

FRATERNAL ORDER OF POLICE
E.B. JERMYN LODGE #2

PRESIDENT ROBERT MARTIN
VICE-PRESIDENT MEGAN DESARNO

RECORDING SECRETARY NELSON ANCHERANI
FINANCIAL SECRETARY ANNE MARIE STULGIS

ACT 47 WRITTEN TESTIMONY

December 8, 2011

The following is a prospective from E.B. Jermyn Lodge #2 of the Fraternal Order of Police, Scranton Pennsylvania.

The City of Scranton entered distressed status under Act 47, in January 1992 and has remained in distressed status to this date, some nineteen years with no end in sight. In 1992 the Pennsylvania Economy League the appointed Recovery Plan Coordinator assisted the Strategic Implementation Team in structuring our Collective Bargaining Agreement and did so again in 1996 to what became our current CBA.

Then in 2001 Mayor Chris Doherty's administration took control of the City. Shortly after their inauguration they announced they would implement a new "RECOVERY PLAN", which was designed and structured in secret without input from any of Scranton's Citizenry or the City's labor unions. The City, PEL, and DCED essentially wrote their own contract under the guise of a "RECOVERY PLAN". The City's labor unions forced the City to place "RECOVERY PLAN" on a referendum. When the "RECOVERY PLAN" was placed on the referendum it was done so with a highly publicized threat to the Citizenry that if they did not pass the "RECOVERY PLAN" on referendum the Mayor would raise taxes. So subsequently the "RECOVERY PLAN" past the referendum by 77% of the vote.

The "RECOVERY PLAN" was essentially the product of the City writing their own Contract with no regard for what PEL had done in the past and absolutely no regard for any of the existing law. As is indicated in Act 47 the Recovery Plan cannot supersede existing law. However, with their interpretation of Section 252 the City, PEL and DCED abused their authority and used it to trample our contracts and our right to collective bargaining, the entire time refusing to negotiate in good faith.

When I became President of E. B. Jermyn Lodge #2, I promised my members I would negotiate a viable and equitable contract. We initiated negotiations with the City in June of 2007 with the assistance of the Department of Labor and Industry with a State Mediator presiding over the negotiations. We reached a tentative agreement in late July, which the City violated by late August prompting us to immediately return to the table. When we returned to negotiations, the City said DCED insisted we incorporate the entire Recovery Plan into our tentatively negotiated contract. When we refused to accept the injustices in the City's designed Recovery Plan without any negotiations over the City's so called "Management Rights" talks broke down. Most of the City's designed Recovery Plan violates the State mandated Mandatory Subjects of Bargaining under Act 111.

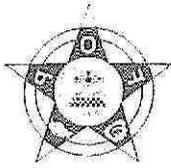
On September 29th and 30th of 2008 negotiations were reinitiated when the City and both public safety unions met at the University of Scranton. Again the negotiations were guided by the Department of Labor and Industry with two State Mediators presiding over the talks. We negotiated for two days and reached a tentative agreement in which the unions conceded to a 38% pay increase over the entire life of the contract from 2002 through 2014, which was an average 3.2% wage increase per year, we agreed to waive all back pay and we also agreed to pay 2 1/2 % of a second year patrolman's salary as a contribution toward our healthcare. We also conceded to 6 years of post retirement healthcare. *(It should be noted that this concession was extremely detrimental to our nine members who are ineligible to receive Medicare when they retire.)* After a hand shake we all left with under the impression we had a contract. However, after waiting for almost two months to hear from the City we received the same demand as we had in 2007, we would have to incorporate the recovery plan into our contract. Once again we refused to accept the non-monetary and unfair "Management Rights"! It should be noted that other Municipalities under Act 47 made changes to the "Recovery Plan" and their "Management Rights" to comply with negotiated agreements. However in our case the City, PEL, and DCED flatly refused to negotiate any of these issues.

The portions of the Recovery Plan "Management Rights" we refused to incorporate into our contracts had very little or no financial impact on the City's distressed status. It only served as an avenue to dismantle our right to collective bargaining and binding arbitration. As one can see from the above set of facts we were willing to accept our share of our financially distressed City problems and move forward. However, it became very apparent early on that the City, PEL, and DCED were more interested in dismantling our Collective Bargaining rights under ACT 111 than they were in solving Scranton's economic problems.

Act 111 was created and crafted to afford the Public Safety Employees in Pennsylvania to receive a fair and equitable avenue to have their labor issues addressed. It was in part designed in that manner because public employees, rightly so cannot strike. Our public safety employees recognize and humbly accept the privilege to serve the public and would not even consider such action.

The complete unfairness almost immediately eroded morale to an all-time low in our organization. I personally witnessed my fellow officers come to work every day with a sense of hopelessness, despair and the lack of focus that is so crucial to their jobs. Officers reported for work not able to concentrate or focus on their duties because they were completely overwhelmed with labor issues. Their morale continued to spiral downward as their post-retirement health care benefits, longevity and sick time were stripped away. The City began to implement their so called "Management Rights" driving morale completely into the ground. In the meantime never receiving any pay increases. Morale remained at an all-time low until the Supreme Court rightly re-affirmed our collective bargaining rights.

All we ask of this Committee is to please remember the important role that our police officers and fire fighters play in our lives. Our police officers perform dangerous jobs every day, day in and day out. They are the only thing that stands between us and total chaos in our communities. Just one example: our community is still recovering from a 2008 homicide where three individuals were murdered by a deranged man who snickered at the police officers and tormented and taunted the victim's family members during the recent trial.



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We had officers who responded to this scene to find a woman who had been handcuffed and was made to watch and listen while members of her family were bludgeoned to death. Our Officers waded through this horrific crime scene clearing it and securing it. By the end of that day our officers had the suspect in custody and we have since prosecuted and convicted him.

Police Officers all over this great Commonwealth deal with society's worst on a daily basis. Our public safety personnel deal with the most mundane to the most horrific and ask for nothing more than a fair shake in all of this. Just ask yourself, what is the first thing that comes to your mind as soon as you experience any turmoil or discomfort in your life, an unruly person at baseball game, a disorderly individual in a restaurant, an accident or a drunk driver; **call a policeman!**

When the City started this attack on its public employee's gas was \$1.59 per gallon and is now \$ 3.34 per gallon. Our county taxes have been raised forty eight percent and everything else has gone up except our wages, until now when the Supreme Court re-affirmed our collective bargaining rights. The most offensive part of all of this was while the City stripped away our wages and benefits it was giving all of the top City administrator's \$10,000 pay increases, spending and borrowing money relentlessly with no sanctions or oversight from PEL or DCED.

In closing, we ask this legislative body to keep and protect Act 111 in its entire present state and to exercise caution and diligence while considering changes to Act 47. It must be fair to both sides of this issue and not forget the human factor in the process. From a personal perspective I would like to point out that Act 47 and the City's Recovery Plan have had nothing but negative impact on our community as well. Over the last twenty years and more pointedly the last ten years this issue has negatively impacted and divided our community greatly. We have citizens speaking out against this administration as they have never done before. This piece of legislation in its current vague and biased state tipped the tables so far to the favor of the municipalities it made it completely unfair to all municipal employees without addressing the main issue of the municipalities' financial recovery. I understand and hear the complaint that public safety is 59% of our city's budget. I'm not sure if that number is factually accurate, but I am absolutely sure that our public safety employees are 100% of the safety, welfare and security of the citizens in all of our communities.