



# The Billy & Spanner



## PRESIDENT'S NOTES

By Ray Storms

### SJPOA FLSA Lawsuit Settlement

Earlier this month, the SJPOA settled its lawsuit with the City of San Jose regarding the City's miscalculation of FLSA overtime. In short, the City did not include health/dental in-lieu compensation into the regular rate of pay when calculating overtime rates. Additionally, the City did not correctly calculate the payout of compensatory time off under the FLSA.

The settlement provides for the payment of backpay to affected SJPOA members who worked between 2013-2017 for the health/dental in-lieu payments and June 2013 to August 2018 for the compensatory time off payments. **However, the settlement only covered employees who did not retire before February 22, 2019. If you retired before that date, the settlement does not cover you.**

It seems the City is unwilling to make right the money it shorted its past employees. As such, we will be immediately examining legal options. **If you are a retired SJPD officer who worked between 2013-2018 and retired BEFORE February 22, 2019, please get in touch with me directly ASAP!**

We will keep you informed on what our next steps will be.

### Meeting Cancellation

As you all know, the COVID-19 outbreak has created major disruptions for everyone around the country. In light of the Santa Clara County and State of California "shelter-in-place" orders, we have canceled our April membership meeting. We will make a determination soon if we also have to cancel our Annual Bobby Burroughs Folsom BBQ held in May.

Despite the cancellation of the membership meeting, the Association Board will continue to meet through video conference to carry out the Association's business.

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

**ATTENTION:  
APRIL ASSOCIATION  
MEETING IS CANCELED**

**STAY INFORMED!  
GIVE US YOUR EMAIL!**

Now more than ever, we need the ability to communicate rapidly with you. If you are not signed up for our e-mail list, please sign up now. Send your information to Dale Foster at [secretary@retiredsjpoff.org](mailto:secretary@retiredsjpoff.org) or sign up directly at <https://lp.constantcontactpages.com/su/9Z5Z154/retirees>

## COVID-19 IMPACT ON SAN JOSE PUBLIC SAFETY SERVICES

While many of our members live in the Bay Area, a large number live outside the Bay Area and California. So, you may not be as up-to-speed on how the COVID-19 virus has impacted San Jose's Police and Fire Departments. Santa Clara County is considered the "epicenter" of the COVID outbreak in the Bay Area because of its large volume of cases.

The San Jose Fire Department was hit particularly hard early on in the outbreak. At the time of the writing of this article, 13 San Jose Firefighters had tested positive for COVID-19, and 31 were under observation due to potential exposure. In the San Jose Police Department, a reserve officer tested positive for COVID-19, and several more officers were sent home to self-monitor their health.

As our police officers patrol San Jose's streets and track down criminals, and as our firefighters and paramedics roll out to medical calls and fires, each one of these individuals puts their safety, their health, and the health of their own families at risk. They are not allowed to shelter in place. It is commendable.

As former police officers and firefighters, we know that the job can be thankless sometimes. Now more than ever, it is essential to express that gratitude to the first responders wherever we live. We're in for a long struggle with COVID-19, we need to help keep their spirits up.

## PRESIDENT'S NOTES CONTINUED (Continued from Pg. 1)

### **Anthem Delays & Incorrect Information**

For those who are having issues with delays in receiving your medical cards, or any other issues, you can contact Anthem in the following ways:

### **If you need your Member ID, but your card has not arrived yet:**

- **Medicare Retirees Call: 1-833-848-8730**
- **Commercial Non-Medicare Call: 1-888-831-2238**
- **Create an account on the Anthem member portal: [anthem.com/ca](https://anthem.com/ca)**

If you are not satisfied with the answers provided by Anthem, then call the Office of Retirement Services: 408-794-1000. We are here to help with any issues that may arise. As always, stay safe and enjoy your retirement; you earned it!



## I'M DEAD. NOW WHAT?

**The Association is giving away 100 copies of this book on a first come, first serve basis.** A useful and helpful planner to give you peace of mind. It has important information about your belongings, business affairs, and wishes. It helps organize vital details about contacts, health and financial issues, etc. Contact Walter Bugna at [believe42218@earthlink.net](mailto:believe42218@earthlink.net) if you want a copy. Please include your name, current phone and current mailing address in your e-mail.

## CONGRATULATIONS ON YOUR RETIREMENT

**STEVEN T. GUGGIANA**, Police Sergeant, effective January 25, 2020; 32.18\* years of service.  
(With Reciprocity - 21.66 CSJ YOS + 5.00 PERS YOS + 5.52 City of Concord)

## CALPERS SUFERS HUGE LOSSES

The impact of the uncertainty surrounding the coronavirus has sent the stock market into a tailspin. This, of course, resulted in the largest public pension fund in the United States to lose \$69 billion, or roughly 17% between mid-February and mid-March.

San Jose police officers and firefighters have our own pension plan, so we will not suffer the impacts based on the performance of the PERS fund. When PERS suffers financially, the political rhetoric that drives the anti-pension special interests to advocate for cutting pension and retiree health care benefits kicks into high gear.

Unfortunately, it means we may need to be ready for another attempt at a raid on the benefits we were promised and earned.

Unlike your individual stock account, the public cannot check the real-time performance of the Police & Fire Retirement Fund. Over the last several years, however, the Retirement Board has taken several actions to give the Fund a more "conservative" approach from an investment performance standpoint. They've taken actions like lowering the "discount rate" or the amount the Board expects the Fund to make through investments. This increases the pension costs for active employees and the City in real-time but helps buttress against lower investment returns over the long run.

What does this all mean? It means we need you to stay engaged with the information we put out and be ready to take action if we need you. In the past, our members have helped packed the Council Chambers as well as write letters and emails to elected officials to help ensure our voice is heard. Those days may be coming back again soon.



**SERGIO JIMENEZ**  
San Jose Council District 2

### **Association Backed Candidates Jimenez & Arenas Easily Re-elected**

As we reported in the last newsletter, the Association supported City Councilmembers Sergio Jimenez and Sylvia Arenas in their re-election campaigns. Councilmember Jimenez easily won re-election over challenger Jonathan Fleming 58.4% to 41.6%.

Likewise, Arenas trounced her opponent Jim Zito 60.50% to 39.50%. In the case of Mr. Zito, he had a history of poor relations with the unions in the Evergreen School District, where he serves as a trustee.

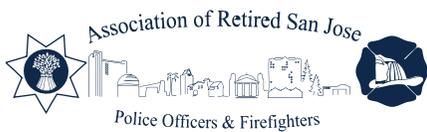


**SYLVIA ARENA**  
San Jose City Council District 8

In an interesting plot twist, in the two other races involving incumbents, Dev Davis (Council District 6) and Lan Diep (Council District 4) were forced into runoff elections because they did not earn 50% of the vote. In Diep's case, he came in 2nd place to Berreyssa School Boardmember David Cohen. Finally, in Council District 10, the race to replace termed-out councilmember Johnny Khamis, candidate Matt Mahan received 58.68% of the vote. As such, he will be the new councilmember come January 2021. The Association did not endorse in those races.

### **Make sure we have your E-mail Address!**

The quickest and most efficient way for us to keep you informed is by e-mail. Make sure we have your updated information by emailing Dale Foster at [secretary@retiredsjpoff.org](mailto:secretary@retiredsjpoff.org).



Association of Retired San Jose

Police Officers & Firefighters

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[www.retiredsjpoff.org](http://www.retiredsjpoff.org)

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Association of Retired San Jose

Police Officers & Firefighters

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## CALENDAR OF EVENTS

Due to the COVID-19 Pandemic, the Association's April Membership Meeting is canceled. We will continue to hold the date for the May 9 Association Meeting in Folsom (Annual Folsom BBQ) at this time until we know more regarding shelter-in-place orders.

## CONDONANCES

*Robert "Bobby" Avila, Police Officer, retired November 2013, died March 7, 2020.*

*Lawrence Demkowski, Police Sergeant, retired January 10, 1990, died December 20, 2019.*

*Gaylord Lane, Fire Engineer, retired August 28, 1983, died December 21, 2019.*

*John Martorano, Police Officer, retired June 3, 2006, died January 3, 2020.*

*Edmund Oiseth, Police Officer, retired October 30, 1999, died January 9, 2020.*

*Mervin Pierce, Police Officer, retired August 5, 1992, died January 1, 2020.*

*Randall Sutton, Fire Engineer, retired November 6, 1991, died January 24, 2020.*

## NEW MEMBERS

Keith Cottrell

## 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

Don Bartels, Tim Miller, Mike Moffett, Jim Spence  
Jerry Ellis, Director Emeritus

## WIDOWS & ORPHANS OFFICERS

President (COA) Jeremy Wise	831-566-7624
VP (SJA) Maxwell Magnus	650-773-3271
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 - Ernie Alcantar, Vice President - Steve Windisch,  
Sec-Treasurer - Larry Lundberg, Sgt at arms - Bob Moir [www.sjba.net](http://www.sjba.net)