



BEFORE WILLIAM L. CORBETT, NEUTRAL ARBITRATOR
SGT. E. STRIEDINGER, PARTISAN ARBITRATOR
FRED C. TREADWELL, PARTISAN ARBITRATOR

IN THE MATTER OF ARBITRATION]
BETWEEN:]
SEATTLE POLICE OFFICERS' GUILD,]
AND]
CITY OF SEATTLE,]

CASE NO. 10630-I-93-228
AAA CASE NO. 75 390 00015 94

INTEREST ARBITRATION

Appearances:

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The interest arbitration hearing was held on July 25, 26 and 27, 1994, in Seattle, Washington, before a panel of arbitrators: Neutral Arbitrator William L. Corbett; Partisan Arbitrator Sgt. E. Striedinger; and Partisan Arbitrator Fred C. Treadwell. The parties stipulated to the jurisdiction of the arbitrators, presented evidence, argument, and agreed to file post-hearing briefs. Timely briefs were received from both parties. Further, the parties agreed to extend the time period for completion of the Decision beyond 60 days to facilitate the arbitration panel's need to circulate and finalize its decision.

THE DECISION

I. BACKGROUND

During the negotiations for a 1992-1995 collective bargaining agreement, the City of Seattle (City) and the Seattle Police Officer's Guild (Guild) were able to reach agreement on all issues except one--the City's proposal to civilianize certain positions currently filled by sworn officers. Rather than delay implementation of the entire contract, the parties agreed that the City would have the right to refer its civilianization proposal to interest arbitration while the remainder of the contract was to take effect.

The City has proposed the civilianization of fourteen positions, which are:

Position	Number of Positions
Chief Dispatchers	6
Telephone Reporting Unit	4
School Crossing Guard Supervisor	1
Equipment Maintenance Officer	1
Facilities Sergeant	1
Media Relations	1

The City arrived at its proposal following a study conducted by the Office of Management and Budget ("OMB") at the direction of the Seattle City Council. See, Exhs. 3 & 4. The OMB study considered "whether additional positions could be converted to civilian positions" by matching the duties performed by the identified sworn police officers against a set of criteria. If the position did not require the "training, experience, powers and reporting relationship of a uniformed officer," the position was included in the civilianization proposal. See, Exhibit 4.

Seventeen positions were initially identified by the OMB study. See, Exhibit 4. However, one of these positions was abrogated in the police budget, and two of the positions were not within the Guild's jurisdiction. This arbitration concerns the remaining fourteen Guild positions, which the OMB study concluded did not require the training, experience and arrest powers of a sworn police officer. See, Exhibit 4.

II. ISSUE

The issue is whether the City has sustained the necessary burden of proof to change fourteen sworn officers positions to civilian positions.

III. POSITION OF THE PARTIES

A. Position of the City

The City argued that sworn police officers are not necessary to fill the fourteen positions at issue. It claims that dedicating sworn police officers to these positions will not assure that its personnel, and limited resources, are put to the highest and best use. The City justified its civilianization proposal based on (1) cost savings; (2) comparability with similar jobs in similar west coast cities; and (3) creating a wider pool of applicants and qualifications from which to select candidates for the specific positions.¹ The Guild challenged the City's projected cost

¹The first two sentences of the City's "Civilianization Study" state: This report deals with the possible civilianization of certain sworn positions in the Seattle Police Department. Civilianization, in general, offers the prospect of several benefits ranging from a reduction in salary and training costs to creation of a wider pool from which to select new applicants.

savings; presented conflicting evidence on comparability; and asserted benefits of having sworn officers perform the jobs the City sought to civilianize.

1. Cost

The City argued that its civilianization proposal would save approximately \$200,000 in its first year, with continued, lesser savings thereafter. The City's \$200,000 figure was based on totaling the current cost of having sworn officers perform the jobs at issue, and comparing that figure with the projected salaries for civilian employees performing the same functions. The City's figures are:

Function	Sworn Title	Cost	Proposed Civilian Title	Cost	Savings
Facilities/ISD	Sergeant	\$62,710	Mgmt. Sys. Analyst	\$50,033	\$12,677
1st Watch Dispatcher	Officer	\$49,955	Dispatcher III	\$45,190	\$4,765
1st Watch Dispatcher	Officer	\$57,954	Dispatcher III	\$45,190	\$12,764
2nd Watch Dispatcher	Officer	\$57,899	Dispatcher III	\$45,190	\$12,709
2nd Watch Dispatcher	Officer	\$57,899	Dispatcher III	\$45,190	\$12,709
3rd Watch Dispatcher	Officer	\$57,899	Dispatcher III	\$45,190	\$12,709
3rd Watch Dispatcher	Officer	\$57,954	Dispatcher III	\$45,190	\$12,764
Comm OPS	Dispatcher	\$57,003	Radio Com. Specialist	\$46,724	\$10,279
TRU	Dispatcher	\$57,003	Dispatcher I	\$35,966	\$21,037
TRU	Officer	\$55,570	Dispatcher I	\$35,966	\$19,604
TRU	Officer	\$47,585	Dispatcher I	\$35,966	\$11,619
TRU	Officer	\$55,328	Dispatcher I	\$35,966	\$19,362
Media Relations	Officer	\$55,328	Publ. Rel. Spec.	\$43,754	\$11,574
Crossing Guard Supr.	Officer	\$55,569	Crossing Guard	\$29,234	\$26,335
			Supr.		
TOTAL		\$785,656		\$584,749	200,907 ²

2. Comparability

The parties have long used seven west coast cities for the purpose of determining comparability with respect to wages, terms and conditions of employment. Those cities are: Long Beach, Oakland, Portland, Sacramento, San Diego, San Francisco and San Jose. The City surveyed police departments in these

² At the hearing the City revised its estimated savings figure to \$210,732.

cities to determine whether each city had a job comparable to each of the specific positions the City sought to civilianize, and if so, whether the position was held by a sworn officer or civilian. The City's survey indicated the following:

CITY	Chief Dispatcher	Telephone Reporting Unit	School Crossing Guard Supervisor	Equipment Maintenance Officer	Facilities Sergeant	Media Relations
Long Beach	civilian	civilian & 1 sworn	civilian	civilian	sworn	1 civ. & 1 sworn
Oakland	civilian	sworn	civilian	civilian	sworn	no mat
Portland	(no match)	civilian ¹	(no match)	civilian ¹	(no match) ¹	sworn
Sacramento	civilian ⁴	civilian	(no match)	civilian	(no match) ⁷	civ.
San Diego	civilian	civilian & sworn	(no match)	civilian	sworn	civ.
San Francisco	civilian ¹	(no match)	(no match) ⁹	civilian	sworn	sworn
San Jose	civilian	sworn	sworn	1 civilian & 1 sworn	sworn	sworn
Seattle	sworn	sworn	sworn	sworn	sworn	sworn

B. Position of the Guild

The Guild argued that the City failed to establish the

¹These positions were changed from sworn to civilian in 1991 when a new unit was created.

⁴Duties are covered as components of several civilian jobs.

⁵These function are spread out over a number of sworn and civilian jobs.

⁶This job was changed from sworn to civilian in 1989 for financial reasons.

⁷These functions are performed by a variety of sworn and civilian jobs.

⁸This job was changed from sworn to civilian in June 1989 for financial, stability, and expertise reasons.

⁹All positions were eliminated due to lack of funding; however, they were civilian when they existed.

necessary proof to civilianize the fourteen positions. It argued that the City did not adequately present and support its proposal at the bargaining table; that its proposal would not result in cost savings; that the proposal is not consistent with civilianization efforts when compared to other police departments in Washington State or comparably sized cities; and finally, that the City's proposal will have a detrimental impact on performance of the respective positions.

1. Cost

The Guild disputed the City's figures. It argued that civilianization would increase the City's annual costs by approximately \$48,000. The Guild's figures indicate:

Function	Sworn Title	Cost	Civilian Title	Cost
Facilities/ISD ¹⁰	Sergeant	62,710	Man. Sys.Analyst	114,815
1st Watch Dispatcher	Officer	49,955	Dispatcher IV ¹¹	58,055
1st Watch --- Dispatcher	Officer	57,954	Dispatcher IV	58,055
2nd Watch Dispatcher	Officer	57,899	Dispatcher IV	58,005
2nd Watch Dispatcher	Officer	57,899	Dispatcher IV	58,005
3rd Watch Dispatcher	Officer	57,899	Dispatcher IV	58,005
3rd Watch Dispatcher	Officer	57,954	Dispatcher IV	58,005
Comm Ops	Dispatcher	57,003	Comm. Spec. ¹²	61,314
TRU	Dispatcher	57,003	Dispatcher III	51,834
TRU	Officer	55,570	Dispatcher III	51,834
TRU	Officer	47,585	Dispatcher III	51,834
TRU	Officer	55,328	Dispatcher III	51,834

¹⁰ As the testimony at the hearing established, the incumbent in this position is currently performing the equivalent of 2 separate jobs; the City's Exhibit 10 presumed that the replacement for the officer will only perform 1 of those jobs. Table 2 reflects the replacement of the sworn position with two non-sworn positions.

¹¹The figures in Table 2 reflect a 12% increase over the wages paid Dispatcher III's -- the same differential as between the positions of Dispatcher II and III. The costs for Dispatcher IV are understated, for shift differential is not included in the calculation of the Dispatcher wages.

¹²Table 2 reflects a \$5,000 greater salary than that reflected on Exhibit 10. The figures in Table 2 are understated, for they ignore the fact that City will likely need to hire two civilians to perform the job.

Media Relations	Officer	55,328	Sr. Pub. Rel. Spec. ¹	58,039
Crossing Guard Super.	Officer	55,569	School C.G. Sup. ²	44,178
TOTAL		785,656		834,001
TOTAL SAVINGS				(48,355)

2. Comparability

The Guild conducted its own survey and its results, in part, conflicted with those of the City. The Guild's survey was conducted by a Guild member who contacted Guild counterparts, in writing, at each of the comparable cities, then followed up with telephone calls to presidents and vice presidents of each organization and with individual officers in the departments.

The results of the Guild's survey were:

CITY	POSITION	Telephone Reporting Unit	School Crossing Guard Supervisor	Equipment Maintenance Officer	Facilities Sergeant	Media Relations
Long Beach	civilian	civilian & 1 sworn	sworn ¹³	civilian	sworn	1 civ. & 1 swn.
Oakland	civilian ¹⁴	civilian	sworn ¹⁷	civilian	sworn	swn. ¹⁸

¹³Table 2 presumes that the police department is likely to be a "controversial" city agency.

¹⁴Table 2 reflects the fact that 20% of crossing guard duties will have to be performed by a sworn officer.

¹⁵A Lieutenant in the traffic detail, along with other responsibilities, handles supervision of school crossing guards.

¹⁶Civilians' work is limited to misdemeanors.

¹⁷Sworn officers were assigned a number of duties at schools and one of those duties involved the supervision of crossing guards.

¹⁸By contract the position will be sworn beginning January 1995.

Portland	(no match)	civilian & sworn ¹⁹	sworn	civilian	(no match) ¹⁷	swn.
Sacramento	civilian	civilian & sworn ²¹	(no match)	civilian	civ.	
San Diego	civilian	civilian & sworn	(no match)	civilian	sworn	civ.
San Francisco	civilian	civilian & sworn ²³	sworn ²²	civilian	sworn	sworn
San Jose	civilian	civilian & sworn ²⁴	sworn	civilian	sworn	sworn
Seattle	sworn	sworn	sworn	sworn	sworn	sworn

The Guild also argued that the City's civilianization effort had been extensive and that there was no need for any further efforts. The Guild cited its study to the effect that the City's civilianization of the Police Department was the sixth highest in the State of Washington.

¹⁹These function are spread out over a number of sworn and civilian jobs.

²⁰There are six permanent sworn positions. They use light-duty personnel to fill those positions; however, they are permanent and budgeted positions.

²¹Because of staffing problems the department backfilled the positions with sworn light-duty officers. The sworn officers are "quasi-permanent" positions; however, there is always one sworn officer in the TRU Unit. The permanent sworn officer is a Facilitator, and is used whenever a citizen wants to speak with a sworn officer.

²²There are two officers in the traffic detail that have been assigned to oversee the crossing guards as part of their regular assignment.

²³ The positions are civilian but the department fills these positions with officers who are on light-duty, and because there is a current shortage of civilian personnel they are backfilling with sworn officers.

²⁴Sworn officers when on light-duty.

3. Benefit Obtained By Using Sworn Officers

The Guild argued that for each of the fourteen positions the City sought to civilianize, there were substantial benefits in retaining a sworn officer to perform those functions.

IV. CRITERIA TO BE USED IN RESOLVING THE ISSUE AND ALLOCATING THE BURDEN OF PROOF

A. Statutory Criteria

The Revised Codes of Washington (RCW) § 41.56.460 provides the criteria that must be considered by the panel in making an award. For purposes of this arbitration, the pertinent criteria listed in RCW § 41.56.460 are: the constitutional and statutory authority of the employer; the stipulations of the parties; the wages, hours and working conditions of comparable employers; and "such other factors . . . which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment."

B. Interest Arbitration and the Burden of Proof

In an interest arbitration the decisionmaker(s) must not depart from the status quo unless the proponent of change establishes that its proposal: (1) was initially presented at the bargaining table; and (2) considering all the evidence, is preferable to the status quo.

Because interest arbitration is nothing more than an extension of the bargaining process, the proponent of change must establish that its proposal was presented at the bargaining table and that it was rejected. Thus, the party making a case in interest arbitration initially must make its case during the

bargaining process. Without such a threshold showing, negotiations would lose a considerable amount of their purpose.

Additionally, in interest arbitration, the party requesting a change in the status quo has the burden of establishing: (1) the need or desirability for change; and (2) that the proposed changes are practical and reasonable in the absolute and in relation to the interests of the parties. Thus, the party proposing a change must "provide evidence of a demonstrable need" for the change, City of Pullman and the Pullman Police Officers Guild, PERC Case No. 9223-I-91-201 (Axon, 1991); and that its "proposal is not only desirable but practical and necessary." City of Kennewick and the Kennewick Police Officers Benefit Assoc., PCRC Case No. 5380-I-84-123 (LaCugna, 1984). See also Elkouri & Elkouri, How Arbitration Works, p. 817, 4th Ed., 1985. The concept of "necessity," must be tempered to reflect the reality that no one set of "terms and conditions of employment" may generally be described as "necessary," beyond that they are desirable, practical and reasonable in the absolute and given the interests and needs of the parties. At a minimum, "[i]f the arguments offered in support of the change do not clearly outweigh arguments in favor of the status quo then the status quo should be maintained." City of Bellevue and Bellevue Firefighters Local 1604, PERC Case No. 6811-I-87-162, AAA case No. 75 390 0125 87 (Gaunt, 1988).

Here the City has the burden to demonstrate that it offered its civilianization proposal to the Guild at the bargaining table

and provided a justification for its proposal that is not unlike the justification that was offered at interest arbitration. Second, the City must establish that its proposal is desirable, practical and reasonable in the absolute and when considering the interests of the parties. With regard to this latter burden, the City must demonstrate that its proposal will result in significant cost savings; that its civilianization efforts are supported by other comparable jurisdictions; and that having civilians perform the specific jobs in question is desirable, practical and reasonable.

V. DISCUSSION

A. Whether the City Adequately Presented Its Proposal at the Bargaining Table

The City must establish that it adequately presented its proposal to the Guild at the bargaining table. The Guild asserted that the City failed to prove that it provided adequate justification for its civilianization proposal during the negotiations, and should not be allowed to do so in interest arbitration.

Specifically, the Guild argued:

At the hearing, the City acknowledged that, contrasted with the 3.5 days of the arbitration hearing, the complete discussion of the civilianization issue in bargaining consumed only half a day. The City's lead negotiator, Lizanne Lyons, testified that the entirety of the City's presentation on civilianization was made by Claire McKechnie, a representative from the City's Office of Management and Budget. Ms. McKechnie had prepared a civilianization study for the City which was given to the Guild during Ms. McKechnie's presentation, and which later became Exhibit 4 in these proceedings.

As Ms. Lyons acknowledged, and as Verner O'Quin, the

Guild's Treasurer, stated even more forcefully, the Guild believed that Ms. McKechnie's civilianization presentation not only was woefully inadequate to justify the City's proposal, but contained significant data errors. . . .

Not only was Ms. McKechnie's presentation during bargaining unconvincing to the Guild, it appears to have been unconvincing to even the City's negotiators. As Ms. Lyons fairly diplomatically testified, while the City did not have "serious" reservations about "all" of Ms. McKechnie's numbers, Ms. McKechnie's presentation left the City "looking at how to reconcile some differences in the numbers."

The position of the Guild, in part, is supported by the evidence. Indeed, when Ms. Lyons was asked by the Guild's counsel: "Is it fair to say that those reservations were shared, at least in part, by members of the City's negotiating team at the conclusion of that presentation?" She responded:

Well, I would say there were some questions regarding Claire McKechnie's numbers and some numbers generated by Susan Crane from the City Council's staff and reconciling the two. I might not say it quite as broadly as you did in terms of serious reservations about all of Claire's numbers. We were looking at how to reconcile some differences in the numbers.

Tr. 267-68.

While there may have been some question regarding McKechnie's numbers--and a clear difference between Ms. McKechnie's numbers and those of Susan Crane, the numbers supplied by the City to the Guild indicated that civilianization of the positions in question would result in a cost savings. Moreover, while the cost savings figures the City attributed to civilianization may not have been free from error, the figures represented a reasonable effort to project personnel costs under

its proposal. As discussed below, the City's figures do represent a savings.

In total, the evidence supports the conclusion that the City offered its civilianization proposal to the Guild at the bargaining table and provided a justification for its proposal that is not unlike the justification that was offered at the arbitration hearing.

B. The Chief Dispatchers

The evidence supports the conclusion that civilians can adequately perform the job function of Chief Dispatcher; that employing civilians would cost less than sworn officers; and that the use of civilian to perform this job is consistent with the situation in comparable jurisdictions.

1. Civilians Adequately Perform the Position of Chief Dispatcher

The Chief Dispatcher is the lead dispatcher for the police radio dispatch function in the Communications Center. Chief Dispatcher is the job title of six sworn police officers and it is also used to refer to the function of lead dispatcher-a function that can be performed by civilian or sworn employees. Applying the OMB criteria, the position of Chief Dispatcher does not require arrest powers, does not require paramilitary chain of command, does not require patrol experience, and is not reserved, as a matter of law, for sworn officers.

At the present time, civilian employees do the work of Chief Dispatcher. The Director of the Communications Center, Lt. Tibbs, testified that there was no instance where the performance

of a civilian Chief Dispatcher was qualitatively or quantitatively less than the performance of a sworn Chief Dispatcher.

Both Mr. Lawson and Director Tibbs explained that the skills required of a police officer and those required to perform the position of Chief Dispatcher are different. Mr. Lawson testified that a specific set of computer skills is required for the computer aided dispatch system, and that dispatching is a much different experience than a police officer's response to a call for assistance. Director Tibbs explained that civilian dispatchers are given a modified Perfex test to assess aptitude for the dispatching job. Director Tibbs testified that a patrol officer would not know how to operate as a dispatcher without training, and that not all patrol officers have an aptitude for dispatching. This testimony was echoed by the Guild President, Mr. Jakobsen, who said, that two of the sworn Chief Dispatchers are "far better dispatchers than I believe that they were policemen, if I wanted to weigh it, out on the street."

2. Civilian Chief Dispatchers Would Cost the City Less Than Sworn Officers

The City estimated that employing civilians, rather than sworn officers, to perform the work of Chief Dispatcher would result in an annual saving in salaries of approximately \$68,000. The projected savings were determined by comparing the current salaries of the six sworn officers who currently hold the positions of Chief Dispatcher and comparing them with the salary of a Civilian Dispatcher III, Step 1. The City determined that

the appropriate classification was a Dispatcher III after reviewing the position description for the Chief Dispatcher position and determining a civilian classification that corresponds to these duties. This process was performed by a City classification specialists. The City determined that the classification should be at Step 1. It is undisputed that Seattle Municipal Code requires that a newly hired person for a civilian civil service position must start at the first step of the salary range.

The Guild disputes the City's determination that a Dispatcher III, Step 1, is the correct civilian classification. Alternatively, it argues that if the Dispatcher III classification is used the appropriate step is Step 4, or that the City should establish a new classification, Dispatcher IV. If either of these assumptions are made, there would be little or no salary savings in changing the position from sworn to civilian.

The Guild's position with regard to using a Dispatcher, Step 4, is based on the assumption that the City will promote current civilian employees from the position of Dispatcher III. If the City promotes a Dispatcher II to a new Dispatcher III position, that employee will not begin as a Dispatcher III, Step 1. The City's own witness testified that:

. . . if you're already an existing City employee and you transfer from one job title to another job title, you would remain at the same step that you were currently at. If you were promoted into a position from a lower level into a higher-level position, then you would be placed at a salary step that would be equal to at least [four percent] 4% salary increase.

Tr. 117, 298.

The President of the Seattle Police Dispatchers' Guild, the organization that represents the civilian Dispatchers, testified that when a Dispatcher II, Step 5, is promoted to a Dispatcher III, the employee would be placed at Step IV as a Dispatcher III. Tr. 77-78. He also testified that the last time the Dispatcher III test was administered to Dispatcher IIs for promotion, all or most all of them were Dispatcher II, Step 5. Accordingly, the Guild argues that if the sworn Chief Dispatcher position was civilianized, the new positions would probably be staffed by former Dispatcher IIs at Step 5. Consequently, in their new positions as Dispatchers IIIs they would not be at Step 1 on the pay scale. If it is assumed that civilian Dispatcher IIs will fill the new Dispatcher III positions, the City's figures overstate the savings it can expect by converting from sworn to civilian Chief Dispatchers. The actual savings will be substantially less.²⁵

In support of its alternative position, the Guild asserts that the City will use a new civilian Dispatcher IV classification. The position of Dispatcher IV is based on the assumption that the City will develop a new higher classification for this newly suggested civilian position. However, the evidence does not support the Guild's position that the City will adopt a new classification for the civilian Chief Dispatchers.

²⁵ A \$26,000 savings may be a more realistic figure, assuming that a Dispatcher III, Step 4 will earn approximately 16% more than a Dispatcher III, Step 1.

While the Dispatcher's Guild would like the City to create a new Dispatcher IV position for Civilian Chief Dispatchers, and likely will carry such a proposal to the bargaining table, there is no evidence that the City will agree to such a proposal. Additionally, if the City agreed to such a proposal the increase in salary may not be the twelve percent (12%) increase that the Guild projects.²⁶

Apart from salary savings, if any, the City will experience cost reductions, thus savings, by civilianizing the Chief Dispatcher positions. The City cited the substantial expense, approximately \$36,000, in training a sworn officer compared to the training necessary for a civilian to perform the function. The City also cited the equipment cost of a sworn officer, approximately \$1,560. Additionally, because of the differences in scheduling work for sworn officers and civilians, there have been shifts in the Communications Division, such that it is "top heavy" with Chief Dispatchers. The different scheduling, necessitated because of the two different classifications, occasionally has resulted in two sworn Chief Dispatchers and a civilian Dispatcher III on the same shift. This is an unnecessary and costly consequence of the dual system. While the Guild cited the fact that civilians earn "shift differential" which is not paid sworn officers, the evidence is clear that the

²⁶ This conclusion is based on the fact that those employees moving into the Dispatcher IV positions were probably Dispatcher IIIs with a number of steps. When they advance to Dispatcher IVs they will receive an approximate four percent (4%) raise. Tr. 117, 298.

City will experience a cost savings by using civilians as Chief Dispatchers.

3. Comparability

It is undisputed that when considering the six west coast cities comparable to Seattle no city uses sworn officers as Dispatchers.

4. Other Factors that Impact Whether the Position Should be Civilian or Sworn

The Guild argues that apart from the fact that civilians can perform the functions of Chief Dispatcher at a savings to the City, and that no other comparable cities use sworn officers, there is very real value in having sworn officers perform these positions. The Guild argues that there is a significant value in having a police officer with "street experience" in the position; that in extremely critical situations, sworn officers perform exceptionally under the highest stress of the moment; there is a value in having a mix of sworn and non-sworn personnel in the dispatch center; and other benefits ranging from security concerns to the intimate knowledge of the physical environs of Seattle possessed by sworn officers.

There is no question that sworn offerers bring an "added value" to the position of Chief Dispatcher. Police Chief Stamper testified that a sworn officer's experience is valuable in Dispatch, but not essential. In conclusion, the evidence supports the City's position to civilianize the position of Chief Dispatcher because of the added cost of using sworn officers; the fact other comparable jurisdictions use sworn officers; and that

sworn officer training and experience is not essential for the position. However, given the fact that six sworn officers are effected by changing the position from sworn to civilian, the City must effectuate this change pursuant to a transition plan.

C. Telephone Reporting Unit

The Telephone Reporting Unit (TRU) has four sworn officers that the City seeks to civilianize. The sworn officers in TRU take police reports over the telephone in lieu of dispatching a patrol unit. This same function is performed by civilian Dispatcher Is; the only distinction being the amount of reported damage. As Director Tibbs explained, one call that reports property damage of \$299 dollars would be taken by a civilian, another call reporting identical damage, except estimating the damage at \$301, would be taken by a police officer in TRU. However, all follow up reports, whether they involve more than \$300 damage or suspect identification, are taken by civilians.

The duties of the civilian Dispatcher I and the TRU officer are similar. The same information is recorded by both employees when taking a telephone report. If a call is answered by either a civilian dispatcher or an officer in TRU, and there is the possibility of apprehension of a suspect, the call is immediately routed to a patrol unit.

1. Cost

The City estimated that replacing the sworn officers with civilians would save approximately \$71,500 annually. The City's estimate was based on replacing the sworn officers with

civilian Dispatcher Is. Alternatively, the Guild estimated that the annual savings would be approximately \$3,000. The Guild's estimate was based on the assumption that the City would actually use Dispatcher IIIs to replace the sworn officers. As with the Guild's assumption that the City would create a new position of Dispatcher IV to replace the sworn Chief Dispatchers, the City indicated that it had no plans to use Dispatchers IIIs to replace the current Dispatchers who currently perform telephone reporting. Accordingly, the evidence supports the conclusion that shifting from sworn officers to an all civilian force will result in substantial cost savings.

2. Comparability

The City's survey revealed that of the seven comparable cities two cities used civilians; two cities used both civilian and sworn; two cities used sworn; and in one city there was no match. Alternatively, the Guild's survey revealed only one city that used civilians, and that the remaining cities used a combination of civilians and sworn officers. The parties agree that Long Beach uses a civilian with one sworn officer. While the City listed Oakland with a sworn force, the Guild found both civilians and sworn officers. The City lists Portland and Sacramento with a wholly civilian force, whereas the Guild found that these cities use sworn officers on "light duty," and that Sacramento has one sworn officer at TRU to serve as a "Facilitator" for citizens who want to speak with an officer. The parties agree that San Diego uses both sworn and civilians.

The City found "no match" in San Francisco, whereas, the Guild determined that it used both sworn and civilians. The sworn officers were only scheduled when on "light duty," or when there was a shortage of civilians. The City listed San Jose as using sworn officers; whereas, the Guild determined that civilians do the work and sworn officers only work when on "light duty." The differences between the parties are not that great. It is clear that most of the comparable cities use a mix of civilians and sworn officers in TRU. Often the sworn officers are used only when on "light duty." However, in Oakland, most of the work is performed by sworn officers, and in Long Beach and Sacramento, one sworn officer is permanently in the unit.

Thus, the evidence is clear that most comparable cities use a combination of civilians and sworn officers in TRU, and that of the cities that use sworn officers, they are used primarily for "light duty,"²⁷ or as in Long Beach and Sacramento, a small compliment of sworn officers are used to take calls from citizens who want to speak with a sworn officer. The City also provides "light duty" work for sworn officers elsewhere in the department.

There is no absolute need for sworn officers in TRU because when a citizen wants to speak with a sworn officer, an officer is dispatched. While it might be cheaper to have a compliment of sworn officers in TRU to speak with citizens who want to talk to an officer, the dispatch of sworn officers appears to satisfy

²⁷ It is clear that the City is not legally bound to provide such "light duty" positions for sworn officers in TRU.

citizen needs and assures effective police work. Unless the City discontinues its practice of dispatching a sworn officer when a citizen requests to speak with an Officer, the practice in comparable jurisdictions does not justify the permanent assignment of four sworn officers to TRU. However, the elimination of sworn officers in the TRU will increase the work load of other sworn officers. This consideration is discussed below.

3. Other Considerations

Because TRU officers deal directly with citizens who want to speak with a police officer, this activity saves the City money that would otherwise be spent dispatching sworn officers to the citizens' residence or place of business. The City has recognized that this savings, in large part, justifies the unit. In its 1991 Position Description Questionnaire for the TRU position the Department stated:

If the TRU Unit were eliminated, the current average workload of 11,760 calls/investigations now handled would be dispatched to Patrol Units, which would likely result in increased call waiting backlogs, longer response times, and increased citizen frustrations. The types of calls being handled by TRU Officers are processed in 10 to 20 minutes with complete citizen satisfaction. The dispatch of a Patrol Unit, including travel time, investigations and reporting would probably average 30 minutes to 1 hour. Since TRU-handled calls are police investigations, they cannot be transferred to civilian staff, even if such staff were available. The 1989 Police Management Study applauds the TRU Unit by saying "This is a very efficient utilization of sworn personnel."

Exhibit 7D at 7.12.

Eliminating sworn officers from performing this communi-

cation function would impose an appreciable economic cost on the Department. Apparently the City did not consider this increased cost in its calculation of the financial implication of eliminating the TRU. Thus, while the evidence demonstrates a salary cost savings by replacing the sworn officers with civilians, the City did not consider the resulting cost increase of having street officers dispatched to interview civilians. Therefore, the actual cost savings are not clearly defined.

Additionally, apart from cost, the evidence supports the conclusion that there will be a reduced effectiveness of the Department's telephone reporting function. There was considerable evidence that TRU officers' street law experience was a considerable asset in their functioning as TRU officers. The TRU officers' investigatory training and street experience was frequently called upon to flesh out telephone crime reports. They also brought their formidable knowledge of the City's geography to bear in handling calls. While retaining sworn officers as Chief Dispatchers had particular value, it was less clear whether eliminating sworn officers in TRU would result in substantial cost savings to counterbalance the loss of their services. Accordingly, it is concluded that the evidence does not support the City's position regarding the elimination of the four TRU positions.

D. School Crossing Guard Supervisor

The school crossing guard supervisor oversees part-time civilian school crossing guards. Approximately, twenty percent

(20%) of the supervisor's time is spent writing traffic tickets. The City seeks to civilianize this position.

Applying the OMB criteria, except for the time writing tickets, the position does not require arrest powers, does not need to maintain the paramilitary chain of command, and does not require patrol experience. The twenty percent (20%) of the employee's time that is spent writing traffic tickets will be retained as Guild work and absorbed by other traffic or patrol officers.

1. Cost Savings

The City plans on replacing the sworn officer with a Crossing Guard Supervisor at a cost savings of \$26,335. The Guild argued that the City's estimate accounted for only eighty percent (80%) of the position, the crossing guard duties, but did not account for the twenty percent (20%) spent writing tickets. The Guild factored in the additional twenty percent (20%) and concluded that the actual savings would be approximately \$11,000.

Clearly, the bulk of the position involves duties that do not require a sworn officer. The City should not have to pay in excess of \$26,000 for twenty percent (20%) of a sworn officer's time for ticket writing. It is reasonable for the City to spread that small amount of time throughout the Department, possibly with the impact that some small percentage of tickets won't be written.

2. Comparability

The City's survey indicated that school crossing guard

supervisors in Long Beach and Oakland were civilian, that the position was staffed by a sworn officer in San Jose, and that the remaining jurisdictions did not staff the position as a full time position.

The Guild's survey indicated that a job similar to the school crossing guard job was performed in Oakland, Long Beach, Portland and San Francisco. The Guild's witness admitted, however, that in Oakland the position was performed by a lieutenant who is in the traffic detail who handles supervision of crossing guards as a part of his assigned duties. The Guild's witness agreed that it was difficult to analogize the school crossing guard job in Oakland and the other jurisdictions with the position in Seattle, which was created and funded with its primary purpose as school crossing guard supervision. He admitted that had he asked these jurisdictions whether they had a position created and funded to perform only school crossing guard supervision, he would "possibly" have received very different answers.

The better evidence is that few jurisdictions have sworn officers primarily devoted to supervising civilian school crossing guards.

3. Other Factors

The Guild emphasized that traffic enforcement (ticket writing) was imperative for the position. Additionally, the Guild argued that having an experienced sworn police officer who trained adult school crossing guards in recognizing traffic

hazards was critical.

The evidence does not support the conclusion that ticket writing authority is necessary for the position. Most all traffic violations that occur at school crossings will not be in the presence of the sworn officer. Nor, is it clear that the few tickets that are written, approximately two a month, are significant in assuring safety. Nor, does the evidence support the conclusion that only a sworn officer may properly train adult school crossing guards about traffic hazards or proper avoidance techniques.

In total, the evidence supports the conclusion that the City will incur a significant cost savings with no appreciable loss in efficiency or safety if it replaces sworn officers with civilians in this position.

E. Equipment Maintenance Officer

There is no serious dispute as to whether the job of Equipment Maintenance Officer ("EMO") can be performed by a civilian. Even the incumbent, Officer Waltier, admits that he is mainly a software systems manager. These duties are regularly performed by civilians. Mr. Waltier admitted that it was not necessary to have a law enforcement background in order to do his job. His only concern was his belief that the City would have to pay a civilian considerably more than he was paid to perform the job. The position was staffed previously by a civilian, and the classification was changed to sworn because the City had difficulty retaining civilians in the position because of its low

pay.

1. Cost Savings

The City estimated the position could be filled with a civilian Radio Communication Specialist at a savings of \$10,279 per year. The Guild estimates that there will be no cost savings, and that the City will actually have to pay a civilian considerably more than it is currently paying the sworn officer. The Guild notes that previously when the position was staffed by a civilian the City could not retain qualified persons because they were always lured away for higher salaries.

It is difficult to conclude that the City can reap a salary savings in this position. It may have to pay a civilian approximately what it is currently paying the sworn officer. However, conversion from sworn officer to a civilian would allow the City to save the cost associated with training a sworn officer for a position that does not require law enforcement training. That training costs the City between \$35,000 and \$37,000. Additionally, the City will not be spending the funds required to equip a sworn officer, approximate \$1,560. Thus, even if there is no salary savings, the City will not be expending a considerable amount of money to train and equip a sworn officer for a task that day-to-day he or she is not called upon to perform.

2. Comparability

The City's summary demonstrated that the equipment maintenance job is staffed by civilians in every comparable

jurisdiction but San Jose, where there is one civilian and one sworn officer who perform these duties. The Guild's survey indicated that San Jose employs only civilians in the position.

3. Other Factors

The City argued that its personnel should be put to their highest and best use. It is undisputed that the sworn officer performing equipment maintenance is not specifically called upon to use his police officer training, equipment, and expertise in the performance of the equipment maintenance job. While his police training and experience is "value added" for the position, it is not necessary for performance of the position. It is not sound policy, both economically and practically to require training that is not necessary for successful performance of that position.

In total the evidence supports the position of the City for the civilianization of this position.

F. Facilities Sergeant

The Facilities Sergeant position is currently filled by one sworn officer who actually performs two separate jobs. The individual performs all of the duties of the Facility Sergeant job and serves as the Aid to the Chief. When serving as the Facility Sergeant, the incumbent acts as the Department's facilities coordinator by coordinating and identifying general maintenance needs; prioritizing requests for services; performing supervisory and administrative duties; acts as the Department's telephone coordinator; and monitors any new construction or

alteration to existing facilities. The position does not require police training or patrol experience.

The City's plan to civilianize the Facilities Sergeant position assumes that a portion of incumbent's time devoted to serving as Aid to Chief Brasfield would continue with the incumbent, or be reassigned to another sworn officer.

1. Cost Savings

The City civilianization plan calls for replacing the Facilities Sergeant with a civilian Management Systems Analyst. The City estimates an annual salary savings of \$12,677. This estimated savings does not account for the portion of the position designated as "Aid to the Chief" that must be assigned to a sworn officer.

The Guild's estimated cost of civilianizing the position attempts to account for the "Aid" portion of the position. In doing so, it estimates that it will actually cost the City more money (an increase from approximately \$62,000 to approximately \$115,000). While the Guild correctly notes that the City's cost estimates do not account for the entire cost of civilianizing the Facilities Sergeant position, the Guild's estimate appears to overstate the cost. The City should have accounted for the "Aid" portion of the position, but the evidence does not support the conclusion that the cost attributed to the position will increase by approximately \$50,000. There was no evidence regarding the percentage of the incumbent's time spent on that portion of the position that the City seeks to civilianize, and that portion of

the position that is "Aid" to the Chief.

2. Comparability

The City study indicated that of the seven comparable cities, five have a sworn officer in the position of Facilities Sergeant; and in the remaining two cities, there was "no match." The evidence was that in the two cities where there was no direct match the functions were spread over a number of sworn and civilian jobs. The Guild did not offer any evidence that their study was inconsistent with that of the City.

3. Other Factors

The evidence supports the conclusion that currently the Department anticipates a substantial multi-year building plan. Chief Stamper testified that there are two Facilities jobs; one would attend to the "day-to-day" activities, whereas the other will require someone with "project management" experience to handle needs assessment, site selection, financing and construction of new buildings. This latter position may require expertise from outside the Department. However, the Chief stated that plans are currently "in a state of flux."

Given the fact that a sworn officer will apparently continue to serve as Aid to Chief Brasfield (thus clouding the accurate projection of cost savings--if any); that the needs and direction of the Department potentially require two "facilities" persons; and that comparable jurisdictions continue to rely on sworn officers in handling "facilities," the evidence does not support the City's position regarding civilianization of the Facilities

Sergeant position.

G. Media Relations

Currently the Department's media relations are handled by a sworn officer. The officer relays information from crime scene investigators to the news media and responds to questions from the media related to police reports. As such, the sworn officer has no role in performing criminal investigations. The City proposes having a civilian perform these functions.

The OMB report noted: "It is possible that some crime scene training would have to be provided to a civilian Public Information Officer. . .to accomplish the duties. . .in media relations." The report concluded that the job did not require sworn personnel. In addition to media relations, the incumbent had been assigned to investigate civil claims that were filed against the City.

1. Cost Savings

The City estimates that there would be an annual savings of approximately \$11,500 by having a civilian "Public Relations Specialist" perform media relations for the Department. The Guild argued that civilianizing media relations would not result in a savings, but actually cost more for the City. The Guild determined that the position would call for a "Senior Public Relations Specialist," which would cost the Department approximately \$3,000 more than the current sworn officer. The City's classification specialists acknowledged that a "Public Relations Specialist" is designated for City agencies which are

not deemed "controversial." Whereas, the "Senior Public Relations Specialist" is designated for agencies that are "controversial." Chief Stamper testified that he could think of no City agency likely to be as "controversial" as the Police Department. Thus, there is a legitimate question as to whether the City properly determined the appropriate classification for the Department's media relations person, assuming that the position were civilianized.

Additionally, the evidence indicated that the current media relations officer was responsible for preparing the initial investigatory defense to approximately 350 to 400 claims a year that were filed against the Police Department. There was no evidence that a civilian could properly perform this aspect of the current job. This work would have to be assumed by other sworn officers, at a cost to the City.

In total, the evidence does not support the conclusion that there will be cost savings by switching to a civilian.

2. Comparability

The City's study revealed that of the seven comparable cities: three cities used sworn officers; two cities used civilians; one city used one sworn and one civilian; and the remaining city had "no match." The Guild's survey agreed with that of the City, except for the City's conclusion that one of the comparable jurisdictions had "no match." The Guild's evidence was that the jurisdiction was about to fill the position with a sworn officer. Thus, the evidence was that most of the

comparable jurisdiction used sworn officers.

3. Other Factors

The Guild presented testimony from one of the leading "consumers" of the services of the Department's Media Relations officer, a long time Seattle police beat reporter. He testified that a sworn officer serving as media relations officer would have a higher degree of credibility over a civilian serving in that capacity. That reporter compared the quality of information the media receives from the Police Department with that coming from the Fire Department, where a civilian media relations person is employed. The reporter testified that while the Fire Department's media relations person was competent, the quality of information would be better if it were coming from someone who was more familiar with fire fighting procedures and techniques. He then analogized that experience to the Police Department and concluded that a civilian media relations person would suffer from the same difficulty.

It is clear that the media frequently seeks information about a crime scene, arrest procedures, the application of criminal laws, and other technical information that a civilian would have difficulty providing or would be unable to provide. If the position were civilianized, the City could select a civilian with prior law enforcement experience or provide a non-experienced civilian with a high degree of police training. However, it is clear that a successful media relations person for the Department must be very technically knowledgeable. Given the

high degree of training required of a media relations person; the fact that there appears to be no annual salary cost saving in switching to a civilian; and that the experience of comparable jurisdictions is mixed; the City has failed to meet its burden of proof regarding civilianizing the Media Relations Officer.

H. Conclusion

The evidence supports the position of the City regarding the civilianization of the Chief Dispatcher positions, the School Crossing Guard position, and the Equipment Maintenance position. However, the evidence does not support the City's position regarding the TRU positions, the Facilities Sergeant position or the Media Relations position.

AWARD

Of the fourteen positions under consideration, the City may civilianize only the Chief Dispatcher positions, the School Crossing Guard ^{SUPERVISOR} position, and the Equipment Maintenance position.²⁸

Wm L. Corbett

WILLIAM L. CORBETT, NEUTRAL

DATED: 1/3/95

Edward A. Striedinger

SGT. E. STRIEDINGER, PARTISAN

DATED: 12-19-94

Fred C. Treadwell

FRED C. TREADWELL, PARTISAN

DATED: 12/22/94

²⁸ A transition plan shall be established to effectuate the orderly change from sworn to civilian Chief Dispatchers.