



SACRAMENTO  
SAN FRANCISCO

Gregg McLean Adam  
gregg@majlabor.com  
direct: 415.266.1801

March 20, 2018

**VIA E-MAIL AND U.S. MAIL**

Brittini Chicuata  
Legislative Aide  
Office of Supervisor Malia Cohen  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, Ca 94102-4689

**Re: Negotiations on the MOU between CCSF and the SFPOA**

Dear Ms Chicuata:

Thank you for inviting our client, the San Francisco Police Officers' Association, to the Government Audit and Oversight Committee hearing schedule for tomorrow at 10 a.m. The POA will not attend.

The Committee should nonetheless consider the following facts:

**1. Staffing in a Competitive Hiring Market**

The San Francisco Police Department remains significantly below the Charter's minimum staffing mandates. The Chief, like many members of the Board of Supervisors in recent years, has recognized that SFPD needs to hire hundreds of new officers. Like at least 55 other Northern California law enforcement agencies which are currently hiring, SFPD will be attempting to attract candidates to this City in a very competitive market for hiring police officers. See, for example, recent agreements negotiated in other large cities: San Jose 20% increase (3 years) <https://www.mercurynews.com/2017/01/12/san-jose-city-police-union-reach-tentative-agreement-that-could-end-labor-strife/>; Dallas 25% increase (3 years) <https://www.dallasnews.com/news/dallas-police/2016/11/07/city-fire-police-agree-big-pay-raises-will/>; Sacramento 7% increase (1 year) <http://www.capradio.org/articles/2017/09/11/sacramento-police-salaries-would-increase-under-proposed-contract/>; San Diego 25%-30% (3 years) <http://www.capradio.org/articles/2017/09/11/sacramento-police-salaries-would-increase-under-proposed-contract/>; Los Angeles 5% (1 year) <http://www.latimes.com/local/lanow/la-me-adv-drop-contract-20180310-story.html>; St. Louis 30% [http://www.stltoday.com/news/local/crime-and-courts/big-raises-coming-for-st-louis-county-police-after-council/article\\_a78e2a86-c732-5646-8b74-a0979245a706.html](http://www.stltoday.com/news/local/crime-and-courts/big-raises-coming-for-st-louis-county-police-after-council/article_a78e2a86-c732-5646-8b74-a0979245a706.html).

MESSING ADAM &  
JASMINE LLP

235 MONTGOMERY ST. 415.266.1800 MAIN  
SUITE 828 415.266.1128 FAX  
SAN FRANCISCO, CA  
94104

[MAJLABOR.COM](http://MAJLABOR.COM)

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## **2. Status of Bargaining**

The parties have been negotiating since October. Each side presented in excess of 50 initial proposals—understandable since the contract has not been fully reopened since 2007. Subsequently, the POA has tentatively agreed to accept 28 proposals made by the City; the City has tentatively agreed to accept 6 proposals made by the POA. Additionally, the POA has withdrawn 12 of the proposals it originally passed, with the hope of reaching an overall agreement; the City has yet to withdraw any of its proposals. The parties remain significantly apart on numerous issues. Four days of mediation are scheduled to begin on March 26; seven days of arbitration are scheduled to begin on April 16.

## **3. San Francisco Police Officers are Below Market in Total Compensation**

The POA has retained Will Aitchison, who is a nationally-renowned expert on police officer compensation. He has been working with the City's team since November, analyzing how the total compensation of San Francisco police officers compares to that of other Bay Area jurisdictions (which is one of the key factors an arbitrator would consider under the criteria set forth in the Charter). Mr. Aitchison estimates that San Francisco police officers are approximately 5-7% below market in total compensation.

## **4. The City Fisc is Strong**

The POA's financial and economic experts indicate that the City is in exceedingly good fiscal health—as its first-ever "AAA" rating from the bond rating agencies bears testament to.

## **5. The Claim that the POA is Impeding the DOJ Reforms is Codswallop**

We read much about groups and individuals claiming that the POA is "impeding the DOJ reforms". Not true. With the exception of the dispute over the manner in which the Police Commission implemented its Use of Force Policy in late 2016 (which predated any effort by SFPD to implement DOJ recommendations), the POA has not filed a single challenge, asserting a labor right or otherwise, to impede, delay or otherwise stand in the way of the implementation of any DOJ recommendation. Claims to the contrary are the stuff of fiction. (See attached March 20, 2018 letter to LaWanna Preston.) The DOJ thanked the POA for its cooperation and input when it released its recommendations, and the POA has attended almost every stakeholder meeting relating to them.

On this last point, it is notable (dare one say ironic) that at a time when public employee unions face existential threats from right-wing groups, like the Virginia-based National Right to Work Foundation, supported by the Trump Administration, which is attacking the right of public employee unions to require non-members, who benefit from labor contracts, to contribute "fair share fees," here in San Francisco the attack on this labor organization is not from Donald Trump or the National Right to Work Foundation but from so-called progressive reformers on the left who seek to strip the union of its labor rights on the flimsy pretext that the POA is not a "real" union.

Finally, we would like to take this opportunity to recognize the efforts of the City's negotiating team. Labor negotiations are often a difficult journey; however, the challenges to both sides of

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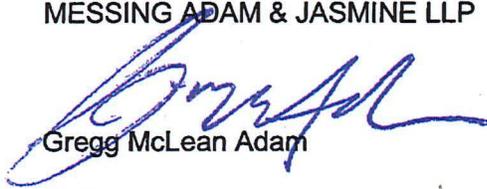
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the table in these negotiations have been extraordinary. By and large, the City team has been professional and collaborative notwithstanding the significant differences that remain between our two positions.

Very truly yours,

MESSING ADAM & JASMINE LLP



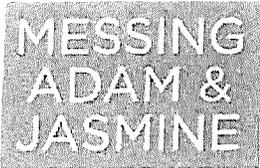
Gregg McLean Adam

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Attachment

cc. Supervisor London Breed  
Supervisor Jane Kim  
Supervisor Aaron Peskin  
Supervisor Malia Cohen  
Carol Isen, Employee Relations Director  
LaWanna Preston, Employee Relations Manager  
Trevor J. Koski, Deputy City Attorney  
Martin D. Halloran, President, San Francisco POA  
San Francisco POA Negotiating Team

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SAN FRANCISCO

Gregg McLean Adam  
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**VIA E-MAIL AND U.S. MAIL**

LaWanna Preston  
Employee Relations Manager  
City and County of San Francisco  
Department of Human Resources  
One South Van Ness Avenue  
4th Floor  
San Francisco, CA 94103

**Re: POA Negotiations**

Dear LaWanna:

Some are saying that the POA is blocking implementation of the DOJ recommendations. One often cited example is the Department's Use of Force Policy. The POA filed a grievance after the bargaining process broke down in October 2016 and a Petition to Compel Arbitration in January 2017. We are still litigating that issue. But that dispute preceded the issuance of the DOJ Report and Recommendation.

Other than the Petition to Compel Arbitration, the POA knows of no grievance or demand to meet-and-confer filed by the Association with respect to the implementation of the DOJ recommendations. Please advise us if the Department or DHR disputes this representation.

Very truly yours,

MESSING ADAM & JASMINE LLP

Gregg McLean Adam

GMA:jo

cc: Trevor J. Koski, Deputy City Attorney  
SFPOA Negotiations Team

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