



The Fourword

Volume 37, Number 11

November 2009

Grievance Update

The class action grievance filed for the interest charged to seventeen officers for back pension contributions was presented at Step #3 in front of the Labor Commissioner, George Gay on October 6, 2009. The original grievance involved \$3,202.67 in unpaid accumulated interest. Before the hearing, Budget Director Keith Dorsey communicated that four (4) of the grievants would not have to pay interest owed on back contributions because he discovered the error was a result of a “bad action of a retirement employee processor.” The other grievants would have to pay because it was an “unknown error.” The County is arguing over the remaining unpaid accumulated interest of \$1,840.09 for the remaining thirteen (13) grievants. Our labor attorney, Jeff Gibbs, completed his argument, emphasizing our position that this was no fault of the employee/grievant and they should not be charged interest for an error made by the County. We are currently awaiting a decision.

A separate individual pension interest calculation grievance was also filed and heard on the same date with the Labor Commissioner at Step #3. PFC Wootan received a letter requesting he pay back pension contributions plus interest. This letter was received after the class action grievance was already filed. He could not be added to that grievance and therefore had to file individually. In communications with a supervisor in the pension office it was discovered that his file “inadvertently” sat on the desk of a clerk and was not entered into the system in a timely fashion. On October 20, 2009, a disposition was received from the Labor Commissioner stating the County is forgoing the interest charge.

Secondary Employment/Worker’s Compensation

An officer who was injured working uniformed secondary employment at Franklin Square Hospital won his Worker’s Compensation case. Attorney Mark Grasso argued that he was acting in a “dual employment” role. The commissioner agreed that although the officer was employed as a security guard at Franklin Square Hospital, he did in fact, act as a police officer when he intervened in the altercation on the evening in question. The County has filed an appeal of the decision to the Circuit Court. It is the County’s position that they do not have an obligation to you when you are injured while working uniformed secondary employment, even when you take action as a police officer. This is an extremely important case for all officers who engage in uniformed secondary employment.



Representing the Professional Police Officers of Baltimore County





MEETING MINUTES

**October 2009
recorded by
Dave Folderauer**

The October 2009 General Business Meeting was held on October 26, 2009 at FOP Lodge 4. President Weston called the meeting to order at 7:28 p.m. Chaplain Merkle led the invocation. President Weston led the Pledge of Allegiance.

ROLL CALL OF OFFICERS

Brother Massey was on vacation, Brother J. Caskey was working, Sister Patterson and State Trustee Patterson were on vacation. All other elected officers and board members were present. Legal advisor Mike Marshall was also in attendance.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

A motion was made by Brother Grumbach to accept the minutes of the September 2009 General Membership Meeting. A second was made by Brother Cullum. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- September 29 Attended the funeral service for Brother Jason Simons. Visited Retired Past-President Fiedler who was recovering from a recent surgery.
- September 30 Met with the Negotiation team and addressed the In-Service training class.
- October 5 Met with the Simons

family and personnel services concerning Baltimore County benefits.

- October 6 Attended a Step 3 Pension Interest Grievance hearing with the Baltimore County Labor Commissioner.
- October 7 Addressed the In-Service training class.
- October 8 Met with the Negotiations Committee.
- October 9 Met with Baltimore County Councilman John Olaszewski, Sr.
- October 13 Attended a fundraiser for Senator Kathy Klausmeier, the Pension Board of Trustees meeting, and the Baltimore County Council work session.
- October 14 Addressed the In-Service training class and the Fundraiser for the Police Assistance and Relief Fund.
- October 15 Attended a fundraiser for Baltimore County State's Attorney, Scott Sheltenberger.
- October 22 Met with the Negotiations Committee.
- October 25 Responded to the hospital after the motor vehicle accident which caused the death of Brother Jeff Neral.
- October 26 Attended the General Membership meeting.

~ 1st V. P. COMEGNA ~

- September 30 Attended a Negotiations Committee meeting.
- October 8 Attended a Negotiations Committee meeting.
- September 15 Worked at the Lodge office.
- October 19 Worked at the Lodge office and attended a Political Action Committee meeting and the Executive Board of Directors meeting.

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
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David J. Folderauer, Sr. Lodge Secretary <i>K9</i> (410) 382-2075	Robert W. Caskey Treasurer <i>CID-Robbery</i> (443) 956-2615
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W. Donald Patterson State Trustee <i>Materials & Facilities</i>	Richard J. Bergin Sergeant at Arms <i>VNS - CDVIT</i>
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Paul A. Merkle Chaplain <i>Retired</i>	L. Timothy Caslin Past President <i>Retired</i>
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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
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Thomas G. Scally <i>CID - Arson</i>	Louis J. Lagna <i>Retired</i>
Donna Patterson <i>Planning & Research</i>	Patrick Zito <i>PC 7 - Traffic</i>
Mike DiCara <i>PC 6</i>	Ryan Massey <i>Homicide</i>
Joe Caskey <i>Homicide</i>	Tony DiCara <i>PC 12</i>

LODGE STAFF

Larry Sibley—Office Manager
Juanita Bouthner—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.

Kathryn Greenbeck
Fourword Editor

Association of
Baltimore County
Retired Police
2010 Meetings

January 5
March 2
May 4
September 7
November 2

All meetings are held
at Parkville Heritage
Gardens at 7:30 p.m.

- October 22 Attended a Negotiations Committee meeting.
- October 26 Worked at the Lodge office and attended the General Membership meeting.

~ 2nd V. P. ROSE ~

- September 30 Attended a Negotiations Committee meeting and addressed the In-Service training class.
- October 6 Attended a grievance hearing at Step #3.
- October 7 Attended a hearing at the Court of Special Appeals for the Siedlecki case and attended a patrol shift committee meeting at precinct 2.
- October 8 Attended a Negotiations Committee meeting.
- October 12 Chaired a Legal Advisory Committee meeting.
- October 14 Attended a fundraiser for the PAR Fund.
- October 15 Attended a fund-

raiser for State's Attorney Scott Shellenberger.

- October 19 Attended the Executive Board of Directors meeting.
- October 20 Attended a fundraiser for Senator Brochin.
- October 21 Addressed the In-Service training class.
- October 22 Attended a Negotiations Committee meeting.
- October 23 Participated in the Howard County Police Officer's Association Memorial Golf Tournament.
- October 24 Attended a fundraiser for Delegate Todd Schuler.
- October 26 Attended the General Membership Meeting.

~**SECRETARY FOLDERAUER**~

- September 30 Attended a Negotiations Committee meeting.
- October 8 Attended a Negotiations Committee meeting.
- October 19 Worked at the Lodge office and attended meetings of the Political Action Committee and the Executive Board of Directors.
- October 22 Attended a Negotiations Committee meeting.
- October 26 Worked at the Lodge office and attended the General Membership meeting.

~**TREASURER CASKEY**~

- October 19 Attended the Executive Board of Directors meeting.
- October 26 Attended the General Membership meeting, and reported on the financial status of the Lodge.

~**EXECUTIVE BOARD OF DIRECTORS REPORT**~

~ Kenny Schubert~

- An Executive Board of Directors Meeting was held on October 19, 2009. The meeting was called to order at 5:00 p.m. President Weston was home recovering from a recent surgery. Brother Tony DiCara was excused and Brother Massey was on vacation.
- 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

BULLROAST COMMITTEE

~Kenny Schubert~

- The Lodge 4 Bullroast will be held on March 28, 2010 at the Tall Cedars Hall.

LEGAL ADVISORY COMMITTEE

~Dave Rose~

- The Siedlecki case was presented at the Court of Special Appeals on October 7, 2009. We are currently waiting for a decision.
- The Legal Advisory Committee met on October 12, 2009 to discuss the revised disciplinary matrix. There several items sent to Major Evans for suggestion and clarification. I spoke with Major Evans and Jordan Watts and they advised they will be meeting about those issues and will contact us afterwards.
- Motions for summary judgment were denied by Federal Judge Legg in the Blake case. A trial date has been scheduled for April 19, 2010.

Bereavements

**Brother
Jeffrey S. Neral**

**Edward V. Deems
Father of Sister Hope L.
Deems**

**George E. Gay
Father-In Law of
Retired Brother John E.
Cullum**

**Evelyn Mondance
Grandmother of Brother
Alan Abrams**

**Henry Czyzewski
Father of Brother
Richard Czyzewski and
grandfather of Brother
Timothy Kent and Recruit
Michael J. Czyzewski**



NEGOTIATIONS COMMITTEE ~Cole Weston~

- The Negotiations Committee has been meeting and has sent a letter to Baltimore County Government indicating our intention to open contract negotiations.

PENSION COMMITTEE ~ Cole Weston ~

- The Pension Board of Trustees met on October 13, 2009 and approved eighteen (18) service/vested/death in service retirements, two (2) over-sixty work extensions, and one (1) accidental disability for Baltimore

County Employees.

POLICY REVIEW COMMITTEE ~Dave Rose~

- On September 30, 2009 Chief Johnson sent a letter to FOP Lodge #4 in reference to our concerns with the proposed fitness program. In his letter, he stated that the test is strictly voluntary and Department members will be permitted to participate in the test during their tour of duty. Also, any injuries sustained by members during the fitness test will be treated as occupational injuries. The procedures for occupational injuries are outlined in Section 7-4.1 of the Administrative Manual.
- On October 9, 2009 Major Schwartz sent a letter to FOP Lodge 4 in reference to several communications we have had about the policy review process. We have been receiving policy changes electronically, which has been expediting the process. However, we were getting the new policies and policy changes at the Command Review stage of the process. This presented a problem when the new policy contained changes that were made after Command Review was completed. Going forward, we will be receiving the final draft of any new policies and policy changes to review before they are given to the Chief of Police for a signature, in accordance with Article 12, Section 12.7 of the Memorandum of Understanding.
- Several members communicated to the lodge that Commanders in Precinct 2, 9 and 12 had issued a policy that did not

permit officers working the evening shift to attend afternoon court (starting at 1300 hours) if they were issued a summons. Officers were instructed to respond to the precinct at their normal reporting time (1400 hours). If they were needed, they would go to court after their tour of duty had started. This was done solely for the purpose of reducing overtime. President Weston communicated the Lodge's disapproval of the policy. The agency has a long practice of charging officers for not attending court. Now they are sending a mixed message to members by ordering them to not attend when they receive a summons. After several conversations with management, the policy has been rescinded. Officers who receive a summons for afternoon court are to adhere to the procedures as stated in Special Order #2-03 and Appendix G in the Memorandum of Understanding.

POLITICAL ACTION COMMITTEE ~Steve Comegna~

- The Political Action Committee met on Monday October 19, 2009 at the Lodge office. Chairman Weston and Brother A. Dicara were excused. The committee brought forth the following motions for PAC expenditures (each motion was unanimous from the committee):
- To purchase up to five (5) tickets to a fundraiser being held by State Delegate Todd Schuler (District # 8) on Saturday October 24, 2009. The ticket cost was \$20.00 each for a maxi-

mum PAC expenditure of \$100.00.

- To purchase one (1) ticket to a fundraiser being held by State Delegate Steve Lafferty (District # 42) on Thursday October 29, 2009. The ticket cost is \$100.00 each, for a total PAC expenditure of \$100.00.
- To purchase a Chardonnay Sponsorship to a fundraiser being held by State Delegate Susan Aumann (District # 42) on Saturday November 07, 2009. The sponsorship cost is \$250.00.
- These motions were presented to the Executive Board of Directors on Monday October 19, 2009 at the Executive Board of Directors Meeting. Each motion received a proper second, was discussed and voted upon. Each motion was approved by the Executive Board of Directors. This report was also presented to the General Membership on Monday October 26, 2009. Each motion received a proper second, was discussed and voted upon. Each motion was approved by the general membership.

**REPORT OF LEGAL
COUNSEL
~Mike Marshall~**

- Brother Stanley Siedlecki's case was presented at the Court of Special Appeals on October 7, 2009. We are currently waiting for a decision.
- Brother Matt Ackley had an appointment with a doctor selected by Baltimore County to receive a disability rating. After reviewing the files, the doctor

declined to meet with him for an unknown reason. It appears that all parties have agreed that Brother Ackley's condition is considered permanent. The outstanding issue is the percentage of disability impairment and benefit. Counsel will continue to communicate the urgency of scheduling an impairment disability rating, or will pursue a hearing at the County Board of Appeals.

• On October 16, 2009, a ruling was received from the Board of Appeals on a case involving an officer that was separated from the agency, but also had a claim for an accidental disability retirement, which was denied. A decision as to whether to appeal will be made by the Legal Advisory Committee before the November General Membership Meeting.

NEW BUSINESS

• Captain Jeff Rosier has been transferred to the Personnel Section and Captain Karen Johnson has been transferred to

the Training Section, effective November 9, 2009.

• Brother Comegna made a motion to spend \$1,330.00 to re-surface the Lodge parking lot. The motion received a proper second and passed.

• Brother Bergin made a motion to donate several cases of FOP die-cast cars to the fundraiser for Detective Pete Sharman. The motion received a proper second and passed.

GOOD OF THE ORDER

• During the month of October, the Lodge sent four (4) flower arrangements and five (5) sympathy cards to bereaving members. One (1) "goodie" basket was sent to a member for the birth of a daughter. One (1) donation was made in lieu of flowers (at family members' request) in the name of a member or loved one. One (1) "Thank You" card was received. The meeting was adjourned at 7:58 pm.

**FOP Lodge 4 "Fallen Heroes"
Memorial Scholarship Awards**

Applications for the Fall, 2010 & Spring, 2011 scholarship awards are now available. Eight (8) \$3000.00 awards are made each year. The deadline is February 1, 2010. Contact Lodge 4 for details.

The December

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
December 28, 2009
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road

The January

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
January 25, 2009
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road