



THE GRIEVANCE

UNITED STATES CAPITOL POLICE LABOR COMMITTEE

December 2, 2019

State of our Union

Brothers and Sisters,

I hope all of you are doing well and getting ready for the upcoming holiday season. Hopefully you all have the opportunity to spend time with your families and loved ones, relax, unwind and clear your minds with the daily stress you face at the USCP.

This past June I once again testified before the Committee on Administration. In this hearing I testified on behalf of the Union and the Men and Women we represent. I talked about the challenges we all face. Officer morale was a hot topic that intrigued the Members of Congress of the Committee. In addition to Officer morale, the Members were also engaged in the recent Federal Court decisions which the Union prevailed against the Department. These cases wasted a lot of taxpayer money that the Department could have prevented; instead they took the route of trying to ruin Officers lives and their livelihood whom they provided for their families. This approach doesn't sit well with me or this Union. Further, I also testified in regards to former Chief Verderosa's retirement party which I attended along with 2nd Vice Chairman Vinnie Summers. We witnessed the former Chief joke about hiring 1600 officers and in the same breath joked about firing 1600 officers. Not only did I find that nauseating, but it broke my heart knowing some officers who faced the wrath of the USCP's termination process were never given a second chance, especially knowing that some Supervisors have done worse that probably warranted termination and are still employed here. Trying to work with a Department that is unreasonable at times is very frustrating, and that's why we must stick together and keep up the good fight. We've been winning in Arbitrations and in the Courts for a reason. We've slowly been exposing how the Department's dirty tactics just don't work. I also endorsed Chief Sund to be our next Chief prior to this hearing, and Chief Sund was rather quickly picked to be our next Chief of Police. I have also endorsed Inspector Tom Loyd publicly to be the next Assistant Chief. I felt that this combination would lead the Department in the right direction and improve Officer Morale for years to come. However, I honestly don't see that happening with this Department. Why would they care about Officer Morale? They honestly don't. That's the Unions perception, and frankly almost every Officer I work with or talk to feels the same way. I hope most of you completed the Department's recent survey. I remember the last time a survey was done several years back, the results were eye popping. I have a gut feeling the results for this latest survey may even be worse than the last survey. Unfortunately I don't foresee this Department changing for the better, we have weak leadership at the top that

allow the Department's Legal Counsel dictate how we do business. There are civilians behind the scenes who have a major say within our Department. I'm sure they've all worked 8, 12 or 16 hour days like all of you do on a daily basis, sometimes 6 or 7 days a week and being drafted at the last minute to be held over to protect this complex knowing what each and every one of you do on a day to day basis, they don't!!! This is why we need to stay strong and united.

Fraternally,

Gus 'Papa' Papathanasiou
Chairman

The Thinning Blue Line

My fellow Officers,

Greetings to my brothers and sisters who wear the badge and feel the honor and who put their lives on the line on a daily basis to protect this Congress here at the USCP.

I've titled this article 'The Thinning Blue Line' because of recent articles I've read concerning hiring and retaining Police Officers. Studies have shown that Law Enforcement hiring and recruiting is way down throughout the country. With recruitment numbers way down, retirement and early exits are way up according to a survey published by ABC News. According to data collected by the Police Executive Research Forum, the nation's Police Departments are facing a triple threat. The number of Men and Women applying to become Police Officers has harshly declined by 63% according to this groups study. More and more Cops leave the force altogether after just a few years according to the Police Executive Research Forum survey. The survey also found that long tenured Officers are retiring at a higher exit rate than in past years.

Nearly 1 in 6 Police Officers will become eligible for retirement in the next five years according to this study. What should be concerning for the USCP is this nationwide trend has impacted our Agency and will continue to impact us over the next several years. We currently have an age extension waiver till September 2020 due to manpower issues. I have been seeing and hearing of more and more Officers resigning, retiring, or thinking of leaving this agency. With Officer morale at rock bottom and poor leadership at the top, can you really blame them for their decisions to leave and choose a new path in life. I envy and applaud those Officers who have taken that path.

I for one fall in that category of 1 in 6 Officers within the next 5 years who will be retiring. I am honestly looking forward towards that day to arrive. However, for those who have a long journey ahead of you within this agency, It's going to be bumpy ride unless all of USCP Leadership starts caring about you, and this "Us vs Them" mentality is eliminated within this agency. If it continues, I foresee the same nonsense for years to come.

In solidarity,

Gus 'Papa' Papathanasiou
Chairman

Line Officers, Show Us Some Compassion

This article is dedicated to all of my comrades in arms.....all of the Shop Stewards, the Chief Shop Stewards that I work with, and the Executive Board members. This message is for all our Union members.

GUYS WE ARE NOT GETTING PAID ANYTHING EXTRA FOR REPRESENTING YOU.....

We do this hellacious, exhaustive, harsh, rigorous, thorough, severe, job because WE CARE.... We care about you. We care about our place of employment. And we care about our Union. So much so, at times, we all (to include everyone mentioned above) put our families on the back burner to ensure that the place we work is fair, equitable. WE hold our supervisors, our managers, our upper managers to include the Chief, accountable, responsible, and liable for all decisions that are made. We do this without reservation or provocation. We champion these acts through our Collective Bargaining Agreement. This is the only vehicle we have to combat tyranny. To prevent arbitrary or unrestrained exercise of power. In the simplest terms, it's the tool we use to stop unfair rulings regardless of how small or big. The jobs, or tasks, that we perform on a day to day basis are thankless, but we do them none the less.

The Capitol Police community is unique. It's comprised of different personalities, different nationalities, and it's very opinionated in its thinking. We all have to see it, understand it, and accept it, even if at times things don't go your way. Some of you may argue that the Union is worthless... "they don't do nothing for me or anyone." This type of thinking is the furthest from the truth. Our union is as strong as our membership. You can't earn \$30,000 a year and expect to live in \$1 million home and drive \$100,000 car, you have to WORK for it. For all the naysayers out there, you have to ask yourself a very important question, "What am I doing to make my situation better?" YOU, the individual that has the issue or the problem, ask yourself... what am I doing? I personally know the answer but I am not going to say it in this forum. I try and I try hard to be positive. That's just my personality I guess. Now I'm not talking about everybody, just the 1 percenters.....

Guys, regardless of how hard you think that this is, just appreciate the work that we do. In my opinion I believe that's all your Shop Stewards, your Chief Shop Stewards, your Executive Board members are asking for. Please show us some compassion and appreciation because GODDAMIT we deserve it! ALL of us. Most of you have no idea the hours of work and research that goes into a seemingly simple decision. With a bank of attorneys at their disposal, management makes your Union grasp for every inch we get for you.

In the end, it's up to all of us to create a better place to work.

Take this into consideration; WE answer your phone at 3:00 am because somebody got in trouble.

Giving up a day with your family so you can go in and fight the Department on something that should be a common sense decision. Having longtime friends look at you differently because you're a Union official and you need to take a stance that they may not agree with.

These are just some of the things that go on in the background you may not know about. So when you see your Union Representative, looking haggard and tired, give them a break.

Fraternally,

Vinnie Summers
Second Vice Chairman

New Secretary

Hello to everyone who has taken time out to read this newsletter. In the past few months and years we have experienced some changes within the structure of the Union. The most recent change will be the retirement of our long standing Executive Board member Greg Baird. Some can say he is a lot of things but we on the Executive Board have known him as a tremendous asset. He has done a great deal with the Union's internal business and giving anyone in earshot some of his knowledge/information and sometimes unsolicited advice (smile), which he has obtained over the years.

I would like to take this time to say that I have accepted the nomination for Greg's position as Secretary of the Executive Board. No-one can replace Baird or give as much dedication in this position as he, but I will definitely give it a go.

I have been on the Department since 2006 and I am currently on CD-1. I started out as a Shop Steward then the Chief Shop Steward of the Capitol Division and moved onto the Executive Board as the Recording Secretary. I attended a few Labor Law Arbitrations in Baltimore, New Jersey and I attended the most recent National FOP Convention in New Orleans. I have assisted officers with numerous questions, situations and issues. Even though I work the midnight shift, I am also available to assist during the day. We have a few other Executive Board members who have a wealth of knowledge and information to share.

The main think I would like for officers to take from this is, regardless of what you think of one Shop Steward or Union Representative please know there are a great deal more around that will and can assist you. Privacy is a huge belief of mine, along with respect. I may not agree with everyone but as long as we can respect one another we can keep the train moving. The Department in continuously growing/hiring officers and we need to keep the communication going within the function of the Union.

Be Safe,

Jodie Penny
Secretary

*** This Article was written in response to several questions that have been asked in the past. ***

In Response to

Discipline:

Police unions across the country defend their members against administrative and/or criminal charges. The Labor Committee is no different. Our primary objective in any matter is to see that the respondent officer receives due process. Union reps do not "get people out" of trouble. In the vast majority of matters, there is often very little legitimate dispute over the material facts of a disciplinary action. Typically the officer did engage in the behavior alleged and there is no exculpatory or mitigating evidence. Those officers will choose to (1) accept responsibility and ask the Department to reduce or remove the penalty, or (2) attempt to excuse or justify the behavior in some manner. Inevitably, the latter cases are sustained on the facts and the penalty. The former cases frequently receive reduced penalties or abeyances.

For every rule, there is an exception. We sometimes see cases where the respondent officer simply did not engage in the behavior alleged by the Department. These cases often include exculpatory evidence that the Department discounted, or else completely ignored. These are the cases that, necessarily, receive the most attention and resources.

Cell phone cases are largely a function of the Department command and how strenuously division commands choose to enforce the prohibition. Under Chiefs Dine and Verderosa we actually saw a noticeable reduction in cell phone enforcement on most divisions. We do not know what the future will hold.

At the end of the day we all must be accountable for the choices we make. The Union aims to ensure that accountability, i.e., disciplinary action, is as fair and reasonable as possible. We strive for corrective, rather than punitive, action.

G Street House:

The G Street property is located at the following address:

1320 G Street SE
Washington, DC 20003

Much like every other individual and organization that purchased real property in 2007, the Labor Committee admittedly paid too much for G Street. However, the purchase was made with the Board's recommendation and the approval of the membership at the time. The building is a brick row home in a mixed-zoning area that has been fully converted to an office. The Board and shop stewards use it for one purpose—work. It is not just an investment. The Union derives a great deal of utility from having meeting and work space not controlled by the USCP.

Retirement:

This is tough one. The trend in retirements in both the public and private sectors is away from defined benefits—60 to 80% for life no matter what, and towards defined contributions—401k plans and TSP accounts subject to the volatility of the market. The Union will continue to lobby against further erosion of benefits such as a move to “high 5” instead of “high 3.”

Pay scale:

We will keep plugging away on the Police Board and the relevant House and Senate committees regarding the pay scale.

Sick Leave:

Unfortunately the Fair Labor Standards Act simply does not require employers to pay overtime for ANY time beyond forty hours per week that is not actually “worked.” That includes annual and sick leave. Any agency choice to include either in the calculation of the total hours of time and a half is purely a function of agency discretion. Like the USCP, most federal agencies count annual leave and comp time towards the threshold for overtime, but very few do so for sick leave. The rate of accrual for sick leave is set by Capitol Police Board regulations that have the force and effect of law pursuant to 2 USC § 1923. They mirror OPM regulations and are excluded from collective bargaining.

Overall working conditions:

Space at the CVC/Capitol

The Union will continue to lobby for more space as the division outgrows existing space. If anyone has any specific health or safety concerns, please let us know.

Uniforms:

The Union has a standing uniform committee that meets regularly with management to address these kinds of concerns. The Department has agreed to purchase external vest carriers for use by outside units when the new ballistic vests are issued. The Union lobbies for uniform improvements on a regular basis.

Dues:

The person that wrote this is grossly misinformed. The Lodge and the Labor Committee are two completely separate organizations. The Labor Committee is the exclusive bargaining representative; the Lodge is an umbrella fraternal organization. An officer who elects to join the lodge directly is still owed a duty of fair representation. That means the Labor Committee cannot act in an arbitrary, discriminatory, or bad faith manner when processing grievances. The Labor Committee gives every officer an on-the-record up-or-down vote if and when it receives a request to arbitrate a grievance on behalf of that officer.

The real downside to the Lodge legal plan for non-criminal matters is the panel of attorneys. Although there are some fantastic labor and employment attorneys, none of them have ever practiced before a USCP Disciplinary Review Board or the Office of Congressional Workplace Rights. I have personally witnessed attorneys fall flat on their faces because they simply don't know the players or the game. The Union's firm, McGillivray Steel Elkin, has seven years of full-time experience handling non-criminal matters for our members. When there is an argument to be made, they will make it forcefully.

On the other hand, the FOP criminal plan, which all of our members are covered under, provides criminal representation in US District Court and Superior Court as necessary.

The Board and Representatives:

The Labor Committee expects all representatives to behave in a professional manner. If you have a specific complaint about a particular Board member or shop steward, please contact the Chairman.

Official Time:

Official time is used for the Board to meet with management, lawyers, members of congress, and other members of the Labor Committee. It is used for Board members and shop stewards to provide Weingarten representation, represent the Labor Committee at DRB's, grievance hearings, arbitration hearings, depositions, and to testify in Superior Court and/or US District Court on behalf of our members. It is also used for training.

In closing, I encourage everyone to avoid conjecture and speculation. Please do not make judgments based on anecdotes and one-offs. The Labor Committee is comprised of people (none of whom are perfect) that work hard to push back on bad policy and to promote the health, safety, and welfare of the entire Department.

The Board's contact info is available at <https://www.uscp-fop.com/executive-board-officers/>.

Fraternally yours,
Mike Detorie

*** We wish Mike well in his new job and career path. ***

Farewell

Dear Brothers and Sisters,

I would like to take this time to bid farewell and give a special thanks to our Secretary on the Executive Board (E-Board), Greg Baird. Officer Baird will be serving his last term on the E-Board as he is set to retire this year after serving 32 plus years with the United States Capitol Police. Officer Baird has been a strong voice and supporter of the union since its inception. Colleagues and friends can speak highly about Officer Baird but there's not one person that can match his passion for fighting and representing officers in times of need. Officer Baird's countless meetings and behind the scenes work with all levels of management will be greatly missed.

Steve Jobs made it crystal clear when he coined this phrase, "The only way to do great work is to love what you do." Officer Baird possessed a passion for his work and fought hard to ensure that officers were treated with fairness and equality. The midnight shift at the Capitol Division will be without Officer Baird; he was willing to guide and mentor newly assigned officers coming to the shift. He was an inspiration to everyone. Thank you for being an exceptional and integral part of the E-Board team, and for being a greathearted friend. You will be missed and remembered always. Congratulations on your well-deserved retirement days and your next chapter in life!

Fraternally,

Kevin Evans
Sergeant-at-Arms

I Wish You Well

Dear Brothers and Sisters,

It has been 32 years 5 months and 15 days since I first entered the Ford Building to begin my training as a US Capitol Police Officer. Back then our "Training Academy" was in the attic of the Ford Building / Annex Two. A lot has changed over the years.

When the Congressional Accountability Act was first passed in 1995 the Department fell under the Fair Labor Standards Act and this allowed us to organize and bargain for better working conditions. More importantly it allowed us, through a negotiated process, to have an outside/third party neutral to arbitrate disputes between the Labor Force/Union and the Department. The Department has fought this ever since.

I remember the days when overtime went to the Sergeant's favorites. Your days off could be changed so someone else could have the holidays off but you didn't need to worry because that error would be fixed after the New Year. Post assignments were given on a preferential basis, and if you said anything, the preferences continued.

So when we received the right to organize, I decided to make a career choice; I became involved in the Union. First as a Shop Steward and this decision has led to many positions and opportunities that I have served in for the past 23 years.

Being a Union representative has led to many rewarding feelings and many heartaches. I cannot begin to tell you the number of "friends" I have lost over the years. But life goes on. It has been a privilege to serve. After the Department gave me a "Don't Promote" I told the Assistant Chief that he was doing me a favor and that I would probably not have been able to sit in an office with most of those @%*!^#!& anyways. I do not regret that statement or decision at all, I had filed a grievance that we won in arbitration and they had to pay every officer double the back pay. I would all over again without any hesitation.

There is very little job satisfaction on the USCP, it is hard to measure how effectively you are doing your job because you will never know who, by your vigilance, you have turned away or discouraged. Instead you are guilty until proven innocent and it takes six months to resolve the simplest complaint holding up any opportunities that only come up once every two or three years.

So I turned to helping and representing the rank and file against a seemingly unforgiving and "systemic failure" that the Department endorses. The Department loves to tout that they are a para-military organization and yet they promote the systemic failures as normal and the way things are. If some of these "failures" occurred in the military the commanders would have been sent to Guam for the rest of their careers, but here they are promoted.

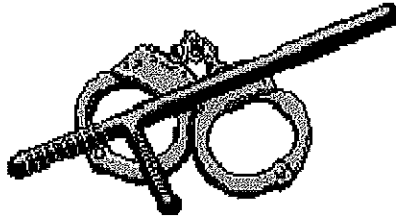
The double standards are incredible. As one new officer put it to me, a Chief of Police should never stand in front of a graduating class and tell them to stay in shape unless he is in shape!

I have also found it extremely concerning that the Department does not want and has fought to keep third party arbitrators out of the mix. One would have to ask why. Maybe it comes back to "systemic failures"?

Anyways, I am retiring and will be starting a new adventure, I look forward to it. I am grateful for my time with the Capitol Police it has given me the opportunity to provide for a raise a wonderful family. I wish you all well and pray for your safe return home every day.

Thank you,

Greg Baird
Retired FOP Union Official



Executive Board

Chairman	Gus Papathanasiou	guspapafop@gmail.com
First Vice Chairman	Keith McFaden	jkm2213@yahoo.com
Second Vice Chairman	Vince Summers	summup@yahoo.com
Executive Chief Steward	Dennis Lee	d.lee243@yahoo.com
Secretary	Jodie Penny	jpennyfop@gmail.com
Recording Secretary	Jeff Albanese	albanesefop@gmail.com
Treasurer	Caroline Edwards	edwardsfru3@gmail.com
Sgt-at-Arms	Kevin Evans	usc006@yahoo.com

Chief Shop Stewards

House Division	Antwan McCall	mac7895@gmail.com
Capitol Division	Isaac Yowell	ldyowell23@yahoo.com
Senate Division	Victor Nichols	victor.nichols.fop@gmail.com
Library Division	Ronte Britton	ronteb@verizon.net
Patrol Division	Charles Crouch	dinercop@gmail.com
First Responders	William Yang	uscprufop@gmail.com
Communications	Felix Froimovich	commshopsteward@gmail.com

