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FAX COVER SHEET

Date: 11/21/03

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*per request
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May 29, 2000, Monday, Home Edition

SECTION: Metro; Part B; Page 6; Editorial Writers Desk

LENGTH: 443 words

HEADLINE: MISGUIDED ARBITRATION NOTION

BODY:

Negotiations are underway in Sacramento over a bill that would let police, firefighters and other California safety officials demand that disputes over wages and working conditions be settled by arbitration. The use of outside arbitrators to settle governmental labor disputes is bad public policy, and if the bill emerges it should be defeated in the Legislature or on the governor's desk.

The measure is **SB 402**, co-sponsored by Senate President Pro Tem John Burton (D-San Francisco) and former Assembly Speaker Antonio Villaraigosa (D-Los Angeles), both of whom have strong labor ties. The bill passed the Senate last June on a 22-13 vote but languished in the Assembly inactive file until this spring. It could come up for a final vote in the Assembly at any time.

The measure provides that when California police officers or city officials or any other government managers deadlock over pay hikes or working conditions, the dispute is to be submitted to binding arbitration. Each side would choose an arbitrator, and those two would pick the third--presumably neutral--panelist. Their decision on the issue would be final, regardless of the possible impact on a city or county budget. Sheriff's deputies, firefighters and other state and local safety officials would fall under the proposed law. But is it necessary? The sponsors say it's a matter of fairness since the law prohibits these essential officers from striking. But the police and firefighters have developed effective methods short of all-out strikes to back up their bargaining positions.

Nineteen California cities, mostly in the north, use binding arbitration with mixed results. In Anaheim, one of the contract issues submitted would have prohibited increasing staff to trim overtime pay--a blow to any city's ability to manage its budget. A few states also use this process. Over a four-year period in New York, arbitrated pay raises for local safety unions averaged 95% more than those negotiated for state officers, who were not covered by arbitration.

It might be different if California officers were underpaid, but that does not appear to be the case. The matter of working conditions may be as significant as pay and benefits. Sponsors have agreed to remove police discipline and community policing issues as factors in the debate. Others still under dispute include policies on surveillance, crowd control and pursuit of suspects.

These surely are not matters that should be handled by private arbitrators. Nor are issues of pay and working conditions. They should be decided by state and municipal officials who ultimately are responsible to the public.

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