



# THE GRIEVANCE

UNITED STATES CAPITOL POLICE LABOR COMMITTEE

Date September 12, 2021

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## State of our Union

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Brothers and Sisters:

Greetings to all of you. I hope all of you and your families are staying healthy and safe. The past 18 months have been the hardest for this Department and our Officers.

January 6th, 2021 is a day all of us will never forget nor is it a day any of us imagined we'd experience on the job. It's a day that all of us would like to forget from a lot of Officers that I've talked to since the 6th of January but we're constantly being reminded daily. Coupled with the ongoing covid pandemic as well as our fallen officers we've lost this past year, the injured officers that went out as a result of the 6th, and the 6th itself along with all of the other events has been a rough year for all of us.

The one systemic failure that was revealed and exposed was the Department's leadership at the top. All of the recent IG reports, congressional hearings since the 6th of January, and the congressional joint Senate report between Senate rules committee and Senate homeland security committee all point towards the lack of communication and failed leadership at the top. They had no plan or contingency plan whatsoever. Our vote of no confidence attracted worldwide attendance which was effective as some at the top are now gone, but it's not enough, as Congress needs to hold those responsible accountable for their incompetence.

Behind the scenes I've been pushing along with my Eboard, lobbyist and attorneys to improve and enhance our retirement as well as being instrumental in the funding we've received in the supplemental bill that recently passed. However, is it enough? Maybe, maybe not, but it's a start, and it's a foundation we can build on. We work in a political environment where some support law enforcement, others don't, others want to defund cops, and some don't... I've said this time and time again, support for Law enforcement should never ever be a political issue. Law enforcement needs to and should be supported 100%. These are obstacles I have faced, but I will continue to push with Congress on my end. I see this as a start moving forward and for us to build on.

Stay safe and healthy!

## USCP Proposed Retirement Changes

### **Background**

One of the challenges the USCP have had in recruitment and retention was the fact that our officers are required to work large amounts of overtime and none of our overtime was credited as part of base pay for retirement purposes. In the wake of the 1/6 insurrection, the union brought this inequity to the attention of Congressman Gerry Connelly (D-VA). Congressman Connelly has introduced legislation to address this issue and this legislation has been included in the House FY 2022 Legislative Branch Appropriations Bill.

### **What does the legislation do?**

The model that Congressman Connelly introduced is a derivative of the same system that applies to Customs Officers at the Department of Homeland Security. If enacted, USCP officers would be able to have 50 percent of their annual overtime earnings credited as part of base pay for retirement purposes up a cap of \$45,000.

For example, if you were to work \$45,000 in overtime in a calendar year \$22,500 would be added to your base pay for retirement purposes. If you worked \$30,000 in overtime, you would have \$15,000 credited as part of base pay. Comp time would not receive any credit under this legislation.

In addition, at OPM's request there is also a phase in period that has two parts. The first part is that any officer who wishes to claim this additional benefit must have at least 15 years of service with USCP either before or after the law is changed.

The second phase in applies to the length of time that an officer has to work after the law is changed. OPM's concern was that officers would be allowed to claim a credit toward their retirement without fully paying into the retirement trust fund. The union argued strenuously that the impact on the trust fund, which is over \$930 billion, would be negligible given that less than 700 officers fall in this category. In addition, this second phase will impact more senior officers who are either retirement eligible or facing mandatory retirement at age 57.

## **Phase in thresholds and examples of impacts**

- Officers who work more than 8 years after enactment 100%
- Officers who work between 4-8 years after enactment 75%
- Officers who work less than 4 years after enactment 50%

For example, Officer Jones works \$45,000 in overtime but only works 3 years after the law is changed. The amount of overtime in that year that would be credited would be:

$$\$45,000 \times .5 \times .5 = \$11,250$$

If Officer Jones were to work 6 years after the law was changed the calculation would be:

$$\$45,000 \times .5 \times .75 = \$16,875$$

## **Next Steps**

The union would like to caution officers that although this language is included in Legislative Branch Appropriations Bill, this positive change to our retirement system is contingent on it being included in the final Conference Report and signed by President Biden.

We are working right now to get Congressman Connelly's legislation introduced in the Senate and include in the Senate Appropriations Bill.

Gus Papa  
Chairman

## New 1<sup>st</sup> Vice Chairman

First off, I would like to introduce myself. For those that do not know, I am currently assigned to SOD-2. I have been on SOD since 2016 and prior to that I worked on the Senate division. I became the shop steward for SOD-2 in 2019 and this past April I accepted Gus' appointment to the 1<sup>st</sup> Vice Chairman position, following the retirement of Keith McFaden. Keith represented this union well and I am well aware of the big shoes I have to fill, but I am confident in my ability to do so. Keith also wrote excellent and well thought out articles for this newsletter, something that this article may not be!

To say this has been a tumultuous year and a half for officers on this department, would be an understatement. Between dealing with the pandemic, the long hours and now being thrown under the microscope in the aftermath of January 6<sup>th</sup>, we just can't seem to catch a break. Please know that we on the Executive Board understand this and are committed to doing everything in our power to address and solve some of these problems that we face currently. So if you have something on your mind, please reach out to us. We can't begin to fix something if we don't know about it.

My main goal is to continue the work that Keith started and make sure that our team works as hard possible to negotiate a new CBA with the department. That will not mean complete and wholesale changes to the existing CBA, but small tweaks to certain articles that will, hopefully, make the job a little better. We are never going to see eye to eye with the department, but there are areas that we need to move forward together in, as Manger settles into the COP role and the department begins this "change" everyone keeps talking about. One of those areas is the new peer support program that the union has worked with the department to establish. We have all seen the new support dogs that the union helped connect the department with, but the main benefit this program brings to the table is the ability for officers to speak to other officers about whatever is on their mind. Jeff Albanese, [albanesefop@gmail.com](mailto:albanesefop@gmail.com), is assisting in getting it off the ground, so if you have any questions about it feel free to contact him to get answers.

In closing I want to say we know everyone is stressed and morale is in the tank right now. Believe me we see it every day too. Try to block out the noise, the political headlines and the rhetoric surrounding the department, and try to focus on the reasons why we do this. Yes, we do it to protect the Capitol complex, but more importantly we do it for each other, for the men and women that we work next to each day.

Nick Martino  
USCP FOP 1<sup>st</sup> Vice Chairman

## SUMMERS SPEAKS

Our Capitol Police community seems quite angst, in my opinion, from what I see every day. Everywhere I look there seems to be hurt feelings, self-esteem issues and downright crankiness and upset Officers.

“WHICH MAKES ME THINK THIS IS A GREAT TIME FOR ALL OF US TO TRY AND LOOK OUT FOR ONE ANOTHER!!”

Now, I can hear you protesting through this ink!!!

“I don’t have time to look out for other officers!!!! I’m barely able to look after myself and my family!”

I actually agree with this sentiment, however, if you think about it, we spend a great deal of time here, working, interacting, and socializing with one another more so than with our families. Which makes us an extended family here, as well. This type of thinking that is in the quotes above is part of the problem that we have here, right?????

A vicious cycle starts: we’re struggling so we cannot look out for anyone else..... But everyone else is struggling, too, so they can’t look out for us!!!

So, isn’t it good to know that looking out for people beyond the walls of our own homes doesn’t need to involve grandiose actions???? That it simply can take the form of the simplest thing??? And as with all simple things-if they’re done by many people at one time, cumulatively, they make a huge difference.....

When the going gets tough for officers it’s always nice to know that other officers like have your back and vice versa!

So, what can we do??? Try these:

### 1). KEEP AN EYE OUT!

It can be difficult to spot when someone is struggling, but a good friend will always keep an eye out for changes in behavior patterns. If you do spot an officer that is having difficulties or acting out of their norm you may want to ask them if things are OK or direct them to professional support (EAP).....

### 2). SEND A MESSAGE!

Sending a simple text or email to ask how your friend is doing can really make a difference... Messaging, is a sign that there are people who care for them and that could potentially lead them to express how they feel...

### 3). MAKE TIME!

Try to ensure that you make time to talk to them and hear them out fully, try to allocate time in your schedule to do this...

**And lastly,**

**4). SEEK TO UNDERSTAND!**

It is important to understand that we don't all experience situations in the same manner. Hear them out, try to understand their point of view and explore options with them.

I'm not saying that this is a cure for all the problems and issues that we've faced in the past and the problems we may face in the future, but at least this is a start.... And a starting point regardless of anything is always good.....

Second Vice Chair  
Vinnie Summers

## **WHY SHOULD I PAY UNION DUES?**

The question that is most often asked by officers is why should I pay Union dues. The easiest way to explain this is to compare it to an insurance plan. Do you drive a car without car insurance, do you own a house without house insurance, do you visit a doctor without health insurance? NO. Then why would you be a Police Officer without paying Union Dues. Unlike all of the insurances mentioned above (which are only used when needed), union dues are used every day for many different reasons. Every dollar from your \$20 that you pay biweekly is spent on something that will most likely make your life easier, safer, put more money in your pockets, and keep you out of trouble. We have a retainer for a full-time law firm that assists us with policies, laws, working conditions, and labor relations. This law firm has won a lot of cases against this department and has brought multiple Officers back to work after being wrongfully terminated. They also write all grievances involving a 535 and have had a multitude of suspensions drastically reduced. Every dues paying member also has a Legal Defense Plan which covers Officers in criminal matters while on duty or in the scope of their job. We also employ a lobbyist who is very familiar with Capitol Hill and Members of Congress and assisted us and our lawyers with creating the new retirement bill waiting to be passed by the US Senate. We also have a mortgage for our G. Street property used to conduct our executive board meetings and training. The remainder of the money goes towards general expenses and an accountant to manage our books. "Union membership is like a gym membership. Dues are necessary to operate. And, just like a gym, if you don't show up and participate, you do not become stronger."

Some Officers choose not to pay dues and decide to use FLEOA or Mass Benefits because they are cheaper, or the Officer thinks they will never get in trouble, so this is their insurance plan. I have personally represented a few Officers who used these plans and when the time came for representation these organizations would not help them because they classified them as administrative matters. When these organizations do help Officers, the Officer has to do all the leg work themselves because they do not have access to our policies or SOPs. A dues paying member to our union does nothing but sign on a line and then the shop stewards take it from there. These plans have no other use than for punishment and do not give you a voice in the bargaining unit. "A union is nothing more complicated than a group of workers who have banded together to promote their common interests. One person standing alone may be weak, but all of us joined together have strength. The union speaks with one voice on behalf of all the employees in what is known as a bargaining unit. This means the employer loses the powerful advantage of dealing with individuals, one-on-one, with every worker subject to the to the employer's whim. With union representation in place, the employer has to reckon with all of us, united in the union as the collective voice of all workers." The more members the more power we can achieve.

Ron Lucarino  
Executive Chief Shop Steward

## **Night Shift**

Police work is inherently risky, but one of the greatest dangers to officers and the overall performance on the job is often overlooked FATIGUE. Law Enforcement Officers work demanding schedules characterized by long hours, frequent night shifts and substantial overtime.

Insufficient rest or irregular sleep patterns, coupled with the stress of the job, can lead to sleep deprivation and possibly sleep disorders. The result can be severe fatigue that degrades officers' cognition, reaction time, alertness and could impair their ability to protect themselves and the areas we protect.

Sleep disorders, which are typically associated with poor health, performance and safety outcomes, are twice as prevalent among police officers compared to the general public and a new study suggests that they remain largely undiagnosed and untreated. Having any type of sleep disorder was linked to an increased risk of physical and mental health condition, including diabetes, depression and cardiovascular disease. The researchers also found that officers with sleep disorders were more likely than their peers to make serious administrative errors or safety violations, fall asleep while driving and experience "uncontrolled anger" towards others ([nij.ojp.gov/topics/articles/sleep-disorders-work-shifts-and-officer-wellness](http://nij.ojp.gov/topics/articles/sleep-disorders-work-shifts-and-officer-wellness)).

I do realize that only a portion of us work the midnight shift. Officers who work the night shift must combat their bodies' natural rest period while trying to remain alert and functioning. It doesn't matter whether we get enough sleep during the daytime. We all should be aware of the hidden dangers that face us every day.

No-one is going to care of you like you!

Please Take Care,

Jodie Penny

Executive Board Secretary



Brothers and Sisters,

I wanted to write to you all to really just show my appreciation for every single one of you. I know to say the past year (going back to the beginning of the COVID-19 pandemic) has been quite possibly the worst year for our department is an understatement. Starting back during the pandemic, the CBA was totally suspended. This proved to be an extremely difficult situation for all of us to navigate. The very safeguard that officers have when it comes to discipline, scheduling, overtime, etc had been taken away. The union fought vigorously to reverse this decision, eventually prevailing and getting our bargaining rights back.

January 6<sup>th</sup> was like nothing we have ever seen before. The nightmare that many of us endured that day was something many of us still struggle with. The scars are still very fresh and the trust that many of us had in where we work had taken a huge, possibly insurmountable hit. We were living in a cage for many months, inside the very crime scene that many, especially Brian, sacrificed so much for. The loss that day was and still is hard to swallow.

At that time, I along with many other officers started to really look into what we could do to try to provide even some minor hope for our workforce that was in such distress. This was the very early birth of what would become the peer support program. We took baby steps because frankly, the officers trying to form the peer program were also hurting. It wasn't a good idea to try to start a program at that time.

Then April 2<sup>nd</sup> came, and we lost yet another brother in Billy. This one hit me especially hard as I had known Billy for over 10 years. For many, it felt like we were back to square one. WE had just laid to rest two brothers in January, and now we had to say goodbye to another.

One thing that I will always be amazed by is the resiliency that I have seen from all of you over this past year. Everything has been thrown at us and the mountain felt like it just kept getting bigger. One thing that I will always be thankful for is the fact that the union has been one of the biggest advocates for the officers during this time. Whether it be through press releases, donations to various memorial funds, or simply the support of the peer support program, the union has been there every step of the way. Many union members and shop stewards have stepped up and volunteered to become peer support team members to aid their fellow officers in their time of need.

This program has been a true passion of mine, and without the support of the Chairman of our Labor Committee, I don't think we would have come as far as we have with peer support. We still have a long way to go, but we have come so far, and the union's support in this has been paramount.

Please know that my goal is to support you, my brother and sister, in any way that I can. I will always fight for your wellbeing, whether it be as an executive member or a peer support advocate. It is a great honor to work with all of you, especially in this, the mountain of a year we have climbed!

Fraternally yours,

Jeff Albanese  
Executive Board Recording Secretary

I've Finally made it!

After 31 years, there's a lot for which I am grateful & proud. I think back through my career from being a Private with training (and the relief of making it through the probation period—you all remember that), to various duty stations (including Senate chambers, C1, S1, H3, C2, FRU-2) to “purgatory” for 12 yrs; and then making it from the “dark side” to finish my career on FRU-2. During those years, I had the opportunity to work with a team of dedicated professionals tasked with one of the most important responsibilities in the Nation's Capitol—to protect & serve as a United States Capitol Police Officer.

One of my fondest memories was when I first came onboard. Our class graduated during the time of Operation Desert Shield. My Class was assigned to midnights for 2 months, and then back to training for 2 weeks in order to graduate. I was so unaccustomed to the midnight shift that my body just wasn't adjusting well. I found myself literally falling asleep standing up. I'll never forget the human compassion and decency that the late Sgt. Wilson showed as I struggled to stay awake (he made me rest for an extra hour so that I was able to give 110%). That simple act showed me that leadership isn't just about discipline and documenting; it's about remembering the human beings under your watch & being able to pivot where necessary in order to get the best from your team to accomplish the goal.

Another time I will never forget & will always appreciate is when my father was ill: Capitol Division Inspector Loyd & all the Capitol Division officials made it possible for me to care for my father for over a year as he was heading toward his final resting place. Thank you to each of you great human beings.

The comraderie, the sense of duty & the experiences I've had as a US Capitol Police Officer, I will take with me. In turn, I'd like to leave behind these words of encouragement and advice:

We spend more of our waking hours at work with each other than we do at home with our loved ones. Always watch each other's backs & be prepared so you can make it home. It's okay to be nervous, but don't be the squirrel in the middle of the road afraid to make a decision (we all know what happens to that poor little fellow). Be smart. Be safe. Be your best.

The Honorable Kevin Evans  
USCP Labor Committee  
Sgt at Arms

## The Expert for All Your Home Financing Needs

**As the son of a police officer who served 29 years in Falls Church, I take great pride in helping those in law enforcement.**

I know first-hand what the job takes, not only on you, but also your family. If you are interested in refinancing to save money monthly or get some cash out to do home improvements, give me a call and we can put some numbers together for you. I've been helping officers and their families for over 26 years. Don't hesitate to call or email at any time with questions.

I've been helping Capitol Police and their families for over 10 years. **We will make sure you get the best terms for your scenario.**

**Troy Toureau** NMLS ID# 5618  
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Dear FOP Capitol police union members we are excited to announce our new alliance with your union. This alliance allows us to provide voluntary new group life insurance and disability benefits exclusively to union members and their immediate family. As an added benefit we are available to union members and their families to provide financial education and planning for retirement, unexpected events like premature death and disability and long-term care needs. A few highlights of the voluntary group insurance benefits include the following. We will be reaching out to you shortly with more details regarding these benefits.

- Guaranteed coverage with no required medical exam or blood work.
- Disability insurance to help with income replacement if injured or you become sick.
- Insurance that is 100% portable. You leave, retire, get promoted to officer ranks later and are no longer in the union you take your insurance with you.
- Premiums are conveniently deducted from your bank account.

We are available to discuss with you the various options to help you make the right decision. We have also helped union members look at other financial matters and their existing FEGLI insurance to save them money and to provide higher coverage amounts. Please do not hesitate to reach out to me at 443-286-5250 or my partner Jeff Judge at 410-497-3642 to answer any questions and to provide help.

## **Executive Board**

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