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FEBRUARY, 1957

LONGEVITY PAY

Excerpts of City Attorney's Opinion No. 1142 Dated 2-5-57

In response to inquiry by the Civil Service Commission on whether San Francisco policemen could be provided with longevity pay, City Attorney Dion Holm rendered the following opinion, the more pertinent parts of which are as follows:

Sections 35.5.1 and 36.2 of our city charter, pertaining respectively to rates of compensation for policemen and firemen, both contain the following identical language pertinent to your inquiry:

"The expression 'rates of compensation,' as used in this section in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of 'rates of compensation.'

"Working benefits and premium pay

differentials of any type shall be allowed or paid to members of the police department referred to herein only as is otherwise provided in this charter."

It also seems pertinent to observe that a proper construction of the meaning of said language with reference to the problem you have presented requires the liberality intended by the voters of San Francisco in adopting the same. (*Tevis v. San Francisco*, 43 C 2d 190.) Such intention seems well-reflected in a quotation taken from the official argument made to the voters in favor of the charter amendment as follows:

"It places the power to adjust police and fire salaries with the Board of Supervisors, where it belongs. Salaries fixed under this amendment are under the definite ceiling that they cannot exceed the highest salaries paid in the seven largest cities in California."

Accordingly, we may say, that the

Ladies' Night

Tuesday, February 19th is Ladies' Night. All members in good standing are invited to bring their ladies for a night of dining, dancing and other activities.

A short business meeting and the installation of the new officers will precede the social.

It is sincerely requested that all members make an effort to attend the business meeting and get the new officers off to a good start.

Attendance at the social has always been good but the meetings have been rather barren, please try to make the meeting.

As in the past all refreshments will be on your Association. Meeting starts at 8:00 p.m. and the social will begin as soon as possible after.

main idea advanced in winning voter approval of said sections 35.5.1 and 36.2 was to make it mandatory upon the Civil Service Commission to certify to the Board of Supervisors each year the highest rates of compensation being paid policemen and firemen in the largest cities of California, and to leave it discretionary with the Board of Supervisors to grant such highest rates of

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Minutes, Tues., Jan. 15, 1957, Membership Meeting

President Gardner called the meeting to order at 8:10 p.m.

TREASURER'S REPORT: Treasurer Burke rendered the monthly financial statement. He also reported that the paidup membership now totals 1561.

BILLS: The meeting directed payment of all current bills.

LEGISLATIVE COMMITTEE: Chairman Ted Dolan reported receipt of a letter from the Retirement System advising that the cost of an actuarial survey for the following changes in our retirement system would not exceed.

Item No.	Proposal	Charter Section to be amended
1	Increase cash benefit for death after retirement from \$500 to the amount provided by the Board of Supervisors for other members of the Retirement System.	168.1.7
2	Continuation of full allowance to widow upon death of a member after his retirement for industrial liability, regardless of the cause of death.	168.1.5
3	Change from 65 to 55, the minimum age after which a member may engage in a gainful occupation, and receive unlimited earnings without effecting a reduction in his retirement allowance.	168.1.12

The meeting directed that the Legislative Committee be authorized to submit the above legislation with the language of Item 3 to be left to their discretion.

LONGEVITY PAY AND MOTORCYCLE BONUS: On December 28, 1956, this Association sent a letter to the Chief of Police requesting that the Civil Service Commission be contacted relative to having the matters of longevity pay and motorcycle bonus included in that Commission's survey, the results of which are to be in the hands of the Board of Supervisors by February 15, 1957. The Chief of Police on December 31, 1956, made request on the Civil Service Commission to include both of the above matters in their survey. The Civil Service Commission on receipt of the latter request made request on the City Attorney as to whether the longevity pay falls within the scope of Section 35.5.1 of the Charter (our salary section). As of meeting date no opinion had been rendered by the City Attorney.

The meeting directed that attempt be made to secure the longevity pay for all ranks.

The meeting went on record to at-

tempt to secure for our solo motorcycle men the same conditions that prevail in Los Angeles as regards pay.

SUITS AGAINST POLICEMEN (FALSE ARREST, ETC.): Chairman Dolan reported that several bills have been or are in the process of being introduced in the State Legislature to protect policemen from civil suits arising out of police work.

Several other bills providing for changes in the arrest laws are also being submitted.

HEART AND PNEUMONIA BILL: Chairman Dolan reported that a bill, which provides that after ten years of service a disability caused by a heart or pneumonia condition would be classed as service-connected, has been introduced in the State Legislature. The passage of this bill would mean that a member of the police department who becomes incapacitated from a heart or pneumonia ailment after ten years of service would be eligible for a disability retirement. The present law is disputable whereas the proposed one would not be.

FORCED SEPARATIONS AND RETIREMENTS: A meeting with the Police Commission was held on January 7, 1957. Present, in addition to the Commission, were the Chief of Police and the Deputy Chief of Police. The Association representatives were Ted Dolan, Peter Gardner, Louis Lang, and James Hegarty. The purpose of the meeting was to learn first-hand what brought about the program for the forced separations and retirements and what are the plans for such in the future.

The committee learned that the movement for the forced separations and retirements was already underway when the new Police Commission was inducted into office.

There are only a limited number of assignments within the Department wherein light duty members can be assigned. The number of light duty men outnumbering the assignments. On top of this, other city employee organizations are attempting to have fingerprint technicians assigned to the Bureau of Identification and as clerks in other units. These changes would cut down on the number of light assignments.

The police surgeon's findings on the effected men indicated whether they would recover from their present ailments and be in a position to be restored to full time police duty.

The Commission could not say whether the same program of effecting separations and retirements could continue.

The Commission was informed that

much embarrassment was caused the effected men by first learning of the move to separate or retire them through the medium of the local press. The Commission offered their regrets and advised such would not happen in the future.

The Commission invited Association representatives to meet with them on their meeting days concerning any problems. Many of the problems could be discussed and possibly handled with a minimum of publicity.

MEMBERSHIP: The meeting concurred in the recommendations of the Board of Directors that the provisions of the by-laws of the Association as regards membership be strictly enforced. The by-laws covering this subject are as follows:

"Section 1. Any active member of the Association who shall neglect or refuse to pay his dues for a period of TWO (2) months shall be reported by the Treasurer as delinquent, and the President shall declare such members suspended from all benefits and privileges of the Association, and the Secretary shall record the same in the minutes.

"Section 2. Any active member of the Association who shall neglect or refuse to pay his dues for a period of FOUR (4) months shall be reported by the Treasurer as delinquent, and the President shall forthwith order said member's name stricken from the roll of active membership, and the Secretary shall record the same in the minutes.

"Section 3. Any member whose name has been stricken from the active membership roll for non-payment of dues, fines, or assessments, may be reinstated to active membership on his written application and by paying all back dues, fines and assessments levied since his expulsion from active membership in the Association."

The meeting further directed that all members whose names have been stricken from the active membership roll for non-payment of dues, etc., and who wish to be reinstated must address a letter to the Secretary who shall read it at the next membership meeting following receipt of such application.

At the Board of Directors' meeting a discussion was held on the strengthening of the Association's membership. It was suggested that in order to be eligible for benefits and assistance of the Association that the members be in good standing for a stipulated number of years.

The aim of the above is to eliminate the "on-and-off" memberships. Many members apparently assume that if they aren't contacted, or stall long enough,

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Vital Statistics

Retired: Sgt. Charles Lyons, 2-1; Off. Enzo DiGrazia, 1-21.

Promotions: Harold Reynolds to Sgt, 1-16; William Betger to Sgt., 2-16.

Deceased: Victor Wilcox, 1-21.

Resigned: (While on military leave) John V. Hurtado, Co.G.

Off. Ed Plant who was so critically wounded is doing very well at this time and is well on the road to recovery.

More -- Minutes

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they will get a free ride. Under the action taken above each member must see to it that his dues are paid.

NEW MEMBERS: The meeting concurred in the recommendation of the Board of Directors that the new department members now undergoing a course of instruction at the Police Academy be accorded membership for the remainder of this membership year.

RETIREMENT COMMITTEE: Association representative Ted Dolan reported that the widow of our late Treasurer, Paul Zraggen, was granted a disability pension. She had been previously turned down but was successful on appeal. The vote was 4 to 3.

The members, against whom steps have been taken to either separte or retire, were assured of Bro. Dolan's assistance.

ADJOURNMENT: The meeting adjourned at 10:40 p.m. after a moment's silence in honor of our late Brother Joseph E. Lacey.

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WHOLESOME RECREATION
BRING THE CHILDREN
To
**WHITNEY'S
PLAYLAND AT
THE BEACH**
FUN GALORE FOR EVERYONE!

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599 MISSION

WHOLESALE MEN'S
CLOTHING

Excerpts of City Attorney's Opinion No. 1142

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compensation to San Francisco policemen and firemen.

Our problem to resolve within such expression of intent on the part of the voters is this: Does the monthly increase in pay provided for entrance-rank policemen and firemen under the 'longevity pay' ordinance of Los Angeles qualify as a part of 'basic amount of wages, with included range scales,' or as a form of 'premium pay differential' under the above-quoted language of charter sections 35.5.1 and 36.2?

Classifying such longevity pay as a form of 'premium pay' seems unwarranted because the Los Angeles ordinance conditions its payment upon no exceptional showing of merit or out-of-the-ordinary performance of services such as are usually incident to a premium pay differential. Instead, the only requirement prescribed for its implementation is time served plus satisfactory service.

Such being the case, I am inclined toward the view that the proposed longevity pay increments at the end of ten, fifteen and twenty years of services may be classified as 'included range scales' along with the 'basic amount of wages' referred to in the above-quoted charter language. In that sense, such increments may be deemed part of the basic wage scale range of all satisfactory Los Angeles policemen and firemen who

reach the required number of years of years of service.

Reference is made, however, to the provisions of the Los Angeles ordinance conditioning its application upon a satisfactory standard of service as follows:

Section 14.3. LONGEVITY PAY

Such conditional application of the Los Angeles ordinance does pose a problem of implementation under our said Charter Sections 35.5.1 and 36.2 inasmuch as their express terms enjoin the Board of Supervisors from approving rates of compensation for our policemen in firemen in excess of the highest rates of compensation being paid policemen in certain other California cities, including Los Angeles. Such would be the case, however, if the Los Angeles longevity pay rates were projected as basic amounts of wages to San Francisco policemen and firemen without being predicated upon the conditional status which marks their allowance in Los Angeles. Consequently, adopting the longevity compensation of the Los Angeles ordinance as being within the purview of the 'basic amount of wages, with included range scales,' for San Francisco policemen and firemen under our Charter Sections 35.5.1 and 36.2 may only be done if its payment is limited by action on the part of the Board of Supervisors to conform it with the restrictive conditions imposed by the Los Angeles ordinance.

Minutes of the Legislative Committee Meeting Held on Thursday, February 7, 1957

Present: Ted Dolan (Police Academy) (Chairman), James Diggins (Motorcycles), Carlton Vogelsang (Traffic Engineering), Sol Weiner (Park), Nick Galousin (Richmond), Mario Amoros (Potrero), Alan Rosenbaum (Taraval), and James Hegarty (Northern).

Matters discussed were:

1. Proposed changes to the retirement system.

The discussion evolved around the matter of presenting a charter amendment to the people in the November 1957 election on the following:

- Increase cash benefits for death after retirement from \$500 to a figure to be designated by the Board of Supervisors.
- Full carry-over to widow on all industrial disability pensions regardless of the cause of death.
- Change the age at which a retired man can make as much money as he wants without penalty.

2. Decided to recommend to the next meeting of the Association adoption of the following:

- Full support for the fluctuating

pension. So that those now pensioned and those to be pensioned would receive the raises and reductions along with the active members.

- Seek a charter amendment to secure the \$47 solo motorcycle bonus for the November election.
- Support of the proposed legislation whereby the City would be required to contribute to the financial support of the Health Service System.

At this point of the proceedings Officer William Lovejoy, Oakland Police Department arrived. There was an extensive discussion on the City Attorney's opinion on the subject of LONGEVITY. As per instructions from the last regular monthly meeting of the Association the committee discussed steps to attempt to secure the same longevity program for all members of the Department regardless of rank.

Discussion held on arrangements for the forthcoming National Conference of Police Association's convention to be held in San Francisco this coming July.

Minutes of the Meeting of the Peace Officers' Research Association of California, Bay Area Chapter, Held at Niles, California, on Monday, January 14, 1957

Meeting called to order at 8:20 P.M. by President Wm. Lovejoy.

Present were: DONALD PEARMAN, San Mateo Police; E. MAC SORENSON, KEN SWANSON, San Leandro; DON RICHARDSON, WILLIAM LOVEJOY, TONY BOLGER, PATRICK O'CONNELL, Oakland; TED DOLAN, JAMES HEGARTY, NICK GALOUSIN, PETER GARDNER, San Francisco; STUART WATTS, RAY TROUCHON, Hayward; BOB WILSON, LARRY WALDT, Alameda Sheriffs; JAMES CHAMBERS, Newark; ROLAND STEGEMAN, HARRY HOLLIWAY, GEORGE JONES, Richmond; WILLARD SMITH, Richmond. CLYDE C. TEMPLE, BOB AUGER, IVAN COMMONS, San Joaquin Sheriffs; JERRY NEUHAUSER, Albany; TOM BOLGER, Calif. Hiway Patrol; B. E. CONDON, Alameda Sheriffs; EDWARD V. COMBER, State Secretary Treasurer.

President LOVEJOY introduced Capt. B. E. CONDON, of the Alameda Sheriffs Office and Capt. Condon introduced our honored guest, Mr. ROBERT COOP, City Manager of the City of Fremont.

Mr. COOP welcomed the delegates and guests in the name of the City of Fremont and stated that he thought a discussion of the proposed arrangements for furnishing Fire and Police protection for the City of Fremont would be of interest, and that rumors relative to the integration of Police and Fire services in that city were in fact "Nothing further from the truth." Fremont was incorporated approximately one year ago, that the new city occupies about 100 square miles and the only incorporated city within that area is Newark, which is not included in the consolidation. That the City of Fremont is experiencing growing pains because of the extremely fast growth, population wise, of the area. The Highway Patrol and the Alameda County Sheriffs office had been furnishing law enforcement protection for the area, but had withdrawn those services at the beginning of the present fiscal year, in compliance with the provisions of the law, and the City was forced to sign a contract with the Alameda Sheriffs Office for these services. The City of Fremont had inherited five (5) fire houses (only three were necessary) these fire houses are manned mostly by volunteer firemen and that there were only a few full time employees. Presently there is a definite need to provide adequate police and fire services and no attempt is to be made, now or in the fu-

ture, to integrate the two services, and that ultimately the City of Fremont would have both a top flight police and Fire Department.

Mr. COOP defined PUBLIC SAFETY OFFICER: P.S.O. FIREMAN: A fireman with the necessary basic training to qualify him as a fire fighter, investigator, fire prevention man, etc., and in addition would be trained in the basic fundamentals of Police work. Would perform minor police tasks, i.e. traffic regulations, traffic enforcement, handling of business permits and licenses, however these functions would be secondary to his fire duties. He would be assigned to a patrol car and would be required to patrol throughout his tour of duty and respond to all fire alarms. He would be a PEACE OFFICER. P.S.O. Policeman: Would be trained to assume his basic civic duties as a law enforcement office, however, would also receive training in fire fighting. Would be required to do Police work as his basic duties and when not so engaged would be required to augment the fire fighting forces. The establishment of the Public Safety Officer is not a gimmick designed to save tax monies, but, according to Mr. COOP men trained to furnish multiple services in this fashion, can offer better service to the community. Mr. COOP further stated that if the plan fails due to being impractical, he will admit its wrongfulness and drop it.

Mr. COOP further stated that his Fire Department will be established first and that in a year or possibly two the Police Department would become operative.

There followed a long question and answer period, after which Mr. COOP excused himself.

Minutes of Preceding meeting: Motion, Gardner, Seconded, Wilson that the minutes be approved as mailed. Carried.

Communications: Letter from GENE MUEHLEISEN: Public Relations Filed. Letter from Berkeley Police — Pay Schedule — Filed.

Committee reports:

Legislative: Chairman LOVEJOY reported on meeting with representatives of Los Angeles League, Halstead and Williams, who were passing through from Sacramento: Attorney General tie-in with proposed legislation — Laws of Arrest — False Arrest — reasonable cause as pertains to misdemeanors. Also the Heart Pneumonia Bill and the proposal strengthening the presumption — T.B. Bill. Recommended that the Leg-

islative Committee be comprised of O'Connell, Oakland; Dolan, S.F.; Holliway, Richmond; Commons, San Joaquin and members from each of the affiliates to be chosen.

IVAN COMMONS: Reported on State law and attempt to amend same to include all counties, regardless of population.

PEARMAN: San Mateo: Reported that Chief McDonald was making satisfactory recovery. The Plans involving a new Police Building—Proposed pay increases and better Retirement.

SWANSON: San Leandro: Reported the top pay for patrolmen is now \$476.00 per month. Attempt will be made to secure better retirement.

GARDNER, San Francisco: Reported on Longevity, Motorcycle Bonus pay—spoke briefly relative to these matters in Los Angeles and explained the progress being made in San Francisco.

TROUCHON, Hayward: Hayward had received 2½ percent increase to \$470 per month.

WILSON, Alameda Sheriffs: Received 6.4 per cent raise to \$484 per month—are requesting longevity pay.

STEGEMAN, Richmond: Moved that all information pertaining to P.O.R.A.C. be sent to Chief CHAMBERS of Newark. Motion carried.

HOLLIWAY, Richmond: Described sport show and outdoor living display to be held in Richmond, March 21 to 27, sponsored by the Richmond Independent in cooperation, with the Richmond Police.

COMMONS, San Joaquin: Spoke generally relative to conditions.

LOVEJOY, Oakland: Requested the City Council for a \$15 per month increase on an emergency basis. Mentioned the Board of Directors meeting in Fresno in March.

COMBER, State Secretary: Discussed committee expenses and annual budget for State Organization. Will contact MUELHEISEN relative to the omission of PORAC in the publishing of "Code of Ethics"

Next meeting to be at the call of the Chair—Oakland will be the host city.

Meeting adjourned at 11 p.m. in honor of the memory of Sergeant JOSEPH LACEY of the San Francisco Police Department who was shot and killed while trying to apprehend a pair of hold-up men.

WILLIAM J. LOVEJOY, President
TED DOLAN, Secretary

LADIES' NIGHT
FEBRUARY 19