

The Police Officers Journal



VOLUME 23, NUMBER 1 - WINTER 2013

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Your legislature working for you?

— By Richard Weiler, Director



Prior to year's end, the Republican-controlled House and Senate passed numerous measures by pushing through Right-to-Work legislation, a new Emergency Manager law, as well as phasing out the personal property tax.

It took six days for the House and Senate to pass the Right-to-Work legislation (HB 4003 and SB 8 substitute) and a Governor — who continuously was on record saying that this legislation was divisive and not on his radar — to sign it into law.

These laws affect both private and public sector employees, however **police and firefighter employees are exempt from Right to Work!** There were four Republican Senators who broke ranks from their caucus and voted with Democrats against the Right-to-Work legislation. They were Senators Tory Rocca (Sterling Heights), Tom Casperson (Escanaba), Mike Nofs (Battle Creek) and Mike Green (Mayville).

It appears some legal challenges will be made, as a question exists whether this legislation affects the 35,000 state employees. The Michigan Civil Service Commission is authorized by the state constitution to establish rules and wages for state employees, thus giving a possible basis for excluding them from this legislation. Some other potential challenges exist for public employees on an equal protection theory because exceptions were made for police and firefighter employees. At this time, it doesn't appear that this issue is over yet!

The legislature quickly replaced Public Act 4, the Emergency Financial bill, which voters repealed in the last November election, with SB 865. This new bill, known as the "Local Financial Stability and Choice Act," has set aside \$780,000 for the Treasury Department to pay the emergency managers salaries. Additionally, the Treasury Department was given \$5 million to hire financial consultants, lawyers and other experts deemed necessary to assist impacted local governments should they go the bankruptcy route.

Finally, the current personal property tax is to be limited and phased out over a ten-year period, according to numerous bills passed by the legislature. This plan is the Lieutenant Governor Brian Calley's plan and is supposed to enable locals to collect enough revenue to make up their lost revenue that helps provide for police and fire services at 100 percent and everything else at 80 percent.

The plan dedicates 1.5 percent of the state's \$1.2 billion 6-percent use tax to reimburse impacted local government as the personal property tax is phased out over the ten-year period. Revenue the state is losing is to be made up with expiring tax credits. The use tax portion requires a vote of the people. The legislation also creates a new "metro authority" charged with making sure communities have 100 percent of their police and fire services covered.

These are some of the items passed prior to Christmas! ♥



POLC Executive Committee member Tom Wilk presented a \$500 scholarship to Macomb Police Academy graduate Lorenzo Fragnoli on behalf of LEEP.

See complete story on page 8.

Officer fatalities decline in 2012

— Excerpted from National Law Enforcement Officers Memorial Fund

Law enforcement officer fatalities significantly declined nationwide in 2012 with 127 federal, state and local officers killed in the line of duty, according to preliminary data from the National Law Enforcement Officers Memorial Fund (NLEOMF). That's a 23 percent drop in deaths compared to 2011.

The primary causes of 2012 officer fatalities were traffic-related incidents and gunfire. Fifty officers died in traffic-related incidents while 49 were killed by gunfire.

However, these top causes of death declined compared to last year. Traffic-related incidents dropped 17 percent compared to 60 deaths in 2011. Of the 50 officers killed, 30 died in auto crashes, 14 were struck outside their vehicle and six were killed in motorcycle crashes. There were 32 percent less firearms deaths in 2012 compared to 2011 when 72 officers were killed. Of the 49 officers, 15 were shot in ambushes, nine were killed during traffic stops or pursuits, five in drug-related incidents, five in robberies, four while investigating suspicious incidents and two each while attempting arrests, responding to disturbance calls and accidental shootings. One officer was killed during a burglary in progress and

another during investigative activity.

The overall decline in deaths this year follows a two-year period when officer deaths were increasing at a shocking rate. There were 154 line of duty deaths in 2010 and 165 in 2011. "The loss of any officer is unacceptable and devastating to their family, their community and our nation. However, I am encouraged to see a significant decrease in the number of law enforcement officers killed in 2012 after two years of alarming increases in the number of fatalities," said Craig W. Floyd, the Memorial Fund's Chairman and Chief Executive Officer.

Other key data as of Dec. 26, 2012 include:

- Of the 28 officers who died of other causes, 14 were from job-related illnesses; five were stabbed; three fell to their deaths; two each were killed in helicopter crashes and beatings; one in an aircraft crash; and one in a boating incident.
- More officers were killed in Texas (10) than any other state; followed by Georgia (eight); Colorado and Maryland (six) and five in Louisiana, North Carolina and Pennsylvania.

- Nine officers killed in the line of duty served with federal law enforcement agencies and seven with correctional agencies. Thirteen of the 127 fatalities were female officers. On average, officers who died in 2012 were 41 years old and had served 12 years.

"As 2012 comes to a close, I rejoice because line-of-duty deaths for the past year are down by more than 20 percent! We are closer to being below 100 peace officer fatalities than we have been for many years," said Madeline Neumann, National President of Concerns of Police Survivors (C.O.P.S.). "But I am still painfully aware that 127 families will celebrate the New Year without their officer. I find comfort knowing that these families will be embraced by the law enforcement community and given the support and love they will need as they embark on their journey through grief." ♥

The statistics released by NLEOMF and Concerns of Police Survivors (C.O.P.S.) are based on preliminary data compiled and do not represent a final or complete list of individual officers who will be added to the National Law Enforcement Officers Memorial in 2013. Go to www.LawMemorial.org/ResearchBulletin for a complete copy of the report.

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Save the Dates! NAPO's 2013 Events



25th Annual Police, Fire, EMS & Municipal Employee Pension & Benefits Seminar

Sunday, Feb. 17 – Tuesday, Feb. 19

Encore at Wynn Las Vegas — Las Vegas, Nevada

20th Annual TOP COPS Awards Dinner

Sunday, May 12

Omni Shoreham Hotel — Washington, District of Columbia

Legal Rights & Legislative Seminar

Monday, May 13

Omni Shoreham Hotel — Washington, District of Columbia

NAPO lobbies on Capitol Hill

Monday, May 13 – Tuesday, May 14

Washington, District of Columbia

NAPO's 35th Annual Convention

Saturday, July 20 – Wednesday, July 24

Millennium Maxwell House Hotel — Nashville, Tennessee

**Of special note: An FOP advertisement about a "Law Enforcement Labor Summit" on Feb. 18-19 in Las Vegas is in no way connected to NAPO or NAPO's Pension & Benefits Seminar. Please visit www.napo.org for more details, call (800) 322-6276 or e-mail info@napo.org with questions.*

Deputy represents state at Special Olympics World Winter Games

— By Jennifer Foley, POJ Editor

Hillsdale County Sheriff's Deputy John Gates was chosen to represent Michigan in the Law Enforcement Torch Run Final Leg™ for Special Olympics during the 2013 Special Olympics World Winter Games.

"To be selected as one of 85 officers from around the world is a great honor and a once in a lifetime opportunity," Gates said. He is one of 85,000 officers worldwide who participates in Law Enforcement Torch Runs (LETR) for Special Olympics.

Law Enforcement Education Program (LEEP) has been a strong supporter of the 750-mile Michigan Torch Run, donating \$2,500 in 2010 and again in 2011.

"I didn't even know I was nominated until I got the call from my (LETR Executive Council) Director (Ken Bennett) saying 'How would you like to go to Korea?'" Gates said.

"He was nominated based on his involvement in the Law Enforcement Torch Run program and his extreme efforts in fundraising and creating awareness for

the program," said Andrea Rachko, LETR liaison with Special Olympics Michigan. "He was also nominated based on his continued involvement with the Special Olympics athletes."

The former POLC local union president for Hillsdale County Sheriff's Department Non-Supervisory Unit has been a LETR participant since 2006. "My former undersheriff asked me if I'd like to do it," Gates said. "I grew up in Jackson and the Torch Run has always been a huge program in the Jackson area. When I had the opportunity, I jumped at it." Gates' father, a retired law enforcement officer, also participated in the program.

The Final Leg was held Jan. 21-29 culminating with the arrival of the Flame of Hope™ by the Guardians of the Flame, the Final Leg team in Pyeongchang, Korea for the Opening Ceremonies. Special Olympics World Winter Games follows the same schedule as the Olympics, with games every four years at the same venues. Two Michigan Special Olympians,

one who qualified for snowboarding and the other for snowshoeing, will participate in the games.

"We get there 10 days before the games start in Seoul and run throughout the country," Gates said. "Our goal is to raise awareness."

Gates, who is a member of the Michigan LETR Executive Council, participated in one of 10 teams of runners who traveled through Korea for one week promoting the program and raising funds.

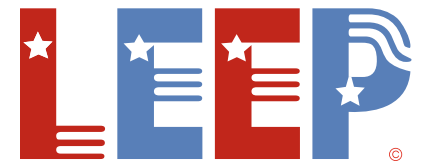
"Every year it expands a little," Gates said of the Special Olympics. "It's just amazing the global outreach this organization has and the opportunity for the athletes that normally wouldn't have those opportunities. I encourage anyone in law enforcement to get involved in this organization," Gates said. "It's life changing not only for us but for the athletes we come into contact with. It's very rare in our line of work that we can do something that's 100 percent positive."

Just like at home, Gates planned a dip into icy waters during a Polar Plunge fund-

raiser in Korea. "It's a blast," he said. "It's a great experience. The cold only lasts a few seconds."

But the rewards of Gates' efforts could last a lifetime. ♥

For more information and to donate to the Torch Run, visit www.lettr-finalleg.org and click on the Polar Plunge tab on the top of the page to sponsor a runner.



Hillsdale County Sheriff's Deputy John Gates (right) and a Special Olympian prepare to light the cauldron during the Capital Ceremony in Lansing to start the 2011 Special Olympics Summer Games.



Hillsdale County Sheriff's Deputy John Gates (right) and a Special Olympian light the cauldron to kickoff the 2012 Special Olympics Summer Games at Central Michigan University.



New EM law impacts POLC units

— Excerpted from media reports

Let the lawsuits continue! In the wake of the Nov. 6 repeal of Public Act (PA) 4, the legislature has passed a new emergency manager law with some of the same provisions as the repealed one.

Just 37 days after voters repealed PA 4, the Local Financial Stability and Choice Act (SB 865) was sent to Gov. Rick Snyder's desk. He signed SB 865 into law in late December and it will take effect in late March. "This strengthens the current financial manager law to handle severe financial stress in some municipalities, but also takes into account voters' concerns

regarding the previous emergency manager law expressed during the November election," a press release from the governor's office stated.

The new law offers more options, but like PA 4, still allows for emergency managers to amend or dismiss union contracts. POLC-represented Flint Police Sergeants, Captains and Lieutenants had no choice but to take reduced healthcare, retirement and wage reductions equal to over 20 percent in overall compensation cuts with retirees required to change to the new healthcare plans under the EFM with PA 4 in place.

The new law gives financially distressed cities and school districts four options once a financial emergency is determined: a consent agreement, mediation, an emergency manager (EM) or Chapter 9 bankruptcy. Local officials, with a two-thirds majority, could vote to remove an EM from their community after a year in the job. Another change from PA 4 — the state will pay the EM's salary and other related costs, rather than the municipality or school district.

"The voters were opposed to a forced emergency manager," said Sen. Phil Pavlov (R-St. Clair). "What we've done with this

bill is offer some options."

Democrats see it as a slap in the face to voters. "The voters (already) said no to this overreach by the state," said Sen. Bert Johnson (D-Highland Park). "Here we are, doing it again. Cities have the right to govern themselves. When they need help, we should work in partnership."

Lawyers for Stand Up for Democracy, which led the petition drive to get the repeal on the Nov. 6 ballot, are studying whether it's lawful to pass a law so similar to the one repealed.

COURT DECISION

Since the repeal, EM's in POLC-represented communities of Flint and Benton Harbor as well as Pontiac, Ecorse, Allen Park and the school districts of Detroit,

Highland Park and Muskegon Heights have been operating under the state's emergency financial manager law from 1990, Public Act 72 (PA 72).

Opponents challenged the validity of reverting to PA 72. The new law was written because PA 72 is "antiquated and inadequate," said Howard Ryan of the state Treasury Department.

DETROIT CONSENT AGREEMENT

Detroit has been operating under a consent agreement with the state since April, 2012, but the state recently began a financial review that could lead to the appointment of an EM.

The move came even after Detroit City Council signed reform measures, leading

to a release of \$10 million in bond proceeds the state was holding in escrow. Detroit Mayor Dave Bing said that money will help the city meet other conditions from state officials that could result in the release of another \$20 million.

The consent agreement gave Detroit some state oversight and Bing the ability to disregard collective bargaining with the city's 48 unions. This summer city leaders slashed the police department's 2012-13 budget by \$75 million, to about \$340 million. For Detroit Police, the result was a 10-percent pay cut and mandatory 12-hour shifts, in addition to previous cuts in pay, healthcare and pensions, said union president Joe Duncan. ♥

Visit polc.org for updates on legislative issues.

Police, firefighters excluded from Michigan right-to-work law

— Excerpted from media reports

About the only good thing Michigan police and firefighters can say about the state's new right-to-work law is that it doesn't include them.

The new law, signed Dec. 11, will begin to impact public and private Michigan union workers April 1, after their existing contracts expire. Gov. Rick Snyder signed two bills into law — one for public workers, the other for private workers — after they were fast-tracked through the state House and Senate despite some 12,500 protestors. The law makes Michigan the 24th right-to-work state.

Under right to work, it is illegal to require financial contributions to unions as a condition of employment. However, in many open shops, employees who choose not to join the union would still get the benefits of union representation, such as negotiated contracts, without paying union dues.

GOP legislative leaders said they've exempted some 6,000 police and 5,000 firefighter union members because of special bargaining rights in the state law and constitution. They also said they were concerned right to work would create divisions within the ranks of first responders who depend on each other in life-and-death situations. "These are men and women who must respond and rely on each other in ways no other union must," said Speaker Pro-tem John Walsh (R-Livonia).

But other unionized employees, who work on utility poles, high-rise steel construction and in county jails, also rely on co-workers to stay alive. "If that were really the reason, they would at least include corrections officers," said Andrew Nickelhoff, general counsel of the AFL-CIO.

Another reason cited for the exemption is Republican legislators get fewer complaints about public safety union political activities compared to union leadership of

other organizations. "Police and firefighters seem to focus on what their membership is looking for as a whole and advocating for and that's the role of the union," said state Rep. Jeff Farrington (R-Utica). "I know a lot of people in both organizations and they're happy how their unions treat them. They're not clamoring for choice."

To prevent strikes, police and firefighter unions have binding arbitration through Public Act 312 that allows an independent arbitrator to settle contract disputes. Snyder, House Speaker Jase Bolger and Senate Majority Leader Randy Richardville said P.A. 312 impedes placing police and fire under right to work.

But labor attorneys disagree. "Act 312 is completely separate from anything these bills deal with," said Nickelhoff, labor attorney with Sachs Waldman in Detroit.

Labor attorneys do agree, however, that Michigan State Police have constitutional collective bargaining protections that make them untouchable barring a constitutional amendment.

Despite the exemption, police and firefighter unions remain opposed to the law. When the measures were abruptly brought to life Dec. 6, some 2,000 protestors showed up at the Capitol to voice their disapproval, but many were barred from chambers when Snyder ordered the doors closed by State Police due to concerns there were too many people and some areas could not handle the weight. An order from Ingham County Circuit Court forced the governor and police to reopen the building.

The lockout prompted Senate Minority Leader Gretchen Whitmer (D-East Lansing) to propose an amendment to the bills requiring the state to take a year before implementing the legislation. "I rise with a heavy heart that we are taking up such

sweeping and divisive legislation without having any public hearings, any input without even sharing the language of the bill until the Secretary read it in. Why are you afraid to listen to what the people want?"

Whitmer's second amendment would've required a vote of the people on Nov. 4, 2014. "Let the people decide! Let the people decide!" Whitmer said.

Sen. John Gleason (D-Flushing) offered an amendment that unions don't have to arbitrate or provide other services for workers who don't pay. In all, Democrats offered 19 amendments to the Senate bill, but the Republican majority turned them all down.

Protests of the legislation, which were mostly peaceful, caused two Michigan school districts — Warren and Taylor — to close their doors Dec. 11 due to the high rate of absenteeism among teachers who went to Lansing. In the end, the House approved the bills 58-51 for public employees and 58-52 for the private sector workers. All House Democrats and six Republicans voted no.

ECONOMIC IMPACT

"This is about freedom in the workplace; it is about fairness, opportunity and allowing choices," said Rep. Marty Knollenberg (R-Troy).

President Barack Obama disagreed. The President came to Michigan Dec. 10 decrying the right-to-work movement as "giving you the right to work for less money." President Obama received loud applause at Daimler Detroit Diesel engine plant in Redford when he said we shouldn't be "taking away your rights to bargain for better wages and working conditions."

The data on right-to-work states paints a fairly clear picture. Seven of the top 10 states in per capita income in 2011 were

Continued on page 9

Law Enforcement Museum progresses

— Excerpted from National Law Enforcement Officers Memorial Fund



Construction progress on the National Law Enforcement Museum should be underway by Police Week 2013.

While the museum has been steadily gathering artifacts and finalizing exhibit design and development documents, the first phase of construction, building the underground utility infrastructure, has been completed. Next up, construction of the core and shell of the building is expected to begin in May.

The underground infrastructure work for the project took about a year to complete. Construction of the core and shell can begin once the District of Columbia Department of Consumer and Regulatory Affairs and other regulatory agencies grant building permits.

In the meantime, exhibit designs were completed last year and the museum capital campaign received the single largest gift to date, a \$15 million contribution from Motorola Solutions, Inc. and the Motorola Solutions Foundation. That donation brings total contributions to \$63 million toward the \$80 million funding goal.

"We are all indebted to the bravery and sacrifice of those who wear the uniform and protect our communities," said Greg

Brown, Chairman and CEO of Motorola Solutions. "This contribution reinforces our commitment to them by ensuring the National Law Enforcement Museum has access to the educational tools that are needed to help the millions of visitors that are expected from around the world get a better understanding of the challenges of modern-day law enforcement."

The 55,000-square-foot museum, which will be mostly underground, is planned to open by 2015. It will be located adjacent to the National Law Enforcement Officers Memorial in Washington, DC's Judiciary Square. The museum will tell the story of American law enforcement through high-tech, interactive exhibits; state-of-the-art audio and visual programs to bridge the gap between law enforcement's past and present; and comprehensive collections of historical and contemporary artifacts. It will also provide a public forum for discussions, lectures and conferences, extensive resources for research, and diverse educational programming.

Museum exhibits will allow visitors to experience law enforcement work firsthand. They can become dispatchers in the Motorola 911 Mission Critical Communications Center and work as detectives in the

Take the Case exhibition funded by Target Corp. A medical examiners area will give visitors insight into how autopsies are used to identify evidence and solve murders. Visitors can experience what it's like for officers to make split-second, life or death decisions with the Judgment Simulator. Reel to Real provides visitors with a comparison of Hollywood's version of police work to the real thing.

Other major exhibits like The History Beat, sponsored by Glock, Inc., will highlight the history of law enforcement; prison cells will be displayed in the corrections section; stories of over 19,660 fallen officers in the Hall of Remembrance, sponsored by the Police Unity Tour; items from the Lindbergh baby kidnapping trial; Al Capone's bullet proof vest; more than 5,000 items from the life work of long-time FBI Director J. Edgar Hoover; and oral history transcripts of over 200 members of the Society of Former Special Agents of the FBI. ♥

Law enforcement agencies are encouraged to make donations and individual officers can help the museum reach its funding goal by purchasing items at www.LawEnforcementMuseum.org/giftshop, which now includes "Heroes Behind the Badge" documentary.



These designs show the Protect & Serve (above) and Reel to Real exhibits.

Courtesy of NLEOMF

President Obama proposes gun violence solutions

— Excerpted from *Now is the Time* and media reports

Following the horrific school shootings in Newtown, Connecticut, President Barack Obama promised he would meet with top law enforcement officials to discuss ways to prevent mass shootings.

A gunman shot his way into Sandy Hook Elementary School Dec. 14 and killed 20 first-graders and six educators. Authorities say the victims were shot with a high-powered, military-style rifle loaded with ammunition designed to inflict maximum damage. The gunman, who killed his mother that morning, committed suicide



as police arrived.

The President was swift to keep his promise, convening a White House Summit on Gun Violence Dec. 20. In January, President Obama outlined four major legislative proposals and signed paperwork initiating 23 executive actions aimed at what he called, “the epidemic of gun violence in this country.” They are:

- **Closing background check loopholes to keep guns out of dangerous hands including:** requiring criminal background checks for all gun sales; and enhancing the background check system’s ability to identify dangerous people and stop them from getting guns.
- **Banning military-style assault weapons and high-capacity magazines and taking other common-sense steps to reduce gun violence including:** reinstating and strengthening the assault weapon ban in place from 1994 to 2004; limiting ammunition magazines to 10 rounds; getting armor-piercing bullets off the streets; serious punishments for gun trafficking; keeping 15,000 cops on the streets; enhanc-

ing the gun tracing process; filling the six-year vacated ATF director post; a Department of Justice annual report on lost and stolen guns; training for law enforcement, first responders, school officials and others to respond to active shooters; researching causes and prevention of gun violence, including links between video games, media images and violence; clarifying there is no federal law preventing health care providers from warning law enforcement authorities about threats of violence; enhancing gun storage safety standards.

- **Making schools safer by:** allowing districts to choose what is best to protect their students; putting up to 1,000 more school resource officers and counselors in schools; having the Department of Education, Justice, Health and Human Services, and Homeland Security release (by May 2013) a set of high-quality emergency management plans for schools, houses of worship and institutes of higher education; grants to implement emergency plans; and having

the Department of Education collect and disseminate best practices on school discipline policies.

- **Increasing access to mental health services by:** training teachers and other adults who regularly interact with students to recognize young people who need help and ensure they are referred to mental health services; funding to train more mental health professionals; providing mental health services for students who have witnessed shootings; and ensuring medical coverage of mental health treatment.

Within hours of Obama’s policy rollout, Republicans, who previously said they were open to talks about gun violence, condemned the agenda as violating the Second Amendment right to bear arms. But it’s clear police and citizens around the nation support reform. NYPD’s largest police union called for an “absolute ban” on assault weapons. “There is no legitimate reason for an assault weapon with their high capacity magazines to ever be in the hands of a private citizen,” said Pat Lynch, head of the police union. “We’ve said it before, when police officers were shot or

where armor piercing bullets were used. This is about life and death, for the children obviously, and for police officers.”

HELPING NEWTOWN OFFICERS

Some of the officers who responded to the Newtown school shootings are so traumatized they haven’t been able to return to work. They are using sick time and could soon be going without a paycheck, a union official said.

The union is requesting more generous assistance with the town’s insurer and asking lawmakers to expand workers’ compensation benefits for officers who witness horrific crime scenes. “The things that the officers had to experience underscores the need to support them in every way possible,” said Newtown Police Lt. George Sinko.

All the victims had been shot at least twice, the medical examiner said, and as many as 11 times. “The emotional loads they’re carrying far exceed anything they could imagine,” said Eric Brown, attorney for the union. ♥

Visit www.whitehouse.gov/now-is-the-time for more on the President’s plan.

DETROIT SHOOTING DEATHS ON RISE

In Detroit — which reported its highest homicide rate in 19 years in 2012 — 333 of the city’s 386 homicides were shootings. Detroit had 54.6 homicides per 100,000 residents. The highest rate before that was in 1993 when the city had 57.6 homicides per 100,000. “Gun play is a national problem,” Interim Detroit Police Chief Chester Logan said. “The problem lies not only with the police department; it lies with the press, it lies with the principal and it lies with the preacher and it lies with the parent.”

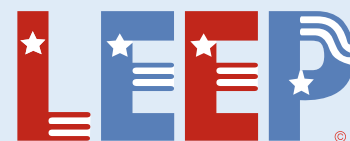
MICHIGAN GUN LEGISLATION VETOED

Days after the school shootings, Michigan Gov. Rick Snyder vetoed legislation allowing concealed weapons inside public schools, day cares and hospitals and asked the Legislature to ban openly carrying guns in pistol-free zones.

Supporters of Senate Bill 59 said they were trying to address a recent phenomenon of gun owners with concealed pistol licenses who have openly displayed weapons in public places, such as polling places inside schools.

Snyder’s gun bill veto received praise from clergy, school groups, Democrats and the Michigan Catholic Conference. “Law enforcement has always had to deal with those issues, but when it comes to other venues, they would have to enhance security in every facility,” said Macomb County Executive Mark Hackel, a former county sheriff. “That would have put enormous pressure on those facilities.” ♥

12/12/12 great date for police academy grad



Lorenzo Fragnoli’s graduation from the Macomb Police Academy will be hard to forget. Not only did Fragnoli receive a \$500 Law Enforcement Education Program (LEEP) Award for outstanding academic achievement, he graduated at 12:00 p.m. on Dec. 12, 2012.

POLC Executive Committee member Tom Wilk presented the award to the 25-year-old on behalf of LEEP. The LEEP Award is given twice yearly to graduates with the highest overall achievement who have not been sponsored by any police agency. “He

finished second in the class academically,” Macomb Police Academy Director Charles Craft said. “His average was incredibly high. He was a very, very good student.”

To qualify, Fragnoli had to pass the Michigan Commission on Law Enforcement Standards (MCOLES) certification test and meet MCOLES employment standards to become certifiable as a law enforcement officer in Michigan. Fragnoli also scored well in subject control, emergency vehicle operations and report writing. “Many cadets turned to him for advice,” Craft said.

“He scored the highest in the class on report writing.”

Fragnoli is looking for work as a local police officer. While he doesn’t come from a police background, his future father-in-law, a retired sergeant from Hazel Park Police Department, was there to show his support at his graduation.

“We all (staff) believe he’s just going to be an excellent police officer and we hope some agency will give him an opportunity to show what he can do,” Craft said. ♥ See photo on page 2.

Excluded from right-to-work law

(Continued from page 6)

not right-to-work states. Of the bottom 10 states, seven were right to work. “There is a lot of evidence that wages and benefits are lower in right-to-work states,” said Charles Ballard, an MSU economics professor. “There’s a redistribution of wages and benefits toward owner’s capital.”

The right-to-work bills, HB 4003 and SB 116, were brought to life by Senate Majority Floor Leader Arlan Meekhoff (R-West Olive) and upon approval by the legislature, were immediately signed by Governor Snyder. “I don’t view this as anti-labor,” Snyder said. “I view this as pro-worker.”

Democrats blasted Snyder for his about face on the issue. For nearly two years, Snyder had said the issue was too divisive and was not on his agenda. But, after unions lost a ballot initiative Nov. 6 to enshrine collective bargaining in the state constitution and after being pressured by his own party and several business interests, including the Michigan Chamber of Commerce, Snyder endorsed the controversial legislation.

“The governor of Michigan is one greedy nerd and he’s one weak geek,” said incoming House Minority Leader

Tim Greimel (D-Auburn Hills).

NEXT MOVE

Since the new law includes a \$1 million appropriation to cover implementation, it can’t be repealed by voter initiative, like the 2011 emergency manager law was on Nov. 6. Democrats and labor leaders are considering legal challenges and recall efforts, but are mostly focused on regaining control of the legislature and the governor’s office in 2014. “The sleeping tiger is awake now,” said Michigan AFL-CIO President Karla Swift. “We have 2014 as a goal to shift out and win justice.” ♥

Sterling Heights dispatchers to be disbanded, department consolidated

— By Jennifer Foley, POJ Editor with excerpts from media reports

Add Sterling Heights dispatchers to the list of public safety casualties in Michigan. The POLC unit will be disbanded in June 2014 in exchange for cost-saving consolidation.

But, at what expense?

POLC Labor Rep. Frank Klik said not only are 16 dispatchers facing severe financial cutbacks in their possible future jobs, four are losing their employment altogether. The community will also lose the advantage of dispatchers who know the streets and can get emergency personnel to locations faster. "It's not only response time, it's having the dispatchers here who know the city inside and out," Klik said, adding that it may only be a difference of 30 to 60 seconds in lag time, but that could be the difference between life or death or catching a perpetrator.

The move to a centralized state-of-the-art \$11 million Macomb County operations and communications center in Mt. Clemens is expected to save the city \$2.4 million over the three-year agreement, city administrators said. But, Klik said, that savings will likely be transitory. "Every time we see a sheriff's department take over, they write up a guarantee for two or three years, but after that, there's no cap on anything," he said. "Once they've got them, they've got them. The city no longer has their own people to put out there. They'll sell off all their equipment immediately. For them to get back into the business of dispatching, it'll cost them a fortune."

The POLC-represented unit of 20 full-time dispatchers was waiting to hear back from city administrators on a concessionary agreement when City Council voted 5-2 to approve the agreement with the county. The dispatchers' contract expired June 30, 2012. The administration was convinced the cost savings outweighed the benefits

of maintaining its own dispatch center.

City administrators said if the city didn't consolidate dispatch services, 10 police officers or firefighters might need to be laid off. Klik said POLC's concessionary agreement with city officials was never brought to the council's attention. "We had a deal on table that would've saved them more money. It's clear the city just wanted to follow the advice of the police chief and city manager," Klik said.

Now Klik will focus on getting a two-year contract negotiated which will cover the term from July 2012 to June 2014. Of the 20 dispatchers, 16 will have the opportunity to seek employment with the county should they qualify. Klik will be negotiating retirement benefits for the other four. "Part of me, in a way, is glad they didn't ratify what they had," Klik said of the concessionary agreement. "I have people there who aren't vested in the pension plan who'd walk away with nothing." Klik plans to seek a rollover of pensions into 401Ks so employees who are not vested can take their pensions with them.

Pay and benefit reductions with the county will be significant, Klik said. The top pay rate for a city dispatcher is \$55,511. If the same dispatcher works for the county, that top pay rate drops nearly \$14,000 annually to \$41,677, Klik said.

Retiree health care also takes a hit. Retirees must have 25 years of actual service with the county to receive retiree health care. POLC legal staff is checking into whether or not Sterling Heights dispatchers can count their time served with the city toward that amount. But one thing is for certain — their spouse's no longer qualify for retiree health care benefits. If they choose coverage for their spouse, they will have to pay a large out-of-pocket amount, Klik said.



"They're taking such drastic hits on pay and benefits," Klik said. "I just feel bad for these folks. It's just heartbreaking."

CONTRACTING WITH THE COUNTY

The county also has an emergency management agreement with the city to contract out detention facility operations at the police department, janitorial services at city facilities, and dog licensing and mowing services.

Klik said POLC-represented Village of New Haven Sergeants were handed the same fate in January 2013 after the village closed their small police department and began contracting with Macomb County Sheriff's Department. The POLC also had a ratified tentative agreement in hand when village officials opted for consolidation. In that case, Klik was able to negotiate payment of health care coverage through Cobra.

"My focus now is to try to preserve anything I can for these folks," Klik said of Sterling Heights dispatchers. "The county doesn't give health care the first two or three months nor dental insurance for the first six months. I have to see if I can negotiate that for these folks." ♥

Benton Harbor ousts EFM, imposes millage for public safety services

— By Jennifer Foley, POJ Editor with excerpts from media reports

While Michigan legislators were working on a replacement Emergency Financial Manager (EFM) law, Benton Harbor officials took advantage of the old law and had long-time EFM Joseph Harris fired.

Following two public hearings to decide whether and how much of a special assessment to levy on city taxpayers to save the city's public safety department, Harris said he met with state Deputy Treasurer Roger Fraser and was told the city commission agreed to support a 10-mill special assessment if the state would fire Harris.

"Mr. Harris has condemned himself and has shown he is unworthy to continue," said Benton Harbor city commissioner Marcus Muhammad.

City leaders say hours of meetings and phone calls ended with the decision to bring in new leadership. "For the record, the 10 mills was not a bargaining chip, the 10 mills was a necessity."

Under Public Act 72, the Local Emergency Financial Assistance Loan Board, made up of the state treasurer, the director of the Department of Technology, Management and Budget and the director of the Department of Licensing and Regulatory

Affairs, has the authority to appoint or terminate an EFM contract. Harris was asked to submit his resignation, which he refused. Harris, who has overseen the city's finances since April 2010, was expected to remain as EFM in Benton Harbor through Jan. 31.

Benton Harbor Mayor James Hightower said he couldn't work with Harris because of his personality and the way he ran the city. EFM laws allowed Harris to make unilateral decisions, such as preventing the commission from doing anything other than opening commission meetings, approving meeting minutes and closing meetings. "Just because you can does not mean you should," Hightower said.

Harris' replacement will be named by the state. In the meantime, the state has asked Berrien County Treasurer Bret Witkowski to be an adviser, overseeing the city's finances during the transition. City leaders had requested Witkowski's involvement. Hightower said city commissioners want a "clear picture" of city finances. The commission repeatedly requested monthly financial reports, which Harris did not provide. Harris also kept administrative salaries too high, Hightower said.

SPECIAL ASSESSMENT

Over 100 people attended the second public hearing on Harris' proposed 15-mill special assessment in December. In the end, city commissioners voted 7-1 in support of a 10-mill assessment and several members of the public who spoke agreed.

The assessment became the chosen option after two millages failed in November, leaving the city with a \$1.4 million deficit. Harris proposed the 15-mill special assessment as a way to avoid more unpleasant options, such as outsourcing the city's police protection to Berrien County or bankruptcy. "Without additional revenues, the city will no longer be able to financially support its own police department," Harris said, reading from a letter he wrote earlier to city residents. However, Harris added, even if the police force were eliminated, the city would still need additional funding to pay the sheriff's department.

The special assessment was added to the winter tax bill per Public Act 33 of 1951. Harris said 10 mills would still leave the city \$350,000 short of his budget. ♥

See related article on EFM law change on page 4.



EFM Joseph Harris opens up the second of two public hearings on a Benton Harbor special assessment. The meeting was held in the Paw Paw building Dec. 17.

Photo courtesy of The Herald-Palladium



New Flushing Township board reconsiders disbanded police

— By Jennifer Foley, POJ Editor with excerpts from mlive.com

Flushing Township has a new board and they're reconsidering the township's contract with the Genesee County Sheriff's Department.

Board members unanimously passed a three-month extension with the sheriff's department, which runs from Jan. 1 to March 31, to give them time to research all of their options, including a return to the previously disbanded township police department.

Voters swept four of the township's seven board members out of office Nov. 6. Re-elected Trustee Scott Matzke and Clerk Julia Morford, who voted against disbanding the police department, said police options for Flushing Township should have been examined in more detail. Newly elected are Supervisor Rian Birchmeier, Treasurer Maryion Lee and Trustees Shirley Gage and Bonnie Jean Martinson who say they want to examine all options for police protection.

"We're not going to rush into anything," said Birchmeier. "We're going to look at all possible resources."

Matzke said there was a lot of information to go through before making a decision and "With four new board members, that's going to take a little time."

POLC Labor Rep. Lloyd Whetstone met with the township supervisor to discuss options. "I think it was a positive meeting but there has been no determination of what the future might bring," Whetstone said. "We still have an opportunity to get the police department back. There are no

guarantees but we shall see."

The former board voted 5-2 in February 2012 to disband the township's police department and signed a contract in March for no more than \$445,490 for four county sheriff deputies and one part-time detective. The board said the change saves the township \$150,000 to \$200,000 annually. The POLC has evidence the sheriff's costs are greater than maintaining the township department.

"I personally believe there should have been more discussion and we should have checked it out more," said Morford. "Back in February (2012), the supervisor, treasurer and myself were supposed to check out different resources." Morford defeated former board member Mark Purkey to retain her seat. She said township officials were discussing a potential joint department with Montrose and Flushing before the vote to disband. "I feel the former officers were not treated fairly," Morford said. "I think things could have worked out where the township could have had their own police department."

The township sold off police vehicles and equipment in September and Martinson said reviving the township police department "would be costly."

However, Birchmeier questions the costs of county coverage. "I've gone to thousands of doors and that seems to be their main concern — the lack of police coverage with the county and it seems to be more expensive going with the county," said Birchmeier.

In the meantime, lawsuits filed by the officers, an Unfair Labor Practice and arbitrations filed by the POLC are underway. The township's former police sergeant filed a lawsuit and five former officers are seeking over \$75,000 in a class-action lawsuit based on a violation of First Amendment rights and defamation of character. The lawsuit claims the statements were made by former township Supervisor Terry Peck and there was board retaliation by laying off officers who supported recall attempts against former Treasurer Bill Noecker and trustees Michael Gardner and Scott Minaudo, the lone member of the board remaining who supported disbanding the police department.

The POLC had an Unfair Labor Practice hearing with MERC over the department being closed for retaliation against the officers for filing grievances and supporting recall attempts. The POLC argues both issues are protected union activities under PERA. If the POLC wins MERC, they can order the officers back to work, said Tom Zulch, POLC attorney.

The POLC was awarded seven of eight Act 312 issues on behalf of the laid off officers. The officers' contract, which expires March 31, 2014, includes the POLC's last best offer on length of recall rights (up to two years), retiree benefit and health care caps, sick leave, college incentive plan, selection of health care plan and contract duration. The arbitration panel also ruled the township has the ability to pay the officers based on the police millage. ♥

Contract Settlements

— As reported by POLC Labor Representatives

Allegan County Correction Command Officers

- **New two-year agreement** expires Dec. 31, 2014.
- **Wages:** 1% effective Jan. 1, 2013. Wage reopener Jan. 1, 2014.
- **Health Care:** Employer chose new plans with state mandated caps for health care. Implements new health care plans with savings to Employer and employees. HSA Plan will equal no premium co-pays for employees for 2013.
- **Bargaining Team:** Sgt. Burt DeBoer aided by POLC Labor Rep. John Stidham.

Allegan County Road Patrol Command Officers

- **New three-year agreement** expires Dec. 31, 2014.
- **Wages:** 0% effective Jan. 1, 2012. 1% effective Jan. 1, 2013. Wage reopener Jan. 1, 2014. This is a stipulated award from Act 312 arbitration.
- **Health Care:** New plans with state mandated caps for health care. HSA Plan will equal no premium co-pays for employees for 2013.
- **Retirement:** MERS Pension. Employees receive E2 (cost of living) rider. Increase employee pension contribution from 4.91% to 8%.
- **Bargaining Team:** Sgt. Chris Kuhn, Sgt. Cory Hunt and Lt. Mike Larson aided by POLC Labor Rep. John Stidham.

Berrien County Sheriff's 911 Dispatch

- **New three-year agreement** expires Dec. 31, 2015.
- **Wages:** 1% effective Jan. 1, 2013. 1% effective Jan. 1, 2014. 1% effective Jan. 1, 2015.
- **Health Care:** The following co-pays are in effect: 15% co-pay in 2013. 18% co-pay in 2014. 19% co-pay in 2015. If employer fails to opt out of PA 152 in any particular year, the co-pay is 20%.
- **Fringe Benefits:** Shift Leader pay is ½ hour for every four hours "In Charge." Add aunts

and uncles to bereavement pay. Eliminate Workman's Comp supplement. Increase Comp Time Bank from 64 hours to 80 hours, but eliminate yearly rollover. Comp Time payout will be Dec. 31 each year.

- **Retirement:** Eliminate retiree health care for new hires. New hires receive 2.2% pension multiplier reduced from 2.8% for current employees.
- **Bargaining Team:** Gayle Hagen Barth and Kristina Burks aided by POLC Labor Rep. John Stidham.

Berrien County Sheriff's Department Command Officers

- **New three-year agreement** expires Dec. 31, 2015.
- **Wages:** 1% effective Jan. 1, 2013. 1% effective Jan. 1, 2014. 1% effective Jan. 1, 2015.
- **Health Care:** If County Board of Commissioners opts out of 2011 PA 152 for any of the following calendar years, employees pay: 15% in 2013. 18% in 2014. 19% in 2015. 20% in 2016. If Board fails to opt out, employees pay 20% toward premium. If Employer intends to add or delete any benefit or change hospitalization and medical insurance, they shall notify Union 30 days or more from expected implementation date to discuss impact of change.
- **Fringe Benefits:** If an employee uses a sick leave day on his last regularly scheduled workday immediately preceding the holiday or his first regularly scheduled workday after the holiday, he/she shall not receive holiday pay, unless request is made and approved by Sheriff. The Sheriff decision is final and not subject to grievance procedure.
- **Retirement:** Employees hired or promoted from the Deputy/Sergeant Unit, who are not eligible for retiree health care, shall not be granted said coverage upon retirement from the unit. Employees hired or promoted from the Deputy/Sergeant Unit, who are eligible for retiree health care, shall remain eligible for said healthcare as was applicable in Deputy/Sergeant Unit. Effective Jan. 1, 2013, an employee not previously employed by the Sheriff (i.e. outside hire) shall not be eligible for retiree health care. For retirements effective on or after Jan. 1, 2024, FAC will include a maximum of 240 hours of vacation or compensatory time payout.
- **Bargaining Team:** Paul Toliver, Robert

Boyce, Rick Biggart and Daniel Jewell aided by POLC Labor Rep. Ed Hillyer.

Eaton County Youth Facility Employees

- **New three-year agreement** expires Sept. 30, 2015.
- **Wages:** 1% effective Oct. 1, 2012. 1% effective Oct. 1, 2013. 1% effective Oct. 1, 2014. 1.5% wage increase if employer does not exempt itself from PA 152.
- **Health Care:** Employees pay 20% health care premium in 2014. Raise employee co-pay contributions from 7.5% to 12.5% unless Employer doesn't opt out of PA 152. In that case, employee contribution is 20% starting Jan. 1, 2014.
- **Manning & Safety:** Discipline discharge changed from no limit on past discipline considered to two prior years of discipline only.
- **Bargaining Team:** Kyle Horwarth aided by POLC Labor Rep. John Stidham.

Frankenmuth Police Department

- **New three-year agreement** expires Dec. 31, 2015.
- **Wages:** 1.5% effective Jan. 1, 2013. 1.5% effective Jan. 1, 2014. 1.5% effective Jan. 1, 2015.
- **Health Care:** Employees pay 14% of premium in 2013 and 2014. Employees pay 20% of premium in 2015.
- **Fringe Benefits:** New Sergeant's position will be paid 6% above patrol wages. Comp Time 80-hour bank changes to 40 hours for new hires after Jan. 1, 2009.
- **Retirement:** Employee pension contribution will change from 4.5% to: 4.75% in 2013. 5.0% in 2014. 5.25% in 2015. Retiree health care changes from Community Blue PPO to Community Blue PPO "Hybrid."

City of Jackson Non-Supervisory Police Unit

- **New four-year agreement** expires June 30, 2016.
- **Wages:** .50% effective July 1, 2012. 1% effective July 1, 2013. 1.5% effective July 1, 2014. 2% effective July 1, 2015.

Continued on page 14



The Police Officers Labor Council welcomes the following new units

Unit	Former Affiliation
Houghton County Sgts./Deputies/Corrections	POAM

Contract Settlements

Continued from page 13

- **Health Care:** Employees may choose a high-deductible PPO or HMO product through BCBSM and employees pay 20% of premium. All employees hired on or after July 1, 2012 will not be eligible for health insurance in retirement. They will participate in Retiree Health Savings Plan (RHS) with employer contributing \$1,750 annually to be increased \$100 every five years. Employees contribute \$750 annually, to be increased \$50 every five years. There is a three-year vesting period. Upon death of participant, surviving spouse and/or dependents are immediately eligible to maintain and utilize account. Employees hired before July 1, 2012 who retire on service, duty disability or non-duty disability are eligible for same or comparable health care plans as active employees and pay 50% of the 20% premium (a fixed dollar amount at time of retirement). This replaces the sliding scale. If a spouse is full-time and has health care offered by their employer, they must take that plan unless it costs more than \$1,800 annually for single coverage or \$2,400 annually for two-person or family coverage. If they take their Employer's plan, they may join the city's plan as a secondary plan.
- **Fringe Benefits:** Employees hired after July 1, 2012 will be paid up to 50% of 640 hours of unused sick time instead of former maximum of 50% of 960 hours. Boots and service shoes will be reimbursed up to \$130 per year. Compensatory time accumulates to 84 hours instead of former 120 hours. Holiday pay is 2.5 times straight hourly rate for holidays worked. Eliminate payment of eight hours of compensatory time for holiday worked. Replace payment of compensatory time for holiday time scheduled, but not worked, with eight or 12 hours of straight time based on scheduled shift. Employee's first vacation pick, up to 60 hours or greater, will be honored; second and third picks of less than 60 hours will be honored subject to availability of sufficient staff. Longevity will be paid in lump sums annually for new hires on or after July 1, 2012 instead of being added to employee's hourly rate.
- **Retirement:** Retirees will no longer be given an opt-out payment for waiving their right to health insurance. Employees hired after July 1, 2012 become members of a Hybrid retirement plan which includes DB and DC portions. The DB multiplier is 1.5% for first 25 years and 1% each year thereafter. Employees shall pay 4.75% for DB portion. The Employer will contribute 3% and the employ-

ees 6-20% of the DC portion. Overtime will not be calculated in FAC for those hired after July 1, 2012. Employees hired after July 1, 2012, who are eligible for non-duty disability, shall receive a pension only up to the age of 55, calculated by 1.5% for first 25 years and 1% in years thereafter.

- **Bargaining Team:** Shane LaPorte, Craig Edmondson, Marc Smith, Mark Karle and Mike Galbreath aided by POLC Labor Rep. Ed Hillyer.

City of Muskegon Non-Supervisory Unit

- **New two-year agreement** expires Dec. 31, 2013.
- **Wages:** 1% effective upon ratification since contract settled seven months late. \$500 lump sum payment after contract executed. 1.5% effective Jan. 1, 2013.
- **Health Care:** Employees' premium contribution changes from \$20 bi-weekly to 10% of the monthly premium one month following contract ratification. Employer will pay HRA deductibles if both employee and spouse participate in Wellness Program.
- **Manning & Safety:** Union/Management Committee to study concept and contractual changes for 12-hour patrol shifts. City agrees to be contractually obligated to provide ammunition during weapons qualification times.
- **Retirement:** Retirees eligible for major medical health care shall receive that drug plan. Employer pays \$41 monthly toward Medicare Part D premium or full monthly premium, whichever is less, for retirees eligible for Medicare Part D. Retiree healthcare and prescription coverage will not be provided for employees hired after June 1, 2012. Employer shall match mandatory 2% employee contribution to a retiree healthcare savings plan for those hired after June 1, 2012. Effective Jan. 1, 2012, FAC shall not include more than 240 hours of leave time.
- **Bargaining Team:** Richard Bleich, Adam Dent, Nathan Baker and Bryan Prindle aided by POLC Rep. Ed Hillyer.

North Muskegon Police Department

- **New two-year agreement** expires Nov. 30, 2014.
- **Wages:** 1% effective Dec. 1, 2012. 1% effective Dec. 1, 2013.
- **Health Care:** Effective Dec. 1, 2012, employees' premium co-pay shall be 10% of premium paid by Employer on behalf of

employee. If monthly premium exceeds the medical benefit plan annual cost limitations (Hard Cap) set by the state Department of Treasury, Employer has right to impose provisions of PA 152.

- **Fringe Benefits:** Compensatory time off accumulated maximum reduced to 60 hours yearly from a rolling 64 hours maximum.
- **Retirement:** Employees who have sick leave upon retirement can have it paid in cash, put into their Healthcare Savings Plan or put into their 457 Plan. Employees hired on or after Oct. 1, 2012 shall be in MERS Hybrid Plan with a 1.5% multiplier for DB portion, with a three-year FAC and six-year vesting provision. Employees contribute 5% to DB portion of plan. Employer's total plan contribution is capped at 10%. When total contribution to fund DB component is below 10%, Employer pays entire cost of DB. When DB contribution equals 10%, Employer makes no contribution to DC. Employees are required to make contributions to DB component in an amount equal to excess of 10% Employer contribution.
- **Bargaining Team:** Erin Baerman and Todd Friend aided by POLC Labor Rep. Ed Hillyer.

Niles City Police Department

- **New four-year agreement** expires Sept. 30, 2016.
- **Wages:** One-time lump sum of \$300, which does not apply to base pay, effective Oct. 1, 2012. For each contract year, parties agree to meet and reopen the wage issue.
- **Health Care:** Employees' contribution for health, prescription, dental and vision shall be: 12% effective Oct. 1, 2012. 16% effective Oct. 1, 2013. 18% effective Oct. 1, 2014. 20% effective Oct. 1, 2015. Employees hired after Oct. 1, 2012 shall contribute 20%.
- **Fringe Benefits:** Implement a 12-hour patrol shift. Changes to grievance procedure allowing longer timeline after employee first knows about possible grievable issue.
- **Manning & Safety:** Shoes and boots reimbursement increase for uniform patrol from \$150 to \$200 annually. Dispatch employees clothing allowance reduced from \$150 to \$100 annually. Detective clothing allowance increase from \$700 to \$800 annually. Life insurance coverage increases from \$50,000 to \$100,000 with employees paying 50% of premium costs over \$30,000.
- **Vacation, Personal, Sick & Funeral**

Continued on page 15

Arbitration

— As reported by the POLC Legal Staff

SUSPENSION REDUCED

A Benton Harbor police officer, who was suspended following an attempt to aid a scalded child, had his suspension significantly reduced following a grievance filed by the POLC.

The officer, who was working midnights, was stopped by a woman in front of the police station and confronted with a child who had been accidentally scalded in May 2011. He immediately called for an ambulance. Right after making the call, the child's grandmother arrived and took the child to the hospital. The officer called and cancelled the ambulance within 30 seconds of the initial contact. He did not make a report, reasoning that if there were possible child abuse, the hospital would contact the department.

The department was contacted later in the day shift and an investigation confirmed it was an accident. However, the department investigated the officer and created a list of 16 charges with "essentially no explanation of the alleged violation related to each charge," according to POLC attorney Tom Zulch. The officer was given a 30-working day suspension without pay. Since this was based on a 12-hour shift, the officer lost 360 hours of pay. The officer was also demoted from his Officer in Charge status, causing further loss of pay.

The Arbitrator agreed with the union argument that charges were not sufficiently specified as to what wrong doing occurred. The Arbitrator determined the officer should have generated the initial report. However, the Arbitrator ruled the discipline was clearly excessive and not for just cause.

He set aside the 30-day suspension and had all other charges dismissed. The Arbitrator ruled the officer should be made whole, restoring his Officer in Charge status, minus a two-day suspension for not writing the initial report.

TERMINATION REVERSED

A City of Milan police officer, accused of failing to respond to a call for service in June 2010, had his termination and previous demotion reversed following grievances filed by the POLC.

The termination case follows multiple minor disciplinary actions and the demotion. In 2009, the officer was demoted from sergeant to patrol officer and received a five-day suspension for letting off a firecracker in the police department as a harmless prank. The POLC won that case with



the Arbitrator reversing the demotion and ruling the officer only receive the five-day suspension.

The officer was terminated for failing to take a call for service, which involved executing a warrant for a man who had failed to pay over \$63,000 in child support. At another officer's request, the officer accompanied him to the man's home around 4 p.m. June 14, 2010. It is department policy that two officers are generally utilized to execute such arrest warrants. Since the man was not home when the two officers arrived, they asked a neighbor to notify the department when he returned home.

The neighbor called to report the man was home around 5:49 p.m. The dispatcher approached the officer about the man's return. The officer testified that he informed the dispatcher the officer handling the case was off duty and that the commanding officer should decide what to do. The dispatcher claimed the officer refused to make the arrest, saying he was too busy.

The POLC argued the officer never intentionally refused to take the call for service, instead believing the commanding officer planned to handle the call. The Union said the dispatcher's comments were "hearsay." Since the Employer did not call the dispatcher as a witness, an inference must be drawn that her testimony would be adverse to its case, according to POLC attorneys.

"I have never, and probably will never, sustain termination of employment based solely on hearsay testimony," the Arbitrator stated.

The POLC also questioned the importance of the arrest as the commanding officer could have easily asked the grievant to arrest (the man) that night. Instead, the commanding officer ordered that the call for service be cancelled.

The Arbitrator said the Employer failed to meet its burden showing the officer ignored a call for service. He reversed the termination and ordered the officer back to work with full back pay, benefits, no loss of seniority and made whole. Between the two successful awards, the officer should be returned to work as a sergeant with full back pay. ♥

Contract Settlements

Continued from page 14

- **Leave:** New procedure for bidding on vacation time based on seniority. Personal time changes from eight hours to "day" and employees are allowed to accumulate four "days" instead of 40 hours. Illnesses must be verified if sick one or more days connected with other approved leave. Spouse and domestic partner have same meaning for funeral leave.
- **Longevity & Temporary Pay:** New hires after Oct. 1, 2012 will receive half of what

current employees receive for longevity pay. Current employees receive 2% to 10% and new hires receive 1% to 5% of pay. Temporary first line supervisors will receive 6.5% per hour premium pay while performing daily duties of first line supervisor. Those serving more than 20 consecutive work days will be paid at first line supervisor rate, performing all first line duties. Duration of "temporary" supervisor is limited to one year if position is caused by permanent vacancy. By mutual agreement, parties may extend one year limitation.

- **Retirement:** Retiree coverage until Medicare

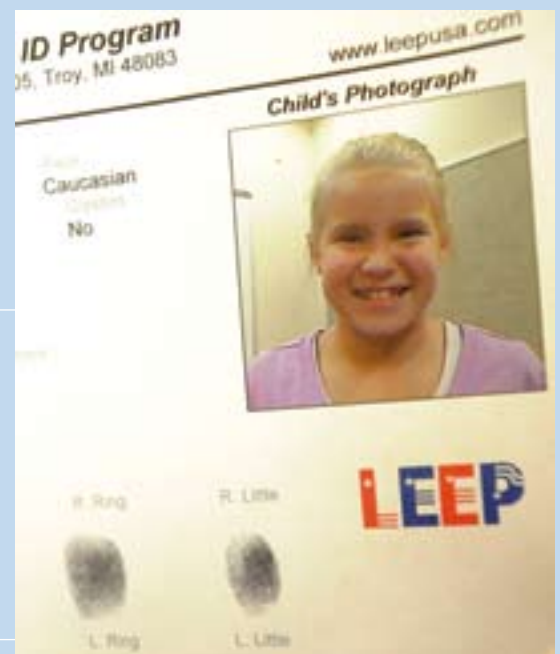
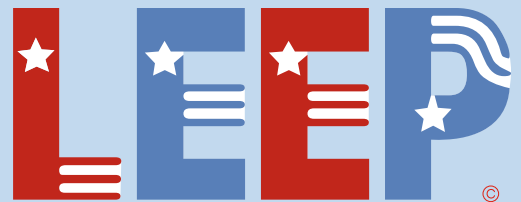
age eligible instead of age 65. Employees retiring after Oct. 1, 2012 shall pay same rate of contribution as active employees. Previously retirees paid the same contribution amount they made as active employees for health care. If alternative coverage is lost during retirement, retiree can return to City's plan. Employees hired after Oct. 1, 2012 shall contribute 8% to DB plan instead of current employee's 7% contribution.

- **Bargaining Team:** Denton Fitz, Lois Sherman, Shane Daniel, Jenny Evans and Dan Nelson aided by POLC Labor Rep. Ed Hillyer. ♥

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KIDS FINGERPRINTING IN MONROE

LEEP Kids Fingerprinting Program Administrator Tom Jenkins (above in background) prepares a CD Rom for a Monroe Road Elementary student. Monroe County Sheriff's Deputy Randy Sehl (standing), who is Bedford Public Schools liaison officer, jokes with first-graders waiting their turn. At right is a printout parents receive with the CD of their child's fingerprints, digital photo and other pertinent information.

Photos courtesy of Monroe News