

June

2009

# F.O.P. NEWS

Committee: Rhonda Bullock, Chairman

Gerry Majerczyk

Bill Burns

Official Publication of Chicago Lodge No. 7



FOP, Chicago Lodge 7  
1412 W. Washington Blvd.

## President's Report, By Mark Donahue

### Negotiations

Since the last Newsletter, the Lodge has had two Core Group Meetings with the City. Those meetings occurred on May 8<sup>th</sup> and 20<sup>th</sup>. There are two more meetings scheduled for June 3<sup>rd</sup> and June 10<sup>th</sup>. We have had 5 meetings in the past 7 weeks and the majority of the negotiations dealt with the issues of the City Financial Proposal, the FTO Program, the Performance Evaluation System, Breathalyzer Standards, Drug Testing, Retiree Health Care and Special Employment. The final subject was added as a direct result of the Department Administrative Order 09-02 that delineates how the Department intends to conduct future Performance Evaluations beginning in 2010. The Lodge position is that this issue is a mandatory subject of bargaining and the City agreed and is now doing so.

The progress at the majority of these meetings has kept the Lodge at the table and is the reason why we are willing to remain there. There are issues of extreme importance that are being discussed and necessitate our continued diligence. When productive discussion ceases, so will our efforts to reach a negotiated settlement and the full Negotiating Team, with input from your Unit Reps, will direct the Lodge as to how we proceed. To those of us who are anxious to get these matters

resolved, our patience is being challenged but we all need to be committed to getting the best in wages, hours and working conditions, and to guarantee those that we currently enjoy, regardless of any expected timeline any of our members may have. As was stated at a recent General Meeting, a member proclaimed that the Lodge should negotiate a good contract and not necessarily a fast contract.

The Lodge has not been approached to consider taking unpaid furlough days or any other financial give backs that have been presented to other City contract employees. We do know that the City has slowed hiring and will probably not meet its Budget intent of hiring 200 officers in 2009. We do know that the Department now numbers below 13,000 for sworn employees. This reflects a decline in total numbers of about 500 below budget. Those 500 fewer members reflect a savings to the City of about 52 million dollars this year. We also know that the City has been designated to receive Federal Funds for Police overtime so the potential for new overtime opportunities may be in the offing. During these trying economic times, the City has determined that employee cuts is the most prolific way in which to balance the Budget. A further determination will need to be made in the near future as to how long they wish to deplete the num-

bers of sworn personnel in the Department relative to public safety and let's hope that they do it before we cross deeper over the point of no return in keeping control of the streets.

### Legislation

The members of the Legislature are hurrying to finish its business so that they can go home on time for the first time in a while. There have been in excess of 7,000 bills filed so far this session and every one of them needs to be reviewed. Now is the time many of these bills will be amended or "shell bills" will be utilized for issues raised late in the session. Our bills that have seen movement are HB2582, the cleanup language for the Pension Portability Bill which will add the Aviation Police and Federal Police Officers to the list of eligible members who may buy time in our system. This bill has passed both Houses and should be sent to the Governor soon. SB2072 has passed out of the Senate and hit a brick wall in the House. This Manning Bill would simply allow for the Lodge to negotiate over the level of manning in, for example, District Law Enforcement. The intent is not to dictate what the numbers should be, but ensure that once the levels are set, they are met. It is being perceived as a means of diminishing management rights and that perception set off a round of alarms among the

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*"We do know that the Department now numbers below 13,000 for sworn employees. This reflects a decline in total numbers of about 500 below budget."*

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## President's Report Continued...

Chief's Association, the Sheriff's Association and the City. We are in the process of attempting to clarify our position on this issue. The State Lodge introduced a bill which, if passed, would allow for the purchase of military time based upon the formula proposed in our Portability Legislation. Although that bill never got legs, Local 2 of the Firefighters Union moved a similar bill out of the House that we then sought to amend to include Law Enforcement Officers as well. Their bill would bring them to par with the rest of the State's firefighters who obtained the military buy back last session. In the Senate discussions soon caused concern with primarily the Illinois Municipal League who clearly had no understanding of the objective as well as other groups. The Senate sponsor then decided to remove the amendment language from the bill and let the Firefighters bill go alone, and gave us a "shell

bill" to add the amended language to. That bill is SB552. It is currently on 3<sup>rd</sup> reading in the Senate and we are being assisted by the Sponsor in moving it along.

HB648 is the "new and improved" data collection bill relative to Racial Profiling. This legislatively mandated practice was to end in 2010 until Rep. Monique Davis introduced this bill to have it continue forever, even though none of the data collected over these past 8 years, by their own standards, has shown that it is a problem in Illinois. This bill was amended twice and in its current form, continues the practice until 2015. There is not a finer example of "feel good" legislation that serves no public service other than employing members of academia to analyze the data, all at the expense of the Illinois taxpayers and the challenge of credibility for Law Enforcement. Legislation that we

have supported includes the Gang Recruitment Bill [SB141] and the Hidden Vehicle Compartment Bill [SB243]. Both have passed out of both Houses as well and should soon become law.

### Pension Commission

The next Pension Commission Meeting is scheduled for June 8<sup>th</sup> and according to the original plan which was to meet its objective in 18 months, July is the month in which they hope to do so. Being involved in this process to say the least has been an education but some things have not changed. Members of this Commission have come in with pre-conceived ideas on how to fix the problems with the four City Funds and they have not changed their minds one bit. Representatives of the Civic Federation have been continuing their public mantra over the tenure of the Commission even

though there was a confidentiality agreement entered into. They have forged ahead with their positions not only here in the City but in the State as well and none of the reports about what the best programs are have swayed their opinions. My hope is that rational recommendations will rule the day and the Committee's recommendations will not be biased by those with tunnel vision.

### Recent Issue

The latest incident of allegations being brought against a department member for DUI has begun a feeding frenzy of finger-pointing and solution seeking among our friends and detractors alike. In this line of work we see on a daily basis how these incidents and allegations destroy lives both physically and emotionally and we all know what the solution is. It is, as always, a matter of putting that knowledge into practice.

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## First Vice-President's Report, *By Bill Dougherty*

### Arbitration: Off-Duty - Injury On Duty

Many of us have been injured off duty while working a side job or some type of secondary employment. In most cases, an Injury on Duty Report will be made by the Department and then forwarded to the Committee on Finance for a determination of compensability. In all cases, if you believe that you were injured acting in your capacity as a police officer, you should insist that an Injury on Duty Report be filled out.

In one particular case, the officer was working security and came upon a citizen who didn't want to comply with the

direction that was given to him by other security guards. The officer saw that the "citizen" was starting to act unruly toward the other security guards and called 911 for assistance. The officer, when calling 911, identified himself as a Chicago Police officer per the Department General Orders.

In the meantime, the "citizen" was becoming combative and the officer identified himself as a Chicago Police officer to the "citizen". The "citizen", in turn, struck the officer in his jaw, causing injuries that required considerable medical treatment.

For an injury to be com-

pensable under Illinois Workers Compensation Law, the injury must "arise out of" and be "in the course of" employment. The Committee on Finance did not believe that this injury fit that criteria and denied the officer's IOD. The Lodge demanded arbitration and a hearing was held in January 2009.

The City argued that at no point prior to the officer being injured did the officer step out of his role as security guard. The City also argued that a significant part of the IOD denial was that the officer made no attempt to arrest or handcuff the

subject. The City also argued that department reports are merely administrative documents and do not require the Committee on Finance to approve any IOD claim just because these forms were completed.

The Lodge emphasized that the offender was arrested and criminally charged with aggravated battery of a peace officer, and that he was tried and convicted of the same offense. In prior appellate court decisions, the courts have ruled that an off duty police officer working as a security guard could be considered to have been engaged in police duties. The controlling factor in mak-

## First Vice-President's Report, *By Bill Dougherty*

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ing such determinations is not whether the officer was on or off duty, but whether the officer was engaged in official police duties.

Director Conley of the Committee on Finance admitted that she never interviewed anyone regarding this claim. She admitted that the officer had to be performing a police function in order for the Officer's Battery Report to be sub-

mitted. She was also not aware that the officer had called 911 after the subject became unruly. It was a sloppy investigation at best. The City / Department alone is responsible for collecting the relevant materials to include in the file in order to make an informed decision about his claim. In short, the Lodge argued that the City's denial of the IOD claim was uninformed and highly unrea-

sonable.

The arbitrator stated that the evidence shows that the officer began performing police duties immediately prior to being assaulted and having his jaw broken by the offender. The officer continued to perform his police duties immediately after the offender injured him in order to enable on-duty department officers to arrest him. As a result, this

evidence shows that the officer was performing a police function when he was injured. The grievance was sustained. The City was directed to code the officer's time off of work as IOD. The City shall pay the officer any holiday pay he didn't receive in his absence and the City will pay for any future treatment for his IOD. The City also had to pay the arbitrator's fee and expenses.

## Second Vice-President's Report, *By Frank DiMaria*

### Submission Of DNA Evidence By Police Officers

I have reported previously in regards to the submission of DNA Evidence (Buccal Swabbing) of Police Officers for duty related matters (weapons discharge incidents, aggravated battery of a police officer) which has been the subject of some recent incidents which have occurred. This subject is not governed by any General Order or Department Directive and there is nothing mentioned of the submission of DNA evidence under the current Collective Bargaining Agreement or the Police Officers Bill of Rights.

If you are involved in an incident where, during the course of the investigation, it is determined that your DNA evidence would be needed for the case, you would be presented with a Consent to Collect Biological Samples form. The form would read that the person to submit to this procedure has a constitutional right to refuse consent without a judicial order being first obtained. The form advises the person that he will now give his consent for this procedure and the samples which are

taken will be forwarded to the Illinois State Police Laboratories or other appropriate lab for further analysis. The form then states that this analysis can and will be used in criminal investigations and will be turned over to the states attorney's office or other prosecutorial agencies. If the person is charged, the analysis may be used as evidence against the person. If you agree with the terms as stated on the form you would sign and then comply with the buccal swab. The submitted DNA evidence would then go into the Codis System along with registered sex offenders, felons and recent parolee's.

Officers, if you are made aware that you will be asked to submit to collecting your biological samples notify the Lodge immediately so we may assist you during the investigation. The submission of DNA Evidence is strictly done with your approval and permission and is voluntary.

I am sure the intention is well meant in strengthening a criminal investigation but until the Lodge has something in writing on the collec-

tion and storing of a Police Officers DNA Evidence we will advise our members not to volunteer to give away one of their rights.

### Fishing Tournament Report

The Annual FOP Fishing Tournament was held 20 May 09 on the waters of the Chain of Lakes with 65 Boats signed up to compete in this year's tournament. Most fishermen journeyed into the waters just around 0500 hrs to begin their day of fishing. It was a sunny, clear and windy day for this year's quest to catch the largest trophy. The boats started to trickle in shortly after Noon with some tales of the one that got away. The returning fisherman all said the fishing was good but that the winds were very strong making the journey back to shore difficult. The mad rush started about 1:30 pm for those remaining boats to register their prize catch to qualify for the prizes. The weigh in was conducted by our fishing pro and the following fishermen are the 2009 Winners:

### Oskanen & Magiera

Boat #63 2<sup>nd</sup> Place

### Schmalz & Desantis

Boat #10 3<sup>rd</sup> Place

### Chiappetta & Chiappetta

Boat#7 4<sup>th</sup> Place

### Bonczek & Bara

Boat#27 5<sup>th</sup> Place

### Folino & Golnik

Boat#6 6<sup>th</sup> Place

### Luciano & Healey

Boat #32 7<sup>th</sup> Place

### Swarbrick & Swarbrick

Boat#3 8<sup>th</sup> Place

### Clas & Clas

Boat#12 9<sup>th</sup> Place

### Burhrke & Matual

Boat #62 10<sup>th</sup> Place

### Slechter & Reina

Boat #20 Biggest Fish

We hope that everyone enjoyed the tournament and we will see you next year. Please contact us with any suggestions or comments.

**The next General meeting is scheduled for Tuesday, June 16th at Noon.**

**All members are encouraged to attend.**

**No parking in the Lung Association parking lot.**

**Gallion & Wollenberg**  
Boat #8 1<sup>st</sup> Place

## Third Vice-President's Report, *By Greg Bella*

### FOID Cards

The Department brought a separation case against one of our officers and in June of 2008 the Police Board returned the officer to work after a suspension. The officer contacted the Department to return to duty on 01 July but Personnel would not allow him back to work because he did not possess a valid FOID card. The officer was informed that Department policy is that any officer returning from a leave of absence or suspension must have a valid FOID card. The officer jumped through the hoops and, after 28 days, got his FOID card and was restored to the payroll.

Notice of this policy has never been given to the Lodge or any of its affected members. The policy of having a valid FOID card is not set forth in any General Order or any other communication which is distributed to members of the Department. Further, this policy is applied in an arbitrary and unreasonable manner. Needless to say the Lodge filed a grievance over this issue as well as the officer's lost wages. Last week the case went to arbitration.

During this arbitration, a Commander testified that officers returning from a leave of absence or suspension must have a valid FOID card which is "encapsulated" in G.O. 07-01, section IX, but he admitted that the order does not actually say that officers returning from a suspension or leave of absence must have a valid FOID card before they can return to duty.

Further testimony revealed that officers returning from a leave of absence or a suspension that is a result of the Police Board decision will not be

returned to the payroll until they possess a valid FOID card. However, officers returning from shorter suspensions are not required to comply with the FOID card requirement. Since this requirement is not stated in the General Order, no one returning to duty, outside of the Personnel Division, would be in compliance with the requirement because there is no way they would know of the requirement. An officer returning from a five-day suspension or ten day suspension is not returned to duty through the Personnel Division and is not held to the FOID requirement.

The Illinois State Statute contains exceptions to the statutory requirement of possession of an FOID card. Subsection (c) states, in pertinent part:

**The provisions of this section regarding the acquisition and possession of firearms do not apply to law enforcement officers while engaged in operation of their official duties.**

The Department's policy and practice however, results in the opposite situation occurring. The officer owns his/her weapon and the Department does not take it away during periods of suspension, leave or medical.

The Commander testified that an officer on suspension needs to have a valid FOID card because he is not engaging in the performance of his/her duties. The same is true for officers on the extended medical or leave of absence. However the Department does not check whether an officer has a valid FOID card when he/she begins a suspension, leave of

absence or medical roll, but only when an officer is to return to duty.

Even though the statute is crystal clear that **an officer does not need an FOID card while in performance of his/her duties** the Department checks to make sure that you have a valid FOID card in performance of your duties and yet the Department **fails to insure that an officer will have a valid FOID card while not in the performance of his/her duties.**

Someone in this Department determined that even though by law you are **not** required to possess an FOID card to work, the Department will ensure that you have one. This is just another ridiculous stance taken by this Department. We are

awaiting the arbitrator's decision on this grievance.

### **Call Back Grievance, 129-09-007**

The Lodge filed this grievance on behalf of any and all affected members who have been stripped of their police powers and involuntarily placed in unit 376. There are officers who have been cleared of any wrong doing but are still stripped and involuntarily assigned to call back. These officers who are cleared of wrong doing are unable to work as officers and unable to work special employment.

With manpower down it just doesn't make sense that the Department would hold these officers hostage and the Lodge is attempting to have these officers restored to duty and returned to work.

### **FOP, Lodge #7 Annual Golf Outing**

**Monday, August 24, 2009, Tee Off Times  
Starting At 0800 hours**

**St. Andrew's Golf Club, Rte 59 at North  
Avenue, West Chicago, Illinois**

**Reservations Are Being Taken Now By  
Calling Kathy Moore Or Doreen Plachta At  
The Office, 312-733-7776**

**\$400.00 Per Foursome,  
Golf, Cart, Lunch &  
Dinner**

**Included In Price -  
(Cash Bar)**



**Money Due When Making Reservations**

## Recording Secretary's Report, By Sidney Davis

### FOP Fishing Tournament

65 boats were launched on the morning of May 20, 2009 seeking bragging rights for the biggest fish (the most weight by pounds and points) to claim 1<sup>st</sup> place in the Annual FOP Fishing Tournament.

The weather was excellent with exception to high winds. Periodically, a few batteries went dead through use of trolling motors attempting to stay put at a favorite spot. The largest fish (bass- 3.5 pounds) was turned in by boat #20 Scott Slechter, Unit 025 and Sal Reina, Unit 215. Results of placements 1<sup>st</sup> through 10<sup>th</sup> will be reported by 2<sup>nd</sup> Vice President Frank DiMaria.

### Pension Board Meeting, April 29, 2009

Over 100 lodge members were present, including retirees who took issue regarding an e-mailed letter about health care and 2013. During the course of the meeting it was determined that a Pension Board Meeting would be scheduled at a mutual site within the next

few weeks allowing more members to attend. The current Pension Board room will only accommodate about 44 individuals including Board members.

### Police Memorials

The Lodge thanks all the officers who participated in this year's Annual St Jude's March on May 3rd. Officers from all Districts and Units converged upon the Gold Star Families Memorial Park.

FOP conducted its Annual Memorial Service on May 5th at the FOP Hall. The names of three Chicago Police Officers were recognized. Officer Richard M. Francis (Star # 5276), Officer Nathaniel Taylor (Star # 7322 and Officer Joseph M. Airhart had their names inscribed onto the Memorial Wall. Mark Donahue (President - Chicago FOP, Lodge 7), Leo Schmitz (Commander Gang Enforcement Unit), John Kenny (Commander - 019), Jim Darling (Commander - RTD)

Donna Marquez (President - Gold Star Families, Father Daniel Brandt (Chaplin - CPD) and Rabbi Moshe Wolf (Chaplin - CPD) along with a host of Lodge members and guests were present for the memorial service.

The Lodge also extends a hearty thank you to the officers who participated in the Illinois Memorial Service held on Thursday, May 7, 2009.

The Washington DC Memorial was held on Friday, May 15, 2009 and 325 Chicago Police Officers participated. A special thank you to officers including first timers making the trip to honor their fallen brothers and sisters over the years. Let us remember to keep Sergeant Gina Dwyer in our prayers who did not make the trip this year due to illness.

### June FOP Meeting

The Lodge invites all members to attend the June 16<sup>th</sup> F.O.P. General Meeting

at noon as it will be the last General Meeting prior to taking a summer break. A barbecue will immediately follow the meeting. The next scheduled meeting will be held on Tuesday, September 15th. Constitution and By Laws will be on the agenda for this meeting.

### Watch Bidding

On Wednesday June 3, 2009 watch bidding for units and districts opened under section 31.5, if watch bids are posted they will remain posted for 7 calendar days (June 9, 2009). Members are reminded that the contract states, "if and when the Employer decides to fill a recognized watch vacancy by bid", such vacancy to be bid shall be posted on the seventh calendar day (Wednesday) of the Third, Sixth and Ninth Police Periods and shall remain posted for seven (7) calendar days. The next recognized watch vacancy will occur on Wednesday, August 26, 2009.

## Retiree Breakfast & Luncheon Meeting Schedule

### North:

1st Wednesday of Month @ 7:30 am  
**Lone Tree Manor**, Joe Nalepa, 773-763-1362

### South:

2nd Wednesday of Month @ 10:00 am  
**Jedi's Garden**, Don Januszyk, 708-364-9903

### Bomb & Arson:

2nd Tuesday of Month @ 8:30 am  
**Fiesta Tapatia Restaurant**, Ron Sacolick, 773-841-7747

### The Dirty Dozen, 12th District Retirees

1st Thursday of Month @ 10:00 am  
**Southern Belles Restaurant**, 6737 Archer Ave., Bridgeview

### Crime Lab, ETs, Forensic Services & Mobile Unit

1st Tuesday of Month @ Noon  
**Flap-Jack's Restaurant**, Bob Baikie, 773-284-1935

### Orland Park Law Enforcement Organization:

3rd Thursday of Month @ 7:30 pm  
**Orland Park Civic Center**, Don Ade, 708-408-9308

### Brothers & Sisters Band Together:

3rd Saturday of Month @ 10:00 am  
**Pancake House**, Roosevelt Lowe, 773-779-4073

### 8th District 8 Balls:

Last Wednesday of Month @ Noon  
 Call for location: Al Bilacki, 773-767-1885

### Old School Deuce:

2nd Tuesday of Month @ 10:00 am  
**Lumes Pancake House**, Elbert Parker, 773-593-7743

### Survivors Lunch:

2nd Saturday of Month @ 11:00 am  
**Beverly Woods Restaurant**, 11532 S. Western, Chicago

### Arizona Retirees:

3rd Thursday of Month @ 11:00 am  
**Hometown Buffet**, Ed Plawinski, 480-502-1630

### Arkansas Retirees:

3rd Friday of Month @ Noon  
**Elks Lodge**, Dennis Dwyer, 870-431-4458

### Las Vegas Retirees:

Every Thursday of Month @ 9:30 am  
**The Willows**, Jerry Rutkowski, 702-575-4301

### Florida Retirees:

1st Wednesday of the Month @ 1:00 pm  
**Cop Shop**, Tom Faragoi, 239-770-7896

# ILLINOIS STATE LODGE SCHOLARSHIP APPLICATION



### **REQUIREMENTS:**

- Parent must be an Illinois F.O.P. member in good standing.
- Applicant must be a full time college student (12 or more credit hours per semester)
- **Applicant must provide the following with this application for it to be considered.**  
*Proof of registration for the Fall 2009 semester. Proof can be one of the following items: registrar note indicating enrollment, Fall 2009 class schedule, Fall 2009 tuition payment receipt or letter of acceptance. Note: letters of acceptance must be followed by proof of registration before scholarship is awarded.*
- **Award:** \$500—eighteen individual district scholarships awarded by random drawing and one \$500 drawn from all non-selected district applications sponsored by ISPFCU.
- **Application Deadline:** Must be received by 1630 hours on 17 July 2009.
- **Scholarships Will Be Drawn:** 23 July 2009
- **Please Note:** Incomplete applications will NOT be processed.
- Using only **ONE submission method** mail or fax applications and documentation to:

F.O.P. Illinois State Lodge  
 4341 Acer Grove, Suite B  
 Springfield, Illinois 62711

**Phone:** (217) 726-8880    **FAX:** (217) 726-8881    **Online:** [www.ilfop.org](http://www.ilfop.org), (obtain application only)

Student's Full Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_ Lodge #: \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

College/University: \_\_\_\_\_

Office Use Only - District/Trustee: \_\_\_\_\_

**Address Change Form,** Effective Date: \_\_\_\_\_

Name: \_\_\_\_\_ Star Number: \_\_\_\_\_  
 (Last, First, MI)

New Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

**Return Form To The FOP – Unit 541 or 1412 W. Washington Blvd., Chicago Illinois 60607, Attn: Doreen**

## Financial Secretary's Report, *By Rich Aguilar*

### Grievances & The Grievance Procedure

Hundreds of officers file grievances every year. Some are successful while most fail. I will attempt to offer strategies that will greatly improve your chances of filing a successful grievance.

Officers must understand some basics when filing a grievance. Most importantly, a grievance has absolutely no chance of success unless there is a violation of a section(s) of the Collective Bargaining Agreement between the Lodge and the City. Officers should realize that a grievance should be the last resort in attempting to resolve a contractual or medical dispute. You should always make some attempt to resolve the dispute prior to filing a grievance. Many times a contractual or medical dispute can be resolved with the assistance of your Watch or Unit Representative or assistance from the Lodge. Disciplinary disputes normally require a grievance be filed, unless you opt to accept the discipline issued.

The Lodge bears the burden of proving a CBA violation when the grievance addresses a contractual dispute, including medical disputes. The City bears the burden of proving just cause when the grievance addresses contractual issues which are disciplinary in nature.

Grievances must be filed in a timely manner. They must normally be filed within seven calendar days from when the officer first becomes aware of the contract violation. Officers should contact the Lodge sooner rather than later if unsure of when to file.

Grievance forms are available in your unit of assignment. Your Watch or Unit Representative should know

where they are. Most watch commanders have the forms. There is also a log book in your unit where you will obtain the actual grievance number. The top portion of the form is self-explanatory. Include both home and cell phone contact numbers. You should leave the SSN box blank.

The language used in the body of the grievance form can have a great impact on the success of any grievance. Officers that have decided to file a contractual or medical grievance should always contact the Lodge to get the correct wording for the grievance, along with the correct contract section that was violated. The wording for disciplinary grievances can be found on page 139 of your FOP handbook. Call the Lodge if you need assistance.

You should always make two photocopies of the completed grievance form. Keep one for your records and forward one copy to the Lodge via Fax or Department mail. The form should then be submitted to your immediate supervisor who will forward it through channels.

The grievance process can take many different directions once it has been received by the Lodge. Lodge attorneys may review the grievance and issue legal opinions as to the likelihood of the success or failure of the grievance based on the merits of the grievance and previous arbitration decisions.

### Contractual and Medical Grievances

All grievances will make their way through the Grievance Committee which consists of fifteen members who are all police officers. This committee has the responsibility of determining whether

a grievance has merit and will proceed or whether the grievance should be withdrawn. The grievance is discussed, a recommendation is made, and the committee votes on the recommendation. No single person ever makes a decision to proceed or withdraw. It is always a majority decision of the committee.

Should the committee decide to proceed with the grievance, a demand for arbitration is sent to the City, and a request is sent to an arbitrator for available dates. The grievant officer will be notified of the arbitration date.

Should the committee decide to withdraw the grievance; the grievant officer will be notified. He will have the opportunity to personally address the Grievance Committee in an attempt to convince the committee to go forward. The grievant should bring any additional documentation to support his case. This forum is non-adversarial in nature. Its main purpose is to elicit additional facts that may not have been evident in a paper review.

Should the committee again decide to withdraw the grievance; the grievant officer will again be notified. He will now have the ability to address the Lodge #7 Board of Directors at a scheduled monthly meeting to present his case. The decision of the full board is final.

### Disciplinary Grievances

It is recommended that a grievance be filed in all disciplinary cases, unless the officer has already agreed to the discipline. These grievances will also eventually make their way through the Grievance Committee, but

may be handled differently along the way.

A disciplinary grievance may be sent to an arbitrator for a Summary Opinion prior to making a decision whether or not to demand full arbitration. The arbitrator reviews the entire file and makes a decision whether to remove the penalty, lower the penalty, or let the discipline stand as is. It is only a recommendation that is not binding on either party.

Should the officer, the Lodge, and the City agree with a Summary Opinion that reduces or removes any penalty; a settlement agreement is drawn up for the officer to sign. The grievance is closed once the agreement is signed.

If there is not any agreement, the officer will have the opportunity to personally address the Grievance Committee in an attempt to convince the committee to go forward. The committee may then decide to demand full arbitration or accept the terms of the Summary Opinion on behalf of the officer.

If the grievant officer does not agree with the committee's decision, he/she will be afforded the opportunity to address the Lodge #7 Board of Directors at a scheduled monthly meeting to present his case. The decision of the full board is final.

This is only a brief summary of the way that grievances proceed through the system. I would strongly recommend that all officers involved in contractual or medical grievances review the Collective Bargaining Agreement. Those officers involved in disciplinary grievances should review the CBA and the Legal Defense Handbook. Both documents are available on the FOP website.

## Thanks For “Just Being There”, *Compliments of Rabbi Moshe Wolf*

So what does one say when there is nothing to say? The day after Mother's Day my beloved Mom passed after suffering what seems to have been a massive heart attack. Words cannot express my thanks and appreciation to each and every one of you for all the words of comfort and sympathy, notes of support, donations and memorials made on behalf of Mom. But most of all, as my Mom would always say, "In life you will find it's not what you say or what you do, but just to 'be there' for a friend in time of need". It brings to mind the following parable...

### THE MOST IMPORTANT BODY PART...

My mother used to ask me what is the most important part of the body. Through the years I would take a guess at which I thought was the correct answer. When I was younger, I thought sound was very important to us as humans, so I said, "My ears, Mom."

She said, "No, many people are deaf. But you keep thinking about it and I will ask you again soon."

Several years passed before she asked me again. Since making my first attempt, I had contemplated the correct answer. So this time I told her, "Mommy, sight is very important to everybody, so it must be our eyes."

She looked at me and told me, "You are learning fast, but the answer is not correct because there are many people who are blind."

Stumped again, I continued my quest for knowledge and over the years Mother asked me a couple more times and always her answer was, "No. But you are getting smarter every year, my child."

Then! Last year, my Grandpa died. Everybody was hurt. Everybody was crying. Even my father cried. I remember that especially because it was only the second time I saw him cry. My Mom looked at me when it

was our turn to say our final good-bye to Grandpa. She asked me, "Do you know the most important part yet, my dear?" I was shocked when she asked me this now. I always thought this was a game between her and me. She saw the confusion on my face and told me, "This question is very important. It shows that you have really lived in your life. For every body part you gave me in the past, I told you that you were wrong and I have given you an example why. But today is the day you need to learn this important lesson." She looked down at me as only a mother can. I saw her eyes well up with tears. She said, "My dear, the most important body part is your shoulder." I asked, "Is it because it holds up my head?"

She replied, "No, it is because it can hold the head of a friend or a loved one when they cry. Everybody needs a shoulder to cry on sometime in life, my dear. I only hope that you have enough love and friends that

you will have a shoulder to cry on when you need it."....End of story.

Then and there I knew the most important body part is not a selfish one. It is sympathetic to the pain of others. People will forget what you said...People will forget what you did....But people will NEVER forget how you made them feel.

I know this might come as a surprise to some, but yes, I am at a loss of words. My heartfelt thanks and a hug to each of you for just 'being there' for my family and being so supportive and comforting during this most difficult time; it meant the world to us.

May G-d bless you and keep you safe. Amen.

Compliments of your Chaplain Rabbi Moshe Wolf  
773-463-4780 or e-mail: [moshewolf@hotmail.com](mailto:moshewolf@hotmail.com)

## He Was My Boy, *By Father Tom Nangle*

The man, now in his early 60's, had served as a combat medic in Viet Nam in the late 1960's. Decades later, his 27 year old son was killed in Iraq, where he was serving as a lieutenant in the U.S. Army. On Memorial Day that year (2005), the dad traveled from his home in Hawaii to the Viet Nam Veterans Memorial ("The Wall"). On that same day, military nurses who had served in Iraq and Afghanistan were being honored for their skill and compassion in this war. He saw a nurse and must have felt an affinity for her: his combat medic experience must've been wound up with his son's death. So he

offered her what he had brought to The Wall: a Hawaiian lei, the traditional necklace of flowers. The nurse bowed her head so the veteran could place the lei over her head and around her neck, and when she did, she noticed the button on the veteran's jacket with his dead son's photo on it. She touched it gently with her fingertips and whispered, "I know him."

"He's my son, my boy. How do you know him?" asked the veteran. "I was the trauma nurse in the unit where he died," she said." I took care of him. I'll never forget that

face." They hugged. She wept. Dad knew she was upset. He told her his son was a true warrior, that he knew clearly the

risks involved, and that he was proud to serve this great country, founded on some of

*(Continued on page 9)*

### March 2009 Retirees

Name	Rank	Dist.	Yrs
Bull, Thomas R.	Officer	005	37
Callaghan, Thomas J.	Officer	016	19
Corso, George J.	Officer	019	32
Crayton, Willie L.	Officer	007	22
Gould, Jane E.	Officer	002	20
Guzik, William G.	Officer	025	31
Horwitz, Fredric D	Officer	023	27
Lundin, Evetta T.	Officer	701	29
Malachesen, Paul	ET	377	27
Parker, Carol A.	Officer	021	22
Sanchez, Magali	Officer	014	21
Scherr, Ethel C.	Officer	192	22
Snieg, Dennis J.	Officer	050	27
Todd, Ella A.	Detective	620	24
Wolverton, Donald	Sergeant	020	38
Zeszutko, John M.	Detective	620	32

## Disability Report & Veterans' Corner, *By Carlos 'Sal' Saladino*

### Disability Report

The best of health from the Disability Committee. We are available for calls at the FOP office Monday through Friday. Click on the Disability Page link on the FOP web site, [www.chicagofop.org](http://www.chicagofop.org), for beneficial information. Feel free to email me at [csaladino@chicagofop.org](mailto:csaladino@chicagofop.org).

**April Pension Meeting** – Advocates present: Det Mark Howe, Det Steve Schorsch, Recording Secretary Sid Davis, and myself. Additionally, scores of other police officers of all ranks, active and retired filled the hallways along with TV and newspaper reporters. All Trustees were present. **Disability Claims:** *Duty* – 1 granted at 75%. *Occupational (Heart)* – 1 granted. *Ordinary* – 1 granted. *Permanent and Total* – 1 granted. **Officers making application for disability:** 4 granted Ordinary without prejudice, 2 granted Ordinary.

**Credit For Other Service.** Sec. 5-214 (Chapter 40 Act 5 Article 5 of the Illinois Compiled Statutes). *Court Case PO George Rosario v. Retirement Board of the Policemen's Annuity & Benefit Fund. Overview: Board's interpretation of 40 Ill. Comp. Stat. Ann. 5/5-214, to deny police officer's petition for prior service rendered as a county sheriff police officer and county correctional officer was clearly erroneous; that statute said period of service rendered prior to date he became a member of police department shall be credited to him as service.* This is a very important court case decision by the Appellate Court of Illinois, First District, Second Division. An appeal to the Illinois Supreme Court was denied. This court decision could affect police officers who worked in other agencies prior to becoming a

Chicago Police Officer. The FOP is holding a workshop 4 Jun, 1000hrs and 16 Jun, 1800 hrs at the FOP hall. Officers seeking credit for other service should be at one of these important workshops for clarification on this court decision.

### Veteran's Corner

Our thoughts and prayers go out to the CPD members who are actively serving our country in the military.

**HR 23**, the Belated Thank You to the Merchant Mariners of World War II Act of 2009, passed by the House on May 12, would provide about 38,000 people \$1,000 monthly benefit. It is still not clear what, if anything, the Senate might do. Traditionally, the Senate doesn't pass veterans legislation until the fall.

The Lodge has received a letter from a retired PO on a benefit for veterans and spouse. It is called Aid and Attendance & Housebound Benefits. The criteria for this benefit is lengthy and you need to call 1-800-827-1000, check online at [www.va.gov](http://www.va.gov) or [www.vba.va.gov](http://www.vba.va.gov), or visit the Chicago Regional VA office at 2122 W. Taylor St. Navigating through the systems forms and required documents might seem insurmountable so I would advise that you get an advocate to guide you. Persistence and vigilance is needed to get through the process but the benefit can enhance a senior veteran or surviving spouse's living situation for life.

*"During war, the laws are silent." ~  
Quintus Tullius Cicero*

Airborne Sal

## He Was My Boy Continued....

*(Continued from page 8)*

the noblest principles and ideals ever enunciated in human history. He was so proud of his warrior, even in his agony at the loss of his boy, his son the warrior.

The nurse felt the profound, instant (but accidental) depth of this chance meeting, and decided to tell Dad a detail imprinted in her memory: It was her job, after the young lieutenant died, to prepare his body for final viewing by the members of his unit, to make him as presentable as possible so his appearance wouldn't add to their pain. "But I couldn't get his eyes to stay closed...I tried, but they kept opening."

Dad grinned through his tears and with that 'carbonated water - in - the - throat' voice

said, "My boy slept with his eyes partly open since he was a baby. He told me his soldiers never knew if he was really asleep or awake and watching them!"

I heard this story on National Public Radio one morning as I was shaving, and it got into my head and stayed there. It reminded me of life in the CPD world, where there is horror, honor, heroism, and humor intertwined in every tour of duty. It's a great reminder that not everything that counts can be measured, and not everything that can be measured counts. And the human heart knows things the mind never will.

Respectfully,  
Fr. Thomas Nangle, Chaplain  
CPD, 312-738-7588

### Information For The Police

-Your Police Chaplains Ministry continues to send Mass cards at your request to families of those who have died. E-mail us at [chicagopcm@gmail.com](mailto:chicagopcm@gmail.com) and give us 1) name of the deceased, 2) name and complete address where the card is to be sent, and 3) name of the requestor. We in turn will send a navy blue card with the CPD star gold-embossed on it, promising a remembrance of the person's life at the Police Mass. No donation is accepted for this simple service.

-Your Police Chaplains Ministry will once again take the Gold Star Families on a Lake Michigan luncheon cruise in July, and if you'd like to help pay the bill for parking, souvenirs, lunch, and the cruise

on the Odyssey you can send your tax deductible donations to the Police Chaplains Ministry, 1140 W. Jackson Blvd., Chicago 60607, and we are grateful. Even in this economic tsunami, your support and generosity amaze me.

-Father's Day is Sunday June 25<sup>th</sup> and we will have our traditional Father's Day Mass at Gold Star Park at 1000 hours that day. Bring a lawn chair. Some families like to have a picnic lunch afterwards; if the weather is nice, it's a great place to picnic. All police families are welcome. The weather is always unpredictable and we'll cancel if there's rain, so please call the Police Chaplains Ministry 312-738-7588 that morning if the skies get unfriendly.

## From The Desk Of Jim Bailey, Field Representative/Trustee

### Don't Mind Us - Part II

Apparently our contract keeps getting in the way of the Department. This time it involves starting times of our officers. In Section 20.7 Article F, it specifically states that starting times may be adjusted by the Employer: (1) plus or minus two hours from the designated starting times; or (2) for up to seven hours within an officers as-

signed watch for circumstances not known to the Department 48 hours prior to the start of the police period. This section has exceptions, none of which include "because the Watch Commander wanted the change" or "it seemed like a good idea". If for some reason you are scheduled to work beyond two hours of the designated start time, graciously thank your watch commander

and submit an overtime slip at the end of your tour. Read the contract and know your rights. When in doubt, call the Lodge to verify any information or instruction you may have received.

### Are You Kidding Me???

Since the new Chevy Tahoes have been implemented throughout the City, the Lodge has received numerous safety complaints regarding these vehicles, in particular, the two (2) pieces of plastic that separate a small portion of the front seat and the middle seat.

While in the 003<sup>rd</sup> District in April, I had an opportunity to see one of the Tahoes. The plastic that I spoke about is as thick as a water bottle and held in place by Velcro. I was able to push the plastic away with one finger and gain access to the front seating where the officers sit. The Intranet has a Tahoe update from the Bureau of Administrative Services regarding this issue. I believe this is in response to the Safety Complaint filed by the Lodge in mid April. The first sentence makes reference to concern expressed regarding a perceived design flaw. If a prisoner can push his or her way through a piece of plastic to gain access and possibly injure an officer, then I would say this flaw is not perceived but legitimate. This document goes on to say that this is not a design flaw, but an airbag compliancy issue. Finally, this article asks the Question, "Can it be defeated by someone from the backseat?" The Department's answer is yes. However, the article states that Department members are responsible for the safety and security of persons in their custody. And the big finish "in the time it takes for the person in the back to make

such a maneuver, the front seat occupants should have ample opportunity to address the intrusion."

While I applaud the Department for acquiring new vehicles, someone should have mentioned that we needed police vehicles, not family vacation vehicles. The Department admits that a prisoner from the back seat could access the front seat area of the vehicle. Therein lies the issue. Why would the Department issue vehicles to our officers that cannot safely secure a prisoner from the officers? Knowing this danger, the Department proceeds to place all the responsibility of keeping the prisoner secure on the officer(s), when the vehicle they have provided cannot. And finally, how is an officer operating a 6500 pound vehicle supposed to address an intrusion and control this vehicle without striking another vehicle or even a person. Any officer operating a Tahoe during their Tour of Duty should keep these thoughts in mind. Ensure when transporting prisoners in a Tahoe that Officer Safety is never compromised.

### Compensatory Time

Every month it is recommended to check the amount of comp time, personal days and baby furlough days you have on the books. Officers should ensure that they document each day of court, extension of tour and any other overtime that may be generated and verify said information with the timekeeper. Also make sure that if you move from one district or unit to another; your new timekeeper has the correct amount of comp time, personal days, etc. Stay safe. JB

## THIS ONE'S FOR GINA

On December 6, 2008, Chicago Police Sergeant Gina Dwyer-Meliska suffered a cardiac arrest as a result of a condition called Apical Ballooning Syndrome (ABS).

Although Gina's condition has stabilized, her biggest concern remains to be any neurological damage that may have occurred due to her loss of oxygen. At this point, Gina faces indefinite, long-term care, which will put a financial burden on the family.

Gina is a remarkable individual that has always dedicated countless hours towards helping others, always giving 100% of herself. Now we are asking you to join us for a benefit honoring her as we strive to give back to her and her family during their time of need. Please help up make this benefit a success.

**July 11, 2009**

3:00 pm—8:00 pm

**115 Bourbon Street**

3359 West 115th Street  
Merrionette Park, Illinois

For tickets or more information please call  
Dawn Melchert at 773-218-5066



**Store Hours:**  
 Mon-Thurs, 9:00 – 5:00  
 Friday, 9:00 – 4:00  
 Saturday, 9:00 – 1:00

**Store Closed:**  
 July 3rd & 8th

**Direct Line:**  
 312-733-2344

**Happy Father's Day! Happy Summer! Happy Flag Day!**  
**Father's Day Raffle—FREE Ticket With Every Purchase**

Make Plans To See Us At The FOP Family Picnic On July 8th  
 Get Ready For FOP Family Days At Six Flags Great America On August 7th Through the 10th.  
 Tickets Are Available At The Gift Shop!

**Summer Specials:**

- 10% OFF** All Single Police Caps For Men, Women & Children
- 20% OFF** All Jackets As Marked On Our Round Display Rack Only. This Is A Great Sale, Great Buys, Hurry In To Take Advantage Of Discount!
- 25% OFF** All Star Leather Wallets
- 30% OFF** Copper Travel Mug
- 50% OFF** Youth/Junior Size Spaghetti Strap Tank Top In Blue, Aqua & Lilac

FOP Family Days at Six Flags Great America, August 7th through the 10th. Tickets on sale now for only \$28 each. (Kids under age 2 are FREE) Plus FREE bonus coupons for more discounts in the park. Please don't wait until the last minute, these tickets sell fast. Purchase as many tickets as you like, no limit. Remember, no weapons in the park, ever.

Ladies Star Polo Shirt  
 Was \$15.95...Now Only **\$9.95**  
 (Limited Quantities & Sizes)

Replica CPD Pie Plate Star, Customized  
 With Star # On Sale For **\$49.95** Each  
 Stand Available For Only **\$12.00**

Back In Stock, Ladies "Feel Safe, Sleep With  
 A Cop" Nightgown. One Size, Assorted  
 Colors, Only **\$12.95** Each

New Item! New Design!

Tactical Unit Combo Cap & Tee Shirt      Medium—XL, **\$19.95** Each      2XL, **\$20.95** Each      3XL, **\$21.95** Each

**New Item!** Retirement Gift Idea!! Father's Day Gift Idea!!  
 CPD Wrist Watch—Two Tone White & Gold Color—Available In Men & Ladies Sizes...  
 With Bracelet Band, Price Is Only **\$47.95** Each & With Leather Band, Price Is Only **\$42.95** Each  
 Either One Can Be Personalized With Name & Star Number For Only \$5.95 More  
 See Cashier For Details & Remember To Allow Four Weeks For Delivery.

**Pension News, By Mike Shields**

**DV Urban Realty**  
 In the past few months, the Pension Fund's 2006 investment in a risky real estate venture has captured numerous headlines. DV Urban Realty is owned by the nephew of the Mayor, Bob Vanecko, along with Allison Davis, a former business partner of the now-imprisoned Tony Rezko.  
 The similarities to the Hired Truck scandal are striking. The Illinois State Legislature puts pressure on pension funds to hire minority managers. For example, the legislature recently passed what it calls an "ethics" bill which has quietly attached a mandate that

each fund obtain a specific goal for minority money managers for each pension fund. Minority set-asides make it easy for nephews of the mayor, without any prior real estate deal background, to pair up with a minority "partner" and obtain a significant amount of our pension money. In this case, \$68 million from the different city pension funds. How soon we forget how many "minority" and "women owned" trucking company officials were indicted and jailed in the Hired Truck scandal?  
 While other firms never get the opportunity to make a pitch for investment dollars in front of the pension fund, DV

Urban Realty magically got its foot in the door and zoomed right to the front of the line. After obtaining your hard-earned pension dollars in 2006, Davis and Vanecko have been paid \$662,521 from the Chicago Policemen's Pension Fund for management fees. DV gets these "fees" though it has not made a single dollar in profit for the fund.  
 I will continue to fight for a transparent fund that conducts business honestly and out in the open. We deserve nothing less.

**Deceased Brothers & Sisters**

- Nick D. DiGioia, 76
- Jimmie L. Pollard, 73
- William M. O'Brien, 62
- Leonard S. Wiktorek, 83
- Samuel S. Carducci, 71
- Michael W. Simpson, 60
- Joseph P. Burke, 56
- Robert R. Vedder, 81
- Sterling E. Jantz, 82
- Peter E. Barsanti, 71
- Jerome E. Michalik, 76
- Roosevelt T. Ely, III, 66



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**IS YOUR ADDRESS CORRECT?**  
IF NOT, PLEASE CONTACT THE LODGE.

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## **F.O.P. Picnic**

**For Members & Their Families (Current FOP ID Card Necessary)**

**Wednesday, July 8, 2009, 10 am—6 pm**

### **Gaelic Park**

6119 West 147th Street, Oak Forest, Illinois - 708-687-9323

#### **Come And Enjoy...**

- ♥ FREE Ice Cream & Beverages
  - ♥ FREE Candy & Prizes
- ♥ FREE Carnival Rides For All Ages
  - ♥ FREE Music & Dancing
- ♥ FREE Tables Provided (Limited Quantities)
  - ♥ Best Tent or Shelter Decorating Contest
  - ♥ Shop At The FOP Gift Shop While There



**Gaelic Park Does Not Offer Food Services, So Bring A Tent For Shade, A Cooler,  
A Picnic Lunch, The Grill & Lawn Chairs For The Perfect Picnic Experience**

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