

The Police Officers Journal



VOLUME 21, NUMBER 1 - WINTER 2011

Pontiac Police fight shutdown



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Law Enforcement Education Program (LEEP®)

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Published by The Dale Corp., (248) 542-2400
Executive Editor, Gary Jablonski
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Act 312 amendments died by lack of action

— By Richard R. Weiler, Director

The much talked about legislation concerning amending Compulsory Arbitration, known as Act 312, died in the legislature despite passing both the Senate and House.

One would think that after both bodies passed a piece of legislation it would be sent to the Governor for her signature and/or veto. Not the case here. In an unusual maneuver by Senate Majority leader Mike Bishop, SB 1072 was never sent to the Governor.

In order for a piece of legislation to be sent to the Governor for enactment, the chamber where the legislation originated gets it back and then “enrolls” the bill. The bill first passed the Senate in February 2010. The House passed the bill without changes June 24, 2010, and on the same day, sent the bill back to the Senate for “enrollment,” which generally is a formality.

All along legislators were getting pressured by the Michigan Municipal League (MML) and management types to change or eliminate Act 312. They blamed the act for municipalities having financial difficulties instead of blaming the decline in the housing market, financial institutions, unemployment and decreasing tax rolls where the problem really lies.

It became an easy way out for the Senate not to “enroll” the bill and let it die where it did on the last day of the legislative period, Dec. 2, 2010. Unfortunately, when the bill died so did some of the changes we have sought, which would have covered new entities such as an authority, district, board, or other entity authorized by one or more of those governmental units.

In the New Year, we will see a new legislature and Governor, all from the same party — Republican. Labor bills, which would favor the worker, will be hard to come by. Attacks by the MML and those against public employees will be more frequent than in years past. Act 312 — that is amending or eliminating the act — will once again be on just about everyone’s agenda.

We will be vigilant to stay the course and not let the act as we know it be gutted!

LEEP educates kids to keep them safe from strangers

— By Jennifer Foley, POJ Editor

Parents and educators teach children how to be safe, but do kids know what to do when a stranger approaches?

Giving children the information needed to get away safely is key and that’s the mission of “*Kids, Don’t Go With Strangers*,” a widely successful and free national program. “*Kids, Don’t Go With Strangers*” was first used during the 1970’s Oakland County and Atlanta, Georgia serial child slayings to protect children from abduction, sexual deviancy and a life of fear.

A Law Enforcement Education Program (LEEP), “*Kids, Don’t Go With Strangers*” was re-launched with all new multimedia materials. The award-winning public safety program presents a crucial child safety message in a non-threatening,

highly effective manner — through audio/visual materials — designed specifically for young elementary age children.

Some 3,000 to 5,000 non-family abductions are reported to police every year. Most cases are short-term and sexually motivated. These sexual abductions are devastating to children and can have serious life-long emotional and social consequences. Approximately 6 percent, or 200 to 300 cases, involve children being murdered, ransomed or taken with the intent to keep.

Education can mean the difference between a child being abducted and a child being spared from harm. Schools throughout Michigan and 10 other states have received mailings of the “*Kids, Don’t Go With Strangers*” CD and coloring books featuring instruction on what to do when

children encounter a stranger. School administrators can provide these critical materials to children at their schools by playing the audio CD and handing out the coloring books for kids to take home and share with their parents. It’s simple, free, and most importantly — it keeps kids safe.

BRINGING PROGRAMS TO KIDS

Kids Fingerprinting program is also available through the “*Kids, Don’t Go With Strangers*” project. This program provides parents with a CD Rom that includes the child’s digital photograph, fingerprints, height and weight. The CD can be taken to a police department and hooked into the Amber Alert system.

LEEP supports educational programs for the betterment of the general public and law enforcement community with a strong focus on child safety. Other LEEP programs include: *Students on Sobriety (S.O.S.)*, which educates teens about the legal, financial and human costs of drinking and driving; and *911! Your Friend!*, a video program which teaches preschool and early elementary students how and when to call 911 for help.

Monroe PD veteran Sgt. Tom Jenkins brings LEEP programs to life, traveling around Michigan and Ohio to give presentations and provide the *Kids Fingerprinting* program to families. The former road patrol officer teaches at the Macomb County Police Academy and is an MCOLES instructor. ♥

We encourage all local POLC departments to support the LEEP offerings. Any POLC officer or local school administrator can schedule, or sponsor, any of the LEEP community programs in their area schools by contacting the LEEP programs office at (800) 451-1220, or addressing a letterhead request to LEEP at 28091 Dequindre, #303, Madison Heights, MI 48071.

Tom Jenkins provided the *Kids Fingerprinting* program in Grosse Pointe Woods. Even though the October event was not advertised, he was quite busy.



The *Kids Don’t Go With Strangers* coloring book and CD were distributed to elementary schools throughout Michigan and 10 other states.



Tom Jenkins recently displayed LEEP programs, including *Kids Don’t Go With Strangers*, at the R.A.P. City (Resources Are Plentiful) event in Clinton Township. Many educators attended the September event, which provided an easy way to schedule school health programs for the coming year.

Residents, union fight plan to disband Pontiac Police

— By Jennifer Foley, POJ Editor, with media excerpts

The plan to disband Pontiac's Police Department has been halted after injunctions were filed by the union representing Pontiac Police and Dispatchers.

The Oakland County Board of Commissioners voted Jan. 20 in favor of disbanding the Pontiac Police Department and having Oakland County Sheriff's Department take over patrol services.

In response, the police union filed an injunction to stop the action based on their contract with the city, which expires in 2012. Prior to a court hearing set for Jan. 26, attorneys for the police union and Pontiac's emergency financial manager, Michael Stampfler, met and it was determined that since the police union wasn't willing to terminate its contract, the takeover would not happen, said Pon-

tiac Police Sgt. Kevin Braddock.

"The only movement is if we agree to terminate our contract," Braddock said. "The officers union has a binding contract. They can't contract out any police services unless we agree to terminate our contract."

"This is not my victory," said Pontiac Police Chief Val Gross. "This is a victory for the citizens of Pontiac. They get to retain their own police department."

"He (Stampfler) doesn't have the power to dissolve contracts," Gross said. "I hope this opens the eyes of the people of Lansing."

The plan, signed by City officials, was to disband the Pontiac Police Department and have the Oakland County Sheriff's Department absorb up to 63 of its 74 of-

ficers. All current dispatchers would lose their jobs.

Prior to the majority-led Republican commission's vote, the previous commission voted down the measure 19-2 after a series of amendments aimed at including more citizen input. The dispatchers union also filed a lawsuit in Oakland Circuit Court, noting an unfair labor practice complaint had been filed with the Michigan Employment Relations Commission (MERC). The lawsuit sought an injunction preventing any action until that complaint has been resolved. The dispatchers' contract is in effect until June 30, 2011.

In response to the failed 2010 measure, 11 additional officers were laid off Jan. 1, Braddock said, bringing police staffing down to 51.

The controversial \$10.2 million contract with the Sheriff's Department was estimated to save the city \$2.2 million a year. Chief Gross said his department's budget is currently at \$8.8 million and he'd like to see the city pay the difference of what they would've paid the county. The additional funding, Gross said, would allow the department to reinstate 19-20 officers.

However, he's concerned the city may layoff even more officers. Gross said if that happens, it would simply be a punitive measure taken against the department.

Commission Republicans said it was

appropriate to vote on the issue Jan. 20 since it had been thoroughly debated last year. Democrat Tim Greimel — who suggested earlier amendments to the contract which included approval of the police contract by Stampfler, Pontiac's mayor and city council — was one of four Democrats who voted in favor of the takeover along with 14 Republicans.

"The status quo of having a police department that's cut to the bone is not an acceptable option," Greimel said.

Now Pontiac Police and residents have to wait and see what happens next. The city of 66,000 residents has a budget deficit of \$12 million. ♥



Line-of-duty deaths surge nearly 40 percent in 2010

— From the National Law Enforcement Officers Memorial Fund

Law enforcement fatalities were up 37 percent in 2010, despite two years of declining deaths.

A total of 160 federal, state and local law enforcement officers died in the line of duty compared to 117 — a 50-year low — in 2009, according to preliminary data compiled by the National Law Enforcement Officers Memorial Fund (NLEOMF).

Fifty-nine officers were shot and killed, a 20 percent increase. Ten of them were shot to death in separate multiple-death incidents.

"Our law enforcement officers are being asked to do more today with less, and it is putting their lives at risk," said NLEOMF Chairman Craig W. Floyd. "In addition to their conventional crime fighting responsibilities, our law officers are on the front lines in the war against terror here at

home. Yet, there are fewer officers on the street and other precious resources, such as training and equipment dollars, are also being cut as a result of the economic downturn."

Traffic-related incidents continue to be the leading cause of death for the past 13 years. Seventy-three officers were killed in traffic-related incidents, compared to 51 in 2009, a 43 percent increase. Fifty occurred during automobile crashes, 16 officers were struck and killed while outside of their vehicles, six died in motorcycle crashes and one bike patrol officer was struck by a vehicle.

There were 19 officers who died of job-related illnesses, two were beaten, two drowned, two suffered fatal falls, two died in aircraft crashes and one officer died in a boating accident.

More officers were killed in Texas, 18, than in any other state; followed by California with 11; Illinois with 10; Florida with nine; and Georgia with seven. The two law enforcement agencies with the most deaths in 2010 were the California Highway Patrol and the Chicago Police Department, each with five. Eleven of the officers killed in 2010 served with federal law enforcement agencies and six female officers died, compared to only one in 2009. ♥

The statistics released by the National Law Enforcement Officers Memorial Fund and Concerns of Police Survivors are preliminary and do not represent a final or complete list of individual officers who will be added to the National Law Enforcement Officers Memorial for 2010. The report, "Law Enforcement Officer Deaths: Preliminary 2010," is available at www.LawMemorial.org/ResearchBulletin.



Civilians hired for policing to save money

— Excerpted from USA Today

Police unions across the country are fighting a new battle to preserve jobs. A growing number of police agencies are hiring **civilians** to perform work previously done by uniformed officers in an effort to reduce costs.

"It's all being driven by the economy and we should expect to see more of it," said University of Pittsburgh law professor David Harris, who analyzes law enforcement practices. "As budgets are squeezed, an increasing number of duties are going to be moved off officers' plates."

Sometimes the civilian positions circumvent pay and benefits won for officers in hard-fought labor contracts, says Bill Johnson, executive director of the National Association of Police Organizations (NAPO). "The economy ought not to be pushing this," Johnson says. "You want the real deal when you call 911."

But thousands of civilians are being recruited for these paid and volunteer positions that include crime scene investigators, evidence gatherers and pho-

tographers. Police union leaders say this cost-savings measure results in lowered standards and undermines professionalism.

Some agencies hiring civilians include:

- **San Francisco, Calif.:** Police officials plan to hire 16 civilians to investigate burglaries and property crimes. The \$1 million pilot program was implemented to allow dwindling numbers of uniform officers to focus on more serious violent crime. San Francisco Assistant Police Chief Thomas Shawyer says the city will save up to \$40,000 per person in training, equipment and benefit costs.

- **Mesa, Ariz.:** Eight civilian investigators were hired in June 2009 when the department could not afford uniformed police. Some come from customer service jobs at Southwest Airlines, Costco and Barnes & Noble. They respond to property-related offenses, including burglary, fraud and vehicle theft. They have been trained to lift fingerprints, photograph crime scenes and interview witnesses

and victims, said Sgt. Stephanie Derivan, who added they do not carry guns. Derivan says the department is saving an estimated \$15,000 per investigator in salary. "It's an efficient way to do business," she said.

- **Durham, N.C.:** Civilian volunteers help police canvass neighborhoods immediately after murders and other violent crimes to aid responding units and put potential witnesses at ease. Durham Police Chief Jose Lopez says other volunteers in city-issued cars patrol shopping centers during the holidays and conduct property checks for residents who are away from home. "They are additional eyes and ears for us," Lopez says. "It effectively puts more people on the street."

But union leaders see the hiring of civilians as a violation of public confidence. "For most people, the only contact they have with local government is the police department," said Johnson. "At that point of contact, we want a full-fledged police officer dealing with the public." ♥

Caprice Patrol Vehicle rated fastest of 2011 police cars

— Excerpted from media reports



GM is introducing the Chevrolet Caprice Police Patrol Vehicle in 2011. Photo courtesy of General Motors.



Ford is introducing the purpose-built Police Interceptor and Interceptor Utility designed to replace the Crown Victoria in 2011. Photo courtesy of Ford Motor Company.



Chrysler has made changes to its Dodge Charger Pursuit. Photo courtesy of Chrysler Group.

Chevrolet's Caprice Patrol Vehicle came out ahead of the competition for speed in Michigan State Police 2011 patrol vehicle evaluations.

While there are several categories in which each vehicle is rated, the General Motors Caprice Police Patrol Vehicle had the fastest acceleration, highest top speed, shortest stopping distances and quickest road racing lap times among its American competitors.

"We have the fastest car, best brakes, largest interior and most comfort," said Dana Hammer, Chevrolet manager of law enforcement vehicles. "Our goal was to be the leader."

The full-size rear-wheel drive sedan also offers fuel savings and these special features:

- 6.0-liter V8 estimated 355 horsepower.
- Longest wheelbase of architecture — 118.5 inches — with a four-wheel independent suspension offers spaciousness inside and in the truck. The barrier between the front and rear seats is posi-

tioned farther rearward for greater front-seat recline.

- Space for equipment belt allows officer's back to rest properly on the seat-back.
- Optional front-seat-only side curtain air bags allow a full-width rear-seat barrier for greater officer safety.
- Two trunk-mounted batteries.
- Compatibility with in-dash touchscreen computer and driver information center with selectable speed tracking feature.

POLICE INTERCEPTOR

With Ford's Crown Victoria, the nation's leader in police cars, no longer being produced after 2011, the competition is heating up between Ford, GM and Chrysler. Ford, which controls about 75 percent of the police pursuit vehicle business in the United States, will introduce the purpose-built Police Interceptor designed to replace the Crown Victoria. The Interceptor will provide up to 25 percent greater fuel efficiency than the Crown Vic and is based on the same platform as the 2010 Ford

Taurus with front or all-wheel drive and the following special features:

- 3.5-liter V6 engine with an estimated 280 horsepower or a turbocharged 3.5-liter V6 with estimated 365 horsepower.
- Able to withstand a 75-mph rear end crash and offers better rollover protection than the Crown Vic.
- Seats offer better comfort while easing egress, with cut-outs for police-issue utility belts.
- More room for center-mounted gear with the transmission shifter moved to the steering column and a roomier back seat for ease getting prisoners in and out.
- Reduced service costs with upgraded service facilities to straighten damaged unibodies.

Ford will face some tough competition in GM and Chrysler's rear-wheel drive vehicles. Rear-wheel drive vehicles have been the preferred choice of police for durability, being cheaper to repair and ease in performing high-speed maneuvers.

DODGE CHARGER PURSUIT

Chrysler's rear-wheel drive Dodge Char-

ger Pursuit features a new angle for the windshield that provides 15 percent more visibility than the outgoing model. Other special features include:

- All-new 3.6L Pentastar V6 with 285 horsepower featuring Variable Valve Timing (VVT) and E85 Flex Fuel capability or 5.7L Hemi V8 with 360 horsepower and VVT.
- High strength steel, the same material that supports bridges and skyscrapers, throughout the unibody and a safety cage made from steel similar to submarine hulls.
- Stealth mode allows low visibility with strategic interior lights turned off and others dimmed to prevent easy public view with just enough light to perform business.
- Five-speed automatic is column-mounted with overdrive and AutoStick®.
- Heavy-duty front and rear suspensions with load leveling and rear stabilizer bar.
- Severe-duty engine cooling system with external coolers for engine oil, transmission fluid and power steering fluid.

INTERCEPTOR UTILITY

Ford is also readying a Police Interceptor Utility based off the 2011 Explorer crossover. Production is expected to begin in 2011, but the utility will not be released until at least 2012. It has a higher ground clearance for all-terrain capability and features the following:

- Front- and all-wheel drive and Ford's AdvanceTrac driver aids like curve control and roll stability control, larger brakes, a tougher suspension and 18-inch steel wheels.
- Seats accommodate officers utility belt and gear shifter on steering column to provide space for computer equipment in center console.
- Backseat climate control (ideal for K9 units) and stab plates in front seat backs for driver and passenger safety.
- Steering wheel buttons are remappable and can be programmed to operate auxiliary functions (lights, sirens, etc.). Ford's SNYC system can be used to voice-activate communication and audio equipment. ♥

MERC decision: Act 312 no longer bars union elections

— Excerpted from MERC Labor Opinion Case No. R10 F-065

Rival unions will no longer be blocked from filing election petitions when incumbent unions are involved in Act 312 proceedings, according to a decision by the Michigan Employment Relations Commission (MERC).

MERC's decision, with the support of several panels of the Michigan Court of Appeals, allows rival unions to file for representation after a labor group has filed for Act 312, effectively eliminating the

1978 Act 312 election bar policy.

"There's no contract bar ... with respect to filing Act 312 petitions," said Peter Sudnick, an attorney representing the POLC.

Act 312 provides for compulsory arbitration of labor disputes in municipal police and fire departments with the goal of producing a binding collective bargaining agreement. If such a contract is reached, the Public Employment Relations Act

(PERA) protects the incumbent union up to three years or the duration of the contract, whichever is less.

The POAM, the union in the MERC case, began representing Detroit Emergency Medical Services Association (DEMESA) employees on June 1, 2009. It did not, however, engage in any substantive bargaining during the next 12 months — the duration of the election bar following a valid election, according to MERC

Labor Opinion Case No. R10 F-065. During that time, the POAM had disagreements with DEMESA over its representation of employees and bargaining strategy. The incumbent union then filed an Act 312 petition on June 11, 2010, 11 days following the end of the 12-month election bar.

Under the 1978 MERC Act 312 election bar policy, it appeared that DEMESA was prevented from seeking representation from another union. Nevertheless, DEMESA filed an election petition on June 28, 2010. The POAM sought dismissal of that election petition.

The Commission viewed the use of the Act 312 petition as a tool for the incumbent union to preserve its status as the bargaining agent and prevent the process-

ing of an election petition, the decision stated. "Forcing employees to tolerate continued representation by and payment of dues and fees to, a potentially disfavored incumbent union by depriving the workers of their statutory right to freely choose a new representative is equally provocative and, we find unwarranted, as it contravenes the plain language and purpose of both PERA and Act 312," stated the MERC decision.

If the Act 312 petition is filed before expiration of a collective bargaining agreement and the agreement subsequently expires, the 312 petition will not bar a representation election even if the parties are well into an Act 312 hearing. The employer must stop negotiations and

participation with the incumbent in an Act 312 hearing until the representation issue is resolved.

It is uncertain whether the rival union, if elected, would represent the employees in the Act 312 proceeding or the Act 312 would become null and void. "Once a new labor union is elected, the question of whether they step into the shoes of the incumbent union as far as the Act 312 proceeding is unknown," said Sudnick.

Two existing legislative bars will continue: the one-year bar following a valid election; and the bar operating during the existence of a collective bargaining agreement of not more than three years duration, with the exception of the 150-90 days window prior to expiration. ♥

POLC files lawsuit to protect pension benefits in Auburn Hills

— Excerpted from *Police Officers Labor Council of Michigan v. City of Auburn Hills*

The POLC has filed a federal lawsuit against the City of Auburn Hills after an Arbitration Panel granted an award that retroactively reduces pension benefits for Auburn Hills Police.

The lawsuit, filed in November on behalf of the Auburn Hills Detectives and Command Officers, follows an Act 312 arbitration ruling. The Arbitrator decided in favor of the City's last best offer (LBO), which reduces pension benefits previously accrued under the former collective bargaining agreement (CBA). That contract, which expired Dec. 31, 2007, specifically provided for annual cost-of-living adjusted retirement benefits (COLA).

After attempting to negotiate a new agreement, in May 2008, the POLC requested Act 312 arbitration for both units. In May 2010, the Compulsory Arbitration Panel issued its Act 312 Arbitration Awards, adopting the City's LBO for pension COLA. The city's LBO for each bargaining unit reduced COLA for post Jan.

1, 2010 retirees from 5 percent per year, non-compounded increase for 15 years to 2.5 percent per year, non-compounded increase for 15 years.

The POLC Arbitration Panel Delegate objected to the awards because they retroactively reduced existing pension COLA rights for those employees who had not yet retired. These benefits were collectively bargained and partially paid for by deductions from each employee's compensation.

The POLC lawsuit argues the arbitration awards retroactively divest already accrued pension COLA benefits. The legal action states the awards are in violation of various sections of the United States Constitution and Michigan Constitution by:

- Passing a law impairing the obligation of contracts.
- Taking private property for public use without just compensation.
- Depriving a person of property with-

out due process of law.

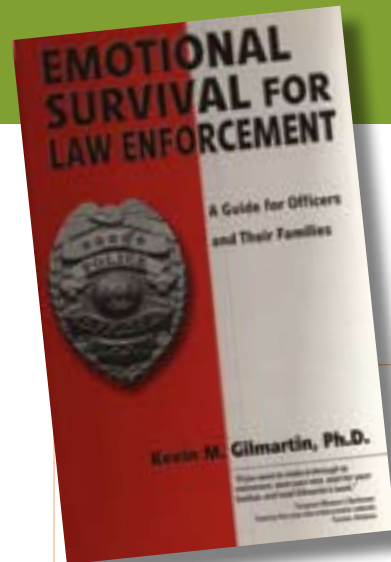
- Diminishing or impairing the accrued financial benefits of each pension plan and retirement system of the state. Financial benefits from services rendered each fiscal year must be funded during that year and that funding cannot be used to finance the unfunded accrued liabilities.

The lawsuit states Act 312 provides for government-authorized action to adjust the **prospective** contractual rights between public employer and police and firefighter employees. It also states the Arbitrator is without authority to issue an award that contravenes the Michigan Constitution.

The legal action adds that the contract to earn one year of service at a specific benefit level is fully complete at the end of the year the benefit accrues. Neither a CBA nor Act 312 vests the Arbitrator with authority to confiscate COLA pension benefits that are already earned and funded, according to the lawsuit. ♥

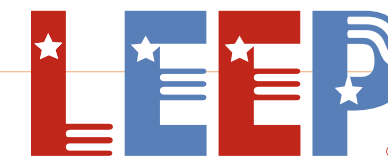
HONORING SERVICE

David VanHouten was honored for 11 years of service as a POLC Executive Committee member at the POLC/GELC 2010 Annual Conference. "That's (serving on the committee) been the highlight of my entire career," said VanHouten, who retired from his job as an Emergency Communications Operator 3 for Grand Rapids Police.



Learning to be an emotional survivor can save your life

— By Jennifer Foley, POJ Editor



Bonneau) was one of our graduates, the one that actually shot the assailant."

Gilmartin has given seminars at Kellogg Community College multiple times. "Officers that have seen him in the past have rated him very high on our evaluation. We'll have return officers that have listened to him before," Ivey said.

A behavioral scientist with 20 years of police experience, Gilmartin works as a law enforcement consultant and has written the book, **Emotional Survival for Law Enforcement**. His goal is to help officers and their families maintain or improve their quality of life personally and professionally. He discusses how officers often start their careers with excitement and positive experiences, but after years on the job, many allow negative work experiences to take over their personal lives. In most cases, they have suffered some type of loss.

While the goal of all officers is to return home safely, Gilmartin explains how neglecting emotional well-being can not only ruin personal relationships, it can cost officers their lives. His book details these surprising statistics: An average of 69 officers were killed feloniously per year during the 1990s and more than 300 police suicides occurred annually during that same timeframe.

By explaining what he calls the "Hypervigilance Biological Rollercoaster," Gilmartin helps officers understand not only why they're experiencing the same thing as many of their co-workers, but how they can deal with it to have a positive outcome. Cops are on alert while on the street to stay safe. They are on the upside of the rollercoaster, feeling alive, alert, energetic, involved and humorous. But off duty the opposite effect occurs.

Many become couch potatoes — tired, detached, isolated and apathetic. Friendships and other personal relationships fall by the wayside. Hobbies and personal interests become things of the past. They don't want to make decisions at home and lose interest in being involved with their spouses and children.

Gilmartin helps officers recognize they can control certain, but not all, areas of their lives. For those things that cannot be changed, Gilmartin helps officers find positive ways to deal with them. Aggressiveness in time management and goal setting is key. Physical fitness quickens the recovery from the emotional lows of hypervigilance. Officers should control finances, have a calendar to set dates for plans and write down goals to help them follow through.

Officers must put themselves in the role of "survivor" and strive to be the best officer they can be, but also the best spouse, parent, community member or whatever other roles they have in their personal lives. ♥

REGISTRATION

Jackson Community College: 9 a.m. – 5 p.m. March 28 at JCC's George Potter Center, 2111 Emmons Road in Jackson. Register by emailing Mary Jo Kennedy at kennedymaryjo@jccmi.edu or for questions, call (517) 787-0800, ext. 8334.

Kellogg Community College: 9 a.m. – 5 p.m. March 29 at Davison Building, Room 202A on the main campus, 450 North Avenue in Battle Creek. Register by calling Jamie (269) 965-3931 x2216 or online at www.kellogg.edu/criminaljustice, click on in-service police, then click on Register Now.

NAPO improves Act to help retired officers carry firearms

— Excerpted from NAPO and media reports

Retired law enforcement officers can now carry firearms with less restrictions under a new law promoted by NAPO.

On Oct. 12, President Barack Obama signed into law The Law Enforcement Officers Safety Act Improvements Act of 2010 (S. 1132). NAPO played such an instrumental role in passage of this bill that NAPO's President Tommy Nee received the pen used by the President to sign the bill.

"The security challenges we face as a country are immense," said Chris W. Cox, National Rifle Association's (NRA) chief lobbyist. "Our law enforcement has to deal with threats from terrorists, criminals and other unsavory elements on a daily basis. These challenges are further complicated by financial cutbacks resulting in furloughed criminals and laid-off law enforcement officers. Amending the law to make it easier for retired law enforcement officers to carry a firearm is a common-sense measure that benefits everyone."

NAPO has fought for the rights of off duty and retired officers to carry their firearm when traveling across state lines since 1992. In 2002 and 2004, NAPO's Executive Director Bill Johnson testified before both House and Senate committees in support of this legislation.

The Law Enforcement Officers Safety Act Improvements Act of 2010 includes the following changes:

- Reduces the number of years a retired or separated law enforcement officer has to serve to be qualified to carry, from 15 years to an aggregate of 10 years or more.
- Includes Amtrak Police Department, Federal Reserve, and law enforcement or police officers of the executive branch as law enforcement officers eligible to carry concealed firearms.
- New qualification procedures make the process easier for a retired or separated law enforcement officer to meet the requirements of firearms training.

Firearms certification will be allowed to be in accordance with the standards of the officer's former agency, the state where the officer resides and, if there are not state training standards, then the standards established by a law enforcement agency within the state or by a certified firearms instructor. (Previously, officers had to meet state standards, which not all states prescribe.)

NAPO representatives say the improvements will ensure qualified off-duty and retired or separated officers will be able to carry firearms for the protection of themselves, their families and our nation's communities. ♥



ADOPT A FAMILY

HOLIDAY HELP

Berrien County Dispatchers received a 911 call Nov. 15 for an Eau Claire house fire. On Dec. 23, the Dispatchers and Berrien County Supervisors delivered over \$500 worth of goods to the Alvarado family of six, soon to be seven, who lost their home and belongings. From left are 911 Dispatcher Kristina Burks, 911 Calltaker Damon Nichols, Berrien County Sheriff's Department Patrolman Cory Peek, and Dispatchers Jenn Venno and Shelley Faraone with food, winter clothing, household furnishings, Christmas gifts, gift cards from area businesses, and donations from the Sheriff's Department Patrol. The Dispatchers and Supervisors adopt a family for Christmas annually.



Berrien deputies band together to support ill comrade

— By Jennifer Foley, POJ Editor

POLC members and their kids wait for their turns as Berrien County Sheriff's Deputy Michael Moore is the first to get his hair shaved by John Sandmann, Jr. The fundraiser helped Moore in his fight against cancer.

Berrien County Sheriff's Deputy Michael Moore got some pretty devastating news around Thanksgiving, but neither he nor his co-workers are letting a second diagnosis of cancer bring them down.

Just a few days after Moore started chemotherapy for Myxoid Liposarcoma — a rare soft tissue cancer — 100 of his co-workers and friends, including POLC Executive Committee Member Brett McGrew and Sheriff Paul Bailey, showed their support Jan. 6 by shaving their heads. Each contributed funds to support Moore's trips to the cancer specialist at Rush University Medical Center in Chicago and any other medical expenses. Sandmann Barber Shop of St. Joseph provided the free haircuts with the group, which included 200 onlookers, raising over \$4,000.

Their new year's gift to Moore and his wife, Kellie, was a quilt signed with messages of encouragement from his co-workers. But that's not all they've done or intend to do for the 34-year-old, 12-year deputy.

Two other fundraisers — Mittens for Mike, paper mittens with messages written to Mike, clipped to monetary donations and "Fighting Crime, Fighting Can-

cer" bracelet fundraiser — raised about \$2,500 combined. The Berrien County Dispatchers are gearing up for "Cooking for a Cure" where employees submit their favorite family recipes, which will be printed as a book and sold with all proceeds going to the Moore's. Another fundraiser, which will help while Moore undergoes chemotherapy and radiation treatments, is a benefit shoot 10 a.m. to 5 p.m. Feb. 26 at Point Blank Shooting Range, 1340 Territorial, Benton Harbor. The cost is \$15 for two shots at the speed course and includes a Fighting Crime Fighting Cancer t-shirt. Accuracy competitions are \$5 per attempt for prizes.

Moore had the same soft tissue cancer a year prior to the diagnosis in Nov. 2010, but it was confined to his leg. "He did radiation and they removed the tumor and just about a year later, almost to the day, he started to have shoulder pain and back pain," said Berrien County Deputy Joseph Margherone. "He has a tumor attached to his spinal cord, in his shoulder and hip. There are three to five tumors."

"This is something that has obviously moved to other areas, so they have to go aggressively after it," said Berrien County Sheriff's Capt. Paul Toliver, adding that

Moore is well-liked. "He's kind of the life of the party," Toliver said. "He's always quick with a joke; he makes fun at his own expense a lot. He's been one of those guys that are just fun to be around both at work and away from work. It's hard not to like Mike."

And to show it, several deputies have given Moore over six months of donated sick time and more donations are expected, Margherone said. "The POLC has really pulled together to help an outstanding officer during this difficult time," said McGrew.

"The outpouring has just been amazing for him and his wife," added Toliver. "It's not just our department, it's other departments as well."

Moore is in good spirits and is anxious to get back to work, but Toliver said, "He has a long road to go." ♥

To make a donation to the Moore family, please make checks payable to Fighting Crime Fighting Cancer and mail c/o of United Federal Credit Union, 2807 S. State St., St. Joseph, Michigan 49085. Donations can also be made at any United Federal branch. For more information on the Fighting Crime Fighting Cancer Benefit Shoot, contact Deputy Jason Uhrk (269) 876-7349.

Labor rep will miss 30 years of friendships

— By Jennifer Foley, POJ Editor

Homer Lafrinere recently retired as a POLC Labor Rep. after 30 years of service.



When Homer Lafrinere joined the POLC 30 years ago, he had experience as a labor representative. When he retired this fall, he also had a lot of friends.

Lafrinere will miss the daily interaction with the members of the POLC he represented, many of which came to his retirement party in early October. “The best experience I had was not a case,” Lafrinere said. “There were some people I really enjoyed working with. The people that I represented are what I’m going to miss.”

One of those people was Sgt. Martin Brown, Chairman of the Sergeants Union in Battle Creek. “He’s a character,” said Sgt. Brown. “He’s got a very dry sense of humor, but you don’t see it coming and that makes for very interesting negotiations. In a tense (negotiation) conversation, he’d say something that even the other side had to laugh at.”

Martin also liked Lafrinere’s ability to look at a problem from multiple perspectives. “We would come in looking at one perspective and he would come in looking at four more,” Brown said. But what Brown will never forget is Lafrinere’s familiar quote. “Every time I gave him a problem, the first thing he’d always say is ‘what does the contract say?’ I learned that when I called him, I have the contract open in front of me.”

“The one goal he had that he never accomplished was winning the POLC golf tournament,” Brown added with a chuckle. “He’s a heck of a guy. I’m going to miss him.”

Lafrinere first heard about the POLC job from a friend. “The friend of mine that was working there said he really enjoyed representing police officers and he was impressed with the quality of

the people he represented. And he was right, I ended up staying there 30 years,” Lafrinere said.

His prior labor representative experience includes: working for Michigan State University employees; the American Federation of State County and Municipal Employees (AFSCME); the Michigan Association of School Boards; and conducting training programs for the State of Michigan Labor Relations Division. Lafrinere also taught part-time at Lansing Community College and the State of Michigan for 12 years. Some of the classes Lafrinere taught include: training programs for employers and their employees; grievance administration to teach employers and union reps how to properly handle a grievance and how to deal with employees to prevent grievances; and an expert witness training program instructing how to properly testify when called into a court hearing or administrative hearing. He also taught administrators and employees how to communicate and be understood through a writing course.

In all, Lafrinere proudly retires with 42 years experience as a labor representative. Lafrinere stayed with the POLC for three decades because he was impressed with their work. “The fact that they have binding arbitration to settle their contracts allows you to, at least, be on an equal footing with the employer and also encourages both sides to reach an agreement,” he said.

As for the new guy that is filling his shoes, Lafrinere advises acting confident no matter what comes his way. Lafrinere started his retirement with a vacation to Florida and he plans to find a part-time job doing whatever appeals to him. ♥

Republicans block collective bargaining rights

— Excerpted from *The Associated Press*

Senate Republicans voted down a measure that would have given police officers, firefighters and other public safety workers the right to collectively bargain over wages, hours and working conditions.

In a 55-43 vote, the bill was stopped short of the 60 votes needed to proceed. Police and firefighter unions fought hardest for the bill, which would have affected at least 20 states that don’t grant bargaining rights for public safety workers statewide. ♥

Contract Settlements

— As reported by POLC Labor Reps.

Cheboygan County Sheriff Department Correction Employees

- **New three-year agreement** expires Dec. 31, 2013.
- **Wages:** 0% increase effective each year of contract.
- **Health Care:** Changed to BCBSM (Blue Care Network) Healthy Blue Living 2 HMO Plan.
- **Bargaining Team:** Mike Raymus and Karen Ozzello, aided by POLC Labor Rep. Ken Nash.

East Jordan Police Officers

- **New two-year agreement** expires June 30, 2012.
- **Wages:** 1.25% increase effective July 1, 2010. 1.25% increase effective July 1, 2011.
- **Fringe Benefits:** Two hours pay for any shift that employees are placed on call duty status.
- **Bargaining Team:** Brent Seese, aided by POLC Labor Rep. Ken Nash.

Midland Police Command Officers

- **New three-year agreement** expires June 30, 2013.
- **Wages:** 0% increase effective July 1, 2010. 0% increase effective July 1, 2011. Wage re-opener effective July 1, 2012.
- **Fringe Benefits:** Employees are allowed to bank 120 hours of comp time, then overtime must be paid.
- **Health Care:** Employees are allowed to take the higher deductible program, which includes an annual physical. First year savings due to health plan concessions shared 100% with employees, which will result in employer paying \$1,600 per member. Dental changed to BC/BS from Delta.
- **Bargaining Team:** Lt. George Hutter, Sgt. Karen Tomicek and Lt. Gregory Kramer, aided by POLC Labor Rep. Ken Nash.

South Haven Supervisors

- **New three-year agreement** expires June 30, 2013.
- **Wages:** Increase differential from 9.5% to 10% effective July 1, 2010. Increase differential from 10% to 10.5% effective July 1, 2011. Increase differential from 10.5% to 11% effective July 1, 2012. (Equal to 2.5% increase per year.)
- **Health Care:** Health care insurance opt out monthly increases from \$170 to \$340 for single and \$260 to \$500 for double/family. Premium Plan office visits and prescription payments increase \$10. Retirees choose medical insurance plan from those offered to retiree groups only (due to HSA requirements).
- **Fringe Benefits:** Vacation scheduling and overtime scheduling

language clarifications. Cell phones are provided by employer with 500 minute plan or personal phone reimbursement of \$50 per month.

- **Manning & Safety:** The 50-mile residency limit may be appealed to the City Manager. Supervisors are not eligible for Investigators assignments.
- **Bargaining Team:** Kyle Griffith and Tammy Rumler aided by POLC Labor Rep. Will Keizer.

Grand Haven Public Safety Officers

- **New four-year agreement** expires June 30, 2014.
- **Wages:** “On Schedule” \$500 payment effective Dec. 10, 2010. 1.75% increase effective July 1, 2011. 2% increase effective July 1, 2012. 2% increase effective July 1, 2013.
- **Fringe Benefits:** Reduced earned sick time from 96 hours to 72 hours per year. Volunteer attendance of City events is added as merit achievement pay qualifier. Increase holiday pay eligibility requirement for duty related injuries from 90 days to 180 days. Increase annual holiday lump sum payment from \$2,100 to \$2,500. Change vacation schedule to earn a higher rate earlier in career as follows: Year 1: 42 hours; Years 2-7: 84 hours; Years 8-13: 126 hours; Years 14-20: 168 hours; Years 21+: 210 hours.
- **Manning & Safety:** Annual physical requirement no longer in effect. “Fitness for Duty” provision is in effect. Add disciplinary sunset clause, which allows the employee to appeal to the Director to have past discipline removed from the employee’s record after three years without a disciplinary action.
- **Retirement:** Pension multiplier reduced from 3% to 2.5% for new hires only. Lump sum MERS HCSP contributions changed from twice annually to once per year per IRS regulations.
- **Bargaining Team:** Dave Scott, James Kibart, Jim Albright, and Ryan Enlow aided by POLC Labor Rep. Will Keizer. ♥



Arbitration

— As reported by POLC Legal Staff

Termination reversed

An arbitrator reversed the termination of an Eaton County Sheriffs deputy accused of misconduct.

The POLC filed a grievance against the Eaton County Sheriffs Department on behalf of the 16-year employee who was terminated after executing a search warrant. That search followed the arrest of a suspect who had methamphetamine in his pocket and components of a meth lab in a trailer. The deputy returned to the trailer with the search warrant and other officers, trained in meth lab safety requirements, to conduct a search.

The employee was fired after the search based on the following allegations: illegal entry; perjury on a search warrant; and endangerment of the public and other officers by entering a meth lab without a site safety officer. Other allegations included: failing to properly notify his employer of the situation; failing to write a proper report; failing to relay all pertinent information to other officers at the scene; failing to promote a positive public image; and lying during the investigation.

The Union challenged the majority of these allegations as false. The employee admitted responsibility for forgetting to call the site safety officer to the scene and missing the mistakes when reviewing the affidavit to the search warrant.

The Arbitrator did not believe the deputy lied on the affidavit. He acknowledged the deputy made mistakes, including with his report, on the affidavit, and by failing to call a site safety officer. He also



reasoned other employees, like the officers who also entered the trailer without a site safety officer, made mistakes as well. The Arbitrator noted the deputy's long-time employment with little past discipline and overwhelmingly positive employment evaluations.

The Arbitrator reversed the termination and issued a three-month suspension. The employee was reinstated with the same wages and benefits, however, the Sheriff refused to re-deputize him. Instead, he will be reporting to work as the animal control liaison.

Overtime paid

Overtime pay was awarded in the amount of \$317 to a Mt. Morris officer in a settlement prior to scheduled arbitration.

The POLC filed a grievance against the City of Mt. Morris after officials denied payment of overtime for counseling the city required the officer to attend. Following a fitness evaluation, the City returned the officer to work, but ordered him to undergo counseling on his off-duty time.

The officer sought overtime pay for six counseling sessions, which followed his work shifts, but was denied payment by the City.

With no admission of wrongdoing, the City agreed in a settlement to pay the overtime and the grievance was withdrawn. ♥

Longtime POLC rep plans to serve others

— By Jennifer Foley, POJ Editor



To say John Viviano was involved in the POLC would be quite an understatement. He has served the union in a variety of ways for almost 40 years beginning with his local unit while working as a police officer in Grosse Pointe Park.

"Pretty much, my entire career, I held some kind of position on the local union board," Viviano said. Toward the end of his 26-year police career, he served as President of his local unit and, in 1991, ran for a position on the POLC Executive Board and won. When he decided to retire from Grosse Pointe Park Police in 1998, he left the Executive Board and became a POLC Labor Representative.

"An opening became available, and I was eligible to retire from Grosse Pointe Park, so it seemed like a nice segue," Viviano said.

Working as a labor rep., he also served as Publications Representative, providing and reviewing copy for the Police Officers Journal, a quarterly magazine. "I just enjoyed the job in general."

And when Viviano decided to retire from his labor rep. position in 2009, he really only semi-retired, continuing to work part-time. "I had a large number of units that became available and a large number that were open in 2009," Viviano said, referring to the 14 contracts in negotiation in 2009 and another 11 opening up in

2010. So he decided to help his replacement, Robert Figurski, by wrapping up the 2009 matters himself while Figurski tackled the 2010 contracts.

Viviano officially retired Dec. 31, 2010. But he won't be slowing down. "I don't think I'll ever retire," he said. "I'm a licensed builder, so I'll pursue something in that line."

And he has a lot of volunteering to do with the Shriners and Masons. Viviano is on the Board of Trustees in Alma, Michigan for Masonic Home, a continuing care facility providing nursing care for over 800 senior citizens. A member of the Detroit Area Shriners for the past 12 years, Viviano now plans to drive metro area children and their parents a few times a month to out-of-state hospitals for specialized medical care. The Shriners operate and maintain 22 pediatric specialty hospitals providing treatment to children up to age 18 with orthopaedic conditions, burns, spinal cord injuries and cleft lip and palate, regardless of the patient's ability to pay. As a driver, he will leave in the morning to travel to hospitals in Chicago, Cincinnati and Erie, Pennsylvania, and return in the evening following their care.

"We're the largest philanthropy in the world," Viviano said.

When he'd like a little down time, Viviano and his wife, Anne, will travel to their condo in Florida. But his years with the POLC will not be forgotten. Viviano said he is going to miss all the people he's worked with over the years. "I just wanted to thank everybody for a great career," Viviano said. ♥

LEGAL DRAG RACING



Holland Police Officer Doug VanderKooy debuted his 1995 Chevy Camaro, which he rebuilt as part of **Racing Through Education**, a nonprofit he started to support the racecar-building project. Some 80 donors gave over \$48,000 to rebuild the car donated by DeNooyer Chevrolet. Businesses donated parts and mechanics gave their time as well as VanderKooy and his family. The car will be used to encourage teen drivers interested in drag racing to come to U.S. 131 Motorsports Park in Martin, Michigan to drag race on a straight track rather than city streets. Off-duty police officers and others can root them on in a drug-and-alcohol-free environment. "We're saying that if kids are going to race, which they do on the street, why not hang out where the police are, where it's safe and legal," VanderKooy said. The car will also be used in conjunction with **Beat the Heat**, a national group that uses racecars to deliver an anti-drug, anti-alcohol message to teens.

New field rep was police union leader

John Stidham brings two valuable assets with him as a new POLC Field Representative — over three decades of police work coupled with 18 years experience as a union leader for the POLC.

Stidham, a veteran of Allegan County Sheriff's Department since 1987, attended Kalamazoo Valley Community College and has 31 years experience with law enforcement agencies. From 1992 until his retirement earlier this year, Stidham served as

a local union leader, first as Sergeant at Arms and the last 14 years as Chief Steward.

Stidham also held several positions at the Sheriff's Department including: Range Officer, Firearms Instructor, Accident Reconstruction Specialist, Hostage Negotiator, Sniper Team Leader, S.W.A.T. Team Leader and was also assigned to the Detective Bureau.

He is replacing Homer Lafrinere, who retired after 30 years with the POLC. ♥



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