

METROPOLITAN POLICE DEPARTMENT – CITY OF ST. LOUIS
OFFICE OF POLICE COMMISSIONER
SPECIAL ORDER

Date Issued: November 30, 2015 **Order No.:** SO 3-12

Effective Date: November 30, 2015 **Expiration:** Indefinite

Reference:

CALEA Standards: 24.1.1; 24.1.2
Communications: 3.3.1; 3.3.2
Academy: 4.3.1; 4.3.2

Cancelled Publications: POICE MANUAL Rule 13, issued August 15, 2012

Subject: COLLECTIVE BARGAINING (Commissioned Employees)

To: ALL BUREAUS, DISTRICTS AND DIVISIONS

PURPOSE: To outline the Department's policy and process for collective bargaining.

By Order of:

A handwritten signature in dark ink, appearing to read "D. Samuel Dotson". The signature is fluid and cursive, with the first name "D." and last name "Dotson" clearly distinguishable.

D. SAMUEL DOTSON
Colonel
Police Commissioner

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PURPOSE: To outline the Department's policy and process for collective bargaining.

A. COLLECTIVE BARGAINING TEAM (24.1.1.a) (C 3.3.1.a) (A 4.3.1.a)

The Department's collective bargaining team consists of the Police Commissioner and/or his/her designee(s), the Director of Personnel, and others as selected by the Police Commissioner and/or the Director of Personnel. The Director of Personnel will be the chief negotiator.

B. ESTABLISHMENT OF APPROPRIATE BARGAINING UNITS (24.1.1.b) (C 3.3.1.b) (A 4.3.1.b)

1. Any Labor Organization seeking to represent any commissioned employees of the Department must submit a request for representative status containing a specific, written description of the bargaining unit sought, any proposed specific exclusions to the bargaining unit and verifiable evidence that it represents no fewer than twenty-five percent (25%) of the members of the proposed bargaining unit to the Police Commissioner via certified mail or hand delivered.
2. Within fourteen (14) days of receipt, the Police Commissioner will appoint a five (5)-person Personnel Committee, which will consider the adequacy of the evidence of representation presented and the appropriateness of the requested unit and recommend that the Police Commissioner either:
 - a. reject the evidence of representation and deny the request;
 - b. accept the adequacy of the evidence of representation and agree to the unit;
 - c. send the description back to the Labor Organization for further specificity; or
 - d. reject the unit as being inappropriate with specific, written reasons for the rejection.
3. The Personnel Committee will elect from its members one person to serve as Committee Chairperson.

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4. The Police Commissioner's decisions with respect to the adequacy of the evidence of representation presented and the appropriateness of the bargaining unit will be final and binding.

C. DETERMINING REPRESENTATIVE STATUS OF LABOR ORGANIZATIONS (24.1.1.b) (C 3.3.1.b) (A 4.3.1.b)

1. Within seventy-five (75) days after accepting the adequacy of the evidence of representation and establishing the appropriate bargaining unit, there will be a secret ballot election to determine whether the majority of employees in the bargaining unit want to be represented by the Labor Organization for purposes of collective bargaining. The time frame within which an election will be held may be extended by the Police Commissioner for reasons of public safety or due to the operational needs of the Police Department. The time frame may also be extended by the Director of Personnel due to the operational needs of the Department of Personnel.
2. No Labor Organization will be recognized as representing any commissioned employee by any other means.
3. The election will be held by secret ballot. The ballot will be on a form as determined by the Director of Personnel. Any Labor Organization that seeks to represent the proposed bargaining unit and can provide verifiable evidence that it represents at least twenty-five percent (25%) of the members of the proposed bargaining unit will be included on the ballot if the provisions in Paragraph C above have been followed and the Police Commissioner has accepted the adequacy of the evidence of representation presented and the appropriateness of the requested unit no later than fifteen (15) days prior to the election.
4. The election will be at the direction of the Department of Personnel of the City of St. Louis.
5. After the election has concluded, the Department of Personnel will count the ballots and issue a Report on Election, indicating how many ballots were cast for representation by the Labor Organization and how many votes were cast against representation.
6. Any disputes concerning the election must be referred for decision to the Director of Personnel within seven (7) calendar days of the date of the election. The decision of the Director of Personnel on such disputes will be final and binding.
7. If there is no dispute concerning the election, the results of the election will become final seven (7) days after the Report on Election is issued.
8. After the results of the Election become final, if a majority of the members of the bargaining unit who voted chose to be represented by the Labor Organization, the Labor Organization will be considered as representing the employees of the bargaining unit.
9. In the event that the majority of the employees in a designated bargaining unit determine that they no longer wish to be represented by a recognized Labor Organization, they may revoke their designation of the Labor Organization by tendering a signed and dated petition for revocation to the Police Commissioner. Upon receipt of such a petition, the Police Commissioner will designate a five (5)-person Personnel Committee to investigate the veracity of the petition. If the Personnel Committee determines that the petition to revoke representation is authentic, they will so report to the Police Commissioner, who then will revoke recognition of the Labor Organization.

D. COLLECTIVE BARGAINING PROCESS

1. The Department is committed to participating in "good faith" negotiations with recognized bargaining unit(s). (24.1.1.c) (C 3.3.1.c) (A 4.3.1.c)
2. The Department is committed to abide by the ground rules for collective bargaining that arise out of the bargaining process or labor arbitration as provided in the applicable collective bargaining agreement, if any. (24.1.1.d) (C 3.3.1.d) (A 4.3.1.d)
3. In the event that the majority of members of the bargaining unit vote to be represented by the Labor Organization for purposes of collective bargaining, the collective bargaining team as identified in Paragraph A.1 above will meet with the Labor Organization to confer and discuss wages, benefits and other terms and conditions of employment with the goal of reaching a mutually satisfactory proposed collective bargaining agreement.
4. If the Department and the Labor Organization reach an accord on a proposed collective bargaining agreement, the proposed agreement will be submitted to the Police Commissioner, who will approve, reject, or hold the proposed collective bargaining agreement open for further discussion. This collective bargaining agreement will be subject to approval by the City of St. Louis in accordance with applicable ordinances, regulations, and the Charter of the City of St. Louis.

E. COLLECTIVE BARGAINING AGREEMENT

1. Should a collective bargaining agreement be fully executed, signed, ratified, and approved, the Department is committed to abide by the agreement in both letter and spirit. (24.1.1.e) (C 3.3.1.e) (A 4.3.1.e)
2. The Police Commissioner or his/her designee(s) will obtain a written, signed copy of the collective bargaining agreement (24.1.2.a) (C 3.3.2.a) (A 4.3.2.a) and will:
 - a. Review and amend, if necessary, all written directives and procedures to coincide with the terms of the collective bargaining agreement (24.1.2.b) (C 3.3.2.c) (A 4.3.2.c); and
 - b. Disseminate information relative to a new collective bargaining agreement, including modifications to existing agreements, to commanders, managers, and supervisors of bargaining unit employees. (24.1.2.c) (C 3.3.2.c) (A 4.3.2.c)
3. A collective bargaining agreement that has been signed and ratified will have a finite duration within the terms of the agreement.

F. LEGAL COMPLIANCE

In accordance with RSMo § 105.530, strikes and other unlawful conduct by any employee, whether individually or in concert with others, including sympathy, unfair labor practices, or wildcat strikes, sit downs, slow downs, work stoppages, boycotts, any acts honoring a picket line, or any other acts that interfere with the City of St. Louis's operations will be prohibited.

G. MANAGEMENT RIGHTS

Any collective bargaining agreement will recognize the following management rights:

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1. To maintain executive management and administrative control of the Police Department and its properties and facilities and the staff.
2. To plan, direct, control, assign, and determine the operations or services to be conducted by members of the Police Department.
3. To determine the methods, processes, means, job classifications, and number of personnel by which the Police Department operations are to be conducted.
4. To select, hire, promote, schedule, train, transfer, assign, and evaluate work of bargaining unit members.
5. To direct and supervise the entire working force of the Police Department, including the establishment of work standards.
6. To demote, suspend, discipline, or discharge officers for just cause and to discipline or terminate probationary members with or without just cause.
7. To make, add, delete, alter, and enforce procedures, rules, and regulations.
8. To introduce new or improved methods, equipment, or facilities.
9. To contract out for goods and services.
10. To maintain the sole authority to determine the purpose and mission of the Police Department.

DSD/jb