



MEMORANDUM

Date: April 4, 1975
To: Officer John Gordon, President Police Association
From: Louis J. Sunyich, Chief of Police
Subject: Philosophy Statement of Seniority

The negotiators for the Police Association have requested a statement on the role of seniority on this Department. They would prefer a procedural approach rather than a philosophical one but the former would be a rather tedious task and require considerable effort to include all aspects of the subject. I could never produce such a paper by today when this document was requested to be submitted. Unfortunately, because of its scope, my reply cannot be short and simple however, I will do my best to make it clear.

In the way of background, many police administrators years ago determined that straight or strict seniority only had application to vacations and not to other aspects of police operations such as watch assignments, days off, filling vacancies of higher positions due to absences, etc. Some of the smaller departments like us, failed to adopt such an approach because of one reason or another, but generally because of tradition and a desire not to change. I say this because when I made comment about altering our practice, I felt such emotional resistance I abandoned the attempt. This occurred several times during the past seven years.

The reasoning behind the seniority for vacation only policy is very logical. It is based on management's responsibility to provide the community with trained and experienced personnel on a continued basis and especially at times when experience and records indicate they are needed most. In addition, management is morally responsible to fill certain key positions with the most qualified personnel not the one with highest seniority. In other words, the person who can do the job best.

Following the straight seniority concept we find it is possible for a city to have a greater number of its most inexperienced officers working on a day or at a time when experience indicates the need for the most seasoned and knowledgeable officers to be on duty. A police administrator would be hard put to explain this practice in the event of some investigation being conducted as a result of alleged poor practice by the police at an incident of some consequence.

Some persons will argue that after three or four years on the job an officer is qualified to handle all situations. Therefore, it is not important to have more seasoned officers working on more active shifts or days. Although there is some truth to this approach, it mollifies the very essence of seniority which is based upon the fact that with each experience a policeman gains knowledge and acquires added skills which makes him more valuable and hence deserving of some recognition in the way of seniority. The thinking of those with the above approach I'm sure is that if any officer hasn't learned all about the job in three years or so, he never will. Others might say five years, still others seven, maybe even ten. Who can really arbitrarily fix this time? Is it not possible that some officers don't reach this level at three years or in some cases even five? If there was some validity to the argument shouldn't it be established for the time it is absolutely certain all officers are qualified? Who can establish this with confidence that it would stand under scrutiny.

Any employer must recognize the needs of all employees not just older ones in respect to morale. Twenty five years or so ago officers lacking adequate seniority were never permitted to ask for a watch, request a certain day off or given a choice of vacation period. Because departments did not grow rapidly in those days, he remained in that position for years actually. This practice was accepted but not liked. It was unfair and had an effect on the family of the concerned officer, hence in the forties many departments dropped the practice and instituted a more favorable policy that permitted the newer employee to at least occasionally have a weekend off or enjoy a major holiday such as Thanksgiving with his family. One way they accomplished this was not to utilize the 5-2 (or now the 4-3) assignment approach. The officer was required to place his request for days off on a form and when he did so, to designate the one group he most wanted to have; the second group that he would like to have and that was all he probably would get. If the officer wanted a given day off, such as Wednesday, to attend school, this was granted but he lost all privileges for the remaining requested days off unless he had an occasional major event such as a marriage anniversary, etc. This procedure permitted everyone to at least one set of days off he desired and not close the door to the newer personnel.

There is no possible way for a dedicated administrator, who is loyal to the principle of providing the best service possible to his community, to accept the filling of certain key positions strictly on the basis of seniority. This applies to the position of watch commander, acting division commander, vice, detectives, planning and research and others. You must attempt to select the person it is felt is most qualified to do the job. To do otherwise is to base the decision on an emotional rather than an objective base. No one could defend it if challenged. On this department if we used the straight seniority policy only one Captain could act as Chief. If we utilized the concept of higher competency, it could be possible that another might be the only one. In either instance only one Captain is satisfied the other two are not as they desire the experience also. Hence, in respect to the staff of this department we have not been applying the seniority principle.

We see then that possibly some consideration of seniority may be given the uniform patrol officers and at the same time not to specialists or staff officers. Weekend assignments in some detective units working a seven day week is given to the newest officer assigned to the unit although he might be the senior officer in respect to time on the job. To do otherwise is easily challenged on several grounds.

In an attempt to compromise and at the same time achieving a reasonable degree of objectivity one department permitted any field officer having seventeen years or more on the job to select his watch assignment but even then not all of his days off. This could be dropped to fifteen years today because of shorter careers.

Another technique, which I think might best work on this department, would be to devise a program for patrol officers that would insure that seniority would apply to watch assignment and days off not more than seventy five percent of the year. In other words for three months a senior employee shall be removed from seniority privileges. During that time he shall have no say in respect to his assignment and little in respect to days off.

To add to all this confusion is the element of rank. In every instance of promotion the concerned employee loses his seniority, this applies to all ranks, possibly including the position of Agent, but certainly that of Sergeant, Lieutenant, etc. Since the Agent position is new, it may be well to point out that like any other rank seniority could be considered to apply only among that position. Hence he might possibly be qualified to receive his seniority consideration before the regular patrol officer. In field operations, he usually possesses certain skills and therefore could be considered to be between the sergeant and patrolman and should be utilized accordingly.

This paper rambles a great deal because it simply records ideas as they appear in my thoughts and has not been edited or reorganized, however, I wanted to indicate there are many factors to be considered before any procedural effort can be made. Some of the aspects deserve the input of others for there are in certain instances more than one approach. In addition, I am sure that in my haste I have omitted

some points that should be included. This will be obvious when further study and discussion of the problem is made.

In conclusion, I would like to state that I question the statement of the negotiators that seniority is a subject of negotiation according to your attorney. I question it only that certain parts, such as vacation assignment, are but others are not. I certainly doubt that any court would rule toward decisions based on feelings, desires and emotions over those based on logic, statistics and experience. No thinking administrator would give up this privilege.

LOUIS J. SUNYICH
CHIEF OF POLICE



MEMORANDUM

Date: June 30, 1979
To: All Personnel
From: Frank V. Meehan, Chief of Police
Subject: Overtime (Amended per Memorandum of Understanding "79/80")

BACKGROUND: It has long been the policy of this Department to limit the amount of off duty overtime to sixteen (16) hours or two (2) working days per week. (Inter-Office memorandum dated July 15, 1968, entitled, "Work Permits for Outside Employment") It was not intended to include court overtime nor that occasional period when an employee works beyond his normal tour of duty because of necessity to complete a task or as directed.

PURPOSE: Days off have long been provided employees to rest or to be with families and friends. To work on such days, even at different tasks, defeats this purpose and experience reflects that it also adversely affects production or the basic job. It is for that reason that Departments such as the police have been permitted to reasonably control this activity. It is further the intent of this directive to require a fair distribution of overtime initiated or distributed by or through any office or unit within this Department.

TYPES OF OVERTIME:

- 1) **BONUS** (Time and a half)
Includes court, official hearings and employment beyond a regular tour of duty.
- 2) **STRAIGHT**
Voluntary City authorized employment and attendance of given training programs.
- 3) **OTHER**
Any activity not covered in this memorandum. The Chief of Police to determine the rate.

COURT TIME:

- 1) **SOUTH BAY COURTS** - Off duty officers appearing at the South Bay Court facility shall receive overtime for their required appearance beginning with the appearance time specified and ending when they are dismissed. If such time is less than two hours (the minimum) the overtime slip shall accurately indicate the exact times involved. This shall include, for example, an arrival time later than indicated on the subpoena or directed by proper order. If required to return after a recess for lunch, said lunch time shall be included, however, no travel time is authorized.
- 2) **OTHER COURTS AND PUBLIC HEARING** - At courts and official hearings other than South Bay, the following travel time will be added. This procedure is mandated because of the variety of residency of employees and includes total travel time, not each way. For Inglewood and Compton Court appearances, sixty minutes travel time will be granted. For Santa Monica, Los Angeles and Long Beach, 1 1/2 hour travel time is permitted. Courts and

hearings in San Fernando Valley are allowed two hours travel time. All others are to be determined on an individual basis.

TRAVEL AND OTHER EXPENSES:

- 1) All transportation costs shall be borne by the concerned employee. In unusual cases of extreme distance, numerous participants, unordinary hardship or other compelling reason, the Officer's Division Commander may provide a City vehicle, if one is readily available for transportation purposes. This shall be done on an individual basis and not as a routine practice. In no instances will travel time be granted when mileage is paid or transportation is provided by the City. However, the computation of overtime shall be determined by the portal-to portal method.

THE COMMANDER ADMINISTRATIVE DIVISION SHALL:

- 1) Cause to be posted a roster that clearly reflects the overtime earned by each employee.
- 2) Develop a program that places all overtime on a fair rotation basis. This shall include individuals called upon to fill vacancies at the watch level, as well as those employed at South Bay Center, South Bay Hospital and similar employment.
- 3) Monthly audit such report and submit a report to the Office of the Chief of Police prior to the tenth day of each month.
- 4) Review all overtime requests of personnel under his command and initial same to indicate approval of same.

THE COMMANDER OPERATIONS DIVISION SHALL:

- 1) Review each overtime request submitted by personnel under his command and indicate approval of same in placing his initials on the request submitted.
- 2) Place full responsibility upon the concerned watch commander for substantiating the need to secure replacements for vacancies assuring the same is not done simply as a routine practice but based upon actual need.

THE COMMANDER INVESTIGATIVE SERVICES DIVISION SHALL:

- 1) Review all requests for overtime submitted by personnel under his command and indicate approval of each by placing his initials on the request submitted.

FRANK V. MEEHAN
CHIEF OF POLICE



MEMORANDUM

Date: June 30, 1979
To: All Personnel
From: Frank V. Meehan, Chief of Police
Subject: Patrol Deployment

The primary purpose for having a definite plan for deployment of patrol manpower is to provide the public with the very best coverage possible in order to meet workload demands.

As a result of a discussion between City and Police Administration and the Police Association the procedure outlined below was implemented September 13, 1975, and through meetings with the Association Board of Directors, over time, as well as the most recent M.O.U. have been modified to read as follows:

This procedure of selecting watches and days off recognizes the officer's seniority as well as instilling in each officer a feeling of participation in the Department.

Watch schedules consist of twenty six (26) week periods, starting on Saturdays and concluding on Fridays to coordinate with the City pay periods. The bid sheet for each subsequent watch schedule will be posted eight (8) weeks in advance of the effective date. Schedules are the responsibility of the Field Operations Division.

Work periods are twenty eight (28) days each. Work periods provide for convenience of scheduling: Posting days off, holidays, vacations, and timekeeping. Each work period shall be posted at least two (2) weeks in advance of the effective date.

Watch Commanders will bid for their watch by seniority in rank for each watch schedule. Days off will be coordinated with sergeants on the same watch.

Sergeants will bid for their watch by seniority in rank for each watch schedule. Days off will be coordinated with sergeants on the same watch.

Agents will bid for their watch and days off by seniority in rank for each watch schedule. Should agents have the same seniority in rank; seniority will be determined by their placement on the promotional list.

Officer with three (3) years or more on the Department will bid for their watch and days off by seniority in rank for each watch schedule.

Officers who have passed probation, but with less than three (3) years service, will be assigned to watches by the Field Operations Division commander. The Commander may allow any portion of this group to bid with the more senior officers when numbers permit. The purpose here is to prevent having too many new officers working on the same watch.

Officers still on probation (18 months) will be assigned to watches by the Field Operations Division Commander for work periods. The purpose here is to expose each new officer to all of the watches, and to work with various training officers, thus allowing adequate observations and proper evaluation.

No special consideration will be given to officers attending school. By being able to bid for a particular watch for an extended period of time, it should be possible to arrange classes.

Once the bids have been completed, there will be only emergency changes in assignment during a watch schedule; however, the Department reserves the right to reschedule any officer or supervisor when it can be clearly demonstrated that such rescheduling would be in the best interest of both the Department and the affected employee. Such rescheduling shall not be utilized as a punitive measure: Whenever transfers of personnel occur, it may be necessary to change the watch or days off of an officer with less than three (3) years service to compensate for a vacancy. A similar condition might occur when more than one officer is scheduled for vacation or training at the same time within a watch. Voluntary mutual trades may be approved for a work period. Rebidding for days off within a particular watch could occur if transfers of personnel make this action desirable.

All changes made to a watch schedule or work period must be approved by the Field Operations Division Commander.

The Field Operations Division Commander retains the right to assign any lieutenant, sergeant, agent or officer to any watch in the event of a situation requiring changes in order to meet deployment needs or in the event of an unforeseen emergency. This right includes changing the normal three (3) watch schedule to the two (2) watches twelve (12) hour day, emergency plan.

Frank V. Meehan
Chief of Police



MEMORANDUM

Date: April 21, 1980
To: Frank V. Meehan, Chief of Police
From: Charles J. Post, III, City Attorney
Subject: **Gratuities Addressed to Police Association**

By memo dated 2/22/80 you asked for advice concerning your action to return a check you received made out to the association, apparently in gratitude for services rendered.

In my opinion, the rules which prevent individual officers from receiving gratuities would apply with equal force to prevent the receipt of gratuities by the Association. The payment to the association is just a little less personalized. Such payment creates the same risk that the public might perceive them to be required to receive protection, and the same risk that officers might be encouraged to solicit them.

Rule 23, of the Department Manual of Rules, by prohibiting members or employees from accepting directly or indirectly gratuities which might tend to influence the actions of a member or employee in any matter of police business, or tend to cast an adverse reflection on the Department or any employee, is broad enough to prohibit gratuities to the association.

Therefore, I believe your action was correct, and would be defensible were you to do it in the future.

Charles J. Post, III
City Attorney

CITY OF REDONDO BEACH

DRUG-FREE WORKPLACE EMPLOYEE NOTICE

The Federal Drug-Free Workplace Act of 1988 requires all employers who receive federal grants to establish policy for a drug-free workplace. The details of the policy are defined by the Act. This policy is effective March 18, 1989.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace by any employee of the City of Redondo Beach is prohibited.

Any employee convicted of being in violation of any criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance as defined in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. §12) while in the workplace will be subject to progressive discipline procedures up to and including discharge. Disciplinary procedures may include that the employee participate in a drug abuse assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency. Such action will be taken within thirty (30) days following receipt of a conviction notice.

The City has established a drug-free awareness program to educate employees which consists of video tapes, audio tapes and reading materials available to all employees to inform all employees of the City's policy of maintaining a drug-free workplace. These materials address the dangers of workplace drug abuse. The City also makes available drug counseling and rehabilitation or employee assistance programs through the medical and psychological health programs provided by the City.

EMPLOYEE STATEMENT

As a condition of employment, I have read the above Employee Notice and I agree to abide by the policy's terms. I agree to notify the City of Redondo Beach of any conviction for a violation of any criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance as defined in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. §12) occurring in the workplace. Such notification will occur within five days of conviction. I understand that any conviction for a violation of any federal or state criminal drug statute occurring in the workplace will be grounds for discipline up to and including discharge.

Employee Name

Employee Signature

Date

10.31

DRUG-FREE WORKPLACE

03/18/89

03/18/89

03/18/89

03/18/89

Personnel

03/18/89 Issue

I. PURPOSE AND SCOPE

- A. To establish the policy and procedures for achieving a Drug-Free Workplace.

II. GENERAL

- A. On November 18, 1988, President Reagan signed into law the Drug-Free Workplace Act of 1988. The Act's effective date is March 18, 1989. From that date forward, federal contractors and grant recipients must certify to the contracting or granting agency that they will ensure a "drug-free workplace" in order to be eligible for federal contracts and grants.

III. PROCEDURES

- A. The City will notify each employee in writing that the unlawful manufacture, distribution, dispensation, possession and unlawful use of a controlled substance in the workplace is prohibited. Please see Exhibit A.
- B. Employees shall be required to sign a statement (Exhibit A) agreeing to abide by this policy's terms and to notify the City of any conviction for a violation of any criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. §12) occurring in the workplace. Such notification must occur within five (5) days of conviction. The City will then notify the contracting/granting agency within ten (10) days of receipt of an employee conviction notice or upon otherwise receiving actual notice of such convictions.
- C. An employee convicted of being in violation of any federal or State criminal statute involving the unlawful manufacture, distribution, dispensation, possession, or unlawful use of a controlled substance in the workplace shall be subject to disciplinary action up to and including discharge.

Disciplinary procedures may include that the employee participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, State, or local health, law enforcement, or other appropriate agency. Such action will be taken within thirty (30) days following receipt of a conviction notice.

D. The City has established a drug-free awareness program to educate employees which consists of video tapes, audio tapes, and reading materials available to all employees and to inform all employees of the City's policy of maintaining a drug-free workplace. These materials address the dangers of workplace drug abuse. The City also makes available drug counseling and rehabilitation or employee assistance programs through the medical and psychological health programs provided by the City. The penalties for drug abuse violations are stated in Exhibit A to this Administrative Policy and Procedure.

IV. EXCEPTIONS

Nothing in this procedure shall be construed to require the Police Department, if the Chief of Police determines it would be inappropriate in connection with undercover operations, to comply with the provisions of this procedure.

V. AUTHORITY - By authority of the Assistant City Manager.



R. H. Griest
Assistant City Manager