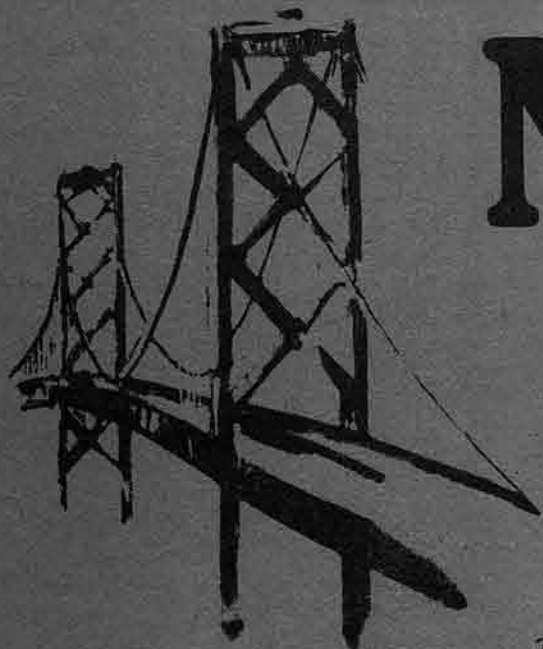


NOTEBOOK



Member of COPS
California Organization
of Police & Sheriffs.

Official Publication of the San Francisco Police Officers' Association

To Promote the Efficiency and Good Name of the San Francisco Police Department and its Members

VOLUME 18

SAN FRANCISCO, OCTOBER, 1986

NUMBER 10

THE LIGHT DUTY OFFICER

By Mike Hebel
Welfare Officer

Presently there are 66 San Francisco police officers holding permanent light duty positions within the San Francisco Police Department. Many of them have very substantial disabilities. Many wonder if they are now or will ever become eligible for an industrial disability retirements.

SAN FRANCISCO CHARTER

The City Charter, with regard to industrial disability retirements, provides: "Any member of the police department who becomes incapacitated for the performance of duty by reason of any bodily injury received in, or illness caused by the performance of duty, shall be retired."

Disability retirement is a benefit program. It is not a program to compensate for injuries; this is the province of the

workers' compensation program under the Labor Code. Because of this distinction, it is not sufficient for any employee to simply suffer from an injury to qualify for retirement benefits. Rather, that injury must substantially impair the ability to perform the usual duties of a police officer's classification.

The California Courts of Appeal have continually stated that "to be incapacitated for the performance of duty" means the substantial inability of the applicant (police officer) to perform his or her usual duties. In determining usual duties, both applicants and employers frequently offer as evidence their own versions of job descriptions or job performance standards.

Unlike workers' compensation benefits which are directly related to the percentage of disability, retirement benefits

continued on page 15

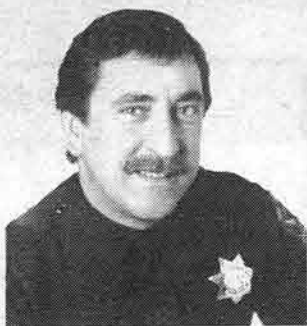
CITY ATTORNEY RENNE REVERSES PREDECESSOR'S RULING

President's Column

By Bob Barry, President

Promotional Plan on track

Louise Renne, San Francisco's new City Attorney, put the Consent Decree's "Three Year Promotional Plan" back on track a few weeks ago after reversing her predecessor's demand that the POA withdraw its appeal of the so-called



0-0-100% reweighting of the Q-35/Q-50 examinations.

As one of her first and certainly most important official acts after assuming office, Renne appeared personally at the last Consent Decree parties' meeting and made it very clear to the auditor/monitor and to the parties, that her office was not going to be the obstructionist party to implementing the three year examination schedule by continuing its (city attorney's office) demand for the POA to withdraw its 9th Circuit Appeal and to agree to support a future charter amendment reducing seniority credits for examinations.

After weeks of negotiating a three year time table for promotional examinations and having a firm tentative agreement reached in June with all parties, former City Attorney George Agnost and his chief assistant, Deputy Phil Ward, then added the appeal and charter amendment stipulations as a necessary addendum for his approval of any plan.

That move effectively stopped any progress toward ending the Decree in March 1989.

Having rejected these demands, the POA began the process to request a hearing before U.S. District Judge Robert Peckham with the Public Advocates in agreement, at least tacitly, that the additional stipulations were unnecessary. In the interim, Mr. Agnos passed away and the negotiations then resumed with Louise Renne.

We are now back on track with a reasonable timetable to be formally approved by Judge Peckham on October 22. We anticipate the commencement of a Q-35-Q-50 examination in December.

U.S. 9th Circuit Court Oral Arguments

In the meantime, our appeal on the reweighting issue continued forward. The three judge 9th Circuit Court panel heard oral arguments on September 22.

POA attorney Christopher Burdick argued quite effectively that the city reweighted the exams for only one reason — to "get the right numbers."

Deputy City Attorney Michael Killelea argued that the original weights assigned to the three part examinations were subject to challenge by civil rights groups, so it was proper for the city to change the percentages. Killelea said that "getting the numbers" was not the reason for the reweight, but the fact that the exams were not valid was the sole reasoning.

The POA contended all along the exams were valid and there was never a showing by the city or any other parties to the contrary.

Two of three judges focused on the theory that the reweighting may have created an illegal quota of minorities and women. The case is now under submission by the court.

NELDER, WARD, WALKER, and TANG ENDORSED

By Paul Chignell
Police Politician

The Board of Directors of the San Francisco Police Officers' Association unanimously endorsed Nancy Walker, Wendy Nelder, Doris Ward and Julie Tang for the Board of Supervisors in the November 4, 1986 election.

Nelder, Ward and Walker were endorsed for re-election



Wendy Nelder



Doris Ward



Nancy Walker



Julie Tang

based upon their excellent records on the issues that affect San Francisco Police officers. Wendy Nelder and Nancy Walker have 100% records and Doris Ward over 90%. The Board of Directors rejected the candidacies of two other incumbents, Richard Hongisto and Bill Maher.

In addition to the three incumbents, the POA endorsed Assistant District Attorney Julie Tang. Tang is also a member of the Community College Board who was elected and re-elected to that Board with the highest number of votes. Tang was interviewed by the screening committee of the Board of Directors and gave an articulate account of her views on the issues that the POA is most interested in. She was quite responsive to our labor rights and gave a specific plan for her optimistic view that she will be elected to the Board of Supervisors. Political commentators have recently given Tang a strong chance to break the incumbent barrier and win election to the Board of Supervisors.

Wendy Nelder was clearly the favorite of the candidates interviewed which speaks of her strong commitment to the POA on all issues over the past several years. Nelder outlined her plan to win another four year term and was warmly received by the committee.

The POA urges all members in the City to vote for Walker, Nelder, Ward and Tang on November 4, 1986.

POA Endorsements, Page 12

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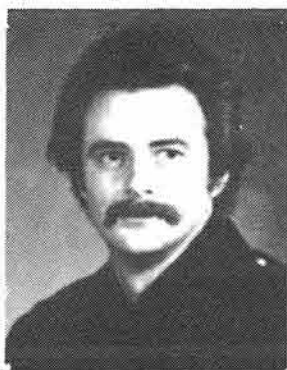
IN THIS ISSUE

| | |
|-----------------------------------|-------------|
| Widows & Orphans | Page 2 |
| Veteran Off.'s Assn. | Page 2 |
| Exec. Bd. Columns | Page 3 |
| Around the Department | Page 5 |
| My Favorite Cop | Pages 13-14 |
| Retirement Column | Page 16 |
| Bulletin Board | Page 16 |
| Cops for Christ | Page 18 |
| "Barriers..." Chaplain Ryan | Page 19 |
| Correspondence & Letters | Pages 20-21 |
| PAL | Pages 22-23 |
| The Last Word | Page 24 |

SECRETARY'S COLUMN

by Dan Linehan

POLICE-FIRE NIGHT AT THE GRAND NATIONAL



For a second time in as many years the Association will have a special night at the Grand National. This night begins at 5:00 p.m. on Wednesday, October 22, 1986 with no-host cocktails followed by a "Santa Maria Style" Beef Barbeque Dinner.

After dinner you will be entertained by the Grand National Rodeo and Horse Show Performance, livestock and rodeo show. This show will contain an event, featuring members of the Police and Fire Departments, known as "Bulldog and Tie." Each Department will have four 2-member teams.

Mr. Darrell Chapman, the general manager of the Grand National, has agreed to bring eight steers (approximately 600 pounds of live beef each) into the Arena, each roped by a man on a horse. At the start, the first team member will run down the rope, grab the steer by the horns and attempt to gain control. When control is gained, the rope will be dropped.

The second team member will run to the steer, remove a previously attached ribbon from the steer's tail and run back to the original man on the horse. The first person back will have bragging rights for one year.

After the show, you will be admitted free to the Stockyard Club for dancing to a Live Country Western Band. The price for the evening is only \$15.00 per person.

Should you not want to attend the dinner, the Cow Palace has provided the POA with discount coupons that can be presented at the Ticket Office for a \$9.00 ticket for only \$6.50.

Contact the POA Office or your station representative for coupons. The coupons are good for this special show only. Friends and family members may also use the discount coupons.

**COME OUT AND HAVE A GREAT NIGHT
AT THE GRAND NATIONAL!!**

Wednesday, October 22, 1986

HOME MORTGAGE INTEREST UNDER TAX REFORM

by Duane Collins, Treasurer

Lately there has been much confusion regarding the deductibility of home mortgage interest under the new tax reform package. The new law states that mortgage interest on up to two homes is deductible. But there are some catches. August 17, 1986, that was the deadline to refinance. If you refinance on or after that date the interest is only deductible up to the purchase price plus improvements, or if the proceeds are used for medical or educational expenses.

This was done to stop taxpayers from taking out home equity loans to pay off consumer credit (personal loans, credit cards, auto loans, etc.) where the interest is no longer tax deductible.

If you refinanced beyond the purchase price before August 17, 1986 you are probably safe. If you are considering or in the process of refinancing your home, you had better check with your financial consultant as to the deductibility of the interest. Banks and Mortgage companies are NOT required to tell you, you have to ask.

Example: If you purchased a home in 1978 for \$60,000 and before August 17, 1986 you refinanced for \$100,000 a new 10% 30 year loan, you would have approximately \$10,000 in interest to deduct from your taxes first year, no problem.

Example: If you closed the same loan on the same home, but closed after August 17, 1986, you could only claim \$6,000 in interest. (Purchase price divided by loan amount equals percentage of deductibility) \$60,000 divided by \$100,000 equals .60 or 60%. 60% of \$10,000 interest equals \$6,000.

The lost \$4,000 in interest deductions at a 28% tax rate would require you to pay \$1,120 more in income taxes!

Of course you could use the money for medical, education, or improvements. But you had better be able to back up your claim with receipts if you are audited.

This whole process opens up many questions:

What if you financed, as in the first example before August 17, 1986, but now want to refinance again for the same amount but maybe a lower interest rate? Does it go back to \$60,000? or is it maintained at \$100,000?

What if you have to refinance to buy a wife or husband out because of a divorce? Is that a sale? If so, does it affect property taxes? Etc., Etc.

Whatever you do, be sure you get good financial advice or you could be in for a big surprise on April 15th!

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MAKE A NIGHT OF IT—

"SANTA MARIA STYLE" BEEF BARBEQUE
RODEO & HORSE SHOW PERFORMANCE
DANCING AT THE STOCKYARD CLUB AFTER THE SHOW
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DINNER ** \$9.00 Reserved Seat Arena Ticket
** Stockyard Club

5:00 pm—No Host Bar
6:00 pm—Santa Maria BBQ 8.00 Dinner
7:30 pm—Arena Show 9.00 Reserved Seat
10:30 pm—Music/Dancing 2.00 Cover
19.00 Value FOR \$15.00

TO: Cow Palace Box Office
P.O. Box 34206
San Francisco, CA 94134

Enclosed is \$_____ for _____ Special Packages

at \$15.00 each

Enclosed is \$_____ for _____ Arena Tickets

Only at \$7.50 each, a \$9.00 value.

Police Dept. Section ()

Fire Dept. Section ()

Enclose a self-addressed, stamped envelope.

Name: _____

Address: _____

City, Zip: _____

Phone: _____



CALIFORNIA SUPREME COURT ENDORSEMENTS BY COPS

On Thursday, September 11, 1986, COPS' Board of Directors voted to endorse the reconfirmation of California Supreme Court Associate Justices Joseph Grodin, Stanley Mosk, and Cruz Reynoso.

The subject of a COPS's endorsement wasn't taken lightly. In fact, an exhaustive search for the truth was conducted, and the information compiled strongly supported COPS' decision. Of great significance was the actual state of the Justices record on criminal matters and their exceedingly strong record on public employment matters.

Based upon the results of COPS' investigation, we believe it has been clearly determined that Justices Joseph Grodin, Stanley Mosk, and Cruz Reynoso are fair and impartial jurists who deserve to be confirmed in November.

The endorsements came shortly after Associate Justices Grodin and Reynoso addressed COPS' Board of Directors at Burbank's Holiday Inn last Thursday.

The leadership of the CALIFORNIA ORGANIZATION OF POLICE AND SHERIFFS felt that the California Supreme Court issue was important enough to investigate and also believed that those Justices who are being targeted for defeat should at least be given the opportunity to respond to the attacks on their judicial performance. It appears obvious that the major issue being considered in the reconfirmation of our Supreme Court justices is the death penalty. After hearing opponents on reconfirmation and after reading literature from both sides, COPS took the next necessary step in its investigation. We went directly to the justices. Frankly, some very interesting facts came to light.

In *People v. Brown*, Justices Grodin, Mosk and Reynoso were among the majority of the Court in voting to uphold California's death penalty law against constitutional attack. Justice Grodin authored the opinion.

In *People v. Billy Ray Hamilton*, Justices Grodin and Reynoso dissented from the majority reversal of the death penalty on the basis that the jury had not been instructed that it must find that the defendant intended to kill. Justices Grodin and Reynoso dissented on the ground that the record clearly established intent.

In *In re Lance W.*, Justice Grodin wrote the majority opinion which held that Proposition 8, the Victims' Bill of Rights, eliminated the exclusionary rule, leaving illegally obtained evidence admissible unless excluded under federal rules. He also wrote the *unanimous* opinion in *People v. Valentine*, which held that after Proposition 8, the jury is entitled to learn that a defendant is an ex-felon, when that is an element of the current charge.

In *People v. Robertson*, Justices Mosk and Reynoso voted to affirm a death penalty case. They were on the dissenting side and the case was overturned. Robertson has since been retried, found guilty, and sentenced to death. Justice Grodin was not on the court when the case was heard.

While on the Court of Appeal, Justice Reynoso dissented in *People v. Mathews*, which was a voluntary manslaughter case. However, in this case, the dissent was on behalf of a rape victim who had been convicted for the death, via transferred intent, of a companion of one of her attackers.

In *People v. Clark*, Justice Reynoso wrote the *unanimous* opinion in one of the few cases which addressed the idea of the rights of victims in the context of making a defendant make financial restitution to victims as a condition of

probation.

In *Baggett v. Gates*, Justices Mosk and Reynoso voted in the majority to uphold the constitutionality of the Peace Officers' Procedural Bill of Rights Act. Chief Justice Rose Bird wrote the opinion. Justice Grodin was not on the court when the case was heard.

Justice Mosk, a former Attorney General and Chief Law Enforcement Officer of the state of California, has voted to uphold the felony murder rule and has voted to uphold the death penalty on numerous occasions.

Incidentally, over 95% of the criminal cases which come before the California Supreme Court are affirmed.

While on the Court of Appeal, Justice Grodin authored opinions establishing that 1) employers may not arbitrarily fire employees who have been assured they can be fired only for just cause (*Pugh v. See's Candies*); 2) the Workers' Compensation Appeals Board cannot reduce benefits for a disability from a current injury on the basis of a prior injury, unless the prior injury left the worker disabled (*Robinson v. WCAB*); and 3) a municipality may not set a date for retroactive payment of wages and benefits less favorable to its employees than that agreed to in negotiations (*Municipal Employees Association v. City of Campbell*).

In *Madera P.O.A. v. City of Madera*, Justices Grodin, Mosk and Reynoso joined in the unanimous decision which stated that police officers are entitled to overtime pay when they are required to be "on call" during their lunch hour. This opinion was written by Justice Reynoso.

In *People ex rel. Seal Beach P.O.A. v. City of Seal Beach*, Justices Grodin, Mosk and Reynoso joined in the unanimous decision which stated a governing body cannot put a matter regarding wages, hours or working conditions before the electorate without first meeting and conferring with representatives of the employees who would be affected.

Justice Grodin wrote the definitive article on the Meyers-Milias-Brown Act, cited most frequently in collective bargaining cases.

Justices Grodin, Mosk and Reynoso are consistently pro employee on workers rights, workers compensation and retirement matters.

The Board of Directors of the CALIFORNIA

ORGANIZATION OF POLICE AND SHERIFFS, when considering the decision to endorse, looked very strongly at the actual state of the Justices record on criminal matters and their exceedingly strong record on public employment matters.

Due to the furor caused by the court's decisions on the death penalty...primarily on the Briggs Initiative of 1978, COPS believes the following facts should be considered. The United States Supreme Court threw out the death penalty in 1972. Five years later, California enacted a death penalty law, which we refer to as the 1977 death penalty act. In 1978, the Briggs Initiative passed and overruled the 1977 death penalty act. The California Supreme Court has stated that the 1977 death penalty act was a good law but was overruled by the Briggs Initiative, which was badly flawed. In addition, the District Attorney of Contra Costa County stated, when the Briggs Initiative passed, "It is an understatement to call this new law badly drafted. From the beginning, even law enforcement personnel who supported the death penalty foresaw trouble for us in prosecutions". According to the District Attorney of San Francisco, "The problem was that the 1978 law had not been carefully prepared". The District Attorney of Alameda County indicated "The new law [the Briggs Initiative] would be difficult to defend from constitutional attacks". These statements were made in 1978 and 1979.

In addition, relative to the Briggs Initiative, a respected law professor has written that the 1978 law is "a sloppily drafted hodge-podge that frequently contradicts itself". Also, the California Supreme Court itself has noted that in many instances "the 1978 initiative replaces the precise language of the 1977 act with vague and broad generalities".

Based upon our exhaustive search for the truth, the CALIFORNIA ORGANIZATION OF POLICE AND SHERIFFS has found Justices Joseph Grodin, Stanley Mosk and Cruz Reynoso to be fair and impartial jurists who deserve to be confirmed in November.

The CALIFORNIA ORGANIZATION OF POLICE AND SHERIFFS urges every law enforcement officer in the state of California to insure the integrity of our judicial system by refusing to politicize the California Supreme Court.

Reynoso's TV Ads to Cite His Support of Death Penalty

By Susan Milstein

California Supreme Court Justice Cruz Reynoso will start running television commercials next week saying that he has voted to uphold the death penalty and to toughen drug enforcement in schools.

Reynoso's commercials contrast sharply with the recently aired television advertisements of Chief Justice Rose Bird, whose messages were limited to the theme of judicial independence.

Three 30-second commercials that will begin airing on Monday in the Bay Area and in six other media markets are designed to directly dispute "distortions" of Reynoso's record in criminal cases, the justice said yesterday.

"We have found that the critics have been so successful among some of the electorate that many believe we have overturned every death penalty case," Reynoso said during a wide-ranging interview with the Chronicle's editorial board yesterday.

"They believe those murderers are walking the streets," he added. "They believe all those gross exaggerations. So this is just an effort to get the truth out."

Reynoso, Bird and Justice Joseph Grodin are the targets of well-financed conservative groups working against their reconfirmation in the November election. The critics' chief complaint is that the three Jerry Brown appointees have blocked imposition of the death penalty.

This is the first year in the state's history that justices have conducted statewide campaigns using television ads. Reynoso said yesterday that he wants people to know that

he has voted to affirm one death sentence and to uphold the constitutionality of the state's death penalty law. He said the public should realize that all of the 56 Death Row defendants whose sentences have been overturned by the court since 1977 remain in prison, either serving new terms or awaiting new trials.

His commercials also allude to a majority opinion he wrote last year allowing school officials to search students and their lockers if there is "reasonable suspicion" that a crime such as drug possession has been committed or a school rule broken.

"I just don't know how we can get the truth to the people without addressing these issues head on," Reynoso said of his commercials.

By contrast, Steve Glazer, Bird's campaign spokesman, said that her commercials were intended "to broaden" the debate beyond the narrow issue of the death penalty.

Bird, who has stressed that judges should be evaluated on their competence and integrity rather than a "scoreboard" of their rulings, also has argued that endorsements from politicians and special interest groups have no place in judicial elections.

Reynoso's new television commercials mention the endorsement that he recently received from the California Organization of Police and Sheriffs, which represent 7000 rank-and-file law enforcement agents.

In "an ideal world," Reynoso said, judges would not have to raise campaign funds from lawyers and litigants or seek endorsements from groups whose interests are at stake in cases before the court.

"The problem is that we aren't in an ideal world," Reynoso said. "I would rather have a half-hour commercial or a true dialogue with the people of the state, but now I need to take advantage of the opportunities that are available to me on television."

Reynoso's commercials also highlight his background as a migrant farm worker who worked his way through college and law school. One ad features "Falcon Crest" star Robert Foxworth standing in a vineyard, explaining his reasons for endorsing Reynoso.

An aide said the justice spent about \$150,000 of the \$600,000 he has raised on the TV campaign.

Reprinted from the San Francisco Chronicle

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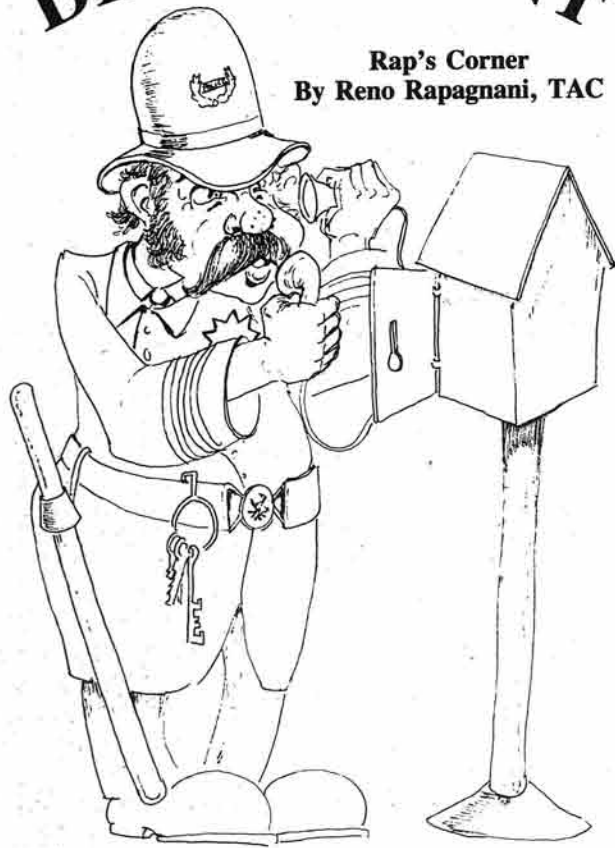
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Dominic's Club

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65 29th Street
SF, CA 94110

Rap's Corner

By Reno Rapagnani, TAC



Proposition I Police Pay Formula will pass 54% Yes
46% No
State Proposition No. 61 The Gann Initiative will fail
65% No
35% Yes

by Dan Linehan
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CHIGNELL RESPONDS

September 24, 1986

Editor
The San Francisco Police Officers
Association Notebook
510 - 7th Street
San Francisco, CA 94103

Dear Sir:

Mr. Chignell's diatribe against Quentin Kopp is particularly misplaced. It really doesn't belong in the news section of our newspaper.

If it had not been for Quentin Kopp the Charter amendment requiring time and one-half pay for overtime would probably never have been adopted by the voters of San Francisco. Quentin Kopp was not neutral. He specifically recommended a "Yes" vote on that Charter amendment in his annual set of recommendations to the voters on ballot measures in November 1982.

Moreover, his vote against an amendment to include the Los Angeles rate in the most recent salary ordinance increasing our salaries was not only warranted but mandated, both by the opinion of the City Attorney that any such inclusion was illegal, and the statement by the Controller that he would not certify such an appropriation.

More importantly, it was Supervisor Kopp who on his own initiative wrote a ballot argument in support of Proposition I in November 1983 which would have legally permitted the use of the Los Angeles rate by a Charter amendment. That amendment narrowly lost despite Supervisor Kopp putting himself on the line for it.

Now, for Mr. Chignell to malign the most forthright member of the Board of Supervisors, and someone who is not beholden to any party, is not only a cheap shot, but does a disservice to a man of courage and independence.

If you want a lackey, then follow Mr. Chignell's advice: if you want a voice of independence, vote, as I will do, for Quentin Kopp.

Yours truly,
Nicholas N. Galousin

Editor:

Years of neglect, years of opposition, years of anti-labor votes cannot be explained away with two or three issues.

Quentin Kopp has been the most consistent anti-labor, particularly anti-police and anti-fire labor public official in San Francisco. His record is replete with those attitudes. Just ask the 1,000 new officers under Tier II.

What labor groups are supporting Quentin Kopp for the State Senate?

As for a diatribe, Mr. Galousin has called Assemblyman Lou Papan a "lackey". Lou Papan has been a distinguished member of the California State Assembly since 1972 and before that a member of the Daly City Council. While Kopp was preaching the evils of arbitration for police officers, Lou Papan was supporting those rights. While Kopp was criticizing our pensions, Lou Papan was voting for the historic Police Officers' Bill of Rights. While Kopp was supporting the Mayor's desire to increase the Chief's disciplinary powers, Lou Papan was in Sacramento upholding our disability protections in the Labor Code.

Lou Papan is no lackey—Lou Papan is one of the best friends Daly City and San Francisco police officers had ever had.

The San Francisco Police Officers' Association recently unanimously endorsed Lou Papan for the State Senate—we urge all our members to vote for Lou Papan.

Paul Chignell, Member
board of Directors

KOPP CHARGED WITH CAMPAIGN LAW VIOLATIONS

By Robert B. Gunnison
Chronicle Correspondent

SACRAMENTO — San Francisco Supervisor Quentin Kopp broke state law by accepting \$600 in cash and failing to disclose a \$2500 donation his organization made to an initiative campaign, the Fair Political Practices Commission charged recently.

State law prohibits candidates from accepting cash contributions of \$100 or more.

Kopp, running as an independent for the state Senate, also was accused of failing to disclose addresses and employers of more than three-quarters of the nearly 400 contributors to his supervisory campaign from 1982 to 1984.

The charges were made in a formal accusation that named Kopp, his campaign committee and its treasurer, Gregoire Calegari.

The maximum fine for such violations is \$18,000. The matter will be decided at a formal hearing unless Kopp and FPPC reach a settlement beforehand.

The FPPC said Kopp's paid fund-raiser, Dorothy Vuksich, accepted five cash contributions in 1982 and converted them to money orders and a cashier's check before relaying the money to the campaign.

The law also requires candidates to report all expenditures of \$100 or more. The FPPC said Kopp's 1983 report failed to itemize \$2500 given to a reapportionment initiative campaign sponsored by Assemblyman Don Sebastiani, R-Sonoma.

Kopp's lawyer, Jeremiah Hallisey, said the charges are a "rehash of something that has been floating around for three or four years."

"I view the whole thing as minor technical violations," he said.

Kopp is running against Assemblyman Lou Papan, D-Millbrae.

Reprinted from the San Francisco Chronicle

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Will his new initiative cripple government?

THE FEAR OF GANN

By Susan Yoachum

Susan Yoachum is a Capitol reporter for the San Jose Mercury News.

Paul Gann is at it again. For the fifth time in eight years, the co-father of 1978's Proposition 13 has an initiative on the state ballot that would: a) protect the public pocketbook from government greed; or b) destroy public policy-making as we know it today. Take your pick, depending on your perspective.

Gann calls his initiative — the first to qualify for the November ballot — the California Fair Pay Amendment. A coalition of labor, government, business and citizens' groups calls it the greatest threat to government since Prop 13.

Simply put, the initiative would limit the governor's salary to \$80,000 and the salaries of other constitutional officers to \$52,500. The pay of all other public employees would be held to \$64,000. That's quite a pay cut if you're a judge or the head of some state department or a Nobel laureate at the University of California. And, if you're David P. Gardner, chancellor of the UC system, it would mean a salary slash of more than \$100,000 in order to properly pare down an annual salary of \$178,200, excluding fringe benefits.

But if you're a typical taxpayer who earns far less than the proposed \$64,000 ceiling, you may think that public employees' pay already is too high. And that's the feeling that Gann and his associates hope to capitalize on.

"We represent the taxpayer who doesn't make \$50,000 per year," Gann said in an interview. "If you had to use one word to describe the problem in America today, it's greed. We're all living high on the hog. But the people are the government; they pay the price. It's the taxpayers who win or lose in the long run."

Gann and his assistants are hardly sympathetic to public employees' groups' predictions of doom and gloom. "Over the past 15 years, government salaries have become so lucrative that taxpayers have given the right away to have a voice in what they pay public employees," said Ted Costa, Gann's assistant at the Public Advocates group founded by Gann. "There have to be some people in state government paid more than \$64,000, but anyone who makes over \$64,000 would have to contract with the Legislature."

Richard P. Simpson, who heads the coalition against the Gann initiative, admits that simply arguing in favor of high salaries can be tricky. "What arguments you can make to counter the initiative's popular appeal, I don't know yet," said Simpson who is also executive vice president of the California Taxpayers' Association.

But Simpson can quickly tick off nearly a dozen reasons why Gann's initiative really doesn't give taxpayers a break. "The proponents say they're going to attack mediocrity in

government," Simpson said. "If the you want to ensure mediocrity in government, this will help. You need good people to do good work. If you shut off the ability of the public sector to attract talent, you may save some money, but you're not going to do anything for the quality of government."

In a March analysis Cal-Tax posed the question: "Is it sound public policy to expect California to run a world-class university with a president who earns less than many college football coaches?" The group then answered its own question by saying that "proponents of the Gann initiative might counter with the response that the state is now being run with a \$49,000 governor."

"While that is true," the group conceded, "There has not been a dearth of candidates for a \$49,000 governorship." However, the analysis pointed out, "California does not recruit nationally for its governors. It does for its university presidents and thousands of other public managers and technicians."

Odd alliances

Opposition to the initiative has created some odd alliances among some formidable groups. Simpson's coalition, which calls itself Californians for Quality Government, counts among its members the usually conservative Cal-Tax, the rarely conservative California State Employees Association and a group that seldom joins forces with either of the first two — the California Chamber of Commerce.

"It probably speaks to the absurdity of this initiative that we've allied with groups we scrap constantly with in the Legislature," said Simpson.

Initiative opponents are expected to be able to hit the \$2 million mark in fund raising, and they recently selected Woodward-McDowell (the consultants that successfully promoted Proposition 51, the "deep pockets" initiative) to be their campaign publicists.

Costa said that Public Advocates will have nowhere near that much money to spend. The group is hoping to trade,

THE GANN "FAIR PAY" AMENDMENT

PROPOSITION 61

\$61

VOLUNTARY ASSESSMENT

At its meeting of September 23rd, your POA Board of Directors unanimously voted to recommend to the membership that we voluntarily assess ourselves \$61.00 per member to defeat Proposition 61. Most POA's and Firefighter groups throughout the state have adopted similar measures.

POA representatives will be contacting each member to encourage your participation in this very important issue.

Members wishing to contribute may do so in the following manner.

(1) Write a check in the amount of \$61.00 to the "No on 61 Campaign" or

(2) Sign a payroll deduction form for the \$61.00 contribution to be deducted in two (2) installments of \$30.50.

All members will soon be receiving No on 61 campaign material in the mail very shortly.

Your Board of Directors encourages all members to participate in this assessment, as all of us will be adversely affected should this amendment pass.

instead, on Gann's track record with voters and on what Costa terms the initiative's basic "fairness."

But in an 86-page report to the Legislature, the Senate and Assembly offices of research concluded that the initiative is unclear as well as unfair. One of its main points of confusion, according to researchers, is whether the measure regulates public employees' "salaries" or their "compensation."

For example, in the San Francisco Police Department, just the chief and his seven top commanders would have their salaries slashed or frozen if the initiative is assumed to limit only salaries. But if the measure is assumed to limit total compensation, all 1971 officers in the department would be affected. As a result, the Gann initiative could

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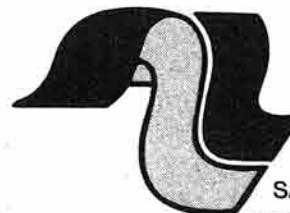
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GANN

continued from page 8

impact thousands of workers — or tens of thousands of workers, depending on the measure's interpretation.

Although the initiative deals directly with pay, Costa said its real aim is to bring down excessive pensions that he said are likely to be the target of Gann's next initiative drive. The roots of the salary ceiling initiative are in a similar attempt by Gann that failed 10 years ago to qualify for the ballot.

Even though Gann was successful this time in qualifying the measure, there will be some powerful nay-sayers. At a time when law-and-order is particularly on the public's mind, initiative opponents are hoping that voters will pay attention to people like Alameda County District Attorney John Meehan, president of the California District Attorneys Association.

Meehan wrote a letter to Gann in February, asking him to withdraw his initiative because it could "destroy the balance between the public and private sectors and undermine the professionalism of a district attorney's office."

After the initiative qualified for the ballot, Meehan issued a statement accusing Gann of showing a "vicious contempt for public service" in pursuing a measure that is a "threat to the public safety of Californians" because it would encourage career criminal prosecutors to look for higher-paying jobs. Attorney General John Van de Kamp said the same consequences would affect his Justice Department.

Los Angeles Superior Court Judge Robert Weil, president of the California Judges Association, agreed. "With the draconian nature of the cuts, many people would not be able to continue in public life. It would cripple the justice system and paralyze public safety."

Crippling UC

Initiative opponents are also leaning heavily on the harm that could befall the University of California, which UC Chancellor Gardner said will suffer "profound and lasting consequences" if the Gann initiative passes. Ron Kolb, a spokesman for the University of California, said the Gann initiative would affect thousands of UC employees, including virtually all professors in the medical schools and law schools, as well as the UC system's 18 Nobel laureates.

"Our concern is recruitment and retention," said Kolb. "This would devastate our ability to be competitive in the marketplace. Our top people can pick their spots at any university. What we fear is that they would no longer pick ours."

The university is also exploring the possibility that, because it has a separate status in the state constitution, it may not be covered by Gann's proposal at all. The system may go to court in advance of the November elections in order to prove this a possibility that concerns opponents of the measure because they think the harm that will be

done to the university is one of their best campaign tools.

Taking issue with the arguments advanced by initiative foes, Costa said that the Gann measure allows salaries to rise by either a vote of the people or a two-thirds roll call vote of the Legislature.

"What we are really saying is that salaries can increase at whatever public opinion will let public employees have," Costa said. "The issue is, who's the boss? As it stands now, the people have given the right away. In the initiative, we are not simply reducing salaries. We're saying the Legislature should set high salaries."

For example, Costa said, the initiative would allow the state's 1200 judges to lobby the Legislature to set their salaries above the \$64,000 ceiling.

Choosing his words carefully, Judge Weil said, "It's wishful thinking to suppose that that could be operationally successful."

In addition to the initiative's practicalities, supporters and foes also are arguing about what the measure actually says. although Costa denies it, initiative opponents say that the initiative restricts the right of government employees to carry over vacation time and sick leave from year to year. In testimony at a joint legislative hearing on the Gann measure, Attorney General Van de Kamp estimated that the state would have to pay \$2.9 billion to the state's 233,000 employees in compensation for lost vacation and sick leave.

The carry-over provision is one issue that has the 120,000-member California State Employees Association up in arms. "The Gann initiative will encourage sick leave abuse," said Susan Davis, a spokeswoman for CSEA. "If it passes, you can bet on December 31st, nobody is going to be around."

Although most of the employees represented by CSEA are not directly affected by the \$64,000 salary cap, Davis said the fear is that "an artificial limit on higher salaries will also hold down lower salaries." So, CSEA intends to mobilize its members by launching voter-registration drives and a series of informational meetings at 420 work sites across the state.

"Nothing of this magnitude has come along that poses

such a threat to employees since Proposition 13," Davis said. "It's our top priority between now and November."

Sentiments such as those portend a fierce fight over the Gann measure. In what could be construed as a warning to those who would enact the Gann proposal, UC Chancellor Gardner quipped at the end of the UC Board of Regents meeting in May: "The Gann initiative wouldn't affect me; it would affect my successor."

Reprinted from The California Journal, August, 1986

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*Submitted By Jeff Brosch
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United States of America
vs.
Jose Manuel Miguel Xavier Gonzales

FINAL ORDER

Jose Manuel Miguel Xavier Gonzales, in a few short weeks it will be Spring. The snows of Winter will flee away, and the ice will vanish, and the air will become soft and balmy. In short, Jose Manuel Miguel Xavier Gonzales, the annual miracle of the years will awaken and come to pass, but you won't be there.

The rivulet will run its soaring course to the sea, the timid desert flowers will put forth their tender shoots, the glorious valleys of this imperial domain will blossom as the rose. Still, you won't be here to see.

From every treetop some wild woods songster will carol his mating song, butterflies will sport in the sunshine, the busy bee will hum happy as it pursues its accustomed vocation, the gentle breeze will tease the tassels of the wild grasses, and all nature, Jose Manuel Xavier Gonzales, all will be glad, but you. You won't be here to enjoy it because I command the sheriff or some other officers of the county to lead you out to some remote spot, swing you by the neck from a notting bough of some sturdy oak, and let you hang until you are dead.

And then, Jose Manuel Miguel Xavier Gonzales, I further command that such officer or officers retire quickly from your dangling corpse, that vultures may descend from the heavens upon your filthy body until nothing shall remain but bare, bleached bones of a cold-blooded, copper-colored, blood-thirsty, throat-cutting, chili-eating, sheep-herding, murdering son-of-a-bitch.

(The above is a verbatim transcript of a sentence imposed by a United States Judge in an adobe stable, used as a temporary courtroom, in Taos, New Mexico, in 1881.)

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COMMISSION HONORS TINA

Dear Mr. Barry,

Hello! Thank you and the whole San Francisco Police Officers Association for my new beautiful wheel-chair. It is so beautiful, much easier to steer than the other one, and more to my size, I just love it.

I was thrilled to be made an honorary member of S.F.P.D. It is such a big honor for me that I brag about it to all my friends.

When I heard that officers Vince Catanzaro and Pam McDonagh were named "Policemen of the month" I was very happy, as those two Policemen really deserved it.

Yours Truly,
Tina Verduzco

TINA HONORS US BY ACCEPTING

By Peter Maloney, Editor

In a highly unusual move, the Police Commission on August 21 deputized Tina Verduzco as an honorary member of the San Francisco Police Department.

She is the youngest person ever to be made an honorary member of the force: Tina is 14 and confined to a wheelchair.

Acting on a motion of Commissioner Alfred Nelder, the Commission took the rare action by unanimous vote, after an emotional ceremony in which the Mission District teenager was presented with a new wheelchair by the San Francisco Police Officers' Association.

"Tina has touched the hearts of everyone," said Nelder. "She embodies such a spirit of courage and she has such wonderful rapport with the officers of Mission Station that we felt it was appropriate to take this action."

Tina not only was the youngest person ever to be deputized an honorary member of the Department, said Nelder, she was the first person in more than a decade to be so honored.

"We deal in so much violence and pain every day," said POA President Bob Barry, "that it's a pleasure to participate in something uplifting for a change. Tina was given the Cadillac of wheelchairs — and she was so thrilled with it that it made everyone happy for her."

The \$1300 blue gray stainless steel chair with molded plastic wheels is "state of the art," said Tom Higgins, director of materials at the Ralph K. Davies Medical Center, which acquired the chair for the POA at cost.

Tina was so taken with it that as soon as the formal ceremony was over she bolted through the heavy Police Commission hearing room doors to test run her new chair along the fifth floor corridor.

Squealing with delight, the bubbly teenager challenged Mission Station officer Vince Catanzaro to a race down the long hallway.

With Catanzaro driving the old wheelchair that he and officer Dan McDonagh had repaired for her, Tina beat Catanzaro three straight times. "Those are races I'm happy to lose," said the smiling officer.

"You've made my day!" beamed Tina. "The new chair handles beautifully. I'm so grateful to these officers. They're the best friends I've ever had."

(There are a couple of other guys, however, whom she admits she has a crush on — Prince and Mike Aldrete of the Giants.)

Nine years ago, Tina lost both her legs in an accident in Colima, Mexico, when her horse bolted and threw her beneath the wheels of a train.

Last June, on Father's Day, she was the victim of a cruel prank by neighborhood punks who stole her wheelchair.

After a fruitless search of the neighborhood, a long-lost chair was found in the Hall of Justice property room, polished up at Mission Station and given to her as a substitute — until her brand new, top-of-the-line Everest-Jennings chair could be presented to her by the POA.

Tina, who also received a police-escorted limousine ride to the Monterey Aquarium and a tour of the Police Communications center, said she bore no ill will toward her tormentors.

"Everyone has been so kind, and so many wonderful things have come out of this, that I can't feel mad at anyone," she said. "I just feel good about everything."

RAPIST SENTENCED TO 40 YEARS IN STATE PRISON

Troy J. Jones, 20, of San Francisco was sentenced to 40 years and 8 months in State prison for rape, kidnapping, forcible oral copulation, robbery, attempted robbery and false imprisonment involving three different victims, San Francisco District Attorney Arlo Smith announced recently.

Jones was convicted on August 14 of two counts of rape, one count of kidnapping, two counts of forcible oral copulation, one count of robbery, one count of attempted robbery and one count of false imprisonment involving three victims. Assistant District Attorney Ken Cady prosecuted the case for the District Attorney's Office. Superior Court Judge Roy Wonder pronounced the 40 year, 8 month sentence this morning.

On Jan. 19, 1986, Jones followed one victim, a deaf woman, and dragged her into the bushes near Third and Evans and raped her. On Jan. 24, 1986, the defendant kidnapped two other victims near Third and Bayview where he dragged one woman from the car and raped her.

When Jones was apprehended by police officers he had one victim's purse under his jacket.

"Police Officers Michael Reesink, Luberta Hurst and Michael Rodriguez did a great job," Assistant District Attorney Ken Cady stated.

"Ken Cady's exceptional prosecution — coupled with police work like this — is making the streets of San Francisco safer," District Attorney Arlo Smith added.

VACATION USAGE

Members are reminded that all accumulated vacation over the amount specified by the formula delineated in Information Bulletin 85-111 must be used by January 9, 1987.

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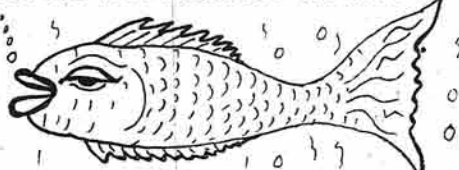
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CONSENT DECREE UPDATE

On Wednesday, September 17, 1986, the Consent Decree parties tentatively agreed to approve the "Three-Year Plan." This plan will substantially modify the Consent Decree specifically related to the scheduling of promotional examinations, minimum time-in-grade requirements, and the examination review and protest procedures.

The revised examination timetable allows for the following:

TEST
Q-50/Q-35 (one list)*
Q-80
Q-60
Q-50/Q-35 (two lists)
Q-80

BEGINNING DATE
December 1986
February 1987
June 1988
December 1988
May 1989

*For this Q-50/Q-35 examination, a single, combined examination will be administered resulting in one eligible list which will be used to fill jobs in both classifications.

The "Three-Year Plan" still must be approved by the Mayor and the Board of Supervisors on behalf of the City before it can be approved by the United States District Court.

Additional information will be provided as it becomes available.

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POA ENDORSEMENTS

Only three of five incumbent San Francisco supervisors seeking re-election have won endorsement by the San Francisco Police Officers' Association (SFPOA) under a point scale covering legislation dating back to 1982.

Supervisors Nancy Walker, Wendy Nelder and Doris Ward won unanimous approval of the organization representing nearly all of San Francisco's 1,940 police officers, but Supervisors Bill Maher and Richard Hongisto failed to make the cut.

POA President Bob Barry said Walker, Ward and Nelder scored quite high on the organization's scale for legislative performance, while Supervisor Hongisto, who actively sought the endorsement, was rated by the POA as having the worst voting record on the board.

Barry said that his Board was sufficiently impressed with the qualifications and presentation of Assistant District Attorney Julie Tang, to offer their endorsement to her first-time run for a seat on the Board of Supervisors.

The POA also endorsed Assemblyman Lou Papan in his race to take over the State Senate seat vacated this year by Senator John Foran. Barry said his Board chose Papan over San Francisco Supervisor Quentin Kopp on the basis of the same scale of legislative performance.

In another step away from routine endorsement of incumbents, the POA offered its support to educator Leland Yee in his bid for the San Francisco Board of Education. The POA also endorsed School Board incumbent Sodonia Wilson, but did not endorse incumbent President of the School Board Myra Kopf in her bid for re-election.

Barry said his Board also endorsed incumbents Bob Burton, Alan Wong and John Riordan for the Community College Board.

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 - CONGRESS/6th District - Barbara Boxer
 - CONGRESS/5th District - Sala Burton
 - BART BOARD OF DIRECTORS - Arlo Hale Smith, Jr.
 - STATE PROPOSITIONS: PROPOSITION 61 - Oppose
 - PROPOSITION 64 - Oppose

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- LOCAL:
- PROPOSITION A - Support
 - PROPOSITION B - Support
 - PROPOSITION C - No Position
 - PROPOSITION D - Support
 - PROPOSITION E - Support
 - PROPOSITION F - Support
 - PROPOSITION G - Support
 - PROPOSITION H - Support
 - PROPOSITION I - Support
 - PROPOSITION J - Support
 - PROPOSITION K - No Position
 - PROPOSITION L - No Position
 - PROPOSITION M - Oppose

As chair of the Legislative Committee, it is my responsibility to monitor the actions of our state and local governmental bodies. To perform my tasks, it is important to have a historical perspective, in that, it allows me to take a longer view of our elected officials. The following tabulations of all votes cast by members of the Board of Supervisors, that affected the working conditions of our police officers have been recorded. Since 1982 eleven measures have been placed before the Board of Supervisors in the form of proposed Charter Amendments. The P.O.A. had taken positions on all the measures and contacted members of the Board to discuss the merits of each issue.

The chart shows each measure when it reached the Board, what the measure would do and how each member voted. This chart will be a valuable aid to the board of directors during the November 1986 Supervisorial race when we will decide deserving persons seeking our endorsements.

| BOX SCORE | | | |
|-----------|----------------|------------------------------------|---------|
| | Total Votes | Supported POA Position Votes | Percent |
| Molinari | 11 | 11 | 100% |
| Britt | 10 | 10 | 100% |
| Walker | 9 | 9 | 100% |
| Ward | 8 | 8 | 89% |
| Silver | 8 | 7 | 88% |
| Nelder | 11 | 9 | 82% |
| Kennedy | 11 | 7 | 64% |
| Maher | 9 | 5 | 56% |
| Renne | 8 | 4 | 50% |
| Kopp | 10 | 5 | 50% |
| Hongisto | 11 | 3 | 27% |

FOOTNOTES:

1. Supervisor Maher was, at the time, running for a seat on the Board of Supervisors.

2. Supervisor Kennedy originally voted not to place this measure on the ballot. When on the ballot she later switched her position and supported the measure.

3. Former Supervisor Dolson was no longer a member of the Board of Supervisors.

| | Proposition "I" November 1982 Would have corrected tier-two retirement system Rejected by the voters 46% to 54% | November 1982 Proposition "J" Allowed time and one half for holidays and overtime. Passed 60% to 40% | Proposition "I" November 1983 Would have corrected our salary formula problems. Measure failed 46% to 54% | Proposition "B" June 1984 Allowed night differential pay Measure passed 52% to 48% |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| John Molinari | Yes | Yes | Yes | Yes |
| Harry Britt | Yes | Yes | Yes | Yes |
| Nancy Walker | Yes | Yes | Yes | Yes |
| Doris Ward | Yes | Yes | Yes | Yes |
| Carol Ruth Silver | Yes | Yes | Yes | Yes |
| Wendy Nelder | Yes | Yes | Yes | Yes |
| Willie Kennedy | Yes | Yes | No ⁽²⁾ | Yes |
| Bill Maher | Yes ⁽¹⁾ | Yes ⁽¹⁾ | No | Yes |
| Louise Renne | No | No | No | Yes |
| Quentin Kopp | No | No | Yes | Yes |
| Richard Hongisto | No | No | Yes | No |
| (Former Supervisor) Lee Dolson | Yes | Yes | Not voting ⁽³⁾ | — |
| P.O.A. position | Yes | Yes | Yes | Yes |

"My Favorite Cop"



L to R: Vince Catanzaro, Dan McDonagh, Joe Finnigan and Dennis McClellan.

The San Francisco Police Department is proud to announce the recipients of the Friends of the San Francisco Police Department Officer Recognition Award for the months of June, July and August 1986. Officer Joseph Finnigan of Southern Station is the June recipient, Officers Vince Catanzaro and Dan McDonagh are the July co-recipients, while officer Dennis McClellan is honored for the month of August.

Each month the "Friends of the San Francisco Police Department", an organization consisting of public spirited citizens, has coordinated the generous support of the private sector with the efforts of the San Francisco Police Department to implement and maintain this worthwhile program.

Officers are chosen via ballots published in the neighborhood edition of the San Francisco Progress newspaper, or by letters sent directly to the Chief of Police. The monthly award includes \$1,000 cash, provided by "Friends of the San Francisco Police Department, as well as commendations from the Mayor, the Board of Supervisors, and the Police Commission.

The officers received their awards at a luncheon Thursday, September 18th, at the Hyatt on Union Square Hotel.

More photos and biographies on page 14

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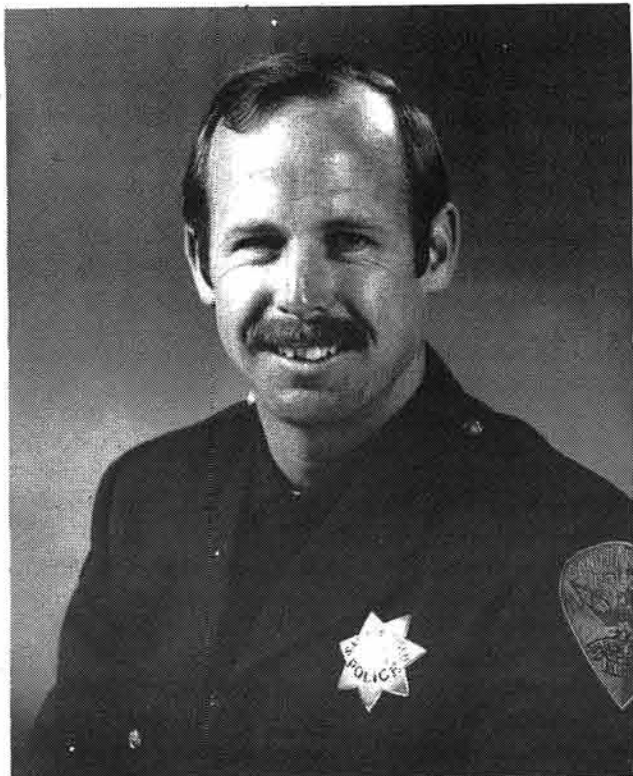
"Needless to say, we were pleased with the professional way you handled the tight security featuring Henry Kissinger." — Teresa Dumouchelle, National School Boards Association, Washington, D.C.

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LIE DETECTION

| Proposition "G" November 1984 Allowed an extended probationary period for newly hired police officers with a maximum of eighty-four weeks. Passed 87% to 13% | Proposition "H" November 1984 Allowed hazard pay for Honda motorcycle unit Measure passed 58% to 42% | Proposed Charter Amendment allowing an unrestricted probationary period for newly hired police officers. On August 8, 1983 the Board of Supervisors by a vote of six to five defeated this measure. | Proposed Charter Amendment allowing the Chief to choose his commanders and deputy chiefs from any rank of the Police Department. On July 29, 1985 the Board of Supervisors by a vote of three to three | Proposed Charter Amendment would have increased the Chief's suspension powers from ten to thirty days. On July 29, 1985 the Board of Supervisors by a vote of four to two defeated this measure. | Extending the power of chief of police from 10 to 30 days and power of demotion to the police commission. | Removing Charter Amendment from ballot, giving chief and the police commission additional powers. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| Yes | Yes | No | No | No | No | No |
| Yes | Yes | No | No | No | Absent | Yes |
| Yes | Yes | No | Absent | Absent | No | Yes |
| Yes | Yes | No | Absent | Absent | Yes | Yes |
| Yes | Yes | No | Absent | Absent | Yes | Absent |
| Yes | Yes | Yes | Yes | No | No | Yes |
| Yes | Yes | No | Yes | No | Yes | Yes |
| Yes | Yes | Yes | Absent | Absent | Yes | No |
| Yes | Yes | Yes | Absent | Absent | Yes | No |
| Yes | Yes | Yes | No | Yes | Absent | No |
| Yes | Yes | Yes | Yes | Yes | Yes | No |
| | — | | | | | |
| Yes | Yes | No | No | No | No | No |

"My Favorite Cop"



OFFICER JOSEPH FINNIGAN
SOUTHERN STATION


Eight year veteran of the S.F.P.D.
Served at: Taraval and Southern Stations
30 Captain's and Chief's Commendations

Officer Joseph F. Finnigan is an eight year veteran of the San Francisco Police Department. He is married and the father of three children. His department background includes serving two years in the PAL Cadet Program and three years as a station officer prior to becoming a policeman. He has been assigned to both Taraval and Southern Stations.

His present assignment at Southern Station includes working with the school district personnel on the "Project Stay-In-School" Program. This program deals with truant juveniles. Since September 1985, through May of this year, Officer Finnigan has been involved and associated with excess of 350 juveniles which he has transported to the "Project Stay-In-School" office for counseling and assistance. As this is an impressive figure alone, this is done in addition to other duties he is assigned on a daily basis.

He has gained praise of many counselors, juveniles and citizens for his involvement with the community he serves.

For his efforts and actions, he has been chosen as the recipient of the month of June.



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OFFICER DANIEL McDONAGH
MISSION STATION

Nine year veteran of the S.F.P.D.
Served at Mission, Potrero, Northern, Narcotics and the Tactical Unit
1 Gold Medal of Valor
1 Silver Medal of Valor
1 Bronze Medal of Valor
3 Police Commission Commendations
2 Meritorious Conduct Awards
Numerous Chief's and Captain's Commendations

Officer Daniel McDonagh is a nine year veteran of the S.F.P.D. His background also includes serving in the Cadet Program of the S.F.P.D. After serving three years as a Cadet, he entered the police department shortly after his 21st birthday. He has served at Mission, Potrero, Northern, Narcotics and the Tactical Unit where he was a member of the anti-sniper team.

He is presently assigned to Mission Station where he performs various duties assigned to him including patrol car duties, walking a beat and dealing with the schools in handling problems associated with students during the school year. His actions and involvement in handling these assignments have been recognized by the community and he has been praised highly for his extra efforts in his day to day actions.



OFFICER VINCENT CATANZARO
MISSION STATION

Eight year veteran of S.F.P.D.
Served at: Northern, Taraval, Ingleside Stations, Narcotics/Vice Detail and the Tactical Unit.

1 Silver Medal of Valor
2 Meritorious Conduct Awards
Numerous Chief's and Captain's Commendations

Officer Vincent Catanzaro is an eight year veteran of the S.F.P.D. He is married and has two children. His background includes being a member of the P.A.L. Program as well as serving as a Police Cadet prior to entering the Police Department. He has been assigned to Northern, Taraval, Ingleside Stations, Narcotics/Vice Detail as well as the Tactical Unit.

He is presently assigned to Mission Station and patrols the Mission/17th Street to Mission/Army Street area. His daily involvement with the problems in the area has brought him high praise from the merchants and employees who are daily requiring the services of Officer Catanzaro from police action to advice regarding their day to day happenings.



OFFICER DENNIS McCLELLAN
NORTHERN STATION

15 year veteran of the S.F.P.D.
Served at Park, Mission, Richmond, and Northern Stations

1 Silver Medal of Valor
2 Bronze Medals of Valor
2 Police Commission Commendations
Numerous Chief's and Captain's Commendations

Officer McClellan has been a member of the S.F.P.D. for 15 years. He is married with one child. He joined the Police department after his military service with the U.S. Marine Corp. Since entering the department, he has served at Park, Northern, Richmond, and Mission where he served as a Field Training Officer.

His present assignment is that of a "beatman" who walks the Polk Street area in the Northern District. His professional dealings with the merchants and residents of the area has resulted in many words of praise for his follow through and concern of the problems which exist in that area. His presence in the area has made him available to discuss any matter, arbitrate a dispute or answer any question that these people may feel is important.

For these daily acts, he has earned the respect of the community.



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LIGHT DUTY OFFICER

continued from page 1

are an "all or nothing" situation. Therefore, for retirement purposes the courts recognize that retirement is not to be granted simply because a police officer (or other public safety officer) suffers an injury. Rather, that injury must significantly impair the person's ability to perform the range of duties normally expected from his or her classification.

LIGHT DUTY ASSIGNMENTS

The San Francisco Police Department operates like many public employers. It will relieve an individual from the normal duties of a position and assign the officer to light/limited duties which conform to the medical restrictions placed on the individual by the physician or police surgeon.

The California Courts of Appeal since 1971 have consistently taken the position that where there are permanent light duty assignments, a person should not be retired if he or she can perform in one of those assignments. As the courts stated, once again, in the 1974 case of **Craver v. City of Los Angeles**: "Where there are permanent light duty assignments...that person should not be retired if he can perform duties in a given permanent assignment within the department. He need not be able to perform any and all duties performed by firemen, or in the instant case policemen. Public policy supports employment and utilization of the handicapped. If a person can be employed in such an assignment, he should not be retired with payment of a disability retirement pension."

In determining if a individual is substantially incapacitated for the performance of his or her usual duties, the courts look to whether the public employer has permanent light duty assignments. The court uses the employer's policy when evaluating cases for disability retirement. If the employer formally recognizes and provides for permanent light duty, when an individual (police officer) is not entitled to an industrial disability retirement if he or she is able to perform in the light duty position. However, if an employer does not recognize and does not have permanent light duty positions, then in determining whether an individual is substantially incapacitated for his usual duties, the courts look to see if the injured employee can perform the normal range of duties rather than the more restricted range of limited duties.

For well over 6 years the San Francisco Police Department has had a light duty policy which does recognize and provide for permanent light duty positions.

THE INDUSTRIAL DISABILITY RETIREMENT

In the case of a San Francisco police officer, an industrial disability retirement is awarded only in the case where:

- (1) The police officer has sustained an occupational injury or illness;
- (2) That injury has resulted in the inability of the officer to perform usual police officer duties; and
- (3) Most critically, the injury has also disabled the officer from performing a light duty assignment within the police department.

With these 3 stringent tests to be met, it is indeed difficult to obtain an industrial disability retirement.

THE SFPD POLICY

The light duty policy of the San Francisco Police Department is presently the subject of meet and confer sessions between the Police Officers' Association and the Police Administration. It is recognized that the purpose of a disability retirement benefit is to replace severely and permanently incapacitated police officers with officers more capable of performing the full police duties.

The Police Commission's light duty policy recognizes the obligation of the police department to protect life and property, to prevent crime, and to enforce criminal laws and ordinances. The Police Commission has determined that it can best discharge this duty when all of its police officers are capable of performing full police duties. The Commission further recognizes that a large number of

police offices on permanent limited duty has an adverse impact on the ability of the police department to deliver services.

The department has enacted a light duty policy to allow police officers who have sustained injuries to work in less rigorous assignments until such time as they recover and are able to resume normal duties. It is not the department's policy to accumulate large numbers of limited duty officers.

Realizing that the 66 police officers who are presently in a permanent light duty capacity has an adverse effect on the ability of the police department to render services, and further realizing that a substantial number of the 66 have sustained serious occupational injuries of illnesses, both the police department and Police Officers' Association are in accord that the present light duty policy needs modification to allow for the industrial disability retirement of many of these officers.

The light duty policy has been under meet and confer sessions for the last 13 months. Agreement appears near when the 2 remaining issues are resolved. These issues pertain to the police administration's desire to expand the powers of the police surgeon in certifying a member to return to light duty and secondly in establishing a percentage of permanent disability at the Workers' Compensation Appeals Board which would be considered sufficient enough to warrant an industrial disability retirement. The range under consideration is now 30 to 50%. When a final figure is determined, its effect will be to distinguish those officers whose injuries are severely and substantially disabling so as to warrant industrial disability retirement from those officers, on permanent limited duty, with lesser disabling injuries not warranting retirement.

Without a change in policy, none of the 66 officers presently capable of and performing in permanent limited duty assignments will ever receive an industrial disability retirement as long as they remain able to perform limited duties.

Both the Board of Directors of the Police officers' Association as well as the Police Administration recognize that the present policy is not working as originally negotiated and planned. The policy was to provide for a recuperative period for disabled officers and retirements for those who, in the foreseeable future, would never be able to return to full and normal duties.

When amended, the light duty policy will allow for the industrial disability retirement of severely disabled officers who are permanently incapacitated for performing full duties.

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Lt. Gary Norman, Chief Jordan, Mr. Guido DeVincenzi, Off. Constantine



Off. Melanson, Chief Jordan, Off. Galande



Off. Sugrue, Chief Jordan, Mr. and Mrs. Sugrue



Capt. Beene, Chief Jordan, Off. Morgan

STOLEN VEHICLE RECOVERY AWARD PROGRAM

Our department is taking part in a vehicle theft award program initiated by the California Highway Patrol and the California State Automobile Association. This program recognizes an officer's superior efforts in the recovery of stolen vehicles and the apprehension of vehicle thieves. Officers who, during a twelve month period (commencing from July 1, 1985), meet any of the following criteria will receive recognition for their superior efforts:

1. Make six separate theft recoveries cleared by arrests.
2. Recover a total of twelve stolen vehicles of which a minimum of three must be cleared by an arrest.
3. Develop information which results in the identification of a theft ring and subsequent arrest of two or more suspects and the recovery of at least ten vehicles.

Officers qualifying for the award will have their names engraved on a permanent departmental plaque which will be given to the department. The officers will also receive a personal plaque which will become his or her property.

A pin in the form of a miniature California license plate containing the numerals "10851" will be awarded and can be worn as a tie tack with the uniform (Class "A" or "B").

The Officer-In-Charge of the Auto Theft/Burglary Section will be the coordinator for this program. Requests for the award are to include copies of the incident reports documenting the arrests and/or the recoveries of the stolen vehicles. The requests should be forwarded through the members' commanding officer to the program coordinator.

Officers interested in participating in the 10851 Award Program should review Information Bulletin 86-32 or contact Lt. Alexander Stevens, Auto Theft/Auto Burglary Section, the department program coordinator, for any further questions.

SEVEN MORE S.F.P.D. OFFICERS RECEIVE RECOVERED VEHICLE THEFT AWARD

Submitted by Lt. Alex Stevens



Seven officers from the San Francisco Police Department received the 10851 Award given for vehicle theft recovery by the California State Automobile Association Inter-Insurance Bureau and the California Highway Patrol on August 26, 1986.

At the presentation ceremonies in San Francisco are, front row left to right, Officers Jeremiah W. Morgan; Kenneth T. Sugrue, James Speros, Ricardo L. Galande, Keith Sanford, Donald Shocklely and Gary Constantine. Second Row, left to right, are: CSAA Sales and District Office Services Manager, Guido DeVincenzi; Captain Charles Beene, Tactical Company; Captain Jack Damon, Central Station; Chief Frank M. Jordan; Captain Mike Brush, Park Station; and Lieutenant Gary Norman, CHP Golden Gate Division Vehicle Theft Coordinator.

National Law Enforcement Institute, Inc.
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A crack team of the most distinguished gang investigators ever assembled will present a comprehensive three day program unsurpassed in law enforcement training. The course will offer up-to-date, practical information on gang issues of most current concern, including:

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- Terrorism/Police Response

The instructors will discuss current gang structures, links between groups, methods of operation, recognition of members, weapons, tactics, officer safety during contact and counterintelligence capabilities (including how some gangs know about the personal lives of officers and their families). This is not a theoretical or historical course, but one designed to provide immediately useful and worthwhile information for any officer (plain clothes, uniform, custodial, probation or parole) concerned about their success and safety when handling gang related cases. This is a revised and up-dated version of our Spring course in San Diego which was rated "excellent" by even the most experienced officers.

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TUITION:

\$110 per person if registration is received by 5 P.M., Monday, November 10, 1986. Persons registering after November 10 must pay the regular tuition of \$125. To qualify for the special \$110 tuition, telephone registrations must be received by 5 P.M., November 10, and written registrations must be post-marked no later than November 10. Visa and MasterCard accepted. NOTE: Upon specific request, we will delay billing to meet your agency needs, including billing at the beginning of your next fiscal year.

*Requests for refunds will be honored up to one week prior to the seminar, after which cancellations will be subject to a \$10 service charge. No refunds will be allowed for cancellations received after 5 P.M., November 30, 1986.

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SIGN-IN / TIMES:

Sign-in and receive course materials on Wednesday, December 3, from 8:00 A.M. to 10 A.M. Class: Wednesday—10 A.M. to 5 P.M.; Thursday—8 A.M. to 5 P.M.; Friday—8 A.M. to 3 P.M.

TAX DEDUCTION:

At the time of this printing, educational expenses, including tuition and travel costs, are still deductible if paid in 1986. Treasury Reg. 1.162-5

REGISTRATION & INQUIRIES:

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Santa Rosa, California 95402
(707) 545-3355 (8 A.M. to 5 P.M. Pacific Standard Time)

FACULTY: Budd Johnson, U.S. Marshall's Office, San Diego (Outlaw Bikers & Counterintelligence); Jim Vuchsas, Prison Gang Unit, L.A.P.D. (Prison Gangs); Jim Stinson, C.A.C.I., Inc. Newport Beach (Counter-Terrorism advisor to certain specialized U.S. Gov't. agencies); Tony Moreno, Gang Unit, L.A.P.D. (Street Gangs); Jeff Munks, San Jose P.D. (Vietnamese Gangs) and Darlyne Pettinicchio, Orange Co. Probation Dept. (Cults).

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The weather vane of marriage is tossed by the winds of life's situations and struggles; enduring with our own fortitude is not enough. Like a man caught in a storm, his hand on the door that leads to peaceful tranquility of shelter; the harder he pulls and pushes the more confused and angered he becomes — if only he had the key!

Many husbands and wives are in the "push and pull" stage of their marriage and are seeking a relationship of trust, love and peace. The key is found in biblical teachings carefully laid out that we may follow God's plan for our lives.

Join us in the Santa Cruz Mountains for a change of pace in the right direction. We ask you to give consideration; talk it over with your spouse. We want you there so God can bless your marriage!

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For Family Support

Barriers to Communication

By Michael R. Ryan
Police Chaplain

Last time we quoted H. Norm Wright's definition of communication: "Communication is a process (either verbal or non-verbal) of sharing information with another person in such a way that he/she understands what you are saying. Talking and listening and understanding are all involved in the process" (H. N. Wright, *Communication: Key To Your Marriage*, p. 52). In interacting with people on the subject, I have found many who honestly admit that they have certain barriers that get in the way of good communication. In comparing these comments, we have been able to identify at least four common barriers that hinder good interpersonal communication. These four are: 1) lack of ability; 2) fear of exposure; 3) an attitude of helplessness; 4) a poor self-image. Let's look at each of these and suggest some ways to remove these barriers to communication.

Lack of Ability. Communication is learned behavior. There are those people who have never learned to formulate and share their ideas with others. The result is a lack of confidence which can only be overcome by facing the problem. In this area practice makes perfect. It is helpful to listen to those whom you respect as communicators; model their style. Reading is an effective aid in helping our minds formulate thoughts. The bottom line is we must start talking. Hopefully, those closest to us will be willing to be the guinea pig on whom we may practice our communication.

Fear of exposure or rejection. I once heard a person say he remembered a time as a young child when he honestly shared a deep emotional need only to be told that he was being childish and dumb. He was so hurt by that remark that he determined being vulnerable or transparent was a bad deal. Since that day, he has been a very guarded communicator. Unfortunately, this fear is difficult to overcome and can only be conquered when faced head on. Again, the help of a skilled friend or loved one is needed to overcome these fears.

Helplessness. Have you ever felt that talking won't do any good, so why bother? If so, you've experienced the feeling of helplessness as a barrier to communication. Helplessness often results when one or the other person in the communication process has poor skills; hence the process is inhibited. When this occurs enough times between two people, it's understandable that someone will give up trying. The solution is to confront the feeling and identify the problem for what it is. We must remember communication is a two-way process and if the person we are talking with is not interested in the process, we really are wasting our time. Our efforts should be focused on helping those involved realize that this is the issue and seek to overcome it. If their love and concern for you is genuine, then they should be willing to help remove this barrier to communication.

Poor Self-Image. Norm Wright notes that "some people do not believe that they as a person have anything to offer. They do not think that their ideas are worthwhile. They have what is called a poor self-image and, as a result they withhold their comments and personal feelings" (*Communication...*, p. 66). This inability to accept ourselves is a major barrier to communication.

There are times when it is easy to identify the barriers

to communication. There are other times, however, when the answers are more difficult. Too often, there are a complex mixture of reasons which are often hard to pin down.

If you sense there are barriers in your communication with someone, particularly your spouse, take a few moments to identify the real reason. Use the above list as a guide. Having identified the reason, get a piece of paper and write down as many thoughts as you can to produce a sense as to why this is an issue in your communication. Sort out your thoughts; take your list and share it with your spouse or close friend. Ask for their help in removing that barrier. You'll likely be surprised at the communication it will generate.

(Chaplain Ryan is the Pastor of the First Evangelical Covenant Church, 455 Dolores St. S.F. He works with the Department's Family Support Program and can be reached at 431-8757 or 553-1078).

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445-4600

Correspondence...

In October, the City payroll will cut an interest check for the eleven days pay held back in March of 1985. The interest will average \$50-\$100 per check.

THE CHECKS WILL BE MAILED TO YOUR ADDRESS OF RECORD.

Make sure the department has your correct address!!

Fraternally,
Ray Carlson

P.S. Did you know the City is in violation of the Federal Fair Labor Practices Act? The City MUST pay any overtime on the same day you receive your regular pay check!!

Ask yourself, why the Board of Directors, of the P.O.A. have elected to NOT stop this violation!

Raymond A. Carlson
Crime Lab

Dear Brother Carlson:

I have read your "Bulletin" dealing with interest checks and how overtime wages due should be paid.

Though I find your new found enthusiasm in becoming involved in your Association refreshing, I find your methods and motive questionable.

In the past five years I have spend on the Association Board of Directors, I cannot recall ever seeing you present at one of our monthly meetings. As I am sure you are fully aware, these meetings are open to any Association member and any member is given the opportunity to speak or question the Board.

In your bulletin you pose a question to the Board centering on overtime wages and the time requirements in which they are to be paid. I will answer your question. Enclosed find a photo copy of the section of the Fair Labor Standards Act that deals with overtime wage pay and time requirements that must be met in paying that money due.

As you can see, your information is wrong and by mistaking the act, you do a disservice to both this Board of Directors and the entire membership of this department.

Therefore I must insist that any further bulletin you intend to publish, be factual before it is distributed.

If I can be of any assistance in answering any questions, don't hesitate to call.

Fraternally
Ron Parenti
Vice President

P.S. There is always plenty of work to be done in this office. Just drop by anytime and I am sure we can find a project you can become involved with.

U.S. DEPARTMENT OF LABOR
Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210
**OVERTIME COMPENSATION
UNDER THE FAIR LABOR STANDARDS ACT**

The Fair Labor Standards Act contains provisions and standards concerning minimum wages, equal pay, overtime pay, recordkeeping, and child labor. These basic requirements apply to employees engaged in or producing goods for interstate commerce, and to employees in certain enterprises, including employees of state and local governments. The Act is administered by the U.S. Department of Labor's Wage and Hour Division.

If you have specific questions about the Act's requirements, contact the Wage and Hour Division's nearest office. Offices are listed in the telephone directory under Department of Labor in the U.S. Government listing.

THE OVERTIME PAY REQUIREMENTS

Unless specifically exempted, employees covered by the Act must receive overtime pay for hours worked in excess of 40 at a rate not less than time and one-half their regular rates of pay. There is no limitation in the Act on the number of hours employees may work in any workweek. They may work as many hours a week as they and their employer feel fit, as long as they are paid in accordance with the Act's requirements. The Act does not require overtime pay for hours in excess of eight per day (there is one exception) or for work on Saturdays, Sundays, holidays, or regular days of rest as such, although many companies do pay overtime for such hours.

Each Workweek Stands Alone: The Act takes a single workweek as its standard and does not permit averaging of hours over two or more weeks. For example, an employee who works 30 hours one week and 50 hours the next, must receive overtime pay for the hours worked beyond 40 in the second week, even though the average number of hours worked in the two weeks is 40 (except for certain employees of hospitals, residential care establishments, fire fighters, and police officers.) This is true regardless of whether the employee works on a standard or swingshift schedule and regardless of whether payment is on a daily, weekly, bi-weekly, monthly, or other basis. This rule also applies to employees paid on a

piecework basis or commission.

Determining the Workweek: An employee's workweek is a fixed and regularly recurring period of 168 hours - seven consecutive 24-hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. A single workweek may be established for a plant or other establishment as a whole, or different workweeks may be established for different employees or groups of employees. Once beginning time of an employee's workweek is established it remains fixed, but may be changed if the change is intended to be permanent and is not designed to evade the overtime requirement of the Act.

Time of Payment: *There is no requirement that overtime compensation be paid weekly. The general rule is that overtime pay earned in a particular workweek must be paid on the regular pay day for the period in which the workweek ends. If the correct amount of overtime pay cannot be determined until some time after the regular pay period, the employer must pay the overtime compensation as soon after the regular pay period as practical. Payment may not be delayed for a period longer than is reasonably necessary for the employer to compute and arrange for payment and in no event may payment be delayed beyond the next payday after such computation can be made.*

REGULAR RATE OF PAY

Before overtime pay can be computed it is necessary to determine the employee's regular rate, since the Act requires payment for overtime hours at less than one and one-half times the regular rate of pay. The regular rate may be more than the statutory minimum (currently \$2.90 an hour) but it cannot be less. (On January 1, 1980, the minimum wage increased to \$3.10 per hour and on January 1, 1981 to \$3.35 per hour.) The regular rate includes all remuneration for employment except for certain payments excluded by the law itself. Payments which are not part of the regular rate include by the law itself. Payments which are not part of the regular rate include reimbursement for expenses incurred on the employer's behalf, premium payments for overtime work and the premium portion that is not less than time and one-half the regular rate paid for work on Saturdays, Sundays, and holidays; discretionary bonuses, gifts and payments in the nature of gifts on special occasions; and payments for occasional periods when no work is performed due to vacation, holidays, or illness.

The Regular Rate is a Rate Per Hour: The Act does not require employers to pay employees on an hourly rate basis. Their earnings may be determined on a piece-rate, salary, commission, or some other basis, but in such case the overtime pay due must be computed on the basis of the hourly rate derived from such earnings. The regular hourly rate of pay of an employee is determined by dividing the total remuneration for employment (except the statutory exclusions) in any workweek by the total number of hours actually worked in the workweek. A few examples will illustrate the application of this principle in particular instances.

September 29, 1986

Lieutenant Gary Pisciotto
Management Control Division
San Francisco Police Department

Re: Grievance 10-86/11-86

Dear Lt. Pisciotto:

Thank you for your correspondence of September 17, 1986, notifying the dates and times of our grievance hearings. Unfortunately, Commander William Scheffler could not appear due to a physical disability, therefore the matters must be rescheduled.

Of particular note was your statement, "I trust that we will be able to resolve these matters at that time". If your statement was a social amenity then you may disregard the following comments.

If your statement was substantive in nature we would advise you that we are extremely interested in resolving these matters at the appointed time. The transfers of William Carlin and Eugene Haudbine were made by the Chief of Police upon the recommendation of Commander William C. Scheffler with the express reason that their transfer was "...taken as part of a continuing effort to allow an infusion of sergeants with new and creative ideas to be assigned to high profile district stations..."

We have directed a communication to Commander William C. Scheffler on July 17, 1986, asking for specific new and creative ideas that have been brought to the high profile stations as a result of these disruptive transfers. As of September 29, 1986, we have received no response from Commander William C. Scheffler or anyone else in this Administration concerning the new and creative ideas.

When scheduling these grievances, we found that the Administration scheduled one grievance for fifteen (15) minutes to be followed by the next grievance. That time frame is quite short to discuss the matters raised by these grievances but we will endeavor to be brief.

If you have any information about the "new and creative ideas" that new sergeants have brought to the Southern and Central stations that necessitated transfer of our members that could assist us to "resolve these matters at that time" we would be most appreciative.

Thank you for your consideration.

Very truly yours,
Paul C. Chignell, Member
Board of Directors



September 18, 1986

San Francisco Police Officers Association
510 7th Street
San Francisco, CA 94103

Dear Friends,

Thank you for your donation of \$1000.00. Your contribution brings us closer to meeting the estimated \$3.0 million budget necessary to launch our major media campaign against Proposition 64.

We are enclosing a supply of remit envelopes in the hope that you will use this opportunity to ask your friends, neighbors and business associates to join you in supporting our efforts. With your help we can educate the public and fight the fear and panic generated by this initiative and its supporters.

Our treasurer Larry Sprenger joins us in thanking you again for your continued support.

Sincerely,
Harry Britt
Co-Chair
Dianne Abbitt
Co-Chair



TO: All Employee Organizations

FROM: John C. Farrell
Controller

SUBJECT: Medicare Tax Deduction

I would like to inform you of changes in the tax laws which impact about 1,200 City employees, some of whom may be members of your organization. We wish you to be aware of what we are doing to support the new law so that if you should get inquiries from your members you will have some background on the situation.

The Federal government has mandated that employee's hired on or after April 1, 1986 who are not required to pay Social Security (FICA) be required to pay Medicare, which is 1.45% of taxable gross earnings. There are certain exceptions to this requirement, but the only one which we have determined applies to the City and County is that employees of the Community College who are also students at the college need not pay Medicare.

Like FICA, the employer also pays into Medicare on the employee's behalf. Currently, the employer rate is the same as the employee rate, 1.45%.

We have been waiting to enforce the Medicare tax until we were confident that we had sufficient guidelines to ensure correct enforcement. We still do not have all of the information we would like from Social Security Administration, but the rules are now sufficiently clear that we believe it is no longer appropriate to delay enforcement. I have therefore fixed the payperiod beginning August 9, 1986 as the first in which the Medicare tax will be deducted.

In addition, because the law is effective April 1, 1986, a "catch-up" deduction is required which covers April 1 through August 8. To reduce the financial burden on employees, we are going to perform the catch-up in two installments, the first on the September 30th paycheck and the second on the October 14th paycheck. We have also provided a request process to be used by employees for

continued on next page

Walker Reprograph

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Correspondence . . . continued from previous page

whom even the two-payment plan would cause a hardship, allowing for payment to be spread over more than two payperiods. The only exceptions to the two-payment plan are the summer workers at Recreation & Park Department. Since their last day of work is August 29, we are going to add their catch-up deduction to their September 2, 1986 paycheck.

Attached is a copy of the letter which will go to every employee subject to the Medicare tax describing the tax and the procedures we will use to enforce it, as outlined above. This letter will be distributed on payday, Tuesday, August 19th. The next payday, two weeks later, will be the first in which Medicare is deducted.

If you have any questions regarding this issue, please contact Mr. Lamartine Colaco, Tax Reporting Supervisor, in the Payroll/Personnel Services Division at 558-7854.

TO: Employees Hired After March 31, 1986
Whose Wages Are Exempt From Social Security Taxes

FROM: Sandra Rice, Director
Payroll/Personnel Services Division

SUBJECT: Mandatory Medicare Coverage

THE MEDICARE TAX

A new federal law requires that all employees hired after March 31, 1986 who do not pay Social Security taxes must

pay the federal Medicare tax.

The tax is 1.45% of your taxable wages. It must be deducted each pay period until your taxable wages for the year reach \$2,000. The City will start deducting the Medicare tax with your September 2nd paycheck. The deduction will appear on your pay statement as "MED TAX."

NOTE: to employees holding more than one job with the City: You must pay the Medicare tax on wages earned on each job that is not subject to Social Security taxes. If you pay Social Security taxes on one job and (only) the Medicare tax on another, and both jobs are in the same tax unit, the Medicare tax deduction will stop when your taxable wages on the "Social Security tax job" reach \$42,000. (Note: The City's tax units are: 1) Municipal Railway, 2) Community College, and 3) all other departments.)

THE "CATCH-UP" DEDUCTION

The City must also collect Medicare taxes for the period from 4/1/86 (when the new law went into effect) to 8/9/86 (the beginning of the pay period in which your regular deductions begin).

This special "catch-up" deduction will be divided between two paychecks — half the amount you owe will be deducted from your 9/30 paycheck and half from your 10/14 paycheck. To calculate the amount that will be deducted from each check, multiply the "YTD Gross" on your 8/19 pay statement by .0145, and divide by 2. (See example on the back of this page.)

EXAMPLE:

\$ 7500. (8/19 YTD gross)
x .0145 (total "catch-up" deduction)
3 2

\$ 54.38 (amount, plus or minus 1%, to be deducted from your 9/30 and 10/14 paychecks)

NOTE: If you had disability pay or other non-taxable income, the amount you calculate may be slightly high. Call your payroll office for the exact figure.

EXTENDING THE "CATCH-UPS" DEDUCTION PAYMENTS

If the amount of your two-payment "catch-up" deduction will cause you severe financial hardship, you may petition the City's Payroll/Personnel Services Division to extend your deduction payments. To do this, go to your department's payroll office as soon as possible and ask to fill out a Medicare "Catch-Up" Deduction Extension Request. Your payroll office must submit the completed form for approval by September 12th.

NOTE: Approval of your request is not automatic. When your department learns whether your request was approved or denied, someone from your payroll office will notify you.

QUESTIONS:

If you have any questions about your Medicare tax deductions, please call your department's payroll office.

LETTERS

Thanks

September 27, 1986

Bob Barry
President, Police Officers Association
510 - 7th Street
San Francisco, CA 94103

Dear Bob:
Thank you, and the Board and membership of the Police Officers Association for the generous contribution that they have made to my campaign.

Please be my guest at the October 19, 1986 event on my behalf.

With support such as I have received from the Police Officers Association, I am confident of victory on November 4th.

Sincerely,

Arlo Hale Smith

Thanks

October 1, 1986

Bob Barry, President
San Francisco Police Officers Association
510 - 7th Street
San Francisco, California 94103

Dear Bob:

Thank you and the San Francisco Police Officer's Association for hosting the reception for the New York City Police runners, and the San Francisco Police runners, who competed in the San Francisco Marathon on July 20th, 1986.

The reception, which was held at the Apostleship of the Sea, was a huge success. The New York Police runners topped us in the competition, but we all shared a rewarding experience.

Thanks again for your continued support.

Sincerely

Jeff Brosch
San Francisco Police Department
Marathon Runners

Thanks

September 18, 1986

Mr. Robert Barry
San Francisco Police Officers Association
510 Seventh Street
San Francisco, California 94103

Dear Friends:

Please accept my sincere thanks for your contribution to my re-election campaign. I am very appreciative of the financial support and will work hard to justify your confidence in me.

Thank you for playing a part in what was a very special evening. Your friendship and support mean a great deal to me.

Sincerely,

John Van De Kamp

Thanks

September 12, 1986

Officer Daniel J. Linehan
San Francisco Police Officers' Assn.
510 Seventh Street
San Francisco, CA 94103

Dear Officer Linehan:

Thank you for letting me know of your support for the Davis-Stirling Missing and Exploited Children Act of 1986.

I was pleased to present this bill for Assemblymen Davis and Sterling when it came up on the Senate Floor. It passed by a 39-0 margin on August 29, 1986; naturally, I was an "aye" vote.

I trust that the Governor will sign this bill prior to October 2 so that it may take effect and help prevent child abduction and the disappearance of children in California.

Sincerely,

David Roberti

Thanks

Dear Paul:

Just a note of thanks and appreciation to you and the P.O.A. for all your help and support during my recent Hearing with the Chief.

It's gratifying to know that the P.O.A. is always willing to assist their members when needed.

Thanks Again,
Chuck Simpson

P.S. As you know Paul, I work a midnight watch, and when I have to appear in Court following my tour of duty, the P.O.A. rest area really comes in handy.

Thanks a Lot,
Chuck Simpson

Thanks

Sofia Verduzco
3663 18th St., Apt. A
San Francisco, CA 94110

To Whom it may concern,

On behalf of Ernestina (Tina) Verduzco, I would like to take this opportunity to thank the Police Officers at the Mission Station who made it possible for Ernestina to obtain her new wheelchair.

A special thank you to her Godparents, Ed and Lillian Mudrick, for their loving care. They accompany Ernestina wherever she needs to go.

A warm thank you to the news media for bringing her story to the people of the Bay Area. So many people showed they care for my Niece.

Sincerely,

Sofia Verduzco

Thanks

Mr. Daniel J. Linehan
Secretary
San Francisco Police Officers' Assn.
510 Seventh Street
San Francisco, California 94103

Dear Mr. Linehan:

I want to extend a special thanks for the strong and active support you contributed to the new law banning armor-piercing "cop killer" bullets.

This law was enacted on August 28, when it was signed by President Reagan. It was the culmination of seven years of hard work, and was made possible because of the overwhelming support it received from yourself and so many other concerned individuals. Never have I seen such a persistent and broad-based lobbying effort on behalf of a legislative cause. If the merits of the issue were all that counted, this law would have been enacted years ago. But, it took far more than that, and you deserve much of the credit.

Significantly, the final legislative product was not some watered-down version of what we set out to do. In the end, there was no compromise on the part of police safety. The new law (P.L. 99-408) places a total ban on the public availability of armor-piercing ammunition — what's already out there, as well as any new supply. We could do no more!

For your easy reference, I am enclosing a detailed status report showing the advancement of H.R. 3132 through the 99th Congress. Thanks again for all your assistance.

Sincerely,

Mario Biaggi, M.C.

Thanks

Thanks again for spending the time and energy to represent me in my Hearing. If there is anything that I may assist you or the Association in, please feel free to let me know.

Again Thanks
Frank Lee (TAC)

Congratulations

September 16, 1986

Supervisor Thomas Hsieh
Board of Supervisors
City Hall — Room #235
San Francisco, CA 94102

Dear Supervisor Hsieh:

On behalf of the San Francisco Police Officers' Association, I would like to congratulate you for having been appointed to the Board of Supervisors by Mayor Dianne Feinstein.

Having worked closely with you as a member of the San Francisco Police Commission, I know that you will render your decisions fairly with the concerns of all San Franciscans in mind and I congratulate the Mayor for having selected you as one of our distinguished legislators.

There will be many issues coming before you which will affect our department and its members, and I look forward to working with you in the very near future.

Again, my congratulations to you and your family.

Best Wishes,
San Francisco Police Officers' Association
Bob Barry
President

Thanks

Your kind expression of sympathy is deeply appreciated and gratefully acknowledged.

Thank you for your warm thoughts.

Fondly,
Rose Agnost

Pay Formula Inequity

September 15, 1986

Bob Barry, President
P.O.A.
507 7th Street
San Francisco 94103

Dear Bob,

I was appalled at the unfair pay raise given to San Francisco police officers this year. I think this is the clearest case yet that the current, rigid pay formula is not workable if we intend to remain competitive with other major law enforcement agencies and if we expect our own officers to remain committed to a career here in one of the most expensive cities in the world.

I hope the injustice of this year's pay formula debacle will catapult Proposition I into this November's winner circle. Please let me know if I can be of assistance in your campaign.

Our police officers deserve a helluva lot more consideration than relying on Los Angeles County to call a Board meeting on a certain date. Let's bargain with San Francisco, not Los Angeles!

Best Regards,
Michael Hennessey
Sheriff

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POLICE ACTIVITIES LEAGUE

by Herbert P. Lee
Executive Director



Mr. Marvin Cardolla of British Motors is shown presenting a check for \$1,000 on behalf of the Rotary Club Foundation to Mr. Jack Immendorf, Executive Director of the PAL Boosters Club. The monies will be used to provide uniforms and equipment for PAL activities.

PAL CADET PROGRAM TO BEGIN

The San Francisco Police Activities League Law Enforcement Cadet Program will hold its annual Open House on Tuesday, October 14, 1986 at the new Police Academy Building, 350 Amber Drive, San Francisco. Any high school student in the 10th, 11th, or 12th grades attending school or residing in San Francisco is eligible to join. The Open House is designed to answer any questions you may have regarding the PAL Cadet Program. Call PAL Headquarters (821-1411) for reservations. Parents and Guardians are cordially invited to attend.

PAL BASEBALL

The PAL Baseball season was finished last month. But an article appeared in the San Francisco Progress regarding one of our players that we wish to share with our readers. Reprint from S.F. Progress August 10, 1986: Rodolfo "Jun" Dasalla, selected by VMP manager Ron



Baseball Hall of Famer Willie Mays giving pointers to PAL kids at a San Francisco Giants Baseball Clinic.

Rosa to compete in last week's Joe DiGaggion Tournament of Champions in Yountville, was named co-host valuable player of the tourney, joining Matt Brown of champion Bianchi Railroad of San Mateo for special honors. Dasalla, a second baseman who plays for St. Ignatius, went 10 for 15 in four games, hit three homers, scored eight runs, and drove in nine more, helping VMP. (Valente Marini Perata) to a third place finish in the tourney. He played for Sapunar Realty, runnerup in the San Francisco DiMaggio League, before being selected by Rosa for tournament play. It marked the second year in a row a San Francisco player has been co-MVP of the tournament. Outfielder-pitcher Arnie Sambel, a teammate of Dasalla's, won the honor last year



S.F. Giants pitcher Vida Blue with Brad Curtis. Vida took time out to say hello to the kids.



Police Officer of the Year Joe Gerrity (Co A) with PAL youths. Officer Gerrity invited two kids from the Tenderloin to a Giants Game complete with hot dogs, pepsi, and ice cream. Great time had by all courtesy of Mr. Brad Curtis and the PAL. (photos by Herb Lee)

and was selected along with Dasalla and shortstop Paolo DellaBordella to the all-league team this year. We add our congratulations to Jun (short for Junior). Jun is 17 and attends St. Ignatius where he was elected Student Vice-President.

The San Francisco Police Activities League is now located at the new Police Academy Building, 350 Amber Drive, San Francisco, CA. Our mailing address is P.O. Box 31114, San Francisco, CA 94131-0114. Our phone number is 821-1411 Mondays thru Fridays 0800 to 1600.

PAL BASKETBALL

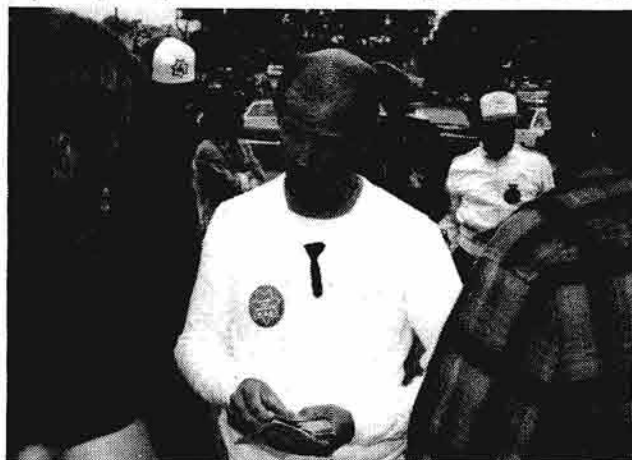
The PAL Boys and Girls Basketball Program for youths in the 7th, 8th, and 9th grades will begin shortly. All interested TEAMS are to call PAL Headquarters for signups. Sorry, no individuals allowed. Players must be from a complete team representing a school. T-shirts, and equipment are provided at a minimal cost. Team trophies awarded.



Flanking Mr. Brad Curtis (center) are (l to rt) Officer Susan Glaser, Captain Tom O'Donnell, Captain Mike Hebel (Community Services) and Officer Lou Glaser. Captain O'Donnell represented Chief Jordan at the PAL-Giants Trivia Game where more than 1,000 kids and police officers were the guests of Mr. Brad Curtis and the PAL.

PAL BASEBALL TRIVIA DAY A HUGE SUCCESS

The PAL-San Francisco Giants Baseball Trivia Day held on August 23rd at Candlestick Park was a huge success, if the crowd present was any indication. Over 1,000 kids, coaches, and police officers were the guests of Mr. Brad



Mr. Brad Curtis shown distributing some of the 1,000 free Giants tickets to kids and coaches.

Curtis, a San Francisco businessman who won over 1,000 tickets in the Trivia Game sponsored by the San Francisco Giants. The new twist this year was that police officers and kids were special guests of honor along with a large contingent from Special Olympics. Among the many guests present were Vida Blue of the Giants, and Mr. Chub



PAL Executive Director Sgt Herb Lee addressing the 1,000 kids and coaches at the Trivia Day.



Brad Curtis (2nd from rt) poses with Captains Tom O'Donnell and Mike Hebel at the PAL Giants Trivia Day. Also in the photo is Officer Sue Glaser, Community Services, who coordinated the event.

Feeney, President of the National Baseball League. Off-duty officers brought one less-privileged child with whom they have had official contact, and one of their own

continued on page 23

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POLICE ACTIVITIES LEAGUE

by Herbert P. Lee
Executive Director



Officers Susan Glaser, Community Services (Center) and Bob Guinan with invited children at the PAL Giants Trivia Day at Candlestick Park.

children. Hot dogs, ice cream, and Pepsi Cola were provided. The Pepsi-Cola Company provided all the free drinks. The entire affair was under the direction of Officer Susan Glaser, Community Services Division, who did a great job of coordinating the event. The entire event was dedicated to Mr. Stan Curtis, father of Brad, who spent most of his life in providing youths the opportunity to see baseball games and learn the sport. Mr. Stan Curtis recently passed away, but will always be remembered for his devotion to kids and baseball. Television networks were present and carried the story in their regular times. Great time had by all.

CAL PAL TRAINING SEMINAR

The California Police Activities League Training Seminar will be held this year Oct. 12-14 at the Cal Neva Lodge in North Lake Tahoe. On the agenda will be subjects on Juvenile Crime Prevention, Police Community Relations, Fundraising, PAL Programs, and vendor displays. Keynote speakers include Mr. James Rowland, Director of the California Youth Authority, and several Chiefs of Police from Northern California. Probation Officers, Parole Officers, Police Officers, and other related workers interested in finding out more about Police Activities Leagues in Northern California are cordially invited to attend. Call PAL Headquarters (821-1411) for further information and reservations. Workshops and panels on the various PAL functions will also be offered. Attendees will include representatives from the various police departments in Northern California including San Francisco, Oakland, Benicia, Vallejo, Richmond, Redwood City, Redwood Empire, San Rafael, Santa Clara, and San Jose.

PAL BENEFIT GOLF TOURNAMENT

The PAL Golf Tournament was held recently at the Peacock Gap Golf and Country Club in San Rafael. A total of 142 players participated. Active and retired San Fran-



Tom O'Connor (center) after being congratulated for his outstanding low gross score of 70 at the PAL Golf Tournament. Also in the photo (l to rt) are Sgt Ken Davis and Jim Brown, Co-Directors.

cisco Police Officers participated along with members of the business community. Co-Directors Jim Brown (of Brown, Raymond, Boulton Furniture), and Sgt. Ken Davis (Vice Crimes) report a good time had by all. The weather was perfect and the crowd outstanding. Mr. Michael Pritchard provided a barrel of laughs as the guest artist. Dennis Allen won the top prize of a queensized bed valued at \$1200.00, a gift from Jim Brown's firm. Second prize went to Jeff O'Connell who won a VCR donated by PAL Board of Directors member Jack Immendorf. Many other prizes were awarded. Tom O'Connor won for low gross with a sterling score of 70, winning over Brad Curtis who shot a 71. Our thanks to our Co-Directors, the entire Golf Committee consisting of: Marv Cardolla, Jerry Cassidy, Jim Curran, Brad Curtis, Al Gee, Ray Gomell, Jack Immendorf, Dick Klapp, Herb Lee, Bill Leet, Vic Macia, Dean Mahoney, Bob Mengarelli, Denny O'Connell, Tom O'Connor, Bob Oligher, Gary Purece, Emory Speck, and Sol Weiner. Special thanks to Vera Rogulsky of the PAL Staff without whose help the Tournament would not have been the success that it was. Our thanks also goes to the PAL Cadets who performed magnificently and who made the day and night so delightful. Also to be singled out for kudos



Captain Jim Curran (retired) showing his form.



Dean Mahoney swinging a mean driver.

are Jim Curran and Dean Mahoney who provided all the sandwiches. We hope to see everyone next year.

LETTERS OF APPRECIATION

Dear Sergeant Lee: A very belated thank you for a splendid fishing trip for my son Ryan and his friend Frank Suen. The boys had a wonderful time. I learned how to clean fish,



Rising young comedian Mike Pritchard entertaining the crowd at the recent PAL Golf Tournament. If you have not had the privilege of seeing Mike Pritchard, make it a point before he goes national.

and they stored a wonderful experience. You also made me feel totally comfortable about the safety of our energetic boys. My gratitude. s/s Rose Ann Anderson.

Dear Mr. Ernie Galavill (PAL Cadet Director): On behalf of the Board of Directors and the Art Deco Weekend Committee, we wish to thank you for volunteering your time to help with the weekend events. We greatly appreciate your participation in making the Art Deco Weekend by the Bay a huge success. We look forward to seeing you at our upcoming meetings and events.

Sincerely, s/s Michael F. Crowe,
President, Art Deco
Society of California.

Jose R. Rosales

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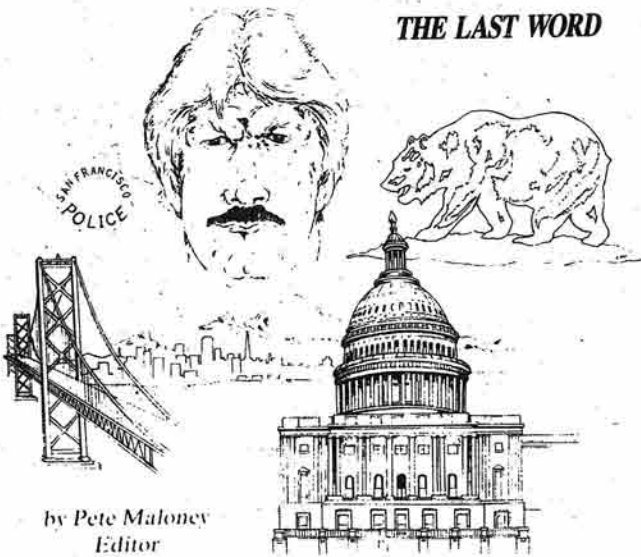
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THE LAST WORD



The board of directors has, on behalf of the association, endorsed many incumbents and candidates in the upcoming elections. Easily the most controversial is the endorsement of Justices Reynoso, Grodin and Mosk for confirmation to the supreme court.

The controversy itself raises serious questions as to the wisdom, political or conventional, of confirming or electing judges. Many feel the outrage and out cry against Chief Justice Rose Byrd justifies the process. The long term view may disprove the statement however.

If judges were more subject to the popular political whim, would it not tend to affect the nature of judgement in the court from the rule of law that this country was founded on to the rule of man which we revolted against?

Is it not a comfort to all of us that the same principles of law which we frequently complain protect the 'guilty' likewise protect the innocent?

Does not the courts' and legislative awareness of the rights of victims encourage them to participate in the justice system?

Does it frighten you as much as it does me to think that if in the performance of duty a politically unpopular act set you before the bench of a judge who lends one ear to the howls of the mob and the other to his political advisers in deciding your case?

It was clear to me while interviewing Justices Grodin and Reynoso that while answering questions they strove to keep their remarks oriented to points of law and their qualifications. It left the clear impression not that they were afraid of political questions but were not comfortable with a political role for the courts or themselves personally.

If an equitable plan could be developed to create a civil service like system for the appointment, review and, if necessary, the discipline or removal of judges I would support it. Recent Senate confirmation hearings strengthened my resolve on this issue even though I do not agree with the candidates political philosophies.

It might seem odd that a representative of two organizations, the San Francisco Police Officers' Association and the California Organizations of Police and Sheriff's, with sophisticated political agendas should disparage political influence but in this case it seems the wise course.

The hysterical tone that this judicial confirmation campaign carries has obscured the issues as well as the records and qualifications of the candidates. I find that insupportable. It seems ridiculous to expect that the courts can long remain independent given the strength of the challenge. Our system of government is designed with a scheme of checks and balances that depends on the independence of executive, legislative and judicial functions. If one should successfully dominate one or both of the other we would lose control, as a people, control of our own destinies and the freedom we hold so dear.

ON THE STREET/Tom Flippin



FAIR LABOR STANDARDS ACT, TIME OF PAYMENT OF OVERTIME

October 1, 1986
Robert Barry, President
San Francisco Police Officers' Assn.
510 Seventh Street
San Francisco, CA. 94103

Dear Bob:

You have asked me to advise you as to the time which the City and County of San Francisco must render the payment of overtime to members of the bargaining unit represented by the San Francisco Police Officer's Association.

In construing the "maximum hours" section of the Act (29 USC Section 207), the courts, since the early 1940's have held that a cause of action under the FLSA for unpaid minimum wages or unpaid overtime compensation and for liquidating damages accrues when the employer fails to pay the required compensation for any work week at the regular pay day for the period in which the work week ends. *Tobin v. Alma Mills* 92 F.Supp. 728, 735 (USDC, WD South Carolina, 1950.)

The *Tobin V. Alma Mills* court cited to *Reid v. Solar Corporation* 69 F.Supp. 626, (USDC, ND Iowa, 1946) which held that overtime compensation due an employee under the Fair Labor Standards Act is due and payable at the next regular pay day following the period in which the overtime compensation accrues on each such payday. In the *Reid* case, the regular paydays for the employees were the 5th and 25th of each month for the preceding half of the month. For example, the regular payday for the employees for the half month preceding June 30th was July 5th. On that day, the employer was required to pay the overtime compensation.

All of these cases articulate the same rule, but you should know that the dispute arises when an employer has not paid any overtime whatsoever, the employee's lawyers or the United States Department of Labor files a lawsuit against the employer and the lawyers get together and argue when the time begins to run backwards or forwards as the case may be to calculate the maximum amount of money owed. As you can imagine, the employer is going to argue that the time is shorter than what the employee's lawyers are arguing.

This very subject is, however, covered in the Code of Federal Regulations, Title 29, Part 778, Section 77.106 "Time of Payment," which provides:
"There is no requirement in the Act that overtime compensation be paid weekly. The general rule is that over-

time compensation earned in a particular work week must be paid on the regular payday for the period in which such work week ends. When the correct amount of overtime compensation cannot be determined until some time after the regular pay period, however, the requirements of the Act will be satisfied if the employer pays the excess overtime compensation as soon after the regular pay period as is practicable. Payment may not be delayed for a period longer than is reasonably necessary for the employer to compute and arrange for payment of the amount due and in no event may payment be delayed beyond the next payday after such computation can be made, retroactive overtime compensation is due at the time the increase is paid, as discussed in Section 778.303. For a discussion of overtime payments due because of increases by way of bonuses, see Section 778.209."

For your general information, the above quote is taken from the Department of Labor "Interpretative Bulletin" originally published in 1968 and reprinted in 1969 by the United States Department of Labor, Employment Standards Administration, Wage and Hour Division, Washington, D.C. 20210.

The purpose of the interpretative bulletin is set forth at Section 778.1 of the documents:

"This Part 778 constitutes the official interpretation of the Department of Labor with respect to the meaning and application of the maximum hours and overtime pay requirements contained in Section 7 of the Act. It is the purpose of this bulletin to make available in one place the interpretations of these provisions which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect. These official interpretations are issued by the Administrator on the advice of the Solicitor of Labor as authorized by the Secretary."

We hope that this answers your question regarding the time of payment for overtime under the Fair Labor Standards Act which, as you know, San Francisco Police Department has been subject to since April 15, 1986. It is my understanding that the current practice of the Department is to pay overtime checks at least on the payday following the payday within which the overtime was worked. If this is not correct, please inform me immediately. The "interpretative bulletin" appears to allow employers the extra payday period for purely purposes of computation and not for any other reason.

Sincerely,
CARROLL, BURDICK & McDONOUGH
David P. Clisham

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