

Judge nixes gag rule

Thursday, October 27, 1983 O&E

(F170)

By Bill Casper
staff writer

An administrative law judge for the Michigan Employment Relations Commission (MERC) has recommended that local police officials stop disciplining police officers for speaking to the press.

The ruling by Judge Joseph Bixler last week came in response to a 10-month gag order in the Redford Township Police Department. The order had been issued by the Redford Police Officers Association (POA), which filed an unfair labor practice charge.

Bixler said state law protecting the right of police officers to "engage in concerted activity" supercedes police department rules and regulations prohibiting the release of certain police information.

Township attorney Evan Vinson said Bixler's ruling is unclear as to whether police department rules and regulations concerning the revealing of police information were struck down.

He said he will recommend to township officials that an appeal be filed with MERC for a clarification.

REDFORD POLICE Chief Michael Manooch agreed with Vinson, saying Bixler's recommendation needs clarification. The law judge's opinion does not adequately address itself to management's rights to maintain rules and discipline in the police department, Manooch said.

"Patrolman Moore was reprimanded for discussing with the press, department plans under the guise of union activity," he said. "Bixler talks about concerted activity (in his recommendation), but Moore was not disciplined for that reason."

"I have no plans to change department rules and regulations," Manooch said. "I will continue to enforce them as in the past and any officer who talks to the press in violation of department policy is at their own risk and they know it."

POA president Donald Moore received a written reprimand last December after he was quoted in his role of police union president in articles that appeared in Sept. 16 and Nov. 29, 1982, editions of the Redford Observer.

In the first article, Moore commented on a traffic ticket-writing race among traffic patrol officers. In the Nov. 29 article, he commented on a township proposal to hire civilian employees to operate a combined police and fire department dispatch system.

CHIEF MANOOCH issued a reprimand which said Moore violated police department rules and regulations and general orders prohibiting the release of information concerning department policy, proposed police action, crimes or confidential police operations without due authorization.

Since Moore's reprimand, he and other Redford police officers have been reluctant or have refused to talk to reporters for fear of being disciplined.

Moore talked to the Redford Observer Monday on the assumption that the gag order has been lifted by Bixler's ruling.

A smiling Moore said he was pleased with the ruling and called the gag rule "absolutely ridiculous."

However, Vinson, who represented the township before MERC on the gag rule complaint and three other related POA-township labor disputes, said Bixler's rulings do not take effect until after the appeal period has elapsed Nov. 7.

"I want to stress that the rulings of the administrative law judge are only recommendations to the full three-member commission," said Vinson. "The full commission will review Bixler's recommended rulings and if there is no exception or appeal filed with the commission, the commission will likely adopt Bixler's recommended rulings and then they become effective."

POA ATTORNEY Frank Guido, who represented the local POA in the labor disputes before MERC, however, interpreted Bixler's ruling as taking effect immediately.

"We prevailed in this (gag rule) case and it takes effect if no other action is taken," said Guido, attorney for the Police Officers Association of Michigan (POAM), the parent organization of the local POA.

Bixler wrote that PERA is designed to protect activities of employees who "choose either through a union or through agreement among themselves to behave and act in a concerted manner."

HE RECOMMENDED that township officials be ordered to cease and desist

from reprimanding its employees because they have engaged in protected concerted or union activity as provided for by PERA. He also recommended that township officials be ordered to remove the written reprimand from Moore's personnel file.

Although Bixler wrote in his ruling that the police department rules and regulations pertaining to the release of police information "are to be held for" township attorneys Vinson said he is not sure that Bixler recommended that the rules and regulations be struck down.

"Police officials must establish certain rules and regulations to maintain a semblance of order to police operations," said Vinson. "They have a right to make rules and regulations to govern police operations as long as they don't go too far in superceding state or federal laws. Bixler's ruling on Redford's police rules and regulations has far-reaching implications and we need to get a clarification through the appeal process."

POAM attorney Guido said the facts of law are very clear in this (gag order) case and an appeal would represent a waste of taxpayers' money.

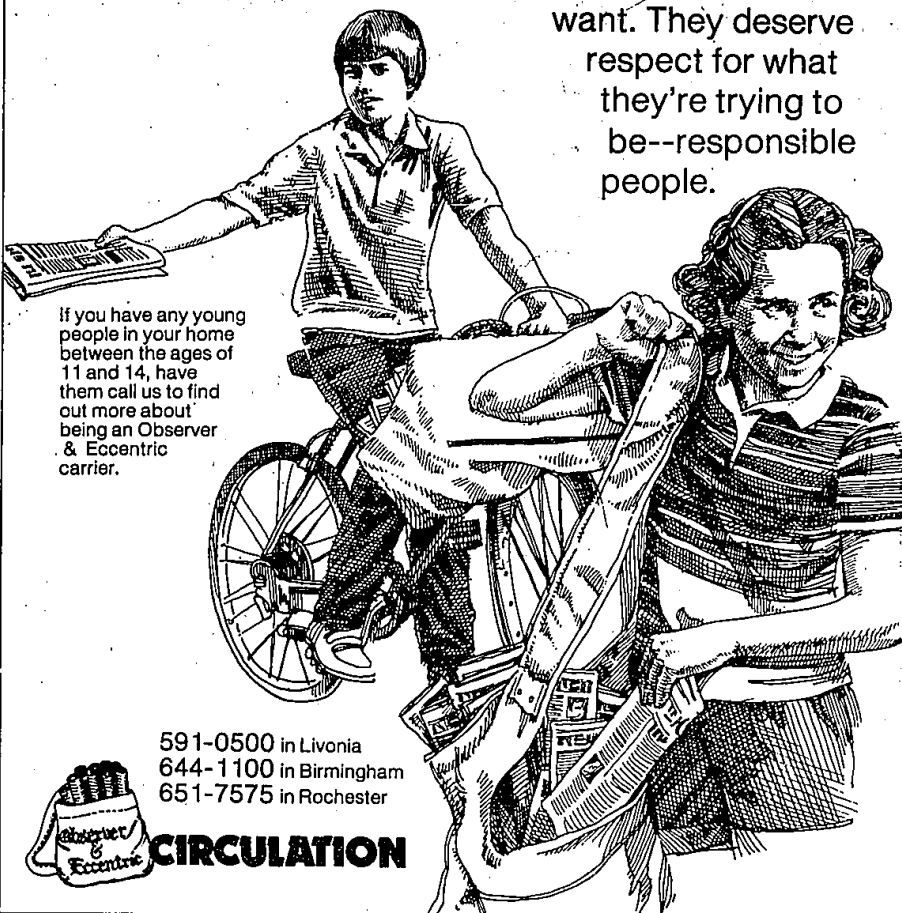
MOORE, a 15-year veteran of the Redford police force, said he will contact legal representation regarding possible criminal and civil lawsuits against the township on the grounds that his civil rights were violated by Manooch's disciplinary action.



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CIRCULATION

CITY OF FARMINGTON HILLS ELECTION NOTICE PUBLIC ACCURACY TEST

TO THE QUALIFIED ELECTORS OF THE CITY OF FARMINGTON HILLS, OAKLAND COUNTY, MICHIGAN:

NOTICE IS HEREBY GIVEN, that a Public Accuracy Test will be taken by the City of Farmington Hills for the November 8, 1983, City General Election. The test will be taken on November 1, 1983 at 2:30 p.m., at the City Clerk's Office, 31555 Eleven Mile Road, Farmington Hills, Michigan.

JOAN R. REYNOLDS
Farmington Hills Deputy City Clerk

NOTICE

Last day to obtain an Absent Voter Ballot for the City General Election of November 8, 1983, is until 2:00 o'clock p.m. Saturday, November 5, 1983 at the City Clerk's Office, 31555 Eleven Mile Road, Farmington Hills, Michigan.

JOAN R. REYNOLDS
Farmington Hills Deputy City Clerk

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CITY OF FARMINGTON HILLS SUMMARY OF PROCEEDINGS REGULAR MEETING October 24, 1983

Mayor Pro Tem Williams opened the regular meeting of the Farmington Hills City Council meeting on October 24, 1983. Members present: Burwell, Dolan, Langs, Williams, Harris and Wolf. Absent: Hughes and Sorocson. Others present: City Manager Savage, City Clerk Cairns, Assistant City Manager Condit and City Attorney Bilean. Stephanie McCutcheon representing St. Joseph Mercy Hospital, presented an update on the development of the proposed service for the elderly. John Pinkerman and Bill Martin of Farmington Youth Assistance presented semi-annual report with slides. Residents from the Eleven Mile-Power Road area requested assistance from Council regarding their Cable TV installation. Council approved project plan to North Valley Associates, located at Northwestern and Valley Road for Economic Development Corporation. Resolution No. 4. Resolution No. 5 for Kinder-Care Learning Centers, Inc. project plan located at Farmington Road and Tullywood for Economic Development Corporation was approved setting public hearing date for November 21, 1983 at 7:30 P.M. Council approved Enactment of Zoning Map Amendment C83-304 (ZC PC 15-7-83) to rezone property at 31550 Northwestern Highway from RA-1 to OS-1. Enactment of Zoning Map Amendment C83-305 (ZC PC 16-7-83) was approved rezoning property at 31418 Northwestern Highway from RA-1 to B-1. Council approved Enactment of Zoning Map Amendment C83-306 (ZC PC 15-7-83) to rezone property at 31471-79 Northwestern Highway from RA-1 to OS-1. Council approved Enactment of Zoning Map Amendment C83-307 (ZC PC 16-7-83) to rezone property at 31433 Northwestern Highway from RA-1 to OS-1. Council approved Enactment of Zoning Map Amendment C83-308 (ZC PC 17-7-83) to rezone property at 31901 Middlebelt from RA-1 to OS-1. Enactment of Zoning Map Amendment C83-309 (ZC PC 18-7-83) was approved to rezone property at 33371 West Twelve Mile Road from RA-1 to OS-1. Enactment of Zoning Map Amendment C83-310 (ZC PC 19-7-83) was approved to rezone land (advised 22-30-300-010) on east side of Hagerway, north of Nine Mile Road from RA-4 to OS-1A. Council adopted Resolution supporting House Bill 4733 regarding limited usage of detention facilities for local units of government. Consideration of a proposed Adult Foster Care Facility at 21819 Middlebelt was referred to staff for a report. The residents of Hollywood Subdivision were advised to seek legal action on the matter of wood handling business on Lots 65 and 66 on Haynes Street. Council approved executive session immediately following the regular meeting to discuss purchase of property and employee contract negotiations. Council adopted Resolution No. 2 setting date of November 14, 1983 at 7:30 P.M. for Public Hearing to create Special Assessment District to finance Orchard Lake Road Street Tree Program. Council approved purchase order for City's annual supply of Sand-Chlorine mixture to Edward C. Levy at cost of \$7.30 per ton. Council approved purchase order to City Graphics for \$4,883 for printing of City Calendar and \$10,368 for printing of Recreation Activities Brochure and to Northwestern Printing for \$3,105 for printing of City Newsletter. Council recommended repairs to Fire Station No. 3 at a cost of \$9,430. Council adjourned at 9:37 P.M.

CHARLES WILLIAMS, Mayor Pro Tem
FLOYD A. CAIRNS, City Clerk

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