

# The Police Officers Journal



VOLUME 20, NUMBER 3 - SUMMER 2010

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PUBLICATIONS

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## Reformers try to cut public employee wages

By Richard R. Weiler, Director



In our last issue of this Journal, I reported on reforms that certain State Senators would like to implement in their quest to balance the state budget. Of course, those reforms are on the backs of all public employees. They feel that you make too much money even though, in your local unit of government, they are asking for concessions.

Senate Majority Leader Mike Bishop, (R-Roch.), created and is chairing a new committee called "The Senate Reforms and Restructuring Committee." This committee took up "**Senate Joint Resolution U,**" which reads as follows: A joint resolution proposing an amendment to the state constitution of 1963, by amending section 10 of article I, sections 12 and 48 of article IV, section 23 of article V, sections 3 and 18 of article VI, section 9 of article VII, sections 5, 6, and 7 of article VIII, and section 5 of article XI and adding section 8 to article XI, to **impose a three-year reduction of five percent in the pay rate for all public servants in this state.**

This committee by a 4-3 margin all on party lines, Republicans in favor and Democrats against, voted to have the Senate decide on this issue. The Senate, once again on party lines, voted in favor of this resolution. However, to amend the state constitution and place an issue before the voters, it takes a two-thirds majority of both the House and Senate. These "reformers" did not have the two-thirds vote, so the measure failed.

These people are not friends of any public employee. For the most part, they are term limited, however, some are running for other offices. They do not support you, so you should not support them. It took many years of collective bargaining—that is give and take—to get where we are today. We must continue to fight for our economic well being.

Another piece of legislation that has gotten attention is the "**Distressed Municipal Pension Act,**" or local pension board takeover. This issue was introduced in both the House (HB 5976) and Senate (SB 1239), and would mandate local municipal pension plans participate in MERS, should they fail to meet certain criteria established by the legislature. This apparently was introduced due to the economic downturn, which has affected some pension systems.

It is a scattergun approach, which has a long-range, negative impact on local pension systems. If passed, it would transfer local control to MERS, all due to vague, ambiguous standards without citizen or employee approval. It further makes unsupported assumptions, disregarding local community pension plans, which have better performance than MERS. If the state wants to target certain systems, they should do so, not throw everyone in the same barrel. This bill, thus far, is sitting in committee.

**These people are not friends of any public employee. For the most part, they are term limited, however, some are running for other offices. They do not support you, so you should not support them.**

## Supreme Court sets time limit on Miranda rights; lawmakers debate use

— Excerpted from media reports

Supreme Court justices and some legislators are easing up on the use of Miranda rights. The Court recently ruled a suspect's request for a lawyer to be present before police questioning has a time limit. And some lawmakers are debating the necessity of issuing Miranda rights at all when a person is suspected of terrorist activity against the United States.

The unanimous Supreme Court ruling states a suspect, who has been released, can be brought back into custody after 14 days for another attempt at interrogation. The ruling was based on the statement of an imprisoned child molester. In *Maryland v. Shatzer*, the Court ruled Maryland could use the voluntary statement, made 2-1/2 years after police first approached Michael B. Shatzer, to convict him on additional charges that he abused his then 3-year-old son.

Justice Antonin Scalia wrote when a suspect "has returned to his normal life for some time before the later attempted interrogation, there is little reason to think that his change of heart regarding interrogation without counsel has been coerced." Scalia said because courts created the rule — that police may not re-initiate the questioning of a suspect without counsel once a request for a lawyer has been made — it is also up to courts to set limits. Some justices had worried during oral arguments that if some time limit were not set, police might resort to a "catch and release" policy: releasing the suspect when he requested an attorney and then taking him into custody again, repeating the process until he gave up his right to remain silent.

Shatzer, imprisoned for child sexual abuse in 2003, declined to answer questions about his son and asked for a lawyer. A police officer stopped the interrogation, and the case went dormant. But when Shatzer's son was old enough to offer new details, another officer questioned Shatzer in prison. This time, he waived his Miranda rights and made incriminating statements that led to his conviction. The Maryland Court of Appeals said Shatzer's statements could not be used, citing the **previous** Supreme Court's precedent.

### TERRORIST RIGHTS

But should the Miranda warning be used at all when it comes to terrorism suspects? "No," say many congressional Republicans following the May 1 attempted car bombing in New York's Times Square.

The Miranda debate began after a failed attempt to blow up an airliner on its way to Detroit, MI on Christmas Day 2009. Suspect Umar Farouk Abdulmutallab reportedly stopped providing information after he was read his rights following 50 minutes of interrogation.

In a news conference at the Justice Department, FBI Deputy Director John Pistole said Times Square suspect Faisal Shahzad was initially interrogated by the FBI under the "public safety exception to the Miranda rule" and provided "valuable" intelligence and evidence. Pistole said Shahzad was later Mirandized and "continued to cooperate and provide valuable information." Pistole declined to say how long Shahzad was in custody before he was Mirandized.

Under the public safety exception,

statements made prior to a suspect being read their Miranda rights can be used in court and to charge suspects if police need to gather information quickly to prevent further crimes. Current law states Miranda warnings must be read when the immediate threat is diminished. This precedent was set by the 1984 Supreme Court decision in *New York v. Quarles*: "We conclude that the need for answers to questions in a situation posing a threat to the public safety outweighs the need for the [Miranda] rule." "If someone acts like a terrorist and cooperates with people intent on war against the United States, they should be treated as terrorists and not as a common criminal," said Sen. John Cornyn (R-Texas), a senior Republican on the Armed Services Committee. "And no, they should not be read their Miranda rights."

Some Democrats disagreed. "Since he's arrested here in the United States, he's an American citizen, he's going to be entitled to the same rights that other American citizens have," said Sen. Carl Levin (D-Mich.), the chairman of the Armed Services Committee. "So, you want to make sure you can try and convict this guy, and if you don't do it right, you can mess up your own trial and conviction."

President Barack Obama's administration is considering changes to the Miranda warning laws. "We're now dealing with international terrorism ... and if we are going to have a system that is capable of dealing in a public safety context with this new threat, I think we have to give serious consideration to at least modifying that public safety exception," said Attorney General Eric H. Holder, Jr. ♥



Photos courtesy of Carbon Motors Corporation

# Police car with a PURPOSE

— By A.J. Malta, Contributing Writer

**W**ith the joint announcement in March that Carbon Motors Corporation and BMW Group had formed a strategic partnership, the world's first and only *purpose-built* law enforcement patrol vehicle — designed by law enforcement, exclusively for law enforcement use, took a giant step toward reality.

BMW will supply Carbon Motors with advanced clean diesel engines, complete with cooling and exhaust gas systems, and automatic transmissions for the Carbon E7 model, to be produced at the Carbon Campus in Connersville, Indiana. The announcement followed word that Carbon Motors Corporation's \$310 million loan application, filed under the provisions of the Energy Independence and Security Act of 2007, had cleared its first major hurdle and was deemed "Substantially Complete" by the U.S. Department of Energy.

A pre-production E-7 demonstration vehicle has been drawing rave notices from officials during its national "Pure Justice Tour" stops. The Carbon Council, a users group

*Carbon Motors' "purpose-built" E-7 police patrol car has been racking up plenty of miles during its national "Pure Justice Tour," which has made 51 stops across the country covering 20 states so far. As expected, their concept demonstration vehicle drew plenty of attention at its stop (at right) in Southfield, Michigan in 2009.*

of over 3,500 law enforcement professionals in all 50 states at the local, state, and federal level, helped define what a *purpose-built* vehicle for law enforcement needs. They came up with over 100 key operating requirements. Among the desired features already evident in the E-7:

- **Fuel Efficiency:** A more efficient clean diesel engine and fuel system for an estimated 40 percent improvement in fuel economy compared to models currently in use by law enforcement.

- **Patrol Readiness:** The Carbon E7 is ready to patrol upon delivery — including graphics, badging and striping — with no added costs or waiting for after-market product procurement and installation. Carbon Motors is also partnering with major equipment suppliers for lights, sirens, prisoner transport seats, and other equipment, providing economies of scale otherwise not available.

- **Officer Safety:** The E7 is designed for police safety and performance needs, from its 75 mph rear impact crash capability to integrated emergency equipment and optional *ballistic protection* panels.

- **Lower Cost of Ownership:** The total cost of ownership is a huge selling factor — purchase price, equipment options, fuel, maintenance and lifespan — of the E7 with a durability target of 250,000 miles built to withstand law enforcement uses, and with the fuel efficiency of a clean-burning diesel engine, operating costs should be markedly lower.

GM, Ford and Chrysler are watching the Carbon E7's development with a wary eye. U.S. law enforcement agencies purchase approximately 75,000 new vehicles annually. Carbon and BMW officials noted during their joint announcement that more than 400 law enforcement agencies in 48 states have placed over 14,000 production

slot reservations for the vehicle.

Private owners won't be affected by all that demand, though. Carbon's products will not be sold to the general public or to private owners. When their police careers are over, they go back to the factory to be recycled. That, too, was one of the Carbon Council's ideas — to eliminate police imposters.

"I think it's incredibly important that everybody recognize that the Carbon E7 is a true first for law enforcement around the world," said Stacy Stephens, co-founder and director of communications for Carbon Motors Corporation.

He said the competitors are using many of the same marketing techniques, but the fact is those vehicles will require some level of up fitting. "All cars used today, and proposed for the future, are just retail passenger sedans that are being repurposed." ♥

*With more than 14,000 reservations in hand, Carbon's E-7 draws department/agency attention*

# National Law Enforcement Museum breaks through barriers

— By Jennifer Foley, POJ Editor

After breaking the halfway mark in fundraising and producing a more cost effective plan, organizers of the National Law Enforcement Museum are finally ready to break ground this fall. Originally planned in 2008, groundbreaking is set for Oct. 14 across the street from the National Law Enforcement Officers Memorial in Judiciary Square, Washington D.C. with completion expected in late 2013.

“Almost ten years after Congress authorized this project, and following a lot of hard work, planning and generosity from the law enforcement community, corporate America and caring citizens, we are very excited and eager to get shovels in the ground later this year,” said Craig W. Floyd, chairman and CEO of the National

Law Enforcement Officers Memorial Fund (NLEOMF), which is in charge of the project. “The same week we announced groundbreaking, we actually crossed the \$40 million mark.” And construction will begin with the help of the District of Columbia government, which authorized up to \$80 million in industrial revenue bonds and provided a 20-year sales tax credit for the museum, worth up to \$10 million.

## COST CONTAINMENT

Infrastructure and prior construction quotes initially raised costs for the \$80 million project to over \$100 million, Floyd said. This was remedied by reducing utility movement and project size from 90,000 to 55,000 square feet.

“We used to have a fourth floor that was pure administrative and office

space,” Floyd said. “We recently moved our offices to a much larger building four blocks away. I think we’ve come up with some excellent cost reduction and savings without impacting visitor experience.”

The three-floor, mostly underground museum, will include a theater, museum shop, glass entrance pavilion, mezzanine, and spaces for law enforcement artifacts, high-tech interactive exhibitions, research and education.

## EXHIBITS

Patrons will experience police work first hand through exhibits like the Target Forensics Lab where visitors can solve crimes. A medical examiners area provides insight into how autopsies are used to identify evidence and solve murders. Visitors can become police dispatchers in the Motorola 911 Emergency Call Center, and make split-second, life-or-death decisions posed by the use-of-force judgment simulator.

“They come out with a whole different perspective of the complexity of law enforcement and the dangers of law enforcement,” Floyd said.

Other major exhibitions include the history of law enforcement; corrections, including actual prison cells; a police locker room; and a day in the life of an officer. The “Reel to Real” exhibit will compare real-life law enforcement with depictions in the media. In the Hall of Remembrance, stories of nearly 19,000 fallen officers, whose names are inscribed on the National Law Enforcement Officers Memorial, will be told. DuPont is sponsoring the changing exhibition gallery, featuring a new exhibit every six to nine months.

The museum’s collection of over 10,000 artifacts includes: a 1703 sheriff’s writ (the oldest artifact in the collection); items from the 1932 Lindbergh baby kidnapping trial; Al Capone’s bullet-resistant vest; and the costume worn in the 1990 movie,

*RoboCop 2*. Floyd hopes the museum will debunk some common myths about legendary criminals, such as Capone who was “armed to the teeth” and wore bullet resistant armor far superior to what police had.

More than 2,000 items from the life and work of long-time FBI Director J. Edgar Hoover will be displayed including: his office desk, chair, telephone, presentation items, awards, photographs, correspondence, books, recordings of his speeches and more. Hoover was director of the FBI from 1924 to 1972. Oral history transcripts of over 200 members of the Society of Former Special Agents of the FBI, dating back to the 1930s, can be heard at the museum and accessed through the museum’s online catalog. Artifacts, including those in storage, will be digitized for viewing at [www.LawEnforcementMuseum.org](http://www.LawEnforcementMuseum.org)

## FUND-RAISING

Floyd stressed that fund-raising is still key. “We don’t want to take on more debt than we know we can repay. Nearly 800 law enforcement groups have contributed to the campaign. However, there are over 18,000 law enforcement agencies in this country. We’d like to see 100 percent participation in this campaign.”

For individual officers, the NLEOMF is selling a special Museum Groundbreaking Challenge Coin for \$20, \$15 of which goes to museum funding. “There are some 900,000 law enforcement officers in this country,” Floyd said. “If we could get every officer to buy one of these coins, we’d raise \$9 million.”

Harley-Davidson is also donating a 2010 Road King Peace Officer Special Edition motorcycle, valued at \$18,402, to be raffled off for \$25 per ticket with proceeds going to the museum. To purchase tickets, call 877-544-2453. The winner will be announced during a gala celebration, set for the evening of the groundbreaking, at the



Visit [www.LawEnforcementMuseum.org](http://www.LawEnforcementMuseum.org) to make a donation or for more information.

National Building Museum, across from the National Law Enforcement Memorial. You do not need to be present to win. Over 1,000 are expected to attend, including top government officials and celebrities from crime fighting television shows and movies, Floyd said. “I guarantee we’ll have a star-studded group of characters.”

## EDUCATION

Museum educational efforts for students, adults and law enforcement are already underway. A forensics-based science activity for middle school students has been pilot tested, and staff is developing a domestic violence awareness program supported by the Verizon Founda-

tion. “We’ll hopefully make a difference in that (domestic violence awareness) well in advance of the museum opening,” Floyd said.

Eighth graders in Washington D.C. public schools are learning to work with law enforcement to reduce gang violence, drugs and other illegal activities. And a Teen Advisory Council will help the museum connect with young people.

“I think to too many teenagers, law enforcement isn’t necessarily the warm and fuzzy folks you want them to be. Public safety . . . is a partnership. It’s not just law enforcement’s responsibility. We all share in this responsibility.” ❤️



Officer helmet, Covington, Kentucky, ca. 1910.

Museum acquisition fund, NLEM 2007.139.1a



# 2010 Annual POLC/GELC Meeting & Labor Seminar

## Friday – Saturday, Aug. 27th-28th



Photos courtesy Grand Traverse Resort



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

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

### Seminar sessions POLC Business Meeting

- Labor contracts update
- Current Public sector issues
- Financial/Retirement planning tips
- LEEP Dream Scholarship awards
- POLC Business Agenda
- POLC Board and Officers elections



The scenic Grand Traverse Resort's Wolverine course provides a scheduled diversion for attendees of the Police Officers Labor Council annual Business meetings in Traverse City Aug. 27-28, 2010. Reserve your spot now.



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

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

### 2010 Delegate Registration: Annual POLC/GELC Meeting & Labor Seminar

**Friday, August 27, 2010:  
 8:30 a.m. – 1:00 p.m.**

**Saturday, August 28, 2010:  
 9:00 a.m. – Conclusion**



#### ARTICLE V (By-laws) DELEGATES TO ANNUAL MEETING

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

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

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

Name of your unit and its current enrollment.

Number of delegates allowed

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

**This registration must be returned before Monday, August 16, 2010 to:**  
 Police Officers Labor Council • 667 E. Big Beaver Rd, Ste. 205 • Troy, MI 48083-1413

# 13th Annual POLC Golf Outing

## Four-person Scramble (Limited to first 100 golfers)

**The Wolverine  
 Grand Traverse Resort course**

**Friday, August 27, 2010  
 Tee-off time: 2:30 p.m. (Shotgun Start)**

#### Cost: \$72 per person

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

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

**RETURN REGISTRATION FORM: Make checks payable to POLC/Golf**

Golfer's Names

Phone # and Department Name

**This registration must be returned before Monday, August 16, 2010 to:**  
 POLC Golf Outing • Police Officers Labor Council • 667 E. Big Beaver Rd., Ste. 205 • Troy, MI 48083-1413

# Chiefs say Arizona's immigration law will actually increase crime

— Excerpted from *The Washington Post* and media reports

**P**olice chiefs from some of the nation's largest cities say Arizona's new immigration law will increase crime.

Arizona police will be required to question anyone they "reasonably suspect" of being an illegal immigrant once S.B. 1070 takes effect July 29. Officers cannot use race or ethnicity as a basis for questioning, according to a follow up bill Arizona Gov. Jan Brewer signed, and they can only ask immigration status questions after a person has been stopped or arrested.

Chiefs from Los Angeles, Houston and Philadelphia say the law will increase crime by intimidating crime victims and witnesses who are illegal immigrants. The law will also divert police from investigating more serious crimes, the chiefs said before a meeting with Attorney General Eric H. Holder, Jr.

"This is not a law that increases public safety. This is a bill that makes it much harder for us to do our jobs," said Los Angeles Police Chief Charlie Beck. "Crime will go up if this becomes law in Arizona or in any other state."

The legislation makes Arizona the first state to criminalize illegal immigration by defining unlawful presence as trespassing, according to the National Council of State Legislatures. The law requires legal immigrants to carry paperwork proving their status. "We, in Arizona, have been more than patient waiting for Washington to act," said Brewer, who signed the bill

**"This is not a law that increases public safety. This is a bill that makes it much harder for us to do our jobs. Crime will go up if this becomes law in Arizona or in any other state."**

—Los Angeles Police Chief Charlie Beck

into law. "But decades of federal inaction and misguided policy have created an unacceptable situation." In 2009, there were 10.8 million illegal immigrants in the U.S., according to the Department of Homeland Security.

Three lawsuits have been filed, including two by police officers, in an attempt to prevent the bill from becoming law. The suits argue the bill is unconstitutional and will lead to racial profiling.

## STATE BOYCOTTS

Boycotts of the state, announced by a coalition of civil rights and labor groups, are costing millions of dollars. The National Council of La Raza (NCLR) and 19 other labor and civil rights groups are taking money and meetings out of state and asking other organizations to move major events and conferences.

"We are looking at major events with big visibility, and we're asking all people to consider whether any purchase of goods from the state would further this unjust law," said Janet Murguía, presi-

dent of the NCLR, the nation's largest Hispanic civil rights group.

"Boycotts are just more politics and manipulation by out-of-state interests," Brewer said in an editorial on ESPN.com. "As a border state, Arizona has already paid a heavy price for the federal government's failure — hundreds of millions, if not billions, of dollars in unreimbursed costs — and its citizens should not be punished further."

## NATIONAL ISSUE

President Barack Obama has ordered the Justice Department to review the law to determine if it violates civil rights. "Make no mistake our immigration system is broken," however, Obama said earlier, "We can't start singling out people because of who they look like. The way to fix our broken immigration system is through common sense, comprehensive immigration reform."

These measures would include holding businesses that break the law by hiring undocumented workers accountable, having illegal immigrants pay taxes, a possible fine, learning English and getting in line behind others trying to enter the country legally.

In May, Obama announced he would deploy 1,200 National Guard troops and request \$500 million more to secure the Mexican border. However, Republicans said the measure is insufficient to win their cooperation in overhauling the immigration system. ♥

## Contract Settlements



— As reported by POLC Labor Reps.

### Breckenridge Police Officers

• **New three-year agreement** expires Feb. 28, 2013.

• **Wages:**

2.0% increase effective March 1, 2010.

Wage re-opens for the second and third year of the agreement.

• **Personal Leave:** Employees to receive five personal leave days.

• **Sick Time:** Reduce annual accrued sick time from 112 hours cumulative to 80 hours non-cumulative. Employee paid out 100% straight time wages for up to 40 hours of unused sick time per year.

• **Holidays:** Reduce holidays from 10 days to seven days.

• **Vacation:** Reduce maximum vacation allowance from five weeks to four weeks.

• **Bargaining team:** James Durham, aided by POLC Labor Rep. Will Keizer.

### Bloomfield Hills Public Safety Officers

• **New three-year agreement** expires June 30, 2012.

• **Wages:**

1.75% increase effective July 1, 2009.

1.5% increase effective July 1, 2010.

1.25% increase effective July 1, 2011.

• **Promotions:** Promotion language will now include peer evaluation weighted at 10% of score.

• **Health Care:** Employees to begin paying toward premium: \$3.85 per pay for singles and \$7.70 per pay for couples or families. New hires do not get post-retirement health care, but do receive a Retirement Healthcare Savings Account with \$100 per pay employer contribution.

• **Retirement:** New hire multiplier reduced from 3.0 to 2.5 and new hire retirement age increased from 50 to 55.

• **Bargaining team:** Jay Reynolds, Danny Phillips and Matt Affeldt aided by POLC Labor Rep. Frank Klik.

### Chesterfield Twp. Patrol, Detectives & Dispatchers

• **New 3-year, 11-month agreement** expires Dec. 31, 2012.

• **Wages:**

0% increase effective each year of the contract.

• **Allowances:** Longevity and education allowances to be pro-rated. Uniform allowances increased to \$900 per year for patrol and detectives, \$500 per year for dispatchers.

• **Fringe Benefits:** Increased shift premiums to \$1 per hour afternoons and \$1.25 per hour midnights. One hour of additional pay for Field Training Officers and Dispatch Trainers. Patrol car seats to be replaced when worn out.

• **Health Care:** Employees to pay towards health care: \$15 per month for singles, \$20 per month for couples, \$30 per month for families (Blue Cross) with \$10/\$20 drug card or the option of Cops Trust Insurance with \$5/\$10 drug card and no premium

contribution provided the premium is less than Blue Cross.

• **Bargaining team:** Scott Blackwell, Brian McNair, John Willer, and Kelly George aided by POLC Labor Rep. Frank Klik.

### Chippewa County Sheriff Corrections Officers

• **New four-year agreement** expires Dec. 31, 2013.

• **Wages:**

0% increase effective Jan. 1, 2010.

0% increase effective Jan. 1, 2011.

Wage re-opener covering Jan. 1, 2012 through Dec. 31, 2013. The wage settlement was predicated upon health insurance remaining status quo.

• **Insurance Benefits:** Employees maintain current health, dental and optical insurance for duration of four-year agreement.

• **Drug Testing:** Just Cause drug-testing policy.

• **Medical Leave:** Modified FMLA language to comply with changes in the Federal law.

• **Retirement:** Employees hired after Jan. 1, 2010 will be enrolled in the MERS Hybrid program.

• **Bargaining team:** Tom Lawlor and Andy Desormeau aided by POLC Labor Rep. Jerry Caster.

### Mackinaw City Police

• **New four-year agreement** expires Feb. 28, 2013.

• **Wages:**

3% increase effective March 1, 2009.

3% increase effective March 1, 2010.

2.5% increase effective March 1, 2011.

2.5% increase effective March 1, 2012.

• **Fringe Benefits:** Officers shift scheduling procedures modified to allow for more liberal scheduling process.

Enhanced extended medical leave language. (Officers able to draw from secondary bank.)

Modified funeral leave from 24 to 36 hours leave time.

Voluntary Physical Fitness program with additional personal leave days off for successful participation.

Prisoner transfer language changed to provide for two officer transfers over 100 miles.

• **Health Care:** Medical insurance changed to a BC/BS PPO-12 with employer reimbursing to a PPO-1 level with a \$10/\$70 drug card (\$60 employer reimbursement if no generic exists), and increase in employee insurance opt-out provision.

• **Retirement:** Employer contribution into employee's Post Employment Health Insurance Plan increased by \$3 per month.

• **Sick Time:** Sick Bank pay-off increased from 960 hours to 1,060 hours.

• **Bargaining team:** Robert Klave and Todd Woods aided by POLC Labor Rep. Jerry Caster.

Continued on page 12

## Contract Settlements from page 11

### Mackinac County Sheriff Department

- **New three-year agreement** expires Dec. 31, 2012.
- **Wages:**
  - \$ .50 across the board increase = 2.7% to 3.8% depending on pay grade, effective Jan. 1, 2010.
  - \$ .45 across the board increase = 2.5% to 3.2% depending on pay grade, effective Jan. 1, 2011.
  - \$ .40 across the board increase = 2% to 2.75% depending on pay grade, effective Jan. 1, 2012.
- **Fringe Benefits:** Road deputies receive two additional holidays.
- **Health Care:** Employer will provide BC/BS PPO-15 reimbursed to PPO-1 levels with annual deductibles of \$200/\$400, \$30 office co-pay, and \$15/\$30 drug card.
- **Bargaining team:** Willie Lalonde and Dustin Stempki aided by POLC Labor Rep. Jerry Caster. ♥

## Grant returns 34 Flint firefighters from layoffs

— Excerpted from *wnem.com*

**A** little over six weeks after Flint officials made major cuts to the police and fire staffs, 34 laid off firefighters returned to work and two fire stations reopened, thanks to a \$6.7 million federal stimulus grant.

In late March, Flint laid off 23 of 88 firefighters and 46 of 150 police officers. A rash of suspected arsons in abandoned homes followed the March layoffs.

Three or four new fire recruits will also be hired with funds from the Federal Emergency Management Agency grant, which expires May 10, 2012. ♥



## WELCOME ABOARD

**The Police Officers Labor Council welcomes the following new units**

**Unit**  
 Leelanau County Corrections  
 Harrison Township Supervisors  
 Brighton Sergeants & Lieutenants  
 Coldwater Firefighters  
 Montcalm County 911 Supervisors  
 Novi Patrol

**Former Affiliation**  
 POAM  
 AFSCME  
 MAP  
 Independent  
 Independent  
 POAM

## Arbitration

— As reported by POLC Legal Staff

### Chesterfield suspension removed

The two-day suspension of a Chesterfield Township sergeant, accused of improper use of a departmental vehicle, was removed from his file in a settlement prior to arbitration.

The POLC filed a grievance when the sergeant was suspended after taking the vehicle home following off site training. He claimed he had permission from the Police Chief. The sergeant did not receive back pay. However, this was a positive settlement as the sergeant was mainly concerned with the disciplinary action being removed from his file.

### Unfair labor practice in Chesterfield

An administrative law judge ruled a Chesterfield Township sergeant's *Weingarten* rights were violated, issued a cease and desist order, and ordered a notice be posted that the Township violated the employee's *Weingarten* rights.

The ruling is in response to an unfair labor practice charge filed by the POLC after the Township forbade the sergeant's union steward from intervening in any of the questioning during an investigatory interview. The sergeant was subsequently terminated.

The sergeant originally received a 10-day suspension after being accused of committing rules and regulations violations, including arresting a citizen without probable cause. The POLC grieved that suspension and an arbitrator upheld the discipline. Following the arbitration, the sergeant was terminated because the Township claimed he revealed he intentionally arrested a citizen without probable cause during the arbitration hearing. The Township also claimed he lied during the previous investigation and arbitration hearing. An arbitrator subsequently returned the sergeant to work without back pay.

The Michigan Employment Relations Commission (MERC) adopted the Decision and Recommended Order of the administrative law judge without exceptions.

### Kentwood comp time restored

A City of Kentwood Police officer had 13 hours of comp time re-

*Continued on page 13*

stored in a settlement prior to arbitration.

The officer requested two compensatory days off, March 21 and 22. After submitting the request, but prior to March 21, the officer's physician ordered him off road patrol duties due to an old on-duty injury. The POLC filed a grievance when the City refused to restore the comp time to his bank under the *Workers Compensation* provision of the contract. That section states, "**During the first seven calendar days that an employee is off work on a workers' compensation leave, the Employer will pay the employee for all hours lost from their regular work schedule.**" The Union added the officer would not have worked March 21 and 22 on light duty status since no employee has ever worked light duty status on the weekend.

The parties agreed to roughly split the amount of comp time in question.

### Kentwood take home vehicle granted

An arbitrator granted a City of Kentwood detective the right to take home his patrol vehicle, like all other detectives in his city, under a grievance filed by the POLC. The arbitrator ruled the grievance was filed in a timely manner and the City was bound by a 2006 case involving exactly the same circumstances.

The City had claimed the grievance was not filed in a timely manner since the Union waited to hear the outcome of the previous case before filing.

In 2006, the POLC filed a grievance contesting the denial of a take home vehicle based on a past practice. An arbitrator awarded that detective a take home vehicle, determining it was a binding term and condition of employment. The City appealed the award to the Circuit Court, which overturned the award. Then the POLC brought the matter to the Michigan Court of Appeals, which reinstated the award. The City again appealed, this time to the Michigan Supreme Court, which declined to review the case.

Before the judicial process was complete, the detective left his position in the Fraud and Identity Theft (FIT) unit. The City filled the position with another officer and denied him use of the take home vehicle. Once the Michigan Supreme Court declined the case, the POLC asked the City to uphold the ruling with the new employee. When the City refused, the POLC filed another grievance.

The arbitrator also issued an order for the City to cease and desist in its refusal to provide take home vehicles to employees in the FIT unit. As a result of these two grievance arbitration awards, the City

was required to pay both grievants a significant amount of money for having to drive their personal vehicles to and from work during the interim period of time.

### Berrien County step-up pay granted

An arbitrator ruled a Berrien County sergeant should be compensated at the lieutenant's higher rate of pay for assuming shift command.

The POLC filed a grievance on behalf of the sergeant after two class action grievances were filed and the Sheriff refused to accept both grievances as class actions. The County raised the issue of timeliness in filing the grievance, but the Union testified neither side had ever strictly enforced the timeliness, as evidenced by how the Sheriff dealt with the class action grievances.

The arbitrator ruled in favor of the Union, rejecting the County's timeliness defense. The arbitrator also ruled past practice clearly demonstrates when a sergeant has been asked to assume shift command in the absence of a lieutenant, the sergeant is compensated for the additional responsibility. The sergeant assumed the shift command for more than 30 days, but was not compensated at the higher rate due under the collective bargaining agreement. Therefore, the County violated the collective bargaining agreement and the parties' past practice and the Union grievance was granted.

### Riverview meeting expedites 312 Award

An Act 312 pre-arbitration meeting led to an expedited award for the Riverview Patrol Officers.

Due to financial difficulties in the City with possible layoffs and a millage proposal on the ballot in May, the patrol officers offered the City some \$220,000 in give backs. They included holiday pay, gun and cleaning allowance. While the City rejected the give backs, they proposed a roll back to 2005 wages with a savings nearly identical to the Union's proposal. Both parties wanted an award in place before the May millage vote.

The parties came to a tentative agreement the night of the pre-arbitration and, the next week, the arbitrator authored the following award: The current agreement was extended one year by letter of understanding to July 1, 2010. A new three-year collective bargaining agreement was put in place by the award from July 1, 2010 to June 30, 2013.

Riverview Patrol Officers will be going to 12-hour shifts. Wages will be rolled back to the 2005 level on July 1, 2010 and return to the 2009 level on June 29, 2013. Should layoffs occur during the contract term, wage rates shall revert to the 2009 level automatically. The Union proposed COPS Trust Wrap Plan E was put into place, saving the City money over the current COPS Trust and Blue Cross plans. The retirement plan for new hires will remain status quo and a two-tiered system will not be created. To offset the lost wages, holiday pay, gun and uniform allowances shall be paid out over the 26 pay periods rather than in lump sum intervals.

The award was an excellent result, which should protect jobs while supporting the millage proposal. ♥



## Holland cop uses LEEP funds to promote safe driving

— With excerpts from *The Holland Sentinel*

**H**olland Police Officer Doug VanderKooy is putting the final touches on his race car, but he's not promoting illegal racing — he's trying to discourage it.

And with a recent \$5,000 grant from Law Enforcement Education Program (LEEP), he's well on his way. VanderKooy will be driving his race car, which is expected to be complete in July, to schools, churches, clubs — anywhere he might find teen drivers interested in racing cars or just watching drag racing.

"We're using this car as a tool to get kids off the street and down to the racetrack," said VanderKooy. "We're saying that if kids are going to race, which they still do on the street, why not hang out where the police are, where it's safe and legal."

VanderKooy wants those youths to visit U.S. 131 Motor Sports Park in Martin, Michigan, located between Grand Rapids and Kalamazoo, on Wednesday and Friday nights.

"Kids come with their cars and race all night long," VanderKooy said of the teen event. Only there's no street racing, no drugs and no alcohol involved. Instead, teens race on a straight ¼-mile track with off-duty police officers and others ready to root them on.

VanderKooy raised \$45,000 to build and maintain a donated



1995 Chevy Camaro and finance a curriculum. He started Holland Police Department's *Racing Through Education*, a nonprofit organization to support the car-building project. The car will also be used in conjunction with *Beat the Heat*, a national group that uses race cars to deliver an anti-drug, anti-alcohol message to children. In December, VanderKooy was named Holland's Officer of the Year in part because of his efforts with the project.

Funded solely by private donations, VanderKooy said fund-raising will be ongoing. "We will need to raise about \$5,000 a year for educational purposes," he said.

Some local businesses are interested in helping with fund-raising efforts once the car is complete, VanderKooy said. "We're looking for any businesses that want to help," he said. "When it's complete, we're going to send out letters to everyone who has helped us so far, then we're going to ask them to give us \$250 to \$500 just so we can maintain that \$5,000 budget. We're looking for people who can stay with us as supporters year after year. All I need is money to continue education."

The LEEP grant was awarded to VanderKooy's project because it followed the Police Officers Labor Council's goal of warning the public about driving hazards, POLC Executive Committee member Mike DeKam said.

"We felt it was a unique way to get the message out about the dangers of reckless driving," DeKam said. "We thought Doug VanderKooy's program fell squarely in line with our goals and objectives and it was something we could get behind." ♥

For more information, contact Officer Doug VanderKooy by e-mail at [d.vanderkooy@cityofholland.com](mailto:d.vanderkooy@cityofholland.com) or by phone at (616) 355-1155.

*POLC Labor Rep. Mike Woronko (right) and Executive Committee member Mike DeKam (left) present a \$5,000 LEEP check to Officer Doug VanderKooy of the City of Holland Police Department for his safe driving program.*

*Photo by Holland Police Officer Paul Moerland*

## California firefighters warned to lay off 'energy' drinks

On the cover of the daily "Incident Action Plan" during last year's fire season in Los Angeles, was an unusual warning: "No energy drinks." Even though Forest service firefighters expend tremendous amounts of energy fighting day-long fire emergencies, officials said high levels of caffeine in most energy drinks can be dangerous.

"When they drink those things, it dehydrates them," said Nathan Judy of the U.S. Forest Service.

Judy said that during a previous fire, a firefighter consumed four

cans of one of the top-selling energy drink brands in one day and went into diabetic shock. Since then, officials have warned crews to re-energize in other ways, he said. "Drink water, drink water, drink water," Judy said. He also said that meals served to emergency workers each day are high in calories because firefighters are "going through calories like crazy on the line."

Posters bearing an outline of a slim, energy drink can with a big red strike through it are visible at most worker camps. ♥

## LEEP helps Law Enforcement Torch Run for Special Olympics

— By Jennifer Foley, POJ Editor

**F**undraising is going well for this September's Law Enforcement Torch Run for Special Olympics thanks to contributions like the \$2,500 check recently awarded by Law Enforcement Education Program (LEEP).

The Law Enforcement Torch Run (LETR) is a volunteer group of more than 85,000 police and corrections officers from all over the world who raise money and awareness in support of their local Special Olympics programs. The 750-mile Michigan run from Copper Harbor to Sterling Heights is held annually as a weeklong, 24-hour a day relay.

"There is never a time when there isn't a runner on the road and it takes an entire week to make that trip," said Deputy John Gates of Hillsdale County Sheriff's Department. Gates, who is on the Executive Committee of LETR and is past local POLC Union President for the Hillsdale County Sheriff Department Non-Supervisory Unit, has been participating for the past three years. During that time, he has come to know Travis McCullough, a Hillsdale area Special Olympian, who participates in soccer, basketball, bowling and softball.

Local LETR programs host their own 2-to-3-mile Torch Runs during the weeklong event. Gates will be on a Travel Team, which visits local Torch Runs throughout the state. The \$2,500 LEEP donation will be applied toward the funds the Travel Team raises for Special Olympics. "We participate in as many local runs as we can just to help raise money and awareness," he said.

### RESPONSE IS FANTASTIC

"This year already, just through our Polar Plunges, we've raised \$450,000," Gates said, adding that the amount exceeds all the funds raised in Michigan last year. "We're looking to have a banner year for fundraising." Police officers, and anyone else



*POLC Labor Rep. Ed Hillyer (right) presented the check to Deputy John Gates of Hillsdale County Sheriff's Department and Travis McCullough, a Hillsdale area Special Olympian, for sponsorship of the program.*

who wants to participate in Polar Plunges, must raise at least \$50 before they can dress in costumes and take the cold dip. Officers also bus tables in uniform to raise funds and awareness through Cops and Lobsters at Red Lobster and another fund-raiser at Out-back Steakhouse.

In May, Gates participated in Cops on Top, a Hillsdale event, where officers spent two days on the roof of Hillsdale Market House. Funds were raised through the sale of food, Torch Run items and raffles. "My administration is very supportive of the program," Gates said. "I have no problem using vacation time to help support these events."

All funds raised are distributed to nearly 18,000 Michigan athletes for equipment for their teams, uniforms and travel expenses. "The goal is so the individual athletes and their families don't have to spend a dime to participate," Gates said. ♥

To raise funds for Special Olympics or hand out medals at Summer and Winter Games, contact Deputy Gates at (517) 437-7317 or Andrea Rachko at the Special Olympics Michigan office at 1-800-644-6404.

## Police vs. fire in Guns-n-Hoses golf fund-raiser

**T**he Brighton Police Department and Howell Fire Department are squaring off in the 2nd Annual Guns-n-Hoses Golf Outing Saturday, July 31.

Players and sponsors are sought for the fund-raising event, which will benefit "Shop With A Cop" and "Hojo Fund (Jordan Hogg)." The cost is \$150 per two-man scramble at the Hartland Glen Golf Course. The event, which is also open to friends and families of police and firefighters, begins with a 9 a.m. shotgun

start and includes: 18 holes with cart; lunch and dinner; trophy to winners; silent auction; and contests for hole-in-one, long drive, putting, and closest to the pin.

Sponsors are required to make a minimum donation of \$100. For registration and sponsorship forms, contact Hartland Glen Golf Course at [www.hartlandglen.com](http://www.hartlandglen.com) or (248) 887-3777. Checks should be made payable to Hartland Glen, located at 12400 Highland Rd., Hartland, MI 48353. ♥



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