



# The RAPSheet

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

## 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.



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.

- 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

- 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.

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# Chaplain's Column

By: Thomas Ross

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**S**o 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; 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 with the ability to change hats in the twinkling of an eye or at other times to wear several hats at the same time. So if you didn't know it, you are now beginning to get just an inkling of what it means to be a member of the law enforcement world. You may be a cop on the street, a dispatcher, or working the jail. All parts of the law enforcement family are in many ways expected to fill these various roles. If you need information, you call 411,

and it seems for everything else, you call 911 because you know how to handle everything!

Frustration plays a role in all of your jobs.

People in crisis; even if it's a small crisis look for resolution and nowadays it's a solution in an instant. Then there is the endless court time when the case may be called or not. 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 in church alongside their family. So you miss seeing the people whose relationship to God does make a difference and miss the fellowship with other believers and a chance to mature in a relationship with God. Then there is the shift work and what it does to life and family. After time, one develops a negative attitude to life partially seeing the worst side of our



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# Chief's Follies

By: Joseph Andalina

## They just won't admit wrongdoing

You would think when chiefs step in that they would just own up to misbehavior 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 résumé.

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 punk'd.

## 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 as you are an elected official.

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# Legislative News

by: Richard Reimer

*Editor: My main essay has to do with our pensions. Our renowned pension attorney, Richard Reimer, has provided additional insight into this matter, as well as other timely topics.*

## 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 P.A. 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.

Of 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 pension 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. 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 law suit 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, Plaintiffs 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. Plaintiffs’ ask the court to enter an injunction barring the Act from being applied. Plaintiffs’ 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. 2014CH0003 (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.” 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

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# Chief’s Follies

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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 I 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 you’re 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—not 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.

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# Chaplain's Column

Continued from page 2

society and being repeatedly exposed to the less desirable elements of society. Lastly, there are the critical incidents and they stay with the person forever.

Maybe the profile does not fit exactly. I mentioned last issue that one should find safety at home and Church. A good start is to share at home some of what your life outside is like so you can unload some of the built up pressure. If you cannot share at home, you need to look at that. As to Church, don't stay away for the DUI or domestic you might meet. There are plenty of reasons to be there, but mostly for the support of your GOD.

Thanks for choosing Law Enforcement. God Bless, stay safe out there and finally—Happy Spring!

Peace

Chaplain Tom Ross, Sr sligo8@wowway.com

ps: From Andy Rooney, a man who had the gift of saying so much with so few words: I've learned... that everyone wants to live on top of the mountain, but all the happiness and growth occurs while you're climbing it.

# Chief's Follies

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## Once was not enough

The police chief in Connersville, IN, while at a gun shop, accidentally put a hole in his leg when his gun discharged. He was off-duty looking at a handgun when he put it in his holster and it fired.

"I need to pay more attention." (Yes, you do, chief.) "I know what the dangers are. It was pure carelessness on my part." At least he admits it. Hard to spin shooting yourself, isn't it? It got tangled in his clothing and the bullet went into his leg and then into the floor.

The chief drove himself to the hospital and said it didn't even hurt, missing no

work. Obviously the chief is tough.

The mayor said it "was just a little accident." Don (the chief) is an excellent marksman." He also blamed the discharge on the lack of trigger safety. Chief was using a Glock. (I never carried one, so I don't know if it is true.) What is true is that the mayor apparently has excused the chief from this "accident."

I guess I'm okay with that. It happens. In fact, I know of a few coppers and brass who have done the same thing. Usually, however, they catch some time or a reprimand.

Just another example that seemingly there are two different sets of rules for chiefs and the rest of us.

But hey, maybe shooting yourself, with the pain (except for this fellow)

and the embarrassment of this act is enough punishment.

The chief also owned up to the fact that 15 years ago, when he was a captain, he was taking his gun to a gunsmith when he shot himself in the hand. That one he said hurt. I'll bet!

But he has a sense of humor as he is running for county sheriff and he said that "some candidates are out there doing things for kids to get elected. Me, I shoot myself." What a way to get publicity.

I don't know—maybe we should clarify this one as a Jolly Folly due to his sense of humor!

*Editor: That's all for now, folks. We'll see if we can round up more news next time from our noble leaders that can grace our Chief's Follies page.*

# Scrooged

Continued from page 1

They promise folks—just like they promised in our 1970 Illinois Constitution. But this time they really promise. Really.

- Decrease the employee contribution rate to their retirement funds by one percent.

There's more, but read the bill or get a primer from your pension board attorneys on what is really going on. I can guarantee that you are not going to like it. The kicker is the elimination of the 3 percent COLA every year you're retired.

What I find most annoying in all this was the reaction of some of the legislators as this bill went down. Legislators and local politicians were able to convince a very gullible public with the help of a "pension crusade" by the press that without pension reform, the sky would fall, and all sorts of bad things would happen, like a poor credit rating and other bad juju.

Some politicians didn't buy that and said that the pension crisis is not a crisis, but most bought into it and ergo, you have this rotten banana as your new system.

No shortage of fear mongering here with Democrats leading the way (more on this later). But are they not supposed to be on our side? And what really cracked me up was the statement I read in the press by one of the top instigators for changing the system. Elaine Nekritz (D-Northbrook), lauded by the press as a pension expert, who was quoted as saying "I don't take any joy in this action today" as she smiled at House Speaker Mike

Madigan in an accompanying photo in the press just below the above quote.



Yeah, maybe the photo was out of context, but it said they were looking hopeful early on the day of the vote (meaning that this evil bill would pass). Or maybe the Speaker just told a very funny joke and that's why they were smiling.

But if the two photos of her in the paper that stand side by side with her comment showed her crying or in a somber mood, then maybe you could believe her. I don't.

She and others wanted change off the backs of public state workers—and they got it.

But who knows, maybe Ms. Nekritz and others of her kind are really true believers. True believers in the sense that no matter how much of this fiasco is their fault, no matter if the numbers and their predications of doom and gloom are not as they say, they feel they have to be saviors. So in their minds, they did what is necessary. And public workers will have to eat it. And swallow it.

Never mind the hero status of our cops, correctional officers, telecommunicators, public works, teachers, and

others. Never mind that they make the state work. Never mind that they paid into the program. No one allowed the employees to divert, avoid, or delay their contributions to the fund.

And never mind that the Illinois State Constitution prohibits a reduction of benefits. True believers are stuck in what they believe and common sense and doing what is right is not their forte.

It was a little encouraging that even though they had the votes to dismantle state pensions and retirements, they did not run the table. Some pols voted against this disaster. There are many, like Linda Holmes (D-Aurora) who stated "This is inherently unfair. This is a broken promise."

Let's applaud Ms. Holmes. Others feel that way but not enough to break the spell of Speaker of the House Mike Madigan. Even the more sensible Senate Leader John Cullerton couldn't get his more reasonable bill past the Speaker and his cabal, and wound up voting with the majority.

When the assembly makes a deal they make a deal. It didn't go labor's way. But obviously, that's not the end. Shortly before the new year, members of the Teachers' Union (TRS) filed their lawsuit. They seek to strike down PA-98-0599, in that the new pension law violates the Pension Protection Clause of the Illinois Constitution on three ways:

1. The calculation for pension used diminishes retiree benefits.
2. The law is unconstitutional be-

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# Scrooged

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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 naïve 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? Puh-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 in right now. Firemen, too.

It is on their legislative agenda, folks. They would love to sneak this in their villages and towns to cut their pensions system contributions, too. You don't think that the various towns or

villages have skipped or diverted payments, also?

It is coming, folks. If this issue makes it favorably in the county or the state level, I believe that it will be a foregone conclusion that our pensions will be next.

Don't lie down just yet. Be aware and be prepared for a broader fight.

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 pension 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 scrooged.

*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.*

# Member News

## Addison

Steven Bellavia  
Steven Kazak  
Daniel O'Dwyer

## Alsip

Nicholas Yodelis

## Arlington Hts

Mark Miljan  
Jonathan Vinson

## Bensenville

Aaron Cha  
Walter Labuz  
Allison Valois

## Bolingbrook Civilians

Maria Tovar

## Carpentersville

Billy Jones

## CenCom

Ryan Foszcz  
Shauna Walat

## Coal City

Michael Imhof

## Cook County

Joyce Martin

## Crest Hill

Nicholas Calderone

John McHale

## Crete

Anthony Larocco

## Crystal Lake

David Eitel  
Drew Parker  
Mark Pfeiffer  
Anthony Tangorra

## Darien

Jennifer Dollins

## DeKalb Co

Ryan Fox  
Ryan McKanna  
Zachary Oltmanns

## Du Page Co

Dan Calabrese  
Sandra Neuberg  
Mark Solomon

## East Dundee

Jessica Michellini

## Elk Grove Village

Angela Garza  
Scott Grandt  
David Morales

## Grundy Co

Rhae Wise

## Hoffman Estates

Anthony Bartolone  
Alex Fairall  
James Irons  
Dan Launhardt  
Mark Shaw

## IL DOC

James Sullivan

## Johnsburg

Sylvia Dekirmandjian

## Lake in the Hills CSO

Tom Muradian

Troy Davis

## Lakemoor

Henry Campos

## Maywood Sgts

Tracey Branch

## McCook

John Kosmowski

## McHenry Co Crt

Clerks

Amanda Miller  
Sherry Schweder  
Shana Witczak

## Metra

Gwendolyn Jackson  
Charles Longstreet  
Timothy Lunz  
Latonya Morgan  
Scott Thime

## Minooka

Staci Kapinus  
Robert Latz

## Momence

Jacob Vekemans

## Montgomery

Daniel Gonzalez

## Moraine Valley

Steven Alvarado  
Anthony Balsamo  
Joseph Marigliano

## Naperville Civilians

Cali Reavy  
Amy Smith

## Naperville Sgts

Matthew Egan  
Timothy Ogan  
Jim Sakeldicos  
Derek Zook

## North Aurora

Kyle Jensen

## Northeastern Univ

Olga Rzepka

Theodore Stripling

## Northern IL Univ

Joy Schuble

## Oak Forest

David Devries

## Orland Park

Thomas Harrison

Stephen Kelly

Jordan Legris

Jaclyn Priede

Jody Schmidt

Casey Wall

## Oswego

Jin Han

## Palos Hills

Kyle Haslam

## Prospect Hts

Matt Willis

## Romeoville

Anthony Egan

## Roselle

John Rivera  
Kyle Stanish

## Seecom

Robert Pierson

## South Holland

Matthew Pearson

## Southcom

Kelly Repiscak  
Sherry Wright

## Steger

Ryan Boren  
Jeffrey Pogose

## Streamwood

Brad Duffy

## Sugar Grove

Kurtis Gilkey

## Tinley Park

Sarah Kaishas  
Zachary Middleton

## Tricom

Mary Balderas  
Andrew Kunstler

## Villa Park

Mateusz Rol Vel Rul

## Warrenville

Roberto Pesa

## Wescom

Michelle Cavato

Dawn Gastel

Christine Goff

## Western Springs

Ashlee Sellig

## Promoted

## Bolingbrook

## Command

Kristopher Schrubbe

## Naperville Sgts

Jason Arres

Louis Cammiso

## Orland Park

Andrew Boblak

Robert Goudie

## Round Lake Park

Hector Lepe

## Schaumburg

## Command

Christy Lindhurst

Mark Tieri

## Woodridge

James McGilvrey

## Retired

## Cook Co SSD

Diane Landi

## Mundelein

Gregory Fox

## Naperville Sgts

Kevin Driscoll

## Welcome Back

## Genoa

John Klink

# Contract Corner

## Joseph Mazzone

### University of Il at Chicago

Five-year contract: 9/1/13 to 8/31/18

Locked in all benefits, health insurance, etc. Locked in a market based equity adjustment on wages for each of the contract years.

Expanded and defined specialty pay and included Community Relations Officers, Property Equipment Officers, Crime Prevention Officers, Property Task Force Officers and Technical Service Officers.

Increase in Uniform Allowance.

### Schaumburg Patrol

Contract term is 2013 to 2016.

Wages – 2%, 2% and 2%

Minor changes to the rank of Chief, minor changes to grievance procedure, modification and clarification of removal of oral reprimands

Increase special detail hourly rate from \$43 to \$50

Modify probationary period to commence on completion of PTO

Modification of definition of family for leave terms and expansion of military leave to all applicable Federal and State Statutes, modification to VEBA language to be consistent with Village Policy.

Expand Drug and Alcohol testing to anybody in a Specialty Position, specifically Investigations, Evidence Technicians and any specialty engaged in the enforcement of narcotic laws.

Maintain 6/3 work schedule.

Limit GPS, Use of In-Car Squad Videos policy to the duration of the contract.

## Hoffman Estates Patrol

Contract term is 2013 to 2015

Added Indemnification language

Limited extent of internal 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 overtime 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 Cicinelli

### 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).

# Bits n Pieces

## 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!**

# Chapter Elections

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

## Arlington Heights

Todd Radek *President*  
Nancy Hundrieser *Vice President*  
Adam Plawer *Secretary*  
Larry Swanson *Treasurer*  
Greg Czernecki *Sergeant-at-Arms*

## Crest Hill

Henry Tough *President*  
Renee Maly *Vice President*  
Jason Heiss *Treasurer*

## Crystal Lake

Mark Szumanski *President*  
Phil Lloyd-Mietus *Vice President*  
Josh Marshall *Secretary*  
Kim Shipbaugh *Treasurer*

## Mount Prospect

Brian Floyd *President*  
Anthony Lietzow *Vice President*  
John Juhl *Secretary*  
Tom Hoskinson *Treasurer*

## Oak Lawn

Joseph Schmidt *President*  
Eugene McNulty *Vice president*  
Edward Clancy *Secretary*  
Thomas Nelson *Sergeant-at-arms*  
Mitchell Ally *Sergeant-at-arms*

## Olympia Fields

Mike Mayden *President*  
Mark Akiyama *Vice President*  
Don Dean *Secretary*

# Social Media: Issues and concerns

by: Jeffery Ortinau, JD

## Social Media: Issues and Concerns for Law Enforcement

Facebook, Twitter, Myspace, and other 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 look at some examples that have been through the courts.

### 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. 12-12968, *Gresham v. City of Atlanta*, Chief Judge 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 her 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 de-

termine whether (1) Plaintiff's speech involved a matter of public concern; (2) Plaintiff's interest in speaking outweighed 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, 2899 (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-

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# Legislative News

Continued from page 4

As previously reported in Volume 11, Issue 4 of the R&K Legal and Legislative Update, the City of Detroit bankruptcy filing has potential implications for Illinois public pension funds, despite the fact that Illinois does not currently authorize its municipalities to file bankruptcy.

On December 5, 2013 Judge Rhodes issued a 143 page opinion refusing to dismiss the City of Detroit bankruptcy petition under Chapter 9 of the Bankruptcy Code. The court found the City was eligible for bankruptcy, was insolvent, and that the City did not negotiate in good faith with its creditors, but was not required to do so, because negotiations were impracticable.

The Court was faced with 109 individual objectors, including the Detroit Police and Fire Retirement System ("PFRS"), which administers the pension plan for Detroit's uniformed personnel. The average annual benefit received by beneficiaries is about \$30,000. Generally, like most Illinois Public Employees, PFRS's retirees are not eligible for social security retirement or disability benefits. Among the reasons relied upon by the City for filing its bankruptcy petition, was the \$3.5 billion in unfunded pension obligations, which include PFRS.

Prior to filing the bankruptcy proceeding, the City met with its creditors, including representatives from PFRS. At the meeting, the City was to provide additional information about its pension restructuring proposal and discuss the process for

reaching an agreement on pension underfunding issues. In addition, prior to the bankruptcy filing on July 3, 2013, two lawsuits were filed in state court contending Public Act 436 violated the Michigan Constitution to the extent it may authorize bankruptcy proceedings where vested pension benefits will be impaired. On July 17, 2013, the pension systems' initiated a similar law suit. On July 19, 2013, the Ingham County Circuit Court Judge entered an Order of Declaratory Judgment, holding that Michigan's authorization to commence the Chapter 9 bankruptcy case violated Michigan's State Constitution's "pension protection clause." *Gracy Webster et al. v. State of Michigan et al.*, No. 13-734-CZ. The bankruptcy court ignored this holding.

The bankruptcy objectors raised numerous legal arguments in opposition to the bankruptcy proceeding. All were rejected by the court. The Court found that Chapter 9 does not violate Article I, Section 10 of the United States Constitution, known as the "contract clause." The Court characterized this agreement as "frivolous," noting that the bankruptcy clause necessarily authorizes Congress to make laws that would impair contracts. In addition, the Court found that Chapter 9 does not violate the Tenth Amendment to the U.S. Constitution, which provides that all rights not specifically given to the United States Government, are retained by the States.

Most disturbing is the Court's rejection of the Michigan pension plans'

arguments premised on the Michigan Constitution, that pension plans have greater protection than other contract debt. After a historical review of the pension protections found in the Michigan Constitution, the Court concluded a slight difference between the language protecting contracts (no "impairment") and the language protecting pensions ("no impairment" or "diminishment"), did not demonstrate pensions were given any extraordinary protection. In its ruling on this issue, the Court concluded under the Michigan Constitution, pension rights are contract rights and are subject to impairment in federal bankruptcy proceedings. Of note, the Court did comment: "No one should interpret this holding that pension rights are subject to impairment in this bankruptcy case to mean that the Court will necessarily confirm any plan of adjustment that impairs pensions. The Court emphasizes that it will not likely or casually exercise the power under Federal Bankruptcy Law to impair pensions."

The Court explained its decision was a "preliminary matter" in a bankruptcy case. The ultimate goal, is confirmation of a plan of adjustment and the Court encouraged the parties to begin to negotiate in an attempt to obtain a consensual plan. Appeals will follow. R&K attorneys will continue to monitor this case and keep you apprised of any developments.

# Social Media

Continued from page 12

dentiality, esprit de corps and efficient operation” of the department. *Busby 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 esprit 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 LCI’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. Fortunately for my family, he was on one of those that returned.

He participated in the shooting down of suicide bombers, suicide swimmers, and mines. He was honorably discharged from the Guard as Seaman First Class on March 13, 1946. And he earned a whopping \$66 a month for his entire tour.

In all the years we spent together, he would never talk about the war, just like most veterans of the Greatest Generation ever. They are our silent heroes.

But one day, over a few glasses of red wine when he was in his mid-70’s, he talked about his life in those days. How much fear there was, shooting down planes, getting his ship hit, and being stranded in Okinawa for a few days. Gutsy stuff that I am honored to have him share with me. I will always cherish those moments.

He had a variety of jobs in his life, always a jack-of-all-trades, but printing was his passion, besides, of course, my mom! And he pretty much stayed in that line of work, operating a printing company long after retirement in his garage, well into his 70’s. He and my mother also knew how to have a good time, purchasing a condo in Florida and going on many cruises in retirement.

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 Marian 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. Te amo.*

# Collective Bargaining Chapters

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