

Police union to attempt to file petition today

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McALLEN — Members of the city's largest police union hope to file a petition today, seeking a permanent solution for future contract disputes between its negotiators and city officials.

Since October, the McAllen Police Officers' Union has sought support for its plan to force negotiations into binding arbitration if discussions break down between the union and city representatives. The petition drive comes five months after both sides declared an impasse in bargaining the officers' latest contract.

"We've been going out to churches, friends and our families," union president Sgt. Mike Zellers said. "We've even had a few of our supporters in the community helping us collect signatures."

If the petition is certified, McAllen voters would decide May 12 whether to adopt binding arbitration through an amendment to the city's charter. The vote would not affect the current contract, but rather all future disputes between the city and its police and firefighters' unions.

But several labor relations experts view arbitration as, at best, an unorthodox means of resolving public sector conflicts and, at worst, a case of local authorities failing to do their jobs.

"To put decisions like this in the hands of a third party who doesn't live in the community and doesn't have to deal with the implications flies in the face of the notion of local control," said Jim Parrish, president of the Texas Public Employer Labor Relations Association. "It's like abdicating your authority."

Outside solutions

As of Sunday afternoon, union members had gathered about 3,000 signatures — almost 150 more than the number needed to place the resolution on the ballot, Zellers said.

"This is the most signatures we've ever collected on any issue," he said. "It tells us that the officers out there are finally getting support."

If the amendment passes, all future disputes would be sent to a third-party panel of arbitrators once an impasse is declared, Zellers said. The panel would be charged with weighing the main points of contention and settling on a solution.

Union officials view the plan as a way to avoid the long and vicious fighting that has characterized their latest round of negotiations with the city.

Talks between the parties broke off last fall after a marathon session of court-ordered mediation. The primary sticking point, both sides have said, lies in the union's request for an increased contribution to the officers' retirement plans.

Currently, officers contribute 6 percent of their salary to their retirement funds, while the city adds another 12 percent. The union hopes to secure a retroactive 7-percent officer contribution and 14 percent from the city, calculated at the salary from which the officer retires.

In August, the union filed a lawsuit against the city claiming that its negotiators never made a "good faith" effort to bargain, but Mayor Richard Cortez has vowed to take the legal battle to the Texas Supreme Court if necessary.

"Abdicating Authority"

All of the labor relations experts asked about the issue saw binding arbitration as a measure of last resort — one that could leave both sides unhappy or provide an extra bargaining tool to union representatives.

Neither side is likely to walk away getting exactly what they asked for, said **Mark Johnson**, a Dallas-area attorney who has helped settle private-sector labor disputes.

"What you can expect is classic baby-splitting," he said, referring to the Old Testament story in which King Solomon ordered two women fighting over custody of a child to cut the baby in half.

"If one side's asking for 6 percent and the other party is offering 4 percent, the arbitrator will more than likely settle on a 5 percent solution," he said.

Effective bargaining tool

However, arbitration could give the police union leverage similar to that of its private-sector counterparts, **Johnson** said. State law prohibits officers from going on strike, eliminating one negotiating tactic often used by private-sector unions.

Johnson believes the threat of losing control over contract decisions could force both sides to come to the table more willing to negotiate.

"It really gives a bargaining chip to the unions here," he said.

Even so, the tactic could backfire, said Dan Hamermesh, a professor of economics at the University of Texas who has studied municipal labor unions.

Knowing that arbitrators would likely split the difference between both sides' demands, negotiators might initially offer outrageous proposals, hoping that the final decision ends up closer to what they reasonably expected.

"I'm very surprised that a union wants this," he said. "They're usually the ones fighting it."

Whatever the strategy, the financial burden of the process will eventually fall on the taxpayers, Parrish said. And once taxpayer money becomes involved, he expects the public to take a greater interest.

"Any time you can't come to an agreement on your own, the cash register starts clicking," he said. "If these people can't come to a resolution on their own, then my thoughts are that the people ought to start looking for someone that can."

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