



Retired Peace Officers Association of California

Fraternal Order of Police - California Lodge #55

Newsletter

OCTOBER 2020

The California Rule is Still in Place by Alex Bernard



Special points of interest:

- RPOAC Annual Meeting Cancelled
- Police Hiring Shortage
- Front Sight Giveaway Ends October 31.

The California Supreme Court has rendered a decision in the Alameda case. The California Rule is still basically in place. However, the Court held that the provisions of the Public Employees' Pension Reform Act (PEPRA) that close loopholes and prevents abuse of pension systems are constitutional. The heart of the Alameda case revolves around pension spiking, raising compensation by various methods in the final year so the retiree receives a bigger pension. The Court found this type of activity is not protected by the California Rule. How will this decision affect current and retired public employees? We are not sure at this point.

The California Rule basically says whatever your public employer promised you when you were hired, you must receive it in retirement. The Court reaffirmed that. The Court found that those provisions to prevent pension spiking were constitutional, and did not violate the California Rule. However, PEPRA was enacted to close loopholes and curb abuse of pension systems. If you are familiar with arbitration, it would appear the Court "split the baby" in this decision. They basically preserved the California Rule, while giving the pension reformers a win on curbing pension spiking.

What does this decision mean to current and retired public employees? We are not sure at this point. I can

say with some certainty, current public employees will be affected by this decision. It is a little tougher to say how it may affect retirees. It is my personal opinion that if you retired before January 1, 2013, it shouldn't affect you. However, if you retired after January 1, 2013, you may be affected. I have heard rumors that some of the '37 Act counties are looking at making adjustments to retirees' pensions who retired after January 1, 2013, that were subject to pension spiking. I have not seen anything in writing to that effect, but I am hearing rumors about it. I am sure if that would happen, there would be lawsuits to protect the pensions of affected retirees. We will just have wait to see if anything happens with these rumors. Hopefully, nothing negative will happen.

2020 has been a tough year for RPOAC. We had to cancel our Spring Board meeting because the hotel was closed due to the pandemic. Unfortunately, due to pandemic issues affecting the hotel, we are canceling the Members' Annual meeting and moving the Fall Board meeting to a telephonic meeting. We really hate to do this, but the safety and comfort of the Board and members are paramount. We will keep the business of RPOAC moving forward as best we can during this pandemic. Hopefully next year we will be able to conduct business in our usual manner.

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Police Departments Struggle to Hire Qualified Cops

(Reprinted in part from a Scriberr News article by Jamie Joseph)

Cops have been under heavy scrutiny by the public eye due to the mass media's contentious portrayal concerning police altercations in the last decade. According to Pew Research Center, 81 percent of "cops who work in departments of 100 or more sworn officers say the media generally treat the police unfairly," with 18 percent of officers who disagree. About four-in-ten officers strongly agree that the media conveys police poorly.

Police brutality against minorities has been a hot topic since the first social media outrage over the death of an unarmed black man, Michael Brown, who was shot by a white police officer, in 2014. The "hands up, don't shoot" movement born out of Brown's death, partnered with "Black Lives Matter," sparked debate with politicians, advocates and journalists. Four years following the incident, police departments struggle to hire worthy cops, and police brutality has become a regular news beat in newsrooms. In response to some of these cases, ambush on cops has become an additional threat.

However, the media isn't purely to blame for the lack of hires. Some of the blunder falls on the police department's candidates themselves, who often struggle through the hiring process. According to Chief Timothy Finneran of Azusa Pacific University's Department of Campus Safety, many applicants cannot pass the thorough hiring process testing and background investigation. With the rise of social media and increased expectations, candidates must possess a variety of qualities.

"Law Enforcement agencies continue to look for qualified mature candidates that can carry out the intense duties of law enforcement officer and will not tarnish the badge," Finneran said. "I do not believe that has changed."

The business of policing has become increasingly difficult with expanded responsibilities for more equipment and frequent changes in the law or case law, Chief Steven Hunt of the Azusa Police Department revealed.

"We are looking for independent thinkers who are able to process complex situations and make good decisions under stress," Hunt said. "They have to be able to communicate well with the public and yet be able to maintain order when required."

Since cops are exposed to new technologies, they must have an understanding of not only the technology but social media as well, according to Hunt.

Another challenge departments face is the difficulty of the hiring process. Most candidates do not pass each application mark.

"We recently had to change our hiring practices," Hunt said. "After flying the position for about a month and accepting nearly 100 candidates, we netted zero candidates when the process was complete."

Approximately half showed up for the written exam, which is very common for applicants who apply to become Azusa PD officers, Hunt said.

"The written exam and physical ability test, disqualified more candidates," he continued. "After the oral interviews, we were left with under 10 candidates who were not successful in the background screening, leaving us zero candidates. This caused us to hold monthly written exams to keep a flow of candidates to screen."

In the Oceanside Police Department, approximately 90 percent of applicants are disqualified quickly due to recent drug use (including marijuana), criminal history, driving records, poor credit history, inadequate employment record, dishonorable charge from military, bad reviews from former employers and un-

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2020 RPOAC Annual Meeting Cancelled

This years Annual General membership meeting which was to be held at the Peppermill Hotel and Casino in Reno, Nevada on Tuesday, November 10 has been cancelled due to the continuing Covid-19 restrictions and safety concerns for our members. The Board will hold a telephonic meeting to conduct the Front Sight drawing and other business.

CARES Act and Your Retirement Plans

The Coronavirus Aid, Relief, and Economic Security (CARES) Act passed in March 2020 ushered in several measures designed to help IRA and retirement plan account holders cope with financial fallout from the virus. The rules were welcome relief to many people, but left questions about the details unanswered. In late June, the IRS released Notices 2020-50 and 2020-51, which shed light on these outstanding issues.

Required minimum distributions (RMDs)

One CARES Act measure suspends 2020 RMDs from defined contribution plans and IRAs. Account holders who prefer to forgo RMDs from their accounts, or to withdraw a lower amount than required, may do so. The waiver also applies to account holders who turned 70½ in 2019 and would have had to take their first RMD by April 1, 2020, as well as beneficiaries of inherited retirement accounts.

One of the questions left unanswered by the legislation was: "What if an account holder took an RMD in 2020 before passage of the CARES Act and missed the 60-day window to roll the money back into a qualified account?"

In April, IRS Notice 2020-23 extended the 60-day rollover rule for those who took a distribution on or after February 1, 2020, allowing participants to roll their money back into an eligible retirement account by July 15, 2020. This seemingly left account owners who had taken RMDs in January without recourse. However, IRS Notice 2020-51 rectified the situation

by stating that all 2020 RMDs — even those received as early as January 1 — may be rolled back into a qualified account by August 31, 2020. Moreover, such a rollover would not be subject to the one-rollover-per-year rule.

This ability to undo a 2020 RMD also applies to beneficiaries who would otherwise be ineligible to conduct a rollover. (However, in their case, the money must be rolled back into the original account.)

This provision does not apply to defined benefit plans.

Coronavirus withdrawals and loans

Another measure in the CARES Act allows qualified IRA and retirement plan account holders affected by the virus to withdraw up to \$100,000 of their vested balance without having to pay the 10% early-withdrawal penalty (25% for certain SIMPLE IRAs). They may choose to spread the income from these "coronavirus-related distributions," or CRDs, ratably over a period of three years to help manage the associated income tax liability. They may also recontribute any portion of the distribution that would otherwise be eligible for a tax-free rollover to an eligible retirement plan over a three-year period, and the amounts repaid would be treated as a trustee-to-trustee transfer, avoiding tax consequences.

In addition, the CARES Act included a provision stating that between March 27 and September 22, 2020, qualified coronavirus-affected retirement plan participants may also



Benefits Corner

Share RPOAC with all your fellow LEO's!

The Retired Peace Officers Association of California is not just for California retirees. Our insurances and other benefits are available to active duty, reserve, and family members of law enforcement and other first responders in or out of California. Don't keep us a secret, spread the good news to others and share the wonderful advantages of belonging to RPOAC.

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be able to borrow up to 100% of their vested account balance or \$100,000, whichever is less. In addition, any qualified participant with an outstanding loan who has payments due between March 27, 2020, and December 31, 2020, may be able to delay those payments by one year.

Retirement plans are not required to adopt the loan and withdrawal provisions, so check with your plan administrator to see which options might apply to you. However, qualified individuals whose plans do not specifi-

cally adopt the CARES Act provisions may choose to categorize certain other types of distributions — including distributions that in any other year would be considered RMDs — as CRDs on their tax returns, provided the total amount does not exceed \$100,000.



HIRING (Continued from page 2)

acceptable physical condition.

Of the remaining 10 percent of applicants, only a quarter of them will pass the psychological and physical fitness exams. Then after the academy, those who graduate have to go through approximately three months of field training, and several usually fail and get terminated due to not being able to safely handle themselves with the public.

"The standard for hiring is extremely high and most departments do not lower their standards to meet hiring needs," Oceanside police officer Gary Philip Alexis said.

Typically, police departments do not have a preference between male or female candidates, or whether applicants attended a police academy or earned a bachelor's degree. The Oceanside Police Department previously required applicants to have a bachelor's degree, but that require-

ment has been lifted.

"If someone has demonstrated the dedication and sacrifice, I do acknowledge it shows a level of commitment," Hunt admitted. "Oftentimes, those struggling to get hired will put themselves through the academy so we don't always get the best applicants with academy graduates."

Another factor that affects interest in police agencies is the high risk of bodily injuries police officers face on a daily basis.

"Carrying the equipment alone takes its toll on a body, but then add physical altercations, caring for injured people, moving things out of the roadway, training, range, to name a few," Hunt said. "Add in there the things police officers are exposed to on a daily basis: death, gore, violent assaults, sexual assaults, injured children, use of force, shootings, lawsuits, court cases, public scrutiny and policy, which also affect

California Rule

(Continued from page 1)

This is an important election for all of us to vote in. There are candidates that are running for various offices that will affect our lives in the future. There are propositions on the ballot that will also have an effect on our lives. I urge you to vote your conscience on November 3 rd . Your vote will make a difference.

I would like to wish all of you a happy holiday season and a prosperous New Year.

the well-being of our police officers."

In the current societal atmosphere, police agencies are "willing to invest in rebuilding community trust, but some agencies fail to recognize the importance of simultaneously investing in their officers, only to have to scramble to do so after an incident reveals a hidden weakness or gap," the Police Chief Magazine reported.

In Criminal Justice departments across college campuses, however, there is not a shortage of student interest. But, the correlation between those students and who make it into the police force is uncertain.

As the media continues to highlight police brutality cases, and applicants fail the hiring process, departments across the nation will continue struggling to hire worthy police officers.

ARTICLE Links

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- [CalPERS Retirees Call for Board President to Resign](#) 9/3/20
- [City workers face possible pay cuts, furloughs as L.A. considers declaring fiscal emergency](#) 9/2/20
- [Hallmark police reform bill faces tough road in California](#) 8/27/20
- [LAAPOA Calls for Independent Investigation Into Allegations Against Maggard](#) 8/19/20
- [LAX police union calls for civil rights probe into department's deputy director](#) 8/18/20
- [Local governments can crack down on pension spiking, California Supreme Court rules](#) - 7/30/20
- [CalPERS Reports Preliminary 4.7% Investment Return for Fiscal Year 2019-20](#) - 7/16/20
- [NAPO has endorsed President Trump in his reelection campaign](#) 7/15/20
- [CalPERS Announces Health Plan Premiums for 2021](#) - 7/14/20
- [Berkeley to consider removing police from traffic stops](#) - 7/14/20
- [Riskier bet: Why CalPERS, the country's largest pension fund, is getting into banking](#) - 7/10/20
- [New York Bill Requiring Officers to Have Liability Insurance Under Consideration](#) - 7/8/20
- [Court rules for retirees in pension dispute with Providence](#) - 7/3/20
- [Police unions have helped shield officers from accountability. Now they're facing unprecedented backlash](#) - 7/3/20
- [Democrats' support for police union bill undermines their commitment to reform](#) - 6/22/20
- [Seattle Protesters' Call to Scrap Police Pensions Can't Be Met by City](#) - 6/19/20
- [Oregon Supreme Court Considers Whether To Allow PERS Pension Cuts](#) - 6/19/20
- [CalPERS long term care insurance to see 'significant premium increases,' officials say](#) - 6/19/20
- [California police chiefs call for weeding out bad officers](#) - 6/19/20
- [Abolish the police? It's a real thing. Even cops say they've taken on too much](#) - 6/7/20
- [California progressive politicians turning away campaign cash from cops](#) - 6/7/20

Front Sight Giveaway IV Ends on 10/31!

R POAC is offering all members a chance to win a lifetime Commander level membership to the Front Sight Firearms Training Institute.

New members automatically get entered into the drawing after they submit a completed membership application and pay their dues.

Current member gets one entry into the drawing for every new member they recruit. The current member must contact our Executive Director, Dennis Wright, and provide the name of the new member in order to get credit for the recruitment.



The giveaway entry period ends on October 31, 2020. Don't miss out on this incredible offer!



The Front Sight facility is located in Nevada and has many different courses available.



Visit their website at FrontSight.com to see all the activities this world-class facility has to offer.

