

**CITY OF OCONOMOWOC POLICE DEPARTMENT
POLICIES & PROCEDURES**

DATE: May 14, 2020

HISTORY: October 30, 1999

SUBJECT: Strikes and Labor Disputes

POLICY NUMBER: 99-069

I. PURPOSE

It is the purpose of this policy to define the proper role of this agency in dealing with labor disputes. To provide guidance to protect the rights of both labor and management and to safeguard life and property.

II. POLICY

The parties in a labor dispute have rights as well as responsibilities. Strikers may assemble and demonstrate peacefully to bring attention to their cause, but they do not have the right to intimidate non strikers or to impede business. The employer has a right to keep the business open and operational; free from undue interference, intimidation, damage or destruction. Within this context, it is the policy of this law enforcement agency that officers assigned to strikes and labor disputes shall deal fairly and impartially with the parties involved. Officers will reasonably consider the emotional environment involved in these events while upholding their sworn responsibilities to protect life and property and protect the rights of all parties involved.

III. PROCEDURES

A. Command Authority

1. Operational control of officers assigned to a labor strike is the responsibility of the Shift Supervisor/OIC or his designee.
2. The Officer in Charge (OIC) of the strike shall contact the company and labor unions involved in order to:
 - a. Inform them we are aware of the strike (or impending strike).
 - b. Advise them of our policy regarding the enforcement of law and protection of personal and corporate rights.
 - c. Emphasize to the union the importance of a peaceful demonstration and that their rights to legally assemble and picket will not be interfered with as long as they do not interfere with the company's legal rights to transact business.
 - d. Advise them of our position regarding warning and arresting demonstrators, and the need to maintain communication at all times between police and both union and management leaders. Get the names of responsible parties for each side and how to contact them.
3. In determining staffing and equipment needs, the OIC shall consider:
 - a. The number of pickets, their attitude and organization.
 - b. The number of non strikers, anti strikers and bystanders.
 - c. Whether the business(es) affected will attempt to stay open, and whether non-striking employees will attempt to enter the premises.
 - d. The cooperation of all parties involved in the strike.
 - e. Utilizing Civil Disturbance Unit, or SMART call system if needed.

B. Duties and Responsibilities of Assigned Personnel

1. General duties and responsibilities of officers assigned to labor strikes are:
 - a. Protect life and prevent personal injury.
 - b. Protect the statutory and constitutional rights of all parties involved.
 - c. Protect personal and public property.
 - d. Maintain public peace.
2. Do not fraternize or engage in any unnecessary conversation with picketers, management personnel or bystanders.
3. Do not enter company property except to conduct necessary police business, nor shall they park vehicles or use the facilities or services of labor or management unless absolutely necessary.
4. Arrests for minor law violations should be kept to a minimum. Attempt to control such conduct through conversation with picket captains, union representatives or management personnel.
5. Attempt to verify unlawful acts committed by picketers not in your presence. Warn picket captains or management representatives that recurrence of such acts may result in arrest.
6. Verbal abuse against officers, unaccompanied by threats, should not be the sole reason for arrest. Language that incites violence or other unlawful acts shall form the basis for enforcement action.
7. Discourage consumption of alcohol by picketers or others. If violations of the law occur, enforcement action may be taken with supervisory approval.
8. Persons committing unlawful acts of a substantive nature or those who persist in committing unlawful acts in the presence of an officer shall be subject to arrest.
9. In deciding whether to make an arrest, you should consider:
 - a. The availability of adequate numbers of suitably equipped officers to provide backup.
 - b. The seriousness of the offense relative to the potential negative effects it may have as an incitement to violence or other unlawful behavior.

C. Operation of Picket Lines

1. Officers must protect the strikers right to peacefully picket and to persuade others to honor their picket line as long as their activities do not violate statutes such as trespass, disturbance of the peace or disorderly conduct, among others.
2. Officers must protect the right of non-striking employees, customers and members of the public to enter or leave the site of the strike.
3. Attempts by either labor or management personnel to prevent the free exercise of these rights will first be brought to the attention of the appropriate strike captain or management supervisor. Failure of these individuals to assist in taking corrective action will warrant police intervention in accordance with the provisions of section B of this policy.
4. Officers shall advise persons attempting to cross hostile or potentially hostile picket lines of the possible danger involved; if appropriate, attempt to dissuade them of such action and, advise them that they must follow police instruction if they choose to cross.

5. Officers shall provide necessary breaches in picket lines to allow interested parties to cross and shall personally escort pedestrian traffic across the line to a safe distance.
6. Officers shall provide vehicular traffic access through picket lines after having been given appropriate warnings as stated in item 4 of this section. The volume, rate of passage and speed of vehicles crossing picket lines shall be determined by the OIC.

IV. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE

This policy is effective immediately
and will supersede any directives or understandings in conflict