



The Washington Report

The Newsletter of the National Association of Police Organizations
Representing America's Finest

December 15, 2015

NAPO Victory! Comprehensive Justice and Mental Health Act Passes Senate

On December 10, 2015, the Senate passed the Comprehensive Justice and Mental Health Act (S. 993). This bill, introduced by Senator Al Franken (D-MN), would make our communities safer by improving access to mental health services for people in the criminal justice system who need treatment. This would also help reduce the rates of repeat offenders and increase safety for law enforcement officers. NAPO has worked hard to get this important bill passed the Senate and we are thrilled to report this victory to our members.

With decreasing mental health supports and services, an increasing number of people with mental illnesses are coming into contact with the criminal justice system, which puts incredible strain on the system as well as public safety, state and local budgets, and people's lives. Throughout the criminal justice system, people with mental illnesses are overrepresented—in contact with law enforcement, in the courts, in jails and prisons, and in parole and probation caseloads across the country. According to a U.S. Department of Justice report, approximately 45 percent of people in federal prisons, 56 percent of people in state prisons, and 64 percent of people in jails displayed symptoms of a mental health condition.

The Comprehensive Justice and Mental Health Act would improve outcomes for the criminal justice system, the mental health system, and for those with mental health conditions by doing the following, among other things:

- Extending the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), and continuing support for mental health courts and crisis intervention teams;
- Authorizing investments in veterans treatment courts, which serve arrested veterans who suffer from PTSD, substance addiction, and other mental health conditions;
- Supporting state and local efforts to identify people with mental health conditions at each point in the criminal justice system in order to appropriately direct them to mental health services;
- Increasing focus on corrections-based programs, such as transitional services that reduce recidivism rates and screening practices that identify inmates with mental health conditions;
- Supporting the development of curricula for police academies and orientations; and
- Developing programs to train federal law enforcement officers in how to respond appropriately to incidents involving a person with a mental health condition.

NAPO has spent countless hours meeting and talking with staffers for key members of the Senate to garner support for this bill. We are thrilled that our efforts were successful, and we are now turning our efforts to get this important bill passed by the House.

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If you have any questions about the Comprehensive Justice and Mental Health Act, please contact Andy Edmiston at aedmiston@napo.org.

Zadroga Act Update

NAPO has been told that we have successfully attached the James Zadroga 9/11 Health and Compensation Reauthorization Act to the FY 2016 omnibus appropriations measure, but we have yet to see the final bill. House and Senate leadership are still working out the final details of the omnibus, but the Zadroga deal is supposedly done. We expect the finalized bill to be released by the end of the day and we will send out an update to our members confirming that the Zadroga Act is indeed in the spending measure. The passage of the Zadroga Act is now tied to the fate of the omnibus appropriations bill.

Until we see the Zadroga Act in the final language of the omnibus bill, we will continue to put pressure on House and Senate leadership to ensure its inclusion. Congress gave itself until the end of the day on December 16th to pass the appropriations measure, but it looks like final passage of the omnibus will not be until December 18th at the latest. The House is expected to take up and pass the measure on the 17th and the Senate will then consider and pass it the 18th.

NAPO will send out an update on the omnibus as soon as it is released. Please contact Andy Edmiston at aedmiston@napo.org or (800) 322-NAPO if you have any questions.

Lawmakers Look to Delay Excise Tax 2 Years

After the overwhelming, bipartisan vote in the Senate on December 3rd to repeal the excise tax, members of Congress working on a year-end package to extend certain tax credits are trying to include a two year delay of the excise tax in the package. While NAPO appreciates and supports the efforts to delay the excise tax, we continue to call for a full repeal of the tax on employer-sponsored health coverage. On December 8th, NAPO sent this [letter](#) to every member of the House and Senate urging them to support full repeal of the excise tax as part of the tax extenders measure.

We recognize that a delay of the tax is the most politically viable option at this time given that President Obama does not support full repeal. Passing a delay of the tax means that there is growing support for fully repealing the measure and our ability to do so may be significantly higher at the end of the two-year delay.

A delay would help health plans and employers be better prepared for the implementation of the tax and it would allow more time for contract negotiations. However, a delay does not change the ultimate result. It would still mean that law enforcement officers whose health plans do not have a majority of employees in high risk professions could face cuts to their health benefits. For this reason, NAPO's top priority continues to be the full repeal of the excise tax.

The excise tax is not just a tax on health plans; it is a loss of earned wages and benefits. NAPO continues to urge Congress to repeal the tax as well as press the IRS to amend IRS Code to ensure that all health plans that include public safety officers as participants are excluded from the affects of the tax. Public safety officers, who put their lives on the line every day to keep our communities safe, should not lose their hard earned benefits.

NAPO will keep its members up-to-date on this important issue. If you have any questions, please contact Andy Edmiston at aedemiston@napo.org.

NAPO Participates in PSOB Stakeholders Meeting

On December 11th, NAPO participated in a Public Safety Officers' Benefits (PSOB) programs stakeholder meeting. The purpose of the meeting was for the PSOB Office to give stakeholders updates on where it is in processing officer death and disability claims and changes it will be making to how it processes claims. Specifically, PSOB Director Hope Janke gave updates regarding how the Office is processing 1) officer death or disability cases involving speeding or traffic law violations, 2) Hometown Heroes claims, and 3) 9/11-related death and disability claims.

Regarding cases involving death or disability due to speeding or traffic law violations, the PSOB Office stated that it is formalizing a process for reviewing such cases, which it has historically had difficulty deciding in a timely manner. The Office professed that the new process for deciding "speeding" cases honors the presumption that the officer's death or disability was due to line of duty work. NAPO, however, finds that the Office is still relying on an overly legalistic interpretation and continues to put the onus on the survivors to prove that the officer died or was disabled in the line of duty.

In the new reviewing process for "speeding" cases, the PSOB Office will rely heavily on departments and agencies providing sufficient evidence that the officer was responding to a request for assistance *and* that the actions of the officer – whether it be speeding or an improper lane change – were reasonable given the circumstances. If such evidence is not provided, the PSOB Office will err on the side that the officer's death or disability was due to gross negligence and intentional misconduct on behalf of the officer. A family's ability to get much needed death or disability benefits now rests in the hands of agencies and their decision to formally recognize that an officer speeding while responding to a call for assistance is an accepted and reasonable practice. NAPO does not believe that many agencies will be willing to put such a statement in writing.

NAPO strongly objects to this new process and cannot see how it supports your claim that it limits the circumstances in which the presumption of eligibility for benefits is rebutted. While we appreciate the Office is working on more efficient ways to decide these cases, many of which have been pending for several years, we do not believe that the process it has put in place honors the presumptive eligibility for benefits that is the foundation of the PSOB program. NAPO will continue to work with the PSOB Office to ensure that the families and loved ones of officers killed or disabled in the line of duty receive the benefits they deserve in an appropriate and timely manner.

As for the Hometown Heroes claims, the PSOB office will be issuing new guidance on how it will be processing and deciding these claims. It stated that the guidance has streamlined the process and the Office has decided 110 cases in just the past four months. While the Office did not share the new guidance with us, it is expected to be released for public comment at the beginning of next year.

Lastly, while the PSOB Office has not made any headway in actually processing 9/11 death and disability claims related to illnesses officers contracted while doing rescue, recovery and cleanup work at Ground Zero, they are purportedly close to having a process for deciding such claims. NAPO was heartened to hear that the PSOB Office is working closely with the World Trade Center Health Program and the Victims Compensation Fund in determining how it will process these 9/11-related claims. NAPO feels that a

partnership with those programs will be beneficial to the PSOB Office being able to fairly and quickly process 9/11 related claims.

NAPO Opposes Inclusion of Public Pension Requirements into Puerto Rico Assistance Act

Senator Orrin Hatch (R-UT) introduced the Puerto Rico Assistance Act and included in the bill unrelated public pension requirements that NAPO opposes, specifically, the Public Employee Pension Transparency Act and the Secure Annuities for Employees Act. It is looking like Congress will try to pass a bill to provide assistance to the financially struggling Puerto Rico before they go home for the year and Senator Hatch is hoping his bill, including the pension provisions, is what moves forward.

On December 11th, NAPO and other members of the Public Pension Network, wrote a [letter](#) expressing our strong opposition to the public pension requirements contained in Puerto Rico Assistance Act. These provisions are not limited to the territory of Puerto Rico, nor do they protect benefits, save costs or improve retirement system funding. They are an inappropriate federal intrusion into areas that are the fiscal responsibility of sovereign States and local governments, and are conflicting, administratively burdensome and costly.

NAPO is urging Congress to exclude the provisions impacting state and local government retirement systems from legislation relating to Puerto Rico assistance or any other legislation under consideration. **If you are a NAPO member in Iowa, Texas, Ohio or Nevada**, please contact your Senators and Congressional Representatives and urge them to oppose the inclusion of the Public Employee Pension Transparency Act and the Secure Annuities for Employees Act in any legislation currently under consideration.

If you have any questions regarding the issues included in the Puerto Rico Assistance Act, please contact Andy Edmiston at aedmiston@napo.org or Bill Johnson at bjohnson@napo.org.

NAPO Attends DOJ Meeting on Advancing Diversity in Law Enforcement

On December 11th, NAPO attended a meeting with Principal Deputy Assistant Attorney General Vanita Gupta, head of the Department of Justice's Civil Rights Division, Equal Employment Opportunity Commission (EEOC) Chair Jenny Yang and Commissioner Charlotte Burrows, and Director of the Community Oriented Policing Services (COPS) Office Ron Davis. The meeting was regarding the launch of a new interagency effort between the DOJ, EEOC and the Department of Labor to identify barriers that undermine equal employment opportunity and diversity, as well as the best practices that promote fairness in the recruitment, hiring, retention, and promotion of police personnel.

The main component of this effort is a year-long research project that will gather data and analyze the systems used by police departments across the country, big and small, for recruiting, hiring and promoting officers. The administration hopes that the research will assist law enforcement agencies build a workforce that reflects the diversity of the communities they serve.

If you have any questions on this new initiative, please contact Andy Edmiston at aedmiston@napo.org.

28th Annual Police, Fire, EMS & Municipal Employee Pension & Benefits Seminar

JANUARY 24-26, 2016 - LAS VEGAS, NV

28th Annual
**POLICE, FIRE, EMS &
MUNICIPAL EMPLOYEE
PENSION & BENEFITS
SEMINAR**



Please join the National Association of Police Organizations at *NAPO's 28th Annual Police, Fire, EMS, & Municipal Employee Pension & Benefits Seminar* January 24 – 26, 2016 at the Caesars Palace Hotel in Las Vegas, Nevada. Thanks to the assistance of our impressive advisory board we are receiving overwhelming responses to our new and improved seminar. Our goal is to educate pension and union representatives along with their providers on the latest issues surrounding the pension and benefits industry.

At the 28th Annual Seminar, we are putting the spotlight on key issues including: 2016 Political Outlook, DB/DC debate, Selecting Service Providers, Investment Management, Social Security Pension Issues, Healthcare Cost & the Cadillac Tax, to name a few. Ensure that you fulfill your fiduciary responsibility to your fund by educating yourself on these issues!

Take an active role in improving the future of your fund by registering for this informative seminar. For Registration Information [Click Here](#) or visit NAPO's website at www.napo.org.

Please monitor NAPO's website, www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter at NAPOpolice for breaking news and updates.



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December 8, 2015

The Honorable Paul D. Ryan
Speaker of the House
United States House of Representatives
Washington, D.C. 20515

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Minority Leader
United States House of Representatives
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The Honorable Harry Reid
Minority Leader
United States Senate
Washington, D.C. 20510

RE: Repeal of the 40 Percent Excise Tax on Employer-Sponsored Health Plans

Dear Speaker Ryan, Senator McConnell, Congresswoman Pelosi and Senator Reid:

On behalf of the National Association of Police Organizations (NAPO), I am writing to advise you of our strong support for efforts to repeal of the 40 percent excise tax on high cost employer-sponsored health coverage by the end of this year.

NAPO is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

Although the Affordable Care Act sets higher thresholds for the excise tax for workers in high risk professions, such as public safety officers (\$11,850 for an individual and \$30,950 for a family), to qualify for the higher threshold amounts, the majority of members in the healthcare plan must work in high risk professions. **Many public safety officers would not qualify for the higher threshold amounts, as they participate in general healthcare plans where the majority of participants do not work in high risk professions.**

The higher thresholds set for public safety officers thus will not adequately protect officers from the tax burden, as thousands of officers participate in plans that include a majority of employees who do not work in high risk professions.

Public safety officers and their families across the country will be negatively impacted by the "Cadillac" health plan tax. To illustrate this point, officers in NAPO member groups, including the Phoenix Law Enforcement Association, Police Conference of New York State, Boston Police Patrolmen's Association, Dade County (Miami) Florida Police Benevolent Association, the Wisconsin Professional Police Association and the

Postal Police Officers' Association will be negatively impacted by the "Cadillac" health insurance plan tax. Members of the Sarasota Police Department (Florida), Waltham Police Department (Massachusetts), and Southold Town Police Department (New York) will also be negatively impacted by the tax. These public safety officers would not qualify for the higher threshold amounts, as they participate in health insurance plans where the majority of participants do not work in high risk professions. Even more, the aforementioned groups represent thousands of police officers across the nation, but only a fraction of the public safety officers who will be negatively impacted by the "Cadillac" health insurance plan tax.

The American Health Policy Institute came out with a new report that found that **almost 90% of large employers**, including state, county and city governments, are already taking steps to no longer offer health plans that would trigger the tax. The report also found that:

- More than 30% of large employers said that they would have at least one plan impacted by the tax and almost half of employers who would not have plan impacted by 2018 said they would have a plan impacted by 2023.
- About 19% of employers were already curtailing or eliminating employee contributions to flexible spending accounts, and 13% were doing the same to health savings accounts.
- 71% of employers planning to reduce their plan values said they most likely would not provide a corresponding wage increase.

The Excise Tax is not just a tax on health plans; it is a loss of earned wages and benefits. Therefore, NAPO urges Congress to pass a repeal of the excise tax as part of one of the must-pass legislative vehicles currently being considered, including any tax extender package.

Thank you for your consideration. Please feel free to contact me at: (703) 549-0775.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Johnson", with a long horizontal flourish extending to the right.

William J. Johnson
Executive Director