



The Fourword

Volume 37, Number 1

January 2009



Bull, Oyster & Shrimp Roast



Sunday

March 29, 2009

1 p.m. to 6 p.m.

**Tall Cedars Hall
Parkville, MD**

\$32.00 per person

(Reservations are being accepted)

(Deadline for purchasing tickets is March 22, 2009)

Music, Wheels, Raffles

Food by Atlantic Catering

Open Bar



For Tickets & Information

Contact Lodge 4 at (410) 668-0004



Representing the Professional Police Officers of Baltimore County





MEETING MINUTES

December 2008

recorded by

Dave Folderauer

The December 2008 General Business Meeting was held on December 22, 2008 at F.O.P Lodge 4. President Weston called the meeting to order at 7:30 p.m. Chaplain Merkle led the invocation. President Weston led the Pledge of Allegiance.

ROLL CALL OF OFFICERS

Brother Bergin was working. Legal Advisor Mike Marshall was present. All other elected officers and board members were present.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

A motion was made by Sister Patterson to accept the minutes of the November 2008 General Membership Meeting. A second was made by Brother Coburn. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- November 25 Attended a County Council Work Session, and met with a member concerning retirement planning.
- December 1 Attended a meeting of the Negotiations Committee.
- December 2 Attended a Negotiations Meeting with the Baltimore County Administration.
- December 3 Attended a Baltimore County Police Memorial Super Bowl 5k Meeting.
- December 4 Hosted an F.O.P. Lodge President's Meeting at

- Lodge #4.
 - December 5 Met with a member and the Police Department Personnel Services Section over the disability retirement process.
 - December 9 Attended a Pension Board of Trustees Meeting. Visited the funeral home with the Hansen family.
 - December 10 Attended the promotional draft, and the Executive Board of Director's holiday reception.
 - December 11 Met with a health insurance consultant, and a member concerning retirement planning.
 - December 15 Attended a promotions ceremony, and a Baltimore County Spending Affordability Committee Meeting.
 - December 17 Attended the range, and addressed the 127nd Recruit Class.
 - December 18 Conducted Contract Negotiations with the Baltimore County Administration, and attended the graduation of the 127th Recruit Class.
 - December 22 Attended the Personnel Section Christmas party, met with our attorney in reference to the FLSA case, attended the Executive Board of Directors Meeting, conducted the installation of elected Board of Directors Members, and attended the General Membership Meeting.
- ~ PAST PRESIDENT CASLIN ~**
- December 22 Attended an Executive Board of Directors Meeting, and the General Membership Meeting.
- ~ 1st V. P. COMEGNA**
- December 1 Attended a meeting of the Negotiations Committee.

LODGE 4 OFFICE

9304 Harford Road
Baltimore, Maryland 21234
Phone (410) 668-0004
FAX (410) 668-8126
Toll Free (888) 313-3501
www.foplodge4.org

ELECTED OFFICERS

Cole B. Weston
President
(443) 956-2679

Steven G. Comegna 1st Vice President <i>PC3 - Traffic</i> (410) 409-0293	David M. Rose 2nd Vice President <i>F.O.P Lodge 4</i> (443) 956-2643
David J. Folderauer, Sr. Lodge Secretary <i>K9</i> (410) 382-2075	Robert W. Caskey Treasurer <i>CID-Robbery</i> (443) 956-2615
W. Donald Patterson State Trustee <i>Materials & Facilities</i>	Richard J. Bergin Sergeant at Arms <i>PC3 - CDVIT</i>
Paul A. Merkle Chaplain <i>Retired</i>	L. Timothy Caslin Past President <i>Retired</i>

EXECUTIVE BOARD of DIRECTORS

Kenneth F. Schubert Chairman <i>Employment</i> (410) 416-2800	James P. Rommel, Jr. Vice Chairman <i>K9</i> (717) 451-7117
Thomas G. Scally <i>CID - Arson</i> Donna Patterson <i>Planning & Research</i> Mike DiCara <i>PC 2</i>	Louis J. Lagna <i>Retired</i> Patrick Zito <i>PC 7 - Traffic</i> Ryan Massey <i>Homicide</i>
Raymond J. Patterson <i>PC 12</i>	Tony DiCara <i>PC 12</i>

LODGE STAFF

Larry Sibley—Office Manager
Juanita Bouthner—Administrative Assistant
Michele Preston—Administrative Assistant
Regina Ecker—Administrative Assistant

LEGAL ADVISORS

Schlachman, Belsky & Weiner, P.A.
Phone (410) 685-2022
IAS Cases Michael Marshall

The Fourword is the official monthly publication of Baltimore County Fraternal Order of Police Lodge 4.

Michele Lynn Preston
Fourword Editor



- December 2 Attended a Negotiations Meeting with the Baltimore County Administration.
- December 10 Worked at the Lodge office and attended the Executive Board of Directors annual holiday reception.
- December 18 Attended a Negotiations Meeting with Baltimore County Administration.
- December 22 Worked at the lodge office, attended a Political Action Committee Meeting, attended the Executive Board of Directors Meeting, and the General Membership Meeting.

~ 2nd V. P. ROSE ~

- December 1 Attended a Negotiations Committee Meeting.
- December 2 Attended a Negotiations Meeting with the Baltimore County Administration.
- December 4 Attended a Lodge President's Meeting at Lodge #4.
- December 10 Attended the Executive Board of Director's holiday reception.
- December 11 Argued the Lauer involuntary transfer grievance at Step #2.
- December 15 Attended the promotion ceremony at Dundalk Community College.
- December 17 Qualified for Phase #2 at the Range.

- December 18 Attended a Negotiations Meeting with the Baltimore County Administration.
- December 22 Attended the Personnel Section Christmas party, met with our attorney in reference to the FLSA case, attended the Executive Board of Directors Meeting and the General Business Meeting.

~SECRETARY FOLDERAUER~

- December 1 Attended a Negotiations Committee Meeting.
- December 2 Attended a Negotiations Meeting with the Baltimore County Administration.
- December 10 Attended the Executive Board of Director's holiday reception.
- December 22 Worked at the lodge office, attended a Political Action Committee Meeting, attended the Executive Board of Directors Meeting, and the General Membership Meeting.

~TREASURER CASKEY~

- December 4 & 5 Worked at the lodge office.
- December 10 Attended the Executive Board of Director's holiday reception.
- December 18 & 19 Worked at the lodge office.
- December 22 Attended the Executive Board of Directors Meeting and reported on the financial status of the Lodge, and attended the General Membership Meeting.

~TRUSTEE PATTERSON~

- December 10 Attended the Executive Board of Director's holiday reception.
- December 22 Attended the Executive Board of Directors Meeting, and the General Membership Meeting.

~EXECUTIVE BOARD OF DIRECTORS REPORT~

~ Kenny Schubert ~

An Executive Board of Directors Meeting was held on December 22, 2008. The meeting was called to order at 5:05 p.m. Brother Bergin was working. Legal Advisor Mike Marshall was present. All elected officers and board members were present.

Motions that were made, after receiving a proper second were discussed, voted upon, and appear in this issue under the appropriate committee reports.

REPORTS OF COMMITTEES

BULL ROAST COMMITTEE

~ Ken Schubert ~

The Bull Roast will be held on March 29, 2009 at Tall Cedars Hall. The cost will be \$32.00.

GRIEVANCE COMMITTEE

~ Dave Rose ~

On December 11, 2008 I argued a grievance at Step #2 in front of Major Russin for Officer Lauer who was involuntarily transferred out of the Tactical Unit. Tactical Commander, Captain Skinner, wrote in a form 12L on October 14, 2008, the reason for Officer Lauer's administrative transfer was "based on your recent performance in the Tactical Unit." During the hearing, Major Russin addressed several of the objections by the FOP citing the use of not-sustained internal affairs cases, a pending Internal Affairs Section (IAS) case, and selected quotes from witnesses in those cases which stem from off duty incidents. Major Russin ruled in



favor of the FOP objections and did not allow any testimony referencing those instances. Captain Skinner based a large part of his reasoning for the transfer on these incidents. This contradicted what he wrote in his form 12L on October 14, 2008. The FOP presented several of Officer Lauer's ratings as evidence showing a consistent pattern of exemplary performance. In fact there was no mention of any negative performance issues, verbal or written counseling of any kind during the past eighteen months. In fact, it was stipulated that he had ratings dating back eight years which showed exactly the same exemplary performance. Captain Skinner claimed there were numerous counseling sessions between Officer Lauer and his supervisors. When he was asked if any or even one of those numerous counseling sessions was documented, Captain Skinner replied "No." In fact, Captain Skinner stated he met with Officer Lauer on two occasions about his performance. When asked about his documentation, he said he did not document the meetings and offered no expla-

nation as why he did not. At the conclusion of the hearing I asked the supervisor's and Captain Skinner if they would have any reservations about going into a tactical situation with Officer Lauer if he was reinstated into the Tactical Unit. Everyone, including Captain Skinner, said they would have no reservations. Captain Skinner added that Officer Lauer's performance on the job was not in question. He is an exceptional tactical officer. I argued that Captain Skinner has little documentation to support the transfer. The documentation provided was not timely or current and reflected little of the progressive discipline or retraining we expect from supervisors or commanders to deal with officers experiencing performance problems. Any documentation he provided was "backfill" to try and justify his actions since Officer Lauer filed a grievance. Clearly, our department rules and regulations provide for administrative transfers for a variety of reasons. Many of which may not require justification or documentation; simply a need due to personnel shortages, special department needs, etc. When transfers are being specifically directed as a result of job performance, it is incumbent upon management to adequately document and justify the action. That was simply not done in this situation. Captain Skinner was making serious accusations about performance issues and judgment and yet with all the tools available to him to document his observations, he did not use any of

them. Officer Lauer has over eight years of documented exceptional service as a tactical officer. There is no documentation to show otherwise. Major Russin denied the grievance. In his decision he stated "Although the grievant may not agree that his off-duty conduct warrants a transfer out of the Tactical Section, the decision to transfer him is an assessment and decision within Management's Rights."

**LEGAL ADVISORY
COMMITTEE**

~ Dave Rose ~

- On December 22, 2008 a conference call was held with Judge Legg and the attorneys representing both sides in the Blake case. Discovery will end on January 16, 2009. Summary Judgment briefs will be due by February 16, 2009. A Hearing date has been set for March 30, 2009. The hearing will be to issue a final decision in the case. At the conclusion, a trial date will be scheduled for any damages to be awarded.
- President Weston, First Vice President Comegna and Second Vice President Rose met with our attorney in reference to the Fair Labor Standards Act (FLSA) case. There were discussions about entering into mediation in an attempt to settle the case. This is in a preliminary stage and additional information will be forthcoming as it develops.
- Labor Attorney Jeff Gibbs deposed the County Budget Director Keith Dorsey on December 23, 2008 in reference to the Employee Relations Act case the FOP has against County Execu-

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tive James Smith.

- We have had no further action in any of our other pending cases.

NEGOTIATION COMMITTEE ~ Cole Weston ~

- Advised that there was a meeting with the Baltimore County Administration on December 18, 2008. Also advised that the FOP has sent a letter to obtain the list of twenty-five (25) arbitrators. Meetings have been set for January 23 & 29, 2009 and our impasse date is February 1, 2009.

POLITICAL ACTION COMMITTEE ~ Steve Comegna ~

- The Political Action Committee met on December 22, 2008. All members were present. The committee brought forth Two (2) motions, for PAC expenditures at the Executive Board of Directors Meeting on December 22, 2008. Those motions were as follows:

~ To purchase up to two (2) tickets to a fundraiser for State Senator Bobby Zirkin (District # 11) on January 08, 2009 from 6:30 pm until 9:00 pm. The ticket cost is \$100.00 each for a total PAC expenditure of \$200.00.

~ To purchase one (1) ticket to a fundraiser for State Delegate Jon Cardin (District # 11) on January 12, 2009 from 6:00 pm until 8:00 pm. The ticket cost is \$250.00, for a total PAC expenditure of \$250.00.

- This report contains a total PAC expenditure of \$450.00

These motions received a proper second, were discussed and voted upon. The motions were approved by the Executive Board of Directors. The motions were presented to the General Membership at the December 22, 2008 General Membership Meeting. The motions received a proper second, were discussed and voted upon. The motions were approved by the General Membership.

PENSION COMMITTEE ~ Cole Weston ~

The Pension Board of Trustees met on December 9, 2008 and approved the following retirements for Baltimore County Employees. There were forty-three (43) DROP/service/vested retirements, one (1) ordinary disability, and two (2) over-sixty work extensions approved.

STATE TRUSTEE ~ Don Patterson ~

Advised that the next meeting is January 23-24, 2009 in Easton. The April 17-18, 2009 meeting will be in Ocean City, MD. The National Conference will be August 17- 20, 2009 in Long Beach California.

GOOD OF THE ORDER :

- All twenty-six (26) recruits from the 127th Recruit Class became members of the Fraternal Order of Police Lodge 4.
- During the month of December the Lodge sent two (2) flowers, seven (7) fruit baskets, and nine (9) sympathy cards to bereaving members. Seven (7) donations were made in lieu of flowers (at family members request) in the name of a member or loved one.

Bereavements

William J. Schmitt
Father of Brother
William C. Schmitt

Carroll E. Freeland
Father of
Retired Brother
James E. Freeland

Joseph T. Gribbin, Jr.
Father of
Retired Brother
Joseph T. Gribbin, III

Emmerson C.
Hammerbacker
Father-in-law of
Retired Brother
Gregory P. Zulauf

Frances L. Markwordt
Mother of Brother
Bruce Markwordt, Sr.

James Scheurman
Uncle of Sister
Rene J. Altiere

William H. Brown, Jr.
Step-father of Brother
Richard A. Koller, Jr.
and Step-Grandfather
of Brother

George M. Koller

Richard W. Franks
Father of Brother
Ryan W. Franks

Leonard
Malinowski, Sr.
Father of Retired
Brother Anthony
Malinowski and
Father-in-law of
Sister Cynthia
Malinowski

Property Tax Credit Disabled Law Enforcement Officers or Rescue Workers Baltimore County Council Bill 109-08

On November 3rd, 2008 the members of the Baltimore County Council unanimously approved a property tax credit for those officers who sustained work related injuries that forced them to retire on a medical disability.

This bill became possible for consideration after the enabling legislation, Senate Bill 481 passed unanimously in the State Senate and the House of Delegates during the 2008 regular session of the Maryland General Assembly.

Application Process

Baltimore County public safety retirees who are disabled because of a line of duty injury and are currently residing in Baltimore County are eligible for a property tax exemption starting July 1, 2009. Applications are available and are provided by the Office of Budget and Finance-Tax Payer Services, by calling (410) 887-2404.

Fraternal Order of Police Lodge #4

does not conduct telephone solicitation.

Citizens and organizations that wish to support Baltimore County Police Officers and their families may send donations to the following funds:

Police Assistance Relief (PAR Fund)

Please consider helping those who help others. Your tax deductible 501(c) 3 contribution supports Police Officers and their families when they are most in need.

Make your check payable to the "PAR Fund", and mail to
FOP Lodge 4
9304 Harford Road
Baltimore, MD 21234

Baltimore County Police Memorial Fund

Your tax deductible 501(c) 3 contribution supports the fund which is dedicated to maintain a memorial to honor those officers of the Baltimore County Police

Department who have made the ultimate sacrifice in service to the community. **Make your check payable to the "Baltimore County Police Memorial Fund", and mail to**
FOP Lodge 4, 9304 Harford Road,
Baltimore, MD 21234

Baltimore County Fraternal Order of Police Lodge #4

annually awards seven (7) \$3,000.00 "Fallen Heroes Memorial Scholarships" for the children of Baltimore County Police Officers.

Make your check payable to "FOP Lodge 4", and mail to
9304 Harford Road,
Baltimore, MD 21234

**To all Active, Retired & Auxiliary Members
of the Baltimore County Police Department:
(In Good Standing)**



In commemoration of the 135th Anniversary of the Baltimore County Police Department, a specially designed badge is commissioned for wear during 2009 in lieu of the standard duty badge. The exclusive badge incorporates details from the past and present Baltimore County Police badges and is die struck from steel dies in .102” solid brass. Multiple colors are stoned and polished to the level of the raised details and the badge is finished in two tone metal using pure 24K gold and pure rhodium. Badge may be purchased individually or with a deluxe presentation box that includes the badge along with mini badge lapel pin and custom coin. ~~

Badge design is copyrighted and this is a restricted purchase to members only. A portion of proceeds from purchases will benefit the Baltimore County Police Memorial. Orders may be placed on line at www.Collinson.biz. ~~ **Purchases restricted to members of the Baltimore County Police Department (active or retired). ID# must be provided for order processing. All orders will be delivered to the Baltimore County Police Department, Col. Michael McCleese and Maj. Evan Cohen, for distribution. Limit: 1 badge per member. No shipping charges for badge or set, since they will be delivered and distributed through the Baltimore County Police Department.**

Order Information

- Deluxe Presentation Box with gold foil decoration and inside satin liner. Includes Badge, Mini Badge Lapel Pin and Coin \$ 59.00 + tax (6%)
- Badge Only \$ 45.50 + tax (6%)
- Coin Only \$ 8.50 + tax (6%)
- Mini Badge Lapel Pin Only \$ 5.00 + tax (6%)

Orders may be placed on line at: www.Collinson.biz

Please allow 30 days from receipt of order for delivery.

A portion of proceeds from purchases will benefit the Baltimore County Police Memorial.

The February

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
February 23, 2009
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road

The March

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
March 23, 2009
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road