

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA

Item No. 6a

Date of Meeting August 25, 2009

DATE: August 12, 2009

TO: Tay Yoshitani, Chief Executive Officer

FROM: Gary Schmitt, Labor Relations Director

SUBJECT: Request authorization for the Chief Executive Officer to execute a new Collective Bargaining Agreement between the Port of Seattle and International Brotherhood of Teamsters Local Union No. 763 representing Police Commanders (formerly Police Captains and Lieutenants).

BACKGROUND

This Agreement covers 6 positions (5 occupied/1 vacant) within the Port of Seattle Police Department. On July 8, 2009, the Public Employment Relations Commission certified Teamsters Local 763 as the new representative for Police Commanders (formerly Police Captains & Lieutenants with Teamsters Local 117).

With this Agreement, the Port has achieved significant, positive changes in the organizational structure of the POSPD. This Agreement allows the flattening of the command staff from three supervisory tiers to two supervisory tiers, which follows recommendations by outside experts for restructuring the POSPD, and it changes Commanders to overtime-exempt salaried employees. A further economic concession this Agreement provides for is an elimination of 2 vacant bargaining unit positions (from 8 positions to 6 positions). Effective July 19, 2009, the Agreement also provides for wages only slightly above other nearby jurisdictions (1.2 percent) in a very competitive and lucrative job market for law enforcement officers (see included "Wage Comparables" chart).

BUSINESS STRATEGIES

This Collective Bargaining Agreement supports the Port's strategy of "High Performance Organization."

SCOPE OF THE AGREEMENT

Term:

- Three (3) Years: January 1, 2009 through December 31, 2011.

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Wage Adjustments:

- Effective January 1, 2009 (retroactive): 5.0% Cost of Living Adjustment for Captain and Lieutenant hourly wage rates.
- Effective July 19, 2009 (retroactive): Switch to Police Commander classification, with a flat salary rate of \$52.94 per hour.
 - Elimination of overtime eligibility, as Police Commanders are now overtime-exempt salaried employees.
 - Elimination of 3.0% pay step increase at 48-months in-grade.
 - Add salary compression language guaranteeing salary rate to be at least 15% above top-step Sergeant pay (internal equity with Sergeants' language).
- Effective January 1, 2010: 5.5% Cost of Living Adjustment to Commanders salary (internal equity with Sergeants for wage compression).
- Effective January 1, 2011: 6.0% Cost of Living Adjustment to Commanders salary (internal equity with Sergeants for wage compression).

Premium/Specialty Pay Adjustments:

- Commanders continue to receive the educational incentive pay (2-6%) and longevity pay (2-11%), as per the previous Agreement.

Schedule & Leaves:

- Commanders will work a four 10-hour shift, with ability to change work schedule for more consistent supervision.
- Elimination of compensatory time, in exchange for discretionary "Awarded Time" system (similar to Port's Awarded Time system). Commanders will have current compensatory time banks cashed-out.
 - Due to the anticipated increased workload of Commanders assigned to Patrol, the Patrol Commanders will receive an annual lump sum of 40-hours of Awarded Time.
- Commanders work a rotational on-call system for after-hours/weekends, with the elimination of on-call pay for such duties (replaced with discretionary Awarded Time if called-in to work).
- Commanders will receive 120 hours of holiday leave per year (currently 96 hours for Captains and 120 hours for Lieutenants).
 - Change to semi-annual accrual and cash-out of holiday hours (currently receive lump sum annual accrual at start of the year & can cash-out at any time).
- Additional 8 hours of vacation at 6-11 years of service, and an additional 8 hours of vacation at 16-19 years of service (internal equity with recent Sergeant increases).

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- Change maximum accrual of vacation leave from a variable employee two year accrual to a fixed cap of 432 hours for all employees (for payroll efficiency).
- Elimination of vacation leave and sick leave conversion to paid service time upon termination.
- Change to hourly accrual method of vacation and sick leave when the Port upgrades payroll software (currently receive lump sum monthly accruals).
- Cap sick leave at 960-hours for all Commanders, and elimination of alternate sick leave account for grandfathered employees hired before 12/31/85.
- Allow 100% of sick leave (up to 960-hour cap) to be cashed-out in the event of a Commander's death in the line of duty.

Health and Welfare:

- Full maintenance of health & welfare benefits for duration of Agreement.
- Commanders continue to contribute one-half (1/2) of monthly premium for Retiree Welfare Trust for duration of Agreement.

Pension:

- Port continues current hourly contribution to Pacific Coast Benefit Trust of \$1.35 per compensated hour for duration of Agreement.

Other Changes:

- Union relinquished supervision of Non-Sworn Supervisors bargaining unit, allowing duties to be performed by non-represented personnel.
- Eliminated 2 vacant positions within Commanders' bargaining unit (from 8 positions to 6 positions).
- Specific and exclusive management rights clause.
- Civil service language for automatic conversion of Police Captains and Police Lieutenants to Police Commanders.
- Reduction-in-force language clarification to allow for reduction in rank or layoff, and reduced recall rights for layoff from 18 months to 12 months.
- Reductions in bereavement leave for Commanders (from 50 hours max to 40 hours max).
- Elimination of \$70/month clothing allowance for Commanders assigned to Detectives; clarification that uniform allowance only applies if Police Chief directs wearing of civilian clothes.
- Memorialized, for duration of the Agreement, the existing practice of Captains and Lieutenants receiving take-home vehicles; added 40-mile use restriction for any new Commanders, however existing Commanders are grandfathered with no restriction.
- Mandatory direct deposit as condition of employment.

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- Greater flexibility on payment of payroll errors.
- Streamlined grievance procedure and process, including Union paying its own witness compensation.
- Eliminated “zipper clause” and automatic roll-over provisions.
- Incorporate existing Memoranda of Understanding and Letters of Agreement into Agreement.
- Update contract provisions to reflect Port policies and procedures:
 - Equal Employment Opportunity
 - Educational Reimbursement
 - Shared Leave
 - Expense Reimbursement and Reporting
 - Bereavement Leave
- Housekeeping language changes.

REQUESTED ACTION

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WAGE COMPARABLES

Comparable Organization	Comparable Lieutenant Top Step 2009 Base Hourly Rate	Comparable Captain Top Step 2009 Base Hourly Rate	Comparable Commander Top Step 2009 Base Hourly Rate
City of Auburn	\$51.44 Commander	No Match	\$51.44 Commander
City of Bellevue	\$50.62 Captain	\$57.49 Major	\$50.62 Captain
City of Everett	\$53.73 Lieutenant	\$57.75 Captain	\$53.73 Lieutenant
City of Federal Way	\$47.85 Lieutenant	\$54.13 Commander	\$54.13 Commander
City of Kent	\$51.18 Lieutenant	\$56.39 Captain	\$51.18 Lieutenant
King County	No Match	\$51.10 Captain (2008 rate)	\$51.10 Captain (2008 rate)
City of Renton	\$51.61 Commander	No Match	\$51.61 Commander
City of Seattle	\$55.88 Lieutenant	\$66.45 Captain	\$55.88 Lieutenant
City of Tacoma	\$53.28 Lieutenant	\$61.28 Captain	\$53.28 Lieutenant
City of Tukwila	\$49.97 Commander	No Match	\$49.97 Commander
Market Average Hourly Rate	\$51.73	\$57.80	\$52.29
Port of Seattle (Proposed 2009 Wages)	\$47.34 Lieutenant (Includes 5% increase & 3% in-grade step)	\$53.84 Captain (Includes 5% increase & 3% in-grade step)	\$52.94 Commander (Eliminated in-grade step)
% Over/Under Market Average	8.5% under	6.8% under	1.2% over