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Providence Police Chief and FOP Member Named as COPS Director



// **WRITE TO US!** If you have further questions, contact Patrick Yoes at (504) 234-4300, or pyoes@fop.net.

Last month, U.S. Attorney General Merrick B. Garland named Colonel Hugh T. Clements Jr., chief of the Providence, Rhode Island, Police Department, to lead the Office of Community Oriented Policing Services (COPS Office) as its next director.

I could not be prouder to see a former FOP National trustee and terrific leader be recruited to serve in this critical role. We urged the president to consider him, and we are deeply grateful to him and Attorney General Garland for bringing Hugh aboard to lead the COPS Office.

Chief Clements was a longtime member of the FOP's National Board of Trustees and served on the FOP Rhode Island Future Planning Task Force Committee in 2012. He is a decorated officer and a nationally recognized expert and speaker on law enforcement trends. He has been a visiting fellow at Brown University's Watson Institute for International and Public Affairs since June 2018.

Hugh has extensive experience in virtually every aspect of policing and law enforcement, a career that began in 1985 with the Providence Police Department as a patrol officer and culminated with him becoming the agency's chief in 2012. Hugh has continued to demonstrate outstanding leadership in his department and in the community of Providence. For those who know him, it was no surprise that news outlet GoLocalProv named him Man of the Year in 2021.

In recognizing him as Rhode Island's Man of the Year, they wrote: "He met with neighborhood groups and residents, listening — and responding. At a time when there is much criticism of policing, Clements listened and treated critics with respect. In 2021, the chief was everywhere — a boundless ball of energy that provided a sense of hope, decency and normalcy to a city that needed leadership."

I think this speaks volumes about Hugh's leadership, integrity and

commitment to effective policing. At a time when too many agencies struggle to build trust with their communities, he has strengthened those bonds and earned the trust of many in his years as chief.

Hugh Clements is the kind of law enforcement leader we want others to learn from and emulate, and the kind we need to head the COPS Office. The work of the COPS Office is vital to state and local law enforcement agencies, and, by extension, to the safety of our communities. The COPS Office is the cornerstone of our national policing strategy — community-oriented policing. The hiring program, its work on collaborative reform and efforts to improve officer safety and wellness are critical, especially at this time. Hugh Clements is an outstanding choice to lead this dynamic office, and I have no doubt that he will be a tremendous asset to our national effort to fight our current crime wave. We can't wait to start working with him. **FOP**



Support the NFOP PAC!

We need your support of the National Fraternal Order of Police Political Action Committee (NFOP PAC), which, like our grassroots activism, is an essential part of our National Legislative Program. The NFOP PAC allows us to support candidates who support our members and our profession. As the oldest and largest law enforcement labor organization in the United States, it is crucial we keep our PAC strong, so we can help the candidates who not only support our members but the entire law enforcement community. It is up to us to ensure that they get elected!

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Training Underway; Conference on the Horizon



// **WRITE TO US!** If you have further questions, contact Jimmy Holderfield at (904) 813-0067, or jholderfield@fop.net.

Brothers and sisters, I hope this month's *Journal* finds you and your family well. The year started off with much excitement and contention, beginning with the selection of the new speaker of the U.S. House of Representatives. I could not believe that it took 15 votes over five days to choose the speaker. I only hope this was not a precursor of things to come and the orderly conduct of the "people's business." Time will tell.

LET YOUR VOICE BE HEARD!

The FOP constantly endeavors to hear about the experiences of our members, so that we can understand how best to serve you.

The FOP was selected to partner with the Department of Justice to build standardized training in law enforcement peer support. Share your thoughts with us on how this training can best help our profession at surveymonkey.com/r/PowerInPeers.

Training is going on at a rapid pace throughout the FOP nationally. Just recently, the Labor Coalition held its annual training and meeting in Deerfield Beach, Florida. Chairman Mike Essig and his officers did yet another stellar job of educating us on trends in labor and legislative actions across the country. During the roundtable discussion section, it was suggested to incorporate a mock bargaining session with experts from both sides of the table. This is being explored and will certainly benefit those members engaged in the collective bargaining process, especially those with little or no experience at the bargaining table.

Right now, we are in Nashville at the annual Wellness and Leadership Matters training. Wellness has added several new breakout sessions, and I will report about those to you next month. Leadership Matters has updated its secretaries and treasurers training and has expanded the lodge officers presentation. Of note, I have adjusted the lodge secretaries training into two sections. The first part is centered on lodge administration, such as minutes, record retention and compliance obligations. The second part focuses entirely on using the membership data system (VUE). This change will allow lodge secretaries to attend the session they need more training in and sit in on other training, or they can concentrate on both.

We are only seven months away from our National Conference in Las Vegas. As a reminder, each lodge is entitled to one delegate for every 50 members or greater portion thereof. I will determine each lodge's delegate allotment on April 1, based on the membership count in the membership database on that date. Credential forms will be distributed shortly after.

Proposed changes to the National Constitution, By-Laws and/or Ritual must be postmarked or received electronically

by my office by April 16. Proposed changes may be made by a local lodge, State Lodge or the National Board of Trustees. Requirements for submission are in the current National Constitution and By-Laws. If you need assistance, please contact my office.

Speaking of the National Conference, the Nevada State Lodge and Las Vegas Lodge #1 have released the link to book rooms and sign up for events: FOPLasVegas2023.org. By going to the link, you can review the various room type options. The great thing about this Conference is that it is at the MGM Grand and all delegates should be able to be housed in the one hotel. Nevada State President Moody and his team have done a great job preparing for us. We do ask that you not overbook the number of rooms needed. Doing so will cause others to not be able to stay in the same hotel and will skew the attrition numbers guaranteed by our host lodge.

By now, you should have received your 2023 membership card. My staff has worked diligently over the past three months inputting per capita payments, adjusting membership rosters, and printing and mailing cards. If you have not received your card, please contact your local lodge secretary for information.

We are certainly going through some tough times again. President Yoes and Legislative Chairman Mark Nelson are working hard to get the necessary sponsors for our priority legislation. Last session, we got closer than ever to repealing the Social Security Windfall Elimination Provision. Unfortunately, that all came to an end with the adjournment of the 117th Congress. Please stand ready to assist in our legislative efforts.

In closing, be safe out there and be proud of our noble profession. We are each other's keepers. **FOP**

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We Can't Have Recruitment Until We Solve the Retention Issue



// **WRITE TO US!** If you have further questions, contact Keith Turnery at kturney@fop.org.

Recruitment and retention, in that order, has been the mantra of late. It has been described as a crisis and as a high priority. In early January, the subject was extensively discussed at the National FOP Labor Coalition meeting in Deerfield Beach. It was the primary subject of several presentations and seemed to weave its way through almost every discussion. As recruitment has been one of my assignments of late, I was distinctly interested in our labor leaders' perspectives.

As the discussions evolved, it became distinctly clear that the imperative word, the word of emphasis, is **retention**, followed by recruitment. A subtle distinction? I am convinced not. Without proper retention of law enforcement professionals, there can be no recruitment.

We all know that the best recruiters are those currently doing the job. If you look back in history, you will often see second-, third- and fourth-generation officers doing the work. At least, one used to see that. No one is currently recommending this job to others, let alone family members.

The job was always difficult but rewarding. Often thankless, dangerous, and downright physically and mentally exhausting. Yet there was always a certain pride in knowing that you were making a difference and helping others. Not often, but occasionally, someone would say thank you. The pay wasn't the greatest, but there was a pension and health care. Most people could at least raise a family on the wages.

Today, there seems to be no incentive to take this job or recommend it to others. Over time, wages have not remained competitive. Health care, once provided at no charge, is now overrun with employee premiums and co-pays.

Pension erosion has created a workforce of haves and have-nots — so much so that new hires (few and far between) don't even see value in a pension. They want their money up front, as they don't plan on sticking around long enough to collect a pension.

Besides the lack of public support and the softening of wages and benefits, another elephant in the room appeared while we were all gathered at the Labor Coalition meeting: management. Where have our leaders gone? Where is the boss telling the politicians that their harebrained ideas are destroying our profession? Where are the progressive leaders who know how to lead — from the front?

It's never been a management panacea in our profession, but as of late there appears to be a definite void in management skills. It's not all that surprising, since we are seeing senior managers leaving at the same or higher rates than their subordinates. The end result is a void in management and leadership skills at a time when our profession needs them the most.

One needs to ask why we are scheduling our personnel in the same fashion as we have done for the last century. Our younger workforce values its time off and embraces 12-hour shifts and flexible schedules along with more time for family. The days of built-in overtime are long gone. Our new people, when we can attract them, want to get in, work and go home. Forced overtime is running them out the door.

Not to steal the thunder of Vice President Gamaldi, but why are we using antiquated disciplinary systems that emphasize punishment over corrective actions? We are bringing in educated professionals who expect to be treated as adults, and then we treat them as if they were attending grammar school. No,

wait, we don't even implement punitive discipline in grammar school anymore!

Every time I hear about a sports figure or CEO and their contracts, severance pay and fringe benefits, I can't help but think: When was the last time one of these people had to make a life-or-death decision? When was the last time they had to comfort a victim of violent crime, pick up a severed limb and rush it to an emergency room, or fend off an attack by someone who really wanted to kill them?

Society is asking more and more from our law enforcement professionals. And yet, there is no financial incentive to do any of it. In this day of competitive salaries and dwindling labor force, we are starting to see some financial incentives to attract new employees. Unfortunately, we are simply robbing Peter to pay Paul. There are not a lot of new people entering the workforce. Only when we truly compensate our heroes for what they are asked to do will we see a stable workforce. Good pay and benefits will attract and maintain a workforce if some other issues can be resolved.

Of course, society needs to recognize the need for professional law enforcement. Perhaps if some of our leaders and elected officials started to renew their support for the profession, our citizenry would follow suit.

I wish I had the answers to our current dilemma. It seems that there isn't any part of the law enforcement profession that isn't being criticized for one thing or the other. But what I can say for sure, from what I garnered at the recent Labor Coalition meeting, is that the emphasis should be on retention. Recruitment will follow.

As always, God bless you all and God bless the FOP. **FOP**

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| WELLNESS |



Beyond “Keep on Keepin’ on” TIPS FOR ACTIVELY FIGHTING BURNOUT

SHERRI MARTIN / DIRECTOR OF WELLNESS

Each month, we try to address a topic in officer wellness that is both current and relevant. We ask ourselves, and you, the members, what is most pressing for law enforcement right now?

With all of the events of the past couple of years, beginning with the COVID-19 pandemic and all that has come since, we know that members of law enforcement and their families have been through a very trying time. We know that many of you are tired, exhausted even. In this month’s edition of the *Journal*, the Division of Wellness Services would like to provide support by first providing information to educate and then providing suggestions for staying resilient.

We often hear the terms compassion fatigue and burnout, but how much do you really know what they mean? According to a dictionary, compassion fatigue is characterized by indifference to charitable appeals on behalf of those who are suffering, experienced as a result of the frequency or number of such appeals. Compassion fatigue is thought to develop from repeated work with victims of trauma, illness and disasters. It is sometimes referred to as secondary traumatic stress or vicarious trauma. People who experience compassion fatigue may exhibit a variety

of symptoms, including lowered concentration, numbness or feelings of helplessness, irritability, lack of self-satisfaction, withdrawal, aches and pains or work absenteeism (Figley, 2002).

Although we often hear the terms used together, burnout is a separate concept from compassion fatigue. Burnout is a state of emotional, mental and often physical exhaustion brought on by prolonged or repeated stress. The World Health Organization has defined burnout as chronic workplace stress that has not been successfully managed (World Health Organization, 2019). However, it is not simply a result of working long hours or juggling too many tasks, though those both play a role.

Burnout may occur when a person is not in control of how a job is carried out or if the person is asked to complete tasks that conflict with their sense of self. Equally pressing is working toward a goal that doesn’t resonate or when a person lacks support in their efforts. The negative consequences manifest as cynicism and lethargy.

According to Barbara Rubel, an expert on compassion fatigue, there are four main differences between compassion fatigue and

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WELLNESS

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burnout:

1. Compassion fatigue is caused by exposure to traumatic material. Burnout is caused by work-related attributes such as the job, co-workers, one's supervisor and poor work culture.
2. Compassion fatigue has a rapid onset and can be felt after the first experience of absorbing one's traumatic material. Burnout emerges gradually over time as work-related attributes, such as too much paperwork, lack of resources and long shifts, pile up.
3. Compassion fatigue is a term that describes the impact of helping others. Burnout is a term that describes the impact of a stressful workplace.
4. Compassion fatigue has a quicker recovery time than burnout if managed early. Burnout has a longer recovery time (Rubel, n.d.).

If you recognize signs of compassion fatigue or burnout in yourself or a co-worker, know that you are not alone. According to the results of the **2021 FOP Critical Issues in Policing Survey**, over 50% of officers are experiencing high rates of burnout. So, what should we do to recover? The easy answer would be to take

time to relax, but it's difficult for many peak performers and high achievers to relax because sitting still feels like laziness. However, burnout is actually the enemy of peak performance because it slows us down cognitively and physically.

The answer is to engage in active recovery, which gives your brain a chance to shut off so that your body can mend, flush stress hormones and reset. Get serious about sleep. Put some effort into setting the stage for deep restorative sleep by ensuring that the room where you sleep is dark, cool, and free of distractions and noise — keep electronic devices out! Speaking of electronic devices, for many, just shutting down a cellphone for several hours a day can provide a chance for rest and recovery, ignoring all the distractions of the outside world and focusing on yourself: your health, your nutrition and your sleep.

Active recovery also involves moving the body. Restorative yoga for some, tai chi for others, or if those aren't your thing, a walk in the woods or on the beach might be it. A soak in a hot tub or a trip to the sauna can lower the stress hormone cortisol. Reading a book or learning a mindfulness practice can give your brain a chance to focus on something other than work. Spending time on a hobby where you are the boss and answer to no one might be an option. The key is to figure out what works for you. It will look different for each person. Remember that scheduling mandatory time-

outs isn't a waste of time — it's necessary to prevent the time that will be wasted if burnout sets in.

In this month of Valentine's Day, we want to share some reminders from one of our previous articles in the *Journal*. We bring you 14 ways to love yourself, which can be amplified by sharing with others you love. Pick your favorites, enjoy and stay well!

1. **Enjoy a great meal.**
2. **Get a good night's (or day's) sleep.**
3. **Go for a walk.**
4. **Phone a friend.**
5. **Take a deep breath. Then take another.**
6. **Plan a "me" day.**
7. **Practice positive self-talk.**
8. **Thank yourself and those around you.**
9. **Play!**
10. **Buy yourself a little something.**
11. **Connect with your favorite hobby.**
12. **Learn something new.**
13. **Let go of negativity. Forgive.**
14. **Reflect on your spiritual side. FOP**

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Rosemont College is a not-for-profit institution located in suburban Philadelphia, Pennsylvania. Rosemont offers fully accredited online degrees and certificates for adult learners at the graduate and accelerated undergraduate levels. Online classes offer the flexibility to arrange coursework to support the needs of adult learners. **FOP**

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See You at Day on the Hill!

FOP's Gears Up for Annual Day on the Hill on February 6-8

In less than a week, FOP members from around the country will travel to Washington, D.C., to participate in the annual **Day on the Hill** event. Our members will be showing off the strength of the FOP's grassroots and will have the opportunity to meet face to face with lawmakers on Capitol Hill.

FOP members will be focused on building support for our top priorities — the Social Security Fairness Act, the Public Safety Employer-Employee Cooperation Act and the Law Enforcement Officers' Equity Act, as well as other legislation important to our members. Our **Day on the Hill** is an important part of the FOP's legislative strategy, and we are looking forward to having a successful event.

118th Congress Off to a Rocky Start — History-Making 15 Ballots to Elect a Speaker

The first order of business for the U.S. House of Representatives is the election of a speaker of the House. This is usually a simple vote with the leader of the majority party taking the gavel and then swearing in all the members of the House. For the first time in 160 years, this did not happen as a small contingent of Republicans supported alternatives to Kevin O. McCarthy (R-Calif.) over the course of 14 ballots, despite McCarthy having been elected to lead the party in the House on a 188-31 vote.

The House was unable to undertake any official actions — including the swearing in of all House members — until a speaker was elected. For four days, the House deliberated, and McCarthy was finally elected speaker in the early hours of Saturday, January 7 — four days after the House took its first vote. This delayed the business of the House — the adoption of

Just the Facts:

» FOP members from across the country will travel to Washington, D.C., to participate in the annual Day on the Hill event on February 6-8. FOP members will be focused on building support for our top priorities — the Social Security Fairness Act, the Public Safety Employer-Employee Cooperation Act and the Law Enforcement Officers' Equity Act, as well as other legislation important to our members. In other news, Kevin McCarthy (R-Calif.) was finally elected speaker in the early hours of Saturday, January 7 — four days after the House took its first vote. This delayed the business of the House — the adoption of its rules package, committee assignments and other organizational tasks — for a full week.

its rules package, committee assignments and other organizational tasks — for a full week. Before entering a weeklong recess, the House passed organizational resolutions and messaging bills, the latter along party lines.

The Senate opened its session, swore in its new members and recessed. It is expected to return to session the last week in January. No roll call votes have been taken to date, but nine organizing resolutions were adopted.

FOP Working to Reintroduce Priorities

At the start of any new Congress, the FOP's first order of business is to ensure that our top priorities are reintroduced in Congress — especially in cases where the sponsors of the legislation do not return to Congress, which was the case for Representative Rodney L. Davis (R-Ill.), the longtime sponsor of the Social Security Fairness Act.

With the Senate in recess for much of last month, we focused our efforts on the House. We are proud to report that Representatives Garret N. Graves (R-La.) and Abigail A. Spanberger (D-Va.) have reintroduced H.R. 82, the Social Security Fairness Act, in the House. The bill has 59 co-sponsors at this writing.

To date, the following bills that the FOP supports have been reintroduced:

- **H.R. 233**, which would codify the existing qualified immunity doctrine as established and upheld by the U.S. Supreme Court
- **H.R. 354**, the Law Enforcement Officers Safety Act (LEOSA) Reform Act, which would amend LEOSA, which exempts qualified active and retired law enforcement officers from local and state prohibitions on the carriage of concealed firearms to ensure that these officers are able to carry in the same venues as civilian concealed-carry permit holders in areas like schools and national parks, as well as use public transportation. It also extends the exemption to magazine capacity and would allow active and retired law enforcement officers to access services at U.S. post offices, Social Security Administration offices or Veterans Affairs facilities.
- **H.R. 355**, the Back the Blue Act, which would improve protections for law enforcement officers by increasing the penalties for those

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FOP VETTED AND APPROVED WELLNESS PROVIDERS AND PROGRAMS

Wellness Facilities

Chateau Recovery Midway, UT

chateaurecovery.com/programs/first-responders

FHE Health: Shatterproof Program Deerfield Beach, FL

fherehab.com/services/first-responders

First Responder Wellness by Simple Recovery Costa Mesa, CA

firstresponder-wellness.com

Harbor of Grace First Responder Program Havre de Grace, MD

harborofgracerecovery.com/first-responders

Transformations Treatment Center: Help for Our Heroes Program Delray Beach, FL

helpforourheroes.com

Warrior's Heart Bandera, TX

warriorsheart.com

Wellness Products

CordicoShield cordico.com/shield

Sessions First sessionsfirst.com

Lighthouse Health & Wellness lighthousehw.org

TIAG mResilience tiag.net/innovations/mresilience

Wellness Training Programs

HEART 9/11 SMART Program heart911.org/programs/smart-program

Warrior PATHH bouldercrest.org/warrior-pathh

Zero to 60: Career Survival and Emotional Wellness twotherescue.com/skill-specific-courses/career-survival-and-emotional-wellness-first-responders

WASHINGTON REPORT

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who kill or assault law enforcement officers, would impose time and other limits on federal courts' review of habeas corpus, would amend LEOSA and provide new grants.

The staff in the Government and Media Affairs Center (GMAC) is actively working with our allies in the House and Senate to reintroduce our top priorities and other FOP-supported bills. Watch for the latest news on new legislation on the FOP's website and in our weekly *Legislative Update*.

COPS Office Has a New Director

Last month, U.S. Attorney General Merrick B. Garland named Colonel Hugh T. Clements Jr., chief of the Providence, Rhode Island, Police Department, to lead the Office of Community Oriented Policing Services (COPS Office) as its next director.

This is excellent news for the COPS Office and law enforcement community as their work is so vital to state and local law enforcement agencies and, by extension, to the safety of our communities. The COPS Office is the cornerstone of our national policing strategy — community-oriented policing. The hiring program, its work on collaborative reform and efforts to improve

officer safety and wellness are critical, especially at a time of increased crime and violence in many of our communities. It is also excellent news for the FOP in particular, as Colonel Clements is a longtime FOP member and former member of the FOP's National Board of Trustees.

The FOP looks forward to working with Director Clements in the coming years.

Follow the National FOP!

We need our members to help better educate the public on the current environment for the brave men and women of law enforcement. We ask every lodge, every member, and every citizen who supports law enforcement officers to follow the National FOP on:

- Facebook (@GLFOP)
- Twitter (@GLFOP)
- Instagram (@FOPnational)

Do your part! Please **share, comment** and **like** the content that we are posting.

Stay Informed!

The **National FOP's Weekly Update** is a valuable tool for members and local lodges to keep them informed on the legislation important to law enforcement and the latest news from our nation's capital. It is a great way to stay updated on what the National FOP is doing for you in

Washington. If you have not yet done so, please be sure to sign up for the National FOP's *Washington Watch: Legislative Update*. This one-of-a-kind weekly update is sent out every Friday via email, posted in the NFOP mobile app, and shared on our social media platforms. To sign up to receive the update via email, please visit tinyurl.com/yaahrh62.

Tune in to the Blue View Podcast!

The FOP's podcast, *Blue View*, has all of our episodes available on the FOP's YouTube channel! National President Patrick Yoes hosts the podcast, which has featured guests from Capitol Hill and within the FOP, as well as law enforcement experts and leaders from around the country, to gain better insight into the issues and current events in the law enforcement community.

On one of the recent episodes of the *Blue View*, National FOP President Patrick Yoes sits down with Sherri Martin, the National director of Wellness Services at the FOP. Our Division of Wellness Services provides a variety of resources to FOP members, including education, connections to culturally competent wellness practitioners and guidance in all matters related to staying healthy and productive on and off the job.

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BLUE VIEW

TUNE IN TO THE FOP PODCAST

Listen in every week to hear from law enforcement experts, elected officials and other notable leaders to gain insight into the issues and current events surrounding the law enforcement community.

Available now on **FOP.net**, **FOP's YouTube channel**, **Apple**, **Google**, **Spotify** and **Amazon Music**.

NEW NATIONAL FRATERNAL ORDER OF POLICE RECRUITMENT BROCHURE

The National FOP Recruitment Committee has designed a new recruitment brochure to aid State and local lodges and individual members in recruiting new members into the FOP. This beautiful color brochure contains various QR codes that let the reader see the FOP website, the history of the FOP, the

Legal Defense Plan, the free college program and much, much more. It also contains a pocket for a membership application, business card or other information to be inserted.

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FOP UNIVERSITY
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The brochures are sold in lots of 100 for only \$20 with free ground shipping.



Lodges can order this wonderful recruitment tool by contacting the National Secretary's Office via Stephanie Simpson at ssimpson@fop.net.

Top Priorities in Brief

H.R. 82/S. 1302, the Social Security Fairness Act

House: 59 co-sponsors (41 D, 18 R)

Senate: Not yet introduced

The Law Enforcement Officers' Equity Act

House: Not yet introduced

Senate: Not yet introduced

The Public Safety Employer-Employee Cooperation Act

House: Not yet introduced

H.R. 354, the LEOSA Reform Act

House: 19 co-sponsors (19 R)

Senate: Not yet introduced

The Protect and Serve Act

House: Not yet introduced

Senate: Not yet introduced

To see a full list of legislation supported by the FOP, please visit tinyurl.com/ycy5k5rv. Members should continue to monitor the FOP's social media platforms and our website for the latest legislative news! To send a message to your members of Congress asking them to support FOP priority legislation, visit the FOP Action Center at votervoice.net/FOP/home.

WASHINGTON REPORT

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The *Blue View* podcast can also be found on Apple Podcasts, Spotify, Amazon Music and YouTube.

The PAC Needs Your Support!

The FOP's GMAC is the most reliable, effective and impactful law enforcement advocacy operation in Washington, D.C. When Congress or an administration, regardless of party, is looking to engage meaningfully on criminal justice or law enforcement issues, they seek out the FOP as a partner. We are known and trusted to fight for the interests of our members, which makes the FOP a vital ally on policing and criminal justice issues.

The National Fraternal Order of Police Political Action Committee (NFOP PAC) needs your help! Our PAC plays an important role in our advocacy program and allows the FOP to support candidates who support our members and our profession. Given the importance of the PAC, it is vital that the PAC is as well-funded as possible, but ours is still very much depleted from the 2020 election cycle, which limited our effectiveness in this year's midterm elections. We really need our members to step up and contribute to ensure that our PAC has the ability to support candidates who will fight for our officers and the issues that are important to them. One lodge in particular, the Long Beach Police Officers' Association, raises over \$1,000 per month

for the PAC. And this is just one lodge! If lodges nationwide were to follow their lead, the NFOP PAC would have the resources it needs to make a nationwide impact.

We are asking all FOP members to find a way to contribute to the National FOP PAC. Our profession depends on having well-informed lawmakers who listen and understand the challenges facing law enforcement today.

We can accept one-time donations, but we encourage members to sign up for recurring, monthly contributions using their credit card. This is the most effective and reliable way to contribute.

These contributions need not be for hundreds or thousands of dollars (though these are also very much appreciated) — but every dollar helps! If every FOP member gave just \$1, we could raise \$364,000! If 10% of our members gave just \$5 this year, we would raise \$182,000. We can and need to do better raising funds for our PAC!

To donate online, please visit tinyurl.com/2p8ec7xf. If you would like to donate via check, please make it out to the National Fraternal Order of Police Political Action Committee and mail it to 328 Massachusetts Ave. NE, Washington, D.C., 20002. For inquiries about our effortless payroll deduction program or to sign up for our recurring monthly credit card donations, please contact the Government and Media Affairs Center at (202) 547-8189 or David Taboh at dtaboh@fop.net.

Thank you to all of you who have supported and continue to support our PAC with regular contributions! **FOP**



WANT A PRINTED COPY OF AN ARTICLE THAT APPEARED IN FOP JOURNAL?

Perhaps you or your lodge were featured in the magazine and you'd like a keepsake to share or display?

Contact 911MEDIA for more information on ordering a reprint: production@911MEDIA.com.



BENEFITS OF FOP MEMBERSHIP

The National Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with over 364,000 members in more than 2,200 lodges. We are committed to improving the working conditions of officers and the safety of those we serve through education, legislation, information, community involvement and employee representation. Here's a quick overview of the wide variety of services and benefits that the FOP offers to its members.

Legislative Office

The office on Capitol Hill lobbies on issues important to rank-and-file law enforcement officers. The National Legislative Program is the most active and comprehensive of any law enforcement organization in Washington.

Legal Defense Plan

This self-funded plan is available to eligible FOP groups and individual members to cover law enforcement exposures, including administrative, civil and criminal legal coverage; H.R. 218 coverage; and the Moonlighting Liability Insurance Program.

Labor Services Division

Comprehensive resources and services designed to ensure that no officer goes to the bargaining table alone. Labor Services stands ready to provide the people and resources you need for contract information, experienced legal experts, training seminars, personalized labor research and more.

National Peace Officers' Memorial Service

This solemn event is held every year during National Police Week to honor those who have given their lives in the line of duty. Open to the public, it brings together the expanded law enforcement family and national leaders, pays tribute to the fallen and offers words of comfort to their surviving family members.

FOP Journal

Published digitally 12 times a year, the *FOP Journal* is the official publication of the National FOP. Each issue contains reports from the Executive Board, updates on law enforcement legal and labor issues and so much more!

Disaster Relief

As part of the NFOP Foundation, the Fraternal Order of Police Disaster Relief Fund (a nonprofit 501(c)(3) organization) relies on the generosity of individuals, organizations and corporations and is always prepared to assist our members in distress.

Charity Partnerships

- **Easter Seals:** Helping children and adults with disabilities live better lives is at the heart of Easter Seals' mission, and the FOP, as a long-standing Easter Seals National Corporate Partner, has helped raise more than \$15 million. Donate online at www.easterseals.com and be sure to indicate your FOP affiliation when donating!
- **Law Enforcement Torch Run for Special Olympics:** The FOP is committed to helping people with intellectual disabilities learn to become self-reliant and contributing members of our communities.

Service Providers

The National FOP list of Service Providers currently includes Liberty Mutual insurance, Avis and Enterprise car rentals and a variety of licensed products from HALO, the official FOP merchandiser.

Education Services

The Education Services Committee develops and implements professional law enforcement training programs and events to equip members with the skills needed to enhance their careers, and has established a training schedule covering a wide spectrum of leadership, labor and legal issues. The National FOP also provides scholarships to eligible applicants.

National Fraternal Order of Police University (NFOPU)

Recognizing that four-year and graduate degrees are increasingly important for law enforcement career advancement, the FOP collaborates with a select consortium of universities willing to offer members the education they need with a flexible schedule and reasonable cost. **FOP**



For more information on all of these programs, visit www.fop.net.

NFOP Files Brief in Support of Boston Police and Firefighter Unions

While the topic of the case was the City of Boston's COVID-19 vaccine policy, it was the City's unilateral actions that captured the attention of the National Fraternal Order of Police. As such, the NFOP filed an *amicus* brief in support of the unions in order to protect its members' right — and all union-represented employees' right — to collective bargaining. This case, *Boston Police Superior Officers Federation, et al., v. Michelle Wu, et al.*, No. SJC-13347, is before the Supreme Judicial Court of the Commonwealth of Massachusetts. Defendants-appellants Mayor Michelle Wu and the City of Boston appealed the single justice's order granting plaintiff-appellees the Boston Police Superior Officers Federation, the Boston Police Detectives Benevolent Society and the Boston Firefighters Union, Local 718, International Association of Fire Fighters, AFL-CIO, a preliminary injunction. This injunction precludes Mayor Wu from implementing and enforcing a revised COVID-19 vaccination policy. However, the implications of this decision reach far beyond the COVID-19 policy by potentially setting the precedent to allow an employer to disregard all collective bargaining requirements and unilaterally change a workplace policy.

To briefly summarize the facts, on December 20, 2021, Wu publicly announced she was revising the City of Boston's prior COVID-19 policy. Under the new mandate, as a condition of employment, all City employees were required to be vaccinated by January 15, 2022. The prior policy, implemented in August 2021, allowed employees the option of receiving the vaccine or providing a

Just the Facts:

» The NFOP filed an *amicus* brief in the case of *Boston Police Superior Officers Federation, et al., v. Michelle Wu, et al.*, in order to support the fundamental right to collective bargaining. The case concerns the City of Boston's revision of its COVID-19 vaccination policy, disregarding previous MOAs, without offering unions the opportunity to bargain. A single justice granted the three plaintiff unions a preliminary injunction to prevent the revised policy from being implemented, but the mayor and City have appealed the decision to the state's Supreme Judicial Court. The FOP believes that this case could potentially set a dangerous precedent that would allow an employer to unilaterally change workplace policies and disregard collective bargaining requirements.

weekly negative test. The City and the unions previously bargained over the August policy to allow this alternative option to the vaccine. As a result of the negotiations, memoranda of

The City of Boston's unilateral actions were of significant concern to the NFOP because they contravened labor laws and undermined the purpose of unionization.

agreement (MOAs) were entered into between the City and Local 718 and the Federation, agreeing to the weekly testing option. The Detectives were also in discussion about the policy but did not reach an agreement prior

to December 20, 2021. Yet the City took it upon itself to unilaterally change the August policy and eliminate the option for employees to test weekly. Wu's announcement did not acknowledge the MOAs or any bargaining obligations with the unions.

In response, the unions demanded an opportunity to bargain. The unions also filed charges of prohibited practice with the Department of Labor Relations, alleging that the City's unilateral implementation of the revised policy violated G.L. c.150E. It was not until three weeks later — and one week before the vaccine deadline — that the City finally responded to meet. However, when the time came to meet, the City allotted just one hour for each union, did not answer questions or provide the requested information, and did not send a representative with authority to negotiate. Then, when mediation was ordered by the Department of Labor regarding the unfair labor practice charges, the City again sent representatives without the authority to negotiate or settle.

Subsequently, the Superior Court (trial court) denied the unions a preliminary injunction, finding that the unions did not demonstrate irreparable harm or that an injunction promotes the public's interests — both of which are necessary elements to be granted injunctive relief. On appeal, Single Justice Sabita Singh vacated the Superior Court's denial and issued an injunction prohibiting the City from enforcing the revised policy until a final resolution of this matter.

As the world's largest organization of sworn law enforcement officers, the NFOP has a strong interest in this case to defend the due process rights of its members. The NFOP fights to preclude employers from unilaterally acting in ways inconsistent with state laws and collective bargaining agreements. Here, the City of Boston's unilateral actions were of significant concern to the NFOP because they contravened labor laws and undermined the purpose of unionization. In its *amicus* brief, the NFOP argued that the City of Boston blatantly disregarded its duties under statutory law and negotiated MOAs by enacting a revised COVID-19 policy without giving the unions the opportunity to bargain. In fact, the City ignored its duties to negotiate in three separate circumstances: (1) the City ignored its statutory obligation to bargain the **decision** to implement the revised policy under G.L. c.150E; (2) the City ignored its statutory obligation to bargain the **impacts** of the revised policy; and (3) the City failed to acknowledge the executed and enforceable MOAs entered into with the unions when enforcing the policy.

First, the City failed to bargain the decision of implementing the revised policy. The City cannot unilaterally alter a condition of employment involving a mandatory subject of bargaining without negotiating with the unions. Typically, the decision itself to implement a policy depends on the language in the collective bargaining agreements and state law. Here, pursuant to G.L. c.150E §10(a)(5), the single justice properly found that the unions were likely

to succeed on the merits because requiring vaccination as a condition of employment is a "term or condition" of employment subject to bargaining. In support of the single justice's finding, the NFOP argued that the revised policy undeniably affects employment because it does not provide the unions' members any other option to keep their job unless they receive the vaccine. Thus, the City was required to bargain the decision — it cannot merely override state labor laws that were designed to safeguard the rights of union-represented employees.

Second, the City failed to bargain the impacts of implementing the revised policy. The City's obligation to negotiate does not end with its decision to implement the revised policy. Labor law draws a distinction between needing to bargain over the "decision" and the "effects" of that decision. Here, even if the City was authorized to make such a decision, nevertheless, the City was required to bargain the impact and effects of the policy. The City overstepped its authority by depriving the unions of the opportunity to bargain for more favorable impacts of the policy. Specifically, it eliminated the chance to negotiate for the reasonably foreseeable effects like the time frame for employees to get vaccinated, paid time off entitlements, consequences of noncompliance, other viable alternatives such as testing, responsibility of covering the cost of testing or other incentives to encourage employees to comply.

Third, the City renounced its agreement under the MOAs that entitled employees to an alternative option to the vaccine. The MOAs between the City and the Federation and Local 718 — which, again, were negotiated for and agreed upon — remained enforceable at the time Wu announced and implemented the revised policy. The City was therefore required to follow the agreements it voluntarily entered into with the unions. To simply ignore the agreements destroys the trust between the City and the unions to potentially come to agreements for future issues and may hinder the unions'

willingness to enter into another MOA again.

Importantly, the City's failures in this case have far-reaching implications to union members beyond the COVID-19 vaccination policy. In its *amicus* brief, the NFOP warned of a dangerous precedent. This case may embolden the employer to disregard future bargaining obligations. For example, bargaining topics such as policing equipment, vacation time or other workplace-related benefits may be in jeopardy.

Accordingly, the NFOP filed this *amicus* brief to protect the fundamental right to form and join a union. More specifically, the brief fights to safeguard the right to collective bargaining because it is an essential process necessary to defend individuals' rights and balance the employer's power. Union members must be afforded the due process right to engage in negotiations for terms and conditions that affect their day-to-day lives. Here, if the City of Boston's actions are excused, the court is inviting employers to disregard the due process rights of employees. Without a fight, union members risk forfeiting the ability to negotiate future matters.

Therefore, the NFOP argued that the court must protect the power of the united action, through collective bargaining, in order to have the members' voices heard. In the midst of nationwide police shortages and employee burnout, there has never been a more crucial time for union members — like the police officers, firefighters and detectives in this case — to have their voices heard. **FOP**

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New Retired Law Enforcement Concealed Carry Legal Defense Coverage

The FOP Legal Defense Plan's Board of Trustees has had numerous requests from current and prospective participants to review broadening coverage under the current HR-218 LEOSA Plan. After diligent review and analysis, the Board voted to make the following changes.

The HR-218 Plan coverage was replaced with the **FOP Retired Law Enforcement Concealed Carry Legal Defense Coverage (CCC)**. The expanded coverage will offer **unlimited** legal defense for civil and criminal claims associated with the legal carrying and/or use of a concealed weapon: All reasonable and necessary legal defense costs are now covered in full when using a plan attorney. This new expanded plan will provide coverage for not only those retirees who were qualified under

LEOSA, but also those retirees who are qualified under their own state laws to carry a concealed weapon. **Coverage does not include claims related specifically to the open carrying of firearms.**

The CCC went into effect on **January 1, 2021**. If you are a current HR-218 retired member, unlimited coverage and the enhanced benefits automatically took effect on January 1, 2021, with no additional cost. Upon renewal of your coverage in 2021, the new annual fee of \$75 will take effect. For all new retired members joining the plan after January 1, 2021, the annual fee is \$75.

If you are an active law enforcement officer covered by the FOP Legal Defense Plan, LEOSA coverage is already included. CCC is for **retired law**

enforcement officers only and separate from the FOP Legal Defense Plan.

The Board is excited to provide yet another excellent benefit for our FOP law enforcement brothers and sisters. In today's unstable times, it is crucial to make sure you are protected.

The Legal Plan values your business and thanks you for your continued support. To enroll, please visit our website at foplegal.com and select Join Now > Retired Law Enforcement Concealed Carry Coverage. Full coverage, eligibility and other exclusions can be found in the Plan Description at foplegal.com, under the About > Library section. If you have questions pertaining to these changes, enrollment or the plan in general, please contact Hylant at (800) 341-6038 or via email at info@foplegal.com. **FOP**



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