



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 3

Agenda Date: May 12, 2022

In Control: City Council A Session

DEPARTMENT: Office of the City Manager

DEPARTMENT HEAD: Erik Walsh, City Manager

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

San Antonio Police Officers' Association (SAPOA) Collective Bargaining Agreement

SUMMARY:

This ordinance authorizes the execution of a Collective Bargaining Agreement with the San Antonio Police Officers' Association (SAPOA) for a period to commence upon City Council approval to September 30, 2026.

BACKGROUND INFORMATION:

In anticipation of the 2016 collective bargaining agreement between the City of San Antonio and the San Antonio Police Officers' Association (SAPOA) expiring on September 30, 2021, City staff began preparing for negotiations of a new agreement in 2020 with a financial and management analysis of all aspects of the contract as well as discipline and transparency priorities.

In January of 2021, the City Council and staff addressed the priorities for the upcoming collective bargaining negotiations:

1. Rebalance the disciplinary process for officers, reflecting our community's expectation that officers whose actions undermine community trust are held accountable;

2. Ensure Officers are competitively paid, while they continue to contribute to the cost of healthcare; and
3. Maintain overall public safety spending below 66% of the General Fund, consistent with the City's financial policy.

The City and SAPOA commenced negotiations on February 12, 2021. As a result of 33 public negotiation sessions, the City and SAPOA reached a tentative agreement on all issues on March 2, 2022. SAPOA conducted its ratification vote with its members and reported on April 26, 2022, that its membership approved the tentative agreement with an 86% approval vote.

ISSUE:

This Council action approves a new collective bargaining agreement with the San Antonio Police Officers' Association for the period to commence upon Council approval to September 30, 2026.

The terms of the five-year agreement are summarized as follows:

Rebalances the Disciplinary Process

- Gives proper weight to the Chief's decision when disciplining Officers who have violated department policies, while still allowing for due process for the accused Officer.
- Limits the power of the arbitrator to change the level of discipline. An arbitrator may not overturn the Chief's decision to fire an Officer unless the Chief fails to prove that the misconduct is detrimental to the police department or does not meet community expectations. In other words, if the Chief shows that the fired Officer cannot be an effective member of the police department, the arbitrator shall not return the Officer to the force.
- Allows all Officer's past discipline to be introduced when disciplining an Officer.
- Expands the time an Officer can be disciplined for non-criminal misconduct from 180 days from the date of the incident to 180 days from when the Chief knew or should have known about the incident. The Chief must issue discipline within 2 years from the date of the incident.
- Upholds the integrity of the investigative process:
 - Reduces the notice to employees of a pending interview with Internal Affairs from 48 to 24.
 - Eliminates "take home" interrogatories (investigative questions); rather, Officers are required to answer those questions at Internal Affairs.
 - Prohibits Officers from viewing statements from other Officers also accused for the same incident.
 - Allows Internal Affairs to question Officers for a total of 8 hours rather than 6.

Competitive Wages & Healthcare

- Officers will receive an aggregate 15% recurring wage increase over five-years and a one-time lump sum payment of 2% within 30 days after the contract is approved.
- The new contract removes a "me too" clause that had obligated the City to give Officers the same pay increases as Firefighters, should their separate contract include higher pay.
- SAPOA agreed to forgo any of the funds set aside as part of the City's American Rescue Plan Act (ARPA) for employee compensation/benefits/retention.
- Officers will continue to contribute to the cost of healthcare. Employee contributions will continue to increase by 10% every year of the contract.

- Introduces a narrow pharmacy formulary same as civilians and Firefighters.

Other Items

- Increases the residency points for cadet applicants living in San Antonio from 1 to 5.
- Increases maximum training hours from 80 to 120 per year.
- Provides Chief the discretion to approve or deny leave based on departmental needs and up to 480 hours before retirement.
- Adds an option for Officers to contribute to a deferred compensation account for the last three years prior to separation instead of taking a lump-sum payout for their accrued leave (holiday, sick leave, vacation, etc.)
- Creates a new family leave benefit by allowing up to 160 hours of family leave after the birth of a child, adoption, or foster.
- Reduces the number of uniformed employees assigned to the Off-Duty Employment Office from 7 to a minimum of 3 and a maximum of 5 as determined by the Chief.
- Allows the City flexibility to replace vehicles beyond 85,000 miles per year due to supply chain issues.
- Maintains the evergreen clause at 8 years. During any evergreen period there are no base pay increases for Officers, and they continue to see annual increases to healthcare premiums of 10%.

ALTERNATIVES:

If City Council chooses to not approve the tentative agreement, staff would return to the negotiating table and continue to bargain on all issues.

FISCAL IMPACT:

The cumulative cost of the contract is \$92.7 million over five years (wages net of savings from pharmacy narrow formulary). The table below reflects the estimated cumulative cost of the contract.

Fiscal Year	Amount (\$ in Millions)
2022	\$5.9
2023	\$4.8
2024	\$15.3
2025	\$26.9
2026	\$39.8
Total	\$92.7

This ordinance authorizes the appropriation of \$5,924,904 to the Police Department Budget from the General Fund Balance in FY 2022. These funds will be used to provide a lump sum payment equivalent to 2% for San Antonio Police Officers consistent with the Collective Bargaining Agreement 30 days after the effective date of the contract.

Funding for pay increases as dictated by the Collective Bargaining Agreement for FY 2023 to FY 2025 would be appropriated upon the approval of those annual budgets.

RECOMMENDATION:

Staff recommends approval of this item.