TO: All Councilmembers
FROM: Chairman Phil Mendelson
       Committee of the Whole
DATE: November 18, 2014
SUBJECT: Report on PR 20-1062, the “Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014”

The Committee of the Whole, to which PR 20-1062, “Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014” was referred, reports favorably thereon and recommends approval by the Council.

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I. BACKGROUND AND NEED

The purpose of Proposed Resolution 20-1062, the “Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014” is to approve the establishment of shift differential pay for Metropolitan Police Department (MPD) captains and lieutenants.

PR 20-1062 would approve a proposed rulemaking that would allow MPD officers at the rank of lieutenant and captain to be eligible for an additional compensation of 3% for regularly scheduled non-overtime work when the majority of their work hours occur during the evening shift, or between 3pm and midnight. The legislation also authorizes additional compensation of 4% of such officers’ scheduled rate if the majority of their work hours occur on the midnight shift, or between 11 pm and 8 am.
In the past, such a shift differential pay opportunity did exist for officers at the rank of lieutenant and captain, in addition to officers, detectives, and sergeants. However, in 1994, due to budget constraints, the shift differential was removed. However, the opportunity for this additional compensation remained in place for officers, detectives, and sergeants. As a result, a disparity exists between the MPD ranks in that for the last 20 years, the management positions of captain and lieutenant are not able to earn shift differential payments for evening and midnight shifts, while the ranks that they manage—officers, detectives, and sergeants—are so able. The new collective bargaining agreement for MPD union members approved on May 6, 2014 maintains shift differential payments for officers, detectives, and sergeants.

At the Committee’s November 13, 2014 hearing on PR 20-1062, MPD Assistant Chief Peter Newsham spoke to the physical and psychological impacts of working the evening and midnight shifts, and noted that fatigue may contribute to the risk of various health conditions including heart disease, cancer, diabetes, obesity, and depression. Assistant Chief Newsham also pointed out that night differential payments are also available to other District government employees.

PR 20-1062 will remedy a disparity that exists in the ability for MPD lieutenant and captain, in comparison with their lower-ranked counterparts, to receive extra compensation for the important police work of evening and midnight shifts. The legislation is supported by the Metropolitan Police Official’s Association, which represents MPD sworn officials at the rank of lieutenant through Assistant Chief of Police, and also by the Department. The Committee recommends approval of PR 20-1062.

II. LEGISLATIVE CHRONOLOGY

September 30, 2014 PR 20-1062, “Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014” is introduced by Chairman Mendelson at the request of the Mayor.

2 Id.
5 Newsham 11.13.14 Testimony, supra note 3.
6 Newsham 11.13.14 Testimony, supra note 3.
III. POSITION OF THE EXECUTIVE

PR 20-1062 was submitted to the Council by the Executive. Peter Newsham, Assistant Chief, Metropolitan Police Department, testified on behalf of the Executive in support of PR 20-1062 at the Committee’s November 13, 2014 hearing. Assistant Chief Newsham described the shift differential payments for captains and lieutenants that PR 20-1062 would authorize, and notes that under the current labor agreement, MPD officers, detectives, and sergeants receive such shift differential compensation for working evening and midnight shifts. He stated that establishing such compensation for lieutenant and captain will ensure that those ranks maintain parity with the lower ranks that they supervise. Assistant Chief Newsham noted that PR 20-1062 is important for recruitment and retention of personnel at the ranks of lieutenant and captain, and that the night shifts are those when the community most needs police presence. He further spoke to the general agreement of the medical and psychiatric communities on the physical and psychological impacts of working these shifts. He also noted that night differential is currently available to other District government employees up to Grade 14, or the equivalent of an MPD captain. Assistant Chief Newsham concluded by stating that PR 20-1062 represents an issue of fairness for MPD captains and lieutenants.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from any Advisory Neighborhood Commission on PR 20-1062.
V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on PR 20-1062 on Thursday, November 13, 2014. The testimony summarized below is from that hearing. A copy of this testimony is attached to this report.

Peter Newsham, Assistant Chief, Metropolitan Police Department, testified in support of PR 20-1062 on behalf of the Executive. His testimony is summarized in Section III above.

Captain Philip Lanciano, President, Metropolitan Police Official’s Association (MPOA), testified in support of PR 20-1062. He noted that the night differential issue dates back to 1994, and PR 20-1062 will alleviate the pay compression issues with regard to midnight and evening shifts. Captain Lanciano also spoke to concerns of the MPOA regarding Bill 20-810, Metropolitan Police Department Commencement of Discipline and Command Staff Appointment Amendment Act of 2014, currently pending before the Council.

VI. IMPACT ON EXISTING LAW

The Mayor submitted PR 20-1062 to the Council pursuant to D.C. Official Code § 1-611.06, which provides that following Mayoral submission of any changes to a compensation system or systems, and in the salary and pay schedules under those systems, if the Council takes no action within 60 calendar days, not including days of Council recess, then the changes are deemed approved.\(^7\)

VII. FISCAL IMPACT

The attached November 13, 2014 Fiscal Impact Statement from the Chief Financial Officer (CFO) states that funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement PR 20-1062. The CFO notes that implementation of PR 20-1062 will cost $155,000 in FY 2015 and $810,000 over the four-year financial plan period, and MPD can absorb this increase within its existing resources.

VIII. SECTION-BY-SECTION ANALYSIS

Section 1
States the short title of PR 20-1062.

Section 2
States that the Council approves the proposed compensation system change recommended by the Mayor for a shift differential for MPD

\(^7\)The 60-day period of review for PR 20-1062 expires on December 7, 2014.
Committee of the Whole
Report on PR 20-1062

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captains and lieutenants, which was transmitted by the Mayor on September 30, 2014.

Section 3 Provides that upon the adoption of PR 20-1062, the Chairman shall transmit a copy to the Mayor and the Chief of Police.

Section 4 Adopts the Fiscal Impact Statement.

Section 5 Provides that PR 20-1062 shall take effect immediately.

IX. COMMITTEE ACTION

On November 18, 2014, the Committee of the Whole (COW) met to consider PR 20-1062, “Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014.” The meeting was called to order at 10:39 am, and PR 20-1062 was item VI-M on the agenda. After ascertaining a quorum (Chairman Mendelson and Councilmembers Alexander, Bonds, Bowser, Catania, Cheh, Evans, Graham, Grosso, McDuffie, Orange and Wells present; Councilmember Barry absent), Chairman Mendelson moved the print and report together with leave for staff to make technical, conforming, and editorial changes. Following an opportunity for discussion, the vote on the motion was unanimous (Chairman Mendelson and Councilmembers Alexander, Bonds, Bowser, Catania, Cheh, Evans, Graham, Grosso, McDuffie, Orange and Wells voting aye; Councilmember Barry absent). The meeting adjourned at 1:30 pm.

X. ATTACHMENTS

1. PR 20-1062 as introduced.

2. Written testimony and comments.


4. Legal sufficiency determination.

5. Committee Print for PR 20-1062.
Memorandum

To: Members of the Council

From: Nyasha Smith, Secretary to the Council

Date: October 06, 2014

Subject: Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, September 30, 2014. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014", PR20-1062

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee of the Whole with comments from the Committee on Judiciary and Public Safety. This resolution will be deemed approved on Sunday, December 7, 2014 without Council action.

Attachment

cc: General Counsel
    Budget Director
    Legislative Services
The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council is the “Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014.” The accompanying Notice of Proposed Rulemaking is also enclosed.

This resolution is for the purpose of providing shift differential for Metropolitan Police Department Captains and Lieutenants. The establishment of such compensation is authorized by § 1104 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Official Code § 1-611.04). The proposed compensation is being submitted for Council review pursuant to §§ 1104 and 1106 of the CMPA (D.C. Official Code §§ 1-611.04 and 1-611.06). Under the current labor agreement, Metropolitan Police Department officers, detectives, and sergeants receive shift differential for working evenings and night shifts. Establishing a shift differential for Metropolitan Police Department Captains and Lieutenants will ensure that these management officials maintain pay equalization with those union members whom they supervise on these shifts.

I urge the Council to take favorable action on this resolution.

Sincerely,

Vincent C. Gray
Mayor
Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution which was referred to the Committee on ________________________.

To approve the establishment of a shift differential for Metropolitan Police Department Captains and Lieutenants.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014”.

Sec. 2. Pursuant to Section 1106 of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.06), the Council of the District of Columbia approves the proposed compensation system change recommended by the Mayor for a shift differential for Metropolitan Police Department Captains and Lieutenants, and the notice of proposed rulemaking to implement the compensation change, which were transmitted by the Mayor to the Council on _____, 2014.

Sec. 3. Fiscal Impact Statement.
The Council adopts the fiscal impact statement in the Committee report as the fiscal impact statement required by section 602 (c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat.813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 4. The Secretary of the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chief of Police, Metropolitan Police Department.

Sec. 5. This resolution shall take effect immediately.
METROPOLITAN POLICE DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

The Chief of Police, pursuant to Mayor's Order 2012-28, dated February 21, 2012, and in accordance with § 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.06 (2001)) hereby gives notice of the intent to adopt, the following proposed rules to provide evening and night differential to Metropolitan Police Department Captains and Lieutenants in accordance with § 1104 (d) of the CMPA (D.C. Official Code § 1-611.04 (d) (2001)). Upon adoption, these rules will add a new Section 105 to Title 6A DCMR (Police Personnel), Chapter 1 (Organization of the Metropolitan Police Department). The rules will become effective in not less than sixty days of the date of the publication of this notice in the D.C. Register, or the enactment of an approval resolution for this compensation change, whichever occurs later.

Title 6A DCMR (Police Personnel), Chapter 1 (Organization of the Metropolitan Police Department) is amended to add a new section 105 to read as follows:

105 SHIFT DIFFERENTIAL

105.1 Captains and Lieutenants may receive pay at their scheduled rate plus a differential of 3% for regularly scheduled non-overtime work when the majority of their work hours occur between 3 p.m. and midnight; 4% of their scheduled rate if the majority of their work hours occur between 11 p.m. and 8 a.m.

Comments on these proposed amendments should be submitted, in writing, to Terrence D. Ryan, General Counsel, Metropolitan Police Department, Room 4125, 300 Indiana Avenue NW, Washington, D.C. 20001, within sixty (60) days of the date of the publication of this notice in the D.C. Register. Additional copies of these proposed amendments are available from the above address.
MEMORANDUM

TO: Lolita S. Alston
   Director
   Office of Legislative Support

FROM: Janet M. Robins
      Deputy Attorney General
      Legal Counsel Division

DATE: September 16, 2014

SUBJECT: Legal Sufficiency Review of Draft Proposed Resolution, the "Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014" (AE-14-372)

This is to Certify that this Office has reviewed the above-referenced draft legislation found it be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

Janet M. Robins
TESTIMONY OF THE METROPOLITAN POLICE OFFICIAL’S ASSOCIATION (M.P.O.A.) IN FAVOR OF BILL 20-1062, “MPD Captain and Lieutenant Shift Differential Approval Resolution of 2014”

Chairman Mendelson, Councilmembers, Staff and guests;

Thank you for allowing the Metropolitan Police Official’s Association (M.P.O.A.) to present testimony today and speak to you on behalf of BILL 20-1062, “MPD Captain and Lieutenant Shift Differential Approval Resolution of 2014”.

My name is Philip Lanciano, and I am a Captain with the Metropolitan Police Department (M.P.D.). I am the current President of the M.P.O.A., which was established in 1976 to represent the sworn officials of the Metropolitan Police Department who serve at the rank of Lieutenant through Assistant Chief of Police.

I have testified previously regarding pay compression. The entire M.P.O.A. membership appreciates the efforts of the Chief of Police, the Mayor, the Deputy Mayor of Public Safety, the D.C. Office of Human Resources and Payroll, as well as your work, Chairman Mendelson, to bring Bill 20-1062 before the City Council for today’s hearing and ultimately for a vote.

The issue of night differential has lingered as far back as 1994. The passage of the Night Differential Bill will finally widen the existing pay difference and alleviate the pay compression issues between Civil Service
Sergeants and Lieutenants assigned to work the 1st Watch (Midnights) and 3rd Watch (Evenings) tours of duty.

The M.P.O.A. was notified yesterday that the Bill regarding Compensatory Time for Inspectors, Commanders, and Assistant Chiefs, that was sent over with B 20-1062, "MPD Captain and Lieutenant Shift Differential Approval Resolution of 2014", will not be taken up this year. This long standing benefit of earning compensatory time was removed in 2001. Any information on this Bill coming before the Council for passage will be greatly appreciated.

Chairman Mendelson, I would now like to take a moment to address a third and final issue that is in need of immediate attention from the Council of the Whole. The M.P.O.A. has been corresponding with your Office, the Judiciary, and numerous Councilmembers regarding PR20-810, the "COMMAND STAFF APPOINTMENT ACT 2013".

The M.P.O.A. never had the chance publicly to testify on the "COMMAND STAFF APPOINTMENT ACT 2013," due to the short turn around on notification as well as the desire of the M.P.O.A Executive Board to first poll the membership to determine what the majority thought about the proposed legislation, due to the fact that it has been over 14 years since a similar bill came before the Council.

The Command Staff Appointment Act is viewed by the majority of M.P.O.A. members as a detriment to the good working order of Metropolitan Police Department. The Bill also represents a grave risk to the present and long standing Civil Service rank structure within the Metropolitan Police Department, specifically impacting the Civil Service rank of Captain. Our current rank structure has been protected under Federal Civil Service rules, and dates back as far as 1899.

It must be noted for the record that the D.C. City Council did not move forward on an identical bill, B20-810, "COMMAND STAFF APPOINTMENT ACT 2013," when it was first proposed by former Chief Charles Ramsey in 2003. When this legislation was introduced, the M.P.O.A. membership voted on the bill. 73% of the members voted against the legislation, and...
26% of the members voted in favor of the legislation. At that time, the M.P.O.A. vote carried great weight within the Judiciary and the Council of the Whole.

The M.P.O.A. again polled the membership on September 17, 2014, and the members overwhelmingly voted against Bill B20-810. 87% of the members voted against the Bill, while only 13% of the members were in favor of the Command Staff Appointment Act of 2013.

All of the votes were counted under strict confidentiality by 2 MPOA Board members, and 1 MPOA Non-Board member. All of the votes were triple checked for 100% accuracy. Approximately 75% of the MPOA Membership cast a vote, and every rank participated in the vote. At the time of the vote this included; 124 Lieutenants, 40 Captains, 9 Inspectors, 16 Commanders, and 5 Assistant Chiefs.

It must be noted that the total number of votes cast by members currently serving at the rank of Lieutenant far outnumbered all other ranks combined in terms of total votes cast. This is strikingly significant when you consider that overall vote of the membership was 87% against the legislation.

What has muddied the waters regarding that the original Bill B20-293 for the “Command Staff Appointment Act of 2013”, is that it was merged with the Police / Fire Discipline Amendment Act Bill number 20-820.

The M.P.O.A. respectfully requests to have these totally different issues separated and heard on their own merits, and voted on separately.

The M.P.O.A. respectfully requests the Council of the Whole to pass a Non-Consent Agenda to allow further conversation regarding this matter.

The M.P.O.A. believes there are 10 major reasons why no member of the Council should vote in favor of the Command Staff Appointment Act. These reasons include:

1. This bill will affect more than just the rank structure and Civil Service rules governing the Metropolitan Police Department; it will affect anyone who lives in, works in, or visits the District of Columbia. It will
affect you. The effects will not be felt immediately, but the ramifications will be long term and long lasting.

2. The Chief of Police has testified that, of the 10 city police departments that responded to a survey related to this matter, seven departments allow for members to be appointed to a discretionary rank without having first achieved the highest civil service rank through a centralized promotional process. This is not how the Metropolitan Police Department is structured. None of the five largest police departments in the country allows for an appointment process that circumvents their current Civil Service System.

3. The Chief of Police testified that the use of the Command Staff Appointment Act would not be a process that would be used on a whim. What I know to be a fact is that the D.C. Financial Control Board gave the Metropolitan Police Department 10 exempted civil service positions in 1998 to promote individuals to any rank above the rank of Captain that the Chief of Police desired. There are currently two individuals serving in these exempted service positions.

   a. This cannot go with notice. Over the past 8 years, with the exception of the two exempted service positions; every current Inspector, Commander, and Assistant Chief of Police on the Department was PROMOTED to the rank of Captain and served in this capacity at some point in their career.

   b. Each Captain that was promoted studied and worked hard. These members surpassed many other Lieutenants competing for the rank of Captain and were ultimately promoted on their merit.

   c. Even Chief Lanier was promoted to Captain and served at this rank prior to being selected for a Command Staff position and has been our serving Chief of Police since 2007. This in itself
shows great promise for being promoted through the rank of Captain.

4. The Chief of Police indicated that the promotional processes for the rank of Lieutenant and Captain are similar. I can say without a doubt that the only similarity is the structure of the process: there is a written exam, a written process, and an oral portion to the promotional process. However, the testing material is very different.

5. The rank of Lieutenant and Captain are dissimilar. The duties and responsibilities of these ranks are varied and distinct.

6. The Chief of Police has indicated that newly promoted Captains are only required to serve in the position for one year before they are eligible to be promoted, so the proposed legislation would not necessarily result in command staff members with less experience.

   a. It is important to note that most Captains, although eligible to be promoted to Command Staff rank after one year in grade, typically serve at least two to three years in grade before they are even considered for promotion.

   b. To be considered for the rank of Captain, a Lieutenant with the requisite time in grade must participate in the Civil Service promotional process and be ranked in merit order to be selected for promotion. If this Bill is passed, the Chief would be able to promote very junior and inexperienced Lieutenants to Command Staff positions.

   c. Promoting members who lack experience and institutional knowledge is problematic.

   d. One of the advantages of the current Civil Service promotional system is that it provides a systematic and gradual skill
progression for supervisory and management personnel as they attain the competencies and experience necessary to perform effectively at higher levels of responsibility.

e. This legislation would functionally remove one of these progression steps (the rank of Captain). From the date of hire, members of the Department may currently attain the rank of Lieutenant in under 7 years. However, it is unfathomable to believe that any member of the Police Department, regardless of their education or background, has the experience to properly and effectively manage police officers, police supervisors, and police managers (as well as Civilian employees) at the Command level with only 6 years of total police experience.

   i. From the date of hire, you can be promoted to Sergeant in four years.

   ii. After serving two years as a Sergeant, you can be promoted to Lieutenant.

   iii. In addition to managing larger and more complex units and commands, Command Staff members also must perform special functions to include:

       • Field Commander
       • Adverse Action Panel Chairperson,
       • On-call critical incident official.

       Currently, this experience is gained at the rank of Captain or above.

f. Captains and Command Staff members currently share these responsibilities. It would be extremely difficult for any
Lieutenant promoted directly to a Command Staff position to effectively perform all of the duties expected of a Command official. Serving at the rank of Captain is critical in preparing a member to serve at the Command Staff level.

g. The rank of Captain has been in existence on the Metropolitan Police Department for over 100 years. This rank is important, from both a historical perspective, and from the perspective that it is the first rank that truly prepares members for Command level responsibility.

7. The Chief of Police testified that the promotional process used to promote Lieutenants to Captain is expensive and time consuming, and the Department can only do it so often.

a. Over the past 30 years, the promotional process has always been conducted for the ranks of Sergeant, Lieutenant, and Captain at the same time. With approximately 1,000 members competing in the promotional process for these 3 ranks, it is not something that can be completed every year. However, the M.P.O.A. is unaware of anything that would prohibit the Chief of Police from conducting a separate and accelerated promotional process for the rank of Captain. If the argument is that there are not enough qualified Captains currently available to select from to fill future Command Staff members, then the answer would be to conduct a promotional process just for Captains as soon as possible. With less than 120 Lieutenants who would be eligible to compete in this process, the cost to administer the process would not be prohibitive.

8. The Chief of Police further indicated that the Department is coming to a critical period when the Command Staff is likely to be decimated by projected retirements. By the end of Fiscal Year 2014, more than a third (36 percent) of the Command Staff will be eligible to retire. By the end of FY15, this increases sharply to 61 percent, and to 73
percent at the end of FY 2016. In other words, in less than four years, almost three-quarters of the current command staff may turnover.

a. As a compromise to this proposed legislation, Councilmember Wells offered the Chief of Police 10 extra captain positions, which were subsequently turned down. If these 10 extra positions had been accepted, they could have been filled by the Chief of Police from the current Captain’s promotional list. The Chief could then select the ten most qualified or promising Captains on the Department, and pair them up with Command Staff members who are currently eligible (or will be soon eligible) to retire. The Command Staff members could have then mentored these 10 Captains for a designated period of time to prepare them for a specified Command Staff position. Basically, they would be training their replacements. These extra 10 Captain’s positions would have allowed the Chief of Police to keep the current Captain’s positions on the Department fully staffed, while allowing the 10 selected Captains plenty of time to learn a new role as a Command Staff member, and ultimately transition into that role when the senior Command Staff member they are shadowing retires. This would have allowed for a smooth transition, and would have solved the expected Command Staff attrition over the next several years by just repeating the process.

b. Another solution would be to develop the qualified Captains currently serving on the Department for positions of higher authority and responsibility.

c. If the current pool of Captains lacks the necessary skill and/or ability to serve in a Command Staff position, steps should immediately be taken to train, coach, and mentor these individuals. A simple review of each candidate’s resume’ and work history would clearly establish that most Captains possess
the skills, experience, and knowledge to serve at the Executive/Command Staff level.

9. The Chief of Police testified to the Judiciary that the new officers and sergeants that are moving up to the rank of Lieutenant have a higher level of education.
   • 65% have bachelors
   • 10% have masters

MPD does not have a data base that contains our personal education and achievements. I voluntarily solicited the information from the 44 currently serving Captains in the last 48 hours.

Of the 26 responses I received:
   • 23 Captains had Bachelor Degrees
   • 12 Captains had Master’s Degrees
   • 1 additional Captain will have a Master’s Degree in 2015
   • 1 Captain has their Associates Degree
   • 1 Captain has 58 credits toward an Associate’s Degree
   • 7 have attended the prized FBI National Academy
   • 2 have attended FBI - LEEDS
   • 9 have attended the PA State POLEX Course
   • 2 have attended the West Point Management Training Course
   • 2 are Certified Public Mangers
   • Several have military education and experience

Just think, more than half of the Captains that responded to my email in 48 hours could replace all 16 serving Commanders, 9 serving Inspectors based on their qualifications when compared to the data that the Chief of Police spoke about. This does not take into account the 18 Captains that have not responded.
10. The Chief of Police testified there is a younger talent pool in the rank of Lieutenant. I would counter that there is a more mature and experienced talent pool within the rank of Captain.

When considering the fact that wisdom and prudence are the hallmarks of tenure and experience, I would proffer that the Captain's talent pool is far more capable than the talent pool of junior Lieutenants when it comes to ensuring that the rights of citizens are safeguarded, laws are fairly enforced, liability is managed, and police officers are trained and mentored properly. As we all realize, youthfulness has its advantages. However, youth is not necessarily a good thing when you are talking about managing a police department. Regardless of the outcome of this proposed legislation, these members will continue to serve this police department with great distinction.

As the Chief of Police testified to we do have bright and eager Lieutenants. If they are so qualified they will do well testing for the rank of Captain and will do well in their future careers. Leaving out the critical Civil Service rank of Captain can and will be catastrophic.

In short, B20-860 makes no sense, now, or in the years to come, for maintaining the high quality of management and leadership on the Metropolitan Police Department. The current Captains and future Captains promoted through the Civil Service rank will continue to guide this department for another 100 years and beyond.

To conclude the reason of my appearance today on behalf the M.P.O.A., I hope you will vote in favor of BILL 20-1062, the “MPD Captain and Lieutenant Shift Differential Approval Resolution of 2014”.

The M.P.O.A. respectfully requests that the Council of the Whole:

- Please pass a Non-Consent Agenda regarding B20-860 "COMMAND STAFF APPOINTMENT ACT 2013".
- Please separate the bills
- Please allow each bill under B20-860 be heard on their own merits.
I am willing to answer any questions that you may have. If I do not have the answers today, we, the M.P.O.A., will provide answers to questions posed in writing to the Council.

Thank you,

Captain Philip Lanciano

MPOA

President
Testimony of
Peter Newsham
Assistant Chief

Metropolitan Police Department

Committee of the Whole
Phil Mendelson, Chairman
Council of the District of Columbia

November 13, 2014

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004
Good morning, Chairman Mendelson, members of the Committee of the Whole, staff, and guests. I am Peter Newsham, Assistant Chief of Police at the Metropolitan Police Department (MPD). Thank you for the opportunity to provide testimony in support of the Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014.

The approval resolution before you today would establish a shift differential payment for MPD’s captains and lieutenants. Under the current labor agreement, MPD officers, detectives, and sergeants receive shift differential compensation for working evening and night shifts. Establishing a shift differential for captains and lieutenants will ensure that these management officials maintain pay equalization with those union members whom they supervise on such shifts, which would be 3 percent for evenings and 4 percent for midnight. Funds are sufficient in the MPD budget to cover the cost of the shift differential.

This change is important for recruitment and retention of talented personnel to these management ranks. Working the night shift is a challenging but necessary task, because that is often when the community needs us the most. The medical and psychological communities generally agree that working these hours has significant impacts on a person’s physical and psychological health. Night work and fatigue may also contribute to the risk of heart disease and cancer, as well as diabetes, obesity, ulcers, depression, and an increased risk of accidents or injury. The risks are not different just because someone has reached a higher rank. In recognition of these risks, we pay a modest differential to our rank and file officers, a differential we seek to provide to those managers who share those risks. Night shift differential is already available to other District government employees up to Grade 14, which is the equivalent of an MPD captain.

In closing, approving the shift differential payment for MPD captains and lieutenants will equalize the compensation for those members with the same differential that members at lower ranks are currently receiving. We believe this is an issue of fairness for our captains and lieutenants.

I thank you again for the opportunity to appear before you to present testimony on this important legislation. I will be happy to address your questions at this time.


2 Ibid.

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeff DeWitt
Chief Financial Officer

DATE: November 13, 2014

SUBJECT: Fiscal Impact Statement – Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014

REFERENCE: Proposed Resolution 20-1062, As Introduced

Conclusion

Funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the proposed resolution. Implementation of the proposed resolution will cost $155,000 in FY 2015 and $810,000 over the four-year financial plan period.

Background

The proposed resolution approves a proposed rulemaking that would provide captains and lieutenants in the Metropolitan Police Department (MPD) with a differential pay increase for working evening and overnight shifts. The evening shift takes place between 3:00 pm and midnight and warrants a 3 percent increase over scheduled pay. The overnight shift takes place between 11:00 pm and 8:00 am and warrants a 4 percent increase over scheduled pay.

Currently, only MPD officers, detectives, and sergeants receive differential pay for evening and overnight shifts.

Financial Plan Impact

Funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the proposed resolution. Implementation of the proposed resolution will cost $155,000 in FY 2015 and $810,000 over the four-year financial plan period. MPD can absorb this increase within its existing resources.
The Honorable Phil Mendelson


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<td>FY 2015 - FY 2018</td>
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<td>Increased Personnel Cost</td>
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<tr>
<td>FY 2015*</td>
</tr>
<tr>
<td>FY 2016</td>
</tr>
<tr>
<td>FY 2017</td>
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<tr>
<td>FY 2018</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>$155,000</td>
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<tr>
<td>$212,000</td>
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<tr>
<td>$218,000</td>
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<tr>
<td>$225,000</td>
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<tr>
<td>$810,000</td>
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Table Note
* Assumes a January 1, 2015 implementation date.
MEMORANDUM

TO: Chairman Phil Mendelson

FROM: V. David Zvenyach, General Counsel

DATE: November 18, 2014

RE: Legal sufficiency determination for Proposed Resolution 20-1062, the Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014

This measure is legally and technically sufficient for Council consideration.


I am available if you have any questions.

VDZ
A PROPOSED RESOLUTION

20-1062

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the establishment of a shift differential for Metropolitan Police Department captains and lieutenants.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Metropolitan Police Department Captain and Lieutenant Shift Differential Approval Resolution of 2014”.

Sec. 2. Pursuant to section 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.06), the Council of the District of Columbia approves the proposed compensation system change recommended by the Mayor for a shift differential for Metropolitan Police Department captains and lieutenants, which was transmitted by the Mayor to the Council on September 30, 2014.

Sec. 3. Transmittal.
The Chairman of the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chief of Police, Metropolitan Police Department.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.