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# Law Enforcement JOURNAL



Pre-Convention Issue

Spring 2007

## Ann Arbor is All Aboard!

By Ed Jacques, LEJ Editor

What does a large, successful, independent police association do when recent arbitration costs have been in the tens of thousands of dollars, and contract negotiations have gotten to the point where the employer actually files for Act 312 compulsory arbitration? You could continue to drain the local treasury's balance and eventually impose an assessment or raise your members' dues. In the case of the Ann Arbor Police Officers Association, they had a better idea and decided to give POAM a call.

That was a smart move. POAM President Jim Tignanelli and Business Agent Ken Grabowski addressed the Ann Arbor POA's Executive Board and presented their best case. Afterward, the Board decided it would make a motion to join POAM and have the entire membership vote on the issue. The Board was pleased to know that the local association would keep its entire treasury and there were no special assessments, initiation or arbitration fees at POAM.

And, even though they were in the preliminary stages of Act 312 binding arbitration, POAM was ready and willing to jump right in without regard to the extremely high cost of presenting the Association's case. Although money was not an overriding issue with the membership, the group was happy to hear that POAM dues were competitive with what they were paying themselves.

In a private union membership meeting shortly thereafter, the Executive Board was given the OK to proceed and get even more information.

President Bill Stanford, Vice-President of Bargaining Dave Monroe and Administrative Services Steward Jamie Adkins immediately scheduled a meeting at the POAM office to take Tignanelli up on his offer to stop by and witness the operation firsthand. After touring the office and meet-



ing with the support staff, Stanford, Monroe and Adkins met with POAM Business Manager and 312 Advocate Bill Birdseye and General Counsel Frank Guido.

The Ann Arbor POA had not been to Act 312 arbitration since anyone could remember and they took the opportunity to garner information

from Michigan's leading and most experienced 312 advocate, Bill Birdseye. Frank Guido was there to offer his legal advice and explain the role that his staff of POAM attorneys would play with the group, whether they chose to join the Extended Criminal Plan or not. The group asked many questions and learned a lot about Act 312 and the unique strategies involved in presenting a case and prevailing on the majority of the issues. It started with picking the arbitration panel, an issue that required their response within a couple weeks. The group needed to move fast.

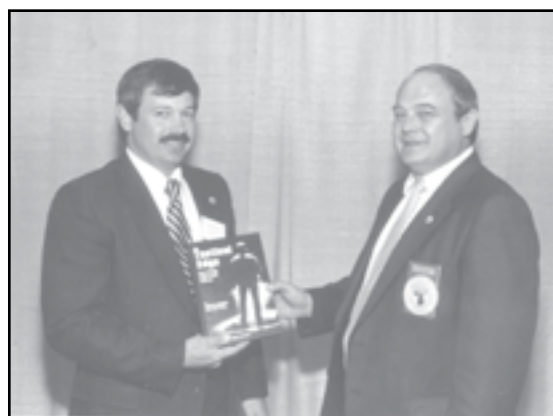
Another meeting with the general membership and POAM was immediately scheduled. That meeting was once again attended by Tignanelli and he brought along Assistant General Counsel Douglas Gutscher. The membership asked relevant questions about representation and seemed pleased with the answers. The Executive Board now felt comfortable sending official ballots out to the entire group, asking them to vote on POAM affiliation. The result was overwhelming support to join POAM. "I've never seen such a lopsided margin on any membership vote," said Stanford.

Bill Birdseye has appointed Tignanelli to be POAM's Business Agent for the Ann Arbor POA and Jim is glad to have the opportunity. "When police groups are independent, they always have

*Continued on page 28*

## DUDZINSKI ANNOUNCES RETIREMENT

By Ed Jacques, LEJ Editor



Marvin Dudzinski poses with fellow Woodhaven Police Officer Ed Kuzma in 1982.

Things change. Life goes on. That's true, but the idea of Marvin Dudzinski not assisting local negotiating committees, serving on the Executive Board or cracking jokes at POAM functions isn't easily embraced by his many friends and colleagues. For most of us, Marvin is one of handful of people whose name is synonymous with POAM.

Marv started his career as a public safety officer in Gibraltar in 1965. Two years later Marv helped form the Gibraltar Public Safety Officers Association and acted as its first president. In 1974, Dudzinski was hired by the Woodhaven Police Department and soon afterward became active in the patrolmen's association there. Marv was elected president of the Woodhaven Police Officers Association and his hard work, stubbornness and loyalty were immediately noticed by leaders at POAM. He was appointed to our Board in 1980 and became Secretary of POAM in 1984, a position he continues to hold. Dudzinski retired from the Woodhaven Police Department in 1994.

The day after his retirement, Dudzinski began a new career when he became a full-time employee at POAM, acting as a Research Analyst. Marvin began assisting department head Ann Maurer in estab-

*Marv's farewell column and article continued on page 28*

## Signed and Sealed

# Agreements gain vital benefits for POAM members

Summaries and highlights of recently completed local contract negotiations and 312 arbitrations

Negotiated

## New Baltimore POA

Duration 8/1/2006 – 7/31/2008

Wage Increases:

2006 2% plus \$250 signing bonus  
2007 2.5%  
2008 2.5%

Bringing top patrol officer pay to \$53,239

- Wage percentage differential between lieutenant and sergeant increased from 3.6% to 7%.
- Health insurance is BC/BS Community Blue 2 with \$10/\$20 Rx card.
- Pension multiplier increased from 2.0% to 2.4% for current employees.
- New employees will be enrolled in a retiree health care VEBA.

*Bargaining team consisted of President Ken Stevens and John Willer who were assisted by POAM Business Agent Kevin Loftis.*



Negotiated

## Walker POA

Duration 7/1/2005 – 6/30/2008

Wage Increases:

2005 2.5%  
2006 3%  
2007 2.5% Top pay for patrol officer \$57,498

- If any other city employees receive more than 2.5%, then city must match for police officers.
- Detectives now receive a 5% pay differential above police officer and qualify for overtime on all hours worked.
- Employees can purchase part-time service for 2.5% over a period of up to three years.
- Employees can purchase MERS pension benefit during the contract at the determined actuarial cost.
- Language improvements and modified provisions on overtime, shift selection, vacation selection, FTO compensation, bonus, life insurance, medical opt-out, meal allowance and drug testing.
- Employees shall be required to pay a portion of health insurance based on the plan selected.

*Bargaining team consisted of President "Butch" Redzinski, Sam Powell and Tom Raisanen, who were assisted by POAM Business Agent Jim Devries.*

Negotiated

## Crawford County DSA

Duration 1/1/2006 – 12/31/2008

Wages Increases:

2006 2%  
2007 2%  
2008 2% Bringing top pay to \$43,805

- Health care is BC/BS PPO1 with 10/40 Rx card. Employee pays \$50 per month.
- Dental coverage is BC/BS Plan B; 100-75-50; \$1000 per year.
- Retirees pay 50% of prescriptions required by active employees when drawing social security?

*Bargaining team consisted of President Shawn Schnoor and John McDonald who were assisted POAM Business Agent Pat Spidell.*

Act 312 Award

## Macomb County

## Deputies & Dispatchers

Duration 1/1/2005 – 12/31/2007

Wage Increases: (full retroactivity)

2005 2.5%  
2006 2.5%  
2007 2.5%

- Health insurance is BC/BS Community Blue PPO 1 with \$10/\$20 Rx card.
- Emergency room usage fee increased from \$50 to \$100.
- Both parties attempted to amend contract language on the following items, but mostly through mutual agreement dropped their demands: eligibility for fringe benefits and holiday pay, equity wage adjustment for dispatchers and leaders, pension multiplier and cap, hazard pay and longevity.
- The two biggest issues were awarded to the Union. Employer petitioned the elimination of Compensatory Time and the exclusion of Overtime from Final Average Compensation (FAC). Arbitration panel determined and ordered maintenance of contract language status quo.

*Arbitrator was Charles Ammeson.*

*Bargaining teams consisted of President Pat Maceroni, Stacy O'Brian, Lori Kellie, Pete Gennette and Chuck Gudenau, John Perry and Rhonda Jagotka who were assisted by 312 Advocates William Birdseye, Marv Dudzinski and Gary Pushee.*



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# From the President's Desk

by Jim Tignanelli

## Police Officers Memorial Week Approaches

As spring approaches, we are reminded of the Police Officers Memorial Week and the festivities that take place throughout our state and country. As has been the tradition, I, and a number of our staff and board members, will be making the trip to Washington, D.C., for the candlelight vigil on May 13th. It has been described as "the best and worst time of your life" all wrapped up into one evening. It is such a solemn occasion as you watch several thousand candles come to light in a seemingly endless wave from the front stage to the very back of Judiciary Square. You know there are so many friends and family of those that have fallen standing among you and you cannot help but feel the emotion. Of course, those of us that worked in Macomb County always find the opportunity to share thoughts and stories about those that we worked with and lost, DeSmet, Wouters, and Vauris. Dearborn Heights Corporal Jason Makowski will be forever immortalized there and two heroes from that fateful day, Officers Kirk Meyers and Terry Beaudrie have been chosen as the National Association of Police Organizations recipients of its "TOP COP" award. They will make D.H.P.O.A., POAM, and our entire profession proud as they are honored at a special event on Saturday, May 12th.

On May 15th, as President Bush addresses the officers and their families from the Capitol steps, we will be hosting a gathering at the Tune Inn on Pennsylvania Avenue. Much the same as last year, we will have a large van with "POAM" on each side traveling around Judiciary Square and the Capitol looking for our friends. Transportation to the Tune Inn and back will be provided throughout the day and we will have food and drink available for

you and your family. As the day wore on last year, we had officers from as far away as California and Rhode Island join us for a "pop". If you are in DC on the 15th, please stop by. We'll "leave the light on" for you...

Our convention returns to the Amway Grand Hotel in Grand Rapids June 6-8th. I believe the seminar this year is one all should try to attend. We are going to call it the "Fiscal Fitness Program from POAM University". We will have experts on hand to discuss the preparations you should be making NOW for your move into that after-life known as retirement. We will have "break out" rooms focusing on retiree health care, your personal savings, social security benefits, mortgages, and life insurance. Their mission is to provide you with all the information and options that you should be considering while you are working that will provide "aid and comfort" for you and your family after retirement. Don't wait to see the "light at the end of the tunnel". Start NOW to prepare...while you are WORKING. We've got the help, the information, and the resources to help you get where you need to be. Whether you are the most junior or the most senior member of your department, you need to attend this seminar.

Our business meeting on Thursday, June 7th, will focus on our Police Officers of the Year. There are some very special incidents to recognize. As of this writing, it is quite likely that former New York City Mayor, Rudy Giuliani will be attending the meeting. Please try to attend! All my best to each of you...and please take a moment to say a prayer for our soldiers. They are doing such a service for all of us and at such great risk to themselves. □

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# Vice-President's Viewpoint

by Dan Kuhn

## Do Michigan State Police Keep You Safer?

**M**y viewpoint of the following subject is one that often goes unspoken, and probably for good reason. Nobody believes that pitting cops against cops is a good thing. But after reading some of the latest propaganda put out by the Michigan State Police I thought it was about time for citizens to hear a perspective from a local police officer, whose first obligation is protecting and representing the POAM membership. I also want to assure the people of the State of Michigan that they are well protected and served, by the dedicated and professional men and women of the Police Officers Association of Michigan, even if we aren't troopers.

I'm tired of hearing about how the residents of Michigan have a higher level of trust in, and are more confident that the MSP will keep them safer than any other police agency. The survey I read from the Marketing Resource Group in Lansing paid annually by the troopers says that 86% of Michigan residents believe that cuts to MSP would mean serious or very serious problems. I wonder what those citizens polled would say if you told them that residents who live north of US-10 could employ two county deputies for every one state trooper if the monies being cut from the MSP were returned to counties and local municipalities by way of revenue sharing dollars. I don't really believe that people care what color uniform the officer is wearing when they dial 911 for help.

Last year, Saginaw County unsuccessfully attempted to pass a "No Boundaries" millage that would have added officers to every agency in the county. With the deep cuts to police agencies in Saginaw County, many of us endorsed the idea that would increase the number of cops on the streets.

The Michigan State Police Troopers Association and leaders of its Bridgeport Post, opposed the plan because the MSP did not receive any of the funds, and was concerned with the "duplication" of services. Sgt. Chris Luty asked the question: "If this plan passed, what would happen to the MSP and our role in serving and protecting the citizens of Michigan?" He writes: "It is time for the Sheriff Departments to provide jail services, and let the MSP provide police services that the people of Michigan prefer. He also questions the POAM's views and accuses us of caring about only the bottom line in dollars and cents."

Do I dare ask, in a state that has lost over 1,600 cops already, what else really matters if not dollars and cents? I can guarantee you that no other police agency's budget inside the Michigan borders has increased by over \$100 million dollars since 1995. This year's MSP budget deficit is almost \$15 million dollars. Maybe it's time that the people of the state of Michigan, and the MSP begin worrying about the "dollars and cents" it costs to police our state. Are we taxpayers getting the "bang for our buck" we deserve, and at what cost do we maintain and grow the MSP, while decimating the rest of the law enforcement agencies across the state?

The fact is, Michigan as a whole could save over \$60 million dollars per year according to the Mackinaw Center for Public Policy if we just switched the highway patrol duties from the MSP to the county sheriff departments. I have always wondered why Michigan State Troopers are paid to ticket traffic violators and answer calls for service. Those duties are best left to the cops who live in, and work in those areas, not transplanted troopers from other areas of our state,

who between wages and benefits cost us almost \$100,000 a piece to employ. The MSP is well-trained and educated, and is second to none in providing support services (ie: bomb squad, crime lab, and criminal data bases, etc.) to local police agencies. No police officer would want the funds that support those valuable areas of specialty eliminated. It just doesn't make sense that the Governor finds the monies necessary to require five troopers, with air support from a MSP helicopter to the City of Saginaw and several other Michigan cities, and then announces 30 trooper layoffs.

It's high time everyone starts to analyze the costs and the most effective deployment of law enforcement resources in the State of Michigan. To lose another 1,600 cops over the next 60 months will be disastrous to all of us, no matter what uniform we wear. □

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# The Treasurer's Ledger

by William Birdseye

## POAM's Research Department has a Long History of Success

After over 42 years of working in the law enforcement field, Marvin Dudzinski has announced his retirement from POAM. For the past 13 years Marv has worked full time as a Research Analyst, heading the department since 2001. Looking back, I realize POAM research has gone through several evolutions.

The idea of establishing a truly functional research department was the brain trust of one of the most brilliant people that I and many other folks had ever encountered. Ann Maurer was one of the Midwest's foremost labor economists and POAM's first Research Analyst. Ann laid the foundation and built our reputation as the most prepared police labor union, whether the format was grievance arbitration, mediation or compulsory arbitration. Act 312 was in its infancy and the effectiveness of collective bargaining for law enforcement officers would hinge on how well their representatives could present their case.

This initiative made POAM unique and put us a giant step closer to becoming the state's only full service police union. The ensuing success and growth in membership sprouted in-house attorneys, training seminars and a real voice in Lansing. It also created enough work for Ann Maurer to hire an assistant to share the increased work load.

That's when Marvin Dudzinski brought his computer skills, local, and POAM Executive Board experience to Ann's department. Marv was a quick study and immediately began assisting Business Agents in the development and presentation of exhibits to bolster their local units' demands.

Marvin also began a personal mission to accumulate every law enforcement contract in Michigan to use as comparables in the collective bargaining process, or just to inform members and BA's what other departments had negotiated. Over time, Marvin has built a library containing over 95% of Michigan's law enforcement contracts, many of them dating

back 30 years or more. Marvin is proud that POAM's long list of contracts are now accessible electronically.

Ann Maurer chose to stop working because of health reasons over five years ago. Her genius was missed, but, to Dudzinski's credit, he took the lead, built and expanded the department. Now after many years and countless 312 arbitration cases, Marvin has chosen to close this chapter in his life. He leaves his leadership position in capable hands. John Barr came to POAM in 2005 with an impressive resume from his many years experience with the DPOA, and is an excellent choice to continue the Research Department's essential role at POAM. Marvin and John have been training the RD's newest employee, Kevin Loftis, who also comes to the crew with a rock solid reputation.

Recently, Recruiting Director Gary Pushee and I were discussing the additions of Ann Arbor POA and Calhoun County DSA to our membership rolls. I could not help but think back 30 years to the formative years of POAM's Research Department. Why? Because our expertise in providing basic research to assist BA's with negotiations and 312 arbitration cases, were the major reasons why these two large groups had decided to affiliate with POAM.

I don't miss Maurer - I married her. I hope Marvin will still attend POAM's special events and continue to entertain people with his sense of humor, share his specialized experience and keep the POAM family intact.

If your group has ever been the beneficiary of a 312 Award, or avoided arbitration because of an overwhelming presentation prepared by your Business Agent (assisted by the POAM Research Department), you probably should have thanked Marvin Dudzinski. Marvin retires July 1st, and his final official duty will be to pass the Secretary's gavel at the June Convention. □



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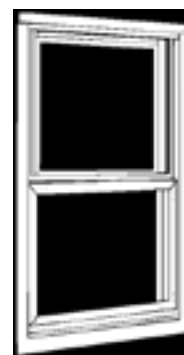


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## From the Top

by Attorney General Mike Cox

### Police Officers Must Witness Violations

Since this is my first column for the Police Officers Association of Michigan newsletter, I want to begin by saying thanks for all that you do to protect the families and citizens of our great state. It sounds like a cliché, but the truth is, government's first task is to provide order and safety. I feel very strongly that law enforcement is a base-line service that must remain a priority, even during tough budget times. That's the job you do every day, and I am grateful for how well you do it.

While everyone is aware of the good work POAM members do, very few people know what the Attorney General's office does. The short answer is – a lot.

The issue most commonly associated with the Attorney General's office is consumer protection. In 2006, for example, this office collected \$254 million from tobacco, charitable trust, consumer protection and franchise litigation for the State of Michigan. In fact, last year my Consumer Protection Division handled more than 105,000 consumer complaints and collected more money in individual consumer protection claims than ever before in Michigan history.

Because of our aggressive support for consumers and on behalf of the State, the office of Attorney General is actually a moneymaker for the State of Michigan. For every dollar appropriated to the Department of Attorney General, we return \$4.45 to the State. And, in addition to the money we have collected for the State, this office has saved the State \$9,343,255,847 in defense of lawsuits. Or, to put it another way, for every dollar appropriated, the AG's office saves the State \$142.10. We provide value for taxpayers.

The Attorney General's office is also active in both child support and child protection. I created the Child & Public Protection Unit (CPPU) to make Michigan one of the most aggressive states in the nation to tackle the growing problem of Internet predators. Last year, the CPPU arrested 33 such predators; and since its founding, the unit has arrested 126 Internet Predators, the 2nd most in the country.

The other side of that equation is child support. Four years ago, I started the Child Support Division, a first-of-its-kind state Attorney General program to collect child support. By combining public awareness with targeted prosecutions, the division has collected more than \$37 million on behalf of 3,697 Michigan children since its beginning.

Michigan is an aging state, and because of that, expanding and strengthening senior protection is one of my top priorities. In 2006, the Senior Protection Brigade conducted more than 120 identity theft seminars for seniors. We have also stepped up efforts to protect vulnerable adults in nursing homes. Last year, for instance, this office charged 8 individuals with the death and cover-up of an elderly woman at a nursing facility on Michigan's west side. We also brought a civil lawsuit against the corporation that

owned the facility, resulting in a settlement that yielded a higher standard of care for all of the residents and patients living in the corporation's facilities than that mandated by the State.

Utility cost savings is another one of those issues that often falls under the radar screen but has a huge impact on residents – you and me – as well as businesses struggling to remain competitive. By intervening before the Public Service Commission, this office has saved utility customers, residential and business, \$1.78 billion in higher utility costs. It's tough enough to pay the bills and make ends meet as it is. Michigan families shouldn't have to pay any more in utility bills than they have to, and I'm proud of the efforts of our office to rein in unwarranted utility rate hikes.

One of my other duties as the Attorney General is to issue formal opinions on questions of law. Recently, I was asked to rule on the legality of an ordinance adopted by a city to allow it to issue tickets for running a red light based on the photograph or video produced by an unmanned traffic monitoring device.

My opinion was that cities cannot use unmanned cameras to ticket drivers for running a red light. [Opinion No. 7199 issued January 30, 2007.]

State law allows only police officers who actually witness traffic violations to issue citations. The only exception to that rule is using unmanned traffic cameras at railroad crossings.

Generally, a local unit of government has reasonable control over streets and highways in its jurisdiction. Home rule cities can exercise this control by adopting ordinances, but the ordinance cannot directly conflict with State law.

That is what happened in this instance. While one section of the Michigan Vehicle Code provides that a police officer must witness the violation, another section provides for the installation and use of unmanned traffic monitoring devices at railroad grade crossings. So, such devices can be used in those instances.

But in the legal world, there is a well-established rule that the expression of one thing implies the exclusion of others not expressed. Thus, when the Legislature amended the Vehicle Code and specifically indicated that railroad grade crossings could be monitored by unmanned traffic monitors, they implicitly ruled out the use of such devices for monitoring and issuing tickets in any other circumstances.

Bottom line: an officer has to witness someone running a red light before a ticket can be written.

I look forward to continuing our excellent working relationship and becoming a contributing editor in your law enforcement journal. Good luck on your annual convention in Grand Rapids and congratulations to this year's "Police Officers of the Year." □



## Sound Legal Advice

by Doug Gutscher

### Ask For Union Representation

Remember to ask for union representation when questioned regarding critical incidents that could lead to discipline such as shootings, use of force, death in custody and investigations into citizens' complaints. The police reports you are ordered to write and submit to the department are statements. These statements can and will be used against you if the

reviewing prosecutor decides to issue charges. If you ever have questions about your rights, ask for union representation. If your union representative has questions, contact your business agent. Remember you are protecting all of us so let us do our job, and protect you. □

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# Operation Lockwood

By Ed Jacques, LEJ Editor



John Lockwood always wanted to be a police officer. He graduated from Saline High School in 1998, joined the Marine Corps Reserves, earned a degree in Computer Information Systems from Eastern Michigan University, and attended the police academy. He worked at the Saline Police Department before joining the Washtenaw County Sheriff's Department where he worked only a short time before getting another call to duty - this time from his Uncle Sam.

Marine Corporal John Lockwood was manning a machine gun as his unit was clearing warehouses in Fallujah on November 19 when an improvised explosive device (IED) exploded below his Humvee. Lockwood doesn't remember the blast, but does remember waking up in a hospital bed in Balad, Iraq, not being able to see out of his left eye. Lockwood could see that his feet, legs, thumb and nose were severely broken, his pelvis fractured and vertebrae cracked. And yes, the eye was gone. Corporal John Lockwood's body was broken, but all of his loved ones would soon find out, not his spirit.

Lockwood ended up at the Naval Base in Bethesda, Maryland, where his wife, Lisa, and parents, Roger and Ruth, were there to greet him on Thanksgiving morning. Lockwood was seriously injured and underwent surgery every 24 to 48 hours. After nearly a dozen surgeries to his eye, legs, head and back, Lockwood feels blessed, "I have all my limbs and my mind. I knew when I signed up after 9/11 there was a good chance I would end up in Iraq. People get hurt in war time." As of the date of this article, John uses a wheelchair to get around but has walked and doctors are confident that he will nearly fully recover. "I'm going to do what I need to do so I can go home and become productive," said Lockwood.

Back home, friends of John Lockwood who worked at the Saline Police Department and Washtenaw County Sheriff's Department have launched an effort they call "Operation Lockwood." Their goal is to raise enough money for the couple to cover their expenses during his long-term recovery. While Corporal Lockwood had surgeons inserting titanium plates inside of his face, metal net socks around his feet, a halo around his neck and head, and numerous rods throughout his wrist and legs, his fellow co-workers got started on a mission of their own. With short notice, many friends had impromptu fundraisers and raised thousands of dollars for "Operation Lockwood." It was during these holiday get-togethers that folks hatched a rather simple idea for a spaghetti dinner fundraiser that exploded into something bigger than life. With a complete month to organize the event, friends from the Saline and Washtenaw County departments began selling tickets to the dinner, collecting items for auctions, and hawking t-shirts for "Operation Lockwood." While John was involved in intense physical therapy, his colleagues in Michigan were also busy in their quest to eliminate a lot of the Lockwood's financial burden in the future.



Washtenaw County Deputy John Lockwood and his wife Lisa.

\$45,000, well above their initial goal.

Washtenaw County DSA President and POAM Executive Board Member Harry Valentine orchestrated thousands of dollars in donations from the POAM and the local units represented on its Executive Board. "I mentioned at our January meeting that I had tickets for sale. Ken Grabowski immediately issued a generous check from the POAM and the following week other large checks came in from our board members' local associations," said Harry. "John Lockwood's story moved people in ways that are rarely seen. I'm glad we could be a small part of it."

Some of Lockwood's colleagues were able to make it to Maryland to spend time with John and his family during his recuperation. This included Washtenaw County Sheriff Dan Minzey, who paid a visit to John while attending the National Sheriff's Conference in Washington, D.C., in late January. During one visit, Lockwood's colleagues presented him with a banner displaying their department's crest, signed by his law enforcement friends, wishing him a continued recovery and quick return to Michigan.

In early March, Corporal Lockwood was released from the V.A. facility in Maryland and transported by the United States Air Force to Willow Run Airport in Ypsilanti. The airplane was a converted Lear Jet that also included four other injured soldiers from the Midwest who were being reunited with loved ones. Lockwood was met by a small contingent of friends and colleagues who assisted in transferring him to St. Joseph Hospital in Ann Arbor, where John was scheduled to spend time in their Physical Rehabilitation Unit. At the end of the month John is scheduled for another surgical procedure in Bethesda and hopefully, doctors will be encouraged enough to send John where he belongs - home.

Corporal Lockwood could not be more appreciative of the support and goodwill bestowed upon his family. "I have been immensely surprised and am so thankful that I'm almost speechless," said John. "All I want to do is recover and be able to give back and help others." A charity golf event is planned this spring or summer. Information will be posted on the POAM web site, [www.poam.net](http://www.poam.net), or contact Steve Armstrong at the Sheriff's Department or Jay Vasso at Saline PD for more details and other ways you can help the family. □

**Editor's Note:** Donations should be sent to Key Bank of Saline - 100 W. Michigan Ave., Saline, MI 48176 checks payable to John and Lisa Lockwood Tax ID# MICS\CT23215.

At 7:30 a.m. on Sunday morning, January

L to R: Rob Losey, Doug McMullen, Mike Williams, Steve Armstrong and Jay Basso (not pictured) were there to greet John on his arrival.



A few good friends showed up for spaghetti.



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## Senate Majority Leader

# Michael D. Bishop

By Ed Jacques, LEJ Editor

*"Mike is receptive to our input and has promised to make himself available when necessary."*



**M**ichael D. Bishop is in his final term as the state senator representing the cities of Auburn Hills, Keego Harbor, Lake Angelus, Sylvan Lake, Pontiac, Rochester and Rochester Hills, and the townships of Addison, Independence, Oakland, Orion and Oxford. Before being elected to represent the citizens of Senate District 12, Bishop served two terms in the Michigan House of Representatives.

Following the 2006 election, Bishop was nominated by his caucus, and chosen by his peers, to be a leader of the Senate. As head of the Republican Caucus, Senator Bishop directs the agenda and is the lead

spokesman for the GOP policies in Michigan.

As a husband, father of three, and life-long resident of Michigan, Senator Bishop is focused on making the state an attractive place for families to live and companies to invest. Since taking office in January, Bishop and

his colleagues have worked to implement an agenda based upon the principles of free enterprise, limited government, individual freedom, and common-sense values. He is also concentrating on the high cost of the health care, replacing the state's business tax and protecting Michigan's natural resources.

This is Bishop's second four-year term in the Senate. In the 93rd Legislature, he was assistant majority leader and chaired the Banking and Financial Institutions Committee and was vice chair of the Gaming & Casino Oversight and Judiciary committees. As majority leader he chairs the Government Operations Committee. His new committee is charged with recommending to the full Senate whether to accept or reject Governor Granholm's appointments to state agencies and commissions.

During his four-year tenure (1999-2003) in the House, then-Representative Bishop served as vice chairmen of the Commerce Committee and as a member of the committees on Energy & Technology, Criminal Justice and Redistricting & Elections. He was also appointed to chair the Commerce Subcommittee on Banking & Finance, the Congressional Redistricting Subcommittee and the Joint Committee on Administrative Rules.

POAM Legislative Director Kenneth E. Grabowski is optimistic about working with Bishop on important law enforcement issues. "Senator Bishop is receptive to our input and has promised to make himself available when necessary," said Grabowski. "He has an impressive record inside and outside of the state government and is committed to non-partisan participation in fixing Michigan's economic problems." □

## Senator

# Mark H. Schauer

By Ed Jacques, LEJ Editor

*"Mark has spearheaded efforts to protect children and families from the growing menace of meth abuse."*

**S**enator Mark H. Schauer currently represents Calhoun County and most of Jackson County, and serves as the State Senate Democratic Leader. In this role, he is responsible for overseeing legislative strategy for his 17-member caucus, acting as a spokesperson for caucus initiatives, and negotiating with the administration, house and republican colleagues.

Senator Schauer has long been a proponent of strong, safe communities, spearheading efforts to protect children and families from the growing menace of meth abuse. Schauer sponsored legislation that would prevent prisoners from having access to cell phones to coordinate illegal activities from behind bars. He has also been at the forefront of protecting critical funds that are used to provide local public safety services.

Senator Schauer is also committed to addressing Michigan's budget crisis and improving our state's economic outlook. He consistently advocates for higher quality and safety standards in schools and investment in early childhood development. In fact, his entire professional career has been devoted to working with communities to strengthen neighborhoods, protect the interests of consumers and small businesses, and reduce the costs of health care and prescription drugs.

Before Schauer entered the senate in 2003, he served three terms in the Michigan House, but his commitment to public service began long before his election to the legislature. Prior to his six years in the House, Schauer worked as the Coordinator for the Calhoun County Human Services Co-

ordinating Council, and urban planner for the Calhoun County Planning Department, and the Executive Director of the Community Action Agency of South Central Michigan.

Correction Officers will be pleased to know that Schauer is co-sponsoring legislation to make C.O.'s eligible for 312 arbitration.

Schauer is a resident of Battle Creek and is very active in the community. In addition to his work with the Kids 'N Stuff and Lifespan programs in his district, he has built strong ties in the community through his involvement with the Food Bank of South Central Michigan, Habitat for Humanity, the Urban League of Battle Creek, and the Chamber of Commerce.

Senator Schauer is married to Christine and the proud step-father of three children. □



# A FRESH LOOK AT 12-HOUR SHIFTS

By Ed Jacques, LEJ Editor

In the late 1950's and early 1960's, an unusual employee-driven process took root in America as fatigued shift workers convinced management that major scheduling changes were needed. By the 1970's and 1980's, many businesses were favoring 12-hour "compressed" work sets of two to four days, over the older 8-hour sets of five to 10 days. It wasn't just employees who were anxious about scheduling; supervisors and spouses had witnessed first-hand the fatigue and burn-out that were taking its toll in the workplace. Municipalities and their police departments were quick to pick up on the idea and began evaluating its possible impact on law enforcement.

In the 1990s, Americans were sold on the values of multiple careers, fitness and health, spending time with the family, along with advancing one's career. Most employees targeted these value items at the same time but quickly discovered that 8-hour shift schedules were meant for the previous generation. They were not living in their parents' era where employees lived close to work, had the benefit of a stay-at-home spouse, relatives and neighbors to help them with the kids and a minimum of activities available to the family.

Initial concerns about implementing 12-hour shifts from police officers and police administrations were similar. But police officers expressed valid concerns over an even wider range of topics because their work schedules have a greater impact upon their personal and job life than any other non-life-threatening variable. Of mutual interest to officers and their supervisors was the fatigue factor and its impact on safety, decision-making and productivity. Both parties knew that eleventh hour arrests could add an extra couple of hours onto an already lengthy shift. Employers were concerned about any additional expenses and employees worried about their own spending habits with additional days off.

Before diving into the many issues that relate to productivity and expenses, the employer has to commit to permanent or slow rotating shifts. Working frequently rotating shifts requires changing one's work cycle and time of sleep so often that it affects key mental processes such as motivation, alertness and judgment. The result will most likely be a loss of productivity and a poor foundation for implementing a test program. Overlooking this item will quickly lead to disaster and non-acceptance of any new schedule, no matter how well it works elsewhere. If officers are experiencing any problems with 12-hour shifts, supervisors should slow the scheduled rotation or switch to a straight schedule. Published evaluations of 12-hour shifts indicate that the vast majority of employees will report little or no fatigue after two to three months. Experts say that this corrective process will take place sooner if employees are more active in their time off.

In the 1980s, many internal evaluations by police departments on the effectiveness of 12-hour shifts were published in an effort to educate other agencies that were considering testing the new schedule. Although there were consistent findings on most issues, any person or department researching this issue needs to remember that every individual police department has its own dynamics and not all criteria used in the analysis was exactly the same. The old adage that figures don't lie, liars figure, will be at play if the people supervising, recording and analyzing the test are determined to get the answer they want. Having said that, let's take a look at the impact of 12-hour shifts on key economic and personal issues.

Most 12-hour shift schedules total 84 hours worked over a two-week schedule. If those additional four hours are paid as overtime, over-time expenses increase by approximately 10%. In cases where the extra four hours were subtracted from overtime, that number showed decreases of approximately 15%. When those additional four hours are converted to payable compensatory time, compensatory time increased significantly (over 50%) in all cases. But, if the scheduled four hours

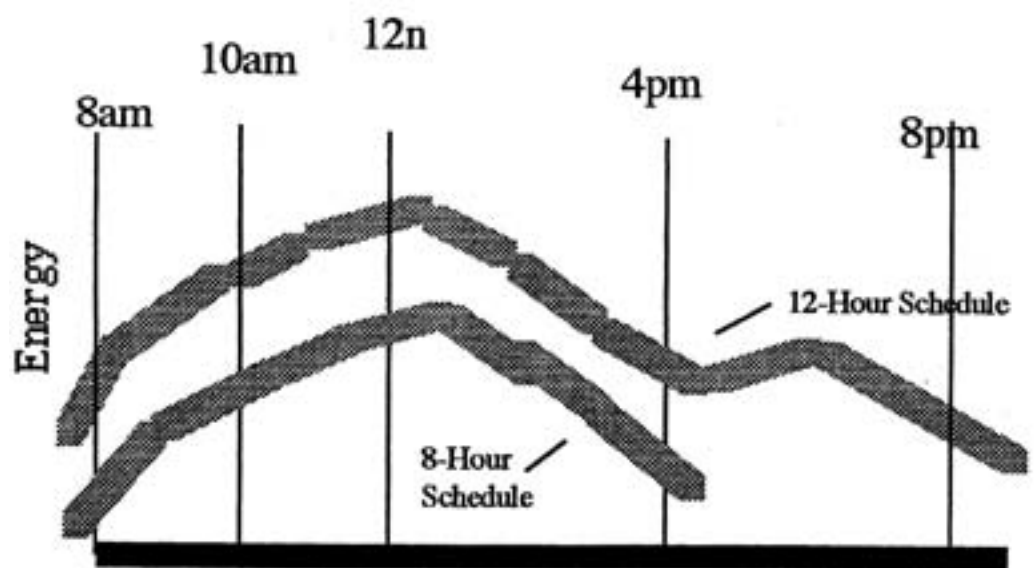
were removed from consideration, compensatory time earned dropped approximately 25%. Many departments soon resolved this dilemma by having each officer work one 8-hour shift each two weeks. When POAM Business Agent Thomas Funke worked with the Walled Lake administration on implementing 12-hour shifts, they hatched an idea to have the first and last shift in a working block become 10-hour shifts.

Sick leave has been reduced in many departments utilizing the 12-hour schedule. Although the number of hours reduced is usually minimal, one has to remember that when a police officer under the 12-hour shift does use a sick day, it is at a rate 50% greater than that of the 8-hour shift. Figures reflect that while sick hours tend to drop a nominal amount, the number of incidents using sick leave decreased substantially more. Surveys indicate that sick leave has increased when fast rotating shifts are scheduled. Police officers have stated that the constant "flip-flopping" keeps their bodies in a state of turmoil, causing them to utilize sick leave in order to adjust to the constant changes. A straight shift for at least several weeks would allow physiological adjustment and should result in a larger decrease in the amount of sick leave used. Decreases in annual and sick leave affords more available manpower, which can assist departments that have experienced a decrease in personnel through attrition.

Although performance is a relative term, many initial tests did show double digit increases in the number of total arrests. Twelve-hour shifts do result in 33% fewer shift changes, which in turn provides personnel with more patrol time and less wasted time in transition. With more patrol time, increased flexibility, and a greater feeling of satisfaction being reported by a vast majority of police officers, increased production seems a likely result if there are no major fatigue factors. In their technical report to the Everett, Washington, Police Department, Captain Charles Davis and James J. Tracy, Ph.D., stated that "objective measures of performance suggest no real differences in performance and response times remained essentially the same."

Most police officers and supervisors did not list fatigue as a part of the 12-hour shift unless they were on rotating shifts. However, the officers reported that it did not adversely affect their work, attitudes to the public, or working with other employees. None of the reports indicated any significant spike in valid citizen complaints. There were also some suggestions that people working a desk job have some flexibility to rotate with other details in order to maintain alertness.

Police officers suffer extremely early burnout and struggle with scheduling problems. One reason is because many of them typically use their off time to moonlight. Twelve-hour schedules are improving this situation and making scheduling of hours at their second job more convenient. In Glen McBride's publication, *Supervising the 12-Hour Schedule*, McBride states that 12-hour employees often exhibit a higher level of motivation than rotating 8-hour employees, especially when they are well supervised. Part of the reason is the better recuperation from jet lag and sleep loss, plus the stress



Functional Graph of Energy on Day Shift

recovery benefits of 12-hour schedules.

Studies show that incident rates tend to rise where overtime has increased significantly and the schedule is not accommodating. There have been reports published that do indicate a higher incident rate during the last four hours of a 12-hour shift. However, this is found mostly in overtime studies and in studies of new schedules. This does not translate to personnel that have successfully adapted to a steady 12-hour shift and to its larger blocks of work and recovery. It is important to remember that the last four hours of a 12-hour schedule do not feel like four hours of overtime. A transportation study revealed that unexpected call-outs and stay-overs lead to fatigue, which in turn cause more incidents. The studies showed that the greater cause of unsafe fatigue is due to variation in start times rather than long hours of scheduled work. In 1987, Patrick Dean published An Evaluation of the 12-Hour Work Schedule for the Midland Police Department and his research indicated that there was no increase in officer involved accidents after switching to 12-hour shifts. Finally, all studies do show some decrease in energy in the last hours of shift work, whether those were 12, 10 or 8-hour schedules. With 12-hour schedules, there are one-third fewer shifts containing those last few hours.

In his report to the Louisiana State Police entitled "The 12-Hour Shift: A Workable Alternative," Trooper Michael Fournet's research proved that 12-hour shifts improve morale and family life. Police officers who work the 12-hour shift generally spend more time with their families; have more time and energy to perform routine tasks or larger projects outside of work. Every other weekend off allows them to conduct long-range planning and more time for recreation. A vast majority of spouses also reported overall satisfaction with the 12-hour schedule (note - only 50% of officers have to work the holiday on 12-hour shifts, versus 75% under an 8-hour system).

It should be noted that there have been no insurmountable problems reported in implementing a 12-hour schedule. While the majority of road personnel questioned favored the 12-hour shifts, a few simple suggestions could make it an even more attractive solution.

- Institute permanent or slow rotating shifts, thereby allowing an officer to more readily adjust, eliminating any possible fatigue factor.
- Insert one 8-hour shift or two 10-hour shifts per pay period to eliminate the four extra hours or convert those hours to non-payable compensatory time with civil service approval. This will serve to maintain the previous high level of production and morale while costing the department nothing in monetary obligations.
- Officers who work nights and attend court on a regular work day should be accommodated by scheduling their appearances early in the morning and as close to their shift change as possible. Another method to

improve court attendance and accommodate officers would be to adjust their starting or ending time in that evening's shift.

- Accommodations should be made for desk and bureau personnel, as well as more frequent breaks for communications specialists.

Conducting a successful test program begins with making the program strictly voluntary and ends with a scientific questionnaire geared to measure the differences between the 8 and 12-hour shifts. To encourage candid answers, the survey should be anonymous. The final evaluation must be based on objective data that has little or no variables between the two compared time frames.

Advantages of the 12-hour shift far outweigh any disadvantages. Employers should take a detailed look at 12-hour shifts because they have a track record of improving the quality of life for the affected officers and their families. The overwhelming number of conversions to the 12-hour shifts were initiated by the officers themselves or their police union. Most municipalities agreed to a trial period on the 12-hour shifts in an attempt to reduce expenses. The majority of those experienced cost savings in the test and reported continued savings in subsequent years. Perhaps the most convincing argument for 12-hour shifts is the fact that we have no record of any units voluntarily switching back to their previous schedule.

Employers, especially ones that have a limited tax base or are suffering significant revenue sharing cuts need to be more receptive about quality of life issues for its public safety employees. Otherwise, there will be a continued exodus of its experienced and most effective officers leaving for departments in nearby municipalities that do not necessarily offer more money – but a better work environment.

This article has attempted to deal with all pertinent aspects of the 12-hour shift. Comparisons were made and test results verified from state police departments, county sheriff's departments, and local police departments that have published reports available to the public. There are certainly dozens of other internal department reports, tests, and evaluations conducted in Michigan police departments that can be made available to anyone in law enforcement considering 12-hour shifts.

The POAM stands poised to assist any of its local units in presenting its administration a proposal on 12-hour shifts. Please call me personally at our Redford Headquarters and I will be glad to forward to you copies of all pertinent research material. □

**Editor's Note:**

***A list of POAM units utilizing the 12-hour shift appears on page 34.***



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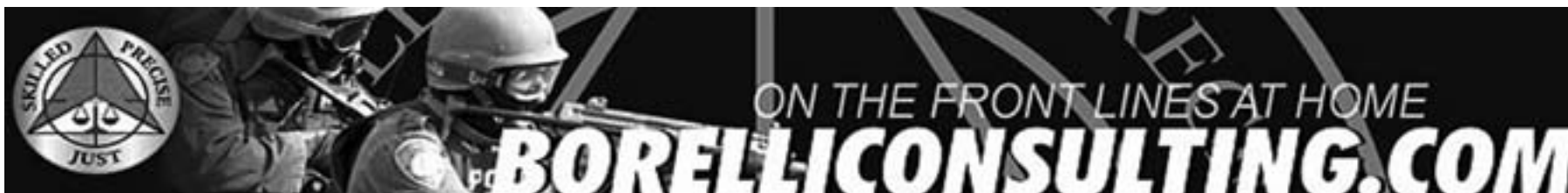
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## ***School Resource Officers' Next Millennium***

A few decades back, School Resource Officers didn't even have such a name. They were generally cops assigned to a High School to assist the school faculty and staff with maintaining the peace among sometimes hot-headed and rowdy teenagers. Across the years the School Resource Officers (SROs) found their duties expanding to cover drug enforcement in the school environment (with attention to the special conditions that exist in an educational facility full of minors), crowd control at games and assemblies, and more. As we're about half-way through our seventh year of the new millennium, SROs have to face the reality of their duties expanding again - and this time in a way that potentially presents a larger threat to the school, economy and country than they've ever dealt with before: terrorist acts.

Not that long ago I served on a citizen advisory committee for a county school board. When I brought up the topic of potential terrorist attacks on schools the first reaction I received was, "It can't happen here." Yeah, I know that place: it exists all over the country: "It Can't Happen Here, USA". That was the name of another place called... what was it? Oh, yeah: Columbine.

First and foremost we have to recognize reality: IT CAN HAPPEN HERE. And the rate at which it is happening has accelerated in the past decade.

The next challenge I ran into was when I suggested putting deputies in the schools. It was very quickly explained to me that I was quite off-base. Here's why (as it was explained to me by the Superintendent of the school board in question):

1) ONE deputy armed only with a handgun certainly wasn't enough to stop several armed terrorists, so why even put him there just to sacrifice his life?

2) By putting an armed deputy in each school we would introduce a gun into the educational environment and history had proven that isn't a good thing.

3) There are too many questions about chain of command and control when a deputy works in a school. After all, in the school, his boss has to be the principal, but most Sheriffs won't surrender such control.

4) Finally, and maybe most important, by putting a uniformed authority figure in the school who was responsible for some measure of safety, we would be sending a bad message to the students: we'd be telling the students that they were no longer responsible for their own safety and actions.

My eyes are brown but even I'M not that full of it.

Let me address those issues one at a time. Bear in mind as you read all these responses, they are an expression of my opinion - albeit backed by the same opinion of several nationally and internationally recognized experts on school security and terrorism.

1) One armed deputy certainly won't be sufficient to stop and defeat several terrorists... at least we don't THINK so. But that one armed deputy, with proper training and a warrior outlook, will certainly slow those terrorists down enough to allow some of the school students, staff and faculty to "lock down and shelter in place" or perhaps even escape out an exit at the other end of the school. Let's remember something: terrorists like media attention and the kind of attention they want comes with big numbers. The more students we can get out of the school before the terrorists take over, the less successful the terrorist siege will be.

2) I'm not familiar with a single incident where the gun of a law enforcement officer assigned as a School Resource Officer mysteriously just discharged by itself. Further, I'm not familiar with any incident where the gun, through whatever mystic forces it controls, turned the SRO into an

evil student killer who went on a rampage. Anyone who is please advise. Guns are tools. In the hands of a skilled craftsman (likening police officers with guns to carpenters with hammers) they serve a purpose. In the hands of a ner-do-well, they are tools of mayhem (just like the hammer). They are inanimate objects and are not to be feared except by those who remain intentionally ignorant of them.

3) Policies and protocols are easy to write. It happens all the time. In a NON-violent situation, the SRO can very easily answer to the principal and support the school community as necessary. However, once the situation calls on the deputy / officer to act in his professional capacity as a contemporary warrior (i.e. active shooter, terrorist attack, etc), then the principal needs to start taking advice from the SRO. After all, one is trained to administrate in a peaceful school setting; the other is trained to respond to, achieve control over, and de-escalate crisis situations by force if necessary. Guess which one is which.

4) This is psychobabble mumbo-jumbo. Saying that putting a uniformed deputy into a high school lowers the students' level of responsibility is like saying that putting a state trooper on the side of a highway lowers the drivers' level of responsibility. In my experience that just isn't correct. Usually, when the guy in the uniform is around, people tend to make sure they are acting legally. By using the School Superintendent's logic, we could lower the rate of speeding violations by taking all state troopers and highway patrolman off the roads.

Now that we've addressed the lunacy that mandates our children remain viable unprotected targets for terrorists, let's take a look at what today's SROs need to be thinking about and training for.

*"SRO's shouldn't focus on downplaying their authoratative image: They should be working on pumping it up."*

First, the whole school had better have a code word or catch phrase that IMMEDIATELY and WITH NO DOUBT alerts the entire staff and faculty to what is happening FAST. Upon hearing that codeword / catch phrase every teacher should be locking their door and starting the shelter-in-place procedure. The SRO should be moving toward the front of the school as quickly as possible, recognizing that he/she may be in some first grade classroom giving a presentation on the danger of drugs. The SRO has to mentally "switch gears" on the run and be ready to fight for not only his own life, but the lives of every innocent in that school. As I said, it is a warrior mindset that leaves no room for doubt or hesitation. I'd be willing to bet that many SROs today were selected because of their friendly demeanor and understanding attitudes. That's great when working with children and teachers, but it sucks when you're fighting against an armed terrorist. Maybe we need to rethink that?

Second, the SRO shouldn't focus on downplaying his authoritative image: he should be working on pumping it up. As has been reported by the FBI across the years during investigations with criminals: cops who LOOK professional and on-their-guard are less likely to be attacked by a criminal. Why? Because the criminal doesn't want a fight: he wants a victim. Terrorists have the same outlook: they don't want a fight: they want victims. They want hostages. They want lots and lots of media attention and the last thing they want on the news is that five or ten of them were killed by a single motivated well-trained well-armed aggressive cop. This makes me think

of another line I recently heard: "Terrorists aren't afraid of America; they ARE afraid of Americans." - John Giduck.

Well said. ONE armed SRO putting on a good fight from a position of cover will most certainly present a challenge to the terrorists as they try to take control of the school. After all, if it's done correctly, they may not even be able to get all the way in the doors. So, the SRO should definitely be presenting him (or her) self as a competent professional, properly equipped, properly trained and highly motivated.

*"Lessons have been learned the hard way all around the world, but we keep insisting on learning them for ourselves."*

Third, what's "properly equipped"? Not that long ago I was arguing on a discussion forum that cops didn't NEED to be carrying more than two spare magazines of ammo. In a common 9mm (or even .40S&W) handgun, a loaded gun plus two spare magazines means 45+ rounds of ammo. What could possibly happen that would mandate more? Well, a terrorist siege is one answer. Now, while I'm not sure that the SRO needs to have six spare magazines on his belt, I am pretty sure that he'll need a lot more than 45 rounds to take on fifteen rifle-toting goons. What's the answer?

Now I can hear / feel some of the more liberal academic readers having heart attacks at the very idea of allowing a gun into the school setting. To make matters worse, I'm going to make an even more hated suggestion: start training your teachers who volunteer, and ARM them. How many teachers today are service veterans? Even among those who aren't, how many have the fighting spirit? This isn't about the political argument that will always rage over gun control: this is about PROTECTING OUR CHILDREN. If the teachers are willing, TRAIN them and ARM them.

Israel learned the hard way that having guns in the right hands in schools

is far better than allowing children to be slaughtered. We can learn that lesson the hard way ourselves or we can simply look at the lesson they learned, recognize that it CAN happen here, and start proactively preparing against it. I don't know how many of you readers are parents, but think about this: we all try to teach our children not to do some things because OUR experience has shown us that it's a bad idea. WE learned the hard way and we hope our children won't have to. When they DO insist on learning for themselves... the HARD way... we shake our heads, feel sympathy for them, help them recover and move on knowing that NOW they've learned. "Stubborn kid," we think. "Got spirit though," we mentally add. Right now, AMERICA is that stubborn kid. Lessons have been learned the hard way all around the world, but we keep insisting on learning them for ourselves. The price we, collectively as a national populace, will unfortunately have to pay, will be the lives of innocent children, staff and faculty at some school(s). We simply cannot allow that to happen and we have to start fighting against it today.

So, if you're a School Resource Officer, start making a nuisance of yourself. Start asking about terrorist response training; better equipment; additional SROs; etc. If you're a parent, start questioning your school board about their response plans and policies for a terrorist siege event. Don't accept being given the run around. Demand answers. Ask how often the School Superintendent and Chief of Police or County Sheriff (or all three if appropriate) meet and discuss options, challenges, and issues. Find out what they are planning. Volunteer to play whatever role your skill sets will support. Most important, set aside the debate of gun control. That's a (largely) political debate that won't be solved in our lifetime. But focusing on the gun control debate will distract you from what is really important: protecting our children from those who would harm them. This is YOUR duty as parents, cops, deputies, security guards, and in general AMERICANS. □

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## OFFICER REINSTATED SO SHE CAN APPLY FOR A DUTY-RELATED DISABILITY

By Ed Jacques, LEJ Editor

On August 14, 2004, Saginaw Police Officer Jacqueline Williams was involved in a motor vehicle accident when, while on duty, her car was broadsided on the drivers side. She was admitted to a hospital where she was treated for lower back injuries and x-rays indicated a small cortical fracture on the right side. She experienced persistent and severe pain, weakness and numbness in her extremities, and the inability to sit for any extended period of time. She was medicated with various pain killers, anti inflammation drugs, muscle relaxants and therapeutic nerve blocks, and underwent back and neck rehabilitation therapy.

In November, 2004, Officer Williams' Workers' Compensation payments were discontinued even though she was unable to return to full duty. She appealed that decision and applied for and was granted, short-term disability (STD) benefits based on a diagnosis of acute stress and depressive disorders. She also began using contractual paid time off (PTO) and comp time to supplement the STD benefits. She had also exhausted her FMLA leave time.

In January, 2005, Officer Williams' primary care physician, Dr. Robinson, recommended that she be off work until March 7, 2005, at which time he expected her to be able to work on light duty. After completing a review of her claim for STD benefits beyond January 19, 2005, the insurance carrier, Jefferson Pilot, determined that there was not sufficient evidence to support a mental nervous condition that would preclude all work capacity. Since the policy required total disability, Officer Williams' STD benefits were discontinued. Three weeks before she was formally notified of this, on March 21, 2005, Dr. Robinson had reevaluated Williams after she had completed a rehabilitation program and determined that she must remain off work until June 15, 2005.

Officer Williams immediately contacted a representative of the insurance company and provided them with complete medical records related to her on-duty motor vehicle accident and appealed the discontinuation of benefits. She was successful and granted disability benefits from January 19, 2005 to May 13, 2005.

In April, 2005, Officer Williams was informed by her supervisor that she must notify the Police Department of a request for unpaid leave beginning immediately or she would be considered Unpaid Unapproved and that she will have effectively quit her job. She filled out the appropriate form on the same day and submitted the request for an unpaid leave through June 15, 2005, the original date her doctor had indicated as a possible date of return to work. Williams also testified that she had never received a formal notification on whether the leave was granted or denied.

On April 12, 2005, at Officer Williams' request, Dr. Robinson, released her to work with detailed and extensive restrictions, including half days. Those restrictions were to remain in effect until May 24, 2005, when he could reevaluate her condition. The next day, Officer Williams was ordered to report to the Employer's clinic, where she was cleared to return to work on full duty status, effective immediately. She reported as ordered and was assigned to light desk duty.

Her first day back, April 15, 2005, after approximately 90 minutes, she was unable to continue due to the pain she was experiencing and was sent home. Her shift supervisor took her badge and gun. Officer Williams stated that she had discontinued her pain medications the day before reporting for work because she did not want to carry her weapon while medicated. Three days later, the City's Labor Relations Administrator sent a recommendation to the Chief of Police that Officer Williams be discharged. Williams was officially terminated two weeks later.

On May 2, 2005, Williams applied for a duty disability pension from the City of Saginaw. Initially the Police and Fire Pension Board notified her that it would wait the outcome of her grievance arbitration and noted that she

also had a Workers' Compensation appeal pending. However, on September 8, 2005, the Board informed Williams that her Workers' Compensation hearing had been adjourned awaiting the determination of the Pension Board, and in order to break this stalemate the Board reviewed her case and found that since Officer Williams made her request for duty Disability Pension after her termination date, her request was denied!

The very next day POAM filed a grievance on behalf of Officer Jacqueline Williams alleging that her termination was without just cause. The Union was not seeking back pay or benefits for the grievant; however, we were seeking reinstatement to the position she was in prior to the unjust termination so that she could make application for a disability pension. POAM attorney, Martha Champine, and President Jim Tignanelli, referred to Article XVII of the collective bargaining agreement which addressed the rights of employees seeking a leave of absence.

The Employer rejected POAM's requested remedy that the grievant be reinstated for the purpose of allowing her to apply for a pension because that would require the possible removal of another officer from the street. POAM argued that from the beginning, the Employer ignored Officer Williams' statements and that of her doctors that she was unable to perform her duties due to intolerable pain. The Union also maintained that, as was the practice with others who were disabled, the Employer hold their job for one year, while a determination was made about her duty disability pension.

In Arbitrator Ildiko Knott's discussion and findings she notes that several medical professionals diagnosed Officer Williams with, among other things, cervical strain, tendonitis, inflammation, immobility and fusion of veritable joints, and significant hypertrophy of lumbar facet joints. She also stated that it was reasonable to conclude the Officer Williams wanted to make a good faith effort to return to her job despite the fact that this was counter to her surgeon's advice and because she had not received a notification from the Chief as to the status of her request for an unpaid leave. In the hearing, the Employer had testified that while an employee was on STD, termination would not occur and the employee's job would be held for one year if the disability continued. Receiving STD benefits, then, indicated to the arbitrator that the officer was considered disabled and could not work. The Employer knew or should have know of Officer Williams' appeal and the fact that Jefferson Pilot had discontinued the payments solely because those payment had been for stress and depression which were no longer considered disabling. Jefferson Pilot sent copies of its communications to the City and the Employer knew a review of her appeal was in progress.

Arbitrator Knott also stated that as long as an employee is entitled to a contractual benefit, termination is not appropriate. The arbitrator noted that placing Williams on unpaid medical leave would have relieved any financial burden that her disability would have placed on the City.

The POAM grievance was granted and Officer Williams reinstated to her former position, on an unpaid medical leave of absence, until such time as her application for a duty related disability is considered and decided by the Pension Board.

Saginaw POA President, Ruben Vasquez, was present for the Union's presentation of its arbitration. "Martha Champine and Jim Tignanelli did a wonderful job presenting Jackie's case," said Vasquez. "There were a lot of details and a timeline that needed to be accurately laid out for the arbitrator, and they pulled it off perfectly."

After the award was received at the POAM office, Tignanelli was proud that POAM took on a case that most other unions would leave alone. "Just pushing a squad car around a city like Saginaw is a dangerous detail," said Jim. "When a police officer is injured in the line of duty, we have to make sure every available consideration and benefit is available to them." □

*More legal decisions on the next page.*

# OTTAWA COUNTY CIRCUIT COURT AFFIRMS POAM'S LANDMARK VICTORY ON RETROACTIVITY OF GRIEVANCES

By Ed Jacques, LEJ Editor

**O**n February 14, 2007, Ottawa County Circuit Judge Edward R. Post issued an opinion and order affirming a previous Act 312 arbitration panel award. Act 312 provides for compulsory arbitration of labor disputes that arise between a municipality and its police department. Such a dispute arose between Ottawa County and the Police Officers Association of Michigan, who are the parties to a collective bargaining agreement (CBA).

An order issued by an Act 312 arbitration panel is reviewable by the Circuit Court for the county in which the dispute arose. Ottawa County raised four issues. Two of those issues questioned the constitutionality of Act 312, and if the panel's award was supported by competent, material, and substantial evidence on the whole record. Those objections were overruled in a slam dunk fashion by the Court, but both parties' focus was clearly on the two remaining issues.

One of these issues is whether or not the 312 panel was without jurisdiction to order that a "non-economic" term of the parties' new CBA would be retroactive the "hiatus period." The non-economic term at issue was the provision of the parties' new CBA that provided for the right to arbitrate grievances. The "hiatus period" is the period between the expiration of the parties' old CBA and the commencement of the parties' new CBA.

In its previous order, the panel ruled that the right to arbitrate grievances term of the parties' new CBA applied retroactively to the hiatus period. Ottawa County conceded that an Act 312 arbitration panel has the authority to make economic terms retroactive, however, is without jurisdiction to make non-economic terms retroactive.

Judge Post pointed out that the power of an Act 312 panel to make the terms of the panel's order retroactive is expressly and succinctly set forth in MCL 423.240 which states, in part: "increases in rates of compensation or other benefits may be awarded retroactively." The Court held that the panel was not without jurisdiction to rule that the right to arbitrate grievances terms of the parties' new CBA was to be retroactive to the hiatus period.

The other issue to be determined was whether or not the arbitration panel was without jurisdiction to rule on the retroactivity of the right-to-arbitrate grievances term of the parties' new CBA because (1) the parties had not bargained regarding this term and (2) the parties had not submitted their dispute regarding this term to mediation.

Circuit Judge Post referred to POAM's initial victory versus the Ottawa County Sheriff in the Michigan Court of Appeals in 2004, stating that nothing

in Act 312 precludes an Act 312 arbitration panel from considering and deciding an issue that is raised for the first time at the arbitration hearing. Whether or not the parties bargained as to the retroactivity of the right-to-arbitrate grievances term was irrelevant to the Court, as well as the fact that their dispute regarding this issue was not submitted to mediation.

In his written opinion, Judge Post notes that in *City of Manistee v ERC*, 168 Mich App 422, 426; 425 NW2d 168 (1988) held that there must be unsuccessful mediation of the parties' dispute before either party may invoke compulsory arbitration under Act 312. However, as used in *City of Manistee*, the term "dispute" means the sum total of all of the issues as to which the parties disagree, rather than a specific, individual issue.

The case was originally briefed and argued before the Act 312 Panel by POAM General Counsel Frank Guido; Assistant General Counsel George Mertz presented oral argument before Judge Post on appeal. Previously, in the rare circumstance that an employer will not allow retroactivity of the grievance procedure, the Union and the affected employee would have to file a lawsuit in Circuit Court claiming a breach of contract. That process is longer and more expensive than the traditional arbitration called for in a CBA.

"The majority of contracts that are in negotiations have expired," said POAM and Ottawa County Business Agent Jim DeVries. "This victory offers protection to every single police officer in Michigan that bargains a new contract in good faith after expiration of an agreement. In fact, POAM is currently representing two employees that were dismissed during the hiatus period and now have the grievance procedure as a course of remedy. "POAM Assistant General Counsel, George Mertz, commented on some of the testimony that ironically helped POAM prevail in this monumental case. "Upon questioning by General Counsel Frank Guido, one of Ottawa County's Administration went on record as stating that his belief was that, even in the midst of negotiating a successor agreement, all employees are considered at will," said Mertz. "The arbitration panel immediately realized that employees needed to have an avenue to forward grievances."

Ottawa County Deputy Sheriffs Association President, Matthew Van Liere, had mixed feelings on the subject. "It is unfortunate that our employer is named in a case that will be cited by attorneys for decades to come, but it says a lot about our union's wisdom to affiliate with the POAM." □

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## OFFICER TERMINATED AFTER DEFENDING HERSELF IN ASSAULT

By Ed Jacques, LEJ Editor

**P**olicing the streets and transit lines in the City of Detroit is tough duty. It's especially dangerous when you have to fend off attacks on department property.

The Detroit Transportation Company (DTC) building is located on Washington Blvd. in downtown Detroit, and the immediate surrounding area, including its own parking lot, routinely has problems with vagrants and other seedy characters. Although the DTC had a policy against personal weapons on work property, one female officer was glad she had put her own personal protection ahead of an unsafe department policy. In fact, many officers carried their own personal weapons into work and then securely stored them before strapping on their duty issued weapon.

As the DTC officer left work she noticed a vagrant acting suspiciously around a garbage dumpster and informed him that he should leave

the property. He immediately attacked and struck the officer. A violent struggle ensued, and when the perpetrator got on top of the officer and continued to assault her, she found a way to free her personal weapon and fire twice, wounding and incapacitating the felon. The incident was reported to the Wayne County Prosecutor's Office for possible criminal charges and internally for discipline. The Prosecutor's Office determined that the officer was well within her rights and no charges would be forthcoming. DTC fired her. They quoted the employee handbook which states there is a policy against personal weapons in the workplace and all violations are a level 4 infraction, which may be a terminable offense.

POAM Business Agent Bob Wines and POAM Assistant Legal Counsel, George Mertz immediately filed a grievance and began preparing for their eventual arbitration hearing. POAM's argu-

ment would be that DTC's policy against personal weapons in the workplace was never enforced and their Command Officers should have known that it was being consistently violated, even by its own supervisory staff.

Three current employees testified in the hearing that supervisors knew of the practice. One of the witnesses had actually been accidentally shot by a co-worker who had brought a commemorative weapon into work and was showing it off when it accidentally discharged. That employee had received a 30-day suspension. The facts proved that not all level 4 violators are fired at DTC and that our grievant's punishment was arbitrary and excessive.

Arbitrator Mark Cousens agreed and reduced the discipline to a 10 day suspension and awarded

*Continued on page 34*

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compiled and an "insurance score" is generated. This score directly affects the premium prices you pay, as it is a measure of risk tolerance.

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In our insurance system, which is regulated by individual states, drivers and homeowners who are higher insurance risks should pay more for insurance. Those who are lower risks should pay less. The use of credit, together with other rating factors such as the number of claims you've filed,

where you live and drive and what kind of house or car you own, helps insurance companies better determine the appropriate rates to charge.

Be aware, however, that not all insurance companies use credit scores the same way, and some don't use credit scores at all in determining your rates. Many companies use credit when you first apply for insurance. You are grouped with people of similar scores and remain there; you will not be re-scored unless you ask. If your credit score has improved since your last insurance purchase, ask your agent to re-score your account to see if your rates can be improved. □

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- ✓ By using credit wisely – paying bills on time and being financially responsible – you can improve your insurance score and most likely qualify for lower rates.
- ✓ The Federal Fair Credit Reporting Act (FCRA) provides numerous other protections, including:
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  - ✓ Each of the three major credit reporting agencies also are required to provide you with one free copy of your credit report annually. To obtain your copies contact:

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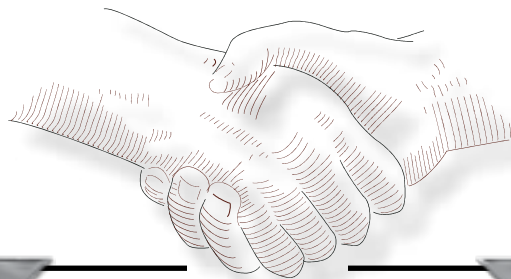
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## Agreements gain vital benefits for POAM members

Summaries and highlights of recently completed local contract negotiations and 312 arbitrations



### Negotiated Garden City Dispatch

Duration 1/1/2006 – 12/31/2010

Wage Increases:

2006	0%
2007	\$3,000 equity increase
2008	5%
2009	5%
2010	5%

Bringing top pay for dispatcher to \$45,217

- Added dispatch coordinator position at a differential of 10%.
- 60 days sick time added to FAC.
- Increase employee retirement from 5% to 6 % contribution.
- Increase Comp Bank from 48 hours to 80 hours.

*Bargaining team consisted of President Barb Wolsinski, who was assisted by POAM Business Agent Bob Wines.*

### Negotiated Roscommon County DSA

Duration 1/1/2007 – 12/31/2010

Wage Increases:

2007	3%
2008	3%
2009	3%
2010	3%

Bringing top pay for a deputy to \$44,574

- Corporal pay differential will be 9% over top corrections.
- Health care will be MERS Plan 7 fully paid by Employer.
- MERS vesting at 8 years.

*Bargaining team consisted of President Mike Max and Ron Frydrich who were assisted by POAM Business agent Pat Spidell.*

### Negotiated (*Inaugural POAM Contract*) Grand Blanc POA

Duration 6/1/2006 – 5/31/2008

Wage Increases:

\$500 signing bonus

2006	2.5%
2007	2.5%

Bringing top pay for patrol officer to \$53,854.

- All benefit levels remain unchanged.
- Top pay now achieved at five-year stop.

*Bargaining team consisted of President John Graver and Vice President Chris Rhind who were assisted by POAM Business Agent Wayne Beerbower.*

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Ken Murray's (Training at the Speed of Reality) Reality Based Training Instructor	June 11-15, 2007			
M16/AR15 Colt Armorer	October 16-18, 2007			
Police Vehicle Operation Certification	June 1, 2007 July 13, 2007 August 10, 2007	June 8, 2007 July 20, 2007 August 17, 2007	June 22, 2007 July 27, 2007 August 24, 2007	June 29, 2007 August 3, 2007 August 31, 2007



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*What matters to you,  
 matters to us.*

# “YO!” Auggie is on POAM Board

By Ed Jacques, LEJ Editor

Gregg Joseph Allgeier, affectionately known to friends as “Auggie,” was born and raised in New York and lived in the Bellerose section of Queens while working as a police officer in the city.

Sworn into the NYPD by Mayor Edward Koch in Madison Square Gardens with over 2000 other officers in 1983, Auggie recalls that one of his fondest memories was his first day on the job. While on foot patrol, Allgeier collared a grand larceny auto suspect. During booking, Auggie’s head bloated as he was certain that he was the first of his graduating class to make a felony arrest. At this rate, he was sure to end his career as the most decorated police officer on the department’s history. Right about then, one of his buddies from the academy dragged in a perpetrator whom he actually witnessed commit a homicide. Auggie’s thunder was stolen by another rookie!

In his nine years at NYPD, Allgeier was assigned to uniform patrol in Brooklyn and Queens and also worked with the street narcotics and prostitution units for a combined total of three years.

While enjoying a cruise vacation, Gregg met and fell in love with a lawyer he met from Michigan. Since his parents had recently retired and moved to California, Auggie decided to move to Michigan and start his new life there with his bride. He joined the Dearborn Police Department in August 1992.

Gregg currently works the day shift in the uniformed patrol division. He has served as a field training officer and has worked all shifts. Allgeier has been in a leadership role with the Police Officers Association of Dearborn since 1995, acting as its Trustee, Secretary and its current Vice-President. He works closely with POAD President Jeff Gee and has been a regular member of past and current negotiating teams, testified in Act 312 hearings and has handled numerous grievance issues.

Auggie and the membership at POAD worked hard to institute minimum manpower at the under-staffed Dearborn Police Department. It took an amendment to the City Charter which meant a petition drive with an overwhelming number of signatures needed. President Jeff Gee, Allgeier and the rest of the Executive Board organized members and took their case to the people. Even after they got the signatures, the Administration down

played any chance the POAD had at the polls. “I love being the underdog,” said Auggie. “But after this victory, that title won’t be tagged on our organization for a long while.”

Auggie was named to the POAM Executive Board in 2006 and attends all of the organization’s special events where his outgoing (New York-style) personality makes him a popular, if not unforgettable, guy. But Allgeier was named to the Board because of his tenacity in representing his local members and his expertise in negotiating and enforcing contracts. Allgeier also doubles as a part-time POAM Business Agent and is excited about his role at POAM. “I need to thank Jeff Gee for nominating me for the position and Ken Grabowski for trusting in my ability to do the job.”

Auggie has been married to his wife Peggy for 15 years and admits to being an avid golfer and card game enthusiast. He still religiously follows the New York sports teams and is quick to remind everyone that he is a Mets fan. He is a regular visitor to New York, where the man may have left the city, but the city never left the man. □



*Auggie (right) enjoys a friendly conversation with General Counsel Frank Guido.*

## MONROE COUNTY DETECTIVE HAS A WEALTH OF EXPERIENCE

By Ed Jacques, LEJ Editor

Dave LaMontaine grew up in Dearborn, Michigan, a city where his father, Harry, worked as a police officer. Dave and his step-brother, John Strong, grew up with best buddies Brian and Jeff Gee, all of whom eventually became police officers. His step-brother works in Redford Township, best pal Brian Gee is a Monroe police officer and president of their local POA, and Brian’s brother Jeff is a Dearborn police officer and also president of the local POA. LaMontaine credits this interesting fact to

the many virtues his father instilled in the boys. I always remember my dad saying, “Poor management creates strong unions,” said Dave.

LaMontaine joined the Marines right after his graduation from high school in 1984 and was honorably discharged in 1988. Dave began his career in police work in the early 1990’s at the Clay Township Police Department, where he was a reserve police officer and did some dispatching. The highlight of this time period was actually working with his father, who had previously retired from the Dearborn Police Department in 1988 and took up work with the township afterwards. “I know there’s a lot of fathers and sons that are in police work, but not many of them can brag that they actually patrolled together. It was a great joy to see that other side of my dad,” said Dave. “I respected him even more after seeing the professionalism of his work.”

Dave left Clay Township in 1995 to take a job with the Wayne County Sheriff’s Office, where he worked until 1998 before being hired by the Hamtramck Police Department. Dave worked in Hamtramck for two years before joining the Sheriff’s Department in Monroe County. Dave credits the Hamtramck police union president, Richie Betleja, for showing him how effective a strong union can be. “Richie ran that union with an iron fist, and had 100% respect from the troops,” said Dave.

LaMontaine is the president of the Monroe County Deputy Sheriff’s Association, president of the Child Advocacy Center of Monroe, treasurer of



*LaMontaine spends a lot of time in his local Association’s office.*

*Continued on page 34*

# FLANAGAN'S



**Happy hour prices for  
POAM members.**



***Drink Specials  
for POAM members!***

***Drink Specials***



***for POAM members!***

## POAM POKER RUN

Last year's poker run helped introduce members to the many bars surrounding the Amway Grand Hotel in downtown Grand Rapids. We have identified the most popular ones and asked a couple new pubs if they would assist us in conducting another poker run for the 2007 convention. Their response was a resounding YES!

Here's how it works. Members pay an entrance fee of \$10 and receive a complimentary gift. (You're already ahead on this deal.) You will then proceed to the designated establishments and when you show a special pass while ordering a beverage, you will receive a sealed envelope that contains a single playing card. Collect one envelope from each stop and proceed back to GP Sports in the Amway Grand Hotel, where registration began earlier in the evening. Your sealed envelopes will be collected, and when everyone returns, we will play a big game of "Showdown."

Every dollar collected as an entry fee will be thrown into the pot and 40% will be awarded to the best poker hand, 30% to second best, 20% for third place, and 10% to the fourth best poker hand.

Sounds like a pretty sweet deal, doesn't it? Contact the POAM office to save your spot. Registration is limited so act now.



**REMEMBER THERE ARE NO LOSERS IN POAM!**

# Z's

***Drink Specials  
for POAM members!***

## GP Sports

*in the Pantlind Lobby  
of the Amway Grand Hotel*

***Drink Specials  
for POAM members!***



***Happy hour prices for  
POAM members!***

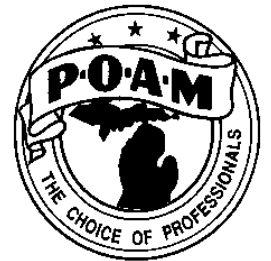
# Convention Info

IT'S TIME TO MAKE PLANS  
TO ATTEND THE

## 2007 POAM ANNUAL CONVENTION

AMWAY GRAND HOTEL  
GRAND RAPIDS

June 6 - June 8, 2007



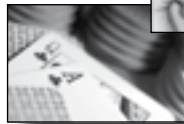
### Wednesday

June 6, 2007

Daytime Seminar



Evening Cigar Smoke  
or Poker Run



### Thursday

June 7, 2007

Noon Business Meeting

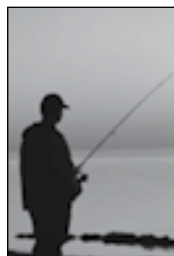


Evening Entertainment

### Friday

June 8, 2007

Morning Golf or Fishing



The Amway Grand Hotel has a block of rooms at the rate of \$102/Dbl. per room per day for members of POAM. Reservations should be prior to April 30 to be assured you will get this rate. Call Amway Grand at (616)774-2000, group code POA64.

A thank you.

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 ChicagoLand Speedway (July 13-15)

Pocono Raceway (August 03-06)  
 Bristol Motor Speedway (August 23-26)  
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## What is the DROP Program?

### DEFERRED (Delayed) RETIREMENT OPTION - PARTIAL LUMP SUM

- An optional lump sum withdrawal provision available at retirement.
- If an employer adopts this benefit, a member may have an option to receive a portion of their retirement benefits in a lump sum payment by permanently reducing their future monthly payments.
- The reduction percentage is chosen by the employer at the time they adopt the benefit.

### SAMPLE CALCULATION

- Member worked four years beyond their eligible retirement date.
- Member's monthly straight life benefit is calculated to be \$3,000/month
- Employer adopted a 6% reduction factor.
- Member chooses to receive 36 months of their benefits in a lump sum.
- Lump sum is calculated:  $36 \times \$3,000 = \$108,000$ .
- Permanent reduction of future benefits is calculated:  
 $6\% \times 3 \text{ years (36 months)} = 18\%$
- Member's future gross monthly benefit is  
 $\$2,460 (100\% - 18\% = 82\% \times \$3,000)$

### ELIGIBILITY

- To be eligible for the DROP+, an employee must work a minimum of one year beyond the date they are eligible for full (normal) retirement benefits.
- For example, if an employee is eligible to retire with full benefits at age 60, they must work until they are at least age 61.
- The following chart shows how the number of years worked beyond a normal retirement date corresponds with the amount of the lump sum payment a member may choose to receive:

### # of years worked beyond retirement date

- 1 year
- 2 years
- 3 years
- 4 years
- 5+ years

### # of months of benefits they may receive in a lump sum

- 12 months
- 12 or 24 months
- 12, 24, or 36 months
- 12, 24, 36, or 48 months
- 12, 24, 36, 48, or 60 months

### EMPLOYER DECISIONS

- Adopt resolution to approve DROP+ for employees
- Choose the reduction amount for future payments

### MEMBER DECISIONS

- Work at least one year beyond date eligible for unreduced retirement. Member may choose to work more than five years beyond their retirement date; however, the maximum amount that may be received in a lump sum is 60 months.
- Choose how many months of benefits they want (are eligible) to drop: 12, 24, 36, 48, 60
- Choose how they will receive the lump sum payment.

### PAYMENT OPTIONS

- Roll funds into a qualified IRS plan; IRA, 457, 403b, etc.
- Receive funds. The payment will be subject to federal income tax withholding. If the member is under age 59 ½ (age 50 for public safety employees) they will also be subject to a 10% IRS early withdrawal penalty. ☐

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tomized seminars to help you understand the latest health care trends, benefits and Blues products and services.

For example, we recently customized a training session for negotiators with the Michigan Professional Fire Fighters Union. MPFFU locals around the state attended the session to brush up on their health care product knowledge to assist them at the bargaining table.

### M-CARE goes Blue

With the purchase of M-CARE finalized on Dec. 31, 2006, Blue Care Network and Blue Cross Blue Shield of Michigan are in contact with M-CARE groups and agents about transitioning M-CARE groups to Blue products.

Both the Blues and M-CARE are mutually committed to each other's nonprofit missions and to improving the health of Michigan citizens.

M-CARE groups will be transitioned to Blues coverage in phases throughout 2007, starting with members whose group coverage renewal dates are in May. M-CARE members who transition to Blues coverage will benefit from:

- A statewide network that includes the vast majority of M-CARE providers
- Extended out-of-area coverage outside of Michigan
- Products that offer comprehensive disease management, wellness programs and preventive services
- The most recognizable card in the nation the Blues ID card

If M-CARE is currently part of your collective bargaining agreement, the Blues will work with you on the transition to BCN or BCBSM coverage similar to the M-CARE plan. Just call your Market Relations representative or BCBSM sales representative who'll be glad to set up an appointment to meet with you.

### Customized training available

We all know how complex health care can be. That's why we offer cus-

Consider the areas where your union could use some information and training. Just tell us what you need and we'll design a program for you. Please contact Linda Curtis, Market Relations manager at 517-322-4273 for more information.

### ERS funding offers advantages

BCBSM will be able to offer more competitive rates for some groups starting April 1, 2007. At that time, rates for groups new to BCBSM with 51 or more eligible employees and 50 to 99 enrolled contracts will be rated using the Experience Rating System.

If you negotiate for a new group that meets these size parameters, here are some advantages to ERS funding:

- Rates are based on the group's own demographics and claims experience, not area pooled ratings.
- Large claim pooling protects groups from catastrophic claims that could increase rates the following year.
- If the group has a healthier workforce, it can result in fewer claims and lower premiums.
- Unlike a self-funded arrangement, there are no quarterly settlements. The group will know what to expect up front and will not have fluctuations in their costs every three months.

For more information about ERS funding, contact your Market Relations representative. ☐

# A GUIDING HAND DURING A DIFFICULT TIME

By Lt. Thomas Fett



**O**n June 4, 2004 Officer Mark Sawyers of the Sterling Heights Police Department was shot while he sat in his patrol vehicle writing a report. He was rushed to the St. John Macomb Hospital Center where doctors did all they could to try and save his life. On June 5, 2004 the difficult decision was made by the family to take Mark off life support. He died shortly thereafter.

The murder of Officer Mark Sawyers left a wife and daughter without a husband and father, the family without a son, brother, son-in-law, brother-in-law,

many without a friend and a department without their comrade. It was the responsibility of the Sterling Heights Police Department to step up during this difficult time and provide the surviving family members with support as well as to make sure that every benefit they had available to them was applied for in a timely manner and obtained. It was also important that the Sterling Heights Police Department coordinate with the family the funeral arrangements for a true hero, Officer Mark Sawyers.

The City of Sterling Heights and the Sterling Heights Police Department were offered the services of The Thin Blue Line of Michigan the night the shooting occurred, during the funeral, and throughout the weeks that followed. As one of the family liaisons, I know first hand what The Thin Blue Line of Michigan has done to assist the surviving family, the city, and the police department. It is important to point out that the organization worked together with the City of Sterling Heights and the Police Department to organize and plan the visitation at the funeral home, the funeral and cemetery service, as well as applying for benefits for the surviving family.

When I reflect on those first trying days and weeks after the incident, I am impressed at how the organization stepped aside to let the police department take care of the situation as we saw fit and offered their guidance when it was needed. A Thin Blue Line representative was at the hospital the night the incident occurred, at the funeral visitation, funeral service and the cemetery service to help myself and the other family liaison, John Berg, with a reassuring nod or words of guidance when uncertainty arose. They answered any questions that I had pertaining to the benefit recovery for the surviving family. The organization also prepared all of the complicated forms that needed to be filled out and filed and provided an attorney for the surviving family. The amount of support that they offered does not end here, but continues on.

I sat down one day and compiled a list of all that The Thin Blue Line of Michigan has done in the recent months. When I completed the list, I could not believe all the assistance that was actually provided. I think it is appropriate to list them here in order to show what a great organization The Thin Blue Line of Michigan is.



## NIGHT OF THE INCIDENT

- Offered and sent a representative upon request to assist the Department / family liaison at the hospital with the surviving spouse and the family

## UPON THE DEATH OF OFFICER SAWYERS

- When notified, provided preliminary information to be aware of regarding the surviving spouse (Health Benefits / support)
- Put the 100 Club in contact with the surviving spouse

## FUNERAL HOME

- Representative there to assist with planning of "police" funeral / protocol
- Representative assisted and worked with honor guards
- Representative there every day to assist with coordination with funeral directors and family liaison to make the surviving spouse and family as comfortable as possible

## DAY OF THE FUNERAL

- Representative there to assist with the surviving spouse and family
- Representative assisted with coordination of activities at the church / honor guards, police officers arriving, dignitaries arriving, public arriving, media, etc.
- Representative assisted with coordination of activities at the cemetery

## DAYS FOLLOWING THE FUNERAL

- Benefit coordinators
- Processing paperwork for the Federal Government's Public Safety Officers Benefits Processing paperwork for the State of Michigan Public Safety Officers Benefits Processing paperwork for the monies that are available under the Crime Victims Act Assisted with the filling out of the paperwork for the FBI Analysis of Law Enforcement Officers Killed and Assaulted Guidance regarding workers compensation for surviving spouse Guidance regarding pension benefits available to the spouse Made liaison aware of educational benefits available for surviving spouse and child through her State of Michigan Police Officer's and Firefighter's Survivor Tuition Act

## GUIDANCE WITH INSURANCE POLICIES

- Personal
- City

## GUIDANCE REGARDING SOCIAL SECURITY BENEFITS

- Other Help
- Provided legal assistance at no charge to the surviving spouse
- Setting up of a trust
  - Probate court
  - Insurance policies

Assisting with the spouse receiving grief counseling Provided tax accountant's name that helps surviving spouse file taxes under tax laws that now apply to her Financial planner to assist spouse Answered questions regarding fundraisers that the family liaison and family had.

The Thin Blue Line of Michigan is truly an organization that is there for the police officers of Michigan and their families. I would like to thank you on behalf of the City of Sterling Heights, the Sterling Heights Police Department, and the family of Officer Mark Sawyers. □

By JIM DeVRIES, MCOLES Board Member



## Active Duty Firearm Standard

Law enforcement has been upgrading its firepower across the country. An informal survey of about 20 law enforcement agencies by the International Association of Chiefs of Police revealed that since 2004, all had either added weapons to patrol units or have replaced existing weaponry with military-style arms.

These changes have apparently been in response to the expiration of certain assault weapon prohibitions in 2004 and an arguably resultant proliferation of high-caliber weapons on the street. Many law enforcement agencies across the nation report encountering a growing number of situations involving the use of assault rifles. Orlando has experienced a 26% increase in the seizure of such weapons since 2004, and its officers are noting an increasing number of armed robberies involving the use of assault weapons. Houston's police chief has identified the AK-47 assault rifle as a weapon of choice for warring gangs, major drug distributors and immigrant smugglers.

Michigan law enforcement agencies have responded in sync with their counterparts in other states. Agencies have turned to arming officers with rifles in response to threats that officers will encounter situations in which their traditional firearms are inadequate. MCOLES, as a result, has initiated patrol rifle training in its mandatory basic training curriculum. This is a 12-hour block of instruction that supplements existing firearms training. The training provides basic knowledge and experience to enhance familiarity with a variety of long guns. Perhaps more significantly, it provides a foundation of information that will assist officers in identifying situations that call for the use of a rifle, and those that don't.

Patrol rifle training is currently being introduced in basic training on a non pass/fail basis. The Commission intends to mandate proficiency levels by June 1 of this year, pending resolution of bulk ammunition supply problems brought on by the nation's war effort.

While there is little doubt that more powerful firearms are more frequently being used to commit various crimes, the evidence with regard to assaults on police officers indicates that handguns continue to be the preferred weapon. The FBI has recently released new findings on how offenders train, carry and deploy the weapons they use to attack law enforcement officers.

This 5-year study demonstrated that persons who attack police officers prefer handguns, because they are readily available, and they can be concealed. Many offenders who have assaulted law enforcement officers have significant experience with firearms. In fact, the study demonstrated that offenders practiced more often than the officers they assaulted. Moreover, offenders who assault officers tended to be "street combat veterans" who have been involved in previous shooting confrontations and who demonstrated a "shoot-first" mentality.

Another unsettling observation in the FBI report concerns missed cues. There was evidence that many officers who were attacked overlooked "red flags" or visual cues indicating that the assailant was armed. Researchers discovered that offenders concealing firearms often touched a concealed gun with their arms or hands to assure themselves that the weapon is still hidden, secure, and accessible. Just as officers generally position their body to make their sidearm less accessible, armed criminals have learned to do the same in encounters with police, ensuring concealment and easy access.

It is significant that the study revealed the shooting style of most offenders was instinctive. In other words, they did not generally look through the sights of the firearm when in combat. Instead, they pointed and fired the weapon without consciously aligning the sights.

The information revealed in the FBI study coincides with the earlier research supporting a prototype firearm standard recently developed by MCOLES for active duty officers. This prototype emphasizes combat shooting, with the handgun, at close distances, and utilizing natural aiming systems. The prototype addresses the greatest number of officer involved shootings, which occur within a distance of twenty feet in situations where officers have very little time to get their shots off.

The MCOLES active duty firearm standard is undergoing pilot testing at a number of law enforcement agencies across the state. This will take us well into the summer. The introduction of this standard as a mandate will come in connection with passage of state legislation that will enable MCOLES to implement retiree privileges to carry firearms under the Law Enforcement Officer's Safety Act of 2004. That legislation has been drafted, and it is expected that it will have been introduced by Representative Rick Jones by the time you read this publication. □

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# Secretary's Notepad

by Marv Dudzinski

## Time to Move Along

7:00 p.m. April 11, 1965.

The first day I put on a uniform and reported for duty. No academy, no time and-one-half for overtime, no clothing allowance, no cleaning allowance, no picking of your shift, no pay for court and most of all no union. All of this for \$4,500 per year. Fast forward to the year 2007, and you really see how far police officers

have advanced.

POAM has played a large role in bringing police officers' wages, benefits and working conditions up to the levels that exist today. Having served on the Executive Board since 1980, I have been able to be part of, and observe first hand, several of the improvements in police officers' lives. I look back on those accomplishments with pride.

After a 42-year association with the police community, it is now time to take a break and retire on June 30, 2007, knowing that it was one great ride. I will always remember the friends I was fortunate enough to meet and work with over the years. To the enemies I might have made, I guess I should say, "Too bad, probably didn't like you anyway." □

## Marv Retires

*Continued from page 1*

lishing "research" as a POAM service available to member groups. When Ann retired some years later, Dudzinski took the lead and continued the department's integral part of the negotiation and arbitration process.

Anybody who knows Marvin well has to admit that he's one of the funniest guys on the planet and has an unbelievable ability to remember and tell jokes. Whether he is sitting in a saloon with a bunch of guys, the girls in the front office or in a five star restaurant with leading political figures, it doesn't take long before Marv gets the laughter going, often times hysterically.

Even though Dudzinski may come across as gruff sometimes, Redford Township POA President, Eric Norman, says that's not the real Marvin. "If I drop a request off for Marv on Monday and tell him I need the information by the end of the week, he usually gives me an earful about how much I want and if I need it," said Norman. "He'll follow that up by telling me I have to pick it up on Thursday and then calls me on Wednesday to tell me it's done. And I guarantee you that information has helped my Association get a better deal." Norman's statement is echoed by many of POAM's local negotiating committees.

Dudzinski has seen it all in his 42 years in police work. His career started four years before Act 312 became law. POAM and other unions were loosely knit organizations set up to assist local bargaining units. "Police

officers couldn't strike but they could call in sick en masse. When compulsory arbitration became law in 1969, it acted as a calming influence for both sides and leveled the playing field for police officers," said Marv. "I get very upset when municipalities or misinformed individuals advocate the repeal of 312. POAM has done a good job of educating legislators on the positive impact that it's had on public safety. The greatest cost in negotiating or arbitrating a contract is what the employer usually spends on its own attorneys." Marvin's research department has been providing ammunition to local bargaining teams that more than neutralizes any perceived advantage a municipality might have with its overpriced legal staff.

Dudzinski has thought about moving to Las Vegas, Nevada, but is not going to rush into any drastic change in his life right now. Marvin and long-time friend Charlotte both have family in Michigan and enjoy traveling. "I'll stay in touch and show up at some events," promised Marv. "I've had a great career and established friendships that will last my entire life, but I've never been the kind of guy to dwell in the past. I'm ready to move on." Maybe that is true for Marv, but for employees at POAM that have come to rely on his expertise, enjoy his company and appreciate his loyalty, Dudzinski can never really be replaced. He leaves the department in the capable hands of Research Analysts John Barr and Kevin Loftis, both of whom were personally trained by Marvin. □

## All Aboard

*Continued from page 1*

to think about the cost of seeking legal advice on a possible contract violation," said Tignanelli. "And if they do take it all the way to grievance arbitration, it's almost impossible to predict the final cost. This group will never have to worry about those kinds of predicaments again." Bill Birdseye was thrilled when he found out the results of Ann Arbor's in-house election, even if it meant 312 compulsory arbitration. "I was really impressed with the knowledge and quality of the Ann Arbor Board members I met in our office," stated Bill. "When a large, successful, independent police union like Ann Arbor joins POAM, it says a ton about the kind of work we're doing and the reputation we've established in the state."

The Ann Arbor Command Officers Association has been affiliated with POAM for seven years and is represented by Ken Grabowski. The command and patrol officers get along well and the command officers' endorsement of POAM may have had an impact on the group's nearly unanimous decision to join. "The leadership of the Ann Arbor POA has done an admirable job in representing their unit," said Grabowski. "But the employer was turning up the heat and it was time to fire back. I give them a lot of credit because they weren't afraid to pull the trigger." □

## Judith A. Baxter

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# 4TH ANNUAL POAM POLICE RECEPTION ON TAP AT THE TUNE INN

By Ed Jacques, LEJ Editor

POAM President Jim Tignanelli has announced that our organization will once again host an informal gathering of police officers attending Police Week activities in Washington, D.C. The reception will be held on Tuesday, May 15, 2007 beginning at 12:00 Noon.

The tradition started when POAM Executive Board members attended ceremonies in D.C. and noticed that many Honor Guard teams, in between standing vigil, were changing uniforms in public restrooms and waiting in line to get a bite to eat. As former and current police officers, they concluded that all attendees needed a place to relax, eat, and drink with their families and friends, and at an establishment where uniforms were welcome.

For the second consecutive year, the event will be held at the Tune Inn, which is located at 331 Pennsylvania, S.E. The bar/restaurant is located across from the Capitol and is convenient to all the landmarks and events during Police Week. Even though it's a short walk, POAM will have a van with its insignias on each side, making runs from the Capitol to the Tune Inn all afternoon.

Last year's event was a smashing success with the Detroit Police and Fire Pipe and Drum Corps providing inspired entertainment and police officers from all over the country swapping stories and well wishes. POAM Executive Board members and representatives from our corporate sponsor, Target, will be there to greet you and make you feel at home. □



*The Tune Inn is the place to be!*

## POAM AND LOCAL UNITS HELP REVERSE CIRCUIT COURT'S WEAPON POLICY

By Ed Jacques, LEJ Editor

As reported in the last Law Enforcement Journal (Winter 2007) Washtenaw County Chief Circuit Judge, Archie Brown, and Court Administrator, Dan Dwyer, issued an administrative order prohibiting plain clothed and uniformed law enforcement officials from entering the facility without locking their handguns in the security office. That drew a strong reaction from POAM Legislative Director and Business Agent, Kenneth E. Grabowski, who immediately filed a letter with the Michigan Supreme Court, seeking intervention on the issue.

The Executive Office of the Michigan State Supreme Court responded to that request in late January. Spokeswoman Marsha McBrien said, "the policy as originally proposed was not accepted and the trial court was directed to conform more closely to the model policy adopted by the State Administrative Court." The Circuit Court's revised policy now makes exceptions for uniformed or properly identified officers, following the state's model policy verbatim.

"Their policy was flat out stupid and needed to be challenged," said Grabowski after hearing of the about face. "This decision allows law enforcement to maintain their authority in the courthouse, and that is a good thing."

The previous measures implemented in October by Administrator Dan Dwyer and Judge Archie Brown were the most stringent for any circuit court in Michigan. Dwyer disagreed with the decision but went on record as stating the Court will comply with the State's decisions.

POAM members in the Washtenaw County Sheriff's Department, Ann Arbor, Ypsilanti, Pittsfield and Northfield Township Police Departments that were affected by the policy are appreciative of POAM's intervention. Ypsilanti Police Officer and former POA President Dan O'Leary commented, "I know I will feel a whole lot safer in the courthouse from now on, and so should everyone else who has business there." □



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## Scholarship Winners

Dear Mr. Tignanelli:

I just wanted to write a small note thanking you and the Police Officers Association of Michigan for your contribution to my education. Since a university education is so expensive, I am extremely thankful for every dollar that I am able to put towards it. I will use the money I received from your organization to help cover the cost of textbooks and lab fees at the University of Michigan. Once again, thank you very much for your consideration, and I have enclosed a graduation picture for your newspaper.

Sincerely,

Jonathon Boljesic (U-M Engineering 2011)

Dear Mr. Tignanelli:

I would just like to take some time to thank the Police Officers Association of Michigan for their generous contribution. Every little bit helps, so thank you.

I have included a senior picture along with this letter for your quarterly newspaper. Please pass my appreciation on to all of your members.

Sincerely,

Jocelyn Diebolt



## Pickell Thanks POAM



Office of Genesee County Sheriff

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January 25, 2007

Mr. Ed Jacques  
Director of Member Services  
Police Officers Association of Michigan  
27056 Joy Rd.  
Redford, MI 48239-1949

Dear Mr. Jacques:

I want to take this opportunity to thank you for taking the time to interview me for the article in the Law Enforcement Journal Winter 2007 edition. I thought it was a wonderfully written article that was fair and balanced. You certainly have a talent for presenting the important issues in a succinct way.

If you are in the area, please stop by and say Hello. I look forward to working with you in the future. I remain,

Very truly yours,

ROBERT J. PICKELL  
SHERIFF

pc:0125jacques

Dear Mr. Jacques:

Thank you for writing your recent article informing other police departments of the good old boy network in Clinton Township. The POA President, POAM Business Agent and Attorney should be commended for having the integrity to advance a grievance that was clearly the responsibility of another union, the Police Officers Labor Council (POLC).

Patrol officers negotiating a contract have long argued about compensation packages and other sweetheart deals enjoyed by its Administration. POAM's exposure of Clinton Township's violation of Act 78 has convinced me to be even more active in "following the money" as a member of our local negotiation committee and Executive Board.

You also wrote about an arbitration hearing where POAM prevailed on a case where an employer changed a posted schedule to avoid paying overtime. Coincidentally, I recently had a discussion (argument) with one of my command officers on the same subject. Needless to say, I felt vindicated when I showed him, and every other supervisor, the details of the arbitrator's decision.

As a member of POLC I was glad to see that they have begun publishing details of recently negotiated contracts, something your organization pioneered well over two decades ago. My father belonged to POAM and still reads those settlements religiously. I hope that you also continue to print arbitrators' decisions on grievances - even if the outcome isn't always favorable. Many of these cases have impact on local associations struggling with the same issue.

Please send me information on how our union can switch to POAM.

*Name and department withheld.*

**Editor's note:** I couldn't have said it better myself. They say impersonation is the most sincere form of flattery. Hopefully, other police unions will follow this lead as well. More legal decisions on pgs 16 & 17.



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DEC 26 2006

JENNIFER M. GRANHOLM GOVERNOR STATE OF MICHIGAN MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS LANSING RAYMOND W. BEACH, JR. EXECUTIVE DIRECTOR

December 22, 2006

Mr. James A. Tignanelli, President  
Police Officers Association of Michigan  
27056 Joy Road  
Redford, MI 48239-1949

Dear Jim,

On behalf of the Michigan Commission on Law Enforcement Standards (MCOLES), I would like to convey our sincere appreciation for the support lent to the IADLEST Problem-Based Learning and POST Funding Forum by the Police Officers Association of Michigan (POAM).

Problem-Based Learning (PBL) holds great potential and many challenges for law enforcement training. MCOLES is committed to continuing an exploration of the viability and efficacy of this learning strategy in developing capable law enforcement personnel. Similarly, the exchange of ideas on securing adequate and stable funding was extremely beneficial. We not only enjoyed sharing ideas on these important topics, but we have laid a foundation for continued dialog with other states in the future.

The challenges facing a government agency in hosting a multi-state event can become crippling without the help of friends and partners in the criminal justice community. Your assistance in providing hospitality for the conference participants was invaluable in promoting networking and good will. In particular, I would like to compliment Mr. Jim DeVries for the role he played in making this event a success. Jim continues to be a leader among MCOLES Commissioners, and he is an excellent representative of your organization. A few of our out-of-state conference participants remarked at witnessing a labor organization, the Police Officers Association of Michigan, playing a prominent role among Michigan's law enforcement leaders.

Again, I offer our gratitude for your support. Also, we send along our best holiday wishes for you, your family, and the entire POAM family.

Sincerely,

*Raymond W. Beach, Jr.*  
Raymond W. Beach, Jr.  
Executive Director

RWB:nkg

Sheriff Gene Wigglesworth, Chair • Mr. John Buczek, Vice Chair • Mr. David Morse • Mr. James DeVries • Chief Doreen Oko • Col. Peter C. Munoz, Represented by Lt. Col. Timothy Yungler • Attorney General Mike Cox, Represented by Mr. William Dennis • Chief Elta Bully-Cummings, Represented by Deputy Chief Deborah A. Robinson • Sheriff James Bosscher • Director Kurt R. Jones • Professor Ron Bretz • Sheriff Robert J. Pickell • Chief James St. Louis • Officer Richard Weaver • Trooper Michael Mooman

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# WHAT YOU SHOULD KNOW

## ABOUT POAM'S EXTENDED LEGAL REPRESENTATION PROGRAM

(NOTE: The answers provided below are for informational purposes only. Reference should be made to the agreement for the detailed terms of coverage.)

### 1. WHAT IS IT?

The program provides extended legal representation for association members in the event of criminal charges. This coverage begins where basic labor coverage ends.

### 2. WHAT IS THE SCOPE OF LEGAL SERVICES PROVIDED UNDER THE PLAN?

The legal services provided will include representation by an attorney selected by the POAM for all post-indictment and post-complaint/warrant stages of prosecution, including, but not limited to: investigatory interviews, arraignment, pre-trial, preliminary examination, bond hearings, pre-trial evidentiary proceedings, pre-trial motions, trial (bench or jury), and sentencing, excluding all other post-trial proceedings and appellate matters.

### 3. DOES THE PROGRAM COVER CRIMINAL CHARGES RESULTING FROM OFF-DUTY AS WELL AS ON-DUTY CONDUCT?

Yes (applicable only to PERA-regulated members paying the \$5 per month membership fee).

### 4. HOW ARE CLAIMS FOR COVERAGE UNDER THE PROGRAM MADE?

By notifying the POAM within the time limits of the agreement, by use of forms that are available at the POAM office.

### 5. IS THERE A LIMITATION ON THE NUMBER OF CLAIMS THAT A MEMBER MAY FILE UNDER THE PROGRAM?

No, an unlimited number of claims may be filed by a member of the program during the year of coverage.

### 6. WHO IS ELIGIBLE TO PARTICIPATE IN THE PROGRAM?

The program is available to all member associations regulated by PERA.

### 7. WHAT IS THE COST OF MEMBERSHIP IN THE PROGRAM?

The cost of membership in the POAM's Legal Representation Program is \$5 per month per member. This amounts to approximately one-third the cost of any other comparable program, and can be paid in a number of ways, i.e. dues deduction, through a local fundraiser or as an employer-paid benefit through negotiation.

### 8. MAY A PARTIAL GROUP OF OFFICERS BECOME MEMBERS OF THE PROGRAM IN THE EVENT THAT THE ENTIRE ELIGIBLE GROUP DOES NOT ELECT TO PARTICIPATE?

Yes, partial groups are also eligible for coverage under the program. Those officers in membership should contact the POAM office for enrollment information.

### 9. WHY SHOULD AN OFFICER BECOME A MEMBER OF THE PROGRAM?

In recent years the number of criminal charges issued against police officers have soared. Whenever this occurs, the officer faces the necessity of providing for his or her own legal defense, at a cost that can easily run into thousands of dollars, and at a time when he or she may already have been suspended without pay or even fired. Even if the officer prevails in court, these economic consequences can be, and often are, devastating.

The POAM's program protects the law enforcement professional from this grave and ever-present possibility, by providing extended legal representation whenever criminal charges are issued.



National Law Enforcement Officers MEMORIAL FUND, Inc.

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P.O.A.M.

January 26, 2007

Officers: Lt. Nathan C. Calverly, D. 1982; Honorary Chairman: Craig W. Floyd, Chairman: Robert H. Frank, Treasurer: Suzanne S. Smith, Secretary: George W. Myers, Jr., Director: David A. Heath, Jr., Counsel: C. Stephen Haggard, Founder

Board Member Organizations: American Police Officers Association, National Police Officers Association, National Police Officers Relief Society, International Association of Chiefs of Police, International Brotherhood of Police Officers, National Police Officers Association, National Police Officers Relief Society, National Police Officers Relief Society, National Police Officers Relief Society, Police Executive Research Forum, Police Executive Research Forum, Police Executive Research Forum

Staffing Circle File: Chairman: Robert H. Frank, Director: David A. Heath, Jr., Vice Chairman: Craig W. Floyd, Secretary: Suzanne S. Smith, Treasurer: Robert H. Frank, Chairman and Chief Executive Officer: Craig W. Floyd

Mr. James Tignanelli  
27056 Joy Rd  
Redford, MI 48239-1949

Dear Mr. Tignanelli:

Thank you for your generous donation of \$500.00 to the National Law Enforcement Officers Memorial Fund (NLEOMF).

With your generous support to the Memorial Fund you honor the 17,500 federal, state and local law enforcement officers who have died in the line of duty and help to recognize the service and sacrifice of all officers.

Since 1988, the NLEOMF has been engaged in a continuous research effort to document and honor all American law enforcement officers who have been killed in the line of duty. Our efforts are culminated annually at the kickoff event for National Police Week, NLEOMF's Candlelight Vigil. More than 20,000 surviving family members, police officers and police supporters attend the Annual Vigil as new names of the fallen are formally added to the Memorial walls.

In 2000, Congress authorized the NLEOMF to build the National Law Enforcement Museum. It will be the most comprehensive law enforcement museum and research facility found anywhere in the world and will become the premiere source of information on issues related to law enforcement history and safety.

Please know that your special gift will be put to very good use and will always be remembered. Thank you for your continued commitment to our nation's law enforcement officers.

Sincerely,

*Craig W. Floyd*  
Craig W. Floyd

CRAIG W. FLOYD  
Chairman and Chief Executive Officer

*Many thanks for your generosity!*  
For your records, the National Law Enforcement Officers Memorial Fund is recognized by the IRS as a 501(c)(3) organization. NLEOMF did not provide any goods or services in exchange for this gift. Your gift is deductible to the extent provided by law.

ADMINISTRATIVE OFFICES

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MEMORIAL

100 Block of F Street, NW • www.nleomf.com

VISITORS CENTER

1005 E. Street, NW • (202) 757-3213

# A WAY TO GIVE YOUR FINANCIAL SECURITY A BOOST

Do you have car insurance? House insurance? Health insurance? Police Officers Association of Michigan (POAM) members even have an opportunity to insure legal representation in the event of criminal charges. So what if you suffer an unexpected health event? What if an illness or injury keeps you off the job? How will you continue to meet your financial obligations?

An article in the August 25, 2006, edition of Newsweek\* reported that "health-care debts typically play a role in about half of the approximately 1.5 million bankruptcies filed in the United States each year, according to Harvard researchers Elizabeth Warren and David U. Himmelstein."

Nearly everyone today is facing escalating deductibles, copayments, out-of-network charges, and other expenses not picked up by major medical coverage. Paying the medical provider is one thing; paying for such treatment-related expenses as travel, lodging, meals, child care, special diets, home care, and hospice care is quite another. Moreover, your normal living expenses like mortgage or rent payments, utilities, food, car loans, etc., won't stop even if, unfortunately, your income does. This lost income may result in a "double whammy" if the healthy spouse has to leave work to care for the recuperating one.

The need for guaranteed-renewable insurance policies is obvious ... and so is the solution: American Family Life Assurance Company of Columbus (Aflac). Aflac insurance policies pay cash benefits directly to you (unless you choose otherwise) to use as you see fit.

Many American consumers expect their major medical plans to pay for all medical and related expenses if they suffer an accident or illness. However, most major medical plans are designed to pay doctor and hospital bills—not out-of-pocket and incidental expenses created by treatment and potential changes in standard of living. Aflac insurance policies enhance primary health plans by providing direct-to-the-policyholder cash benefits, unless otherwise assigned, that may be used to help with unpaid medical bills, out-of-pocket expenses, everyday living costs, and loss of income. Aflac has no network restrictions or preauthorization conditions.

Aflac delivers a full range of worksite services and insurance policies offered on a voluntary basis. Officers can obtain policies that may be pre-tax eligible and are portable. These policies can cover not only you, but your family also. You can choose the type(s) of coverage you prefer. Aflac's policies are guaranteed-renewable for your lifetime as long as premiums are paid. □

## AFLAC INSURANCE POLICIES AVAILABLE:\*

**Short-Term Disability:** Helps you meet your financial obligations if you are suddenly unable to work because of a disability.

**Accident:** Pays benefits for accidents that occur on or off the job and provides a \$1,000 Initial Accident Hospitalization Benefit if you are hospitalized as a result of an accident. Other benefits include Accident Emergency Treatment, Accident Specific-Sum Injuries, Ambulance, plus much more.

**Hospital Confinement Sickness Indemnity:** Pays benefits for Physician Visits, Initial Hospitalization, Major Diagnostic Exams, Surgical, and much more!

**Cancer:** Provides a First-Occurrence Benefit of up to \$5,000, Hospital Confinement Benefit, Radiation and Chemotherapy Benefit of up to \$300 per day, Cancer Screening Wellness Benefit of up to \$75 per year, Experimental Treatment Benefit, Home Health Care Benefit, and more!



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\*National Underwriter, "Life & Health Statistical Report," August 15, 2005

\*\*Company statistic, April 4, 2006



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**Specified Health Event:** Pays a First-Occurrence Benefit of up to \$5,000 as well as Hospital Confinement and Continuing Care Benefits for heart attack and coronary artery bypass surgery, stroke, end-stage renal failure, major human organ transplant, major third-degree burns, coma, and paralysis.

**Vision:** Goes beyond coverage for eye exams and materials by providing benefits for serious eye conditions and vision correction surgery as well.

**Dental:** Offers freedom of choice, no coordination of benefits, and no deductible. Orthodontic and cosmetic riders are also available.

**Life:** Provides up to \$200,000 of term life insurance, whole life insurance, or a combination of both. Optional spouse and child riders are available as well as an optional Accidental-Death Benefit Rider. Aflac's Term to Age 25 policy is available for your children/grandchildren.

These policies can be made available through your municipality or county. Call us and we will work with you and the POAM to introduce Aflac to your city or county. Aflac insurance policies can empower you in your greatest moment of need.

**Look for our booth at your  
Convention in June.**

**Cynthia A. Todd: 313.670.3037**

**Mary Gardai: 313.770.4709**

**Independent Agents Representing Aflac**

\*Please refer to the policies for complete details, limitations, and exclusions.

By Dennis McGrann,  
POAM Lobbyist,  
Washington, D.C.

# The Federal Perspective

The New Year brought with it to Washington the 110th Congress and new Democratic majorities in both the U.S. Senate and House of Representatives. Congress convened January 4, 2007 with an ambitious list of legislative priorities, including those that affect the law enforcement community.

There has been a primary focus on budget matters since the start of the session, with work needed to complete the nine unfinished appropriations bills for FY07. Final Passage of the Continuing Resolution (H.J. RES. 20) came on February 14th. The bill is a \$463.5 billion spending measure that will fund the programs covered under these bills through the end of the fiscal year, September 30, 2007. Some important law enforcement programs, such as the Byrne-Justice Assistance Grant Program, and COPS were among key programs to receive a boost of FY2006 funding in the Continuing resolution

On February 5, 2007 the Administration revealed its budget proposal for Fiscal Year 2008. The proposal calls for budget allotments and structural changes to programs of critical importance to the Michigan law enforcement community. Due to increased strain on the budget from war efforts and a boost to FBI funding, federal assistance to state and local law enforcement would be cut by more than half in the Justice Department's 2008 budget proposal. The Administration proposes to consolidate several law enforcement assistance programs, which totaled more than \$2 billion in 2006, into four programs with new budget authority of \$1 billion. The proposal allots \$32.3 million for the Community Oriented Policing Services (COPS) program this year. As the budget process continues, POAM Washington representatives will track and analyze aspects important to the law enforcement community.

Aside from the annual spending bills and budget proposals, Congress is also pursuing law enforcement related legislation apart from appropriations bills. In their first week in session, the House of Representatives passed the 9/11 Commission Recommendations Act of 2007 (H.R. 1). The legislation provides for the implementation of a number of the recommendations of-

ferred by the September 11 Commission. More recently, after two weeks of debate, the Senate passed their version of the bill, Improving America's Security (S. 4) on March 13, 2007, by a 60-38 vote. Senator Debbie Stabenow applauded the inclusion of one key proposal in the bill, which authorizes the "Improve Communications for Emergency Response Grant Program" which supports local initiatives to improve interoperable emergency communications. Senator Carl Levin also voiced his support for the bill and the

interoperability program stating: "For years, I have been urging the Department of Homeland Security to establish a dedicated funding source for interoperable communications equipment. I am pleased that this legislation creates a grant program dedicated to improving operability and interoperability at local, regional, State and federal levels."

Another important piece of legislation is the COPS Improvements Act of 2007 (S. 368) introduced by Senator Joseph Biden [DE]. The bill pushes for 50,000 more law enforcement officers nationwide by authorizing \$600 million to hire officers to engage in community policing, counter-terrorism duties, and serve as school resource officers. It also authorizes \$350 million per year for technology grants allowing police agencies to purchase things like lap tops computers for patrol cars and crime mapping software and another \$200 million per year to help local district attorneys hire community prosecutors.

As the 110th Congress works through the course of 2007's legislative calendar, POAM will continue to work aggressively to monitor pertinent legislation,

remain in constant contact with key members of Congress, including members of the Michigan delegation, and track changes and progress in grant programs and federal funding to ensure that the needs of Michigan's law enforcement community are continually heard and addressed. We will also be working to plan Michigan's involvement in National Police week (May 12-17). Please contact the POAM Washington office at (202) 544-9840 if you have any questions or we may be of any assistance. □



**Dennis McGrann**

## Twin Lake Chalet

Enjoy a quiet, beautiful 4 bedroom, 2 bathroom home (newer built—1997) which sleeps 10-12 people.

140 feet of water frontage with spectacular views and frequent sightings of resident bald eagles and blue heron.

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## POAM Wins Job Back *Continued from page 17*

full back pay, benefits and reinstatement. The decision came approximately one year after the dismissal.

DTC appealed the arbitrator's award to Circuit Court under the pretense that the arbitrator was outside of his jurisdiction, claiming that its employee handbook is part of the collective bargaining agreement (CBA). DTC further argued that Arbitrator Cousens was not allowed to modify anything in the contract and the employee handbook mandated dismissal for level 4 violations. POAM attorney George Mertz disagreed citing that there was no existing language in the contract incorporating the employee handbook, manual or penalties into the CBA. Therefore, no mandate existed on penalties for any offense and because of such, the arbitrator had authority to determine whether the discipline was appropriate.

## WEALTH OF EXPERIENCE *Continued from page 21*

the Child Abuse Network, and vice treasurer of the Monroe County Republican Party. Dave is currently a detective in the Youth Bureau and investigates crimes against children, specializing in sex crimes.

LaMontaine says that getting involved politically is probably the toughest and maybe most important part of his job as union president. He acknowledges the work that former president Bill Myers and Ken Grabowski did to help elect a new sheriff and make the department a decent place to work. "This last election gave me even more respect for the work that Bill did in changing the political landscape in the county." The MCDSA got heavily involved in the November 2006 elections and replaced a majority of commissioners who were anti-police with candidates who embraced law enforcement. The new commissioners have eliminated a lot of the sweetheart deals and the good old boys network that hampered the deputies' ability to negotiate a fair contract. Amongst other things, the county is now conducting an actuarial study on health care for Blue Cross/Blue Shield and will also be replacing their \$415 an hour attorney.

LaMontaine and his local executive board have maintained a good working relationship with the current Monroe County Sheriff, Tilman Crutchfield; they talk nearly every day and the local association files a minimum of grievances. The sheriff has shown the ability to work things out with Dave and in turn Dave has promised to only present real grievances to the Administration.

LaMontaine was named to the POAM Executive Board at its January, 2007 meeting. He fills the spot vacated by Don Vandercook, also of Monroe

If you are a regular reader of the *Law Enforcement Journal*, or attend POAM labor seminars, you probably know that overruling an arbitrator's decision is extremely rare and only possible when he or she oversteps their boundaries. So it was no surprise when a Judge Colombo of the Wayne County Circuit Court immediately enforced the arbitration award when POAM filed for motion for summary disposition.

"This was a futile attempt on behalf of the employer to bring language into the contract that did not exist," commented POAM's George Mertz. "Insinuating that any handbook or manual is automatically considered part of the CBA was ridiculous, but in the end, our grievance also clarified some important aspects of contract law." □

County, who retired from the department in December, 2006. Dave's goal in becoming a POAM board member is to use that knowledge to improve his local association by becoming active politically on a statewide level, networking with other prominent local police associations, and picking up some part-time work as a business agent. "Attending POAM seminars and other important functions in the past has already helped me in contract negotiations," said LaMontaine.

"Today's union leaders need to be good communicators and know what their people are doing on a daily basis," said Dave. "I work in Youth Services during the day, so, to try and stay in touch, I'll grab some overtime, even midnights, to get to work so I can work with some of the officers I don't see on a regular basis. Credibility is a quality that I must have with my members, command officers, and citizens," added LaMontaine.

His association has positioned itself to be a positive factor for all employees in the sheriff's department. The association rents its own building within two miles of the department, has current e-mail addresses for members, and rotates union meetings between the three districts in the county to encourage greater participation. Their annual summer meeting is a favorite, always being held at a park on Lake Erie where members can bring their boats and/or families to enjoy the day. But maybe the most important work LaMontaine does is meeting with each new hire personally and giving every employee a copy of their working contract. "I give them a brief history lesson and a reminder that responsibility and participation goes hand in hand with union affiliation." □

## POAM Municipalities Utilizing 12-Hour Shifts *Continued from page 13*

Albion	Clinton County	Kalkaska 911	Osceola County	Shelby Township
Allegan City	Crawford County	Kent County	Ottawa County	Sterling Heights
Allegan County	Dearborn Heights	Lapeer County Dispatch	Pinconning	Tuscola County
Alma	Flat Rock	Lenawee County	Plymouth City	Van Buren County
Almont	Genesee County 911	Marine City	Plymouth Township	Waterford Township
Beverly Hills	Grand Haven	Marysville	Port Huron	Walker
Bronson	Grand Rapids	Midland City	Redford Township	Walled Lake
Brownstown	Grand Traverse County	Midland County	Roscommon County	Westland
Cadillac	Greenville	Monroe County	St. Clair County	Wexford County
Canton Township	Grosse Pointe Park	Mt. Pleasant	St. Joseph County	Wolverine Lake
Carrollton Township	Grosse Pointe Woods	Muskegon Heights	Saginaw City	Ypsilanti
Cass County	Iosco County 911	Novi	Saginaw County	
Clare	Isabella County 911	Oceana County	Sanilac County	

## LARRY NEVERS WRITES BOOK

**G**ood Cops, Bad Verdict is Detroit police officer Larry Nevers's own account of how a good arrest turned into a nightmare that left a stubbornly resisting cocaine user dead and two respected veteran policeman on trial for murder. Nevers, at the time only a few months from retirement as one of the city's most decorated cops, was convicted in a racially charged trial broadcast on national television. Nevers explains in

compelling detail the reasons he believes it was the criminal justice system, not he and his partner, that ran amok in the matter of Malice Green's death.

*Good Cops, Bad Verdict* is available only in paperback with a thick glossy laminate cover. The book can be purchased online at [www.goodcopsbadverdict.com](http://www.goodcopsbadverdict.com). □

## Signed and Sealed

# Agreements gain vital benefits for POAM members

Summaries and highlights of recently completed local contract negotiations and 312 arbitrations

## Act 312 Award Muskegon Heights POA

Duration 7/1/2005 – 6/30/2009

Wage offer:	Union	Employer offer
1st year	2-2.75% cola	1.5%
2nd year	2-2.75% cola	1.5%
3rd year	3-3.5% cola	2%
4th year	3-3.5% cola	2%

Arbitrator awarded the Union's offer on the first three years; Employer's offer on the fourth year.

Part-time: Union offered status quo of a maximum of 20 per week. Employer offered 32 hours per week with limitation on usage; vacancies but not for special details or when a full timer rejected the overtime. Arbitrator awarded the employers offer.

Pension: Union offered to purchase pension multiplier. Employer offered status quo. Arbitrator awarded the Unions offer.

Paid time off: Union offered one additional day each year in 2007 and two in 2008. Employer offered status quo. Arbitrator awarded the Employer's offer.

*Bargaining team consisted of President Eugene Anderson, Jimmie Fox and 312 advocates Jim DeVries and John Barr. Arbitrator was Richard Block.*

## Negotiated Romulus POA

Duration 7/1/2006 – 6/30/2010

Wage Increases:

2006	2.5%
2007	2.5%
2008	2.5%
2009	2.5%

Bringing top patrol base pay to \$61,161 at 5-year step

- Medical benefits remain status quo.
- Compensation for holidays will be holiday pay plus 1 ½ times the straight hourly rate.
- Seniority rights forfeited if an employee cannot return to work after 24 months, except for a duty disability.
- No accumulation of sick leave after 12 months while on a long term disability.
- Duty disability language and amounts improved.
- Assignment for non-road patrol functions were increased to a maximum of five years.
- Chief may promote from the top two qualifying candidates, however, the top candidate from the original list may not be passed up twice.

*Bargaining team consisted of President Rick St. Andre, Vice President Steve Littleton, Steve Garcia and Al Hays who were assisted by POAM Business Agent Kenneth E. Grabowski.*

## Negotiated Benzie County Corrections

Duration 1/1/2006 – 12/31/2008

Wage Increases:

1/1/2006	3.1%
	and 3% at additional 6th year step
1/1/2006	2%
5/1/2007	2%
10/1/2007	2%
5/1/2008	2%

Bringing top pay for a corrections officer to \$36,234

- Health care negotiated from BC/BS PPO IV to PPO 1 fully paid by Employer.
- All banked time counted as hours worked.
- Travel time outside of county for training will be counted as comp time.
- Corrections officers provided free meals while working.

*Bargaining team consisted of President Rick Drewyork and Rick Zyck who were assisted by POAM Business Agent Pat Spidell.*

## Negotiated Howell POA

Duration 7/1/2006 – 6/30/2009

Wage Increases:

2006	2%
2007	3%
2008	3%

Bringing top pay for patrol officers to \$60,322

- Medical coverage is now Flexible Blue PPO with \$1250 single and \$2500 family deductible. Employer pays the deductible through a Health Reimbursement Account (HRA). Drug card is \$10/\$60 with Employer reimbursing employee for payments over \$20.
- Employees who purchase MERS credit after July 2006 cannot apply that time towards eligibility for retiree health care.
- Maximum Educational Assistance Benefit will be capped at \$3,000 per year.

*Bargaining team consisted of President Matt Kelcher, Vice President Dave Fogo and Secretary Jeff Wilson who were assisted by POAM Business Agent Wayne Beerbower.*

## Negotiated Huntington Woods PSOA

Duration 7/1/2006 – 6/30/2010

Wage Increases:

2006	0%
2007	3%
2008	3%
2009	3%

Bringing top pay for public safety officer to \$65,712

- Medical benefits remain status quo.
- Eliminate language allowing implementation of 12-hour shifts (currently work 8 and 24 hour shifts).
- Employees that meet the standards of a new physical fitness program will receive two additional days of compensatory leave.
- Vacation language improved to reflect the same language given to supervisors.
- New language states that in the event a retiree loses their spouse, that any subsequent spouse's medical coverage will not be covered by the city.

*Bargaining team consisted of President Steve Staron, Mark Bell and Bob Vautaw who were assisted by POAM Business Agent Kenneth E. Grabowski.*

## Negotiated (Inaugural POAM contract) Hillsdale POA

Duration 7/1/2006 – 6/30/2009

Wage Increases:

2006	2%
2007	2.5%
2008	2.5%

- Eliminated 20% employee premium share on health care.
- Initiated BC/BS Flexible Blue Health Savings Account (HSA) with \$1,250 single and \$2,500 family deductible. Employer pays 75% of deductible first year.
- Employer contributes \$450 per year into a Health Care Savings Plan (MCSP).
- Employee can elect a cash option for vacation time and the employer will add \$150 per day (up to 5 days) into MCSP.

*Bargaining team consisted of President Dave Clason and Vice President Thad Doty who were assisted by POAM Business Agent Wayne Beerbower.*

The Police Officers Association of Michigan  
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<b>Signed and Sealeds</b>	<b>2, 19, 35</b>
<b>Mike Cox Article</b>	<b>7</b>
<b>Operation Lockwood</b>	<b>9</b>
<b>12-Hour Shifts</b>	<b>12</b>
<b>Important Legal Decisions</b>	<b>16-17</b>
<b>New E-Board Members</b>	<b>21</b>
<b>Convention Info.</b>	<b>22-23</b>
<b>Police Reception in D.C.</b>	<b>29</b>

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