PROTECTING YOUR PENSION

What’s it worth to you?

Last month I wrote about the potential attack on our pension system as we know it today, a Defined Benefit plan. This month we provide information on why Arizona law enforcement officers have a Defined Benefit plan and the potential harm in converting to a Defined Contribution plan.

It’s important to understand how and why we have the pension plan currently provided in state law and protected in the Arizona Constitution. Our Public Safety Personnel Retirement System (PSPRS) has been around since 1968. It was created as a defined benefit plan because police work is inherently dangerous, can reduce your average life expectancy, and it can cause health problems, heart, lung, joints, back, etc. The plan was developed to help bridge the gap at the end of a twenty year career, knowing that most private sector occupations last thirty or forty years. Even though it was developed less than forty years ago, we can agree the job is more hazardous today.

When comparing our pension plan to a conventional Defined Contribution plan, you can quickly see the differences. In the right hand section of your most recent pay stub is a line about PSPRS contributions. It’s labeled “Retirement Information”. It says “Inception to date”. This figure is your total pension contribution.

The city’s contribution has varied over the years. In the early years it was as much as 26%. In the late 90’s and early ‘00’s it was as small as 3.75%. As I mentioned last month, it is currently slightly above 18%.

For simplicity (in a defined contribution plan) let’s say the city’s contribution matched yours at the constant rate of 7.65% for your career. Look at your contribution from the day you came on until now. Now double that, add interest, and this is your pension. Remember, you do not contribute to Social Security, and even if you have sufficient quarters to qualify, you are years away from that benefit when you leave this job.

The difference between our pension system and a pure defined contribution plan are evident when looking at the tragic death of Officer Paul Salmon. Paul had less than six month’s active duty. Under our current pension system, his surviving spouse will receive his annual salary for the rest of her life (some stipulations on re-marriage, children, etc); however, under a defined contribution plan, his survivor would receive his contributions and the city’s – period. How much do you suppose that would be?

I recently spoke with a detective that just hit twenty-five years on the job. Her contribution to date is $94,687. If we assume that the city has matched that, she could expect $189,374 plus interest to be available to her if she retired today. To be fair, let’s assume that interest rates were good for much of her career and the fund doubled her total. She would have roughly $378,748 to live on for the rest of her life. That’s it. That’s the pension. Not 62% of her “high three”. Just $379K – the end. The federal life-expectancy figures are currently 77 years of age. How much interest would you need to earn on $379K to give you a living wage for the rest of your life? of her “high three”. Just $379K – the end.

If this isn’t bad enough, DROP benefits would be non-existent under a defined contribution plan.

The bottom line is this: Our plan was created because of the special risks and needs of our occupation, and a defined contribution plan is a bad alternative. We have worked long and hard in our careers. All with the understanding that the pension system currently in place would be there.

PSPRS, like many of us, has suffered through the stock market woes of the last several years; however, our system will come back to the lucrative years again. The new fund administrator, James Hacking, seems to have matters well in hand.

The defined contribution retirement wave is sweeping across the country, and we may be facing the very real possibility that a voter referendum is coming. If passed, a change to our constitution would allow the Legislature to gut our pension system.

What would the “new” system look like? The above scenario is just one possibility. But the difference is glaring.

The defined contribution retirement wave is sweeping across the country, and we may be facing the very real possibility that a voter referendum is coming.

To fight this will take an enormous war chest. The campaign would include purchased media time, both print and air, direct mailing and telephone banks to educate citizens of our special circumstances, public appearances and rallies. It will not be easy.

The firefighters started their war chest several years ago (we’re in this together). It is substantial. There are twice as many police officers than firefighters in this state, and we need to get into this with both feet and right now.

The PLEA Board is considering both special assessments and earmarking a portion of our normal dues to get us prepared for this challenge, so again I ask you, “What’s your pension worth to you?” We have had discussions with our political advisors and lobbyists, and a fight could cost several million dollars. Recently, the California public unions spent over $80 million to defend their systems.

I’m not willing to stand by and watch our pension system be taken away. You need to let us know your feelings on this. We only have two options. Fight for our rights or hold our breathe and pray.
Another Point of View
By Baya Sommers, Desk Aide, Maryvale Precinct

I just read the Circadian Rhythm Disorder article written by Karen Lewsader in a previous issue of the Recap and I would like to express my opinion.

Toward the end of the article, Karen explains that exposure to bright light can help a person who is diagnosed with CRD and comments about how the police aids who work shift 3 in various precincts keep the lights off and when she turns them on, they will turn them back off. She goes on to propose that, "...not only should these lights be left on, but that we should use the brightest bulbs available."

My issue is that I am a police aide who works at night at the Maryvale Precinct. I happen to suffer from migraines and the bright lights above the desk will trigger my migraines, as they are extremely bright and irritating to my eyes (I won't even mention the eye strain that those lights cause), so I leave the main lights off and keep the less-glaring lights in front of the desk on.

Although I can sympathize with someone who may have CRD, that person does not have to be in the station for their whole shift like I, or the other aides do. Keeping the bright lights on for just in case someone may come into the station to do a report is a waste of electricity. There are several places in the station that the officer/s can go in order to call in their reports where there is ample light when needed that won't interfere with the desk aide having the lights "off" or dimmed in the desk area. Also, if I recall correctly, the City Manager asked that lights be turned off in rooms, buildings and hallways that weren't being used in order to conserve energy...during both Summer and Winter.

Editor's note: Thanks for another viewpoint, Baya.

EMPLOYMENT OPPORTUNITY
ANNOUNCEMENT #0306 Special Agent
POSITION TITLE: Special Agent, Vendor Certification
LOCATION: 202 E. Earll Dr., Suite 200
Phoenix, Arizona 85012
RECRUITMENT TYPE: Uncovered; not part of the State Merit System – Full-time
HIRING SALARY RANGE: $44,000

RESPONSIBILITIES: Performs complex regulatory investigations of various entities and individuals, including key employees of vendors applying for certification. Initiate investigations of vendors involved in Tribal Gaming and compact violations. Responsible for well-documented reports of all investigations. Testifies in Administrative hearings, depositions or courts of law. Position requires frequent domestic and occasional international travel.

MINIMUM QUALIFICATIONS: Experience in investigations, (criminal, background, personal, financial), comprehensive and detailed report writing, AZ POST certification required.

WORK SCHEDULE: Full-time Monday – Friday
APPLICATION DEADLINE: Open until filled
APPLY TO: Arizona Department of Gaming
Attn: Levada S. Coker, Human Resources 285-9980, ext. 310
POSTING DATE: March 27, 2006

LAW OFFICES OF MICHAEL NAPIER, P.C.

MICHAEL NAPIER has been representing Phoenix officers for over 30 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 officers in obtaining compensation for their injuries and losses.

JANET FELTZ has been an attorney for over 21 years. Most recently, Ms. Feltz has been administrative hearing officer in discipline hearings and other employment matters before boards and commissions.

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:

- Personal injury recovery (on or off duty) experienced representation at a reduced fee;
- Reduced fees for matters not covered by the PLEA legal plan;
- Free probate of officer's estate for line-of-duty death;
- Free consultations to members on any matter, and
- Referrals to attorneys or specialists for matters not handled by our firm.

2525 E. Arizona Biltmore Circle • Suite 130
Phoenix, AZ 85016
(602) 248-9107 • www.napierlawfirm.com
Down the Rabbit Hole

In explaining management decisions to children, I find it helpful to put actual events in the form of a make-believe story. Perhaps in doing so, the issue becomes more understandable and more interesting for more people. Let me share with you a story that you’re free to tell your kids.

Alice followed the rabbit down the hole. Upon landing, she found that she was on the top floor - the 4th floor of a good guy building. Inside one of the rooms she met a handsome assistant prince. He spoke to Alice about super secret supervisor notes notes that belonged to a “man-with-stripes,” notes that were two years old, notes that were diary-like and personal in nature, notes that were inaccurate, notes that were not used in any worker report cards, notes that, up to that time, had been invisible and unseen by the worker people. Alice struggled with a feeling of dread. This dread worsened when she heard these notes were magical and being used by a dangerous bureau knight to move worker people out of their homes to a place that made the worker people sad. A place where angry bosses forced worker people to go. A place of punishment. A place far, far away. A place with old cars, hot uniforms, and busy radios.

Alice started to cry. “What kind of place would treat worker people so badly? What kind of place would consider something so unfair?” The rabbit, while wiping her tears, answered her. Alice had never heard of a place called “Debbie” before. The rabbit said, “No Alice, I didn’t say Debbie, I said D.E.B. - a place where good guys fight bad guys with dangerous drugs. The place is the Drug Enforcement Bureau.” The rabbit assured Alice that a PLEA protector would help the worker people. A new paragraph in the worker bible would stop princes, knights, and men-with-stripes from doing this again. Alice quietly asked “Why do the three boss-people need the worker bible to be fair? Can’t they be fair on their own?” The rabbit said with great regret, “That’s another story Alice.”
Cops can be victims too...

by Levi Bolton Jr., Trustee

When you were a child and your teacher asked you if you knew what you wanted to be when you grew up, do you remember what you said? I can remember wanting to be everything from an astronaut to a track star. But one day it became clear to me that all of the things that I admired and all that I aspired to be resided in a single occupation. It fit perfectly and after all everyone likes and respects police officers. I remember those thoughts some fifty years ago and now that I have worn a badge for more than three decades, I am reminded almost daily that everyone doesn’t like police officers and some take that dislike to extremes that have horrific consequences when they are acted upon.

Call it an occupational hazard if you like or accept that those feelings by some are just part and parcel of the trade. All of that sounds good and dutiful, that is unless you are the victim of someone who knows what you do for a living and exploits that knowledge knowing that it may cause you personal or professional harm. It is unfortunate that even the officers themselves have grown to accept this cultural paradigm of their profession and simply relegate themselves to managing the devastating aftermath of an attack upon their persons or their professional image.

I think perhaps the most disappointing part of this whole equation is best captured in the form of a question. “Who is entrusted to protect those that serve and protect?” The saddest part of asking a question such as that is the silence that follows. No one seems to mind much when a police officer is accused of terrible wrongdoing and later find that the complaint is without merit and worse yet, the complainant knew it when the complaint was made. It’s against the law to file a police report knowing that it is false. Arizona’s criminal code makes that perfectly clear. That provision in the law protects crime victims and even the government itself against such affronts. Just like all of the other laws enacted by Arizona’s legislators it’s a powerful discouragement against those who would abuse a system of redress and provides harsh penalties for those who are prosecuted and convicted. It is unfortunate that those entrusted to protect those who serve and protect still remain silent on the idea that… cops can be victims too.

NEW MEMBERS

Scott Allen
Kent Barnes
Kenneth Barton
Mario Bertuccelli
Tim Chase
Joshua Edelson
Adam Holifield
David Jurgenson
Robert Kimery
Aaron Kriss
Mark Madden
Gary Potts
Stephen Reed
Vvyan Reque
Justin Rosko
Rachel Scherer
Christopher Smith
Beau Sylvestre

PLEA

Mark your day planner and attend the membership meetings on the last Tuesday of every month at 7:30, 12:30, and 5:30.

Board meeting is on April 18th, and members can attend at 8:30 am.
Dear Supporter of Law Enforcement,

The National Law Enforcement Officers Memorial Fund will officially honor the service and ultimate sacrifice of 466 law enforcement officers this year by adding their names to the Memorial Wall.

These names, the names of our fallen heroes, will be officially dedicated during our annual Candlelight Vigil ceremony on May 13th. 155 law enforcement officers made the ultimate sacrifice in 2005. 311 of these dedicated officers were killed in the line of duty in prior years, and until now have been forgotten by history. These brave men and women died while protecting our homes, our streets and our communities.

The Memorial is a richly deserved tribute to the more than 17,500 officers who have made the ultimate sacrifice since the first line of duty death in 1792. In honoring these fallen heroes, the Memorial also recognizes the service of the more than 870,000 federal, state, and local officers who protect and serve our nation every day.

Adding these names and commemorating them through the Candlelight Vigil comes with a significant cost. The addition of each name to the Memorial Wall will cost about $250 to engrave. The research, ceremonies and other work involved costs much more. That is why it is so important that we can count on you for a donation today.

I hope you will help us add these 466 heroes to the Memorial Wall and support our other important programs including the Officer of the Month program, the National Law Enforcement Museum, and all of our other programs. Click on the following link to donate now and know that your contribution of $250, $50, or $25 will help us ensure that these heroes will never be forgotten.

Help us honor these brave men and women! <http://liftnetwork.lyris.net/t/76945/23123965/288/0/>

Your donation sends a strong message of gratitude to our nation’s law enforcement officers, surviving family members and friends. Your donation also enables the National Law Enforcement Officers Memorial Fund to maintain the Memorial, create the National Law Enforcement Museum, continue our efforts to prevent future officer deaths and research historical cases so that no hero is forgotten.

Make your donation of $250, $150, $50 or $25 today. <http://liftnetwork.lyris.net/t/76945/23123965/288/0/>

Thank you in advance for your support.

Sincerely,

Craig W. Floyd
Executive Director
National Law Enforcement Officers Memorial Fund
On April 22nd, 1976, Officer Del Gaudio was killed while in the pursuit of an impaired and reckless driver. The officer collided with another police car and then careened into the wall of a home. His death was instrumental in persuading the State Legislature to enact the Unlawful Flight statute. Officer Del Gaudio was twenty-six at the time of his death. He was survived by his wife who was five months pregnant.

On April 24th, 1984, Officer Hawkins was killed by a passing pickup truck. He was on a nighttime undercover assignment attempting to cross a freeway frontage road when the accident occurred. Officer Hawkins helped establish a hostage/barricade negotiations unit and was a negotiator in hostage situations. He was thirty-four years old at the time of his death and a twelve year veteran. Officer Hawkins was survived by his wife and two young children.

Officer Tim Landers 28 was killed early Sunday morning April 20, 1997 in a head-on collision when another driver crossed the Squaw Peak Parkway median south of Glendale Avenue. Officer Smith was out of the Central City Pct. Tim is survived by his wife and daughter and son.
MARK,

I owe you an apology.

By Danny Boyd

A while back Jake and I were sitting in the Chief’s office with Chiefs Harris and Frazier. We were meeting to talk about supervisory accountability in reference to administrative investigations. Since our members are seemingly held accountable for everything, we were asking for supervisors who poorly investigated our members and then poorly wrote administrative investigations also to be held accountable. During the discussion two comments were made (that in hindsight) I should not have let pass without commenting, but I did.

The first comment was about the “tenor” of the most recent Recap where Mark and I had published articles. I got the distinct impression that the Chiefs, (and maybe all management in general) have an “expectation” that our Recap is supposed to be written in a certain “tone” and the most recent Recap had not met this “expectation”.

The second comment was the observation by the Chiefs that we or someone was failing to “control” Mark (an elected official of PLEA) and that some type of “promise” had been made that now wasn’t being fulfilled.

Mark, I first owe you an apology. I apologize that I didn’t come to your defense about your Recap article(s). As a union member you have the right and an obligation to write about issues that are important to you and the membership. Our members have the right to know from their elected officials via the Recap what management is wrongly doing to them. Our members need to read what can happen to them, so that they too can have the knowledge to protect themselves and know what their rights are. Our members need to read that their union is out fighting for them daily and not making concessions on their backs because, “we don’t want to make them mad or it’ll jeopardize a relationship”.

The good bosses know its part of doing business and don’t take it personally. It bothers me that people who aren’t union members think they have a say into what union members should read via our Recap. It’s this arrogant attitude that causes me concern, to think that someone outside the union believes they can dictate or thinks they can dictate the “tenor” of our Recap.

Mark, I also owe you an apology for not coming to your defense about how you serve our members and this organization. I’m sorry I didn’t defend you and tell them that no one person has the job of “controlling” anyone within PLEA. PLEA isn’t a dictatorship; we aren’t an organization with one person in charge like the police department. PLEA is run by a group of elected members called the Board of Trustees. Every elected position has a job and the Board of Trustees holds each of them accountable. The membership in turn holds the Board of Trustees accountable. We run for an office and are voted on by our members to serve them and the organization. Unlike management, we are held accountable for our performance and failure to do the job can get us voted out of office. If a manager doesn’t get it done, they get a transfer to another job where they can continue to be inept.

Unlike management, we (the Board) have over 2200 bosses that we are accountable to, all with an equal voice called a vote. The last time I looked Mark, you had the most votes of all that ran for an elected position.

It’s unfortunate that we have people in police management that believe they have a say or should have a say into how we communicate or how we should represent our members. It’s this arrogance and lack of respect for what we do and what we stand for that causes poor labor/management relationships from our end. Every supervisor should have had to sit through the most recent ULP hearings PLEA and the department were involved in. It wasn’t fun for some who had to testify and be cross-examined by the attorneys. I’m glad Mark, that you don’t tell your members to take a “hit” because “we don’t want to strain a relationship with management” or because “it will make them mad”. I’m glad you put our members first, the people you work with first, the organization first and relationships second in providing good solid representation. I’m glad you’re not afraid to put your experiences on paper and communicate those experiences to our members via our Recap.

I’m glad you’re not afraid to put your experiences on paper and communicate those experiences to our members via our Recap. I’m glad you take your job seriously and don’t take the threats by the department that your style of representation is hurting your members. It’s too bad that management doesn’t listen to the facts you present and follow the rules they make but instead disciplines our members based on the fact they didn’t like the way you presented the members/unions position or how you wrote a Recap article.

Again Mark,

I’m sorry that I didn’t defend you...
Another Point of View

By Baya Sommers, Desk Aide, Maryvale Precinct

I just read the Circadian Rhythm Disorder article written by Karen Lewsader in a previous issue of the Recap and I would like to express my opinion.

Toward the end of the article, Karen explains that exposure to bright light can help a person who is diagnosed with CRD and comments about how the police aides who work shift 3 in various precincts keep the lights off and when she turns them on, they will turn them back off. She goes on to propose that, "...not only should these lights be left on, but that we should use the brightest bulbs available."

My issue is that I am a police aide who works at night at the Maryvale Precinct. I happen to suffer from migraines and the bright lights above the desk will trigger my migraines, as they are extremely bright and irritating to my eyes (I won't even mention the eye strain that those lights cause), so I leave the main lights off and keep the less-glaring lights in front of the desk on.

Although I can sympathize with someone who may have CRD, that person does not have to be in the station for their whole shift like I, or the other aides do. Keeping the bright lights on for just in case someone may come into the station to do a report is a waste of electricity. There are several places in the station that the officer/s can go in order to call in their reports where there is ample light when needed that won't interfere with the desk aide having the lights "off" or dimmed in the desk area. Also, if I recall correctly, the City Manager asked that lights be turned off in rooms, buildings and hallways that weren't being used in order to conserve energy...during both Summer and Winter.

Editor's note: Thanks for another viewpoint, Baya.

EMPLOYMENT OPPORTUNITY

ANNOUNCEMENT: #0306 Special Agent

POSITION TITLE: Special Agent, Vendor Certification

LOCATION: 202 E. Earll Dr., Suite 200
Phoenix, Arizona 85012

RECRUITMENT TYPE: Uncovered; not part of the State Merit System – Full-time

HIRING SALARY RANGE: $44,000

RESPONSIBILITIES: Performs complex regulatory investigations of various entities and individuals, including key employees of vendors applying for certification. Initiate investigations of vendors involved in Tribal Gaming and compact violations. Responsible for well-documented reports of all investigations. Testifies in Administrative hearings, depositions or courts of law. Position requires frequent domestic and occasional international travel.

MINIMUM QUALIFICATIONS: Experience in investigations, (criminal, background, personal, financial), comprehensive and detailed report writing. AZ POST certification required.

WORK SCHEDULE: Full-time Monday – Friday

APPLICATION DEADLINE: Open until filled

APPLY TO: Arizona Department of Gaming
Attn: Levada S. Coker, Human Resources 285-9980, ext. 310

POSTING DATE: March 27, 2006

Law Offices Of Michael Napier, P.C.

MICHAEL NAPIER has been representing Phoenix officers for over 30 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 officers in obtaining compensation for their injuries and losses.

JANET FELTZ has been an attorney for over 21 years. Most recently, Ms. Feltz has been administrative hearing officer in discipline hearings and other employment matters before boards and commissions.

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:

Personal injury recovery (on or off duty) experienced representation at a reduced fee;
Reduced fees for matters not covered by the PLEA legal plan;
Free probate of officer's estate for line-of-duty death;
Free consultations to members on any matter, and
Referrals to attorneys or specialists for matters not handled by our firm.

2525 E. Arizona Biltmore Circle • Suite 130
Phoenix, AZ 85016
(602) 248-9107 • www.napierlawfirm.com
Representation Committee

Chairperson
Mark Spencer

Vice Chairperson
Danny Boyd

Representatives
Levi Bolton • John Buckner • Will Buividas
David Dager • Mark Enegren • Bob Furname • Jerry Cannon
Greg Gibbs • Cheryl Groshko • Bryan Hanania
Gary Hotchkiss • Barry Jacobs • Dave Kothe
Karen Lewsader • Franklin Marino • John McTernan
Brian Miller • Anthony Navas • Darren Nielsen
Bob Palma • Steve Perrotta • Jerry Peterson
Dave Sampson • Annie Shumway • Frank Smith
Stu Sterling • Vanessa Warren • Terry Yahweh

The Board Of Trustees
Jake Jacobsen ........................................ President
Michelle Monaco ............................... Vice President
Joe Clure ........................................... Treasurer/Negotiator
Mark Spencer ................................. Secretary/Membership
Steven Rackley .............................. Chairman of the Board
Levi Bolton ................................. Trustee/Representation
Danny Boyd ..................................... Trustee/Representation
David Dager ................................. Trustee/Representation
Brian Miller ..................................... Trustee/Representation
Joe Petrosino ..................................... Trustee
Bruce Stallman ..................................... Trustee/Representation

Plea Legal Resources
Michael Napier .............................. Legal Counsel
Janet Feltz .............................. Legal Counsel
(602) 248-9107
www.napierlawfirm.com

The PLEA Office Staff
Arlene Venturini ............................... Office Manager
Leigh Ann Bennett ............................ Accounts Manager
JoAnn Gothard .............................. Membership Services
Debbie Webster ............................. Membership Services
Melissa Solimeno ............................ Membership Services

The RECAP Staff
Jake Jacobsen .............................. Managing Editor
Michelle Monaco ............................ Editor
Bill Steele .............................. Publisher

If You Have A Grievance
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
All interviews once you have been given an NOI.

RECORD:
All memos or paperwork related to the investigation.

COPY:

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.