

All FOP Lodge 89 Members
Important Information

Settlements and Resolutions on Pending Issues, Including Clothing Allowance, Overtime, and the 18-Year Step Upon Completion of 18 Years of Service

To All FOP Lodge 89 Members,

I am pleased to announce that the FOP and the County have reached several settlements or resolutions on the following outstanding issues:

1. Clothing Allowance:

The County has confirmed that the clothing allowance will be paid, as scheduled, before the end of July 2011.

2. Overtime:

Members will recall that, in August 2009, County Executive Jack Johnson issued an Executive Order that unilaterally and therefore, in our view, unlawfully changed the way in which overtime payments were made. In essence, the prior County Executive decided to violate the practice followed for decades, and to pay overtime only after 80 hours of actual work in a pay period. This change meant that officers utilizing paid leave during a pay period were penalized because certain overtime hours would become "straight-time overtime," to use the euphemism coined by the Johnson Administration. The FOP immediately filed an Unfair Labor Practice against the County, and since that time has been working to get the County to rescind this unlawful act.

Executive Order 18-2009 will be rescinded by County Executive Rushern Baker with an effective date of July 1, 2011. This will restore the FOP's historic understanding that

overtime is paid after 80 paid hours per biweekly pay-period. In addition, the parties have agreed that the FOP does not have to dismiss its pending ULP regarding the Executive Order at this time, as the issue of retroactive remedy remains. The FOP also has agreed that there will be no attempt to further prosecute this ULP until after the County and FOP complete negotiations.

3. **18-Year Step Upon Completion of 18 Years of Service:**

With regard to the 18-year step upon completion of 18 years of service, members will also recall that there has been an ongoing dispute, pending at arbitration, over the implementation of the third paragraph of Section 4.01C of the collective bargaining agreement. This provision was negotiated in the late 1990s to ensure that any police officer who may have been denied merit step increases during the 1990s would not be penalized financially in his/her final years or in retirement. To do so, the paragraph provides that, upon completing 18 years of actual and continuous service as defined in the Police Pension Plan, the officer will be placed at the 18-year step on the Uniform Wage Scale. In particular, the paragraph reads as follows:

Effective beginning on July 1, 1999, any police officer covered by this Agreement hired before July 1, 1996 who completes eighteen (18) years of actual and continuous service as defined in the Police Pension Plan but who is not at the step for his/her rank on the Uniform Wage Scale which reflects the completion of eighteen (18) years of service will be placed at that step on the date upon which the officer has completed eighteen (18) years of service, and the officer's anniversary date will be changed, if necessary, to reflect his/her date of hire.

The FOP filed a grievance on this issue, which was denied at the early steps of the grievance procedure but was appealed to arbitration. At the same time, the FOP also has been trying to resolve this grievance in the bargaining process.

The parties have now reached a settlement on this issue. Under that settlement, any officer who was hired prior to July 1, 1996 and who reaches 18 years of service during the current FY2012 (which started July 1, 2011) will be placed on his/her 18-year anniversary at the step for his/her rank on the Uniform Wage Scale which reflects the completion of eighteen (18) years of service. For officers who completed 18 years of actual and continuous service during Fiscal Years 2010 and 2011, they will be placed at the 18-year step effective the first full pay period in July 2011, and for purposes of retirement will receive credit for the higher salary in accordance with the hold harmless provisions contained in Section 23(G) of the collective bargaining agreement. In other words, for officers who may have missed their 18-year step during the past two years, they will be placed on that 18-year step immediately.

Settlement/ Resolution of these issues have been long overdue. The parties are returning to the bargaining table during the next few weeks, and the FOP will continue in its efforts to reach a fair settlement of all prior year(s) outstanding issues. The County has expressed a desire if possible to work out a multi-year deal extending out to Fiscal Year 2014. If a settlement cannot be reached, the FOP retains its full authority to take the open matters to final and binding interest arbitration. We view the above settlements/ resolutions as a step in the right direction. We hope to have some news regarding the collective bargaining agreement soon. The FOP continues to appreciate the patience of the membership as we work through these complicated issues.

Sender// Ismael "Vince" Canales, President, FOP Lodge 89