale, they would receive less citizen complaints, and work in a harmonious environment. All agreed that, in order to have a relationship which is conducive to the needs of their members, all of the above tiers must be present (*See Appendix B*).

Discussion

The results of the survey were impressive, with so many answering the questions in support for bargaining units within their agencies. A minority of those surveyed thought unions, or bargaining units, were a group of disgruntled employees looking to cause confusion within the ranks. Those in support of bargaining units felt it was more like "checks and balances" that helped with job security and better benefits, provided an outlet for grievances on critical concerns, ensured equality regarding terms and conditions, allowed them to have a clear voice and, most of all, kept management honest while assuring that the community received the best services possible.

In one survey, a high ranking official stated, "Some administrators are still exploiting their workers, in which case bargaining units are a necessary evil." Another claimed, "Employees must have an orderly process in which to address terms and conditions of the job." In law enforcement, just as in industry during the early years of the twentieth century, it has historically been true that

management/administration have often taken advantage—even exploited—the members of the work force. Workers have been subjected to less than agreeable working conditions, hours, and compensation, as mentioned in the introduction of this paper.

It is these kinds of issues which plagued departments throughout the country and abroad, forcing bargaining units/unions to surface. In the past, many negotiations were filled with all kinds of emotional outburst and theatrics. Today, we see more rational processes, whereby negotiations are conducted and settled on facts and more concrete, quantitative arguments.

While morale issues can be a direct result of labor-management, they can also be caused by those who are heard shouting “foul” the loudest. Labor-management problems can often be attributed to poor communication which degrades to an “Us vs. Them” battle. Morale increases when management abides by contracts or agreements and is open to discussions over grievances or other issues affecting the overall mission of the department. The bigger picture here: can management and labor sit down and work out issues through communications and possibly cooperation for the betterment of all parties? The street level officer is inclined to work with his or her management if they see fairness across the board when settling issues such as discipline, transfers, promotions, and equal benefits, to name a few. The lack of decision-making can cause issues as well. Members want leaders who make positive and decisive decisions for everyone, not political ones that focus on their agendas.

What about better pay? Can it bring resolution to many of the problems that plague law enforcement? The majority of those surveyed disagree. One member of the Senior Leadership Program in class 12 felt, “Any increase in pay will not resolve existing problems. It is nothing better than an administrative band aid. Other problems that have existed will continue to fester and will be much more difficult to resolve than if they had been identified and addressed in the beginning.” Another official stated, “Respect for their efforts is a higher motivating force for the majority of workers, a true feeling of self worth.”

As is seen these days through the eyes of the some officers, those in leadership roles (over a long period of time) have forgotten what it was like to walk in the shoes of the working officer. Because of politics, they have taken a self-preservation approach to issues; otherwise, they changed their focus. Many put self-preservation above the needs of the beat officer. These practices, if not stopped, will cause new or more powerful bargaining units/unions, which will only benefit the pockets of professional negotiators and attorneys.

Based on the four tiers of a Principled Union-Management Relationship: Communications, Cooperation, Respect, and Trust; members realize they are simply stepping stones to building a strong and effective relationship with labor-management (Polzin & DeLord, 2006). Once we have started communicating the problems which presently exist and attempt to forget past problems we can begin a virtual healing within the organization. In understanding the concept of communication, and how we, interpret the meaning, management and bargaining units must concur as to the definition of communication. A relationship of any kind must have communication, an exchange of thoughts and ideas.

In cooperation, we must look for common goals that both sides can build on or move forward with: community involvement, common needs of the officers, standing together on public safety issues, etc. When these lines are open, we can acknowledge the need for respect of both parties, if not for the individual, for the position. Concise Oxford Dictionary defines "respect" as, "*a feeling of deep admiration for someone elicited by their qualities or achievements.*" Once that has occurred, mutual respect can be created as a joint effort for a common goal of professional service to the citizenry.

Lastly, we must begin to instill trust into everything we do. As we have learned through our experience in life, it is hard to trust someone who has never given you any reason to do so. "*The lack of trust complicates problem-solving and change efforts*" (Polzin & DeLord, 2006). We must have a firm reliance on the integrity or character of a person. This form of trust can only come with evidence of all the other tiers. It must be continuous and without deviation.

Thus far we have covered a plethora of ideas which brought about many of the bargaining units/unions in this country. We have also identified positive communications as a major factor in developing a positive organization and how we in the public sector need to be working together in a cooperative effort to secure the best possible working conditions for the workers. We see the need for respect in each others' thoughts or ideas. Most importantly, we have seen that without trust or trust-building we can never accomplish what is truly needed to succeed in an organization.

Recommendations

Departments that do or do not have bargaining units/unions need to look toward developing participation programs which involve the men and women of their agencies. Law Enforcement professionals want to be able to design the needs of the organization so they too can leave a mark of accomplishment when they leave the agency. If they are not permitted to participate, chances are, they will move onto another agency where their thought and talents will be appreciated.

In June of 1997, the District of Columbia developed a labor-management partnership agreement with its public employees. The purpose of this venture was to create a forum for communication and cooperation in support of their joint mission to deliver high quality, cost-effective services to the residents of and visitors to the District of Columbia, while maintaining a high quality work environment for employees of the District government.

In May of 2002, the Labor-Management Partnership Council met. The first order of business was to set their mission, with one of the goals being to build respect and communications within Metropolitan Police Department.

In October of 2002, at a Labor-Management Symposium in the District of Columbia, success was measured by the number of partnerships that have developed: 20. With varying degrees of success, these partnerships are engaged in jointly addressing the issues that affect their work places. (District of Columbia, 2007).

Another Agency using Shared-Leadership with success is the Broken Arrow Police Department in Oklahoma. The organization has used *participative management* in the form of a cross-functional steering committee called *Leadership Team*. (Wuestewald & Steinheider, 2006).

The Team is not rank-based, but is mainly controlled by the lower rank-and-file members. The team is given challenges on creating new policies on how they recruit, hire, evaluate, discipline, reward and promote employees. Members also develop simple procedures; for instance, how to drive a car. The BAPD leadership team is comprised of 12 individuals representing the labor union, management, and most of the divisions, units, ranks and functions in the department. The Leadership Team's bylaws established it as an independent body, with authority to effect changes and make binding decisions on a wide range of policy issues, working conditions, and strategic matters. The Leadership Team also reviews the issues which the Chief of Police believes are in need of resolution. After five years of working on shared leadership skills, the team has proven success and has since had the University of Oklahoma-Tulsa conduct an assessment of the program. (Wuestewald & Steinheider, 2006).

University researchers were fortunate to have data from a previous BAPD employee survey dating from 2002, prior to the adoption of participative management practices by the agency. This original survey was conducted by the police labor union to assess officer opinions on a wide spectrum of managerial issues. Researchers then replicated this survey verbatim in 2005 and added questions assessing employee organizational commitment, perceptions of organizational support, and the performance of the Leadership Team. In this way, it was possible to conduct an item-for-item comparison between the 2002 and 2005 surveys. Essentially, the idea was to compare the two surveys in a pretest-posttest fashion, with participative management practices as the intervention. The significance between the two surveys showed a dramatic improvement from the 2002 survey to the 2005 survey in all categories (Wuestewald & Steinheider, 2006).

"The Leadership Challenge," written by Kouzes and Posner, uncovered five practices common to personal-best leadership experiences. When getting extraordinary things done in organizations, leaders engage in these Five Practices of Exemplary Leadership:

- Model the Way – Lead by example, enact the goals /values.
- Inspire a Shared Vision - Leaders must be forward looking, aspire to become extraordinary.
- Challenge The Process – Be creative and innovative...leaders must be willing to experiment.
- Enable Others to Act – Allow other to prove themselves...to show their good works.
- Encourage the Heart – Recognize others accomplishments and contributions.

After looking into several programs which bring together organizations, shared leadership is the only one that helps develop a sense of belonging. Shared

leadership has many names, such as: participative management, employee empowerment, job involvement, participative decision making, etc. Officers on the street want to take part in their future, have that sense of accomplishment. (Wuestewald & Steinheider, 2006).

Captain Carmen Sirolli has been in law enforcement since 1986 beginning with the Marion County Sheriff's Office, Correction Bureau. In 1989, Carmen moved to the Ocala Police Department working in the Patrol Division and the Bicycle Unit. He rose through the ranks and was assigned as a Watch Commander to include the lieutenant in charge of the Mobile Field Force Unit. Carmen currently supervises the Special Operations Bureau.

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Appendix A

Directions:

This survey is being conducted as part of a project to determine the causes and effects of bargaining units within the State of Florida. Please answer each question based on your experiences as law enforcement officers and/or labor representatives within your agency.

Yes or No should be circled for questions 1-3. Then briefly explain the reasons for your answer. Your name and agency are optional but encouraged because of possible follow-up questions based on your answers. Please print all answers.

1. Bargaining units are a necessity in police work. **Yes No**

Reasons:

2. Morale can be a direct result of labor-management problems. **Yes No**

Reasons:

3. Better pay can solve most agencies problems. **Yes No**

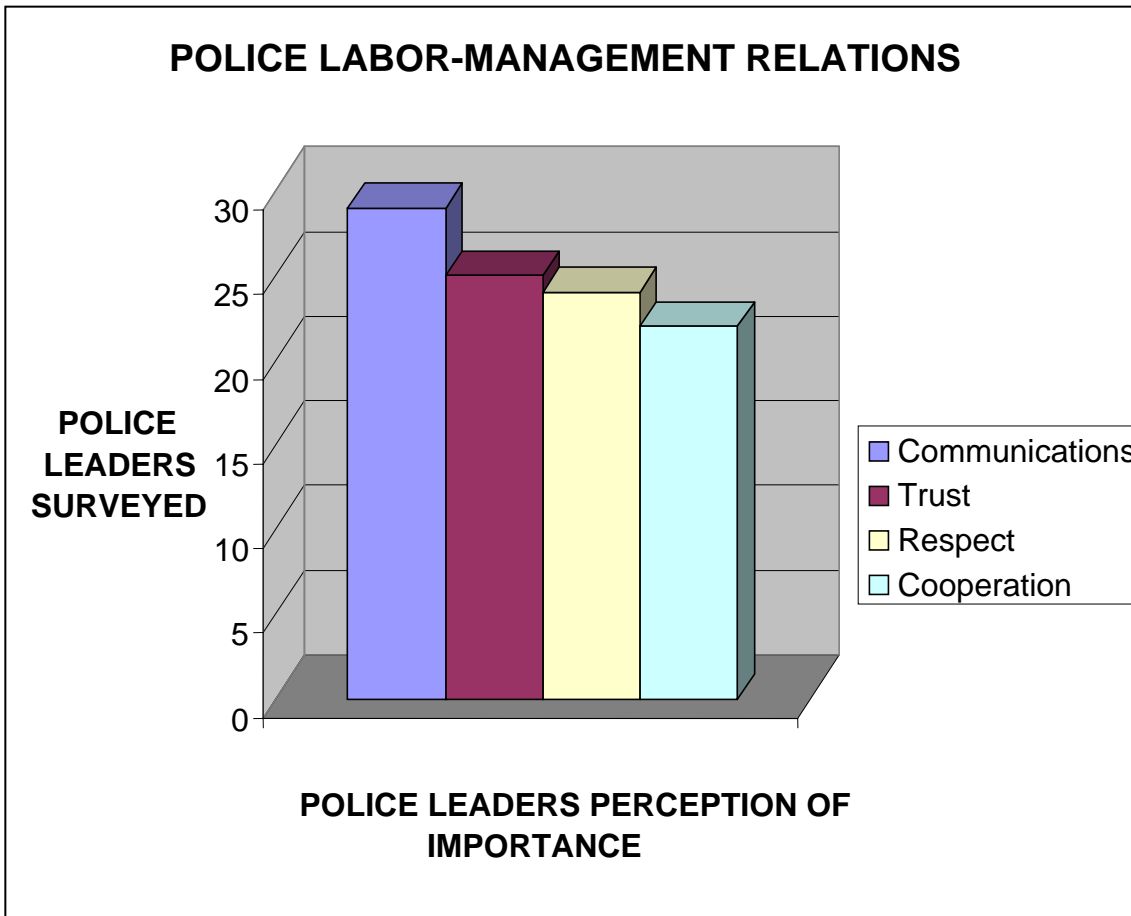
Reasons:

4. Indicate the importance of each of the following as it pertains to your agency's relationship between bargaining units and management. **5** being extremely important **1** being not important.

Communications	5	4	3	2	1	___
Cooperation	5	4	3	2	1	___
Respect	5	4	3	2	1	___
Trust	5	4	3	2	1	___

5. Briefly explain your levels of importance in question number 4

Appendix B



Expectations	Police Leaders	Surveyed	Responded
Communications	27	43	31
Trust	24	43	31
Respect	23	43	31
Cooperation	21	43	31