12-1282

SEATTLE POLICE MANAGEMENT ASSOCIATION

August 9, 2016

Honorable James L. Robart
700 Stewart St.
Seattle, WA 98101

Judge Robart:

The Seattle Police Officers Guild (SPOG) and Seattle Police Management Association (SPMA) have received a copy of Merrick Bobb's letter to you of August 1, 2016. The letter contains a series of recommendations, a number of which would violate the collective bargaining agreement between the City of Seattle and SPOG and the City of Seattle and SPMA or which would impair the SPOG and the SPMA collective bargaining rights. Upon your request, SPOG and SPMA will identify each of these recommendations, and will provide you with the relevant agreements between it and the City. In some cases, the recommendations violate provisions in both SPOG's and SPMA's collective bargaining agreement; in others, they violate a memorandum of understanding reached between SPOG and the City and SPMA and the City as to the relationship between SPOG's and SPMA's bargaining rights and these proceedings.

The Ninth Circuit has unambiguously held: "Except as part of court-ordered relief after a judicial determination of liability, an employer cannot unilaterally change a collective bargaining agreement as a means of settling a dispute over whether the employer has engaged in constitutional violations." *City of Los Angeles*, 288 F.3d at 400 (citing *Local No. 93, Int'l Ass'n of Firefighters v. City of Cleveland*, 478 U.S. 501, 528-30 (1986), and W.R. Grace & Co. v. Local Union 759, 461 U.S. 757, 771 (1983)). There has been no judicial determination of liability in this matter, and the underlying agreement between the City and the Department of Justice expressly disputes whether liability exists.

The City and our labor organizations have a long history of successfully negotiating changes to the accountability systems in our collective bargaining agreements via the collective bargaining process identified in Washington State RCW 41.56 and we remain committed to earnestly discharging our obligations under state statute. SPOG and SPMA are not opposed to reform of the disciplinary process in the Seattle Police Department, and, in fact, reform has been a major topic in the current negotiations between the City and SPOG and the City and SPMA for a new

collective bargaining agreement. What both SPOG and SPMA oppose is any non-negotiated breach in its collective bargaining agreement or rights.

Kevin Stuckey
President, Seattle Police Officers Guild

Mike Edwards
President, Seattle Police Management Association