

**Spokane Police Guild  
And  
City of Spokane  
Interest Arbitration  
Arbitrator: Richard J. Ennis  
Date Issued: 11/10/1978**

**Arbitrator: Ennis; Richard J.  
Case #: 01752-I-78-00054  
Employer: City of Spokane  
Union: Spokane Police Guild  
Date Issued: 11/10/1978**

<b>IN RE: ARBITRATION</b>	)	
	)	
	)	
	)	
<b>CITY OF SPOKANE</b>	)	<b>MEMORANDUM OPINION</b>
	)	
<b>AND</b>	)	
	)	<b>OF</b>
<b>SPOKANE POLICE GUILD</b>	)	
	)	<b>NEUTRAL ARBITRATOR</b>

**This matter came on for arbitration pursuant to RCW 41.56 which provides a time frame for negotiations in connection with collective bargaining, to be followed by a hearing before a fact-finding panel in the event the parties cannot agree.**

**A fact finding hearing was had before Gary L. Axon, neutral chairman, whose findings and recommendations are on file. Both sides have challenged the fact finder's report. RCW 41.56.450 provides that, in such case, the parties shall proceed to final and binding arbitration. The arbitration panel consists of the following:**

**Richard J. Ennis, Neutral Chairman**

**Michael L. McClintock, Guild Member**

**Richard L. Campbell, City Member**

**Mr. McClintock and Mr. Campbell were wholly partisan and, in fact, acted as advocates during the hearings.**

**Also appearing on behalf of the parties and participating in the hearings were:**

<b>City:</b>	<b>Robert V. Prouty Employee Relations Specialist</b>
	<b>Robert Beauinier    T. J. O'Brien Corporation Counsel</b>
<b>Guild:</b>	<b>Gary Johnson, Guild President Jerry Poindexter Howard Russell</b>

**A pre-hearing conference was held on Monday, October 16, 1978, between the panelists at which ground rules were arrived at and a tentative schedule established. Hearings were commenced on October 18th, and continued on October 25, 27 and 31st.**

**A large number of exhibits were introduced by the participants on both sides and both sides called witnesses. The hearings were conducted informally.**

**Prior to presenting any evidence the city moved that the report of the fact finder be deemed Drima facie correct unless overcome by evidence to the contrary. The guild resisted bills arguing that the statute did not so provide, but did provide that the fact-finders report should be considered along with all of the other factors set out in the statutory guidelines. The motion was denied on that basis.**

## **ISSUES**

**At the time of the fact finding hearing the city had made an offer of an 8 1/2 percent increase of which 7 percent was in wages and 11/2 percent for fringe benefits. The guild was requesting a 20.94 percent increase which was reduced to 13 percent going into the arbitration.**

**The fact finder's report was in favor of the city on**

**the four items directly related to base pay. These items consisted of base pay in itself, along with family medical, longevity pay, and full family dental. The findings were in favor of the police on the issues pertaining to a second year contract, shooting qualification, and changing the payroll date.**

**At arbitration the police guild challenged the first four findings while the city challenged the last three.**

**The guild elected to accept the city's proposed change of pay date. There is also no dispute in regard to the proposed family dental plan.**

**On the issue of base pay it appears that a more complete and detailed presentation was made by both sides at arbitration than was made at fact finding. It is also noted here that the fact finder did not have the benefit of later developments which will be discussed further on in this opinion.**

**Without question the largest and most hotly disputed issue is that of base pay. Well over one hundred pages or charts, graphs, tables, schedules and compilations were introduced in support of the positions of each side and pertaining to the issue of base pay.**

## **STATUTE**

**RCW 41.56.460 sets out the following standards and guidelines to be considered in reaching a decision:**

- (a) The constitutional and statutory authority of the employer.**
- (b) Stipulations of the parties.**
- (c) Comparison of the wages, hours and conditions of employment of uniformed personnel of cities and counties respectively of similar size on the West Coast of the United States.**
- (d) The average consumer prices for goods and services, commonly known as the cost of living.**
- (e) Changes in any of the foregoing circumstances during the pendency of the proceedings.**

**(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.**

**(g) Findings of fact made by the fact-finder pursuant to RCW 41.56.440.**

**The comparison cities used by the Guild were Santa Ana, Anaheim, Riverside, Fresno and Tacoma, the first four being in California. The City of Spokane also used these five cities but in addition, included Salt Lake City and Colorado Springs. The Police Guild vigorously and consistently objected to the inclusion of the latter two cities for reasons that will be examined.**

**Prior to the enactment of the statute governing these proceedings choice of comparables was a matter of disagreement in the state legislature. Prior to passage a bill had been introduced requiring comparison with the local job market. Another bill required comparison with the eleven Western States. The bill finally enacted requires that the comparison cities be on the West Coast.**

**This issue was further resolved in a Superior Court determination that the comparison cities be situated in Alaska, Washington, Oregon or California. The five cities enumerated are the closest in size to Spokane and this is not in dispute.**

## **HEARINGS**

**The hearings consisted largely of the presentation and introduction by both sides, of tabulations, charts, compilations, schedules and graphs which embodied a statistical analysis of wages, hours, working conditions and fringe benefits enjoyed by the Spokane police as compared with those of the comparison cities. The introduction of each exhibit was accompanied by testimony and argument in its support. To say that there was disagreement between the parties on these points would be a gross understatement.**

**No exhibit was presented that was not challenged by the other side. Both sides consistently contended that its opponent's graphs, charts and statistical comparisons were either invalid, or distorted, because of the inclusion of cer-**

**tam things that ought not to have been included, or by the failure to include factors that ought to have been included. Each side argued that his adversary's figures should have been weighted to include other items, or if they were weighted, then they should not have been.**

**In this regard it is significant that the contestants could not agree as to just what the average Spokane police officer was being paid right now. The Guild contended that the only meaningful, real time figure was the amount on the paycheck. The city took the position that a realistic figure must include fringe benefits, and must also average out the yearly wage. These differences in computation permeate many of the exhibits introduced by both sides.**

## **DISCUSSION AND CONCLUSIONS**

**The panel recognizes going in that it cannot determine with surgical precision just what amount of money is the "exact" proper pay for a Spokane police officer. There are no absolutes here. We can, at best, arrive at something within a reasonable range.**

**As mentioned earlier, every conceivable argument has been raised by both sides in support of its own compilations, and in derogation of its opponent's. Although these arguments have been considered, in the interest of reasonable brevity, this opinion will not attempt to treat with each contention raised.**

**At the very outset we must determine what the average Spokane Police Officer is being paid today. As has been mentioned the city's approach is that of budgetary outlay, annualizes the pay rates and includes fringe benefits. In so doing it arrives at a monthly figure of \$1,418.00.**

**The Guild's real-time figure of \$1,350 per month is characterized by the Guild as the amount the rank and file police officer receives. This is based on top patrolman pay and is used because there are more officers in this rank than in any other and this rate of pay is applicable to two-thirds of the force. Since the Guild's approach seems more direct and realistic to us we accept it.**

**The Guild's exhibits 33 and 34 show that officers in**

**the four California cities are the highest paid, followed by Tacoma and then Spokane. Spokane pay ranges between 20 and 22 percent behind the California rates and 9 percent behind Tacoma.**

### **WSU STUDY**

**In 1976, at the request of the City of Spokane, the College of Economics and Business at Washington State University did a research study on comparable cities in eleven Western states in order to determine what comparisons would be 'valid in determining wages, hours and conditions of employment for uniformed personnel. The conclusions reached in the study follow:**

**(1) The only city that is comparable to Spokane is Tacoma, Washington. Cluster analysis, as well as graphic profiles, indicate a close similarity between Spokane and Tacoma.**

**(2) If we tolerate a higher degree of dissimilarity, four California cities, Anaheim, Santa Ana, Fresno, and Riverside, and two interior cities, Salt Lake City and Colorado Springs, show some similarity to Spokane. However, it should be noted that the similarities between Spokane and these six cities are at best marginal, while the similarity between Spokane and Tacoma is very strong.**

**(3) Spokane is not comparable in any meaningful way to Torrance. Nor is it useful to compare Spokane to other independent cities in the eleven Western States (e.g., Albuquerque, Salt Lake City, Tucson, Colorado Springs) which have been mentioned in recent fact finding reports."**

**It should be noted here, that the statute governing these proceedings requires comparison with cities of similar size on the West Coast. In arriving at its conclusions the WSU study utilized a number of factors of which, size, was only one. In fact, the WSU study entailed an exhaustive analysis of a large number of factors and variables. In our opinion it should be accorded a great deal of weight.**

**The city has justified its inclusion of Salt Lake City and Colorado Springs among its comparison cities because the WSU study mentioned them along with the four California cities as showing some similarity to Spokane. The WSU study noted, however, that the similarity was marginal and went on to say that it was not useful to compare Spokane to other independent cities. such as Albuquerque, Salt Lake City, Tucson, and Colorado Springs.**

**We note here, that the statute sets forth no requirements as to what cities shall be selected nor how many cities shall be used. The cities used as comparables were selected because they were within plus or minus 20 percent of the population of Spokane. The WSU study speaks of this as an arbitrary. choice constituting a comparison in a limited sense.**

**The statute provides factors to be considered but characterizes them as guidelines. The tenor of the statute makes it clear that no slavish adherence to any one of the factors mentioned is required. We are not precluded from questioning the validity of the selection of the comparison cities in the same manner as the WSU study has done.**

**The statute directs that West Coast cities be used. However, in another guideline it directs that we are to consider other factors normally and traditionally considered in such disputes, hence the City's inclusion of Salt Lake City and Colorado Springs. The WSU report found that these cities were no more comparable than were the California cities.**

**If we place considerable reliance on the WSU report, and I think we must, it then appears that all of the figures and statistics garnered from the four California cities along with those from Salt Lake City and Colorado Springs have only "marginal significance, while those from Tacoma are important.**

**The evidence is very clear that the conditions which exist in California are quite different from those in Spokane. In California the population density in the surrounding counties is greater, there are ethnic differences, the cost of living is higher, the crime rate is higher. Three of these cities might be considered satellites of Los Angeles. The significance of these differences no doubt played a large part in the conclusion reached at WSU that these cities are not really comparable.**

**Some of these things also apply in a comparison with Tacoma, but the differences are not nearly so great. Tacoma is an old city with a fairly stable population. It cannot be termed a satellite of Seattle in the same sense as, perhaps, Everett and smaller surrounding cities.**

**Both Tacoma and Spokane are in the State of Washington, both operate under the same law and taxing procedure. This is not to say that what Tacoma does, Spokane should do. Many here would point out that Spokane is indeed, a more modern and advanced city than Tacoma, and that a flat, across the board comparison is not justified.**

**Although Tacoma has been used as the chief comparison city we also note that Tacoma cannot be considered particularly advanced in its treatment of its police officers. It has no educational incentive program, and it only recently adopted a longevity pay schedule, perhaps following Spokane's lead. One of the matters that we consider significant is that. of educational incentive. The California cities encourage their police officers to increase their education by giving them additional pay for college credits obtained. Spokane has no such program, nor does Tacoma. Spokane does, however, require applicants to have one year of college English and two years of college humanities or social science prior to taking the exam for a position on the police force. It is self-evident that the better educated the police officers, the better the police force. A substantial number of Spokane police officers have college degrees. They receive no extra pay whatever their education.**

**It is contended by the city that Spokane police officers receive higher pay than do firemen and that they are also higher paid than are the Deputy Sheriffs who operate out of the same building and do similar work. The Guild's rebuttal to this is that as opposed to firemen, the police are required to deal with the public constantly and to resolve social problems which no other group of employees encounter. They are subject to criticism and abuse, consequently, the stress is immense.**

**They further contend that police pay and sheriff's pay has leap-frogged, in some years Sheriff's deputies receive more pay than police. The Guild's most vigorous contention is that in regard to the comparison cities, the Spokane Police are in a "catch-up" position and it is for this reason that they will not accept the City's offered increase as other city employees have done.**



Arguments have been marshalled purporting to show that the Spokane police officer's buying power is greater than that of the California police because of the absence of a Washington income tax. Also mentioned are Proposition 13, the President's message, the freezing of public employee's salaries in California. Counter arguments mention Washington's "6 percent lid law" and Anaheim's legal action against the State along with a Supreme Court decision exempting states and municipalities from Federal wage guidelines. We think these arguments put too fine a point on it, and though worthy of some consideration, they are far from controlling.

In arriving at our conclusions we have not assigned index numbers to the statutory guidelines nor have we allocated a numerical weight figure to the arguments presented. Some of the reasons for our conclusions have been discussed above and more follow.

Cost of living is one of the statutory factors to be considered. There are two methods employed in arriving at the cost of living differences. One method uses the All Urban Index which includes the major cities within the entire United States. The use of this index places Spokane at 5.78% below all of the comparison cities.

Another method was derived at Eastern Washington University which discounts the Seattle index by 4.6% to arrive at a Spokane index. The guild has suggested that a 5% lower 'cost of living in Spokane, as compared to Tacoma, would be appropriate and we accept that as a reasonable median figure.

The percentage of major crime in the comparison cities is significantly higher than it is in Spokane. Major crimes are homicide rape, assault, robbery and theft. It is interesting to note that Spokane leads all cities in rape.

Major crime in the five cities is 31% higher than it is in Spokane. When Spokane is compared with Tacoma, however; the percentage difference is not as great. Moreover the workload of a police officer on a daily basis is not devoted to major crime. Alone, major crime is not an accurate indicator of an officer's daily work load. Still, it must be given consideration since it is directly related to the danger police encounter in doing their job.

**Another statutory factor which we are directed to consider is changes which have occurred during the arbitration. On the last day of the arbitration hearings it was learned that the Tacoma police had reached an agreement with the city for a 1979 wage increase of 9%. This is very important for two reasons. First, Tacoma is our chief comparison city; and secondly, it means that Tacoma will go into 1979 with an increase of 9% above the figures used throughout Spokane's negotiations and arbitration. We are arbitrating the 1979 wages here. This means that Tacoma police will receive 18% more in pay in 1979 than the Spokane police, and that it would take an 18% increase to bring Spokane police pay up to that of Tacoma.**

**If we discount this by the 5% cost of living difference we arrive at a 13% increase which is what the Spokane Police Guild is asking for. This is a substantial increase, however, the Guild has maintained throughout that their reason for asking it is that they must catch up with what is being paid elsewhere.**

**The panel agrees with the Guild on this and will allow the 13% increase in pay. The statute requires a comparison of the wages paid to police in cities of similar size. Both the Spokane and the Tacoma police receive less than is paid to their counterparts in the California cities, however, we no longer believe these cities to be valid comparables. The law does compel us to compare Spokane with Tacoma and this we have done.**

**Whatever Spokane may have been in the past, few would disagree that it is now a modern, advanced city, larger than Tacoma and under no requirement to place itself in a position chronically behind Tacoma in the amount it pays its police officers. With the adjustment for the cost of living difference we feel that the Spokane police are entitled to as much pay as are the Tacoma police. This is the time then, for the police Guild to "catch-up."**

**We have found that the California cities previously spoken of are not valid comparables. Placing the Spokane police pay on a par with that of Tacoma complies with the statutory requirements and eliminates the "catch-up" argument.**

**For these reasons, as well as those discussed earlier, we find for the Guild and allow a 13% increase in base pay.**

The evidence presented to the fact finder on the question of fringe benefits was substantially the same as that presented at arbitration. We have examined the fact finder's conclusions and agree with them on issues of family medical, and dental, and longevity pay.

We also agree with the fact-finder's conclusion in regard to shooting qualification. Evidence revealed that only one member of the police force failed to qualify under the present schedule. We see no real issue here nor any reason to change the present arrangement.

The only remaining issue is that of the second year contract. The fact finder recommended that wages be increased in the second year based on 75% of the All Urban Cost of Living Index with a 2% allowance for fringe benefits. The parties are in disagreement on which index is to be used. Since, in this opinion we have basically used the Seattle Cost of Living Index we will continue to do so. With that change we concur with the fact finder's recommendation.

Dated November 10, 1978

Neutral Chairman

IN RE: ARBITRATION	)	
	)	
CITY OF SPOKANE	)	ADDENDUM TO OPINION
	)	
AND	)	NEUTRAL CHAIRMAN
	)	
SPOKANE POLICE GUILD	)	

A concurring opinion and a dissenting opinion have been by panelists Michael McClintock and Richard Campbell respectively. Mr. Campbell's minority opinion has pointed out certain formal errors in the neutral chairman's decision regarding the references to the fact-finder's holdings. Consequently, the following corrections are made:

1. Paragraphs one and two, Page three in the Memorandum Opinion of the Neutral Chairman are deleted.
2. The words "fact-finder's conclusion" in the third paragraph on page 15 are changed to read "city's position."

The remainder of the material contained in the minority opinion is simply a restatement of the city's position presented and argued at the arbitration hearings. Counter arguments were presented by the Guild at that time on each point raised in the minority Opinion. Having considered the arguments of both sides the chairman found that in large part, the Guild's presentation to be sound and the city's to be without mercy.

Dated November 28, 1978

Richard Ennis  
Chairman