

A RESOLUTION

**Proposed
Resolution
20-755**

To declare the existence of an emergency with respect to the need to authorize salary increases under the Settlements and Interest Arbitration Award for employees in Compensation Unit 3.

**See Emergency
D.C. Res. 20-482
20 DCStat 3429**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Settlements and Interest Arbitration Award between the District of Columbia Government and the Fraternal Order of Police MPD Labor Committee (Compensation Unit 3) Emergency Declaration Resolution of 2014”.

**Settlements
and Interest
Arbitration
Award between
the District of
Columbia
Government
and the
Fraternal
Order of Police
MPD Labor
Committee
(Compensation
Unit 3)
Emergency
Declaration
Resolution of
2014**

Sec. 2. (a) In order to make the salary increases retroactive to the April 1, 2013, and to immediately effectuate the scheduled benefit premium increases and appropriate modifications to other compensation components, the Mayor recommends that the Settlements and Interest Arbitration Award between the District of Columbia Government and the Fraternal Order of Police MPD Labor Committee (Compensation Unit 3) Emergency Approval Resolution of 2014 be approved on an emergency basis.

(b) Failure to pay the wages under the pay schedules in accordance with the express terms of the Settlements and Interest Arbitration Award in an expeditious fashion may result in undermining the confidence of union members in the District of Columbia Government and its leadership.

(c) Failure to act in an expedited manner may jeopardize the future relationship between labor and management in the District of Columbia.

(d) On April 29, 2014, the Council’s Committee of the Whole held a public hearing on the Settlements and Interest Arbitration Award and the proposed resolution to approve it. Representatives of the Fraternal Order of Police (“FOP”) MPD Labor Committee testified in opposition to the arbitration award and urged that the Council disapprove it. Representatives of the Executive – the Acting Director of the Office of Labor Relations and Collective Bargaining, and the Deputy Chief of Staff and Budget Director – urged that the Council approve the award.

(e) The Council finds that the decision of the arbitrator in this matter is reasonable and agrees with it. The Council agrees with the arbitrator that it is clear from the Executive’s last best offer that its wage proposal includes a contract through September 30, 2017. To conclude otherwise would serve to elevate a hyper-technical argument above the interest of police officers to receive a new compensation agreement. Also, the arbitrator complied with the law in using pay comparators from regional jurisdictions, including Montgomery, Prince Georges, Fairfax, and Arlington counties, and was reasonable in noting that MPD officers are in the same occupational groups and perform the same essential duties as their comparators.

(f) The Council is especially concerned that the FOP's compensation proposal might encourage mass retirements because it provides entirely retroactive compensation; officers nearing retirement would receive a 19% - 20.46% compounded salary increase – reflected in retirement benefits, without any requirement to earn additional service. On the other hand, the arbitrator's award better promotes public safety because it better avoids mass retirements by encouraging officers at or near retirement to work the additional years covered by the new agreement in order to obtain increased retirement benefits.

(g) Approval of the Settlements and Interest Arbitration Award will establish a new collective bargaining agreement to replace the previous one that expired at the end of fiscal year 2008 – over 5 ½ years ago. Too much time has passed, and implementation of this new agreement should occur as soon as possible. In this regard, the Council faults both parties to the negotiation, but especially the FOP MPD Labor Committee which delayed negotiations – first, by filing an unfair labor practice complaint (that it lost) that took until September 2011 to resolve; and second, by not seeking access to impasse procedures until 2013. Disapproval of the Award, as the FOP urges, would result in further, substantial delay as the parties would have to start over with bargaining.

(h) The Council believes that it is in the best interest of public safety that the men and women of the Metropolitan Police Department receive the benefits of interest bargaining as soon as possible.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Settlements and Interest Arbitration Award between the District of Columbia Government and the Fraternal Order of Police MPD Labor Committee (Compensation Unit 3) Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.