



# The RAPSheet

Metropolitan Alliance of Police—News, Views and Events • Fall 2014 Issue

## Heroes

By Joseph Andalina

Sully Sullenberger, he of pilot fame that landed an airplane on the Hudson River, saving all 155 on board, once said when asked “How does it feel to be a hero?” He replied “This hero stuff doesn’t get you much past the front door, no matter who you are.”

I think most of you would agree. Being a cop doesn’t get you to the head of the line at Disney World. No influence either with your chief’s accusation of misconduct regarding discounted coffee. And it can’t get you in at the movies, nor can you

really have it your way at Burger King.

The only “front door” you may likely have is as a first responder to a domestic disturbance, armed robbery, or burglary in progress. And there are not many takers with that, are there? But we readily do it—because we are heroes.

Yet the public, the press, your neighbors, and the mayors expect you to be front and center on the firing line at all times. Be there, too, while they demonize your work ethic, behavior, and spread their propaganda to the public to reduce or eliminate your health benefits, wages, and of course, your pension. And yes, this is a strategy and purposefully done.

No, this is not going to be another diatribe on pensions. You have heard it all before, and if you’re not ready



to fight for it by now, you never will. Just don’t drink the Kool-Aid your chief, mayor, or possibly your deputy chief wants you to drink.

When they get into that rarified air, all they think about is their pensions, getting promoted to the next level or getting re-elected.

It’s still a paradox to me that our profession is seemingly stuck in the middle of this ambiguity. On one hand, we are the chosen profession to demonize in order for politicians to

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# Chaplain's Column

By: Thomas Ross

## Metropolitan Alliance of Police

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There was a group of young hikers wandering through dense woods. They were singing and having a grand time. As the sun begins to go down, some of them got worried. How we are going to get out of here, they wondered. Their leader, who was more familiar with the woods than the others, said confidently don't worry, I'll get you out. I know my way around out here. Well, then it got very cloudy, and there was lightening and thunder and the rain poured down. By the time it stopped, it was very dark. The sky was hidden behind clouds and there was no moon to peak out. Some began to sob and cried out. Take my hands, said the girl who knew her way around, I know the path even in the dark. They all blamed their leader for getting them lost. Some said they were going in the wrong direction and threatened to start out on their own. They were about to break away from the leader. She said just a couple of more minutes. You know what happened? They stumbled out on the road and their SUV was right there. A cute story that in the end talks of Faith and Trust.

We could say the story is similar to our own lives and how we live it out. Pain, suffering and sadness are an inevitable part of the human story. Not one of us will walk through life without losing someone we love, experiencing illness ourselves or of family members and the grief – the death of family members. We all have come face-to-face with the various stages of mourning. We have learned that although healing eventually comes, first comes the period when the suffering is so complete there's no way to see beyond it. These are the times

I can attest to from my work at the hospital—when words simply won't comfort, when there is nothing to do but to live in the midst of the grief, to walk through it as if through a storm. It's hard to accept this, especially when someone we love is hurting. It's natural to want our loved one to speed through the dark valley into the light of healing.



I think sometimes we believe that if only I could say the right thing, I could help my grieving friends move swiftly through their pain. But experiences of loss have shown that in those first raw moments, we don't need someone to jolly us out of our misery. We need someone sitting quietly next to us, acknowledging our suffering and letting us be. We somehow come to understand we are not alone in our suffering.

I saw wonderful Church sign the other day—it read: **God has promised us a safe landing. He did not say it would be without turbulence!**

We all are in the flight of our lives and will be challenged with the turbulence. Hopefully, unlike the hikers in our story that began to turn on their guide, we should be looking for a higher power to be with us in these ups and downs. It's a call for FAITH and TRUST.

Stay safe out there! Peace to all.

Chaplain Tom Ross, Sr  
[sligo8@wowway.com](mailto:sligo8@wowway.com)

# Chief's Follies

By: Joseph Andalina

## A Jolly Folly!

It is not often we find a mayor who is up for collective bargaining. But we found one in the June/July 2014 issue of American Police Beat magazine. In their editorial page is an op-ed piece from Tom Henry, the mayor of Fort Wayne, Indiana. He writes (and I will quote as written):

“Soon the city council will consider city ordinances that would possibly eliminate the ability for employees to participate in collective bargaining. I'm opposed to efforts that would take collective bargaining rights away from city employees.”

He goes on to say he wants “to increase the number of high wage, high skill job in our region.” He adds that they should be putting their energies “into positive returns” and not into divisive, questionable ideas that undermine our most important objective. He wants the focus away from labor fights. He praises his employees and the jobs they do in the city.

He adds “Take away a worker's voice and you take away his or her dignity.”

Am I reading all this correctly? Yeah, I am, because I read it twice. How gratifying to find one public official, albeit in a different state, actually come out on the side of labor, speak positively about collective bargaining and praise his employees.

Wish we had a few in Illinois! A Jolly Folly for sure!

## Update on garbage pickup

As reported in our last Chief's Follies, a former state rep, Keith Farnham, was arrested for using his personal and his state owned computer in order to trade hundreds of images of child porn while engaging in on-line chats.

Yeah, I know, very creepy! And he was a legislator, to boot!

In a federal complaint, he was booked on possession of two child porn videos from his state office. Can't get more brazen than that. Well, maybe he could, but I don't like to think about it.

A week later, after the seizure, he resigned. Hard to go back to Springfield with this charge over your head. Makes some of the recent arrests for bribery in the assembly ranks look almost harmless.

Farnham's story also made it in American Police Beat. They felt this was noteworthy. They reported also that allegedly in one of the “chats” Farnham said about his sexual preferences “Twelve (years old) is about as old as I can handle. I love them at 6, 7, or 8.”

Sickening it is and made worse that



he was a sponsor of two separate bills in the House asking for tougher penalties on child porn.

Innocent until proven guilty, but my fondest wish is that he is the first recipient of his “tougher” penalties for child sex abuses.

## Say goodbye to Uncle Misery

Last July, a small town police chief in Spavinaw, Oklahoma, was arrested by the State Bureau of Investigation for allegedly molesting two girls.

The mayor was shocked, as most are when they find out that their hand-picked prima donnas are possible perverts. The chief was appointed in the first place to help “weed out the bad” in Spavinaw. Batman he ain't. Sometimes they forget to weed out themselves.

Detectives report that the abuse was believed to have gone on for a couple of years.

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# Legislative News

by: Joseph Andalina

## One for the good guys

The big news out of Springfield was the Illinois Supreme Court ruling that might put the proverbial stake in the heart of Illinois Draconian politicians who are attempting to destroy our pensions.

As you know, it's back to the drawing board for Illinois politicians in light of the state's Supreme Court's recent decision on health/retirement benefits. Or at least they may have to come up with some better phony arguments.

First a couple of months back, a downstate judge froze the implementation of the bill that aimed to cut the state's unfunded liability (and again, whose fault is that) by raising retirement benefits, capping the maximum benefits and utterly destroying retiree cost-of-living increases.

Unions told these politicians over and over that this was unconstitutional in that they could not arbitrarily diminish our retiree benefits. But the Nekritz's, Madigan's, Crosses, and others of their ilk convinced the General Assembly to pass a bill that we thought would be denied. They just did not care about us.

But the cabal did not stop with them. They partnered with civic federation type groups and the editorial boards of newspapers whose logorrhea or repetitions and pathologically incoherent speech pushed the politicians to new heights of zealously.

But in *Kanerva v. Weems* where the state tried to make retirees pay a portion of their health insurance premiums, the Illinois Supreme Court in early July struck down that legislation. The court ruled 6-1 in favor of the good guys. They also said that "any diminishment" of promised benefits violates the pension clause of the 1970 Illinois Constitution. (See accompanying article for more on this case.)

So a reasonable person would see that this decision should spell doom for the overbearing retirement pension reduction plan that will be eventually heard by the same court.

But I'm not naïve and know there are other ways Madigan and his people if they lose and have the stomach for it, can

attempt to change the constitution. But that is a discussion for another time.

Things are looking up, but don't be lulled into a false sense of security. Keep those cards and letters going to your representatives. They need to know how you feel.

The press has been mostly silent—licking their wounds a bit. It might be true that dealing with some in the media is like dealing with the devil. But for the record, I am not making such a sad connection between the two. But if the shoe fits?



## More unimpressive news

### Hit 'em because they have it

**HB3816:** Millionaire tax ballot Question? More political chicanery. Look, if you have a million bucks, I don't care. You have it—I don't—so I have little right to take it from you. But Madigan wants to take it. So instead of just introducing a bill and leaving it to stand or fall, he and others want to place an advisory question about the tax to the voters. That tax would hit millionaires with another 3 percent surcharge. Democratic-wise as far as policy, it could be the proper choice. But it's what you do with the windfall.

They want the revenue to go to the schools. What a joke. More wasted money. If you're going to do this because you know most people don't have a million smackers and will

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# Chief's Follies

Continued from page 3

So apparently the chief was part of "the bad" before he was hired to clean up Gotham City, er, no, Spavinaw.

And by the way, he is 75 years old. Not sure how much weeding you can do at that age.

## Not quite "Under the Dome," but...

It's close. A deputy in Houston, Texas won a lawsuit of \$567,000 for damages from his ex-boss, Constable Pan Matranga. Must be like a chief, I guess.

She, as his boss, was accused of forced "motorboats." I have never heard of this before. And I am not making this up. She was accused of walking up behind Mr. Gist (the deputy constable) and pulling her shirt over his head and according to Mr. Gist, kinda held me in a headlock under her shirt." He said he tried to back away and did not reciprocate.

The boss says untrue, he is just mad because she didn't promote him. She says she never sexually harassed anyone and did not motorboat him—but admitted to doing it to other deputies. I'd say it doesn't look too good for her, then. A photo of the boss illustrates that she is no Kim Kardashian. One can only come to their own conclusions as to why his boss putting his head under her shirt resulted in a \$567,000 payment. I could see whipping him and chaining him to a post while she was dressed in dominatrix black. Or maybe

waterboarding. That could be devastating enough to call for the above award. Well, at least this is something different to grace our *Follies*.

## Discipline

When you talk about discipline, it is usually a given that there is a modicum of truth to some allegations. The problem then becomes what is an equitable punishment. And of course, there are the shoddy investigations by chief-directed IA people. This is especially true if they no longer admire your methods of policing.

I could describe multiple actual issues that we are currently attending to, but I do not want to jeopardize ongoing cases with possible vindictive brass. So a few examples from a Public Safety Labor News newsletter will serve the purpose.

**State of Florida:** a 27-year supervisor left an unsecured firearm in an office. He was terminated. A subsequent arbitrator found that he had a good work record and no prior discipline. That and an employee received an 80-hour suspension for a similar offense. Gee, who was the disliked cop here? He was reinstated with back pay.

**City of Rockford:** A cop was terminated for being unfit for duty. An arbitrator found that evaluations conflicted on the officer's fitness were more than two years old. A third mutually selected doctor found the officer fit and he was reinstated.

We see a lot of this fitness for duty crap and it is almost always crap, as evidenced by the fact that a lot of PDs use the same doctor to find a cop unfit.

**City of Memphis:** A cop was fired for allegedly inciting other officers to strike. An arbitrator decided that the discussion was about a prior strike. While inappropriate for roll call, it was during a tense time with labor relations. The arbitrator found that this was not a basis for discharge. The officer was reinstated and received a 10-day suspension.

The brass sometimes just can't be fair. Knee-jerk reactions, DC's flexing their muscles, or mayoral interventions. Fight it!

*Editor: So that's it. Stupid is as stupid does. And there was plenty of that here! Until next time.*

# Retiree Healthcare Benefit

By: Richard Reimer and Keith Karlson

## Illinois Supreme Court: Retiree Healthcare a Protected Benefit

*Kanerva v. Weems*,  
2014 IL 15811

On July 3, 2014, the Supreme Court of Illinois issued the much anticipated decision in *Kanerva v. Weems*. In a 6-1 opinion, the Court considered the legality of the State unilaterally imposing an increase to the retirees' portion of the cost for healthcare benefits provided to retired members of the State Employee's Retirement System ("SERS"), the State Universities Retirement System ("SURS"), and the Teachers' Retirement System ("TRS"). Four separate groups filed suit in Sangamon County challenging the State's actions.

The thrust of the Supreme Court's analysis focused on whether Article XIII, Section 5 (commonly known as the "pension protection clause") barred the State from diminishing or impairing the value of public employees' retiree healthcare benefits. "The question of whether the pension protection clause applies to an Illinois public employer's obligation to contribute to the cost of health care benefits for employees covered by one of the state retirement systems presents an issue of first impression in this court." The State argued the pension protection clause only applied to traditional retirement benefit payments, not retiree healthcare benefits. The court quickly dismissed that argument. The court wrote, if the Legislature "had intended

to protect only core pension annuity benefits and to exclude various other benefits state employees were and are entitled to receive as a result of membership in the State's pension systems, the drafters could have so specified, but they did not." The court continued, "We may not rewrite the pension protection clause to include restrictions and limitations that the drafters did not express and the citizens of Illinois did not approve."

In their argument, the State claimed the floor debates during the 1970 constitutional convention supported its position. After explaining how the plain language of the pension protection clause made the floor debates irrelevant, the court nonetheless showed how the legislative history supported its decision. The court explained, "Delegates were also mindful that in the past, appropriations to cover state pension obligations had 'been made a political football' and 'the party in power would just use the state contribution to help balance budgets,' jeopardizing the resources available to meet the State's obligations to participants in its pension systems in the future." Citing to one delegate who spoke in support of the pension protection clause, the purpose of the clause was to guarantee, "irrespective of the financial condition of a municipality or even the state government," public employees would have financial security during retirement. With regard to the intent of the drafters, the court wrote, "article XIII, section 5, was intended to eliminate

the uncertainty that existed under the traditional classification of retirement systems and to guarantee that retirement rights enjoyed by public employees would be afforded contractual status and insulated from diminishment or impairment by the General Assembly."

Going a step further, the Supreme Court explained while the Legislature, and some municipalities have discretion with regard to how they choose to fund their pension systems, they do not have an option to pay benefits. The court squarely held, "we have concluded that the provision was aimed at protecting the right to receive the promised retirement benefits, not the adequacy of the funding to pay for them. While this case does not definitely doom the current attack on retirees' benefits, it does seem to indicate the way the court is going.

*Rick and Keith have been affiliated with MAP for many years as top attorneys. They provide expert assistance in all things labor and pension. They can be reached at their office or via MAP.*

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# Heroes

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cut their political losses by demanding cuts in service, which relates to layoffs if concessions are not met (and don't be lulled into a false sense of security—it is still going on) and a way to detract from their ineptness, malfeasance, or pure omissions in leadership. Do not let a few "wins" or rhetoric on heroes be a prescription for lassitude on your part. We should be treated as heroes even if we are not paid like one.

It continues to be galling that politicians have reneged on so much of their fiduciary obligations to all the heroes in the public sector for so long and pay so little of a price at the polls. The guys and gals who dreamed up the scam to turn their "failure to pay"



into our pension funds into one where the press and public think we are the bad guys was amazing, wasn't it? I wonder if they were Democrats or Republicans? Hard to tell the differences in Illinois anymore now—but trust me, it's both.

And then on the other hand we are expected to respect and maintain our ethics, which for the most part, we do despite occasional allegations of misconduct, most of which go nowhere.

True heroes respect their oaths. It does not come lightly to us. It is like saluting our flag or putting our hand over our heart during the anthem. We truly never forget that we took one. Too bad many of the higher-up mayors, and politicians only give us lip service when the audience they are up against is pro-us. When it's not, they are all doom and gloom when it comes to those of us who were or are on the front lines.

In their back rooms or their turf, it's once more let's forget about the cop stopping bad guys, or midnights with no back-up, the firefighters who fall through the roof of a major fire, a telecommunicator without sleep working multiple shifts or the public works guy shoveling endless miles of streets during a snowstorm.

Then we are heroes. But only for a while. The traffic stop will be made, the fire extinguished, sooner or later the telecommunicator will get to go home, and the snowfall will cease.

Then politicians can go back to what they are—devious and untrustworthy.

Even if I can trust a politician (and I have known some good ones) I'm kinda-sorta suspicious of their motives. I've had Republicans introduce legislation and then disappear because they "ain't" supposed to be doing this for "Democratic labor dudes."

Crazy it is, but that's how they work. Those of us who have been involved in the political arena wonder how sane, normal people can deal with it in a continual basis. So much disdain, distrust, and dissension.

But this hero thing, like I said, is perturbing. How the hacks in office, the press who should know better, and the public who rely on us can turn on the hero worship like you turn on your cable is dishonorable at its worst.

We fight big battles in different venues in a myriad of ways to keep our communities safe and pleasant places to live. Yes, many places are not pleasant and the roots that make them unpleasant are deeper that we can discuss here—but it is not want for all of us trying.

And as heroes, whether the recognition is there or not, we will continue to hold our oath high and maintain our ethical standards.

Because that's what we do.

Stay safe. Vita é bella.

# Social Media: Issues and concerns

by: Jeffery Ortinau, JD

*Two issues ago we started a series from Jeffery Ortinau on court cases involving social media. Here is the final segment.*

## **Forth Circuit Appellate Court: Facebook “likes” are protected speech (with exceptions)**

Lets take a look at another U.S. Appellate Court case, *Bland v. Roberts*, 730 F.3d 368 (4th Cir. 2013) (No. 12-1671), that held in summation that Facebook “likes” was a protected speech. The case is a rather complex one, involving six Plaintiffs, all were former employees of the Hampton Sheriffs Office, Virginia, some who were sworn officers and others who were non-sworn and worked in administration positions.

**Facts:** In *Bland v. Roberts*, 730 F.3d 368 (4th Cir. 2013) (No. 12-1671), plaintiffs, certain Sheriff’s Office employees, brought a civil rights action alleging that the sheriff retaliated against them, in violation of their First Amendment rights, because of their support of the sheriff’s electoral opponent. One of the plaintiffs had “liked” the opponent’s campaign page on Facebook.

**Analysis:** The district court granted summary judgment in favor of the defendant sheriff, holding, among other things, that merely “liking” a Facebook page is insufficient speech to merit constitutional protection.

**Holding:** The Fourth Circuit reversed in part and affirmed in part. After explaining how Facebook and its “like” feature work, the court ruled that it was apparent that this conduct quali-

fies as protected speech. The court found that clicking the “like” button literally causes to be published the statement that the user “likes” something – which is itself a substantive statement. Further, aside from the fact the liking the campaign page was “pure speech,” it also was symbolic expression, as depicted by the “universally understood ‘thumbs up’ symbol.” The court concluded that a Facebook like was the Internet equivalent of displaying a political sign in one’s front yard, which the Supreme Court has held is substantive speech.

**Notation by Court:** The Court began by stating not only does the First Amendment protect freedom of speech, it also protects “the right to be free from retaliation by a public official for the exercise of that right.” *Suarez Corp. Indus. v. McGraw*, 202 F.3d 676, 685 (4th Cir. 2000). Although government employees do not forfeit their constitutional rights at work, it is well established “that the government may impose certain restraints on its employees’ speech and take action against them that would be unconstitutional if applied to the general public.” *Adams v. Trustees of the Univ. of N.C.-Wilmington*, 640 F.3d 550, 560 (4th Cir. 2011). The court noted, accordingly, “a public employee who has a confidential, policymaking, or public contact role and speaks out in a manner that interferes with or undermines the operation of the agency, its mission, or its public confidence, enjoys substantially less First Amendment protection than does a lower level employee.” *McVey*, 157 F.3d at 278.

## **Fifth Circuit Appellate Court: Termination for Facebook post found to be permissible, non-discriminatory (private sector employer).**

The growing influence of technology on labor and employment law has given us reason to examine these issues. One recent US Appellate Court case came from the Fifth Circuit, (Texas) in *Rodriquez v. Wal-Mart Stores, Inc.* This case was mostly decided based on employment law issues but highlights how important it is for employers and employees to stay abreast of their duties with respect to online conduct

**Facts:** Virginia C. Rodriquez was dismissed from her job at Sam’s Club, a Wal-Mart subsidiary, after she violated company policy by posting the following comment to a photo that a friend had posted to Facebook:

*I hear that Caleb didn't show up for work on this day what's up with that???? He is partying with you guys?? WOW and Carrie tried to call in for him and knew about this . . . you guys are amazing and bold enough to post these [pictures] habahahaha.*

The friend complained to management and Rodriquez was found to have violated Wal-Mart’s Social Media Policy. Rodriquez admitted the facts that formed the basis of her Social Media Policy violation. This policy mandates, among other things, that online comments cannot appear “unprofessional, insulting, embarrassing, untrue, [or] harmful.” Rodriquez filed suit against her former employer

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# Member News

## **Addison**

Mark Besch  
Daniel Mizialko  
Malwina Sobanski

## **Arlington Heights**

Ryan Pacyga

## **Alsip**

Benjamin Latham

## **CenCom**

Nicholas Flood  
Daniel Stone

## **Chicago State Univ**

Drew Stephans

## **Cook County Disp/ Vehicle Svcs**

Lester Antos  
Laura Cotton  
Linda George  
David Kibitlewsla  
Rachel Koch  
David Kosir

## **Elizabeth McCarthy**

Barbara Perduto  
Bernadette Resa  
Leanna Zablotty

## **Cook Co SSD**

James Fitzgerald  
Diane Landi  
Carmen Rogers

## **Crete**

David Svalina

## **Crystal Lake**

David Emrich  
Michael Maloney

## **DeKalb County**

Noelle Wold

## **DuPage County**

Michael Ireland  
Amy Jovanovich  
Shaun Murray  
James Nolan  
Joseph Rodriguez  
Latasha Shavers  
Michael Sikowich

## **DuPage Coroners**

Christine Huebner  
Eric Seggerman

## **East Dundee**

Ryan Miles

## **Fox River Grove**

Mike Palazzo

## **Hawthorn Woods**

Michael Behan

## **Hickory Hills**

Michael Franks

## **Lake Forest**

Erik Blomberg

Aaron Kruchko

David Miniscalco

## **Lake in the Hills**

Brian Anderson

Amanda Schmitt

## **Lake in the Hills CSOs**

Nicholas Oomens

## **LaSalle County**

Riley Woolford

## **Lisle**

James Dexter

Lucas Rider

## **Minooka**

Renee Parrish

## **Momence**

August Lebeau

## **Montgomery**

Anthony Hull

## **Naperville Sgts**

Chad Bissegger

Daniel Fisher

## **NEIU**

Sharon Terry

## **Orland Park**

John McClafferty

Timothy O’Connell

## **Oswego**

Cassandra Catberro

Jordan Lombardi

## **Palos Hills**

Patrick Ryan

## **Palos Park**

Ross Ricobene

## **Park City**

Edwin Ruiz

## **Park Forest**

Brian Bruesch

Justin Malachowski

## **Quadcom**

Kellie Clifton

## **Roselle**

Kenneth Bus

Khaled Dalal

## **Streamwood**

Benjamin Steinmetz

## **Tinley Park**

Daniel O’Dwyer

## **University of II**

Robert Altman

Christopher Eterno

Nicholas Eyer

Robert Larson

Robert Lopez

Jarrett Mister

Wesley Olivo

## **Wheaton Sgts**

Ryan Conway

Karl Dillenkoffer

## **Wilmington**

Karl Jurgens

## **Woodridge**

Richard Waszak

## **Promoted**

## **Arlington Hts**

Grzegorz Czernicki

## **Buffalo Grove**

Tara Anderson

Paul Jamil

Vince Positano

Dean Schulz

## **Chicago State Univ**

Marcella Sawyer

## **Harvey Sgts**

Eric Armstrong

Marcus Patterson

## **Hickory Hills**

Mark Benaitis

## **Lake in the Hills**

Lloyd Howen

Sean Feely

## **Matteson Sgts**

Robert Debeikis

## **Moraine Valley**

Bernard Duffy

## **Mundelein**

Jason Seeley

## **NEIU**

Lawrence Loster

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# Contract Corner

## Richard Reimer

### Matteson Sergeants

We were able to agree to terms on this successor after significantly protracted negotiations.

The highlights:

Contract is effective from May 1, 2011 through April 30, 2015.

Employees may challenge disciplinary actions through the BFPC or via the grievance procedure.

The 10% differential between top patrol officer wages was reestablished which actually increased the Sergeant 1st year wage increases approximately 3.33% rather than the 2% indicated in the contract. This was the subject of a grievance which was resolved as part of this overall settlement.

Wages for the remainder are as follows:

5/1/12, 2%; 5/1/13, 2%; 5/1/14, 1.5%

Longevity benefits were modified to allow for the benefit after 26 years rather than 30.

We also included the language regarding "Indemnification."

The remained of this agreement modifies applicable dates and maintains the status quo of the prior agreement.

## Steve Calcaterra

### Wheaton Sergeants

Three-year contract.

2014 2%; 2015 2.5%; 2016 2.5%

Retro. Remainer status quo

## Ron Cicinelli

### Crete

Two Year Contract

Wages: 2% for 2012 and 2.5% for 2013 with Retroactive Pay

12 hour shifts codified in CBA ("New")

Canine Handler Pay ("New")

Uniform Allowance: Added additional benefit for items exceeding \$350.00 ("New")

Training Reimbursement: Members guaranteed 81.75 of scheduled work hours, if training conflict exist ("New")

Vacation: Members allowed to cash out any unused hours of vacation time up to 40 hrs. ("New")

Vacation: Added new language regarding "annual leave" to help membership and administration facilitate an improved method applying and using vacation leave

## Keith Karlson

### Glenwood

Tentative Agreements on a number of issues, took "Promotions" to interest Arbitration before Peter Feuille.

While the arbitrator crafted language to be included into the successor agreement that fell short of what the membership wanted; having language governing promotions is yet a benefit that was not present in prior agreements.

The issue of the village changing criteria and the testing processes

during negotiations for this successor agreement is being challenged at the Illinois Labor Relations Board.

The contract is effective from January 1, 2012 through December 31, 2014

The 12 hour schedule is subject to the members' consideration within 30 days of ratification

Employees are able to carry over 40 hours of compensatory time to the following year.

Investigations into allegations of misconduct must begin within 90 days of the alleged infraction.

Employees will be informed of and afforded the right to respond to any and all disciplinary measures levied against them.

Grievances are now automatically advanced to the Chief's step rather than being advanced by the member if not resolved per the grievant's wishes at step 1.

Clarification to Holiday Pay

Included "Notice of Reduction" establishing a timely process for the employer to regain any benefits that were over compensated.

Wage increases as follows:

1/1/12, 1%; 1/1/13, 1.5%;

1/1/14, 2.5%

Side letter concerning overpayment which restricts the employer's ability to recoup any overpayment of wages and wage related benefits as of the ratification date.

Side letter regarding the use of video cameras around the police department.

# Contract Corner

## Anthony Polse

### Park City:

3.5% each year for three years

Added a ten-year step for officers, without increasing number of steps to top out.

Recognition of the efforts by the Police Department from the Village Board memorialized in contract.

Modification of holiday pay payout.

Remainder status quo.

## Mundelein

Three-year contract. 2.5%, 2.25%, 2.75% raises

Shift Differential pay – lump sum \$1000

New language on fitness for duty exams

New language on indemnification, dues deduction, and fair share.

# Chapter Elections

Congratulations to all of the officers who have been recently elected to their local boards.

## CenCom

Terry Cappelen *President*  
Jeff Callaghan *Vice President*  
Dominic Martinez *Treasurer*

## Hanover Park

Todd Carlson *President*  
Jason Harden *Vice President*  
Dan Kosartes *Vice President*

## South Holland

Dan Borowski *Representative*  
Rob Wilson *Representative*  
Ron Ruguone *Representative*

# New Members

Continued from page 9

## Orland Park

Kenneth Rosinski

## Schaumburg Cmd

Kurt Metzger

## Will Co Mgmt

Paul Rojek

Jeremy Viduna

John Welffenbach

## Woodridge

Dennis Brinkman

## Retired

## Bartlett

Demetrius Sales

## Bolingbrook

Charles Novy

Mark Revis

## Bartlett

Jerome Stopper

Andrea Wiggins

## Carpentersville

Timothy Holland

## Crest Hill

Jeffrey Casford

## DesPlaines Sgts

George Konieczny

## DuPage County

Joseph Delgiudice

Diane Ferguson

James Jones

Mark Lautenbach

David Malinowski

Steven Marek

Michael Yates

## John Stroger Hospital

## Sergeants

William Villasana

## Lake Forest

Jeffrey Hays

## Metra

William McMahon

## Momence

Johnny Short

## Moraine Valley

Thomas Dietz

## Naperville Sgts

Chris Maynard

Russell Wolf

## Norridge

Jacklyn Bluhm-Bell

## NWCDS

Laura Hauschild

## Orland Hills

Thomas Prohaska

## Round Lake Park

Kevin Magee

## Steger

Michael Sauter

## Tinley Park

Michael McMahon

## Wheaton Sgts

Charles Yanz

## Will Co Mgmt

Steven McGrath

# Social Media: Issues and concerns

Continued from page 8

based on age and national origin discrimination, and retaliation under the Texas Commission on Human Rights.

**Holding:** The district court granted summary judgment in favor of Wal-Mart and the Fifth Circuit affirmed. The court found that Rodriguez had properly shifted the burden of showing that the dismissal was of a non-discriminatory nature to Wal-Mart by establishing a prima facie case for discrimination. More significantly, the Court then reasoned that Wal-Mart

had met this burden, as it showed that there were no motivating factors for the dismissal other than the social media policy violation.

**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.

# Critical Incidents information

In the last couple of months, MAP has sent attorneys to MAP chapters in Park Forest, Oswego, and Addison. All members involved in these shootings/discharge of firearm issues were represented by our legal staff. All cases have been resolved favorably for our police members.

Remember, MAP will be there for you when you need assistance in these scenarios.

MAP will do its best to respond in a timely manner and to ensure that all of your rights are afforded and protected.

## Quote:

1. You're doing better than you think you are.
2. It's less about you than you think it is.
3. You matter more than you think you do.

-Pastor Steve Furtick  
*Crash the Chatterbox*



# Legislative News

Continued from page 4

vote to take it from those who have it, use it to pay your government pension debt. Because it is their fault that it is a problem in Illinois.

### Another "I don't have the guts to just do it"

**HB3814:** Quinn wants another voter referendum. This time, whether to raise the minimum wage of \$8.25 to \$10 by 2015. Madigan and others sponsored this bill. See a pattern? Are they so afraid that businesses will be pissed that they will take it to a vote so they can blame the people for any political fallout?

### To hunt or to fish, that is the question.

**HB4329:** This would allow those over

75 years of age to purchase either or both licenses for a buck. Why 75? Well, because all the politicians know that most of us will be retired, dead, or won't be able to hold up an elephant gun. Seniors should be considered 65 years of age, like at the movies or Denny's! If you're going to do this, what is with the 75 years of age crap?

### About time

**HB0005:** This would protect expectant mothers (cops, too!) from having to choose between their health during pregnancy and work. Employers would be required to allow women to have reasonable accommodations in order to be relatively comfortable as baby time gets near. Like a desk job. Hear that, chief? Should have been done a long time ago. Quinn is expected to sign

after both houses approve.

### Let them eat cake...or pie

**HB5354:** Governor Quinn signed legislation to allow individuals and little kids to sell cookies and stuff from their homes without the Public Health Department butting in like a recent notorious case involving an 11-year old when she was stopped from selling cupcakes on the corner. The state is so broke they apparently want some vigorish on children's pastries.

Amazing that you need a law to do this with all the corruption that is rampant in state government. Long live the lemonade stand.

*See you in the winter.*

# Gilberts News

The Gilberts PD v. Fire Softball game is an annual event. The police and fire departments all chip in to bring food and beverages for everyone and after the game, there is a bbq. This year, the police lost to the fire department 13-12 in a near epic comeback in the final inning.



Mike Lorkowski, Robert Wittenauer, James Levand, Daniel Gregory, Mike Izydorski, MAP attorney Tony Polse, Todd Block. Front row Heather Rowlett

## Shout-out!

Applause for the **Buffalo Grove Police Department** for making 7-year old Adam Brodersen of Palatine a cop for a day in their town. The young man with a heart defect spent the day with Officers **Mike Martin** and **Derek Hawkins**, Chief Steven Casstevens and Commander Jim Newton. A great story for our guys in blue. See that story at the *Daily Herald* earlier in July. Wonderful pictures, too.

## New on the MAP

DuPage County Forest Rangers

## Breaking the Silence

Please click on the following link to watch the latest video in reference to suicide prevention for law enforcement officers. Special thanks to IACP President Yost Zakhary, Sally Spencer-Thomas, Kenosha Police Officers Sergeant Aaron Dillhoff and GCU Officer Trevor Albrecht and all the Denver Police Officers and others who made this video possible for all their assistance, commitment and dedication to this project. Please share this video with anyone you know, forward it to everyone in your email directory. The video is specific to law enforcement but the message truly applies to all. As a member of the Workplace Taskforce for the National Action Alliance for Suicide Prevention it is important that we get the message out, suicide is preventable and the only way to get there is to Break the Silence.

<https://www.youtube.com/watch?v=u-mDvJIU9RI>

Chief John W. Morrissey  
Kenosha Police Department

*Thanks to Chris Probut for providing this information.*

## MAPUNION.ORG

Don't forget to check our web site for the latest news, blogs, and Chapter/MAP news! We are also on Facebook at [Facebook.com/mapunion](https://www.facebook.com/mapunion)

## SSssssss

Normally I skip this stuff, but among other cool stories of alligator, shark attacks, and the deadly Ebola disease, I liked this one.

In Port St Lucie, FL, I saw a photo of guys holding a stretched out 12-foot python. Now, there are shows all over about python hunters, venom response teams and the like.

This just shows what cops will do to make their communities safe. Can you imagine you and your partner westling a 12 foot snake with very sharp teeth and could kill you? Really cool.

I say that because in my younger days I caught timber rattlers, bull snakes, water snakes (who really are nasty mean) and many, many others. I still catch a few here and there and would sign up for that duty. I once got bit by a small captive Anaconda (and no, JLo was nowhere to be found when I got bit). These great cops found a home for the big boy, too.

Hope I didn't creep any of you out. At least this piece is something different than the usual, and features a snake that doesn't pretend to be anything but a snake.



By: Joseph Andalina

Many are talking about the new law going into effect that eliminates “ticket quotas.” Gone are the days when your brass calls you into their cubbyhole to advise you that you need to write more tickets—or else. I remember being told that as a starry-eyed rookie in the Land that Time Forgot—Bolingbrook PD.

My lieutenant at the time (a great guy, God bless his soul) saved me a lot of grief as I was not a ticket writer by any means. Stopped a lot of people, but wrote “real tickets” to very few. Unless, of course, it was an act of an egregious nature, or someone really got into my face or punched me. Then they obviously wrote their own ticket.

Moving citations—no one likes them. Probably the biggest reason people hate us. Not the real bad guys, but the everyday folks who throw their garbage out and pick up their newspapers in their robes and fuzzy slippers, like me. When they drive, they sometimes forget about traffic laws and we are there to make sure they obey. That “absolute liability” thing is always on our side.

But quotas take away our discretion, especially when some hyper-active new sergeant with his shiny chevrons is trying to make an impression and expects you to write 10 tickets a night.

Surely, they say, you can find all kinds of violations. Yes, I can, but I don't want to write everyone I stop—and don't call me Shirley.

So a major gripe for most of us. I say most because I know guys who could write 80 tickets a night. Unleashed on an unsuspecting public, ticket revenue skyrocketed along with beefs to the mayor. Suddenly, all those tickets were not the answer either.

But we are not saved just yet. While the law goes into effect January 1, 2015, and eliminates quotas during daily duties of most police agencies, it does not eliminate all quotas. It allows quotas if they are tied to certain funding or grants, as in traffic enforcement programs. Look for an increase of many grants now for DC's dying to be the next chief.

But the good news is that quotas cannot be used to evaluate officers any more. No comparisons to the guy who wrote 80 a night. Yay! But the chief can set a minimum number of contacts a copper must make during a certain period of time. Sad-face time now.

Contact in legal terms is defined as “any quantifiable contact made in furtherance of the officer's duties,” which means more traffic stops, arrests, warnings, and crime prevention.

But then the law says “point of contact shall not include either the issuance of citations or the number of citations issued.”

So I see this as self-initiated activity. Got to make sure you grunts are not sitting around behind Wal-Mart talking about the next NFLer who got arrested.

But SB3411 was passed in the Senate by a majority of 57-1. The lone no vote was made by Tim Bivins of Dixon, who is a former sheriff. Hmm, who woulda thunk it?

From my cynical point of view, you can bet that some brass with visions of sugar plums will most likely attempt to convince you that writing tickets is your ticket to stripes. I can see them now, arm around you, whispering in your ear about the next sergeant test.

They will try to find a way to hold you accountable. So now it's all up to you. Got a problem with quotas in your MAP chapter? You know who to call.

# Collective Bargaining Chapters

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