

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE****Index as:**

Labor Disputes

Picketing

Strikes

MANAGEMENT / LABOR DISPUTES**463.00 PURPOSE**

The purpose of this General Order is to establish procedures for response to labor disputes.

463.01 POLICY

In labor disputes, the only function of the Ferguson Police department is the preservation and peace and order and the protection of life and property. The Ferguson Police Department will carry out this function in a completely impartial manner and will not become involved in any of the issues between the employer and the employees.

When a strike is conducted in such a manner that does not disturb the peace or endanger public safety, and is not carried out by unlawful means, it will be deemed lawful unless contrary advice is received from a competent authority.

Members of the Ferguson Police Department will not interfere with strikers peacefully picketing the vicinity of a strike. Picketing strikers will not be allowed to interfere with the right of peaceful entrance and exit to and from buildings nor will they be allowed to obstruct the public thoroughfares.

- A. When necessary to issue orders to citizens, these orders will be given in a courteous manner.
- B. No parties in the dispute may use language or manner of address which may provoke violence.
- C. The rights of striking employees to conduct orderly picketing will be fully protected in accordance with the circumstances and conditions existing at the location.
- D. Striking employees will be allowed to picket, however, if a court order is issued, the court order will be enforced according to the dictates of that order.

463.02 POLICE PROCEDURE

- A. Whenever a police officer is made aware of an actual strike he will prepare a FPD F-123 Labor Dispute Report, with a complaint number. A C.A.D. report will be prepared in the computer system and a narrative completed. The narrative will list all pertinent

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information. With regard to the Labor Dispute Report the original will go to records, one copy will go to the desk book and another will go to the Chief's office.

- B. When a strike occurs, the Watch Commander will take control of the scene and determine the number of employees on strike, the issues involved, whether or not the employer will continue to operate during the strike, and any other pertinent information which would aid in determining police services required.
- C. If violence is a possibility, the Watch Commander or duty supervisor will immediately establish a police detail at the scene. He will personally take charge of the detail.
- D. It will be the duty of the Watch Commander in charge of the strike or labor dispute to immediately inform the leaders of all parties that:
 - 1. Force or violence will not be tolerated.
 - 2. The law will be enforced with impartiality.
 - 3. The rights of the public using public ways will be protected
 - 4. Unlawful acts or conditions which lead to disorder will not be tolerated.
 - 5. Provoking violence and disturbing the peace will not be tolerated.
 - 6. The rights of employees to conduct orderly picketing will be protected so long as the rights of the general public are not violated or endangered.
 - 7. The Watch Commander will distribute a copy of the FPD Management / Labor Enforcement Policy (attached) to representatives of ALL sides involved.

By order of:



COLONEL THOMAS JACKSON
Chief of Police

Attachment

Management / Labor Enforcement Policy
Labor Dispute Report Form 123

Distribution

All Department Personnel

FERGUSON POLICE DEPARTMENT

MANAGEMENT / LABOR ENFORCEMENT POLICY

1. All laws will be enforced.
2. Picketing strikers will not be allowed to purposely cause inconvenience to a person or persons by unreasonably and physically obstructing; vehicular or pedestrian traffic; or free ingress or egress to or from a public or private place (RSMO 574.010). When picket lines are established on sidewalks, at least one half of the sidewalk will remain open at all times.
3. Language or manner of address that may provoke violence will not be permitted and may subject the violator to arrest (RSMO 574.010).
4. Groups of employees and members of labor organizations representing employees may have a legal right to peacefully engage in picketing and hand-billing on certain private property areas. The owners of the property requesting the arrest of members of these groups for trespassing should be informed that the National Labor Relations Board must make the final determination whether the employees have the right to enter and remain on private property for their stated purpose. This procedure only applies for complaints of criminal trespass; all other laws will be enforced.

Police will inform a representative of the employee's group that they have until 5:00 p.m. of the next Federal business day following the complaint to file an unfair labor practice petition with the National Labor Relations Board. The person notified of the National Labor Relations Board requirement will be recorded on the Labor Dispute Report.

If the employee group produces the National Labor Relations Board charge, the police will defer any action on a trespassing complaint until the National Labor Relations Board rules on the employee's right to enter and remain on private property.

If the employees fail to file the National Labor Relations Board charge by the stated deadline, the police will treat the complaint as they would any other criminal trespassing complaint.

If the National Labor Relations Board rules in favor of the employees the police will take no further action on a trespassing complaint. If the National Labor Relations Board rules against the employees the complaint will be treated as any other criminal trespassing complaint. Prior to the initiation of enforcement action, a representative of the employee Group engaged in hand-billing or picketing activity shall be informed that the employees must leave the private property area or they will be subject to arrest.

For the purpose of enforcement, the areas that employee groups may use during the period awaiting the National Labor Relations Board ruling and after a favorable ruling is granted would include areas open to the public only, i.e., public parking lots and shopping center malls. The individuals engaged in picketing or hand-billing will not be permitted to enter the interior portion of the business or private parking areas without permission of the property owners unless so specified in the National Labor Relations Board ruling. In the case of enclosed shopping malls, the mall area will be accessible to the individuals engaged in picketing and hand-billing but they will not be allowed to enter the businesses within the mall.

The right to conduct picketing and hand-billing on private property is not absolute. The police department can restrict the activities of the employee group if their activity would create a potential public safety hazard. For example: A strip parking lot is too small to accommodate the employee group and the potential for someone being struck by a vehicle would require some reasonable restrictions upon their activity.

5. Nothing in this policy is intended to imply that property owners may not seek a court order to enjoin any trespassory activity. Court orders will be enforced by this department only if the order specifically instructs the department to enforce the provisions of the order. Most court orders are civil matters and the court that issues the order determines the action to be taken for violation of its terms.

MHPD FORM -123		FERGUSON POLICE DEPARTMENT LABOR DISPUTE REPORT		GO 463.00 ATTACHMENT 2	
DATE OF REPORT _____			CN _____		
REPORTING PARTY -- NAME _____		TITLE / POSITION _____		BUSINESS TELEPHONE _____	
BUSINESS ADDRESS _____			ADD'L CONTACT NO. _____		
NAME OF BUSINESS _____					
LOCATIONS OF FACILITIES _____					
24 HOUR CONTACTS -- NAME _____		TITLE / POSITION _____		PHONE NO. _____	PAGER NO. _____
NUMBER OF EMPLOYEES THAT ARE INVOLVED IN THE DISPUTE _____					
WILL THE BUSINESS CONTINUE TO OPERATE NORMALLY DURING THE DISPUTE?				YES _____	NO _____
LABOR ORGANIZATION _____					
BUSINESS ADDRESS _____			BUSINESS PHONE _____		
PERSON NOTIFIED OF NLRB PETITION REQUIREMENT _____					
TITLE / POSITION _____		DATE / TIME NOTIFIED _____		BY DSN _____	
24 HOUR CONTACTS -- NAME _____		TITLE / POSITION _____		PHONE NO. _____	PAGER NO. _____
PICKET LINE LOCATIONS & PICKET CAPTAINS _____					EST. # OF PICKETS _____
HANDBILLING LOCATIONS -- ADDRESS _____					
ADDITIONAL INFORMATION (Issues Involved) _____					
REPORTING OFFICER _____		DSN _____		REVIEWING OFFICER _____	
DISTRIBUTION: ORIGINAL TO RECORD ROOM, COPY TO DESK BOOK, COPY TO CHIEF'S OFFICE					

