



The **DEPUTY**

FOIA Lawsuit

Gary McClure



There has been some discussion over two FOIA lawsuits filed by the OCDSA in Circuit Court. In these related suits, the OCDSA took action to gain the disclosure of various documents which the County has refused to provide, and to require the County to pay the associated attorney's fees. The Association will be posting the Court documents on our website so that members will have a better understanding of the issues involved.

As background information, the FOIA process is one of many tools the OCDSA uses to gather information for our Association and its membership. Among other things, this information is used to investigate and process grievances, formulate safety proposals, educate ourselves about various issues, and to aid in the collective bargaining process.

The OCDSA requested that the County provide us with certain information as they are required to under law. Among the items requested was a study done of the dispatch area by an outside consulting firm. This study was ordered after many years of short staffing, high stress levels, and other problems in the dispatch area. This study may be useful in formulating various proposals by the union, and is also something many of our members wanted

as was revealed by discussion at several union meetings. Many OCDSA officers and members were directly involved as participants in the study. They had asked Command for access to the study several times, but to no avail. Before the OCDSA took legal action, it requested the study from the County in several ways--all of which were refused. Other information sought by the OCDSA concerned the Personnel Appeal Board, where some disciplinary action hearings are held. These actions include patrol car crashes, disciplinary appeals stemming from citizen complaints, as well as from other sources.

Another of the items wrongfully withheld by the County is a videotape recording of conversations between OCDSA President Gary McClure, Chad Engelhardt, Major Douglas Eader, and Lt. Timmy Atkins about a variety of issues, perhaps most significantly the County's failure to respond to the threat of MRSA in our correctional facilities. Several of our members and their families have been impacted by MRSA; a highly contagious, disfiguring and potentially lethal infection that is sometimes referred to as a deadly superbug. This video is important to the Union as an institution, as we have

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an obligation and duty to promote the safety and welfare of our members. A bacteria or virus can be just as deadly as a gunshot, and in some ways is worse because it can be carried home to family members on clothing or skin. MRSA is still present in our jails; proper measures have still not been taken to address this extremely hazardous situation. We have ample information that proves that the Sheriff's Office knew for some time about the danger posed by MRSA, and did not act appropriately, not even to warn officers or the public of the danger.

Some have expressed concern because the OCDSA's complaint mentions inmate medical treatment and housing conditions. It is important to remember that their living conditions are our working conditions. If an inmate with a communicable disease is not properly quarantined or treated, it is not only other inmates that are placed at risk, it is our members, our families, and other members of the public.

The County continues to place our members in danger by operating jails which are both overcrowded and

understaffed. Consider the recent staffing cuts made in the Main Jail, especially the elimination of the shower positions (daily showers and clothing exchanges are an integral part of controlling MRSA outbreaks). Additionally, look at the Auburn Hills Complex, where one of the dorm officers is pulled on a regular basis for transport duties, leaving one deputy alone with almost a hundred prisoners in an unsecured environment. We have requested that a dedicated transport team, or other solution, be created to handle satellite transports. This would improve not only inmate safety, but officer safety as well. We have offered to assist the Sheriff's Office in any way possible to request additional staffing and resources from the Board of Commissioners.

Our members are placed in other dangers as well; take for example our members assigned to Work Release, Southfield, and the Auburn Hills Complex. They are REQUIRED to dispense medication (sometimes even psychotropic medications) directly to prisoners and/or monitor certain inmates' medical conditions. They are not given proper, if any training, yet are held accountable if a mistake is

made. We have repeatedly asked for more medical staff to monitor changing conditions and properly distribute medication in the satellite facilities. The situation remains unaddressed by the Sheriff's Office.

The first suit is set for trial on September 10, 2007 before Judge Warren. In addition to disclosure of the information, we are also asking the Court to order the County to pay our legal fees incurred in having to bring these matters before the Court. We have already met with County officials several times in an attempt to amicably resolve these issues, and we will continue to do so. However, we are also confident in our legal position, and will litigate in Court if that is what is needed.

We believe the OCDSA has a legal right to the information we have requested. We also believe that obtaining the requested information will allow us to better represent our members. The OCDSA has an obligation to do so on behalf of all of our members.

There is a special OCDSA meeting on September 04, 2007 at 5:00PM at the Union Hall. If you have any questions regarding these FOIA actions, they can be addressed at that time.

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These policies may be purchased through a direct deduction from your checking or savings account. For greater detail, please schedule an individual appointment with our representative, Patrice Di Trapani, (586)354-1099. Ms. Di Trapani will also be available at our regularly scheduled monthly meetings. Please contact her with any questions.

Why You Should Consider



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- Travel expenses to and from special treatment centers.
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- Car notes.
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To find out how Aflac can help relieve the stress of out-of-pocket expenses and loss of income, please contact:

Patrice Di Trapani
(586) 354-1099

NOTES FROM THE SECRETARY

James Boomer - OCDSA Secretary



What Now?

This question is probably on every member's mind since the 312 ruling was handed down by MERC on August 7. Essentially, the ruling affirmed that our members in the Corrective Services Division are not Act 312 eligible and that the OCDSA shall henceforth consist of two separate bargaining units. The Order, in part, reads:

Further, the Employer's petition to clarify the bargaining unit is granted, for the reasons stated above. There shall be two units represented by Oakland County Deputy Sheriffs Association. The first unit shall consist of all positions previously within the bargaining unit that are assigned to the Patrol Services Division (including the complex patrol assignments), or assigned to the Investigative and Forensic Services Division (excluding forensic laboratory specialists), and require MCOLES certification, or are assigned to positions as dispatchers. The second unit shall consist of all positions previously within the bargaining unit that are assigned to the Corrections Division or to circuit court investigator or forensic laboratory specialist positions. (The Order can be found in its entirety under the Discussions tab, then click on Union Documentation.)

Aside from the ruling, MERC went on to say that the previously scheduled arbitration dates would be cancelled and that both units would be remanded back

to mediation. It is this part of the order that puzzles me, largely because I find it unnecessary and quite frankly, damaging to our interests. The issues facing the 312 eligible portion of the OCDSA remain the same, independent of the ruling. I fail to understand the rationale behind this portion of the decision, except that it opened the door for a petition to be filed at MERC that seeks to switch the 312 eligible portion of the OCDSA to POAM. It seems that the changing of unions is restricted by MERC, and is not allowed if the current union is in arbitration. By remanding the OCDSA out of arbitration and into mediation, MERC created a window of opportunity for switching unions, an opportunity that a group of OCDSA members has taken advantage of.

MERC requires that cards be signed by 30% of the affected bargaining unit in order to move forward with an election. This was apparently accomplished, and the cards were turned over to POAM. POAM subsequently presented them to MERC and went on record as wanting to exclusively represent the new group, should it be formed. A hearing has been scheduled for September 5 at MERC to discuss the matter, and an election will likely follow. If a majority of the 312 eligible employees vote in the affirmative, POAM will become their exclusive representative at MERC.

One of the most disturbing aspects of this situation is that so many rumors,

speculations and half-truths are being circulated that many people do not truly know what the best route to go is. I cannot stress strongly enough how important it is that each and every 312 eligible member of the OCDSA takes the time to educate themselves prior to voting. Do not rely solely on what I say, do not rely solely on what your partners say, and do not rely solely on what the advocates of this move say. Take a few hours and seek reliable information from various sources. Contact departments that utilize POAM (Macomb, Livingston, Genesee, and Wayne Counties to name a few), contact MERC with questions regarding retro-pay eligibility, or contact POAM with questions regarding their services. I would suggest that you ask questions regarding BOTH contract negotiations and legal representation/disciplinary matters when you contact other represented departments.

Lastly, it is important that each 312 eligible member actually casts their vote. Too often we see a poor voter turnout when elections roll around. This election has far-reaching implications that will affect us all for many years to come, and there is literally no excuse for a poor ballot return. As always, if you have any questions or concerns, you can contact me via cell (248-410-3756) or by e-mail at ocdsasecretary@comcast.net.



Want to keep up with the latest
OCDSA news and events?
Check us out online at
- www.ocdsa.com -

Photos from the Annual OCDSA

FAMILY PICNIC



James Boomer and
Mike Hall set up the
CBF Merchandise tent

Dave Curtis unloads
some beverages for
the picnic.





Mark Myers and Charlie Rash setting up the cold drinks

The Curtis Clan setting up the Prize Pavillion



Kim Potts shows off her raffle tickets with a hopeful smile!



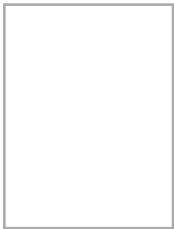
Retiree Barb VanWagoner making the rounds and seeing old friends



Tammy Ayer-Belian and Marcie Osborne volunteered their afternoon to work in the CBF tent



A great time was had by all!



The Oakland County Deputy Sheriff's Association
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