



The Fourword

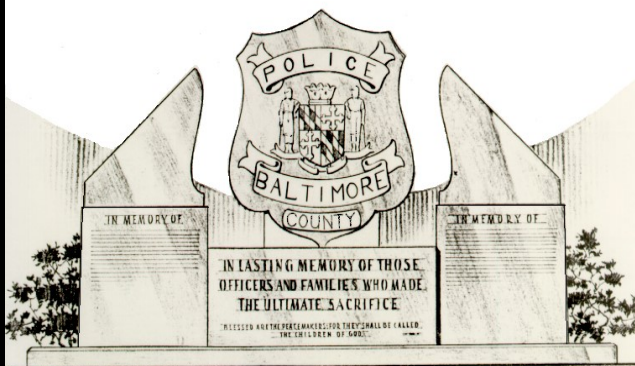
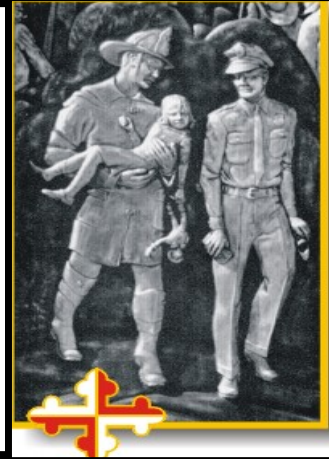
Volume 44 Number 3

March 2017

Fallen Heroes Day

May 5, 2017 at 1:00 p.m.

Dulaney Valley Memorial Gardens
200 East Padonia Road
Timonium, Maryland 21093



Baltimore County Police Memorial Day

May 12, 2017

10:00 a.m.

Courthouse Plaza,
401 Bosley Avenue
Towson, Maryland 21204

NATIONAL LAW ENFORCEMENT OFFICER MEMORIAL DAY

May 15, 2017

United States Capitol
Washington, D.C.



Representing the Professional Police Officers of Baltimore County





MEETING MINUTES

February 2017

- The February General Business meeting was held on February 27, 2017 at FOP Lodge #4. President Weston called the meeting to order at 7:30 p.m. Chaplain DiCara gave the invocation. President Weston led the Pledge of Allegiance.

ROLL CALL OF OFFICERS

- Vice Chair DiCara and Brother Graff were excused. Legal Advisor Marshall was also present. All other Officers were in attendance.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

- A motion was made by Brother Seidlecki to accept the minutes of the December General Membership Meeting. A second was made by Brother Grumbach. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- January 26– Attended a fundraiser for Congressman Dutch Ruppersberger.
- January 27– Chaired a meeting of the Negotiations Committee.
- January 28– Attended the Maryland State FOP meeting.
- January 30– Attended the Maryland State FOP Legislative Committee meeting.

- February 1– Addressed the In-service Training class and testified in favor of HB-100, the retirement subtraction modification bill before the House Ways and Means Committee.
- February 3– Attended the Baltimore County House Delegation meeting in Annapolis.
- February 6– Attended the Maryland State FOP Legislative Committee meeting in Annapolis.
- February 7– Met with Chief Sheridan concerning his return and intentions for the department.
- February 8– Addressed the In-service Training class.
- February 9– Met with Ed Hale Jr. who is a third district county council candidate.
- February 13– Attended the Maryland State FOP Legislative Committee meeting in Annapolis.
- February 14– Attended the Pension Board of Trustees meeting, attended the County Council work session and the confirmation hearing for Chief Sheridan.
- February 15– Addressed the In-service Training class and chaired a meeting of the Negotiations Committee.
- February 17– Attended the Flanary hearing in the Federal District Court.
- February 20– Attended the Lodge #4 Executive Board of Directors meeting and the Maryland State FOP Legislative Committee meeting.
- February 27– Attended the Maryland State FOP Legislative Committee meeting in Annapolis and chaired the Lodge #4 General Membership meeting.

LODGE 4 OFFICE

9304 Harford Road
Baltimore, Maryland 21234
Phone (410) 668-0004
FAX (410) 668-8126
Toll Free (888) 313-3501
www.foplodge4.org

ELECTED OFFICERS

Cole B. Weston
President
(443) 956-2679

Steven G. Comegna
1st Vice President
F.O.P. Lodge 4
(410) 409-0293

David M. Rose
2nd Vice President
F.O.P. Lodge 4
(443) 956-2643

Donna M. Patterson
Lodge Secretary
PC-12
(410) 365-8481

Robert W. Caskey
Treasurer
CIB-Robbery
(443) 956-2615

W. Don Patterson
State Trustee
Retired

Ryan Massey
Sergeant at Arms
CIB - Homicide

Anthony DiCara
Chaplain
PC-8

L. Timothy Caslin
Past President
Retired

EXECUTIVE BOARD of DIRECTORS

Kenneth F. Schubert
Chairman
Retired
(410) 404-2788

Mike DiCara
Vice Chairman
PC-4

Thomas G. Scally
Retired

Kathy Kraemer
PC-6

David Sweren
PC-6

Chris Hodnicki
CIB-GET

James P. Rommel, Jr.
PC-3

Ryan Franks
CIB-Property

Robert Graff
PC-6

Patrick Zito
Retired

LODGE STAFF

Nancy Skinner—Administrative Assistant

LEGAL ADVISORS

Schlachman, Belsky & Weiner, P.A.
Phone (410) 685-2022
IAS Cases Michael Marshall

The Fourword is the official monthly publication of Baltimore County Fraternal Order of Police Lodge 4.

Fourword Editors

Donna Patterson
Don Patterson

The Fourword

~ 1st V. P. COMEGNA ~

- January 24-26– Attended the required In-service Training class.
- January 27– Attended a meeting of the Negotiations Committee.
- February 3– Attended the Step #3 Grievance Hearing for the “most favored nations” or “me too” clause of the MOU.
- February 15– Attended a meeting of the Legal Advisory Committee and a meeting of the Negotiations Committee.
- February 16– Attended a meeting of the Diversity and Inclusion Workgroup.
- February 17– Attended a meeting of the Police Assistance and Relief Fund (PAR).
- February 21-24– Attended the 2017 Law Enforcement Labor Summit and the annual FOP Legal Counselor Seminar.
- February 27– Attended the Lodge #4 General Membership meeting.
- February 10– Assisted Kathleen Cahill with the Flanary case.
- February 13– Attended the Maryland State FOP Legislative Committee meeting in Annapolis.
- February 14– Attended the Pension Board of Trustees meeting and the County Council work session and confirmation of Chief Sheridan.
- February 15 – Chaired a Legal Advisory Committee meeting and transported our expert witness in the Flanary case from the airport to her hotel.
- February 17– Attended Federal District Court for the Flanary case.
- February 20-24– Attended the Labor Summit and Legal Counselors Seminar.
- February 27– Attended the Lodge #4 General Membership meeting.
- February 9-12– Attended the Grand Lodge FOP Leadership Matters training in Nashville.
- February 15– Transported our expert witness in the Flanary case from the airport to her hotel.
- February 20– Attended the Lodge #4 Executive Board of Directors meeting.
- February 27– Attend the Lodge #4 General Membership meeting.
- At the State FOP meeting Secretary McIntyre spoke about the National Conference. There was discussion about lodging for the National Conference. Several lodges are not staying in the host hotel. He also stated at least the Secretary and Conductor positions are going to be contested.
- National Trustee Cherry made a motion for the State Lodge to have all delegates wear the same shirt.

~SECRETARY PATTERSON~

- January 24– Met with Kathleen Cahill to discuss the Flanary case.
- January 27– Attended a meeting of the Negotiations Committee.
- February 1– Assisted Kathleen Cahill with the Flanary case.
- February 3– Presented the mileage grievance at Step #3 at the Office of Administrative Hearings.
- February 6– Attended the Maryland State FOP Legislative Committee meeting in Annapolis.
- February 7– Attended the Flanary case at the Court of Special Appeals in Annapolis.
- February 8– Assisted a member with retirement options.
- February 9– Assisted a member with retirement options.
- January 28– Attended the meeting of the Maryland State FOP.
- February 9-12– Attended the Grand Lodge FOP Leadership Matters training in Nashville.
- February 20– Attended the Lodge #4 Executive Board of Directors meeting.
- February 27– Attended the Lodge #4 General Membership meeting.

~TREASURER CASKEY~

- Presented the Treasurer’s report to the membership at the General Membership meeting on February 27, 2017.

~TRUSTEE PATTERSON~

- January 28– Attended the meeting of the Maryland State FOP.

Association of Baltimore County Retired Police Meetings 2017

***April 4
May 2
September 5
November 7***

***All meetings are held at
Parkville Heritage Gar-
dens at 7:30 p.m.***

EXECUTIVE BOARD OF DIRECTORS REPORT

~ Ken Schubert ~

- An Executive Board of Directors meeting was held on February 20, 2017. First VP Comegna, Second VP Rose and Vice Chair DiCara were excused, all other board members and Legal Advisor, Mike Marshall were in attendance.
- Motions that were made, after receiving a proper second, were discussed, voted upon and appear in this issue under the appropriate committee reports.

REPORTS OF COMMITTEES

BULL ROAST COMMITTEE

~ Donna Patterson ~

- The 46th Annual Bull and Oyster Roast and Shrimp Feast was held Sunday, March 26, 2017.

DONATION REVIEW COMMITTEE

~ Mike DiCara ~

- The committee met and made the following motions:
- To donate \$1,500.00 as a Bronze Sponsor to the Baltimore County Police Foundation.
- To donate \$250.00 to the National Police Week 5K to sponsor Sister Danielle Barber's team, Back the Blue.
- To donate \$250.00 to sponsor a hole for the Blue Valor Golf Tournament in memory of Brother Jason Schneider.
- To donate \$300.00 to the St. Baldrick's Annual Fundraiser to cure childhood cancer.

GRIEVANCE COMMITTEE

~ Dave Rose ~

- On December 23, 2016, the FOP filed a class action grievance over mileage in section 11.1 of the MOU. Colonel Burris informed the FOP that mileage will no longer be paid for officers who go home after working midnight shift and having morning court.
- On January 20, 2017, a Step #2 hearing was held with Colonel Burris as the hearing officer. The FOP presented its case and Major Hlavach, Captain Kelly and Captain McGann represented the department. The department's case was mainly that the Chief must authorize all travel under the travel policy and since he did not authorize it, the officers are not entitled to compensation.
- On February 3, 2017 Colonel Burris issued a decision denying the grievance. On February 14, 2017, we filed an appeal to Step #3. Hearing date is March 31, 2017.
- On January 20, 2017, the FOP filed a grievance under section 6.1c of the MOU, commonly referred to as the "me too clause". The FOP made an inquiry to the Office of Human Resources about the upgraded classification of certain Fire Department positions that resulted in reclassifications on July 1, 2016 that were not provided to members of the FOP. The County provided the following response: The Office of Human Resources at the request of the Fire Chief independently performed the analysis that resulted in the recommendation to the administration to upgrade certain fire department classifications. The county takes the position upgrades of the fire department classifications were not a part of negotiations and Article 6.1c of

the Memorandum of Understanding between the FOP Lodge #4 and the County is not applicable.

- On January 23, 2017, Colonel Burris denied the Section 6.1c grievance at Step #2 because the department cannot rule on the issue. The same day the FOP promptly appealed to Step #3.
- A Step #3 hearing was held on February 3, 2017 at the Office of Administrative Hearings in front of Hearing Officer Stahl. The County took the position that the reclassification for pay scale 5 was not mutually agreed upon between the Administration and Local #1311. The Administration conducted a study for comparable jurisdictions and decided a reclassification was needed so they implemented the reclassification.
- On February 9, 2017, Hearing Officer Stahl issued a decision denying the grievance. The decision is being appealed to Step #4, arbitration.

LEGAL ADVISORY COMMITTEE

~ Dave Rose ~

- The Legal Advisory Committee met on February 15, 2017 to discuss a request for representation and funding from Brother Christopher Spivey. He was charged by the order of Assistant State's Attorney Robin Coffin, criminal-ly with assault for his actions while apprehending an auto theft suspect who fled on foot. The pursuit and apprehension were captured on video by Baltimore City Police helicopter and forwarded to our Internal Affairs. After reviewing the video, Robin Coffin directed that Pfc. Spivey be charged with second degree assault. He was issued a criminal summons on February 6, 2017.

After reviewing the video and speaking with Pfc. Spivey, Mike Marshall and the use of force expert for SBW felt that Pfc. Spivey's actions were appropriate. He advised that this is a case the FOP should consider funding.

- On February 13, 2017, Pfc. Spivey requested the committee consider funding attorney Brian Thompson from the firm Silverman, Thompson, Slutkin and White to represent him in his criminal case. Mr. Thompson communicated to the committee that this is a case the FOP should consider funding and that he would like to represent Pfc. Spivey.
- This information was presented to the committee members for discussion. A motion was made by First VP Comegna to fund the case. A second was made by Brother Rommel. The motion passed unanimously.
- The committee also discussed a request from Mike Marshall to hire a use of force expert for Pfc. Hannig's trial board scheduled for late spring or early summer 2017. A motion was made to fund the expert and that motion passed unanimously.
- The committee discussed the February 9, 2017 Step #3 decision by Hearing Officer Stahl in which he denied the Section 6.1c class grievance. Our attorney, Matt Clash-Drexler recommends we fund this grievance to arbitration. The committee members voted unanimously to fund the grievance to arbitration.
- On November 23, 2016, the county, specifically Director of Budget and Finance Keith Dorsey, notified Ericka Schneider that her spousal death benefit would be discontinued because she had remarried and will now go to Brandon Schneider until he reaches age 18, despite the fact the County Council passed legislation elimi-

nating that provision from the section of the code effective March 2, 2015. No date is set for the appeal.

- The Flanary case was presented at the Court of Special Appeals on February 7, 2017. This was an appeal of Judge Nagle's denial of the temporary restraining order (TRO) last February 2016. On February 27, 2017 we received a decision from the Court of Special Appeals. The decision did not entirely overrule Judge Nagle's decision on the TRO, however the court did issue a concurring opinion which disagreed with one part. The Court stated that while it would not overrule Judge Nagle's decision they did feel that Flanary did demonstrate that she would likely succeed on the merits of the case.
- The Federal District Court hearing for the Preliminary Injunction was on February 17, 2017. This is the actual suit for the ADA violation. The case is continued until March 2, 2017 for a second day of testimony. At the conclusion of day 2, the case was continued for a third day scheduled March 21, 2017.
- On March 9, 2016, we filed a notice of intent to arbitrate as per Article 8, Section 8.3, step #4 paragraph (b) of the MOU in our healthcare subsidy grievance. On June 15, 2016, we met with our labor attorney and health care consultant to discuss and prepare for the grievance as we move forward into arbitration. We have tried to arrange a meeting with the County Administration to try and resolve the issue outside of arbitration but the County has not expressed a desire to do so. We have obtained a list of arbitrators from the AAA. The County has communicated to us that they decline to participate in the arbitration of this grievance. We will move forward with the selection

of an arbitrator and proceed in the process.

- Mike Marshall and his staff are working on the Marvin Haw pension appeal to the Office of Administrative Hearings. At this time, no date has been set.

PENSION COMMITTEE

~Dave Rose~

- At the February 14, 2017 Pension Board of Trustees meeting the Board approved eighteen (18) total retirements. Two (2) of those were from the police department.
- Brother Justin Mueller applied for a disability retirement and was deemed to not be disabled by the reviewing physician and the medical board. However, it appears he was rated under his temporary assignment as a criminal information processor and not a police officer. President Weston made a motion that he should be examined and rated as a police officer and Second VP Rose gave the motion a proper second. There was much discussion from Budget Director Keuith Dorsey, OHR Director Gay and Suzanne Berger, attorney for the pension system. Ms. Berger said she could provide documentation to support the County's position but she did not immediately have it available. There was a motion to table and that motion passed.
- At the February 14, 2017 meeting Suzanne Berger informed the committee that she did the research and she was correct, there is case law supporting the position of the County to have Brother Mueller evaluated in his light duty position. President Weston renewed his motion to have Brother Mueller evaluated in

The Fourword

his job classification. The motion failed with only President Weston and Second VP Rose voting in favor of the motion.

Retirements

**John Wachter
Darren Gonzalez
Mark Hurley
Albert Kappes
Alan Tsang
Alayne Mead
Eric Keith
Stephan McLeroy
Tim McLaughlin
Michael Franklin
Michael Greco
Karie Chilcoat**

POLICY REVIEW COMMITTEE ~Dave Rose~

- The committee members reviewed five (5) new or revised policies this month. No bargaining issues were identified. The department is making some changes to the use of force definitions in the manual. The committee and Mike Marshall reviewed the proposed changes and had no objections.
- The FOP sent a letter to Chief Johnson on December 12, 2016 requesting to bargain over the Social Media Policy. Colonel Burris acknowledged receipt of the letter and said that the Fourth Circuit Court case affecting the current policy is being reviewed by the County. At this time, there is no meeting scheduled.

POLITICAL ACTION COMMITTEE ~ Steve Comegna ~

- The Political Action Committee did not meet in February. However, since our last General Membership meeting, President Weston had a casual introductory meeting with a local businessman who is considering a run for political office in Baltimore County's 2018 elections.

SCHOLARSHIP COMMITTEE ~ Tim Caslin ~

- 48 scholarship applications were received by the committee. The committee met and narrowed the list down to 18. The committee will interview those 18 applicants to decide who will receive the scholarships.

NEW BUSINESS

- President Weston had a meeting with Chief Sheridan to discuss his return and his intentions for the department. One of the issues brought to the Chief's attention was the number of unfunded positions in the department. At this time there appears to be no urgency to fund those positions.

GOOD OF THE ORDER

- During the month of February FOP Lodge #4 sent ten (10) cards and flowers to bereaving members. Eleven (11) thank you cards were received. Four (4) donations were made in lieu of flowers. Three (3) flowers or fruit baskets were sent to members recovering from illness or surgery.

- A reminder to our members, especially members returning from military deployment, check your paystubs to make sure you are being paid at the correct step and/or longevity rate. Recently a member discovered a mistake that has been made in his compensation.

New Additions

**Zoey Gracelyn Utz, Daughter
of Brother Joshua Utz**

**Jaxton Joseph Wilking, Son
of Brother Matt Wilking**

**Gary Moore III, Son of Brother
Gary Moore Jr. and Sister
Danielle Moore**

**Wyatt Anthony Pace, Son of
Sister Shelby Pace**

**Luke James Lee Staines, Son
Of Sister Amber Staines**

**Mackenzie Leigh Dickel,
Daughter of Brother Ryan
Dickel**

**Phillip Seaman III, Son of
Deneisha Seaman**

**Isabella Marie Recine,
Daughter of Sister Kelly Re-
cine**

**Wesley Cooper Benton, Son
of Brother Samuel Benton**

**Keigan Louis Bieker, Son of
Brother Brenton Bieker**

**Emily DiCara, Daughter of
Brother Michael DiCara**

**Adrianna Marie Jones,
Daughter of Brother Howard
Jones**

Bereavements

**Retired Brother Joseph E. Stricker Jr., Father of Retired Brother Joseph
E. Stricker III and Brother
Michael Stricker**

Retired Brother John C. Temple

Retired Brother Craig Herwig

Retired Brother Paul Crowe

John Knotts, Father of Sister Renee Knotts

Jacquelyn Daniel, Mother of Brother Aundre Smith

Donna Duckworth, Wife of Retired Brother Milton Duckworth

Theresa Joan Ward, Mother of Retired Sister M. Kim Ward

Michael Cortes, Father of Brother Michael Cortes

Melvin Jerome Fowler, Husband of Sister Yvonne Callahan-Fowler

Joan Pfouts, Mother of Retired Brother Donald Pfouts

Angie DiPaula, Wife of Retired Brother Michael DiPaula

Robert Grumbach, Brother of Retired Brother John Grumbach

Gregory Avent, Father-in-Law of Sister Angela Avent

James Wolfe, Father of Brother Dave Swinney

Roosevelt Smith, Brother of Brother Aundre Smith

The April
**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
April 24, 2017
7:30 p.m.**

at
**FOP Lodge 4
9304 Harford Road**

The May
**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
May 22, 2017
7:30 p.m.**

at
**FOP Lodge 4
9304 Harford Road**