



Legislation Text

File #: 19-0394, **Version:** 1

Recommendation to receive and file the Factfinding Report issued by the Factfinding Panel as part of the impasse process; and

Adopt resolution pursuant to California Government Code Section 3505.4, authorizing the implementation of the terms of the City's Last, Best and Final Offer, described in the October 24, 2018 correspondence to the International Association of Machinists and Aerospace Workers (IAM), detailing the Scope of Service on the Airport Security Division and Long Beach Police Department Integration. (Citywide)

The City is proposing to reorganize the Long Beach Airport (Airport) Security function by having the Airport Security Division and the Airport Police Detail combined into one Section reporting to the Long Beach Police Department (Police Department). The Meyers-Milias Brown Act ("MMBA," California Government Code Section 3500 et seq.) governs relationships between public agencies and labor representatives in California. The MMBA requires public agencies to meet and confer with recognized employee representatives in good faith over matters affecting employees' wages, benefits, and terms and conditions of employment. The City is required to complete the negotiation process, including impasse procedures before implementing the final decision.

The City representatives met with the Police Officers Association (POA) regarding the impact of this reorganization on Police Officers and concluded these discussions favorably. The City representatives also met with the International Association of Machinists and Aerospace Workers (IAM) that represent the Special Services Officers III-Armed and IV-Armed (SSOs) currently assigned to the Airport. The proposed integration would place these SSOs under the Police Department. The City and IAM have been in negotiations discussing the proposed reorganization since February 2018. After engaging in a lengthy period of bargaining, the City and IAM are at impasse in these negotiations.

The City negotiated in good faith with IAM; however, these meetings did not result in an agreement. The City completed the required Factfinding process. The Factfinding Panel Report and Recommendations are attached for City Council consideration (Attachment A to the Resolution). Staff recommends that the City Council receive and file the Factfinding Report and approve the implementation of the terms of the City's Last, Best and Final Offer (LBFO), to allow the City to proceed with the Airport Security Division and Police Department integration.

BACKGROUND

The Airport Security Division has been providing security and public safety services at the Airport for decades. It is comprised of armed and unarmed SSOs who respond to dispatched calls for service and operate 24-hour camera surveillance and other technologies to protect Airport facilities, operations, and patrons. In response to the increased security concerns following the terrorist attacks on September 11, 2001, the Police Department assigned an Airport Police Detail to augment the Airport Security Division in 2002.

In January 2015, the City provided IAM notice of its intent to integrate the Airport Security Division SSOs and the Airport Police Detail into one Division to better align each of their respective responsibilities. Expected benefits of the integration include:

- A single structured chain of command;
- Better coordination of both resources and personnel, including supervision, training and deployment of staff;
- More effective security communications across interdepartmental and interagency public safety channels;
- Greater situational awareness of Airport security activities;
- Achieving consistency of public safety and security practices through joint training, where applicable;
- Providing joint operations to maximize Airport security efforts; and,
- Providing consistent Airport security policies and procedures.

The integration was initially scheduled to move forward on April 1, 2015, but it was delayed. On January 26, 2018, the City decided to proceed with the integration and noticed IAM again of its intent to integrate Airport Security Division personnel and the Police Department Airport Police Detail into a newly created Airport Police Section (APS). The SSO III-Armed and SSO IV-Armed positions would be integrated into the new APS, under the command and leadership of the Police Department, while unarmed SSOs of the Airport Security Division would remain with Airport to continue oversight of dispatch operations.

The IAM and City had over ten meet and confer sessions held between February 22, 2018 and October 10, 2018. During these discussions, the City extended at least six proposals to IAM. As a result, the following changes were made to the integration plan: (1) Language was modified to permit the Airport Point of Contact to include SSO's based on rank/removed PD designation; (2) Modified the Scope of Service to reflect Checkpoint Officer is a shared responsibility; (3) Agreed that Airport SSO's will continue to be issued current green colored uniforms; (4) Agreed to add peace officer designation to the back of City I.D., which would allow Airport SSOs the ability to carry firearms off duty; (5) Agreed to allow current SSOs who are qualified and have shotguns to be grandfathered to keep their shotguns if they maintain qualification standards; (6) Added clarifying language to reflect SSOs may file reports based on discussions; (7) Agreed to allow current SSOs who were issued tactical gear to retain the equipment but tactical gear will not be issued to any new or transferring SSO; and, (8) Agreed to increase the number of ACT Baton training hours for new SSOs from 30 hours to 50 hours to include additional arrest and control and baton instruction.

Conversely, IAM only provided a single proposal and its position did not evolve but remained constant during the eight-and-a-half month-long meet and confer process. On October 10, 2018, during the parties' tenth meeting, IAM representatives advised the City that they had no additional proposals to provide. On October 24, 2018, in accordance with instructions issued by the City Council, the City provided IAM with a written declaration of impasse and the City's LBFO. The LBFO reflected the in-person discussions and included among other terms, items agreed upon over the course of negotiations.

FACTFINDING PANEL RECOMMENDATION

On November 21, 2018, the IAM requested that the City's decision to integrate the Airport Security Division SSOs and the Airport Police Detail be submitted to a Factfinding Panel (Panel). The Panel holds a hearing and then makes findings of facts and recommends a settlement. The Panel consists of three panelists: a neutral, an IAM representative, and a City representative. In this case, the Panel found in favor of the City on a vote of two-to-one (2-1). The Panel found that the reorganization issue is clearly within the purview of the City's authority to assign and direct its workforce. The parties completed the Factfinding process on March 5, 2019, and the results of the Factfinding hearing are provided in this report (Attachment A to the Resolution). The Panel's recommendation is that the City is within their rights to implement its final proposal.

In 2018, the California Commission on Peace Officers Standards and Training (POST) revoked the Basic POST certificates of some SSOs because the certificates were awarded in error. One of the Panel's recommendations was that the City revisit the status of SSOs with the POST Commission. The Panel also indicated that IAM could make a proposal to expand the scope of training for SSOs. The Panel's recommendations have been assessed by staff. The POST Commission, which is a separate state agency, makes those determinations and regulates their own certifications. Additionally, regarding training, the Police Department has communicated to the association its intent to provide further opportunities for POST-Certified training beyond the core curriculum proposed. Specifically, the Police Department identified the following POST-certified courses:

- Aviation Security
- Behavioral Observation Training (Basic)
- Behavioral Observation Training (Intermediate)
- Behavioral Observation Training (Advanced)
- Behavioral Threat Assessment
- Critical Incident Response for Supervisors
- De-escalation and Tactical Communication
- Bombs and Terrorism Awareness for Patrol
- Civil Liability Update
- Civilian Management Seminar
- Civilian Supervisory Course

- Conflict Management
- Crisis Intervention
- Domestic Terrorism
- Drug Trafficker Interdiction
- Drug Trends Update
- Ethics and Leadership
- Explosives Recognition for the 1st Responder
- Fraudulent Document ID
- Hazardous Materials - 1st Responder
- HazMat Awareness Update
- Homemade Explosives and IEDs
- Human Trafficking Awareness
- Leadership and Accountability
- Legal Update
- Mental Illness Awareness
- Racial Profiling
- Report Writing
- Report Writing Update
- Search and Seizure
- Tactical Communication
- International Terrorism
- Terrorism Update

Interest in enrolling for these courses will be submitted through the SSOs chain of command, consistent with Police Departmental practice, and approval will be dependent on budget and staffing considerations.

IAM submitted a dissent letter to a portion of the Factfinding Report recommendation indicating that the proposed integration plan is unlawful. The issues raised in the dissent letter were carefully reviewed by outside legal counsel and it was determined that the proposed plan does not violate state or federal laws.

Government Code Section 3505.4 (Meyers-Milias-Brown Act) authorizes the City to implement terms of its LBFO upon the conclusion of the impasse procedure, which includes Factfinding.

The City Council's adoption of the attached Resolution authorizes the implementation of the terms of the City's LBFO described in the October 24, 2018 correspondence to IAM, which details the Scope of Service on the Airport Security and Police Department.

This matter was reviewed by Principal Deputy City Attorney Gary J. Anderson and by Budget Management Officer Rhutu Amin Gharib on April 11, 2019.

City Council action is requested on April 23, 2019, to ensure timely implementation of the

proposed Scope of Service.

This item has no fiscal impact for the implementation of the proposed Scope of Service. Sufficient budget is appropriated in the Airport Fund (EF 320) in the Airport Department (AP) and in the General Fund (GF) in the Police Department (PO) to execute an interdepartmental Memorandum of Understanding between the two departments. The requested action is not expected to require additional staff hours beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

Approve recommendation.

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ALEJANDRINA BASQUEZ
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APPROVED:

PATRICK H. WEST
CITY MANAGER