October 28, 2022

KC LODGE 37

Latest News For You

Issue #8

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, Oergon 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!

News for You

National FOP

VP Gamaldi Comments on CNN Criticism of Biden Pro-Police Message

Last month, National FOP Vice President Joe Gamaldi appeared on Fox and Friends to discuss recent CNN criticism of Joe Biden for making multiple pro law enforcement speeches in recent history.

The theory by CNN is that Democrat voters are inherently all anti-police and that this message was going to alienate them right before midterm elections.

VP Gamaldi immediately dismissed these claims as "out of touch", making the point that all Americans want to feel safe and thrive in their businesses without the fear of crime. The FOP strives to work with all responsible parties to develop good policy that betters the profession nationwide.

However, they will enthusiastically step up and denounce out of touch statements with no basis in real world experience.

Americans are looking to our organization as a reasonable voice in the room and VP Gamaldi is absolutely correct in stating that politicians who are inherently antipolice are facing a reckoning at the ballot box in a few weeks.





Dollar Value

Nationwide, FOP spends money helping cops, not paying salaries.

The board received some recent chatter about concerns that the FOP is about making money over helping cops.

I have attached data from the form 990s from the top 3 officers of both national and Washington State FOP lodges. I will also note that officers of lodge 37 make no money.

You can compare this data with salaries of officers of other organizations you may belong to locally or nationally.

FOP spends your money advocating for police. Your local, state, and national leadership believe dollars should be spent working for the profession, and our salary compensation reflects that!

PATRICK YOES	4.00	×	×		0	/	70,900
PRESIDENT	40.00						,
JOE GAMALDI VICE PRESIDENT	2.00	×	x		0		13,635
JIMMY HOLDERFIELD SECRETARY	2.00	×	х		0		54,538
				-			$\overline{}$

Marco Monteblanco	14.00	700
President		
MICHAEL WEATHERBEE	1.00	800
Treasurer		
JAMES SCHRIMPSHER	30.00	0
WEST VP		

City of Centralia v. Teamsters Local 252 (134999-P-22, 2022)

An officer was terminated for failure to investigate a felony DV incident, for failure to take multiple police reports, and for willful negligence in duties.

A victim was run over by a domestic partner intentionally and was severely injured in the process. The involved officer went to the hospital and obtained a statement and then decided the hit and run and felony vehicular assault was actually a family dispute and found no probable cause that a crime occurred.

The department conducted an internal investigation and determined that multiple department policies were violated and that the involved officer attempted to mislead investigators.

The union in this case filed a grievance citing that multiple officers committing similar infractions of policy were given significantly less discipline. The union position was that the officer has a lapse in good judgment and should receive punishment less than termination.

The deciding factor in this case comes down to mitigating and aggravating circumstances. The arbitrator ruled that similar discipline for other officers was lesser due to their ability to accept personal responsibility and a lack of a track record of similar discipline. Since this officer had multiple violations of similar nature and failed to take responsibility, the arbitrator ruled the aggravating factors of this case were consistent with the punishment and upheld the discipline.

Training Opportunity

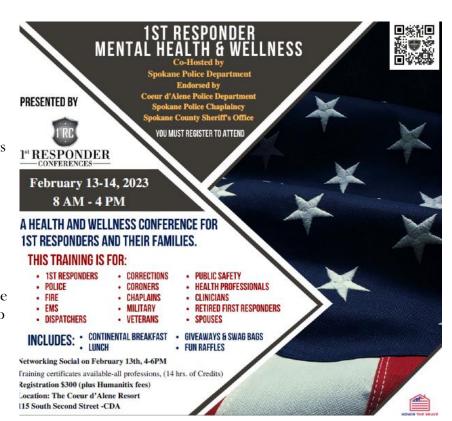
1st Responder Conference and Scholarship Opportunity

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)



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.





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



