

THE CHRONICLE

BOARD MEMBER'S MESSAGE THE POWER OF UNITY: A POSITIVE EXPERIENCE

BY: DAVID TREND,
OLC BOARD MEMBER, PRESIDENT, FOP LODGE #18

In today's dynamic and ever-evolving world of law enforcement, officers often find strength and protection in unity. One avenue through which this unity is achieved is the formation of labor unions, which play a crucial role in advocating for workers' rights, negotiating fair wages and benefits, and resolving grievances. As a member of the Fraternal Order of Police (FOP) Lodge 18 Board, I have had the privilege of experiencing firsthand the positive impact that the local FOP and the FOP/Ohio Labor Council can have on improving working conditions and fostering a strong, supportive work environment.

The Role of the FOP Lodge #18 Board

The local FOP Board serves as a dedicated advocate for officers, working tirelessly to ensure that their voices are heard, and their interests are protected. Through collective bargaining and negotiation, the FOP Board strives to secure fair compensation, safe working conditions, and equitable treatment for its members. Additionally, the Board serves as a liaison between officers and management, facilitating open communication and constructive dialogue to address concerns and resolve issues effectively.



Officer David Trend, Euclid Police
Department

Resolving Grievances

Grievances are an inevitable aspect of any workplace, but having a strong union representation can make all the difference in ensuring that grievances are addressed promptly and fairly. Through the collective bargaining process, the local FOP Board works diligently to advocate for the rights of its members and resolve grievances in a manner that is mutually beneficial for both officers and management. By fostering a culture of transparency, accountability, and respect, the FOP Board helps to create a supportive work environment where officers feel empowered to voice their concerns and seek resolution. (cont'd)



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BOARD MEMBERS MESSAGE (CONT'D)

Negotiating Collective Bargaining Agreements

Collective bargaining agreements play a pivotal role in shaping the terms and conditions of employment for law enforcement officers. As a member of the FOP Board, I have had the opportunity to participate in negotiations with the City of Euclid to secure fair wages, hours, fringe benefits, and working conditions for our members. Through collaborative efforts and constructive dialogue, we have been able to reach agreements that not only meet the needs of our officers but also promote the efficient and effective delivery of public safety services to the community.

Working with Chuck Aliff

The Ohio Labor Council and the Fraternal Order of Police are dedicated to protecting the rights of officers and ensuring they receive the support they need to perform their duties effectively. In my capacity, I have enjoyed working with FOP/OLC representative Chuck Aliff. Chuck has been instrumental in advocating for the rights and well-being of our officers at the Euclid Police Department. His dedication, professionalism, and commitment to serving the interests of FOP members have made him an invaluable asset in negotiating collective bargaining agreements,

resolving numerous grievances, and in two cases, winning officers' jobs back. Chuck's leadership, experience, and expertise have helped to strengthen the relationship between our Lodge and the City of Euclid, leading to positive outcomes for all parties involved.

Conclusion

In conclusion, my experience serving on the FOP Board has been incredibly rewarding and fulfilling.

Through collective bargaining, collaboration with dedicated representatives like Chuck Aliff, and the resolution of grievances, the Ohio Labor Council and the FOP Board play a vital role in advocating for the rights and well-being of law enforcement officers. By working together in unity, we can continue to build a stronger, more supportive work environment where officers can thrive and excel in their roles as they serve their communities.



Negotiations Update



<u>Employer</u>	<u>Wages</u>	<u>Other Details</u>
Lorain County 911	40% increase for entry level Over 16% for the top step	A significant increase in pay
Jackson Township Clerks	18-20% increases	Added a personal day, eased restrictions on Sick use and Holiday pay and improved grievance language
City of Lorain Dispatchers	28% over 3 years	First time contract
Colerain Twp Police	26%, 5%, 5%	Dropped from 7 steps to 4

EXECUTIVE DIRECTOR'S MESSAGE

FOP WINS LAWSUIT AGAINST THE STATE OF NEW JERSEY OVER LEOSA



Gwen Callender

Executive Director

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One of the benefits of membership in the Fraternal Order of Police is belonging to an organization that advocates all over the country for the betterment of the lives of law enforcement officers both active and retired. A recent example of this advocacy occurred with the New Jersey FOP. The New Jersey FOP took on the State of New Jersey when it required retired law enforcement officers to obtain a concealed carry permit after leaving their official duties in contravention of the privileges provided under HR 218, otherwise known as LEOSA.

The Law Enforcement Officers Safety Act (LEOSA) is a federal law enacted in 2004 with the primary aim of allowing qualified active and retired law enforcement officers to carry concealed firearms in any jurisdiction within the United States, irrespective of state or local regulations regarding concealed carry permits.

LEOSA was a response to concerns about the safety of law enforcement officers, both on and off duty, and aimed to provide them with enhanced means of protection. One of the key provisions of LEOSA is that it allows retired law enforcement officers to continue carrying concealed firearms after leaving their official duties, provided they meet the defined eligibility requirements. These requirements typically include having served for a certain number of years as a law enforcement officer and having retired in good standing. Additionally, retired officers must undergo periodic firearms qualification to maintain proficiency and safety standards.

LEOSA does come with certain limitations and conditions. For example, it does not exempt retired officers from restrictions on carrying firearms in certain sensitive locations such as federal buildings, schools, or private properties where firearms are prohibited by law.

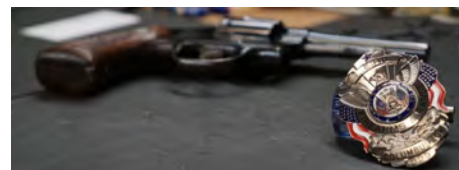
Although the law was supposed to supersede individual state laws, some of the language of the act was vague and as a result has caused issues for

active and retired officers in some states that interpret the law differently than it was intended. One of those states was New Jersey. New Jersey required retired officers living in that state to apply for a permit to carry a firearm and had to meet “statutory standards” even though they were otherwise qualified and credentialed under LEOSA.

As a result, the New Jersey Fraternal Order of Police (NJFOP) joined forces with the Federal Law Enforcement Officers Association (FLEOA) and filed a lawsuit against the State of New Jersey under LEOSA. The lawsuit challenged the New Jersey laws restricting retired law enforcement officers from carrying firearms. The NJFOP and FLEOA argued that LEOSA created a private right to carry and that LEOSA preempted the New Jersey laws.

On June 21, 2022, the New Jersey District Court ruled in favor of the NJFOP and FLEOA and held that LEOSA creates a private right to carry and that LEOSA preempts the New Jersey laws. *Fed. Law Enft Officers Ass'n v. Grewal*, Civil Action 20-05762 (D.N.J. Jun. 21, 2022). The State of New Jersey appealed that decision.

In a landmark victory for the FOP, the Third Circuit Court of Appeals affirmed and sided with the NJ District Court ruling that New Jersey’s law barring lawful LEOSA carry by qualified law enforcement officers was unconstitutional. The Third Circuit Court of Appeals stated... “We may not ignore Congress’s unambiguous conferral of an individual right or its clear intent to preempt state law. In LEOSA, Congress granted certain retired law enforcement officers a right to carry a concealed firearm. And LEOSA expressly preempts contrary provisions of state law.” *Fed. L. Enft Officers Ass’n v. AG N.J.*, U.S. Court of Appeals for the 3rd Circuit, Opinion No. 22-2209, 20204 U.S. App. LEXIS 3437 (February 14, 2024).



LEGAL UPDATE

DISPLAY OF THIN BLUE LINE AMERICAN FLAG DEEMED PROTECTED SPEECH



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The Springfield Township Police Benevolent Association (“PBA”) represents the Police Officers working for Springfield Township in Pennsylvania. The PBA incorporated the Thin Blue Line American Flag (“Flag”) into its logo which appears on the PBA website, its merchandise, and at fundraisers and events hosted by the PBA. Additionally, depictions of the Flag are present in various locations at the Police Department.

A study was presented to the Township Board of Commissioners on residents’ opinions and concerns with the Police Department, citing some concerns about racial bias. One of the Commissioners noted that African American residents had told him they were hesitant to report their concerns during the study for fear of retaliation. After the presentation, the Township asked the PBA to change its logo removing the Flag, viewing it as a symbol of police brutality and racial animosity. The Township even offered to cover the cost of changing the logo up to \$10,000 from a private donor. The PBA denied the request. The Township Solicitor and Township Manager sent a cease-and-desist letter to the PBA, explaining that Township residents had expressed a deep discontent and distrust of the PBA and the Police Department, due to PBA’s use of the Flag.

The Township Board of Commissioners adopted Resolution 1592 which banned depictions of the Flag. It read:

The Board of Commissioners of Springfield Township does, as a matter of respect and sensitivity to all the citizens of the Township, hereby prohibit the publicly visible display or use of any image which depicts the Thin Blue Line American Flag symbol by any Township employee, agent, or consultant and in an effort to be clear and as reasonably limited as possible, specifically prohibits the following:

1) The publicly visible depiction of the symbol on the clothing or skin of any Township Employee, agent, or consultant

while on duty, during the workday of the individual or while representing the Township in any way (specifically including the off duty time of any such individual if still wearing the Township uniform).

2) The publicly visible depiction of the Thin Blue Line American Flag symbol on any personal property of a Township employee, agent, or consultant, which is brought into the Township building (except prior to or subsequent to reporting for duty or any official assignment for the Township), and which, in the reasonable opinion of the Township Manager, is placed in a location likely to be seen by a member of the public while visiting the Township building.

3) The display, by installation or affixation of a publicly visible depiction of the symbol, on Township owned property (including Township vehicles), by any person.

The PBA, the State FOP Lodge and three Township Police Officers filed suit arguing that Resolution 1592 was an unconstitutional regulation of speech.

The Court found that Resolution 1592 was a viewpoint regulation in that it only prohibited the display of the Thin Blue Line American Flag, not from displaying flags or political speech generally. The Township argued that the Resolution was a permissible restriction on employee speech even though it targeted a specific viewpoint. The Court found that, while the Resolution regulates (cont’d)



Getty Images

LEGAL UPDATE

DISPLAY OF THIN BLUE LINE AMERICAN FLAG DEEMED PROTECTED SPEECH (CONT'D)

speech on a matter of public concern, the Township must show that the necessary impact on the actual operation of the government outweighs the constitutional interest restricted by the Resolution. The Township must show (1) it has identified a real, not conjectural, harm, and (2) the ban addresses that harm in a direct and material way. The Court found that the Township failed to satisfy either prong.

The Court noted “the Township seems to concede that it has no evidence of workplace disruption caused by the display of the Flag. Neither has it shown that the Flag has caused a ‘real’ disruption to relations between the police and Township residents.” While the Township provided a handful of complaints made about the Flag by residents, that does not “transform the Township’s concerns of wide-spread discord from the ‘conjectural’ to the ‘real’.”

Further, the Resolution failed to satisfy the second prong as it does not address the alleged harm in a direct and material way. The Court emphasized the

overbreadth of the Resolution; most notably, that it applies to all Township employees, stating “this breadth is especially suspect because the ban affects ‘core’ political speech, an area where fit must be particularly close. Indeed, given that the Resolution prohibits political speech based on a particular *viewpoint*, its overbreadth is particularly egregious.”

The Court also mentioned the Resolution as being underinclusive given that Township employees are permitted to engage in other forms of speech that could exacerbate racial tensions and undermine public confidence. For example, the Resolution does not preclude an officer, while on duty and in uniform, from voicing opposition to the Black Lives Matter movement.

The Court found Resolution 1592 to be an unconstitutional restriction on employee speech.

Pennsylvania State Lodge Fraternal Order of Police v. Township of Springfield, (No. 23-332-KSM, E.D. Penn. 2023).

Pass Along...



2024 OLC Annual Meeting
Tuesday, May 21st
6800 Schrock Hill Court, Columbus OH 43229

This is the 40th Year of the FOP Ohio Labor Council, and we will be celebrating the creation and success of our union as well as the process of collective bargaining in Ohio.

We encourage your attendance. Each bargaining unit is entitled to send delegates and alternates to the annual meeting. It is part of our democratic process. We will be sending an email with more details soon.

Special Guest Presenters:



**How Wage & Hour Laws
Apply to the Public Sector**

Administrator Jessica Looman
 Wage & Hour Division
 Department of Labor



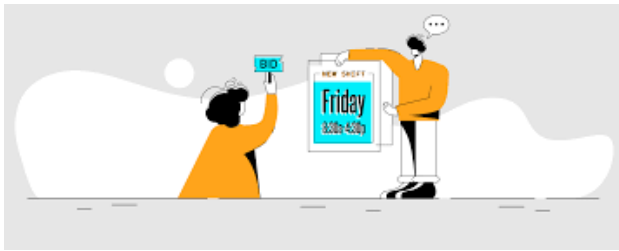
**Officer Duty to Intervene, Report
Misconduct, and Render Aid**

Chris Green, Esq.
 Associate General Counsel
 National FOP

ARBITRATION NEWS

GRIEVANT PREVAILS IN ARBITRATION INVOLVING SHIFT BIDS

Employees bid on their shift two (2) times per year based on seniority with shift schedules taking effect January 1 and July 1 of each year. The collective bargaining agreement (CBA) states that “Requests for shift preference shall be submitted every six months by November 1, and May 1, annually.” The Grievant submitted his shift preference on May 1 for day shift. The Grievant was assigned to afternoon shift, even though he had sufficient seniority for day shift. A grievance was filed, and the matter was sent to arbitration.



The Union argued that “by” meant “on or before” or “not later than”, thus a shift bid submitted on May 1 must be honored. The Union requested that the Grievant be credited with 79 hours of vacation that he used to accommodate family and personal needs while assigned to the afternoon shift as well as an additional 520 hours (20 hours for each week) of vacation time due to the Employer blatantly violating the contract.

The Employer claimed it was an established practice that the deadline for shift bids was 11:59 PM on April 30, and October 31 and that it was common knowledge among the officers that shift preference requests had to be submitted prior to May 1 and November 1. The Employer argued that there was no contract violation since the Grievant did not timely submit his shift preference on April 30, even though the contract states “by November 1, and May 1, annually.” The Employer further argued that the Grievant had not suffered any

economic damage and that he profited by working afternoon shift because he received an additional \$0.50 per hour.

The Arbitrator rejected the Employer’s past practice argument, stating that the language contained in the CBA clearly and unambiguously allowed members to submit shift preference requests on or before May 1 or November 1. Therefore, the Employer violated the CBA by failing to consider the Grievant’s request that was filed on May 1. The Arbitrator ruled that the Grievant was deprived of his contractual right to bid his preferred shift, and granted the Grievant 79 hours of vacation, the amount of time used by the Grievant to attend to matters that could have been done had the contract violation not occurred. However, the Arbitrator denied the Grievant’s request for 520 hours of additional vacation as punitive.



Kay Cremeans
General Counsel
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OUTCOME

Grievance sustained. Grievant shall be credited with 79 hours of vacation time.

ARBITRATION NEWS

THREE-DAY SUSPENSION UNWARRANTED FOR IMPROPER RELEASE OF AN INMATE



Mike Piotrowski
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An inmate was erroneously released from the County Jail. The inmate was supposed to be screened for placement into the custody of a community based correctional facility (CBCF) according to the sentences for his two cases. However, he was released and instructed to report to his parole officer the next morning. The Booking/Release Card and Inmate Release Checklist indicated that the grievant was the supervisor (Sergeant) who signed off on the inmate's release. Grievant was suspended three days for the improper release of the inmate.

The Employer argued that mistakes must have consequences so that there are no repeat incidents, and that discipline is a necessary tool so that employees may learn from their mistakes and improve. The Employer further argued that as the release sergeant, the grievant was obligated to make sure there was proper documentation to initiate the release, including performing a review of the documents in the packet to see if they are true and accurate. Had the grievant reviewed the journal entries from the court cases, he would have seen that the inmate was to be screened for CBCF.

The FOP/OLC argued that there was a problem with the Employer's release policy. It was the records clerk who forwarded the forms from ODRC to the release officer. It was then the Corrections Officer's job to prepare the release packet and verify the cases in the release section. Further, there is nothing that requires a release sergeant to read the journal entries before releasing a prisoner to make sure they support a release. However, both the grievant and corrections officer questioned the paperwork as they

were unfamiliar with the documentation, so a call was placed to the records clerk who advised that the inmate just needed to sign the paperwork and he was "good to go." The FOP/OLC further maintained that the grievant had an excellent record with reviewing releases and catching errors prior to release. Thus, a three-day suspension was unjust.

The Arbitrator found that a three-day suspension was excessive. The Arbitrator found that the grievant did not initiate the release of the inmate or prepare the release packet, that the release process was confusing, that the lack of formal training on the release process afforded to the grievant contributed to the erroneous release and that the grievant was clearly confused and unfamiliar with terminology on the documentation provided by the ODRC. However, the Arbitrator also found that under the circumstances the grievant should have taken additional steps prior to releasing the inmate including a review of the journal entries or contact a superior officer.



OUTCOME

Grievance sustained in part. Three-day suspension is reduced to a written warning with additional training regarding the proper release process.

LEGISLATIVE UPDATE:

Members of the Fraternal Order of Police of Ohio just spent three days in Washington D.C. advocating on the legislative priorities of the FOP. One of the main reasons for going to our nation's capital was to participate in a rally with our fire fighter friends to advocate for immediate action on H.R. 82 and S/ 597 – The Social Security Fairness Act. Senator Sherrod Brown leads the Senate version of this bill and all Ohio congressional members except Reps. Jim Jordan, Brad Wenstrup, Warren Davidson and Bob Latta are signed on as co-sponsors of the bill. The "Social Security Fairness Act" would repeal both the "Windfall Elimination Provision" and the "Government Pension Offset" in current Social Security law that costs our retired members hundreds of dollars every month. Hundreds of IAFF and FOP members stood on the lawn of the U.S. Capitol to demand action on this long standing injustice to our members.



Jay McDonald
FOP of Ohio
Legislative Chair
JMcDonald@fopohio.org

We also pressed our congressional leaders to pass the following legislative priorities, including the following bills:



Kevin Davidson - Lodge 24; Jay McDonald - Ohio FOP Legislative Chair/Immediate Past President; Brian Porterfield - Lodge 141



Mark Guerrieri - Lodge 116; Brian Kravos - Lodge 116; Tim Gallagher - Lodge 116; Gary Wolske - Ohio FOP President

Protect and Serve Act – HR 743: Lead sponsors are John Rutherford from Florida (R) and Josh Gottenheimer from New Jersey (D). There are 102 co-sponsors, including Reps. Carey, Johnson, Joyce, Landsman from Ohio. There is not a Senate version yet but both Senators Vance and Brown have indicated they will look closely at the bill. The "Protect and Serve Act" would make it a Federal crime to target a law enforcement officer with an assault that results in serious bodily harm or death.

The "Homes for Every Local Protector, Educator, and Responder (HELPER) Act" would create a new home loan assistance program for law enforcement officers, firefighters, and teachers. (HELPER) Act – HR 3170: Lead sponsors are John Rutherford (R) from Florida and Bonnie Watson-Coleman (D) from New Jersey. This bill has 112 (Cont'd)

LEGISLATIVE UPDATE: (CONT'D)

co-sponsors, including Reps. Kaptur, Landsman, Miller and Turner from Ohio. The Senate version of the (HELPER) Act is S. 1514. The lead sponsors are Marco Rubio (R) from Florida, Jon Ossof (D) from Georgia and Sherrod Brown (D). This bill has 17 co-sponsors.

Law Enforcement Officers' Safety Act (LEOSA) Reform Act – HR 354: The lead sponsor of the bill is Don Bacon (R) from Nebraska. The bill has 36 co-sponsors but none from Ohio. The Senate version of (LEOSA) Reform Act is S 1462: The lead sponsor is John Kennedy (R) from Louisiana and the bill has 4 co-sponsors including Senator Vance from Ohio. The "LEOSA Reform Act" would amend the Law Enforcement Officers' Safety Act (LEOSA) to close certain loopholes and ensure that active and retired law enforcement officers are in compliance with all Federal, State and local laws.



FOP members from all over Ohio congregate at the steps of the Capitol Building to share their voice at the Day on the Hill.

We also advocated by passage of the Law Enforcement Officers' Equity Act (H.R. 1322 / S. 1658). The "Law Enforcement Officers' Equity Act" would expand the definition of "law enforcement officer" for salary and retirement benefits to include all Federal law enforcement officers. Senator Vance is the lead sponsor in the Senate.

Expanding Health Care Options for First Responders – HR 6030/S. 3113 would provide access to Medicare for retired first responders at age 50. There are 11 co-sponsors including Rep. Kaptur from Ohio. Lead sponsor in the Senate is Sherrod Brown (D) and the bill has three co-sponsors.

The FOP of Ohio legislative committee is planning the Ohio version of this event for April 10, where we will advocate our Ohio legislators to support or oppose bills important to our members. If you are interested in participating, particularly if you are from NW or SE Ohio, please let your local FOP leaders know to contact the State Lodge so we can make appointments for you.

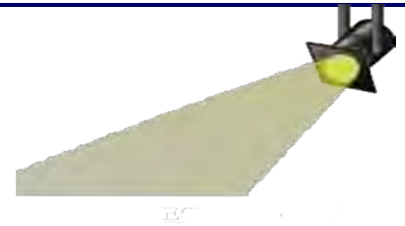
Fraternally,

Jay McDonald

Fraternal Order of Police of Ohio

Legislative Chairman

STAFF SPOTLIGHT



Mark Scranton
Field Staff Coordinator
MScranton@fopohio.org

Mark Scranton, Field Staff Coordinator

Mark Scranton never intended to be involved in law enforcement; he originally studied Vocal Music Educational and Performance at Kent State University with aspirations of singing professionally. After developing vocal cord nodules, Mark decided a new career would be necessary. Soon thereafter, Mark started at Owens Community College enrolling in the Law Enforcement Technology/Police Academy program. After graduating with an Associate Degree and becoming OPOTA certified, Mark worked part time for the North Baltimore Police Department for a short period before accepting a full-time position with the Clermont County Sheriff's Office. Mark worked as a road deputy, township contract deputy, traffic deputy, and Corporal while at the Sheriff's Office. Mark also served on the negotiation committee for a number of years. Medical issues forced Mark to leave his position as a deputy. Because he wanted to stay involved with law enforcement, Mark enrolled at Northern Kentucky University majoring in Industrial Labor Relations, graduating with a bachelor's degree, always with the goal of working for the FOP, Ohio Labor Council. Mark was hired part-time in March of 2006, transitioning to full-time in September of 2007. In 2021, Mark was promoted to the position of Field Staff Coordinator. Mark has been a member of FOP Ohio Valley Lodge #112 since January 1992.

Tracy Rader, Senior Staff Representative

Tracy Rader is a Senior Staff Representative for the FOP/OLC. She has been with the organization since 2008. She was born and raised in Franklin County, Ohio. She studied business technology and management at Columbus State Community College. Tracy started her career working for a non-profit organization (Goodwill Rehabilitation Center) as a Quality Assurance Inspector for nearly eight years. Tracy was able to ensure work and rehabilitation opportunities for people with disabilities by providing standard manufacturing plans and quality plans for products packaged and/or produced. Tracy then went on to leadership in recruitment and sales for the private sector continuing in her passion for assisting people with employment opportunities, providing supervision to a staff, meanwhile maintaining P&L statements and building business relationships.

Tracy is a Licensed Therapeutic foster parent through the State of Ohio. Tracy provides services through volunteering for Meals on Wheels, serves the community dinner and mentors teenagers.



Tracy Rader
Senior Staff Representative
TRader@fopohio.org

FOP DISASTER ASSISTANCE



Damages from the tornado that touched down at Indian Lake.



The community banded together in effort to ease the pain of those who were devastated by the tornado.



Not just the communities, but our Brothers and Sisters in Blue also came from near and far to show support in the efforts at Indian Lake. Pictured far left is FOP of Ohio Past President Jay McDonald and 5th from the right is FOP 11th District Trustee Travis Parker.

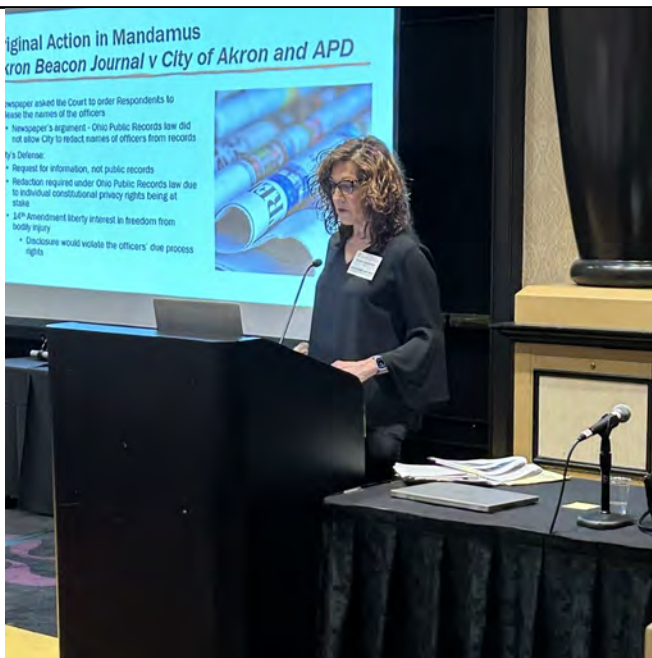
CAUGHT ON CAMERA



Columbus 911 3rd shifters: Rachel Miller, Jenni Foss and Mandy Brown.



Morrow County Sheriff's Office, Sgt. Lance Plough and Deputy Zach Baker snapped by Staff Representative Tracy Rader.



FOP/OLC Executive Director Gwen Callender presenting at the NFOP Legal Counselor's Seminar



National FOP Legal Counselor's Seminar in Las Vegas, Nevada.

Training Opportunities



UNIQUE TRAINING OPPORTUNITY

Officer Involved Shootings/Critical Incident Training

Topics

Immediate steps to Protect Your Rights after scene is secure
What to expect in the BCI Investigative Process
FOP Critical Incident Response Service
Presentation and Q&A from an Involved Officer

Instructors

BCI Special Agent
FOP/OLC Staff Representatives
FOP Critical Incident Response Program Coordinator

Date, Time & Location

Thursday, May 9, 2024, from 9:00 a.m. to 2:00 p.m.

FOP Lodge 44

4275 Powell Road

Huber Hts., OH 45424

Free lunch and beverages will be provided by the FOP/OLC

Please RSVP asap to Dozbolt@FOPohio.org

Provide Name, Rank, Agency, and email address for each attendee.