

Written by

Reza Gostar

The Desert Sun

Dec. 21, 2013 | [8 Comments](#)

Desert Hot Springs police union fighting pay cut

Union lawyer says DHS City Council acted illegally



Desert Hot Springs police officers attend the City Council meeting on Wednesday. Gerry Maceda/Special to The Desert Sun
Desert Hot Springs police officers attend a City Council meeting on Wednesday evening, December 19, 2013. The Desert Hot Springs City Council voted on cutting salaries of police and city employees during the meeting. Photo by Gerry Maceda, Special to The Desert Sun

DESERT HOT SPRINGS — The police union filed a fact-finding request Friday with the California Employment Relations Board, a day after the City Council voted to cut almost all city salaries by more than 22 percent.

Council members “did not abide by the impasse procedures as required by (California State Assembly bill) 646,” said Wendell Phillips, general counsel for the Desert Hot Springs Police Officers Association.

He said he plans to ask for a court order to stop the council-approved pay cuts.

In an effort to avoid bankruptcy, the City Council unanimously passed a motion Thursday cutting almost all city salaries by 22½ percent, placed a cumulative cap on all incentive pay, and limited salary-range increases to three percent, among other changes to be implemented Dec. 28.

Phillips told The Desert Sun that under state employment laws, such as Assembly Bill 646 and Assembly Bill 506, the city is required to implement a fact-finding process before reaching an impasse and cutting employee salaries or positions.

The AB 646 law, which was passed at the same time as AB 506, prohibits “a public agency from implementing its last, best and final offer until at least 10 days after the fact finders’ written findings of fact and recommended terms of settlement have been submitted to the parties and the agency has held a public hearing regarding the impasse.”

Phillips said that a declaration of a fiscal emergency does not negate the responsibility of the city to go through this process. The legal prerequisites for the council’s decision to cut salaries never took place, he added.

Desert Hot Springs City Attorney Steve Quintanilla said Thursday that, “The City Council, under the circumstances of this legal emergency, does have the legal right to adopt these particular provisions ... that alter the employee’s salaries and benefits with respect to those employees who are not covered by a current (employee contract with the city).”

He added that the city does not have a current contract in place with the Police Officers Association.

How this legal action will affect the city’s efforts to overcome its fiscal problems will “depend on the action filed,” interim City Manager Bob Adams said late Saturday.

“Whatever we receive — (the) additional costs ... would make it that much more difficult to pull ourselves out of the fiscal hole we find ourselves in,” he said.

Desert Hot Springs city leaders declared a fiscal emergency in November, after revised budget numbers revealed that the city is on course to collect revenues of \$13.9 million in the 2013-14

fiscal year and spend about \$18 million, leaving a more than \$4 million budget gap as it moves forward into the next fiscal year.

“I believe the resolution you made declaring a fiscal emergency does not meet the requirements” of state law, Phillips told the council Thursday.

Besides not going through a proper impasse procedure, a big part of Phillips’ argument against the city’s decision to cut salaries is that the police union was under contract with the municipality.

The council offered the police union a deal and “although they never formally recognized it, they implemented part of it,” said Phillips, who claims that the council’s decision violates California employee law. The deal included a reinstatement in uniform allowances and reimbursements for increased healthcare costs.

City leaders have maintained that the police union’s contract was never ratified.

“Two City Council members suggested that it might be better if the council could wait to formally ratify the new MOU (memorandum of understanding or police employee contract with the city),” wrote Michael R. Valentich, Desert Hot Springs police officer association president. “My understanding was they meant (to) wait until after the city-wide council election.”

Valentich stated, in his declaration to the state board, that “after receiving verbal assurances that the ratification by the council ‘on the record’ was just a formality, we agreed to wait for formal ratification.”

Despite the reductions to police and city employee salaries, which represent a \$2 million annual cost-savings, city leaders will still have to make more than \$2 million in additional cuts by June in order to have enough money to pay city employees and other contractual obligations.

RELATED: [Desert Hot Springs council approves salary cuts by unanimous vote](#)

Related Links

- [113-page police union report](#)