

TALLAHASSEE DEMOCRAT PBA Members are top cops in budget war

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Legislative money managers gave big bragging rights to the Police Benevolent Association in its power struggle with the union representing Florida Highway Patrol troopers and most other state police agents.

In the \$71 billion deal for the fiscal year starting July 1, which lawmakers are set to approve Friday, legislators heavily favored the prison, probation and FDLE officers represented by PBA over officers represented by the the International Union of Police Association, including state troopers.

IUPA leaders put up a billboard proclaiming Tourists enter at your own risk near the southbound start of Florida's turnpike. The sign near Wildwood warns that the state cops are among the nation's lowest-paid.

It's a risky tactic, as past pressure attempts by other groups, targeting tourism or citrus industries, have only hardened resistance in the Capitol. But IUPA's state chairman said her union couldn't let its members get stiffed without speaking up.

IUPA defeated the PBA in a union election six years ago and held off a PBA challenge in 2003, but the PBA filed enough petition cards March 1 to call a rematch. The state's Public Employee Relations Commission is expected to mail out about 2,900 ballots to law-enforcement officers next month.

The PBA still represents Florida Department of Law Enforcement special agents and the state's prison guards and correctional probation officers. A key issue in the new union election is a PBA promise to split off about 1,600 FHP troopers in their own bargaining unit—which IUPA contends would weaken the bargaining position of officers in the Departments of Environmental Protection, Juvenile Justice, Transportation, Business and Professional Regulation and a few other agencies.

While IUPA planned its billboard protests, the PBA proclaimed victory in getting compression pay packages for FDLE agents, correctional officers and probation officers. David Murrell, state director of the PBA, said legislators put about \$12 million into the budget to give those officers more than the 3-percent pay raises all state employees will get on Oct. 1 in the budget.

The compression problem results when the state raises starting salaries to compete with county and city police agencies or jails—meaning an officer with three to five years' service makes the same, or little more, than a rookie. Both unions have been seeking solutions.

"We've just been trying to chip away at it, year after year, while IUPA tried to do it all at once," Murrell said. "They went for \$38 million and we just tried for \$11 million or \$12 million. It took years to get into this hole and it will take three or four to get out."

The budget provides \$3,000 pay bumps for FDLE agents with three years' service, along with a 2 percent performance raise. FDLE agents would get \$5,000 after six years' of service, \$4,000 at 10 years and \$3,000 at 16 years.

STUART NEWS Indian River County deputies vote for union representation

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INDIAN RIVER COUNTY—A decision Sheriff Roy Raymond has said would "totally shock me" happened Thursday as his deputies narrowly voted in favor of a union at the Sheriff's Office for the first time in the department's history.

The slim, four-vote margin in favor of a union was enough to elect the Port Orange-based Coastal Florida Police Benevolent Association to represent the deputies. The vote for the union was 65 to 61 with 17 deputies not casting a ballot during the three-week, mail-in vote.

The union will represent the 143 non-ranking deputies in collective bargaining for salaries, benefits, night shift differential and other issues. It also will provide legal support for disciplinary hearings and protect them in unjust firings, among other matters, according to the association.

"We have never had to deal with a union before. This is going to be new for us," said Brunner, adding he couldn't go into details about the situation until he and Raymond meet with Harpring. "We will have to start paving the way for this."

The association's executive director, Pat McGuire, said most employees who vote for a union simply want a say in decisions.

"This is not a negative against the sheriff. I think what happened is deputies want the right to collective bargaining," said McGuire, adding sheriff's offices in Brevard, St. Lucie and Martin counties have union representation. "I think Indian River deputies felt they were left out of the process."

The Vero Beach and Sebastian police departments also are represented by the Coastal Florida Police Benevolent Association.

The primary reason for a union is for collective bargaining and representation in grievance and discipline procedures, according to Vero Beach Police Chief Don Dappen. He said his department has a good working relationship with the union.

"We include the union in whatever we do around here," Dappen said, adding even an agreed procedure for promoting an officer is in the union contract. "We don't want to exclude them, we want to include them. It makes things a lot easier."

"One thing that a union does is it makes both sides play by the same rules," he said.

Raymond had 15 days to file an appeal to the election, according to union officials. On the 16th day, the vote will be official. However, McGuire said he has never seen a sheriff object to a vote in the 25 years he has been with the association.

THE TAMPA TRIBUNE Police Firing Overturned

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TAMPA—Disagreeing with Police Chief Stephen Hogue, an arbitrator ruled that a Tampa police officer fired in 2004 for what was called "unreasonable, unnecessary" force must be reinstated with full back pay and benefits.

Joe M. Harris Jr. of Jonesboro, Ga., said in a written opinion released Wednesday that the city did not have just cause to terminate Travis Maus over his kicking a suspect during an arrest.

The city also failed to establish that Maus acted "because of adrenaline, excitement or loss of control, and without a legitimate reason or defensive tactic in mind," Harris wrote.

Maus, now 27, is training out of state with the Army, and police do not know when he will return. When he does, he will receive the difference between his military income and his police pay of \$22.63 per hour, which could be tens of thousands of dollars, the city's personnel office said.

The decision may cause the department to review its use-of-force rules, police spokeswoman Laura McElroy said.

Harris was paid \$11,657 for his opinion, a cost split between the city and the West Central Florida Police Benevolent Association, the union representing Tampa police, city records show.

Harris reviewed transcribed interviews from an internal investigation and the testimony of Hogue, defensive tactics instructor Sgt. Eric Diaz, Maus and officers called in Maus' defense. He decided Maus' testimony was consistent and showed no signs of the "predetermined" mindset that Hogue and Diaz perceived.

The Miami Herald Use of Stun Guns Reigns In

05/04/2006 Miami Herald

TALLAHASSEE—The Legislature wants to tell police officers when they can use their stun guns.

House members approved a bill 116-0 Wednesday that says officers can use the weapons "during an arrest or custodial situation" when a person uses active physical resistance and appears able to harm an officer or is attempting to escape.

"It puts some restrictions on when law enforcement can use it, and also it puts some basic training in," said state Rep. Dick Kravitz, a Jacksonville Republican and the bill's sponsor.

Stun guns, considered a nonlethal alternative to traditional firearms, shoot barbed darts that deliver electric jolts to the body, causing temporary paralysis. Taser International is the largest manufacturer of police-issued stun guns.

South Florida law enforcement officials have said they are concerned about the bill's restriction of stun-gun use to in-custody situations because officers often use their Tasers to get someone into custody in the first place.

But the Florida Police Chiefs Association and the Florida Police Benevolent Association have backed the bill. And Kravitz said he is hopeful Gov. Jeb Bush will sign his bill into law if it gets through the Senate.

"Law enforcement likes it," he said. "This shows some responsibility on the part of law enforcement. So I think [the Governor] will go for it."

Herald Tribune.com Union: Prison officers at risk

By KRISTEN KRIDEL, kristen.kridel@heraldtribune.com

Prison officers are no safer today than they were when corrections officer Darla Lathrem was murdered at Charlotte Correctional Institution three years ago, union leaders say.

"I think it's just a matter of time until another Darla happens—another officer getting hurt or killed," said Jim Baiardi, president of the state correctional officers chapter of the Florida Police Benevolent Association.

State prison officials insist they have strict security and staffing policies in place. But the Department of Corrections' own statistics illustrate the union's concerns:

- From 1995 to 2005, the inmate population increased nearly twice as much as the staff of corrections officers hired to guard them.

- Correction officers average three years on the job, then leave.
- Often guards leave for higher salaries in other areas of law enforcement.

Lathrem was the only officer guarding five men armed with construction tools on a night-time project. Among the inmates were two convicted killers and a rapist.

Just two or three officers often have to escort 500-plus inmates from the recreation yard to the dorm, Williams said.

"Most of the time there is one officer there, period," Williams said. "One officer to 300 or 400 inmates is absolutely insane."

"I think all officers, whether they want to admit it or not, I think all of them when they go to work, when that gate closes behind them, it's a funny feeling," he said. Every day before work, Baiardi said he goes into the bedroom of his 4- and 7-year-old daughters.

"I kind of say goodbye to them," he said. "I look at my kids, and I say, 'Geez, am I coming back?'"