

October 28, 2022

KC LODGE 37

Issue #8

Latest News For You

Chris Leyba

President's Message

GOING DOWN FIGHTING: HOW DAN THENELL AND OREGON FOP FOUGHT MANDATES

Many people have asked our board what the status of vaccine mandates is around the country. In our last edition, I introduced to you why the ULP process was never going to work to restore our officers' employment, as the PERC office has no jurisdiction over these complaints.

Today, I was hoping to introduce to you why so many Oregon officers have placed their faith in Thenell Law Group and why our state lodge brought his firm on to run our state labor coalition.

Many unions failed to file law suits on behalf of their officers when mandates began popping up along the west coast.

In response to mandates imposed in Oregon by Governor Kate Brown, Oregon FOP and various fire fighter associations wanted to fight back.

In response, Dan and his firm went to court.

You can see the paperwork here:

[State police, firefighter groups sue Oregon governor over vaccine mandate | KATU](#)

INJUNCTION FILED

In 2020, Thenell Law Group filed an injunction into Jefferson County Court on behalf of the officers and firefighters. The basis for the complaint was based on five prongs:

- (1) violation of ORS 433.416(3) prohibiting immunization as a condition of employment absent a federal or state law, rule or regulation;
- (2) violation of Article I Section 22 and Article III of the Oregon Constitution relating to separation of powers;
- (3) violation of Article I, section 8 of the Oregon Constitution protecting free speech and expression;
- (4) violation of the equal privileges and immunities clause in Oregon Constitution Article I Section 20; and
- (5) The vaccine mandate is tantamount to a wrongful termination from employment.



Superior service and transparency, for all

The goal of this injunction with a request for declaratory relief was to ultimately utilize the various legal and constitutional arguments to invalidate the governor's order. This would have allowed the officers and firefighters to retain employment while also submitting to reasonable accommodations, such as wearing masks and complying with testing.

FIGHTING FOR OFFICERS IN COURT AND IN THE PRESS

Thenell was later invited for an interview regarding this case to local radio show KATU News to explain the lawsuit.

Reporters questioned the motivations of the employees for not taking the vaccine. Thenell explained that not only had many of his clients already contracted COVID and lived through it at the time (giving them natural immunity), at least one client was specifically advised by his doctor that he didn't need the vaccine.

Thenell also made the point that the officers resistance to the mandate was specifically in line with their belief in upholding the law and the constitution. "

"They've also taken an oath to uphold the constitution, and they're not going to uphold a law they believe is a violation of the constitution."

GOING DOWN FIGHTING

When the case was ultimately heard in October of 2021, Jefferson County Circuit Judge Jack Landau followed suit with many judges around the country at the time and struck down the request to block the mandate through issuance of a restraining order.

Landau's argument revolved around multiple points, but they were consistently similar to most legal points on this issue through various court rulings.

Ultimately, these officers decided they were done fighting after this case and a similar case were denied by the Oregon Court of Appeals.

However, as with anything else in your FOP legal defense plan **the officers** chose when the fight was over. Thenell and the FOP fought until the officers decided the fight was over. It also helped that Oregon State finally allowed for medical and religious exemptions that actually counted.

GET YOUR FOP LEGAL DEFENSE PLAN!

In the past few weeks I have had multiple officers approach us about getting help from the FOP on various issues they are dealing with. If you don't have legal defense when an issue begins, they cannot retroactively fight for your claim. Please consider going to foplegal.com and protecting your future today!

Training Opportunity

1st Responder Conference and Scholarship Opportunity

The Board is committed to assist in training opportunities for our members as funds are available. After learning about an upcoming 1st Responder Course in Cor, we decided to offer 1 scholarship opportunity to assist a member in attending the conference in February.

The scholarship is for the \$300 registration (plus \$13.99 fees) of the 2-day course. Interested members must submit an email request to secretarylodge37@gmail.com by December 15. If more than one submission, a raffle will be held at the December meeting on line. Only one registration will be awarded and the winner may have not won a scholarship in the past year.

For more information about the conference, follow this link:

[Coeur d' Alene, ID \(1stresponderconferences.org\)](http://Coeur d' Alene, ID (1stresponderconferences.org))

1ST RESPONDER MENTAL HEALTH & WELLNESS
 Co-Hosted by
 Spokane Police Department
 Endorsed by
 Coeur d'Alene Police Department
 Spokane Police Chaplaincy
 Spokane County Sheriff's Office
 YOU MUST REGISTER TO ATTEND

PRESENTED BY

1st RESPONDER CONFERENCES

February 13-14, 2023
8 AM - 4 PM

A HEALTH AND WELLNESS CONFERENCE FOR 1ST RESPONDERS AND THEIR FAMILIES.

THIS TRAINING IS FOR:

- 1ST RESPONDERS
- POLICE
- FIRE
- EMS
- DISPATCHERS
- CORRECTIONS
- CORONERS
- CHAPLAINS
- MILITARY
- VETERANS
- PUBLIC SAFETY
- HEALTH PROFESSIONALS
- CLINICIANS
- RETIRED FIRST RESPONDERS
- SPOUSES

INCLUDES:

- CONTINENTAL BREAKFAST
- LUNCH
- GIVEAWAYS & SWAG BAGS
- FUN RAFFLES

Networking Social on February 13th, 4-6PM
 Training certificates available-all professions, (14 hrs. of Credits)
 Registration \$300 (plus Humanitix fees)
 Location: The Coeur d'Alene Resort
 115 South Second Street -CDA

In the Media:

<https://kuow.org/stories/new-king-county-police-contract-increases-pay-body-cams-and-civilian-oversight>

Mansanarez said he didn't hear any pushback on the Office of Law Enforcement Oversight's role during information sessions to his members on the new contract. He noted that the office technically already had those powers under voter-approved changes to the county charter, but they were subject to bargaining.

But Wait...
THERE'S MORE!



Secretary's Corner

YOUR LODGE SUPPORTING THE EMPLOYEE GIVING DRIVE

The Annual Giving Drive for King County has started! The Sheriff's Office will be doing the ever-popular gift baskets and using the EGP Storefront to hold an online version of our drawing, just like last year. The basket drawing is expected to go live the week of the October 25th and last through November!!

One of the FOP National approved community partners is the Law Enforcement Torch Run for Special Olympics. As most of you know, I have a real passion for supporting Special Olympic Athletes in our State. The board agreed to team up with me to provide a basket for the giving drive. I had more than enough LETR and Special Olympics WA swag to make two baskets. Polar Plunge themed! #ifreeze4u

Check out the contents!



LETR backpack, towel, blanket, FOP bottle, FOP sticker, SOWA gloves, marshmallows, hot chocolate mix; apple cider mix, Fireball and Kahlua.



SOWA soft cooler, towel, blanket, beanie, SOWA gloves, FOP sticker, Polar Bear, marshmallows, hot chocolate mix, apple cider mix, Bailey's, and Perma Frost

UPCOMING DEADLINES:

LONG TERM/SHORT TERM DISABILITY

- If you would like the disability plan, please email me and I will get you the forms. There will be one additional form that will need to be completed since you did not apply when you first became a member. **I MUST HAVE THE FORMS BY NOV 15** for a Jan 1 start date.

ELECTIONS:

- Nominations for Sgt. at Arms, Secretary, and Vice President are due **Nov 1**. Email nominations to secretarylodge37@gmail.com.

RECRUITING:

- Gift Cards. Sponsor 5 members by **Dec 1** and receive \$50 gift card (Amazon; Best Buy; Bed Bath Beyond, airlines, you name it!). 1 gift card per 5 sponsorships. Each 5, puts your name in a drawing for a \$200 gift card. Drawing to take place during December's meeting.
- SWAG Lodge 37 water bottle. Sponsor a new member and receive a bottle. **Supplies are limited**. Think we only have 6 or 7 left. First come; first serve. One bottle per person.



MEMBER UPDATE

Total Active: 147

Total Retirees: 28

New members since Oct 21: 3



