



# The Fourword

Volume 39, Number 12

December 2011

## Arbitrator Rules in Same-Sex Benefits Grievance

On November 17, 2011 Arbitrator Lois Hochhauser issued a decision granting the grievances of Pfc. Margaret Selby and Pfc. Juanika Ballard. In the decision, she stated that “the recognition of same sex marriages legally entered into in another jurisdiction is not against the public policy of the state of Maryland. Article IV of the Maryland Constitution ensures that ‘full faith and credit’ will be given to the public acts, records and judicial proceedings of another state.” She further stated, as to the term “spouse” in the Memorandum of Understanding, “parties are not required to negotiate every specific word, and it is reasonable for parties to use the commonly accepted meanings of words or phrases. Either party could have questioned how inclusive the word “spouse” should be but neither party did. It is unreasonable to penalize only one party when it acted from a reasonable perspective”

In her award, she ordered the County to:

- Provide spousal health benefits to the spouses of the grievants; and either reimburse them for expenses incurred that would have been provided had such coverage been available when the application process was completed or, if permitted, make such benefits retroactive to that date.
- Pay Juanika Ballard for any unpaid leave she incurred for which she would have been entitled pursuant to the Memorandum of Understanding.
- Ensure the Grievants and their spouses are provided with all benefits as same spouses are entitled to receive pursuant to the Memorandum of Understanding.

This arbitration decision should also settle an additional grievance that was filed on October 25, 2011 by Sgt. Marcy Schwartz. She requested and was denied family leave for her spouse on July 21, 2011. She also requested and was denied bereavement leave on October 20, 21 and 24, 2011 for the death of her spouse’s grandmother.



Representing the Professional Police Officers of Baltimore County





MEETING MINUTES

November 2011

Recorded by Dave Folderauer

The November 2011 General Business Meeting was held on November 28, 2011 at FOP Lodge 4. President Weston called the meeting to order at 7:30 p.m. Chaplain Merkle gave the invocation. President Weston led the Pledge of Allegiance.

ROLL CALL OF OFFICERS

All 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 Patterson to accept the minutes of the October 2011 General Membership Meeting. A second was made by Brother Franks. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- October 26 Addressed the In-Service training class and met with members of the employment section concerning lateral class salaries.
October 29 Attended the State FOP meeting in Ocean City.
October 31 - November 4 Vacation.
November 8 Attended a Pension Board of Trustees meeting and a step 3 grievance hearing.

- November 9 Addressed In-Service training class.
November 16 Addressed In-Service training class.
November 17 Attended the Bi-monthly meeting between Chief Johnson, the bureau chiefs and the Executive Board of the FOP.
November 21 Attended the FOP Executive Board of Directors meeting.
November 28 Chaired the FOP General Membership meeting.

~ 1st V. P. COMEGNA ~

- November 15 Worked at the Lodge office and completed the PAC data entry from the September 2011 deposit.
November 21 Worked at the Lodge office, attended meetings of the Political Action Committee, the Maryland State Lodge's Special Investigation Committee and the Executive Board of Directors.
November 28 Worked at the Lodge office, counted ballots as part of the Elections Committee and attended the General Membership Meeting.

~ 2nd V. P. ROSE ~

- October 26 Met with Department personnel to discuss lateral class salaries.
October 29 Attended the State FOP meeting in Ocean City.
November 1 Attended the Retired Officers Association meeting.
November 2 Addressed In-Service training; attended the Department awards ceremony.
November 8 Attended a hearing for the retiree subsidy case

LODGE 4 OFFICE

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Baltimore, Maryland 21234
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ELECTED OFFICERS

Cole B. Weston
President
(443) 956-2679

Steven G. Comegna 1st Vice President
David M. Rose 2nd Vice President

Robert W. Caskey Treasurer
Richard J. Bergin Sergeant at Arms

W. Donald Patterson State Trustee
Paul A. Merkle Chaplain
L. Timothy Caslin Past President

EXECUTIVE BOARD of DIRECTORS

Kenneth F. Schubert Chairman
Mike DiCara Vice Chairman

Thomas G. Scally CID - Arson
Donna Patterson Planning & Research
James P. Rommel, Jr. K9
Joe Caskey CID - Homicide

LODGE STAFF

Larry Sibley—Office Manager
Juanita Bouthner—Administrative Assistant

LEGAL ADVISORS

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

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

Fourword Editor
Kathryn Greenbeck
Precinct 8

### Reminder for Retirees at Tax Time

The *Healthcare Enhancement for Local Public Safety (HELPS) Retirees Act* allows a deduction of up to \$3,000 annually for premiums for health care insurance. The federal law went into effect Jan. 1, 2007. The deduction is for the federal income tax return only. More information can be obtained from the Lodge 4 website in the Contracts & Legislation section. Also, IRS publications have information on the topic that refer to pensions of retired public safety officers.

appropriate committee reports.

### REPORTS OF COMMITTEES

#### GRIEVANCE COMMITTEE

~Dave Rose~

- The Tabitha Weinstein grievance was heard November 8, 2011 at step #3. The hearing lasted approximately one hour. On November 14, 2011, the Administrative Law Judge agreed with Tabitha Weinstein and granted the grievance. In his decision, he stated "An employee on accident leave is supposed to be recovering from an injury or illness, not working." Officer Weinstein was granted credit for the 47 hours she worked while on accident leave.
- On September 27, 2011 the FOP filed a Class Action grievance for changes made to the Absence Control Policy. The position of the FOP is the policy is a working condition that is subject to bargaining and the unilateral changes County Executive Kamenetz made were in violation of the Employee Relations Act. The FOP has made several attempts to discuss the policy with the County Executive or his designee but they continue to decline.

at the Court of Special Appeals; attended a step #3 grievance hearing..

- November 10 Met with a member about a transfer issue; attended a fundraiser for the National Police Museum.
- November 14 Addressed the Enhanced Supervisor School.
- November 16 Attended a suspension hearing for a member.
- November 17 Attended the Executive Board of Directors meeting with Chief Johnson.
- November 18 Attended a meeting with personnel from planning

about a proposed policy change.

- November 21 Attended the Executive Board of Directors meeting.
- November 28 Attended the General Membership meeting.

#### ~SECRETARY FOLDERAUER~

- November 21 Worked at the Lodge office, attended a meeting of the Political Action Committee, and attended the Executive Board of Directors meeting.
- November 28 Worked at the Lodge office, counted ballots as part of the Elections Committee and attended the General Membership meeting.

#### EXECUTIVE BOARD OF DIRECTORS REPORT

~ Kenny Schubert ~

- An Executive Board of Directors meeting was held on November 21, 2011. The meeting was called to order at 5:00 p.m. All elected officers and Board members were present. Legal Counsel Mike Marshall was also in attendance.
- Motions that were made, after receiving a proper second, were discussed, voted upon, and appear in this issue under the ap-

### LODGE 4 "FALLEN HEROES" MEMORIAL SCHOLARSHIP AWARDS

Applications for the Fall, 2012/ Spring, 2013 scholarships are available now by contacting Lodge 4. Eight (8) \$3,000.00 awards are made each year.

The deadline to return the completed application with required attachments is February 1, 2012.

Contact the Lodge 4 Office for more information.

#### LEGAL ADVISORY COMMITTEE

~Dave Rose~

- Baltimore County Executive Kamenetz has been served notification of our pending suit against him for not following the procedures as stated in the Employee Relations Act. The County made changes to the

***Bereavements***

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**Helen C. Coles  
Mother of Brother  
Daniel J. Coles**

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**Pauline E. Bell  
Grandmother of Brother  
Chuck Hart**

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**Robert L. Weber  
Father-In-Law of  
Brother John P. Hyman**

\*\*\*\*\*

**Edwin Becker  
Grandfather of Brother  
Kevin M. Fisher**

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**Elizabeth M. Ches  
Mother of Retired  
Brothers Larry Ches &  
Lee Ches**

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**Shubel R. Cooke, Sr.  
Father of Brother  
Shubel R. Cooke, Jr.**

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**Retired Captain  
Robert D. Ruth  
Father-In-Law of Retired  
Brother Michael C.  
Stricklin & Grandfather  
of Brother Jason M.  
Stricklin**

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**Robert S. Schmelz, III  
Father of Brother  
Robert A. Schmelz &  
Father-In-Law of Sister  
Karen D. Gaedke**

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**Ernestine Larkins  
Mother of Brother  
Albert J. Larkins**

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Absence Control Policy and has refused to bargain over those changes. In addition, the County has refused to follow the dispute resolution process outlined in the Employee Relations Act. The FOP is asking the court to direct the County Executive to follow the law.

- The Kamenetz Administration continues to fight against the payment of our legal fees in the Bill Blake case. The FOP has filed a fee petition in Federal District Court. The County filed their reply brief on November 3, 2011. Our final brief was submitted on November 23, 2011. We are currently waiting for a hearing in Federal District Court.
- We are currently waiting for a decision from the Board of Appeals in the Siedlecki case. Briefs were filed by both the County and Mike Marshall on September 26, 2011.
- The Retiree Subsidy case was argued in the Court of Special Appeals on November 8, 2011. We are currently waiting for a decision.
- The Employee Relations Act case was heard on September 9, 2011 at the Court of Special Appeals. We are currently waiting for a decision.

**PENSION COMMITTEE**

~ Cole Weston ~

The Pension Board of Trustees met on November 8, 2011 and approved 28 service, drop, and lump sum death benefits. One ordinary disability was also reviewed and approved.

**POLICY REVIEW  
COMMITTEE**

~Dave Rose~

The committee reviewed (6) six new policies this month. Of those six, a request was made to the Chief to bargain over one. This was a new policy about personnel and e-mail requirements. Sgt. Tony DiCara and I met with members from Planning and Major Burris to discuss the issue. During the meeting, we informed the Department that we are not opposed to the idea of shifting to a more electronic way of communicating as the agency moves to use less paper, but there are several realities with regard available equipment and limitations of the equipment that would need to be addressed before this policy could be fully implemented. There was a very good exchange of ideas and the meeting proved to be productive and informative. The department will attempt to address the



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issues we discussed and meet with us again.

### **POLITICAL ACTION COMMITTEE**

~Steve Comegna~

- The Political Action Committee discussed the following requests and presented the following motions to the Executive Board of Directors:
- To purchase a two hundred and fifty dollar (\$250.00) sponsorship for a fundraiser held by State Delegate Susan Aumann (District # 42) on Friday December 2, 2011. The event was held at the Boordy Vineyards 12820 Long Green Pike Hydes, Maryland 21083 from 6:00 pm until 8:00 pm.
- To purchase a two hundred and fifty dollar (\$250.00) ticket to a fundraiser held by State Delegate Adrienne Jones (District # 10) on Thursday January 5, 2011. The event will be held at

Martin's West from 6:30 pm until 8:30 pm.

- These motions were presented to the Executive Board of Directors on Monday November 21, 2011 at the Executive Board of Directors meeting. The motions received proper seconds. The motions were discussed and voted upon. The Executive Board of Directors approved these motions.
- This report was presented to the general membership on Monday November 28, 2011 at the General Membership meeting.

### **GOOD OF THE ORDER**

- The Lodge 4 election results were as follows (\* denotes winners):

#### Sergeant-At-Arms

\*Tony DiCara 567  
Kathy Greenbeck 383

#### Executive Board of Directors:

\*Jim Rommel 764  
\*Tom Scally 745

\*Mike DiCara 744  
\*Lou Lagna 689  
\*Kathy Kraemer 673  
Ryan Franks 486  
Al Barton 368

Total Ballots Received: 1006

- Congratulations to all those who won the election. They will each serve a 2-year term.
- During the month of November, the Lodge sent three (3) flower arrangements and eleven (11) sympathy cards to bereaving members. The Lodge also made six (6) donations in lieu of flowers at the members' request. Two (2) food baskets were sent to members/spouses for hospitalizations. Three (3) "Thank You" cards were received.
- The meeting was adjourned at 8:03 pm.



## 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 eight (8) \$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**

The January

**FOP Lodge 4  
GENERAL  
BUSINESS  
MEETING**

will be held on

**Monday,  
January 23, 2011  
7:30 p.m.**

at  
FOP Lodge 4  
9304 Harford Road

The February

**FOP Lodge 4  
GENERAL  
BUSINESS  
MEETING**

will be held on

**Monday,  
February 28, 2011  
7:30 p.m.**

at  
FOP Lodge 4  
9304 Harford Road