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The Las Vegas Police Protective Association is affiliated with the following organizations at the state and national level:

NAPO – National Association of Police Organizations, representing nearly 220,000 police officer members in 4,000 police associations nationwide.

"BIG 50" – An informal association of the 50 largest law enforcement associations in the United States.

SNCOPS – Southern Nevada Conference of Police and Sheriffs



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Executive Director's Message

DETECTIVE CHRIS COLLINS, EXECUTIVE DIRECTOR

Vests and Contracts: Different Types of Protection

Vest Policy

This month, I have what I believe are two very important topics to write about. First, I want to talk about the Department's new soft body armor policy. The PPA first saw this policy in draft form several months ago. As you may remember, it called for uniformed officers to wear soft body armor while on duty. The draft did allow for some medical exemptions. The first response we sent to the Department had to do with Correction Officers and how the policy would affect them. The Department and the PPA agreed that Correction Officers would have to wear soft body armor outside the four walls of the Clark County Detention Center. We never saw another draft version of the policy. A revised draft of the policy may have been sent to the PPA office and it somehow fell through the cracks. The next time we saw the policy, it was out with our changes and a March 1 implementation date.

We then sent the Department a letter stating that soft body armor was "safety equipment" and therefore, a subject of mandatory bargaining under Nevada Revised Statutes. The Department acknowledged this letter, and several meetings were held to try to come to an agreement. Without going into great detail, the position of the PPA, Executive Board and Board of Directors was that all officers should wear soft body armor in a perfect world. But, as we all know, it is the choice of the officer to wear soft body armor or not. The PPA believed then (and still believes) that if it is ever made mandatory for all officers to wear soft body armor, the Department must purchase the soft body armor for the officers.

When no agreement could be reached, the Sheriff asked to address the entire PPA Board reference the issue. In what turned out to be a very long meeting, the Sheriff made a very compelling argument for the mandatory wearing of soft body armor for all uniformed officers. I think it would be more than fair to say that if not all, certainly most of the Board of Directors

"... the Sheriff made a very compelling argument for the mandatory wearing of soft body armor for all uniformed officers."

thought officers should wear soft body armor. When it came time for a vote to either support or not support the policy proposed by the Department, the Board of Directors chose not to support the policy. I do not believe this was as much of a vote against the policy as it was a vote to protect your right to have a choice. As a result of this vote, the policy that eventually came out makes it

mandatory for new hires (starting July 1, 2008) to wear soft body armor when in uniform. As with the first policy, there are some exceptions to this rule.

WITH ALL THAT BEING SAID, I ASK YOU, AS THE EXECUTIVE DIRECTOR OF THE PPA AND A FELLOW LAW ENFORCEMENT OFFICER, TO PLEASE CONSIDER WEARING SOFT BODY

ARMOR. I DO NOT WANT TO THINK THAT THE PPA PROTECTED YOUR RIGHTS TO THE POINT WE MAY HAVE COMPROMISED YOUR SAFETY, ALLOWING YOU TO MAKE A DECISION THAT MIGHT PLAY A PART IN GETTING YOU KILLED.

Upcoming Contract

The second thing I wanted to talk about is the upcoming contract. Although formal negotiations are approximately one year away, we will be sending out a survey asking for your input so that we will know what items are important to all of you. If you have been following the press, you have seen the layoffs at the city of Las Vegas. I don't think any of us will be surprised if the City and the County come to the table claiming to have little or no money. Rest assured we will not just take the word of City and County officials about their financial status; we will once again spend the money to have the books audited. Depending upon what this audit shows, we may have to think outside the box. Also, rest assured we will not leave the table without a fair contract. We are very aware of what the other law enforcement agencies received in their last contracts; we will be looking for something similar. We need two very important things from the membership. First, we need the surveys back; and, second, we need all of us to stand together. Our strength comes when we speak with one voice. **VB**

UPCOMING CONTRACT NEGOTIATIONS

The PPA is preparing for upcoming contract negotiations for the Collective Bargaining Agreement (CBA). Our current CBA expires June 30, 2009, so you will be receiving surveys in the next few months in order to help us determine your desires for the next CBA. Please start thinking about what you would like to see in the next contract. If it isn't listed in a survey, it won't be an item that is open for discussion ... The squeaky wheel will get the grease!



Our TOP COPS®

DETECTIVE MICHELLE JOTZ

Assistant Executive Director



Each year, the National Association of Police Organizations (NAPO) accepts nominations for the TOP COPS Awards®. The TOP COPS Awards® pay tribute to outstanding law enforcement officers across the country for actions above and beyond the call of duty. The TOP COPS® awardees are nominated by their fellow officers for outstanding service during the preceding calendar year. The TOP COPS® are selected by an Awards Selection Committee comprised of national law enforcement representatives who choose one TOP COPS® case from each state and U.S. territory. The cases are then ranked and the top 10 case winners are flown to Washington, D.C., for the awards ceremony. The awards show features a three-minute videotape of each TOP COP® and his or her story.

This year, we are proud to say that two of our own were selected as TOP COPS® winners. Officers Ricardo Lara and Dale Jones were selected to be honored on Monday, May 12, 2008, for their extraordinary performance during an incident that took place on February 26, 2007, at 2303 hours. Officers Lara and Jones were on the receiving end of gunfire wherein both sustained injuries. Officer Lara was struck by weapon's fire seven times, sustaining numerous injuries; and Officer Jones received a grazing gunshot wound to his right hand and chin. But both officers, despite their injuries, continued the firefight.

While searching a residence for a robbery suspect, officers encountered a locked door to a bedroom and issued verbal commands for the occupants to exit the room with their hands in view. After issuing verbal commands several times, a female exited the room through an adjacent bathroom. Officer Lara escorted the female out of the bathroom to an awaiting officer and returned to the bathroom where he posted for possible contact with the suspect they now believed was inside. As the other officer escorted the female downstairs, Officer Lara noticed a silhouette of a subject who appeared to be "cutting the pie" into the room he now occupied. Immediately and without warning, gunfire erupted from inside the adjoining bedroom at Officer Lara, who was still positioned inside the bathroom.

During the barrage of weapon's fire, Officer Lara felt an impact and sharp pain in his chest. He fell back to the floor, sat up with his back against the bathtub and began to return fire at the still-visible silhouette despite knowing that he had just been shot at least one time. Officer Jones ran to the bathroom to assist and saw rounds being exchanged but, as he leaned into the bathroom to engage the aggressor in the bedroom, he was unable to immediately distinguish a target through the blackness in the room. And then he felt something strike his hand and face. After receiving gunshot wounds, Officer Jones stumbled out of the bathroom back to the stairway. Officer Lara, now only able to see the suspect's muzzle flash and hear the rounds coming toward him, continued to return fire at the suspect, who was clearly trying to end his life, until the officer's magazine was empty. Officer Jones quickly regained his composure, though being wounded, and fired several rounds through the locked hallway door into the bedroom, where both he and Officer Lara were receiving weapon's fire from within. He stopped firing when he heard a thump, believing the suspect was now down. Having already reloaded, Officer Lara saw the suspect was down and his weapon on the floor not far from his reach. During this brief lull, Officer Lara noticed blood on his own legs and realized he wasn't able to move them. When his attention went back to the suspect, Officer Lara noticed that he had his hand back on the weapon, so Officer Lara re-engaged the suspect until he released the weapon and posed no further threat. By the end of this engagement, the room had still not been cleared, and officers were not sure if any other suspects remained inside the dark room.

Officer Jones then kicked in the hallway door, clearing the remaining portions of the room and found the suspect lying on the floor. Seeing there were no further threats and without regard for his own injuries, he went to tend to the wounds Officer Lara had sustained. Officer Jones is a former member of the United States Air Force Pararescue, and he began the process of getting Officer Lara stabilized until medical personnel could get him transported. Both Officers Lara and Jones were transported to University Medical Center to be treated for their multiple injuries. Officer Lara received a gunshot wound to his left knee, right knee and the lower part of his right leg, which shattered the bone. A metal rod from his knee to his ankle was later inserted in his lower right leg. Officer Lara also had a gunshot wound to the groin, one to the pelvis and one to the right buttock. Three weeks after the incident, he still had a scabbed-over bruise to his chest that looked like a cigarette burn and, to this day, is still continuing rehabilitation for his wounds. The suspect died at the scene as a result of gunshot wounds suffered during the engagement.

The poise and bravery displayed by these officers is uncommon, to say the least. None of us can predict how we will react to, or prepare for, such an event. Both of these officers, even after suffering gunshot wounds, continued to take action in response to the suspect's attack. They fought through pain, fear and the suspect's unrelenting weapon's fire to defend not only themselves but, more importantly, each other, ensuring that both of them would again get to see their families. No other act could be more selfless or deserving of a TOP COPS Award®.

Congratulations, Ricky and Dale! **VB**



Health Benefits 2008

CORRECTIONS OFFICER THOMAS REID

Assistant Executive Director

On January 20 - 21, 2008, the Las Vegas Metro Employees Health & Welfare Trust(LVMEH&WT) trustees and its healthcare consulting professionals sat down to conduct the trust's annual strategic planning. During the two days, the group discussed many health issues and looked at ways to bring better healthcare value to the members. On behalf of the trustees, I'm pleased to report we have modified some parts of the health plan. Here is a summary of these changes.

Health Plan Costs for Active Employees

Effective July 2008, there will not be an increase for dependent coverage for the active members. This marks the second year in a row that the trust has not increased healthcare premiums for dependents. The plan paid out over \$32 million in 2007 for healthcare benefits.

The 2008 Active Employee Rate Structure: Per Pay Period (26)

Employee only	\$ 0.00	Employee +4	\$107.59
Employee +1	\$75.72	Employee +5	\$122.41
Employee +2	\$87.21	Employee +6 or more	\$130.45
Employee +3	\$96.36		<i>(Effective 7/1/08)</i>

Health Plan Costs for Retirees

Effective July 2008, the trustees approved a 5% increase to all retiree rate structures:

The 2008 Retiree Rate Structure: **Per Pay Period (12)**

Medicare Eligible Retiree (65 years old)

Retiree only	\$221.13	Retiree +4	\$531.17
Retiree +1	\$442.26	Retiree +5	\$560.50
Retiree +2	\$487.76	Retiree +6 or more	\$576.41
Retiree +3	\$508.97		<i>(Effective 7/1/08)</i>

Medicare Retiree With Non-Medicare Dependent

Retiree only	\$221.13	Retiree +4	\$710.28
Retiree +1	\$637.79	Retiree +5	\$744.01
Retiree +2	\$663.97	Retiree +6 or more	\$762.30
Retiree +3	\$684.51		<i>(Effective 7/1/08)</i>

Non-Medicare Eligible Retiree

Retiree only	\$416.66	Retiree +4	\$935.57
Retiree +1	\$833.32	Retiree +5	\$969.30
Retiree +2	\$885.64	Retiree +6 or more	\$987.59
Retiree +3	\$910.04		<i>(Effective 7/1/08)</i>

Non-Medicare Retiree With Medicare Dependent

Retiree only	\$416.66	Retiree +4	\$700.79
Retiree +1	\$637.79	Retiree +5	\$721.79
Retiree +2	\$658.79	Retiree +6 or more	\$742.79
Retiree +3	\$679.79		<i>(Effective 7/1/08)</i>

Retirees With More Than 5 but Less Than 10 Years of Active Service With the LVMPD

Retiree only	\$396.82	Retiree +4	\$891.02
Retiree +1	\$793.64	Retiree +5	\$923.14
Retiree +2	\$843.47	Retiree +6 or more	\$940.56
Retiree +3	\$866.70		<i>(Effective 7/1/08)</i>

Health Benefits

1. Dependent Age: Increase unmarried dependent age from 19 to 25 and remove the full-time student requirements. Benefit for dependent children will exclude children of that dependent. Dependents that are eligible for other healthcare coverage under another plan will not be covered. *(Effective 3/1/08)*

2. Marriage and Family Counseling: Add separate benefit – \$25 co-pay per visit up to \$60 maximum payment per visit to \$1,000 calendar year max. *(Effective 5/1/08)*

3. Preventative: Increase preventative care benefit from \$500 per calendar year to \$2,000 per calendar year (excludes separate immunization benefit of \$1,000 per calendar year). *(Effective 5/1/08)*

4. TMJ: Increase TMJ benefit from \$1,000 lifetime to \$3,500 lifetime maximum. *(Effective 5/1/08)*

5. Orthognathic: Remove orthognathic from list of plan exclusions. Orthognathic-related services will be considered under the surgical benefit and must be authorized as medically necessary. *(Effective 5/1/08)*

6. Chiropractic/Acupuncture: Increase benefit from \$500 per calendar year to \$1,000 per calendar year. *(Effective 5/1/08)*

7. Speech Therapy: Separate Speech Therapy from PT/OT benefit and allow 20 visits per calendar year. *(Effective 3/1/08)*

Prescription Drug Benefits

• **Proton Pump Inhibitors (PPI):** Implement step-therapy as recommended by Envision. *(Effective 5/1/08)*

• **Estrogen Therapy:** Increase co-pay from one 30-day retail co-pay for a 90-day supply to two 30-day retail co-pays for a 90-day supply. *(Effective 5/1/08)*

• **Sleep Aids:** Implement step-therapy as recommended by Envision. *(Effective 5/1/08)*

• **Quantity Limits:** Approve quantity limits on certain drugs as recommended by Envision. *(Effective 5/1/08)*

• **Pre-Authorization:** Envision is authorized to approve additional medication quantities based on having medical-necessity documentation from the prescribing physician.

Vision Benefits

Davis Vision became our network provider for vision services. Please refer to the Davis Vision material you received in February. The good news is that you and your dependents can now receive eyeglasses once every 12 months. Please refer to the plan benefit description for more detailed information. *(Effective 3/01/08)*

Dental Benefits

No changes in this benefit.

The trustees and the consulting healthcare professionals meet four to five hours on a monthly basis to actively manage *your* trust fund, and provide you and your family the best health care benefits possible.

If you have any questions or comments please e-mail me at treid@lvppa.com. **VB**



Minimum Staffing for Patrol

OFFICER MARK CHAPARIAN
Secretary

How many of you knew that our Department does not have a solid minimum staffing level for on-duty uniformed patrol officers? Many of you are probably unaware, but just ask the brave men and women wearing the uniform, pushing a black and white every day, and they will tell you the lack of cops patrolling the streets day in and day out is a dangerous and pathetic situation. Our administration will argue that they do, in fact, have minimum staffing levels; but their idea of minimum staffing and the real deal are quite different.

Patrol stations are *staffed* at certain levels, depending on statistical numbers that the “bean counters” provide. “Officers *assigned* to a station” does not automatically translate into “officers who are *actively working* any given sector or shift.” A typical eight- or nine-officer squad tasked with responding to emergency calls, solving crime trends, seeking criminal activity, taking reports, making arrests and writing tickets in an area that covers several dozen square miles and has a population of 80,000-plus people, can be easily dwindled down to three or four officers actually suiting up and working that area. In my opinion, eight or nine officers is still woefully short-handed, so how in the world can three or four do the job safely, effectively and in a timely manner? This can’t occur unless someone or something is suffering. I know many of our brave patrol officers cut corners on officer safety because of the lack of backup. Dispatch is instructed to send a sole officer on a domestic dispute call, even though this entire Department’s training dictates otherwise. Priority calls hold on the “calls pending list” almost on a daily basis, causing citizens to suffer and criminals to prosper. With all this happening, I scratch my head and wonder why in the world we don’t have solid, mandatory, minimum staffing levels for patrol that are adhered to no matter what. The Clark County Detention Center has this system in place, and all the local fire departments implement this practice without fail. Why in the world would we *not* require a minimum level of cops on the street at any given time? Something tells me it’s about

“In my opinion, eight or nine officers is still woefully short-handed, so how in the world can three or four do the job safely, effectively and in a timely manner?”

money. Shocking, huh?

Our Association attempted to establish a hard line, minimum number for patrol staffing during our last contract negotiation, and you would have thought we had asked for gold-plated handcuffs! The Department’s position was that each area commander should make that decision independently. This system isn’t working, and our patrol officers and citizens are suffering. Vacation time *must* be taken, sick time *will* be used, continuing education classes *have* to be filled, light-duty officers *will* continue to exist, Saturation Teams continue to demand to be filled, and directed patrol activity units are here to stay. All of these factors drain our patrol resources and dwindle our squad numbers to a frighteningly low level of emergency responders. **Mandatory** overtime spots should be created and filled on a **volunteer** basis. This overtime should be immediately implemented Department-wide for all of our uniformed patrol positions. How many uniformed patrol officers would it take to be fully staffed? I don’t have a magic number, but I *do* know that we currently don’t have enough working on any

given day, night or shift. How many would *you* want working your neighborhood while you and your family sleep or recreate? Ask your neighbors how many officers they think are on duty right now and watch how surprised they become when you inform them of how few are actually ready to roll to their home in an emergency. I implore the Department to do the right thing and beef up our patrol squads. I’m betting our crime numbers will go down, our officer safety will go up, and our citizens will be safer. I think my friends and fellow cops working out there are worth it, don’t you? **VB**



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Vacation Carry-Over

CORRECTIONS OFFICER KENNETH LOCHNER

LVPPA Treasurer

We all know that, come the end of the year, we are looking to see if we're close to losing any hours because of the limits that are set by contract. As we review this subject, let's first take a look at the difference between the way that DSD and the rest of the Department handle their vacation bids. I know most of Patrol and the other specialized units don't have a problem with the way the vacation bids are done, and they usually don't carry them out more than three months, if that. At DSD, the vacation selections are done for the entire year. So, officers have to plan out the year's vacations with their families and extended families, which is very hard to do. Then comes the problem of the carry-over. What you also have to work into this equation is an officer working overtime, adjustment time and compensatory time. Next is the issue of there being enough slots for officers to take the time off. Now, on the CO side, the contract states that you get 160 hours for up to four separate "blocks of time"; the first pick and the second pick, you get 120 hours for up to three separate "blocks of time."

With all of this, it still comes down to the officer's responsibility to monitor

the number of hours that he/she is going to carry over to the next year. If the officer knows that he/she is going to have more hours than are allowed, then that officer needs to notify management and turn in a vacation slip to use that time. This needs to be done in a timely manner, not at the end of the year. There are other options that an officer can utilize to make sure that he/she doesn't go over:

1. Change from "time" to "money" for holiday compensation. (This is the officer's choice.)
2. Sell back hours, up to 40 hours of vacation time at the end of the year.
3. Donate hours to the Catastrophic Leave Bank.

Number one is a contractual issue and an officer's right to choose which one he or she wants; number two is also contractual and, to sell back in 2008, you need to submit your Leave Exchange slip by October 31, 2008; number three is not contractual.

What I am trying to say is that it is our responsibility to monitor our own vacation time as it nears the end of the year, and we need to be careful of how close we are to maxing out. On the PO side, you don't bid out as far, and there

(continued on page 21)



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There Are Always Alternatives!

DETECTIVE DAVID F. KALLAS
Director of Governmental Affairs

I can't remember the last time I looked at our local version of the *National Enquirer* (commonly know as the *Review Journal*) and read something positive about public employees and, more specifically, our officers. Whether they are commenting on the Coroner's Inquest process, an officer-involved shooting, or the Public Employees' Retirement System, it seems (at least according to them) as if we have it too good and the rest of the world and, more importantly, our community — is suffering because of us. Think about the last time you read an article in their publication about an officer-involved shooting that didn't remind the readers of how many other officer-involved shootings there had been prior to the one they were writing about. Better yet, when was the last time you remember an article about an officer-involved shooting that didn't contain a quote from the ACLU with their opinion of the officer's actions? Why the ACLU? Because they are so well-trained in what we do and how we should react given certain situations. I don't think so! Really, who died and made these people the conscience of our community?

This negativism was never more blatant than the editorial published in their

paper on Tuesday, March 25, titled "Entitled to the taxpayer subsidy," "Ruling highlights the need for public employee benefit reform." I won't bore you with all the details, but the editorial and the publication's consistent mentality about public employees can be summed up in their statement: "The high court's ruling should give lawmakers even more incentive to reform the system by *abolishing* all retirement healthcare subsidies for future public-sector hires." I would have to believe that, sometime in the coming weeks, we will all read their in-depth evaluation of how overpaid we are. Imagine the horror of finding out that one of our corrections officers worked 1200 hours of overtime last year because the Clark County Detention Center is undermanned. I doubt you'll read about the undermanned part but, in order to keep their readers' interests, I'm sure they'll employ the philosophy of "why let the facts get in the way of a good story."

I could go on and on about our City's poor excuse for a newspaper, though they do employ some genuine and forthright writers, but as long as the decision as to what prints is ultimately determined by some individuals who have an inherent bias toward all of us, maybe it's time we stop giving them

(continued on page 21)



John H. Hastings D.D.S.

Attention: Las Vegas Police Protective Association Members!!!

We are pleased to inform you that our dental office accepts your dental insurance Fiserv Health as payment in full. We are located on 4660 S. Eastern St., Suite 209, Las Vegas, NV 89119. We are looking forward to servicing you. **This offer is not a seasonal promotion, but a salute to our local MetroPolice Protection Employees.** Dr. Hastings office has a team of great people to serve you. They deliver personalized care to their patients utilizing the newest technology!

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KATHY WERNER COLLINS
General Counsel

Background

As most of you are certainly aware, the PPA engages in a wide variety of activities on your — our membership's — behalf. Some of these things are clear, such as the Association providing representation in Internal Affairs; representation in the grievance procedure; representation in the appeals of discipline to a Labor/Management Board and arbitration hearings; representation in officer-involved shootings; negotiating your collective bargaining agreement; and assistance with workers' compensation issues. Other things the Association does to further the interests of our members are less obvious, such as political activism.

The PPA is politically active in a number of ways. In state and local elections, the Association meets with candidates to determine first, whether they have the funds and support staff to successfully run a campaign and second, whether they will be supportive of issues affecting law enforcement (ranging from pay and benefits to issues affecting criminal laws and criminal procedure). The Association also sends a representative to Carson City every other year while the legislature is in session, to lobby our state senators and representatives on legislative proposals and changes that may affect your interests. Members of our Executive Board participate in state and national labor, and law enforcement organizations, whose goals are to promote interests and issues favorable to collective bargaining, and police rights and interests. Also, the Association works on an ongoing basis behind the scenes to ensure that once relationships are developed with state and local officials, those relationships are fostered and maintained.

Obviously, all of these activities have a cost associated with them. Different labor organizations go about paying for these activities in different fashions.

Agency-Shop States

While people used to look unfavorably upon law enforcement labor organizations, in the past 50 or so years, acceptance of them has grown. And that is good for all of you in this profession, as the collective bargaining process grants broad rights and benefits to law enforcement officers. When there is a collective bargaining agreement in place, wages and benefits for law enforcement officers are guaranteed for the duration of the agreement, and officers who take issue with a decision of their employer generally have the right to appeal that decision through a grievance process and thereafter, to a neutral board or third party such as an arbitrator.

The National Labor Relations Act leaves states free to regulate the relationship between labor organizations and their public employees. There are some 28 states nationwide that authorize public employee unions, including law enforcement unions, to

Union Political Activism and Free Speech

collect mandatory fees from all employees in the given bargaining unit. In other words, membership in the union is essentially a condition of employment. These are sometimes referred to as "agency-shop" agreements or arrangements.

However, agency-shop arrangements in the public sector raise First Amendment concerns, because they force individuals to contribute money to unions as a condition of government employment. In *Abood v. Detroit Bd. Of Ed.*, 431 U.S. 209, 235-36 (1977), the U.S. Supreme Court held that public sector unions are constitutionally prohibited from using the fees of objecting nonmembers for ideological purposes that are not germane to the union's collective bargaining duties. Later, in *Teachers v. Hudson*, 475 U.S. 292, 302, 304-10 (1986), the U.S. Supreme Court set forth various procedural requirements that public sector unions collecting agency fees must follow in order to ensure that an objecting nonmember can prevent the use of his fees for impermissible purposes. Neither *Hudson* nor any other U.S. Supreme Court cases, however, had held that the First Amendment mandates that a public sector union obtain an affirmative consent before spending a nonmember's agency fees for purposes not chargeable under the *Abood* case.

An interesting First Amendment case came out of Washington State last year dealing with unions and their use of nonmember's fees for political election purposes. In that case, the U.S. Supreme Court ruled that public employee unions must get consent from individual members before using their dues for political purposes. *Davenport v. Washington Ed. Assn.*, 127 S.Ct. 2372, 168 L.Ed.2d 71 (2007). Washington is an agency-shop state. That case stemmed from a dispute that arose because the state authorized public-sector unions to charge nonmembers for sharing in the benefits obtained through collective bargaining, but another state statute prohibited a labor organization from using such fees to make contributions or expenditures to influence an election or to operate a political committee, unless affirmatively authorized by the nonmember.

The Washington Education Association did collect fees from the nonmembers of its bargaining unit. It also regularly sent to those nonmembers a packet that advised them of their right to object to paying fees for non-chargeable expenditures (i.e., political activities of the union) and gave those nonmembers the option of seeking a rebate of some of the fees collected. Some nonmembers sued the union, arguing that this practice violated the state statute requiring affirmative authorization from nonmembers before using their fees for election-related purposes. The union responded and argued that the state statute requiring affirmative authorization to spend fees on political activities violated the union's First Amendment rights and unfairly limited how the union may spend "its" money.

(continued on page 21)

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WHAT WE DO FOR YOU

FEBRUARY/MARCH 2008 REPRESENTATION STATISTICS

PRE-TERMINATION HEARINGS			
All. Violation Date	Alleged Violation(s)	Original Discipline	Decision
6/14/2007	C4/102.06 Giving Assistance to Suspects; 5/105.18 Dissemination of Criminal History	Termination	Pending

ARBITRATIONS			
All. Violation Date	Alleged Violation(s)	Original Discipline	Decision
11/9/2006	4/102.11 Neglect of Duty, 4/101.19 Truthfulness Required at all Times	Recommended Termination	Pending
4/7/2007	CSR 510.2(G)(1) Conduct Unbecoming; LVMPD Regulation 4/101.19 Truthfulness Required at all Times	Recommended Termination	Pending
4/7/2007	CSR 510.2(G)(1) Conduct Unbecoming; LVMPD Regulation 4/101.19 Truthfulness Required at all Times	Recommended Termination	Pending

CITIZEN REVIEW BOARD COMPLAINTS			
Dismissed / Alt. Recommend.	Referred to IAB for Review	Concurred w/IAB Finding	Pending CRB Decision
0 / 0	0	1	3

OFFICER-INVOLVED SHOOTINGS/USE OF DEADLY FORCE INCIDENTS		
Date	Use of Force Board Decision	Inquest Decision
1/17/2008	Pending Hearing 4/4/08	Pending Hearing 4/15/08
2/6/2008	Pending Hearing	Pending Hearing
2/11/2008	Pending Hearing	Pending Hearing
3/14/2008	Pending Hearing	Pending Hearing
3/16/2008	Pending Hearing	Pending Hearing
3/20/2008	Pending Hearing	Pending Hearing

INTERNAL AFFAIRS SECTION and BUREAU LEVEL INTERVIEWS		
Declined/Canceled	Represented	Total
9	83	115

Excusable	Non-Negligent	Negligent	Rescheduled
2	3	35	2

Come, Have a Seat

CORRECTIONS OFFICER SAL PARASCANDO

“Don’t judge a man until you have walked a mile in his shoes.”

Just as the public has a preconceived notion of what goes on in daily law enforcement, so does the LVPPA membership about those on the Board.

Though I am new to the Board of Directors, I have seen enough to know that these are people you have entrusted to voice your opinion, and rightfully so. I “threw my hat into the ring” because I wanted to see what goes on behind closed doors and how I could better inform my brethren.

As those of you who know me are aware, I have done just that. I’ve asked questions and researched whatever matter I was asked about. I’ve attended Board meetings and interpreted what transpired. There is no hidden agenda, conspiracy or back-alley deals — just honest, open discussion of matters that make a difference in our daily plight, even if we don’t see the initial impact.

The General Membership meetings are open to all who belong to the union, but by the attendance of the last two meetings it seems we have no members. I encourage everyone to attend at least one meeting. See how each representative, of their respective unit, voices the opinion of all of those they embody, even when the conviction of that Board member is in stark contrast to their

own personal beliefs. Even the outcry of one officer in a unit is a matter for discussion.

Contrary to popular belief, there are some intelligent people around that table. Every decision that is made is debated and open for discussion. Even though it pains me to say this, we have superior counsel as well. Matters of how to financially benefit the membership, whom to endorse in upcoming elections or how to allocate funds for a worthy cause, are just a fraction of the issues discussed. Do we all agree with every decision? No, but if we did, what good would we be?

I am not looking to create a smokescreen, nor am I trying to further my PPA career, just come and see for yourselves. The new building is soon to open. See where your money is going and ask questions — it is your right. We all love to gripe, but do so with some ammunition. Read the Bylaws, read the contract, read this cheesy magazine. The number of those who vote on the contract and those who voted on the Bylaws is a fraction of membership, so make your opinion count. You have a say in what goes on, so talk to your representative, ask questions and get involved. You voted on a representative; see what they do for you.

Come, have seat. **VB**



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Bleeding Experience

OFFICER JOHN KUZMAK

Shortly after completion of field training, I was assigned to graveyard shift in DTAC. One other officer from my Academy class joined me on a shift where the average time on the Department, and even a particular squad, was over eight years.

I made more than my fair share of beginner's mistakes, and I got immediate feedback. Not usually from the sergeant (that would have been mild by comparison), but from senior officers on both my and my sister squads. The impact and corrections were immediate.

A desire to learn the job and a thick skin prevented emotional scarring. Much of the feedback or "informal debriefs" were helpful and certainly warranted. A very small amount was not. The point is that the "post-academy learning curve" was steep, and performance was demanded.

The fact is, we are rapidly losing our experience and expertise. In the process, we are trading experience for mediocrity. As a Department, we don't seem to be doing much about it, and the "Biggest Losers" this season are the citizens whom we are sworn to protect. We have lost (never to be regained) our ability to learn "by immersion."

I'm being conservative when I state that approximately 15 percent of my time as a patrol officer is spent redoing a call for service that wasn't handled properly the first time. That's 15 percent that neither our citizens, nor we as a Department, can afford. The problem is the lack of experience and seasoning in our Patrol Division. Patrol was recently referred to as the "engine" of the Department. I disagree. I think we're closer to being a dented Subaru hubcap.

I've dealt time and again with issues (recalls) that were not properly handled. You've probably had the same: from an obvious civil issue that was dispensed with by some off-the-cuff "advice," i.e., "Just change the locks on the door and he can't come back," to failures in domestic violence situations where we simply don't make the effort to explain to the citizens **their** obligations to fully resolve their problems, right up to illegal shootings where we don't get out of the car and hours later, we're recalled to the previously undiscovered (now hours' old) homicide scene.

Absent "old-timers" with experience, I feel that there are several steps that the Department can take in an attempt to limit these types of problems. First, recognize that the only means to close the experience gap in the near term is education. Sadly, the Department seems to be more comfortable with accepting substandard performance than in investing in training.

• Hire Outside Trainers

The best training that I've received in the past five years has consistently been from outside agencies/companies who present their area of expertise. It simply isn't done enough. I took a hard look several years ago at Mojave training and tried to figure out where we were going wrong. It didn't take long to discover the answer. Our Department-grown subject-matter experts finally had the ability to move into other areas/details. Sadly, nobody thought to ensure that a replacement was trained. We lost the experience and dynamism of those instructors, and we haven't caught up since. LVMPD prefers, and too often fails, to "grow" our own subject-matter experts after attending a 40-hour Instructor course. We need to invest in outsourced guest instructors. The advantage in doing so is a one-time cost to the Department, as well as added perspective from outside our own agency. We keep telling ourselves that we are the best; we should be able to prove it and know it for a fact.

• POST Pay Differential

Along with hiring outside instructors (short-term presentations), we need to recognize the value of an officer advancing his/her education. This is fairly simple and is already done by other departments. Nevada State POST offers five levels of Peace Officer certifications. You got your first when you passed the POST test in the Academy. Intermediate, Advanced, Instructor and Management levels are available based on training and education. This should be recognized as an important milestone in an officer's career and should be compensated via a monthly stipend. Encourage, educate and pay now, or endure the lawsuits later.

• Stop "See and Flee"

Lately, I see officers who have stumbled (at best) through common patrol functions only to be hired into specialized assignments, where I presume they will deal with more technical and advanced aspects of a given detail. These officers never mastered the foundation skills and are destined to carry those shortcomings forward. A recent editorial in the *Journal of Emergency Medical Services* lamented the lack of depth in EMT/Paramedics training, saying that beyond a "regular" call, too many workers were lost and out of their element, unable to adapt to a non-standard emergency. This is largely due to an artificial demand for more "bodies," but at the cost of less experience. I am confident that without at least five years in uniformed patrol, we as a Department and a community are going to pay the price for this mistake in the coming years as federal indictments tend to be expensive.

• Create an Intermediate Leadership Position

I've seen it called *Master Patrol Officer*, *Corporal* or my favorite, *Senior Leading Officer*. This will be accomplished via a recommendation/testing/interview process that should be based on documented performance, education and training. It should also include a pay differential and should both serve to assist the sergeant in running a squad as well as prepare an officer to test for sergeant. It will also serve to alleviate an officer having to experience their first leadership responsibility as a new sergeant. It also serves as street or tactical recognition of tested abilities for other officers to seek out as a mentor.

• "Test Out" of Patrol

While we continue to get bigger, we haven't necessarily gotten better — and we have studiously avoided any discussion of quality over quantity. With the increasing amount of new officers, we are putting the cart before the horse in continuing to test "into" specialized units. Newer officers are too often spending time learning how to get into a specialized unit without ever having learned to do the job that they were hired on to do in the first place. A new standard would ensure better-trained officers on the street-have prospective officers test "out" of patrol to form an eligibility pool for further assignment. Specialized units would then be welcome to conduct their own testing/interview process for selection from those who have proven their basic abilities and are now eligible for reassignment. This would eliminate single-minded focus on enhancing skills to go elsewhere, and at least provide a blueprint for current street effectiveness.

Our failure to honestly consider the implementation of these steps serves to establish mediocrity as our new standard and cheats the community we serve out of the best that we have to offer.

Officer John Kuzmak is currently assigned as a patrol officer at Downtown Area Command. VB

A Whole Lot of "Special"

OFFICER BLAKE FARRIS

Where's the best place to hear what officers, in general, are honestly griping about? Those conversations that take place in the back of the briefing room, the locker room or at jail, (after you've checked over both shoulders, and made certain that the guy over there you don't recognize is wearing FTO pins and not lieutenant bars) are some of the most candid and informative you can have. That's when you get the real honesty, (not just the required-at-all-times kind) and the genuine opinion of the troop next to you. Yeah, you air it all out with your lunch partner, but since you operate in the same circles, you both have similar perspectives. When you're with that cat from another squad, or another area command, you can start seeing the broader picture of what we all think.

It's during some of those conversations recently that I hear sneers and groaning about special units, special squads, special-this, special-that. From what I gather, the opinion of some is that there's a whole lot of "special" going on — maybe too much. I have heard more than one person specifically mention that the Saturation Teams are in this category. There was an article in the *Vegas Beat* recently that spoke to this end, and even mentioned

our Problem Solving Units, which even the most inexperienced patrol officer (myself included) is familiar with. The fundamental complaint appears to be that our already starved-for-staff patrol squads are even further choked by skimming an officer here, another there, and are left with too few to keep the lid on the calls at large. The point has been made that if all the cops making up "special" squads simply returned to patrol and beefed up the numbers, we would have ample coverage and the perceived need for specialization would be met.

My sergeant, who spent years in various investigative assignments, recently told me something very surprising about detective details. She explained that there is little or no "training" for someone coming into a detail, just a caseload. For a rookie like me, so recently immersed in endless and relentless training, it's hard to imagine just being handed cases, and the expectations that go along with them, without an accompanying eight-hour class and a quiz of some kind. If we didn't have PSU, where would an officer leaving patrol and entering the investigative arena cut their teeth? When most patrol officers' investigations are wrapped up by the end of the shift, how can they make

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FARRIS

(continued from page 15)

the adjustment to an ongoing caseload? PSU seems like a natural choice for someone interested in investigative work, and the area specialization an added strength.

PSU officers have their ear to the ground and an understanding of their area commands that make them absolutely vital. They can sit right in on an area brief, collaborating with patrol, instead of just working from crime reports. The loss of PSU and their area-specific efforts would have to be devastating to the overall effectiveness of investigative law enforcement. Is that loss worth it in order to increase the number of patrol units?

I was privileged lately to ride with the Saturation Team for four full shifts and in doing so, my eyes were opened — wide! I think that some of the opinions about the saturation concept and its effects are misunderstood, because not everyone has participated, nor seen firsthand how it can impact a specific high-crime area. And this is where that briefing-room, locker-room, booking-line grumbling comes from. There are some key complaints that I've heard repeatedly and, having worked with the Sat Team just briefly, I already have a better understanding.

The Saturation Teams are populated with hungry, motivated officers. Yes, their "home squads" are reduced, both in number and hunger, and that's unfortunate. The upside is that for as long as that motivated cop is on the Sat Team, his or her hunger is directed toward catching bad guys and dealing out direct enforcement. In the time it takes to jump one more call to write a chuck that has no solvability boxes checked, that cop can potentially make three arrests that will take three more crime producers out of play for the night — maybe three fewer chucks to write for the troops on his home squad.

It may be annoying to have the Sat Team in your area, making a thousand

"I was privileged lately to ride with the Saturation Team for four full shifts and in doing so, my eyes were opened — wide!"

stops and talking all over your radio channel, but we all know how presence alone is a major deterrent. Criminals see lots of police cars, and their business slows down. The public sees lots of stops; they see that Metro is out working. Yes, beefed up patrol squads could do the same thing, but can they always? There are times when self-initiated stops, and lots of them, are needed in a certain area far more than accurate crime reports after the fact. Yes, increasing the home squad's numbers would leave all its members with more opportunity for self-initiated activity, but there's no guarantee. A couple of complicated 417s and just one fraud caper, and suddenly there's no one just out looking for the bad guys. That's all the Sat Teams do, with the added freedom to focus that drive where it's needed.

Some guys say that stats dictate that focus. Of course they do, maybe disproportionately at times, but what other tool does our administration have to quantify crime reduction? They don't get the firsthand accounts, like we do, about how certain areas have become too "hot" for criminals to do business. What was most impressive about the Sat Team was how officers from the area command that was being targeted during that shift could offer input that went beyond stats. "Yeah, this sector has a lot of robberies, but they're all because of this specific apartment complex." And so the broad stat-produced picture became focused on the real problems, and enforcement pinpointed. Is it effective? Ask one of your regulars what happens to an area after the Sat Team has been there. Or drive around and see how bad-guy foot traffic has decreased. That's a measurement we can take that the bosses sometimes can't. And the statistical measurements they can make show positive results as well.

Another issue that gets raised is the type of arrests sometimes made by Sat Team members. When you see that someone is being booked for a traffic


(continued on page 18)

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Sheriff's Message

SHERIFF **DOUGLAS C. GILLESPIE**

Hopefully, you have had a chance to view my video message on the Department intranet where I discussed rescinding General Order 10-07, the mandatory vest policy. This policy was officially rescinded on February 25, 2008.

As I stated in that message, my primary goal in approving the mandatory vest policy was to save lives. Since 1987, ballistic vests have saved more than 3,000 officers, including two of our own just last year. One of the longest rides I have taken in my life, even though in reality it was only minutes, was on October 19, 2007. Undersheriff Jett and I responded to UMC when we were advised that three Metro officers had been shot. Fortunately, all three officers would be fine. One in particular, Officer Sean Izzo, would be fine because he was wearing a ballistic vest.

Before this incident, I had been approached about the necessity of making vests mandatory and had discussed both sides of the issue with various people throughout the Department. The visit to the hospital that day, the second time in 2007 that one of our own had been saved by a vest, drove home the urgency of reviewing our policy for uniformed police officers.

Over the next few months, many people had the ability and opportunity to participate in the development of the mandatory vest policy, including the PPA and PMSA. In December 2007, I signed the policy with an effective date

of March 2008. Soon after I signed the policy, I received a letter from the PPA advising me that this was a matter of collective bargaining because it was a mandatory piece of safety equipment. After reviewing their argument, it was determined that it had merit. The PPA also asked for the contract to be opened and this item negotiated.

My initial thought was to meet with the PPA and attempt to convince them that this policy was in the best interest of their members and our employees. After a two-hour board meeting, they voted to challenge this policy on the collective bargaining grounds. I didn't then, nor do I today, agree with their position. However, rather than have this settled in court, I rescinded the policy and will work to resolve the issues. Make no mistake — this was not an easy decision.

I will continue to pursue a mandatory vest policy. Meetings are being held with the PPA and PMSA to discuss the issues. I will not authorize the collective bargaining agreement to be opened, but I have asked each association to again participate in a draft policy. Even if the policy can't be completed prior to our next contract, I believe we can at least add in some aspects to our current

(continued on page 18)



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FARRIS

(continued from page 16)

offense, it might seem unusual. When you learn that the arrestee has nine pages of robbery priors, has violent or predatory tendencies, the reasons become clearer. Johnny no-turn-signal doesn't get to rob anyone tonight. While the regular patrol officer has to worry about the time it will take him off active patrol to book, transport and possibly tow, the Sat Team member writes his arrest paperwork and calls PT. There's no telling how many fewer citizens are victimized because of one "little" misdemeanor arrest.

The author of the *Vegas Beat* article mentioned earlier made the excellent point that in order for law enforcement as a whole to have a real impact, every component has to work. Officers have to arrest, jails have to hold the

"Ask one of your regulars what happens to an area after the Sat Team has been there. Or drive around and see how bad-guy traffic has decreased."

prisoners, courts have to prosecute, sentences must be carried out, and parole and probation has to monitor the newly free. Well, until that day when the rest of the process gets on board, officers have to arrest! The Sat Team is doing just that. Their efforts have all but eliminated certain types of crime in targeted areas, and you can ask the residents why. They won't be talking about increased prosecution.

It seems like every negative opinion raised about the saturation approach has a misperception behind it. The proof is in the results. Not always statistically, but in the every day, walking around the area-type results. Those are the kind that the public sees and feels. Saturation isn't the only approach, but it is

a vital aspect of effective enforcement. Patrol squads are short-staffed, often at minimum, and we all know it. We all feel it. But were there ever enough cops? Are there really ever going to be enough? If we eliminate the Sat Team and PSU, will that bring enough troops back to the front? Will the impact made by that patrol increase outweigh what is lost? You can check the stats — or check with the public, bad guys or good guys. Saturation is worth it and is working, and working well.

Officer Blake Farris has been employed by LVMPD since 2006 and has been assigned to Southwest Area Command since November 2007. Prior to his employment with LVMPD, Farris worked for the City of Las Vegas for five years as an Adaptive Recreation Leader and recreation programmer for kids and adults with disabilities. He also studied acting, education and psychology at Southern Utah University. VB

SHERIFF'S MESSAGE

(continued from page 17)

policy. I encourage you to voice your opinion to your association representatives and to me through the Sheriff's Forum.

We have been so fortunate that the growing trend of violence against police officers has not touched our Department as much as others. But it's not just fortune that has spared our officers; it has been the protection of ballistics vests. During that next long ride to the hospital, I want to know that we have done everything possible to protect our officers from dangers that are real and harm that is preventable.

Even if it's not mandatory by policy, ask your loved ones if they think it should be. Ask Officer Izzo if he thinks it's worth it. Your safety is the most important thing to me. If you're in a uniformed position, please wear your vest. VB

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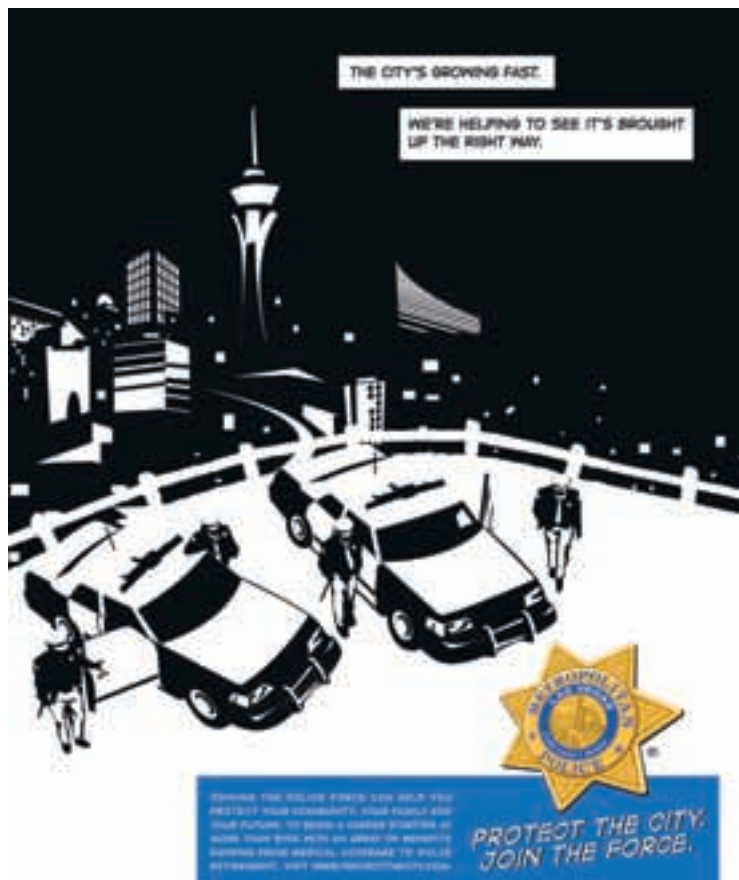
CALENDAR

2008

May 8	Nevada Law Enforcement Officers' Memorial Ceremony (Carson City, Nevada)	May 15	27th Annual National Peace Officers' Memorial Day Service & Wreathlaying Ceremony
May 9	Hoff Law Enforcement Officers' Memorial-Northern Nevada (Reno, Nevada)	May 17	Armed Forces Day
May 11	Mother's Day	May 20	Southern Nevada Law Enforcement Officers' Memorial (Police Memorial Park, Las Vegas)
May 11-17	National Police Week (Washington, D.C., visit www.nleomf.com)	May 26	Memorial Day (observed)
May 12	Police Unity Tour Arrival (Washington, D.C.)	June 14	Flag Day
May 12	15th Annual TOP COPS Awards (Washington, D.C.)	June 15	Father's Day
May 13	20th Annual Candlelight Vigil (Washington, D.C.)	June 20	Summer Begins
		July 4	Independence Day

**Recent Bylaw modifications have moved General Membership Meetings to quarterly rather than monthly.*

If you need to present something before the Board prior to a regularly scheduled General Membership Meeting, please contact the PPA office so you can be accommodated.



PROTECT THE CITY. JOIN THE FORCE.

Salary Range: \$53,000 after the first year - maximum base pay over \$77,000

This also includes an excellent benefits package that includes health insurance, uniform allowance, court time pay, educational incentive, sick leave accrual, vacation leave accrual and much more ...

YOU, as an LVMPD Police Officer or Corrections Officer, can not only achieve your career goals with endless advancement opportunities, but you can also realize an excellent quality of life including home ownership in Las Vegas or any of the surrounding communities. Now is the time! Our agency must hire 400 Police and Corrections Recruits per year for the next several years to keep up with the "booming" growth of Southern Nevada. Visit www.protectthecity.com for details and to apply for one of our six annual Las Vegas testing dates. We may bring our testing process to a town near you.

Department employees who refer applicants that successfully make it through the LVMPD academy will receive \$500 per candidate, provided they list the referring employee's name and P# on their initial application. See PO-40-06 for additional information. **VB**

Discount Theme Park Tickets

THEME PARK	TICKET	GATE PRICE	LVPPA PRICE
Knott's Berry Farm	One Day Ticket-Adult	\$41.95	\$25.00
	One Day Ticket-Child (3-11)	\$16.95	\$18.00
Legoland	One Day Ticket-Adult	\$59.00	\$41.00
	One Day Ticket-Child (3-12)	\$47.00	\$41.00
<i>(Legoland tickets may be upgraded to a Two Day Ticket at Guest Services for an additional \$1.00)</i>			
San Diego Zoo	One Day Ticket-Adult	\$34.00	\$29.00
	One Day Ticket-Child (3-11)	\$24.00	\$19.00
Sea World	Two Day Ticket-Adult	\$57.00	\$46.50
	Two Day Ticket-Child (3-9)	\$47.00	\$41.00
Universal Studios	Two Day Ticket-Adult	\$61.00	\$49.00
	Two Day Ticket-Under 48"	\$61.00	\$49.00
Wild Animal Park	One Day Ticket-Adult	\$34.00	\$29.00
	One Day Ticket-Child (3-11)	\$24.00	\$19.00

The listed "Gate Price" reflects one day admission only.

Tickets may be purchased in person at the LVPPA office located at 9330 W. Lake Mead Blvd., Suite #200, during normal business hours. Acceptable methods of payment are cash or check. **Credit and debit cards are not accepted.**

For questions and information, please contact the LVPPA at (702) 384-8692.

The LVPPA makes no profit from the sales of Theme Park Tickets; however, our ticket costs are rounded to the nearest dollar.

End of Watch

(Note: Absent direct notification to the LVPPA, we do not otherwise know of a member's death.)

Name: Ronald R. Moyes, P# 286
Rank: Sergeant
Assigned To: Patrol
Hired: September 17, 1965
Retired: June 29, 1990
Died: February 9, 2008

Name: Raymond Cannon, P# 134 (with LVMPD)
P# 12 (with LVPD)
Rank: Police Officer
Hired: 1962 (with LVPD) and 1973 (with LVMPD)
Retired: August 12, 1982
Died: February 12, 2008

Name: Marvel Courtney, P# 99
Rank: Officer
Assigned To: Robbery
Hired: March 22, 1961
Retired: December 28, 1990
Died: February 9, 2008

Name: David Turner, P# 6425
Rank: Police Officer
Assigned To: Downtown Area Command
Hired: July 26, 1999
Retired: Actively Employed
Died: April 8, 2008

LEGAL CORNER

(continued from page 10)

In deciding this case, the U.S. Supreme Court noted that public-sector agency-shop arrangements, such as this one, authorize a union to levy fees on government employees who do not wish to join the union. It also noted that it is highly unusual for a government agency to give a private entity, such as the union, the power to, in essence, tax government employees. *Davenport*, 127 S.Ct. The court then focused the issue in the case to be whether the state statute requiring affirmative authorization for the union to use nonmember fees on political activities is a constitutional condition on the authorization that public sector labor organizations enjoy to charge government employees an agency fee. The Supreme Court ultimately held that it does not violate the First Amendment for a State to require that its public sector unions receive affirmative authorization from a nonmember before spending that nonmember's agency fees for election related purposes. *Davenport*, 127 S.Ct.

Of note, another case out of Maine dealing with the same issue has made its way to the docket of the United States Supreme Court.

Nevada: A Right to Work State

As noted, there are approximately 28 agency-shop states nationwide. The remaining states, including Nevada, are what are referred to as "right to work" states. In such a state, an employee union or association may *not* mandate membership; rather membership, and the corresponding obligation to pay dues, is purely voluntary. In other words, in a right to work state, membership in the union is *not* a condition of employment. Right to work laws were enacted for the express purpose of guaranteeing every individual the right to work for a given employer regardless of whether the employee belongs to the union.

Nonetheless, many right to work states authorize the union or employee association to charge nonmembers certain costs associated with enforcing rights and benefits directly resulting from the collective bargaining process. The idea is to balance the competing interests of allowing individuals the right to work for a given employer without belonging to the union, while at the same time preventing nonmembers from free-riding on the union's efforts by sharing in the employment benefits obtained by the union's collective bargaining without sharing the costs incurred.

This is just the case in Nevada; our supreme court has held that when a public employee union is recognized as the "exclusive bargaining agent" of a particular group of employees, a "mutuality of obligation" exists. *Cone v. Nevada Service Employees Union/SEIU Local 1107*, 116 Nev. 472, 998 P.2d 1178 (Nev. 2000). What this means is that the union has the obligation to represent all employees in the bargaining unit, whether the employees are members of the union or not, and an employee has the corresponding obligation to share in defraying the costs of collective bargaining services from which he or she directly benefits.

The *Cone* case dealt with policy initiated by the Nevada Service Employees Union/SEIU Local 1107. The policy at issue established a fee and cost schedule for all nonmembers of the union who sought union representation in grievance matters and advised those nonmembers that they could select outside counsel to represent them in bargaining unit matters such as grievances if they so chose. Nonmembers of the union filed a lawsuit objecting to the new policy, arguing that it violated their right to be nonmember of the union as allowed by Nevada Revised Statute 288.270(1)(a), 288.270(1)(c), and 288.270(2)(a).

In upholding the union's policy, the Nevada Supreme Court first noted that state law defines a bargaining agent as an "exclusive" representative of all local government employees in the bargaining unit for purposes of collective bargaining. However, the court noted that even though Nevada is a right to work state, the policy in question did not amount to an agency-shop agreement or arrangement because paying for the grievance representation was not a condition of employment; rather, the employee could elect to hire his/her own counsel or to act on his/her own behalf without losing his/her job. *Cone*, 116 Nev. at 478. Further, the court found no discrimination or coercion in requiring nonunion members to pay reasonable costs associated with individual grievance representation.

What to Expect in the Future

As noted above, in Nevada, our Supreme Court has ruled that although membership in a labor union may not be a condition of employment, as in Washington and many other states, Nevada labor organizations may still charge its nonmembers for collective bargaining services from which they directly benefit. You may be interested to know that the PPA only charges nonmembers an hourly fee and associated costs for representation by Association representatives and attorneys in an Internal Affairs investigation, through and including any appeal that may follow an imposition of discipline stemming from that investigation, similar to the fees and costs charged in *Cone*.

Arguably, the Association could charge nonmembers for other benefits resulting from the collective bargaining process. However, the Association has chosen not to impose a fee for other benefits, despite the fact that nonmembers are essentially free-riding on the Association's efforts by sharing in the employment benefits obtained by the Association's collective bargaining without sharing the costs incurred. Nonetheless, the Association supports a nonmember's choice to not participate in the defraying of costs even though that nonmember reaps the same benefit as does the member who is paying for it. As to political activities in particular, as the Association charges no fee to nonmembers for the services of collective bargaining, it doesn't have any nonmember fees in its possession with which to use on political activities.

I hope both of our members and nonmembers understand the fiscal responsibility, care and concern your Executive Board and Board of Directors exercise in dealing with your money. Moreover, and perhaps more importantly, I hope our members, and especially our nonmembers, recognize how our Executive Board and Board of Directors respect your choice as to participation in the union and for those who choose not to participate, in sharing in the cost of something for which some of you directly benefit. **VB**

LOCHNER

(continued from page 8)

seems to be more flexibility with the sergeants and above than there is with the CO side of the house. We all deserve to have our "down time" to recoup without having to worry if we're going to lose a bunch of hours. If it comes to that, and you end up with the chance of losing a small number of hours, the Catastrophic Leave Bank can always use your donations. Besides, it's a better place to put your hard-earned time than giving it back to the Department.

As for the DSD, I believe that our contract states that you get up to four blocks of time with the first choice and up to three with your second choice, and that's what you should get. It shouldn't be any of this 5.2 weeks or 5.4 weeks of vacation because there are some people who actually take 7 weeks or more. I will let that rest, along with other issues, because I could talk for hours. Vacation is important. Give DSD the necessary slots to fulfill the vacation picks so we all get all of our "blocks of time." Thank you and stay safe. **VB**

KALLAS

(continued from page 9)

an audience. In this day and age, almost everything can be accessed online, including our City's own version of the *National Enquirer*. I might suggest that we stop subsidizing our critics and find an alternative. On occasion, I put www.lvrj.com into my browser when I need a good laugh.

As always, stay safe! **VB**

INSIGHT

Complete success alienates a man from his fellows, but suffering makes kinsmen of us all.

— Elbert Hubbard

THANK YOU LETTERS

Dear Chris and PPA members,

Thank you so much for the beautiful floral arrangement that you sent for my husband Odis. Words can't express my gratitude for your thoughtfulness. The support of the Metro family has sustained us during these difficult days.

During a time like this we realize how much our family and friends really mean to us ... Your expression of sympathy will always be remembered.

Lois Willis and Family

Gratefully acknowledging and thanking you for your kind expression of sympathy. Thank you for your kindness and your beautiful gift of flowers in remembrance of our mother.

The Family of Albina Reyant

Dear Ms. Jotz,

Thank you for your endorsement. It is an honor and a privilege to receive the support of your organization and

members. Each and every vote from the members of your organization is important and essential to a successful campaign.

Again, thank you for your confidence and support.

Very truly yours,
Judge Stefany A. Miley
Candidate for Judge, Department 23

VEGAS BEAT EDITORIAL POLICY

1. Opinions expressed in LVPPA Vegas Beat are not necessarily those of the Las Vegas Police Protective Association.
2. No responsibility is assumed for unsolicited material.
3. Letters or articles submitted shall be limited to 500 words and must be accompanied by writer's name but may be reprinted without name or address at writer's request.
4. Freedom of expression is recognized within the bounds of good taste and limits of available space.
5. The Board of Directors reserves the right to edit submissions and/or include Editor's Notes to any submitted material.
6. The deadline for submissions to LVPPA Vegas Beat is approximately 30 days prior to the issue date.

RETIREMENTS

01/03/2008	Dirk C. Thomas, P# 3394	PO II
01/05/2008	Richard A. Faber, P# 2341	CO II (Resident)
01/27/2008	Cecil Dyer, P# 4280	CO II
02/06/2008	William L. Burgie, P# 2651	CO II
02/27/2008	Kendall W. Frost, P# 4212	PO II (Resident)
02/29/2008	David R. Moody, P# 2440	PO II
02/29/2008	Gina L. Nichols, P# 2986	PO II (A-2)

Visit our website at www.lvppa.com.

You can also contact our Webmaster at
webmaster@lvppa.com.



Vegas Beat is looking for a part time or full time salesperson to assist with advertising sales.

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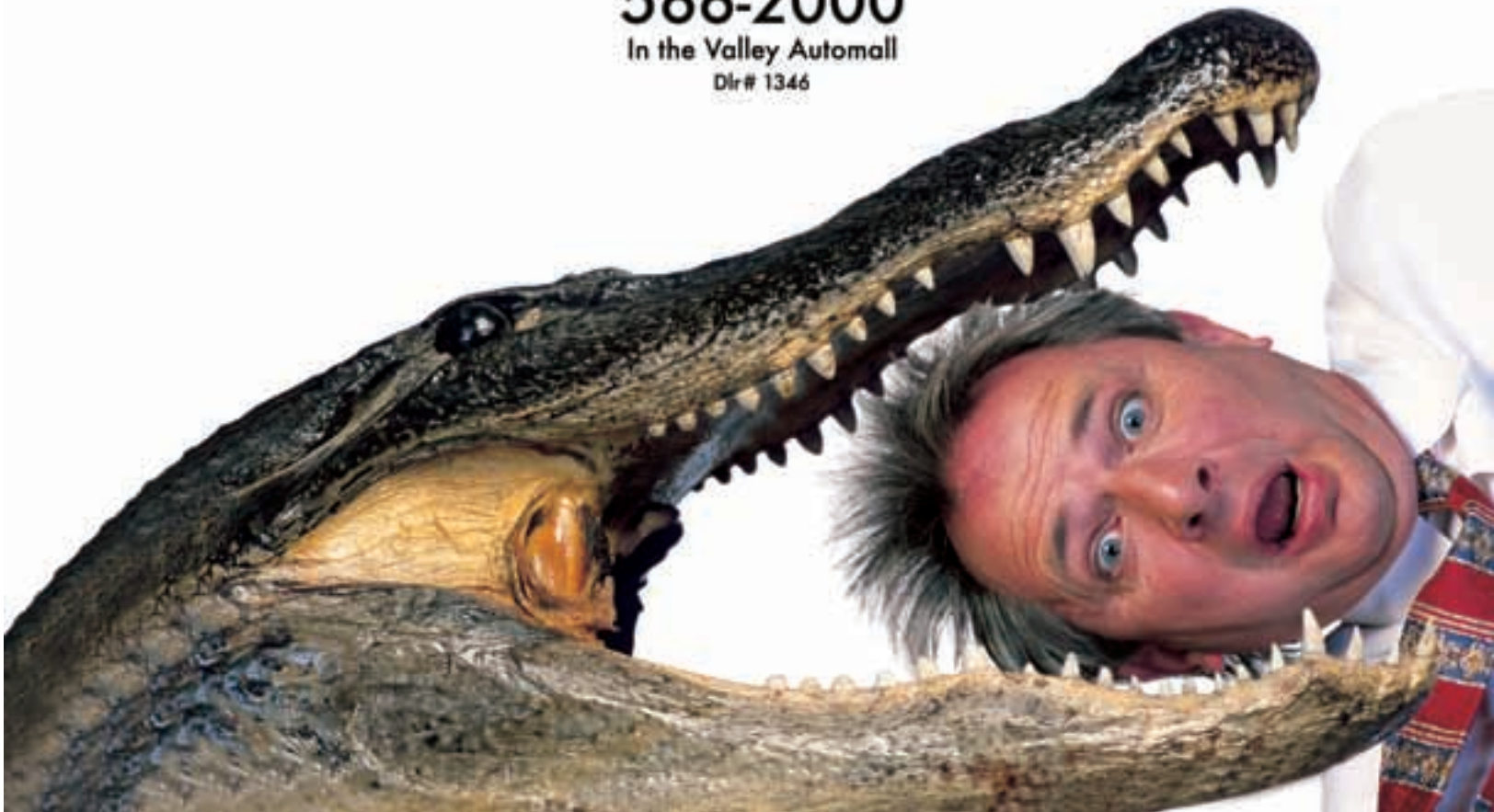
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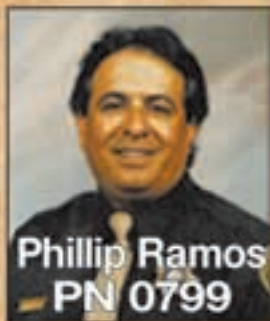
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