



# FOP 34

Volume 1 | Issue I

March 2019



## Presidents Corner

Welcome to the debut of FOP Lodge 34's Newsletter. Understanding that the effectiveness of a Labor Union directly correlates with the resolve of its membership we have created this newsletter as another tool to keep our membership informed of current topics and issues that your FOP is handling on behalf of our members. The most important thing to know about your union is that YOU are the union. A union is only as strong, effective and powerful as the members who participate in its operation and activities.

If you have any suggestions to improve the newsletter or submissions that you would like to see included please send to [mdfop34@gmail.com](mailto:mdfop34@gmail.com).

## WEINGARTEN RIGHTS

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative or steward be present at the meeting. Without representation, I choose not to answer any questions."

## Know your Weingarten Rights

The right of employees to have a Union representative present during meetings with their supervisor was granted in 1975 by the United States Supreme Court in the case of **NLRB v. J. Weingarten, Inc.** 420 U.S. 251. These rights are in addition to LEOBR ( Law Enforcement Officers Bill of Rights).

As a result you are entitled to Union Representation at ANY investigatory interview in which a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks and employee to defend their conduct.

If you have a REASONABLE belief that discipline may result from what you say then you have the right to request union representation BEFORE you answer any questions, HOWEVER you must claim your Weingarten rights and your supervisor has no legal obligation to inform you of your right to union



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representation. To invoke your rights you must make clear that you request a union representative or your attorney. You **CAN'T** be punished for exercising your rights.

Once you invoke your rights the superior must choose one of 3 options:

1. Grant your request and delay the interview or
2. Deny your request and end the interview or
3. Give you the option of continuing without representation

If the supervisor denies your request and continues that constitutes an Unfair Labor Practice and you have the right to refuse to answer. You can not be disciplined for refusal but you may be required to sit there until the interview is over.

In most cases, the Union representatives role is simply to observe the discussion and to protect the rights of the member. The Supreme Court does grant the Union representative the right to assist and counsel the member during the interview and also has ruled that management must allow the representative to speak privately with the member before the start of the interview and can interrupt to clarify or object to intimidation tactics or confusing questions.

The Union Representative can not tell the employee what to say but may advise them on how to best answer the questions asked. At the conclusion of the interview the Union Official must be permitted to add any information that supports the members case.



### **LABOR MANAGEMENT COMMITTEE**

-The FOP is still pursuing a resolution to the unnecessary delay that occurred in November when our members were involved in a critical incident with possible exposure to Blood Borne Pathogens and the testing of the source blood was delayed. We have expressed our strong concerns with that delay and as a result FOP 34 has had numerous meetings with management and the Office of Environment, Safety and Risk Management to ensure that a situation like that will never be repeated. As a result of our effort a new SOP will be issued and training will be provided to ensure that all Police Supervisors are aware of the specific procedures that need to be followed in order to get source blood tested immediately and without delay.

-Lodge 34 was made aware that multiple members who were promoted did not receive their pay increase in a timely matter. The FOP immediately brought this issue to HR and Management and it was discovered that a clerical error had occurred and the members pay was corrected.

-Upon being contacted by a member that they did not receive the correct clothing allowance amount the FOP contacted management it was discovered that an error in oversight had occurred with more than one member. The issue was addressed and we are told the problem should not reoccur. The issue only impacted officers having the same last name as other officers in the department, therefore be sure to look at your pay stub to ensure that you do receive the correct amount that you earned. Do not take for granted that your overtime, incentives or pay are going to be correct. CHECK YOUR PAY STUB!!!!.



### **LEGISLATIVE UPDATES**

FOP 34 has been hard at work in Annapolis for our members. We personally have submitted numerous Bills this legislative session that directly benefit FOP 34 members. In conjunction with the MD State Fraternal Order of Police, Lodge 34 is supporting numerous bills that benefit our retired members pensions and the prescription coverage predicament that was forced on state retirees this past year.



As of last count FOP 34 along with the MD State FOP is actively supporting over 65 beneficial Bills and opposing over 30 Bills in Annapolis that could have a negative impact our members. Below are some of the Bill that were specifically drafter for FOP 34 Members along with the State Retiree Bill that has a direct impact on our retired members.

#### **House Bill 387 / Senate bill 477 Subtraction Modification- Maryland Transportation Authority Police**

This bill was submitted by FOP 34 in an effort to include our members in the First Responder subtraction modification that was passed in 2016. Currently our members are excluded from claiming this tax break. President Kruszynski testified in support of HB 387 in the House Ways and Means committee. President Kruszynski is scheduled to testify in favor of this Bill in the Senate Hearing on 3/13/19.

**LEGISLATIVE UPDATES (Continued)**

**Bill 1298-MDTA Police - Collective Bargaining- Binding recommendations of the Fact Finder**

This necessary bill was submitted by FOP 34 in an effort benefit our members during contract negotiations. Passage of this bill will strengthen our ability to reach fair agreements on future contracts and to ensure that future contracts are in the best interests of our members. President Kruszynski will be testifying in support of this bill in the Senate on 3/19/19

**House Bill 1299- Law Enforcement Officers Pension System (LEOPS)**

In an effort to improve our retirement benefits for our members we are actively supporting HB1299. This bill will provide a 2.5% multiplier for each year of service as opposed the 2.0% that our members currently receive. This Bill will allow our members to maximize their retirement at 28 years of service with 70% pension.

**House Bill 98 and Senate Bill 193- State Employee and Retire Health and Welfare Benefit Program-Retiree Participation in the State Prescription Drug Benefit Plan**

This Bill will allow our retired members to continue to participate in the State Prescription Plan. This Bill is a top priority for our retired members and FOP 34 is working with the Md FOP and other Lodges that represent State Employees to ensure passage of this Bill.

**Mileage Reimbursement**

Did you know that you are entitled to reimbursement for mileage above your normal



commute when using your personal vehicle? If you are NOT claiming mileage to and from special assignments then you are simply throwing money out of the window. The current full rate is .58 cents per mile and that rate is payable if a pool vehicle is not available at your detachment. If there is a pool vehicle available and you chose not to use it, you still qualify for the half-rate of .29 cents. Please refer to the MDOT intranet under Finance for reimbursement information. This adds up quickly. Don't throw away money. Mileage reimbursement does not apply to court travel.

**Will Preparation Day**

Our first Will Preparation day is scheduled for March 30th at the lodge. FOP 34 arranged with SBWLAW to come to the



lodge to prepare our members Wills here on site. The response was AMAZING and we filled every time slot within 48 hours. Due to the overwhelming response we will be hosting a second day. Don't miss your chance to take advantage of this opportunity.

**S | B | W | law**  
SCHLACHMAN BELSKY & WEINER, P.A.

### **Disputes and Grievances**

*Reminder: If you have a dispute or grievance concern your first method of resolution is to discuss the issue with your immediate supervisor. If you do not get satisfactory results then contact your detachment Shop Steward. Your shop steward will present you with the FOP Grievance form to fill out and present back to the Shop Steward. (The FOP Grievance form is an internal FOP Document and is not presented to the Department) Once completed your Shop Steward will assign the correct STEP to the grievance and being the process. **Grievances CAN NOT be initiated without a completed Grievance form.** FOP Shop Stewards are Union Officials and thereby afforded certain rights and are able to meet directly with the detachment commander in an attempt to resolve the issue. The majority of disputes and grievances are resolved without filing a formal grievance. For a complete list of Shop Stewards please refer to the lodge website [www.mdfo34.org](http://www.mdfo34.org).*

-A Step 1 Grievance was initiated in November in reference to a recently promoted member who was not given the shift assignment he selected. During the Grievance process the situation was resolved and the Grievance was subsequently withdrawn.

-A settlement was reached in the Unfair Labor Practice filed against the MDTA by FOP 34 in reference to retaliation against FOP members. As part of the settlement, FOP members received a letter from the Colonel acknowledging their right to contact the FOP with any concern they may have without fear of retaliation from the MDTA and pledging that the MDTA Police are committed to never interfere or

prevent FOP member from exercising their rights as Union Members.

-FOP 34 received multiple concerns from members at the Tunnel Command Detachment in reference to the condition of the patrol cars and various other working conditions that members had concerns with. The FOP met with commanders on behalf of those members and together we are working to improve the conditions of existing fleet and to decrease the delay it takes when getting repairs completed.

### **Upcoming Events**

-The FOP Breakfast with the Easter Bunny is April 6th. Please reserve on Eventbrite or visit us on Facebook@fop34events. Contact Ari at 410-982-1673

Tickets are \$9 for ages 3- Adult. Kids 0-2 are free

- The Fop Annual Gun Raffle tickets will be coming out soon. Once printed notice will be posted on our Facebook page.

As always if you have any suggestions or recommendations for other information that you would like to see included in future newsletters please send to [mdfop34@gmail.com](mailto:mdfop34@gmail.com)