

ILLINOIS COUNCIL OF POLICE & SHERIFFS

Local Union Publication

July 2004



North Aurora Police Deserve a Fair Deal

When it comes to employee rights and benefits, it's our view that no one deserves someone in his or her corner more than a police officer. That's what ICOPS is about. We are a union administered by and for working law enforcement professionals which represents police on matters pertaining to their rights and benefits.

When it comes to employers, some respect their employees' rights to a union granted under state and federal laws. Some know that a collective bargaining agreement benefits employees and employer alike. But other employers go to great lengths, year after year, using legal maneuvers and delay tactics to avoid meeting employees at the bargaining table.

Welcome to North Aurora, a village of 11,000 residents in southeastern Kane County. The police force in North Aurora does the same great work as other nearby towns and villages: crime prevention, investigations, traffic control, public safety and much more.

But in one significant respect, North Aurora cops are different. The force serves without union representation or a union contract.

North Aurora police officers approached ICOPS about union representation in 2003, and 100 percent of the officers signed union authorization cards in November 2003. But, when ICOPS submitted a petition to the Illinois Labor Relations Board (ILRB) to represent the police, the village objected.

The village claims that it employs fewer than 35 full-time and permanent part-time employees. ICOPS counts 35 or 36 employees (excluding exempt employees such as supervisors). If there are 35 employees or more, and over 50 percent want to unionize, the village must legally recognize the union. A union effort can go ahead with less than 35 employees, but employers can stop the effort, if they so choose, when the number of employees is below 35.

In the six-county metropolitan region, 95 percent of departments have unions including virtually every town with 35 or more employees. All North Aurora police want is modest pay raises to bring them in line with comparable communities, to gain the security that comes from a good contract, and to be protected from the whims of changing administrations.

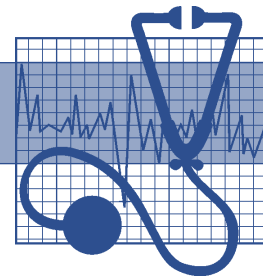
After ICOPS petitioned for representation, the working conditions of police officers began to change. Their use of overtime was capped; they were told their health insurance costs would jump 50 percent or more; they were asked to come forward if they believed their signature in support of the union "was coerced or that it was fraudulently obtained." These actions, according to ICOPS President, Norm Frese, "demonstrate a pattern of intimidation and are violations of state labor laws. Once a petition for union representation is filed, an employer cannot change work rules or conditions until the petition is heard."

ICOPS filed complaints with the ILRB accusing the village, its police department and city officials of blocking legitimate

Continues on page 2



ICOPS President, Norm Frese (center) reviews ICOPS' first Willow Springs contract with Robert Jennings and Chapter President, Michael Giorgetti. Go to page 4 for more on ICOPS negotiations and contracts.



Survivor benefits extended to those who die of heart attacks

The U.S. Congress passed the Hometown Heroes Survivor Benefits Act in late 2003 to extend federal death benefits to public safety officers, including police officers, firefighters, and other first responders, who die of a heart attack or stroke while in the performance of their duties. President Bush signed the bill in December.

The federal Public Safety Officers Benefits Program already provided financial assistance to families of public safety officers killed in the line of duty, as well as to officers permanently disabled while on the job. Unfortunately, in almost every incidence of death by heart attack or stroke, the family received no benefits even when the deaths were clearly triggered by the rigors of the job.

Heart attacks and strokes represent a significant risk among public safety officers. Nearly half of firefighter deaths each year are attributed to heart attacks and strokes. Prior to enactment of the new law, however, an accurate count of deaths due to heart attack or stroke was difficult to determine as such deaths were simply attributed to “natural causes.”

A key provision of the new statute applies the benefit to “on duty” deaths and injuries. The law creates a presumption that if a public safety officer dies as the result of a heart attack or stroke while engaged in “non-routine stressful or strenuous” physical law enforcement activity, the death is presumed to have been sustained in the line of duty.

Thus, an officer suffering a heart attack while subduing a suspect presumably meets the new criteria, irregardless of the officer’s prior medical condition.

The Hometown Heroes Survivor Benefits Act was endorsed and supported by the International Union of Police Associations and several other labor organizations.

Last year 148 officers were killed in the line of duty

In the year 2003, 148 law enforcement officers across the nation were killed in the line of duty, representing the second year in a row that the yearly number was well below the decade-long average of 166 annual police deaths.

According to the 2003 “Fallen Heroes Report” released jointly by the National Law Enforcement Officers Memorial Fund and the Concerns of Police Survivors, the states with the highest number of officer fatalities were: California (18); Georgia (10); Texas (10); Virginia (8); and Florida, Louisiana, and Tennessee (7). California had the greatest increase in officer fatalities, while federal law enforcement had the most significant drop from the previous year. The 148 officers killed in 2003 matched the fatality figure recorded in 2002.

Of the 148 officers killed in 2003, data indicates that 53 died in automobile accidents; 52 were shot to death; 13 were struck by automobiles while on duty outside their vehicles; 11 died in motorcycle accidents; six succumbed to job-related

Continues on page 6

North Aurora Police

Continues from page 1

employee attempts to unionize. The ILRB will soon determine whether the village has 35 employees and whether North Aurora must recognize ICOPS as the representative of the police officers.

The village’s actions raise many questions and concerns, beyond the ILRB complaints. Is the village curtailing the number of new hires to avoid unionization and therefore jeopardizing the public’s safety by keeping its force low? Doesn’t the compensation cap and failure to fill vacancies mean that current officers are doing more work for less pay and at more risk?

Also, we know that if you’re a police officer and you don’t have a union, you get next to nothing in pay raises. And next to nothing is what the North Aurora police get.

They haven’t had a salary increase in four years and last year they received only a small cost-of-living raise of 1.8 percent.

Instead of adequately paying its police officers, the village is handing over big bucks to Wessels and Pautsch, P.C., a St. Charles-based law firm, to avoid unionization. While the village wastes thousands of tax dollars to fight their police officers’ desire for a union, North Aurora could have justly compensated police officers and had a contented police force.

Unlike the village of North Aurora, ICOPS cannot bill the taxpayers for high-paid attorneys. But ICOPS does have the know-how and commitment to meet the village head to head until the North Aurora police get the union representation and a contract that they’ve asked for and deserve. ICOPS is in this for the long haul.

Summer is here, but there's little time to go fishing!



This year, ICOPS won its first contracts with significant improvements for Island Lake police officers and sergeants, for Maywood telecommunicators, for Wauconda sergeants, and for Willow Springs police officers. In Island Lake, negotiations are taking place for telecommunicators.

And, negotiations will soon begin in Dixmoor, where police officers are working long hours for low pay.

Recent news coverage of events and charges in Harvey reflects continuing problems in that city. Our members, who have gone through bruising times in recent years, from one administration to another, have our support and encouragement.

On the political front, our union's biggest fight this year was to save the right of our members to overtime pay. The Bush administration's labor department had proposed new rules that would have denied the right of overtime to millions of American workers, including an estimated 200,000 law enforcement officers. The International Union of Police Associations and the AFL-CIO took strong stands against the proposals, and fought the administration every step of the way. We have won part of that battle.

New revised rules will go into effect in September. After the huge outcry, the Bush administration revised its proposals to ensure that police officers, firefighters and first responders are entitled to overtime pay. It also raised its proposed cap for overtime eligibility from \$65,000 to \$100,000 a year. The administration claims that only workers earning over \$100,000 a year will lose overtime. Our friends in Congress, however, tell us that under these new rules several million workers, including some earning as little as \$23,000 a year, could lose their overtime.

Furthermore, the IUPA, along with the National Association of Police Organizations and the International Brotherhood of Police Officers have jointly questioned the claim that the new rules won't harm law enforcement officers. The three major groups representing the majority of all rank-and-file police officers have misgivings about the new rules, especially whether police officers with some supervisory duties will be protected. Failure to name sergeants and above in the protected regulations may leave them without protection and subject to losing their overtime.

The administration's stated purpose in changing the rules was to "simplify" them. Ironically, the preamble to the new rules comprises 277 pages clarifying 60 pages of new regulations!

When the final complex rules do go into effect, the battleground will shift to the courts, where our fight to maintain the rights of overtime will continue.

At the state level, ICOPS supports changing Illinois law so that police officers in departments with fewer than 35 employees will be guaranteed the right to a union and their employers will be mandated to recognize the union when over 50 percent authorize representation. Unfortunately, such a bill did not get introduced in this legislative session, but we hope to get a bill introduced and passed in the fall with the support of the Illinois State AFL-CIO. The smaller police departments are sometimes the ones who most need a union; Dixmoor and North Aurora are two prime examples.

In closing, I see more and more the advantage of being part of "big labor." In Congress and in Springfield, affiliation with the AFL-CIO is a big plus. IUPA keeps tabs on what Congress is doing and lobbies along side of other AFL-CIO affiliates for legislation to protect the rights and benefits of all workers. What's most heartening of all is the support of fellow AFL-CIO unions for Boston police officers, who have been in a two-year struggle to win a new contract. That support demonstrates what union solidarity is all about.

In Solidarity,



LEGISLATIVE NEWS

Illinois unions win battles in Springfield this year
An important bill that was enacted will protect Illinois workers from the overtime pay cuts proposed by the Bush administration. Another will create special speed limits and increased penalties to drivers who do not respect those new speed laws through construction and maintenance zones.

Congressional Caucus tracks law enforcement issues
The Law Enforcement Caucus, a bi-partisan working group of over 100 members of the U.S. Congress, addresses a broad range of issues affecting law enforcement personnel. Created in 1994, the Caucus serves as a clearinghouse for information and a sounding board for ideas brought from the law enforcement community. Its website is a valuable resource about federal law enforcement legislation. Go to:

www.house.gov/stupak/ushlec.htm



Overworked Dixmoor police to begin negotiating first contract

In south suburban Dixmoor, police officers asked for ICOPS representation in a card check authorization and a mail-in ballot in late 2003. Negotiations for a first contract will begin this summer.

Major issues include pay, health insurance and pensions. But the biggest issue is manpower because the police department is very shorthanded. A few years ago, there were 34 police officers, many of them part-time. A few were terminated and some left of their own accord when the previous mayor was convicted of tax fraud but only got a "slap on the wrist." In spring, a new mayor was elected for a one-year term.

Job vacancies have not been filled and today there are only 11 officers. Workloads of the remaining officers, who all but one

are full-time, have increased. All officers put in long hours, some working double shifts and putting in 120-130 hours in a two-week period, even more during the holiday season. On any given shift, there's only one to three officers.

On top of the stressful workload, police pay is only \$11 per hour and has remained so for several years. Since the officers work mandatory overtime, it's hard to work second jobs to supplement their wages. Police pay \$185 per pay period for family health insurance, if they have health insurance at all. And, they have no pension plan.

Two members of the ICOPS chapter, Emerson Branch and Emir King, say that despite their huge workloads and old equipment, no police officers have been hurt and the officers are like a family. They get along and work as a team.

Other village contracts negotiated

In Island Lake — ICOPS recently settled first contracts for police officers and sergeants bringing them up to parity with other villages in the area. The union is also negotiating a contract for telecommunicators.

In Maywood — telecommunicators won a new contract last December with a raise that brought them to parity with the surrounding villages and better contract language that makes procedures clearer. According to Chapter President, Larissa Cunningham, "the contract put us in a position so that management can no longer take advantage of employees." Telecommunicators also won more vacation days, a uniform allowance and are no longer required to live in Maywood.

"ICOPS is a great representative," she says. "ICOPS came in and got the job done. The union stood firm on whatever we felt strongly about. When we call them, they're right there, no matter what time of day or night."

Cunningham, at Maywood for over five years, and six other telecommunicators plus a supervisor make up the ICOPS chapter.

Prior to becoming a telecommunicator, Larissa had done some security work as well as some police and fire dispatch service. She lives in Chicago and is the mother of five children.

In Wauconda — four sergeants held an election and all four voted for ICOPS in spring 2003. Negotiations began in August and a contract was agreed to on March 19, 2004, retroactive to the previous May.

According to Detective Sergeant Patrick Yost, "The sergeants' pay scale was not very structured. Sergeants had no guarantee of what to expect from year to year. Now we're at parity with other sergeants, although our salary could still be better." Police won an extra personal day, increased compensatory time, and a new and better grievance procedure.

"Both sides got a pretty fair deal.... Being represented by ICOPS brings a feeling of security, knowing what we're going to make a year from now," Yost says.

Patrick has been a cop for nearly 18 years and a sergeant since 1995. He spent three years in the military police and then joined the Wauconda police department. "I wanted to serve my country and felt police work was an extension of that," he says. "The work has always fascinated me. There's always something new in police work; it's challenging, physically, mental and emotionally." Yost and his wife live in Wauconda with their two children. "Kids are my first hobby," he says.

In Willow Springs — there are 14 full-time officers. They were previously represented by the Fraternal Order of Police and, according to ICOPS Chapter President, Mike Giorgetti, it used to take a long time, up to two and a half years, to get a contract negotiated.

In 2003, Willow Springs police voted unanimously for ICOPS as their union representative and it took less than five months to win a first contract, which went into effective in April. In their new contract, Willow Springs police won extra days off, more holidays and more court time, as well as a pay raise to bring them up closer to the average police wage in the area.

"It's nice having someone on your side," Mike says. "With ICOPS, you can feel comfortable that there's someone there to protect your best interests, during negotiations and at other times." He adds that, "a union should fight for the working man. It's been a standard blue collar job that is not respected as much today, until someone needs you." Mike joined ICOPS even before ICOPS was the police representative and he won a grievance against the village with the help of ICOPS Attorney, Jim Pastor.

Giorgetti has been a Willow Springs cop for 13 years and lives in Tinley Park. He does charity runs on his motorcycle for severely handicapped children in Elgin and for Toys for Tots.

Something's Gotta Give

At the National Democratic Convention, to be held July 26-29 in Boston, delegates just could be faced with police union picket lines unless city officials come to their senses. We hope that by the time you read this, fairness will have prevailed and the Boston police will have won a new contract ending their two-year dispute with the city.

Much of the dispute between the Boston police and the city of Boston revolves around pay. Police officers say their salaries are lower than those of other emergency response personnel in the area.

IUPA backs the Boston police local

The Boston Police Patrolmen's Association, IUPA Local 16807, has been asking for a 16-18 percent raise over four years to bring their salaries in line with other emergency services. Boston Mayor

Tom Menino has offered a raise of significantly less, and at a time when he received a 25 percent raise over five years and the police commissioner got a 36 percent raise over five years.

The lower pay scale for police is compounded by the fact that Boston has a residency requirement requiring police officers to live in the city with its high housing costs.

Earlier this year, off-duty Association members had been picketing at the Fleet Center, where the National Democratic Convention preparations are being made, and received strong support from other unions. In an impressive show of AFL-CIO solidarity, most of the other skilled trades working on the project honored the picket lines, as did teamsters and other delivery drivers, bringing Convention preparations to a halt.

The mayor then went to federal court and got an order restricting the picketers and calling in U.S. Marshals. While honoring the court order and withdrawing the picket lines, which at times numbered in excess of 500 picketers from a wide variety of unions, the Association went back to the bargaining table and talks are continuing.

IUPA's international officers have visited Boston and pledged support for the local union. President Sam A. Cabral promised that "We will stand with you and your members until this fight is finished and will provide for the unflinching support of the AFL-CIO in this critical battle." His reference to AFL-CIO solidarity was borne out by the outpouring of support from electrical workers, corrections officers, carpenters, laborers, teachers, firefighters, service employees, teamsters, sewer workers, telephone workers, gas workers, bus drivers, school janitors, and others.

In another sign of support for the police union, in late June, Democratic presidential candidate John Kerry cancelled his address to the U.S. Conference of Mayors convention at the Flint Center.

Boston Police Association President Tom Nee has warned city officials that more actions will take place if contract talks do not progress. He also warned that picketing may well take place at all Convention events when officers from all over the country have promised to come and demonstrate a rare and historic show of solidarity with the Boston police.

Boston is no stranger to labor problems of its own making. The two-year police labor dispute was underscored in April when a federal court awarded back overtime pay to more than 800 Boston police officers, IUPA members, in a class action suit. The court ruled that the mayor and the city had willfully violated the Fair Labor Standards Act (FLSA) by not properly compensating officers, failed to keep proper records of work hours, and excluded educational pay, night differential and lunch pay from overtime calculations. The federal judge in the case said, "What is perfectly clear here is that the defendants violated the FLSA with respect to the plaintiff's overtime pay, and did so willfully."

Caffeine Could Be Good for You



If you drink coffee regularly, and have ever tried to stop drinking it, you know how powerful it is. In addition, many physicians say that drinking too much coffee can interfere with the human body's natural healing processes.

But did you know that coffee and caffeine also have remarkable healing powers? It turns out drinking coffee helps asthma sufferers, limits the damage associated with strokes and reduces the chances of skin, colon, and breast cancers. Oh, and by the way, it also mops up toxins in the system known as free radicals — the byproducts of booze and bad food.

The health problems associated with drinking too much coffee are very much like those associated with alcohol. Drink too much and there is no upside. But caffeine intake, like alcohol, taken in moderation, can be good for you.

Coffee does more than fight dangerous diseases and flush the system. It can also facilitate weight loss and give you a boost in the mood department. For police officers and other people who work tough hours, coffee can be a godsend. Cops frequently have to jump into action after intense lulls that can be hard for the brain to adjust to. By improving the response of the brain's neurotransmitters, coffee can help with that 180 degree turn.

Credit: *American Police Beat*

Health and Safety

Continues from page 2

illnesses; four drowned; two suffered fatal beatings; two fell to their deaths; one was stabbed to death; one died in an aircraft accident; one was electrocuted; one was strangled; and one was hit by a train.

Dating back to the first known law enforcement fatality in 1792, over 16,000 federal, state and local officers have been killed in the United States. All of their names are inscribed on the National Law Enforcement Officers Memorial in Washington, D.C.

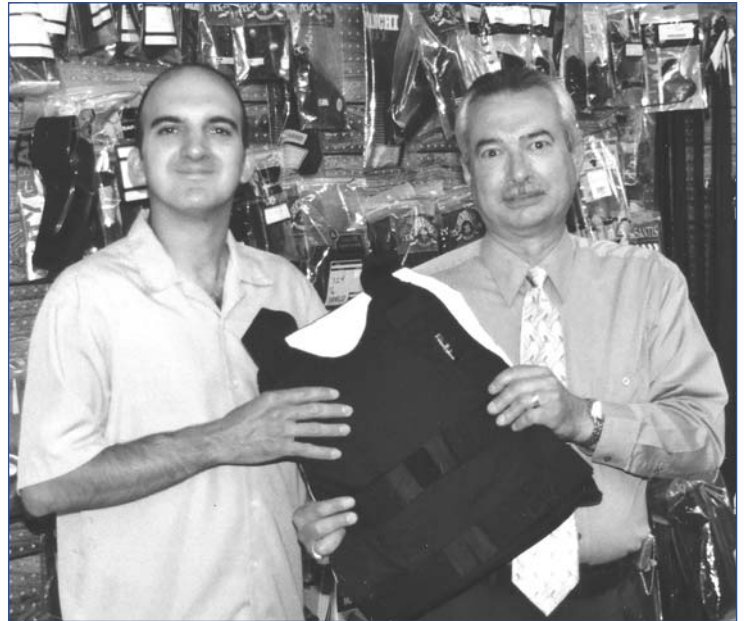
Second Chance upgrades or replaces protective vests

Second Chance Body Armor, Inc., based in Central Lake, Michigan, announced a program a few months ago to upgrade or replace its Zylon-based Ultima and Ultimax protective vests. The company said that previously worn Zylon vests wear out faster than expected and there's a potential officer safety issue. The custom-made vests are worn by thousands of police officers and others.

The announced program followed a series of in-service vest tests performed by Second Chance. Under the program, officers are given a choice of a free upgrade to their current vest that assures its performance throughout the warranty period, or purchase of a new Monarch Summit vest at a significantly discounted cost. The upgrade involves the insertion of additional pads in a current vest and can be done within minutes by individual officers.

In describing the program, President of Second Chance, Paul Banducci, said, "We want to apologize for any inconvenience incurred by our customers, but we felt this is the right thing to do. . . . We have always stood behind the quality of our products and will continue to do just that." Second Chance has manufactured soft, concealable body armor, for 30 years.

Go to the Second Chance website, www.secondchance.com, or call the company's toll-free hotline, 1.800.828.VEST, if you have questions about the vest upgrade or replacement.



ICOPS Staff Representative, Randy Mueller (right), presents a bulletproof vest to Melrose Park Police Officer, Vito Migliore, whose name was picked in ICOPS monthly computer drawing for new vests. Visit the ICOPS website at www.icops.org to learn more.

Ms. Top Cop

Women now account for fewer than 15 percent of the 880,000 sworn law enforcement officers in the country. But what's changing is the definition of a "good cop."

Police officers are expected to be more service providers, encouraging beat cops to focus on crime prevention and develop strong ties to neighborhood leaders. They are also expected to have two years of college and supervisors to have even more. This is an advantage to the female recruits since they are generally more educated than their male counterparts.

In the past year, women have been appointed top cop in Boston, Detroit, Milwaukee and San Francisco. Portland was the first major urban force to be run by a woman. About 200 out of 18,000 departments in the country are currently headed by women.

"Women are shattering the once bullet-proof glass ceiling at some of the nation's toughest urban police departments."

The shift puts more women on the fast track to top jobs instead of giving the chief's badge to the "toughest guy in the valley.... It's become brains over brawn."

That doesn't mean that women can't be tough when they need to be. Some people might think that a woman can't do the job because she's not physically strong, but when there's a tough decision to be made, they have proved these people wrong. That's the kind of strength a modern police force needs.

Credit: Excerpted from a *Newsweek* magazine article, April 12, 2004.

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INSIDE

North Aurora police	p. 1
Health and safety news	p. 2
ICOPS president reports	p. 3
Negotiations and contracts	p. 4



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Meet ICOPS New Staff Representative



Randy Mueller

“The officers in every police department need to be represented by a union, because you need an intermediary between the police officers, village management and chief of police. It’s not only about pay, but also about seniority, job transfers, promotions and disciplinary actions,” says Randy

Mueller, ICOPS new staff rep who came on board in April.

Randy took advantage of the state’s early retirement incentive and retired in March 2003 from the Cook County Sheriff’s Police, where he put in just under 25 years.

But it didn’t take him long to get back to work, helping police officers through ICOPS. Randy helps recruit new police departments into ICOPS and is part of contract negotiations and grievances. He’s glad to be part of the union team.

“ICOPS is very attentive to people’s needs and the attorneys are on staff 24 hours a day and that’s very important,” Randy says. “In the short time I’ve been here, I’ve observed that someone is always available to help the members who need it.”

Randy first became familiar with ICOPS while he was still with the Sheriff’s Police. There he had worked along side of



The ICOPS Chapter at Harper College held a meeting and barbecue on May 16. ICOPS represents the Harper College police officers, community service officers and dispatchers.

T.R. Smith, who is now ICOPS executive vice-president, in the detective unit, and knew Norm Frese, now ICOPS president.

Randy is from Chicago. When he came out of the Marine Corps Reserves, he went to junior college and applied for the Cook County Sheriff’s Police. He moved up to the detective unit, working out of the Rolling Meadows Court House before retiring. Randy lives in Elmhurst, is married and has two daughters, ages 29 and 23.