

Police decision

There's hope for a better deal

Mayor Rick Mystrom's 1994 order to put Anchorage police patrol officers on five eight-hour shifts backfired again this month when an arbitrator who had found the municipality violated the collective bargaining agreement ordered \$4 million in payments to the officers.

Now the city is trying to decide whether to appeal the decision in Superior Court.

If it does, it had better make a better case than it did before arbitrator Janet Gaunt, who found the city's logic curious, arguments inconsistent and witnesses unpersuasive — or damning by their absence.

The city claims that Ms. Gaunt uncritically bought the police union line and stresses her status as someone from Outside.

Read her decisions and you'll find her logic sounder than the city's. As for the suggestion that she was an Outsider somehow imposed on Anchorage, the facts belie that spin. The city and union agreed on the arbitrator. Besides, her residence has nothing to do with the merits of her decision.

Ms. Gaunt found that the section of the contract that said the regular police employees would work either four 10-hour days or five eight-hour days did not mean the city had the right to impose one or the other without bargaining with the union. She found the union never waived its right to bargain over its working hours and further found that bargaining history showed that the intent behind the contract language was to protect the patrol officers' four-10s schedule, adopted in 1972, not open it to unilateral change. She based her decision on the testimony of city and union witnesses, contract law, labor law and precedent.

She concluded that the city violated the collective bargaining agreement.

She later concluded that the union had a right to a monetary remedy for this contract violation: four hours' pay per week, to give officers time and a half for the last day of the week worked under the five-eights schedule. Ms. Gaunt reckoned this would compensate officers for losing a day off as the result of the labor contract violation.

Estimates put the amount at \$4 million and change for about 200 officers.

Who gets the bill? Anchorage taxpayers.

The mayor is making a populist appeal to those taxpayers, saying he can't see the justice in paying any overtime for 40 hours a week. It's a gut appeal: Hey, the rest of us Anchorage working stiffs don't get OT for 40, so why should the cops?

Forgotten is that if the rest of us working stiffs had a contract violated to shove an unwanted schedule down our throats, chances are we wouldn't swallow it without a fight any more than the police did. And how many of us would forgo compensation?

The larger question here for both the mayor and the police is: What's in the public interest?

Mayor Mystrom said his only goal in moving police to five-eighths in 1994 was to make Anchorage a safer city. Crime was at what would turn out to be its 1990s peak. The police force was understaffed. Hiring and training would take time. He said the question was: What can I do immediately to put more police officers out on the street?

The mayor and Police Chief Duane Udland, then deputy chief, said police commanders and city officials at the time believed that the contract allowed the city to order the work-week change without bargaining and that it was the only way to put more officers on duty right away. Chief Udland stressed there was nothing sinister in the decision. Mayor Mystrom said that while he recognized public safety and police morale were related, when conditions forced a choice, it was his duty to put public safety first. The chief and the mayor said the decision was made in good faith.

Fair enough. We will take them at their word. But let's have some of that good faith now. Mayor Mystrom should concede that he shouldn't have made the call he made in 1994 on the collective bargaining agreement and that the results are his responsibility.

At the same time, the police union members should remember they've argued all along that this wasn't about money but about their rights in the collective bargaining agreement and time — time with families, time to testify in court on days off, time to decompress from one of the toughest jobs in town.

If it's not about money, then the amount of \$4 million should be negotiable. Union leader Sgt. Rob Heun offered the mayor a comp-time settlement before the arbitrator made her award. The mayor declined. Right now that deal looks better.

Right now that deal is not on the table. But if the city decides to appeal the arbitrator's decision, it will cost more good money and bad blood.

There's hope for a better settlement.

"We have an open mind," Sgt. Heun said Friday.

Mayoral spokesman Sherman Ernouf said the same.

At 9 a.m. Tuesday, Assemblyman Allan Tesche's public safety committee will hold a meeting on the issue, and the mayor has called a work session with the Assembly for 2:30 p.m. the same day. From out of those meetings may come a way to take advantage of a little openness on both sides.

If the city and union put the public good first, we'll have a settlement that respects police, reflects well on the mayor and saves us all money.