

# BALTIMORE FIRE OFFICER

LOCAL 964

—STAFF—

STEPHAN G. FUGATE — MIKE CAMPBELL

*By and For the Professional Fire Officer*

IN UNION  
THERE IS STRENGTH

Volume VIII, Issue 5

June/July 2006

## From the Desk of the President

*By Stephan G. Fugate*

### A tale of two injuries

Among the seemingly never-ending problems faced by both Locals and on a regular basis is the treatment our members receive at PSI as it relates to duty status and the directives of a member's treating physician. Specifically, the problem lies in reconciling a difference of opinion between the treating physician and the Medical Director or his representatives and is most often centered on the assignment of light duty.

To set the scene, members seeking medical treatment for injuries or illness most often rely on personal physicians for such treatment; and while it may occur on occasion, seldom do members rely solely on PSI for their primary care. Indeed, I would submit that if and when members do rely solely on PSI staff for treatment, there is an inherent conflict of interests in that the Medical Director is acting as an agent of the City and cannot properly serve the patient's interests as well. Surely, there's much more to it than what meets the eye and whether or not there exists any legal issues remains a matter of debate. What cannot be denied, however, is that PSI is serving the interests of the employer not the employee and therefore PSI staff cannot possibly be or act as a "treating physician".

Though not always, the disagreements typically arise when the duty sta-

tus of a member is assigned either without consideration of or in direct conflict with the directives of a treating physician. Most often, PSI would have a member assigned to light-duty when a treating physician has determined that a member should remain off duty for reasons having to do with their treatment and/or recovery. Such "disagreements" escalated to a point of having several grievances filed on the matter and those grievances ultimately led to a "Settlement Agreement" intended to resolve disputes in a fair and equitable manner.

The Settlement Agreement, in essence, provided an opportunity for a member's treating physician to consult with PSI in an effort to resolve disputes (primarily duty status related) in favor of the medical evidence and not any ancillary issues. Upon a member's initial assignment to light duty, if the treating physician has recommended continuance of off-duty, the member would remain off for an additional nine days during which time it was expected that the treating physician would consult with PSI. Said consultation would result in PSI agreeing with the treating physician or not and in cases where PSI continued to disagree, the Department Administration could intervene with a decision that was final and binding.

The primary point of argument by the Union is that all too often, members were and are placed on light duty NOT in consideration of medical criteria, but based upon ancillary issues having to do with line-of-duty injuries and, presumably, the impact on Workers' Compensation. The Medical Director has been "offended" that we would suggest such activity and that light duty is viewed as an appropriate conduit to "assist" in the

member's recovery by maintaining a functional routine whereby a return to full duty is facilitated.

Recently, however, two very similar situations arose wherein members with comparable injuries were dealt with, shall we say, *differently* and you decide why.

Member "A" suffered a back injury that has not yet require surgical intervention and is currently undergoing physical therapy with the hope of avoiding surgery if possible. He is in "constant pain" and is taking a prescribed, narcotic for pain relief with marginal success. All of his care and treatment is regularly monitored by his treating physician who continues to recommend that member remain "off duty" as a previous attempt at working light-duty merely aggravated the injury and had the demonstrable effect of countering any potential progress of physical therapy.

Despite a consultation with the treating physician, wherein a recommendation of off-duty was advanced, Member "A" was placed on light-duty time and again with seemingly total disregard of the treating physician's directives and the member's very well-being.

Member "B" suffered a comparable injury, is post-surgical, and had apparently reached a point in his recovery where, while continued physical therapy was required, there was no preclusion to his working in a light-duty capacity pending full recovery. The prognosis for Member "B" was for a full return to duty following a successful completion of physical therapy and Member "B" did not require a narcotic pain reliever.

Upon a recent return visit to PSI, Member "B" presented his treating

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## From the President's Desk.....

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physician's release for light-duty only to be told that his prescribed regiment of physical therapy was evidence of his not having fully recovered as yet and that he would remain off-duty.

Two members with comparable injuries; Member "A" is placed on light-duty contrary to his treating physician's directive based upon sound medical criteria while Member "B" is left off-duty contrary to his treating physician's directive based upon similarly sound medical criteria. If you haven't already guessed, Member "A" suffered his injury in the line-of-duty and the injury to Member "B" is of a non-line-of-duty nature.

So, how are we to believe that duty status is based solely upon medical criteria when time after time we observe quite the contrary? And, what good is a "Settlement Agreement" that was presumably designed to resolve such matters when the Medical Director and his staff appear to simply ignore the letter and intent of the agreement to the detriment of our members?

In fairness, I must point out that Member "A" in the example above was placed on light duty once again by the Department Administration in light of his being prescribed a narcotic pain reliever. One could argue that the Settlement Agreement worked in this case, but I would argue that our members should not have to be appealing to the Fire Department Administration for humane treatment that's routinely denied at PSI.

### **DROP-2**

City Council Bill 06-0370 has yet to be scheduled for a Council Hearing as I write, though I am to understand that the intent to have the legislation adopted for a July 1, 2006 implementation is still very much there.

As I and others have said regarding this and any other legislative initiative, however, the devil is always in the detail. That old adage proved true once again with the reading of the formal language of the original version of the Council Bill. I am, however, pleased to report to you that those items that the Fire Locals took issue with have been

amended, removed or revised to reflect the verbal agreements between the Locals and the Labor Commissioner.

At the risk of him being fired, I would like to commend the Labor Commissioner, Mr. Sean Malone, for his honesty and straightforwardness in dealing with this VERY sensitive and difficult issue. While far from the ideal, the proposed legislation will advance the basic concepts of DROP as we know it and we will have maintained benefit provisions not found in similar plans.

And as a final word pending the Council Hearing that's to come, I would caution that the leadership of the F.O.P. is not at all pleased with the results of the negotiations leading to the Council legislation. In all candor, the typical career of our members differs greatly from the typical career of a Police Department member, and it could easily be argued that DROP-2 favors our members. If indeed it does, however, it is not at the expense of our colleagues of the FOP nor was it our intent to ignore their needs.

### **Multi-year contracts**

If you've been around long enough, you understand the general aversion to multi-year agreements held by the Locals and most of our members. The current City Charter provision governing contractual obligations effectively precludes entering into multi-year agreements with fiscal impact. In essence, the City can only be held liable for current fiscal year commitments and cannot be bound to honor fiscal commitments for fiscal years not yet budgeted.

We are, however, headed into the third year of a three-year agreement having nothing more than the faith in the Administration to honor its word by funding our next negotiated salary increase merely because they said they would. They have lived up to their word to this point and we have no reason to believe anything might change now. That leap of faith was made, in part, based upon another commitment which was to take corrective action to avoid future uncertainty and permit negotiation of multi-year agreements without cause for reluctance.

Among the many side-letters of the current MOU is an agreement to spon-

sor and support legislation for a proposed Charter Amendment that would permit the City and the Fire Locals to enter into legal and binding multi-year agreements. City Council Bill 06-0435 does just that and, once adopted and signed by the Mayor will have placed on the November General Election ballot a Charter Amendment to accomplish that long sought-after goal. If approved by the Citizens of Baltimore, we would no longer have to consider the possibility of having the out years of multi-year agreements disregarded and the current "legal loophole" will have been closed.

## **From the Desk of the 1st Vice President**

*By Michael Waldner*

It's been a quiet spring and there is not much to report. Congratulations to any and all members promoted into or upwards within our Local. The blankets benefiting the State Association PAC fund are all sold, and we will reorder if there is continued interest. They are \$35 and you can contact the Hall or any EBoard member. Thanks again for supporting this worthwhile program.

I have just returned to work following nearly 1 1/2 months of vacation. Being flush with a new vacation bank (March 1) I took some time to travel playing softball with my Senior Tournament team as well as the "A" team comprised of the best young ball players from our Department. After playing 7 games with my 55-60 team on a weekend (Sat/Sun), I jetted off to Las Vegas on Monday to play 7 more on Tues/Wed with the young boys, who were short of players and actually made me play in all 7 games. I usually accompany them as a fill-in player, mentor and counselor. Needless to say, I was quite sore by return on Friday.

Following this week, I was contemplating retirement from both the softball and the Fire Department. I rebounded with a three-day golf adventure in Ocean City with Bob Jordan's group (great trip as always). After some assorted other day trips, two softball leagues, some golf with the wife and others and lots of chores

(opening the pool, yard work, etc.), I found I was bored and actually missed the fire house and the guys. Maybe hard work at home is worse than hard work at the firehouse. This was a close brush with retirement, and other than enjoying not shaving and growing a beard, I found I am not quite ready to retire yet. I will be up for re-election this fall for another 3-year term and have decided to try to serve you all for one more term. By then, I will probably be ready to retire. If that urge would strike me sooner, let me serve notice that I would retire and give up my Union seat to an interim election. Thank you in advance for your past and hopefully your future support.

We have continued working with Union Memorial Hospital and the heart scan results have proven to be a life saving revelation to more of our Brothers. I am waiting as I write for a new set of dates for the fall to continue with our active membership and will be sending out a mailing as soon as the dates are provided to me. Please consider taking advantage of this important opportunity.

As always, I will mention again about the Community Outreach Program conducted by Union Memorial Hospital offering the heart/lung scans on Saturdays to the general public at **the discount rate of \$75 each**. The phone # is **1-877-744-3278**. *Getting both for a combined \$150 is a great bargain.* Our retirees can take advantage of this program until we complete the active members. It is open to the general public (spouses, parents, siblings are eligible in this program) but it is also only on Saturdays and they are booked into September at this time, so call immediately.

If Union Memorial is not convenient or you need an earlier appointment, you are in luck. Franklin Square Hospital (sister to Union Memorial in the same Health group) has a scan machine and are now doing heart scans only (no lung scans available yet) at its own Community Outreach Program. Check with them on pricing, but it should be similar. **The number for Franklin Square is 443-777-7900.**

I think this next item is worth repeating from last month. An additional health related service, brought to my attention by retired Chief Ronald Brown

who asked me to relay to our members. It is especially attractive to our older retirees and their spouses, siblings, and friends. The program is called "Dare to Care". This program is offering scans for carotid artery disease, abdominal aortic aneurysms, renal artery stenosis, and extreme artery disease. These tests are being **offered free of charge** at the Sajak Pavilion in Parole. This center is funded by a foundation started by game show host Pat Sajak. For an appointment call **1-410-573-9483**. The address is Sajak Pavilion, Suite 520, at 2002 Medical Parkway, Annapolis, MD 21401. Directions – Take Route 97 to exit 23 Route 50 East (Parole), turn right on West St. to Jennifer Rd. to the Sajak Pavilion on the left. It is a 6-story medical building. Thanks to Chief Brown for sharing this info.

If anyone is interested in joining me for the IAFF/MDA "over forty" softball tournament in September, please call and I will reserve a spot on that team for

you. If you turn 40 in this (or reached 40 any previous) year you are qualified for the tournament. This is an event I have participated in for almost 35 years and still enjoy it today as much as the first one. Ask anyone who has played and they will agree. Obviously, I am in need of 40 and barely over to refill the slots older guys like myself have vacated over the past few years. I am looking for some new blood (and legs) to keep this thing going for the future. Call me at (C) 410-908-2179 or (H) 410-879-4545.

Mark your calendars for the Picnic and the other outings advertised elsewhere in this newsletter. Please take advantage of as many of these outings as possible. You never know how much time you have to spend with those you enjoy, so take advantage of every opportunity. Hope to see you at them all!

**Stay safe and hope you can attend an outing or meeting when we resume in the fall!**

### From the Desk of the Recording Secretary

*By Mike Campbell*

The Hometown Heroes Act Bill (HB1424), which was coupled with HB35 that would've provided retirement income relief to firefighters, police and EMS personnel, failed in Annapolis. We will be looking to resurrect this legislation next year. With regards to promotions, we are now even when it comes to the rank of Captain. The Fire Dept. has promoted into the Port Engineer position that had been vacant due to numerous issues. This issue was broached at a recent Labor/Mgt. meeting with the Dept. following through on their word. The City's Dept. of Human Resources is drafting a new **Testing for Eligible Personnel on Military Leave** policy. This policy will be dramatically different from the past practice. The most significant changes will be that the military member **must:** provide a written statement from their commanding officer stating that their service is required on the date of the test and that their service cannot be rescheduled, that they must take the exam **upon their return from service** and that the test will be a comparable but a different exam than that taken by others. I have also attended meetings with regards to the City's Labor Commissioners office along with Human Resources updating their Violence in The Workplace policy. There are many instances in this policy whereby insignificant to serious infractions could be cause for termination. It is my belief that a copy of this policy should be sent to every employee. Our MOP's seem to handle the majority of these types of issues, but you should be made aware that your transgressions could escalate beyond the Fire Dept. and that the City policy will be used to bolster the case. After meeting with the Labor Commissioner's Office, the Fire Dept. is rewriting MOP 343-2, concerning the accrual and cashing in of Comp. Time, to reflect the change to **480 hours** which are the guidelines for our members under the Fair Labor Standards Act (FLSA). I would like to thank Bob Jordan along with the Golf Comm. and our members who assisted in another great John L. Seiss Benefit Golf Tournament. A fantastic time was had by all and the proceeds go to our VEBA FUND which provides death benefits for our

**2nd Vice President...continued from page 3**

widows and orphans. The Fire Officers' website has been revamped and now has a "**Retirees Corner**" so our retired members can be kept up to date on Health Care info, Benefit Phone Numbers, Death Benefit info along with a page for the Retirees Association. The web address is [www.iafflocal964.org](http://www.iafflocal964.org). The Law Firm of Ashcraft & Gerel is offering a college scholarship opportunity to union members. For information contact them at (703) 931-5500. **LONG LIVE OUR UNION!**

**Health Care**

It has come to my attention that Medicare has mistakenly taken some of our members along with those of L-734 out of Express Scripts and placed them into the Medicare Part D prescription plan without their consent. If this happens you must contact Employee Benefits @410-396-8089 and tell them to place you back into Express Scripts and then you will have to send a letter to Medicare "**opting-out of the Part D**". If you have any questions or problems with this you can contact either me or Charlie Williams @443-324-2531.

**Safety and Health**

The lead removal process is complete at E-29 and they recently had the tiles put down on the 2<sup>nd</sup> floor. They are waiting for the contractor to paint the 2<sup>nd</sup> floor. Bids have gone out for roof repair for Engine 47 & 58. E-53 had some emergency roof work that has been completed and E-21's roof is just about done. At Old Town, new carpeting has been installed. Lead paint removal will begin at Engine 36 followed by a new kitchen. At Engine 8, the members are painting the station, getting new ceiling tile and installing a new kitchen. The Fire Dept. is testing an internal diesel filter system on E-41, T-20 and 2 medic units from Ward Diesel Corp. If you are sent a medical bill for a line-of-duty injury you must send it to the Safety Office located now at Headquarters. They will attach a copy of your EIR and mail it to Comp. Mgt. The next Safety & Health meeting is 6/15/06. Feel free to send me any concerns.

**President's Club**

The President's Club shirts for 2006 are in, and I will do another order in July for those members who sign-up after April 1<sup>st</sup>. I am currently in the process of contacting everyone who is owed a shirt. I will have them at all meetings. Currently, we have 65 members who are contributing to our PAC Fund. Of those, we have 62 President Club members. The PAC Fund is our most important tool to have the **local** politicians listen to our concerns. If you contribute \$4.00 or more a pay, you are automatically included in the President's Club. Thanks to those who have contributed and to those who haven't, contact me if you need a dues deduction card.

As always, keep your Beneficiaries up to date, and don't hesitate to call or e-mail me at any time.

Cell – 443-629-0216

Work – 410-396-5773

E-mail: [captain16@hotmail.com](mailto:captain16@hotmail.com)

**Words to twirl by...**

Broken heart don't feel so bad  
Aint got half a what you thought you had,  
Rock your baby to and fro  
Not to fast and not to slow.

Grateful Dead

**From the Desk of  
the Recording Secretary**

*By Tom Nosek*

On April 27, 2006, the Local honored the 2005 Retirees with over 240 family and friends present. The Local's 3<sup>rd</sup> annual dinner/dance was quite an affair, it was good to see old friends.

The Ocean City "get away " raffle winner was Janet Uebersax ( Ernie's sister in law ), the raffle raised \$3250, all proceeds went to the VEBA fund. The retiree had 177 participants and the active 119, with miscellaneous chances making up the sales. Local 964 says THANK YOU to all who participated!! I would like to THANK the following individuals for making the evening a great success, Frank Schlosser, Bill Shives, Bob Jordan, Mike Campbell and Colt Carter for the awesome power point presentation.

In my seventeen years in the BCFD, I have made it a point to learn as much as possible in regard to my (our) benefits. I try to stay up to date on health care, insurance , the MOU ,deferred comp and the F&P pension. In early May, President Fugate sent me to the annual NCPERS conference (National Conference on Public Retirement systems). The conference updates trustee's, union officials and others on important issues of pensions, i.e. investments, attacks on defined benefit plans, future obligations of pensions, etc. One of the major issues was health care benefits and municipalities funding of such benefits. This is the conference where our F&P Trustees obtained the data in formulating the DROP. I came back with a more appreciative outlook of our F&P system, the funds we participate in, how well our system is funded and the benefits we derive from the system.

**RETIRES**

WE NOW HAVE A RETIREE'S  
LINK ON OUR WEB SITE,  
DEALING WITH ALL RETIREES'  
CONCERNS:

[www.baltimorefireofficers.com](http://www.baltimorefireofficers.com)

## UPCOMING EVENTS

*By Tom Nosek*

- June 11, 2006, the Maryland Fire Rescue Institute will be dedicating the FIREFIGHTERS MEMORIAL in Annapolis, the procession will start at 1300 hrs with the dedication ceremony beginning at 1500 hours. The memorial is located at 101 Calvert St, Annapolis, Md.

- July 7, 2006 7 pm Local 964 "night at the ballpark", Aberdeen Ironbirds vs Hudson Valley Renegades, location Ripken Stadium, Aberdeen Md. Cost is \$9 per ticket which gets you a seat and baseball cap.

- ANNUAL SUMMER PICNIC July 21, 2006 12-6 pm @ Valleybrook Country Club, cost \$10 for 13 and older, only 964 members and immediate family. Come enjoy the three pools, tennis/basketball courts, private covered pavilion, and games. MENU: hot dogs, hamburgers, chicken wings, Italian sausage, corn on the cob, watermelon, ice cream, beer

-ANNUAL CRAB FEASTS SEPTEMBER 27 AND 28.

## SUPPORT YOUR UNION

### Box 414

*by Walt Lemmon*

The annual collection of donations among the members to Box 414 was Greatly Appreciated. We also received monies from Mike Temple, Dave Schoppert and Ron Addicks (the guys that put on the annual Shrimp Feast), the Retirees, the Emerald Society, and the Fire Academy. The Banquet and Installation of Officers at Columbus Gardens was a success and everyone had an enjoyable evening. It was pointed out that during the year 2005 30 members worked the Coffee Wagon with 13 members having more than 100 hours on the Wagon. The Wagon had over 1100 hours of service.

The Hot weather will soon be here and we are looking forward to serving the Fire Department with both Coffee Wagons. We will be there with that cold drink and food along with the cold towels and of course the freezy pops.

## SICK AND INJURED

*By Bob Hatoff*

Frank Reinsfelder had his gall bladder removed. He's home and getting around okay now.

Joe Wodarski spent a couple of days in Franklin Square where the doctors determined his problem was too much medicine for his problem.

Fred Schwartz has a malignant tumor in his lung. The doctors feel they can cure it with chemo. He had a bad reaction to the chemo and wound up in Sinai after 2 treatments. However the tumor had already shrunk by a third.

Joe Kudrna had a couple of heart attacks and needed a stent to correct the problem.

Harry Stone's been in North Arundel having trouble with retaining water.

Bill (Beetle) Baum has macular degeneration and has lost most of his sight. However he's very upbeat and handling it.

Ralph Hall is in Manor Care Rosedale with some dementia. He's 94 and hanging in there.

Joe Rosel is on dialysis.

Donald Timanus is home after bypass surgery.

Donald Rathmell and Stan Williams are being treated for prostate cancer.

Jack Horn had a stent put in to correct a heart blockage.

Ralph Snowman is in Stella Maris with dementia.

Bob Mueller had some skin grafts after removal of skin cancer.

Keep these guys in your prayers!

# Tired and Retired

by Bob Hatoff

Here are some random thoughts from a mind that's already wasted.

When you pick up your newspaper to check the crime scene, do you go to the local news or the sports section?

When the cost of oil goes down, it takes about a week to show up at the pumps. When the cost goes up, the pumps are speeding upward before you can get to the gas station.

When I joined the Fire Dept., there were 5 Deputy Chiefs. Now that there's ° of the companies and ° of the personnel, there are 30 men above the rank of Battalion Chief. I guess today's young people require more supervision.

The Orioles are still searching for that #1 starter to anchor their pitching staff. Maybe they could make a trade with the Yankees. After all Mike Mussina is 6-1 with an ERA under 3.

The Mayor lent the school system 58 million dollars. Within 3 months they had paid it back. With that kind of earning potential we should run the businesses out and open more schools. Or could it be someone was not being truthful!

The other day the lead story on the front page was the ratings between the last segment of Lost & American Idol. Are we still losing our young men & women in Iraq?

I know the President is the most powerful man in the world, but I still haven't figured out how he caused those two hurricanes in Louisiana.

I don't feel any safer flying now that police are escorting celebrities to their planes. If they had started it sooner we might have averted 9/11.

When planes come in for a crash landing they cover the runway with foam. In the bar they cover my beer with foam, but I still get in trouble.

How do those professional bowlers get such high scores when their balls are full of holes?

Why does it cost more for food when they don't add salt or sugar?

Why does an ice cream cone always melt on your fingers before you can eat it, but deep fried ice cream in a restaurant stays intact?

Friends, thoughts like this are constantly running through my mind, so there's no need to write and say I need help. I already know!

That's it for now. Have a safe and happy summer. Keep Christ first in your lives, and I guarantee it will help.

As always you can reach me at: 1805 Greencastle Dr, - Baltimore, MD 21237 or 410-866-3235. Although after this column I can't figure out why!

## THE BALTIMORE FIRE OFFICERS

Local No. 964

Meetings -- 1st & 3rd Monday

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