

Concerning The Washington Post Coverage of Police Disability

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The Washington Post's editorial opinion about Montgomery County police disability retirement [September 17] disregards facts and extensive documentation that I personally provided to the Post's editors on August 18, as well as information given to Post reporters in September. The opinion misleads and misrepresents the truth.

Some considerations:

- Disability and retirement benefits are mandatory subjects of collective bargaining. This is done without labor strife, job actions, and interference with the orderly process of government.
- Police managers, including assistant police chiefs, who have received tax-free disability pensions are not unionized, nor are they covered under the collective bargaining agreement.
- **It is never in the public interest that police officers pause to consider whether they and their families will lose income when they respond to a call. Delay can be deadly. On September 11, 2001, it was union police officers and union firefighters with collectively bargained pension and disability benefits who responded to the World Trade Center.**
- Fraternal Order of Police, Lodge 35 has fought to retain police officers with disabilities. Our efforts date to 1982. See *9 Disabled Officers May Be Forced Out*, Montgomery Journal, June 21, 1982. We have, for example, challenged the forced disability retirement of an officer suffering from end stage renal disease, and successfully prevented removal from active police duties officers suffering from diabetes.
- Police work is a calling and most officers want to continue police work for as long as possible. Some work injured, and in pain, passing up years of tax-free income, performing full duties hoping to delay retirement. What's wrong with that?
- The FOP has negotiated a contract provision to allow disabled/injured police officers to perform police functions within their capabilities through non-competitive placement as an alternative to disability retirement.
- Both the FOP and management recognize that not all disabled officers can be retained and some must retire. We have, therefore, provided disability benefits that, consistently over 22 calendar years have resulted in the disability retirement of an annual average of eleven officers per year. This represents an annual average of 1.2% of the police department.
- There's simply no news. The County's actuary has annually provided disability assumptions to the County's chief administrative officer ["CAO"] who has forwarded them to the County Council.

- The actuary's Experience Report, dated April 7, 2006, shows that for the period July 1, 2001 through June 30, 2005, 173 public safety employees were expected to retire on disability. In fact, the actual number was 79 -- less than half of the expected total.
- We have made concessions for the disability retirement benefit we have. Two examples, the FOP agreed to a 15% reduction in the county's worker's compensation supplement from 100% of pay to 85%.and limited county paid disability leave to 18 months.
- With rare exception, once an officer begins collecting disability retirement benefits, s/he is no longer eligible to receive worker's compensation benefits for lost wages.
- Worker's compensation, like service-connected disability retirement, is excluded from income tax under federal law. Other earned income is taxable. (I note that Senator John McCain receives a military disability pension of over \$58,000, tax-free.)
- Comparisons of disability retirement benefits to those in other jurisdictions is misleading and flawed. Comparing specific provisions of pension benefits is unwise; the entire pension package must be examined.
- Each member of the medical panel is a competent board certified medical doctor appointed to a three-year term by the county's chief administrative officer from a list of ten doctors agreed upon by both the county and all three unions representing county employees. Absent objection from the county, the CAO, or any union, the doctor may be reappointed. This is a fair process designed to promote confidence in the system and to prevent either party from stacking the deck.
- There is no evidence that the current medical panel has engaged in any improper conduct or acted in a manner contrary to the law. When deemed necessary, the medical panel engages "independent medical examiners" to conduct medical examinations.
- Our contract allows management to require medical examinations on disability retirees.until they reach age 55.

The editorial states, "Without disability [of 66 2/3%], officers get half their salary" This is simply wrong. After 25 years, the pension is 60% of average final earnings, a benefit considerably less than the normal benefit in Fairfax County, Prince George's County, Howard County and other jurisdictions.

The Post editor's statement that "entering into negotiations with union leaders, who could lodge appeals that could delay reform for years" is without foundation. The collective bargaining process and collective bargaining agreements require resolution by a date certain. There is no delay when the process is followed. (This is an apparent reference to the Post's unfounded belief that implementation of mobile video system ["MVS"] agreement is being delayed due to an appeal. That appeal is not, and never was, a legal bar to implementation of the MVS.)

The FOP and County are in agreement that this is a complex issue requiring thorough examination through the established collective bargaining process. Indeed, we are open to making adjustments, if and when appropriate. However, we will negotiate with facts, not uninformed editorial opinions. Clearly, if there is proof of fraud, we want the issue addressed. Similarly, if there is abuse (by either a retiree or management) as demonstrated through competent medical evidence, rather than bald conclusory allegations and finger-pointing, we will demand corrective action and ensure prompt compliance with our contract.