

PAXCENTURION

The Newsmagazine for the Boston Police Patrolmen's Association

Contract Passes City Council

12-0!

See story on page 10



November/December 2013

PHOTOS COURTESY OF THE BOSTON GLOBE & WIOB-TV



Mug shot.

Putnam is proud to support the joy of learning through the Boston Patrolmen's Association Scholarship Fund.





It's been a long road

To the membership:

It's been a long road. Three and half years without a contract or a raise in pay is a long time. Your families have suffered, and yet, you have continued to perform at optimum levels for the citizens we protect and serve each day and night. We have gone from "marathon heroes" (according to the major media) to "city hall zeroes" (according to the same major media) in a very short period of time. But such is life. Critics behind the safety of a computer screen will always exist. Police, EMT's, and Firefighters putting their lives on the line so that others may live are one-thousand times beyond these detestable people who hide behind their editorial BS, criticizing us as we go about our daily chores.

This contract, this arbitration decision, is finally behind us. Courageously, under the leadership of City Council President **Steve Murphy**, the council voted unanimously on December 4th to endorse the award of arbitrator **Tim Buckalew**. Despite scathing editorials in both the *Boston Globe* and the *Boston Herald* encouraging them to vote against the award, all 12 city councilors (the 13th councilor, **John Connolly**, who had bravely announced for the media that he would vote *against* the contract, was "on vacation", and did not actually vote, therefore, the vote was unanimous...) voted in favor. Certainly, there were reservations regarding costs and possible future ramifications impacting other bargaining units. But all of the councilors realized, at the end of the day, that the members of the BPPA deserved

basic parity with Boston's firefighters. That was what most of the councilors focused on; cops should not receive, on average, \$16,000 less than firefighters.

Once again, this was not easy. Despite what some may think, bargaining is not simply sitting across the table from your opponents and rationally discussing proposals. Backroom, down and dirty politics occur frequently, especially when you are dealing with city attorneys who are making hundreds of dollar an hour on the city's dime while you are out there risking your life.

In all sincerity, I wish to thank the membership for their patience during this difficult time. I know that life as a cop is not easy. You put up with more BS every day than the normal person would expect in a lifetime. The bargaining committee members (VP **Ron MacGillivray**, **Larry Calderone** (E-5), **Chris Broderick** (D-4) and **Mike**

Leary (A-7)) should be thanked for their commitment and dedication. The bargaining committee is not an easy assignment; with it comes an enormous amount of criticism and second-guessing. We should also thank our dedicated legal team from the law firm of Sandulli Grace. Most of you will never know what they have done for us, in a million different ways.

It's been a long road, fellow officers and friends. It's time to take a rest. Enjoy your time with your family. That's all that really matters. Merry Christmas...

***Merry Christmas and
Happy New Year
from the Officers and
House of Representatives
of the
Boston Police
Patrolmen's Association
and Boston EMS!***



The Nation's First Police Department PAXCENTURION

**Boston Police Patrolmen's Association, Inc.
Boston Emergency Medical Technicians**



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The advertisers are in support of the BPPA Scholarship Fund and every patrolman who risks his or her life to protect and serve the community.





Council approves funding

A special thanks to the members of the Boston City Council and President **Steve Murphy** for their approval to the funding of the Patrolmen's arbitration award. By not succumbing to the media frenzy to have the vote prior to the general election... the council members had a chance to fully vet the award. At the end of the day there wasn't a rational argument against the funding given the overall picture. The arbitrator saved the City from a serious clock-cleaning and visualizes a means in his award for moving forward culminating in uniformity... though it might take a few successive cycles. Good luck to the Detectives and Superiors. Thanks to **Mary Ryan** and members of the Payroll Department who have been working tirelessly to generate our final numbers.

Use of Compensatory Time

Use of Comp time has always been an issue with officers having earned time from many years' prior but never able to access the use of that time if it generated overtime. A good number of officers are in excess of the 160 hour maximum number that an officer will be able to keep on the books starting 1-1-14. The Department will reconcile these numbers in buying down each officer's bank and process individual adjustment payments post the New Year on a quarterly basis for any overage. In 1-1-15 the adjusted number goes down to 80 hours. If an officer is in excess of the max number they will not be able to work an "officer initiated out of turn" tour.

Requests for the use of either contractual or FLSA compensatory time will require a written request 96 hours in advance. There are reasoned restrictions regarding use during public safety exceptions. There are *different formulas* for districts or units with *more than 25 officers and less than 25 officers... weekdays and weekends* and the same holds true for the *14 summer vacation week period* and the *2 weeks surrounding Christmas*. Use of FLSA comp time trumps contractual overtime requests. This issue gives our members much greater flexibility and predictability in planning months in advance. Clerks will no doubt get requests for prime time early on. The "use" segment will be subject to review twice a year to tighten up any shortcomings.

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Classes 49, 50, 51 and 52 Back in Play

An educational incentive for classes 49-10, 50-11, 51-12, and 52-13 who had been shut out by Gov. Patrick's elimination of the Quinn is back in play. The City's current 50% with an additional 25% (of a fixed number) for a total of 75% will be available to the current officers incrementally while the certification process for officers with degrees continues. Going forward new enrollees are capped at a Bachelor's Degree. The flat amount for fiscal year 2016 should reflect \$2,100 for an Associates, \$4,100 for a Bachelors and for those preceding that are eligible, \$5,100 for a Masters/JD.

For **Post-Quinn Hires** who have submitted the completed, proper documentation to Human Resources the applicable kick-in date is July of 2013 so there should be some retroactive money once approved. The New Education Incentive Program will parallel that of the Board of Higher Education's requiring Criminal Justice degrees or earned credits working towards a Baccalaureate degree with a Letter of Matriculation acknowledging that the officer is enrolled in a criminal justice program. Sealed, officially stamped transcripts should be delivered to Human Resources.

Department Appeals Dave Williams Decision

On June 20th, 2013 an arbitrator overturned both the discharge of **Dave Williams** in January of 2012 and the placement of Dave Williams on Administrative Leave in February of 2011 and awarded Officer Williams all monies for any economic harm he suffered. The Department has appealed the arbitrator's decision after donating \$1.4 million dollars to **Michael O'Brien**. The most puzzling piece of the case was why the Department decided to give Michael O'Brien \$1.4 million dollars given the consistent representation of intoxication at the scene and obvious embellishment regarding his alleged injuries for personal gain. The Department did nothing for a year after the complaint was filed as can be supported

by the number of pages transcribed after the initial interview, consistent with frivolous claims. There was nothing there other than Dave Williams being assigned the typical downtown drunk call out of the box at midnight but atypically finding the need to call for an "officer in trouble" at the scene. Anyone else and this incident is a non-starter.

O'Brien files an internal complaint on March 19, 2009 followed by a letter on May 12, 2009 by Attorney Friedman questioning the investigation. In September of 2009 a Federal Court complaint is filed against the Department/City focusing on the investigation along with another IAD complaint reiterating O'Brien's March claim. In January of 2010 Attorney Friedman sends another letter questioning IAD, prompting an April, 2010 interview of Williams for an incident that occurred 13 months earlier that generated 14 pages of substance. In January, 2011 David is deposed by Attorney Friedman generating 120 pages. In February, 2011 a new Lt. Detective is assigned to this case, the case is described to him as a high priority, but mishandled case. Marching orders aside, after 4 days on the case David is summarily placed on administrative leave and teed up for termination. The time lines tell the story.

The 4th floor recognizes the investigative shortcomings, so a

See **Vice President** on page 29



&



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Finally good news – our contract!

Well, the Holiday Season has finally arrived and with it finally some good news, our contract. As you are all well aware, the Boston City Council finally decided enough is enough and voted unanimously, (minus outgoing Councilor **John Connolly** who was conveniently on vacation), to accept the Arbitrator **Tim Buckalew's** logic and reasoning behind his decision. The Boston City Council investigated the facts, researched all of the opinions and under the leadership of Council President **Steve Murphy**, had the courage to dismiss the bias local media B/S and antics and agreed that we, the Boston Police Patrolmen were deserving of this raise!

The investigations showed that the City got what they were asking for and we got a respectable percentage of what we were asking for. In the end, even the City Labor Department couldn't argue against Tim Buckalew's reasoning. I'm sure most of you remember that I was quoted in the *Boston Herald* in October, the *Herald* published a memorandum that I sent to your Union Representatives and attempted to dismiss my reasons and opinions of Tim Buckalew's Written Decision and how he got there, along with my opinion of how brilliant he really was in his reasoning and decision making representing both the City's and Union's arguments. The *Herald* and the *Globe* attempted to portray us as 'pigs at the trough', that we fabricated numbers or were less than truthful in our approach to bargaining.

In that memorandum I outlined paragraph by paragraph how I believe he came to his decision and why, I stated that I did not agree with his opinion 100% and I believed that we are deserving of more, that opinion still stands! However, it appears that the City Council and anyone else that has actually investigated the entire process and researched the numbers and history of where we are and how we got here, agrees with my assessment as written and published by the *Herald*. So please allow me a moment to say to the pundits, "I told you so!" Thanks to the hard dedicated work of your bargaining committee and our law firm, we are finally putting this nightmare behind us.

During any protracted negotiations, especially ones that last as long as this recent arbitration, tempers flare, statements are made, feeling get hurt and people argue. Right or wrong some people can't leave all of their emotions back in the conference room or hearing rooms. Right or wrong some people walk away from these protracted negotiations harboring ill feelings about persons on the 'other side'

of the table. I would publically challenge everyone involved in this latest 'battle' to stand tall, hold your heads high, no matter which side of the proverbial 'table' one has been, it is now time to get back to work protecting and serving the citizens of this great and wonderful city. Whether you are in management, the union or subcontracted help, now is the time to 'bury' the proverbial hatchet, (not in each other), and move on. We have the enormous task ahead of protecting our public. For

During any protracted negotiations, especially ones that last as long as this recent arbitration, tempers flare, statements are made, feeling get hurt and people argue. Right or wrong some people can't leave all of their emotions back in the conference room or hearing rooms. Right or wrong some people walk away from these protracted negotiations harboring ill feelings about persons on the 'other side' of the table. I would publically challenge everyone involved in this latest 'battle' to stand tall, hold your heads high, no matter which side of the proverbial 'table' one has been, it is now time to get back to work protecting and serving the citizens of this great and wonderful city.

the first time in twenty years there will be a new 'Captain' at the helm. For the first time in twenty years we are starting fresh, both sides should take this opportunity to foster good will towards one and other. Let's leave the politics and political rhetoric behind and move forward. No matter what your politics were in the recent past, now is the perfect time to start anew. A lot of good hard working people will be leaving the employ of this City after the change of command in January, I wish them all well. Starting a new chapter in anyone's life can be difficult especially in the world of politics, not backing the 'right horse' can change a family's future overnight, not everyone

is as lucky as we are to have civil service protection and a strong union to work for and protect us and ours.

I gladly publically state I am one of the luckiest people in the world, not only because I have a wonderful supportive family, but I am also blessed to be a City of Boston Police Officer! I am further blessed to be chosen by my peers to help represent you and your family's interests when it comes to protecting your rights. I, like you, are one of the lucky ones, I found my calling, got the job and can now, (with this recent award), actually support my family without working ninety hours a week to do so. So, I challenge all of my brothers and sisters to take this holiday season and start anew. Stand tall, walk proud, continue to ignore the press and let's get back to doing what we do best, protecting and serving our citizens within this great city of ours!

Be careful out there; don't forget to back each other up. Your number one responsibility is to get home safely to your loved ones. I wish you all a Merry Christmas, Happy Holidays and a prosperous New Year. For those among us that have had a trying year, our prayers are with you!

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The Law Offices of Donald E. Green is a multi-ethnic, multi-lingual law firm, concentrating in personal injury matters as well as medical malpractice, dental malpractice, wrongful death, worker's compensation, slip and fall, criminal defense, civil rights, immigration, family/probate, bankruptcy, real estate and sexual harassment claims.

Don Green served in the United States Marine Corps from 1957 to 1961 before being honorably discharged. In 1968, he joined the Boston Police Department and retired in 1990 after serving the city for nearly 22 years, the last 15 years as a Sergeant in the Roxbury district. He is married to Annette Hill Green, a native of Dorchester, who is also an attorney and his law partner.

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Reflections at Christmas time

At this wonderful time of the year I feel it is important to take some time to reflect not only what has happened in the past year but also what this time of year is really about. We all get the shopping, sending out cards, the lines, parties and of course Santa Claus. That is not what this time of year is really about.

Christmas is about the birth of Jesus Christ or it is supposed to be. The twenty-fifth day of December marks his birth as the coming savior. Before anyone starts getting offended or insulted by this writing, it is the truth. You may not personally believe it or like it but again it is the truth. I understand that the Pax is not a religious paper and that this article is my doing and my writing and may not reflect the opinions of our advertisers or the staff of the paper. Now there is the disclaimer for everyone to acknowledge.

So what is it that we should do this time of year? I believe that we should spread the word of Christ. If you do not practice the Catholic beliefs then spread good will and demonstrate some acts of kindness and love. Be kind hearted and show our fellow man that life is good. For those of us that are practicing Catholics try and follow Christ's role and be generous to each other. The smallest things can go the longest ways. Slow down to smell the roses; Do not always be in a rush to go nowhere. Let someone cut in front of you on the highway, demonstrate kindness at every level. In the end it will most likely

make you feel better about yourself.

Also, take time out to reflect on the good things in our lives. Take time to talk to your family, friends, kids, maybe there is someone who you have been meaning to call but putting it off for one reason or another. In the spirit of Christmas call that person to wish them a Merry Christmas.

Try and be forgiving to those who have offended you or hurt you in one way or another. This is also a season of healing. The ability to forgive is a very underrated quality which will also make you feel better about yourself.

Lastly, it is a season of being thankful. Each and every one of us has so much to be thankful for. We all have loved ones around us be it family or just friends. We have our co-workers and our distant families. We have our job and most important we have our faith, regardless of which religion you practice, you still have your faith. Life is a jewel that sometimes I think we all take for granted. Our police family suffered some devastating losses last month and hopefully we can all learn from those tragedies. Regardless of how bad some things look or feel, nothing is really all that bad. Life is a treasure and we should all try and hold it dear to us.

See **Treasury Notes** on page 29

BPPA scholarship winners for 2013

On Wednesday November 20, 2013 at the monthly House of Representatives meeting the annual scholarships were drawn randomly from all those who applied in front of the whole House. As I am sure most of you, if not all, are aware that each year the Patrolman's Association gives away forty (40) \$1,000.00 scholarships to the children of the membership. The following names are this year's winners;

<u>Child</u>	<u>Parent</u>	<u>Unit</u>
Gianna Marino	Gary Marino.....	A-7
Daniel Fullam Jr.	Dan Fullam.....	D-4
Summer Santry	Tom Santry.....	D-14
Devyn Bilotas	John Bilotas.....	EMS
Madison Horan	John Horan.....	D-4
Patrick Michaud	Brian Michaud.....	E-5
Jillian Manning	John Manning.....	Operations
Oliver Hanson	Thomas Hanson.....	EMS
Cameron Souza	Randall Souza.....	EMS
Isabella Calderon	Oscar Calderon.....	E-13
Colleen McGrath	Douglas McGrath.....	YVSF
Nicholas Calisi	John Calisi.....	E-5
Kayleigh Donovan	Timmy Donovan.....	D-4
Keegin Ezekiel	Jason Ezekiel.....	YVSF
Regann Glynn	Joseph Glynn.....	D-4
Alyssa Connolly	Cliff Connolly.....	D-14
Jeanna Fawkes	Joseph Fawkes.....	D-4
Eoin O'Donnell	Thomas O'Donnell.....	D-4
Jack Paradis	Michael Paradis.....	YVSF
Brandon Gonsalves	Dowayne Lewis.....	B-2
Christopher Doyle	Michael Doyle.....	Fugitive
Domonic Cintolo	Richard Cintolo.....	A-7
Erica Morrissey	Daniel Morrissey.....	EMS
Dominique Allen	Fred Allen.....	Bombs

<u>Child</u>	<u>Parent</u>	<u>Unit</u>
Quinn Sullivan	Tom Sullivan.....	D-4
Nola Kacvinsky	John Kacvinsky.....	C-6
Devin Santillana	Mario Santillana.....	E-13
April Creavin	Patrick Creavin.....	E-5
Joanna Doherty	Brian Doherty.....	D-4
John Parker	Maureen Parker.....	D-14
Erin Corbett	Thomas Corbett.....	A-1
John Collins	Joe Collins.....	D-4
Joseph Fisher	Debra Fisher.....	Range
Patrick Wood	Patrick Wood.....	E-13
Francis Armstrong	Brian Armstrong.....	E-5
Adam Danker	Greg Danker.....	Fugitive
Al Young	Al Young.....	D-4
Justin St. Peter	Frank St. Peter.....	E-5
Sean Bergquist	John Bergquist.....	E-5
Bridget Cullen	Kevin Cullen.....	D-4

Those are the 40 winning children of the members of the BPPA. Each parent needs to supply a copy of a bill to which their child attends or contact the BPPA in order to establish a 529 account for college. Our investor, **Scott Holden** will set up the account free of charge for our members. Congratulations to those who won and thank you to everyone who filled out an application. Every parent is both welcomed and encouraged to attend the BPPA House of Representatives meeting on Wednesday, December 18, 2013 with the winning child for pictures to be printed in the next edition of the *Pax Centurion*. There are still some old advertisers who question if the scholarships are awarded to our members, so please try and attend of you can. If you cannot attend, then try and drop off a picture of you and your child to be printed in the *Pax*, thank you. Once again, Merry Christmas.

Contract Passes City Council

12-0!

By **James Carnell**, *Pax Editor*

On Wednesday, December 4th, 2013, the Boston City Council passed a long-overdue contract, decided by an arbitrator, for the membership of the Boston Police Patrolmen's Association.

The contract (full text of the arbitrator's decision on pages 11-14) provides for an average of 25.4% over a six-year period for BPPA members. Although Mayor **Thomas Menino** was legally required to support the decision of the arbitrator, he publicly railed against it in the local media and encouraged the City Council to defeat it.

Thankfully, the entire city council (excepting Councilor **John Connolly**, who was not present and had publicly vowed to vote against it) voted in favor of the contract, 12-0. True, there were concerns expressed by several councilors about the overall cost, but mainly, the councilors were upset by the fact that, once again, they were put in the position of being "*the bad boys*" because of the Menino administration's intransience, delay and arrogance in dealing with the BPPA over a period of 3½ years. It is not the City Council's job to negotiate contracts, but when an arrogant administration is hell-bent on basically saying "*take it or leave it*" to hard-working patrol officers, the funding is left to the council to approve or deny. Thankfully, the council, led by President **Steve Murphy**, voted unanimously to approve the contract, much to the chagrin of the lame-duck, outgoing Menino administration. The Council also courageously brushed aside scathing anti-BPPA editorial opinions from *Globe* editorialists **Larry Harmon**, **Farah Stockman**, and **Scot Lehigh** and the *Herald's* **Rachelle Cohen** and **Michael Graham**. These avidly, rabid anti-cop editorialists tried their best to obfuscate facts and portray us as greedy cops; the City Council went for none of it and they deserve great credit. If you see your councilor, thank them, or make a phone call to the office.

The BPPA will be working with our legal team, accountants, and the BPD payroll unit to determine, over the next few weeks, a schedule for payment of retroactive monies owed and to assemble a new pay-chart for our members to examine. **NOBODY** should expect monies owed before Christmas, although the thought would be nice.

The BPPA bargaining team should be commended for their efforts over the past three and one-half years, along with our outstanding legal team from the law firm of Sandulli Grace, P.C. Having been involved on a bargaining team in the late 90's, I personally know of the heartache and criticism that bargaining team members endure. (I vowed never to get on another bargaining committee after having to listen to too many "guard-room experts" critique the results of that contract.) Most members will never know the back-room politics which occur during the bargaining process and the treacherous nature of the city's lawyers, who quite frankly hate our guts. It's not as simple as throwing what *we* consider justifiable, logical and reasonable offers in front of management. They don't care. Publicly, they will laud you, as they did following the Marathon bombing. Behind the closed doors of bargaining, they express contempt for you, especially when they are being paid at \$400.00 per hour.

Some younger members are still upset that the arbitrator, **Tim Buckalew**, 'backloaded' his award and seemed to favor older officers. It would be wise for those officers to remember one thing: you may never be promoted on this job, and you may never get the assignment you want or deserve. But one thing is sure: **You will get older**. Take that to the bank. Seniority, although you may not have it now, you will possess in short order. And it comes quicker than you think....

The Award based on Arbitrator's ruling

City of Boston and Boston Police Patrolmen's Association
JLMC No. 12-32P

AWARD

The panel convened pursuant to the joint submission of the parties after a declaration that the parties were unable to agree to the terms and conditions of a new collective bargaining agreement for the period commencing July 1, 2010.

Following a multi-day hearing where all parties were afforded the opportunity to present evidence and arguments, and following the deliberation of the panel, and with full consideration of the factors identified in the statute, a majority of the panel agree as follows:

Duration

There will be two, three-year contracts:

First Contract: 7/1/10 - 6/30/13

Second Contract: 7/1/13 - 6/30/16

Compensation

Base Wage Increases:

January 1, 2011 (FY11): 2.5%
July 1, 2011 (FY12): 1.0%
July 1, 2012 (FY13): 1.0%
October 1, 2013 (FY14): 3.0%
October 1, 2014 (FY15): 3.0%
October 1, 2015 (FY16): 3.0%

One Time Parity Adjustment:

After the 3% base wage increase on October 1, 2013, all BPPA members will receive a one-time, \$2,000 Annual Strip Base Wage increase effective January 1, 2014.

Educational Incentive Program:

Quinn:

Quinn incentives will remain at 50% through FY13. Incentives will gradually increase starting on July 1, 2013, as follows: FY14 to 65%; FY15 to 70%; and FY16 to 50% + a flat amount. In FY16, 50% + the flat amount will equal approximately 75%.

These flat amounts in July 2015 (FY16) will be:

Associate:	\$2,100
Bachelor:	\$4,100
Master/JD	\$5,100

Post-Quinn Hires:

Starting in July 2013 (FY14), post-Quinn hires with equivalent education will receive a New Education Incentive equal to benefits described above, except there will be no program incentive for post-BA degrees.

Longevity Benefits:

New Longevity benefits will replace existing career pay and only be available to those members not receiving educational incentives. Starting in July 2013 (FY14), the Longevity benefits will be as follows:

5 Years:	\$2,000
10 Years:	\$4,000
15 Years:	\$6,000
20 Years:	\$8,000

Cumulative Risk Enhancement Adjustment:

After the 3% base wage increase on October 1, 2013, a new 20 year Strip Base, equal to the 3rd year Annual Strip Base Wage plus \$3,000, will exist effective July 2014 (FY15). This new 20 year Strip Base will be the new Strip Base for all BPPA members with 20-24 years of service, regardless of eligibility to receive other career or education payments. This adjustment does not impact the 3rd year Annual Strip Base.

After the 3% base wage increase on October 1, 2013, a new 25 year Strip Base, equal to the 3rd year Annual Strip Base Wage plus \$6,000, will exist effective July 2014 (FY15). This new 25 year Strip Base will be the new strip base for all BPPA members with 25 or more years of service, regardless of eligibility to receive other career or education payments. This adjustment does not impact the 3rd year Annual Strip Base.

Retroactive Overtime:

Retroactive Overtime increases are waived before July 1, 2013, the effective date of the current Collective Bargaining Agreement.

Safe Street Teams

A new subsection 7 will be added to Section 1(b) (Shift Selection Based Upon Seniority) of Article IX (Hours of Work and Overtime). The new subsection 7 to Section 1(b) will provide as follows:

There shall be a Safe Street Team (SST) Unit whose purpose shall be to deploy teams of officers to specific locations that the Police Commissioner determines would benefit from a concentrated police presence. The SST members will focus on interacting with residents and business owners and will primarily, but not necessarily exclusively, utilize foot patrols and bicycle patrols, as opposed to patrol cars, to maximize the time members are interacting with the public. Members of a SST may respond to radio calls for service ordinarily handled by district patrol officers if the call corresponds to their assigned SST location. However, they will generally not respond to radio calls for service outside of their assigned location.

Examples of specific locations to which a SST may be deployed include, but are not limited to, a neighborhood, housing development, business district or park or playground such as: Bowdoin/Geneva; Downtown Crossing; Codman Square; Grove Hall; Franklin Field; Lenox Street Housing; and Uphams Corner.

The department shall post, department-wide, Safe Street Team Police Officer (SSTPO) vacancies. All police officers will be eligible to apply for SSTPO vacancies. Selection of an employee for a SSTPO assignment shall be made on the basis of qualifications and abilities as determined by the Commissioner or his designee.

See **Award** on page 12

The Award based on Arbitrator's ruling

From **Award** on page 11

SSTPOs will be part of a centralized unit assigned back to the districts provided, however, that they will be eligible for paid details and non-SST overtime through Area F. The SST unit will have a separate overtime list for SST assignments. The department shall assign overtime arising in the SST unit to SSTPOs consistent with the purposes of the unit as defined in this subsection.

Current SSTPOs who wish to remain on a SST need to apply for a vacancy. If selected, he/she shall be detailed to his/her present assignment and shift.

Equipment and uniforms for SSTPOs will be provided without affecting officers' current uniform allowances.

City's Holiday Proposal

Denied.

Union Release Time

The following language will be added to the end of Article IV, Section 2:

Officers covered by Section 2 shall not be compensated in any matter for Section 2 covered activities performed on a regularly scheduled day off or vacation day, or other leave days, except for meetings attended by: agents of the city, arbitrators, mediators, representatives of labor relations and labor and employment agencies who request their attendance. Officers attending such meetings on a non-working day when the activity cannot be rescheduled shall receive a minimum of 4 hours compensatory time, and after that shall receive compensatory time on an hour for hour basis.

Injured on Duty Status

The City withdrew its proposal on this issue.

Compensatory Time Revisions

Add to Article IX ("Hours of Work and Overtime") a new Section 7 entitled "Compensatory Time" to provide as follows:

1. **Accrual of Compensatory Time:** Members of the BPPA may only earn compensatory time in lieu of overtime for service performed in the following categories:

A. Officer Initiated Out of Turn Service:

- i. "Officer Initiated Out of Turn Service" shall be defined as an out of turn tour of duty which is substituted for a regularly scheduled tour of duty by mutual agreement between the Department and the employee.
- ii. An officer may be allowed to swap tours of duty outside his/her regularly assigned shift (day tour for night tour, etc.). The out of turn tour must be worked prior to the regularly scheduled tour of duty being taken off.
- iii. When an officer requests to work an out of turn tour of duty, the officer must specifically designate the regularly scheduled tour(s) of duty he/she intends to take off. Such tour(s) must be within the same Fair Labor Standards Act ("FLSA") pay period

as the day the officer "worked in."

iv. Upon receiving a written request to work an out of turn tour of duty, signed by the affected officers), the commanding officer may allow the swapping of a tour of duty as described herein. The commanding officer's discretion is paramount in these cases and his/her decision is not subject to Article VI ("Grievance Procedure and Arbitration").

v. An officer is not entitled to a guaranteed minimum number of hours for "Officer Initiated Out of Turn Service." All time will be calculated based on actual hours worked. Accrued time must be used in full shift increments and the bargaining unit member must have sufficient accrued time for each shift he/she "works out."

B. Officers Performing Certain Administrative Functions: Time and Attendance Clerks, Detail Clerks, and Chief Clerks performing certain administrative functions pursuant to Article XVI, Section 24 of the collective bargaining agreement may, at the discretion of the Captain, earn compensatory time for service he/she performs on behalf of another officer performing the same administrative functions. Such officers shall accrue said compensatory time on a straight time ("hour for hour") basis unless overtime compensation is required pursuant to the Fair Labor Standards Act (FLSA).

C. Training: An officer is entitled to earn compensatory time in accordance with Article IX ("Hours of Work and Overtime"), Section 3(F) ("Training").

D. Overtime Service on a Vacation Day: An officer who is called in for overtime service during his/her vacation shall receive, in addition to the overtime compensation otherwise provided under Article IX, Section 4(A) of the collective bargaining agreement, a compensatory day off for each such day of vacation on which he/she performs overtime service.

E. Department Meetings: By mutual agreement between the Department and the employee an officer (or officers), other than Community Service Officers, may attend a meeting other than on the officer's regular tour of duty, without regard to the "low man" principle, if there is a special need for sending the selected officer(s) to the meeting or event, i.e. sending an officer familiar with crime in a particular location. The selected officer(s) shall accrue compensatory time on a straight time ("hour for hour") basis for attending the meeting or event unless overtime compensation is required pursuant to the Fair Labor Standards Act (FLSA).

F. Voluntary Assignments: By mutual agreement between the Department and the employee, the Department shall have the right to grant compensatory time in lieu of pay for the following voluntary assignments:

- i. Award ceremonies
- ii. Funeral escorts/wakes
- iii. Gaelic Column
- iv. Honor Guard

v. Community meetings and events such as mentoring programs, community crime prevention meetings, basketball games, tennis programs, or any other activity designed to improve relationships between the Department and the community.

Employees who earn comp time in lieu of overtime for the categories of service listed in Section 1 F shall receive a minimum of four (4) hours of compensatory time.

An employee shall receive comp time on an hour for hour basis for any work that is performed in excess of four (4) hours in these above-mentioned categories, unless otherwise required by the FLSA to be 1.5 hours per hour.

G. The Parties agree that a lunch break is not considered “hours worked” for purposes of accruing FLSA compensatory time.

2. Compensatory Time Banks

A. The Department will establish two compensatory time banks. One compensatory time bank shall be used to record contractual compensatory time earned for each officer and the other bank shall be used to record FLSA compensatory time earned for each officer.

a) Effective January 2014, the maximum number of hours an employee may have in his/her FLSA and Contractual Comp time bank combined shall be one-hundred and sixty (160) hours. In January of 2014 the City will make a payment to each employee to bring his/her combined bank down to a total of one-hundred and sixty (160) hours.

b) Effective January 2015, the maximum number of hours an employee may have in his/her FLSA and Contractual Comp time bank combined shall be eighty (80) hours. In January of 2015 the City will make a payment to each employee to bring his/her combined bank down to a total of eighty (80) hours.

c) From January, 2014 forward, if an officer accumulates more than one-hundred and sixty (160) hours in his/her banks combined, then the Department will pay the officer the number of hours necessary to bring his/her banks down to one-hundred and sixty hours. The Department will process these adjustment payments at least once per calendar quarter.

d) From January, 2015 forward, if an officer accumulates more than eighty (80) hours in his/her banks combined, then the Department will pay the officer the number of hours necessary to bring his/her banks down to eighty (80) hours. The Department will process these adjustment payments at least once per calendar quarter.

e) If an officer exceeds the applicable maximum hours in his/her banks combined, s/he shall not be permitted to perform any additional “Officer Initiated Out of Turn Service” until he/she drops below the applicable maximum hours in his/her banks combined.

3. Use of Compensatory Time:

A. Any and all requests to use compensatory time other than “Officer Initiated Out of Turn Service” which is governed by Paragraph I (A) of this Section, shall be made pursuant to the following procedures:

- i. The officer shall make a written request for the use of compensatory time off using form 0047-BFS-1011.
- ii. Compensatory time may only be used in full tour increments.
- iii. Officers requesting to use either contractual or FLSA compensatory time shall make a written request at least ninety-six (96) hours before the beginning of the first shift in which the compensatory time off would fall.
- iv. A request to use FLSA compensatory time shall be subject to the standard as set forth in the Fair Labor Standards Act (“FLSA”) and interpreted by the courts.
- v. If the Department approves an officer’s request to use compensatory time, the Department shall first deduct the compensatory time from the officer’s FLSA compensatory time bank. If the officer does not have any compensatory time in his/her FLSA compensatory time bank, the Department shall deduct the compensatory time from the officer’s contractual compensatory time bank.

B. The following restrictions apply to the use of compensatory time:

1.
 - i. The City is not required to grant any request(s) to use compensatory time where the Police Commissioner determines that staffing levels must be temporarily increased to meet public safety needs. This includes but is not limited to the following events/circumstances: First Night, Boston Marathon, Caribbean Festival, July 4th, major sporting events, major cultural events, and weather emergencies.
 - ii. If an officer is receiving minimum hours for any overtime service, i.e. court overtime and recall overtime, he/she shall not be eligible to earn compensatory time until the period for which he/she is receiving compensation for the minimum hours has concluded.
 - iii. Notwithstanding Paragraph 3(B)(ii) of this Section, if an officer is off duty pursuant to a C-Day, E-Day, P-Day, L/O day, vacation day, compensatory day, blood or cancer day, court vacation day, administrative leave, absent pending, bereavement leave, holiday, sick day, TOD, small necessities leave act day, FMLA, military leave, training day, SWO or suspension, he/she shall not be allowed to earn compensatory time on any tour of duty during that calendar day.
2. (i) In any district or unit with greater than 25 officer, on weekdays (any shift between 4 p.m. Sunday through 4 p.m. Friday), up to four (4) officers may use **contractual** compensatory time, and on weekends (any shift from 4 p.m. Friday through 4 p.m. Sunday) up to three (3) officers may use **contractual** compensatory time during any month of the year (flow season”) **except** the 14 summer vacation weeks and the 2 weeks around Christmas (“high season”), during which each of these totals shall be reduced to three (3) and two (2) officers, respectively;

See **Award** on page 14

The Award based on Arbitrator's ruling

From **Award** on page 13

(ii) in any district or unit with fewer than 25 officers, up to two (2) officers may use **contractual** compensatory time during any month of the year **except** the 14 summer vacation weeks and the 2 weeks around Christmas, during which this total shall be reduced to one (1) officer.

(iii) **Provided, however,** that the number of officers on contractual compensator time where there are also officers on the shift on FLSA compensatory time shall be determined in accordance with the following chart:

Unit Size	Low Season Weekdays	Low Season Weekends
Greater than 25:		
FLSA comp time officers off	0 1 2 3 4 5 6 or more	0 1 2 3 4 or more
CBA comp time Dept. must allow	4 4 4 3 2 1 0	3 3 2 1 0
High Season		
	Weekdays	Weekends
FLSA comp time officers off	0 1 2 3 4 or more	0 1 2 3 or more
CBA comp time Dept. must allow	3 3 2 1 0	2 2 1 0
25 or Fewer:		
	Low Season (all days in a week)	
FLSA comp time officers	0 1 2 3 or more	
CBA comp time Dept. must allow	2 2 1 0	
	High Season (all days in a week)	
FLSA comp time officers	0 1 2 or more	
CBA comp time Dept. must allow	1 1 0	

C. Upon separation of employment from the Department, employees shall receive compensation for all accrued but unused compensatory time.

D. Additional use of contractual compensatory time over and above that which is outlined in Paragraph 3 B(2) hereof may be approved at the commanding officer's discretion. The commanding officer's decision to deny the additional use of contractual compensatory time over and above what is outlined in Paragraph 3 B(2) of this section shall not be subject to he grievance procedures of the contract.

E. The parties shall meet semi-annually to review the use of compensatory time. The Department shall provide details of compensatory time usage at those meetings.

Add a new Paragraph E to Article IX ("Hours of Work and Overtime"). Section 3 ("Overtime Service") to provide as follows:

E. Community Service Officers (CSO's) who are assigned to attend community meetings or functions/events beyond their normal work hours with the approval of their Captains, shall only be compensated in the form of overtime payment for additional time on duty to attend the community meeting or function/event and in accordance with Article IX Sections 3 and 4, including 4 hour recall pay when applicable. CSO's shall not be eligible to earn compensatory time for attending community meetings or functions/events beyond their normal work hours.

By Direction of the Arbitrator

Members of the BPPA will switch from a 7 day work period to a 28 day work period consistent with FLSA regulations.

GPS

1. The Department may implement GPS any time within 45 days after funding of the award.
2. The City shall provide notice to all officers 45 days prior to implementation that GPS will be installed and implemented in department vehicles; that it will display in real time on a video screen the location, movement and speed and that it will record for later reference all information displayed.
3. The information delivered by the devices during their first 6 months of operation shall not be used by the department for disciplinary action of officers.
4. When the Department receives a public information request or a subpoena for GPS information involving a patrol officer, the department shall notify the officer, furnish a copy of the subpoena and allow the officer reasonable time to oppose or otherwise react to the subpoena.

Other impact bargaining issues identified in the Supplemental submission were resolved.

Union Overtime Proposals

The neutral arbitrator denied the Union's proposal.

Union Sick Leave Proposals

The neutral arbitrator denied the Union's Proposal.

Vacation Buy Back

Amend Section 18 to permit the annual buy out of unused vacation: An officer who earns five or more weeks annually may redeem up to four weeks; an officer who earns fewer than five weeks annually may redeem up to three weeks.

Promotional Exam

The neutral arbitrator denied the Union's Proposal.

Respectfully submitted,
Timothy J. Buckalew, Esq., Panel Chair and Neutral Member
Susan Horwitz, Union Appointed Member
John Dunlap, City Appointed Member

GPS: who's it directed at?... You guessed it!

By James Carnell, Pax Editor

Under the newly-passed contract, GPS locators will (in all probability, *already have*...) be installed in all department cruisers, radios, and department-owned telecommunications devices. Of course, the department will insist that these devices are strictly for “officer safety”, as if they are actually concerned about your safety. (If you believe that one, give me a call... I have a bridge in Brooklyn for sale...) It's very much like the teacher's unions insisting that everything they want is “for the children.” (Stop me while I gag.)

(NOTE: by the way, I have it on good information that if you download a department “app” on your *private* phone, in order to receive BPD news, updates, info, etc., they have the capability of accessing your personal information, text messages, phone records, etc. By all means, be extremely careful about accessing any BPD information via your private phone....)

The fact is that the GPS system is already there; modern technology being what it is. But the question is, who is GPS targeted against, primarily, and who will be the subjects of discipline? The answer is, very simply, patrol force: **YOU**.

GPS will not – ***and SHOULD NOT*** – be used to identify the location of specialized units such as the drug unit, the gang unit, intelligence, etc. etc. As we all know, **ANYTHING** the BPD does is subject to computer hacking, and nobody would advocate or support having criminals know where our investigative units were located at any particular time. Computer hackers are a dime-a-dozen; they can and will quickly hack through anything that our crack I.T. team can put together; that fact has been proven before.

(Another note: according to the New York Post, Saturday, Nov. 16th, 2013, page 12, Computer hacker Jeremy Hammond, of the notorious cyber-terrorist group “Anonymous” was recently sentenced to 10 years in prison. He had hacked into the BPPA's website and the BPD's website during the “Occupy Boston” movement in 2012. Nothing is secure...)

And GPS will **NOT** be used to track the movement of unmarked cars assigned to members of the command staff at they leave headquarters on Friday mornings (Thursday afternoon?) in the summer for West Dennis, Yarmouth, or New Hampshire's lake region. No, that will not happen. Nor will GPS be used to track the movements of media relations-assigned cars or any of the myriad of fakes and phonies who are assigned unmarked department cars from various and sundry units that operate underneath the radar screen. (no pun intended).

No, GPS be targeted solely at the officers and supervisors who perform the basic police service of answering radio calls. Some little puke behind a desk at HQ who got his job through a local politician will be examining a computer screen and questioning why this car or that car hasn't moved in a while, or why cruiser “X” hasn't been sent to radio call “Y”, since they appear to be closer to the source of

the radio call. The human factor of common sense police dispatchers will be replaced by drones tracking blips on a computer screen. A bureaucrat sitting behind a desk will critique the actions of experienced police officers who have answered radio calls for many years.

I fully understand that the technology exists, and that the department owns the cruiser and the portable radio. I get that. But the only ones who will be affected and disciplined will be the street-level patrol officers and supervisors. And the consequence will be that many good officers will seek to remove themselves from the most basic of police functions, that of answering radio calls for police service and emergencies.

Concerned about our safety???

Please, don't lie to me. Big brother is here. Patrol work is rapidly becoming unappealing and undesirable. The patrol force will be on pins and needles, worrying about whether their movements will be tracked by some little snit watching a computer screen at headquarters. And if that's what they want, that's what they'll get....



Letters to / from the editor Response to “Picking patrolmen's side” editorial

Dear Editor,

In the *Herald's* editorial of 12/2/13 (“Picking patrolmen's side”), **Rachelle Cohen** totally disregards facts and launches into yet another predictable anti-cop/anti-union screed. The **fact** is that **the city** first requested arbitration and requested arbitrator **Tim Buckalew, not the union**. The **fact** is that patrolmen have lost thousands of dollars in so-called “Quinn bill educational incentives” because the state, under the regime of **Gov. Deval Patrick**, reneged on their commitment to fund 50% of the cost. (And with chronic short-staffing causing repeated mandatory-overtime shifts with little or no advance notice to the officer, few officers have the time, the financial resources, or the incentive to seek higher education.) The **fact** is that patrolmen currently earn about \$16,000 **less** than a similarly-situated firefighter. The **fact** is that our contract expired 3½ years ago, and we have continued to work with no interruption in outstanding service to the citizens of Boston. And the **fact** is that as recently as the Marathon bombing, the *Herald* lauded us as “heroes”, but of course, when it comes to a fair contract, we're now considered greedy “zeroes” by your editorial board.

My, how times don't change, at least when it comes to the *Herald's* editorials....

— James W. Carnell
Boston Police Patrolmen's Association
Area A-1 representative



By **James Barry**, BPPA Legislative Agent

The end is here

Our prolonged nightmare of contract equity and fairness is finally at an end, for now. In a 12-0 vote, the Boston City Council agreed to fund a package that gives patrol officers a 25.4 percent pay increase over six years. The award will help bring police officers' base salary in line with that of firefighters.

Incredibly the Menino administration still takes no responsibility for its inept labor relations record or this arbitration. None of their rhetoric stands up to the facts of the situation. It was the city that filed for this arbitration, not the BPPA.

When it comes to this arbitration, the Mayor (backed by the *Globe* Editorial Board) screamed the end of Boston was near as this award is too expensive. According to the *Boston Globe*, Mayor **Thomas Menino** said that this vote was disappointing and will have unfortunate consequences as the city is forced to cut other services and departments to fund the raises. "There is no incentive for public safety unions to settle" when negotiating with the city, Menino said. "Arbitrators always give them more. Most people understand that." It was the Menino administration, in the midst of the deepest recession in the history of our country, that voluntarily re-negotiated with the firefighters higher raises than the arbitrator awarded.

Mr. Mayor, the firefighter contract was negotiated by your team with your approval, not arbitrated. That is what brought the BPPA and you to this point in time. You take no responsibility for the labor situation in Boston.

The Boston Globe covered your butt for 20 years. Mostly because you were so in the tank with them, big business and developers.

Now Boston's economy has recovered and is healthy again. New developments span every section of the city's seaport and downtown areas. Liberty Mutual just opened (August 2013) a \$300 million dollar office building downtown. Its CEO was paid \$200 million over four years and will receive \$3.3 million a year in retirement benefits. However its employees took at hit the summer when Liberty cut healthcare benefits for retirees and restructured 401k contributions for its 38,000 active employees.

Mayor Menino still rewarded this company with tax cuts and credits for over \$46 million dollars. half of the costs of the BPPA

award. Yep, Tom Menino gave away to a fat-assed multi-billion dollar corporation \$46 million. \$10 mill here and \$10 mill there what's the big deal? You need to make these deals, Menino stated. But cops being paid a good salary? "The sky is falling!!!"

Where was Tom Menino's outrage then when he learned the CEO made \$200 million large while cutting employee bennies? Where is the *Boston Globe* watching out for the poor taxpayer? It is called the double standard.

City Councilors who stood by us and voted yes, 12-0

If you see them, go up to them and thank them.

Stephen Murphy	At-Large
Felix Arroyo	At-Large
Ayanna Pressley	At-Large
Frank Baker	Dorchester
Mark Ciommo	Brighton / Allston
Rob Consalvo	Hyde Park / Roslindale
Tito Jackson	Roxbury
Sal LaMattina	East Boston / North End
Bill Linehan	South Boston / Chinatown
Matt O'Malley	West Roxbury / Jamaica Plain
Mike Ross	Mission Hill / Back Bay
Charles Yancey	Mattapan / Dorchester

What do you believe? What I wrote or what I say?

Two newly-elected At-Large City Councilors who returned and answered the BPPA Questionnaire. Both answered "yes" in favor of voting for and supporting the arbitration award. Both publicly came out against the arbitration award.

Michelle Wu	At-Large
Michael Flaherty	At-Large

If you see them, ask them why.

City Councilors and Marty Walsh take hits from blatantly biased Boston Globe Editorial Board

The Boston City Council received the arbitration award from the Joint Labor Management Committee and began holding hearings to find the truth.

Mayor **Thomas Menino** and his biggest ally the *Boston Globe* Editorial Board were attempting to bullrush the City Council into outright rejection of the BPPA arbitration award. The Mayor was bound by law to support the award, but chose to disobey that law. Menino publicly called for the Council to outright reject the award without even holding a hearing. Many City Hall observers believe Menino's true motivation was to help John Connolly become Mayor, thus boxing **Marty Walsh** in with the arbitration award during the election.

Menino has had no love for Marty as long as I've known both of them. Like many others that have had honest disagreements with Tom Menino. Menino never forgives or forgets. Real or imagined slights will be punished.

Marty must have slighted the Mayor at some event sometime that really pissed him off or simply didn't say hi one day.

This election for mayor, this arbitration award, well let's just say Tom Menino wasn't gonna let that "law" get in the way of some Menino payback. He was going to get a twofer. Marty Walsh and the BPPA, what a way to go out.

Council President **Steve Murphy** along with all the other councilors were in the middle of the election period themselves. The *Globe* and *Herald* stopped the presses! But the Council through President Murphy stayed the course demanding of the city and union to supply facts and figures.

The hearings were diligent and in depth. Questions from every councilor were detailed and demanded full explanations. The facts of the arbitration were brought forth through public testimony by the administration and the BPPA. One piece missing was the Arbitrator's opinion. Which is usually standard to have soon after issuing the award. We ended up waiting almost four weeks for the arbitrator's opinion due to serious illness in his family. When we received the opinion it was in-depth to his logic and evidence presented to him over the course of the past year from which he made his determination of the award.

The Menino Administration sought this arbitration, spent over \$500,000 on experts and outside council to present their case. In the end their position could not be defended. Menino just two years earlier in the middle of the worst recession, since the great depression, settled the Fire contract voluntarily for \$124 million for five year contract. This BPPA arbitration award by the neutral arbitrator came down to this...it was cheaper (\$85 million) and longer (six years) than what this administration (Menino) had just settled voluntarily with Fire. The Menino Administration could not defend their position before the arbitrator or the council. The facts were not made up.

The arbitrator is a professional who listened questioned and weighted evidence presented by both parties. The Menino administration has one of the worst labor records throughout its 20 year reign. So instead of blaming the Councilors the *Globe* should be praising them for doing their job. Why doesn't the *Globe* or *Herald* actually look at the facts of the situation? They want to call the shots. Steer the ship. Drive the agenda. If they really wanted the story they would have looked at the Menino administration for its extremely poor management and leadership with its labor force over the last twenty years. Rest assured you won't read any of these facts in the *Boston Globe* or *Herald*.

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Becoming Debt-Free Can Be Easier Than You Think

The recession has taken its toll...people across our country are struggling with personal debt, credit card debt, bankruptcy, foreclosure. These are stressful times. If we had it to do over, what would we do differently?

Looking years ahead, planning for where we would be 20 years down the road might have helped but most of us don't see past the present. Think about it...wouldn't you like to be debt-free before you retire?

It's not too late to make some changes that can make a difference. And it doesn't have to be extremely difficult. You can pay your debt using proven methods that will speed up their payoff without significant sacrifice. Getting rid of your debt is the most important step to securing your financial future.

Programs such as Dave Ramsey's Financial Peace University can teach you about these methods. A program such as New Verity Corp's PriorityPay Plus actually applies these methods to help you succeed in reaching your goals with very little effort.

The benefits can be amazing. A 30-year mortgage can be reduced to 23-24 years. By adding only two other debts...such as a credit card, auto loan or student loan...they can all be completely paid off in 10-12 years, saving you tens of thousands of dollars!

PriorityPay Plus provides the structure needed to guarantee successful early payoff of your debt and create increased wealth in its place. And it does it all for you, debiting your checking or savings account on your pay day and making your payments to your lenders and providers on your behalf...removing the chance of falling off the wagon!

This is not debt consolidation, reconstruction or settlement. It does not have a negative impact on your credit scores but can actually help to improve them. You do not have to cut up your credit cards, incur the high cost of refinance or qualify for PriorityPay Plus. This program simply changes your debt payment schedule to your advantage.

You can track your debits and payments online and knowledgeable, professional Client Service Representatives are available to assist you from beginning to end. Enrollment in PriorityPay Plus provides lifetime membership and there is no up-front out-of-pocket expense. There is even a referral program that puts money into your membership to further speed up payoff of your debt.

Boston Police Patrolmen's Association brings you New Verity Corp and the benefits of PriorityPay Plus. You can visit www.prioritypayplus.com for more information or simply call to find out how fast you can be done with your debt and how much you can save with a **free** personal analysis...877-475-8115 x707.

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BYRNE & DRECHSLER, L.L.P.

Attorneys at Law



Representing and providing counsel to members of the Boston Police Patrolmen's Association since 1993 regarding critical incidents, criminal and departmental investigations, and civil rights matters.

Many members have also sought our guidance and representation in a wide variety of matters, particularly personal injury claims on behalf of injured officers and/or their family and friends. We also provide representation in criminal and civil litigation, real estate and estate planning. We invite you to learn more about Byrne & Drechsler, LLP by visiting our website - ByrneDrechsler.com

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Thoughts from all over...

By **James Carnell**, *Pax Editor*

New computer training...

WHY? I haven't been sent for training yet, but from what I understand, this "new" computer training program has been rejected by New York City (after they spent \$87 million) and a host of other cities after they found that it complicated – rather than made easier- the job of the officer on the street. Many officers have reported that the average time to write a simple "1.1" incident report will be up to 2½ hours or more, because of all the complexities involved in composing this new report. What brain-surgeon at City Hall or Headquarters is responsible for recommending this "new and improved" computer program? Or more to the point, **who** is related to **who** recommended the purchase of this "new and improved" computer program? That's it... always follow the money...

And by the way...

Is the same brain surgeon who recommended the new and improved computer system the same person who "re-designed" the new detail authorization slips? Does anyone out there in the real world think that these glompy, cumbersome, paper slips are better than the cardboard-backed detail cards we used to have? Why not leave well-enough alone? Always, some idiot at City Hall or Headquarters thinks that they have to re-invent the wheel to "improve" things, and ends up causing problems for the rest of us....

Detective's Insurance Policy...

I can only speak for myself, but I may have bought a pig in a poke. Back in May, I bought into the insurance policy sponsored by the BPDDBS (Detectives) that offered what appeared to be great benefits if you became injured or sick, without any requirement regarding pre-existing conditions, etc. etc. I have since learned from several officers and detectives that the insurance carrier has reneged on those promises. I have cancelled my own coverage. If it sounds too good to be true, then perhaps it is. Good advice. I should have listened to it before I wasted my money....

Changes...

A new meaning for "Night of the long knives". As the political regime changes at City Hall, so it does at Headquarters. The old favorites are out, and the new favorites are in. "Meet the new boss, same as the old boss...". Twenty-something's with two years on the job are on the new Mayor's "transition team" while 55 year-old veteran officers answer the radio calls. Change? I think I've heard it before....

Contemptible...

I don't know if there's a hotter place in hell than what should be reserved for *Patriot Ledger* writer **Lane Lambert** following the tragedy involving our President's son. Many of you know what I speak of, so I will not repeat the despicable obituary that this worthless man wrote in this rag. For the sake of a headline, these alleged journalists will sacrifice anyone, anything. They have not a modicum of common decency.



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The Night Before Christmas

By Clement Clarke Carnell

T'was the night before Christmas, at old City Hall,
The hacks and coat-holders weren't happy at all.
For twenty long years, Mayor Tom put his people,
Under the beneficent umbrella of his City Hall steeple.

But now the old Mayah was going away,
And a new regime waited, for a new Mayah's day.
Readville was out and Dorchester was in,
And woe be to those with political sin.

And as those at the Hall were taking a nap,
Each cop in the street drove around like a sap.
With GPS coming and no retro in sight,
Christmas Eve was indeed, a de-pressing night.

When out on the Plaza, there arose such a clatter,
we rushed to the Hall to see what was the matter.
And what to our wondering eyes did appear,
But a mumbling Mayah in a sleigh pulled by deer!

"Efnezu flukowa, nowheetin miflead",
He mumbled again as we all scratched our head.
A translator said he was wishing "good cheer",
But none understood him (except for the deer).

An elf helped decipher, as best as he could,
What the Mayah was saying with his tongue made of wood.
"I hate you patrolmen, I hate every cop,
I've ordered the council, your contract to stop!"

But since the old Mayah would soon be no more,
The council then voted to show Tommy the door.
They knew that the cops had not had a raise,
For One-thousand, two hundred and forty-four days!

More rapid than eagles, his consorts they came,
And he whistled and shouted and called them by name!
"On bootlickers, lickspittles, and every rumpswab,
Don't forget it was me who gave you a job."

He sprang to his sleigh and he mumbled a yell,
"Mufloozoo nyatta,.... and then go to hell!"
And we heard him exclaim as he flew out of sight,
"Screw the BPPA, Merry Christmas, Good night!"

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By **P.O. Jay Moccia**

Does anyone else find it hard to stir up some sympathy for Marathon Bombing suspect Dzhokhar Tsarnaev, because he's having a hard time in prison?

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

I got laryngitis, and my wife refused to take me to the doctor...

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

I'm always amazed at how gullible the voting public is. Every election cycle aspiring politicians have a plank in their platform for education. If these nitwits **EVER** came through on that campaign promise, Harvard and Yale would be having fistfights over Public School grads.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

If you wear yoga pants and they look wrinkled, maybe you shouldn't...

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

How does someone with no job manage to come up with \$5,000 for bail, **ON A SUNDAY??!**

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

It should be a law that all signs for losing candidates be removed within 48 hours of the Primary...

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Why don't they accept cash on a plane? It's not like you'd get far after the robbery...

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Once again the ear leader has proven he can do things better than Bush – Obama's approval rating is now at 37% after only five years in office – it took Bush seven years to sink to that level!

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

I got kicked out of Mensa for being the smart...ASS!

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

I will agree with Liberals that crazy people should not be allowed to carry guns, but I doubt they will reciprocate and agree that crazy people should not be allowed to vote.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

A disgruntled, insane Defense contractor stormed the Washington, DC Navy Yard. Armed with a shotgun he terrorized the site, killing twelve and wounding three. Washington, DC Mayor Gray called the incident "isolated." Obviously he's **NEVER** looked at DC's murder stats. **OR**, if the incident **IS** isolated, then why do these Libs keep insisting the rest of us be disarmed? Hmmmm...

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

In an article that appeared on "the Blaze" – it was reported that the FBI was informed Boston area mosques were "radicalizing" young Muslims, including the Tsarnaev brothers. When are we going to wake up? Oh, and don't forget how the city gave them the land in a sweetheart deal – talk about biting the hand!

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

After the horrific Newtown Shooting, President Obama called for stricter gun control laws. He claimed that if it saved just one child, trampling our Constitutional Rights would be worth it. I wonder how surprised he was when Sen. Harry Reid (**DEMOCRAT**) said he wasn't concerned about children with cancer getting lifesaving meds during the Federal shutdown. Guess those kids only count as props when needed by Harry & Barry.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Just to show the National Dems got nothing on our locals, Rep. Ben Swan (D)ope Springfield, has filed a bill (for the 16th time, no less.) that would make cursing an offense punishable by termination for Police Officers. I have two words for you Rep. Swan, and they ain't "Happy Birthday!"

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Conservative Dr. Ben Carson spoke out against Obamacare at the National Prayer Breakfast, panning the bill despite its namesake being present. He soon thereafter found himself facing an audit from the IRS, who found nothing, but decided to go back another three years "just in case". **BUT**, don't read anything into this; it's all a "coincidence." If you believe that, you're going to believe you can keep your Cadillac Health Care for less money, too.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

An amateur chemist in Hyde Park blew off both his hands while "experimenting" with stuff in his apartment. I'm leaning toward two possible explanations; a domestic terrorist, or too much "Breaking Bad." Either way the citizens of the Commonwealth will be footing the bill to give this idiot a hand.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

When was the last time anyone in the US (without any other issues) actually starved to death? The way these Libs carry on, you'd think, as cops that we'd be coming across emaciated bodies at least once a week during our patrols.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

*In typical Liberal fashion, the taxpaying public was punished during the Federal Government Shutdown. Monuments, parks, even the Grand Canyon and Mt. Rushmore were off limits. Only our Federal Government could figure out a way to close a mountain, and a hole in the ground. **BUT**, don't fret, the Barry-cades were moved to allow Illegal Aliens free use of the National Mall for a rally while members of the Greatest Generation were denied access to the WWII and Iwo Jima Memorials occupying the same space. However, ear leader and his henchmen from the NPS were thwarted when veterans removed the obstacles, ignored the officials, and stormed the sights. These were the men that landed at Normandy; did that idiot in the White House expect anything less?*

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Oh, and in case anyone was wondering, it cost more to close the sights than it would have to leave them open. Way to go! **U-S-A! U-S-A!**

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

EBT users in 17 states found out the hard way what's in store when the Government runs out of taxpayer cash for their "entitlements." For several hours, the cards wouldn't work. In such cases, transactions are supposed to be limited to \$50 for emergency food and meds, but retail giant Wal-Mart, allowed the carts to go through loaded with goodies, over and above the \$50 limit. In a show of good faith, the layabouts made sure to grab up TV's and other pricey electronics. Hey, after all when you're entitled, you're entitled.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

My brother in law is a fireman, but I thought I had the last laugh when my little nephew wanted to go out as a cop for Halloween. I told him it was because he didn't want to sleep through the candy grab. **BUT**, he changed his mind and his costume to Fireman when my brother in law told he'd get 25% less candy as a cop.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

I've been assigned to Area D for over 15 years, and I still call the entire area west of the BU Bridge "Brighton". In my mind Allston's like Readville-it's there but not really.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Just when you think you have the crappiest job on the construction site, the guy shows up to clean the port-a-potties.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Instructions for Obamacare will be available in over 180 languages. Isn't that how we ended up in this mess in the first place?

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

On a recent trip to Florida, I saw a Chick-fil-A and decided to try the cuisine. I figured any place that could piss off Mumbles deserved a shot. The doors were locked – apparently those religious zealots close on Sundays. I managed to get by later in the week and was so mad they were “Banned in Boston.” Funny, the owner expressed an opinion on gay marriage and was prohibited from opening in Boston, but the city provided land for a mosque. Correct me if I’m wrong but Islam’s view on homosexuality is quite harsher than just not allowing gays to wed, isn’t it?

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Also seen in Florida, a cop on detail with a lounge chair, umbrella for shade, and a cooler of water; who managed to perform his duties without a hitch! Imagine the outcry here?

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Florida also indulgences in the Banned in Mass. tradition of “Happy Hour.” Those of you of an age can remember discounted drinks, and scheduling your night around these bargain buzzes.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

More from Florida – I went to Hooters (just for the wings of course) and couldn’t help but notice the table of Muslims, close by. The smell of irony completely masked the fried chicken, as the wives sat quietly in their hijabs while the nearly naked waitresses served the table.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Another Florida staple I “visited” was Krispy Kreme (**DAMN YOU! Dunkies**). You can actually hear yourself getting fatter just from the aroma, but you can’t stop eating those doughnuts! I’m convinced there is crack in the glaze.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Brookline has banned plastic bags and Styrofoam cups in favor of paper goods. With that many empty brown bags lying around look for more ugly people having sex...

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

It must be an Italian thing but we (Italians) constantly think about food. We’ve no sooner finished breakfast, and then we start thinking about dinner. I’d like to say I think about other things as often, but it’s easier to open the fridge!

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

A cop in Tennessee was fired after shooting a squirrel that wandered in to a dollar store – terrifying the customers and employees. He followed procedures regarding escalation of force after his OC spray failed to stop the rampaging rodent, but the Officer was terminated for wasting food.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Darius Rucker has found success with his venture into country music, but does anyone know what he did with the Blowfish? File under: “I give a hootie!”

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Gentlemen, I’ve been criticized for making what some may call chauvinistic comments, so to show I’m not biased, I implore my fellow males to refrain from wearing short shorts. Despite however many hours you spend in the gym no one wants to see you in your “DAISY DUDES!”

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

My next door neighbor refers to my wife as “madam”, strangely enough, I do too. I call her “my damn wife”...

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Although they still use champagne to celebrate big wins, baseball players now spray the bubbly while wearing riot helmets and ski goggles. And the pansification of America continues.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

I recently dropped my party affiliation with the election department. I am now un-enrolled. “Un-enrolled?” They make it seem like I’m missing something.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

A North Dakota woman handed out notes to chubby kids on Halloween instead of candy. The note expressed her opinion that because the kid was overweight, she felt they should not get candy. I wonder how long it took for her to get the TP off her trees and clean the eggs off her house. Just shut your lights out next year, you hag!

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

President Obama used the NSA to spy on Germany’s President Angela Merkel. He wanted to know what the world’s most powerful woman was up to. Now Oprah **AND** Michelle aren’t talking to him!

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

A truck carrying radioactive material was hijacked in Mexico. The semi was recovered with all the contents accounted for, but one of the containers had opened, contaminating the truck. Authorities are looking for the driver, fearing he could die from radiation sickness. He should be easy to spot; he’ll be the guy glowing...

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

With all the forced overtime to provide security when the local teams hit the playoffs, you’ll be hard-pressed to find any fans of the Bruins, Patriots, Red Sox or Celtics among the rank and file of the BPD.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

I worked Halloween for the first time in several years. I was amazed at the skimpy costumes sported by the local girls. Sexy nurse, sexy schoolgirl, sexy cheerleader, etc. I even saw a sexy Muslim – her burkha showed her ankles.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

After making a nasty comment regarding former Alaska Gov. Sarah Palin, MSNBC host Martin Bashir found himself in hot water. He eventually resigned. Looks like Marty’s in the \$#!+ now. I guess eating crow will have to suffice in this case.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Funny, Mitt Romney hasn’t been Governor in MA for several years, YET the state’s healthcare system is still referred to as “Romneycare.” BUT after his signature legislation and Presidential legacy “Obamacare” has proved to be a bust – it’s now being called “Affordable Care Act.” Sorry Mr. President, this is your bill – OWN IT!

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

The Sriracha Hot Sauce plant in Irwindale, CA has been temporarily shut down after residents complained the peppery odor was causing respiratory problems in the neighborhood. Many homeowners were duped by the Real Estate agents claims the area was **HOT HOT HOT!**

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Have you ever noticed how sad most Christmas decorations look during daylight hours? The snowmen are dingy, the deflated Santa looks like trash, and the strings of lights look like cobwebs. BUT plug ‘em in at night and they become the Christmas miracle.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

While I won’t call myself “devout” I have been attending church lately. I’m having difficulty following along since they’ve changed the wording to some of the prayers. The good Sisters of Notre Dame spent long hours beating the catechism into me. The lessons were so strong I’m looking around for Sister Henrietta and her ruler when I say the new words. #Amen!

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

At this time of year, I’d like to thank you for your support, and hope you continue to enjoy my offerings. On behalf of myself and my family I would like to extend the blessings of the season with a hearty “Merry Christmas” and sincere wishes for a “Happy, Healthy and Prosperous New Year” Stay safe, and have fun!



Sometimes the system works: A look back at public sector bargaining

As I watched this week while, one by one, all 12 Boston City Councilors in the chamber voted “Yes” to fund the BPPA’s collective bargaining agreement, I thought to myself, “Sometimes the system works.” Of course, the system had a little help: it took a Herculean effort by **Tommy Nee**, **Jimmy Barry** and the rest of the BPPA Executive Board and Bargaining Committee, with the assistance of the legal team, headed by the inimitable **Joe Sandulli**, the strong advocacy of union-side arbitrator **Susan Horwitz**, and the courage, insight and fairness of neutral arbitrator **Tim Buckalew** – and those are just a few of the people who made the system work. After the vote was over, the next thought I had was, How did we get here? And the answer I came up with was: Proposition 2½.

The idea of unionized public sector workers, particularly public safety workers, has not always sat well with the governments that employ those workers. Remember the 1919 Boston Police Strike? It was not just the idea of a police union, but affiliation with the national AFL that incensed Calvin Coolidge. Even FDR, who signed the National Labor Relations Act to protect unions in the private sector, thought that public employees should not unionize. A big step came in 1962 when President John F. Kennedy signed Executive Order 10988, which gave federal employees limited rights to organized and bargain collectively. In Massachusetts, public sector bargaining took a first step in 1965, with G.L. c. 149 § 178G-N, which allowed bargaining over working conditions, but not wages. It wasn’t until the passage of Chapter 150E in 1973, that full collective bargaining (though without the right to strike) was permitted for state and municipal employees, including police. At the same time, the Legislature created an impasse procedure for police and fire collective bargaining. It was a last best offer procedure, which required the arbitrator to choose between the last best offers of the two parties – no compromises allowed. In 1977, the Legislature eliminated last best offer and created the Joint Labor Management Committee for Police and Fire (JLMC). The procedures

included mediation, first, and then, if necessary, tripartite arbitration.

Then, in 1980, the electorate passed a constitutional amendment called Proposition 2½, which radically reduced the amount of property tax revenue available to cities and towns. Remember that, before Proposition 2½, when a public sector labor union and a municipality agreed on a contract, the legislative body had to fund that contract, no matter what. Similarly, if a police or fire union reached impasse and the dispute went to an arbitrator, the Legislature had to fund the arbitrator’s

award without question. As the late Lou Reed once said, “Those were different times.”

As a result of Proposition 2½, the Legislature amended Chapter 150E to make the funding of public sector union contracts contingent on the legislative body – in the case of cities and towns, the City Council or the Town Meeting. From now on, the parties knew their job wasn’t done when they left the bargaining table with a signed agreement – they now put on their lobbyist hats to persuade the legislative body to bring the contract to life. The existing JLMC procedure could not survive Proposition 2½, so, in 1982, the Legislature repealed the

Once an arbitrator issues an award (or the parties voluntarily agree on a contract), each side has a responsibility to support that agreement or award before the legislature for funding. At the very least, this requires the executive to present the document to the legislative body with a request to fund it. Once the legislative body receives the request for funding, however, it has no obligation to fund it. No **legal** obligation in any case. And that brings us back to Proposition 2½.

JLMC law. For five years, police and fire unions had no access to statutory binding arbitration. Then, in 1987, the Legislature resurrected the JLMC, with one crucial difference. Now, when an arbitrator issued an award, any financial items in that award were subject to funding by the appropriate legislative body.

The post-Prop 2½ system works like this: (1) Municipality and police union sit down to bargaining over a contract; (2) If they can’t reach a voluntary agreement, one or both parties petitions the JLMC to get involved (in legalese, “exercise jurisdiction over the dispute”); (3) a JLMC investigator meets with the parties to see if they are at impasse; (4) if yes, the JLMC votes to assign a mediator, who meets with the parties and tries to work out a voluntary deal – this usually works; (5) if mediation doesn’t work, the parties meet with the JLMC to decide what to do; (6) usually they go to arbitration (there is another stage called fact-finding, but it is rarely used); (7) the type of arbitration – single or tripartite – is decided, as is the number and nature of issues to be determined; (8) in tripartite arbitration, each party chooses an advocate/arbitrator, and those two choose the neutral. The parties then make their cases before the arbitrator panel and a majority of the panel then issues an award.

Once an arbitrator issues an award (or the parties voluntarily agree on a contract), each side has a responsibility to support that agreement or award before the legislature for funding. At the very least, this requires the executive to present the document to the legislative body with a request to fund it. Once the legislative body receives the request for funding, however, it has no obligation to fund it. No **legal** obligation in any case. And that brings us back to Proposition 2½.

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Hope for a better year

By **Mark A. Bruno**

Looking back on the past year I can honestly say it has probably been one of the worst in recent memory. It started with the Sandy Hook Elementary School shooting eleven days before Christmas in 2012 and went right up to the recent loss of fellow Officer **Pat Rogers**. It is hard to fathom how such tragedies can happen. With the Boston Marathon in the middle of all this I would say this is a year I would like to put behind me.

As police officers we are expected to have a hard exterior and to weather the storm when all goes wrong. The truth is even police officers have limitations and breaking points. We always put up a good front but some of us are hurting inside. We don't show our emotions or wear our hearts out on our sleeves. We get through whatever we have to without saying a word.

The truth is we should be talking to someone and reaching out for help but unfortunately pride gets in the way. Some of us may fear losing our weapons and our ability to earn a living. We feel our only option is to deal with the problems ourselves. It is a dark place in which these officers find themselves in. We do have one of the best stress units in the country and should not fear talking to any one of them. As is so often the case we find this unit activated in the aftermath of tragedy. If only we could see this silent killer before it happens we would be better served by it.

In a past article I talked about the author of *The Rape of Nanking*. I was so impressed by the author **Iris Chang** that I decided to look up her history. She was very young when she wrote about the atrocities that were committed by the Japanese on her Grandmother and the village in China she (her Grandmother) had grown up in. She absorbed the work and felt the pain of those she interviewed. This book became a best seller and placed her squarely in the limelight. She became vocal in demanding that Japan offer up an apology for the crimes they committed. She was working on a book about the

Bataan Death March when she suffered a nervous breakdown. Not too long after this breakdown she took her own life. She left a note behind and part of it read, "Each breath is becoming difficult for me to take, the anxiety can be compared to drowning in an open sea. I know that my actions will transfer some of this pain to others, indeed to those who love me



the most. Please forgive me. Forgive me because I cannot forgive myself."

I cited this last paragraph because I believe it captured the pain and anguish this person was going through. She found herself in the abyss of despair and felt she had no other way out than that which she chose. It can get this bad for some of us dealing with the pressures of the job in what we see day in and out, and also in what we are dealing with at home. We feel there is no one to talk it out with, and we are too proud to ask for help. We really need to think about how we deal with depression. Maybe we can stress this to our new recruits while they are in the academy. A somber ceremony such as a walk by is something we would all like to attend less.

Our hearts, thoughts and prayers go out to the family of Pat Rogers, especially his loving sister Kelly. The walk by and funeral ceremony was a nice show of support by all that attended. I'm sure the Rogers Family felt the love by all who knew Pat. In the end this family will be left to grieve their loss. Over time the pain will subside but the hurt in their hearts will always remain. May our fellow Officer, **Pat Rogers**, rest in peace.



Happy Holidays from Tom and Ken

It's hard to believe that another year has gone by, and what a year it was. From the Marathon bombings of April, mandatory twelve hour shifts in the aftermath, the Watertown shootings and stand-off, the supposed decrease in crime in the City of Boston marked by an unprecedented number of police officers being shot at by armed suspects, a Red Sox World Series win no one saw coming, a mayoral election, the departure of a police commissioner, all capped off by a contract dispute that finally was resolved at the stroke of midnight. Whew! What a crazy world we live in. Having said this, we thought it best to try to spread some holiday cheer rather than to put forth the usual stuff we submit for this column. We apologize in advance for our lack of humor, but in the holiday spirit here it goes:

*'Twas the night before Christmas, when all through the station,
Not an officer was stirring, from any generation.
Detail cards were hung by the Clerk's office with care,
With hopes that their retro checks soon would be there.*

*The Command Staff was nestled all snug in their beds,
While visions of being Commissioner danced in their heads,
And mama in her 'kerchief, and I in my cap,
Had settled our brains for a long winter's nap.*

*When out on Schroeder Plaza there arose such a clatter;
I sprang from my bed to see what was the matter:
Away from the window I flew like a flash,
Tore open the shutters and threw up the sash.*

*The moon on the breast of the new-fallen snow,
Gave the luster of mid-day to the expanse of bricks below.
When, what to my wondering eyes should appear,
But a miniature sleigh and eight tiny reindeer:*

*With a little young driver so lively and quick,
I knew in a moment it's the new Mayor to visit the BRIC.
More rapid than eagles, Evans and his staff they came,
And he whistled, and shouted, and called them by name!*

*"Now Buckley! now Linskey! now, Holmes and Long,
On, Gross! On Fitzgerald! On Merner and on Fong!
To the third floor, to the fourth floor, to the top of the wall!
Now dash away! Dash away! Dash away all!"*

*As dry leaves that before the hurricane fly,
When they meet an obstacle, mount to the sky.
So to the top of 9-11 Shetland the coursers they flew,
With the sleigh full of toys, arbitrator's award too.*

*And then in a twinkling, I heard on the roof,
The prancing and pawing of each little hoof.
As I drew in my head, in the chimney came down,
A coal covered Connolly, covered with a frown.*

*He was dressed in all fur, from his head to his foot,
And his clothes were all tarnished with ashes and soot.
Then came the other Councilors, 'r award on their backs,
And they looked just like peddlers as they opened their sacks.*

*Their eyes how they twinkled! Their dimples how merry!
Their cheeks were like roses, their noses like cherries.
Their droll little mouths were drawn up like bows,
And the beards on their chins were as white as the snow.*

*Then Santa appeared, a right jolly old elf,
And I laughed when I saw him, in spite of myself,
He said "I've got a big pile of coal in a sack,
To deliver to Lowell, to pay somebody back."*

*City Council President Murphy then went right to his work,
Filled the stockings with new contracts and turned with a jerk,
"You bargained for this and you acted like pros,"
And then giving a nod, up the chimney he rose!*

*He sprang to his sleigh, to his team gave a whistle,
And away they all flew, like the down of a thistle.
But I heard his exclaim, 'ere they drove out of sight,
"Merry Christmas, Boston Strong, and to all a good-night."*

We wish you all a happy and safe holiday season. Enjoy the spirit, the time with your families, and please stay safe out there. All the best from Tom and Ken and everyone else at Byrne & Drechsler.

**We Salute Our Friends of
the Boston Police
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Thanks for all you do!



Council approves funding

From **Vice President** on page 5

politically motivated 180 is advanced, "accepting as truth O'Brien's charge that William's attacked him for no reason, knocked him to the ground, grabbed him around the neck and strangled him to the point of unconsciousness". The Department realizes it certainly can't uphold the last-minute "face saving" termination based on the handful of initial questions so a "truthfulness" charge will be needed to enhance the case for termination given the realization that an impartial and nonaligned examination of the facts will be forthcoming. So the yet to be asked questions and answers that were not solicited in the initial interview will be considered an intentional omission of pertinent facts by Officer Williams in the subsequent interview. Based on the predetermined do-over to no-one's surprise...approximately 2 years later David is terminated.

This case gives true insight into the 4th floor playbook featuring textbook, shell-game misdirection where asserting "choke and strangle" is the issue while simultaneously running away from the real issue involving the lack of an investigation. Outside perception combined with inside anxiety generates a \$1.4 million dollar windfall for a two day twister. A scheduled deposition would be a nightmare of Q and A regarding any and all Department deficiencies. A likely decision was made to avert the deposition for the Commissioner and pay the \$1.4 ransom at David's expense.

Approximately nine days after the arbitrator's award the *Boston Globe* Editorial Board weighs in by chastising arbitrators' decision making. With the theme being "out of control officers find comfort in arbitration". The arbitrator in his award goes on to differentiate between choking and strangling an individual as opposed to restraining or attempting to control an individual as in this case. Even the ensuing, lead investigator is cognizant of changes to his original beliefs after a reenactment clarified the positioning and actions of the parties regarding the alleged choking segment. The *Globe's* opinion is intended for a limited audience, clearly meant to influence future arbitration decisions such as our recently concluded interest arbitration. While finishing the piece **Larry Harmon** states "This is deeply dispiriting. If the Police Department's version of events is true, then there is little likelihood that rogue officers will be held accountable for misdeeds. If the arbitrator is right, the public got taken for a \$1.4 million ride." There is no doubt what happened in this instance... just read the transcripts, both briefs and the award and in one representation you'll see a balanced, unbiased, thorough rendering of the facts which fortunately take credibility and motive into account.

I understand the political rationale for avoiding an embarrassing deposition and the need for a questionable appeal after whining to the *Globe* but the legal standards governing a court's review of an arbitra-

tor's decision are quite limited. "Absent fraud; errors of law or fact are not sufficient grounds to set aside an award. An arbitrator's result may be wrong; it may appear unsupported; it may appear poorly reasoned; it may appear foolish. Yet, it may not be subject to court interference." The \$1.4 million decision was less about David's action and more about the Department's inaction that led to the gift. This was a disgrace as is the current appeal.

Merry Christmas and a Happy New Year!

Reflections at Christmas time

From **Treasury Notes** on page 9

In closing, I honestly hope that nobody was offended by my writings. In no way was that my intent, but my beliefs are still my beliefs. I cannot fathom that any attempt to spread goodwill could offend anyone but we are living in a different world where some people are offended by those two very special words, Merry Christmas. Those two words alone generate kindness and happiness. As I stated in the beginning of this article, let's not forget what this season is really all about. Even though it seems like it is about toys for the kids and office parties and work bonuses it really isn't. It is a season of love, a season of kindness, a season of forgiving, a season of reflection and a season of thankfulness.

I just want to thank those who took the time to read this article and hope that you were able to take something positive away from it. I ask that all of our members are careful while on patrol and at work and I want to wish everyone a very Merry Christmas season.



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Sometimes even **WE need a
little help from our friends!**

A rant

By Chris Broderick, D4

Maria, Farah and Scot... Maria, Farah and Scot... Maria, Farah and Scot... Oh My!! **Maria Cramer, Farah Stockman** and **Scot Lehigh** must be beside themselves. After all the hard work they did to undermine a legally binding process failed. Their collective efforts to bully and manipulate the City Council failed. They, and their public safety-hating associates will have to find a new windmill to tilt at. All those guys hanging around in their mom's basements just waiting to fire off their opinion in the comments section of each and every article need a champion.

On the topic of cellar dwellers let me say this to all of them.. I'm sorry. I'm sorry you were too hung over between the ages of 18 and 36 to get out of bed on a Saturday morning and take a standardized exam. I'm sorry you chose to drive like a jerk from the day you got your license and they said your driving record precluded you. I'm sorry you thought it was OK to be the third guy in during a bar fight your first night drinking and you have to live with the consequences of what you did. I'm sorry. I could have been that guy. I really could have but I wasn't. I was able to get the "dream job" of working nights and weekends, holidays and birthdays. Please do not hate me. Please do not call me rotten names and insult my colleagues from behind your keyboard. Many of my friends considered doing this job but for one reason or another they did not. They've moved on to careers they are proud of and they are not bitter, angry men and women. Please learn from them. Let the hate go. Or at least don't be a hypocrite and wave to me and smile when you walk by my "lucrative" paid detail. I hear you when you think you are far enough away and mumble those nasty tidings of "police corruption" under your breathe. FYI... I've heard it before and I don't care. It's just that I'm embarrassed for you.

Anyhow back to the Fourth Estate. I picture them sitting around the playground in the back of Morrissey Blvd. kicking sand and slowly swinging back and forth on the new set Mr. Henry got them with their collective heads down. Then someone gets a great idea.. One of them will attack the detail system. Another the four hour minimum in court even though we only spend minutes in a courthouse (happens all the time). Then they can attack the residency. How un-American we are for making our own choice about where we live. The list could be endless of things to attack us about. Maybe if things go right they can get enough press out of it until our brothers and sisters from the Fire settle their past due contract. If they are real lucky, Boston EMS will get a wage that is comparable to the brilliant and courageous work they do and then they can try to tear them apart. *(As a side note anyone reading this should educate themselves on what the Public Health Commission and City has done and is doing to our BPPA brothers and sisters in EMS through their "negotiations." It is outright disrespectful.)*

With all of that being said, all my whining and crying, let me say thank you. Thank you to the Boston City Council. To Councilors **Murphy, Arroyo, Pressley, LaMattina, Linehan, Baker, Yancey, Consalvo, O'Malley, Jackson, Ross and Ciommo** for your thoughtful and complete investigation regarding the Award. Thank you to **Tommy, Ronnie, Mike and Larry** as well as **Joe Sandulli, Susan Horowitz** and the rest of the law team for working so hard. Thank You to each member of the BPPA. Thank you for doing what you do every day in spite of the critics. It would be easy to toss in the gun belt and give up this job (that still makes you underpaid and overworked). It would be easy to pick up a notepad and become a journalist. No one threatens to fire them when they make a mistake. So thank you for doing what you do.



A new tool in the toolbox

In the first days of December 2013, Boston EMS began distributing Carbon Monoxide detectors to ambulance crews throughout the city. Carbon Monoxide (CO) is an odorless, tasteless and invisible gas most often resulting from combustion of some type. Incidents with CO usually crop up in the winters, where furnaces are on, and windows are closed. CO has the same vapor density as ambient air, and as such does not sink into low places like basements, and step wells as 'heavier' propane does. It mixes with air, and does not dissipate, unless the area is aggressively ventilated. When inhaled in higher concentrations, it blocks the body's absorption of oxygen, causing dizziness, and headaches. Often times, the early symptoms can mimic the flu. Prolonged exposure can lead to suffocation, and death. These devices, ironically no bigger than a pack of cigarettes are attached to equipment bags brought into calls. The detectors continually 'sniff' the surrounding air, and are pre-programmed to sound a warning signal if they detect a dangerous level of Carbon Monoxide. In an old city like Boston, there are a lot of very old residential heating systems out there, potentially leaking, and in need of repair or replacement.

On December 3rd, one day after receiving their detector, the crew of Ambulance 5 in West Roxbury, crewed by EMT's **Kevin Foley**, and **John Walton**, was dispatched to a call for an elderly woman who had fallen in the Edelweiss Assisted Living Center located at 2220 Centre St. A common enough call for EMS. Upon entering the building, the CO detector began to sound a warning. The crew, the staff of the center, and all of the resident were unknowingly standing in an atmosphere poisoned with a very high level of CO.

The elevated levels were registering on all the floors of the facility. Everyone in there was at risk. Recognizing the danger, and the scope of the task at hand, the A-5 crew alerted Boston EMS operations, and requested extra units in preparation for an evacuation of the building. The Fire Department response confirmed the EMS crews findings

of Carbon Monoxide. "Our meters were reading 290 parts per million," said EMS Lieutenant **Frank Sheeran**, who responded to manage the scene. "We start evacuating people at a reading of 50 parts per million." Arrangements were immediately made to transfer all of the Edelweiss residents out of their ailing building and into the adjacent, and unaffected Deutsches Altenheim German Center for extended care Nursing Home facility. There were a total of 58 evacuees.

Due to the quick thinking of the A-5 crew, none of the residents or staff were sickened by the CO filling their building. After an investigation, the Fire Department discovered a leak in a pipe leading from the heating system beneath the building as the source of the CO, and arranged for it to be repaired.

"I wonder if the people in the City of Boston know how lucky they are to have things like this out there, in service," Walton said, after the incident was over. "Imagine, in just one day, these new detectors potentially saved nearly sixty people."

It borders on miraculous that these detectors came in so handy just one day after being issued. It also makes one wonder how many homes or apartments with elevated CO readings members of Boston EMS (and other services) have unwittingly walked into over the years after being dispatched for illnesses that could have been CO related.

Thankfully, that danger may now be in the past, thanks to a new tool in the toolbox at Boston EMS.



Congratulations to EMS retirees

By **Ed McCarthy**, EMS Editor

The following members of Boston EMS have given decades of service to the City of Boston. We congratulate them on the occasion of their retirement.

Tom Maciejko began his career at Boston EMS in 1978. He rose through the ranks to Superintendent of Operations, overseeing countless day-to-day issues that affected the field work Boston EMS does. It was his depth

of skill and knowledge as a cardiac care clinician, however, which in my opinion he was best known for. Tom was at his best in the back of an ambulance with a critically ill cardiac patient before him. Good luck Tom.

Deputy Superintendent **Claire McNeil** began her EMS career in 1972, after 'riding third'

as a nurse observer, and falling in love with the job. Rising to the rank of Deputy Superintendent, Claire served as the Infectious Disease prevention coordinator, and was deeply involved in workplace safety, and unprotected exposures suffered by EMS members while working with patients. Thank you Claire!

Deputy **Steve Antonino** brought his brand of EMS care, and know-how to Boston EMS in 1978. He rose through the ranks of EMT and Paramedic to become a Deputy Superintendent, managing shifts at EMS and the training department. Steve's no nonsense attitude rubbed off on many of his co-workers, and trainees, and is just one of the many reasons EMS is so effective today. Thank you Steve!



Future retirees' health care costs growing more daunting

By **Ann Carrns**, *New York Times*

Jeff Strack, a 61-year-old sales manager in Charlotte, N.C., enjoys his work and is in good health. But the prospect of paying for health costs after he retires weighs on him.

"Within health care," he said, "there's all kinds of uncertainties."

Strack hasn't decided when he'll stop working full time. But he doesn't expect any retiree health coverage from his employer, which now provides insurance for him and his wife, Penny, a retired educator. If he leaves work before he turns 65, he won't be eligible for Medicare — so they'll have to buy interim coverage on the private market. He hopes affordable plans will be available, but the rocky debut of the Affordable Care Act's health insurance market worries him.

"I don't think anybody knows how this is going to play out," said Strack, who is saving cash in a tax-advantaged health-savings account to help pay future medical costs.

Strack isn't alone. As the population ages and insurers try to rein in costs, the share of health and medical costs retirees can expect to shoulder is becoming more formidable.

A look at estimates suggests that, if long-term care costs are included, it is not difficult to come up with a situation in which a couple's tab for out-of-pocket costs post-retirement could approach — or even exceed — \$1 million.

Getting to such a large number can mean combining some bleak possibilities — say, both spouses ending up in a nursing home in a high-cost part of the country — and factoring in extended life spans. But it is not far-fetched.

"It's certainly possible," said Paul Fronstin, a researcher at the nonprofit Employee Benefit Research Institute.

That doesn't mean it is likely for most people. But it does suggest that most need to think about saving a lot more for health costs in retirement. Half of Medicare beneficiaries have just \$77,500 in personal savings, according to the nonprofit Medicare Rights Center.

That is far less than the estimated amount retirees will need to pay out of pocket for basics like doctor visits and prescription drugs, never mind long-term care or other retirement needs or wants. Boston-based Fidelity Investments estimates that a married couple retiring this year at age 65 need \$220,000 to cover health costs throughout retirement. That has actually fallen from last year's estimate of \$240,000 because of lower-than-expected Medicare spending, Fidelity said; also, people have cut back on medical care during the lackluster economy, and increases in payments to doctors and health plans have slowed under the Affordable Care Act. But the number is still daunting.

Adjusting some of the assumptions used to arrive at the estimate can also make the amount grow substantially.

Fidelity, as an investment firm that markets retirement plans and health savings accounts to employers, may have a vested interest in encouraging people to save and invest more money. But others estimate big numbers, too.

The Employee Benefit Research Institute, Fronstin's organization, estimates that a married couple retiring in 2013 at age 65 with traditional Medicare (with a prescription drug plan, a generous supplemental plan, and median drug costs) will need \$255,000 to have a 90 percent chance of having enough money for health care costs throughout their retirement.



**Directors of
the Retired
Patrolmen's
Division of
the BPPA:**

**John Murphy
David Mackin
Joe Vannelli
Joe O'Malley
Billy Flippin**

A couple who are both in the 90th percentile for prescription drug costs throughout retirement — perhaps both have a serious chronic illness — will need \$360,000.

The institute's estimate doesn't factor in any costs for long-term care. And it's those costs that can push the overall health cost number into the high six figures and beyond.

Medicare generally pays little for long-term care — it covers only short stays in nursing homes, typically after a stay in a hospital. If you are poor, you may qualify for Medicaid, the federal-state health care program for low-income people. But if you're not, you'll have to pay for care yourself; you'll qualify for Medicaid only after you spend nearly all of your own money.

An estimated 70 percent of people over 65 will need long-term care at some point — whether at home or in an institution — for an average of about three years, according to research cited by the SCAN Foundation, a nonprofit group that works for better health care for seniors.

Nursing homes are the most expensive option. About 35 percent of retirees will need care in one (women are more likely to need one than men), and those who do end up there will stay for more than two years, on average — but 5 percent will stay more than five years. Genworth Financial, which sells long-term care insurance, says the average stay in a nursing home, based on its claims history, is about three years.

Genworth reports the median cost for a semiprivate room in a nursing home is \$77,000 a year. (A private room is \$84,000.) So if a husband and wife were to both end up in a nursing home — not necessarily simultaneously — and each stayed for three years, the total cost would be \$462,000 at current rates. That tab is likely to increase; Genworth says nursing home costs have been growing by more than 4 percent a year.

Adding together the high-end Fidelity estimate of \$355,000 for medical costs, plus \$462,000 for a nursing home, gives a ballpark estimate of \$817,000 for a couple.

But costs vary greatly by region. The median cost for a shared nursing home room in Massachusetts, for instance, is about \$126,000 a year, which pushes the cost for a couple both needing care to nearly \$756,000. A couple in a high-cost market, then, could have combined health and long-term care costs of more than \$1 million.

Assisted living is less costly — the median annual cost for a one-bedroom is \$41,400. And home care, which most people prefer, is the least expensive option. Say each spouse winds up needing 20 hours of home care a week, for three years. At an hourly rate for a home health aide of \$19 an hour, that would come to about \$119,000 for a couple; adding the medical costs brings the total to \$474,000.

Such numbers are scary for most people, said Brenda Spillman, a researcher with the Urban Institute. While it's important for people to save for retirement, she said, it is also in the interest of insurers to emphasize big numbers to justify higher premiums. And for those of limited means, she said, there is the safety net of Medicaid.

See Retirees on page 33



The BPPA Retired Patrolmen's Division and Santa Flippin Wishes a Merry Christmas to All!

Future retirees' health care costs growing more daunting

From **Retirees** on page 32

But Medicaid varies by state, and often doesn't cover assisted living. If Medicaid is your only option, you'll most likely have less choice of nursing homes since many limit the number of Medicaid beds they offer, and some don't accept it at all.

"Like with most other things, people who can pay out of pocket for long-term care have the most choices," said Ruth Drew, director of family and information services for the Alzheimer's Association.

On average, a 60-year-old couple who buy a long-term care policy now — assuming they qualify, given tightening medical underwriting — will pay more than \$3,700 a year in premiums, according to the American Association for Long-Term Care Insurance. That's for a policy with \$162,000 each in "current" benefits, which will grow to \$329,000 each in benefits when they turn 85. The catch is that those premiums must be paid over a long period of time. Most policy holders file initial claims after age 80, so that means 20 years or more of paying for a service that you may never need. That's about \$74,000 in premiums — if your rates don't go up.

The problem is that some people may require no long-term care at all, while others may need it for long periods. "Basically, you can't predict," said Bruce Chernof, chief executive of the SCAN Foundation.

(Reprinted from the Boston Globe, November 20, 2013.)

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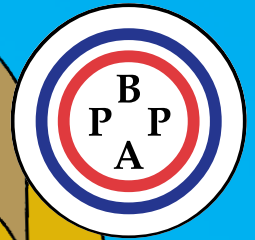
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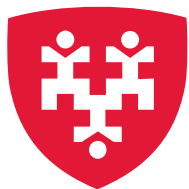
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