

DEAR BROTHERS AND SISTERS,

AS EVERYONE KNOWS, FOP LODGE 89 AND FOUR OTHER PUBLIC-SAFETY ORGANIZATIONS HAVE FILED A LAWSUIT THAT IS BEING HEARD IN FEDERAL COURT TO CHALLENGE THE COUNTY'S FURLOUGH PLAN. DURING THE PAST FEW WEEKS AND MONTHS, LAWYERS HAVE BEEN EXCHANGING AND FILING BRIEFS AND EXHIBITS, WITH TWO MORE ROUNDS OF BRIEFING TO BE COMPLETED BY THE END OF THIS YEAR.

FORTUNATELY, THE COURT HAS NOW SET A **HEARING FOR JANUARY 12, 2009** IN ORDER TO DECIDE THIS CASE. DURING THAT HEARING, THE COURT WILL BE FACED WITH THREE CLAIMS OR COUNTS FROM OUR LAWSUIT.

FIRST, WE ARE ARGUING THAT THE COUNTY, WHEN IT ENACTED OUR COLLECTIVE BARGAINING AGREEMENT INTO LAW, ENSURED THAT THE SPECIFIC PROVISIONS OF THAT AGREEMENT – INCLUDING GUARANTEED WORK HOURS AND ANNUAL SALARIES – SUPERSEDE ANY PROVISION IN THE PERSONNEL LAW THAT MIGHT OTHERWISE ALLOW FURLOUGHS.

SECOND, WE ARE ARGUING THAT, EVEN IF FURLOUGHS MIGHT BE AUTHORIZED, THEY ARE ONLY ALLOWED IF THE COUNTY CAN SHOW THAT SUCH FURLOUGHS ARE "REQUIRED." IN THE COUNTY'S CURRENT BUDGET SITUATION – WITH HUNDREDS OF MILLIONS OF DOLLARS SET ASIDE IN CONTINGENCY FUNDS, WHILE THE COUNTY EXECUTIVE AND HIS CRONIES TRAVEL THROUGH UNDISCLOSED LOCATIONS IN AFRICA – THE COUNTY COULD NOT AND HAS NOT SHOWN THAT THE FURLOUGHS ARE REQUIRED.

THIRD, WE ARE ARGUING THAT THE FURLOUGHS ARE AN UNCONSTITUTIONAL VIOLATION OF THE CONTRACTS CLAUSE OF THE U.S.

CONSTITUTION, PRIMARILY BECAUSE THE COUNTY COULD NOT AND HAS NOT SHOWN THAT THESE FURLOUGHS ARE REASONABLE OR NECESSARY TO THE ACHIEVEMENT OF AN IMPORTANT PUBLIC PURPOSE.

STATED SIMPLY, THE COUNTY HAS BREACHED OUR CONTRACTS BY FURLOUGHING EMPLOYEES, AND THOSE FURLOUGHS ARE NOT REQUIRED OR NECESSARY GIVEN THE COUNT'S CURRENT FINANCIAL SITUATION.

EACH OFFICER REMAINS AT RISK OF LOSING 80 HOURS OF PAY DURING THE CURRENT FISCAL YEAR, BUT IF THE LAWSUIT IS SUCCESSFUL, SOME OR ALL OF THAT MONEY MAY BE OWED TO ANY POLICE OFFICER WHO HAS BEEN COMPELLED TO TAKE TIME OFF AS AN UNPAID FURLOUGH.

WE WILL REPORT TO YOU SOON AFTER THE JANUARY 9TH HEARING, AT WHICH POINT WE MAY KNOW MORE ABOUT THE POSSIBLE OUTCOMES.

SENDER// ISMAEL "VINCE" CANALES, PRESIDENT, FOP LODGE 89