



# The Billy & Spanner

## PRESIDENT'S NOTES

By Ray Storms



Happy Valentines Day to you and yours. For those of you over 65 we did have a problem with the Silver Sneakers program in the new year and it has been resolved. So if you had an issue you should be able to use your membership now.

Just to let you know we have not forgotten about the mistakes made by the City in regards to the FLSA over/under payment issue. We had over 360 members affected just in the overpayments alone. A special committee set up by the Retirement Board to review the FLSA over/under payment issue hasn't met yet but will in the next couple of months. I will be on that committee and I plan on asking if the Auditor who made the findings will meet with the special committee to review the auditor's rational for determining that over/under payments occurred and the correct payment amounts. The purpose of this committee is to insure that this does not happen again and how to prevent it.

For those of you who may not know we are working on a memorial project. Retired Captain Joe Roberts came up with the idea and we are moving ahead with it. The idea is we have members all over the world that when they pass may not have the service like they would if they lived locally. So we that we are going to produce a video on CD that could be played at their memorial service if so desired. It will have the Honor Guard, Bag Pipes and so forth for both Police and Fire it is in the early stages of development so please be patient. I will update you as it progresses.

### INSIDE:

- ANNUAL FOLSOM BBQ
- FITNESS PROGRAMS FOR RETIREES
- IMPORTANT SUPREME COURT CASE

## A REASON TO WORRY: U.S. SUPREME COURT TO HEAR CASE THAT HAS TREMENDOUS CONSEQUENCES FOR ORGANIZED LABOR

As of the time of writing this article, the U.S. Supreme Court is expected to hear oral arguments in the case of Janus v. American Federation of State, County, and Municipal Employees, Council 31. The “Janus” case as it is commonly known, seeks to end the ability of labor unions to charge “agency fees” or “fair share fees” for collective bargaining costs employees who do not wish to be part of the union.

So what does that mean? In simple terms, let’s say a city parks worker does not wish to be in the union. They can choose to “opt out” of the union and not pay dues. In “right to work states” which are typically more politically conservative, nothing can be done about that. In other states where the role of collective bargaining is respected, such as California, the union would be able to charge that park worker what’s known as an “agency fee” to cover the costs of representation. None of the agency fees can go towards political campaigns.

The logic behind “agency fees” is fairly simple. The union negotiates a contract that all employees benefit from; they enforce the contract through grievances or litigation; there is a cost to that, and for that cost the “non-member” pays a fee. No freeloaders.

Who is Janus? Mark Janus is an Illinois state employee who contends that “agency fees” violate his first amendment rights because unions lobby elected officials for things like increased budgets or increased taxes. This, Janus argues, is violating Janus’ First Amendment rights of free speech. But Mr. Janus is not the power, or more accurately the money behind this litigation. Originally, Illinois’ Governor attempted to file a lawsuit ending the union fees, but he was shot down as he didn’t have standing since he wasn’t paying dues. Enter the Right to Work Legal Defense Foundation (NRTW) and the Liberty Justice Center (LJC), groups that are widely known to be funded by foundations and donors linked to billionaires who have systematically been working to dismantle collective bargaining protections in the United States. These non-profits, found Janus, and two other plaintiffs and are bankrolling the entire lawsuit. This is the third case over the same issue to come before the Supreme Court in the last five years.

What’s at stake? If the Supreme Court sides with Janus, experts on both sides of the political spectrum believe it will have a significant impact on the finances of organized labor unions. Essentially, it creates a zero-downside scenario for some workers, who may not be interested in the collective good, to freeload off of their brothers and sisters who will continue to fight for fair wages, working conditions and benefits. As such, dozens of police and fire unions across the country have filed Amicus briefs opposing Janus.

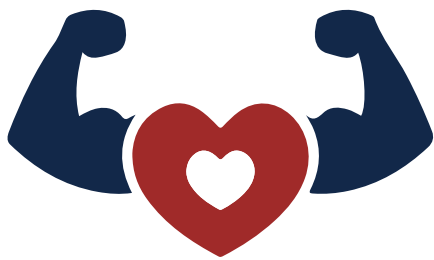
Which way will the Supreme Court rule? It is largely believed that the Supreme Court will rule in favor of Janus. The Supreme Court heard essentially the same case in 2016, Friedrichs v. California Teachers Association, in which it came to a 4-4 tie vote following the death of Justice Antonin Scalia. Supreme Court experts believe newly appointed Supreme Court Justice Neil Gorsuch will rule in Janus’ favor.

If the Court rules in Janus’ favor, only time will tell just how bad the impact on organized labor will be. This matters because if organized labor struggles to elect employee-friendly candidates, we will see a continued erosion of fair pay and benefits, especially for public employees. And as retirees, we know all too well, that the first people’s benefits on the chopping block tend to be retirees.

We will keep you posted on this important case.

### Save money, save paper.

Sign up for E-Newsletter. By signing up to receive the newsletter through e-mail, you will get the same content, only you will help the Association save money on printing and postage costs. If you wish to receive the newsletter via e-mail versus regular mail, please send an e-mail to [treasurer@retiredsjpoff.org](mailto:treasurer@retiredsjpoff.org)



# STAY HEALTHY & STAY FIT

## WITH RETIREE MEDICAL PLANS' PROGRAMS

We all worked hard to earn our retirement. Now we need to make sure we can maximize it and enjoy it. The most fundamental way we can ensure we enjoy our retirement is by staying healthy. **If you are enrolled in either the Kaiser Senior Advantage (HMO) plan or Blue Shield's 65 Plus (HMO) you can access wellness benefits such as free gym memberships.**

Please take the time to learn how you can take advantage by reading the flyer for the program that pertains to you:

KAISER SENIOR ADVANTAGE	BLUE SHIELD 65 PLUS SILVER SNEAKERS
Free fitness facility membership at participating facilities	Access to 13,000+ fitness locations at no extra cost
Access to cardio & strength training equipment	Enroll at multiple location sat any time
Attend Silver & Fit classes including yoga, swimming, strength & cardio training	Access to classes, pools, free weights, treadmill, etc.
Up to 2 home fitness kits each benefit year	Social events

You can get more information for the Kaiser Silver & Fit program by visiting [www.SilverandFit.com](http://www.SilverandFit.com) or calling 1-877-427-4788. You can get more information on Blue Shield's Silver Sneakers program by visiting [www.go.silversneakers.com/changetoday](http://www.go.silversneakers.com/changetoday) or calling 1-800-776-4466.

### ASSOCIATION OF RETIRED SAN JOSE POLICE OFFICERS AND FIREFIGHTERS 11TH ANNUAL BOBBY BURROUGHS MEMBERSHIP FOLSOM BBQ

#### PLACE:

The Lou Howard Pavillian  
7100 Baldwin Dam Rd.  
Folsom, CA 95630

#### WHEN:

Saturday, May 19, 2017  
Lunch at 12:00 PM  
Meeting right after lunch

#### COST:

No Cost BBQ

Fill out the form or call Jerry Ellis  
to make your reservations  
408-730-9974  
[dir\\_jellis@retiredsjpoff.org](mailto:dir_jellis@retiredsjpoff.org)

**NEED TO  
RSVP NOW!**

### CONGRATULATIONS ON YOUR RETIREMENT

Vincent Dupree

*Fire Captain, 23.05\* years of service.*

Raymond Nibbi

*Fire Captain, 26.97\* years of service.*

Curtis P. Jackson

*Fire Chief, 25.48\* years of service.*

### CONDOLENCES

**ROBERT C. BRADSHAW, DEPUTY CHIEF OF POLICE**

*retired April 17, 1993, died September 14, 2017.*

**DENNIS A. DUEY, POLICE OFFICER**

*retired February 11, 2000, died November 21, 2017.*

**RELLES R. LOPEZ, POLICE OFFICER**

*retired June 25, 2011, died November 15, 2017.*

**JOHN M. REINERT, POLICE OFFICER**

*retired December 30, 2017, died January 2, 2018.*

**DARRIN SMOLINSKI, POLICE OFFICER,**

*retired August 31, 2011, died December 9, 2017.*



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visit our website:  
[www.retiredsjpoff.org](http://www.retiredsjpoff.org)

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## CALENDAR OF EVENTS

3/7 Holders Country Inn. – Green, 1424b Saratoga Ave. SJ., 408-378-6022  
**3/8 Association Meeting 1AM to 1PM**  
**at the San Jose P.O.A. Hall 1151 N. 4th St San Jose**  
3/14 Hick'ry Pit – Gray, 980 E. Campbell Ave., Campbell 408-371-2400  
3/14 Police Benevolent Association, 5PM at the San Jose POA Hall, 1151 N. 4th St., San Jose  
3/21 City Diner – Tan, 2951 Monterey Rd., SJ 408-269-5490  
3/28 Burger Pit - Blue, 120 Blossom Hill Rd. SJ, 408-225-6030  
4/4 Goodies - Wine 2201 S. Bascom Ave Campbell, 408-369-1236  
4/11 Holders Country Inn. – Green, 1424b Saratoga Ave. SJ., 408-378-6022  
**4/12 Association Meeting 1AM to 1PM**  
**at the San Jose P.O.A. Hall 1151 N. 4th St San Jose**  
4/18 Hick'ry Pit – Gray, 980 E. Campbell Ave., Campbell 408-371-2400  
**4/18 Police Benevolent Association, 5P**  
**at the San Jose POA Hall, 1151 N. 4th St., San Jose**  
4/25 City Diner – Tan, 2951 Monterey Rd., SJ 408-269-5490  
5/2 Burger Pit - Blue, 120 Blossom Hill Rd. SJ, 408-225-6030

## NEW MEMBERS

Anthony Orozco

## ASSOCIATION OFFICERS

Ray Storms, President	510 507-1136 <a href="mailto:president@retiredsjpoff.org">president@retiredsjpoff.org</a>
John Shuman, VP of Police	<a href="mailto:vppolice@retiredsjpoff.org">vppolice@retiredsjpoff.org</a>
Walter Bugna, VP of Fire	<a href="mailto:vpfire@retiredsjpoff.org">vpfire@retiredsjpoff.org</a>
Dale Foster, Secretary	<a href="mailto:secretary@retiredsjpoff.org">secretary@retiredsjpoff.org</a>
Larry Samarron, Jr. Treasurer	<a href="mailto:treasurer@retiredsjpoff.org">treasurer@retiredsjpoff.org</a>

## DIRECTORS-AT-LARGE

Mike Alford, Don Bartels, Craig Blank, Pat Boyd, Jerry Ellis, Tim Miller,  
Mike Moffett, Jim Spence

## WIDOWS & ORPHANS OFFICERS

President (COA) Jeremy Wise	831-566-7624
VP (SJA) Larry R. Chua	408-926-2709
VP (COR) Bill McCluskey	408-985-7563
Secretary (SJR) Luis Chacon	408-642-0385
Treasurer (SJR) Jerry Ellis	408-730-9974
Treas. Emeritus (SJR) Mike Moffett	408-867-0405

## POLICE BENEVOLENT ASSOCIATION OFFICERS

President - David Wysuph, Vice President - Steve Windisch, Sec-Treasurer - Larry Lundberg,  
Sgt at arms - Bob Moir [www.sjpba.net](http://www.sjpba.net)