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**WOULD A SALARY SYSTEM FOR LAW
ENFORCEMENT OFFICERS BE AN EFFECTIVE FORM
OF COMPENSATION AND CHANGE THE
PROFESSIONAL PARADIGM IN THE YEAR 2008?**

JOURNAL ARTICLE

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This Command College Independent Study Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future but rather to project a number of possible scenarios for strategic planning consideration.

Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the future--creating it, constraining it, adapting to it. A futures study points the way.

The views and conclusions expressed in the Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training (POST).

The Need for Taking the Final Step to Professionalism

Introduction

Walt Disney was a rare individual who could dream of a distant future, pluck an idea from that dream and make it a reality. In a replica of Walt Disney's office at Disneyland hangs a framed saying, which reads: "Remember! It all started with a mouse!" A very simple thought that speaks volumes about his accomplishments and serves as a reminder that the simplest idea can be used to transform an entire industry into something totally different than its' current existence.

The same analogy can be drawn when examining the pay structure used to compensate police officers at the line level. The hourly wage and the mindset that sometimes accompanies it are deeply embedded in the fabric of the law enforcement organizational culture. Proposed is the simple idea of a straight salary system for all police officers, which too could transform the entire industry into something totally different than it's current existence.

Before discussion of a potential future, we need to conduct an analysis of the past.

A Look Back

In his book *Six Gold Stars*, author Dexter H. Mast describes his career as an Oakland, California Police Officer. Like the title implies, Mast spent 30 years as an officer, from 1939 to 1969, quite a span considering the social and political changes the City of Oakland, the State of California and the United States were experiencing during this time. Imagine starting a law enforcement career between the tail-end of the Great Depression

and pre World War II and ending your career at the conclusion of the most tumultuous decade of civil unrest this country has ever experienced since the Civil War.

What might have been the definition of a professional police officer when Mast started in 1939? Examination of the Author's Note provides some insight:

The language used and the prejudices expressed in this account are those of the forties and fifties and have not been modified to reflect our more enlightened ways today. Prejudices have always been a way for the ignorant to explain their failure in life.

The methods used by an Oakland police patrolman fifty years ago would not be acceptable today. We have set them down here only for what they are, a slice of personal history.

Still, I can't help but notice that today's streets are not as safe as they were, and the courts and police can't keep up with all the crime that is committed now. Qualified police officers are hard to find even though their beginning salary compares favorably with the incomes of workers in the world's oldest profession.

It is interesting that Officer Mast selects language, prejudice, methods and acceptable (behavior) as areas that require further explanation and justification because of what they represented and how they were defined at the time his career started. Clearly what was an acceptable practice regarding language, conduct and tactics in the 1940's and 1950's would, in most instances, not be acceptable today. Examining the acceptable approach of resolving a domestic violence situation can draw an interesting contrast and comparison. The proper resolution in 1939, as described by Mast, was to take the suspect to the lock-up located behind the firehouse for a counseling session. This involved the officer and wife-beater establishing a common ground whereby the officer would be overcome with the desire to beat up the wife-beater. At the conclusion of the counseling session, the

officer would return the husband home and all would be forgiven. This could have been very effective at the time for at least some incidents.

In Mast's professional working environment, the punishment was of a physical nature with the culprit returned home rather quickly. In today's professional environment, once adjudicated, a defendant in San Mateo County could expect consequences to be quite severe. On average they will serve 10-60 days in jail depending on the severity of the injuries, 18 months supervised probation, 18 months (unsupervised) court probation, mandatory attendance of 104 hours of domestic violence counseling within 18 months of sentencing, a return to court every 3 months for judicial status review, be subject to search and seizure, no possession of weapons and/or ammunition, a fine of \$100 to be paid to a battered women's shelter, a \$200 fine to be paid to a domestic violence victim fund, and \$110 restitution payment to the court. Quite a difference in consequences and final resolution.

The preceeding clearly demonstrates what those in law enforcement already know: that the business of police work and the way in which it is done has dramatically changed. How law enforcement defines itself as a profession today is the cornerstone and foundation of how the public views the police. If the image is to be that of a positive and professional entity, then police officers need to act and be compensated accordingly.

Law Enforcement as a Profession

Currently in our society, law enforcement is in a position where the definition in terms of a profession is changing at an ever-faster rate. Officers are called upon to solve a variety of complex social problems. The working definition is constantly in flux as the customers place further and expanding demands on the services they expect.

Community Policing is becoming a blended mixture of various philosophies often referred to as “problem-solving”, “one-stop shopping”, “working in partnership”, and “the Nordstrom’s approach” of customer service. These definitions are the driving force behind the expansion of our service capabilities. No longer incident driven, officers are expected to be a problem solver and facilitator. To truly have “one-stop shopping” means that the definition and needs of the customer will be determined by the customer in partnership with the law enforcement professional – or the service provider. As a result, law enforcement will continue to experience the need to reexamine itself to ensure that it is meeting the needs of the customer. Increased demands and complexities calls for an increase in professional capabilities and higher standards. Higher standards and expectations means professionalism and the need to be paid like a professional.

What are the characteristics of a profession? Webster’s New World Dictionary defines a profession as: “An occupation requiring advanced academic training, as law, medicine, etc.”

Using this definition as a reference point, an examination of what law enforcement has in common with other accepted professions in California reveals the following:

Physicians:

- Base Education: Undergraduate Degree
- Advanced Education: Six years medical school
- Training: Residency
- Salary: Range of \$60,000 to \$96,000 annually to start
- Developed specialty pays \$154,800 to \$199,200

Attorneys:

- Base Education: Undergraduate Degree
- Advanced Education: Two years of law school
- Training: Varies depending on chosen specialty
- Salary: Range of \$42,960 to \$124,800

Civil Engineers:

- Base Education: Undergraduate Degree
- Advanced Education: Varies depending on Specialty
- Salary: Range of \$42,960 to \$124,800 annually

California Police Officers:

- Base Education: Varies from high school diploma to under graduate degree depending on organizational requirements
- A minimum of 6 months training at the basic academy level
- An average of 16 weeks of field training
- A minimum of 24 hours of advanced officer training every two-years
- Salary: Range of \$30,000 to \$78,000 annually

Other similarities include licensing, accreditation, recertification, expertise in their field, public respect and scrutiny, high expectations, high-profile in the media and a distinctive appearance (uniforms). However, one glaring dissimilarity is the absence of a salary reimbursement model for the line-level police professional.

It is clear that law enforcement has made tremendous advances in its pursuit of professionalism. However, the profession itself and the members within it are extremely hesitant to take the final step towards what I term a true professional status. "Police want

to call themselves professionals but still bargain like the United Auto Workers Union, focusing on an hourly wage and benefits,” observes Dr. Steven Vicchio. Police must explore potential alternative approaches while asking themselves if continuing the status-quo will have a stifling effect on how they view themselves and their subsequent understanding of what their role is to be in the future. Will law enforcement continue to hear the occasional cries of “not my job” and work under an industrial era compensation model or develop a job description that places no limitations?

There are, however, two partners in this endeavor. Police managers have the responsibility to lead the transition and create a new environment for success. To do this means to shed traditional approaches and adapt to the changing needs of the employee.

The Responsibility of Management

Management needs to change their leadership approach as well. In her book *Leadership and the New Science*, Margaret J. Wheatley observes that organizational managers need to change from complex leadership styles and management controls and search for a simpler way to lead, one that requires less effort and results in less stress. This is based on the discovery in physics that space between objects is not void of material as previously thought. Rather, space has a direct effect on objects and can be used to build relationships and change. This concept is described as a movement towards holism – understanding the total ramifications of relationships in the workplace.

Wheatley observes:

That because we understand one we must understand two because one plus one equals two. But we now have to understand the *and*. Motivation must no longer be driven by external rewards. The employee value system is changing to intrinsic rewards – meaning, community, dignity and love in the organizational life. We must break the separation

philosophy of love is for home and discipline is for work. The concept of “love” must be reintroduced into the workplace.

Through this new order, dynamics relationships are formed and the chaotic structure actually becomes ordered resulting in a richer, more creative force. This results in “The New Scientific Management” approach. People are delighted by surprises instead of fearing them. The shift in participative management is not some passing fad. Instead, its formation is based on the changing order and organization of the physical universe itself. The better employees feel about the organization, the more work will be done. It is this self-reference that is the key for management. Acknowledging that employees are an important part of an ever-changing chaotic system and welcoming the dynamic change that it brings.

It continues to be an interesting paradox that law enforcement personnel views themselves as professionals and yet negotiates a wage in the same manner that was done since Officer Mast started his career. To expand further, law enforcement labor groups negotiate in the same manner as workers holding jobs related to the Industrial model, such as factory workers and other labor oriented careers. Nothing is wrong with these admirable jobs, but are they considered professions in the sense that law enforcement desires to describe itself? If the answer is no, and I propose it is, then what different approach should be taken.

The following model provides a framework for an analytical approach for law enforcement management and labor representatives who wish to implement a salary system for all line level officers. This model is based on the assumption that a desirable outcome is the implementation of a salary system. In addition, the assumption that the

interpretation of the Fair Labor Standards Act (FLSA) has been mitigated by labor/management negotiation or judicial ruling, modified or no longer in existence. Realizing that there are many who would oppose this concept, following this model at least provides a neutral research approach that should further attempts to mitigate allegation of bias and skepticism.

The Professional Vision

The premise of this new vision rests upon the concept that law enforcement has reached the professional level that it must commit to taking the last step towards true professional status. This concept does not end there. Rather this would be the beginning of a total revolution on how law enforcement perceives itself as an occupation and how the public and the various political structures view the police.

Post salary implementation, I believe, would result in a synergistic process that would create a true problem solving approach, a strong drive to meet customer service needs, less labor adversary during negotiations and less disciplinary actions.

The Model Organization:

We must first create a model organization to examine the affects that a straight salary system would have if implemented. Though fictitious in nature, this model will serve as an excellent test case for implementation. There needs to be the assumption that implementation of a salary system is possible and desirable by all critical stakeholders.

The City:

The City of Santa Paula is located in Central California and has a population of 32,200, covering 6 square miles. It is predominantly a bedroom community consisting of middle to upper income families. Most of the working residents commute to a larger city

30 miles away to what would be considered mostly white-collar occupations. The city does boast a large industrial and commercial area and has been fiscally well managed by its City Council and City Manager form of government.

The Police Department:

The Santa Paula Police Department is well respected in the law enforcement community. It places a premium on high customer service and recently fully adopted the community-policing concept. The Department consists of 40 sworn officers – (1) Chief, (2) Commanders, (1) Administrative Lieutenant, (8) Sergeants (one dedicated to investigations; all are members of the Police Officers Association), (24) Patrol Officers and (4) Detectives. The Community Policing Unit is incorporated into the patrol division. In addition to the sworn staff, the department has (23) non-sworn positions, (14) of which are full-time employees. Non-sworn staff consists of Dispatchers, Records Technicians, Community Service Officers and Administrative Support. Thirty-six officers are non-salaried employees.

Similar to many California agencies, the Santa Paula Police Department has experienced recruitment difficulties (finding qualified candidates) and retention problems caused by officers using the department as a training ground and opting to leave for the larger, nearby agency where diverse opportunities and higher pay can be found. The current pay scale follows the traditional “step-increase” model of 5% increases annually and is as follows:

- First Step: \$47,856 + \$7,925 (average overtime) = \$55,781
- Second Step: \$50,259 + \$7,925 = \$58,184
- Third Step: \$52,770 + \$7,925 = \$60,695

- Fourth Step: $\$54,419 + \$7,925 = \$62,344$
- Fifth Step: $\$58,176 + \$7,925 = \$66,101$

Budget:

Total Operating Budget of \$6,559,619. The department budgets \$205,000 annually for overtime; however, the department traditionally exceeds the budgeted amount by 15% on average - or \$235,750. Holiday pay is budgeted at \$71,300. These figures represent the sworn staff to be affected by the transition to salary (numbering 36).

Analysis of overtime expenditure for the previous year reveals that the individual officer worked an average of 184.4 hours of overtime. This equates to an average earning of \$7,925 per officer per year resulting from overtime. The high was 412 hours of overtime and the low was 108.5. The high overtime earning was \$16,645 and the low \$2,560.

Post Transition Issues and Potential Resolutions:

Labor Group:

Issue: The NGT Panel cited distrust of management and potential management abuse when allocating overtime.

Solution: Fostering trust through sound management practice as cited in this study should mitigate this concern. Potential management abuse of overtime allocation can be eliminated through monitoring and tracking of overtime. In this manner, overtime assignment can be accomplished through volunteer and a rotation/tracking system.

Overtime:

Issue: What should be done when an officer works overtime?

Solution: When the overtime is related to staffing shortages, late calls, the need for extra personnel or emergencies, assignment can be made on a rotation basis to ensure equitable distribution. Court related overtime would be eliminated through the use of other reward systems noted below.

Holiday Pay: Unaffected

Discipline:

A projection of affects on discipline is difficult to determine. Depending on the interpretation of FLSA and the Abshire decision, discipline could take many forms. Final resolution most likely would come from a judicial determination or labor/management agreement. One potential outcome is the determination that salaried officers do not meet the Abshire test because they do not meet the “performing executive duties” clause.

Post Transition Benefits:

Change in Mindset:

The potential for police cultural change is significant. Certainly police possess a professional mindset now. But to reach the next level means to accomplish any given task and constantly approach from a professional perspective.

Viewed as on Par with Other Professionals:

In conjunction with the change in mindset comes the perception from those we serve that we are truly a profession and such we should be treated, trained, trusted and compensated accordingly.

Retention:

By being the first or one of the first to make this transition and with implementation of the proposed management style, retention issues could virtually disappear.

Higher Pay:

Officers would be paid a \$64,724 annual salary. This figure was derived from adding the top-step salary to the projected overtime cost – which was divided by the number of overtime-eligible employees. This represents a 16.5% increase when compared to the base entry salary. Overall, overtime would be distributed equally, resulting in an overall reduction of per-person overtime.

Negotiations:

Negotiations would be less adversarial, more open and less complicated.

Worthington Industries:

Can this be done? Is it possible? Looking to the private sector for a comparative example, led to the discovery of Worthington Industries – a steel manufacturing plant based in Columbus, Ohio. Worthington Industries, like law enforcement agencies, found itself part of a slow changing business culture that frowned upon the notion of a salary system for line-level factory workers. However, management and employees pressed on for something innovative and accomplished something far beyond what was originally intended.

A Private Sector Example

Mr. John H. McConnell founded Worthington Industries in 1955. Using his 1952 Oldsmobile as collateral he borrowed \$600 to purchase his first load of steel. During the

subsequent year, five employees, using one piece of equipment sell \$342,000 worth of product, but only earn a net of \$11,000.

In 1959, Mr. McConnell purchased a two-acre site in Columbus, Ohio and builds a 16,000 square foot facility. This is followed in 1961 with the installation of a new manufacturing system, which produces an improved product at a lower cost. In that same year the company purchases a steel processing plant in Louisville, Kentucky, marking the first expansion move.

1966 saw the beginning of a dynamic process that would set the mark for the company and its employees during the ensuing years. Against well-respected advice from local business leaders, Mr. McConnell implemented a first of a kind idea in the steel manufacturing business by providing a salary pay system for line level production employees and a profit sharing program, thus treating all employees as partners in the business.

The company made its first public stock offering in 1968. In 1971, Worthington became the leading producer of steel and aluminum low-pressure cylinders in the United States. The 1970s brought continued expansion as other steel companies were purchased and the company moved into a new office building. In 1976 earnings surpass the \$100,000,000 mark. Aggressive expansion continued through the 1980s with further steel acquisitions and the building of new plants at various locations around the country. In 1995 Worthington reported record results and John H. McConnell repeats what he said 40 years ago, "...we've only scratched the surface."

Company Philosophy

An examination of the Worthington philosophy (excerpt) reveals the secret to their success. Each point is translated to law enforcement with an example of how and where this philosophy can be applied.

- We treat our customers, employees, investors and suppliers as we would like to be treated. The “Golden Rule” is critical to organizational success. Employees must treat managers in the same vein as well. Vitality so in law enforcement, yet difficult to follow, this simple concept would eliminate many barriers to a professional mindset.
- We are dedicated to the belief that people are our most important asset. Realizing that many police departments believe and commit to this concept, there are many, if not more, which do not. Adoption of this philosophy would further a professional working environment.
- We believe people respond to recognition, opportunity to grow and fair compensation. Salary and elimination of an adversarial bargaining approach would further a positive working environment. Pro-active mentoring, training programs and specialty rotation provide such an opportunity.
- From employees we expect an honest day’s work for an honest day’s pay. Salary and a professional approach – any aspect during the day may be part of “the job”, not just what is traditionally narrowly defined by the job description flyer.
- We believe in the philosophy of continued employment for all Worthington employees. Retention through a positive working environment and increased salary.

- In filling job openings every effort is expended to find candidates within Worthington. Leadership creating the opportunity and environment for success through career development and in-house testing to further promote loyalty. Many law enforcement managers feel that loyalty is a thing of the past. They are probably correct to a degree, however the broader question is what have we done to foster retention and loyalty? Give it, expect it, and talk about it without giving up is the key.
- We will exert every effort to see that the customer's quality and service requirements are met. Community policing, partnerships and the highest professional order.
- Once a commitment is made to a customer, every effort is made to fulfill that obligation. Philosophy, commitment, training and being a part of the organizational fabric.
- All managers are given the operating latitude and authority to accomplish their responsibilities within our corporate goals and objectives. The ability to take risks, learn by your mistakes and truly "think outside the box". It may differ, but different can be encouraged within acceptable limits.
- In keeping with this philosophy, we do not create corporate procedures. If procedures are necessary within a particular company operation, that manager creates them. TRUST! And dealing with it appropriately when it is violated. Police Department rules and regulations continue to expand and become more complicated. Efforts must be made to develop and foster trust in the work environment and examine alternatives to manuals and regulations that are cumbersome.

All employees are full-time. Some full-time employees are termed seasonal as there employment is for a short period of time – usually three to four months – during the busy time of the year. Company practice is to hire only seasonal employees to fill vacant full-time positions whenever possible. A seasonal employee can only be hired after their team members and first-line supervisors vote them in. All employees are on salary. The probation period is for 3 months.

In addition to salary, part of the outstanding benefit package is no sick leave days. If an employee is sick, then they get paid. In the event of an extended illness beyond five days, then the employee is granted disability time. The company experiences very little system abuse to the point that is almost a non-issue for management. Indeed, their absenteeism rate is an astonishingly low 1.4% of total work time. If the need arises to counsel someone, it is done in a constructive manner. Continued abuse results in a prorated reduction of profit sharing – a valuable benefit.

Employee evaluations are conducted every six months and focus on performance, housekeeping, attitude, attendance, career development, strengths and weaknesses. The plant has no janitorial services, so the employee is responsible for maintaining their work-space and the team is responsible for maintaining the general areas.

Pride and personal trust to do the job are the cornerstones of the management approach. They told me that the organization is made up of human beings that want to achieve and require care for each other and from management as well. It was readily apparent that these three firmly believed and practiced what they were telling me. Management expects mistakes from its employees because management will make mistakes. The point is to learn from the mistake and move on. They encourage all to do

what they believe is right and to have the courage to do it. There is the constant drive for success, raising the bar and trying to do what they do better.

If conflict does arise, then company procedure is to follow the open door philosophy to the maximum. This means that the line-level employee can walk into the CEO's office and air their grievance. When asked how the involved supervisor feels when this happens, the response was, "You can't be so thin skinned." In other words, if the supervisor was wrong, then they will learn from the situation without sanction.

The company believes that people will produce more than what is expected if they are trusted. Another example of this trust is the absence of time clocks. Employees are not required to punch a time clock. There are no job descriptions because the company feels there is not anything you shouldn't be able to do. It is common practice for the president of the company to shovel the snow off the sidewalk in front of the building. Line level employees regularly evaluate their supervisors. It is strongly felt that that if there is a performance issue, the system is so sound that either the supervisor or the employee is not in line with the system philosophy.

Other benefits are numerous. In addition to standard vacation time, the company provides an astounding array of services. For example:

- Profit sharing including the awarding of shares for good attendance.
- On-site medical facility staffed by two doctors and appropriate support personnel, which provides general care for employee families and on-duty injury emergency response.
- On-site pharmacy.

- A barber/stylist is physically located in the factory so employees can have their haircut on duty for a nominal fee of \$3.00.
- On-site Weight Watcher Counselors for a drastically reduced fee
- Numerous company picnics and cook-outs
- Full workout facility including a full sized in-door hardwood basketball floor

Leaders of the law enforcement profession must continuously explore with an open mind alternative ways of doing business. Current and future generations have listened and learned well the golden rule of treating others as we would like to be treated ourselves. Being compensated as a profession and treating each other as professionals will, I believe, lead to higher standards and public respect beyond what exists today.

Conclusion

Thinking, acting and being paid like a professional truly takes us into a realm where productivity and problem solving work hand-in-hand at peak efficacy. A synergistic environment can be created similar to what Worthington Industries has experienced. The beauty of this thought is that we would not be doing something new. The old saying of "Don't reinvent the wheel" holds true here as Worthington has been paying their line-level factory workers a salary since 1966.

Taking not the final step into professionalism, but rather the first step into a new frontier with exciting unknowns with salary and a management shift in leadership philosophy acting as the bridge to be crossed. Whatever the worst consequence can be, at least police officers will be paid like other professions.

Bibliography

Alameda County Library - Fremont Branch, Job Information Data Base

California Department of Justice, Community Policing and Problem Solving,
(Sacramento: DOJ 1992).

Katzenbach, Jeffery, Teams at the Top, (Harvard Business School 1997).

Mast, Dexter H., Six Gold Stars, (Berkeley: Glen Press, 1990).

Mosse, George L., Police Forces in History, (Unknown)

"Police History," The CQ Researcher, 5 February 1993, V3,N5, P 104.

Roberg, Roy R., Police and Society, (Unknown)

San Carlos Police Department Rules and Regulations General Order 2.29
Domestic Violence and Protection Orders.

San Mateo County District Attorneys Office, Conversation with Anonymous
Deputy District Attorney

Saturday Evening Post (June 1949)

Thompson, George Dr., Verbal Judo, Seminar 1985

Webster's New World Dictionary, (New York: Warner Books, Inc. 1995).

Wheatley, Margaret, Leadership and the New Science,
(San Francisco: Berrett-Koehler Publishers, Inc. 1992).

Worthington, Industries 1998 Annual Report

Worthington, Industries Employee Handbook