



2012-2014 Final Update

by Will Buividas,
PLEA Treasurer/Chief Negotiator

For the first time in the 37 year history of the Phoenix Law Enforcement Association, the membership directed us to take the economic issues in the proposed MOU to an independent fact-finder. Unfortunately, even though he had data to the contrary, the fact-finder felt that the City had higher priorities than restoring the 3.2% to rank-and-file Phoenix Police Officers. He basically agreed that the City should provide additional services to the public before restoring our compensation. He also appeared to be swayed by the city's rhetoric when they told him they would have to give the same compensation increase to all employees, not just Police Officers.

PLEA went back to the table and was able to merge the best parts from the City's last offer and the Fact-finder's decision. This proposal was ultimately brought back to the membership for a final vote. The PLEA board recommended to the membership that we accept the contract because we felt it would be a losing battle going to City Council armed with a fact-finder's report that did not support our position. A majority of ballots cast by the membership supported this and the new MOU will go into effect in July of this year.

It appears that both the PLEA Board and membership did the right thing as all of the proposed MOU's for all other City employees (including Firefighters) barely passed the City Council with a 5 - 4 margin. Vice - Mayor Mike Johnson made the motion to approve our MOU and it passed under City math with a 4 - 4 vote; Councilman Mike Nowakowski abstained for "political" purposes. I guess under City math, an abstention counts as a yes vote. I am very confident, given the close Council vote on restoring the 1.6%, that the City Council would have imposed an MOU that is worse than the one agreed to. Clearly, there were not the votes to give us more this time around.

In July, all Officers will receive the 1% back in base wage and will no longer have to take 16 hours of furlough time for the first year of the contract. In the second year of the contract, we will receive the rest of our deferred comp and vacation sell (40 hours in December) as long as stability indicators are met. The amount

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will be back-dated to the first pay period in July 2013. The good news is we will be back to where we were two years ago in-regards to our actual take-home pay this July.

Some other parts of the agreement include working on updating the critical incident protocol to allow officers more time to give a statement after a critical incident (shootings, in-custody deaths). We are also forming a committee to look at allowing all Officers the ability to work out on-duty. PLEA will also now be allowed to meet with officers in their briefings up to four times a year for the purpose of disseminating information and addressing concerns. There are other odds and ends but the three items mentioned are the big issues negotiated into the agreement.

PLEA also filed an Unfair Labor Practice (ULP) charge against the City reference the City's stance that all units will be given the same total compensation package at the table or "pattern bargaining." The City has taken the position that the first group to settle will get the best package and everyone who comes to an agreement afterwards will not receive a greater compensation increase. We believe this to be an illegal practice. If we prevail in this ULP in 2014, the City will have to treat us differently than the other City employees and will not be allowed to go to the fact-finder and say that if he gave a bigger increase to Police Officers that the City would then have to give the same increase to everyone else. This could change the entire dynamic of the way bargaining has been done in the city of Phoenix for the last several decades.

Overall, while I am disappointed with the results from the fact-

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finder, I think it was important to both the membership and the City that we went to fact-finding. No other group has gone to fact-finding since 1980 (32 years ago.) I believe the City thought that no one was actually willing to do it. We have positioned ourselves nicely for the 2014 contract on a couple of fronts. First, the economy should be continuing to improve and hopefully that will lessen the rhetoric reference our pay and benefits structure. Second, the membership knows PLEA will stand up and fight for them if the City doesn't play fair at the bargaining table. Finally, the City knows that we are not afraid to fight. We have shown we are not afraid to go to fact-finding and if we receive a positive decision we are not afraid to take the fight to City Council. My feeling is that the City will approach the bargaining table in a more reasonable manner; however, we always need to be prepared if they don't.

I would like to thank the following members of the PLEA Board for stepping up to the plate to serve on this year's negotiating team; Joe Clure, Ken Crane, Tom Tardy, Tim Baiardi, Bill Galus, and Toby Sexton. I would especially like to thank PLEA employee Melissa Sayban for having the thankless job of taking the minutes during negotiations. Serving as a part of the negotiations team can be a thankless task, often characterized by long hours laced with frustration. This year's negotiations were particularly frustrating since no one on the city's side of the table seemed to be empowered to make decisions.

Thanks are also in order to the entire membership for their support throughout this process in demonstrating their willingness to keep fighting to improve pay and benefits.



Your article was very articulate and entertaining. It was moving enough for me to respond to and provide my personal opinion, which unfortunately I don't do enough. Right now I am a grunt on the street that has worked arguably two of the busiest precincts in the City of Phoenix, both pre and post re-bid Sunnyslope and Maryvale. Prior to the re-bid, Maryvale was one of the busiest, violent, crime infested precincts in the city. Due to the reformation of its boundaries I can honestly say that Maryvale is not the Maryvale it once was. Granted, the intensity of the crime is still there, but not the volume. After spending two years in Sunnyslope after the re-bid I can honestly say that it is busy! The volume of calls and the size of the precinct for one squad is borderline ridiculous.

As an officer who primarily rides solo, I find myself wearing that "S" on my chest quite often. Unfortunately, it is not by choice. It seems that dispatch has a new found habit of "shot-gunning" calls to any officer sitting 10-8, regardless if they are single or two-man, and regardless of the priority. What I have found is that this has a snowball effect that affects more than just the officer who is forced to work by the whim of a dispatcher's mouse click.

I have spoken with many of the dispatchers regarding this new trend and many have stated they are afraid of repercussions from their supervisors if they do not comply with this "order." It seems that some Lieutenant somewhere found that it looks a lot better if the stacks are clean with no calls holding and instructed dispatch to fire away any call holding. This is very contrary to the old "there were calls holding when you got here, there'll be calls holding when you leave" attitude. Dispatchers face verbal reprimands and possible punitive actions for not "shot-gunning" Officers calls now.

So what happens now is this: A solo officer who is a hard charger running call to call and being efficient is now penalized for working hard. A slower officer or one who has a poor work ethic

Editor's note: PLEA received the following e-mail response from a patrol officer regarding the April RECAP article titled: "I'll roll in Anyway In Case That Big Red "S" Falls Off His Chest." We believe the author made several valid points that bear repeating.

and holds status is now rewarded with a clean stack when they finally go 10-8. I have personally experienced this, and it builds tension and disdain between squad mates. Traditionally, these inefficient or lazy Officers were rewarded with a beat full of priority 3's holding for their actions. However nowadays, that is not the case.

It also can build squad area tension as well. Now the dominoes start to fall as outside squad areas or even precincts are forced to give up their own beat responsibilities and resources to cover other areas because of radio's relentless "shot-gun" approach of not allowing any unit to be 10-8 for hot traffic. We all know how it goes, "Here we go again, covering for such-and-such precinct because their officers are inefficient."

With respect to officer safety; At times, I believe dispatch is more concerned about their jobs than our lives on the street. If they know everyone is 10-6 and the only unit 10-8 is a one man unit, why are they going to shot-gun him that DV call that's holding? Is looking bad in front of your Supervisor worse than putting a life at stake? I have personally experienced this, and it is frustrating. We all understand the need to provide service to the community in the form of answering calls in a timely manner but it is still important to strike a balance between cleaning up a stack of calls holding and officer safety.

Overzealous supervisors, overzealous dispatchers, and junior officers with a "go-getter" mentality that often put demands of job before safety can combine for a deadly mix that will ultimately get someone hurt.

Someone needs to address the issue before the proverbial "Superman" gets hit with a Kryptonite bullet on the street. Maybe someone should tell that lieutenant, dispatch supervisor, or dispatcher, "There were calls holding when you got here, and there will be calls holding when you leave."

RIDING THE SHIP OR RIGHTING THE SHIP?

by Franklin R. Marino
PLEA Secretary

On March 26, 2012, the Phoenix Police Department and the citizens it serves breathed a collective sigh of relief as City Manager David Cavazos announced that Daniel V. “Danny” Garcia had been selected as the new Police Chief. Chief Garcia spent thirty four years with the Dallas, Texas Police Department, and had been an Assistant Chief since 1994 before being selected out of a panel of six finalists for the “Top Cop” position.

It’s no secret that the Phoenix Police Department has been dealing with a myriad of issues over the past several years and things have only gotten worse. Most people I’ve talked to, including current and retired employees of all ranks have all used a similar analogy and reached the same conclusion; For the past five years, we have been a ship adrift on the ocean with nobody at the helm, going wherever the currents and winds take us. In my opinion, that’s pretty sad, considering what I believe we once were and stood for.

I came to the PLEA Office in August 2011, after a sixteen and a half year career in Central City Precinct as a first responder. While I definitely enjoyed the adrenaline rush of responding to hot calls and arresting bad guys, it was nothing compared to the roller coaster that I’ve been riding since then. Even though I was an elected Board Member who attended monthly board meetings and heard about the goings-on in other Divisions, Bureaus, and Details, my world was Patrol. Do your ten hours and go home. No caseload to worry about, no follow up, unless it was something I wanted to work, no filing deadlines, no turnaround protocol. None of that. It was more like come in, leave briefing, load up, sign on, answer the radio, take dispo on a call, arrest bad guy, book in jail, write report, impound evidence, unload, and go home. Every day was different, which was what I enjoyed. To paraphrase Forrest Gump, “Patrol is like a box of chocolates. You never know what you’re gonna get.”

Thomas Paine once said, “Lead, follow, or get out of the way.” Unfortunately, there hasn’t been much of that going on here and it clearly shows. On an almost daily basis, those of us here in the PLEA Office get phone calls, text messages, and emails asking when things are going to get better. Just ask anyone working in Child Crimes, NET Squads, or Patrol. Many officers in the Estrella Mountain Precinct will tell you they have reached rock bottom and are completely demoralized. The lack of leadership at the top has clearly trickled down to the bottom where it’s almost as if it’s “every man for himself.” Some Patrol squads are decimated to the point where people can’t take a day off, attend training, or do shadow assignments. Throw in micromanagement, continually doing more with less, and it’s easy to see why. Investigative details are still understaffed and overworked, as their queue continues to load to capacity every day, with no end in sight. I know veteran detectives who have jumped ship from investigative details to go back to Patrol at request. This is to escape the stress and scrutiny they’re facing over failed management policies regarding caseload that people have been calling attention to for years, only for it to fall on deaf ears.

Ironically, while members of the PLEA Board were having lunch at a downtown restaurant the day of the press conference announcing Chief Garcia’s selection, we happened to cross paths with one of our current Assistant Chiefs who inquired if we knew who had been selected. The Chief commented that “We just need some leadership. We’re making decisions that lieutenants should be making.” I had all I could do to bite my tongue to prevent me from shouting out “ARE YOU KIDDING ME? Then why are you a chief and why are those lieutenants and commanders in your chain of command in leadership positions?” Then again, I have come to expect that type of response from someone who is more concerned with petty details than the serious issues that the Phoenix Police Department has been facing.

I bet there are plenty of us who can hand pick a few select veteran street cops and detectives we know, give them a “field promotion” and they would be able to do a better job than what has been done. Leadership failures like this, including the “majoring on the minor” philosophy, are prime examples of those who have been riding the ship instead of righting the ship. It’s painfully obvious that the leadership exhibited by our current regime for the last several years has been the equivalent of rearranging the deck chairs on the Titanic. Now that we’ve sent up flares and the rescue chopper has arrived, I certainly hope that after the bilges are pumped dry and the ship is righted, Chief Garcia takes the helm and gets us back on course in due time!





A NEW

by Joe Clure
PLEA President

As a sophomore at Trevor G. Brown High School in 1975-76, I knew that I wanted to be a police officer. I can remember the news accounts at the time talking about whether or not Phoenix Police Officers would go on strike over pay and benefits. In 1982, after finishing high school and doing a tour in the Army, I graduated from the Phoenix Police Academy. The Phoenix Law Enforcement Association had been formed a short seven years prior (1975). Ruben Ortega was the Police Chief at that time. During those years, the Phoenix Police Department was looked upon with high regard as far as police agencies went and almost everyone on the department was very proud to be a Phoenix Police Officer. That isn't to say that there weren't struggles. PLEA was involved in a bitter battle with Chief Ortega over a variety of working conditions and disciplinary issues as well as retaliation against Association leaders. Many of those early leaders paid dearly not only professionally, but personally for stepping up to the plate and walking point. PLEA President Gordon Lange was charged criminally on bogus trumped up felony charges. The department fired him. Ultimately ALL charges against him were dismissed and his job was reinstated by the civil service board. Gordy, having been out of work for almost a year, had to take a job working as a custodian for a time to make ends meet and put food on the table. Joe Petrosino was another early board member who, solely because of his out spoken criticism of the chief's leadership on behalf of the members, was denied a promotion to sergeant. In fact, one of the very first things I did as a new Association member was to sign a vote of no confidence against the chief; arguably not the smartest thing since I was still on probation.

After those difficult and contentious times a new police chief named Dennis Garrett took the helm in 1991. Chief Garrett's tenure as Police Chief happened to coincide with the time that PLEA President Mike Petchel served the Association from 1983-1997. This was a time of partnership and cooperation between PLEA and management forged on a foundation of mutual respect and trust that lasted for about seven years. This was, in my opinion, the "golden age" of police labor relations within the Phoenix Police Department. There were annual Labor/Management retreats with the entire PLEA Board and Chiefs. Some Commanders who just didn't understand or didn't want to understand the new relationship were specially invited in the hopes that they would be able to understand and embrace this new dynamic.

Since then, we have had two other Police Chiefs, Harold Hurtt and Jack Harris and four PLEA Presidents, Terry Sills, Ron Snodgrass, Jake Jacobsen, and Mark Spencer. Relationships between those PLEA Presidents and Police Chiefs varied widely from good, to mediocre, to non-existent, to downright adversarial. Having worked under all of those PLEA Presidents, I can attest that each one had whatever relationship they had with the Police Chief at the time because they felt it was what was needed and in the best interest of the membership at that point in history. As the saying goes, "it takes two to tango" and I'm sure that during these years some of these chiefs by their own choice, had minimal to no interest in having a relationship with the police union. Far from being

completely independent decision makers, each PLEA President has a board they must answer to that provides guidance and accountability for their decision making process.

I believe most would agree over the years since the Garrett/Petchel era that mutual respect and trust between PLEA and police management has deteriorated greatly. Why? There are many potential factors; tough economic times have undoubtedly contributed to the strained relationship. Tougher economic times forced us to have to confront the very real threat of layoffs just three years ago. Not hiring new officers for the past three years with no new hires projected until 2015 has put stresses and strains on the organization that we have never had to deal with until now.

The department for the last several years has preached and advocated a philosophy of enlightened leadership. Unfortunately, most officers and many supervisors see enlightened leadership as a sham; a concept that many pay lip service to but don't truly believe in. Maybe some on both sides feel it's just a lot harder to work together than to just do your own thing. I'm sure many police managers probably feel that it's just a lot easier to manage without that "damn union" in the way. As an Association leader, it's easy

One thing is certain, if the police department is not successful, and if we aren't able to earn the full faith, confidence, and support of the citizens we serve, we will never reach our full potential as a police department, a labor representation organization, or individual members.

to sometimes automatically assign blame to police management when things don't go well. The rapidly evolving changes in technology are also a contributing factor. When I came on, having a pager, a one way communications device, was about as high tech as things got. Today, we have the internet, websites, Facebook, Twitter, and blogs, all instant and sometimes anonymous worldwide communication. When I first started this job almost ALL of the police department's internal business was just that, internal, there were no blogs to post on and it seemed that only the biggest of internal investigations ever made the news. Today, if there is discontent amongst the troops, individual officers have the power in the palm of their hand to broadcast their views and feelings to the world. The bigger question is: Why do so many officers seem so willing to communicate negative information outside the police department? I believe it is a direct reflection of the frustration officers feel regarding the lack of effective police leadership over the past few years. When officers are forced to work under a double standard and see supervisors get special treatment it creates an environment where they are all too willing to go outside normal channels for their voices to be heard. It is also what has led to the deterioration of the relationship between PLEA and police management. Phoenix Police Officers have been without

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effective leadership for the last five years and are starved for effective leadership and organizational direction from the top cop.

Apparently, the City of Phoenix also sees the need for effective leadership. For the first time in the organization's history, the Phoenix Police Department will be led by a candidate selected from outside the internal PD ranks. Daniel Garcia, an Assistant Police Chief from Dallas, Texas was ultimately selected for the Chief's job. Despite the fact that there were qualified internal candidates for the job, the city elected to get a "fresh set of eyes" on the police department. How will it work out? I don't know as this will be new territory for all of us. PLEA has heard good things about him from the Dallas Police Association President, Ron Pinkston. The Dallas Police Union has had nothing but good things to say about Chief Garcia. They indicated they would have liked to have him for their chief. This is probably the best endorsement a prospective police chief candidate could receive.

While many things may be uncertain at this point in time, "we" collectively, are at the proverbial fork in the road. We can work together to restore the reputation and improve as a department or

suffer from not doing so. One thing is certain, if the police department is not successful, and if we aren't able to earn the full faith, confidence, and support of the citizens we serve, we will never reach our full potential as a police department, a labor representation organization, or individual members. I believe this is the challenge and responsibility the new chief, and I as the Association president, must strive to accomplish in order to be successful.

So what does the future hold? Only time will tell as they say, but for my part as your President, I am committed to representing your interest above all and pledge to work diligently and in good faith with the new Police Chief. If a cooperative working relationship can be achieved, there is no reason we shouldn't be able to achieve our maximum potential in making the Phoenix Police Department once again the envy of police labor and a place where all are proud to claim; "I work for the Phoenix Police Department."

Let me close by saying, "Welcome to Phoenix, Chief Garcia! PLEA is committed to your success and wants to partner with you to make the Phoenix Police Department a better place for all of us. Now, let's get to work!"

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PLEA Welcomes New Reps

PLEA would like to extend a welcome to the following Officers and Detectives who have stepped up to the plate to become our newest PLEA Representatives. Anyone who has done the job of a Rep knows the hours can be long and the work arduous and thankless. The officers and detectives listed below clearly see the value in protecting those who protect the citizens.

Again many thanks to the following: Detective Desiree Sanchez, Detective Frank Duran, Detective Lorenzo Mares, Officer Jeff Tobey, Officer Bertie James, Detective Greg Myracle, Officer Brian Walsh, Officer Scott Sefranka, Officer Travis Morrison, Officer Darrell Kriplean, Officer Eric Gunnels, Officer Ryan Clark, and Officer Ernie Romero.

If you have a grievance, try to resolve the matter informally with your supervisor. If you cannot resolve the issue, please contact a representative to assist you. PLEA has a Board Member and Rep on standby 24/7 for your convenience, but we encourage you to contact a Rep from your work unit as they may already be aware of the issue.



BENEFITS TO MEMBERS

Aflac Rep, Debby Tornberg,
is available to meet
with members at a place and time
convenient to them.

She can be reached at 602.214.4686.

Nationwide Retirement Solutions Representative

Jared Williams will be at the PLEA Office on the
4th Thursday of every month from
9:00 AM until 3:00 PM
to assist members with their accounts. Jared can also be
reached at 602-266-2733, extension 1168.

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*Membership meetings are the last
Tuesday of each month at
7:30, 12:30, and 5:30.*

*Board meeting is held the
3rd Tuesday
each month and members can
attend at 8:30 am.*

Please remember one of your many benefits as a PLEA member is a life insurance policy. The cost is included in your dues, however, it is important that you keep your beneficiary information up to date. Please contact the PLEA office to verify your beneficiary, or to make any changes.

Fallen Heroes

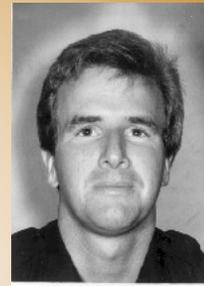
Phoenix Police Officer



Phoenix Police Officer
Bob Polmanteer
May 4, 1984



Phoenix Police Officer
Travis Murphy
May 26, 2010



Phoenix Police Officer
Ken Collings
May 27, 1988



Phoenix Police Officer
Marty Kieffer
May 21, 1997



Phoenix Police Officer
Don Schultz
May 10, 2004



Phoenix Police Officer
David Uribe
May 10, 2005

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MICHAEL NAPIER has been representing Phoenix officers for over 36 years. Mr. Napier is one of the most experienced labor and personal injury attorneys in Arizona. Mr. Napier has represented hundreds of officers before administrative bodies throughout Arizona, and has assisted critically injured officers and the survivors of the officers in obtaining compensation for their injuries and losses.

ANTHONY COURY has focused his 9 years of practice primarily on personal injury and wrongful death lawsuits in which he has served as plaintiffs' counsel. He has experience in cases dealing with dram shop liability, negligence, governmental claims and products liability including service as counsel on the litigation team for Phoenix Police Officer Jason Schechterle.

KATHRYN BAILLIE was born and reared in Phoenix, Arizona, completing her undergraduate degree at Arizona State University. She served as a J.A. for the Third Circuit Court and then worked as a Public Defender in the Commonwealth of Kentucky before joining the Law Office of Michael Napier, P.C. She has worked with Michael Napier on personal injury and wrongful death cases, dram shop liability, negligence, administrative, disciplinary, and other employment matters.

JAMES P. ABDO was born in Omaha, Nebraska. He earned his undergraduate degree from the University of Rochester in 1984 and his Juris Doctorate from the College of Law at Arizona State University in 1991. Mr. Abdo served as an Assistant Attorney General for Arizona before entering private practice as a partner at two major Phoenix law firms, where his practice focused on commercial litigation of all types. He has extensive experience both representing government bodies appearing before numerous state, county and city agencies in numerous licensing, procurement and labor/employment matters. His practice also includes the formation, counseling and representation of business entities, the drafting of a wide variety of real estate and other contract documents in addition to litigating disputes arising out of contracts.

In addition to the full services provided to PLEA members to protect their careers, the Law Offices of Michael Napier P.C. provide the following:

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If You Have A Grievance

FIRST: Attempt to resolve the matter informally with your supervisor.

SECOND: If you cannot resolve this with your supervisor, contact one of the representatives above.

REMEMBER: There are time limits to initiate a written grievance.

If You Are Being Investigated

RECORD: All interviews once you have been given an NOI.

COPY: All memos or paperwork related to the investigation.

TRUTHFULLY: Answer all questions related to the investigation.

If you are called by Professional Standards Bureau or any police supervisor regarding an investigatory interview or interrogation, you may have PLEA representation during that interview.

Call for representation as soon as possible. For your convenience, a PLEA board member and representative are available 24/7.

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