

Lackie, Dammeier & McGill

The Union Playbook

Negotiations After Impasse – Association Options

In gearing up for negotiations, hopefully your association has developed some political ties with members of your governing body. Now is the time those political endorsements, favors, and friendships come into play. When negotiations reach an impasse, the association will have options which may be utilized simultaneously, or one before the other.

Political Option

As most association leaders already know, associations should be selective in their battles. However, this does not mean that the association should roll over for everything either. Association respect (by the employer) is gained over years of actions or inactions. Associations who rarely, if ever, take things to the mat or challenge the employer gain little respect at the bargaining table or elsewhere.

The flip side is also true. Those associations that battle over every minor issue may be seen as an association that simply cannot be pleased, so why bother. While it is a fine line, somewhere in the middle is where you want to be. **The association should be like a quiet giant in the position of, "do as I ask and don't piss me off."** Depending on the circumstances surrounding the negotiations impasse, there are various tools available to an association to put political pressure on the decision makers. A few things to keep in mind when utilizing these tools are the following:

Public Message

Always keep this in mind. **The public could care less about your pay, medical coverage and pension plan. All they want to know is "what is in it for them."** Any public positions or statements by the association should always keep that focus. The message should always be public safety first. **You do not want wage increases for yourselves, but simply to attract better qualified candidates and to keep more experienced officers from leaving.**

The Future

Also keep in mind that once the fight is over, you and your members will still be working there. Avoid activities where one or just a few members are involved who can be singled out for retaliation. Always keep in mind your department policies and the law. You should be in very close contact with your association's attorney during these times to ensure you are not going to get yourself or any of your members in trouble. For associations in the Legal Defense Fund, please keep in mind that concerted labor activity should always be discussed with the LDF Trustees prior to the activity to ensure coverage.

Let the Debate Begin

Again, the ideas listed below are not in any particular order. **Just as in your use-of-force guidelines, you can start with simple verbal commands or jump to a higher level, based on the circumstances.**

Keep in mind that most of these tools are not to deliver your message to the public but are designed to simply get the decision makers into giving in to your position.

- **Storm City Council** – While an association is at impasse, no city council or governing board meeting should take place where members of your association and the public aren't present publicly chastising them for their lack of concern for public safety.

- **Picketing** – Plan a few well organized picketing events. Keep these events spread out to avoid burning out your membership.
- **Public Appearances** – During impasse, the association should make known at every significant public event, such as parades, Christmas tree lightings, the Mayor’s Gala and any other event of interest to the decision makers, that the association is upset about the lack of concern for public safety.
- **Newspaper Ads** – Again, keep the message focused on “public safety.”
- **Billboards** – Nothing seems to get more attention than a billboard entering the city limits which reads that crime is up and the City could care less about your safety
- **Websites** – GardenGroveSucks.com was a big hit.
- **Job Fair** – Getting your members to apply at a large local agency, which causes an influx of personnel file checks by background investigators always sends a strong signal. Keep this for last, as some of your members may ultimately leave anyway.
- **Work Slowdown** – This involves informing your members to comply closely with Department policy and obey all speed limits. It also involves having members do thorough investigations, such as canvassing the entire neighborhood when taking a 459 report and asking for a back-up unit on most calls. Of course, exercising officer discretion in not issuing citations and making arrests is also encouraged.
- **Blue Flu** – This one is very rarely used and only in dire circumstances. As with all of these, please consult your association’s attorney before even discussing this issue with your members.
- **Public Ridicule** – Blunders by the City Manager, Mayor, or City Council members or wasteful spending should be highlighted and pointed out to the public at every opportunity.
- **Referendum / Ballot Initiatives** – Getting the public to vote for a wage increase is seldom going to fly, however, as a pressure tactic, seeking petition to file a referendum on eliminating the City Manager’s position for a full time elected mayor may cause the City Manager to rethink his or her position.
- **Mailers** – Again, the message should be for “public safety” in getting the public to attend city council meetings and to call the City Council members (preferably at home) to chastize them for their inaction.
- **Campaigning** – If any members of the governing body are up for election, the association should begin actively campaigning against them, again for their lack of concern over public safety. If you are in a non-election year, make political flyers which you can explain will be mailed out the following year during the election season.
- **Focus on an Individual** – Avoid spreading your energy. Focus on a city manager, councilperson, mayor or police chief and keep the pressure up until that person assures you his loyalty and then move on to the next victim.

- **Press Conferences** – Every high profile crime that takes place should result in the association's uproar at the governing body for not having enough officers on the street, which could have avoided the incident.

Of course, other ideas that associations come up with are very imaginative. Just keep in mind, the idea is to show the decision makers that the public favors public safety and it will only harm their public support by not prioritizing you and almost equally as important, to let them know that next time they should agree with you much sooner.