

# The Police Officers Journal



VOLUME 21, NUMBER 2 • SPRING 2011



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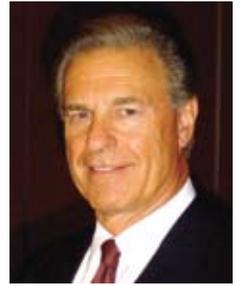
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# New legislature targets public employees

— By Richard R. Weiler, Director



Every time you pick up a paper or turn on the news all you hear and see is how bad the conditions are in Michigan. Almost in the same breath, it is mentioned how much more compensation public employees receive versus the private sector.

It doesn't matter if you are a building custodian, clerk, police officer, firefighter, teacher — the list goes on — all are overpaid and have enriched benefits. It really doesn't matter if you read independent think tank reports showing statistic after statistic that our total compensation is not out of line with the private sector. These new mean-spirited legislators have their beliefs and no one can convince them otherwise. Don't let the truth get in the way of fiction! There are around 30 bills that would take away benefits, which, in many cases, have already been cut through collective bargaining.

I will address some of these bills and, by the time this magazine goes to print, they would have either passed or changed in some form. The first is House Bill 4205, which would eliminate Act 312, or Compulsory Arbitration, for police, fire and dispatch units. This isn't the first time we have faced this issue, however, this is the strongest threat since Act 312 was signed into law. It doesn't matter if management is winning before Arbitrators; you're still too highly compensated, according to new legislators. It doesn't matter if you put your life on the line daily — you're paid to do that!

Another issue is the Emergency Financial Manager bill, HB 4214 (S-4). It is the belief in Lansing that, in order to get a local unit of government or school district into better financial shape, Lansing should be involved before a crisis occurs. Under the new legislation, an emergency financial manager has wide sweeping authority that not even a bankruptcy court grants. The manager can reject, modify or terminate the terms of collective bargaining agreements. The manager has authority to place a millage on the ballot, dissolve a municipal government, or recommend consolidation with another entity or school district — that is with the Governor's approval. Additionally, if a pension fund were not actuarially funded at 80 percent, he /she could remove all trustees and take over. This person would become Czar!

Whoever said we don't want a big government takeover — well it's here in Michigan. These are only a fraction of issues facing public employees, and in most communities, if they got rid of all public safety employees, their budgets would still not be balanced.

Declining home and property values, which have caused decreased tax revenue, are the issue, not public employees! That issue, however, isn't even on the table — they know better! To keep updated on these issues, please go to our website at polc.org, which will be updated weekly. ♥

*There are around 30 bills that would take away benefits, which, in many cases, have already been cut through collective bargaining.*

# National Police Week 2011

## May 2 – Michigan

**Monday, May 2:** The 18th Annual Michigan Peace Officers' Candlelight Memorial Service is 7 p.m. on the east steps of the Lansing State Capitol, located at the intersection of Michigan Avenue and Capitol Avenue. The service will feature a 21-gun salute, honor guard and drum & pipe band. In inclement weather, the event will be held inside the Capitol Rotunda.

## May 8-16 — Washington D.C.

**Tuesday, May 3:** 16th Annual Blue Mass – 12:10 p.m. St. Patrick Catholic Church, 10th & G Streets, NW. (202) 347-2713.

**Sunday, May 8:** 16th Annual Law Ride – 9 a.m. line up at RFK Stadium (Lot 8) with 11 a.m. procession to National Law Enforcement Officers Memorial, 400 block of E. Street, NW. [www.law-ride.com](http://www.law-ride.com)

**Thursday, May 12:** Blue Valor Run – Time to be determined. Motorcycle run from Ground Zero to National Law Enforcement Officers Memorial. [www.kentietjen.org](http://www.kentietjen.org)

- Police Unity Tour Arrival Ceremony – 2 p.m. at National Law Enforcement Officers Memorial. Contact Harry Phillips at (973) 443-0030 or email [info@unitytour.com](mailto:info@unitytour.com)

- 18th Annual TOP COPS Awards Ceremony – 7 p.m. at Warner Theatre, 513 13th Street, NW (tickets required). Contact Elizabeth Loranger (703) 549-0775.

**Friday, May 13:** 23rd Annual Candlelight Vigil – 8 p.m. at National Law Enforcement Officers Memorial. Take the Metro Red Line to Judiciary Square. (202) 737-3400.

**Saturday, May 14:** National Police Survivors' Conference – 9 a.m. - 4:30 p.m. at Hilton Alexandria Mark Center in Alexandria, VA. Advanced registration required. (573) 346-4911 or email [cops@nationalcops.org](mailto:cops@nationalcops.org)

- National Police Challenge 50-Kilometer Relay Race – 8 a.m. - 1 p.m. at Secret Service Training Center in Laurel, MD. Email [npc50@cox.net](mailto:npc50@cox.net)

- 17th Annual Emerald Society & Pipeband March and Service – 4:30 p.m. Assemble at New Jersey Avenue and F Street, NW. Begin March to National Law Enforcement Officers Memorial at 6 p.m.

- 5th Annual National Police Week 5k – 9 a.m. 5k assembly at FBI Washington Field Office, 601 4th Street, NW. [www.national-policeweek5k.com](http://www.national-policeweek5k.com)

- 9th Annual Steve Young Honor Guard Competition – 8:30 a.m. at John Marshall Park, Pennsylvania Avenue at 4th Street, NW. [www.policeweekhonorguard.com](http://www.policeweekhonorguard.com)

**Sunday, May 15:** 30th Annual National Peace Officers' Memorial Day Services – 11 a.m. West Front, U.S. Capitol. [www.policeweek.org](http://www.policeweek.org)

- Wreathlaying Ceremony at National Law Enforcement Officers Memorial (immediately following ceremony at the U.S. Capitol).

- Shomrim Society Kaddish Service – 9 a.m. National Law Enforcement Officers Memorial. Contact Major Jay Gruber at [jgruber@umpd.umd.edu](mailto:jgruber@umpd.umd.edu)

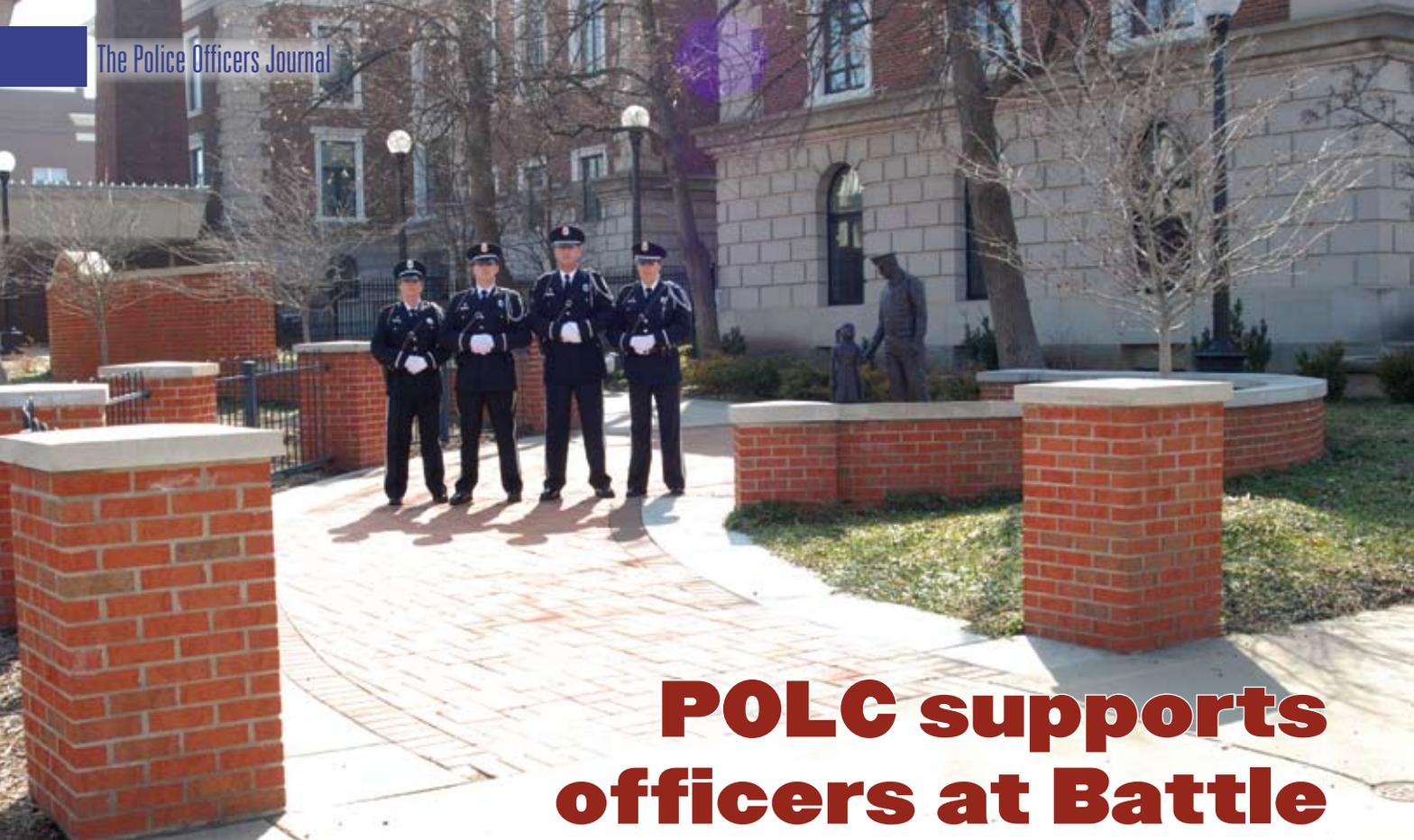
**Monday, May 16:** National Police Survivors' Conference – 9:00 a.m. - 4:30 p.m. Hilton Alexandria Mark Center. Advanced registration required. (573) 346-4911 or email [cops@nationalcops.org](mailto:cops@nationalcops.org). ♥

*\* President John F. Kennedy proclaimed May 15 as the official National Peace Officers Memorial Day and the calendar week in which May 15th falls as National Police Week, which in 2011 is Sunday, May 15th through Saturday, May 21st. However, the Candlelight Vigil is traditionally held on May 13th.*

*Battle Creek Officers (from left) Julie Madsen, Randy Reinstein, Todd Elliott and Kathy Schley stand in front of the Battle Creek Memorial Wall for officers killed in the line of duty. A Police Week ceremony is planned at the Memorial May 10.*

*Photo by Greg Huggett, POLC Executive Committee Chair*





*Battle Creek Officers (from left) Kathy Schley, Todd Elliott, Randy Reinstein and Julie Madsen stand at the entrance to the Memorial.*

## **POLC supports officers at Battle Creek Memorial**

— By Jennifer Foley, POJ Editor

**P**olice Week is a time to honor the service of those who protect our communities. Stepping into the City of Battle Creek's Police Memorial, the first thing you'll see is the POLC's support of local officers.

"What's nice about the memorial is we sold bricks to raise money which has all the people who made donations," said POLC Executive Committee Chair Greg Huggett. The first brick visitors will see when they enter the memorial recognizes the donation from the POLC.

Every year for Police Week, a Memorial Ceremony is held at Battle Creek's Police Memorial. This year's ceremony is set for noon Tuesday, May 10 beginning in the Commission Chambers at City Hall. It's open to the public and is attended by current and retired officers and their families. Current officers are recognized during an Awards Ceremony at City Hall for going above and beyond the call of

duty. A wreath laying ceremony follows at the memorial in front of the police department.

Retired Lt. Michael Sherzer led the effort to raise funds and get the community involved in building the memorial. "At the time the memorial was built, we had over 600 bricks we had sold. Some gave us \$1,000 or more," Sherzer said, adding that "in kind" support greatly reduced construction costs. "A lot of the businesses, their quotes were very generous."

"We certainly have raised enough money to have a fine memorial and a fine tribute," Sherzer said of the \$370,000. "Because of some cost savings, we actually had a little money leftover for a perpetual care fund. That was important to the donors. Many people asked me how are you going to care for this once you have it." Officers also do their part by trimming bushes and clearing away debris, said Battle Creek Officer Sarah Bush.

### **RECENTLY REMEMERED**

Most recently memorialized was Det. Lavern Brann, who was shot and killed in the line of duty in 2005 while investigating the murder of a taxi driver. "It was started not just because (of Lavern's death) but that was the driving force," said Huggett, who was Brann's partner. "We've had six officers killed in the line of duty and all of them have a bronze plaque with their name and date of service," dating back to 1920.

"This was something that had to happen," Sherzer said. "We wanted to recognize all of our (fallen) officers instead of just one. One of our criteria was you had to meet the standards to appear on the national wall in Washington D.C. and all six are on the national wall."

Huggett has visited the National Law Enforcement Officers Memorial during Police Week every year since Brann died and plans to go again this year. Genail Postley shot Huggett in the leg and fatally shot

Det. Brann May 9, 2005. Postley is serving life in prison without parole.

## MEMORIAL IN THE MAKING

The Battle Creek Police Memorial is not completely finished and bricks continue to be sold for \$50 for an 8x4 or \$100 for an 8x8. Landscaping improvements, more light posts and a longer brick path are among the additions police would like to add. "If we generate funds over the years, we can update it, make it more ornate," said Officer Bush. "What we have right now is a maintenance fund. I think when Mike (Sherzer) originally had the plan it was a lot more grandiose."

Dedicated in time for Police Week 2008, a "Memorial Wall" honors the fallen Battle Creek officers. A life-size bronze statue of a police officer holding a little girl's hand greets visitors along the brick paved walkway which ends at the entrance to the police department on Division Drive.

Ironically, the weekend prior to Brann's death, Sherzer was in Holland, Mich. admiring a similar statue at their police department. "I commented to my wife 'boy that would look good in front of our department,'" Sherzer said, adding it was the first thing that came to mind when he envisioned the memorial. "It just shows the connection between the police and the citizens. I got involved early on with

the philosophy of community policing."

Part of the project was getting a hold of family members of the fallen officers. Sherzer was able to reach the families of Lavern Brann, Gerald Rosa, who died in 1967, and Paul Clark, who was killed in 1960. "It was very interesting to see how important that was to them," Sherzer said. "Most officers now don't know who these people are. Amy Rosa is a teacher in Battle Creek. A number of people came up to me and said I never knew that was her husband. I think it really gave some acknowledgement to the family members that they're loved ones were not forgotten."

"I told them (the families) 'you tell me what you want the plaque to read,'" Sherzer said of the arching Memorial Wall. "I thought it was important that they be involved as much as I could get them to be involved. They wrote the words on their (loved one's) plaque."

Sherzer, a full-time assistant professor teaching criminal justice classes at Olivet College in Olivet, Mich., will always be remembered in Battle Creek for his efforts to memorialize his fallen comrades. ♥

*For more information about the May 10 Memorial Ceremony, contact the Battle Creek Police Department at (269) 966-3322. To purchase bricks, contact the Battle Creek Community Foundation at (269) 962-2181.*

*At left – Retired Lt. Michael Sherzer was the visionary behind Battle Creek's Police Memorial. Below – Det. Lavern Brann is the most recently memorialized. He died in the line of duty in 2005.*

*Photos by Greg Huggett, POLC Executive Board Member*



*The POLC brick is front and center at the Battle Creek Memorial entrance.*

## MICHIGAN LAW ENFORCEMENT OFFICERS MEMORIAL

— By Jennifer Foley, POJ Editor

**F**undraising for the Michigan Law Enforcement Officers Memorial Monument to fallen police officers is still far from the \$3 million needed to complete it, but efforts are underway to increase corporate donations.

The memorial has been designed and State Capitol grounds set aside. "We're really hopeful some of these corporate donations will flow in," said Lin Emmert of the Michigan Law Enforcement Officers Memorial Monument Fund Commission. "We've had feedback on that and some of these companies are waiting for us to reach a certain level. In the next few months, I hope to announce we've got those starting donations."

In the past year, television and radio spots have been used to get awareness out. And the Commission has started a Facebook page for updates on the memorial and police news. "We've made \$250,000 to \$300,000 total," Emmert said. "Right now we need some big money. The police officers have been really good about donating to us. I think what those fundraisers do is to help bring in everyone and raise awareness. We really appreciate the support that we've gotten."

"We think we're turning a corner," she said. "We're feeling positive right now."



# POLC joins police, firefighters at

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



Photo by Grand Rapids Police Officer Andy Bingel

Grand Rapids Police Officer Frank Barthel, his sons, Kyle (left) and Jacob (center) and his wife, Jodi hold signs during a rally against the repeal of Act 312. POLC members joined police, firefighters and 9-1-1 operators at the Grand Rapids rally and another held at the State Capitol.

**P**OLC members joined over 1,000 police officers, firefighters and 9-1-1 operators throughout Michigan at the State Capitol in February in opposing legislation to repeal Act 312. Another 300, including POLC members, rallied in Grand Rapids for the same cause.

State Reps. Brandon Dillon and Roy Schmidt, Grand Rapids Democrats, blasted the bill introduced by House Republicans. They said the bill would take away the rights of Michigan's public safety workers and jeopardize the safety of communities.

The first rally, at 3:12 p.m. Feb. 19 on Calder Plaza in Grand Rapids, drew police, firefighters, 9-1-1 operators, the Michigan Education Association, Grand Rapids Employees Independent Union, and some city commissioners and board of education members. The rallies support the 1969 Public Act 312, which mandates binding

## Despite protests, emergency financial managers can terminate contracts

— Excerpted from media reports and Senate Fiscal Agency Bill Analysis

**G**ov. Rick Snyder signed legislation giving emergency financial managers (EFM's) the power to eliminate existing union contracts and fire elected officials in cities, counties, townships and school districts operating at a deficit. The EFM would also be able to put millage increases on the ballot, layoff employees, slash services, take-over government pension funds if they are not actuarially funded at 80 percent, close buildings and merge municipalities or school districts with a neighboring government entity.

Protests from labor unions and Democrats during the House and Senate votes on the issue and a rally of 5,000 protesters March 16, when the bill was signed

into law, did not deter the Republican-led majority in the legislature or Snyder, also a Republican.

"I'm just disgusted," said Barbara Davenport, 76, of Pontiac, who was among hundreds of citizens attending the House vote. "I think it's unconstitutional to remove our elected officials."

Pontiac's police union took quick action following the Senate vote March 9. It's members voted 35-5 the same day to put the Oakland County Sheriff's Department in charge of policing the city, city and union officials said. The union had fought the measure to disband their department by filing injunctions against the city's EFM Michael Stampfler over imposing changes contrary to their contracts. They were able

to maintain their police department until the new legislation "scared our members," said union business agent Fred Timpner.

Despite two judges opinions that sided with the union March 8, the department was to be disbanded April 30. The Sheriff's Department will absorb up to 63 Pontiac officers. By accepting the deal, officers hope to keep pension and retiree health coverage.

EFM's will be appointed by the governor — in conjunction with the state school superintendent in the case of failing school districts. The legislature could remove an EFM viewed as incompetent or overbearing. ♥

# rallies fighting repeal of PA 312

arbitration if contract negotiations break down. Firefighters, police and teachers are barred from striking under the Public Employment Relations Act of 1947.

"We do not have the right to strike, so we need the ability to have a third party, unbiased arbitrator to be the final authority in these kinds of labor disputes," said Grand Rapids Police Officer Dave Leonard.

"They do have the ability to collectively bargain just as the teachers do," said Ari Adler, spokesman for House Speaker Jase Bolger, R-Marshall. "The only thing PA 312 does is it treats police and firefighters differently by requiring (binding) arbitration and they are the only public employees that have this special circumstance."

State Rep. Joe Haveman, R-Holland, introduced House Bill 4205 to repeal Act 312. "This legislation is not about being against public safety, but having elected officials making decisions for the betterment of the whole community," Haveman said. "An arbitrator is looking at the one contract, not the whole community picture."

But Rep. Dillon said the repeal would leave public safety workers with their hands tied. "Essentially, you take away all their collective bargaining rights because police officers and firefighters do not want to and are unable to strike," Dillon said. "... If they don't have the ability to have somebody else come in and settle a dispute, there's no incentive to have a labor union."

## LANSING RALLY

POLC members also gathered at the "Keep PA 312" rally and informational march in Lansing Feb. 23 when a House committee hearing on the bill was scheduled.

"I heard a lot of wind from the Michigan Municipal League and locally from Ottawa County Administrator Al Vander-

berg about the pitfalls of PA 312 and how they have cost local governments so much money and they don't consider "inability to pay," said POLC Rep. Will Keizer. "Yet proponents of the legislation were unable to provide analysis supporting their claims that the Act is running up wage and benefit costs beyond the governmental agency's ability to pay."

PA 312, known as the Michigan Policemen's and Firemen's Compulsory Arbitration Act, was designed to maintain public safety services throughout contract negotiations. "Most labor negotiations between public safety employees and municipalities are settled without the need for binding arbitration," said Keizer. "But, for the few cases each year where there is an impasse, PA 312 offers a fair and transparent process for all parties to present their last, best offers to an impartial arbitration panel. In such cases, the panel holds a hearing, considers the facts presented — including the municipality's ability to pay as prescribed by the law — and then decides which side's final offers to accept."

## BUDGET CUTS

According to the Michigan Municipal League, about \$4 billion has been cut from state revenue sharing statewide over the past decade, leading to more than 2,400 police officers and 1,800 firefighters losing their jobs. Haveman said those layoffs are more dangerous than eliminating a third-party arbitrator.

"What this PA 312 does is it locks up the ability for a township to bargain and work across lines," said Rep. Ken Yonker, R-

Caledonia. "It's very difficult to consolidate parts of those services when we can be more efficient. So by repealing this (law), it opens that up."

Michigan Association of Police Organizations (MAPO) President and POLC Executive Director Richard Weiler said facts, not fiction need to be the driving force behind balancing state budgets. "In these tough times, we should allow data to inform our decision making. There is no data to support the elimination of 312. Certain elected officials, for their own political benefit, have turned 312 into the source of all that is wrong with municipal finances. This is clearly not the case. Declining revenue sharing and declining property tax revenues have placed local budgets in uncharted negative waters. Municipal employers are now choosing to go to 312 because they know arbitrators are recognizing their inability to pay and are siding with the employer."

Haveman's bill would need to move out of committee, pass in the House and Senate and be signed by Republican Gov. Rick Snyder to become law. Snyder supports municipalities having more control and changes to Act 312. ❤️

*State Rep. Brandon Dillon, (D-Grand Rapids), speaks to police, firefighters and 9-1-1 operators at a rally against legislation to repeal PA 312 in Grand Rapids.*

*Photo by Mike DeKam, POLC Executive Committee member.*



# Bills limit union powers

— Excerpted from media reports, LIRS and polc.org

**E**lected officials across the country, pushing for legislation to limit the power of labor unions, are being met with protests by thousands. Some new governors even want to eliminate the right to form unions and bargain contracts.

“With the enormous losses in state legislatures around the country, we will face not only more attacks on working families and their unions — we will face more serious attacks, particularly in the formerly blue or purple states that are now controlled by a Republican trifecta,” an A.F.L.-C.I.O.’s internal memo warned labor leaders.

Anti-union bills across the country are being introduced and passed in an effort to address large state budget deficits:

**In Michigan:** Republican Gov. Rick Snyder signed into law emergency financial manager legislation. (See related article). HB 4205, pending in the Legislature, would repeal binding arbitration for police and firefighters. Other pending bills would: allow local governments to create “Right to Work” zones; cap defined benefit pension at 55 percent of base pay for new hires, excluding overtime and vacation/sick time; create a single public employee health plan; require wages remain at level received at contract expiration and have employees pay health care increases until

a new contract is negotiated; cap employer health care contribution at 80 percent for individual and 75 percent for family; freeze state employee compensation three years; create a constitutional amendment for a 5 percent public employee salary reduction and temporary pay freeze; and create a constitutional amendment requiring employee contribution toward health benefits.

**In Florida:** The Republican controlled Senate and House have approved legislation requiring school districts primarily pay, evaluate, and retain teachers based on performance measures largely linked to standardized test results by students, and exclude salary from teacher collective bargaining. Republican Gov. Rick Scott will sign the bill.

**In Idaho:** SB 1108, which passed the Legislature, largely eliminates collective bargaining for teachers. Collective bargaining for firefighters remains unchanged (no state law has ever granted police the right to bargain). Republican Gov. Butch Otter is a co-sponsor of the bill.

**In Iowa:** The Republican-dominated Iowa House passed legislation that significantly curtails collective bargaining rights of public employees. Republican Gov. Terry Branstad supports the bill. The Democrat-dominated Senate is unlikely to pass the bill.

**In Kansas:** HB 2130 would prohibit the use of dues for “political activities,” even if the member consents to such use.

**In Maryland:** The Annapolis County Council voted unanimously to reduce the authority of an independent third party to settle contract negotiations, which come to an impasse. All decisions will be subject to council’s approval. County public safety union leaders plan to challenge the new law in court. The head of the police union said the law “violated the will of the voters,” who approved binding arbitration in 2002.

**In Nevada:** One pending bill prohibits giving seniority greater impact than performance in layoff decisions. Two planned bills would allow governments to consider reopening labor contracts in fiscal emergencies, and would identify at least three points when contract offers must be publicized.

**In New Jersey:** Gov. Christie signed legislation capping interest arbitration awards at 2 percent and requiring many qualifications for arbitrators. Christie said he will seek renewal of the legislation, when it sunsets after 39 months, and possible additional restrictions on binding arbitration and collective bargaining.

**In Ohio:** SB 5, backed by Republican Gov. John Kasich and passed by the Ohio Senate, would: eliminate collective bar-

## Dems take action to protect bargaining rights

— Excerpted from *The Detroit Free Press*

**M**ichigan House and Senate Democrats are taking action to protect unions, calling for a state constitutional amendment to guarantee the right to collective bargaining for employees in the public and private sector.

The resolution comes in the wake of the Republican-led passage of an Emergency Financial Manager (EFM) law that allows the EFM’s to eliminate municipal and school district employee union contracts.

Legislatures are seeking to put the measure on the 2012 election ballot. It would require a two-thirds majority of the House and Senate, in which Republicans hold majorities. If that fails, it would take a statewide petition drive to gather enough signatures for a spot on the ballot.

“I think it would be a challenge to find 26 votes for that type of resolution in the Senate chamber,” said Amber McCann, spokeswoman for Senate Republicans.

gaining for state workers, including higher education employees; remove required binding arbitration, extending the prior contract one year when impasse occurs; make mediators consider wages of non-bargaining unit employees of the employer and not consider any future tax increases as part of an employer's ability to pay; use permanent replacement workers during a strike; remove health insurance from bargaining, with employees paying at least 20 percent; define "impasse" as a lack of agreement after 90 days, at which time each side must make public their last, best offer; exclude automatic pay increases for experience and education; allow employers to consider factors other than longevity in layoff decisions; and authorize schools or local governments to terminate or modify contracts in a fiscal emergency.

**In Oklahoma:** HB 1576, which has passed a House committee, would make

advisory what is currently binding arbitration. SB 826 would accomplish the same result.

**In Washington:** HB 1377 would impact the interest arbitration process as follows: specify training and membership requirements for neutral arbitrators; require PERC to develop or certify qualifying training programs in public sector fiscal and budgetary matters; arbitration panels must give first priority to employer's ability to pay, consideration to the unit of government's other services and priorities, and must not consider an operating reserve available toward a settlement.

**In Wisconsin:** Republican Gov. Scott Walker signed into law a bill repealing almost all collective bargaining rights of public employees. The bill, which exempts police and firefighters, allows unions to bargain only over wages, but agreed-upon raises cannot exceed the rate of inflation without a voter referendum.

The bill requires an initial certification election to determine whether a majority of bargaining unit employees still wants to be represented by an existing union. If a union receives less than 51 percent of votes, the union would be decertified at the expiration of the current contract.

The bill also: requires certification elections of organized public sector employers annually; limits union contracts to one year; prohibits covered employers from collecting union dues through salary deductions. A union would have to collect dues directly from employees; and allows employees to stay in a union without paying union dues.

"Some of what I've heard coming out of Wisconsin, where you're just making it harder for public employees to collectively bargain, generally seems like more of an assault on unions," said President Barack Obama. ♥

## Emergency Financial Manager changes will have long-term negative effects on unions

— By Michael J. Akins, POLC Attorney

**M**ichigan Gov. Rick Snyder signed into law House Bill 4214 on March 16, which amends the Local Government Fiscal Responsibility Act by giving state-appointed Emergency Financial Managers (EFM's) broader powers.

As with the previous version of the Act, insolvent Michigan school districts and local governments must sign consent agreements with the State to avoid filing for bankruptcy. In the most severe cases, the State Treasurer will appoint an EFM, who may remove all power from local officials. An EFM could even dissolve a municipal government with approval from the Governor.

For communities placed in receivership, the requirement to collectively bargain would be suspended five years or until the receivership terminated, whichever happens first. During that time, the EFM

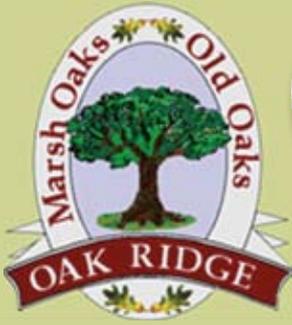
can reject, modify, or terminate terms and conditions of employment, without regard for existing collective bargaining agreements. Furthermore, an EFM can consolidate services between multiple local governments. Although the EFM must meet with the exclusive bargaining representative prior to taking such actions, the EFM is not required to collectively bargain in good faith with a union.

Once the consent agreement term has ended, collective bargaining rights would presumably be restored. Unfortunately, in most cases, public employees would be forced to commence bargaining at a much worse position than prior to the state takeover.

The alleged philosophy behind the new version of the Act is local governments and their employees, when faced with such a drastic alternative, will be more

likely to work diligently to solve their fiscal crises. A March 19 Associated Press article quotes State of Michigan Treasurer Andy Dillon as estimating only 10 school districts and local governments are on the verge of a 'financial emergency' requiring the appointment of an EFM. However, the Treasurer warned, two unnamed cities could be added to that list by the end of June and data suggests dozens of school districts will be operating at a deficit over the next two years.

Mr. Dillon expects, for the most part, the threat of an EFM will force the respective parties to resolve their financial issues without further state intervention. The reality is this Act has the potential for widespread, long-term negative effects on the compensation of municipal police and public safety officers, regardless of whether an EFM is appointed. ♥



# 13th Annual Wormburners Four Person Scramble - Charity Golf Outing

**Oak Ridge / Marsh Oaks Golf Club  
Friday July 15, 2011**

**Check In: 8:30 am – Shotgun Start: 10:00 am  
Limited to the first 144 paid players**

Participants and sponsors should use the attached coupons (*or copies*) to register for the 13th Annual Wormburners Charity Golf Outing. All proceeds of this event support the Law Enforcement Educational Programs (LEEP) of the Police Officers Labor Council.



### \$90 per person Golf Outing Includes:

- Continental Breakfast
- 18 Holes of Golf w/Cart
- Closest to the Pin Contest
- Souvenirs and Prizes
- Skins
- Three-Meat Dinner
- Longest Drive Contest
- Sleeve of Balls
- Mystery Drawing

**Event Coordinator – EJ Belmore 586-216-4741**

Please make checks payable to **LEEP**.

Mail to Wormburners Golf, 21618 Erben Street, St. Clair Shores, MI 48081 or give to an event coordinator.

*\$30 per player and 100% for sponsors is tax deductible. Tax receipts will be provided upon request.*



## TEAMS

**Registration for play - \$90/person**

Department represented (and/or team nickname) \_\_\_\_\_

Print the full names of all teammates:

1: Team Captain \_\_\_\_\_ Captain's phone #: \_\_\_\_\_

2: \_\_\_\_\_

3: \_\_\_\_\_

4: \_\_\_\_\_

**SINGLES**, if you are playing single, provide your info below, and we will place you in a foursome:

Department (or area) represented: \_\_\_\_\_

1: Name \_\_\_\_\_ Phone #: \_\_\_\_\_

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## Contract Settlements

— As reported by POLC Labor Reps.

### Charlevoix County Sheriff Deputies

- **New three-year agreement** expires Dec. 1, 2013.
- **Wages:**
  - 1% increase effective Jan. 1, 2011.
  - 1% increase effective Jan. 1, 2012.
  - 1.25% increase effective Jan. 1, 2013.
- **Fringe Benefits:** The \$125 per month deposited in Deputies "Deferred Comp Account" will be phased out over three years. It will be reduced one-third each year: \$83.33 per month for 2011; \$41.66 per month for 2012; and \$0 for 2013.
- **Bargaining Team:** Robert Scholey and Todd Reeves, aided by POLC Labor Rep. Ken Nash.

### Spring Lake/Ferrysburg Police Officers & Sergeants

- **New three-year agreement** expires June 30, 2013.
- **Wages:**
  - 0% increase effective July 1, 2010.
  - 1.5% increase or Prop A (taxable value increases), whichever is greater, effective July 1, 2011.
  - 1.5% increase or Prop A (taxable value increases), whichever is greater, effective July 1, 2012.

\*Settlement reached just prior to arbitration with bargaining team finding an amicable resolution to health care changes. See fringe benefits below.
- **Health Care:** Change from fully paid Priority Health plan to a partially paid high deductible POS/HRA plan. Increase employee monthly premium contributions from fixed \$20 per pay period to the following scale:
  - 9% (approximately \$36) effective March 1, 2011.
  - 10% (approximately \$40) effective July 1, 2011.
  - 11% (approximately \$45) effective July 1, 2012.Employees pay \$2,000 for family deductible or \$1,000 for singles.
- **Dental:** Change from METLife to Delta Dental effective July 1, 2011.
- **Manning & Safety:** Training mandates eliminated.
- **Fringe Benefits:** Sergeants were completely assimilated into bargaining unit. Reduce annual uniform allowance from \$475 to \$300. Increase maximum comp bank from 60 to 90 hours. One time match of employees' vacation bank equal to the annual amount earned. (\*The vacation match was a direct exchange for health care concessions.)
- **Retirement:** Increase Employer DB pension contribution from 7.2% to 9% based on the following scale:
  - .5% effective March 1, 2011.
  - .5% effective July 1, 2011.
  - .8% effective July 1, 2012.
- **Bargaining Team:** Sgt. Joe Steinhauer and Sgt. Curt Theune, aided by POLC Labor Rep. Will Keizer.

### St. Clair Police Officers

- **New four-year agreement** expires Sept. 30, 2014.
- **Wages:**
  - 0% increase effective Oct. 1, 2010.
  - 0% increase effective Oct. 1, 2011.
  - 1% increase effective Oct. 1, 2012.
  - 1.5% increase effective Oct. 1, 2013.
- **Fringe Benefits:** Annual shift selection by seniority. New hire pay steps reduced by 5% until top pay. All reasonable requests for personal leave shall be granted. All employees shall participate in direct deposit. Funeral leave to include step-parents.
- **Manning & Safety:** Eliminate physical fitness incentive pay.
- **Health Care:** Choice of BC/BS PPO 1 or Cops Trust. If Cops Trust is more expensive, employee pays difference.
- **Dental:** All employees change to Delta Dental.
- **Retirement:** Changed for new hires from MERS 2.5% multiplier (Plan B-4) to MERS 1.3% multiplier (Plan C).
- **Bargaining Team:** Mark Bishop and Brendt Smith, aided by POLC Labor Rep. Frank Klik.

### Village of New Haven Police Officers

- **New three-year agreement** expires June 30, 2011.
- **Wages:**
  - 1% increase effective July 1, 2008.
  - 0% increase effective July 1, 2009.
  - 0% increase effective July 1, 2010.

\*Settled on eve of PA 312 arbitration.
- **Manning & Safety:** Work schedule changes to six 12-hour days and one 8-hour day in a two-week period. Can use part-time officers provided it does not cut into regular schedule of full-time officers.
- **Fringe Benefits:** Court time pay is a minimum of three hours. Shift differential increases from 25 cents to 35 cents per hour. Comp time bank maximum is 240 hours. Shift pick is semi-annual based on seniority. Double-time pay on holidays. Longevity maximum increases from \$500 at 10 years to \$500 at five years; \$750 at 10 years; and \$1,000 at 15 years.
- **Health Care:** BC/BS Flex Blue Plan 3 with deductibles paid by Village.
- **Bargaining Team:** Derek Reed and Marie Couch, aided by POLC Labor Rep. Frank Klik.

### Wayne State University Police Department

- **New four-year agreement** expires Sept. 30, 2013.
- **Wages:**
  - 1% increase effective Oct. 1, 2009.
  - 1% increase effective Oct. 1, 2010.
  - 1% increase effective Oct. 1, 2011.
  - 1% increase effective Oct. 1, 2012.Employees also receive a 1% signing bonus.
- **Fringe Benefits:** An agreement by the parties to explore alternative schedules in reference to how days off are assigned and consider either 10 or 12-hour shifts.
- **Bargaining Team:** Shawn Dinkfelt, Jacqueline Wright and Bob Hack, aided by POLC Labor Rep. Duane Smith. ♥



## POLC members promoted to chiefs

— By Jennifer Foley, POJ Editor

**B**rett Lester and Scott McKenna have a few things in common, both are former POLC members, both have been with their departments over a decade and both were recently hired as police chiefs of those same departments.

Lester became Sandusky's new Chief of Police in November 2010 and McKenna became Mt. Morris Township Police Chief in July 2010.

Lester, 40, has been very involved in his community as a D.A.R.E. officer since 1999. He made such a positive impact that he was named D.A.R.E. Officer of the Year for Michigan in 2009. "There was a lot of public trust and (because of) that area alone they were able to overlook some of my lack of experience in supervision," Lester said. "I fit pretty much all the criteria they were looking for when it came to a person familiar with the community and who the community trusts and is familiar with." He said he also has a good work record.

McKenna, 38, made his ascension a little differently. He began working as a police officer in the Mt. Morris Township Police Department, and then took posi-

tions in Narcotics and the Canine Unit before being promoted to road sergeant and detective sergeant.

While their transitions to police chiefs were a bit different, they had one common thread — both were POLC stewards for many years. This similarity made them great candidates for their new jobs. Lester served as an alternate union steward from 1999 to 2008 and chief steward from 2008 to 2010. McKenna, a POLC member for the past 12 years, served as chief union steward for Mt. Morris Township Command the last six years. Their time working with POLC members made the chiefs acutely aware of the situation in their departments. They understand union contracts, but even more significant, they understand what is important to their officers. It's this great working relationship that both men said gave them an advantage over other candidates for the job.

"There's no doubt my union experience has helped me in my day to day here," McKenna said. "I've been with these guys. We've gone through the changes and contract negotiations. If someone came in, and weren't pro union, they can use it against the guys. Employees know I

was always fair and true to my word and it will continue on into my current position."

"I've worked with my officers for upwards of 13 years," Lester said. "It does give you an inside idea of what's important to them because, a lot of times, it's just as equally important to me. I'm already very familiar with this contract. I assisted in writing some of it and implementing some of it, and that knowledge helps in complying with it."

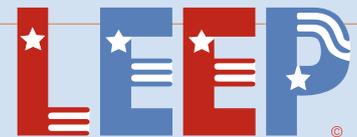
McKenna said being involved in the POLC prepared him for promotion. "When you get involved in the union, that's when you start to look at the big picture of the department and understanding contracts and understanding labor laws," McKenna said.

In this poor economic climate, McKenna said cities across the country are looking at cost savings by promoting from within. "It's not an us against them mentality. It has to be a team effort. Because of the times we're living in, that's the only way we're going to survive. If they ... bring in another chief from outside the budget, it costs more."

But in the end, an outside Oral Board



### "I'm Printed, Are You?"



Children filled the Canton Charter Academy, located at 49100 Ford Road in Canton, Jan. 25 to be fingerprinted and have their digital photos, height and weight stored on a disc for their parents to keep in case they were to become missing. The Law Enforcement Education Program (LEEP) Kids Fingerprinting program provides this free CD Rom, which can be taken to police and hooked into the Amber Alert system. Usually the kids want to hold the printout and CD, which are given to parents when the process is finished, so LEEP presented the 86 youngsters with "I'm Printed, Are You?" stickers to hold instead. A child wearing his sticker (from left) watches program administrator Tom Jenkins. While parents and kids are waiting their turn, they can watch a new DVD, which shows all the free LEEP programs available to the public.

decided McKenna was the best candidate. An Oral Board consists of chiefs and sheriffs throughout the state who score candidates based on knowledge, education and interviews. "I had scored number one," McKenna said. "I think it was fair and gave a good perspective from people doing it a lot of years."

### CHIEFS MAKE CHANGES

Both chiefs are giving back to their departments and communities. McKenna, who has been with his department 16 years, wants to put the POLC in command. He's restructuring the deputy chief position and making it a lieutenant position. "When I came in they were non union — chief and deputy chief," McKenna said of now retired Chief Albert Ashley. "I had a little different feeling on that. I wanted to keep that second in command in the union. And secondly, it was important for me to make it fair."

By making the position a lieutenant instead of deputy chief, McKenna said, all command officers would have the same opportunity to study and pass the test. "It's funny because a lot of our patrol union stewards shortly after became sergeants," McKenna said.

"I'm still going to be teaching the D.A.R.E. program in my community," said Lester of the 3-hour per week program.



"It's important to stay connected with your community at the school level with kids." Lester is already working on improving efficiency by eliminating redundant paperwork and transitioning the department to paperless. He replaces retired Chief Paul Cowley.

Both chiefs hope to leave a lasting legacy in their departments. "I tend to take the best qualities of those I see running police departments and duplicate it," Lester said. "And observe some of the worst qualities and don't do it."

"The word that will describe my time in this position is transparency," McKenna said. "I'd much rather have 30 of us to solve a problem than just myself. I'd rather do it as a whole." ❤️

*City Clerk Laurie Thompson swore in former POLC Chief Union Steward Brett Lester as Sandusky's new Police Chief in November 2010.*



*Scott McKenna, former POLC Union Steward, was named Chief of Mt. Morris Township Police in July 2010.*

## Your old car can rev up programs

**I**t doesn't matter if your unwanted vehicle is drivable or not, you can still receive an 100 percent tax-deductible donation for any older automobile, motorcycle, boat, RV or most other motorized vehicles while helping fund Law Enforcement Education Program (LEEP) activities.

Save the cost of making needed repairs and clear out that unused space in the driveway or garage while helping a non-profit organization like LEEP which supports free educational programs for the betterment of the general public and law enforcement community with a strong focus on child safety.

If you are debating selling your older vehicle, consider the time, expense and liability of selling a potentially unsafe vehicle. Why not eliminate the stress and get a full tax deduction instead?

Donating your vehicle couldn't be easier. Just make a toll-free call to 1-800-451-1220 to arrange a free pickup of your vehicle(s). IRS forms are also available.

Please remember LEEP when you, your friends or relatives want to get rid of an older, unwanted vehicle. It's a simple way to get unsafe vehicles off the road and Michigan law enforcement officers will have even more reason to thank you. ❤️



# Arbitration

– As reported by POLC Legal Staff

## Officers paid in discipline case

A settlement was reached paying overtime to two Riverview patrol officers and a lieutenant who were ordered to work on their off-duty time for disciplinary matters.

All three submitted overtime slips based on the call-in pay provision of the collective bargaining agreement. The Police Chief denied the call-in pay stating he never paid anyone for disciplinary reasons.

The POLC filed two grievances each on behalf of the lieutenant and one officer and one grievance for the other officer. A settlement was reached prior to arbitration after it was pointed out pay was required if they were ordered into work under Michigan Wage and Hour law. The call-in provision of the Union contract set the amount of pay at four hours at time and one half.

The Union agreed with the Chief that payments in discipline cases did not occur in the past. However, that was because officers used to work rotating shifts and the Chief waited until they were on day shift to handle disciplinary matters. Now officers are on permanent 12-hour shifts and must be paid if called in for disciplinary reasons when they're off-duty.

The Union suggested the City have the Chief flex his schedule to avoid calling in officers on their off-duty time.

## Officer reinstated, made whole

An Arbitrator ruled a Buena Vista Township Officer be returned to work with full back pay following his termination. The POLC filed a grievance on his behalf, which was granted in total with back pay to July 2009, when he was suspended without pay.

The Police Chief terminated the officer in August 2009 based on three allegations. In Feb. 2009, he was involved in a scuffle at a sporting event. In March 2009, he got into an at fault accident while on duty. During that investigation, a sergeant discovered some arrests made several years prior to the grievant becoming an officer. None of the arrests led to any convictions, except a driving while license suspended (DWLS) for not paying a ticket. The department claimed the officer lied on his application when asked about criminal convictions.

The officer gave his account of the scuffle and provided the names of several witnesses. He admitted fault in the accident, which occurred when he was called in for a day shift instead of

his normal night shift assignment. However, he denied lying on his application, saying he read the question to mean non-traffic arrests. He also verbally advised the Chief in 2003 of the traffic offense and a department background check was made prior to his hire, including a criminal and driving history.

The officer was put on paid leave in April 2009 and suspended without pay in July 2009 without being notified why he was suspended either time. Prior to the discipline, he had excellent reviews and no discipline history.

The Arbitrator determined he would have read the application the same way the officer read it. Asking for criminal convictions was not asking for traffic arrests and the officer's verbal notification of the DWLS was undisputed. The officer was never asked about police contacts and therefore had no duty to provide arrest information. The Arbitrator ruled the Employer had no basis for disciplinary action regarding the employment application.

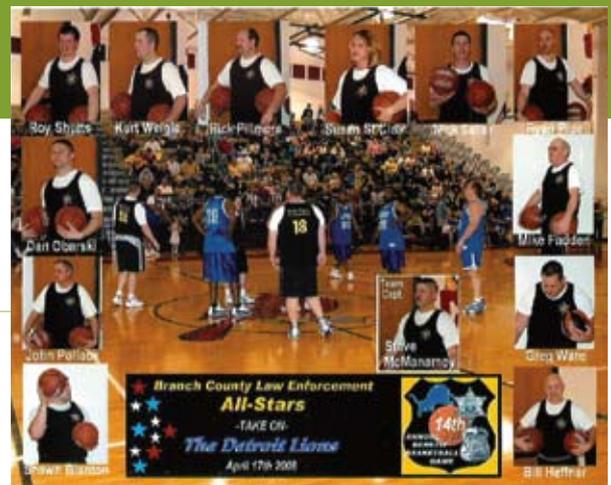
The at fault accident resulted in property damage and no injuries. The Chief said he could not recall disciplining other officers involved in on duty at fault accidents. The Arbitrator ruled the accident violation should have only resulted in a written reprimand.

The Arbitrator ruled the Chief conducted an unfair investigation into the scuffle, waiting five months to interview witnesses the officer provided. He said the investigation was in violation of just cause. While witnesses gave differing accounts, the main complainant did not wish to make a formal complaint. While the Arbitrator said the officer's actions at the event were less than exemplary, he noted the officer was off-duty, acting as a private citizen some distance away from the Township. The Arbitrator ruled the actions were not connected with his employment, he did not use his officer status in an inappropriate manner, and there was a flawed investigation. The Arbitrator said he could not support any discipline over the incident.

In the Arbitrator's Dec. 2010 ruling, the officer maintains his seniority and benefits as if he were continuously employed and all references to the discipline will be removed from his employment record. ♥

# Branch County Sheriffs play Lions for charity

— By Jennifer Foley, POJ Editor



Branch County Deputy Sheriffs take on Detroit Lions All-Stars in the name of charity every year.

**D**etroit Lions All-Stars have been tipping off with Branch County Deputy Sheriffs, a POLC unit, in basketball matchups for the past 17 years, all in the name of charity.

This year's game was held April 13 at Coldwater High School and while the Sheriff's Association collects the check, the true beneficiaries are local organizations and charities.

Some Lions All-Stars the Sheriff's have played include: Drew Stanton, Jeff Backus, Rob Rubick, Casey FitzSimmons, C Dominic Raiola, Cory Schlesinger and Luther Elliss. "It's just a fun time. It's for the kids," said Branch County Deputy Sheriff Steve McManamey, noting Lions players typically poke fun at the Sheriffs. "They (Lions) usually win by one point."

The crowd has fun too. "Anytime there's a foul, two kids out of the audience shoot the free throws," said McManamey, team captain of the POLC unit. "It's kind of funny because little kids don't do so well," he said, adding Lions players will move them up closer, even picking them up, to make the shot.

One free raffle ticket per family is handed out at the door and prizes include autographed Detroit Lions footballs, hats, helmets and a grand prize of a portable basketball backboard set. "We try to make it as fun as possible and give everybody a chance to win something," McManamey said. They even toss items, like mini youth footballs, into the crowd.

Some of the Branch County organizations the Sheriff's Association supports include: Branch County Coalition Against Domestic Violence Shelterhouse, Child Abuse Prevention Awareness, Toys

for Tots, area food pantries and the Boy Scouts. They consider letters of request in addition to organizations they've helped in the past. "Every year we give to the Criminal Justice Class at the (Branch Area) Career Center at Coldwater High School," McManamey said. Last year, a Boy Scout needed funds for a wrought iron sign he wanted to erect at Burlington Cemetery near Burlington, Mich. to earn his Eagle Scout badge. "We gave him the amount that was lacking," McManamey said.

"It's our major fundraiser for the year," he said. "If we didn't do this with the Lions game we wouldn't have money to give out to charities." The POLC union member said they also purchase items to give away at the Branch County Fair such as balloons, stickers, badges and coloring books.

Over 2,000 were expected to attend the event with some \$6,000 or more anticipated to be raised, said Barry Faulkner, owner of Wolverine Productions, the fundraising company that sells the tickets. "A lot of times they'll (Wolverine) give us so many tickets for free to families that can't afford it," McManamey added. ♥

For more information about the annual event, call 1-800-445-2143.

## POLC and LEEP support cancer patients

**S**ocial and emotional support is as important as medical treatment when it comes to cancer. The POLC and Law Enforcement Education Program (LEEP) are helping with those efforts by co-sponsoring the 11th Annual Gilda's Motorcycle Poker Run for Charity Saturday, July 9.

Last year's event raised over \$15,000 for Gilda's Club Grand Rapids, a non-profit networking source that provides social and emotional support to cancer patients and their families and friends. The event

begins at 9 a.m. with a continental breakfast followed by the Poker Run and Pig Roast at 5:30 p.m.

Registration is from 9-10 a.m. prior to the run, which starts and ends at Kosciuszko Hall, 935 Park SW, Grand Rapids. The route is a scenic drive through Ottawa and Kent counties. Bikers and cagers are welcome for \$30 per person or \$55 per couple including the barbeque. Dinner only is \$10.

To become a sponsor and have your business name printed on the "11th An-

niversary Gilda's Run" shirts, a donation of \$250 must be received prior to June 17. Any sponsor gifts of cash or door prize donations will be recognized. Donations are tax deductible with 100 percent going to Gilda's Club. ♥

Pre-register and receive a free 11th Anniversary shirt by sending checks made payable to "Gilda's Club Grand Rapids" c/o Will Keizer, 1293 Oakwood Dr., Jenison, MI 49428 before July 1. Sponsors should send a file copy of their company logo and any questions to Will Keizer at [klink132@comcast.net](mailto:klink132@comcast.net) or call (616) 648-3551.

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