

THE CHRONICLE

FOP/OLC Executive Committee Message: **WHY DO I NEED TO BE IN THE UNION?**

No matter how far you are into your law enforcement career at some point you have heard, or said yourself, "Why do I need to be in the union, I don't do stupid (insert expletive)." Early on in my own career in the late 90's as a Deputy with the Wood County Sheriff's Office I know that thought at least crossed my mind, especially when we would occasionally see a less than average coworker "saved by the union." But as many of us learn as our careers progress, there is far more benefit to us being union strong and realizing the true importance of being a part of our union.

In my own experience the realization did not come until I was involved in an off-duty situation that occurred ten years into my career, a few adult beverages following a Buckeyes win and two buddies horseplaying. The horseplaying was viewed by a community member who had a connection with my Sheriff, and the administration wanted discipline and potential disorderly conduct charges. As most of us do, early on I admitted that my behavior did not reflect positively on the office, but when the severity of the potential punishment from the administration became evident, I requested my union representative's intervention. As innocent as I saw the incident, the administration obviously did not. Our union rep was able to work out a

reasonable punishment for my actions, rather than the extreme views the administration initially proposed.

Sometimes the importance of the union is to bring some mediation to the vast difference in stances on a policy violation that one of us may or may not have committed. But sometimes these stances by administrations can be viewed as a terminable offense, and whether that is justified or not, having union representation is paramount to ensure that the contract is followed. I have learned how important this is, and how important a role the union plays in the broad scope of ensuring the contract is followed. Most times when the "less than average" employee's job is saved by the union, it is likely because the administration did not follow the contract or properly document the obvious issues with the employee.



Ryan Emahiser
FOP/OLC Executive
Committee Member

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FOP/OLC Executive Committee Message: (con't)

Almost seven years ago myself and several other like-minded Agents decided to run for union reps in Bargaining Unit 46, which represents primarily Agents with the Ohio Attorney General's Office Ohio Bureau of Criminal Investigation (BCI), Health Care Fraud, and OPOTA instructors/certification personnel. In today's digital age, and with our bargaining unit being spread across the entire state, digital communication has been necessary to ensure that all members are kept up to speed with the different topics that affect our positions. Building a stronger union with increased communication has been a positive change, as well as listening to members' concerns and addressing with action or education on the issue they may have.

As new reps this all came with a learning curve, and with the help of our FOP/OLC Labor Representative Mark Scranton and Staff Attorney Doug Behringer our bargaining unit has moved in a positive, forward direction. The FOP/OLC has the best experience and knowledge to represent us all as law enforcement, especially with the format of our FOP/OLC Board being made up of law enforcement from different agencies to oversee the work the FOP/OLC does for our members. Each one of your board members is or has been union leaders within their own agencies, and take ownership in to ensuring that our members' rights are protected! Being a part of the FOP/OLC board has opened my eyes to all the work that is being done across the state to protect our members. In today's climate of quick judgement we need the protection and experience the FOP/OLC brings in the law enforcement representation format.

As a BCI Agent since 2012, I have also had the privilege of working anything from homicides to officer involved critical incidents (OICI). I know that as BCI Agents we take investigating OICI's very seriously as collectors of facts, and our thorough investigations benefit officers found to be in accordance with the legal standards we all adhere to. The FOP/OLC Membership and Public Relations Coordinator Dan Ozbolt and BCI Agent Rick Ward have been traveling across the state

presenting on the FOP/OLC's OICI response, what the FOP/OLC is doing to protect involved officers' rights, and what to expect from the BCI investigative process. These presentations have been very beneficial to the agencies I have spoken with, and they truly give agencies and officers an idea of what to expect in the case of an OICI event when it happens. If there is a presentation in your area go and encourage your administration!

Being a part of the FOP/OLC as a union rep, and playing a part on the OLC Board, has been a privilege and an honor. There is nothing better than doing my part in PROTECTING THE PROTECTORS!!!! Be safe!

BIO: Ryan Emahiser began his career in 1997 as a Wood County Sheriff's Office Deputy, serving as a



Road Patrol Deputy, School Resource Officer, and Special Response Team. Ryan began as a BCI Agent in 2012, assigned for 8 years as an FBI TFO working Human Trafficking and Child Exploitation, and investigating felony crimes including officer involved critical incidents. Ryan is the Bargaining Unit 46 Committee Co-Chair representing approximately 200 Agents and employees within the Ohio Attorney General's Office. Ryan is also a member of BCI's Peer Support group, an additional resource for members dealing with issues. Ryan has been a member of the Wood County FOP #109 Lodge since 1997.

LEGAL UPDATE

DUTY TO INTERVENE



Kay Cremeans
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The duty to intervene is an obligation placed on a law enforcement officer to stop or prevent another officer from using excessive force or engaging in other unlawful conduct that deprives a person of their rights and privileges secured by the Constitution or laws of the United States. The duty to intervene is based on the principle that law enforcement officers have an obligation to protect the constitutional rights and safety of the public. The duty to intervene can be established in a number of ways: by statute, by department policy, or by case law.



A duty to intervene can be established by statute. However, not every state has enacted such a statute. At the current time, Ohio does not have a statute imposing a duty to intervene. Of the states that have statutes that require a duty to intervene, some include a criminal penalty for failing to intervene.

A duty to intervene can also be established by department policy. The number of departments who have policies pertaining to a duty to intervene is ever increasing. Law enforcement officers should carefully review and familiarize themselves with their policy as to what action is necessary under various circumstances. Departments should provide training on their policy, so every officer understands what is required of them.

A duty to intervene can also be established by case law. That would normally occur when a lawsuit, typically a §1983 action, is filed against an officer claiming a deprivation of rights when an

officer fails to intervene to stop or prevent such harm caused by another officer. If an officer is found to have failed to intervene, monetary damages could be awarded to the plaintiff.

When is an officer required to intervene? If an officer observes or has reason to know that another officer is using excessive force or engaging in other unlawful conduct that deprives an individual of their constitutional rights, the officer is required to intervene if the officer has the opportunity and the means to stop or prevent the harm from occurring. An officer who fails to intervene may be held liable for the other officer's unlawful actions.

What kind of intervention is required of an officer? An officer must take reasonable steps to stop or prevent the use of excessive force or other unlawful conduct committed by another officer. This could range from verbal commands to physical intervention to stop the conduct.

The duty to intervene also applies to employees in correctional facilities as well as officers from different law enforcement agencies. If an officer from one agency is aware of an officer from another agency using excessive force and has the opportunity and means to stop the harm, there is a duty to intervene even though the other officer is employed by a different law enforcement agency.



ARBITRATION NEWS

GRIEVANT DID NOT VIOLATE USE OF FORCE POLICY BUT LACKED SITUATIONAL AWARENESS



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The Grievant is a Transit Police Officer with 15 years with the Employer. He received a “Decision Making Leave” (DML) after a use of force incident involving the Grievant and a homeless man. The Policies and Procedures detail a progressive discipline structure where an employee may be issued a First Written Reminder, a Second Written Reminder, then a DML. The DML is one day away from work, with pay, to consider the seriousness of the discipline. A DML is similar to a last chance agreement such that the next policy violation will result in termination.

The Grievant was dispatched to clear a homeless man from the lobby of a transit station so that the area could be properly cleaned. The Grievant asked the man to gather his belongings and then escorted the man to the upper level of the station and onto the platform so that he could leave on the next train. While the Grievant was escorting the man out, the man engaged in cursing, abusive language, racial slurs, and threats of physical harm towards the Grievant. The man lunged at the Grievant as if to punch or hit him. After the second lunge, the Grievant used the defensive maneuver “check move” to push away the man and create separation between them. At this point, the man was by the edge of the platform and fell off to the track level, an estimated four-foot drop. He immediately got up and walked up the stairs back to the platform. During his fall, another officer called dispatch to request a “slow train order” where the man fell.

An internal investigation was conducted by a Commander who found that the Grievant was justified in the level and use of force during the incident but lacked situational awareness, stating the check move was inappropriate based on the man’s proximity to the edge of the platform. The Grievant was issued a DML. A grievance was filed protesting the DML.

The Employer argued that the lunges by the man were not an active threat given the man’s mental health issues. According to the Employer, the Grievant failed to step back to create distance or use the bench as a barrier

and also failed to take into account the man’s proximity to the edge of the platform before using a check move which resulted in a significant risk to the man including loss of life. The Employer also argued that the Grievant should have jumped down from the platform to assist the man. The Employer states that it would have been justified in terminating the Grievant but nevertheless provided the Grievant with a second chance by issuing a DML.

The Union argued that the Employer did not have just cause to issue a DML as the Grievant’s actions were completely justified as both use-of-force instructors confirmed. The investigation concluded that the Grievant was justified in the level of force used on the platform. The Grievant was trained to use the check move, one of the least violent use-of-force options available to officers. Further, the Union pointed out that jumping down from the platform would have been a violation of policy and it was clear from video evidence the man was unharmed and able to get back up immediately on his own.

The Arbitrator placed emphasis on the investigation report that stated there was no evidence to prove that the Grievant was not in accordance with the Employer’s use of force policy. However, the Grievant’s situational awareness was lacking based on the fact that the man was standing on the edge of the platform. He should have taken the time to evaluate which technique would be necessary to bring the man under control. The Arbitrator determined that the check move was inappropriate given that the man was on the edge of the platform, finding that the Grievant lacked situational awareness which was determined to be a violation of the Employee Performance Code. However, the Grievant’s failure to jump off the platform to assist the man was not in violation of the Employer’s policy.

Ultimately, while the Arbitrator ruled that while there was a policy violation, the Employer did not have just cause to issue a DML which is effectively a last chance agreement. Instead, the Arbitrator reduced the DML to a First Written Reminder.

OUTCOME

Grievance is granted in part and denied in part. The DML is reduced to a First Written Reminder.

ARBITRATION NEWS

SETTLEMENT AGREEMENT UPHELD

During the COVID-19 pandemic, the University sent its students home and began online instruction. However, the members of the bargaining units were required to continue working in person. The FOP filed grievances for each of the bargaining units, arguing that employees were entitled to premium pay under emergency provisions of their Collective Bargaining Agreements. The parties entered into a Settlement Agreement which provided that "Employees of each of the three named FOP units ... will receive 120 hours of compensatory time." There was no discussion regarding the eligibility for the payment for employees who had been employed during the closure period but had since left employment. Nor was there any mention that payment would only apply to employees in active employment on the date of execution of the Settlement Agreement. The Employer credited current employees with the compensatory time but did not compensate former employees. The FOP disagreed and filed a group grievance on behalf of three (3) former employees.



Douglas Behringer
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At arbitration, FOP argued that the Settlement Agreement, drafted by the Employer, did not exclude former employees or limit payment to current employees, and therefore, any ambiguity should be construed in favor of the FOP. The FOP asserted that the former employees had performed the work that entitled them to the compensation and were part of the group on whose behalf the original grievance was filed.



The Employer argued that the use of the word "employees" in the Settlement Agreement implicitly referred to current employees at the time the Settlement Agreement was executed or implemented. The Employer also argued that compensatory time, by its nature, cannot be given to former employees since they are incapable of taking time off, thereby indicating that the Settlement Agreement was not intended to apply to them.

The Arbitrator found that the Settlement Agreement was intended to settle a grievance to provide additional compensation to those employees who continued to perform work on campus during the pandemic. Due to the lapse in time between filing the original grievance and the Settlement Agreement, some employees who had worked during that time had left the Employer's employment. Nevertheless, they worked during the period for which compensatory time was intended as compensation.

OUTCOME

Grievance is sustained. The Employer was ordered to pay each of the three (3) former employees an amount equivalent to 120 hours of compensatory time.

LEGISLATIVE UPDATE:



Mike Weinman
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Although the Ohio General Assembly has been largely out of session since mid-June, there has been no shortage of activity on the political and legislative fronts.

The Fraternal Order of Police of Ohio has announced its endorsements for the 2026 statewide elections. The FOP-endorsed candidates are Vivek Ramaswamy and Rob McColley for Governor and Lieutenant Governor; Keith Faber for Attorney General; Robert Sprague for Secretary of State; Frank LaRose for Auditor of State; Jay Edwards for Treasurer of State; Dan Hawkins and Colleen O'Donnell for the Supreme Court of Ohio; and Jon Husted for the United States Senate. The endorsements were approved by FOP delegates following the organization's candidate screening process. (Fraternal Order of Police of Ohio)

The FOP of Ohio has also made endorsements in numerous Ohio House and Senate races. Members interested in seeing the complete list of endorsements and other political updates are encouraged to follow the FOP of Ohio's social media and visit the FOP of Ohio website, www.fopohio.org.

Preparing for Lame Duck

This month, the FOP of Ohio met with our allies at the Ohio Association of Professional Fire Fighters to coordinate priorities for the General Assembly's post-election "lame-duck" session. This period between the November election and the end of the legislative term is traditionally an important, and often very busy, time at the Statehouse.

Among the FOP's priorities will be pension issues and passage of two important pieces of legislation affecting law enforcement.

Senate Bill 321 addresses the authority of certain special police officers employed by state agencies to carry firearms while performing their duties. The bill has already passed the Ohio Senate and is pending in the House.

House Bill 372, the Larry Henderson Act, would strengthen Ohio law regarding the aggravated murder of peace officers and other designated public servants and

first responders. The bill overwhelmingly passed the Ohio House and is now pending before the Senate Judiciary Committee, where the FOP of Ohio has testified in support of its passage.

Other Law Enforcement Priorities

We will also continue to be actively involved in legislation concerning Automated License Plate Readers (ALPRs). Several proposals concerning ALPR technology and mass-surveillance systems are before the General Assembly, and the FOP will be closely engaged as lawmakers consider how these technologies may be used and regulated.

Another significant priority is due process for law enforcement officers placed on so-called Brady or Giglio lists. These designations can have serious and lasting consequences for an officer's career and ability to testify in court. The FOP will continue advocating for a fair and transparent process that provides officers appropriate notice and an opportunity to challenge a designation.

Finally, we will be closely involved in the implementation of House Bill 479, which created the Ohio Post-Traumatic Stress Fund Commission and established a framework for assisting in qualifying public safety officers suffering from work-related post-traumatic stress injuries. HB 479 became effective September 23. The Commission will play an important role in establishing the policies and procedures governing the Fund, and the FOP of Ohio will recommend a law enforcement officer to the Speaker of the Ohio House for appointment to the Commission.

As the General Assembly returns and lame duck gets underway, things can move very quickly. Please watch your email and the FOP of Ohio's social media for legislative updates and opportunities to make your voice heard. Member involvement can make a real difference when important law enforcement legislation is moving through the Statehouse.



2026 OLC MEMBER OF THE YEAR: OFFICER DAN ICE

Officer Dan Ice has dedicated nearly 30 years to the Marion Police Department and his fellow officers, earning a reputation as a trusted union leader, consensus builder, and unwavering advocate for OLC members.

Dan's leadership was especially evident when the City faced a \$1 million police budget reduction. He worked collaboratively to identify cost-saving solutions that helped prevent layoffs and protect officers' jobs. When widespread payroll errors later impacted employees, Dan personally contacted every sworn officer, Gold member, and civilian employee and conducted an exhaustive review of department payroll records. His work resulted in a detailed 34-page spreadsheet identifying errors involving wages, longevity pay, uniform allowances, OP&F contributions, DROP, and deferred compensation. He then worked with City officials to resolve the problems while protecting the union's legal rights.

Dan has also represented members in some of the Marion Police Department's most significant disciplinary cases in more than two decades. During a critical officer-involved shooting, he served as a mentor and calming presence, providing invaluable assistance to a new OLC Staff Representative during an extremely stressful situation.

His commitment extends beyond the union. Dan is well known throughout Marion for securing grant funding and working to improve neighborhoods and address community blight. He has also persevered through severe line-of-duty injuries, including being struck by a fire truck, while continuing his commitment to public service.



Staff Attorney Beth Liggett handing Officer Dan Ice of Marion Police Department, the FOP/OLC Member of the Year Award.

Officer Dan Ice represents the very best of the FOP/Ohio Labor Council: a trusted leader, tireless advocate, dedicated public servant, and selfless union brother. His decades of service and commitment to protecting others make him a deserving recipient of the 2026 OLC Member of the Year Award.



OHIO LABOR COUNCIL



DISPATCHERS ARE HEROES TOO!!!

On June 20, 2026, Macedonia Police Department Dispatcher Becky Elias received a 911 call from a frantic mother whose three-year-old non-verbal son had gone missing.

While Officers were being dispatched, Elias used her Autism Awareness training the department had just received from the Autism Society of Greater Akron by calmly gathering the facts and asking the appropriate questions. In doing so, Elias was able to identify a nearby swimming pool as a possible location for the child.

Moments later, the mother was able to locate the child in this pool and upon doing so became overwhelmed with emotion. Dispatcher Elias remained calm and professional providing life-saving CPR instructions to the mother until help arrived.

Thankfully, the child became responsive and was expected to make a full recovery.

Dispatcher Elias' quick thinking, composure under pressure, and dedication to serving her community played a vital role in this positive outcome. Her actions are a reminder that Dispatchers are often the first responders, providing critical assistance when seconds matter most.



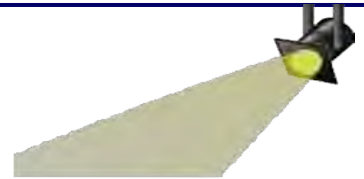
Rebecca Elias, Macedonia Police Department Dispatcher

The FOP/OLC is proud of the accomplishments of our member, Becky Elias, in saving the life of this child. She is to be commended!!



STAFF SPOTLIGHT

Michael Vigorito, Staff Attorney



Mike Vigorito
Staff Attorney
MVigorito@fopohio.org

Mike joined the FOP/Ohio Labor Council in 2026 as a Staff Attorney working out of the Northeast Ohio office.

Prior to joining the OLC, Mike was an attorney for a civil defense litigation firm, primarily representing healthcare entities, including hospital systems, physicians, and nurses. Mike also has experience representing public safety entities in labor and employment matters, Ohio Sunshine Law issues and litigation, policy and procedure drafting and implementation, and other administrative law matters. Mike has represented clients in both state and federal courts and has experience in appellate advocacy, arbitrations, workplace investigations, and contract negotiations.

Mike earned his Juris Doctor from the University of Akron School of Law and holds a Bachelor of Science, cum laude, in Biology and an Associate of Applied Science degree in Emergency Medical Services Technology. Prior to attending law school, Michael worked as a firefighter/paramedic and flight paramedic for various fire departments and EMS providers in northeast Ohio and western Pennsylvania and continues to work as a flight paramedic and EMS Instructor.

Mark Emde, Staff Representative

Mark joined the FOP/Ohio Labor Council in 2026 as a part-time Staff Representative, bringing with him nearly 30 years of law enforcement experience with the Heath Police Department.

Throughout his career, Mark has spent more than 20 years as a K-9 handler and trainer and has served as an OPOTA-certified instructor. Just as importantly, he brings extensive experience representing and advocating for fellow law enforcement officers. Mark has served as President of FOP Lodge 127 since 2015 and as a bargaining unit representative for the past 15 years. In those roles, he has negotiated collective bargaining agreements, represented members in grievances and disciplinary matters, and advocated for law enforcement professionals both locally and at the Ohio Statehouse.

Mark has also been a longtime supporter of the OLC, helping coordinate labor training and establishing a Critical Incident Response Services (CIRS) team within his lodge.

Mark's combination of law enforcement experience, union leadership, and commitment to serving others makes him a terrific addition to our staff.



Mark Emde
Staff Representative
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The Fraternal Order of Police/Ohio Labor Council congratulates the following recently retired members:

Craig Black	Detective Sergeant	Heath Police Department
Shane LeFevre	Deputy	Licking County Sheriff's Office
Jodi Johnson	Officer	Rossford Police Department
Tracy Nyhart	Deputy	Summit County Sheriff's Office
Timothy Pike	Deputy	Summit County Sheriff's Office
Terry Pike	Deputy	Summit County Sheriff's Office
Michael Casper	Deputy	Summit County Sheriff's Office
Keith Murray	Deputy	Summit County Sheriff's Office
Robert Scherer	Deputy	Summit County Sheriff's Office
Bryan Cadwell	Deputy	Summit County Sheriff's Office

We are truly proud of your accomplishments, and we were honored to represent you!

Godspeed and Thank You for Your Service

Please let us know when your co-workers are about to retire so that we can recognize them.

We need their name, agency, title, years of service, specialized units and any notable achievements.

Send this information to: Dan Ozbolt, dozbolt@fopohio.org.



UNIQUE TRAINING OPPORTUNITY

Officer Involved Shootings/Critical Incident Training

Topics

Immediate Steps to Protect Your Rights After Scene is Secure.

What to Expect in the BCI Investigative Process

FOP Critical Incident Response Service

Presentation and Q&A from an Involved Officer Financial Wellness

Instructors

BCI Special Agent

FOP/OLC Staff Representative

FOP Critical Incident Response Program Involved Officer

Financial Wellness (1 hr. CPT if your Agency Approves CPT Class# 26CPT088)

Date, Time & Location

Thursday, October 15, 2026, from 9:00 a.m. to 3:00 p.m.

FOP Lodge 21 750 W. Robb Avenue

Lima, OH 45801

Lunch and beverages will be provided

To Register click on: <https://www.eventcreate.com/e/olcoistraining>

THIS TRAINING IS FREE



FOP/OLC Associate Training

Best Practices for Representing the Membership

Topics

Leadership and Your Role
Contract Negotiations 101
The Grievance and Arbitration Process
Employee Rights
Critical Incident Protocols

Instructors

FOP/OLC Legal and Field Staff

Date, Time & Location

Thursday, November 18, 2026, from 9:00 a.m. to 4:30 p.m.
FOP Lodge 44 4275 Powell Road
Huber Heights, OH 45424

Lunch and beverages will be provided by the FOP/OLC

To Register click on: <https://www.eventcreate.com/e/fopolcassociate-111826>



2026 FOP Women's Conference



Wednesday, October 28, 2026
Capital City FOP Lodge #9
6800 Schrock Hill Court, Columbus, OH

Featuring

KEYNOTE SPEAKER

Carrie Matthews

Law Enforcement Officer



"The Other Side of Suicide"

A powerful and deeply personal presentation on loss, resilience, first responder mental health, and the strength it takes to ask for help. Carrie shares her journey through unimaginable loss and her mission to continue the conversation surrounding suicide prevention and remind others that they are not alone.



For more information and to RSVP by October 19, 2026
scan the QR code or visit:

<https://www.eventcreate.com/e/fopohiowomensconference>

Conference Sponsors:



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★ ★ 2026 FOP Ohio Labor Council, Inc ★ ★ Conference



FOP Ohio Labor Council Executive Director, Gwen Callender accepting her award for 35 years of continuous service from Deputy Director Aaron Crawford.



Paralegal Carol Davis accepting her award for 5 years of continuous service from Deputy Director Aaron Crawford.



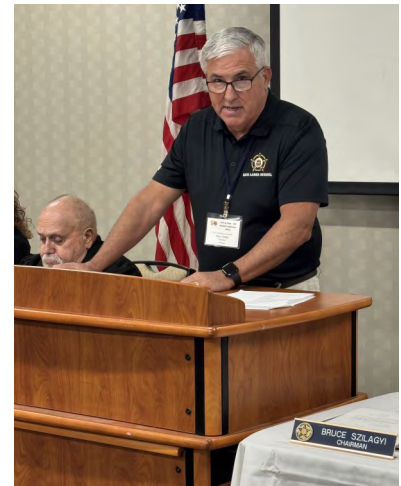
Staff Representative Adam Shaw accepting his award for 5 years of continuous service from Deputy Director Aaron Crawford.



Senior Staff Representative Mark Scranton accepting his award for 20 years of continuous service .



Kay Cremeans, General Counsel, presenting information to the OLC Delegates.



FOP/OLC Chair Bruce Szilagyi addressing the OLC Delegates at the annual conference.



Negotiations Update



<u>Employer</u>	<u>Wages</u>	<u>Other Details</u>
Colerain All Units	2026 3.9% 2027 3.0%, 2028 3.6% Gold remains 8% & 16% over patrol	Comp time can be paid out in any pay period; Cell phone allowances added; Definition of immediate family include significant other
Xenia Gold Unit	Wages changed to 11% and 16% above patrol instead of steps	Grievance Procedure changed to allow financial issues to go straight to City Manager; Training Pay added; Ability to Float holiday for 8-hour employees; Longevity Added
Orange Village Patrol, Sergeants and Lieutenants	2026 3.5% 2027 3.5% 2028 3.5%	Longevity payment by years of service; Uniformed Services Leave consistent with Federal and State Law

Fall Breeze and Autumn Leaves



Pass Along...

Use the QR code to access the dues card!

Have you completed your dues card?

Do you need to update the information?

The FOP/Ohio Labor Council, Inc. tries to make sure that the information that we gather is correct. If you are unsure if you have filled out a dues card, or if the information on the dues card is incorrect you can now follow the QR code and complete it electronically.

Just open your phone's camera until you see the yellow box and then tap within the box.



If you have any questions, contact
Aaron Crawford, Deputy Director. ACrawford@fopohio.org
Stay Safe!