Scrooged

By Joseph Andalina

In an Opinion Piece posted on our web site, I used the term swindled to discuss how the Illinois legislature passed a bill in December 2013, dismantling state public sector workers’ pensions and retirement plans.

But since it’s after Christmas, I changed the moniker in this essay to scrooged, as in Ebenezer. Yeah, I know in actuality Mr. Scrooge did the right thing and took care of Tiny Tim and became loved throughout the land.

Unfortunately our legislators did no such right thing before, during, or after Christmas. So scrooged it is.

The sabre rattling that became the identity of our lawmakers deal making resulted in a new law that begins on June 1, 2014, that drastically changes the pension system and retirement benefits for all state workers in Illinois.

- It increases the retirement age for people on the workforce 45 years or younger, on a sliding scale.
- It caps the amount of pension benefits at $110,000 per year for the employee.
- Provides the opportunity for you to change your benefit plan to a 401(k) system.
- Changes the COLA increase, which is now three percent a year compounded annually in the full annuity amount.

Those workers already retired will see this benefit disappear. They will now receive increases at a rate only up to a certain amount. And I believe that amount is a flat $750 a year—not compounded.

The pension threshold of $30,000 will be used in the future to determine the annual actual COLA. There are all kinds of rules on this COLA, so if you are a state worker, you need to check with your pension people to determine what cost of living increase you will actually receive. It is somewhat confusing but I believe you can forget a three percent compounding however, and most employees will miss some annual cost of living adjustments depending on their age.

- The new law guarantees that the state will make its full annual contribution to the pension funds, and pension boards can sue if they are not being made.

Continued on page 7
Chaplain’s Column
By: Thomas Ross

So you signed up to be a part of Law Enforcement? A look inside about your choice from the outside. In scripture, Saint Paul stated he needed to be all things to all people so he could win some more of the people to the Lord.

The law enforcement world in a way has adopted that same philosophy to meet the needs of the community it has the responsibility to protect and serve.

The law enforcement officer is asked to be a psychiatrist, marriage and family counselor, medical expert, attorney, and a public relations representative. In the normal course of your jobs, you are asked to tend to the needs of the troubled, to the family involved in a disturbance, a marriage/family counselor; or, to the sick, a medical expert; to the person with legal troubles, an attorney; to the spiritually hurting, a minister; to the city a public relations representative, to the crime element the authority, their enemy. To the child, officers are either the bad man who gave mommy a ticket, put daddy in jail, or a friend.

The officer is expected to wear all hats; sometimes one at a time, and what it does to life and family. After missing the fellowship with other believers and what it does to life and family. After the court renders a ‘not guilty’ verdict or experiences an intense sense of frustration if the officer has spent hours developing a case and the case does go to court, the officer often experiences an intense sense of frustration if the court renders a ‘not guilty’ verdict or gets thrown out on a technicality. There are the issues of civil rights of individuals, liability for your actions, and the use of force in the performance of your duty and on and on.

Yet, with the privilege of being in law enforcement come the responsibility to protect and serve the people and extend to everyone the right to due process. You might work shift work and are unable to attend church regularly. Some say they stay away from Church to avoid seeing yesterday’s DUI or family dispute, or; to the sick, a medical expert; to the troubled, to the family involved in a disturbance, a marriage/family counselor, medical expert, attorney, and a public relations representative.

You may be a cop on the street, a disruptive behavior whether it was intentional or not, wouldn’t you? After all, they are chiefs and are supposed to be “our” leaders. Lead by example, I always say.

A while ago, MAP wrote a blurb about Chief Tim Swanson of Momence after an article appeared in the Chicago Tribune that raised questions about a helicopter program he was running in the area. He started the program while a chief in Countryside in 2005 and it was reported that he teamed up with a convicted felon. Always a no-no in law enforcement. Apparently, or allegedly, they were operating a ride business and one that provided grant money in some form. Well, the chief took umbrage over the article and filed a lawsuit against Countryside, the Chicago Tribune and the reporter. The lawsuit claimed the article was false and that he was not under investigation because of this helicopter program.

Well, apparently a federal grand jury did hear evidence about the program, possibly including the IRS. So after said grand jury, the chief resigned his post at the Kankakee County Sheriff’s office, who had assigned Swanson to be the chief of Momence. So he is no longer the chief in Momence, nor is he further employed at Kankakee.

Chief and law enforcement is no longer on his resume. Is he guilty? Don’t know. Don’t think there is a trial yet. Feds do work in strange and mysterious ways. All we know is that he is not the chief, and in July, Mr. Swanson dropped his lawsuit and was not responding to the Tribune’s email requests.

Typical of people in high places. They just don’t realize that they’ve been punked.

More mayors behaving badly
How about this buffoon in Toronto, masquerading as the city’s mayor? Big story over the fall and winter in our brother hockey-loving nation with videos, photos, comments, and excessive ranting by their elected official.

The city council eventually took over some of the mayor’s power after he refused to resign. All this over a video which shows the mayor smoking a crack pipe and going on a rant where he threatened to “murder someone” and “poke his eyes out.” He stated he wanted to “kill” someone. “No holds barred, brother. He dies or I die.”

Wow, hope it’s not the union guy he’s talking about. Or any of the Boston Bruins hockey players that knocked out the Toronto Maple Leafs in last year’s NHL playoffs.

He said more, but you get the picture. So just because he admitted to some drug use, (I think crack cocaine may be his feel good option of choice) threatening to kill someone, public intoxication where he reportedly was pretty obnoxious, and other acts of increasingly erratic behavior, the council wanted him out.

There are other allegations, like driving while intoxicated and making sexual advances towards a female employee. Politicians must feel the most sexy when using drugs, being drunk, or threatening to kill someone, I guess.

I don’t know how this guy stays on the job. I realize that Canada is a liberal country, but what an embarrassment! But I’m sure there are similar incidents as these south of the International Hockey Line where the USA borders Canada. Maybe not, however; this one is pretty bizarre.

But that’s what politics does on both sides of the border I guess—it gives you the freedom to sully your name, your family, your constituents, and your county, as long we you are an elected official.
Governor Quinn Signs Public Act 98-0599, Enacting Landmark Pension “Reform”

On December 5, 2013, Governor Quinn signed Public Act 98-0599 (hereinafter “Act”), which became sweeping legislation for the five state retirement funds. While PA. 98-0599 does not affect Article III, IV, V, and VI (i.e. changing benefits for Chicago police, downstate police and fire pension funds), it is widely believed many of the changes incorporated may become a template for pension reform related to Article III, IV, V, and VI in future legislative sessions.

The 325 page Act, the following are some of the aspects of the Act that may be of potential concern for police and fire pension fund participants and beneficiaries: Future COLAs will be adjusted by CPI each year, retirement age will be increased on a graduated scale, up to five percent (5%) Tier I members will have the option of participating in a defined contribution plan, and all pension matters, with the exception pension pick-ups, are removed from the collective bargaining process. The good news is that the employee contribution towards their pensions will be one percent (1%) less and mandatory one hundred percent (100%) funding is required no later than 2044. The Act also contains a “funding guarantee,” which compels the state to make required pension payments and/or contributions.

As discussed in this newsletter, lawsuits challenging this law have already been filed. More will join us. We are hopeful the General Assembly will not apply similar changes to police and fire funds until the courts have determined the legality of this legislation. Our attorneys are closely monitoring the lawsuits and will continue to provide updates.

Retirees File Suit to Strike Down Latest Round of Pension “Reform”

Heaton et al. v. Quinn et al., Case No. 2013-CH-28406 (Circuit Court of Cook County)

Near the end of 2013, members of the Teachers’ Retirement System (TRS) filed a class action lawsuit seeking to strike down Public Act 98-0599 (hereinafter “Act”). Plaintiffs claim the Act violates the Pension Protection Clause, Article XIII, Section V of the Illinois Constitution in three ways. Plaintiff argue first, the formula used to calculate COLAs for pension annuities diminishes the amount retirees currently receive and have been promised. Second, Plaintiff allege the Act is unconstitutional because it raises the retirement age for members of certain retirement systems. Finally, that the Act imposes a new cap on the amount of pensionable salary for certain members of the retirement system. Plaintiff’s ask the court to enter an injunction barring the Act from being applied. Plaintiff’s also ask the court to declare the Act unconstitutional, award money damages, and grant attorneys fees to the Plaintiffs.

Illinois State Employees Association, Retirees v. St. of Ill.,

Case No. 2014CH00003 (Circuit Court of Sangamon County)

Similarly, on January 2, 2014, the Illinois State Employees Association, Retirees representing more than 9,000 retired state workers, filed a lawsuit in Sangamon County seeking to strike down the most recent round of pension reform. “Reform.” Plaintiffs argue portions of Public Act 98-0599 violate Article XIII, Section 5 of the Illinois Constitution. In addition, the suit contends that the Act violates the equal protection clause of the Illinois Constitution because it does not apply to the Judicial Retirement System. This lawsuit also seeks class certification. So far only retirees and their representative organizations have filed suit.

Several labor unions and unrepresented employees have vowed to file suit. We are following each of these cases closely and will continue to provide updates.

Bankruptcy Court Issues Preliminary Opinion Allowing Detroit Bankruptcy to Proceed

In Re City of Detroit, Debtor, No. 13-53846, Honorable Steven W. Rhodes, Presiding

Until arrested, indicted, and convicted, you can continue to play out the bad boy or bad girl behavior to your heart’s content. There needs to be some rules for these hypocrites, just like the lonely working stiff—the public employee.

Put that dead cat on their doorstep

Some time ago, I wrote about the “leadership” (and use that word loosely here) on trial for allowing toxic chemicals to be drawn from city wells for public use and hiding the fact that they used the polluted waters for drinking purposes and other uses.

They also avoided routine testing that would have alerted authorities (whoever that would be) that these chemicals were in the village’s drinking water.

Prosecutors showed that two sets of files were used by village officials. One for internal use documented how much water was pumped monthly from the polluted well into the public drinking system, and the other files were sent to regulatory agencies claiming that the well was never used.

The prosecution sought out sentences of 21 months for water clerk and police chief Theresa Neubauer, and 27 months for Frank Scaccio, the village’s certified water operator.

Both were given late Christmas presents when a compassionate judge gave them both two years’ probation and 200 hours of community service. The prosecutor and the judge lamented that they were unable to try the ex-mayor, Chester Stranczek, who the judge called “the evil genius” behind this plot, due to dementia problems. The convicted individuals claimed they were only following orders and Neubauer said she let herself be manipulated. The chief said she didn’t mean to hurt anyone. I’m sure she was only following orders, too. All too often this is an excuse blindly used to avoid blame and common sense behavior.

What I get out of this is don’t follow your mayor’s orders blindly, especially if it’s a chief—you have to know better. You should know better.

State health officials say the polluted water could contribute to significantly elevated cancer rates in Crestwood. Nice, huh?

So that sordid story is over now, except for the lawsuits which I’m sure will follow, if not already filed.

You can’t “wish them in the cornfield” as in that great Twilight Zone story, but two years of probation just doesn’t seem right for decades of poisoning your citizens.

Keep that in mind when you think that all mayors have your best interests at heart.

Nobody paying attention in Robbins?

The poorest city in Illinois, suburban Cook County Robbins, can’t seem to catch a break. Its last two chiefs and one captain have resigned recently. The first chief after receiving his second DUI pinch and the second chief, Mel Davis, fell on his sword after hiring Captain Douglas Smith to help turn around the police department.

Last fall, the Illinois Law Enforcement Training Board demanded that Douglas Smith be removed from any police work because none of his police employment could be verified. It was learned that he was never a police officer, despite his résumé which listed 30 years of experience.

His background in internal affairs—not true. His career at the LAPD—true. He actually used a photo of a fake badge from the LAPD showing the badge number of 714. That number, as some of you may recall, is the badge number of the fictional Sergeant Joe Friday of Dragnet television fame. Really, I am not making this up. The story appeared in the Chicago Tribune last November 2013.

So the Cook County Sheriff’s Police has taken over the department at Robbins, and not surprisingly, the mayor could not be reached for comment.

There were other issues at hand but no need to pile it on. Suffice to say that all involved in the scandal seem to be gone.

You have to assess four Pinocchios to the leadership in this one for all the intriguing lies that appear in this case.
The chief drove himself to the hospital. The floor. The bullet went into his leg and then into...
cause it increases the retirement age for certain members.

3. It imposes a new cap on the amount of your salary that is pensionable.

They are seeking an injunction to stop the law and to declare the act unconstitutional. After the new year, the State Employees’ Association retirees also filed a suit seeking to strike down the new law. Labor unions and other employee groups have vowed to file their own lawsuits and just before press time, a coalition did file one.

So on its face, we have a complicated new pension system for state employees. I have been asked by a few naive folks why are we worried about this in the ranks of municipal or county employees as it does not involve most cops in the state.

Really? And do those sleepy-eyed folks who utter such naivety believe that you are not in these politicians’ sights to end your retirement system as it is now? You don’t think that you are next? Pul-leeze!

I’ve read more than a few stories and reports where mayor leagues are seeking ways to do the same on a local municipal level to the hundreds of police agencies in different pension systems, like the one you have or are planning to have.

And one more thing to keep in mind—do your homework on the politicians who took a hatchet to the pension system, and who might be willing to do so to municipal pensions. Examine the records and seek answers as to who is labor friendly and who is not, as the next round of election looms in 2014.

They are all not as they seem and this should be obvious. Democrats are voting and willing to cut your benefits. It’s time to really try to reconcile who should get your vote, especially if the lawsuits to overturn this law should fail.

On the whole, we are still better off with Democrats; at least I like to think so. Some of them are still loyal to labor. I’m not sure of Republicans. If you know of any really truthful Republicans who are, please drop me a note along the way so we can tout their performance.

Otherwise, we could get stuck with a guy like Republican gubernatorial candidate Bruce Rauner. You see him a lot on TV lately. I think he thinks he is the Illinois version of Chris Christie.

Regarding Mr. Rauner on the new pension law— he feels that the new law merely slaps “a small Bandage on an open wound.” Mr. Rauner would go much further. It has been reported that he would freeze all pension benefits where they are currently. No COLAs—ever. If you make $35,000 as a police today, your pension will remain at $35,000 forevermore. And he cares not one whit about inflation.

He would also force y’all into 401(k) plans like most private employees have. This from a man who reportedly pulled in $53 million last year. Nice, huh? Remember, a 401(k), no matter what lies they tell you, is not a pension or retirement plan. It is a savings plan and not anything more.

But that’s what can happen if you let these types of folks in government. He really gives new meaning to the term scrooge.

Editor’s Note: See Legislative News for more information on the pension law and related news, and the President’s Opinion on our website for companion articles.

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### Member News

**Addison**
- Steven Bellavia
- Steven Kazak
- Daniel O’Dwyer

**Altgeld**
- Nicholas Yodelis

**Arlington Hts**
- Mark Miljan
- Jonathan Vinson

**Bensenville**
- Aaron Cha
- Walter Labroz

**Bolingbrook**
- Maria Tovar

**Carpentersville**
- Billy Jones

**Civilians**
- Ryan Fossez
- Shiana Wlat

**Coal City**
- Michael Imhof

**Cook County**
- Joyce Martin

**Dispatch**
- Nicholas Calderone
- John McHale

**Crete**
- Anthony Larocco

**Crystal Lake**
- David Estel
- Drew Parker
- Mark Pfeiffer

**Darien**
- Jennifer Dollins

**DeKalb Co**
- Ryan Fox
- Ryan McKenna
- Zachary Oltmanns

**Du Page Co**
- Dan Calabrese
- Sandra Neuberg

**East Dundee**
- Jessica Michelini

**Elk Grove Village**
- Angela Garza
- Scott Grandt
- David Morales

**Grundy Co**
- Rhys Wise

**Hoffman Estates**
- Anthony Bartolone
- Alex Fairall
- James Irons

**IL DOC**
- James Sullivan
- Troy Davis

**Lake in the Hills CSO**
- Henry Campos

**Lakemoor**
- Tracey Branch

**Maywood Sgts**
- McCook

**McHenry Co Crt**
- John Kowinski

**Clerks**
- Amanda Miller
- Sherry Schweik
- Shana Witzczak

**Metra**
- Gwendolyn Jackson
- Charles Longstreet
- Timothy Lutz
- Latonya Morgan
- Scott Shime

**Mundelein**
- Jacob Yekelans

**Montgomery**
- Daniel Gonzalez

**Moraine Valley**
- Steven Alvaado
- Anthony Balsamo
- Joseph Marigliano

**Naperville Sgts**
- Call Reavy
- Amy Smith
- Michael Egan
- Timmy Ogan
- Jim Sakeldicos
- Derek Zsodi
- Kyle Jensen
- Northern IL Univ

**Oak Forest**
- Thomas Harrison
- Stephen Kelly
- Jordan Legris
- Jody Schmidt

**Orland Park**
- Mike Pulver
- Matt Willis
- Osawego
- Steve Palos

**Prairie Park**
- John Rivera

**Roselle**
- John Rivea
- Kyle Stanish

**South Holland**
- Ryan Boren

**South Holland**
- Jeffrey Peggy

**Streamwood**
- Brad Duffy

**Sugar Grove**
- Kurtis Gilkey

**Tinley Park**
- Sarah Kaishas
- Zachary Middleton

**Tricomm**
- Mary Baldebras
- Andrew Kunstler

**Villa Park**
- Mateusz Rol Vrel Rul

**Warrenville**
- Roberto Peso

**Wescom**
- Michelle Cavato
- Dawn Gantel
- Christine Goll

**Western Springs**
- Ashlee Sellig

**Promoted**
- Bolingbrook Command
- Kristopher Schubrie

**Naperville Sgts**
- Jason Atulis
- Louis Cammiso

**Orland Park**
- Andrew Boblik
- Robert Goudie

**Round Lake Park**
- Hector Lepe

**Schaumburg Command**
- Christy Lindhurst
- Mark Tieri

**Woodridge**
- James McGilvary

**Retired**
- Bob Cook Co SSD
- Diane Landt

**Mundelein**
- Gregory Fox

**Naperville Sgts**
- Kevin Driscoll

**Welcome Back**
- Genoa
- John Klink
Contract Corner

Hoffman Estates Patrol

Contract term is 2013 to 2015

Added Indemnification language

Limited extent of external investigations, the timeliness. Included arbitration of discipline

Modified sick leave call in

Expanded funeral leave to 3 work days versus 3 consecutive days and they have to be used within 14 days of the death.

Two-tier level of benefits for comp time for newly hired officers

Clarified holiday benefit and floating holidays

Maintained status quo with other internal departments on insurance contribution

Wage increase of 1%, 1.5% and 2%

Signing bonus of $450

12 hour shift Memorandum of Understanding

Richard Reimer

Schaumburg Command

This contract includes split increases in the initial year 2% on 5/1/12 and 2% 1/1/13 . .2% from 1/1/13- 12/31/13, 2% 1/1/14 -12/30/14, and finally 2% on 12/31/14- 4/30/15.

We also included language for purging disciplinary records in exchange for some additional drug testing language.

Hanover Park

Clarification to the training over-time provision, across the board wage increases of 2% in 5/1/13 and 5/1/14 with a contract re-opener for the final year of the agreement. Longevity to the members of $400 after 10 years, $600 after 15 years, $1,000 after 20 years, and $1,500 after 25 years.

Du Page County Coroners

Clarification to length of service for vacation eligibility, of sick leave accrual, and to the normal work hours

Elimination of the merit system, members will receive 2% across the board increases annually retroactively to June, 2013, and on June, 2014 and June, 2015

Specific language for promotion to Sr. Deputy Coroner setting forth the 3% differential above Deputy Coroner

Inclusion of $200 annual specialty pay for 9 designations

Ronald Cinicelli

Dwight

Cost of living raise is 2% for year 2013-2014 and 2 1/4% for year 2014-2015.

In year 2013-14 (Three officers have pay rate adjustments)

In year 2014-2015 (Three officers have pay rate adjustments)

K-9 will receive 1 1/4 hour of straight time pay a week for care of the K-9.

Personal Days earned that are not used within the year are lost

Sick Purpose 10.1 (our language)

employees immediate family (which is defined as Spouse, child or step-child).

Thoughts and Prayers

Our condolences to the family of Carolyn Schmidt, of the Oak Lawn Civilian chapter, who recently passed away.

Heros

Recently two officers and MAP members were injured in the line of duty. Officer Robert Rolfe in Harvey was shot and wounded when he responded to an armed robbery.

Officer Mike McEvoy of Arlington Heights was shot in the face during a domestic situation.

While Officer Rolfe is back on the job, Officer McEvoy, with quite serious wounds, has a long road to recovery.

Our hearts and gratitude go out to them for their sacrifices and suffering, They are true heros. We wish them the best and a speedy recovery.

Your thoughts and prayers for them will be greatly appreciated.

On another note, MAP has provided attorneys to officers in various communities the last few months who were involved in shooting incidents, most recently in Bensenville and Northern Illinois University in DeKalb.

As I’ve said many times before, there something calming when you see a MAP attorney walk in to represent you when you need it most.

It is also a constant reminder of how dangerous this job really is.

Thoughts and Prayers

Our condolences to the family of Carolyn Schmidt, of the Oak Lawn Civilian chapter, who recently passed away.

Disability Benefit

MAP recently awarded an on-duty disability one-time payment to an Arlington Heights officer.

New on the MAP

Hazel Crest PD

Election pending

Wheaton PD

Election pending

23rd Judicial Clerks

Won election over Teamsters

Northlake PD

Won election over the FOP

MAP Golf Outing

CALLING ALL GOLFERS!

Yes, folks, that time is quickly approaching. The 19th Annual MAP Golf outing is scheduled for Friday, June 6, 2014, at Carriage Greens Country Club in Darien. Shotgun start at 11:45 am to begin the festivities.

The cost will remain $100 per golfer, or $400 per foursome. This will include greens fees, golf cart, steak dinner, drinks and a raffle to follow dinner. Golf only will be $60 per golfer and dinner only is $50. The raffle prizes will include flat screen TVs, sports tickets, and much more!

The event sells out quickly, so look for the golf registration at your department or call the MAP office. Remember:

FIRST PAID, FIRST RESERVED!
Social Media: Issues and concerns

by: Jeffery Ortnau, JD

Social Media: Issues and Concerns for Law Enforcement

Facebook, Twitter, MySpace, and other social media networking sites are becoming more and more popular in today's society. These networks are being used by entertainment celebrities, sports personal, news media, politicians, individuals, and even gang members. Also, cities, towns, and various governmental agencies have also hopped on the bandwagon. Law enforcement personnel are also diving into these social media networks too.

There is something to be said about the perils of posting employment related information on social media.

One piece of advice I would pass along is that it is never a good idea to complain about your boss, chief, mayor or other favorite elected official, or even fellow co-worker on Twitter or Facebook. Such posting has found their way through the court system.

Let's take a look at some examples that have made their way through the court system.

1. Eleventh Circuit Appellate Court: Cop's Facebook rant isn't protected speech.

One such case in the US Court of Appeals, Eleventh Circuit No. 12-14909, Gresham v. City of Atlanta, Chief George Turner, where the US Appellate Court affirmed the US District Court, and held that a cop's Facebook rant is not protected speech. The following is a summary of the case:

FACTS: Plaintiff, Officer Maria Gresham's Facebook comment criticized another law enforcement officer, Investigator Barbara Floyd, for interfering in an unethical manner with the investigation of a person Gresham had arrested for fraud and financial identity theft. Plaintiff's Facebook page was "set to private," but was available for viewing by an unknown number of Plaintiff's "friends," who of course could potentially distribute the comment more broadly. When alerted to the Facebook comment, the Department's Office of Professional Standards opened an investigation of Plaintiff for alleged violation of the Department's work rule requiring that any criticism of a fellow officer "be directed only through official Department channels, to correct any deficiency, and ... not be used to the disadvantage of the reputation or operation of the Department or any employees." While the investigation was pending, promotions for which Plaintiff would have been eligible occurred, but Plaintiff was not promoted.

Plaintiff argues that she was not promoted in retaliation for her First Amendment Facebook speech. Defendants, on the other hand, argue that Plaintiff was not eligible for promotion because of the pending investigation; there was a policy not to consider candidates for promotion if they had disciplinary investigations pending against them.

ISSUE: The issue before us is whether a police officer can be disciplined for violating this work rule under these circumstances.

Reasoning: Under the four-part Pickering analysis, the court must determine whether (1) Plaintiff's speech involved a matter of public concern; (2) Plaintiff's interest in speaking out weighed the government's legitimate interest in efficient public service; and (3) the speech played a substantial part in the government's challenged employment decision. If Plaintiff establishes the foregoing, then she would prevail unless Defendants prove that (4) they would have made the same employment decision even in the absence of the protected speech.

The first two prongs of the analysis are questions of law, while the latter two are questions of fact. Like the district court, we assume, arguendo, that Plaintiff's speech implicated a matter of public concern, and we turn to the second prong in which we balance the plaintiff's interest in speaking against the government's legitimate interest in the efficient operation of the police department. The Court, in conducting this balancing process, noted that the law is well established in that maintaining discipline and good working relationships amongst employees is a legitimate governmental interest. See Rankin v. McPherson, 483 U.S. 378, 388, 107 S. Ct. 2891, 2999 (1987) (recognizing that whether a plaintiff's speech "impairs discipline by superiors or harmony among co-workers, [or] has a detrimental impact on close working relationships" is an important factor in the Pickering balance).

Also, it is well established that a police department is a quasi-military organization and that "comments concerning co-workers' performance of their duties and superior officers' integrity can directly interfere with the confi...
dendality, espirit de corps and efficient operation” of the department. Bobby v. City of Orlando, 931 F.2d 764, 774 (11th Cir. 1991). Plaintiff’s sole argument on appeal is that Defendants adduced no evidence at all of such disruption, and therefore the Pickering balance clearly tilts in her favor.

Analysis: The Court held that the Plaintiff was wrong on the facts. It is undisputed that Plaintiff violated the work rule requiring criticism of the Department or fellow officers to be directed only through Department channels. If the Department’s investigation thereof were deemed First Amendment retaliation, that would have a tendency to render such a rule unenforceable and would encourage employees to circumvent the Department’s investigation processes, thus impeding the Department’s investigations and ability to correct problems. In addition, common experience teaches that public accusations of unethical conduct against fellow officers would have a natural tendency to endanger the spirit de corps and good working relationships amongst the officers. Thus, we conclude that there is actual evidence in this record of a reasonable possibility of disruption of the legitimate interests of the Department. The Court also agree with the district court, that these legitimate interests of the Department outweigh Plaintiff’s interest in speaking in this manner. In this regard, we note that the context of Plaintiff’s speech is not one calculated to bring an issue of public concern to the attention of persons with authority to make corrections, nor was its context one of bringing the matter to the attention of the public to prompt public discussion to generate pressure for such changes. Rather, we agree with the district court that the context was more nearly one of Plaintiff’s venting her frustration with her superiors. Thus, we conclude that Plaintiff’s speech interest is not a strong one, a factor which the Supreme Court has indicated is appropriate to consider in the balancing process.

Closing thoughts and concerns: In today’s society, social media is being used more every day. The above cases were not Illinois State court cases. They were Federal cases, which can affect the outcome of cases brought in our state courts. Not every social media post is protected speech. If such statements are so egregious as to cause harm to the employer or of such character as to render the employee unfit for duty, employers have been allowed to take corrective action against the employee. There are issues and concerns that are being balanced with individual rights and social media usage. Be aware of your department’s social media policy. Any lawful policy should be followed. Contact your MAP chapter rep if you have any thoughts or concerns on this or any legal topic.

Editor: Next issue, Jeff will conclude with more information on this topic.

Eulogy: Michael Andalina

by: Joseph Andalina

Editor: My dad passed away last December. Hard on everyone, as those of you who have lost loved ones know, and those who haven’t can imagine. I will miss him dearly. My eulogy, given at his funeral, is my way of continuing to honor his name.

Our old puddle jumper has left us. The man who has had the most influence in my life passed away, leaving a loving wife of 67 years, a son, two daughters, 11 grandkids and four great-grandchildren.

A variety of illnesses afflicted him these past few months, but they were all driven by the silent storm of Alzheimer’s. It’s a disease that robs you of your dignity and forces one into an existence that takes away your identity and your memories.

But I saw him fight valiantly for his dignity, and he did so with a smile. My mom was gallant in his care and is the single most reason why he survived over 5-years with this insidious evil.

He was a remarkably good man. Dedicated to his family, to his country, his Catholic faith, and he understood a hard day’s work. He possessed integrity on the highest scale.

During World War II, he answered the call of his country, enlisting in the US Coast Guard on July 14, 1942 while only 16 years old. He served on many vessels, including USS LCP’s, which took part in the Pacific Theatre engagement in Okinawa. Out of 21 ships that went out to protect the warships, only four came back stateside.

But his major accomplishment was his family. He was always there for us and it showed in the grief he felt when he lost his son in 2007. And I know how he missed Michael deeply.

We are all fortunate beneficiaries of the energy he put into caring for his family in providing a happy home. Don’t get me wrong—my mom helped too and was the power that guided us all. And he happily went along with that. No bosses in this house. And he adored my sisters more than they will ever know—his sons and daughters-in-law, his grandkids and great grandkids, too.

And that is how I will always remember him. Big daddy with a smile on his face and a glass of vino in his hand. I am grateful for his legacy to me. He inspired me to learn, to be curious about the world, to fear nothing. Have a passion for something and have a life whose riches go beyond money and realize that anything is possible if you work hard enough and have faith in something higher than you.

He is my model for what a father can be and I hope I have attained that status with my family to some degree. Those are great gifts.

During his final days, I would visit, hold his hand, and tell him I loved him, just like my mom and sisters and other family members did. We wanted him to know before he took his last journey how much we cared for him. And we were all there when he passed from this world to meet our Lord.

That’s all I could do to repay him for his years as my dad. I hope in some way I have measured up to him as a man, as a father, and a human being.

He was born Marien Giovanni Andalina, son of Sicilian immigrants. I am grateful for having him in my life for 64 years, and I am proud to be his son.

And now in Italian:

Tempo di dire addio, Pop. Spero di vederti in cielo un giorno. Ti amo.
Collective Bargaining Chapters

23rd Judicial Circuit
Court Clerks
Addison
Algonquin
Algonquin CSOs/Disp
Alsip
Arlington Heights
Barrington Hills
Bartlett
Bensenville
Bolingbrook
Bolingbrook Civilians
Bolingbrook Sgts/Lts
Bridgeview
Buffalo Grove
Burr Ridge Sgts/Cpls
Carpentersville Civilians
Carpentersville Police
Carpentersville Sgts
CenCom E-9-1-1
Channahon
Chicago State
University Police
Chicago State
University Sgts
Coal City
Cook County Dispatch
and Vehicle Services
Cook Co DCSI Deputy
Chiefs
Cook Co Dispatch Supvs
Cook Co Social
Caseworkers I and II
Crest Hill
Crest Hill Sgts
Crete
Crystal Lake
Darien Police and Sgts
Darien Police Civilians
Des Plaines
Des Plaines Sgts/Lts
Des Plaines Emergency
Communications Center
DeKalb County
DuPage Co Patrol/Court
Svcs
DuPage Co Coroner
DuPage Co Forest
Preserve
Dwight
East Dundee
Elwood
Elk Grove Village
Ford Heights
Fox River Grove
Genoa
Gilbert
Glenwood
Grundy County
Grundy County 911
Grundy County Civilians
Hanover Park
Hanover Park Civilians
Hanover Park Sgts
Harvey Patrol
Harvey Sgts
Hawthorne Woods
Hickory Hills
Hoffman Estates
Hoffman Estates Sgts
Homewood
Huntley
IL DOC Investigators
Indian Head Park
ISTHA
ISTHA Call-takers
John Stroger Hospital
Police Sgts
Johnsburg
Justice
Justice Sgts
Lake Forest
Lake in the Hills Police
Lake in the Hills
Dispatch/CSO’s
Lakemoor
LaSalle County
LaSalle Co Correctional
Officers
Lemont
Lemont Sgts
Lisle
Lockport
Matteson
Matteson Sgts
Maywood Sgts
McCook
McHenry Co Crt Clerks
Metra
Momence
Minooka
Montgomery
Moraine Valley College
Morris
Mt Prospect
Mt Prospect Sgts
Mundelein
Naperville Civilians
Naperville Sgts
New Lenox Sgts
Norridge
Northlake
Northlake Sergeants
North Aurora
Northeastern II
Campus Police
Northern Illinois
University
Northern Illinois
University Sergeants
Northern Illinois
Telecommunicators
Northern IL University
Security Officers
Northwest Central
Dispatch
Oak Forest
Oak Lawn
Oak Lawn Telecom,
CSO’s, & Detention
Aides
Olympia Fields
Orland Hills
Orland Park
Oswego
Palos Hills
Palos Park
Park City
Park Forest
Peru T/Cs
Plainfield
Prospect Heights
Prospect Heights Sgts
Quadcom Dispatch
River Valley Detention
Center Supvs
Romeoville
Romeoville Sgts
Roselle
Round Lake
Round Lake Supvs
Round Lake Park
St Charles
St Charles Sgts
Schaumburg
Schaumburg Command
SEECOM
Seneca
Southcom
South Barrington
South Elgin
South Elgin Civilians
South Holland
Steger
Streamwood
Streamwood Civilians
Sugar Grove
Tinley Park
Tricom Dispatch
University of Illinois
Villa Park
Warrenville
Warrenville Sgts
Waukegan Sgts
Wescom Dispatch
Westchester
Westchester Sgts
West Dundee
Western Springs
Western Springs Sgts
Wheaton Sgts
Will Co Mgmt Assoc
Wilmington
Winfield
Winfield Sgts
Winnetka
Woodridge
Woodridge Civilians