



Pueblo Sheriff Fraternal Order of Police

Lodge 7

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Larry Salbato
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April 2, 2008

Dear Sheriff Taylor,

When you took office you asked this body what important issues we faced and what we wanted help with. You kept your word and brought to fruition the second part of longevity. You are currently working with our organization to bring a supplemental insurance provider for the betterment of the employee's. In doing so you demonstrated a willingness to work with the employees on matters of importance to us. We thank you and appreciate your support in these areas. These examples illustrate the benefits of a cooperative system that recognizes a formal and beneficial employee management relationship.

Although we have met on these and other employee issues within the department the Fraternal Order of Police has never been "officially" recognized by your office as the employee representative of the Pueblo County Sherriff's office. The employees of the Pueblo Sherriff's department have overwhelmingly chosen the Fraternal Order of Police as their representative organization on matters of employment and representation. With approximately 200 of the employees as members of the FOP, we undeniably represent the employment interests of the majority of the line employees of the Sheriff's Office. In the past year both you and our organization have promoted and strived toward qualities that are expected of our profession. It is in that light we ask that you formally recognize the Fraternal Order of Police as the representative organization so chosen by the rank and file employees of your department.

We believe that a misunderstanding of our organizational intent and purpose has been a stumbling block to a more healthy and productive relationship between our organization and your office. We simply seek an atmosphere of mutual respect. It is well known the Fraternal Order of Police is not an adversarial organization. We are not about "**us versus management**". To the contrary, the FOP has a long track record of working with Sheriffs and Chiefs across Colorado, and this Nation, by assisting and standing side by-side with them when dealing with matters of improving terms and conditions of employment for their law enforcement employees.

We believe our goals are identical. Those being to provide the best possible service to the citizens of Pueblo County in the most efficient manner using the resources available, while creating an environment that retains and attracts quality employees. The members of the FOP in your department strongly believe that working with your office to that end by creating a fair, equitable, and cooperative system of collective bargaining is the key to achieving that goal. And is far more productive than failing to afford both of us that opportunity. We believe that the citizens of Pueblo County expect and demand that effort. We also believe that is an achievable goal under your administration.

We recognize the authority and responsibilities of the position bestowed on you by the voters of Pueblo County. We seek a formalized cooperative process that allows the employees and management alike the opportunity to address the needs of both within that structure. Such a system would neither eliminate, nor in any way reduce your statutory authority as Sheriff. To the contrary it will formalize a fair and equitable process under which the employees have a legitimate voice in working conditions, allowing agreement to be reached on managing those needs within the resources allocated by the citizens. We understand it is imperative that such a system ensure a balance between what's right and fair and what is best for all parties. Our goal is not unique. There are literally thousands of collective bargaining agreements in place across the country between law enforcement officers and the governments they work for. We believe if the County expects to reduce the burden on its taxpayers by asking its law enforcement for greater efficiency and effectiveness, then it must involve them in the discussions that affect their working conditions. In doing so, it helps build a relationship of trust and partnership between the officers, management, and the citizens.

We are drafting an amendment to the County Code that creates a formalized system that allows negotiating a mutually beneficial agreement between your office and your employees on compensation, benefits, equal treatment in disciplinary matters, due process, and working conditions with impasse resolution; while clearly defining management rights. The Board of Commissioners has indicated its support of referring this matter out to the voters of Pueblo County to decide. They certainly do not object to the collective bargaining process. In fact a form of that process currently exists within county policy. However that policy does not allow wages or benefits to be discussed. Nor is it codified.

We have been told the County Attorney has formed an opinion that collective bargaining would be contrary to **C.R.S. 30-2-106 "Undersheriffs and deputies - salaries - report of fees"**, which states: *"Undersheriff and deputy sheriffs shall be appointed by the sheriffs of their respective counties and their salaries shall be paid at least once a month. In all counties, the salaries of the undersheriff and deputy sheriff shall be fixed by the sheriff with the approval of county commissioners."* The County Attorney has interpreted this wording to mean that collective bargaining would be prohibited as a result, and is advising you and the commissioners to that end.

We completely disagree. There is no precedent or case law present to support the County Attorney's decision. We find it unfortunate that Mr. Kogosvek has rushed to judgment on this matter before affording himself the opportunity to review our proposed amendment to the County Code. His decision was made without having all the facts in front of him to review; or even affording himself an opportunity to hear our side in this matter. As we have stated publicly it is the opinion of the General Counsel of the Fraternal Order of Police, both in Colorado and at the National Level, that the County Attorney's opinion is arbitrary and without legal foundation. In fact C.R.S. 30-2-106 makes no mention of collective bargaining, nor the process involved in determining the wages that a Sheriff eventually will fix.

It is our opinion that the vagueness of that statute itself was intended to accommodate an internal process for counties to determine the wages to be "fixed" by the Sheriff for approval by the commissioners. There is a long standing internal process currently in place in Pueblo County government that determines the wages which the Sheriff ultimately sets. Under our proposed amendment only that internal process would

change and nothing else. That being the case it is our firm position that C.R.S. 30-2-106 does not negate or in any way affect a collective bargaining process on wages and benefits. In a collective bargaining environment the Sheriff still will set the wages after the negotiation process is completed and that agreement will be presented to the County Commissioners for approval.

We are close to completing the draft language of our proposed amendment to the County Code extending collective bargaining rights to Pueblo Sherriff's employees. As you are aware we have been mandated to move forth on this matter by our members. However, it is our philosophy that it is important for us to work together with you on matters of this magnitude. We feel it is incumbent on both sides to make an effort to achieve reasonable resolution on key issues incorporated in such a proposal before this matter goes to the voters. We believe if both sides come to the table with an understanding of the issues, and the sincere goal of crafting an ordinance that is fair to the whole; then together we can make that happen.

It is our hope that we can set aside most differences of opinion we may hold on this subject and work together to resolve this matter. We propose a meeting between you and our leadership to first discuss this subject in general; followed by another meeting (or meetings) in which we would discuss our specific proposal with the goal of achieving resolution between us on key issues, and ultimately present a joint resolution to the citizens of Pueblo County. Since scheduling of meetings around the time demands of your schedule and other key people involved could be a problem; we ask for your response to this letter no later than April 15th so an initial meeting date can be set that will accommodate all parties.

We look forward to this opportunity of crafting an ordinance that will be presented to the voters that is fair & reasonable for you the Sheriff, the taxpayers, the commissioners, and our organization. That is our goal and hopefully one that you share. It is my deepest hope, and that of the members of the Pueblo Fraternal Order of Police, that this effort marks the beginning of a positive approach that will benefit all involved parties, and of a beneficial and productive working relationship between you and your employees. A timely response to this letter will be greatly appreciated.

Sincerely,

Tommie McLallen
President Lodge 7
Pueblo County Fraternal Order of Police

cc; FOP- National; State; Co FOP Labor Council
General Counsel- Osborne – CO FOP
General Counsel- Coviello- Nat FOP Labor Services
FOP Lodge Board- Guagliardo; Salbato;
BOC- Chostner; Cordova; Nunez
Dem- Thiebaut; Ward; McFadden
Labor- Pueblo Labor Council

