



WVTA Newsletter

October 2009



www.wvtroopers.org

wvtaoffice@aol.com

Editor: JW Smith Jr

2008 TROOPER OF THE YEAR **CORPORAL FRED L. HAMMACK II**



Each year at our Annual Conference the West Virginia Troopers Association recognizes the outstanding work of our members by selecting a Trooper of the Year and four runner ups for their hard work. These selections are made from the nominations submitted by various detachment, district or troop commanders or from any member of the department including civilians.

The Criteria considered in the selection of the Trooper of the Year include both on and off-duty achievements, professional demeanor and community standing. The nominations need to be submitted to the Troopers Association office by no later than May 1st of each year. The Trooper of the Year is awarded \$1500 cash award and a Trooper of the year plaque and each runner up receives \$250 cash award along with and also respectively receiving an Achievement award plaque.

The West Virginia Troopers' Association Trooper of the Year program is the most prestigious award program dedicated to highlighting the excellent work of the men and women of the West Virginia State Police and is fully backed by both the Association and the Department Administration.

The 2008 Trooper of the Year was awarded to **Corporal Fred Hammack II** by Colonel Timothy Pack. Sgt Brad Snodgrass of the Spencer Detachment nominated Cpl Fred Hammack for this award, highlighting the hard dedicated work that Cpl Hammack has provided to the citizens of Roane County and the Internet Crimes Against Children unit.

The following are the official results of the 2008 Trooper of the Year Award. Three of which are assigned to the Internet Crimes Against Children Unit (ICAC).

- Cpl Fred L. Hammack II Trooper of the Year
- Cpl James E. Kozik 1st Runner up
- Sr/Tpr Douglas S. See 2nd Runner up
- Sgt Christopher M. Casto 3rd Runner up
- Sgt Christopher C. Smith 4th Runner up

TROOPERS HELPING TROOPERS

MANPOWER WOES

Published: August 11, 2009
10:49 pm

Troopers group president seeking 200 new officers

By Mannix Porterfield
The Register-Herald

“The problem is, there’s just not enough manpower, “Smith told Finance Subcommittee A in an interims meeting.”

CHARLESTON — Faced with a growing number of citizen calls and widespread drug abuse that triggers myriad serious crimes, the head of the West Virginia Troopers Association says more forest green uniforms need to be filled.

John Smith suggested Tuesday the Legislature should approve close to 200 more troopers, swelling the ranks to at least 800.

“The problem is, there’s just not enough manpower,” Smith told Finance Subcommittee A in an interims meeting. Smith reminded lawmakers that West Virginia now ranks sixth in the nation in terms of abusing illegal drugs, and that excludes the use of marijuana.

“And it’s not going to get any better,” Smith warned the legislators. “It’s going to get worse.”

Continued page 2-

MANPOWER CONT:

Besides the crime of using and trafficking such forbidden substances as crack cocaine, meth and heroin, Smith said the illegal activity spawns a host of other crimes that are evident daily in news coverage.

“It all has effects,” he said. “Drugs have a root into all other crimes. When you have a problem with drugs — people becoming addicted — to support their habits, other crimes are committed, be it thefts or robberies. Every day you pick up a newspaper and what you see are robberies.”

Nine years ago, the state had 699 troopers in the field, but their ranks have dwindled to fewer than 600 actively battling crime, the committee was told.

coverage. PEIA has provided projections that our PEIA premiums will be increasing by as much as 57% over the next four years. Instead of identifying and addressing the real problem, the rising cost of health care, and why is it rising? They are placing the burden of the problem on the working class, which will not correct the real problem, only create new problems. In 1974, retirees were able to purchase PEIA insurance at an average monthly premium of \$21.

Other proposals that PEIA has been considering include:

- An advanced directive for end-of-life care (a “living will”).
- Blood work report from within the past three years.
- Tobacco affidavit verifying no tobacco use.

Ted Cheatham (Executive Director of PEIA), appointed by Governor Manchin, in 2006, noted that the significant majority of health-care costs are spent on end-of-life care. The time has come where your insurance premiums come at an extremely large cost to both the employer and employee, and will only be available to you when you are least likely to need health coverage. We must continue to work on this issue, eliminating affordable health care coverage for our future retiree’s **is not** a solution that we can accept.

Affordable Health Care “ELIMINATED”

The WVTA warns Governor Manchin and State Leaders with the problems that will be created by the elimination of affordable health care for our new employee’s, and ask them to intervene with this decision, which was being allowed to be made by the PEIA Finance Board. During the same time period the Board of Directors and Executive Board voiced the problems that the West Virginia State Police and it’s citizens will see as a result of the poor decision to eliminate affordable health care at public hearings held around the State.

The PEIA Finance Board held public hearings around the State during June and July, to allow the public and those affected to share thoughts on the PEIA decision to eliminate the retire subsidy for any new employee’s hired after January 1, 2010. The WVTA alongside with the two teacher unions (WVFT and WVEA) strongly opposed this decision voicing numerous problems that will be created. While attending these meetings, it was very clear that NO ONE from the public supported their decision to take away affordable health care. It was also interesting to observe that not once, did the PEIA Finance Board ever speak of attempting to address the real problem behind their financial troubles, which is the rising health care cost. The only solution that they were willing to entertain was to eliminate benefits for those who will work an entire career, only to find that they will have no affordable health care available upon retirement. Their decision will eliminate affordable health care for any new employees hired after July 1, 2010 that participate with PEIA.

WHAT this will do to our new employee’s, for example, if this were to effect current members who were retiring today, their monthly PEIA premium would be \$976.00 for single



GARRITY warnings: Pursuant to the Fifth Amendment, a law enforcement officer cannot be compelled to be a witness against himself in a criminal proceeding. In an administrative investigation, you are entitled to Garrity warning. Garrity v. New Jersey, 385 U.S. 493 (1967). Pursuant to Garrity, a law enforcement officer may be disciplined, even terminated, for refusal to answer questions that are specifically and directly related to the officer’s duties or the officer’s fitness for duty. Thus, any agency questioning an employee in an administrative investigation must: Order the officer to answer the questions under threat of disciplinary action; Ask questions which are specifically, directly, and narrowly related to the officer’s duties; and advise the officer that the answers will not be used in criminal proceeding.

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GREETINGS FROM THE GOVERNOR

As governor of the great state of West Virginia, I want to thank the West Virginia Troopers Association for your diligent work, representing many of our men and women in the law enforcement community.

Meeting the needs of our police officers is just as important as the services that they render each day for our citizens, which is why the Troopers Association continues to be such an important voice.

West Virginia State Troopers play an integral role in public safety. The sacrifices that our men and women in uniform make each day are truly immeasurable and do not go unnoticed.

For years, the Mountain State has had one of the nation's lowest crime rates because of the dedicated people willing to answer the call of public service. We know that in order to have a more productive state, we must maintain the fight to eliminate illegal drugs from our communities and aggressively crack down on crime.

Working together, with the Troopers Association and its membership, our law enforcement representatives and elected officials, we will ensure that our police officers have the modern resources and equipment necessary to keep the state of West Virginia safe.

Again, I want to thank the all of the police officers who stand on the front lines for your unwavering commitment, effort and courage. West Virginia is grateful for your service.

With warmest regards,

A handwritten signature in blue ink, appearing to read "Joe Manchin III".

Joe Manchin III
Governor



COLONELS MESSAGE

To the dedicated Uniformed and Civilian Members of the West Virginia State Police: Your hard work and dedication to maintaining the safety of our citizens is very apparent. After accepting the appointment of Superintendent, I quickly realized something that I had believed to be true for many years. The realization that every single day the members of the West Virginia State Police make positive contributions to our society. Daily, I receive incident reports from across the state detailing the marvelous work that is being performed. Recently, murders were solved in Roane, and Mercer County, major sexual offender compliance checks were conducted in Kanawha, and Raleigh County, and many drug dealers were arrested in Cabell County. These are just a few of the examples of the incident reports that cross my desk on a daily basis. It would be impossible to list every one of them but know that I consider each of them to be significant. I appreciate your hard work and professionalism.

I am pleased to announce that on September 21, 2009, the 60th Cadet Class began training at the Academy. Initially, only 24 Cadet slots were expected to be filled. Fortunately, Governor Manchin approved funding to fill an additional 17 Cadet slots. The additional manpower is greatly needed. By approving the 17 additional slots, the State will realize long term financial savings and the members of the West Virginia State Police will receive some much needed assistance. Considering the current economic climate, I believe Governor Manchin should be applauded for his steadfast commitment to the men and women of the West Virginia State Police.

In my first address, I stated that I wanted to ensure that members of the West Virginia State Police have appropriate and necessary equipment to perform their duties in a safe manner. We are continuing in our efforts to achieve that goal. Specifically, we are nearing our goal of obtaining AR-15 rifles for our members. These rifles will be a great addition and enhance our response capabilities for certain situations. We are doing everything we can to ensure you make it home to your family. In fact, this is our number one priority.

"WE ARE NEARING OUR GOAL OF OBTAINING AR-15 RIFLES FOR OUR MEMBERS"

This year marks the 90th anniversary of the West Virginia State Police. Each of us should reflect upon the qualities that have sustained our organization as the premier law enforcement agency in the country. I think we also owe a great deal of our success to the many civilian personnel who have selflessly, and sometimes in the absence of appreciation, served in a supporting role. If we are to continue to be the premier agency, we need to realize that keeping the traditions of the old is not enough. We need to continually create and cultivate progressive, new ideas. It is my sincere hope that during your time of service in our department, you will take the challenge to develop ideas which will advance our organization as a whole, thereby making it stronger and healthier for future generations of members.

In closing, as of October 1, 2009 our country has witnessed thirty-five police officers killed in the line of duty. Additionally, thirty-seven officers have died due to some type of accident. So always remember how important your work is and how dangerous it can be. May God Bless you, your families, and keep you safe while you protect our citizens.

Colonel Timothy S. Pack

WVTA MEMBERSHIP BENEFITS

- \$5000 Line of Duty and Accidental Death Benefit for active duty Troopers
- \$5000 Life Insurance on member and family (\$2500 for spouse and \$1000 for children)
- Affiliation with CWA (Local 2019) which provides a full time lobbyist {Elaine Harris} - with an additional \$2500 accidental death and dismemberment benefit (\$500 spouse and \$250 child)
- Legal Advice from the Office of Masters Law Firm and Representation if needed upon approval of the Board of Director's
- Lobbying for Trooper causes - (Pay, Benefits, Manpower, Equipment, etc)
- Bi-Annual newsletter
- Membership with the National Troopers Coalition
- Annual Conference/Trooper of the Year
- Sponsorship of golf Tournaments made available to membership
- Voice to State Police Leadership and State Leaders with WVTA Office with employee and merchandise sales
- Hardship/Emergency Relief Assistance to members and families
- Competitive Scholarship Program
- Self Satisfaction knowing that we help those who protect this State

CWA International Representative's Message

I'm sure many of you have seen a lot of the press lately on the issue of Health Care Reform and whether we agree or disagree with the different views and issues that are being presented, we do know that the current health care system is broken; it cost too much, covers too few, excludes too many and isn't getting any better. We continually have to fight against attempts to shift additional costs and reduce coverage. On the national front we have to ensure that the politicians understand that whatever health care legislation is adopted benefits our members and retirees throughout the country. There are currently some members of Congress that want to make employer-provided health benefits part of our taxable income. If passed, this would impose a huge tax increase on workers, penalize those who already have insurance, and possibly, force many people to lose health coverage. Please contact Senator Byrd, Senator Rockefeller, and the Congressman or Congresswoman for the District you live in (1st Congressional District – Congressman Mollohan; 2nd Congressional District – Congresswoman Capito and the 3rd Congressional District – Congressman Rahall) to let them know you don't support your health care benefits being treated as part of taxable income. There needs to be a balance here – instead of the outlandish profits being made by the insurance companies and pharmaceutical companies and their Executive Officers. There has to be cost containment measures put in place to ensure coverage that is affordable to both active and retired members from health care providers and facilities. We have to continue to be insistent with policy makers that health care cost be reasonable and affordable. Currently, it is not.

On the local front, we are facing another dilemma with PEIA. In May, the PEIA Finance Board voted to stop subsidizing retirement premiums for health insurance for those employees hired after January 1, 2010. At the July 30th Finance Board meeting, action was taken to change the date from January 1, 2010 to July 1, 2010 – the end result is the same. In essence, a person who would retire from state government that was hired after that time could/would have health care coverage – but you would have to pay the entire premium at whatever cost it may be at that time. This would place an undue and unrealistic burden on a person at a time in their life that health care is needed most. It is anyone's guess how health care coverage will even look in the next 20 to 25 years, especially with the current discussions and debate that's taking place in Washington but the one thing that is so critical – the message that could be sent to potential new hires, especially when trying to recruit and retain State Troopers and that is: will there be affordable health care coverage for future retirees hires after July 1, 2010?

As many of you know, I'm a member of the PEIA Finance Board representing labor and public employees/retirees and I did not vote for the initial proposal or the amended motion. I simply believe we need to continue to look at the real problems of the rising costs of health care and to look for solutions that can work for the employers, the workers and out future retirees.

Stay tuned – be involved!
Elaine Harris



I believe each individual is naturally entitled to do as he pleases with himself and the fruits of his labor so far as it in no way interferes with any other man's rights.

**A house divided against itself cannot stand.
"Abraham Lincoln"**

CWA MEMBER BENEFITS

In addition to the benefits of a strong voice and representation your union membership brings you a wide range of money saving Union Plus benefits and services.

From discounts on everything from flowers to travel to help buying a house or going to college, the Union Plus benefits work for you and your family. You can find a long list of benefits at:

www.UnionPlus.org

WVTA NEWSLETTER

The WVTA Newsletter is being published by the West Virginia Troopers Association, which will be disseminated to the membership bi-annually. If you have information, an article or something you would like to see, or wish to write a letter that you would like to see published, submit to wvtapresident@yahoo.com

WVTA Newsletter-Events section will be disseminated separately due to size. You may also view the Newsletter and Events section at the website www.wvtroopers.org

Troopers Helping Troopers

"CONTINUING TO HELPI" our own during rough times has been tradition for our members of the WVTA. Unfortunately we sometimes find ourselves in times of need due to unexpected events. Your association is committed to ensuring that help is provided to our own when these times come upon us.



WVTA Presidents Message:

While meeting with Association presidents from across the country, it was clear that the nationwide trend has been the attempt to reduce benefits, pay, and reductions within the workforce for their members. Numerous States spoke of reductions that have occurred with their pay, health benefits, loss of cadet classes, and even layoffs of active Troopers.

We are working to prevent the loss of any benefits, pay, or additional manpower for our membership, fighting for both active and future Troopers. These battles are played out within the political arena, like it or not, and this is the arena that we have been forced to work within. Those before us realized that we would not make any gains or be able to prevent losses without becoming a strong voice within the political arena and that we cannot benefit by standing along the side and allowing those that have little or no knowledge of what we do and the sacrifices that we make on a daily basis make decisions without having our insight to the issues.

I realized early on with legislative issues that we could not stand by and expect that the right thing will occur, observing first hand attempts to take from our membership. We must pay closer attention to legislative issues and if we do not, we could very easily lose what those before us have worked so hard for us to have. The previous legislative session reminded me of this when legislation was introduced to reduce our military service credit for our retiree's. This would have been a reduction within retirement benefits to many of our future retiree's that respectively served within the US Military prior to or during their service to the WVSP. With the help of our CWA/NCPSO affiliates we were able to prevent this legislation from becoming reality.

While being involved, we must also make decisions and take positions on issues that affect our membership, causing mixed feeling amongst our membership. I can assure you, these decisions are not made lightly and the direction that is chosen by the Board of Directors is what is best for the majority of our membership.

The Board of Directors has set the Legislative Agenda for the upcoming legislative session, addressing areas of Manpower, On-Call, Overtime, and Collective Bargaining for our membership. They have also set an operating budget for just over \$266,000 for the fiscal year 2009-2010, to conduct the association business and operations within, and implemented a new death benefit for the active members in the amount of \$5000.00 to ensure that if something tragic were to happen early within your career, your family would have immediate financial assistance.

We have been working to make our Association more efficient in its day to day operations, utilizing the more efficient methods such as email as a way to provide information, saving the association thousands throughout the year. These types of savings will help keep our association strong and capable of providing assistance to our membership and pursue the goals of the Association with no loss to membership benefits. Keep up the good work.

By: John W. Smith Jr

McNeer, Highland, McMunn and Varner, L.C.
Attorneys at Law



LORA B. SNODGRASS
(Wife of Sgt. B.S. Snodgrass)

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Resident Director: Steven R. Bratke

Contact Attorney: Lora B. Snodgrass for all locations

60^h Cadet Class began September 21, 2009. Thirty-nine Cadets began their training at the State Policy Academy. The new Cadets will be following within the footsteps that 3,251 Troopers have walked since 1919. We welcome our future Troopers and wish them the best. *Congratulations!*

Allata, Naif F

Allen, Scott C

Blankenship, Rachel N.

Bragg, Joshua M.

Burgess, Jennifer E.

Carson, Jeremy D.

Cook, Troy W.

Cornelius, James J.

Demeyer, Jennifer M.

Donohue, John A.

Frye, Elba S.

Frye, Joseph B.

Gilkeson, John W.

Hatcher, Kenneth R.

Herrnberger, Grant P.

Higginbotham, Newton E.

Hoffman, Russell D. (resigned)

Holmes, Sean O.

Honaker, Gary P.

Johnston, Christopher S.

Jones, Robert J.

Lowe, Bradley A.

Matheny, Jeff D.

Miller, Andrew L.

Morgan, Justin R.

Moss, Roy A.

Newman, Jeremy A

Padilla, Jr. Jesus A

Powers, Joshua R

Rohrbaugh, Lacy L.

Shrewsbury, Mark A.

Smith, Brandon K.

Speece, Christopher T.

Thornton, Christopher M.

Tramba, Matthew A. (resigned)

Wade, Christopher M.

Weaver, Jonathan J.

Weiss, Jason K.

Wood, Justin T.

CORRESPONDENCE CONCERNING COLLECTIVE BARGAINING:

Mr. President, this morning, 660,000 police officers and 300,000 firefighters across the country will get up and go to work to protect our homes, our families, and our communities. They will go into burning buildings, patrol our streets, and put their lives on the line, because they believe in the importance of what they are doing.

These dedicated workers are in the trenches every day making life-or-death decisions, and their experiences give them tremendous knowledge about how to protect our country. We need to listen to their recommendations and consider their advice. Unfortunately, however, all too often, our first responders have no voice in the decisions that affect their lives and their livelihoods. Their input is disregarded because they don't have the same rights as other workers.

Workers in the private sector who want a voice on the job have the right to form and join a union. They can fight for a safer, fairer workplace. But 300,000 police and 70,000 firefighters live in States in which their State governments deny them the fundamental right to a voice on the job. Even if these workers overwhelmingly agree that they want to form and join a union, their State government says they can't have one.

That is not fair. We are asking these workers to do so much for their communities—the least we can do in return is give them a voice at the table in the life-and-death discussions and decisions that affect their families and their futures. They deserve the opportunity to choose for themselves whether they want the advantages that unions bring.

That is why it is an honor to join Senator GREGG and Senator DODD in sponsoring the Public Safety Employer-Employee Cooperation Act to guarantee that our first responders will have a path they can use to decide if they want a union. If the workers don't want a union, they don't have to follow that path. But the State has to make it available and let the workers choose.

It won't be difficult for States to create this path. All they have to do is provide four basic rights: the right to form and join a union; the right to sit down at the table and talk; the right to sign a contract if both parties agree; and the right to go to a neutral third party when there are disputes.

Apart from these four rights, all the other details of the collective bargaining system are left up to the States. They have the flexibility to decide whether to exempt small communities. They decide how workers can select a union. They can also decide how workers and employers should resolve disputes—through arbitration, mediation, fact-finding, or some other mechanism.

This bipartisan bill has been carefully drafted to preserve a balance between the interest of State and local governments and the rights of the workers they employ. It has been the product of years of careful negotiations, including a hearing and two markups in the HELP Committee. It was passed by the House of Representatives in the last Congress with an overwhelming bipartisan margin, including 98 Republican votes. Now it is time to get it across the finish line and give our dedicated first responders the fair treatment they deserve. It is a matter of fundamental fairness and an urgent matter of public safety.

I commend Senator GREGG for his leadership on this very important issue, and I urge my colleagues to show these heroes the respect they deserve by supporting the Public Safety Employer-Employee Cooperation Act.

Former Senator Ted Kennedy

ATTENTION

Track S.1611 (2009 Legislation)

Title: A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions. Sponsor: Sen Gregg, Judd [NH]

Important

-Update your insurance information with the WVTA Office to ensure accurate information is on file. -Email the wvtaoffice@aol.com with updates.



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Legal Representation

-Legal advice- duty related matters contact Masters Law Firm

-Legal Representation- contact your WVTA representative or executive board for board approval

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