



Kansas State Lodge

Fraternal Order of Police

February 2, 2016

The Honorable Mark Hutton, Chairperson
House Committee on Commerce, Labor and Economic Development
Statehouse Room 521-E
Topeka, Kansas 66612

RE: HB 2325; Testimony of Peter J. Fogarty, President FOP State Lodge

Dear Chairperson Hutton and Members of the Committee:

Thank you in advance for your consideration of my written testimony in opposition to House Bill 2325. My name is Peter Fogarty, and I am the President of the Kansas State Lodge of the Fraternal Order of Police. I worked as a police officer for 40 years in Kansas City, Kansas and I just recently retired in December of 2015. On behalf of all 3,200 members of FOP Lodges throughout the State of Kansas, I am writing to express our strong opposition to this bill.

HB 2325 seeks to make, what have always been private labor relation discussions, subject to the Kansas Open Meetings Act. I have been involved in labor relations for last four (4) decades. I have worked extensively in a very harmonious relationship with the Unified Government of Wyandotte County/Kansas City, Kansas. If this bill were adopted, the important relationships like ours will be negatively affected and the passage of this bill could cause some unintended consequences that will undermine law enforcement and public safety.

The meet and confer process has been part of Kansas' legal fabric for four decades. Importantly, the final agreements negotiated through the meet and confer process are subjected to public discussion and a public vote before individual municipal governing bodies. Furthermore, these agreements are public documents and any member of the community may access them at any time. In my opinion there is no reason to make the discussions that led to the public document subject to public disclosure when the final agreements are open and available to the public.

As part of the meet and confer process, each side comes to the negotiating table with ideas and ways that they feel will improve the delivery of services to the community, especially with regard to police department labor relations. An integral part of this process is the free flow of information on both sides of the table. Both parties recognize that if they are to accomplish their goals, their discussions must be uncensored and forthright. In fact, it has been my experience

part of this process is the free flow of information on both sides of the table. Both parties recognize that if they are to accomplish their goals, their discussions must be uncensored and forthright. In fact, it has been my experience that the Employer, not the Employee Organization, almost always insists on strict confidentiality regarding the conversations that take place during these labor relations discussions. This is done to allow both parties to work privately to find better ways of attracting, hiring and retaining qualified employees. Subjecting these discussions to public disclosure will inhibit this process and thwart any such efforts.

I also believe that publicizing these discussions will undermine public safety. In police labor relations, the parties discuss information regarding the internal operations of the Police Department, including manpower in certain areas, organizational intelligence gathering, report writing, investigative techniques and other confidential law enforcement information. If such information were disclosed, it would compromise the internal workings of the Department. Placing this information in the hands of criminals would pose a danger to the public. For this reason alone, I urge you to vote against this bill.

Finally, this legislation forces Employers to hire or create a website to disseminate this newly publicized information. This would place an additional financial burden on the governing bodies and require them to expend funds that could otherwise be spent on other issues important to the community such as public safety.

For all these reasons, I urge you to vote against the passage of HB 2325. Thank you for your time in reviewing my testimony.