

“Negotiating in Hard Times” *PORAC Symposium 2010*

Concession Bargaining, Round Two **A Survival Guide for Peace Officer Labor Associations** By Rocky Lucia, Rains Lucia Stern, PC

Well into the second year of what most law enforcement labor negotiators now view as full-on concession bargaining, we can now reflect upon the last eighteen months and attempt to learn from lessons past to predict the future. About one year ago, our firm issued its first paper on our initial thoughts and perspectives on concession bargaining. The article entitled **“Layoffs, Furloughs & Demotions: A Labor Association Perspective on Local Government Reactions to Economic Downturn”** (www.rlslawyers.com) attempted to reflect on the brief experiences in concession bargaining and lay out a strategy for the foreseeable future. That paper has withstood the test of the last twelve months, but we now have a different view of the magnitude and duration of the economic challenges that face law enforcement labor associations.

The following analysis identifies what most of us view as significant issues which will be addressed by many law enforcement labor associations during their next round of bargaining for successor memoranda of understandings and employer solicited concessions. In this evolving and ever-changing bargaining climate, we offer the following survival guide for the men and women who must lead their associations through these very difficult economic and political times.

1. “Round Two” of Concession Bargaining

Many associations, within the last eighteen months have negotiated successor memoranda of understandings or at least had to make significant concessions in closed contracts. For some, the demands have not been so great. Some associations have not heard the knock on the economic door, while others have simply refused to entertain any notion of concessions. The majority of associations, however, have in one way or another dealt with concessions.

Where associations have compromised and made concessions, the labor leaders have had to walk into the lion’s den of members who are sometimes unwilling to acknowledge the realities of the economic downturn or simply refuse to make changes in their wage and benefit packages. Many association leaders have put their credibility as well as personal, professional, and social relationships on the line when having to sell a concession deal to their members.

CHALLENGE:

If you have already had to sell one concession deal, how do you do it again?

ACTION:

- Continue to keep your members informed! Keep information flowing to your board and members about the City/County/District's finances, as well as specific information provided to the association regarding the economic strength or weakness of the employer.
- Keep your finger on the political pulse of your association in order to manage the expectations of the employer. If your membership will never support another concession deal, don't mislead the employer and let them think otherwise. On the other hand, if the membership will entertain concessions, have an idea as to what extent those concessions will be available for bargaining.

2. Like It or Not, the Media is Unsympathetic and Hostile to Public Employees

While the media has never been friendly to law enforcement labor associations, that unfriendliness has now translated into anger, disrespect, and at times, vilification. The media will blame public employees, especially the "highly compensated" public safety employees, as the culprit of the governmental economic degeneration. "Greedy" has never been seen so many times in the context of describing police officers and deputies.

CHALLENGE:

How do you maintain a positive relationship with the media to protect the association's public image?

ACTION:

- Continue to dialogue with media representatives to the extent that they will listen; keep them informed of your association's ongoing interest in assisting the employer, community involvement of your members, and the personal acknowledgment of these difficult economic times.
- Make the media aware of new challenges that face most departments including dramatic staffing cuts and curtailment of services. Convey the adverse impact on your ability to do your job on the street. Many non-sworn employees have been laid off or have suffered reduced hours, and therefore cause a tremendous negative impact on your ability to effectively deliver police services.
- Remind the media that your agency must be competitive and be able to recruit and retain qualified individuals to work as peace officers. Agreeing to draconian

concessions and wiping out fair wage and benefit packages will eliminate your agency's ability to recruit and retain competent people.

3. The Political Winds Are Shifting and Our Friendly Elected Officials Are Retreating

Undoubtedly, every politician, at both state and local level, is reminded on a nearly daily basis that the media, taxpayer advocate organizations, and the conservative branches of political parties are pointing fingers at public employees, and more importantly, public safety labor associations, as somehow responsible for the woes of state and local government. Polling data, political editorials, and financial predictions are all tools of the political agenda to eviscerate the hard-earned wage and benefit packages earned by law enforcement labor associations over the last few decades.

At the state level, legislators who heretofore had been true friends of law enforcement remain so. However, those who have had tepid responses to the pleas of the law enforcement labor community over the years are now turning a deaf ear and a blind eye toward the issues important to law enforcement labor organizations. The political agenda at hand is the preservation of pension, health care, and collective bargaining rights.

At the local level, the politicians actively and publically supporting law enforcement labor organizations are nearly non-existent. In fact, there are efforts to strip away wages, benefits and in some cases, binding arbitration.

CHALLENGE:

How to maintain effective political relationships in the face of overwhelming odds.

ACTION:

- Dialogue with local and state politicians at every possible opportunity. Politicians must be made aware that the open bashing of public employees and public safety has a face—it is yours! Educate local legislators on the value of political relationships and maintaining and enhancing wage and benefit packages. Stress the value to their constituents in maintaining the highest quality standards, wages and benefits to effectively recruit and retain qualified and competent law enforcement personnel.
- Educate legislators at the local level as to the facts of recruitment, retention and wage and benefit issues. City Councilpersons and members of the Board of Supervisors are sometimes unaware of the actual cost, savings, and value of wage and benefit packages negotiated by your association. Never forget that politicians are, for the most part, spoon-fed gloom and doom from city managers, county administrators, and finance personnel. Closed-session discussions are limited and by their very nature short in duration. There is simply no way for every member of

the Council or Board of Supervisors to adequately understand the issues in a closed session with limited time. Take the time to educate your elected officials.

- Remind politicians that, in nearly every single community, public safety is the number one concern of every citizen. Public safety is the singular reason for the existence of government. If need be, conduct your own poll to remind politicians of the value of public safety.
- We are in an economic downturn as part of an ongoing structural cycle of local, state and federal economies. Economics and politics will change. Your value in the political community, while not at its highest point right now, will return to prominence. Endorsements and support for candidates must be emphasized and never lost on elected officials. Treasure and value your endorsement and incorporate it into any discussion with the elected officials and candidates.

4. The Economic Roller Coaster—Are We There Yet?

This economic crisis, while unprecedented at many levels, is part of an economic roller coaster that we as a country have experienced since the signing of the Declaration of Independence. There will be highs and there will be lows. The low that currently faces local governments is also a symptom of the natural fluctuations in the real estate market. The housing and banking crisis have adversely affected the national and state economy, but it is the real estate market that causes us the most concern at the local level.

The structural adjustment in the real estate market has undoubtedly been severe. The residential and commercial real estate market appears to be stabilizing, yet many predict we are not yet at the bottom. Both residential and commercial foreclosures continue to plague our economy. While the number of real estate transactions seems to suggest an uptick in sales, clearly the market correction in the real estate industry has now led to a significant drop in values which ultimately, in light of Proposition 13, will take years to return to the levels that we saw only a few years ago. Some predict it will take decades. Property taxes capped by Proposition 13 must be considered in your analysis.

The stock market seems to be gaining ground, and for most of you with deferred compensation plans, you are having an easier time reading your statements. However, while the stock market does ease the actuarial pain of most pension plans, it does very little to enhance the financial health and well-being of local governments. While the stock market continues to see modest gains, the economic outlook nationally remains problematic. Some reports indicate that the federal government will face a ten trillion dollar (\$10,000,000,000,000) debt in the next decade. The Congressional Budget Office issued a report on April 5 suggesting that, before the decade is out, the federal deficit will reach 90% of the Gross Domestic Product.

The State budget is in complete shambles. The inability of the legislature to effectively correct structural problems and address the deficit is unparalleled and ominous for local government. The legislature has, for the last several years, “kicked the can” each year without addressing the real problems in our state economy. The election cycle,

political contributions, and political polls seem to determine our economic future. All of this portends a grim picture for local government.

Most local governments are suffering budget deficits never before imagined. However, there are local governments where the state and federal economy has not wreaked havoc with local finances. A number of associations have yet to feel the pain due to the unique demographics of their employer's population.

CHALLENGE:

How does a labor association effectively deal with economic forces outside of its control?

ACTION:

- Associations can't control economic forces, but they can effectively react and manage information and expectations.
- Now more than ever, great attention to detail must be directed toward monitoring local government finance. Do not rely exclusively on the predictions and forecasts of local government finance personnel.
- Work collaboratively with the employer to determine how budget deficits are established and projected. It is essential that labor associations drill down and determine what assumptions the finance personnel are making in establishing structural or temporary budget deficits. Review, analyze, critique and study the assumptions and match those assumptions up with your own due diligence and analysis of your financial consultants.
- Former president Ronald Reagan's refrain of "trust but verify" is now more relevant than ever. Never take financial predictions of gloom and doom at face value. "Inability to pay" should never be conceded unless and until you've done your homework.

5. Pensions: the Problem or the Answer?

The media has battered relentlessly on the alleged exorbitant pension benefits of public employees, and in particular, public safety personnel. While not based in fact, and contrary to PERS' assertions, the retirement formula of 3%@50 seems to have taken on the role of the villain in this economic drama. The actuarial analysis of not only PERS but all local retirement systems by necessity and by practice addresses the ups and downs of the investment returns of the retirement system. A 20- or 30-year analysis of pension returns will reflect the peaks and valleys of pension costs.

There are agencies where increased pension costs have been anticipated and funds set aside in years past to accommodate the current increases. Frankly, it wasn't that long ago that nearly all retirement systems were "super-funded" and local and state

governments were spending, spending, spending the excess earnings during the upticks in the stock market. We can all agree that there was no hue and cry for pension reform until this latest national economic downturn hit the scene. It's predictable that scapegoats seem to be required when things go bad.

Nearly every local government seems to be in the attack mode on current retirement formulas for employees and usher in an era of "two-tier" systems. Many city managers and county administrators have been heard to utter the old refrain that "you should never let an economic disaster go to waste." The League of California Cities and C-SAC as well as various regions within the state (San Diego, San Mateo County, Alameda County, Contra Costa County) have seen the advent of white papers ascribed to by city managers where the stated goal is to force a two-tiered retirement system on employees, whether needed or not.

CHALLENGE:

How does an association deal with the pressure of pension reform?

ACTION:

- Various conservative statewide organizations over the last several years have been actively promoting statewide initiatives to radically reconstitute pension benefits for all public employees, including public safety personnel. The initiatives are draconian, drastic, and punitive. Now more than ever, labor associations must focus their energy and effort on state legislators and determine their willingness to stand by law enforcement labor associations to protect their valued and much-deserved pensions. Organizations such as PORAC are leading the way to protect and fight for benefits. Monitor legislation through PORAC by working with your local chapter and, if need be, contacting the PORAC state office directly to offer assistance to keep the political fires alive in support of your pensions.
- Establishing a second or alternative tier for new hires will not address the short-term cash/budget problems of the employer. Before agreeing to a two-tiered pension system in your City/County/District, demand to be provided with the actual savings projected by the employer. Absent additional contributions from the employee, two-tiering a pension system will not resolve the current economic crisis faced by local government.
- While 3%@50 may not be the pension formula that you enjoy, clearly its existence has raised the bar and permitted associations to keep the pressure on the employer for enhanced pension benefits.
- Agreeing to a second-tiered pension will no doubt lead to the employer demanding more contributions by current employees towards their pension. Once two-tiered formulas are secured, be prepared to pay more for your own pension.
- Before agreeing to a two-tiered pension, secure costing and actuarial information from PERS or your local retirement system to verify short- and long-term savings to the employer. With that information in hand, meet with your elected officials and

educate them on the fact that a two-tiered pension system will do nothing in the short term to help them deal with their budget crisis.

6. Non-Public Safety Associations: Are We In This Together?

In nearly every city and county, non-public safety, non-sworn employees have felt the wrath and pain associated with the current economic downturn. Many friends and coworkers of sworn personnel have lost their jobs and their families have suffered. Those families and employees should be considered in your dealings with non-public safety associations.

Non-public safety services, while valued by the community, are truthfully secondary to the essential delivery of police services.

The animosity and tension which has been developing in some corners between sworn and non-sworn employees is palpable and disturbing. In fact, in several jurisdictions, elected officials and government leaders have pitted police and fire against each other. In some jurisdictions, fire personnel are making greater concessions than law enforcement labor organizations.

CHALLENGE:

How to effectively maintain working relationships with other employee organizations while attempting to share a shrinking pie?

ACTION:

- Communicate on a regular, ongoing basis with labor associations in your jurisdiction. Some law enforcement labor associations share information on a regular and ongoing basis, while others are indifferent to the plight of non-sworn employees. Like it or not, most elected officials and government managers will draw parallels between concessions made by non-sworn employees and sworn.
- Coordination with other bargaining units is well-advised when other associations begin to make considerable and extreme concessions. Dramatic concessions by one bargaining unit may ultimately pressure politicians and government managers to extract similar concessions from sworn employees. If possible, continue to dialogue with other labor leaders in your jurisdiction.
- In the final analysis, the inherent risks and dangers associated with work done by police officers and deputy sheriffs mandate that wages and benefits must be the highest priority for the local employer. Remember the fallen officers and their families and the sacrifices that have been made.

7. Symptoms of the Times—Employers Are “Culling” the Herd: Layoffs, Demotions, Disciplinary Cases and

Contracting Out Police Services

A year and a half ago, layoffs and demotions were an unfriendly thought and worst case scenario. Unfortunately, now they are a reality. Many associations have already lost members to layoffs. Demotions routinely follow. The laws are fairly clear that layoffs and demotions are within “meet and confer” (California Government Code Section 3505) and the association has obligations to represent its members in those matters. Employers are now more than ever threatening layoffs and demotions while demanding additional concessions. Some associations have made concessions to save members jobs and others have not. As we enter this second round of concessions, we anticipate seeing more associations face the unfortunate reality of losing additional members. The political challenge of concessions versus jobs is a stark reality of these economic times.

Just a few years ago, departments were paying signing bonuses and staffing recruiting offices to lure away qualified police officers and deputies. All those efforts continue at minimal levels. We are seeing an abnormally high level of activity and proposed terminations. It certainly appears that there is no reluctance by many chiefs or sheriffs to winnow out officers and deputies who seem to have run afoul of certain departmental standards. While it can never be documented nor verified, the sheer number of terminations faced at least by this law firm are exceedingly high. Certainly, one could hypothesize that departments are looking to shed personnel through the disciplinary process rather than layoffs.

CHALLENGE:

How to retain members amid economic and disciplinary pressures?

ACTION:

- Layoffs and demotions may occur with or without significant concessions from the association. In every discussion with the employer, the issue of layoffs and demotions should arise. In the event that the association takes a concession deal to the membership, the association must communicate to the members the employer’s position on layoffs and demotions. Be specific with the employer on its position on layoffs and demotions.
- Review your current MOU as well as any personnel policies to determine the exact procedure for layoffs and demotions. Most MOUs have had layoff procedures identified in their MOU for decades, and some have no relevance to the current issues faced by the members. Take the opportunity to initiate discussions with the employer after reviewing MOU policies and procedures on layoffs in great detail. Attempt to negotiate a procedure acceptable to your members. Finally, take the layoff procedure to the Board or the members and get a buy-in from them.
- Whether informally or formally, determine your association’s interest in saving jobs versus making concessions (see discussion on specific concession items below). Ultimately, it is the association leadership who will be held accountable for lost jobs

or loss of compensation. Do your due diligence to allow the members to have the ultimate say. Permit the members to avoid feeling like decisions were made without their knowledge or consent.

- Layoffs and demotions are subject to bargaining. While the law is clear that the employer has the right to decide whether to lay off employees, the employer must meet and confer on the impacts of those layoffs and demotions. If layoffs and demotions are noticed, gear up for very formal, exhaustive, and thorough meet and confer sessions on layoffs. Safety concerns may empower the Association to actually bargain over the decision to layoff (see Rains Lucia Stern analysis of Richmond Firefighter decision – *IAFF Local 188 v. PERB* (www.rlslawyers.com)). You owe it to the affected members to exhaust every possibility to minimize the impact on those members leaving the Department and those that will remain.
- If your employer has received federal stimulus money relative to securing law enforcement job positions, determine the extent to which (if any) the employer can lay off or eliminate positions. The employer may be limited in its ability to lay off sworn personnel. Verify the terms under which the employer received federal stimulus monies.
- We have encountered a number of agencies that have threatened layoffs with absolutely no intention to follow through. Understand that layoffs, like many other threats, may be just that—threats. Don't assume one way or the other that layoffs are a reality for your members.
- While the association cannot bargain over individual disciplinary cases, there is something the association can do. In associations where the leadership feels that discipline cases are on the rise without justification, members should be cautioned to understand that economic pressures may make it easier for the employer to assess a heavier penalty in disciplinary cases than would otherwise be the norm. Communicate your feelings to your members.
- While contracting out is not prevalent, it has been raised in several jurisdictions (City of Vallejo and City of San Carlos) . The decision to contract out is a mandatory subject of bargaining. There are legal limitations to the employer's discretion to contract out. The case controlling the legal issues associated with contracting out is the Rialto POA decision. Depending upon the impasse procedure associated with the meet and confer process, the association may have the political and/or legal ability to prevent contracting out. Stay engaged politically and work with your legal counsel to establish a record to counter contracting out.

8. Binding Arbitration: Don't Be Outflanked!

As we all know, statewide binding arbitration for public safety employees was struck down by the California Supreme Court. There are no real legislative efforts to revive that legislation. However, there are several law enforcement labor associations that enjoy binding arbitration through local charter amendments. In nearly all of the jurisdictions where binding arbitration controls impasse procedures, there have been informal and formal discussions about eliminating the procedure.

Every association that enjoys binding arbitration should be on high alert.

CHALLENGE:

How to protect binding arbitration in your jurisdiction?

ACTION:

- In some jurisdictions, petitions are being circulated, and in cities such as Vallejo, the City Council has adopted resolutions to formally submit to the electorate a referendum on binding arbitration. Every association president that enjoys binding arbitration should be communicating with the other presidents of those associations in an effort to coordinate and deal with the ill-timed and unwarranted attack on binding arbitration. An attack on one is an attack on all.
- Work with political and media consultants to effectively manage the information about binding arbitration. Disinformation seems to be in order when attempting to villainize police and fire contracts. Since public safety is generally the biggest portion of the City budget, ignorant and uneducated members of the community may point to binding arbitration as the cause for the budget's failures. It is easier to point to someone else rather than taking responsibility for mismanagement and lack of planning.
- Communicate with your members and educate your association on the value of binding arbitration.

9. As the Employer's Coffers Run Dry, Can the Flow of Red Ink Be Stopped?

While most cities and counties continue to deal with serious budget deficits, there are some agencies which are looking to enhance revenue sources as a last stop before putting the public at risk by effectively neutralizing its police and sheriff's departments.

Some law enforcement agencies have projected worst-case scenarios where police services will be limited to 911 calls and more serious matters. The community will be at risk unless and until the public realizes that it may have to make law enforcement a priority with appropriate funding sources.

CHALLENGE:

How to assist the employer in enhancing its revenue stream?

ACTION:

- Every association should be communicating with elected officials, city managers and county administrators regarding ballot initiatives for public safety taxes. All polling numbers clearly indicate that the public will continue to make law enforcement its

number one priority. Should the public eventually become aware of the dire financial straits of many of its police and sheriffs' departments, given the proper education, the electorate will respond with a favorable vote on enhanced tax measures.

- Work with City/County management to determine whether the public will support a tax measure. associations should understand that the public will need to be educated on the extent of concessions and sacrifices made by the members of the police and sheriff's departments.
- The association may have to commission its own poll to determine the public's attitude towards some sort of public safety tax revenue source.
- Any attempts at a tax measure will need to be funded with a political campaign. Understand the magnitude of the matter by working with political consultants to get a realistic assessment of what the cost may be. Educate your members on such efforts.
- The law is fairly clear that discussions regarding association support of tax measures should not overlap or work their way into negotiations for a successor or concession contract. Work with your legal counsel to secure the appropriate legal advice before speaking to the employer about political support for any type of campaign for a tax measure while in the throes of negotiating terms and conditions of an MOU.

10. Negotiating a Concession Deal: The Cafeteria is Open

Nearly every association has, in one way or another, had to deal with some form of concession bargaining. Once the due diligence has been completed and the specific need identified, there is a menu of options that can be drawn upon to accomplish mutual goals of short- and long-term savings for the employer.

Never begin concession bargaining until the employer has identified and documented a specific to be saved as well as the term of the savings.

CHALLENGE:

How to make concessions significant enough, yet palatable to your members?

ACTION:

- Each negotiator and his/her client has had the opportunity to determine a laundry list of possible concession points. Every association leader should first begin with reviewing the demands of the employer. The second step would necessarily require the association to review its current MOU and practices to identify any term with an economic value. Once a benefit is identified, it should be costed out by the association to determine its value to the employer. Once the value has been established by the association and there is an interest in dialoguing on the concession, the employer should then also cost the concession for purposes of

determining whether the benefit should become part of the discussions on a concession.

- While the menu of options is limited only by the economic and political dynamic of the association, a few examples of concession points are:
 - **Wage reductions.** Wage reductions will affect potentially every single member and can be negotiated for a specific term with the concession sunseting.
 - **Negotiated wage increases.** If discussions occur during a closed contract and wage increases have been negotiated, the association may defer those raises or eliminate them in their entirety. As noted in our prior admonishments to associations, never take any action which would constitute a formal “reopener” during your closed contract. Conduct informal discussions and create a paper trail to eliminate any assertion by the employer that the association has reopened the contract and subjected the association to impasse.
 - **Furloughs.** Furloughs, in most law enforcement departments, are challenging and sometimes not feasible. Depending upon the size of the department and the shift configurations, furloughs can be substituted for a short-term wage reduction. Furloughs cannot be unilaterally implemented by the employer. Furloughs are a wage reduction which by necessity would be a violation of the current MOU (assuming there is one). Negotiating your furlough agreement is challenging and must be drafted to accommodate contingencies such as impact on premium pays, pensions, and health care.
 - **Holiday pay.** Depending upon how holidays are paid, holidays can be used as a concession, and for a limited duration.
 - **Step increases.** Step increases can be reconfigured or implementation delayed. Step increases will generally not affect the more senior employees and therefore may have a disparate impact on the membership.
 - **Shift configurations/premium pay.** Associations may choose to reduce or forego shift differentials associated with working certain shifts. Moreover, shifts can be reconfigured in order to eliminate premium pays or overtime.
 - **Educational incentives.** Incentives for educational degrees as well as POST pay can be used as discussion points for a concessionary deal. This concession will affect members differently and therefore will need to be addressed within the association on a political level.
 - **Meal allowances.** Some associations have negotiated meal allowances which can be eliminated for a limited duration.
 - **Vacation Banks.** Vacation banks can be modified to provide temporary relief to an agency.
 - **Uniform allowances.** Uniform allowances are generally a flat amount which can be surrendered for a limited duration. Previously negotiated increases in uniform allowances can also be deferred. As with other pensionable compensation items, members should be alerted to the fact that pension calculation for certain senior members may be impacted by this concession.

- **Health care.** Despite federal attempts at reforming health care nationally, the impact of the new legislation is certainly unknown, and may not be fully appreciated for a number of years. The impact on the current economic crisis faced by local government continues to be affected by escalating health care costs. Depending on the negotiated health care benefits, associations may choose to modify existing plan options, providers, or premium contributions. The association should always consider the impact on retirees and the resulting premium increases. Some associations have been faced with the employer attempting to dramatically limit or eliminate medical retirement for retirees. This is a legally and politically sensitive issue and, moreover, should entail a philosophical discussion about the years of service of retirees and their contributions, not only to the employer, but also the association from which all active employees benefit.
 - **Calculation of overtime.** Many MOUs mandate overtime to be paid after 40 hours per week. Under the FLSA, overtime is not payable until the employee reaches 171 hours in a 28-day work cycle. In effect, the association can forego the overtime calculation for 11 hours in that 28-day cycle. This issue will certainly require analysis and input from your legal counsel, and moreover, will only impact those members who routinely work overtime.
 - **Early retirement options.** CalPERS offers certain early retirement options for positions that are eliminated. This is generally not a viable option for most law enforcement agencies, but certainly should be considered. In addition, the employer may offer financial buyouts, incentives, or other benefit packages to incentivize long-term higher-paid employees to leave rather than lay off younger members of the Department.
 - **Pension contributions.** Many employers are now asking labor associations to contribute more towards their pensions. In many PERS agencies, the employer has agreed to pay the employees 9% contribution. Some associations are now being asked to pay more than the 9% or a portion of the 9% on a temporary or permanent basis.
- This list is not intended to be comprehensive, nor does it apply to every association. Each association should develop its own menu of options as it begins the process of looking at concession bargaining. Once the menu items are identified, each item should be costed and assessed as to whether there is the political will within the association membership to make such a concession.

11. What Does the Future Hold? Reading the Tea Leaves

Most of us have our own personal idea as to the duration of this current economic crisis. That debate will continue for many years. Regardless of personal opinions and professional experience, every association leader must be thoughtful, diligent and comprehensive in his/her approach to concession bargaining. There is no one size fits all, nor is there any easy answer.

One thing is for sure—that we are all in this together, and we must preserve and protect to the greatest extent the benefits that we have negotiated over these many decades. There is ample opportunity to dialogue, communicate, and exchange information with other association leaders who are also in the same position. What one association does affects every other association. Making an extreme concession deal will not only impact your members, but also will have a ripple effect on potentially every police officer and deputy sheriff throughout the state.

CHALLENGE:

How to reach a concession deal which accommodates the employer and your members?

ACTION:

- Communicate with your members, elected officials, media representatives, other labor law enforcement association leaders, and do your homework. Rely on your accountant, lawyer, negotiator, political consultants, and other paid representatives. Draw upon the resources that your association has accumulated over the years. There is no weakness in demonstrating an interest in getting varying opinions and suggestions.
- It will take strong character and political will to do the right thing. If you have done your homework and educated your members, the solutions will become self-evident. Many association leaders will need to put their personal and professional reputations on the line to submit recommendations which will no doubt offend and anger some members. There will be no easy political answers, and some association leaders will be taken to task for positions they take on concession bargaining.

Conclusion

While all of us have been navigating through uncharted waters, it is the association leaders who face the most difficult task. They must think about the short- and long-term consequences of any deal that carries their support. In the final analysis, the association leadership will prevail and the association will benefit, as long as all decisions are made in the context of the best interests of the membership.