



PHOENIX LAW ENFORCEMENT ASSOCIATION

The Professional Association of Phoenix Police Officers Since 1975

October 28, 2008

Jim Hacking
PSPRS Administrator
3010 E. Camelback Rd. Suite 200
Phoenix, AZ 85016

Jim:

The Phoenix Law Enforcement Association (PLEA) represents over 2500 rank-and-file Phoenix Police Officers and Detectives. Recruitment and retention in the public safety arena is a consistent challenge across the nation. The danger and difficulty of front line law enforcement is a reality that our communities clearly understand. In order to meet the challenges of this demanding profession, voters and legislatures clearly approved a public safety pension retirement system (PSPRS) and a deferred retirement option plan (DROP). We believe the 20-year pension system and DROP were intended to be a common sense means of attracting and keeping qualified law enforcement and fire personnel on the street and in our neighborhoods.

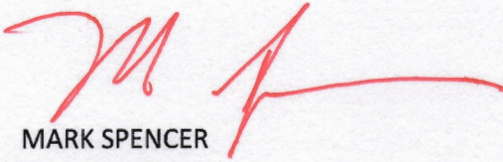
Recently PLEA and other members of the Arizona Police Associations (APA) have seen a trend where upper level police managers have been allowed to avoid the intent of pension/DROP rules clearly explained in ARS 38-849.D. These upper level managers are retiring from their current assignments and then are being rehired by the same agency to perform the same job but merely with a different title and some additional responsibilities. 38-849.D calls for pension payments to be suspended for those members who return in the "same position." It defines "same position" as "a position where the member performs duties and exercises authority that are the same duties that were performed and the same authority that was exercised by the member before the member's retirement."

It appears that each local pension board is given the authority to apply "same position" in a manner as they see fit. It is our understanding that the Attorney General's office sent you a packet containing documentation of a specific pension board example (*Jack Harris*) demonstrating our concern of a harmful board decision. In case you and the fund managers did not receive this, PLEA is providing a duplicate packet to your office of this Phoenix Pension Board decision. We believe this decision is an example where the intent of ARS 38-849.D was circumnavigated to provide a new job (*Public Safety Manager/Deputy City Manager*) on behalf of an upper level police manager for the "same" duties. We also believe that this decision created a conflict with ARS 41-1821.A.2. (*the AzPost board must have a police chief from a city with over 60,000 residents*) and Phoenix City Ordinance Sec. 2-119 (*the police department must be headed by a police chief*).

We believe ARS 38-848 establishes the rights, powers, duties, and fiduciary obligations of the fund manager. Specifically, ARS 38-848.H.7 provides protection of the fund by allowing the fund managers to review local pension board decisions. PLEA believes that past and current pension fund payments approved by the Phoenix Pension Board to Mr. Harris as well as future payments are harmful to the fund. We are requesting that your office consider the submitted packet and review the Phoenix Pension Board decision. Specifically, to determine if "same position" as applied by the Phoenix Pension Board to Mr. Harris' retirement request falls within the intent of ARS 38-849.D and/or creates a conflict with ARS 41-1821.A.2 and Phoenix City Ordinance Sec. 2-119.

Your prompt response to this issue is greatly appreciated and would be helpful in facilitating a meeting between PLEA and yourself.

Sincerely,



MARK SPENCER
PLEA President

c: Carter Olsen
Billy Shields
Mike Galloway
Timothy Dunne
Lori Roediger
Brian Delfs

p.s. For your convenience, and the convenience of other board members, the entire packet submitted to you can be viewed and listened to on http://azplea.com/content.php?info_id=477