

The Police Officers Journal



VOLUME 22, NUMBER 3 - SUMMER 2012

HEROES



BEHIND THE BADGE

EVERY 53 HOURS... THE THIN BLUE LINE FADES TO BLACK.

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Are there more anti-union bills in the wind?

— By Richard Weiler, Director



Since last April, when the House passed HB 4059, sponsored by State Rep. Marty Knollenberg (R) Oakland County, it has been sitting in the Senate. This bill would prohibit a public employer from entering into or renewing a bargaining agreement that required or allowed paid time off for union officials, members, or bargaining representatives to conduct union business or otherwise carry out the duties of the union, if the public employer paid the time.

The Senate — through the Reforms, Restructuring, and Reinventing Committee — has tacked on an amendment, which would exclude law enforcement, firefighters, first responders, corrections, or public safety dispatching services from the provision passed by the House. As of this writing, the Senate had not voted on the issue.

The Senate version would, however, have some exclusions as well. Those exclusions state the paid time off could not be used for lobbying, member recruitment, dues collection, or political or union campaigning.

What I won't do is make any predictions on the final outcome of the bill. The Senate must first vote on their version and then send it over the House for their approval. Anything can happen when the House side gets a piece of legislation as they are closed minded, anti-public employee and anti-union on any and all legislation!

Hopefully, in the upcoming November General Election, these mean spirited anti-middle class legislatures will be given the boot up the backsides they deserve!

EXECUTIVE COMMITTEE MEMBER RETIRES

After serving on the Executive Committee since 1995, Brian Miller has called it quits. Brian was appointed to the Lincoln Park Police Department in 1989, served as the President of the Lincoln Park POA, as well as the Command Officers Association. Brian led his Association in contract talks and served on the Labor Council's Grievance Review Committee. Brian's wisdom will be missed, however his new employer, Blue Cross/Blue Shield, Fraud Division, will gain an employee with a great attitude and work ethic. Good luck Brian in your new endeavors! ♥

Visit polc.org monthly for updates on legislative issues.

NAPPO works for security, funding

The National Association of Police Organizations (NAPPO) has been working toward the enactment of legislation supporting law enforcement including:

- **The National Blue Alert Act (HR 365):** This bill overwhelming passed the House, opposed by only one member. It calls for a nationwide communications network within the Department of Justice (DOJ) to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty and assign a DOJ officer to act as national coordinator of the Blue Alert network. The bill amends the Omnibus Crime Control and Safe Streets Act to require the use of public safety and community policing grants to assist states in developing and enhancing a Blue Alert plan and network.

- **2013 CJS Funding:** Appropriations committees in both chambers have approved Commerce Justice and Science Fiscal Year 2013 legislation. In the Senate, this includes a proposed \$215 million to hire or retain about 1,700 police officers through the Community Oriented Police Stabilization (COPS) Hiring program. The Byrne JAG Program, which works in con-

junction with the COPS program, received a proposed \$392 million in the Senate. In the House, COPS Hiring was approved at \$166 million and Byrne JAG at \$392 million. Both chambers will conference to reach final funding amounts.

- **IRS Normal Retirement Age:** The date of enactment has been postponed to Jan. 1, 2015. Two modifications were also made. The "safe harbor" provision, that allows public safety to qualify for "Early Unreduced Retirement," will now encompass pension plans combined with other plans. In-service distribution collections include individuals over age 62, who are participating in a plan. NAPPO continues to seek full exemption for public safety from the Normal Retirement Age and raise awareness about HELPS Benefits. If an officer retired under "Early Unreduced Retirement" they do not qualify for HELPS Benefits.

- **PSOB Act:** NAPPO worked to secure Public Safety Officers' Benefits (PSOB) when a fallen New Jersey policeman's family was denied benefits. Officer Kenneth Santucci was killed while responding to a suspicious person call when his vehicle was struck by a driver who ran a stop sign. The PSOB program denied his family ben-

efits, saying Officer Santucci's driving was grossly negligent. NAPPO strongly disagreed and after a 3-1/2 year battle on May 14, the family of Officer Santucci was finally awarded their benefits.

AWARDING TOP COPS

NAPPO's 2012 TOP COPS Awards recipients included Detroit Police Department officers. In fact, Michigan officers received the most awards for one state. The officers were recognized for their response to a lone gunman who opened fire inside a Detroit precinct station. No officers were killed and countless others were saved. Officers awarded are: Melissa Adams, David Anderson, Bradley N. Clark, Rodney Cushingberry, Theodore Jackson, Jr., Lacell D. Rue; Sergeants Marcellus A. Ball, Tyrone Guinn, Michael Ingels, James Kirklin, Ray Toufic Saati, Carrie Schultz and Joseph Turner, Jr.; Commander Brian L. Davis and Investigator Amir G. Smith. NAPPO's TOP COPS were honored by President Barack Obama and Vice President Joe Biden in the Rose Garden on May 12. ♥

NAPPO's 34th Annual Convention is July 21-25 in Palm Beach County, Florida. Visit www.napo.org for detailed event information, call 1-800-322-6276 or email info@napo.org with any questions.

Law Enforcement Education Program (LEEP®)

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PUBLICATIONS

Fred LaMaire

WELCOME ABOARD



The Police Officers Labor Council welcomes the following new units

Unit	Former Affiliation
Bath Township Command	None
Evert Police	UAW
Manistee Administrators	None
Sterling Heights Dispatch	POAM



KIDS FINGERPRINTING

Kids Fingerprinting recently welcomed families during Family Safety Night at Tecumseh Acres Elementary School in Tecumseh. Kids Fingerprinting Program Administrator Tom Jenkins (at left computer) and his wife, Sylvia (at right computer), provided parents with CD ROMs of their child's fingerprints, digital photographs and identification information, which can be used by police to locate missing children. The event included Tecumseh Police Sgt. Jeff Wright, a POLC member and 2011 Tecumseh Officer of the Year, who discussed street smarts. Professional Karate Schools of America also provided a karate demonstration showing personal defense techniques for children.

Photo by Heather Masten, Executive Director of Community In Schools of Tecumseh



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Executive Editor, Gary Jablonski
Production staff: Diané E. Bertoli,
Jennifer Foley

Documentary gives rare, real accounts of police heroes

— By Jennifer Foley, POJ Editor

Retired Miami-Dade Police Lt. Bill Erfurth never really left law enforcement — now he supports fellow officers by telling their stories.

Erfurth is heading up the production of *Heroes Behind the Badge*, a documentary film being produced by Modern City Entertainment in association with National Law Enforcement Memorial Fund (NLEOMF), which is expected to be available for viewing this fall. “Our intention here is to enlighten people — to make this a very, very powerful documentary film that’s going to open up a lot of eyes,” he said.

Erfurth and his longtime friend, NLEOMF Chairman and CEO Craig Floyd, have been talking for years about producing a film in conjunction with National Police Week ceremonies held annually in Washington D.C. at the National Law Enforcement Officers Memorial, which bears the names of officers killed in the line of duty. As President of Modern City Entertainment, now Erfurth has the means to make the dream a reality.

Heroes Behind the Badge features real-life stories of officers killed in the line of

Movie producers Michael Bay (left) and Jerry Bruckheimer (right) flank retired Miami-Dade Lt. Bill Erfurth, who is also President of Modern City Entertainment.

Photos Courtesy of Modern City Entertainment



duty and heroes who have survived. The documentary was filmed in cities across America where the events occurred. It features witnesses, officers and their families, who are left to deal with the loss of loved ones.

UNIQUE ACCESS

Through up close, personal accounts only another officer would be able to obtain from his fellow comrades, *Heroes Behind the Badge* is a unique film Erfurth hopes will help the American public gain greater

respect for the jobs these men and women do to keep their communities safe. “I can tell you specifically, and we were told flat out ‘If you’re just some Hollywood guy, we wouldn’t be doing this,’” Erfurth said. “We’ve been able to access people — cops that have shot and killed — who’ve refused all interviews. It’s the trust thing, that fraternal bond that makes the difference.”

The former Lt. Commander of Tactical Narcotics for the Miami-Dade Police De-

partment gained notoriety because his team was making 6,000 - 8,000 arrests per year. That led movie producers Jerry Bruckheimer and Michael Bay to seek him out and invite him to help with the movie *Bad Boys II*, starring Will Smith and Martin Lawrence. An actor played the part of Erfurth, but he and his team were also in the movie and provided technical police knowledge for the film.

Bruckheimer offered Erfurth a full-time job when *Bad Boys II* was done, but Erfurth turned it down. “Giving up my cop job would be like severing my arm,” Erfurth said. “Besides, I was still eight years from getting my whole pension.” And he had earned it after “all that blood, sweat, and tears, nearly dying and seeing your friends killed in line of duty.”

So when Erfurth retired four years ago, he made law enforcement television and movie production his second career. “So many of the wacky, real life things I did as a younger cop became valuable to the film industry,” said the former undercover narcotics officer.

The officers’ stories featured in *Heroes Behind the Badge* highlight various ways law enforcement officials are put in danger. “(Miami-Dade Detectives) Roger (Castillo)

Rose placed on National Law Enforcement Officers Memorial Wall in Washington D.C.

and Amanda (Haworth) were personal friends of mine,” Erfurth said of two of the officers featured in the film. “They died serving a fugitive warrant — (their stories were) even more meaningful for me.”

Jeremy Henwood, a San Diego officer, did three tours in Afghanistan before his final act of kindness was caught on a surveillance camera at a McDonalds. A little boy there did not have enough money to buy food, so Henwood paid his bill. Nine minutes later, a person executed him in his police car while he was stopped at a traffic light. “He wasn’t killed trying to make an arrest,” Erfurth said. “He was simply killed because he was a cop.”

Wildlife Officer Mike Neal took action after individuals killed two West Memphis, Arkansas police officers with AK-47s. The suspects had just shot the sheriff and undersheriff when Neal rammed their vehicle with his and opened fire with his assault rifle, along with other officers, killing two suspects. That story focuses on cops being outgunned when coming across people with heavy artillery.

The documentary features NLEOMF history, staff and volunteer interviews, and plans for the NLEOMF museum. 2012 National Police Week events added the final touch, featuring the ceremonies, information on law enforcement issues and officer



Heroes Behind The Badge documentary will be available on DVD this fall.

safety. Fifty percent of profits will go to the NLEOMF for the Memorial Wall. “That’s an important thing to us,” Erfurth said. “We want to give back.”

WORD OUT

Radio, television and newspaper interviews were arranged with the help of police agencies connected with the film through officer stories. Producers hope to publicly show the documentary on cable and TV networks. It will also be featured through iTunes and Apple TV. “We don’t need cops to appreciate cops,” Erfurth said. “We need everybody to know about this. It could be one of those things that could turn into a very powerful media forum to change that tide of public opinion.”

Over 3,000 “Likes” are posted on the Heroes Facebook page. Officers can spread the message by clicking on “Like” and “Share” on the film Facebook page at facebook.com/heroesbehindthebadge. “Ultimately there are a million law enforcement people and probably between family and retired (officers) there are five million,” Erfurth said. “Think of those countless millions those people know.”

Go to heroesbehindthebadge.com and click on Teaser to preview the film. To preorder, email preorder@heroesbehindthebadge.com. No money is being collected up front. Once the film is released, individuals who preordered will be contacted. The cost is expected to be \$15-\$20.

Officers, firefighters challenged to lose weight

— Excerpted from *Weight Watchers Group*

In memory and honor of the men and women who sacrificed their lives on 9/11, Weight Watchers Group is inviting Southeastern Michigan public safety officers to participate in Battle of the Badges — a **free** weight-loss contest with a chance to win \$1,000 for new equipment.

“As the anniversary of that tragic day gets closer, we want to remind everyone about how special first responders are to our everyday safety,” said Weight Watch-

ers Group President and CEO Florine Mark. “Nothing can bring those brave men and women back, or erase the pain of a nation, but we can honor their memory. This is our way of taking care of some of our local first responders, so they can keep taking care of us.”

Battle of the Badges launches Sept. 11, 2012. Participants would attend Weight Watchers meetings for 12 weeks **free of charge**. The team with the most weight loss (total weight divided by number of

participants) would win the challenge and receive \$1,000 check to buy equipment for the department.

At least one representative from each team, or department, needs to accept the challenge at Weight Watchers Group corporate headquarters during a noon luncheon and media event Tuesday, Sept. 11.

♥
For more information, or to sign up, call Laurie at (248) 479-1362 by Aug. 10.



2012 Annual POLC/GELC Meeting & Labor Seminar

Friday – Saturday, Aug. 24th-25th



Photos courtesy Grand Traverse Resort



Grand Traverse Resort
 100 Grand Traverse Village Blvd.
 PO Box 404 • Acme, MI 49610-0404
Attendance limited to registered delegates and invited guests only

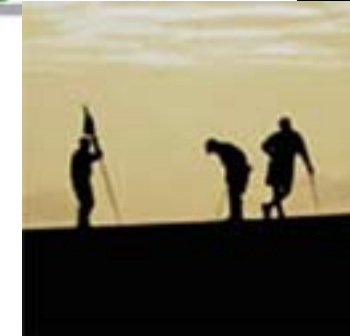
Questions?
 Call the POLC Office: 248/524-3200

Seminar sessions POLC Business Meeting

- Impact of legislative changes
- Health care plans
- MERC updates
- LEEP Dream Scholarship awards
- POLC Business Agenda
- POLC Board and Officers elections



The scenic Grand Traverse Resort's Spruce Run course provides a scheduled diversion for attendees of the Police Officers Labor Council annual Business meetings in Traverse City Aug. 24-25, 2012. Reserve your spot now.



RESERVE ROOMS NOW: Call 800/748-0303 or FAX: 231/534-6670

A reserved block of prime rooms for the POLC gathering is being held on an availability-only basis. Reserve yours now by calling 800/748-0303.

2012 Delegate Registration: Annual POLC/GELC Meeting & Labor Seminar

**Friday, August 24, 2012:
 8:30 a.m. – 1:00 p.m.**

**Saturday, August 25, 2012:
 9:00 a.m. – Conclusion**



ARTICLE V (By-laws) DELEGATES TO ANNUAL MEETING

SECTION 1. Each participating bargaining unit in the Labor Council shall be entitled to one (1) delegate to the Annual Meeting for each ten (10) members or major portion thereof in their unit, provided however, that each participating unit shall have at least one (1) delegate.

SECTION 7. Any delegate from a bargaining unit that is delinquent in payment of dues shall not be admitted or seated at the Annual Meeting.

*Please fill out and return this registration form with non-refundable \$50 per person fee.
 Make conference checks payable to POLC.*

Name of your unit and its current enrollment.

Number of delegates allowed

List names of all unit delegates here: (Please type or print neatly)

This registration must be returned before Monday, August 13, 2012 to:
 Police Officers Labor Council • 667 E. Big Beaver Rd, Ste. 205 • Troy, MI 48083-1413

15th Annual POLC Golf Outing

Four-person Scramble (Limited to first 100 golfers)

**Spruce Run
 Grand Traverse Resort course**

**Friday, August 24, 2012
 Tee-off time: 2:30 p.m. (Shotgun Start)**

Cost: \$64 per person

Includes 18 holes with cart (non-refundable)
 Reservations guaranteed only when golf is paid in full.

Spruce Run - Grand Traverse Resort course. Golf attire is required by the course; all golfers must be in a collared shirt, walking shorts or long pants. Denim jeans or denim shorts are NOT permitted. NO tank tops, NO tee shirts, NO spikes.

RETURN REGISTRATION FORM: Make checks payable to POLC/Golf

Golfer's Names

Phone # and Department Name

This registration must be returned before Monday, August 13, 2012 to:
 POLC Golf Outing • Police Officers Labor Council • 667 E. Big Beaver Rd., Ste. 205 • Troy, MI 48083-1413

Enough signatures, but font size question hampers EFM repeal

— Excerpted from media reports

Stand Up for Democracy led a petition drive gathering enough signatures to repeal the state's new Emergency Financial Manager (EFM) law, but the Board of State Canvassers failed to approve those petitions because of type size. Now it's up to the Michigan Court of Appeals to decide if the measure will go before voters in November.

In May, the Michigan Court of Appeals heard oral arguments challenging the Board of State Canvassers' failure to approve the petitions. The Court says the repeal should be placed on the November ballot, but for now is asking more judges to take a look. The three-judge panel said

June 8 that it must follow a legal precedent and rule in favor of critics of the EFM law. But the court said that precedent was wrongly set in 2002. It is unknown when a final decision will be made.

Citizens for Fiscal Responsibility challenged the petition language type size as the law requires 14-point type, but different fonts can make the size appear to vary. The four-member Board of Canvassers voted 2-2 (Republicans no; Democrats yes) blocking the ballot proposal. "Where do we stop this eating away of the standard the Legislature put in place," said John Pirich, attorney for Citizens for Fiscal Responsibility.

Michigan Forward, one group leading the repeal effort, says the font size is correct.

The Secretary of State verified that over 203,000 of the 226,000 gathered signatures were valid, which was 41,766 more than necessary to qualify for the November election. Herb Sanders, an attorney for Stand Up for Democracy, argued Michigan residents knew what they were signing and the Board of State Canvassers is trying to make it difficult for the people to petition their government. Dozens of protestors picketed inside and outside Cadillac Place, a state office building during the Court of Appeals hearing.

Visit the website www.protectourjobs.com for more on the effort.

"This case is not about substantial compliance. It's not about font size," Sanders said. "This case is about philosophy and how we're going to govern in Michigan — whether we're going to adhere to their philosophy of making it difficult for people to petition their government or whether you are going to uphold your oath to the Constitution of the United States."

"We shouldn't be here," he said, his voice cracking. "We shouldn't even be here."

Certification of the petitions would immediately suspend the new EFM law. That

would leave several cities and school districts in limbo until the Nov. 6 election.

RIGHT TO WORK BAN

Protect Our Jobs gathered nearly 685,000 signatures to put a constitutional amendment on the ballot this November guaranteeing the right to collectively bargain. Only 323,000 valid voter signatures need to be certified for the ballot initiative.

The Citizens Protecting Michigan's Constitution sent a letter to Secretary of State Ruth Johnson asking her to bar the ballot request because it was too sweeping. She denied the request based on lack of authority. If approved by voters, the amendment would rescind or pre-empt dozens of anti-labor initiatives. ♥

Visit polc.org for updates on legislative issues.



3 Republican governors survive recall attempts

— Excerpted from media reports

Recall efforts against three Republican governors failed last month.

Efforts for a second recall attempt of Michigan Gov. Rick Snyder were abandoned after Michigan Rising announced on their website there were only 2,079 signatures collected as of June 4. The group would've needed to collect 807,000 valid voter signatures by August in order to get the measure on the ballot. Last year, the group obtained 500,000 signatures toward a recall.

The reworded recall petition focused on Snyder's decision to sign the "Emergency Financial Manager" law allowing the state to take control of local governments. The language submitted to Washtenaw County election officials cited his education, tax and local government policies, claiming

Snyder has hurt school children by removing \$400 million from the state school fund, causing overcrowded classrooms. It also noted cuts in the food stamp program and a raise in taxes for the poor and middle class while cutting taxes for the wealthy and corporations.

WISCONSIN RECALLS

The recall of Wisconsin Republican Gov. Scott Walker failed just prior to Michigan Rising's decision to give up their effort. Unions led the recall against Walker after he pushed a bill through the state Legislature in 2011 that sharply limited collective bargaining rights for teachers and most other government workers.

Walker survived the June 5 recall with some 53 percent of voters favoring him over his Democratic challenger Tom Barrett, the mayor of Milwaukee, who garnered 46 percent. One million signatures were gathered to recall Walker.

ARIZONA RECALL

In Arizona, efforts to recall their Republican governor also failed with 37,500 signatures gathered on petitions by the filing deadline. The Committee to Recall Arizona Governor Jan Brewer wrote on their website "While we fell far short of the 432,028 signatures required to recall the Governor, the thousands of supporters of the recall effort are proud of what we did accomplish — most importantly that our voice was heard on restoring the transplant funding for state Medicaid (AHCCCS) recipients which saved lives."

The recall was based on Brewer's proposal to change the state's personnel system to move toward at-will employment and Republican proposals pending in the state Senate to do away with collective bargaining for public employees. ♥

Visit polc.org monthly for updates on legislative issues.

Proposed ID requirement could make voting difficult for seniors

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

Protestors disrupted a State House Redistricting and Elections Committee meeting in May, voicing their opposition to changes in state election laws.

The Republican-led Michigan Senate approved a package of bills that would require voters to present a government-issued photo ID or birth certificate when applying for an absentee ballot in person or when registering to vote. The package also includes bills requiring volunteers to complete training before working in voter registration drives and voters to affirm they are U.S. citizens. The Senate approved most of the bills with Democrats objecting and they were sent to the Republican-led House for consideration.

Republicans supporting the proposals say the photo identification requirements would protect against voter fraud. Demo-

crats in opposition say the bills create a barrier to voting for some residents, such as those who don't have driver's licenses. Michigan's former Gov. Jennifer Granholm (D) has called similar laws proposed in several states "voter suppression" and "treasonous."

State voters already must show a photo ID at their polling place to be able to vote, however, those voting absentee ballot, many of which are senior citizens without a means of transportation to the polls, have been able to vote without ID. If the legislation passes, absentee voters could sign affidavits saying they don't have the ID and still pick up ballots. But their ballots would be prepared as "challenged ballots."

The Michigan League of Women Voters, AARP Michigan and American Civil Liberties Union oppose the change. "Nearly one in five people age 65 or older don't have

photo ID," stated Jacqueline Morrison, state director of AARP Michigan in a press release. "People who have been voting all their adult life will face this hurdle if the legislation passes."

Elderly voters, who want to register to vote and no longer have driver's licenses, will have the added complication of having to find a means of transportation so they can acquire photo ID. "It's really a form of stopping people from voting," said POLC Executive Committee Director Richard Weiler, who added many seniors would vote against recent legislation passed by Republican majorities. "Elderly people vote 'no' on pension taxes, they vote 'no' on changing Social Security..." ♥

Visit polc.org monthly for updates on legislative issues.

POLC support of Flushing Township officers gains community strength

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

Things are heating up in Flushing Township as the POLC wins several Act 312 arbitration issues concerning the disbanded Flushing Township Police. Five former officers have also filed a lawsuit against the township in U.S. District Court and several candidates have tossed their hats into the ring to run for all positions on the Flushing Township Board of Trustees.

POLC Labor Rep. Lloyd Whetstone said some of those candidates want to bring back the township's police force, which was replaced when the township contracted with Genesee County Sheriff's Department. "There are people running for positions against current board members who oppose going to the Genesee County Sheriff's Department for police services," Whetstone said. "Now it's a 5-2 vote in support of anything the treasurer and township supervisor want to do. They wanted to go to the county (for police services). The hope is it goes 5-2 the other way."

The primary election is set for Aug. 7. Running for Supervisor are incumbent Terry A. Peck (R), Fay Peek (R) and Rian Birchmeier (D). Incumbent Julia A. Morford (D) is being challenged by Trustee Mark Purkey (R) for clerk. Treasurer William J. Noecker (R) is being challenged by Donald G. Liske (R) and Maryion Lee (D). Incumbent Trustees Scott Matzke (D) and Scott Minaudo (D) are among 10 candidates running for four trustee seats. Others include: David Culver (R), Shirley Gage (D), Bonnie Jean Martinson (R), Michael Shortz (R), Keith Sparks (R), Jared Staley (R), Clarence Turner (R) and Joseph Wisniewski (R). Trustee Michael S. Gardner is running for Genesee County Board of Commissioners.

POLC VICTORY

In the meantime, the POLC was awarded seven out of eight Act 312 issues on behalf of the laid off officers. The POLC's last best offer was adopted for the length of recall rights, retiree benefit cap, retiree health care cap, sick leave, college incentive plan, selection of health care plan and contract duration. Officers can be recalled

up to two years now instead of one year as proposed by the township. The arbitration panel also ruled the township has the ability to pay for officers based on the police millage.

The contract will now expire March 31, 2014. The township argued that since it had entered into a contract with the sheriff to provide police services "there is no reason to extend the contract to 2014." The arbitration panel sided with the POLC's argument that "... members have been laid off with recall rights for two years. The 2014 date will protect the contract for their possible return under the two year recall rights."

The township dissented to all the rulings except the layoff language, in which the panel adopted the township's last best offer which eliminates the wording that layoffs are "due to the limitation of funds." The POLC has an unfair labor practice hearing and grievance hearing scheduled in an effort to return the officers to work.

MORE LEGAL ACTION

Laid off officers are also seeking over \$75,000 in a class-action lawsuit. They claim Flushing Township, former Police Chief Dale Stevenson, Supervisor Terry Peck, Treasurer Bill Noecker and trustees Mark Purkey, Scott Minaudo and Michael Gardner violated their First Amendment rights and defamed their character.

The suit states after the board voted to disband the police force, Peck told Montrose Township officials that officers pulled guns on each other and he placed them on immediate administrative leave because, "he feared for the safety of his family and himself due to the potential retaliatory acts by the officers." The lawsuit also claims the township contracted with the sheriff's department because township officers supported two failed recall attempts against township trustees. The first recall was against Noecker, Purkey, Gardner and Minaudo in 2009, the second against Noecker and Gardner in 2011. ♥

Flint police, firefighters take 20 percent cut in benefits under EFM

— By Jennifer Foley, POJ Editor, with excerpts from Flint News

Emergency Financial Manager (EFM) Michael Brown is back on the job in Flint and he's ordered police and fire contract concessions which impose drastic cuts to both departments.

POLC Rep. Lloyd Whetstone, who represents Flint Sergeants and Flint Captains and Lieutenants, said those two units took reduced healthcare, retirement and wage reductions equal to over 20 percent in overall compensation cuts. The Captains and Lieutenants had their wages reduced 2.5 percent; their clothing allowance eliminated; and their retirement benefits reduced to a 2.25 multiplier with a cap of 240 hours of leave time included as part of FAC and no overtime. Any employee promoted to the bargaining unit on or after April 15, 2012 will bring the pension benefit with them that they were entitled to prior to promotion.

Both groups agreed in contracts, which expire June 30, 2014, to:

- Elimination of step increases in wages or benefits;
- Regular shifts may be modified to 12-hour shifts;
- Reduce annual leave by one hour pay;
- Insurance coverage changed from no deductible to a choice of three high

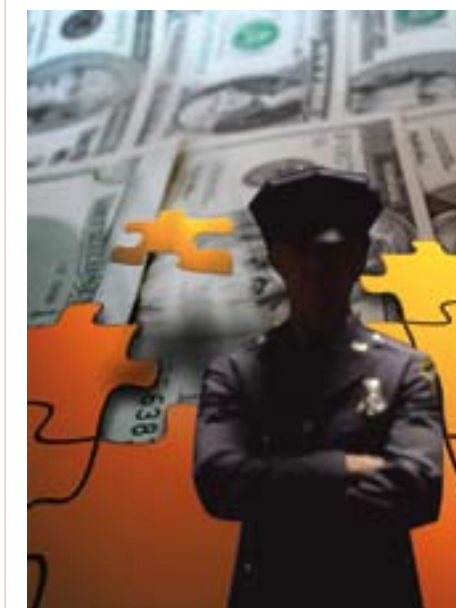
deductible plans. Any employee promoted into the bargaining units on or after April 1, 2012 will bring their existing insurance benefits with them. Retirees are also required to change to the new health plans;

- Reduce minimum court time pay from three hours to one hour;
- Eliminate weapons proficiency allowance.

Whetstone said a group representing Flint retirees is seeking to overturn the healthcare plan change through legal action. "I guess we'll find out how broad their (EFM) powers are," he said.

Flint Police Officers union agreed to a 5 percent pay reduction and elimination of step pay increases. Officers will pay more toward smaller pensions; they can be placed on 10- or 12-hour shifts; and "part-time and/or volunteers" can augment the full-time police officers.

Flint Firefighters approved a concessionary contract with a 20 percent cut in overall compensation. "I will be fighting from this day on," said Trent Farnsworth, president of Flint Firefighters union, about the EFM law. "If Brown really wants to be productive, he should examine how to transition the city to a city manager form of government. I'm a firm believer that the strong



mayor form of government is archaic."

Brown was removed as EFM for four days by Ingham County Judge Rosemarie Aquilina because the state team that recommended his appointment met in private, violating the Open Meetings Act. The Michigan Court of Appeals ordered he remain in office pending the State of Michigan's appeal of the ruling.

The city's public safety unions have been operating under expired contracts for over two years. The unions had been heading to arbitration prior to the state takeover Dec. 1. ♥

STEWARDS SEMINAR IN WARREN

Some 70 people attended a POLC Stewards Training Seminar held in Warren May 4. Legal issues, COPS Trust, healthcare and pension issues were discussed. Leon LaBrecque, JD, CPA, CFP® CFA, (above) leads a discussion on pension issues.



STEWARDS SEMINAR IN GRAND RAPIDS

POLC Executive Committee Member Shane LaPorte (at right) was among 47 attendees at the POLC Stewards Labor Seminar held April 20 in Grand Rapids. Jackson City Patrol and Command unit attendees (left to right) are Mike Galbreath, Mark Karle, Marc Smith, Adam Williams and LaPorte. Members learned about health care trends, changes in workers compensation, and how to help direct legislators on matters that affect collective bargaining. "You put on a good program," said Terry McGee of Grand Rapids PD. "It was well worth my time."



Deputy leaves department to continue fight against cancer

— By Jennifer Foley, POJ Editor

After years of battling a rare form of cancer, Berrien County Sheriff's Deputy Mike Moore left the department June 15.

Moore was diagnosed with Myxoid Liposarcoma, a rare soft tissue cancer, in November 2009. The cancer returned in November 2010 and again in November 2011. Moore has worked light duty when he was physically able for two years. "It's (light duty) not a right; it's a gift given by the sheriff," Moore said, adding he is grateful to continue working.

"It was an emotional meeting for all of us, but it is something we have been expecting," Moore's wife, Kellie, wrote on Mike's CarePages board following the meeting between Moore and his supervisors. "Mike has enjoyed his 13 years as a Deputy and we'll always be thankful for everything the department and his coworkers have done for us over the past couple of years. His full-time job now will be to fight cancer."

"They're paying me more than I'm worth," Moore said of his paperwork job.

"I'm just not well enough. I can barely walk 30 yards without getting winded."

Moore was recently put into a clinical trial for an older chemotherapy drug now known to help liposarcoma sufferers. "With me it didn't work," he said of the University of Chicago Medical Center trial. "My tumors grew 20 percent in a month. I was kicked out of program."

Moore resumed chemo with a drug that has kept the tumors from growing. If his cancer goes into remission, Moore's doctors plan to switch to a less potent drug to reduce his side effects — hair loss, nausea, lack of appetite and weight loss — that can last a full week following his bi-weekly treatments.

Coworkers have been there for Moore with not only their words, but their actions. Several fundraisers were held to help the Moore's with travel and other expenses related to medical care. "If it wasn't for the kindness of people giving me time, I'd have been gone a long time ago," Moore said, adding that coworkers donated their sick time.

"Mike is definitely going to be missed," said Berrien County Sheriff's Lt. Tim Ganus. "We work with a lot of brave officers and he is definitely very courageous the way he is battling this terrible disease. His goal was to always come back to work and we're not giving up on that. That's all our hopes and our dreams and our prayers that Mike get over this and would come back."

Fortunately, Kellie has a job with good insurance. Moore is filing for long-term disability benefits through Social Security to help pay their other expenses. The Moore's will use the funds raised through Fighting Crime, Fighting Cancer for travel and other health expenses. Those funds will also benefit Relay for Life, a cancer fundraiser. They would like to eventually start a charitable organization with the excess funds.

"If they come up with a miracle cure, I can reapply for my job," Moore said, adding there are pills some cancer patients take daily to keep them in remission. "I live one day at a time for the time being. (Leaving the job) upset me at first; maybe this is what I need, a little break. I haven't heard of anybody on chemo working."

"I'll miss the people," he said. "They've just been excellent." Moore, who plans to spend time with a friend retiring from police service after 25 years, has this advice for coworkers, "Live each day God has given you — don't squander it. Live life like it's your last day. I never had an inclination at 35 I'd be unemployed and fighting this."

Moore would love to hear from other officers fighting cancer. He can be reached at mmoore271@yahoo.com

Mike Moore (center) and 100 coworkers and friends shaved their heads Jan. 6, 2011 after his second diagnosis of cancer.



— As reported by POLC Labor Representatives

Davison City Police/Office Manager

- **New three-year agreement** expires June 30, 2015.
- **Wages:** 0% effective July 1, 2012. 0% effective July 1, 2013. 0% effective July 1, 2014.
- **Fringe Benefits:** At retirement, Employer will provide employee with his or her duty weapon and a shadow box containing their badge and medals they received.
- **Health Care:** New hires pay 20% of premium. Existing employees, as of July 1, 2012 pay as follows: 3% July 1, 2012; 4% July 1, 2013; and 5% July 1, 2014, not to exceed \$750. From the time of retirement, employee cannot add dependants to their healthcare at the Employer's expense.
- **Retirement:** Employer retirement contribution has decreased as follows: From 12% to 9% July 2012. From 9% to 8.5% July 2013. From 8.5% to 8% July 2014.
- **Bargaining Team:** Bill Skellenger and Matt Banks aided by POLC Labor Rep. Lloyd Whetstone.

Davison Township Patrol Officers

- **New three-year agreement** expires June 30, 2014.
- **Wages:** 0% effective July 1, 2011. 1.25% effective July 1, 2012. 1.25% effective July 1, 2013.
- **Health Care:** Employees will pay up to 10% of healthcare premium if all non-union pay is the same.
- **Bargaining Team:** Phil Yurk and Randy Forman aided by POLC Labor Rep. Lloyd Whetstone.

Dickinson County Sheriff's Department Corrections Employees

- **New three-year agreement** expires Dec. 31, 2014.
- **Wages:** 2% or \$900, whichever is greater, effective Jan. 1, 2012. 2% or \$900, whichever is greater, effective Jan. 1, 2013.

2% or \$900, whichever is greater, effective Jan. 1, 2014.

- **Fringe Benefits:** This NEW unit will have personal leave days increased from three to four days. Comp-time bank capped at 120 hours. Employees may cash out up to 40 hours per year at 2011 wages once each contract year. Any excess over 120 hours at the end of the contract will be paid at 2011 wages. Shift premium increases 15 cents per hour, from 30 cents to 45 cents for afternoons and 40 cents to 55 cents for midnights. Vacations may be taken in four-hour blocks.
- **Health Care:** Employees pay the following premiums: 10% in 2012 and 15% in 2013 (unless the hard cap is more advantageous to employee). Employees hired after Jan. 1, 2005 receive a reduction since they were already paying 15%. Insurance carrier to be reviewed in 2013 and 2014.
- **Bargaining Team:** Jon Allen aided by POLC Labor Rep. Ken Nash.

Dickinson County Sheriff's Department Command

- **New three-year agreement** expires Dec. 31, 2014.
- **Wages:** 2% or \$900, whichever is greater, effective Jan. 1, 2012. 2% or \$900, whichever is greater, effective Jan. 1, 2013. 2% or \$900, whichever is greater, effective Jan. 1, 2014.
- **Fringe Benefits:** This NEW unit will receive on-call pay of \$6 per day divided equally among the three officers for taking calls after hours. Payment shall be made annually in lump sum in the year following the rendering service. Comp-time bank capped at 240 hours. Employees may cash out up to 40 hours per year at 2011 wages once each contract year. At the end of contract, any excess over 240 hours will be paid at 2011 wages.
- **Health Care:** Employees pay the following premiums: 10% in 2012; 15% in 2013 and 20% in 2014 (unless the hard cap is more advantageous to employee). Insurance carrier to be reviewed in 2013 and 2014.
- **Bargaining Team:** Scott Metras, Derek Dixon, and Bryan Price aided by POLC Labor Rep. Ken Nash.

Dickinson County Court House & County Employees

- **New three-year agreement** expires Dec. 31, 2014.
- **Wages:** 2% or \$900, whichever is greater, effective Jan. 1, 2012. 2% or \$900, whichever is greater, effective Jan. 1, 2013. 2% or \$900, whichever is greater, effective Jan. 1, 2014.
- **Fringe Benefits:** This NEW unit will receive comp-time bank capped at 80 hours. Employees may cash out up to 40 hours per year at 2011 wages once each contract year. At the end of contract, any excess over 80 hours will be paid at 2011 wages. District and Probate Court Probation Officers on-call pay was increased from \$6 to \$8 per day.
- **Health Care:** Employees pay the following premiums: 10% in 2012; 15% in 2013 and 20% in 2014 (unless the hard cap is more advantageous to employee). Employees hired after Jan. 1, 2005 received a reduction the first year as they were already paying 15%. Insurance carrier to be reviewed in 2013 and 2014.
- **Bargaining Team:** Travis Barlock and Sidney Bray aided by POLC Labor Rep. Ken Nash.

Dickinson County Sheriff's Department Patrol & Dispatch

- **New three-year agreement** expires Dec. 31, 2014.
- **Wages:** 2% or \$900, whichever is greater, effective Jan. 1, 2012. 2% or \$900, whichever is greater, effective Jan. 1, 2013. 2% or \$900, whichever is greater, effective Jan. 1, 2014.
- **Fringe Benefits:** This NEW unit will have personal leave days increased from three days to 32 hours. Comp-time bank capped at 120 hours. Employees may cash out up to 40 hours per year at 2011 wages once each contract year. Any excess over 120 hours at the end of the contract will be paid at 2011 wages. Shift premium increases 15 cents per hour from 30 cents to 45 cents for afternoons and 40 cents to 55 cents for midnights.

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Contract Settlements

Continued from page 13

- **Health Care:** Employees pay the following for healthcare premiums: 10% in 2012; 15% in 2013 and 20% in 2014 (unless the hard cap is more advantageous to employee). Employees hired after Jan. 1, 2005 received a reduction the first year as they were already paying 15%. Insurance carrier to be reviewed in 2013 and 2014.
- **Bargaining Team:** Aaron Rochon, Andy Flaminio, and Chris Smith aided by POLC Labor Rep. Ken Nash.

East Grand Rapids Police Command

- **New two-year agreement** expires June 30, 2014.
- **Wages:**
 - 1% effective July 1, 2012.
 - 1.5% effective July 1, 2013.
- **Health Care:** Increase in lifetime orthodontic coverage from \$1,000 to \$1,500. Chiropractic care changed from no cap to \$1,600 per person per year. If an employee chooses a brand name drug when a generic is available, they must pay the difference. This is a change from the drug plan co-pay cap of \$50.
- **Disability:** The elimination period for long-term disability is changed from 180 to 120 days.
- **Bargaining Team:** Sgt. Rick Buikema aided by POLC Labor Rep. John Stidham.

Village of Milford Patrol/Dispatchers

- **New four-year agreement** expires June 30, 2015.
- **Wages:**
 - 0% effective July 1, 2011.
 - 0% effective July 1, 2012.
 - 3% effective July 1, 2013.
 - 3% effective July 1, 2014.

- **Fringe Benefits:** Short-term disability is 66-2/3% of wages. Officers will top out on the pay scale at four years instead of current five years. Dispatchers will top out on the pay scale at three years instead of current four years.
- **Health Care:** Employees pay 20% of premium. If PA 152 is repealed, employees will pay 10% of premium. Healthcare opt-out benefit is \$583 per month.
- **Retirement:** New hires receive MERS Hybrid 1.5% multiplier for each year of service and Employer pays 3.5% of wages into a DC plan.
- **Bargaining Team:** Chris Lipari and Mike Belcher aided by POLC Labor Rep. Lloyd Whetstone.

Milford Village Command Officers

- **New four-year agreement** expires June 30, 2015.
- **Wages:**
 - 0% effective July 1, 2011.
 - 0% effective July 1, 2012.
 - 3% effective July 1, 2013.
 - 3% effective July 1, 2014.
- **Fringe Benefits:** Premium pay for sergeant assigned to investigations is \$520 per quarter. Short-term disability is 66-2/3% of wages. Afternoon shift premium increase from \$.66 to \$1 per hour. Midnight shift premium increase from \$.66 to \$1 per hour. Cleaning allowance increase from \$425 to \$525 per year. Field training officer premium pay is one hour of overtime for each full shift as training officer.
- **Health Care:** Healthcare opt-out of \$583 per month. Employees will pay 20% healthcare premium. If PA 152 is repealed, employees will pay 10% of premium.
- **Retirement:** Newly promoted member keeps whatever retirement plan they have in the Patrol Bargaining Unit.

- **Bargaining Team:** Matt Brumm and Matt Tislee aided by POLC Labor Rep. Lloyd Whetstone.

Ontonagon County Sheriff's Department

- **New two-year agreement** expires Sept. 30, 2013.
- **Wages:**
 - 35 cents per hour effective March 1, 2012.
 - 35 cents per hour effective Oct. 1, 2012.
 - Lump sum signing bonus of approximately \$305.
- **Fringe Benefits:** This NEW unit will add New Year's Eve Day as a holiday. Personal leave days decrease from four to two days with personal leave coming off of sick bank.
- **Health Care:** Changes from UP Blue to Blue Cross Community Blue 15, which has a lower premium with a higher deductible and better coverage.
- **Bargaining Team:** Jerry Balcomb and Don Lorendo aided by POLC Labor Rep. Ken Nash.

Swartz Creek City Police Department

- **New four-year agreement** expires June 30, 2016.
- **Wages:**
 - 1.5% effective July 1, 2012.
 - 1.5% effective July 1, 2013.
 - 2% effective July 1, 2014.
 - Wage reopener for July 1, 2015.
- **Fringe Benefits:** Vacation and overtime pay is based on scheduled shifts of 8, 10 or 12 hours. Previously, all vacation and overtime pay was based on 8-hour shifts.
- **Health Care:** Remains unchanged with Employer opting out of PA 152 for 2012. Each year, under law, Employer must decide whether or not to opt out of PA 152.
- **Bargaining Team:** Gregg Racosta and Nicholas Paul aided by POLC Labor Rep. John Stidham. ♥

The POLC argued there was a past practice of paying K-9 officers if they exceeded the 60-hour cap. The union also argued the cap did not apply to K-9 comp time and said it should only be applied to holiday premium or overtime pay an employee chooses to take comp time for.

The Arbitrator ruled there weren't enough occurrences to form a past practice. However, he said, the contract does not apply a cap to K-9 officer's comp time. The Arbitrator ordered the Employer to cease limiting accumulation of comp time by K-9 handlers. He also ordered the grievant be awarded every hour of comp time he was forced to use after he accumulated 60 K-9 comp time hours in 2010-11 and 2011-12.

Arbitration

— As reported by the POLC Legal Staff

SUSPENSION REDUCED

A Douglas Officer had his 14-day suspension reduced after a grievance was filed on his behalf by the POLC.

The off-duty officer provided his relative with information obtained from LEIN after he was informed a missing man had indicated he intended to kill himself. The officer offered to assist his relative in locating the missing man. However, the man turned himself in before any search was conducted. The officer was given a 14-day suspension for running a LEIN check on the missing man while he was off-duty and out of his jurisdiction.

The Arbitrator ruled there was just cause for discipline. There was a LEIN violation as it was not accessed for law enforcement purposes, the officer was off-duty and out of his jurisdiction. However, the Arbitrator ruled the Officer was not using LEIN out of idle curiosity, but to aid a man threatening suicide. Considering the totality of the circumstances, the Arbitrator reduced the suspension to seven days.

TERMINATION REVERSED

A Muskegon Central Dispatch Supervisor was returned to work with full back pay after the POLC filed five grievances on her behalf.

The supervisor had received notice of a possible disciplinary action regarding the improper entry of a Fire CAD ticket. Several weeks later, due to severe stress from a personal issue, her doctor put her off work and she began an FMLA leave. Around this time, one of the dispatchers complained the supervisor was harassing her based on an email reprimanding the dispatcher for making a complaint out loud in the dispatch room. The supervisor advised her in the future to discuss complaints outside the dispatch room or send an email to her.

During the leave, the Employer began interviewing other employees and reviewing Central Dispatch records. When the supervisor returned to work in November 2010, she was given a three-day suspension for the improper entry of a fire CAD ticket. She was given five more disciplines the next day, which included two seven-day suspensions, one three-day suspension and two termination penalties.

The supervisor was accused of:

- Allowing dispatchers to listen to old fire calls.
- Not monitoring subordinate dispatchers phone calls that she supervised.
- Telling a dispatcher who was ordered to work overtime that she had two hours to report to work per the contract.
- Unprofessional conduct for talking about management and personnel of other police agencies served by Central Dispatch.
- Unprofessional conduct for talking about a subordinate who rented the supervisor's home.

The Arbitrator ruled evidence from the hearing established the alleged misconduct occurred when the supervisor was overwhelmed with stress. Prior to this time, she had a good work record and no evidence of unacceptable conduct or poor work performance. The Arbitrator said the investigation began based upon a false harassment complaint. Evidence did not support any harassment, nor did the Employer charge the supervisor with anything related to the email. There was also no evidence of any complaints by any other employees, management or any police department dispatched by the supervisor. Finally, the Arbitrator said her

coworkers testified that when the supervisor was focused on her work, she was an excellent supervisor.

All six disciplines issued by the Employer were not sustained. The supervisor was ordered back to work with full back pay minus unemployment benefits or other income. This ruling led to the next grievance. The Employer refused to pay her back pay and demanded records of job applications, interviews, work searches and bank records. The supervisor provided the Arbitrator with job interview and search records, but was not required to provide bank records. The Arbitrator ruled the supervisor satisfied her duty to mitigate damages and that she must be paid her entire back pay.

The Employer also filed an unfair labor practice (ULP) against GELC for not providing job search and bank records. In a settlement agreement, the GELC sent a letter to union members stating it should have been more forthcoming with job search information. This resulted in the ULP being withdrawn by the Employer and ended the ULP with no finding against the union.

BUYING TIME

An Auburn Hills officer's attempt to buy three years of service time toward his retirement was settled after the POLC filed a grievance on his behalf.

The officer was given an original amount after making the request, but the Employer became involved stating the original amount he was given was incorrect. Over several months the amount was computed several times and when the officer received the final determination, the cost had skyrocketed.

The POLC noted the amount was based on a 5% wage increase when the officer would only receive a 1.75% increase. The union argued the actuary, not the Employer, is responsible for determining the cost. Also, the POLC said the Employer kept delaying the determination, thus raising the final cost. The union requested a correct calculation dating back to when the request was originally made in the spring of 2010.

The grievance was neither specifically granted nor denied. The Arbitrator required a second actuary with actual wages to make the calculation, but failed to address the union's request to have the calculation be backdated. If the second actuarial cost is greater than the first, the officer must pay the difference or receive a lesser purchase of time.

LOSING OVERTIME

The City of Iron Mountain changed its policy regarding contacting police lieutenants for overtime created by other lieutenants. The policy change violated the contract and lieutenants began losing out on overtime so the POLC filed a grievance on their behalf.

The Arbitrator granted the grievance in the union's favor and ordered in essence a make whole remedy for the lieutenants who missed out on overtime. The Arbitrator ruled the parties' practice prior to the change in policy added to the contractual language in favor of the union. ♥

Arbitration

— As reported by the POLC Legal Staff

K-9 COMP TIME REIMBURSED

A Traverse City K-9 Police Officer was awarded comp time reimbursement after the POLC filed a grievance on his behalf.

The officer's Employer said he would no longer be paid after he reached 60 hours of K-9 comp time and ordered him to take time off. The Employer pays K-9 handlers three hours of comp time per week to accommodate off-duty needs.

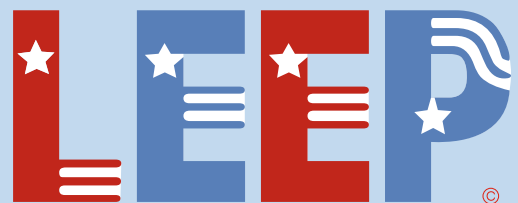
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Sign in, pass it on: LEEP has a fresh, interactive site

— By Jennifer Foley, POJ Editor



The Law Enforcement Education Program (LEEP) website has been completely redesigned with an engaging new look and interactive features.

The new site brings LEEP programs to life through video and audio clips available with a click of the mouse. An overview video provides quick insight into the programs including: **911! Your Friend; Kids, Don't Go With Strangers; Kids Fingerprinting; and Students on Sobriety.**

A brand-new Events Page will announce upcoming public safety programs and list past events. Users can apply for LEEP Scholarships and nominate public safety officers for LEEP Outstanding Service Awards by printing forms available on the site. Visitors can also download the Police Officers Journal, the official quarterly publication of the Law Enforcement Education Program.

User-friendly is the best way to describe leepusa.com with sev-

eral homepage elements — including an eye-catching picture scroll with brief safety program descriptions — which users can click on to reach individual program pages.

Social media links provide the public with greater access to LEEP's free public safety programs. Users can "Like" leepusa.com through Facebook, and the more "Likes" and "Shares" LEEP's site receives, the more the public becomes aware of these critical child safety programs. They can also "Tweet" links to LEEP on Twitter and "Plus" them on Google Plus. A blog detailing upcoming events will also reach out to web surfers and link them to LEEP programs.

POLC members are encouraged to take a look and "Share" LEEP with others. Getting the word out about LEEP has never been easier! ♥

LEEP representatives can be reached at the site's new e-mail address: leepprogramusa@yahoo.com