



The Fourword

Volume 43 Number 1

January 2015

Update on the Retiree Health Care Subsidy Case

Many of you know that the County had threatened to raise the rates of the affected retirees in this case for calendar year 2015. This information came from several retirees who inquired about their 2015 rates during the health care open enrollment period which was November 5, thru December 5, 2014.

The FOP attempted to confirm this with a person of authority, but was unable to do so, which prompted a formal request to be filed under the Maryland Public Information Act on December 2, 2014. This request asked for all of the documentation related the Administration's intentions pertaining to any change in the retiree health care subsidy for those retirees who retired between September 1, 1992 and June 30, 2007.

The FOP also engaged the Baltimore County Circuit Court and prepared documents to renew the request for contempt of court based on the November 5, 2013 court order and the Certifications of Compliance from the Baltimore County Administration confirming that they restored the subsidy rates and paid the over-charged subsidy, including interest, to the FOP in May and June of 2014. On December 17th 2014, the Maryland Court of Special Appeals issued a 78 page decision in favor of the FOP and denied all of Baltimore County's claims for appeal.

When the December retiree checks were issued and received, we learned that the County did not increase the health care subsidy rate, as had been threatened by the Administration.

The Administration has until February 2, 2015 to appeal to the Maryland Court of Appeals. If the Administration does not appeal, the case is over and the FOP can disperse the over-charged subsidies and interest to the retirees. If the Administration files an appeal, the Court of Appeals is not obligated to hear the case and can dismiss the appeal. This would also end the case, which would also allow the FOP to disperse the over-charged subsidies and interest to the affected retirees. If the administration files an appeal and the Court of Appeals accepts it, the case would be scheduled for a hearing and the over-charged subsidies and interest would be held in escrow pending the final decision.



Representing the Professional Police Officers of Baltimore County





**MEETING MINUTES
December 2014**

- The December General Business meeting was held on December 22, 2014 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

- Brothers Rommel and DiCara were on vacation. Brother Franks was working. Sister Kraemer was excused. 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 Folio to accept the minutes of the November, 2014 General Membership Meeting. A second was made by Treasurer Bob Caskey. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- November 25 Attended the police promotion draft.
- December 1 Attended the Baltimore County Inaugural Ceremonies.
- December 3 Attended a fundraiser for the fifth district councilman, David Marks.

- December 4 Attended a Health Care Review Committee meeting and met with representatives of Mass Mutual Financial group.
- December 5 Attended the police promotion ceremony and visited the funeral home with the Kach family.
- December 9 Met with County Councilman Marks, attended the police officer transfer draft, and attended the county council work session.
- December 10 Attended the FOP Lodge 4 holiday reception.
- December 15 Met with a member concerning retirement calculations, attended a Political Action committee meeting and the FOP Lodge 4 Executive Board of Directors meeting.
- December 22 Addressed the 140th Recruit Class, who joined the FOP, and chaired the FOP Lodge #4 General Membership meeting.

~ 1st V. P. COMEGNA ~

- November 25 Attended the supervisor draft, conducted prior to promotions.
- December 1 Attended the Inauguration of the Baltimore County Executive and the County Council.
- December 4 Attended a meeting of the Health Care Review Committee.
- December 5 Attended the police promotion ceremony.
- December 9 Attended the Baltimore County Council's work session.
- December 10 Attended FOP Lodge # 4's annual holiday reception.

LODGE 4 OFFICE

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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 F.O.P. Lodge 4 (410) 409-0293	David M. Rose 2nd Vice President F.O.P. Lodge 4 (443) 956-2643
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David J. Folderauer, Sr. Lodge Secretary RATT (410) 382-2075	Robert W. Caskey Treasurer CID-Robbery (443) 956-2615
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W. Donald Patterson State Trustee PC12	Ryan Massey Sergeant at Arms CID - Homicide
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Paul A. Merkle Chaplain Retired	L. Timothy Caslin Past President Retired
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EXECUTIVE BOARD of DIRECTORS

Kenneth F. Schubert Chairman Retired (410) 404-2788	Mike DiCara Vice Chairman PC 4
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Thomas G. Scally CID - Arson	Lou Lagna Retired
Donna Patterson PC12	Michael Cortes Precinct 4 IST
James P. Rommel, Jr. PC11	Ryan Franks PC 1
Joe Caskey CID - Homicide	Kathy Kraemer PC 6

LODGE STAFF

Juanita Bouthner—Administrative Assistant
Nancy Skinner—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.

Fourword Editor
Kathryn Greenbeck
Precinct 8

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- December 11 Attended the monthly meeting of the Police Assistance and Relief Fund.
- December 15 Attended a meeting of the Political Action Committee and attended the December Executive Board of Directors meeting.
- December 16 Visited Precinct 8.
- December 22 President Weston and I addressed the 140th Recruit Class, at the Police Academy.

~2nd V. P. ROSE~

- December 1 Attended the Inauguration Ceremony for elected County Officials.
- December 2 Attended a fundraiser for Councilman David Marks.
- December 5 Met with Cpl. Duker to prepare for a step #3 grievance hearing.
- December 9 Attended the Pension Board of Trustees meeting and represented a member at a step #3 grievance hearing.
- December 10 Attended the Lodge holiday reception.
- December 12 Attended the County's appeal of the Brandt Bradford case in Baltimore County Circuit Court and attended Precinct 9's Christmas party.
- December 15 Attended the Executive Board of Directors meeting.
- December 16 Attended the committee meeting for the TASER camera pilot program.
- December 17 Met with Mike Marshall and Herb Weiner from our law firm.
- December 22 Attended the General Business meeting.

~TREASURER CASKEY~

- December 3, 8, 22, and 31 Worked at the lodge.
- December 10 Attended the holiday reception hosted by Lodge 4.
- December 15 Attended a PAC meeting as well as the EBOD meeting.
- December 21 Attended the general membership meeting, where I reported on the financial status of the lodge.

EXECUTIVE BOARD OF DIRECTORS REPORT

~Kenny Schubert~

- An Executive Board of Directors meeting was held on December 15, 2014. The meeting was called to order at 5:00 p.m. Secretary Folderauer was sick. Brothers J. Caskey and Franks were working. 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 appropriate committee reports.

REPORTS OF COMMITTEES

BULL ROAST COMMITTEE

~Ken Schubert~

- The annual FOP Lodge #4 bull and oyster roast will be held on March 22, 2015 at Tall Cedars in Parkville.

DONATION REVIEW COMMITTEE

~Paul Merkle~

- The Donation Review Committee met on December 22, 2015 and considered two items.
- The committee approved a dona-

tion to a member of \$150 to assist her participation in the World Police and Fire games in July 2015.

- The committee also approved a bronze sponsor donation of \$1500 to the Police Foundation Annual Awards dinner in April, 2015.

GRIEVANCE COMMITTEE

~Dave Rose~

- On November 10, 2014 a grievance was filed by Brother Brendan Duker in reference to a question on the sergeants' exam. The question came from the railroad section of the Criminal Digest. The grievance was waived at steps #1 and #2. An appeal was filed to step #3. On December 9, 2014 a hearing was held in front of ALJ Stahl. The County provided its "subject matter experts" as witnesses. The FOP provided a 10 year veteran from the Amtrak Police Department as its expert witness. Input was given from both sides as to the justification of their positions. On December 15, 2014 we received a decision from ALJ Stahl, denying the grievance.

LEGAL ADVISORY COMMITTEE

~Dave Rose~

- On December 17, 2014 the Maryland Court of Special Appeals ruled in favor of FOP Lodge #4, which has represented several hundred retirees in a class-action grievance that has been ongoing for several years.
- This second dispute was over the County's refusal to re-pay

Association of
Baltimore County
Retired Police
Meetings 2015

March 3

April 7

May 5

September 8 *

November 3

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

the retirees for overcharges in their healthcare subsidy splits even though the County lost the original case in Maryland's highest court. The FOP petitioned the Circuit Court to make the County comply. On April 14, 2014 Baltimore County Circuit Court Judge Finifter issued a Show Cause Order for Baltimore County Executive Kevin Kameletz, Budget Director Keith Dorsey and Administrative Officer Fred Homan to appear in Circuit Court on June 26, 2014. This hearing was to show cause as to why they should not be held in contempt and/or subject to sanctions, including incarceration for failing to follow the order of the court to reimburse the affected retirees a total of \$1,801,479.54 and reset their health care subsidy splits to the contractually negotiated rate. Baltimore County filed a motion to quash the Show Cause Order and on May 28, 2014 the motion was denied. On May 30, 2014 Baltimore County filed a Certificate of Compliance with the Court's

Orders. They certified that the health care subsidies for the affected retirees were reset to the proper rate. In addition they issued checks made payable to the Fraternal Order of Police Lodge #4 for an amount totaling \$1,801,479.54. The Show Cause Order was then dismissed. The County then filed three separate appeals to the Maryland Court of Special Appeals concerning the rulings of the Baltimore County Circuit Court. They were appealing the November 5, 2013 order to restore the subsidy, the March 6, 2014 decision awarding the reimbursement to be paid to the affected retirees and the April 17, 2014 decision awarding interest on the money owed to the retirees. The appeals were consolidated and a hearing was held on November 3, 2014. On December 17, 2014 the Court of Special Appeals issued a very comprehensive and detailed decision which denied the County's appeals for a second time and ruled in favor of the retirees and FOP Lodge #4. At this time the County has the option to file for a Writ of Certiorari to the Maryland Court of Appeals.

The County's appeal to the Circuit Court of the October 23, 2013 Board of Appeals decision in the Brandt Bradford case was held on December 12, 2014 in front of Judge Stringer. Bradford was denied the option to select an option upon his retirement in 2012 that differed from the one he selected at his first retirement. He appealed the decision of the Employees' Retirement System (ERS) to the Baltimore County Board of Appeals in October 2010 and was suc-

Bereavements

**Retired Brother
Milford "Bill" Redel**

**Retired Brother
John Flamm**

**Catherine Munchel
Sister of Retired Brother
Jeff Munchel**

**Elizabeth L. Voll
Mother-In-Law of Brother
Steve Gossage**

**Simon V. Avara
Father-In-Law of Brother
Owen Watson**

**Frank P. Grippi
Father of Brother
Peter Grippi**

**Louis J. Gianotti
Father of Retired Brother
Louis E. Gianotti**

**Earl Swartzendruber, Sr.
Grandfather of Brother
Adam Swartzendruber**

**Frank Chlan
Father of Brother
Dave Swinney**

cessful. The ERS filed an appeal to the Baltimore County Circuit Court. After reviewing the briefs submitted by both parties and hearing oral arguments, Judge Stringer ruled from the bench that the decision of the Baltimore County Board of Appeals should stand and the appeal by the ERS is denied and Brandt Bradford should be given the opportunity to select another

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retirement option. The County Administration has filed an appeal to the Court of Special Appeals.

- The Committee met to discuss the FOP reimbursement program for estate planning. The program started in April of 2010. At that time the committee decided to reimburse members \$200 for obtaining a will based on an average 3 year cost of \$250. Since that time the cost of the preparation of a will has risen. After reviewing the 3 year average cost of the preparation of a will the committee has determined an increase is warranted. A motion was made to increase the reimbursement to \$300 for wills obtained after January 1, 2015 so the increase can be accounted for in the President's 2015 budget. The motion passed unanimously.

PENSION COMMITTEE

~Dave Rose~

- At the December Pension Board of Trustees meeting the Board approved 20 total retirements. Three of those were from the police department.

POLICY REVIEW COMMITTEE

~Dave Rose~

- The County Executive announced that the Department was going to implement a pilot program to have all TASERS equipped with cameras and the operators trained and certified in its use. A committee was put together to construct a policy for the new program. That committee met on December 16, 2014 and members were given a draft policy. This policy was very similar to one in which was

drafted 2 years ago. At that time the department and the FOP met to discuss the pros and cons of the available technology. The department's decision at that time was to not implement the camera with the TASER because the available applications did not fit the needs of the agency. In reviewing the current draft, the committee still feels there are problems with policy that could leave our members in a vulnerable position should they deploy the TASER. It is our position that until those issues are resolved to the satisfaction of the FOP, members who choose to use the new TASER are doing so at their own risk. The department is going to give members the availability to "opt out" of the TASER certification if they choose. If a member does get trained and is certified, he/she will be required to carry the TASER.

- In January, the Department convened a Body Camera Workgroup at the direction of the County Executive to discuss Body Worn Cameras. The FOP has positions on the committee to provide input and perspective. We will report on this as further information comes forward. A committee report is due in 90 days.

POLITICAL ACTION COMMITTEE

~Steve Comegna~

- The Political Action Committee met on Monday December 15, 2014. The committee brought forth one motion to the Executive Board of Directors. That motion was as follows:
- To transfer \$4000.00 from the lodge general fund to the lodge's campaign finance account at the beginning of the next election cycle

(January 2015).

- This motion was approved by the Executive Board of Directors. This report was presented to the membership at the November General Business Meeting. This report was approved by the General Membership.

GOOD OF THE ORDER

- President Weston advised that all 32 officers from the latest recruit class joined FOP Lodge 4.
- Two mistakes were identified in the 2015 FOP calendar books. One mistake was a line-of-duty death date. Neither of these mistakes was the fault of Lodge 4 members and employees who are tasked with putting the calendar book together each year. FOP Lodge 4 has discontinued the relationship with that printer.
- During the month of December, FOP Lodge #4 sent six (6) cards and flower arrangements to bereaving members. Three (3) donations were made in lieu of flowers at the request of bereaving mem-

Congratulations to December Promotees!

Sergeant to Lieutenant

David Barton

Corporal to Sergeant

Gregory Cougnet
Nicholas Stein
Steven Sunderland

Officer to Corporal

Craig Coscia
Eric Knox
Chad Miller
Ryan Mull
Terrah Paige-Young
Blake Vaughn

The February

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
February 23, 2014
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, 2015
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road