

City of South Pasadena and South Pasadena Police Officers Association

Case No. LA-IM-126-M

CONCURRING OPINION to the Findings of Fact and Recommended Terms of Settlement

Submitted by Sergeant Robert Bartl, South Pasadena Police Officers Association's

As the South Pasadena' Police Officers Association representative at the Fact finding Panel, I respectfully **concur** with the Fact-Finding Report and Recommendations issued by Panel Chairperson Butka. Mr. Butka is of course the neutral fact finder who is obliged to examine all facts and issue a fair decision. He has no ties to the City or the Association and is in the best position to provide an honest and accurate recommendation. And he has done that. He has sided with the South Pasadena Police Officers Association stating in no uncertain terms that the City should provide the additional 1% in compensation sought by the Association. The fact that the City has sought fit to provide a "dissent" to Mr. Butka's report and recommendation makes it abundantly clear that the Association's negotiations request is justified both under the law and in consideration of the facts.

I write today to address the dissent of panel member Richard Kreisler, a partner at the law firm of Liebert Cassidy Whitmore, and the City's chosen panel member. Mr. Kreisler represented the City during contract negotiations that led to this fact finding hearing, served as the City's panel member at fact finding, and served as the de facto presenter on behalf of the City as well. Mr. Kreisler works for a for-profit law firm, and is paid to advocate for his client, the City of South Pasadena. He has never worked for the City of South Pasadena, and has not spent his life serving in a law enforcement capacity, risking his life for the citizens of South Pasadena. He is therefore, not the unbiased observer that Mr. Butka is.

The City's dissent takes exception with the "list of comparable agencies" used to rank pay and benefits with South Pasadena police. As was adequately explained at hearing, it matters very little which 12 agencies are used as a comparison. When pressed on this issue, the Association offered the City the opportunity to select the second lowest paid police association in the County, and a chance to bring the South Pasadena police officers up to par with that agency. The City did not take the Association up on this offer, knowing that it did not matter which agencies are used in any comparison. **The fact remains that South Pasadena police officers are paid the lowest compensation in the County of Los Angeles. Embarrassingly low.**

The Chairperson's decision correctly states, and the dissent takes exception with, the statement that "[i]n each case, officers in South Pasadena come in last amongst all agencies. The City did not contest the Association's evidence that this is the case, or provide any rebuttal exhibits and/or testimony." This statement is accurate. The City had no evidence to rebut the fact that the men and women employed by the South Pasadena Police Department who dedicate their lives to protect the public are the lowest paid in the County. The City had their opportunity to disprove this, and they chose not to. In all likelihood, they chose not to, because they lacked

the evidence to do so. (And it is worth pointing out that the dissent spends time and ink discussing the various methods by which Association members can increase their pay; this argument serves no purpose as the salary comparison includes each of these opportunities, and the unmistakable conclusion is that South Pasadena officers still remain the lowest compensated even with these “methods.”)

Although the dissent makes a myriad of technical arguments about why the Association is not the lowest paid agency in the County, it fails to present any of this argument at the hearing. But even if its arguments were correct, the argument would change the status of matters in an insignificant manner. The sworn personnel of the South Pasadena would still be the lowest paid officers in the County even if the City’s technical arguments were true.

Finally, what the dissent remarkably fails to point out is that even if the City offered the Association the additional 1% in compensation that it asked for, the overall net effect of the agreement is a concession on the Association’s part. Importantly, the dissent fails to mention that as part of the request for a 5% pay increase, the Association has agreed to pay 7% in PERS costs. Thus, even if the City paid the 5% increase, the City would still enjoy a net gain of 2% in concessions. And this is at a time where the City is not in any financial crisis. Mr. Kreisler, on behalf of the City, conceded on several occasions, “The city could afford to pay the additional 1%, it just chooses not to.” The dissent fails to mention these crucial points and would rather paint the Association members to be asking for a pay raise, when in fact, they are asking for the concessions they are making to be less.

Should the City Council unilaterally impose the City’s last, best and final offer, there will be negative effects. With the loss of lifetime retiree medical, a new pension tier for new hires, and the lowest compensation in the County, there is no incentive for proactive highly qualified officers to apply, or remain employed, with the City of South Pasadena. Although the negative effects of such unilateral implementation of concessions like these may not be felt for years, they will be undoubtedly felt. And there will be no mistake when such a decline began.

Respectfully submitted,

Robert Bartl

6/9/13