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Conversation: Prospects Bleak for City and Police Union Talks



by **Robert Rivard** < <https://therivardreport.com/author/admin/>>

November 1, 2014



Are the collective bargaining talks between the City of San Antonio and the **San Antonio Police Officers Association** < <http://sapoa.org/>> headed in the wrong direction? The answer, unfortunately, seems to be yes. See my Oct. 22 report, **For City and Police Union, Numbers Don't Add Up** < <https://therivardreport.com/city-police-union-numbers-dont-add/>> .

The two sides are set to meet again on Monday, Nov. 3, at 1 p.m., but all signs point to impasse rather than a new deal. Why? In sum, the police union wants wage increases to exceed health care spending cuts, and the firefighters union won't even agree to talks. A controversial 10-year "evergreen clause" that protects the current level of union benefits, even though the contract expired on Sept. 30, has allowed the unions to dig in. City officials have little recourse short of challenging the legitimacy of such an open-ended evergreen clause in the courts. Most evergreen clauses extend for 30-90 days and are designed to motivate unions to bargain. The San Antonio police and firefighter unions, with a 10-year protection, are in no hurry to make concessions even as the City is hit with unsustainable 25% annual increases in union health care costs.

The **Healthcare and Retirement Benefits Task Force** < <http://www.sanantonio.gov/BenefitsStudyGroup.aspx>> appointed last year by then-Mayor Julian Castro recommended the City hold public safety

spending at 66% of the \$1.05 billion General Budget, already the highest percentage of any major Texas city. City budget officers under City Manager Sheryl Sculley and the City Council under Mayor Ivy Taylor adopted the 66% figure in the 2015 Operating and Capital Budget, which went into effect on Oct. 1. If a new contract is not achieved by Jan. 1, the City will start to run a \$1.6 million monthly deficit, which leaves it with two alternatives: unilaterally cut union benefits or cut other city departments. The city charter requires a balanced budget.



Given those assumptions, I asked **Buddy Morris** <
<https://www.linkedin.com/pub/buddy-morris/29/b/278>>,
 Area President for Gallagher Benefit Services, the national health care insurance giant, and the City's health care consultant in the negotiations, to review some of the numbers and look ahead to the coming talks.

Rivard Report: What is the total cost of the fire and police unions' Collective Bargaining Agreement for 2015?

Buddy Morris: \$543 Million.



< <https://i2.wp.com/therivardreport.com/wp-content/uploads/2014/10/buddy-morris-headshot.jpg?ssl=1> >

Area President for Gallagher Benefit Services Buddy Morris is the City's health care consultant in current contract negotiations.



RR: The firefighters union is unwilling to bargain, but the City has been negotiating for months over health care benefits with the police union. Why no deal?

BM: Fundamentally, it takes two committed parties to make a deal. We simply don't have that in this case. SAPOA is clearly not interested in reaching a compromise and the firefighters union won't even come to the table to negotiate.

RR: How far apart is the City and the police union?

BM: Based on the union's last proposal, we are \$58 million apart over the life of a three-year contract.

RR: I know you are the City's health care consultant, not their lead negotiator, but given your seat at the table across from the other side, are you saying the police union is not bargaining in good faith?

BM: Unfortunately, that's exactly what I'm saying. In the 20-plus years that I have been negotiating employee benefit programs, I've never been in a situation where the other party is not interested in making a deal. A deal like this should take 90 days to negotiate. We have been at this for more than one year and we've actually regressed.

RR: I've come to the same conclusion after looking at the latest numbers and comparing the likely health care savings versus the union's proposed wage increases. You are the expert, so please break it down for our readers.

BM: Well first and foremost, last year Mayor Castro's Task Force came to the conclusion that by any metric, both the fire and police unions have excessive employee benefit packages...by a large margin. Consequently, City Council has adopted a budget that includes a cap of total public safety spending at 66% of the General Fund. To put this in context, this is the highest percentage spend of any of the five largest cities in the state of Texas. Further, healthcare costs are capped at \$10,000 per officer per year in the new budget. Contrast that with the cost of health care for civilian employees at \$7,000 and current costs of more than \$14,000 for each union member.

RR: Ron DeLord, the police union's lead negotiator, and Randy McGraw, their health care consultant, point to the various proposals they've put on the table as proof of their good faith bargaining.

BM: To date we have received four proposals from the police union and not one of them comes close to complying with the budget. Case in point: the most recent proposal would result in total public safety spending in the General Fund to dramatically exceed budget limits: 67% in Year One, 69.7% in Year Two and 71.3% in Year Three. In addition, the healthcare plan they proposed would cost the City \$14,200 per uniform per year.



< https://i2.wp.com/therivardreport.com/wp-content/uploads/2014/10/employee-benefits-package_sapoa.jpg?ssl=1 >

Image courtesy of the San Antonio Police Officers Association.

RR: Ron DeLord did tell Jeff Londa, the City's lead negotiator, at the last session that he does not consider the 66% figure anything more than a "placeholder" number in the budget, subject to City Council review and adjustment.

BM: Precisely. There is no motivation on the union's part to bargain in good faith. Their evergreen contract precludes them from doing so.

RR: It sounds like you are pessimistic about Monday's scheduled bargaining session and the likelihood of a breakthrough. So what is left to accomplish by continuing to negotiate? How does this stalemate get resolved?

BM: Great question and probably above my pay grade. What I can tell you is that not having a deal in place that meets the Council's approved number of \$10,000 per year per officer will cost taxpayers an additional \$1.6 million per month beginning January 1, 2015.

RR: Jeff Londa said the same thing at the last session, and the way he said it made it sound like a looming deadline when the City might be forced to act unilaterally.

BM: By city charter we are required to have a balanced budget. Consequently, if a deal is not reached, City Council will have to make decisions about what city services to cut to maintain this excessive contract.

RR: The people who depend on those basic services are not going to be happy to read that.

BM: I realize that and I'm sorry. Keep in mind that this contract expired at the end of September, yet healthcare has an evergreen clause that extends benefits for 10 years. As a practical matter, this clause contradicts the essence of good faith bargaining. We are simply trying to provide taxpayers with fair and balanced spending for everyone in the city.

**Featured/top image: City (left) and police union (right) representatives during the collective bargaining meeting. Photo by Iris Dimmick.*

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