



City of San Antonio

Agenda Memorandum

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Agenda Item Number: 1.

Agenda Date: 1/20/2021

In Control: City Council B Session

DEPARTMENT: City Manager's Office

DEPARTMENT HEAD: Maria Villagomez, Deputy City Manager

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Upcoming Collective Bargaining Agreement between the City of San Antonio and the San Antonio Police Officers Association.

SUMMARY:

This item provides an overview of the collective bargaining process and recommended City priorities for the upcoming Collective Bargaining Agreement (CBA) negotiations between the City of San Antonio (City) and the Police Officers Association (SAPOA).

BACKGROUND INFORMATION:

The City and SAPOA began collectively bargaining in 1975 shortly after San Antonio voters approved the adoption of Texas Government Code Chapter 174 giving San Antonio Police Officers the right to collectively bargain. The primary purpose of the CBA is the efficient and uninterrupted performance of the municipal police function, and establishment of fair and reasonable compensation and working conditions for San Antonio Police Officers.

Current CBA Contract

The current CBA was achieved through a mediated settlement Agreement in June 2016 and approved by City Council in September 2016. The term is for five years beginning October 1, 2016 and ending September 30, 2021. With this contract, the Police Officers began contributing towards the cost of healthcare of their dependents and received a 17% pay increase over the five-year term and increases in clothing allowance.

The CBA includes an evergreen clause of eight years that, absent a new agreement between the parties, current compensation and working conditions governed by the CBA continue with no cost of living adjustments. Police Officers would see increases of 10% per year to healthcare contributions during the evergreen period.

In the current CBA, the City and SAPOA agreed to begin negotiating for a potential new contract to take effect October 1, 2021 no later than January 2021. The City and the Association agreed to make good faith efforts to reach an agreement before October 1, 2021.

In December 2020, SAPOA elected a new Association President who will take office on February 1, 2021. In order to begin negotiations with SAPOA's new elected President, both the City and SAPOA agreed to begin negotiations in mid-February.

Bargaining Process

Both the City and SAPOA will designate representatives to negotiate the contract. The negotiating team along with their attorneys and subject matter experts will be the only individuals at the table discussing issues with the goal of reaching an agreement. The bargaining meetings are open to the public and will be posted 72 hours ahead of the meeting on the City's website. COVID-19 mitigation protocols will be in place for the meetings. There is no public comment at these negotiation sessions.

Proposals are exchanged the day of negotiation and made available to the public the same day.

The City and the Association will collectively bargain in accordance with the provisions of the Firefighters and Police Officers' Employee Relations Act and may use a mediator when appropriate.

Negotiation dates are set with the goal of reaching an agreement within 60 days, if this is not achieved both parties can agree to multiple extensions of up to 15 days until there is agreement.

In the event of an impasse, mediation, continuing in to evergreen status, or factfinding may occur. The factfinding process is outline in detail in City Ordinance 51838 first approved by the City Council in 1981 requires a factfinding panel of three neutrals to ascertain the facts and make recommendations. If the parties fail to agree to a contract, the major unresolved issues shall at the request of either party be submitted to a referendum election which will be binding to the parties.

Once a contract is reached through negotiations or mediation, the Association must have the contract ratified by at least 50% of the police association membership. The City Council ultimately approves the contract after the police membership ratification.

City Bargaining Priorities

Changes to the current discipline process have been discussed by the City in previous negotiations. Since June 2020, San Antonio residents have demanded changes to the Police disciplinary process. This input was loud and clear at the three Public Safety Listening Sessions held by the Public Safety Committee in June 2020 and by the continuing input received through the City Council's Public Comment Process since June of 2020.

In November 2020, the City Council took action to place police accountability and transparency at the top of their legislative priorities for the 87th Texas Legislative Session. These priorities include:

- Giving the police chief the ability to discipline officers within 180 days of finding wrongdoing instead of from the date of the actual incident.
- Limiting the arbitrator's or civil service commission's disciplinary review to fact determinations only, and not include the ability to supplant Chief's determination on discipline. This change would not take away the right of the police officer to appeal discipline.
- Allowing the release of all disciplinary records instead of only ones that result in suspension and higher.
- Encouraging new police officers to live in the cities they work in by allowing 5 residency points at the time of hiring.

The City's Collective bargaining priorities are consistent with City Council approved legislative priorities and the public input on changes to the disciplinary process to hold police officers accountable for misconduct. These Priorities include Discipline and Transparency, Operational Improvements, and ensuring that public safety spending remains below 66% of the general fund.

(1) Discipline and transparency: Changes to Disciplinary Articles 28 and 29:

- Improve time limit to impose discipline from 180 days from time of incident to 180 days from the date the Chief knew or should have known of the incident
- Consider all past conduct for disciplinary actions
- Modify timelines in disciplinary process
- Maintain appeal process for findings of fact. Arbitrator (or Civil Service Commission) cannot modify Chief's disciplinary decision.

(2) Operational improvements.

(3) Maintain Public Safety spending at less than 66% of the general fund.

ISSUE:

The current Collective Bargaining Agreement between the City of San Antonio and SAPOA expires on October 1, 2021. The City and Association will begin the process of collectively bargaining for a new contract in mid-February.

This briefing will provide an overview of the bargaining process and the City's bargaining priorities for the upcoming collective bargaining agreement.

ALTERNATIVES:

This item is for briefing purpose only.

FISCAL IMPACT:

This item is for briefing purpose only.

RECOMMENDATION:

This item is an overview and no action is required on this item at this time.