SPOG Appendices/MOAs Negotiated as Part of Settlement
and Existing MOAs that Did Not Change in these Negotiations

APPENDIX A: MOA re PSCSC delegation of discipline appeals to hearing examiner (NEW)

APPENDIX B: MOA allowing use of park rangers in all City parks (NEW)

APPENDIX C: Current appendix concerning equipement required

APPENDIX D: MOA re civilian oversight (NEW)

APPENDIX E: Current appendix re OPA Review Board

APPENDIX F: MOA re civilianization (NEW)

APPENDIX G: MOA re use of non-sworn for OPA intake (NEW)

MOA: re legislative process and consent decree (NEW)

Former Appendix A, Grievance Procedure, has been moved into the body of the contract.
Former Appendix B, False Arrest Insurance, has been stricken from the agreement entirely.
Former Appendix E, Police Officers Bill of Rights, has been integrated into Article 3.

In addition, the following is a list of MOAs that were not changed in this round of negotiations:

- Pilot alternate schedule for east precinct anti-crime team (2015)
- Part-time/temporary OPA intake assistant (2015)
- Written warning retention requirement (2015)
- OPA sergeant tenure and premium pay (2015)
- Headquarters parking (2014)
- Supervisor duties (2013)
- Community Police Commission (2013)
- Monitor access and confidentiality of records (2013)
- Use of Force and Force Investigative Team policy (2013)
- Automated Vehicle Locator (AVL) (2008)
- Implementation of 10-hour patrol shifts (2008)
- Saturday coverage for proactive narcotics squat (2008)
- Storage and access to holding cell camera video (2008)

- Alternative work schedule Harbor unit (2007)
- Alternative work schedule: Part-time (2007)
- Pilot alternative work schedule: 8 MOAs covering 8 units, detective unit, evidence unit, media unit, traffic collision investigation unit, auto theft unit, crime analysis unit, fraud, forgery, financial exploitation unit, and operational preparedness unit (2006)
- Police boat 1 (2000)
- Police Boat with pump – Elliot Bay (2000)
- Dive work and Elliot Bay patrols (2000)

Summary of SPOG Settlement

On June 6, 2016, SPOG's Board of Directors approved the following settlement, subject to LRPC approval.

TERM

- 4-year agreement, 2015-2018.

COMPENSATION

Base wage increases:

- 2.0% effective December 31, 2014.
- 2.0% effective December 30, 2015.
- 3.0% effective December 28, 2016.
- 3.25% effective December 27, 2017.

Other:

- Effective January 2017, increase in annual deferred comp match from 3.5% to 4%.
- Effective December 28, 2016, patrol sergeant premium shall be 2.5% (previously 1.5%).
- Effective December 27, 2017, patrol sergeant premium shall be 2.75%.
- Effective January 2017, cashout of 35% sick leave into a SPOG-sponsored VEBA-equivalent account.

STRUCTURAL CHANGES

Operations

- **Transfers**: Reduce multiple restrictions on transfers. For example, under current contract, transferred employees were entitled to the opening of their choice. SPD may transfer employees to any position to meet operational interests, giving consideration of employee preferences for a new assignment, so long as the decision is not arbitrary or capricious. Other changes increase management control over the timing of transfers, and would enhance ability to transfer for performance reasons.
- **Mandatory Rotation**: New section allowing mandatory rotation for all future assignments into six specialty units after 5 or 7 years depending on the unit (no rotation provision in current contract).
- **Scheduling**: Reopener on scheduling and shifts to accommodate results of SPD staffing study.
- **Secondary Employment:** Reopener on management of and oversight of secondary employment (CPC 51).
- **Park Rangers** may be deployed citywide without geographic restrictions.

Performance Management/Training/Incentives

- **Performance Reviews**: Complex arbitrary process for challenging performance appraisals eliminated and replaced with simple non-binding process of review by HR director.
- **Promotion**: Return to "Rule of 5" in which Chief has discretion to promote any of the top five scorers regardless of order of scores. Current restrictions on promoting "out of order" removed.
- **Incentives**: Pilot study and reopener for education incentive.

Civilianization

- **Technical**: Civilianization of multiple positions involving data analysis, forensics, and IT.
- **Training:** Civilian position focused on adult learning and curriculum development.
- **OPA Liaison**: Reopener on OPA precinct liaison (CPC 28).
- **Human Resources**: Reopener on civilian or outside backgrounding function in HR.
- **OPA Intake and Investigation**: Intake personnel need not be sworn (i.e., not represented by SPOG); requires that individual have 10 years of sworn experience, not restricted to police (CPC 27).

Other

- **Civilian Oversight System**: Agreement that the City must implement Court-mandated changes and thus only impacts will be bargained. Agreement to a process for accommodating any bargaining required concerning changes that may be put in place through City legislation and subsequently reviewed by federal court, with clear deadlines for resolution of any disputed issues.
- **In-House Counsel**: Removal of contract provisions requiring City to provide officers outside counsel for police action defense.
- **President Salary**: Discontinuing City payment of 100% of salary for Guild president; City pays for a percentage reflecting time spent on City business (both certifications and training required by SPD for President to return to active duty after, and work as President furthering labor-management relationship) but does not pay for the percentage spent on Guild business (e.g., internal Guild matters, politics), effective 2017.
- **Gender/Race Workforce Equity Re-opener.**

ACCOUNTABILITY CHANGES

Investigations

- **OPA Jurisdiction**: Clear language stating OPA may initiate complaints (CPC 16)
- **Complaint Notice Streamlining and Additional Time:** 5-day and 30-day notices collapsed into single notice issued at 30 days. Existing requirement to list all possible

policy violations removed; notice of factual allegations adequate for named officer to prepare for investigation is sufficient.

- **Conflict of Interest re Time Limits Resolved:** 180-day period tolled if sergeant receiving complaint delays in responding.
- **Criminal Investigation Tolling and Flexibility:**
  - OPA may conduct investigation concurrent with criminal investigation or wait, in which case it may toll 180-day period (CPC 17).
  - Clarity on triggers for tolling timelines, including criminal investigations and prosecutions.
- **Timeline Issues Addressed:**
  - Clarity on effect of new information in OPA interview.
  - Additional time provided for investigation in response to new info at Loudermill.
  - Clarity on circumstances extending 180-day timelines.
  - Expand provision allowing for acting on allegations over 3 years old to include allegations that if substantiated would be a crime at the time of the conduct.
- **Timeline Disputes Avoided:**
  - Provision for time extensions.
  - Process for resolving tolling disputes in advance.
- **Bill of Rights:**
  - Appendix containing Police Officers' Bill of Rights integrated with investigations article, and made clearer and less restrictive.
- **EEO Investigations Improved**: New EEO investigation flexibility, including ability to use outside investigator.
- **OPA Complaint Mediation**:
  - Remove provision for officer who does not participate in mediation in good faith to avoid investigation and discipline.
  - New agreed meditation program for low-level complaints (CPC 21).
- **Expedited Track for Complaint Resolution**: New agreed expedited track for complaints when officers admit fault.

Discipline

- **Loudermills**
  - Chief may delegate authority to conduct Loudermills to Deputy and Acting Chief.
  - Department may have someone outside SPD or CAO attend Loudermill with notice to SPOG.
- **Lieutenant Role in Discipline**: Lieutenants have authority to issue written reprimands.

Grievances and Appeals

- **Increased Transparency of Appeal Process:** Certain outside parties (CPC members and a citizen observer appointed by the Mayor, total of 5) can attend discipline appeal hearings (CPC 38).
- **Grievances:** Must be filed at lieutenant level, not sergeant level.

- **Reform of DRB Process:** Discipline review (former DRB) to be performed by single neutral decision-maker, not a 3-member board that included SPOG and SPD representatives (CPC 35). Agreed process for constituting a panel of professional labor arbitrators with selection of an arbitrator for each hearing accomplished by rotation through the panel list.
- **Single Decision-maker for PSCSC Appeal**: City has ability to change Public Safety Civil Service Commission appeal process, so it delegates discipline appeal to single impartial hearing examiner, if Local 27 concurs (CPC 36 and 37).

Labor Relations Draft
Not for Disclosure

Seattle Police Officers Guild
4-Year Costing
Contract Term 2015-2018

Attachment II

LRPC Approved Settlement	2014	2015 (Year 1)	2016 (Year 2)	2017 (Year 3)	2018 (Year 4)	4 Year Total
Wages						
2014 - Baseline	$146,476,461					
2015 - 2%		$149,397,702				
2016 - 2%			$152,367,341			
2017 - 3%				$156,918,193		
2018 - 3.25%					$161,989,886	$620,673,122
Patrol Sgt. Prem. Add'l Cost ('17: 2.5%, '18: 2.75%)				$108,662	$140,208	$248,870
Sub-Total Wages	$146,476,461	$149,397,702	$152,367,341	$157,026,855	$162,130,094	$620,921,992
Deferred Compensation Match (3.5%)	$3,985,941	$4,065,597	$4,146,835	$4,271,329	$4,410,067	$16,893,828
Deferred Comp. Match Add'l Cost (4%)				$610,190	$630,010	$1,240,200
Sub-Total Deferred Comp.	$3,985,941	$4,065,597	$4,146,835	$4,881,519	$5,040,077	$18,134,028
Healthcare	$22,423,788	$23,278,488	$22,765,752	$24,359,355	$26,064,510	$96,468,105
Sick Leave Cash-Out at 35% - VEBA, Add'l Cost				$251,209	$129,687	$380,895
Total	$172,886,190	$176,741,787	$179,279,928	$186,518,938	$193,364,368	$735,905,020

NOTES:
[1] SPOG membership count as of 10/24/2014.
[2] The "Annual City Deferred Compensation Match" figures represent the maximum deferred compensation match the City is liable for all SPOG members.
[3] Healthcare figures are based on 2nd Qtr of 2014 SPOG HC enrollment. Actual rates for 2015-2016, assumed a 7% annual health-care cost increase for 2017-18.
[4] Sick leave cash-out into a VEBA for 2018 assumes double the average amount of annual retirements (58 ee's), except for Proposed Settlement B (2017=58 ee's & 2018=29 ee's).
[5] Does not include Pre-Leoff costs to retirees.
[6] CPI-W projections from Department of Finance and Admin Services (FAS) as of July 17, 2015

ATTACHMENT III

SPOG SETTLEMENT

Accountability and Structural Changes

The following summarizes the settlement of each of the 38 "accountability and structural" proposals approved by LRPC as parameters.

Citations to CPC recommendations are highlighted in this summary. For further detail, Attachment IV summarizes all CPC recommendations subject to bargaining and shows the parameters and changes achieved in settlement that correspond to each.

No.	LRPC Parameters / City Proposals	Parameter Achieved and Resolution
	STRUCTURAL CHANGES	
	Operational Flexibility and Control	
1	Reduce restrictions on transfers (Article 7.4). For example, under current contract, employees being transferred were entitled to the opening of their choice.	**Yes.** SPD may transfer employees to any position to meet operational interests, giving consideration of employee preferences for a new assignment, so long as the decision is not arbitrary or capricious. Other changes increase management control over the timing of transfers, and enhanced ability to transfer for performance reasons.
2	Establish mandatory rotation in specialty units (Article 7.5). Under current contract, officers remained in specialty unit assignments indefinitely.	**Yes.** New section allowing mandatory rotation for all future assignments into 6 specialty units after 5 or 7 years depending on the unit (no rotation provision in current contract).
3	Secondary employment (CPC 51) – reopener.	**Yes.**
4	Shift/furlough flexibility – remove restrictive language (Article 5.1) – ***parameter modified to reopener; department is not yet ready to make a proposal on shifts and staffing that would replace the status quo.***	**Yes**, re-opener achieved.
5	Clean up old shift language (Article 5.1) – ***parameter modified to reopener on replacing with new language, as part of the future proposal on shifts and staffing referenced in No. 4 above.***	**Yes.**
6	Change out-of-class work time interval, harmonize with Personnel Rule (Article 4.1).	**No.** Withdrew to reach agreement; relatively low impact on accountability and operations.
7	Expand City use of park rangers beyond "downtown parks" (LOA).	**Yes.**

No.	LRPC Parameters / City Proposals	Parameter Achieved and Resolution
	Performance Management/Training	
8	Remove existing In-Car Video MOA which is inconsistent with approved changes to SPD policy on ICV use and review.	**Yes.**
9	Reform process for challenging performance appraisals (Art. 7).	**Yes.** Eliminates current extended appeal process involving a full hearing and culminating in a binding and arbitrary result (literally pulled from a hat). Replaces with simple provision allowing for review of the contested performance appraisal by the SPD HR Director; ultimate decision remains with SPD.
	Hiring, Promotion, and Incentives	
10	Return to the "Rule of 5" for sergeant promotions (which allows Chief discretion to select from any of the top 5 scorers on the list certified by the Public Safety Civil Service Commission).	**Yes.** Current restrictions on promoting "out of order" removed; Chief has discretion to promote any of the top 5 scorers regardless of order of scores, so long as SPD provides an officer who is passed over an explanation of reasons and promotion readiness assistance (Article 4.13).
11	Open on education incentive joint study with SPOG (Article 6.1).	**Yes,** parties will study this issue (but no re-opener).
12	Remove contract restrictions on lateral hiring of experienced officers (Article 6.3).	**Yes.** Eliminated current contract's requirement of pay increases to current officers if SPD hires more than 30 laterals.
	Civilianization	
13	Parameter to pursue SPD priorities in civilianization, to be developed during bargaining. Initial proposal was: • 1 IT professional position in the Internet Crimes Against Children unit; • 6 new IT professional positions in Crime Analysis; • 1 position in CSI; • 1 IT professional position in Criminal Intelligence; • 1 position in the Training Section; • Reopener on backgrounding function in HR; • OPA intake civilian(CPC 27); • Reopener for OPA investigation civilian (CPC 27); • 1 position, policy/audit accreditation; • 2 Telephone Reporting Unit officer positions civilianized; • 3 media unit positions civilianized.	**Yes** for top SPD priorities: • 1 IT professional position in the Internet Crimes Against Children unit; • 6 new IT professional positions in Crime Analysis; • 1 position in CSI; • 1 IT professional position in Criminal Intelligence; • 1 position in the Training Section; • Reopener on backgrounding function in HR. **Progress** for OPA intake: Non-sworn positions for OPA intake (with 10 years of sworn experience required). **Yes** for reopener for OPA investigation civilian. **No** for others (not SPD priorities).

No.	LRPC Parameters / City Proposals	Change Achieved and Resolution
	ACCOUNTABILITY CHANGES	
	Investigation Procedures	
14	Avoid potential conflict of interest in complaint handling by starting 180-day clock with notice to lieutenant.	**Yes.** Underlying interest achieved by providing that any delay due to failure of sergeant to move complaint forward tolls 180-day period.
15	Extend time for notice: Instead of 5-day notice, OPA will provide info contained in the 5-day notice as part of the 30-day notice (which already contains most of this info) (Article 3.6).	**Yes, agreement on City proposal.**
16	Reduce the disclosures required in the 30-day notice (classification report) (Article 3.6).	**Yes.** Existing requirement to list all possible policy violations removed; OPA must give notice of factual allegations sufficient for named officer to prepare for investigation, no longer specifying any potential violation.
17	State that OPA initiates as well as receives complaints of misconduct. (Article 3.6, CPC 16).	**Yes.**
18	Clarify that OPA has option to either toll timing or conduct a concurrent investigation during criminal investigation of officer misconduct. (Article 3.6, CPC 17).	**Yes.** Now language makes clear 180-day clock is tolled during any criminal investigation, so long as administrative investigation is stayed.
19	Integrate Appendix D (Bill of Rights) with Article 3.6 on investigations, and eliminate aspects of Appendix D that are more restrictive than provisions of Article 3.6.	**Yes.**
20	Make other improvements in investigation process to increase flexibility, clarity and workability (Article 3.6). These include: • Allow new flexibility in EEO investigations, including option of an outside professional civilian investigator • Provide for additional time to investigate in response to new information provided in an investigatory interview or in a Loudermill, and when identity of previously unknown named employee is discovered. • Expand current narrow basis for SPOG to grant City request for extensions of 180-day timeline, so that City requests for extension for any reason shall not be unreasonably denied; establish protocol for advance resolution of any questions re application of 180-day deadline	**Yes.** • New section on EEO investigations • Automatic extension of 30 days for additional investigation. • Achieved as proposed.

	• Provide unambiguous triggers for tolling and restarting of timelines, including criminal convictions and prosecutions. Allow sustained finding and discipline for conduct over 3 years old when allegations could result in termination.	• Provide unambiguous triggers for tolling and restarting of timelines, including criminal convictions and prosecutions. Expand provision allowing for acting on allegations over 3 years old to include allegations that if substantiated would be a crime at the time of the conduct.
No.	**LRPC Parameters / City Proposals**	**Change Achieved and Resolution**
21	In context of OPA mediation of complaints, remove provision that SPD may not investigate and discipline officers when the mediator finds that they did not participate in good faith (Article 3.10., App. A.4).	**Yes**, as proposed.
22	Improve OPA complaint mediation process (Article 3.10; CPC 21).	**Yes.** New provision sets out program for mediation of low-level complaints.
23	Establish a separate expedited track for complaints, when officers admit to alleged misconduct and accept fault and discipline (CPC 19; Add to Article 3).	**Yes.** Track requires that OPA and SPD agree the complaint is appropriate for such resolution.
	Discipline	
24	Allow delegation of Chief's authority to hear Loudermills (Article 3.5.C)	**Yes.** Deputy Chief and Acting Chief may conduct hearings.
25	Clarify lieutenant or above ability to issue written reprimands for minor misconduct (Article 3.1).	**Yes.**
26	Allow identified outside parties to attend discipline appeal hearings (Article 3.5.H) (CPC 38).	**Yes.** Outside parties include CPC members and a citizen observer appointed by the Mayor (a maximum of 5 at a hearing).
27	Disallow SPD discretion on use of paid leave to cover suspensions.	**No.** Withdrew to reach agreement, given SPD already has full discretion to decline such requests and is routinely doing so (Article 3.4).
	Grievances and Appeals	
28	Eliminate penalty of forfeiture by SPD if it misses a grievance response deadline and clarify time deadlines (App. A.5).	**No.** Withdrew to reach agreement; lower priority item given SPD control over its compliance with deadlines. For discipline grievances, no forfeiture.
29	Remove written reprimands from grievance procedure (Article 3.2, CPC 34).	**No.** Withdrew to reach agreement; re-assessed priority because status quo has an upside (if the union fails to grieve a written reprimand, it may not contest it later as part of an appeal of subsequent progressive discipline).
30	Step 1 grievances filed at level of lieutenant, not sergeant (App. A.2).	**Yes.**

No.	LRPC Parameters / City Proposals	Change Achieved and Resolution
31	Improve Discipline Review Board (DRB) process, including removal of Board members (Article 3.5; CPC 35).	**Yes.** No more DRB process with police officers as members of the arbitration Board. Discipline appeal moved to the CBA grievance process, which already involves a single arbitrator and no panel.
32	PSCSC: Delegate discipline appeal to a single impartial hearing examiner (CPC 36 and 37). ***Modified proposal includes the caveat that Local 27 (firefighters) must concur with this change, which is part of the City's negotiations with Local 27.***	**Yes, MOA is in the agreement.**
	OTHER	
33	Change file retention and public records request language to reflect Monitor directives and compliance with PRA (Article 4.2, 3.6(K)(L)).	**Yes.** This has been achieved via an MOA, and express recognition that nothing in the CBA should be interpreted inconsistent with City obligations under public disclosure law.
34	Remove contract provisions and MOAs inconsistent with transition of OPARB functions to CPC (Appendix E, MOA re CPC).	**Yes.** • MOA would permit implementation of any changes to civilian oversight mandated by Court-approved process, with bargaining over impacts (as opposed to over the decision). • MOA establishes a process for accommodating any bargaining required concerning changes that may be put in place through City legislation and subsequently reviewed by federal court, with clear deadlines for resolution of any disputed issues.
35	Reopener re OPA precinct liaison (CPC 28).	**Yes.**
36	Eliminate in-house counsel provision (Article 14.3).	**Yes.**
37	Discontinue City payment of full salary and other compensation to Guild president.	**Yes.** Agree that City pays for work done in furtherance of labor-management relationship and work required by SPD such as trainings, but not when working solely on Guild business. Changes will be effective mid-2017, with start of next new SPOG budget year.
38	Gender/race workforce equity re-opener.	**Yes.**

ATTACHMENT IV

CPC RECOMMENDATIONS SUBJECT TO BARGAINING
with respect to
CITY PARAMETERS/CITY BARGAINING PROPOSALS
and
CHANGES ACHIEVED IN SETTLEMENT

Below is a table listing all CPC recommendations, as set forth in the matrix included in the Mayor's Seattle Police Accountability and Civilian Oversight report (Attachment V), that are considered likely mandatory or permissive subjects of bargaining. It shows our LRPC parameters (approved at the November 24 and December 10, 2014 LRPC meetings) and City proposals in bargaining that are related to these CPC recommendations, as well as the changes achieved in settlement.

- Blue = bargainable subjects included in the City's bargaining proposals.
- Green = bargainable subjects not included in the City's bargaining proposals.

CPC #	CPC Recommendation	LRPC Parameter / City Proposals	Parameter Achieved and Resolution
16	OPA jurisdiction should be expanded.	State that OPA initiates as well as receives complaints of misconduct (Article 3.6).	**Yes.**
17	OPA involvement should be strengthened in cases involving possible criminal misconduct and tolling of the contractually-required 180-day time limit in these cases should be allowed.	Clarify that OPA has the option to either toll timing or conduct a concurrent investigation during criminal investigation of officer misconduct.	**Yes.** Now language makes clear that 180-day clock is tolled during any criminal investigation, so long as administrative investigation is stayed.
19	Establish rapid adjudication process for certain types of alleged misconduct.	Establish a separate expedited track for complaints, when officers admit to alleged misconduct and accept fault and discipline.	**Yes.** Track requires that OPA and SPD agree the complaint is appropriate for such resolution.
21	The Department should improve its mediation and other alternative resolution processes.	Improve OPA complaint mediation process.	**Yes.** New provision sets out program for mediation of low-level complaints.
27	The Department should revise practices related to staffing to support OPA effectiveness. *(bargainable component was for civilian intake and investigation)*.	Civilian position for OPA intake; reopener re OPA investigation civilian.	**Progress** for OPA intake: Non-sworn positions for OPA intake (with 10 years of sworn experience required). **Reopener** for OPA investigation civilian.
28	The Department should employ civilian staff in its OPA precinct liaison program.	Reopener on OPA precinct liaison.	**Yes.**

34	The grievance process should be exclusively used to review challenges based on contract violations.	Remove written reprimands from grievance procedure.	**No.** Withdrew to reach agreement; re-assessed priority because status quo has an upside (if the union fails to grieve a written reprimand, it may not contest it later as part of an appeal of subsequent progressive discipline).
36	Public Safety Civil Service Commission members should be impartial parties with appropriate expertise.	PSCSC: Delegate discipline appeal to a single impartial hearing examiner.	**Yes,** MOA is in the agreement.
37	The chair of the Public Safety Civil Service Commission should be a City hearing examiner.	PSCSC: Delegate discipline appeal to a single impartial hearing examiner.	**Yes,** MOA is in the agreement.
38	Appellate hearings after the Chief of Police disciplinary determination should be in public.	Allow identified outside parties to attend discipline appeal hearings.	**Yes.** Outside parties include CPC members and a citizen observer appointed by the Mayor (a maximum of 5 at a hearing).
51	The Department should create an internal, civilian office for management and oversight of secondary employment work.	Secondary employment reopener.	**Yes.**
35	There should be one avenue for disciplinary appeals through the Public Safety Civil Service Commission.	LRPC parameters did not include elimination of CBA discipline appeal process. Instead, parameter was to improve Discipline Review Board (DRB) process, including removal of Board members.	**Yes.** No more DRB process with police officers as members of the arbitration Board. Discipline appeal moved to the CBA grievance process, which already involves a single arbitrator and no panel.
29	The Department should use a discipline matrix to better ensure uniformity.	Not included in LRPC-approved parameters.	NA
31	Time limits should be established on certain steps following completion of OPA investigations.	Not included in LRPC-approved parameters.	NA