

SOUTHERN STATES POLICE BENEVOLENT ASSOCIATION, INC.

POLICY NO. 03-24

GRIEVANCE, DISCIPLINARY AND OTHER SERVICES

BACKGROUND:

In order to provide Grievance and Disciplinary services to the members of Southern States P.B.A., the Board of Directors hereby implements the following coverage and eligibility requirements:

POLICY:

Section 1. Coverage and Eligibility

- A. The services will be provided to Southern States P.B.A. members only in those cases arising out of that member's performance of or in pursuit of his/her official duties.
- B. The service shall consist of the payment by Southern States P.B.A. of staff services, attorney's fees, and directly related Court costs. Use of experts shall be pre-approved by the Director of Legal Services.
- C. Attorney representation is typically authorized by Southern States P.B.A. only after the member has initiated agency proceedings and is at his/her last level of appeal.
- D. Southern States P.B.A. reserves the right to withhold approval of any benefits and to withdraw approval of any benefits if it is determined at any time that the member has committed an intentional, deliberate and/or illegal act, either civilly, criminally, or administratively.
- E. Members are entitled to legal and/or staff services and costs within the coverage provided at the discretion of the Association CEO or the Director of Legal Services.
- F. The term "arising out of that member's performance of or in pursuit of his/her official duties" as used in this policy encompasses actions or omissions of a member while in the performance of regularly assigned law enforcement duties for his/her employing agency. The benefit is not designated to cover a member while he/she is off-duty or engaged in off-

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duty employment, unless the circumstances are such that it is apparent the member was justified in placing himself/herself on duty acting in his/her police capacity in order to effect an arrest and to protect persons or property from harm.

- G. In order for a member to be eligible for services, the member must be in good standing and up to date in dues payments and must remain in good standing during the incident coverage. If the member fails to remain in good standing, Southern States P.B.A. may terminate its support.
- H. Coverage under the benefit is intended to apply to cases where a member has taken some type of direct law enforcement action consistent with his/her responsibilities as a law enforcement officer. It is not intended to apply to non-law enforcement actions including, but not limited to, disputes between employees, workers' compensation, routine transfers, EEOC actions, promotion issues based on fairness, or instances where no direct law enforcement action on the part of the member is alleged to have taken place.

Section 2. Grievance and Disciplinary Administration

- A. The Association CEO may authorize all requests for services under this policy if it is determined that the following criteria are met:
 - 1. The requesting member is current and in good standing with Southern States P.B.A.,
 - 2. He/she was a member of the Association at the time of the incident,
 - 3. He/she remains a member in good standing from date of incident until conclusion of approved services,
 - 4. The incident was the result of the MEMBER'S performance of or pursuit of his/her official duties as a law enforcement officer, and

5. The member cooperates in the preparation and defense of the case by remaining available for contact upon reasonable notice from the Association or assigned counsel.
- B. If the Director of Legal Services determines that the criteria above are not met, the Director of Legal Services may reject the request subject to review by the CEO.
- C. The Legal Department shall endeavor to obtain periodic updates on cases in an effort to ensure that proper representation is being provided to the member and that the fees, costs and expenditures are being incurred within the coverage and limitations set forth by this policy.
- D. Southern States P.B.A. reserves full authority to settle or otherwise discontinue representation at any time. If the member chooses to continue the action against the advice and direction of Southern States P.B.A., the member will personally assume all costs and attorney's fees incurred in the action, and thereafter reimburse Southern States P.B.A. for its expenses from any monetary judgement the member ultimately receives.
- E. The Benefit will not pay for the cost of any appeal, interlocutory or final, unless prior approval is first obtained from the Association CEO or the Director of Legal Services.
- F. All decisions of the Director of Legal Services are subject to review by the Association CEO.

Section 3. Southern States P.B.A. Panel of Attorneys and Authorized Fees

- A. Attorneys appointed to the Southern States P.B.A. Panel of Attorneys shall be in good standing with the State Bar Association in which they intend to represent members and be willing to represent members pursuant to the fee arrangement as established by the Association CEO.
- B. Attorney's fees will be paid on the basis of uniform hourly rates established annually by the Association CEO. Deviations from this rate may be approved by the Association CEO or the Director of Legal Services.

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- C. Coverage shall also consist of the payment of Appellate fees when authorized by the Association CEO. Appellate fees shall be established in the same method as attorney's fees in (B) above.
- D. When an attorney accepts representation for a member, he or she may seek compensation for fees and costs from Southern States P.B.A. if:
 - 1. The attorney receives written authorization for such representation from the Association CEO or the Director of Legal Services.
 - 2. The attorney consents to the procedure, restrictions and limitations as set forth herein.
 - 3. The attorney shall file with the Director of Legal Services a detailed periodic status report of the case he/she is handling, together with an itemized statement of fees and costs. Costs will be paid pursuant to a schedule established by the Association CEO and/or the Director of Legal Services.

Section 4. Cessation of Grievance and Disciplinary Coverage

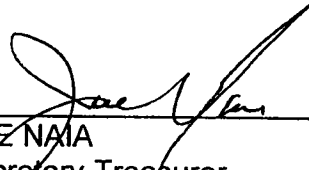
- A. In the event the Association Board of Directors shall determine that legal coverage for Grievance and Disciplinary matters is no longer feasible for whatever reason, Southern States P.B.A. shall promptly notice each member of the Association by U.S. mail, first class, to the member's address, as listed in the Association's membership list.
- B. Thirty (30) days after the notice is mailed, the P.B.A.'s obligation under this plan shall cease, except in those incidents where representation of a member had already been undertaken. Where representation had been undertaken prior to the end of the thirty (30) day period, the provisions of this Policy shall continue to apply.

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Section 5. Definition

As used in this Policy, the term "Director of Legal Services" is defined as that individual on the Association staff designated by the CEO to be in charge of the Legal Department of the Association, and to assist in the administration of this policy.

ADOPTED: 10 June 2003
EFFECTIVE DATE: 10 June 2003
AMENDED: 16 July 2010
EFFECTIVE: 8 June 2012



JOE NAIMA
Secretary-Treasurer