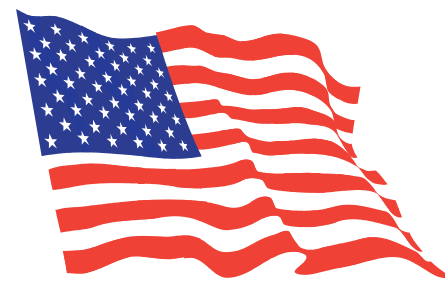




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Law Enforcement JOURNAL



Winter 2008

Municipalities Seek POAM Expertise on Garrity

By Frank Guido, General Counsel



It has been a pleasure representing the POAM membership for the past 25 years. Despite having written many articles for the *Law Enforcement Journal*, I have resisted the temptation to pontificate from a regular column. With the POAM legal staff running like a fine tuned machine, I now have the opportunity to reflect on our accomplishments and the bright future for this organization, from a legal perspective.

The message for this edition of the *LEJ* is the leadership role POAM has taken over the years. Our battles with public employers over a variety of labor related issues are a matter of judicial, administrative and arbitration record. It is the battleground over Garrity rights where POAM has progressed from a leader in judicial battles to correcting legislative language to now, hold your breath, being requested by a management oriented entity, the Michigan Municipal Risk Management Authority, to speak across the state to Employer representatives to give instruction on the proper application of procedural and substantive requirements of the Garrity right.

When I first started with POAM in 1982, application of the Garrity right in a critical incident, whether a shooting or a matter involving physical force, was an ongoing fight with a number of public employers. I can state with the support of history that we never backed down from asserting your rights and that we were always successful in making sure officers were protected when speaking through compelled statements, reports or in verbal answer to questions.

In 2001, the battle could no longer be won with words, requiring litigation to be filed because of a blatant violation of the Garrity right. The facts of the incident were very straight forward. A Livingston County deputy was ordered to produce a statement concerning his conduct in a particular incident involving an altercation with a citizen. The order included a threat of discipline for failure to comply, however, the employer refused to

allow the officer to assert, in writing, his Garrity protection, demanding that the written assertion of the Garrity right be removed and waived. The Employer took the action knowing that at the same time a criminal investigation was on-going, admitting in deposition that it would turn over the reports to the criminal investigator. The deputy, due to the threat of job termination, produced the statement removing the written Garrity assertion of right, yet he was still issued a suspension for alleged insubordination for having demanded his rights under the Fifth Amendment and the Garrity decision.

POAM filed suit in State Court which was then removed to the Federal Court. The matter was assigned to the Chief Judge of the United States District Court for the Eastern District of Michigan. After extensive depositions and filing of Motions for Summary Judgment by both parties, the court issued an opinion supporting POAM's legal position that the Fifth Amendment right as enunciated under the Garrity decision, may be asserted by an employee whenever an Employer compels (through order and threat of sanction), production of information, such that the statement, report or answers to questions may not be used against an officer in a criminal proceeding, but only used in an internal administrative inquiry.

The court scheduled the matter for trial on the basis that factual issues in the case were in dispute. On the eve of trial, the employer conceded to entry of a detailed Consent Judgment reflecting the court's affirmation of the entire legal position asserted by POAM, leaving the facts of the underlying dispute regarding the suspension of the officer to an arbitration proceeding. The Consent Judgment delineates the procedural and substantive rights under Garrity for law enforcement officers identical to what POAM has advocated since my arrival in 1982. The Consent Judgment can be found on the POAM's website, POAM.net. In the subsequent arbitration proceeding, POAM prevailed with the suspension being rescinded and the officer being made whole.

POAM's leadership role in litigation, as reflected in the Consent Judgment, has had a positive impact on POAM's membership and its growth. When an organization is as aggressive as

POAM has been in matters of vital concern to the protection of the membership, such as Garrity rights issues, not only does the existing organization gain solidarity, but, in addition, a portal is created through which other non-member groups of employees seek to pass to join the ranks of POAM membership.

The flip side to POAM's growth has been the reduction in size of other organized and independent labor organizations. Because of POAM's success in matters, such as Garrity rights issues, a number of smaller unions attempted to band together to file Garrity based litigation involving an incident concerning POAM's own membership group in Garden City. Without going into the history and ramifications of that incident which can be found in detail on the POAM website, suffice to state that these organizations banded together in a futile attempt, not understanding that under existing law a Garrity statement could be released to a prosecutor. These other organizations misunderstood that Garrity's protection runs to "use" and not to "release." The primary feature of the Fifth Amendment, as enunciated in the Garrity protection, is that compelled information cannot be used against an officer in a criminal proceeding. There was never a prohibition against release of the statement to, for example, a prosecutor's office. Clearly a prosecutor's office that received released information would be at risk of a suppression motion, not only as to the statement itself but any fruits derived therefrom, if it attempted to use the statement or any information derived from the statement.

POAM cautioned the little band of organizations that they misunderstood the law and that their litigation would fail. As predicted, the little band of organizations lost in Court. As a result, the little band of organizations then pushed for legislation to prohibit disclosure of a Garrity statement to a prosecutor. Unfortunately, the proposed legislation was poorly drafted. The original draft of the legislation so confused the definitions of the Garrity right that they were unworkable. Consequently, the proposed legislation floundered. POAM was asked to fix the definition and we provided a workable provision establishing

Continued on page 32

Signed and Sealed

Agreements gain vital benefits for POAM members

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



Negotiated

St. Joseph City POA

Duration: 7/1/2007-6/30/2012

Wage increases:

2007	2.5%
2008	3.0%
2009	3.0%
2010	3.0%
2011	3.0%

Bringing top pay for police officers to \$55,715

- Medical insurance premium co-pay of 10% with 15% limit on increase from previous year.
- Pension improvement to 25 and out, 2.5 multiplier with COLA at a maximum of 70%.
- Eliminated holiday pay in the calculation of longevity, but increased the multiplier for a net gain in the size of the bonus.
- Created a 20 year step (2 days monthly) in the vacation schedule.
- Minimum call-in pay for any purpose of two (2) hours.

Bargaining team consisted of Steve Neubecker and Ken Field, who were assisted by POAM Business Agent Jim DeVries.

Negotiated

E. Grand Rapids PSOA

Duration: 7/1/2006 – 6/30/2009

Wage Increases:

2006	3%
2007	3%
2008	3%

- Bringing top pay for public safety officers to \$57,801.
- All other benefits remained status quo.

Bargaining team consisted of Brett Naumcheff, Ryan Holmes, Troy Brown, Harry Weertman and Kelly Kremer.

Negotiated

Isabella County DSA

Duration: 1/1/2007-12/31/2009

Wage Increases:

2007	1.5% with the addition of a ten year step an additional 3%
2008	2%
2009	2.5%

Bringing top pay for deputies to \$47,311

- Employees will receive pay for 8 hours or comp time for each holiday instead of vacation time.
- Comp time not used by the end of the year will be paid in cash.
- Two additional holidays were added bringing the total to 11.
- Employees not using any sick time during the year will be given 32 hours of pay with the time deducted from their sick time banks.
- Clothing allowance increased an additional \$150.

Bargaining team consisted of Joe Chritz, Todd Graham and Bill Russell who were assisted by POAM Business Agent Jim DeVries.

Stipulated 312-Award

Kent County Law Enforcement Association

Duration: 1/1/2006 – 3/1/2009

Wage Increases: (full retro)

1/1/06	2%	7/1/06	1.5%
1/1/07	1.5%	7/1/07	1.5%
2008	2.75%		
2009	2.5%		

Bringing top pay for deputies to \$62,758; sergeants to \$72,171.

Bringing top pay for communication operators to \$49,954.

Bringing top pay for communication supervisors to \$57, 220.

- Dental coverage increased from \$1600 to \$2000 in 2007 and \$2200 in 2009.
- Life Insurance increased to \$40,600 in 2008.
- Domestic Violence assignments to receive detective premium.

Bargaining team consisted of Glen Nevelle, Mike Hopkins, David Kok and Jennifer Van Singel who were assisted by POAM Business Agent Jim DeVries.



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JAMES TIGNANELLI - President, Fraser PSOA

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Vice President
Saginaw POA

THOMAS FUNKE
Secretary
Livonia POA

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From the President's Desk

by Jim Tignanelli

Some Things Still Grow in Michigan

No doubt you've heard about the fact that there are some 1,700 fewer law enforcement officers in Michigan than there were on September 11, 2001. Someone asked me the other day how the POAM has grown by over 100 groups and some 2,000 new members during that period. Does that make you wonder, doesn't it? It's that old cliché....SERVICE! No matter how small or how large a group we recruit, the same issues always surface. "Be prepared, return my call, have the appropriate tools."

Sometimes we even lose sight of how the organization has grown and how our level of service has grown right with it. Back in the mid-80's, when the board first decided to go "full service," we had an attorney on retainer, we had rather primitive research abilities, and we had an "on-call" system that depended on land lines to keep us in touch. Now we have two full time research analysts, four full time attorneys, a membership coordinator, a state of the art emergency system, Life-line, the website, a board member seated on MCOLES, a representative on the MCOLES curriculum committee, Bill Birdseye's presence on legislative committees regarding pension and arbitration, and on and on.

The laws and statutes governing the work we do are the same for all of the labor organizations that we compete with. What differs,

are the resources, the staff, and the experience that has become what POAM stands for. And we continue to re-examine what we offer and what our membership demands each day. We have our own lobbyist in both Washington, D.C. and in Lansing. We aren't at the mercy of state troopers and others who have their own issues. While other labor organizations are satisfied to send out a "bulletin" from time to time, our seminars, which started out as 20-25 members gathering to "talk shop," have now become sellouts wherever we hold them. Our most recent seminar, held in Ann Arbor, was simply, "over the top." Why the emphasis on training of our members? There is no substitute for great local leaders; they are the first line in the POAM's service. Want more information? Contact either me or your local business agent and arrange for a visit to the office. I'm sure you will be impressed with the staff and information that is here for you to use.

I'm very proud of what POAM has become and continue to be enthused with the desire that persists for us to do more, to do better, and to never settle for the status quo. While new groups continue to join, rest assured that each member is the most important one. We will continue to strive to raise the bar we have set for others. Please be safe! □

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Vice-President's Viewpoint

by Dan Kuhn

Wayne County Deputies Need to Join POAM, NOW!

POAM's Director of Member Services, Ed Jacques has informed me that we are in the process of collecting interest cards and eventually filing a petition to have current members of SEIU Local 502 vote on affiliating with POAM. That's a great start, but after talking with Ken Grabowski and Marv Dudzinski, this isn't the first time 502 members have voiced their displeasure with their current union.

For years members have been led to believe that affiliating with a national union and paying retained attorneys is a sound strategy. In the end, the national unions do little and the attorneys do a lot. Neither have benefited 502's bottom line.

Wayne County Deputies should learn a valuable lesson from their neighbors to the north, the Oakland County Deputy Sheriffs Association. They had an opportunity five years ago to join POAM and declined. They gave free reins to their lawyers and as of today are over five years without a contract and will be presenting over 40 issues to the 312 Arbitrator. Their local treasury is depleting and the Michigan Employment Relations Commission (MERC) has intervened and taken the radical action of dividing the once unified group of road deputies and correction officers into two separate bargaining units. Good for the lawyers, bad for the members.

According to Ed, misinformation about POAM has already begun in Wayne County and is being disseminated by some current union represen-

tatives in trusted positions. That's disappointing, but according to Jacques, to be expected. He says that current members have to be motivated enough to conduct their own research and eventually attend the POAM informational meetings scheduled in the future.

The days of local unions acting independently and being effective advocates for their members are numbered. It's unrealistic to think that certain employers won't consistently violate the contract in the hopes of running the local union out of money.

My advice: Call Road Patrol and Command Officers in nearly every Wayne County municipality and ask them how POAM works. Go to www.poam.net and get more information or visit the POAM office. Sign and send in your "interest card" today. Attend the POAM meetings and ask the questions that you need answered. Your current system of representation is ineffective and you can expect the same results in the future if you don't change the formula now.

POAM represents employees in 85% of Michigan's sheriffs departments. We have the most political clout in the Legislature because we represent the vast majority of Michigan's law enforcement officers and do not bow to any political party. My question to brother and sister officers in Wayne County is – ARE YOU FINALLY READY? ☐


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The Treasurer's Ledger

by William Birdseye

State Police Functions Must Be Prioritized

Michigan State Police Director Colonel Peter Munoz recently closed two crime laboratories that process evidence from across the state. Munoz said he was directed by the Michigan Legislature to cut two million dollars from his forensic budget and he reluctantly decided to close the two labs, rather than eliminate specific services such as processing DNA evidence.

At the same time several county sheriffs and police chiefs have accused the state police of duplicating services and overstepping its authority. House Judiciary Committee Chairman Paul Condino, D-Southfield, is looking into reports of unnecessary overtime spending by troopers doing jobs already handled by local police.

While the argument about overlapping services may be a valid one, the most important issue is the extraordinary work and exclusive state police functions that are at risk because of Michigan's budget crisis. Their crime labs process thousands of evidence cases annually and their DNA, arson and other special investigations are unmatched by any other police agency. Other specialized details that should remain a priority for

the state police are homeland security, gaming enforcement, supervising the state's sexual offender registry and protecting the governor. They also need to be prepared to respond to certain emergencies and conduct special investigations when requested by a municipality.

The logical solution to easing tensions between high ranking police administrators is to clarify and prioritize duties of the Michigan State Police, starting with their mandated and specialized responsibilities, and finishing with tasks that may overlap with other local departments. Any cutbacks or elimination of duties should start at the bottom of the list. That way, the important and exemplary functions of the department are protected, guaranteeing the public safety of our citizens and the efficient deployment of all law enforcement personnel.

Elected officials, armed with input from the Michigan State Police, Michigan Sheriff's Association and the Chiefs of Police need to make decisions that will protect the important functions that the State Police provide and insure the personal and economic advantages that local police and sheriff deputies provide. □



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Secretary's Notepad

by Thomas Funke

Change in Leadership Requires Union Boards to Become More Pro-Active

Change in leadership within local organizations constantly occurs. Individuals get promoted to a higher rank; lose their position on the elected board, or just plain get frustrated by middle management and their fellow union workers.

Officers are more likely to be charged currently in today's society either criminally, civilly, or departmentally, than 10 years ago. Modern technology has allowed departments to challenge officers about their decision-making process through video cameras, digital recordings, GPS, and other technological equipment.

This requires local unions' officials to continually strive to stay on top of current departmental procedures, changes in the laws, and understanding their union rights.

In mid-October 2007, POAM conducted its annual fall seminar in Ann Arbor.

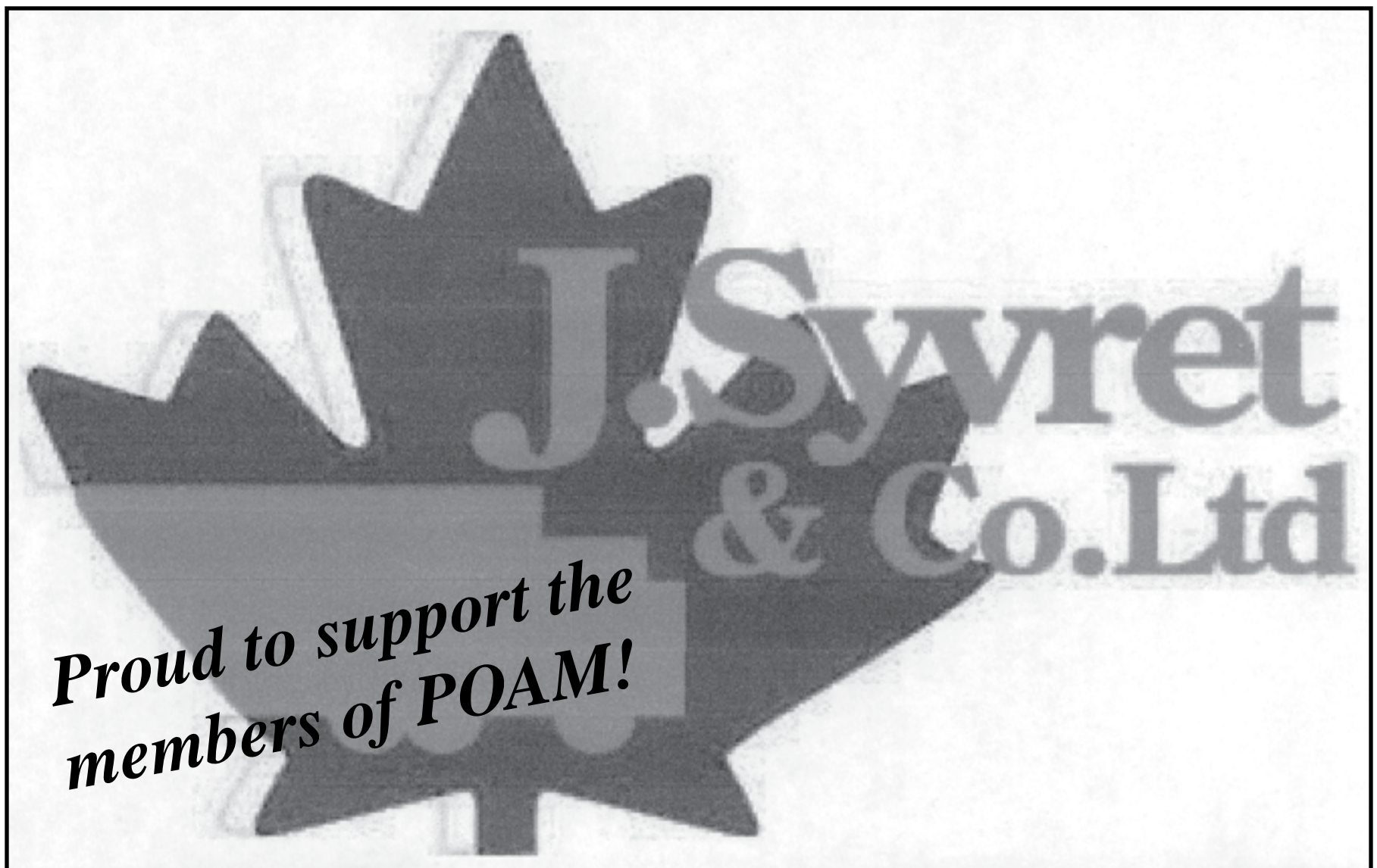
The morning session topics consisted of Garrity, Weingarten rights, and Lauderhill hearings. Seminar instructors were attorneys Frank Guido, General Counsel and Assistant Counsels Martha Champine, Doug Gutscher and George Mertz.

The afternoon session consisted of grievance preparation and collective bargaining. These topics were presented by in-house specialists James Tignanelli, William Birdseye and Research Analysts John Barr and Kevin Loftis.

Over 140 union leaders spent the day discussing the important aspect of being an effective advocate within their organizations. Many questions were asked and answered regarding management and police officer rights. The audience was receptive and enlightened by the materials presented.

Attendees learned that they are part of the formula for success in their own organization as well as POAM. The goal and commitment from POAM is to enhance the ability of the local leaders by education through seminars and empowering them with the knowledge to better perform their union tasks.

By accomplishing this goal and staying pro-active, we will be better able to serve our membership with strong union representation and pass those skills on to our successors. □





The Legislative Director's Chair

by Kenneth E. Grabowski

Dangerous Legislation

It's back! Another ill-conceived proposal to allow municipalities to issue traffic tickets via unmanned traffic control devices through current House Bill 5315. Uninformed legislators have again proposed the authorization of unmanned traffic control devices. This ugly issue reared its head in 2000 and in 2006, but was properly put to bed.

Unfortunately, the covers have been shaken to awaken this ugly creature. House Bill 5315 would allow 10 pilot programs throughout the state to issue traffic tickets by the use of an unmanned traffic monitoring device.

POAM has contacted our legislators to inform them of this dangerous legislation. The issuance of citations with the use of unmanned traffic devices eliminates the use of police officers and an officer's decision on whether a ticket should be issued or not. In many cases, discretion needs to be used. A decision on whether a citation should be issued should be with a trained police officer, not a machine.

Additionally, POAM is concerned that as local units of government look



for more ways to raise money, the use of this type of device will not be for traffic safety, but a fundraising machine alienating citizens against law enforcement.

H.B. 5315 was introduced by:

- ✓ **Representative Ted Hamon from Burton**
- ✓ **Representative Lee Gonzales from Flint**
- ✓ **Representative Richard Hammel from Flushing**
- ✓ **Brenda Clack from Flint**
- ✓ **Alma Smith from South Lyon**

The bill has been referred to the Judiciary Committee, which is chaired by Representative Paul Condino from Southfield. □

Call to action!

POAM urges you to contact each of the above representatives who have introduced the bill and Chairman Condino of the Judiciary Committee and advise them of the dangers of this bill and why it should not be implemented.

These representatives can be reached at:

P.O. Box 30014

Lansing, MI 48909-7514

or on the internet at <http://house.michigan.gov/>

WELCOME NEW MEMBERS

JULY 1, 2007 - December 31, 2007

GRATIOT COUNTY DSA

Previous Affiliation: Police Officers Labor Council

ST. JOSEPH POA

Previous Affiliation: Police Officers Labor Council

GLADWIN COUNTY DSA

Previous Affiliation: Police Officers Labor Council

SCHOOLCRAFT COUNTY DSA

Previous Affiliation: Police Officers Labor Council

EASTPOINTE PUBLIC EMPLOYEES

Previous Affiliation: Teamsters

PLYMOUTH DMS EMPLOYEE ASSOCIATION

Previous Affiliation: Teamsters

38TH DISTRICT COURT EMPLOYEES

Previous Affiliation: Teamsters

TUSCOLA COUNTY CORRECTIONS

Previous Affiliation: Michigan Association of Police

MARQUETTE COUNTY CENTRAL DISPATCH

Previous Affiliation: AFSCME

ALBION CLERICAL ALLIANCE

Previous Affiliation: SEIU

HOLLAND CLERICAL EMPLOYEES

Previous Affiliation: SEIU

MACOMB COUNTY JUVENILE JUSTICE EMP.

Previous Affiliation: UAW

MONROE CO. ASST. PROSECUTORS ASSOC.

Previous Affiliation: UAW

FOWLERVILLE DPW

Previous Affiliation: None

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From the Top

by Attorney General Mike Cox

Creating an Internet Safety Program for Kids

In the United States, one in seven children who use computer chat rooms has been approached over the Internet by pedophiles. And nearly 90 percent of solicitations of youth were made in either chat rooms or through instant messaging.

These startling statistics vividly demonstrate the need to educate young people on how to navigate the Internet more safely.

That's why I recently created the Michigan Cyber Safety Initiative. It's an Internet safety and education program for K-8 students all across Michigan. The program proactively combats the problem of Internet predators by educating not only students, but also their teachers and parents about how to avoid dangers on the Internet.

Michigan CSI was developed drawing on resources from nationally recognized Internet safety programs and in consultation with teachers and parents.

The program is comprised of four different, customized, age-appropriate presentations: kindergarten through third grade; fourth and fifth grade; students in sixth through eighth grade; and a seminar for parents and community leaders.

The parent seminar is a powerful presentation, and I strongly urge parents to participate. A part of this program also deals with the nation's

fastest growing form of bullying - cyber-bullying.

Demand for the program is already high. More than 150 school districts from more than half of Michigan's counties - representing more than 325,000 kindergarten through eighth-grade students - have already registered.

Materials from the Michigan CSI presentations can be accessed on the Attorney General's Web site, www.michigan.gov/ag, under the key initiatives heading. Parents and community leaders can also report suspicious or dangerous contact on the Internet by accessing the Attorney General's Web site, clicking on the Michigan CSI homepage, then clicking on the button marked "Report Internet Abuses Against a Child."

My office is a national leader in putting Internet predators behind bars. Our Criminal Division has arrested nearly 150 Internet predators, and we will continue to aggressively prosecute predators. But this is a problem we cannot arrest our way out of. That's why we need to arm our children with the information they need to navigate the Internet safely.

Internet predators pose an immediate threat to our children. We must do everything in our power to protect them. The Michigan Cyber Safety Initiative is more powerful than the strongest software filter, because it arms students with the knowledge to keep them safe. The more students know, the safer they will be. □

TRUE BLUE

After being beaten down in the streets day after day, most cops like to forget their struggles once their shift ends. For Lieutenant Randy Sutton of the Las Vegas Metropolitan Police Department, shift's end often finds him remembering the events of the day. And he encourages other officers to do the same.

Sutton, who has published two books - True Blue: Police Stories by Those Who Have Lived Them and A Cop's Life (St. Martin's Press) - is in the process of publishing his third book, True Blue, to Protect and Serve. Like True Blue - the royalties from the book were donated to the families of those who perished in the 9/11 tragedy - True Blue, to Protect and Serve also is being used to raise funds for an honorable cause. Money raised via sales of True Blue, to Protect and Serve will be donated to the National Law Enforcement Officers Memorial Fund (NLEOMF).

Sutton hopes to raise at least \$500,000 for the NLEOMF, which would require sales of at least 50,000 copies of True Blue, to Protect and Serve.

"I believe in a concept. It's called legacy based policing. To me it means I don't want to leave this earth without leaving something behind for other people," Sutton said during a recent telephone interview. "The Memorial Fund is going to use the book as an instrument to raise funds. They want to use it as a fund-raising tool. That is huge in the ability to leave a legacy behind."

As holds true for many police officers, Sutton

found his motivation in the midst of tragedy.

"I was always interested in writing, but didn't have the impetus to get started until after 9/11. I wanted to put something together to aid the families and show people what being a cop is all about," Sutton said. "I enjoyed True Blue so much that I continued writing short stories. My publisher, St. Martin's Press, liked it so much they gave me my own book deal for A Cop's Life."

While the majority of his work has benefited causes such as the survivors of 9/11 and the National Law Enforcement Officers Memorial Fund, Sutton's work has also allowed him to experience triumphs of a much more personal nature.

"It's provided me with the opportunity to interact with cops all over the world. I've had no fewer than six or seven cops contact me and tell me they were on the verge of suicide, and they read the book, and they realized they were not alone, and they changed their mind," Sutton said. "True Blue inspired a lot of people. It inspired a lot of cops to expose themselves and their feelings to others."

Sutton is as candid as he is personable. He also has a deep admiration for police officers and an understanding of the common burden they bear. Still some cops, like those working in economically depressed places like Michigan, face additional everyday challenges. For those, Sutton offers some humble advice:

"Those who have chosen this profession can't let themselves be daunted by economic condi-

tions. If it is in your blood to be a cop then you have to look outside your geographic area to do your life's work," Sutton said. "It's a huge challenge for those in Michigan who are asked to do more and more and more with less. It's a terrible burden on these officers. But I believe there is no greater field than law enforcement to touch people's lives."

Sutton credits much of his success to his editor, Cassie Wells, who is working on True Blue, to Protect and Serve despite recent endeavors into television writing.

"She's busy as hell, but she really believes in giving a voice to America's law enforcement," Sutton said of the work Wells has contributed to his books.

The voice of America's law enforcement is a voice Sutton is determined will be heard.

True Blue, to Protect and Serve is scheduled to be available in spring of 2008. Updated information regarding the book's release, as well as pre-ordering information, can be found at truebluestories.com and nleomf.com. □

Michael East is a 14-year veteran of the Saginaw Police Department and author of "Burden of the Badge - A Year in the Life of a Street Cop (Authorhouse, 2003)." East also submitted work for True Blue, to Protect and Serve. His piece was accepted and will appear in the book.

POAM SEMINAR HITS THE TARGET

By Ed Jacques, LEJ Editor

The “Big Three” means different things to different people. But if you are a law enforcement officer and/or a representative from a local bargaining unit, the “Big Three” means Collective Bargaining, Grievance Preparation and Representation at Employer Interviews. Those were the three topics covered by POAM staff at our semi-annual conference held on October 19, 2007 at the Four Points Sheraton in Ann Arbor, Michigan.

General Counsel Frank Guido introduced his legal staff and the topics they would be covering. Guido also explained that for political reasons other police and labor organizations were tampering with and/or misrepresenting the proper application of all public employees’ rights. This is particularly true in Garrity cases and Guido issued a stern warning to follow his established POAM guidelines when exercising those rights.

Assistant General Counsel Douglas Gutscher walked members through the history of Garrity, and the handful of cases that have had a impact on its application, including POAM’s landmark decision in U.S. District Court. Gutscher lectured on compulsion by the employer to make statements

and the importance of employees to assert their Garrity right. The question and answer period included many different scenarios and examples, each one being addressed head-on by POAM’s panel of in-house attorneys.

The next session was Assistant General Counsel George Mertz who provided his expertise on union privileges in employer meetings and interviews, more commonly referred to as your Weingarten rights. Mertz reminded attendees that everyone has a right to union representation in a meeting that could possibly result in discipline, but the employee must ask that question and then ask for a union representative. The discussions were lively when the issue of who can act as your representative and what their role in the interview can be.

Next up to bat for the POAM legal team was Martha Champine who spoke on Loudermill Hearings, sometimes referred to as pre-termination hearings, trial boards or chief’s hearings. Champine’s presentation covered employees’ rights to constitutional due process which includes but is not limited to: the opportunity for a hearing, an official notice of charges, evidence or facts to support those charges and the employees’ right to present their side of the story.

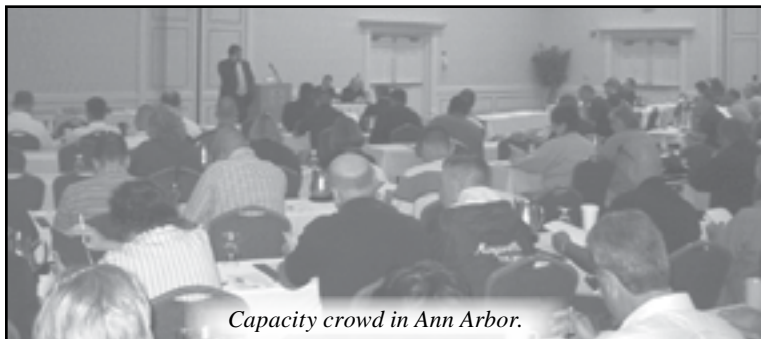
After lunch, the seminar continued with POAM President Jim Tignanelli and Research Analyst John Barr educating members and local leaders on proper grievance preparation. Seminar handout materials included a grievance



Left to right: General Counsel Frank Guido and Assistant General Counsels Doug Gutscher, George Mertz, and Martha Champine.

worksheet to be used as a guide when assisting employees in filing a grievance. Numerous other tips and rules were explained. In fact, preparing for this seminar allowed the POAM support staff an opportunity to include the research material in a new and updated POAM grievance handbook.

POAM Treasurer and Business Manager William Birdseye was on deck when the topic of collective bargaining came up. Research Analyst Kevin Loftis was there to re-enforce Birdseye’s contention that he has never seen a tougher time to negotiate contracts. Programs like VEBA’s, which eliminate an employer’s unfunded actuarial accrued liability (UAAL), and HRA’s with high reimbursed deductibles are on every Employer’s wish list, and POAM’s research team is there to assist. Even though the Michigan economy is years from recovering, Birdseye stressed that POAM’s vast experience, combined with flexibility from both sides to look at different programs, can result in reasonable success in bargaining. As usual, handout material from this informative seminar can be forwarded to you by calling Ed Jacques at the POAM office. □



Capacity crowd in Ann Arbor.

THE MAYONNAISE JAR & 2 CUPS OF COFFEE

When things in your life seem almost too much to handle, and 24 hours in a day is not enough, remember the mayonnaise jar and 2 cups of coffee.

A professor stood before his philosophy class and had some items in front of him. When the class began, without saying a word, he picked up a very large and empty mayonnaise jar and proceeded to fill it with golf balls. He then asked the students if the jar was full.

They agreed it was.

The professor then picked up a box of pebbles and poured them into the jar. He shook the jar lightly. The pebbles rolled into the open areas between the golf balls. He then asked the students again if the jar was full. They agreed it was.

The professor next picked up a box of sand and poured it into the jar. Of course, the sand filled up everything else. He asked once more if the jar was full. The students responded with a unanimous “yes.”

The professor then produced two cups of coffee, from under the table and poured the entire contents into the jar, effectively filling the empty space between the sand. The students laughed.

“Now,” said the professor, as the laughter subsided, “I want you to recognize that this jar represents your life. The golf balls are the important things - God, family, children, health, friends and favorite passions - things that if everything else was lost and only remained, your life would still be full. The pebbles are the other things that matter like your job, house and car. The sand is everything else - the small stuff.”

“If you put the sand into the jar first,” he continued, “there is no room for the pebbles or the golf balls. The same goes for life. If you spend all your time and energy on the small stuff, you will

never have room for the things that are important to you.”

“Pay attention to the things that are critical to your happiness, Play with your children. Take time to get medical checkups. Take your spouse out to dinner. Play another 18. There will always be time to clean the house and fix the disposal. Take care of the golf balls first - the things that really matter. Set your priorities. The rest is just sand.”

One of the students raised her hand and inquired what the coffee represented. The Professor smiled. “I’m glad you asked.” “It just goes to show you that no matter how full your life may seem, there’s always room for a couple of cups of coffee with a friend.” □

Editor’s note: These inspirational words were submitted by a good friend of POAM and one of the Midwest’s leading law enforcement advocates, Dennis Flaherty, former police officer and Executive Director of the Minnesota Police and Peace Officers Association.



Mission Possible

IMPROVING THE RELATIONSHIP BETWEEN ROAD PATROL AND DISPATCH

By Kim White, POAM Member

The relationship between officers and dispatchers is like the Michigan weather. Wait five minutes and it will change. Not always for the better. Every day in law enforcement is an adventure and sometimes it seems like a twisted version of *Mission Impossible*, but with a few ground rules, it can turn into mission possible.

The Shared Mission: Everybody goes home.

Mutual Respect.

Dispatchers are not glorified secretaries and officers are not Batman with a belt full of toys.

If each group can remember that the other is well-educated, highly-trained, and completely capable of performing the job they were hired for, the day may just be a little easier to handle. It's not about being liked. It's about making sure that everything possible is being done to ensure a satisfactory outcome.

Knowledge is Power.

Dispatchers don't make up the calls officers have to respond to.

Their imaginations are not that good. If so, they would all have six-figure book deals. When dispatchers say, "No further information available," they really mean it. Dispatch centers are not governed by "crystal balls" or "magic 8 balls". The information given is as reliable as the caller. If time permits, every possible question is asked and hopefully answered. Otherwise, it's up to the officer to figure it out. Officers are not usually shy. If it's an answer they're looking for then they usually ask the question.

Sadly, too many times officers relay after the fact, that the call was completely different than dispatched. Dispatchers are proficient at searching for information and weeding out what might not be truthful, but they're not psychic mind readers.

Be Kind.

Do everything possible not to "Dispatcher-bash" or "Officer-bash."

It happens in every police department and it's usually to let off steam, but be careful. Tempers flare and emotions run high on the best of days. Overhearing a nasty blast of unhappiness will not make anybody feel better. It usually serves to make the day much worse. Work out the problems quietly with each other. Broadcasting them turns it into a petty children's game of "tit for tat".

Officers and dispatchers are human beings and have lives outside of work. Having a kind word to say and taking an active role in trying to get to know each other may make working out some of the problems encountered during the shift easier to accomplish.



Officers and dispatchers don't take their career choices lightly. Both work at updating their skills and using the tools available to them on a daily basis. Every day is an adventure that ends in triumph or tragedy. The outcome is dependent on each officer and dispatcher performing their individual jobs to the best of their ability. Sometimes it's harder than it seems and the rewards are minimal. It's a mission chosen by a dedicated few who believe that it's not impossible. □

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State Representative

Fred Miller

By Ed Jacques, LEJ Editor



Fred Miller serves on five committees in the Michigan House of Representatives: Education, Energy and Technology, Great Lakes Environment and Transportation. He chairs the Labor Committee, which is particularly important to all POAM members.

State Representative Miller was first elected in November, 2004 to represent Michigan's 31st District, which includes the City of Mt. Clemens and the majority of both Clinton Township and the City of Fraser. Fred and his wife Jennifer, are home-owners in Mt. Clemens and Miller is currently working towards a Masters degree in Education at Wayne State University. He has worked as a substitute teacher in several Macomb County Public School systems. Representative Miller is the son of public school educators and is particularly passionate about issues regarding education.

After graduating from Michigan State University's James Madison College, Fred worked as an aide

"Fred is one of the strongest advocates for labor in the Legislature. [He] is very effective in his role as Labor Committee Chairman"

to U.S. Senator Carl Levin, Congressman David Bonior and State Senator Ken DeBeaussiaert in Macomb County, Lansing and Washington D.C. Miller has worked on mission projects in the Appalachian region and in Costa Rica, where he helped build schools and homes for disadvantage families.

This is the first time in many years that there is a Labor Committee in the Michigan House. Chairman Miller has already brought the following issues before the committee: outsourcing, privatization, the use of credit scores in hiring decisions, the Pay Equity Act and protecting the rights of workers to engage in collective bargaining.

"Fred is one of the strongest advocates for labor in the Legislature," states POAM Lobbyist Tim Ward. "He understands the importance of 312 Arbitration and relies on POAM to advise him on its practical application. Representative Miller is very effective in his role as Labor Committee Chairman." □

U.S. Congressman

Tim Wahlberg

By Ed Jacques, LEJ Editor

Tim Walberg is currently serving his first term in the U.S. House of Representatives, serving Michigan's Seventh District which includes Branch, Eaton, Hillsdale, Jackson and Lenawee Counties and parts of Calhoun and Washtenaw Counties. Previously, Congressman Walberg served in the Michigan House of Representatives from 1983 to 1999, gaining a reputation as a principled voice for less government spending, lower taxes and fewer government regulations.

Congressman Walberg considers himself an "independent conservative" and is proud of the fact that in his 16 years of service in the state legislature, he never voted for a tax increase and fought to reduce income, property, capital gains and death taxes.

Before you try to pigeonhole the Congressman, you also need to know that he is an advocate for workers' rights and Great Lakes preservation. Tim Walberg was born in Chicago and grew up on the city's south side and worked briefly as a union steel mill worker before attending college, earning his B.S. and M.A. degrees. Prior to his time in the Michigan House, Congressman Walberg served as a pastor for nearly 10 years.

Congressman Walberg is an original co-sponsor of two pieces of environmental legislation vital to Michigan's future, The International Solid Waste Importation and Managers Act (H.R. 518) and the Great Lakes Collaboration Implementation Act (H.R. 1350). The Congressman also introduced The Tax Increase Prevention Act (H.R. 2734), legislation that would make permanent tax relief passed in 2001 and 2003.

Congressman Walberg serves on the House Agriculture and Education and Labor Committees. On the Agriculture Committee Walberg's issues include but are not limited to: conservation, energy, research, livestock, dairy and poultry. On the Education and Labor Sub-Committee those issues are: health, employment and pensions.

"We have visited with Tim on our trips to Washington D.C. and worked with him when he was a member of the Michigan House," said POAM Legislative Director Kenneth E. Grabowski. "The Congressman is well versed on every one of our issues and has been a good friend of law enforcement his entire career." □

"Tim is well-versed on every one of our [POAM's] issues and has been a good friend his entire career."



East Grand Rapids Public Safety Officer Killed in Off-Duty Accident

City Handles Tragedy With "Class"

By Ed Jacques, LEJ Editor

Michael Winchester, age 27, a five-year veteran with the East Grand Rapids Department of Public Safety was killed in a motorcycle crash in Lowell, Michigan on Wednesday, August 8th. Officer Winchester was headed northbound on Alden Nash Road when he lost control of his motorcycle and hit a southbound semi from a local trucking company. Winchester had just purchased the new motorcycle the previous day.



PSO Michael Winchester

Winchester was a popular officer who worked patrol and the department's boat rescue program. He was an Upper Peninsula native who graduated from Lake Superior State University in 2002. He was an effective officer who was recognized for his investigative efforts in drug interdiction.

As fellow Public Safety Officers mourned Winchester's death, they also learned a lot about how their city values them and its professional response to tragedy. The Administration rushed to the scene, which was outside of their jurisdiction, to get first hand information on the accident.

Ironically, when the City tried to contact Winchester's parents, they found out they were en-route from the U.P. for a visit with their son. Officials were adamant about being the first to notify Mike's parents and had officers waiting at Winchester's home for their arrival. In addition, City officials worked with the local media to keep his name off the air until his parents were notified. They also called all off-duty and on-duty officers into the Department for immediate notification and had professional grief counselors waiting to assist anyone. They purchased a deli spread and provided beverages. Although it was not an on-duty death, East Grand Rapids City leaders reacted as if it was, providing compassion and displaying the kind of character that is usually reserved for small rural towns. Mayor Cindy

Bartman and City Manager Brian Donovan met with Local Union President Brett Naumcheff on implementing a strategy that would accommodate the Department and its members over the next difficult few days.

Bartman and Donovan were unified in their belief that all PSO's would be afforded the necessary time to grieve and attend the funeral. Overtime would not be an issue and neighboring police and fire departments would be utilized to fill any voids. The City paid for a first class charter bus and provided meals for members to attend the funeral in Escanaba, Michigan. Mayor Bartman made the eighteen hour round trip long journey with the majority of East Grand Rapids Public Safety Officers to the Upper Peninsula.

Escanaba's Department of Public Safety was a tremendous help, providing police escorts, changing rooms, transportation and anything else the contingent needed. East Grand Rapids PSO's sent a piece of customized clothing to every Escanaba PSO as a thank you for their efforts. Also, in appreciation for their hospitality, Naumcheff, who is also a practicing attorney and police legal advisor, promised the Department a visit in the near future to conduct a Police Civil Liability Class. "I asked their Director what I can do to express our union's appreciation and it was decided that putting on that unique class, at no cost, would be something they would appreciate."

Naumcheff could not be prouder of the working relationship with Mayor Bartman and City Manager Donovan and also acknowledged former Director of Public Safety Pete Gallagher for establishing the working relationship between the City and its PSO's. "I am constantly reminding our members, and especially the new hires, just how fortunate we all are to work for this department in this city," said Naumcheff. "The Administration's support of its PSO's encourages every one of us to maintain the high level of integrity and professionalism that starts with our top officials."

The East Grand Rapids Department of Public Safety sits on the edge of beautiful Reed's Lake in the heart of town. The City in conjunction with the law firm Law, Weathers and Richardson, are paying for a memorial bench facing the lake complete with a plaque memorializing Michael Winchester's life and career. □



East Grand Rapids A-Team consists of left to right: Mark Herald, Director of Public Safety; Cindy Bartman, Mayor; Brian Donovan, City Manager and Brett Naumcheff, PSO and Union President.

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By Frank Borelli

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Don't Be Afraid to Pull the Trigger

I've been a cop in some way, shape or form (military, civilian, private, etc) since the fall of 1982. For 24 years I've lived with the reality that I might, just MIGHT, have to put a human being in my sight picture and squeeze the trigger. It's a reality I came to live with a long time ago and it remains with me today. I decided lo those many years ago that it was something I could do and promised myself I would if it needed doing. It was something I saw as part of my job when circumstances warranted it. The reality of life though is that there are a great many police officers who simply don't have it in them to pull the trigger when they should.

Lt. Col. Dave Grossman speaks about this in his presentation on the Bulletproof Mind. He tells the story about a cop who comes and thanks him for having simply asked, "Can you pull the trigger when you have to?" It's something that far too many cops take for granted. Grossman cites human interpersonal violence as the "universal phobia" and gives hitorical information to support his theories. The fact that some cops today hesitate to pull the trigger when it's both justified and necessary to their potential survival may further support his theory.

I've seen numerous videos from dahsboard video-cameras mounted in police and sheriff's patrol vehicles around the country. In one, the law enforcement officer, gun drawn and pointed at an armed threat, says, "I'll shoot your ass," nine times. NINE times. Now, admittedly that's not the most professional thing to say to a subject who needs to drop his weapon before you are forced to shoot him. Perhaps, "Don't make me shoot you," would sound more professional as it's captured on your dash-cam, but be that as it may, NINE times? Let's think about everything that is implied in ONE verbal warning.

Situation: Subject is armed and not complying with your orders. You have drawn your weapon, and are aiming / pointing it at him. The moment of truth has arrived. Either he must drop his weapon or you must pull the trigger on yours - at least twice in most contemporary training structures and then evaluate the need for further shots.

Boyd's Decision making model of Observe - Orient - Decide - Act affects both "players" in this drama and we law enforcement professionals - or any other contemporary warrior for that matter - must understand what our failure to act in a timely fashion means to the opponent.

Subject's OODA Loop has ended at ACT: He is NOT complying. He is resistant. He is armed. He presents a threat. He may not yet have decided to pull the trigger, but he is refusing to surrender or put down his weapon. He HAS decided not to be obedient.

Officer's OODA Loop has ended at ACT: Observed a threat. Oriented sufficiently to recognize that the threat is to himself or an innocent it is his duty to protect. Decided that he must present Deadly Force. The Action is simultaneously to draw his weapon and to issue a verbal command / warning.

Subject's OODA Loop repeats: I'm not complying. He warned me, but he hasn't started shooting yet. My decision and resolve hasn't changed.

Officer's OODA Loop has ended at ACT: He observes no change in the threat level. The threat still exists to himself or another. He has decided to present Deadly Force and did so at the conclusion of his last OODA Loop. Now he has to choose:

Action 1: pull the trigger.

Action 2: repeat verbal warning.

Okay. Three things have to be said here:

1) Police officers have no legal requirement to retreat from a physical threat. In fact, it's our sworn duty to stand in harm's way and defend / protect those who cannot defend or protect themselves. We cannot in good conscience shirk that duty.

2) If Deadly Force wasn't justified, we shouldn't be standing there with the gun in our hand pointed at a bad guy. If we're confident in our decision to present Deadly Force, we should be equally confident in the necessity of pulling the trigger.

3) Action is always faster than REaction. If the bad guy goes through his next OODA Loop and decides to start pulling the trigger, the officer or other victim may be critically injured by gunfire before the officer can return fire. At that point, the action is too little too late.

Those three items recognized, let's consider the implication of a second (or third or fourth or NINTH) warning. The subject is going through repetitive OODA Loops just as the officer is. To make those OODA Loops inefficient, the officer has to press the subject's time and space. By whatever means necessary, the officer must reach an appropriate ACTION first - or risk losing the fight and potentially his life. If the officer makes the decision to issue a second warning - which may be appropriate dependent on circumstances, position of cover, threat presented, etc. - then the subject takes that into consideration in his next OODA Loop.

What's the message he's been given? Let's think about it.

Observe: Nothing physical has changed. I'm here with a gun in hand. The cop is there with his gun pointed at me. He looks shaken and unsure, but his gun has a big hole at the end of it and it's pointed at me. He just said, "Don't force me to shoot you," which means the choice is mine. I can drop the gun and live, or I can disobey him and he'll shoot me. But then he said the same thing again.

Orient: Hmmm... maybe he really doesn't want to shoot me. Let me think about this a minute... maybe more options will become apparent before he actually gets up the courage to shoot me. Let me look around and see what I can leverage to my advantage or do to escape.

Decide: I think I'll pull this trigger and shoot him before he says anything else again.

Act: Bang, Bang, Bang, Bang.

Of course, that's only one possibility. He may decide to drop the gun and surrender. He may realize that your position of cover is so good he'd be wasting bullets trying to shoot you. He may hear sirens and decide he needs to get away fast and you're in his way so he opens fire. But let's take a look at the options and see how the percentages work out for the good guys: us cops.

He surrenders. GOOD.

He shoots. You don't. He's not shot. You're injured. BAD.

He shoots. You don't. He's not shot. You're incapacitated. BAD.

He shoots. You shoot. He's injured. You're not shot. GOOD.

He shoots. You shoot. He's injured. You're injured. BAD.

He shoots. You shoot. He's incapacitated. You're not shot. GOOD.

He shoots. You shoot. He's incapacitated. You're injured. BAD.

He shoots. You shoot. He's incapacitated. You're incapacitated. BAD.

He shoots. You shoot. He's injured. You're incapacitated. BAD.

He shoots. You shoot. He's not shot. You're incapacitated. BAD.

If he surrenders then great. If he decides to pull the trigger, you're in a REactive position. Of those options listed above, seven out of nine where he shoots work out BAD for you. That's a 78% chance it will go wrong for you. How can we change that? Be PROactive and do what you know is right and justified. Pull the trigger FIRST. How will that work out?

Continued on page 32

Give us a try!



Police Officers Association announces new member vision program with SVS Vision!

OPTION 1 — Members currently covered by an optical plan:

SVS VISION STORE LOCATIONS WILL:

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- Repair breakages occurring in the line of duty at no charge; and
- Provide a one-year breakage protection warranty.

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| • Fraser (586) 293-4198 | • Marysville (810) 364-5520 | • Walker (616) 363-9831 |
| • Garden City (734) 458-5181 | • Monroe (734) 243-0960 | • Waterford (248) 666-4020 |
| • G. Rapids (Northland Dr.)..(616) 364-4099 | • Mt. Clemens (586) 468-7612 | • Ypsilanti (734) 572-8822 |

Signed and Sealed

Agreements gain vital benefits for POAM members

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



Negotiated Ionia County DSA

Duration: 1/1/2007-12/31/2009

Wage increases:

2007	2%
2008	2%
2009	2%

Bringing top pay for deputies to \$45,760

- Pension improved from MERS B-3 to B-4 in 2008.
- Eliminated employee contribution of \$100.00 per month towards medical insurance premium in lieu of maximum out of pocket reimbursement for medical/dental from \$500 to \$700 annually.
- Increased general clothing allowance additional \$100.00.

Bargaining team consisted of Lynn Cruttenden and John Nelson, who were assisted by POAM Business Agent Jim DeVries.

Negotiated Inkster POA

Duration: 7/1/2005 - 6/30/2010

Wage Increases: (Full Retro)

2005	0%
2006	3.0%
2007	3.0%
2008	3.0%
2009	3.0%

Bringing top pay for police officers to \$53,279.

- Equipment allowance increased by \$200. in 2007 and an additional \$500. in 2008.
- All other benefits remain status quo.

Bargaining team consisted of John Hankins who was assisted by POAM Business Agent Tom Griffin.

Negotiated Lowell POA

Duration: 7/1/2007-6/30/2010

Wage Increases:

2007	2%
------	----

Wage re-openers for 2008 and 2009.

Bringing top pay for police officers to \$54,125.

- Insurance language on health, dental and optical was improved to require the employer to maintain "equivalent" coverage during the contract.

Bargaining team consisted of James Hinton and Steve Bukala who were assisted by POAM Business Agent Jim DeVries.

312 Arbitration Fraser Dispatch

Duration: 7/1/2005-6/30/2009

Wage Increases:

2005	1.0%
2006	2.5%
2007	2.5%
2008	2.0%

Bringing top pay for dispatchers to \$43,001.

- Increased training pay and shift premium.
- Double-time when forced to work a holiday.
- Employees no longer pay \$15 a week for health care, current coverage is BC/BS Community Blue Plan 1 with \$10/\$40 drug card.
- New employees get BC/BS PPO 4 with \$10/\$20 drug card.

Arbitration case was presented by POAM 312 Advocate William Birdseye and the Arbitrator was Robert Stevenson.

Negotiated Beverly Hills PSOA

Duration: 1/1/2006-12/31/2009

Wage Increases: (full retro)

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

Bringing top pay for public safety officers to \$67,351.

- Disability, Pension Plan and 12 hour shifts were locked into contract.
- Education benefits not to exceed \$3,000 per year.
- Unused vacation leave capped at 84 hours with any excess paid off.
- Medical coverage is now BC/BS PPO3.
- Drug card is \$10/\$40 with employer reimbursing up to \$30 on brand names.
- Annual insurance co-pay is \$500/\$1000.

Bargaining team consisted of Howard Shock, Andy Van Horn and Marty Bednarz who were assisted by POAM Business Agent Ken Grabowski

Negotiated Calhoun County DSA

Duration: 1/1/2007-12/31/2009

Wage increases:

2007	6%
2008	1%
2009	1.5%

Bringing top pay for deputies to \$47,882

- Employees to pay 15% of health care premium in 2009.
- Improved eligibility age (50) for retiree health care.
- Increased shift differential and clothing allowance.
- Additional week of paid vacation at 15-year step.

Bargaining team consisted of Tom Lewis, Jennifer Lawton, Bill Lindsay and Bryan Gandy, who were assisted by POAM Business Agent Wayne Beerbower.

Important Arbitrations

Articles by Ed Jacques, LEJ Editor

Failure to Recall is... Termination Without Just Cause Individual Rights Cannot Be Negotiated Away

In April 2003, the Frankfort Police Department laid off its least senior officer in the department. Under the terms of its existing contract that expired in 2004, recall from lay-off was provided for, without regard to how long an officer remained in lay-off status. The officer in question was still on lay-off when over a year later new contract negotiations began between the Union and the City of Frankfort.

In those negotiations, representatives from the Administration wanted to change the current language that allowed employees to remain on lay-off for an indefinite period of time. They stated their sole purpose was to avoid a situation where an Employee could appear ten or twenty years later and demand recall to their job. POAM Business Agent Pat Spidell and his local bargaining committee agreed with the City's premise but insisted that any new provision not apply to the member officer who was already laid-off more than 12 months. Eventually, an agreement was in place that limited the department's recall period to twelve months.

In June 2006, in the first hiring since the officer's lay-off, the Employer took on a new employee, to be a part-time officer. POAM objected, to no avail, and a grievance was filed soon thereafter stating that the Employer had violated the recall rights as established under the contract that was in effect at the time of the lay-off. The case was assigned to Arbitrator James A. Mackraz.

The City stated for the record that it never agreed, silently or otherwise, to exempt the Grievant from the implementation of Section 8.8 of the new collective bargaining agreement (CBA). POAM Business Agent Pat Spidell testified that the Union was clear in rejecting the Employer's proposal unless it included the officer currently on lay-off. However, he did acknowledge that the Grievant would be subject to the new contractual lay-off terms after being recalled. Spidell further testified that he had informal side-bar discussions on this point with two of the three Employer Bargaining Committee Members. The City did not object and the Union's local negotiating team took that as a silent agreement.

POAM Attorney George Mertz pointed out that when POAM requested a mediator's as-

sistance in negotiations, neither the Union nor Employer listed the recall from lay-off matter as an issue, nor was the matter mentioned at any time during the mediation process. This further silence confirmed the Union's understanding that the recall issue was settled on the basis of the Union's conditional acceptance of the Employers proposal. Frankfort POA President Robert Lozowski testified that the Administration made no response to the Union's strong and clearly expressed position regarding the recall proposal, and the bargaining team reasonably took this silence to constitute tacit agreement with their counterproposal.

Frankfort Police Chief Keith Redder testified that he could not recall whether, in contract negotiations, the City had agreed to exclude the Grievant from the new Article 8.8. Bargaining Committee and City Council Member JoAnn Holwerda also could not recall the Union expressing conditional agreement with the City's proposal and stated that the sole purpose was to avoid a situation where an employee laid-off under old Article 8.6, would appear ten or twenty years later and demand recall to their job. Frankfort Mayor Richard Bayer was also a bargaining committee member and testified that the City never agreed, verbally or otherwise, to exclude the Grievant from the Article 8.8 limitation.

Arbitrator Mackraz could not decide the case solely on the basis of witness testimony.

"The relevant evidence of the situation taken together, outweigh the plain meaning of the words."

He needed to delve deeper and proceeded to analyze previous case law presented by both sides.

In support of its position, the Employer submitted five cases citing that seniority rights are not inherent in the employment relationship and are generally created and can be modified by CBA's.

Mertz supported the Union case on the basis that Grievant was the sole employee adversely affected by the disputed Article 8.8. He cited Grand Rapids v. Lodge 97, Fraternal Order Of Police, 415 MICH 628 and Alexander v. Gard-

ner-Denver, 415 US 36, 51 stating: "While a Union may bargain away collective rights, individual rights of employees may not be bargained away." Mertz argued that these cases reflect the special status of an individual employee in the unionized setting as contrasted to that of employees as a group.

Spidell and Mertz successfully showed that the Employer's stated objective in proposing limitations on recall would have been completely attained if the Employer recalled Grievant to the job vacancy. As it turned out, the City's actions were tantamount to discharge without just cause.

The Employer made a strong argument in support of the rule calling for strict construction in the interpretation of contract language, i.e., its "plain meaning." In reviewing The Restatement (Second of Contracts), Arbitrator Mackraz agreed that "the words of an integrated document remain the most important of intentions." However, in his final decision Mackraz decided: "Granting that the words of the contract are clear and unambiguous, and that they reflect 'the most important of intentions,' in this case 'the relevant evidence of the situation and relations of the parties, the subject matter of the transaction, preliminary negotiations and statements made therein, usages of trade, and the course of dealing between the parties,' taken together, outweigh the plain meaning of the words in Article 8.8."

The grievance was granted and the City of Frankfort was ordered to reinstate Grievant, and make him whole for all losses in wages and benefits incurred since June 14, 2006. □

From the Editor:

Take Notes!

Notes taken during negotiations, mediation and 312 proceedings can be used in a subsequent arbitration case. Although notes will not be considered overwhelming evidence, they can certainly help in building a preponderance of the evidence.

REMOVAL FROM PROMOTION LIST NOT ALLOWED

Shelby Township Violated Act 78 Rules

Sgt. Mark Coil has been employed by the Shelby Township Police Department for approximately 18 years, serving the department in several capacities. He was involved in the DARE program, SWAT team and as an Honor Guard. He was promoted to the rank of Sergeant in 2001 and has an unblemished disciplinary record.

The Township has adopted "Act 78" and has incorporated some of its provisions into the collective bargaining agreement (CBA), including management rights, promotions and the grievance procedure.

In 2006, Sergeant Coil and other Sergeants in the Township took the promotional exam for the rank of Lieutenant. Coil was ranked first on the Police Lieutenant eligibility list that was certified by the Shelby Township Civil Service Commission on October 9, 2006. The Township was aware that it was likely that two lieutenants and a captain planned to retire in January 2007 and those vacancies would need to be filled.

On December 19, 2007, Sgt. Coil went to talk to the Chief of Police to ask him about some assignment changes regarding his upcoming promotion. When Coil left the chief's office, he was apparently upset and allegedly used some profanity as he passed the chief's secretary. Nothing about the incident was brought to Coil's immediate attention and he went on vacation for the last two weeks of December.

On January 3, 2007, a letter from the chief was sent to Sgt. Coil given him notice of his promotion and informing him that an official ceremony was set to occur on Monday, January 15, 2007 and to bring his friends and family. Also on January 3, Coil received an e-mail from Chief Leman informing him that the department would be conducting an investigation regarding the incident that occurred on December 19, 2006.

On January 5, Coil submitted a statement regarding the incident and on January 7, began receiving Lieutenants pay and functioned in the capacity of the Patrol Division Shift Lieutenant.

On January 9, the Chief sent a memo to Coil notifying him that his promotion was being placed on hold until the investigation of the December 19th, incident was completed. The ceremony scheduled for January 15 did not take place for either of the Lieutenants.

On January 31, 2007, Chief Leman sent a memo to Coil informing him that the department's investigation had concluded and Coil was guilty of violating departmental rules and regulations. The memo also notified Coil that he was being suspended without pay and the Chief declared he was going to petition the Act 78 Civil Service Commission to remove his name for cause from the current eligibility list for Lieutenant. The

Chief then attached a copy of his correspondence to the Commission.

The Township informed the Macomb Daily of the subject discipline and on the very same day, the Commission responded to Chief Leman by scheduling a hearing date on February 8, 2007.

COAM Business Agent Kevin Loftis fired off a letter to the Commission asserting the Union's position that Chief Leman's request was improper and removal of Lieutenant Coil's name from the promotional list is outside the purview of the Civil Service Commission. The Commission's promotional list had already been certified and, in fact Lieutenant Coil was promoted effective January 7, 2007. Loftis also argued that the COAM collective bargaining agreement had been violated because the Agreement does not permit the removal of a command officer from an eligibility list, or demotion and/or the refusal to promote a command officer without just cause. For those reasons, Lieutenant Coil and COAM will not be appearing at the Commission hearing and the Commission is proceeding at their own risk.

The Commission did not heed COAM's warning and voted 2 to 1 to remove Coil from the eligibility list. Although Coil and Loftis did not participate, the hearing was attended by numerous police department patrol and command officers and Shelby Township firefighters that were vocal in their opposition to the Commission's improper action.

COAM Attorney George Mertz was brought in to assist Loftis on the presentation of Coil's case in grievance arbitration. The foundation of the case was the same as what was cited to the Commission months previous, but with clarifications and some new information garnered through testifying witnesses. While the Township contended that Rule 18 (I) allowed the removal of a candidate from the eligibility list, Mertz successfully proved that section allows for removal of names for very specific, limited reasons. Those reasons include but are not limited to: giving false information, drunk driving, reckless driving, etc. The appendix does not list disciplinary action as criteria. Mertz successfully shot down the Chief's argument that Coil had been acting as a temporary lieutenant. Mertz showed that it was really the first step in being recognized as a Lieutenant with commensurate pay and duties. Mertz also pointed out that in the CBA the Union is given the choice of forms in which to seek relief for discipline that is alleged to have been unjust: it could either choose the Act 78 Commission or arbitration. The employer's action was disciplinary and the Township unilaterally selected the form of the Act 78 Commission to prove that Coil's name warranted removal from the eligibility list.

In Arbitrator Deborah M. Brodski's decision,

COAM properly challenged the statutory and contractual appropriateness of the Chief's request. Citing *Charron V. Hanus* 44 Mich App. 217 (1972) 205 NW 2d90. Brodski noted the following: "Once an eligibility list is presented to the Authority, its discretion is limited to making appointments from the list of those eligible or refusing to fill the position at all. In Shelby Township's case the arbitrator found that the Chief added a new qualification in suggesting that an eligible candidate can no longer be deemed eligible if that candidate engaged in conduct that was punished short of discharge. Brodski also stated for the record, "But for the Chief's petition, the Commission has not been shown to have likely pursued this removal on its own initiative. Clearly it was the Chief who wanted to take further additional action and that effectively put the question of cause before the Commission. Under Article 25.7 of the CBA the grievant and the Union have the choice of forum in which to appeal discipline; either arbitration or the Act 78 Commission." By bringing this matter before the Commission, Chief Leman was essentially asking the Commission to agree that he had cause to discipline Coil for his December 19 action. "Removing the grievant's name from the promotional eligibility list was one form of punishment meted to the grievant. For the Township to argue that this decision was the Commission's and not the Township's is without basis. The Township's attempt to prove just cause before the Commission was misplaced."

Needless to say, Lieutenant Coil was nervous as he awaited the arbitrator's decision. "I had a lot of sleepless nights," said Coil. "Kevin Loftis and George Mertz were great advocates and presented a strong case on my behalf. I had a lot at stake, as well as other police officers and firefighters that make the promotional list in the future."

Loftis credits Coil with being professional through the whole ordeal. "Mark contributed to the presentation of his case and trusted our decision not to appear at the Commission hearing. That was a gutsy call." Arbitrator Brodski confirmed that in her report when she stated "Had the grievant participated in the February 8 meeting, he would have affectively relinquished his right to choose the forum."

On October 10, 2007, Arbitrator Brodski issued her award ordering the Township to immediately reinstate Mark Coil to the position of Lieutenant with full back pay and seniority dating back to February 9, 2007. "Sometimes arbitrators are hesitant about awarding back pay even though they agree with the grievance," said Loftis. "The decision validates the strength of our case and the excellent representation provided by COAM attorney George Mertz." □

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IOSCO COUNTY UNDERSHERIFF CONVICTED OF EAVESDROPPING

Personal and Union Privacy Compromised

By Ed Jacques, LEJ Editor

In 2003 Iosco County jail administrator Lt. Gregory Dodder made a presentation to the Iosco County Board of Commissioners about the need to purchase an electronic tele-communications system which utilizes a computer to record phone calls. Dodder stated that the ability to record and monitor phone conversations is an essential part of jail security. He also said it was necessary and standard to record calls made to the dispatch office, which serves as a back-up to the county's 911 system. The system was installed shortly thereafter.

In early 2005, Sheriff Mike Fischer, Undersheriff Mike Bridson and Lt. Dodder were the principals involved in eavesdropping on employee phone calls. Dodder claimed that he stopped the practice and recommended to the Sheriff and Undersheriff that the activity be discontinued. When it didn't, Dodder reported it to Iosco County Prosecutor Gary Rapp, who referred it to the Michigan State Police for investigation. Sometime later, Dodder contended that he notified Fischer and Bridson that he had gone to the prosecutor. He claims they told him to change his story.

When he didn't, Dodder asserted that Bridson made a number of personal and employment related threats. In August of 2005 Dodder sued in 23rd Circuit Court claiming the threats violated the Michigan Whistle Blowers Act and amounted to constructive discharge.

Eventually, criminal charges were filed against the Undersheriff but Sheriff Fischer allowed him to continue his supervisory role in the department until a final determination was made. Union president Karen Castle and POAM Business Agent Pat Spidell were concerned about the potential harassment, intimidation and retribution. Castle and Spidell conferred, then drafted a letter to the sheriff and special prosecutor assigned to the case about their concerns. Both had good reason to believe that some of their previous phone conversations had been listened to by Bridson. Although he disagreed with the sheriff's decision to keep Bridson in his position, Spidell wanted clarification that any POAM member charged with a crime will also be able to continue uninterrupted employment with the county.

In February of 2006, Deputy Timothy Burnside filed a second lawsuit in U.S. District Court also claiming that Bridson eavesdropped on his private phone calls and threatened him for co-operating with the investigation. Burnside also contended that he was re-assigned to the midnight shift and his schedule was changed to require him to work every weekend. Bridson also stated that Iosco County violated his constitutionally protected rights to liberty, protection from state intrusion and free speech as well as failing to adequately discipline supervisors for engaging in misconduct.

The Undersheriff was clearly in a pickle. The ironic facts are that had Bridson not threatened Dodder and Burnside, he would not have been in violation of the Whistle Blowers Protection Act. Had he not communicated

the information he gleaned from those private conversations on to others, he could have avoided the felony charges. Bridson was now looking at spending tens of thousands of dollars to defend himself on criminal charges and possible jail time.

Sheriff Fischer and the Undersheriff asked the Iosco County Board of Commissioners to pay the cost of defending Bridson. Iosco County Clerk Mike Welsch acted as an advocate for Bridson by stating the charges arose in the course of employment and Bridson believed he was acting within the law. He

also stated that paying Bridson's legal expenses would not impose a liability on the county. In the end, the Board of Commissioners refused to cover those legal costs.

In July 2006, Bridson was scheduled for a hearing when he surprisingly pled "no contest" to two felony eavesdropping counts as part of a plea arrangement. At the time, Bridson was not convicted of any crime under the one-year delayed sentencing agreement, which was taken under consideration by Judge Ronald Bergeron. The Judge held entry of conviction in advance to a delayed sentencing date. Preliminary conditions agreed to by the defense and prosecution prohibited Bridson from serving in any supervisory or control capacity during the year and requiring that he resign as Undersheriff once he had used up accumulated vacation and sick time.

In the fall of 2006, Iosco County, through its insurance carrier The Michigan Municipal Risk Management Authority, settled the existing eavesdropping lawsuits on behalf of eight plaintiffs. The individual awards arranged from \$62,000 to \$160,000. Some of the plaintiffs included state troopers who were investigating the original complaint, the Union President and deputy Burnside who was the original complainant.

In May 2007, with his comp-time exhausted, Sheriff Fischer wanted to bring Bridson back to work. The new Undersheriff created a job description that included reviewing deputy road patrol logs. Richard Mularz, the MDOC probation officer overseeing Bridson's delayed sentence, recommended that he not take the position as it likely violated the Judge's order. Bridson ignored his advice and Mularz notified the court of the possible infractions.

In a hearing on the matter, Sheriff Fischer testified that Bridson was reviewing the daily logs of the road deputies who were victims in the case and admitted that some of his duties were the same as he previously had as Undersheriff!

One month later and with only 21 days remaining on his one-year delayed sentence, 23rd Circuit Judge Ronald Bergeron sentenced Michael Bridson to 120 days in the Roscommon County jail. His sentence exceeded the Michigan Department of Corrections recommendation of 90 days but was far less than the 11-month maximum recommended by Special Prosecutor Thomas Weichel. Bergeron admonished Bridson at his sentencing. "You deserve this conviction and you have one person to blame for your problems and that is you," said the judge. "This prearrangement and delay of sentence was an opportunity of a lifetime. I now greatly regret I even allowed such a thing."

POAM Business Agent Pat Spidell may have had a legitimate suit himself but chose not to file. "I don't work at the Sheriff Department so I don't have to worry about the ramifications of anything I say," said Pat. "Besides, anything I say on the phone I'm not afraid to say to an administrator's face." □

MEMBER ADVISORY:

POAM warns all of its members to use caution when discussing privileged information in work places that record phone calls. Undersheriff Bridson committed a federal offense when he shared information garnered from those conversations with others.

**Call the POAM office at 313-937-9000
if you need further clarification on this topic.**



Photo courtesy of The Iosco County News Herald

Bridson was sentenced to 120 days in the Roscommon County Jail



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Promotions that Make Sense

A One Legged Stool Cannot Stand

By Kendra Royer, M.A.

As Michigan's largest promotional testing company EMPCO, INC., we are often asked what promotional system is "best." Our answer may surprise some that are reading this article. No single way to determine promotions should be used. As a testing company, you might think that we would support only tests to determine a promotion. We do not. Here is our thinking.

Various promotional methods are used today by law enforcement agencies in our state: appointment, nepotism, favoritism, election, seniority, evaluation and testing. Conceding that there is no perfect method of determining promotions, we are left to choose from an array of imperfect methods.

There should be two basic objectives a promotional system: fairness, and promotion of the best candidate. The promotional process should be fair to all. This means that the process gives each candidate an equal opportunity to be promoted so long as they complete a pre-determined promotion process better than other candidates. Promoting the best candidate means that the candidate(s) performing best in the pre-determined promotional process should receive the promotion.

With these objectives in mind, what strategies should be employed in a promotional process? We believe that a promotional process should incorporate as many components as possible. For instance, we do not support a promotional system that relies only on nepotism or favoritism – inherently unfair. By the same token, we do not support a promotional system based only performance ratings, or seniority, or testing.

dictor of future performance"). Testing, properly conducted, is a valid predictor of future performance and should also be a component of a well designed promotional system. (A three legged stool can stand.)

If testing is used -we are a testing company, so we'll talk about it - in combination with other components in the promotional decision, the proper tests should be used.

For instance, written exams measure whether or not candidates have the knowledge required to perform the job. However these exams do not take into account how the candidate utilizes that knowledge, nor do these exams measure a candidate's management skills and abilities. Assessment centers assume that candidates have job knowledge, and, therefore, measure how candidates use this knowledge. They also measure candidates' management skills and abilities.

Tests are designed to be an unbiased measure that looks solely at candidates' performance in the examination process. The short coming of testing alone is that testing does not take into account the candidate's experience or work performance.

Promotions based solely on seniority take a candidate's experience into account. The short coming of promotions based only on seniority is that experience does not equate to having the knowledge, skills, and abilities necessary to fill the position.

By using as many tools to build a promotional system as possible the best candidate will be promoted and the process is fair to all candidates. □

"Past performance is the best predictor of future performance."

Any system based on only one component lends itself to be unfair to other candidates. A one legged stool cannot stand.

Based on this, we recommend promotional systems that include as many components as possible. For instance, seniority, weighted fairly, should rightfully be a component of a well designed promotional system. Performance on the job, properly and fairly measured, should be a component (The old saying is true; "Past performance is the best pre-

About the Author

Kendra Royer is the Director of Testing Services for Empco, Inc. She holds a Master of Arts Degree in Industrial/Organizational Psychology, and is working to complete her dissertation to earn a PhD in Industrial/Organizational Psychology.

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Revised September 2007 – Program Manager: Joe Marchetti – To register contact: 248.232.4220

TRAINING & INFORMATION BULLETIN

Information listed is tentative and is subject to change, verify before attending.
Seminars run January through June 2008

JANUARY

- Jan 9 - Apr. 2.... Reserve Police Academy
- 23..... Intro. To Microsoft Word
- 23-25 Active Shooter Training
- 26 & Feb 9 Basic Radar
- 28-30 Standard Field Sobriety Testing (SFST)
- 31.....**NEW!** Empco Prescription Fraud Seminar

FEBRUARY

- 4-5 Instinctive Point Shooting Instructor (Pistol)
- 5..... Legal Review & Update
- 6..... Non Emergency Call Handling
- 6-7**NEW!** Instinctive Point Shooting Instructor (Shotgun)
- 8..... Arson Detection
- 8..... Report Writing
- 11.....**NEW!** Progressive Supervision Workshop (Disp.)
- 12.....**NEW!** Principle Based Leadership
w/L.A. Assistant Chief Robert Vernon (retired)
- 12..... Trains, Planes & Automobiles (Dispatchers)
- 13..... Crimes of the New Millennium (Dispatchers)
- 13-14 Intro. To Microsoft Access 2003
- 14.....**NEW!** Edged Weapons Training
- 14-15 K-9 Administration
- 16..... Laser Speed Measurement Device
- 18-29 Evidence Technician School
- 20..... Promotional Oral Interviews
- 20-21 911 Supervision (Dispatch)
- 25-27 Adv. Emergency Medical Dispatch (EMD)
- 25-27 Standard Field Sobriety Testing (SFST)
- 28-29 K-9 First Aid

MARCH

- 3..... Crimes Involving Computers
- 4..... Crimes Involving Computers Part 2
- 3-7 Emergency Telecommunicator Course (ETC)
- 3-7 Field Training Officer School
- 10..... Drug Asset Forfeiture
- 10-11 K-9 Decoy Seminar
- 10-14 Accident Inv. #2 – Follow-up Investigations
- 11-12 Management of Evidence & Recovered Property
- 12-13 Adv. Microsoft Word 2003
- 14..... Serology/DNA Update
- 17-18 Accident Investigation #14 – Crush Measurements
- 18-19 Promotional Assessment Centers
- 19.....**NEW!** Fugitive Investigations
- 24-28 Basic Detective/Investigator School
- 31 - April 2 Active Shooter Training
- 31 - April 2 Standard Field Sobriety Testing (SFST)

APRIL

- 5 & 19..... Basic Radar
- 7..... FTO Update
- 9..... 911 Liability (Dispatch)
- 9-10 Adv. Microsoft Access 2003
- 11..... Linguistic Interviewing
- 14-18 First Line Supervision
- 16-18 Simunition® FX Instructor
- 18..... Law Enforcement Interview and Interrogation
- 21-23 Simunition® Low-Light Training
- 24-25 Copshock
- 28..... Tactical Vehicle Stops
- 29..... Legal Update

MAY

- 1..... Superglue Workshop
- 2..... Advanced Superglue Workshop
- 3..... Laser Speed Measurement Device
- 5-7 Crime Scene Photography & Special Photo Methods
- 6-7 Objective Pre-Employment Interviewing
- 7..... Intro. To Microsoft Excel 2003
- 12..... Domestic Violence Contact & Diffusion
- 12-14 Adv. Emergency Medical Dispatch (EMD)
- 13-14 Civil Disorder Training
- 15.....**NEW!** Empty Hand Defensive Tactics
- 16..... Risk Management: Getting and Keeping
Good People
- 19..... Stolen Auto Identification Techniques
- 19-21 Child Internet Exploitation Invest.
- 19-23 Accident Investigation #7 – Commercial Vehicle
Accident Inv.
- 22..... Fingerprinting Difficult Surfaces
- 23..... Alternative Light Sources

JUNE

- 2-4 Standard Field Sobriety Testing (SFST)
- 2-6 Basic Police Mountain Bike School
- 10..... Legal Review & Update
- 10-13**NEW!** Police Rifle User class
- 11-12 Adv. Microsoft Excel 2003
- 16-20 Firearms Instructor School
- 17-18 Crisis/Hostage Negotiations for Patrol &
Tactical Officers

Officers need their MCOLES License Number in order to update their training record.



OAKLAND COMMUNITY COLLEGE.

TRAINING SCHEDULE



By JIM DeVRIES, MCOLES Board Member



P.A.302 TRAINING MONEY SAVED

This past October 1, state government briefly shut down as legislators and the Governor were unable to strike an agreement on how to continue funding state operations. MCOLES spent a tumultuous week in the buildup to the shutdown. A lack of previous experience on how to wind down services presented some difficult policy questions.

As it turned out, a post-eleventh hour agreement consummated during the early morning hours of October 1 quickly returned MCOLES to normal operations. Unfortunately, that agreement only provided for another 30 days of state government operations. The remaining challenge then became squaring Michigan's revenue picture with its expenses. To say that this has been contentious would be an understatement.

Following execution of the continuation agreement, rumors surfaced about an apparent intent to remove \$4.8 million in Public Act 302 dollars as part of an overall series of statewide cuts. It did not take long before we discovered that this information was credible. The proposed move was labeled in some quarters as sacrificing Public Act 302 grants, however the impact of such a move would have devastated the law enforcement distribution, as well. These are your training dollars.

Public Act 302 funding supports criminal justice in-service training. Sixty percent of Public Act 302 dollars are allocated to law enforcement agencies on a per capita basis, according to the number of licensed law enforcement officers employed. In 2007, the per capita distributions amounted to \$229.66 per officer. Many agencies enter into agreements to pool these

dollars into law enforcement training consortia, which are able to offer in-service training at bargain rates. The remaining 40% of Public Act 302 dollars, less MCOLES administrative fees, go back to local entities in the form of justice training grants. Grant supported programs provide significant levels of law enforcement in-service training across the state. To sum it up, Public Act 302 programs are an excellent example of good government at bargain basement rates.

In recognition of the importance of retaining these funds, an enormous effort was put forth by the entire law enforcement community, including organized labor. Legislators were bombarded with e-mail messages and telephone calls. The gist of these communications let the legislators know that these dollars are raised largely by local law enforcement, through a \$5 surcharge on traffic violations. To summarily confiscate these dollars would have been tantamount to solving the state's problems on the backs of local law enforcement. Apparently, the message was heard. Final passage of Senate Bill 238 saw the preservation of Public Act 302 dollars.

It is to the credit of everyone in Michigan's law enforcement and criminal justice communities that this funding was preserved. Despite recent in-fighting, this effort is a great example of what we can do when law enforcement unifies behind significant issues. On behalf of the Commission, I offer our thanks for our membership for your efforts in support of the Public Act 302 programming. □

POAM website will provide members with fresh news

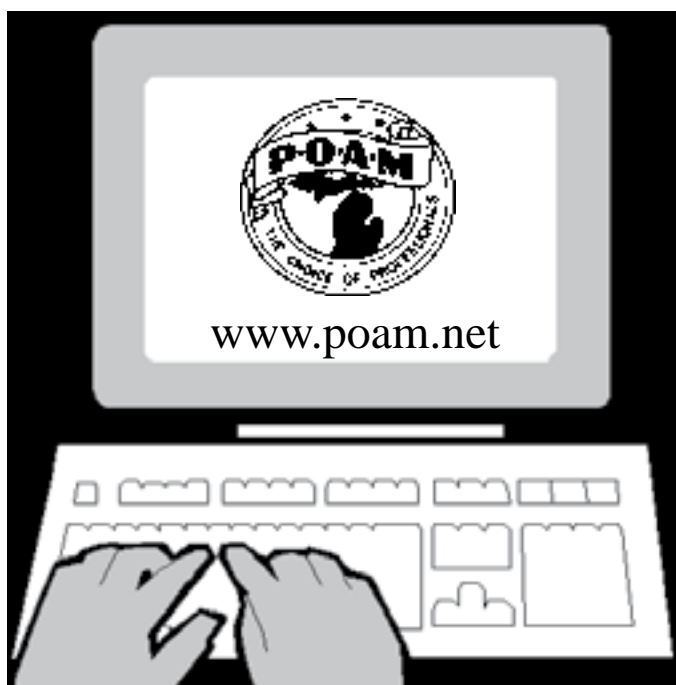
By ED JACQUES
LEJ Editor

The next time you're surfing the internet, check out www.poam.net, the official website of the Police Officers Association of Michigan.

The website, which has existed since 1997, will feature updates on many POAM activities, including law enforcement-related legislation, information on upcoming POAM seminars and training, "Signed & Sealed" articles from across the state, Executive Board member and member profiles and a list of POAM's preferred vendors.

The site also lists all POAM member groups and law enforcement links that would be of interest to POAM members.

"The POAM Executive Board agreed that the POAM website can be a vital instrument in communicating with our members, so we will make a concerted effort in the future to keep the site updated with fresh material and information," explained POAM President Jim Tignanelli. "The site



will contain much of the information that is in the *Law Enforcement Journal*, but with the technology that exists today, it will be available to members on a much more current basis."

POAM members are encouraged to offer suggestions and ideas regarding what they would like to see on the website, and they can contribute photos and articles that focus on POAM member group activities.

Input can be e-mailed to Tignanelli at jtignanelli@poam.net or he can be reached via telephone at the POAM office at (313) 937-9000.

"It's important that we know what members would like to see on the site because it's a service we're providing with our members' interests in mind," Tignanelli said.

"If there is something of importance you would like to see on the website – maybe an update on a key piece of law enforcement legislation or an article on a fund-raiser

your local union coordinated – let us know and we will get it on the website."

Check out the POAM website at www.poam.net

MERS Update



MERS Protects Your Retirement

MERS recently took unprecedented action to terminate the city of Highland Park's participation in the Defined Benefit plan after several years of working with the city and the state of Michigan's Emergency Financial Assistance Loan Board. During this time, Highland Park failed to make their employer contributions to MERS and their money ran out.

Could this happen to you? It is very **unlikely**. Our municipalities make consistent contributions to MERS; and MERS uses these resources to pay retirement benefits. MERS treats every municipality as a separate account in the same way that a bank keeps separate bank accounts. Last year, \$620 million from interest and earnings were distributed to the municipal accounts.

MERS has sound practices in place to help municipalities meet their obligations. MERS keeps all contributions (employee and employer) from a municipality in a separate trust fund for that municipality and invests it in our Total Market Portfolio. This portfolio is growing under the watchful eye of the MERS Retirement Board and our Investments team. Interest earned in the portfolio is currently 8%, well above the national average.

Each year, MERS provides an Annual Actuarial Report to member municipalities that describes the plan and the municipality's funding level and what types of actions will increase/decrease it.

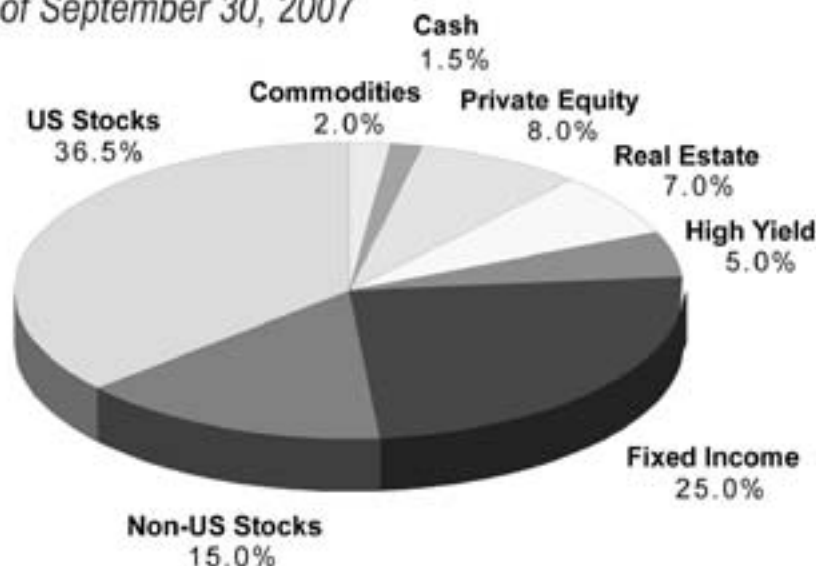
This report enables municipal administrative staffs, employees, and retirees to make sound decisions that will insure that promised retirement benefits will be paid. Some decisions that impact the funding level include:

- Hiring and retiring employees
- Considering adding benefit provisions
- Making the required employer contributions to MERS
- Giving current retirees a Cost Of Living Adjustment (COLA)

Rest assured that MERS is here to help your municipality keep its promises for your retirement.

MERS Total Market Fund Portfolio

as of September 30, 2007



What does my credit rating have to do with purchasing insurance?

Credit scores are based on an analysis of an individual's credit history. These scores are used for many purposes such as securing a loan, finding a place to live, getting a telephone and buying insurance. Insurers often generate a numerical ranking based on a person's credit history, known as an "insurance score," when underwriting and setting the rates for insurance policies. Actuarial studies show that how a person manages his or her financial affairs, which is what an insurance score indicates, is a good predictor of insurance claims. Insurance scores are used to help insurers differentiate between lower and higher insurance risks and thus charge a premium equal to the risk they are assuming. Statistically, people who have a poor insurance score are more likely to file a claim.

As a result, establishing a solid credit history can cut your insurance costs. To protect your credit standing, pay your bills on time, don't obtain more credit than you need, and keep the balances on your credit cards as low as possible—ideally, try to pay off the bill in full each month. Also, check your credit record regularly, and request that any errors be corrected immediately so that your record remains accurate.

The Fair Credit Reporting Act (FCRA) requires each of the nationwide consumer reporting companies—Equifax, Experian, and TransUnion—to provide you with a free copy of your credit report, at your request, once every 12 months.

Free annual credit reports can be ordered from
AnnualCreditReport.com

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This article has been provided by ALCOS, an independent insurance agency and active sponsor of the POAM. Contact Sue Hall for an insurance review and special pricing on home, automobile, boat, life or motorcycle insurance. ALCOS is currently offering discounts for purchasing your home + automobiles + life insurance together.

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ATTENTION WAYNE COUNTY DEPUTIES

SEND IN A POAM "INTEREST CARD" TODAY!

There has been a lot of misinformation disseminated by people that want to keep your current system of representation in place. They are counting on you to do nothing!

There are many reasons why nearly every police officer employed in Wayne County already belongs to POAM. They care deeply about their families and career and take advantage of the many services POAM offers.

When we receive a majority of "interest cards," POAM will be rescheduling informational meetings to answer all your questions and address any concerns. Those cards are not official votes; they simply require an election before any new contract negotiations begin.

Special information for 502 members and printable "interest cards" are available on our website, www.poam.net or call Ed Jacques personally at **313-937-9000**.

Send completed cards to:

The Police Officers Association of Michigan
27056 Joy Road
Redford, Michigan 48239



INTEREST CARD

SHOW OF INTEREST FOR ELECTION OF EXCLUSIVE REPRESENTATION

I hereby authorize the Police Officers Association of Michigan (POAM) to be my bargaining representative in all matters affecting wages, hours and conditions of employment. This card is confidential and will not be made available to any supervisor of employer.

Name (please print)

Date

Signature (do not print)

Street Address

City

Zip Code

Phone

I am employed by

Job title

Department and/or Division

* Signing this card does not constitute a vote; nor does it bind you to membership. This card is required by the state, and only authorizes an election to be conducted.

Signed and Sealed

Agreements gain vital benefits for POAM members

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

Negotiated

Genesee County 911

Duration: 10/1/2007 - 9/30/2010

Wage Increases:

2007	\$1,000 signing bonus
2008	3.0%
2009	3.0%
2010	3.0%

Bringing top pay for dispatchers to \$43,984

- Unpaid sick leave paid out at 100%.
- Employer's cap on health insurance is \$294 per month/single; \$668 per month/couple and \$775 per month for family. The first ten percent (10%) over cap paid by employee, the following five percent (5%) by employer.
- Insurance coverage when an employee is on a medical leave of absence increased.

Bargaining team consisted of Mike Vogt and Jennifer Combs who were assisted by POAM Business Agent Bob Wines



Negotiated

Richmond POA

Duration: 7/1/2007 - 6/30/2010

Wage Increases:

2007	5.0%
2008	2.0%
2009	2.0%

Bringing top pay for police officers to \$55,260.

- Shift differential of .15 cents per hour for afternoon shifts and .25 cents per hour for midnights.
- 2 ½ % longevity payment rolled into base pay.

Bargaining team consisted of Fred McCallumore and Ray Leonard who were assisted by POAM Business Agent Kevin Loftis.

Negotiated

Sumpter Township POA

Duration: 4/1/2006 - 3/31/2011

Wage Increases:

2006	3.0%
2007	4.0%
2008	4.0%
2009	4.0%
2010	4.0%

Bringing top pay for police officers to \$54,621.

- Added another longevity step at 17 years with additional .40 cents per hour.
- Added one more paid Holiday and personal day.
- Township will subsidize workers comp to 90% of gross pay.
- Unlimited uniform cleaning at no cost to employee.
- Pension change from MERS B-4 F 55/20 to MERS B-4 F 50/25 with cost of living increase (E2).

Bargaining team consisted of Eric Luke, John Ashby, Pat Gannon and Randy Lynch who were assisted by POAM Business Agent Bob Wines.



PHYSICAL THERAPY VS. MORPHINE TREATMENT

Laurie,

It is hard to believe that it has been well over a year since the Thin Blue Line along with your direct involvement assisted me in dealing with workers compensation.

I suffered a substantial back injury in February 2000. The surgery required to repair the injury could have forced me into a medical retirement, something that I was not financially able to accept. My physician

recommended that I attend physical therapy to treat the pain and numbness to my back and right leg. His advice was to continue physical therapy until new technology was available to repair the injury or until the pain became intolerable forcing another surgery. Everyone involved in my case, including the third party administrator for workers compensation agreed with this plan of action.

For five years my pain and numbness was held in check with physical therapy and I did not miss one day of work. In the summer of 2005, I was assigned a new case worker for workers compensation. Upon reviewing my file, the case worker stopped all payments to my therapist without consulting my employer or me. I was advised that the case worker did not believe my injury was legitimate, all treatments was to be stopped and any further treatment would be cost out of my pocket. The case worker ordered an independent medical review that took approximately six months to complete.

For five years my pain and numbness was held in check with physical therapy and I did not miss one day of work.

The workers compensation physician did indicate that my injury, now six years old, was indeed caused while on duty. He prescribed a treatment of morphine-based medication, contrary to my physician's wishes. The case worker asserted that their method of treatment would be the only treatment covered and anything else would be out of my pocket.

Being subjected to this infuriating treatment, I began consulting with workers compensation attorneys. I was informed that I was at the mercy of workers compensation since they were offering treatment for my injury.

After hearing my plight, Lieutenant Thomas Fett contacted you at the Thin Blue Line. The game playing by workers compensation came to a screeching halt. Your reassurance of my rights and what would and would not happen (as in the threats that any medical bills incurred during the evaluation process would be out of my pocket) relieved much of my stress. I thank you for all of your support and for putting me in contact with the best workers compensation attorney.



www.tblofmi.com

The Thin Blue Line of Michigan's legal counsel immediately took action and reinstated my therapy, along with a treatment plan that I along with my physician believe is in my best physical and medical interest. During the past year, the case worker from workers compensation again tried to stop my therapy on several occasions. One phone call to legal counsel and the necessary actions were taken to reinstate my therapy.

Laurie, your knowledge of "the system" along with your "sense of reason" approach to resolving my issues is the reason why the Thin Blue Line is not only successful but also much needed in the police community. I appreciate the personal care you take with each case. The many calls you made to me offering reassurance and to ensure that I was receiving all the assistance needed for my injury was very comforting.

I know that I still have a long fight ahead of me as I have a few years until retirement along with many years of treatment after retirement that will be covered by workers compensation. I am relieved that the Thin Blue Line will be there to ensure that workers compensation will continue to do the right thing.

Thank you,
Captain Frank Mowinski
Sterling Heights Police Department

Thanks POAM

TO: Frank Guido
FROM: Mark Peters
DATE: November 29, 2007
RE: Pontiac Police Supervisor's Association

I am retiring on November 30th. I want to thank you for all of your help during my eight years as President of our local. Your organization has always provided wonderful support and guidance. I have dealt mostly with Marty Champine over the years for counsel and have really appreciated the time she takes with me and the good advice she gives. Marty always takes the time to talk and give her opinion. What a great thing for your locals to be able to count on.

I am especially grateful to our business agent Bob Wines. His knowledge, experience and advice have made my job much easier. His gentle and easy-going demeanor has worked perfectly with our membership. He is a real credit to your organization. It has been my pleasure to both work with him and learn from him.

Thanks again for all of your help.

Mark Peters

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DANGEROUS

Dumping Felons on the Streets is Not the Answer

By Barry Sherman

As the State of Michigan continues its endless struggle to save money, the executive branch has taken a misdirected approach. With the state budget for corrections costing \$2 billion, guess what they want to do? With a record 51,000 inmates in our prison system at a cost of \$33,000 per inmate, they came up with a pretty ridiculous answer. Let's parole 5,000 of them. If they wanted to go one step further, they could go back to the parole practices of the early 1990's at which time 16,000 would be eligible.

That's not all folks! The Governor in the Spring of 2007 proposed sentencing guideline reductions that would end up with less people in prison. She also proposed those who go to prison serve less time. How did we get to such a large population of inmates in our prison system today? It is because Michigan took a get tough on crime policy and locked up more offenders for longer periods of time during the latter part of the 1990's through 2006. It does not take very much analyzing to realize that the reason for the dramatic drop in our crime rate during this time period was directly related.

Let's assume at some point that these proposals become policy. Inmates now will be released from one of the most archaic prison systems in the country that has offered little or no rehabilitation programs for their re-entry back into society. They will be returning to the same neighborhoods, peer groups and environments that most likely contributed to their involvement in a criminal lifestyle. This will occur at a time when Michigan's employment rate is at 7%. There are also 1,300 fewer police offices on the streets today then there were in 2001. Michigan parole/probation officers struggle to keep up with their increased caseloads. Not to mention that as part of the budget cuts, the State is closing down two state police scientific crime laboratories. This will cause a serious backlog in processing DNA and other evidence. They are already backed up 3 months or more on processing evidence. A recent Detroit Free Press article pointed out the cost savings to the State is approximately \$2 million dollars. The 36-member Prison Chaplain Corps cost the State \$2.8 million. What makes more sense to cut?

The most alarming concern should not be what the State thinks it will save from its budget, but what it will actually cost you, me and all other Michigan residents.

Several years ago in the Journal of Law and Economics, Economist David Anderson conducted research on the cost of crime. He estimates the per capita cost of crime in this country to be \$4,118 for each resident. Opening the doors of Michigan prisons may save the State dollars in their budget; however, you and I will pay for it in the end.

Compromising the safety of our citizens to save state budget dollars is ludicrous. Have we already forgotten the murderous crime spree in early 2006 of parolee Patrick Selepak and his female companion who murdered Scott and Melissa Berels, both 27, of New Baltimore? Scott was tortured by injecting bleach into his veins, and when this didn't kill him, he was strangled. Melissa was pregnant at the time of her murder. They also killed a Genesee County man during their spree.

More recently, a convicted sex offender Matthew Emmanuel Macon 27, of Lansing, was paroled by the Michigan Department of Corrections in June of 2007. He is believed to be the serial killer of five Lansing women, all murdered within a month of his release. He is also a suspect in a sixth murder that occurred in 2004. Macon who had been in and out of prison since 2001, had been returned twice for parole violations. How many more inmates like Patrick Selepak and Matthew Macon do we need to parole before we realize that our system is already flawed?

Those who advocate the increased use of parole always cite our State's incarceration rate.

Michigan, according to the U.S. Bureau of Justice, has the eighth highest incarceration rate in the country. For every 100,000 residents, we lock up

502 of them. This may seem high, but not when you consider we have the highest violent crime rate of any of our neighboring states.

We all sit back and shake our heads when we hear about wasteful government spending and awarding of unnecessary expensive contracts to political cronies. Let's take a look at saving the State money in these areas and stop gutting the criminal justice system. □



Barry Sherman retired from the Livonia Police Department as a Lieutenant after 28 years of service. He was a member of the POAM and is a past president of the Livonia Lieutenants and Sergeants Association. He earned his B.A. Degree from Madonna University and his M.A. in Criminal Justice from the University of Detroit. Barry taught part time at area colleges and universities while employed with Livonia. Upon his retirement he accepted a full time position with Madonna University where he is an Associate Professor and Chairperson of the Criminal Justice Department. He is member of the Criminal Justice Advisory Boards for Livonia Public Schools and Henry Ford Community College. You can reach him at 734-432-5546 or bsherman@madonna.edu.

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FRASER PSOA UNSEATS MAYOR

By Ed Jacques, LEJ Editor

It did not have to come to this. Fraser Mayor Marilyn Lane was a part-time elected official, whose duties included running council meetings, hiring competent administrators, performing weddings and participating in local parades. Instead she rehired former City Manager Jeff Bremer and gave him a “no cut” contract that provided him health care for the rest of his life regardless of where he is employed. In the past 25 years, arbitration was only needed once to settle the Public Safety contract, and that was Bremer’s first term in the early 1990’s.

Like a recurring nightmare, negotiations broke down after the current contract expired in July 2005. Over the next eighteen months contract talks sputtered, staffing levels shrunk through attrition but arrests increased 40% while traffic citations were up 20%. The Public Safety Officers believed that if they continued to do a outstanding job a fair settlement would be in the works. After all, the City had recently given raises to non-union department heads averaging 20%, with one person receiving a 36% increase.

Instead, the City of Fraser filed for 312 Compulsory Arbitration adding insult to injury to the morale of Fraser’s hard working Public Safety Officers. They had brought in a representative from the Michigan Employees Retirement System (MERS) and documented how the City could save \$170,000 per year, without a benefit loss by enrolling.

The City refused to give the proposal any serious consideration, choosing instead to remain in control of the pension system and its associated high cost. The unit was also willing to work with the Employer on the escalating cost of medical benefits. In turn, they were asking for a modest raise similar to what’s been negotiated in other Macomb County communities.

The City and Union disagreed on comparable cities for the arbitration. After reviewing the proposed list from both sides, the Arbitrator ruled in favor of POAM. The City appealed the Arbitrator’s ruling to Macomb County Circuit Court where they lost again. The real fireworks began when Mayor Lane and City Manager Jeff Bremer convinced the City Council to appeal the Circuit Court decision to the Michigan Court of Appeals.

Lane then instructed the Director of Public Safety to issue a memo to all officers discouraging them from talking to City Council members. She insinuated that Council members were being intimidated.

Enough was enough. FPSOA President Mike Iafrate and Vice President Renee Campion jumped into action. They consulted with POAM President and Fraser Business Agent Jim Tignanelli about appropriate action. Tignanelli reminded them of other POAM local’s success in removing unfriendly politicians. Jim always offers POAM’s expertise, but he had a personal interest in bringing credibility back to the City. Tignanelli served 18 years in the Fraser Public Safety Department, acted as its local union president and headed the DARE program. He raised his family in Fraser and served the community in many other ways including a seat on the Board of Education. Tignanelli had successfully achieved a fair contract the previous 25 years he had negotiated with the city. The Mayor had to go!

The Union called an emergency meeting and a vote of no confidence was given to Mayor Lane. Every member committed to volunteering their time to the campaign of Moe Geremotte in his bid to unseat the Mayor. Geremotte was a strong candidate who lives and volunteered his time to the City of Fraser for over thirty-five years. Moe had twenty-five years of management and labor relations experience and an excellent reputation. He promised to run a clean campaign no matter how much dirt was thrown his way.

One of the significant highlights of the race was when during the homecoming parade and football game, an airplane flew over the city encouraging citizens to restore confidence in Fraser by voting for Moe. Although no one took the responsibility for that message, Lane automatically assumed it was the city’s public safety officers and she was determined to retaliate. She continued to ignore important issues in the campaign and went on record that public safety officers were over paid. The Mayor and City Council

threatened lay-offs and Lane tried to make the argument that the Union’s cost of living request was unrealistic because only three PSO’s live in the City of Fraser!

In the meantime, Geremotte’s campaign was gaining steam. Moe was conducting town hall meetings, meeting with local civic organizations and shaking as many hands as possible. Renee Campion had worked tirelessly on designing and

helping distribute the thousands of flyers proclaiming the PSO’s endorsement of Moe. “Mayor Lane tried to paint us as greedy”, said Campion. “The real issue was her lack of integrity and Moe’s ability to bring honesty and creditability back to the office of Mayor. The more she attacked us the harder we worked.” Lane had a substantial war chest and there were reports that business people were being pressured into displaying her political signs.

The Union responded with a game plan that has worked for many POAM local units. They doggedly walked the neighborhoods and knocked on doors bringing their case to the people. They handed out thousands of flyers outlining their reasons for supporting Moe Geremotte. Jim Tignanelli attended council meetings and sent nearly a thousand personal letters to residents asking for their support.

Public Safety Officers worked the polls on Election Day and were awarded with a victory.

“This was a team win,” said President Mike Iafrate. “Moe ran a great campaign, PSO’s worked the plan, command officers got involved and POAM supported us every step of the way. We are now looking forward to rebuilding a positive relationship with our City Administration, something we haven’t enjoyed for awhile.” □

The mystery plane reappears.

RESTORE CONFIDENCE. VOTE FOR MOE

The Union responded with a game plan that has worked for many POAM local units.

POAM Advises Municipalities

Continued from page 1

that an “involuntary statement” consists of any form of information which is compelled, meaning an order with threat of any form of sanction.

The original purpose of the proposed legislation was supposed to fix what the little band of organizations failed to accomplish in litigation, being a prohibition on release of a statement to the prosecutor. The statute, as enacted, does not accomplish that goal, as a statement can be released to a prosecutor through subpoena or other court ordered mechanism. The only real value of the legislation is that POAM was able to correct a definition which, in essence, codifies the Garrity right.

We have now progressed beyond judicial and legislative success into the realm of instructor and teacher, not just to our membership, but also to public employers, at the request of a significant public employer oriented entity. The Michigan Municipal Risk Management Authority, which represents the vast majority of public employers in the state in liability insurance matters, has requested the POAM participate in a training panel for public employers to explain the procedural and substantive aspects of Garrity. The town hall type meetings will begin in October of 2007 and continue across the state through the end of the year. We look forward to sharing our expertise, so that we can minimize conflicts with Employers in the future. □

Editor’s Note:

All documents referred to by Mr. Guido can be viewed and/or printed at www.poam.net.

Pull the Trigger

Continued from page 15

You shoot. He doesn’t. He’s injured. You’re not shot. GOOD.
You shoot. He doesn’t. He’s incapacitated. You’re not shot. GOOD.
You shoot. He shoots. He’s injured. You’re not shot. GOOD.
You shoot. He shoots. He’s incapacitated. You’re not shot. GOOD.
You shoot. He shoots. He’s injured. You’re injured. BAD.
You shoot. He shoots. He’s incapacitated. You’re injured. BAD.
You shoot. He shoots. He’s incapacitated. You’re incapacitated. BAD.
You shoot. He shoots. He’s injured. You’re incapacitated. BAD.

Now take a look at that. In the instances where the good guys shoot and the bad guy doesn’t, it works out 100% in our favor (given that the use of force is justified). In the remaining six of eight, four of them work in his favor. It would seem to me - based simply on math - that making an appropriate decision and ACTING on it in a timely fashion while using good tactics (such as being behind cover) increases our chances of victory at least 30%.

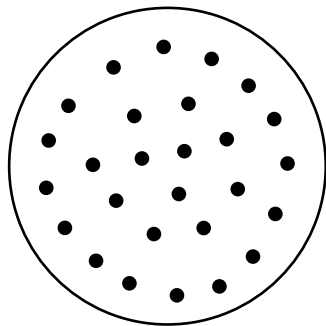
While I fully understand that today’s society puts a lot of pressure on cops to make sure we do the right thing, some things will never change: I will always rather be tried by twelve than carried by six. Understand, you’re almost guaranteed to get sued if you pull that trigger. You will face administrative and criminal investigations and someone will always said you could have done something different. They’ll be right. There was always something different that could have been done. Would that

different thing have ended in your victory in the conflict? Or would it simply have made it easier for the bad guy to kill you?

Now let me give you an example of how things can work the other way:

County police get a call for a man armed with a knife at a local gas station. They arrive and sure enough, here’s the man wandering around the parking lot with a butcher knife in his hand, waving it at people and making verbal threats. The corporal who arrives on the scene has JUST finished qualifying with his carbine. He pulls up approximately fifteen yards / 45 feet from the subject, pops his trunk and gets out. As he goes to his trunk to pull out his 9mm carbine, the subject begins approaching him waving the knife. The officer secures his carbine, chambers a round, checks his shooting backdrop. He moves around to the other side of his cruiser away from the subject, takes aim and issues one warning: “Drop the knife and get down on the ground or I’ll fire.” The subject never slows down and has approached to within the infamous 21-foot distance. One shot is fired. The subject is immediately incapacitated. The administrative and criminal investigations were completed. The shooting was deemed justified. The witness statements clearly indicated that the officer wasn’t eager in his actions, but didn’t hesitate either - - - as it should be.

Do what you have to do and don’t hesitate. Beat the bad guys in the OODA Loop races and ACT appropriately before they can come to a coherent decision. Don’t doubt. Don’t second guess. Don’t die or get injured because you’re afraid of civil litigation or administrative headaches. If you were a uniform and a badge and consider yourself a law enforcement professional, you’re a contemporary warrior. Warriors go into battle. In battle there are victors... and those other folks. Don’t be one of those other folks. □



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The Federal Perspective

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

Congress is moving into the final year end push to wrap up unfinished business and members have been pushing to complete the annual appropriations process while debating a number of contentious pieces of legislation including Iraq war funding, the children's health care proposals, and immigration reform. On July 12th, 2007, the House approved the Commerce-Justice-Science (C-J-S) appropriations bill (H.R. 3093) by a vote of 281-142; the Senate approved its own version of the bill (S. 1745) on October 16th, 2007 by a vote of 75-19 with a big boost for local law enforcement. The House version contains \$55.2 billion with \$23.9 billion for the Justice Department of that total, \$6.5 billion is allocated for the FBI and \$5.3 billion for the federal prison system. The Justice Department funding reflects a 4.3% increase from fiscal 2007 and is 2.5% more than the administration requested. The Senate version of the bill contains \$56 billion with \$24.3 billion for the Justice Department, which is a 6.1% increase from fiscal 2007 and is 4.2% more than the administration requested. It also provides \$6.6 billion for the FBI and \$5.6 billion for the federal prison system. No date has been set for conference committee meetings on the C-J-S bill at this time.

One of the remaining issues surrounding the CJS funding bill is the increase in spending on the Community Oriented Policing Services (COPS) program. The House version contains \$183 million in increased funding for a total of \$725 million, and the Senate version increases funding by \$111.64 million to a total of \$660 million. The Administration asked that the program's total funding be cut to \$32.3 million, which is \$627.7 million lower than the Senate bill and \$692.7 million lower than the House bill. The majority of the funding gap between the Senate and House versions was closed just before passage of the bill when the Senate passed an amendment, sponsored by Senator Joe Biden (D-Del), which added \$110 million to the program. Prior to the Senate action, Senate Majority Leader Harry Reid (D-NV) and Senator Debbie Stabenow, Chair of the Democratic Steering and Outreach Committee, held a round table discussion on crime with mayors from around the country. In a report to the House Judiciary Committee, the Government Accountability Office found that COPS funds contributed to a 1.3% decline in the overall crime rate and a 2.5% decline in the violent crime rate from the 1993 levels.

In another significant win for the law enforcement community, the Byrne Memorial Justice Assistance Grant Programs (Byrne-JAG) is again funded through the CJS bill in both the House and the Senate. The Senate's version, which was passed on a vote of 75-19 on October 16th, 2007, contains \$660 million for the Byrne Memorial Justice Assistance Grants and \$190 million for Byrne Discretionary Grants. The House's version of the bill, passed on July 12th, 2007 by a vote of 281-142, contains \$600 million for the Justice Assistance Grants and \$124 million for the Discretionary Grants. Both houses represent an increase over the amount requested by President Bush who proposed cutting total funding to the Byrne, COPS and Juvenile Justice programs funded through the CJS bill by 56 percent--from \$2.5 billion to \$1.1 billion. The Government Accountability Office estimate that for every 1% increase in the number of sworn law enforcement officers, the violent crime rate decreases by 0.4 percent.

Additionally, there is strong bipartisan support for the Edward Byrne Memorial Justice Assistance Grant Program (S. 231). The program supports state and local law enforcement efforts by giving grants to drug task forces, community crime-prevention, substance-abuse treatment programs,

and prosecution initiatives. The Senate passed S. 231 by voice vote May 24th, 2007 which reauthorizes the criminal justice grant program at nearly \$1.1 billion annually through the fiscal year 2012. A \$1.1 billion annual budget is a funding increase of \$268 million for fiscal 2008 and an increase of \$350 million for fiscal 2009. Current authorization only runs through fiscal 2009. Congressman Hank Johnson, Jr. (D-GA) introduced a companion measure (H.R. 3546) in the House on September 17th, 2007 that was then referred to the House Committee on the Judiciary.

On October 4th, 2007 Senator Lindsay Graham (R-SC) introduced the Methamphetamine Kingpin Elimination Act of 2007 (S. 2137). The bill eases the requirements for classifying a methamphetamine operation as a "continuing criminal enterprise," and increases the availability of funds for methamphetamine inter-organizational task forces. The bill has been read twice and referred to the Senate Judiciary Committee.

On October 1st, 2007 Senator Judd Gregg (R-NH) introduced the Public Safety Employer-Employee Cooperation Act of 2007 (S. 2123), co-sponsored by Senator Debbie Stabenow, "to provide collective bargaining rights for public safety officers employed by the states or their political subdivisions." The bill would greatly enhance the collective bargaining rights of all law enforcement officers. A similar bill (H.R. 980) sponsored by Congressman Dale Kildee, co-sponsored by Congressmen John Conyers, Dave Camp, John Dingell, Peter Hoekstra, Thaddeus McCotter, Mike Rogers, Fred Upton, and Sandy Levin, and by Congresswoman Carolyn "Cheeks" Kilpatrick, passed in the House on July 17th.

On September 21st, 2007 the Senate passed the Gang Abatement and Prevention Act of 2007 (S. 456), introduced by Senator Dianne Feinstein (D-CA), that would increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs. It would also enhance criminal penalties for violent crimes, and expand and improve gang prevention programs. The bill has been referred to the House Subcommittee on Health Families and Communities.

The Washington, DC office of POAM will be closely following the appropriations process and other legislation that is pertinent to the police officers of Michigan. If you have any questions or need additional information, please do not hesitate to contact us at (202) 544-9840. □



Dennis McGrann

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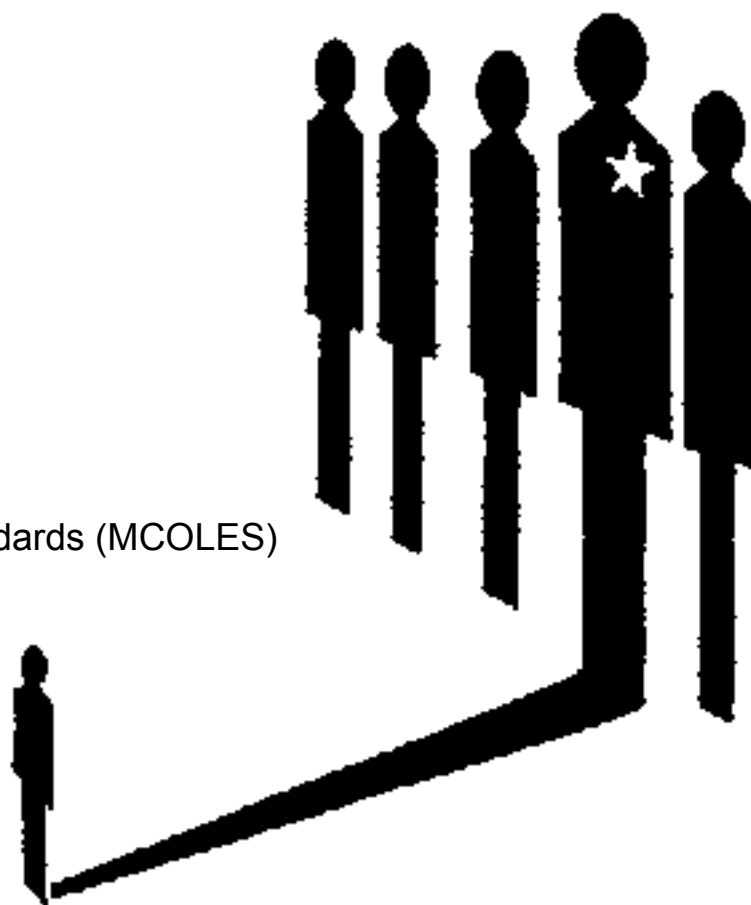
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Agreements gain vital benefits for POAM members

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

Negotiated Dearborn Heights Dispatch

Duration: 7/1/2006-6/30/2009

Wage increases:

2006 lump sum adjustment of \$2,000
2007 3%
2008 3%
Bringing top pay for dispatchers to \$40,955

- 1% additional seniority pay at 5-year step and 6-year step.
- 12-hour shifts part of contract.
- Overtime paid after six consecutive days worked and continues until two consecutive days off.
- Drug card is \$10/\$20.
- Employees to contribute between 2% and 3.5% of base pay to health care premium, which can be paid out of sick bank.
- Class 1 and 2 dental benefits increased to \$1,500 annually, Class 3 to \$3,000 lifetime.
- No longevity for new hires.

Bargaining team consisted of Cheryl Cagle, who was assisted by POAM Business Agent Wayne Beerbower.

Negotiated Lenawee County DSA

Duration: 1/1/2006-12/31/2009

Wage increases:

2006 3%
2007 3%
2008 3%
2009 3%
Bringing top pay for deputies to \$50,013 and corrections officers to \$46,657

- Health care is now BC/BS PPO2 with employees contributing 2.5% of premium cost. Previous coverage was BC/BS PPO1 with employees paying 10%.
- Employees to contribute an additional 1% in 2008 and 2009 to pension (maximum 7%).
- Improved promotional language.

Bargaining team consisted of Ryan Whitney, Craig Court and Tom Popejoy, who were assisted by POAM Business Agent Jerry Radovic.

Negotiated St. Joseph Co. DSA

Duration: 1/1/2007-12/31/2009

Wage Increases:

2007 2.5%
2008 2%
2009 2%

Bringing top pay for deputies to \$48,200 and corrections officers to \$42,766

- Leave of absence increased to six months and monthly disability to \$650 now and \$700 in 2009.
- Medical Insurance premium sharing increased from 10% to 12% on 10/1/2007.

Bargaining team for deputies consisted of Dan Kennedy and Peter VanCamp.

Bargaining team for corrections consisted of Judy VanCamp and Mike Wetherbee.

Both teams were assisted by POAM Business Agent Jim DeVries.

Negotiated City of Wayne Emergency Service Dispatchers

Duration: 7/1/2007-6/30/2010

Wage increases:

2007 2%
2008 1% on January 1 and 2.5% on July 1
2009 3%
Bringing top pay for dispatchers to \$45,023

- Added an additional 24 hours of vacation.
- Increases in longevity pay, clothing allowance, paid training, sick time accumulation (1200 hours) and court time pay (min. 3 hours).
- Health care changed from BC/BS with a 1% of base pay premium co-pay to an HAS where employer pays deductible.
- New hires will be enrolled in MERS B-4 pension (2.5% multiplier).

Bargaining team consisted of Michelle Randolph and Janice Waldrop, who were assisted by POAM Business Agent Tom Griffin.

Negotiated Northville Twp. POA

Duration: 1/1/2006-12/31/2008

Wage Increases:

2006 3%
2007 3%
2008 3%

Bringing top pay for police officers to \$67,873 and dispatchers to \$52,535.

- Tuition reimbursement increased from \$1000 to \$3500 annually.
- Health care switched from BC/BS PPO 1 to BC/BS PPO 3 and Employer is no longer obligated to pay for family continuation.

Bargaining team consisted of Larry Demeter, Bill Helke, Jonathan Huerta, Joe Hetu, Steve Przybyla and Doug Scoggins who were assisted by POAM Business Agent Jerry Radovic.

Negotiated Monroe Co. Corrections

Duration: 1/1/2006-12/31/2010

Wage Increases: (Full Retro)

2006 3%
2007 3%
2008 3%
2009 3%
2010 3%

Bringing top pay for corrections officers to \$47,507

- \$1.00 per hour increase to all members who have completed eight years of services, to be automatically rolled into base pay.
- \$1.00 per hour increase to base pay for six specialized positions.
- Increase in retirement multiplier from 2.25% to 2.50% with employees no longer having to contribute into fund.
- BC/BS PPO 1, 2, 3 or POS options for health care with the following employee contributions of premium: 7% in 2008/2009 and 10% in 2010.

Bargaining team consisted of Mike Grodi, John Cracelli, Sandy Nadeau and Joe Joly who were assisted by POAM Business Agent Bob Wines

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