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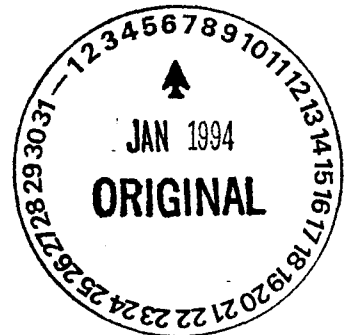
THE HISTORICAL IMPACT OF POLICE UNIONS UPON  
POLICE MANAGEMENT TODAY

A RESEARCH PAPER  
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MODULE III

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## Chapter 1

### Introduction

Today, police and municipal administrator are being faced with a management problem of growing dimension and complexity, the police union. The police movement is growing rapidly throughout the United States. In 1979, a survey by the Advisory Commission on Intergovernmental Relations reported:

73% of police employee were represented in their employment interests by some form of association or union. Police employees in 45% of the 1,500 cities surveyed, belonged to the Fraternal Order of Police (FOB), In 41% of the cities, the police employees belonged to local independent associations. The American Federation of State, County, and Municipal Employees (AFSCME) accounted for membership in 9% of the cities, while the International Brotherhood of Teamsters claimed membership in 2% of the cities.<sup>1</sup>

They are in fact labor unions. Unions are a fact of police administration life. Once this position is accepted, that unionization of law enforcement is indeed inevitable, then a major part of the police manager's job is going to be how to effectively deal with a police union. Divergent views exist about this unionization.

One police-union official has stated:

Chiefs, superintendents, and commissioners are all temporary. They'll change. The union is the only permanency of the department. It is with whom you deal; we will make policy.<sup>2</sup>

In 1972, John Nichols, former Police Commissioner of Detroit, made the following comments to an audience composed of police chiefs, police personnel, administrators, and some union leaders:

Police unionism is on the move-power struggles are forming, and I would fully expect the rise of police unions almost across country to closely follow patterns of ascend of other labor unions, which resulted in attempts to immobilize equipment, harassment of non-participating employees, work slowdowns, control of organizations by a well indoctrinated, vociferous few, and a diversion of loyalty from organizational goals to union goals. So for those of you who feel that unionism has no designs of management prerogatives, no desires for power, no intentions to covertly or overtly control the organizations, forget it.<sup>3</sup>

Not everyone is as pessimistic as this, for instance, John Burpo (1971), author of The Police Labor Movement, maintains that:

Police labor groups are the catalyst that sparks needed changes in the policeman's working environment. If these organizations are unable to cause changes that reduce job frustrations, the implications will be far-reaching. The policeman will gain. The police profession will profit. Most of all, the public, whom the policeman serves, will reap the benefits of being protected by competent, motivated men (p. 15).<sup>4</sup>

The question is not whether one should be for or against police unions, but rather how to deal effectively with them in order to achieve organizational goals and continue individual motivation.

### **Purpose Statement**

The purpose of this research is examine the influence that unionism has had on police operations, and, more importantly, police management a whole. Since the Boston police strike of 1919, administrations of police agencies have had to deal with the concept that the public employees of police agencies have required, even demanded fair but equal treatment from supervision and administration.

Today, police and municipal administrators are being faced with a management problem of growing complexity, the police union. The police movement is growing rapidly throughout the United States.

### **Definitions**

The term "police union" can be confusing. Its meaning has various definitions among law enforcement personnel. Police chiefs insist on calling them "unions" when referring to associations within their own departments. Further, police officers have some reluctance to use the word unions, instead preferring to call their organizations "benevolent", or "fraternal".

The term "police union", as used in this research, refers to any and all police employee organizations which seek to represent police officers, for the purpose of discussing matters with police management relevant to the

employment relationship, such as wages, hours, and other terms of conditions of employment.

### **Limitations**

Having to rely on perceptions of the management-union relationship of the respondents in the literature review, there will be an assumed limitation that the respondents have responded based solely on their own knowledge and motivation.

## Chapter 2

### Why Police Officers Unionize.

In 20th century America, there have been three major periods of union development, signalling the emergence of three different, through related, parts of the labor force:

1. 1900 to mid-1930's - reflected the unionization of the skilled craftsman.
2. Mid-1930's to mid 50's - the rise of semi- and unskilled in mass manufacture.
3. Mid - 1960's on - voices the aspirations of the white-collar and service-economy employee, very heavily engaged in public employment.<sup>5</sup>

What led to the unionization of the public employee? The public employee found himself in the same position as the mass production worker of 1930's - he was numerous, needed, and felt neglected. In the 1960's the public employee discovered his collective presence and he moved to express his potential power. In most every case, the motive behind public employee unionism can be attributed to the following statement:

Among the first to unionize are the better paid, better situated employees, while the very last to organize are the most deprived and aggrieved. The cycles of unionism seem to come not when a new outrage is perpetuated against employees, but when the class or subclass is ready and times are propionate.<sup>6</sup>

During the 1960's, with increased external hostility towards the police, increased law and order demands upon



the police, low economic rewards, and poor personnel practices, the time was set for law enforcement to recognize its collective presence.

While it is necessary for law enforcement to recognize their presence and potential, the ultimate expression of unionization is employee dissatisfaction. Employee dissatisfaction is those factors which are extrinsic to the job and include: company and administration, supervision, interpersonal relationships, working conditions, salary, status and security.<sup>7</sup>

Accepting this premise, that employee dissatisfaction is the ultimate cause of unionization, some sources of dissatisfaction that have been prevalent in law enforcement should be examined, for a better understanding.

#### **1. Poor economic benefits**

In the 1930's the police job was regarded as desirable because of its security and comparative high income<sup>8</sup>. But, recently the relative decline in police salaries in relation to other occupations has caused dissatisfaction. The more hostile and demanding environment increased the police work load and danger on the job, hence, most police felt that their economic rewards had not increased commensurately.<sup>9</sup>

Without a doubt, the general economic status of police officers was deplorable. In the mid-sixties the median salary for a patrolman in a large city was about \$5,300. Moreover, years of service did not substantially raise the pay. The maximum differential between initial salary and the one paid after longevity was about \$1,000.<sup>10</sup> Between 1961 and 1966, police pay increased by only 18%. During the same time, the wages of municipal transit workers went up 35%.<sup>11</sup>

Dr. Reaves, through a Law Enforcement Management and Administrative Statistics (LEMAS) study has stated that;

Local police departments paid officers an average starting salary of about \$19,000, ranging from an average of \$15,900 in the smallest jurisdictions to \$26,600 in the largest. In State police departments, the average starting salary for new officer recruits was about \$22,800.<sup>12</sup>

## **2. Poor working conditions**

Thousands of police persons believe that their working conditions have substantially deteriorated over the last ten years. There is a widespread feeling among police that they have been imposed upon in the confrontations of the sixties.<sup>13</sup>

The police feel resentment toward city hall for what they say is the abuse they suffered at the hands of the demonstrators and others encouraged by political leaders, the hazards and frustrations of the job make the police-

man feel that he is entitled to a degree of compensation way beyond that he is presently making.<sup>14</sup>

Police employees, like other workers, want equitable economic benefits and optimum working conditions. They are increasingly displaying an interest in their working hours; routine and safety equipment; vacation and holiday provisions; health benefits; deployment policy; promotion procedures; internal discipline; and many other areas.<sup>15</sup>

### **3. Lack of identity and recognition.**

The desire for self-expression is a fundamental human drive for most people. They wish to communicate their aims, feelings, complaints, and ideas to others. Most employees want to be more than just cogs in a machine. They want management to hear what it is they have to say. The union can provide a mechanism through which these feelings and desires can be passed to management. As National FOB President Stokes stated in a letter to the general members of the Fraternal Order of Police:

In short, the F.O.P. is at the forefront of every major national issue which affects our safety and our benefits. For that reason we have placed a high priority on establishing in Washington, D.C. a national office to lobby Congress.<sup>16</sup>

#### 4. Lack of grievance procedures.

Police officers have often been frustrated in their own efforts to make known to management job dissatisfactions regarding such matters as broken-down equipment, poor relations with supervisors, or unfair policies.

Employee's dissatisfactions have long been resolved in private industry through the concept called 'grievance procedure'. This concept permits the employee to attempt to adjust his grievance by presenting it to ascending levels of supervision with a final decision on the grievance being made at the top administrative level, or in some cases by an outsider, a neutral person called an arbitrator.<sup>17</sup>

Samuel Gompers, President of the American Federation of Labor nearly half-a-century ago, said, "The AF of L had not initiated those movements to organize unions with police departments", he put the responsibility on attempts to organize police, not with the unions, but with negligent and autocratic authorities who failed to provide reasonable enumeration and adequate grievance procedures.

## 5. Lack of internal communications

Employee organizations develop many times because all-inclusive and progressive communications have not been established by top management. Supervisors have not listened well enough, nor have they provided their personnel with a means to seek redress for their real or perceived problems. The old autocratic and dictatorial approach to problems and problem-solving has come under severe criticism, and justly so.

Opening lines of communication is an effective means of creating a stable labor environment. Communication between the police administrator and his officers give each one an understanding of the other's problems and positions. Two-way communications is best facilitated by periodic informal discussions. An informal discussion offers three decided advantages: officers are able express their needs and dissatisfactions; more time-consuming and costly methods of achieving changes in employment conditions such as lobbying and collective bargaining, are avoided; police officer develop a better understanding of management problems.<sup>18</sup>

Another approach to improved communication could be the publications of a departmental newsletter. This would be simple and could serve to present proposed policy changes and departmental programs. It tends to stifle

rumors and also serves as another vehicle for the chief to explain his policy changes.

#### **6. Lack of administrative leadership.**

At the 1967 Conference of Mayors, AFSCME President Jerry Wufu stated,

You (the mayors) represent our best organizers, our most persuasive reason for existence, our defense against membership apathy and indifference, our perpetual product of militancy, and our assurance of continued growth...Unions would be unable to sign up a single employee if he were satisfied, if his dignity were not offended, if he were treated with justice.<sup>19</sup>

A leadership vacuum also exists in many police agencies throughout the county. Many police administrators are not attuned to the economic and other job needs of their people. There is not other way for an employee to take on his boss than through organized collective force. Even perfect management does not give the desired sense of freedom and the importance. Sirene has also stated "employee organizations are made, not born. Rarely does the seed of organized labor sprout in a well-managed organization which has as one of its major objectives the welfare of its employees .<sup>20</sup>

Many managers have been shocked when their employees, who have been given everything, vote to organize a union at the first opportunity. Managers condemn employee actions as unappreciative, when in reality they are

evidencing a desire to stand on their own and speak with a confident voice of authority rather than subservience. This is a need which exists in most adults, and if it is not satisfied through individual relationships with management, it must be taken care of in a collective manner.<sup>21</sup>

The ability to offer freedom from actual or potential arbitrary management actions concerning the working conditions of employees is the primary source of strength for the labor union. The union must also be successful in satisfying the membership. An effective management could do this and is often successful in warding off unionization by paying better than average wages and benefits. What the effective manager finds difficult to provide for, is the sense of independence, freedom, and power associated with the union.

Police chiefs and city officials historically have been lax in their recognition and pursuit of the economic needs of police officers. Police employee organizations filled the void created by this vacuum, becoming the major force behind police job improvements.<sup>22+</sup>

The following is a commentary adopted from WRVA News Profile, by Larry Matthews on June 17, 1978.

There is something to be said against police unions or unions of firemen. Teachers and sanitation workers have critical jobs, but the world goes on for a few days

anyway if the walk off the job in a strike action against the municipal government. Teachers and sanitation workers have gone on strike and probably will in the future. It's all part of being in the union.

The ultimate union weapon is the strike, and when a teacher or a sanitation worker or a policeman decides to go to a union, he or she realizes how far it could go. So, here we are, with the overwhelming majority of the city police not only willing, but eager, to join the union in a collective bargaining with the city.

It's a sad commentary. It's sad that things have come to this. Unions don't materialize overnight, out of the blue. They build, like a volcano, starting with small grumbling that turn into bargaining demands and somewhere along the way the higher ups notice, or should notice, that something has gone wrong, that just about everyone is unhappy, that the breaking point is near.

Apparently the higher ups in the police bureau decided to take the military view of it all: griping is normal, tell 'em to keep their mouths shut or we'll have them walking a beat again; the old ideas that the power structure holds all the trump cards. Well, those ideas went down the drain a long time ago and the movement towards a policemen's union in the city shows just how little faith the officers have in the system they serve and protect.

If these men and women thought they could get answers to their questions without a union they would have. Instead, they chose to unionize. And how did the city react to all this, to all the discontent among the ranks of those who keep out streets from turning into relics of the dark ages? The city acted like it hoped the police grievances and the union would go away if ignored long enough. Reluctance at every turn: "No I won't meet with you, you rascals" seemed to be the official line. Nobody on the city side of the issue seems to take the grievances of the police officers very seriously. And that, if continued, could be a big mistake, a mistake that could push these officers farther than they want to go, a mistake that could make reasonable men and women look to unreasonable means to get an answer to their grievances.

To put it bluntly, the city is being stubborn. By bobbing and weaving, and playing games on who will meet with whom and what commitments rest on whose shoulders, the city is getting nowhere and the policemen are becoming frustrated. Will they strike? The president of the union said he could not guarantee that they won't strike if his life depended on it.



The very nature of this business of unionizing spells trouble: not new trouble, not new grievances. The police say they are willing to meet with the city not as a union but as concerned officers, and even here the power structure shrugs them off as malcontents. It's time to stop playing games and being proud at City Hall. Meet with the policemen, find out what's bothering them, meet their demands if they're reasonable and stop letting the word union paralyze good sense.<sup>23</sup>

### **Goals of Police Unions**

The five basic goals of police employee organizations are as follows: recognition of the organization; better economic benefits; better job conditions; a voice in management policies; and the professionalism of the police as gathered through research.

#### **1. Recognition of the organization.**

The first goal that every employee organization seeks is for recognition of itself by management. The organization wants to be established as a force that must be dealt with.

Most states, explicitly or implicitly, should recognize the rights of police officers to organize and bargain in a collective manner with management. A typical recognition clause that would be found in a collective bargaining agreement would state:

Pursuant to the state or local bargaining law, the employer hereby recognizes the Association as the sole and exclusive representative for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, and other terms and conditions of em-

ployment of all police officers of the Police Department for the term of this agreement.<sup>24</sup>

The establishment of collective bargaining through peaceful and mandatory recognition procedures, including appropriate provisions for unit determination and a means of ascertaining the employee desires, is not inconsistent with the 'normal' American political process, for the danger to that process stems mainly from strikes.<sup>25</sup>

However, in those non-collective bargaining states, where the public employee has not met with legislative sanction, recognition for any purpose remains discretionary. Although a policy of nonrecognition seems to protect the political process from police employee unions, it is usually not a realistic alternative. If the employees have organized and are seeking recognition, an arbitrary denial of such seems too drastic, and runs the risk as being perceived as excessive and unfair. It is just this type of treatment that many times frustrates a police employee organization to vent their feelings through the more militant means of a work slowdown or stoppage.<sup>26</sup>

It is, therefore, recommended that even in those states where no collective bargaining by police employees exists, the employee organization should be informally recognized. The employee group is just another interest

group the police manager has to consider in making decisions. More specifically, the police administrator can do various things vis-a-vis the employee organization that will reduce potential friction, and for a sound relationship. The police administrator seeking harmony will refrain from any attack on the organization which represents the men, and will help it gain status.<sup>27</sup> Refusing to recognize this group could have an adverse reaction and could further alienate the employees from management.

## **2. Economic benefits.**

The basic economic benefits sought by police employee groups are better salaries, pension plans, life and health insurance coverage, and overtime pay. The trend in the U.S. is toward higher salaries for policemen; pension plans that accrue at an earlier age and at higher percentages of the base pay; life and health insurance plans that require increased contributions by the employer; and overtime work being paid on the basis of time and one-half rather than on compensatory or straight time.<sup>28</sup>

Some other forms of incidental economic benefits being sought by police employee organizations include call back pay, standby pay, court pay, shift differential pay, uniform allowance, meal allowance, severance pay,

longevity pay, relocation pay, injury pay, and educational incentive pay. These types of economic benefits are being achieved on a jurisdiction-by-jurisdiction basis, with no identifiable national trend taking place in any of them.<sup>29</sup>

### **3. Job conditions.**

Improving working conditions is another goal of police unions. This particular goal relates to work days and hours, and to time off. In the early seventies there was an identifiable trend toward police departments shortening their work week from five to four days, where officers worked ten hours per day. This was called the 4/10 plan, but this trend slowed with taxpayer revolts and general cut back of budgets that most municipalities have experienced. With the current recovery and due to a growing industry in the area, the Austin, Texas Police Department has gone to the 4/10 Plan.<sup>30</sup>

Police employee organizations are seeking improved leave time benefits, including increased vacation periods, more holidays, and an increase in sick leave days. Other incidental types of leave time also being sought include funeral leave, leave for education purposes, and maternity leave.<sup>31</sup>

#### 4. Voice in management policies.

The goal of police employee organizations to have a say in the administration decision-making process of the department is a departure from the old idea the management manages and labor works. Police administrators see this as an infringement upon their rights to run the department the way they see fit.

To what extent has the union interfered with the ability of the chief to allocate resources within the department? The union's impact has been to force shared decision-making in the allocation of resources, whether the resources discussed are monetary or human.<sup>32</sup>

An area that employee organizations want to have more say in making decisions about is in the use of seniority. Many police associations advocate that seniority be the sole criteria in the selection of officers for vacation time, job assignments, promotions, shift assignments, and beat assignments. Police management, however, has generally resisted the use of pure seniority as a means of determining job assignments, promotions, shift assignments, and beats on the basis that this practice would severely limit administrative flexibility of the chief to place employees in the department according to their abilities and personal attributes.<sup>33</sup>

Police unions have sought impact on management policy-making by the implementation of grievance procedures. A grievance procedure is a formal method by which employees can express job dissatisfaction, progressively through the chain of command.<sup>34</sup>

Another management prerogative goal sought by the police union is to have a direct effect upon management decision-making. Whether the issue is a change in shifts, a new hair regulation, or a change in holsters for weapons, police unions want to have a an influence on these decisions.

The obvious impact of such provisions is that it hampers the ability of the chief to make personnel changes and this reduces his power without reducing his responsibilities. Much of the negative impact of unions has occurred because of unions exploitation of the multilateral bargaining opportunities in the public sector and the failure of managers to rationalize the process by limiting the arena for gains to the bargaining table<sup>35</sup>. There must be a strong team across the bargaining table from the union demanding quid pro quo, seeking innovative solutions to mutual problems, and opposing demands which would impose intolerable burdens.<sup>36</sup>

If one single statement were sought to describe the effect of unions on policy-making, it would be "they have

encouraged investigation and reflections".<sup>37</sup> Some unions have only a slight check on management--others run the shop. Some 25 years later Sirene has stated,

"Police today have taken a further step. As they become more and more frustrated at the bargaining table, they are turning toward affiliation with the Teamsters and the AFL-CIO to gain power through intimidation, experience in bargaining, and broader financial resources by which to gain their demands".<sup>38</sup>

Whether the influence is weak or strong, it usually tends to cause management to consider any probable consequences of proposed decisions and to adjust them accordingly. In order to carry out this "investigation and reflection" process, labor-relations staffs have been developed by management to coordinate activities.

David T. Stanley, in his study, Local Government Under Union Pressure (1971), cited the fact that unions now engage in bilateral decision-making on budgets; that unions have a voice in grievance procedures and the administration of grievances; and that unions become involved in job classifications, work assignments, program policies, and to a limited extent the tenure of public officials. Union support behind a councilman at election time can be very impressive. The unions, says Stanley, do not want to take over management completely, rather they want an adversary whom they can press and demand from.<sup>39</sup> Management has to deal with employee

relations and then do everything possible to maintain fundamental management prerogatives.

During the 1971 convention of the International Associations of Chief of Police, Sylvester Billbrough of the IACP staff reflected:

Although many prerogatives should be reserved for management, I think management must exercise the prerogatives it has. We see signs of policeman invoking pressures of employee groups to get shotguns for patrol cars. We see them exerting pressure to get more training. I think the patrolman are speaking out because there is a need for someone to do so. They do this because perhaps too often police administrators have not spoken up when they should have. Good management includes a concern for the subordinates' welfare. I think we need to speak out for the department and the employee, or the employee will do so himself.<sup>40</sup>

#### **5. The professionalism of the Police**

In today's society characterized by divisions of labor based upon specialization, it is highly desired to have an occupational status accepted and judged as professional.

Law enforcement is no exception, policeman want to be recognized as professionals. A lot of energy has been spent to enhance the occupational position and conduct of the police, in order to gain acceptance as members of a profession. The qualities of what constitutes a profession are not always clear.



The advance toward professionalism among police became noticeable in the mid-sixties. It was guided by the attempt to seek qualified police administrators to guide agencies, and through recruiting better educated, more capable persons to fill the ranks. Professionalization was also sought through recruiting, promoting, and assigning officers on the basis of merit instead of seniority or favoritism.<sup>41</sup>

The word "professionalism" has different meaning, including that police officers will be better trained, better educated, and better paid than their predecessors. Other meanings refer to a department managed by improved and more efficient techniques to the exclusion of political pressure.<sup>42</sup>

Reviewing literature on the subject, common attributes and traits appear in the several definitions of professionalism of law enforcement. While authorities have different opinions about a precise definition, they agree that professionalism should be properly regarded as a scale rather than a cluster of attributes. A difference, then, between a professionalized and a non-professionalized occupation is not qualitative but a quantitative one.

Attributes of a profession that have been distinguished are: (1) a basis of systematic theory; (2) authority recognized by the clien-

tele of the professional group; (3) broader community sanction and approval of this authority; (4) a code of ethics regulating regulations of professional person with clients and colleagues; and (5) a professional culture sustained by formal professional associations.<sup>43</sup>

Law enforcement can then be seen as searching for the status of its own professionalism and by doing so gains the benefit of prestige, authority and monopoly now belonging to only a few top professionals. Where is law enforcement in this search for status, and what effect do unions have in the quest for this status?

Police chiefs claim that organizations affiliated with organized labor are threatening the successful professionalism of the police service <sup>44</sup>. They see the only goals of police unions as being financial gains, without any true emphasis on upgrading professional standards. If the police community is ever to be raised to the status of a profession, it is contended that it must be free of any union control<sup>45</sup>.

Police labor leaders, on the other hand, maintain that police unions can achieve better salaries and job conditions for officers through a strong bargaining effort, attracting more qualified person and thereby resulting in a professional police service<sup>46</sup>. Other aspects of professionalizing that unions claim to offer are boosting of morale, serving as an overseer to

administrative corruption, and increasing efficiency within the department through union members who participate in the management process.<sup>47</sup> But have unions promoted or deteriorated attempts to professionalize law enforcement?

Both management and labor can cite the facts to support their own positions. But neither attempts to place law enforcement's status in the search for professionalism. The National Symposium of Police Labor Relations, in June, 1974, found that the current status of the police occupations lies somewhere between professional and non-professional. The police occupation is then a semi-profession.<sup>48</sup>

John Burpo states that it is virtually impossible to gauge the impact that union has or does not have on police professionalism. The concept of professionalism is an international one, encompassing the police profession as a whole. The level at which the union operates is a local one, concerned with one agency, and is powerless to effect the professionalism process operating on a nationwide basis.<sup>49</sup>

There must also be concern about the impact of professionalizing police on the criminal justice system.

As Gaines, Southerland & Angell stated;

A more general example is the Law Enforcement Assistance Administration's (LEAA) initial funding decisions. During the first several years of LEAA the vast majority of funds went to upgrade and professionalize the police. Consequently, as the police became more effective and made more arrests, the courts and correctional systems became overburdened, which caused many arrestee to go free or to be plea-bargained at a lesser charge.<sup>50</sup>

**What impact does a union have on management's decision-making process?**

With the amount of emphasis which has been placed upon professionalism in the police ranks, it is not surprising that some police administrators have become concerned over anything which might threaten the success of the professionalism process. It is this concern that initially caused some police managers to resist and warn against police unions.

One aspect of professionalizing the police, as has been pointed out, requires that all police personnel meet uniformly high qualifications and standards of performance. These requirements must manifest themselves in a system where recruiting, promoting, and evaluating of officers is conducted on the basis of merit rather than longevity or political favoritism.<sup>51</sup> Unions could hamper or deny the police manager the prerogative of making decisions as they related to entrance and promotional standards. Further, it is believed that the mere presence

of a union could afford an avenue through which members of a police department could seek advancement by union pressure, rather than through the more desirable channels of merit, examination, and dedication to duty.<sup>52</sup>

Most police administrators have the apprehension that unions will eventually become involved in the total decision-making process. Bell (1981) notes that police administrators have been losing their management prerogative as a result of collective bargaining.<sup>53</sup> Jacobs summarizes the trend.

It is worth hypothesizing that the very existence of a union and union leaders undermines the paramilitary chain of command on which all police organizations are constructed. The rank and file no longer look to the chief for all sorts of favors and benefits, and they no longer have as much to fear from the chief's disfavor. Employer-employee relations probably have become more formal and more adversarial.<sup>54</sup>

Police chiefs resent the intrusion of their subordinates into what they consider management prerogatives. And since union membership gives some employees access to methods of organization, leadership skills and higher levels of management, there is basis for administrator's fears that personnel decisions, plans and policies will be scrutinized by the union. Moreover, they will have to meet with union approval before implementation. This would deprive the chief of effective control over his

department, possibly resulting in the subordination of law enforcement objectives to union interests.<sup>55</sup>

Juris and Feuille argue that the real impact of the union is to force shared decision-making in the allocation of resources. Monetary resources will be used for more wage and fringe benefit demands displacing new programs, and will restrict the chief's absolute freedom to assign men as he see fit.<sup>56</sup> They concluded that police unions did systematically interfere with management and are from management's point of view, clearly counter-productive.<sup>57</sup>

The countervailing argument is that police unions should have a voice in departmental policies and decision-making because these have a direct effect on the officers. It is only through a participatory voice in managerial decisions by union members, that the chief can arrive at a decision that is best for the entire department.<sup>58</sup> However, "Bell (1981) notes that administrative mismanagement and scandals may have been averted as a result of unions...Unions , in essence, create a situation whereby management is more accountable to the unions and ultimately to the public".<sup>59</sup>

Police unions are without question trying to play an active part in departmental decision-making. However, this can be seen as a positive action. If unions can eliminate job dissatisfaction by forcing management to satisfy employee needs, the resulting effect could be a step toward professionalism. This step can only be taken if management responds by providing opportunities to instill motivation among law enforcement personnel.

Police management must be encouraged to develop, a genuine interest in police work, to increase employee responsibility toward goals achievement, to provide greater opportunities for growth and advancement, and to increase the change the content of police work so that greater possible rewards are made available. Examining the labor relations process in collective perspectives, with the union providing for the extrinsic needs of its members, and management providing the intrinsic needs, both would be better prepared to work together toward the goal of professionalism of the police service. At least a collective agreement would be a more professional approach.

**What are labor's rights, and what activities do they employ in the context of law enforcement?**

Police administrators have been reluctant to accept any organization affiliated with organized labor. One of

the anti-union arguments given by police chiefs is that unions are illegal because they are prohibited by state law in some instances, or by departmental regulations because they advocate the right to strike. This argument is no longer valid since federal cases have held that public employees including the police officer, have the right to join any labor organizations of their choosing, even if it is affiliated with organized labor.<sup>60</sup>

It is now generally accepted that public employees have a constitutional right, under the first amendment, to organize and join labor unions. This position was established later in history by President Kennedy's Executive Order number 10988: "This required the federal government to recognize and bargain with associations that represented a majority of their employees"<sup>61</sup>

Today about 40% of America's public service employees belong to employee associations. This according to the AFL-CIO, a confederation of unions representing about 13.7 million people.<sup>62</sup> The International Brotherhood of Teamsters has actively attempted to control police associations, and has at the present about 200 police organizations it represents in various sizes.<sup>63</sup>

Collective bargaining and the process of unionization have improved the policeman's lot in life. He no longer has to work forty-eight or fifty-six hours a week



for poverty level wages. He is not longer required to take risks without workman's compensation, disability insurance, life insurance, or other benefits.

Collective bargaining by police organizations has made swift progress in less than a generation. From an activity once considered wrong by many citizens and police officers; collective bargaining has now become a widely accepted practice. It has been given sanction by courts, legislatures, and many local administrators.

The right of police officers to join together into police unions, in order to collectively improve working conditions and salaries is conceded by many who draw the line at the use by the police of the ultimate labor weapon, the police strike. This feeling is written into many state laws which specifically prohibit any public employee, particular police and fire fighters, to strike. And through police strikes are rare, the threat of such evokes fear among citizens and their representatives.

As compared to private industry, public employment is more centralized, where each state can establish different regulating criteria. Wherever the Civil Service laws do not provide sufficient protection against unreasonable personnel actions for speech and conduct deemed objectionable by the public employer, unions representing public employees are free to negotiate for

contractual provisions which will give their constituencies such protection and for avenues of redress through negotiated grievance and appeals procedures.<sup>64</sup>

**What responses can management make dealing more effectively with police unions?**

In this author's research it was found that basically the same symptoms which ultimately lead to unionization within a department, were common to other agencies prior to unionization. Invariably the specific department in questions had undergone some period in which there was a high degree of employee dissatisfaction. This overriding reason that lead to unionization was this issue of employee dissatisfaction toward unresponsive and apathetic employers, lack of or no proper grievance procedures, inadequate or faulty supervisory techniques, and personnel investigations which were perceived to be unfair.

Most police administrators are now resigned to the existence of police unions, but they do not know how to deal with them. Having come up through the ranks, as most current administrators have, they have had no relevant experience and they often look at unions, a force within the force, as an adversary. They should not automatically view unions in this way since police unions can add an entirely new dimension, the voices of those

who are actually engaged in day-to-day policing, to the complex of synchronized efforts and forces that determine the form and quality of police service.

That we identify most reform efforts in police operations, with the administrator who initiated them, is significant. It reflects a belief that change in the practice of police work is the responsibility of top management. As important as it is to know how internal change has been brought about by police chiefs, the limited impact of reform efforts, coupled with the increase in police unions, show that it is clear that lasting change requires more than the singular efforts of a head administrator. It is therefore necessary to look at some of these current dissatisfactions.

Admittedly, economics is the central issue in almost all labor disputes. Behind the wage demands, the police also perceived money as a way of keeping score to determine whether they are being appreciated. A feeling of not being appreciated can have a far-reaching impact on police work itself. As the police begin to feel less and less special, they have come to have to accept the idea that theirs is just another job, and at that point, the romance, the glory and the commitment goes out of the job. Gone are the police of the good old days, who viewed their job as a public trust and almost a calling,

like joining the priesthood.<sup>65</sup>

Today, the young officer no longer looks upon the job itself as a value in life. The job has become a means to an end. As the job itself becomes less of a value, then naturally the commitment level decreases, and job deterioration increases. These feelings surface when officers today comment, "Isn't anyone listening to me--I am the one doing the work", or "No one in management cares; they think the job I do is unimportant".<sup>66</sup> The problem can be seen as not so much that society's values have changed, but that management has failed to show full appreciation for the work performed, to the point that many officers look for recognition outside the job and join unions.

Nor does there seem to be much satisfaction in the view that the police are better educated and more professional. The proportion of police officers who have received some college education has increased from about one-fifth in 1960 to approximately one-half projected in 1980.<sup>67</sup>

According to the U.S. Census Bureau, about 74 percent of Americans over 25 years of age have currently completed high school, and about 20 percent of these have completed four or more years of college. About 18 million American households are headed by college

graduates. Of these, 40 percent include a working wife.<sup>68</sup> Today, 96% of local police departments had a formal education requirement for new officer recruits. . . .6% of local police departments required education beyond high school.<sup>69</sup>

Actually, this increase in education is a factor in police frustration. As the police officer becomes more educated and once he obtains his degree, the officer begins not only to seek promotion but to believe that he deserves promotions based on his educational achievements. Of course, everyone can't be promoted and the officer encounters pressure from some of those in the department who don't have degrees and belittle his. The real crunch comes when, even though he may have a degree in police administration, he is not permitted to have any input in the policy and decision-making of the department.

Again police management is to blame. This time for not changing its leadership style to adequately utilize the officers who have gotten a college education. It all adds up to more frustration for the employee. He believes he is playing an important role in society, and in return he is not receiving the compensation and recognition he wants with his increased level of education.

Police managers must develop new methods for providing effective and sincere manager/worker communication in order to eliminate job alienation. They will have to demonstrate full appreciation for the work being performed and develop mechanisms for recognition of meritorious service. They must learn to be a mediator in labor disputes by using their power of persuasion to help the parties reach a voluntary settlement in a climate of trust and cooperation. By being better managers, they will induce better labor relations.

Unions also have an obligation to its members to try and cooperate with police management to insure that both the union members needs and management needs are met. If both of these needs are addressed, the work force will be in a better position to face today's ever changing work force problems.

### Summary

Edward Kiernan, president of the International Conference of Police Associations, made the following statement in Law Enforcement Times: Police unions and police management representatives must learn to work together, or as sure as God made little apples, we will die together.<sup>70</sup>

Mr. Kiernan also stated that police chief's themselves do more to create police unions than anyone else, since they often fail to recognize the rights of subordinates. Bell (1981) also notes, "Collective bargaining in the police field has not developed due to one isolated incident. It has grown over the past decades due to numerous problems generated from one general area--management; that is, the problem of management itself".<sup>71</sup> Police officers resisted the Miranda ruling at first, but have become used to it.<sup>72</sup> Now they feel as if criminals have more rights than they do. This awareness of rights of other has resulted in the creation and demand for a Police Officer Bill of Rights. Some of the greatest opposition to such a bill comes from police chiefs and sheriffs.<sup>73</sup>

It is this kind of opposition and seeming unconcern for subordinate rights that lead officers to regarded unions and collective bargaining as necessities and why

unions will continue future growth. There is also every indication that the use of collective bargaining, and similar methods of settling labor disputes, will increase in the police field in the future. When negotiations cannot be resolved by voluntary means, then impasse resolution will be used more and more.

Although in some instances, especially where the chief is naive, collective bargaining can be an unsettling experience. It can also be beneficial. It can result in better employee relations through improved communications. Police unionization demands that police managers become acquainted with all phases of collective bargaining, improve levels of personnel management, expanded training opportunities for police supervisors, and develop programs that utilized the more highly qualified officer.

It can take time for police administrators to become familiar with the methods and procedures of labor relations, but such a familiarity generally has the benefits of fostering stability to operations as both management and employees work in a more aware setting. This does not mean that the chief has to give up all of his prerogatives, nor should it imply that the agency be run as a democracy.



Cooperation is regrettable when not utilized. "Too often an unproductive adversarial relationship develops between management and the union. This is regrettable since administration and the union frequently have mutual interest in common problems".<sup>74</sup>

We know that some situations will always require quick decisions in an authoritarian manner, such as when large numbers of personnel must be mobilized for an emergency. What is needed is not wholesale substitution of a radical new style of management, but rather a gradual movement away from the extremely authoritarian way that currently exists toward a more democratic form of organization. Like it or not Reaves stated that "about 70% of local police departments with 100 or more sworn officers authorized collective bargaining for employees in 1990."<sup>75</sup>

Police administrators have the responsibility of keeping a careful watch over the whole spectrum of their departments, not only control of crime but the entire area of personnel-management relations as well. Salaries and other fringe benefits should be a subject of ongoing research and kept updated to remain competitive with the private sector and other law enforcement agencies. High standards of recruitment and training should be established and maintained. Adequate channels of communication

should be maintained and grievance procedures should exist in the department. In departments where police officer associations exist, police administrators should work with them as much as possible rather than take an antagonistic stance. Because by working together, mutual understanding can be achieved and confrontations can be avoided. Such action cannot only result in better law enforcement services for the community, but will increase public respect and professionalism for police personnel.

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