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## Testimony of the Boston Municipal Research Bureau

Before the

### Committee On Post Audit & Oversight

**November 13, 2008**

**Regarding: Docket # 0947: Order for a hearing to review the City Ordinance and polices which mandate police details at construction sites in the city.**

At this time of economic turmoil, the City of Boston should take every opportunity to reduce its own expenses and reduce the cost of doing business in Boston where feasible. Paid detail is one of those opportunities. Paid detail in the City of Boston is an expensive practice that adds over \$30 million to the cost of doing business in Boston. This cost is paid by businesses, ratepayers, the City itself and Boston taxpayers. Paid detail is an appropriate mechanism to provide a public safety presence in certain situations but other options in different circumstances also should be available. The current city ordinance requiring a police presence at every project requiring a street work permit should be amended to give the Police Commissioner discretion in determining when police officers are needed for street permit work and situations in which it would be appropriate to utilize civilian flaggers or even digital signs.

The legal authorization for paid detail stems from the city ordinance authorizing street work permits and requirements related to entertainment and liquor licenses. For street permit work, the city ordinance (CBC 11-6.9) requires at least one police officer for each project for which a permit is needed for street work. Police officers who work paid detail do so outside of their regular tour of duty.

#### **Ordinance vs. Contract**

Recent discussion of paid detail for street permit work has centered on the relationship between police collective bargaining contracts and the city ordinance in the operation of paid detail. The Research Bureau believes that the city ordinance creates the legal authorization to require paid detail and that the union contracts provide the ground rules for the implementation of paid detail.

Indeed, the comprehensive Boston Police Patrolmen's Association contract includes the following statement in the section of the contract that describes the mechanics for executing paid detail, "Upon execution of this agreement, the City agrees to enforce any existing city ordinance with respect to the use of Boston police officers on paid details." To modify the requirement of having a police officer at each project requiring a permit for street work, the ordinance would have to be modified first. The Administration would then need to bargain to impact the changes with the four police unions

#### **Paid Detail Operation and Cost**

The hourly wage rates and regulations of paid detail are negotiated in the police collective bargaining contracts. Businesses and other entities required to provide paid detail pay the City through the Police Department the required amount based on the hours utilized and the hourly rate by rank and number of officers. In addition, an administrative fee of 10% is paid to the Department for management of the process. The billing rate per hour is

dependent on the type of paid detail and rank of officer. For example, a police officer or Detective working at a high traffic street site, Fenway Park, TD Banknorth Garden, or other special events would be paid \$40.70 per hour but for other standard details would be paid \$36.30 an hour. A Lieutenant would be paid either \$50.60 or \$46.20 an hour depending on which type of detail was required. An officer working paid detail is paid a minimum of four hours and for work beyond four hours, the officer is paid for eight hours.

Paid detail and the ability to modify its provisions are a tricky political issue because paid detail has become an important income source for most police officers in Boston. In calendar 2007, 1,652 police officers or about 70% of the sworn force earned a total of \$31.9 million in paid detail. Other factors of note regarding payment of paid detail in calendar 2007 include:

- The average amount of paid detail earned by those officers receiving paid detail was \$19,322 and the median was \$14,722
- Police Officers and Detectives received approximately 86% of the paid detail distributed in calendar 2007. Paid detail was paid also to higher ranked Detectives, Sergeants, Lieutenants and even Captains
- 31% of those officers working paid detail received between \$1,000 and \$9,999
- 49% of the officers received between \$10,000 and \$40,000
- One police officer earned \$80,761 in paid detail in 2007 which represented 47% of his total earnings of \$173,792. His base salary was \$62,680
- Each of the top ten paid detail earners made more in paid detail than their base salary

### **City of Boston Pays Paid Detail**

The City of Boston is not exempt from paying paid detail for street permit work. Like businesses, the City is required to pay paid detail when city departments contract for work requiring paid detail. If, for example, the Public Works Department contracts with a company to pave a street, the contractor is obligated to provide for paid detail and that cost is included in the contractor's invoice paid by the City. In addition, the City is required to absorb added paid detail expenses if businesses or other entities contracting for paid detail do not pay the City in full. By contract, the City is obligated to pay police officers for paid detail within 14 days of the job completion. The paid detail receipts are received after payments to the officers are made. The City does not usually collect 100% of the paid detail receipts owed. The City's own expenses for paid detail in 2007 were not readily available for this testimony.

### **Civilian Flaggers/Prevailing Wage**

The use of civilian flaggers would provide some savings if utilized in Boston even with payment of the prevailing wage as required in Massachusetts. The Massachusetts prevailing wage law requires minimum hourly wage rates for workers on a public project as established by the Division of Occupational Safety. The current road flagger prevailing hourly rate for Boston is \$34.85 which is approximately 14% below the police officer paid detail rate of \$40.70. If one-third of the paid detail projects were executed by civilian flaggers, the savings would be between \$1.5 million and \$2.0 million. It should be noted that the civilian flaggers rate includes fringe benefits and the police officer rate does not which means that the actual savings is higher. The other advantage of civilian flaggers is that the minimum hours paid in most labor contracts is two hours rather than the police four hours which would create a savings in smaller jobs.

### **Recommendation**

In this fiscal environment, opportunities for greater efficiencies and reducing the cost of doing business in Boston, even for the City, should be taken when it can be done without affecting citizen or worker safety and the ease of traffic flow. The current city ordinance requiring a police presence at every project requiring a street work permit should be amended so that the requirement is not absolute but gives the Police Commissioner discretion in determining when police officers are needed for street permit work and situations in which it would be appropriate to utilize civilian flaggers or even digital signs. Standards should be established to guide the Commissioner in making these decisions.