

The Police Officers Journal



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PUBLICATIONS

Fred LaMaire

Will the state government help distressed communities?

— By Richard Weiler, Director



Recently at the Michigan Municipal League's conference, a discussion ensued regarding Lansing giving a helping hand to local communities. Gov. Rick Snyder's response was less than encouraging when he said, "We all have this problem."

In a study conducted in April, accounting firm Plante Moran found that state revenue cuts to local government have totaled \$6 billion since 2001. Just recently it was announced that the state now has just under \$500 million more than expected for the coming year. The Michigan Municipal League responded quickly issuing this statement, "The state Senate has proposed a 4.8 percent increase in local revenue sharing for the 2014 state budget. Given the anticipated state budget surplus, anything less is unacceptable and unconscionable."

In 2011, state and local governments collected \$1.2 billion less in property taxes than they did 2007.

In 2011, state and local governments collected \$1.2 billion less in property taxes than they did 2007. This was all due to declining property values and exemptions from the tax, according to the Michigan Treasury Department. Cities have been battered by years of shrinking property values and tax revenues. Between the years of 2007 and 2011, Michigan home and business owners lost \$180 billion from their property values, which amounted to a 27 percent drop.

Declines in values were accelerated by foreclosures, which placed Michigan sixth highest in the U.S. for foreclosures in 2011. While state property values now appear to be on the incline, cities are limited in how quickly they can recoup those values. Under Proposal A, approved by the Michigan voters in 1994, taxable value can only rise by 5 percent or the rate of inflation, whichever is less. Although huge value drops occurred quickly, they can only be made up in small amounts under that proposal.

Our legislators in Lansing seem to feel that cities bear responsibility for their fiscal plight and it's their responsibility to get themselves out of fiscal problems. In a few documented cases they are right, however, that is not the case in most of the cities. Cities didn't lower revenue sharing by \$6 billion — Lansing did that. The housing market and business decline was not the fault of cities — it was Wall Street greed.

Now that the Michigan Municipal League believes that municipalities have been shortchanged by Lansing, it's time for Lansing to give back some of what they took away from municipalities. Returning meaningful revenue sharing can be a good start. ♥

Our legislators in Lansing seem to feel that cities bear responsibility for their fiscal plight and it's their responsibility to get themselves out of fiscal problems.

Support the union that supports you

— By Tom Zulch, POLC Legal Staff

As a union, the POLC/GELC pushes back and levels the playing field as best as it can for each bargaining unit, each union member, and for the good of the POLC/GELC as a whole. The union makes sure public employers neither violate collective bargaining agreements nor the legal rights of union members under PERA.

Because of the union's ability to push back, the Michigan Republican legislature and Governor attacked unions by passing right-to-work legislation. Right to work affects bargaining units, which are not Act 312 eligible. This generally means police, fire and dispatchers are exempt from the right-to-work law. However, corrections officers, university and college police officers, court and municipal clerks, plus other public employees represented by the POLC/GELC have the right to pay or not pay union dues under the new law.

The choice began March 27 if the respective employee's collective bargaining agreement was expired or once the collective bargaining agreement expires. Employees who choose to no longer pay dues are still subject to all provisions of the collective bargaining agreement. They can still file grievances and the POLC/GELC will represent them.

However, not paying dues eliminates their participation in union meetings and union decisions on future collective bargaining agreements. Non-paying employees have no right to ratify the contract they will be working under. It makes no sense to forfeit your rights in the union. Don't give up your right to vote and discuss pay, benefits and other conditions of employment.

There are many examples of how the POLC/GELC has benefited its members. One of the most noteworthy efforts by the union occurred in Flushing Township this year. Flushing Township elimi-



POLC Labor Attorney Tom Zulch speaks at the POLC/GELC 2012 Labor Seminar in Traverse City.

nated its entire police department in February 2012, but that didn't stop the POLC from fighting for its members. The union prevailed on six out of seven issues in an Act 312 arbitration. The POLC used the grievance process and an unfair labor practice to challenge Flushing Township's final layoff of three officers and a sergeant. Today, the laid off sergeant is the new Police Chief and the three officers are on patrol, all with full back pay, in the reinstated department. The POLC sought, though unsuccessfully, to revive a layoff grievance for two other officers, which was ignored by the previous union that represented them. However, even those two officers are expected to be offered work in the Flushing Township Police Department, which was back in service May 1.

The POLC/GELC fights just as hard for individual rights of employees. Employees in Cheboygan, Van Buren Township, Owosso, Muskegon Central Dispatch, Milan, Jackson, Holland, Oscoda County and many others were fired in violation of just cause. The POLC/GELC fought for those employees and, if not for the union, their careers in public service would be over.

The union was able to have disciplinary unpaid suspensions reduced in Fraser, Flint, Benton Harbor, Douglas, Chesterfield Township, Eastern Michigan University, Eaton County, Romulus, and many more. The POLC/GELC in Bay City, Berrien County, Lincoln Park, Davison Township, Wayne State University, Farmington Hills Dispatch, Grand Rapids Communications, Hazel Park, Monroe, Roosevelt, Sandusky, Petoskey, and other communities settled contract interpretation issues. Act 312 arbitrations in communities including Novi, Wyoming, Norton Shores, Huron Township, Riverview, Hillsdale County, and Grand Blanc brought justice to union employees. Fact-findings in Oakland County, Branch County, Lenawee County and others provided POLC/GELC members with the representation they needed.

Officer involved shootings in Canton, Berkley, Macomb County, Kentwood, Atlanta, Battle Creek, Mt. Morris, Auburn Hills and many more were given legal representation by a POLC attorney. Twenty-four hours a day, seven days a week, 365 days a year, the POLC/GELC is available for employees involved in shootings and other critical incidents.

In all these cases, the POLC/GELC made a stand on behalf of union employees and it doesn't cost much. Union dues are very low when compared to the UAW and teacher groups, which pay in excess of \$70 per month. Paying dues gets you a voice in wages, hours and conditions of employment. Paying dues gets you a voice in Lansing fighting for workers' rights. Paying dues gets you a full-time professional business agent. Paying dues gets you a union attorney. Paying dues gets you representation and protection.

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POLC mounted and bike patrols are big hit with communities

—By Jennifer Foley, POJ Editor

POLC officers who work on mounted or bike patrols are in the unique position of getting to know the people they protect and feel their efforts are really appreciated.

“In 26 years of law enforcement, nobody has ever offered to come up and pet my police car,” said Big Rapids Police Sgt. Erik Little, who also patrols on horseback. “Even our hard core bad guys that I physically fought with want to come up to me and talk about the horse. It’s a great big ice breaker between the public and the cop.”

Sgt. Little, a former mounted patrolman in Colorado, brought the mounted patrol to his POLC department in 2005. Little cares for and trains his horse as the sole mounted patrolman in Big Rapids.



Macomb Community College Bike Patrol Officer Keith Gurney (above) stands next to his bicycle on campus.

Patrolling the parks and catching criminals on foot is an easy task for Sgt. Little, who can also cut through rivers and more on horseback.



But he’s not doing it alone. The community funds his 14-year-old horse, Boomer, through a public donation fund. “I’m reimbursed for every penny I put in by the general public,” Little said. “All my training money comes out of that donation fund.” The City of Big Rapids also provides up to \$1,000 a year for the mounted program as needed.

Boomer is Little’s second Big Rapids Police horse. His first horse, Jesse, died of a brain tumor despite treatment at Michigan State University’s Veterinary Teaching Hospital. The community picked up the treatment costs, donating \$15,000 in 30 days and a total of \$18,000, Little said. “In the end it was for naught,” however, Little said, “The whole community came and had a memorial service with 200 to 300 people at the park.”

Bike patrol officers at Macomb Community College and Oakland Community College (OCC) also feel valued. “You get a lot of nice looks and comments from staff and students,” said Macomb Community College Bike Patrol Officer Keith Gurney. “They feel a little bit better walking on campus, especially today with the news on campus lately,” he said, referring to mass shooting crimes.

“I think it’s a welcome thing because some people have a negative attitude about police. I think that sort of changes that,” said OCC Bike Patrol Officer Darryl Daniels. Daniels has been riding since the mid-1990s when he became aware of bike patrols in the cities of Troy and Pontiac and suggested the idea to his director. At OCC, the bike patrol performs demonstrations for children at the child care center and because of their presence, parents feel their kids are safer, Daniels said. “You really get to know the people,” Daniels said. “It’s a closer, personal relationship. People have been asking me (in the spring), ‘When are you getting on the bikes.’ It makes them feel a lot safer.”

Little also does presentations for school children and participates in parades. Recently promoted to Sergeant, Little, 48, has cut back his riding time to two or three days a week, but hopes to increase his days on horseback as the summer progresses. “I use my horse as a patrol car,” Little said. “The horse is huge PR. The kids love it. Twice I’ve had some kid swing through on the cinch under the horse,” but Boomer is so well-trained that he just stands there, Little said.

TRAINING

That’s part of Boomer’s training in spook management. “Their first reaction is to run away. You train them not to run away but to actually stand calmly in battle,” Little said. “As long as the rider is calm, the horse is more likely to remain calm. The horse is a prey animal and human a predator, so if you’re wiggled out, the horse is



Sgt. Erik Little gets a lot of attention from the kids in Big Rapids thanks to his horse. Little and his former horse, Jesse, field questions from children.

going to be really scared because you’re the predator.”

Little is a graduate of Alpha & Omega Mounted Security Patrol Academy in Fort Worth, Texas, where they focused on things like spook management and running dismounts. The former El Paso County, Colorado Sheriff’s Department Mounted Division Officer participates in annual safety training in Kalamazoo where they have a highly respected mounted department. “The rest you just kind of have to cowboy up and learn how to ride,” Little said. “Your riding just has to be second nature. You don’t have the time to concentrate on your riding skills. You concentrate on police work.”

Bike patrolman carry service weapons and have special training on how to dismount the bike quickly, use it for protection, and even as a means of apprehending suspects. “You’d be surprised — you can knock folks down with the bike, throw them off balance while they’re running from you,” Daniels said, adding he was glad he had the bike to respond to a dispute on campus. “I got right on the trail and went right to building.”

Their training includes making sure they are physically fit for bike patrol. “By the end of the summer, my legs are in good shape, my wind is built up,” Gurney said. “I like the exercise I get. It’s nice to get out in the fresh air.”

“You sort of get two for one. You get to do your job and you get to stay in shape,” said Daniels, 52, who also runs marathons and has done charity bike rides.

CRIME RESPONSE

So how do you stop a criminal on horseback? “I can do most everything — drunk drivers, dope cases, general arrests for disorderly conduct, breaking up parties. I can come in with a horse and really break up a crowd. Nobody wants to get stepped on by a horse. People are willing to go fisticuffs with cops, but not a horse. They worry about the horse. It’s quite often our bad guys have more respect for the horse,” Little said.

Little said traffic stops on horseback can be dangerous, so he makes sure he is tactically sound when he does them. “You have to have an escape route. No traffic violation is worth getting hurt over,” Little said. “You don’t ever want your horse to get hurt unless you absolutely have to.” Out of the thousands of traffic stops he’s performed, he’s only had three people decide not to stop. One of them wrapped their car around a telephone poll trying to flee. Another thought they’d be able to get out of a parking lot, but Little and Jesse blocked them in. A third raced away to his home, but Jesse beat him there by crossing a river.

Horses can go where cars can’t, such as

parks. “The horse can outrun anybody,” Little said. “I can jump fences. I can go across the river. I don’t have to use the bridge. I’ve crashed 6-foot privacy fences (in training) with my horse. It’s just amazing what these animals can do.”

Getting to areas quickly on campus can be difficult by car since roadways are not built through the center of campus. Bikes can be the fastest means of arriving on the scene to help. “It puts a uniformed officer presence in those areas and we’re able to get around much quicker,” Gurney said, adding the two Macomb campuses have up to five bike patrol officers on round-the-clock shifts. “If it’s an absolute emergency, we will drive up the sidewalks, but we don’t like to do that with danger of foot traffic.”

There are two to three bike patrol officers at each of the five OCC campuses on day and afternoon shifts. “We’ve got nature trails at the Orchard Ridge campus, that’s what makes the bikes pretty cool,” Daniels said. “Depending on where it is and what it is you can do a direct path where a car can’t. Cars have to stay on the road. I can ride up the hills. I have a quicker response time than a vehicle has.”

Some of OCC’s common crimes are domestic incidents, thefts and fights. Recent calls have included a report of a person flying an unknown remote object around

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Sequestration budget cuts assault crime victims a second time

—By Jennifer Foley, POJ Editor with excerpts from Center for American Progress and media reports

There are seemingly never-ending media reports about victims of terrible crimes — like the three women recently rescued from a Cleveland, Ohio home after being kidnapped and held prisoners for decades, while allegedly being repeatedly raped. But a series of recent budget cuts and across-the-board federal spending cuts, known as sequestration, seriously threaten crime victims' ability to recover and seek justice.

The assaults on public safety staffing in Michigan and around the country are in full swing due to these automatic cuts by Congress. In Michigan, law enforcement officers are poised for cuts expected to reach approximately \$482,000 in Justice Assistance Grants for law enforcement, prosecution and courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, and crime victim and witness initiatives.

"You cannot reduce public safety — and they're doing it here — and you cannot reduce anything for teachers and they're doing it here," said POLC Director Richard Weiler. "Without having a good education system and without public safety you're not going to have a good community period."

Many education-spending cuts aren't expected until next school year. Appropriators added \$33 million to Head Start, but Robin Bozek, executive director with the Michigan Head Start Association, said most of that is dedicated to operating a system set up for ensuring competition between organizations that bid to provide services. She said the additional funds are expected to have little or no effect on the \$14-million cut the state was expecting, or the 2,200 fewer children expected to receive services because of the reduction. "Our piece of that pie would be miniscule," Bozek said.

Defense Secretary Chuck Hagel an-

nounced civilian defense personnel will face furloughs of 14 days without pay beginning in June. How that hits personnel at defense contractors in Michigan is up in the air. In earlier estimates, as many as 10,000 Michigan civilian workers were expected to face furloughs.

Weiler said these cuts become even more evident in a crisis situation, like the April bombings at the Boston Marathon. "It was a military tactic at its finest," Weiler said. "They had 10,000 police officers there and we only have 18,000 in the whole state of Michigan. There's no way they (Michigan officers) could've did what they did in Boston," he said referring to the quick public safety response to victims. "They would've never had the equipment those people had. They would've had to call up the National Guard."

"They still have the resources," Weiler said of Boston. "We don't have the resources. It's pretty sad."

U.S. POLICE CUTS

The U.S. Park Police began furloughing employees in April just days after the agency increased its presence at national landmarks in response to the Boston Marathon bombing. The Park Police sequester plan requires employees to take eight hours of unpaid leave every other week.

National Park Service Director Jonathan B. Jarvis promised the agency will "continue to meet its public safety and security obligations," but union leaders say response times could increase, especially for non-emergency calls. "We'll have one person doing the job of two or three people," said Ian Glick, president of the U.S. Park Police union. Glick said surge patrols in the future might take place with fewer personnel. He also said the agency may not have the funds to make work mandatory — all hands on deck — during times of crisis.

The Park Police employs about 760 civil servants in D.C., New York and San Fran-

cisco, handling about 100,000 cases each year, according to Glick. Jarvis said the agency would time its furloughs "in such a manner that the NPS will make no compromise in our public safety responsibilities." "The bombing in Boston reminds us that we must remain vigilant at our national icons and with the many public events we host on the National Mall each year," Jarvis said.

After the sequester went into effect March 1, a deal worked out by House and Senate appropriators and signed by President Barack Obama added substantial funding to Customs and Border Patrol, but the union representing about 17,000 Border Patrol agents was still waiting to hear whether there would be furloughs.

POLICE GRANT CUT

Programs including Byrne Justice Assistance Grant (Byrne JAG) and the Community Oriented Policing Services (COPS) hiring grants are some of the vital federal sources of funding state and local law agencies rely on for law enforcement, prosecution, crime prevention, education, corrections and victims assistance. However, over the past two years, federal support for criminal justice assistance grant programs has decreased 43 percent. If no changes are made, sequestration could leave these vital federal programs virtually unfunded by 2021. The National Instant Criminal Background Check System saw its funding cut 75 percent and juvenile justice and delinquency prevention programs were cut more than 50 percent.

Through these cuts, Congress is asking law enforcement to choose between a terrible set of options, none of which provide any comfort to victims of crimes, such as sexual assault and domestic violence.

VICTIMS' SERVICES CUTS

Law enforcement relies on critical federally funded programs and a network of service providers who support victims in

crisis with the mental, physical and emotional support they need to get back on their feet and resources to seek their own justice.

Sequestration and related cuts in 2013 will reduce or cut services to more than 955,000 victims. Some 377,000 victims of domestic violence, child sexual abuse, adult sexual assault and other crimes in 2013 will lose critical support and services they receive through the Crime Victims Fund. Established under the Victims of Crime Act (VOCA), Crime Victims Fund provides millions of crime victims with crisis

intervention services, assistance with criminal justice process, counseling, investigation and prosecution of child and elder abuse, compensation for victims of crimes and more. VOCA offenders pay through fines and penalties, which means the program doesn't cost taxpayers a dime and doesn't add to the national debt or deficit. Yet, sequestration is expected to cut VOCA victims' service assistance grants to states by \$37.2 million.

Congress added to these cuts by asking the Department of Justice to cut management and administrative expenses from

the VOCA fund for a second year in a row, further reducing the number of victims served by nearly 578,000 for a total estimate of 955,843 fewer victims helped in fiscal year 2013.

Agencies and facilities across the country find themselves choosing between cutting services or staff, or completely closing down. A recent Police Executive Research Forum survey found 56 percent of 700 responding agencies reported the poor economy is driving an increase in domestic violence, up from 40 percent in a 2010 survey. ♥

NAPO has several victories in legislature



— Excerpted from *The Washington Report* and *Detroit Free Press*

NAPPO's efforts to protect and promote the position of police officers around the nation are paying off in the legislature. Here are just a few of their successes:

- **National Blue Alert:** The National Blue Alert Act of 2013 (H.R. 180) passed in the House of Representatives and will be sent to the Senate for consideration. The system would notify authorities when a police officer is injured or killed while on duty. Judiciary Chairman Bob Goodlatte (R-VA) publicly recognized NAPPO's written statement of support for this legislation and said every 57 hours a U.S. law enforcement officer is killed in the line of duty. He said this bill helps reverse that trend when police officers and the public join forces to capture fleeing suspects.
- **Standing up to TSA:** The U.S. Transportation Security Administration (TSA) is abandoning a plan to allow passengers to carry small knives, souvenir bats, golf clubs and other sports equipment onto planes after fierce congressional and industry opposition. NAPPO supported the Federal Flight Deck Officers Association's concerns, writing letters to TSA Administrator John Pistole to oppose this policy change. NAPPO also urged TSA to conduct a formal consultation process with all stakeholders through the Aviation Security Advisory Committee. NAPPO strongly believes the prohibition of dangerous items is an integral layer in the safety of our aviation system.
- **Deputies defended:** NAPPO was granted a motion to participate as an amicus curiae ("friend of the court") in a pending case involving officers who were terminated for "liking" a can-

didate on Facebook. Bland, et al. vs. Roberts is pending in the United States Court of Appeals for the Fourth Circuit in Richmond, VA. The defendant in the case, a sheriff, was running for re-election and was the employer of the deputy sheriffs who are defendants in the case. The deputy sheriffs "liked" the sheriff's opponent's Facebook page. The sheriff warned them if he was reelected, they would be terminated. He won and the plaintiffs were terminated. The deputy sheriffs filed suit in U.S. District Court, but the judge held that "liking" someone on Facebook was not speech and thus no legal or constitutional protections were available to the deputies. NAPPO's Executive Director and General Counsel Bill Johnson and Attorney Mike McGuinness wrote and edited the amicus brief and are the counsel of record in the case.

- **Mental health legislation:** The U.S. Senate passed the Mental Health Awareness and Improvement Act (S.689) by a vote of 95-2. This marks the first significant mental health legislation passed by the Senate since 2008. NAPPO strongly supports this legislation, as individuals with mental illnesses are significantly overrepresented in prison and jail populations. This legislation will improve programs related to awareness, prevention and early identification of mental health conditions and help ensure individuals are provided with the resources they need. A Senate Judiciary Committee approved a bill to reauthorize the Justice and Mental Health Collaboration Act (JMCA) of 2013 (S.162) during a mark-up session. ♥

2013 Annual POLC/GELC Meeting & Labor Seminar

Friday – Saturday, Aug. 23th-24th



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A reserved block of prime rooms for the POLC gathering is being held on an availability-only basis. Reserve yours now by calling 800-678-4111.

2013 Delegate Registration: Annual POLC/GELC Meeting & Labor Seminar

**Friday, August 23, 2013:
7:30 a.m. – 1:00 p.m.**

**Saturday, August 24, 2013:
8:30 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 Thursday, August 1, 2013 to:
Police Officers Labor Council • 667 E. Big Beaver Rd., Ste. 205 • Troy, MI 48083-1413

16th Annual POLC Golf Outing

Four-person Scramble (Limited to first 100 golfers)

**Schuss Mountain
Shanty Creek Resorts course**

**Friday, August 23, 2013
Tee-off time: 2:30 p.m. (Shotgun Start)**

Cost: \$50 per person

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

Schuss Mountain - Shanty Creek Resorts 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 Thursday, August 1, 2013 to:
POLC Golf Outing • Police Officers Labor Council • 667 E. Big Beaver Rd., Ste. 205 • Troy, MI 48083-1413

Scholarship honors fallen heroes

— Excerpted from *The College Board* and media reports

A First Responders Scholarship Fund has been established to honor the fallen heroes in two separate April explosions. The award is available to first responders and the children of first responders to attend college.

The scholarship fund, created in response to the April bombings at the Boston Marathon and explosions at a West Texas fertilizer plant, will be awarded annually to a student who performs well on the PSAT/NMSQ™ and SAT™ assessments and who has demonstrated civic engagement and leadership in his or her community.

“We all witnessed the bravery of police officers, firefighters and other first responders immediately following the Boston

Marathon bombing and the explosion in West, Texas,” said College Board President David Coleman. “At colleges and universities around this country, campus security and other first responders work every day to keep students safe. Many of them develop bonds of trust and friendship with students in their care. This scholarship honors the distinctive role first responders play in the campus community and in educating and protecting young people.”

Sean Collier, the MIT officer shot and killed in Boston, “in just two months ... would likely have fulfilled a long-held dream,” according to *The Boston Globe*. “Collier had scored high on a civil service exam and was likely to be called to join the

Somerville Police Department in June.”

In West Texas, Jerry Chapman died while trying to save others.

“Chapman’s life ended between two milestones: He had turned 26 earlier this month and he was a week away from taking his final EMT exam,” according to the *Austin American-Statesman*.

The College Board will work with member institutions to raise resources for the scholarship. The amount and structure of the award will depend on the amount of funds raised. To donate, email firstrespondersfund@collegeboard.org; to apply for a scholarship, email communications@collegeboard.org or visit www.collegeboard.org for more information. ♥

Support the union

Continued from page 3

It is often said that people hate paying dues because unions only protect problem employees. Many of the employees referenced in this article were veterans who have never been in trouble before. The POLC/GELC has very few repeat offenders. The union does not protect problem employees, but we do protect just cause and the collective bargaining agreement, whether it’s a problem employee or not.

All members are encouraged to continue paying their dues. You never know when you may be disciplined, terminated, involved in a shooting or other critical incident. You never know when you may need to understand health care or other benefits; need to know what other employees in other cities are earning for similar work; or need to present a united front for a new contract or many other issues.

Don’t let right-to-work legislation weaken our union. Make the choice to pay your dues — you won’t regret it when you need union representation. ♥



Bear Lake Highlands offers POLC members 25 percent off

Bear Lake Highlands is offering POLC members a 25 percent discount off the standard golf rate throughout the 2013 season. Each POLC member and a guest can play 18 holes of golf with a cart for \$33.75. Proof of current POLC membership required.

If you are headed to Bear Lake, Sleeping Bear, Traverse City or further north, the course is ideally located and features mature woods and scenic wetlands without any “tricked up” holes. Bear Lake Highlands — located at 11685 Chippewa Highway (US-31), Bear Lake, Michigan 49614 — is just seven miles from Arcadia Bluffs and Lake Michigan, 11 miles from Little River Casino, and 13 miles from Crystal Mountain in Northern Michigan. Call (231) 864-3817 for a tee time. ♥

Member News

Labor attorney John Lyons leaves behind noteworthy legacy with POLC

— By Jennifer Foley, POJ Editor

Labor Attorney John A. Lyons, who went into semi-retirement Jan. 1, was instrumental in making the POLC what it is today, said POLC Director Richard Weiler.

The 77-year-old still sits on labor arbitration panels for Wayne County and the University of Michigan. He is also a State of Michigan fact finder. But his time serving as general counsel for the POLC has come to a close. “From time to time, he’s still doing arbitrations as an arbitrator and from time to time he may be doing some things for the Labor Council,” Weiler said.

His position will not be replaced as the POLC has full-time in-house counsel, thanks to Lyons. Lyons began serving as the first general counsel for the POLC in 1972, but always maintained his own law offices as John A. Lyons, PC. “I was at the meeting that started the original Labor Council in the mid 70s,” Lyons said.

Lyons legal career included serving as a labor attorney for Ford Motor Company’s national bargaining team in the 1960s before taking his dream job as an Assistant Oakland County Prosecuting attorney from 1967-1971. During that time, Lyons worked with many police officers while prosecuting criminal and civil cases. “We’re not talking about a guy who just came off the streets. He always wanted to be a prosecutor so he left Ford to become a prosecutor,” Weiler said. “He reduced his salary by tenfold to become a prosecutor. That’s where he got the insight of police — how they think, how they work.”

“I tried a lot of cases,” Lyons said. “I started representing police unions and doing criminal defense work. I negotiated a lot of contracts and I guess I had a wealth of experience.”

Those officers came to respect Lyons for

his work and many became clients of his law firm after he left the prosecutor’s office to work as a private labor attorney. “All his police clients he had came over to us,” Weiler said. “He was the glue for a lot of the members in the tri-county area. He was definitely instrumental in making the Labor Council what they are today because of his foresight and intuition on police matters and labor matters. First of all he understood the cops, then he understood labor.”

Lyons began hearing cases as an arbitrator in 1975. “In the 70s I never had a problem because I had a lot of experience negotiating contracts, working with police,” Lyons said. “I did a lot of work defending them.”

In the 1980s, Lyons hired attorneys to work for the POLC and eventually the POLC had its own legal staff. “I helped get in-house counsel (for the POLC),” Lyons said. “They hired my secretary (Cathy Leon) and Tom Zulch, who worked for me, and a law clerk went to work for Labor Council. I had an office over there.” Now Leon, Zulch and Brendan Canfield, who Lyons interviewed for the job, staff the office.

“The Labor Council wouldn’t be what it is today if John Lyons wasn’t with the Labor Council,” Weiler said, adding that Lyons is a lifelong friend of his. “He is the quickest, most expedient lawyer I’ve ever dealt with in all my life. I really, really miss him. We’re just talking about a guy who’s in a class of his own. You don’t want to be



Labor Attorney John A. Lyons went into semi-retirement in January after a lengthy career representing POLC members.

on the other side, because he’s so well prepared it’s unbelievable.”

“I never knew that initially he used to deal in tax law,” Weiler said, adding that he became aware of it when Lyons sat down with the POLC’s CPA and looked up a tax law clause. Weiler used to tease Lyons about his well-written briefs because Lyons’ wife is an English teacher. “That never hurt him,” Weiler said. “Whenever he was writing briefs, she would review some of the briefs for him. I used to laugh about that.”

Lyons and his wife raised five children. Now that he’s semi-retired, Lyons is planning more trips up north. “I see people all the time. I’m not missing anybody,” Lyons said of his POLC friends. “I’m going to be paying more attention to my cabin in the Upper Peninsula west of Marquette, also known as my northern Michigan office. I hear cases in the Upper Peninsula and all over the state.” ♥

Chesterfield police layoffs off table while township considers its options

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

It looks like Chesterfield Township Police Officers avoided layoffs this budget year, but officials have to come up with cost savings for next year.

Despite original plans to layoff 15 officers and secondary plans to cut that number back to five, Supervisor Mike Lovelock said none of the layoffs should be necessary at a special budget meeting May 13.

Now township officials are considering their options, which include a second millage vote. When the police millage failed in November 2012 township officials began proposing layoffs. But officials were concerned about community safety so they established the Chesterfield Township Police Moratorium Work Group, which is comprised of two POLC union representatives, community members and others. That group submitted a plan in mid-April to reduce police department layoffs from 15 to five, but the board rejected it 4-3.

The Moratorium Work Group's plan would have kept sworn officers employed. Two dispatch and three clerical employees would have been pink slipped instead. Two sworn officers would have then been moved to replace dispatchers and two detectives would have been placed back on the street. Board members who voted against the plan cited their suspicion of the cost savings the group based its recommendations on and Lovelock said the plan

would cost the department \$28,000 more per position to fill with an officer instead of a civilian. As soon as the motion to adopt the work group's plan was denied about 30 people scurried out of the room, some yelling "recall."

POLC Labor Rep. Frank Klik said he never understood why layoffs were necessary given the fact that the township's 2013 budget is balanced. "They have plenty of money to get them through this year. They have \$3.1 million in a police budget," Klik said. "They figure they'll have to tap that next year if they don't get some money coming in."

According to the township, the department is expected to have a \$1.9 million deficit in 2013, but that can be covered by the department's rainy day fund. Klik said that rainy day fund amounts to \$5.5 million in the general fund. "They project five years from now we'll deplete our rainy day fund," Klik said, but the housing market is rebounding and taxes are on the rise.

"They said they can't use that general fund money for police," however, Klik said in the past money from the police budget has been transferred to the general fund to use for other purposes. "Now they're saying we have to charge you to do your books," Klik said. "You don't charge the police department to cut their checks."

According to current township projec-

tions, in 2014 expenditures would exceed revenue by about \$1.2 million. Finance Director Vicki Bauer said if the deficit were remedied through cuts, officers would have to take 30 percent less in wages, retirement, vacation, sick time and longevity. Lovelock said these extreme concessions are not expected due to ideas of his own and ones presented by the Moratorium group. These ideas include: \$187,000 in health insurance savings; \$100,000 saved by not purchasing new vehicles for a year; \$137,000 the township can give back to the department instead of investing in the retirement fund. Officers have also said they would give up their uniform allowance and contribute 1.5 percent to their retirement for \$110,000 savings.

POLC-represented Chesterfield Township Officers, Police Clerical and Command all have contracts expiring at the end of 2013. Lovelock said he would like board members to suggest concessions officers should take in 2014. "No matter what, you can't balance the budget on the back of police officers though," Lovelock said.

One police officer and dispatcher recently left for a \$135,000 savings in 2014. Four more are expected to retire and three are to go on medical leave, reducing the department to 42 employees, which several township officials say is the lowest they want to go in staffing. ♥

Former POLC officer sues over illegal ticket quota

— By Jennifer Foley, with excerpts from Detroit Free Press

A former POLC member filed a whistleblower lawsuit against the Novi Police Department, claiming he was forced out of his police officer's job for refusing to meet illegal ticket quotas.

Retired Novi Police Officer Michael Corbett, 46, said beginning in 2006, his superiors demanded patrol officers make at least four traffic stops and write a minimum of two tickets each shift. When he consistently failed to meet the quotas, he was harassed, denied a promotion, and ultimately forced out in April after nearly 25 years on the job, according to a lawsuit filed in Oakland County Circuit Court.

The POLC began representing Novi Patrol Officers in 2010. "The officers haven't been real happy over there because of the way they've been treated by the city the last couple years," said POLC Labor Rep. Frank Klik, adding there's an unwritten two ticket quota. Ticket quotas are illegal in Michigan.

Novi Assistant Police Chief Jerrod Hart declined comment, saying the department had not yet been served a copy of the lawsuit. Bloomfield Hills attorney Deborah Gordon is representing Corbett, who is suing for wrongful discharge and as a whistleblower. "This man has an impeccable record, and they came up with a plan to retaliate against him simply because he was insisting upon following the law," Gordon said. "This is not the kind of mentality we need out there charged with enforcing the law."

In March, the POLC filed a grievance on Corbett's behalf because officials moved his beat to an undesirable area as a method of retaliation for his non-compliance, Klik said. "All the officers know (about the ticket quota), but it's hard to get the officers to testify if they still work there because their chief and assistant chief get them

walking the beat in snow as punishment," Klik said.

Since Corbett took an early retirement, the POLC can no longer represent him. "He's not there any longer, how can we put him back?" Klik said. "It's hard to be involved because he turned in retirement paperwork before we even knew it and once he's retired, we don't have the right to represent him. We could've filed a grievance before he retired."

"His whistleblower's lawsuit is a civil issue outside the realm of labor law," said POLC Labor Attorney Brendan Canfield. "Once there is discipline or a contractual violation, then we can represent a bargaining unit member."

On March 10, Corbett learned he was under investigation by the department. He said in the lawsuit his supervisors reviewed videotapes from the last 60 days he was on patrol and said they needed to question him about 84 issues. "They had all these charges lined up against him after he filed a complaint (with city hall) against his supervisors for pressuring him to write the tickets," Canfield said. "The chief and assistant chief grabbed all his car tapes," Klik said, adding that one of the alleged charges was falsifying police documents.

Corbett went on leave shortly thereafter and department heads sought to have him return to work immediately. "They wanted him back to discipline him," Klik said. "He turned in (retirement) paperwork effective immediately."

The city is disputing that Corbett is eligible to receive his pension because he hasn't reached the requisite age of 50, Canfield said. That age restriction was added to the contract following an Act 312 ruling. MERS fought the age requirement when a former Novi officer bought service credit so he could retire before age 50



about a year ago, Canfield said. MERS made the argument that under the constitution, pensions cannot be diminished and by requiring the officer to wait until age 50 would diminish his pension, Canfield said. "They threatened legal action with the last officer and the city backed off. He was able to get his pension," Canfield said. "I wouldn't be surprised if Corbett's issue is resolved before MERS in the same manner. The latest I heard is (the city) considers him to have voluntarily resigned before reaching the minimum age of retirement."

Corbett names the city of Novi, Novi Police Chief David Molloy, and Assistant Police Chief Victor Lauria in the lawsuit. The quotas, he said in the suit, were "an attempt to ticket and extract money from motorists who would ordinarily not be ticketed under the circumstances, in order to increase and inflate revenues to the city and its police department."

According to the lawsuit, Lauria made it clear in a 2009 meeting emphasizing the quotas, "that he did not care that the practice was illegal." The suit also alleges that in February, a supervisor rode with Corbett on patrol and insisted that he give a motorist a ticket for failing to completely halt at a stop sign, even though Corbett believed the motorist deserved a warning. The supervisor did not insist, however, that Corbett cite a city-owned vehicle that ran the same stop sign and was speeding, the lawsuit said. ♥



WELCOME ABOARD

The Police Officers Labor Council welcomes the following new units

Unit
Essexville DPW
New Baltimore Command
Portland DPW
South Haven Police Officers

Former Affiliation
POAM
POAM
AFSCME
POAM

Arbitration

— As reported by the POLC Legal Staff

EMPLOYEE AWARDED PAY INCREASE

A Mt. Morris Township employee, who was denied “step-up” pay for two years, was awarded back pay following a GELC grievance award on her behalf.

Under the previous collective bargaining agreement, the Employer had discretion whether or not to grant step-up pay to eligible employees. However, under the new contract, effective April 1, 2011 through March 31, 2014, the GELC and Employer reached a tentative agreement, which was ratified to grant step-up pay if employees receive a satisfactory evaluation before April 1 of each year. If no evaluation occurs, the employee is automatically entitled to step-up pay per the agreement, since the Employer chose not to do an evaluation. This provision was made retroactive on several occasions, according to GELC Labor Rep. Duane Smith.

The Employer refused to give the employee step-up pay for 2011, arguing no evaluations had been conducted. The Union argued there was plenty of time to conduct the evaluation prior to April 1 and the Employer previously agreed to make this provision retroactive. During the arbitration hearing, the Employer admitted to owing the employee her step-up pay for 2012 as well.

POLC WINS CASE FOR NEW UNIT

New Baltimore Command Officers were in the process of becoming POLC members when the City ratified a successor collective bargaining agreement with the command officers’ previous union without the officers’ knowledge. In response, the POLC filed an unfair labor practice with MERC and an election petition to represent New Baltimore Command. The matter was settled with the City agreeing to recognize the POLC as the new bargaining unit and entering into a new collective bargaining agreement with the POLC.

In early 2013, the command officers contacted the POLC for representation after becoming unhappy with their previous union. The officers asked the former union to not take any further action on their behalf and the union agreed via email to voluntarily relinquish its status as bargaining representative to whichever union the officers chose. POLC Labor Rep. Chet Kulesza obtained authorization cards for all five unit members indicating they wished to be represented by the POLC. Kulesza submitted these cards to the City, along with a demand for voluntary recognition and the previous union’s email disclaiming its status as bargaining representative.

The officers discussed the issue with the Police Chief in late June 2012 and February 2013. The Chief said the City Manager stated he had no issue signing the demand for voluntary recognition. This assurance caused the POLC to delay filing an election petition with MERC.

However, in mid-February, the City ratified a successor agreement with the old union. The agreement included a provision denying command officers the ability to fill overtime vacancies left by patrol officers, depriving them of a significant amount of overtime income. For unknown reasons, at the next City Council meeting, council members voted to rescind the ratification.

In response, the POLC filed an election petition to represent the five command officers and an unfair labor practice charge against the City alleging it discriminated against employees for seeking representation with the POLC and gave unlawful preferential treatment and assistance to the former union when a question of representation existed. The officers unit also indicated it planned to file a duty of fair representation case against the former union.

The matter was settled at pre-trial conference with the former union agreeing to withdraw its bargaining representation status in exchange for officers releasing the union from any duty of fair representation claim. The City agreed to rescind its recognition of the former union, recognize the POLC, and enter into a collective bargaining agreement with the POLC. The unit agreed to forgo its claim to the overtime equalization provision in exchange for a 1 percent increase in pay differential between patrol and command. Due to the settlement, the POLC withdrew its election petition and unfair labor practice charge.

OFFICER RETURNED TO WORK

A Cheboygan Police Officer, who was terminated in January 2012 for coaching youth hockey and playing in a men’s hockey league while on duty, was returned to work after the POLC won a grievance on his behalf.

A 20-year veteran of the department, the Officer had been coaching for years before any charges were brought against him. The Union argued the coaching was done with full knowledge of the department since the Sergeant who reviews the Officer’s timesheet on a daily basis was either a referee or in attendance at the hockey games in question. The Union contends since the Sergeant knew about the incidents, he had a duty to stop the practice immediately instead of allowing it to continue. Furthermore, the Chief of Police admitted at the Feb. 13 arbitration hearing that there was an unwritten policy for officers to attend such events with notice given to dispatch.

The Chief said the Officer never asked for permission. However, the Officer testified that he did give notice and never left early, unless he arranged for coverage by another officer. While he admitted to coaching hockey and playing hockey toward the end of his shift, the Officer denied doing so on all six of the occasions the Employer contends.

The POLC argued termination was too severe given his length of employment and his good employment record, which did not include any prior discipline.

The Arbitrator agreed with many of the

Union’s statements. “Had (the) Officer been immediately confronted by (the) Sergeant when the Sergeant saw him at the hockey games, this could have insulated the Grievant against discharge, since the number of events would have been significantly reduced.” The Arbitrator noted the Employer didn’t call the Sergeant as a witness during the arbitration hearing. The Union contends the Officer was denied due process since the Sergeant could not be cross-examined.

The Arbitrator ruled that because there is a degree of lax enforcement and because the Grievant has a long seniority, discharge would be contrary to just cause. “Lax enforcement of rules may lead employees reasonably to believe that the conduct in question is tolerated by management,” according to Elkouri and Elkouri in *How Arbitration Works*, cited by the Arbitrator.

The Officer was reinstated with full seniority, but without back pay and benefits for the time he was off. The Arbitrator also warned that additional infractions of a similar nature should result in a just cause discharge of employment in the future. ♥



Sgt. Little stands with Jesse during the Fallen Officers Memorial ceremony at Ferris State University in Big Rapids in 2006.

Mounted and bike patrols

Continued from page 5

campus and a suspicious package. The quick response of the bike patrol is appreciated given recent crimes, like the Boston Marathon bombing, Daniels said. “Nothing serious, thank God, has happened out here,” Daniels said.

Gurney said bike patrol officers can arrive on the scene in as little as a minute. “Anywhere somebody can get on foot, I can get there with a bike with few exceptions,” Gurney said. “When I do catch up to him, and I will, I’ll be a lot less winded than he will.” They respond to all incidents from medical emergencies to disruptive students. “All campus police officers here at Macomb are state certified sworn police officers. We do all of our own arrests, our own warrants. We have the same arrest powers that a police officer does in his city,” Gurney said.

Both colleges maintain car patrols for parking lot incidents such as accidents, thefts, and unlocking cars. Campus police are all connected by radio communication allowing car patrols and bike patrols to help one another. Gurney said some campus officers didn’t initially see the value of the bike patrol and questioned what they’d do if they needed backup. “I said, ‘I’ll be at your runs before you get there,’” Gurney said. “I’d be sitting there waiting on my bike before they got there.” ♥

Contract Settlements

— As reported by POLC Labor Representatives

City of Caro Police Officers

- **New three-year agreement** expires June 30, 2016.
- **Wages:**
 - 0% effective July 1, 2013.
 - 1% effective July 1, 2014.
 - 1.5% effective July 1, 2015.
- **Health Care:** Leave BCBS and begin coverage with Cops Trust on Aug. 1, 2013 with employer paying 80% of medical coverage cost and employees paying 20%.
- **Retirement:** Increase employer’s contribution to the employee’s Defined Contribution pension from 5% to 7% beginning July 1, 2013.
- **Bargaining Team:** Glenn Harding and Paul Strasz aided by POLC Labor Rep. John Stidham.

City of Essexville Public Safety Officers

- **New three-year agreement** expires June 30, 2016.
- **Wages:**
 - 3% effective July 1, 2013.
 - 3% effective July 1, 2014.
 - 4% effective July 1, 2015.
- **Fringe Benefits:** Increase personal days from three to four days. Increase annual sick time payout of half of all unused sick time to a payout of all unused sick time.
- **Health Care:** Increase premium contribution by employee from 7.5% to 10%.
- **Bargaining Team:** Michael Schartow and Ryan Neveau aided by POLC Labor Rep. John Stidham.

Gladstone Public Safety Officers

- **New four-year agreement** expires March 31, 2017.
- **Wages:**
 - 1% effective April 1, 2013.
 - 1% effective April 1, 2014.
 - 1.5% effective April 1, 2015.
 - Wage reopener April 1, 2016.
- **Health Care:** Employees pay any cost above the state’s hard cap amount.
- **Retirement:** Employees who qualify for the MERS DB plan will pay 2% of wages to the MERS obligation in effect April 1, 2013 and 3% of wages effective April 1, 2015.
- **Bargaining Team:** Todd Crow and John Hall aided by POLC Labor Rep. Ken Nash. ♥



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KIDS FINGERPRINTING IN TECUMSEH

Law Enforcement Education Program (LEEP) Kids Fingerprinting, a child safety program which provides parents with a free CD ROM of their child's fingerprints, physical description and digital picture, was featured March 19 at Tecumseh Family Safety Day. The event took place at Tecumseh Acres Elementary and featured Karate for Kids and a stranger talk by a Tecumseh Police Officer. (Above, left) Program Administrator Tom Jenkins prepares a CD for a parent. (Above, right) Sylvia Jenkins fingerprints a girl at the event. ❤️

