

Free legal service in contract eyed

SAN ANTONIO — Among the rich benefits received by San Antonio's rank-and-file public safety personnel is access to free legal services for matters not related to work.

City officials may target that benefit in collective-bargaining negotiations that now are under way for police officers and expected to begin soon for firefighters.

The city's civilian workers don't have access to the benefit.

While the city funds the San Antonio Police Officers and Firefighters Prepaid Legal Plan and Trust — at \$32 a month per uniform, about \$1.5 million annually — it doesn't have any management oversight.

Eight trustees — four from the fire union and four from the police union — oversee the fund, which is administered by Steven Carnes, the managing attorney of Group Legal Services.

It's an important benefit that helps first responders and their families in times of need, San Antonio Police Officers Association President Mike Helle said.

The service bridges a gap, he said, where the city “fails miserably.”

Lawyers are assigned to help the families of killed personnel navigate the complicated legalities surrounding probate cases, he said. But the fund handles a lot of family law issues, too.

“Most of it is dealing with wills, probate and divorces,” Helle said. “I'd say those are probably the top three. You'll also have a sporadic number of other things.”

Now city officials are raising questions about whether such a benefit is necessary. It's expected to become a point of contention in collective-bargaining negotiations.

Deputy City Manager Erik Walsh, who oversees the Police and Fire departments, said the city's approach to uniform personnel's benefits has evolved.

“We're trying to be comprehensive at what we look at and where we spend our money,” Walsh said Friday. “We're laying this stuff out differently. We're being a lot more comprehensive.”

Questions about the fund arose last August during a City Council budget session on the Police and Fire departments.

Helle responded then in an email, which contained a copy of the fund's benefit plan, expressing frustration that City Manager Sheryl Sculley had begun targeting the public safety budget.

He wrote that the legal-services benefit came about through “past pay deferrals” and aren't freebies.

“The sad part is that the city promotes these benefits to recruit young candidates into public safety employment with COSA and then turns around and claims aspects of our negotiated benefits as too costly,” his email said.

The plan offers a maximum of 75 hours of representation in a calendar year; specific types of legal matters have varying limits on amount of hourly services.

It hires law firms to represent personnel and their families, but Helle declined to identify which ones because he didn't have authorization from the firms to release their identities.

The plan covers a bevy of legal services, including divorce, annulments, adoptions, custody disputes, real estate transactions and criminal proceedings.

Bernal said Friday that there's been little discussion about it at the council level.

“More than anything, it's something my colleagues have learned about recently and are surprised by,” he said. “But at the same time, it's not something we know a tremendous amount about.”

Helle expects the issue to be addressed in negotiations, just as it always had. He also criticized the city's tactics.

“It's obvious they're trying to negotiate the contract through the media,” he said. “It's a little bit

surprising, and it's unfortunate that they're choosing to operate that way.”

Councilman Cris Medina, chairman of the council's Public Safety Committee, may be the public-safety unions' best hope for advocacy on the dais. He said he's employing a “hands-off approach” with negotiations.

“This has been an ongoing debate, in general, that I've been watching very closely,” he said. “While we do have an important job in ensuring that our city budget is not beyond our means, I think there's also the expectation to take care of our first responders, as they have done for us on a daily basis.”

Sculley has directed City Auditor Kevin Barthold to conduct what appears to be the city's first-ever audit of the fund.

Carnes, who administers the plan, said in an email to Helle that an outside, independent audit is conducted each year. Those reports are filed with the U.S. Labor Department.

“As you are aware, I have been the administrator of the fund since 2000,” Carnes' email to Helle said. “We initially provided our audit to the city of San Antonio but have not received any requests in quite some time to see that information. I have copies of all audits available for their review.”

Though this fund hasn't been in the forefront of city officials' minds until recently, it once played a key role in headlines that rocked the city.

In 1998, former police union boss Harold Flammia pleaded guilty to money laundering and tax and mail fraud for his part in a scheme to bilk hundreds of thousands of taxpayer dollars from the fund that he'd helped create.

During an eight-year period, he received more than \$500,000, the San Antonio Express-News reported.

A 1999 article about Flammia's sentencing said the conspiracy, which included two lawyers who were involved in the fraud, never would have been revealed had one of the lawyers not threatened to kill his ex-wife, who he thought was going to reveal the conspiracy to authorities.

Flammia was sentenced to 55 months in federal prison and has since been released.

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<http://extras.mysanantonio.com/pdf/SPD-2004.pdf>

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