

All Points



BULLETIN

Celebrating 76 years of serving those who serve others

RECRUITS VS. PT/TACT STAFF MT. RUBIDOUX CHALLENGE RUN



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Editorial comments, advertising information or subscription requests can be sent to our office, listed above, or call us at (951) 653-5152.

Schedule of 2019 RSA Board Meetings

General meetings are held on a monthly basis (except December and January). Regularly scheduled general meetings are on the second Wednesday of each month. The annual meeting of the association is held in January of each year. For more information, check the website at www.rcdsa.org.

Important Benefits Notice!!

- Benefit designations for life insurance are important. Please review them frequently.
- Be sure to enroll a newborn with the Trust within 30 days of birth. Contact the Benefits Office at (951) 653-8014.
- If you marry or enter a domestic partnership, contact the Benefits Office at (951) 653-8014 within 30 days of marriage or entering the partnership.
- If you divorce or terminate a domestic partnership, contact the Benefits Office at (951) 653-8014 within 30 days of divorce or termination.
- If you become a legal guardian, adopt a child, or become legally separated, contact the Benefits Office at (951) 653-8014 within 30 days of the event.
- To ensure coverage, please respect these deadlines. Remember that the department does not notify the Benefit Trust of these changes.
- Please notify the Benefits Office of any changes in your address.
- Please provide dependent substantiation documents to the Benefits Office when requested to avoid cancellation of your dependent's coverage.

RSA Legal Defense Alert!!

Always consult with an association representative/lawyer before responding to any report, letter, memo and/or questions concerning an investigation that could possibly lead to punitive action. If ordered to do so, ask to have it recorded and read the following: Non-waiver statement

"I have been refused the right to have a representative of my choice. I understand that I am being ordered to make a report or answer questions and that, if I do not comply with the order, I may be disciplined for insubordination.

Therefore, I have no alternative but to abide by the order. However, by so doing, I do not waive my constitutional rights to remain silent under the 5th and 14th amendments to the United States Constitution and under the protections afforded me under state law."

RSA Affiliations

- Southern California Alliance of Law Enforcement (SCALE)
- California Coalition of Law Enforcement Associations (CCLEA)
- Public Employee Staff Organization (PESO)
- Riverside County Peace Officers' Memorial Foundation (RCPOMF)
- California Peace Officers' Memorial Foundation (CPOMF)
- Riverside County Deputy Sheriff Relief Foundation (RCDSRF)
- Debbie Chisholm Memorial Foundation (DCMF)
- RSA Legal Defense Trust (LDT)
- Concerns of Police Survivors (C.O.P.S.)

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RSA Negotiation Teams Are Hard At Work

Law Enforcement And Corrections Bargaining Units Proposals Made

By Bill Young
RSA President



Hello from RSA, as we “Fall” into Winter and the upcoming holiday season. Please remember this can be one of the hardest times in some of our lives, especially for those that may be going through difficult times. Please keep an eye on each other and make sure we are there for each other. Also, remember your RSA staff is here to help if needed. Enough with the stuff we don’t want to think about, but should... let’s talk about negotiations.

All three of the RSA Negotiations Teams have been hard at work behind the scenes. I know there are a lot of rumors out there and I wish some of them were true, because that would mean all of the negotiations stuff would be over and we could concentrate on other business. At this point, it’s all rumors and no terms have been completely accepted by either side. Long story short, if it does not come in the form of an official email blast from RSA, it’s a rumor.

As for the Law Enforcement Bargaining Unit and Corrections Bargaining Unit, your RSA Negotiating Team submitted a very fair and reasonable proposal to the County on Friday, Sep-

“ If it does not come in the form of an official email blast from RSA, it’s a rumor. ”

tember 6. For various reasons outside the control of RSA, the County Team was unable to get their direction in regards to our proposal from the County Board of Supervisors until the second week of October. We are currently waiting for the County’s counter proposal and will keep you posted via an email blast when we meet next.

The Public Safety Unit negotiations are moving along. There was a long delay when the County fired their last Attorney, however a new Attorney has been hired and we are starting to make progress. As seen with the other bargaining units, the process may take some time. On a side note, RSA created a survey for our PSU Members in an effort to see whom the Members would like to see RSA support for the position of Chief Probation Officer. RSA would like to have as much participation as possible in this survey. Please log into the Member’s Only area of the RSA website and complete the survey.

This month, I’m writing my message a little late so that I could report on the

Department’s Annual Picnic. This was my second Department Picnic as your President. The event was a huge success and could not have been done without all the Department Volunteers and the contributions made by our RSA Members. The attendance was the most I’ve seen at any Department sponsored event and I already look forward to next year’s event!

Lastly, please remember when you shop on Amazon, make sure you open the Amazon browser through the Amazon Smile Link and then search for the Riverside County Deputy Sheriff Relief Foundation Inc. By doing your Amazon shopping through the Amazon Smile browser and choosing the Riverside County Deputy Sheriff Relief Foundation Inc., Amazon will donate \$0.5% of the purchase back to the Relief Foundation and any little bit helps. On that note, if you’re not already doing so, now would be a great time to sign-up for paycheck contributions supporting the RCDSRF! It exists for you!

As always, stay safe out there and help ensure your partners go home safe. ★



The Riverside County Deputy Sheriff Relief Foundation

Assisting law enforcement families in their time of need.

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RECRUITS Vs. PT/TACT STAFF

*The Mt. Rubidoux Challenge Run,
who do you think won?*



By Kathy Delgado
Multi-Media Manager



The Mt. Rubidoux Challenge Run is a long-time standing tradition with the Basic Academy, that's been occurring for over 30 years.

Academy Class 208 is fast, but did they beat their PT/TACT Staff in the Mt. Rubidoux Challenge Run? Who do you think won the challenge?

On Friday October 4, 2019, Academy Class 208 and the PT/TACT staff beat the sun out, and arrived to a dark street at the foot of Mt. Rubidoux, ready to take on the challenge. Both sides beat the sun, but there was only one winner of the Mt. Rubidoux Challenge Run.

The Mt. Rubidoux Challenge Run is a long-time standing tradition with the Basic Academy, that's been occurring for over 30 years. Each academy class that comes through faces this challenge. This challenge promotes friendly competition, and brings out the best in the recruits and staff as they give it their all on the mountain. The discipline and extreme focus of these recruits was evident as they ran towards the finish line. They pushed themselves and their classmates.

The basic peace officer training academy is a high discipline program with emphasis in multiples areas such as professionalism, ethics, and lifetime fitness. The importance and long-term effects of lifetime fitness are exemplified by the PT/TACT staff, who more often than not, are the ones who come out with the victory. The PT/TACT staff is a testament to lifetime fitness.

So, let's get into the terms and conditions of this particular challenge, because it's not just running up a mountain, there are dues to be paid for losing. The recruits propose the challenge to the PT/TACT staff and in that proposal are the requirements that have to be met in order to get the prizes. In this case, class 208 proposed the following: top 15 recruits had to beat Sgt. Ramos, the top 40 recruits had to beat Lt. Stolte, the top 8 females had to beat deputy Brito-Gonzalez, and/or the entire class has to finish in 25 minutes or less. Class 208 had to win 3 out of 4 of the challenges to get their prizes.

So, did you guess who won? If you guessed the PT/TACT staff, then you are correct. The recruits didn't quite get the 3 out of 4 challenges, but they did put a tremendous effort into trying. Since the recruits lost the challenge, they will have to pay-up and provide a special lunch, and also provide coffee for the PT/TACT staff on Fridays, until the end of the academy.

The challenge was finished off with a nice team breakfast and coffee to celebrate everyone's hard work. ★





**Riverside
Sheriffs'
Association**

RETIREE SEMINAR

November 12, 2019 | RSA Office

County of Riverside Retirement Information

9:00am - 9:15am

Law Offices of Scott O'Mara, Esq.

9:15am - 10:00am

CalPERS

10:00am - 12:00pm

Lunch

12:00pm - 12:30pm

Nationwide

12:30pm - 12:45pm

Valic

12:45pm - 1:00pm

**RSA Benefit Trust - Brown Insurance Services
Tim Regan, Executive VP & Senior Consultant**

1:00pm - 1:30pm

Social Security Information

1:30pm - 2:30pm

Please RSVP by calling 951-653-5152 or email Vickie@rcdsa.org |

Celena@rcdsa.org | 21810 Cactus Ave. Riverside, CA 92518

www.rcdsa.org



Riverside
Sheriffs'
Association

RETIREE BREAKFAST

November 15, 2019

Time: 10:00am

**Location: Riverside Sheriffs' Association
21810 Cactus Ave.
Riverside, CA 92518**

Join us for good food, good
conversation, and raffle drawings!



Please RSVP by calling 951-653-5152, 800-655-4772 or email
Vickie@rcdsa.org | Celena@rcdsa.org

www.rcdsa.org

CONGRATULATIONS TO OUR SEPTEMBER RETIREES

	HIRE DATE	RETIREMENT DATE	YEARS OF SERVICE
CORRECTIONAL DEPUTY II GLENN MONTGOMERY	OCT. 24, 2005	SEPT. 3, 2019	13
SHERIFF INVESTIGATOR RACHAEL NOWAK-FROST	JAN. 24, 2000	SEPT. 8, 2019	19

Workers Comp 101 Workshop

A considerable number of our members at some point or another have workers comp questions and/or other related questions, that is why we try our best to have the resources available to help makes things easier for you.

On September 24th we hosted a Workers Comp 101 Workshop with Matthew D. Hill, attorney at law. Some of you have met with him in regards to your workers comp questions and we hope that it has been beneficial to our members.

Please take advantage of the resources that come with being an RSA member.

Sheriff's Personnel Recruiters Recruitment Efforts

The Sheriff's personnel recruiters have been hard at work the past few weekends as they have attended multiple events putting on demonstrations for the public, and bringing awareness to RSO in efforts to recruit the finest and brightest. The recruiters are out there representing the Riverside County Sheriff's Department along with part of the K9 team and the aviation unit.

The 25th Annual Pacific Islander Festival took place in San Diego on September 21-22 where RSO recruiters were out and engaging with the festival comers. The following weekend of September 28 was the Miramar Air Show in San Diego, and the Pacific Air Show took place on October 4-6 in Huntington Beach. ★



SUPPORTING THE RCDSRF SO IT CAN SUPPORT YOU

By Debbie Haar
Special Events Director

In August, when I took the position of Special Events Director here at RSA, the first thing I did was sit down in my new office and took some time to reflect on my families' 27-year involvement with the Sheriff's Department, and our time with RSA. During that time span there were numerous ups and downs. There were times when living the law enforcement lifestyle felt like I was carrying the weight of the world, and we had many struggles as a family. There were two times when life threw us a curveball and our family as we knew it changed in an instant. It happens to all of us at some point. I've always felt strongly about doing everything in my power to "take care of my law enforcement family", like others have done for us.

In 2014, after a significant amount of time in and out of the hospital trying to maintain a pregnancy, I gave birth to a sick baby girl. This was our fourth child. The best surprise life has ever given me. My husband had a station commander that was kind, and supportive. She told us to just worry about taking care of the baby. My husband stayed home with the kids while I spent my days sleeping in a chair next to my baby in the hospital. It was one of the most difficult things we as a family have ever endured. Instantly, our law enforcement family jumped in to help. At one point I remember asking one of the wives to bring me a hair brush because I didn't pack to be at the hospital for days. Just having someone take the time to go buy a brush and bring it to me brought me to tears. Once word got around the department, we had enough food delivered daily to feed a small army. People brought me coffee to the hospital and were genuinely concerned about our financial health. To those of you who helped us through that time, I can never thank you enough.

I can't imagine how difficult it would have been to add financial worries to the mix at that time. The support shown to us was invaluable. Having gone through an event like almost losing a baby has made me passionate about making sure other law enforcement families have the help they need when facing a catastrophic event. I am so excited

to have the opportunity to work for the Riverside County Deputy Sheriff Relief Foundation, and give back.

My vision for the Riverside County Deputy Sheriff Relief Foundation is simple, do everything in my power to make sure our members and local law enforcement know about the Foundation, and bring awareness to how it can help them in times of need. Our plan is to put on events to raise funds so that the foundation has the means needed to be able to provide the best support to our law enforcement



families in need, and to give the community a way to show their support.

I have been working closely with the staff at RSA, department members, and public supporters to schedule a year of events such as a 5k and 10k Run, two golf tournaments, and a Poker Ride and Brewfest. The majority of the public supports you and the job you do, we just need to connect the support to the appropriate channels so you can utilize it if the need arises.

If you see our events or campaigns please consider coming out to them or participating. I can't do my job well without keeping a pulse on the department and hearing what you have to say. After all, my job is to serve you. If you have any suggestions or know of any local businesses who might be interested in partnering with the Foundation please feel free to reach out. I love feedback. Email: Debbie@rcdsa.org ★



Gunshot Wound Live Savers Workshop

It is important and necessary to know how to properly treat and react to a gunshot wound. It could save your partner's life.

We wanted to provide a Gunshot Wound Live Savers Workshop for our members, as it is important and necessary to know how to properly treat and react to a gunshot wound. It could save your partner's life. Many of you have already taken workshops like this, but it can be beneficial to regularly take training workshops, and be up to date with techniques, and life-saving measures.

On September 10th we hosted a Gunshot Wound Live Savers Workshop put on by instructor Lary Townson of Townson Productions. This workshop covered procedures and medical measures to take to save oneself and/or another person.

We hope that this workshop was a positive experience for our members, who were able to attend. We would like to provide more of these workshops to our members, therefore we need your input to better serve you.

If you would be interested in attending a Gunshot Wound Live Savers Workshop, please email kathy@rcdsa.org. ★



4 REASONS TO SUPPORT THE RIVERSIDE COUNTY DEPUTY SHERIFF RELIEF FOUNDATION



To help law enforcement & their families



To help community members impacted by crime & disaster



To Give Something Back



To promote academic excellence through our scholarships



The Riverside County Deputy Sheriff Relief Foundation is a 501(C)(3) non-profit charity created by the Riverside Sheriffs' Association to assist law enforcement families facing life-changing crises such as sickness, injury, distress and death. The Riverside County Deputy Sheriff Relief Foundation reaches outside of the law enforcement family too.

RIVERSIDE SHERIFFS' ASSOCIATION



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RIVERSIDE COUNTY SHERIFF'S DEPARTMENT K9 TEAM SALE

\$20 each - online

\$15 each - RSA office



We are proud to be partnered with The Riverside County Sheriff's Department Canine Association, a non-profit organization, through our relief foundation.

www.rcdsa.org - Riverside Sheriffs' Association



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PUTTING SKILLS TO THE TEST AT THE 18TH ANNUAL POLICE MOTORCYCLE COMPETITION



The impressive Temecula Motors of the Southwest Station represented the Riverside County Sheriff's Department at the 18th Annual Police Motorcycle Competition put on by the San Diego County Motor Officers' Association on September 21st.

Among the motors were Captain McConnell, Lieutenant Novak, and Sergeant Wood.

This event brings awareness through a spirited competition while at the same time allows law enforcement motor officers to test their skills, and share their enjoyment of riding, with other motors from the surrounding areas. ★



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The Riverside County Deputy Sheriff Relief Foundation

RAFFLE! RAFFLE! RAFFLE!

This raffle is to benefit the Relief Foundation. We will be selling raffle tickets through out the months of October, November, and December. You could win your choice of 1 department approved firearm & 1 approved back-up weapon up to \$1,500 total value at dealer's cost with remaining balance available to spend on items of your choice OR a \$1,500 gift certificate to West Coast Ammo to spend on whatever you desire.

Drawing on December 13, 2019 | 1pm

For more information on how to purchase raffle tickets please call or email Debbie Haar, Special Events Director. Debbie@rcdsa.org | 951-653-5152.

www.rcdsa.org



THE RIVERSIDE COUNTY DEPUTY SHERIFF RELIEF FOUNDATION

RAFFLE

DRAWING ON DECEMBER 13, 2019 | 1PM

You could win your choice of 1 department approved firearm & 1 approved back-up weapon up to \$1,500 total value at dealer's cost with remaining balance available to spend on items of your choice OR a \$1,500 gift certificate to West Coast Ammo to spend on whatever you desire.

Donations are fully tax-deductible to the extent allowed by IRS rules and regulations. The RCDSRF is a 501(c)(3) status non-profit. Federal Tax ID is 33-0937708

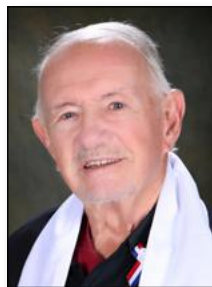
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To My Princess

Hey, sweetheart, it's been a long climb!

By Harley Broviak
Chaplain



From Montessori preschool, to high school and in September, College! I can't believe it's another step to your full emancipation. How well you have stayed the course!! You have earned the right to have several universities to help choose your future. I am so proud of you. You made it through so many years of temptations and good judgments. A dad could not ask for anything more. I recently wrote a letter to your brother, but I waited till the near end of your high school to pen some of my thoughts on you.

There are so many things I would like to say. You might think some of them are "mooshy"! But I have to lace the mooshy with some realistic observations. As a little girl, my first child, you seemed to pull away from me. Even asking your mom once, "who's dat man?" I couldn't believe that!! I know that I had several jobs and obligations not to mention my work in law enforcement. Each took a lot from you kids. Then, university, through law school was also a "time suck"!

I don't remember ever getting a full "nights rest" on "days rest" as the night shift called for. Suffice it to say, I tried to balance my time to include your mom and you. I was ambitious and made several mistakes. Especially those which took time from you. Hope you forgive me? We did quite a few long vacations and traveled a lot, especially the 11 week cruise. You were such a delight to me because of your cheerfulness. You always had a smile for me. Do you remember the day you took my 64' Mustang (with the newly rebuilt engine) out for a day touring and didn't

" Dear one, that was pure love and pride. I was so moved by it. Thanks for loving me so. "

check the oil? The engine overheated and seized up on a dark freeway and a friendly CHP Officer watched over you until I could get there to rescue my Princess. My precious Mustang! He'd asked you "how are you going to explain this to your dad?" You said, "My dad is an excellent fixer. He'll know exactly what to do. Why, he can fix anything, even a broken heart!" When he shared that with me, I almost cried.

Dear one, that was pure love and pride. I was so moved by it. Thanks for loving me so. There were so many things we shared, especially your trick to get me to buy you a horse. I told you at age 9, "Michelle, when you can ask me with a question about horses that I can't answer, I'll buy you a horse!" You played me well, and countless times you would approach me and make a question or statement about the other kids' horses. I could see the calculating and smirking grin on your face so many, many times, and the exasperation at me when I answered you! M-m-m-m-m-m? Then one day, after your 12th birthday, you said "Dad, Kelly's horse has a 'sweeney' and she's very worried!" I asked you "What's a Sweeney?" You laughed and giggled and yelled "I get my horse!" Boy, did I step into a cow plop on that one! There were and are so many daily life lessons we covered at home and

traveling and you made so many of them part of your experience.

Your mom was your best coach and teacher. You couldn't ask for any better. She lived just for you and once in a while for me too. Your personality was formed by her tender loving care, patience, and understanding. My job included all of the above and in addition, saying no when you faced emotional, physical, and spiritual dangers. I have seen your moments of pique, angst, and questioning looks. I never saw any "sharp knives" in them though. But there was frustration and angst.

A good example was the time you asked me if you could drive your new Ranchero to school and I thought about it for a minute and said, "No, I would rather you didn't today." You fumed and said "Why daddy?" I didn't know why at that time, but we both found out later that day, didn't we? Your mom said, "Oh, go ahead, I'll explain to dad." You let Kelly drive it on a desert gravel road to her family ranch. She was doing about 50 mph when you saw two girls that had come out to do trick horse back riding with you, going back to town.

Continues on next page

Continued from previous page

You yelled to Kelly, "Stop! Stop! Stop!" Kelly hit the gas pedal instead of the brake and the car impacted the only tree within several miles. The oak was 4 feet around and about 30 feet high. It wasn't hurt much, but the Ranchero was totaled. You didn't have a shoulder harness on and your face left an 8" depression in the metal dash board. You had many facial bone fractures and spent two months getting well enough to complete your senior year. The subsequent surgeries changed a lot more than your pretty face. We faced all the adversities together. That's what families do and we vanquished our problems to you and your brother. Put me to a "wisdom of Soloman" questions. We were sailing to Catalina, do you remember? And the two of you stood in the cockpit and said, "Dad, if the boat sank and neither Michelle or I could swim, which one of us would you save?" I was trained as an ocean lifeguard, kids. What I would do is take you both in tow. We'd swim together until we could no longer swim and then....we'd all sink together! I remembered you started to cry. I didn't know why until years later. You told me "I thought you'd save Harley, II, because he was your namesake and your lineage." That was a relief and a certainty of my love for both of you.

A couple of other things sweetheart, your mom and I have always taught you how to make judgment calls. You'll be 18 soon and legally emancipated. During these past 17 years, we have constantly prompted you to analyze situations as if they were challenges. Most required deep and expansive consideration and thought. I witnessed your struggle and many times I wanted to step in and "fix it" for you. But I knew that would not develop perseverance in thinking things through. So I would say a word of encouragement to you or give you a hug to let you know I was still there! You did well, your independent spirit kept you on track. And I am proud of you! Good work! Love of my life! When you are in university the independence and choices you will face must be categorized in the same way as before: 1) Analyzed by self until understood. 2) Passed by your mom or me to check various outcomes. 3) Prayed over with God as your Divine mentor and

“ Be humble, sincere, devoted to humanity, develop a sense of humor in all things, and pray without ceasing for guidance by the saints and angels. ”

Tutor, and 4) Proceeding with caution any steps to avoid un contemplated interven- ing circumstances.

The university world can be exciting, stimulating, and also very dangerous. Predatory free-thinkers will attack your values for many reasons, i.e., control, depredations, your bod, your God or your wad! (money that is!) You must resist young and old con artists. Don't let them sway you from the sanctity of spirit, family, or home. Remember: Romance is fickle, deceptive, and destructive. In my years in law and as a grad school dean, I have seen a lot of extraordinary young men and women "sell themselves to vague and vain ide- als" that led them to the hell or wrong choices and despair. Don't buy "Cotton candy ideas" and ideals. They are vaporous and ethereal and contribute nothing to your reality or future. Stand up sweetie: to right wrongs, to achieve

greatly, by service and dedication, consecration, and commitment to purpose. Be humble, sincere, devoted to humanity, develop a sense of humor in all things, and pray without ceasing for guidance by the saints and angels.

Remember how much we love you! You'll always be #1 with me. So flourish and delight in your educational opportunities! Spend yourself in doing like grampa did. Serving others as a life purpose and let God use you in divine fulfillment of a long and constructive life!

Remember, mom and I always love you and we'll always be there for you.

Love, your dad.

(Two weeks later: Michelle died from ingesting the wrong medication given to her by her doctor.)

*In His service,
Chaplain Harley Broviak
Available 24-7: (951) 337-1124 ★*



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RSA Open Enrollment begins on October 1st and runs through October 31st. This is your opportunity to make changes to your benefits for the 2020 plan year.

Please note that the County has their own Open Enrollment that does not pertain to RSA members.

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and the Riverside County Sheriff's Department Explorer Program

October 26, 2019 | 7am - 2pm

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- Over 100 office items for sale including desks, bookshelves, wood and metal filing cabinets, office chairs and various other office furniture
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- Meet K-9 Dayka and buy a replica stuffed animal
- Bounce house for the kids
- Bring your gently used shoes to donate to the Explorer Program
- BBQ from 10-2 pm. \$5 per meal.

Event Location: RSA offices
21810 Cactus Ave. Riverside, CA 92518

All money raised will go directly to the Riverside County Deputy Sheriff Relief Foundation, a non-profit that serves those that serve us in times of catastrophic need, and to the Riverside County Sheriff's Department Explorer Program.

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California Supreme Court Justice States Legislature May Need To Examine UR Safeguards For Sufficient Incentives To Ensure Competent And Careful UR Review

'The Legislature may wish to examine whether the existing safeguards provide sufficient incentives for competent and careful Utilization Review.'

By Scott A. O'Mara

The Law Offices Of Scott A. O'Mara

The California Supreme Court, on August 23, 2018, issued its opinion affirming a Court of Appeal's judgment dealing with the concept of Utilization Review and Independent Medical Review and the limitations placed on employee remedies for work-related injuries as set forth specifically in the Labor Code. Labor Code §3600 sets forth that the remedy for recovery under the Work Comp system differs substantially from tort remedies which exist.

The rationale for this is that the Workers' Compensation liability provided is without regard to negligence of the employer for the sustained injury.

The existing system preempts the ability of injured workers to seek remedies in many cases because, effective January 2017, legislation expanded the definition of "employer" in the Labor Code to include the "employer, the insurer of an insured employer, a claims administrator, or a Utilization Review organization, or other entity acting on behalf of any of them" (Labor Code §4610.5(a)). Especially significant is the inclusion of Utilization Review within the definition of "employer", removing UR doctors from real responsibility for their determinations as to whether recommended medical care is reasonable and necessary.

The denial of a cause of action for a judgment against a Utilization Review doctor who made a wrongful denial of an injured worker's needed medication was made because of the specific language of in Labor Code §4610.5(a), which was modified in 2017 to add Utilization Review under the definition of "employer". This language essentially exempts UR doctors from their responsibility for wrongful conduct, despite the fact that they determine what other doctors can

// Some telling comments have been made by members of the Supreme Court regarding the Workers' Compensation system and Utilization Review //

—————*—————
or cannot provide as treatment to cure or relieve the injured worker.

Some telling comments have been made by members of the Supreme Court regarding the Workers' Compensation system and Utilization Review, but before we review those comments, it must be acknowledged that Labor Code §4610.5(a) was specifically designed to protect Utilization Review doctors. This specific protection is for doctors who work for the employer. The employer has a contract with either a group of doctors or a company which does Utilization Review, and in the case of *King v. CompPartners, Inc.*, the allegations were that the doctor who stopped a worker's needed medication should be held to the same level of accountability as the treating physician.

Also of note is the fact that even though the limitations as to the monetary amount against the Utilization Review doctor are substantial — i.e., no medical malpractice — yet the Labor Code acknowledges "[the] physician who makes unsound professional judgments

in this capacity is subject to professional discipline, which may include the loss of his or her license". But yet the doctor is not subject to economic sanctions.

The Court of Appeal, again supported by the California Supreme Court, stated that the laws of Workers' Compensation limit and set forth the exclusive remedy employees have, and therefore the wrongs done by the UR doctor could not be pursued:

The Court concluded that the workers' compensation law provided the exclusive remedy for the employee's injuries and that preempted plaintiffs' tort claims. The harm plaintiffs alleged was collateral to and derivative of the industrial injury and arose within the scope of employment for purposes of the workers' compensation exclusive remedy. Because the acts alleged did not suggest that defendants stepped outside of the Utilization Review role contemplated by statute, plaintiffs' claims were preempted.

In other words, the worker suffering damage done by the UR doctor could not pursue medical malpractice. As readers are aware, Utilization Review doctors are a group of doctors who work for the employer and review the treatment recommendations made by a treater who has seen the worker numerous times and then, without ever seeing the worker, the UR doctor makes a binding decision as to whether the treater's recommendations are necessary and appropriate. In the event of a denial by a UR doctor, the worker's only recourse is to appeal the denial through Independent Medical Review, which supports the denial by the UR doctor more than 80% of the time.

The Court also acknowledged that claims administrators "stand in the shoes of employers" and therefore have

Continues on next page

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the same protection from prosecution for wrongful conduct related to injured workers' medical care as do UR doctors, pursuant to Labor Code §4610.5(a).

The Court further noted in another case that a utilization reviewer, unlike a treating physician, "does not physically examine the applicant, does not obtain a full history of the injury or a full medical history, and might not review all pertinent medical records". The Court stated that "to permit plaintiffs to bring tort suits against utilization reviewers, in the same manner as they might bring tort suits against treating physicians, would subject utilization reviewers to a second — and perhaps competing — set of obligations rooted in tort rather than statute." What this ignores is that UR doctors indeed make medical determinations, and they are paid for by the employer. This also ignores the outcome to the worker when UR doctors are not held accountable and can work in a vacuum.

One of the Supreme Court Justices, after reviewing this subject in great depth, made this finding: "But the undisputed facts in this case suggest that the workers' compensation system, and the utilization review process in particular, may not be working as the Legislature intended." The Justice further reflected: "The Legislature may wish to examine whether the existing safeguards provide sufficient incentives for competent and careful Utilization Review."

The Supreme Court followed the legislation which was embraced and enacted to expedite medical care supposedly, but yet the Justice is acknowledging that the Legislature "may wish to examine whether the existing safeguards provide sufficient incentives for competent and careful Utilization Review".

This is a recurrent theme which continues to be in place, and the recognition by the Justice should provide some direction with respect to the errors made in the enactment of Utilization Review and Independent Medical Review.

Ultimately, Justice Grover also opined regarding the failure of UR and IMR,

stating: "Even now those safeguards and remedies may not be set at optimal levels, and the Legislature may find it makes sense to change them."

The Court, speaking regarding Labor Code §4610, stated that "even if defendants fully complied with the relevant requirements, it is questionable whether those requirements are enough to prevent similar injuries from occurring in the future. . . . But the balance that bargain strikes between employers' interests and workers' interests presumes that Utilization Review — which is conducted either by the worker's employer or by an entity 'stand[ing] in the shoes of [the] employer[]' — will be performed 'with appropriate competence and care'. The limited record here raises doubts as to whether King's Utilization Review was handled properly. The Legislature may wish to examine whether the existing safeguards provide sufficient incentives for competent and careful Utilization Review."

The changes as set forth in Law1199.com Newsletter 2019 Issue #3 will remedy the problems the Justices have identified. ★



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Making A Tough Job Even Tougher

Ryan Sherman
Director,
Legislative
Affairs



Earlier
this
month,

Governor Gavin

Newsom signed a number of bills relating to criminal justice. Unfortunately, the bulk of these newly enacted laws are intended to reduce penalties for those convicted of crimes, including serious and violent felonies.

Legislative advocates representing public safety and law enforcement groups, including the RSA, were able to get amendments inserted into some of these bills to make them less onerous. We were also successful in preventing other bills from ending up on the governor's desk.

However, as is clear from the description of the recently signed bills listed below, we were unable to amend or kill all of the bills that will negatively impact public safety.

In his press release announcing the signing of these bills, Governor Newsom said, "I am signing more than two dozen bills that give hope to those that have earned a second chance in our communities, and also support victims of crime. These bills show a new path to ensure our state moves closer toward a more equitable criminal justice system."

SB 136

SB 136 by Senator Scott Wiener (D-San Francisco) removes the 1-year sentence enhancement that is applied to current sentences for each prior felony jail or prison term served. Judicial discretion is removed and courts are now prohibited from imposing additional prison time for habitual, violent offenders. An armed robber with multiple prior convictions will no longer receive additional prison years based on the number of prior convictions - just like first time armed robbers.

SB 310

SB 310 by Senator Nancy Skinner (D-Berkeley) permits a person with a felony conviction, including violent felonies such as murder, to serve on a jury. On the bright side, this bill bans persons currently incarcerated in a prison or a jail from serving as jurors. So, there's that. Also, the bill was amended to prevent persons on active parole or felony probation from serving. The last exception loaded into the bill bans registered sex offenders from serving as jurors. The bill says a rapist or child abuser can't serve on a jury, but a violent, homicidal gang-banger can be a juror.

SB 394

SB 394 by Senator Nancy Skinner (D-Berkeley) authorizes a court, in consultation with the prosecuting entity and the public defender, to create a pretrial diversion program for defendants who are primary caregivers of a child under 18 years of age. This is another bad

bill that includes an exception so large that it may essentially replace the rule. "Primary" caregivers are so poorly defined in the bill that almost anyone will be able to claim this status and avoid being held accountable for their actions.

AB 45

AB 45 by Assemblymember Mark Stone (D-Scotts Valley) prohibits CDCR and city and county jails from charging inmates a co-pay for medical visits. These co-pays were implemented back in the 1990s to ensure that inmates seeking medical care were truly in need of such care. Inmates in state prisons and local jails were abusing sick calls as a means to get out of cells in order to pass messages, weapons, etc to others. Staffing increases were required to cover the additional escort officers needed, even though these inmates were not sick. Labor costs rose dramatically and ad-seg inmates were allowed out of their cells whenever they desired. AB 45 eliminates the \$3 inmate co-pay even though under current law indigent inmates were not required to pay. We will follow up with on this bill to see if the prior abuses return to Riverside County jails.

AB 278

AB 278 by Assemblymember Kevin McCarty (D-Sacramento) allows the California Conservation Corps to accept applicants who are on parole. Some critics of the bill contend that providing power tools, machetes, and axes to parolees might not end well.

Continues on next page

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AB 484

AB 484 by Assemblymember Reggie Jones-Sawyer (D-Los Angeles) removes a mandatory minimum sentence for certain drug crimes, allowing for judicial discretion in imposing any period of confinement. Another bill that seeks to reduce criminal sentences, despite Prop 47, 57 and AB 109.

AB 965

AB 965 by Assemblymember Mark Stone (D-Scotts Valley) authorizes the secretary of the Department of Corrections and Rehabilitation (CDCR) to allow persons eligible for youthful offender parole to obtain an earlier youth offender parole hearing by earning certain educational merit credits, subject to CDCR regulations. Young violent offenders and murderers (not minors but late teens and early 20-somethings) will be given early release from state prison.

AB 1215

AB 1215 by Assemblymember Phil Ting (D-San Francisco) prohibits law enforcement from installing, activating, or using a facial recognition system in connection with a law enforcement agency's body-worn camera. Although our work resulted in the bill being limited to be in effect for just three years, we expect that another bill will need to be drafted in the near future to keep this prohibition active.

AB 1618

AB 1618 by Assemblymember Reggie Jones-Sawyer (D-Los Angeles) prohibits plea bargains that require a defendant to generally waive unknown future potential benefits of changes in the law that may occur after the date of the plea. Since the legislature is reducing so many sentences, DAs are forced to include this provision in plea deals to ensure that the offenders serve their sentence consistent with the accepted agreement. Inmates will get "two bites at the apple"

by agreeing to a reduced sentence and then having that sentence reduced in the future via legislative action.

As you know, the use of force bill (AB 392) was the result of a compromise by all involved groups and even though the RSA did not support it, we consider it a "win" in comparison to what it initially required. Similarly, many bills that we helped to defeat, or at least stall this past year, are likely to re-appear in the future.

Despite the enactment of these bills, the RSA was successful in the passage of many pieces of pro-labor legislation including the recent signing of the PTSD workers comp presumption bill. We will discuss SB 542 and the other labor bills of import in 2019 next month after the completion of the governor's signing or vetoing of the remaining bills on his desk.

We will continue to keep you up to date as we fight for your interests in Sacramento. Until next time, be safe. ★



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RIVERSIDE SHERIFFS' ASSOCIATION

MEMBER'S GUIDE

Organization **RSA**
Members **4,000+**
President **Bill Young**
Area **Riverside County**



TOP OBJECTIVES OF RSA

The Riverside Sheriffs' Association is the Exclusive Employee Organization representing our members employed by the Riverside County Sheriff's Department. The Riverside County Sheriff's Department is one of the largest Sheriff's Departments in California.

Represent

To not only represent its members but to advance the social, economic, educational and general welfare of its members. We are committed to fighting for all RSA members.

Seek

To seek legislation necessary or conducive and play an active role in the political arena in furtherance of the interests of the membership.

Promote

To promote the professional interest of the members and protect their rights to such economic, educational and other benefits and services as may be desirable.

Assist

To provide aid through the Riverside County Deputy Sheriff Relief Foundation to members and their families facing life changing crises.

The Riverside Sheriffs' Association began as the Riverside County Sheriff's Training Center Corporation in 1943, but since then has evolved into a labor organization that represents members, individually or collectively, in all matters relating to their employer-employee relations, including but not limited to grievances, labor disputes, hours, wages, and to other terms and conditions of employment as prescribed by law.

FUN FACTS ABOUT RSA

We have been able to provide donations to over 50 organizations and/or special events this year up to date.



RSA is one of the largest Sheriffs Associations in California.

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RSA COMMITTEES

We have 11 committees and one AD HOC Committee. These committees have been established to carry out the objectives of the Association, and to help carry out the policies and programs established by the Board of Directors and general membership.

- Legal Review Committee
- Legal Defense Trust
- Legal Coverage Appeals Board
- Political Action Committee
- Benefit Trust Board
- Riverside County Deputy Sheriff Relief Foundation Board of Directors
- Special Events & Donations
- Award Review Board
- Collective Bargaining Committee/LEBU
- Collective Bargaining Committee/CDBU
- Collective Bargaining Committee/PSU.

AD HOC Committees:

- Trailer Committee

RIVERSIDE SHERIFFS' ASSOCIATION

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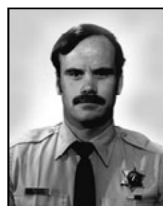
In Remembrance

"Greater love hath no one than this, that they lay down their life for their friends." — JOHN 15:13

OCTOBER REMEMBRANCES



Dirk Alan Leonardson
EOW: October 4, 1980



Michael David Davis, Sr.
EOW: October 24, 1988



Eric Andrew Thach
EOW: October 8, 1999

Frank Hamilton EOW: April 9, 1895	William Joseph Rutledge EOW: May 14, 1969	Randy Robert Lutz EOW: June 22, 1989	Jim W. Purkiss EOW: April 16, 2001
Preston Van Buren Swanguen EOW: December 24, 1907	William Fredrick Carter, Jr. EOW: May 20, 1969	Kent A. Hintergardt EOW: May 9, 1993	John Towe EOW: February 15, 2002
Henry Fredrick Nelson EOW: September 22, 1921	Edward Michael Schrader EOW: July 11, 1974	Mark S. Kemp EOW: November 9, 1994	Brent Jenkins EOW: March 18, 2003
Theodore Crossley EOW: September 22, 1921	James Bernard Evans EOW: May 9, 1980	Michael P. Haugen EOW: January 5, 1997	Bruce Lee EOW: May 13, 2003
Howard R. Scheffler EOW: February 29, 1956	Dirk Alan Leonardson EOW: October 4, 1980	James W. Lehmann, Jr. EOW: January 5, 1997	Manuel Villegas EOW: March 19, 2007
Roger Allen Strong EOW: August 7, 1961	Michael David Davis, Sr. EOW: October 24, 1988	Eric Andrew Thach EOW: October 8, 1999	

IN MEMORY, 2019

Officer Natalie Corona Davis Police Department EOW: January 10, 2019	Officer Esmeralda Ramirez Los Angeles Police Department EOW: June 9, 2019	Officer Juan Diaz Los Angeles Police Department EOW: July 27, 2019	Deputy Carlos Cammon Orange County Sheriff's Department EOW: August 23, 2019
Sergeant Steven L. Licon California Highway Patrol EOW: April 6, 2019	Officer Tara O'Sullivan Sacramento Police Department EOW: June 19, 2019	Officer Andre Moye, Jr. CHP – Riverside Area EOW: August 12, 2019	

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Riverside County Peace Officer Memorial Foundation: www.rcpomf.org

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July 5, 2019

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	Child (3-11)	\$13.95	\$17.95	
	Annual Pass Family	\$149.00	\$159.00	
	Annual Pass Plus	\$219.00	\$229.00	
✓ Castle Park Enter <i>213424</i> for the Promo Code	Adult	\$14.99	\$24.99	
	Parking	\$10.00	\$10.00	
\$5.99 processing fee per transaction				
✓ Knott's Berry Farm <i>User: riversidesheriffsassn Pass: rsaoffice</i> Knott's <i>Scary</i> Farm	All Ages	\$46-\$48	\$79.00	\$47-\$49
	All Ages	Call RSA for Date Specific Price		
✓ Legoland (two day ticket)	Adult	\$80.00	\$95.00	
	Child (3-12)	\$75.00	\$82.00	
Legoland Hopper (two day ticket) includes: park, aquarium and water park	Adult	\$79.99	\$119.00	
	Child (3-12)	\$79.99	\$111.00	
LA County Fair WWW.LACOUNTYFAIR.COM/buytickets	Adult			
	Child (3-12)			
✓ Magic Moutain (Six Flags) <i>User: rcdsamm Pass: SixFlags11</i> Hurricane Harbor	Adult (Over 48")	\$55.99	\$84.99	
	Child (Under 48")		\$59.99	
\$8.99 processing fee per transaction				
Movie Tickets <i>Regal, Edwards, & United Artist</i>	All Ages			\$9.00
Raging Waters Processing Fee: \$3.00	All Ages	\$29.99	\$45.99	\$30.99
✓ San Diego Zoo OR Safari Park	Adult	\$47.60	\$56.00	\$47.60
	Child (3-11)	\$39.10	\$46.00	\$39.10
✓ Universal Studios Online Only	1 Day	\$95-\$120	\$99-\$129	
	Front of the Line	\$159-\$229	\$179-\$279	
	Annual	\$124.00	\$159-\$309	

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HERE THERE BE MONSTERS: For your Halloween pleasure, a monster-sighting account from 1958 that was investigated by our very own Riverside County Sheriff's Department. The incident involved a number of sightings, including an "attack" against a motorist, sheriff's deputies investigating, and the help of a pair of boys. The "Monster of North Main Street" turned out to be a hoax, although the prankster may have continued to get away with it were it not for those meddling kids ... and some monster-hunting deputies.

Take a look back in time to spotlight our law enforcement heritage. The APB highlights an image each month.

Have a photo of your own you want to feature? Send it to Julie Kelley at julie@rcdsa.org.

Monster Said 11-12-58 Monstrous Hoax

Tracks in the sand, Halloween-type rubber claws, and a car seat cover apparently added up to a gigantic hoax in Riverside's fog-bound monster saga.

Tracks discovered by a pair of youngsters in the Santa Ana River bed matched a pair of rubber costume claws that were found by a police officer at a Riverside service station early yesterday morning.

A blue terry-cloth seat cover was found with the rubber claws.

AND THESE, said a sheriff's deputy last night, seem to fit the pattern of a "post-Halloween prank."

Still to be found are the ghoul-like face mask and the person who was wearing it, deputies said.

Sheriff's Capt. Robert Presley said last night the department will seek to determine the person's identity.

"We would like to discuss the matter with him," Presley said, but did not elaborate. He had earlier warned that if it was a prankster, the "spook" risks getting shot.

The monster was first reported by Charles Wetzel of Bloomington. Last Saturday night Wetzel reported to the sheriff's department that as he was driving along North Main street he encountered "a two-legged" den where the great dips and crosses the river, about a half-mile north of the city limits.

A WEIRD looking thing rose up out of the thick fog at that time and it made a lunge at him across the hood of his car leaving wavy claw-like marks on his windshield, he said.

Wetzel was thoroughly frightened by the incident, but after arriving at home, he decided to notify the Sheriff's office and later led officers to the scene. They checked the area, found what appeared to be a claw-like track in the mud, searched in the area for about 20 minutes and then decided to come back on Sunday morning to hunt for the thing.

However, Sunday's investigation turned up nothing tangible. The report of the incident drew hundreds of persons to the spot Sunday. Pedestrians stomped up and down the river bed, possibly, some observers say, while the prankster was watching with intense interest.

A SECOND report of sighting the thing was made Sunday afternoon by Elijah Nash, of 3706 Placentia Lane. Nash said he



Rennie Wiley (left) and John Crooks tell Sheriff's Deputy C. L. Peters the imprint in the sand is that of a skulking figure they saw Monday.

Officers Assure Motorists No Monster Worry

Riverside Sheriff's officers said last night they feel it's perfectly safe for motorists to travel along North Main street despite the monster scare of earlier this week.

Sheriff's officers said they are convinced the monster that jumped a car in the Santa Ana River bottom on Saturday night was actually a practical joker.

Nervous motorists have been harassing the sheriff's office with phone calls for several occasions since the hoax.

Thirteen such phone calls were received on Tuesday night and several more yesterday. In addition the sheriff's office has received many calls from truckly curious people, who want to know if the monster has been

Deputy Lauds Lads' Help in Monster Hunt

A Sheriff's deputy last night lauded a pair of 13-year-old boys who took an active interest in the recent "Monster of North Main street" saga.

"They are real sharp kids," said Deputy C. L. Peters, of the two lads.

They are John Crooks, of 4225 Merrill Ave., son of Mr. and Mrs. Herbert O. Crooks and Rennie Wiley, son of Mr. and Mrs. William B. Wiley, 8916 Delazo Ave. The two boys discovered several strange tracks in the Santa Ana river bed Monday afternoon and yesterday they led Peters to the scene.

"They knew exactly where they had seen the tracks the day before," Peters said, "and they led us right to the spot without any delay."

"The description they gave us of the tracks," Peters said, "fitted exactly what they had told us the night before. Those kids are really sharp."

Both are sixth graders. John goes to Palm School and Rennie attends Monroe.

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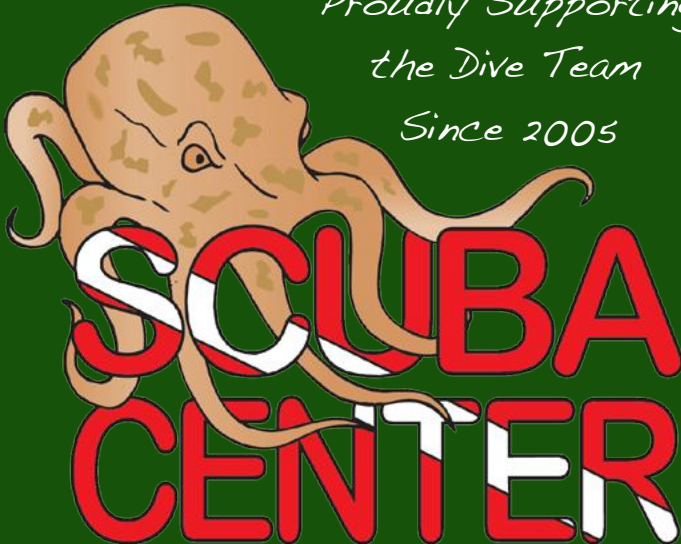


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C	N	W	M	Y	I	U	M	T	I	S	T	K	T	E	S
O	I	T	F	E	Q	P	N	U	T	E	C	N	D	R	Y
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S	E	V	A	E	L	K	E	N	F	O	O	C	O	F	M
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L	I	N	C	R	S	M	M	I	P	Y	O	S	I	S	S
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		2	8			4		
4		5			7			3
7	8		3	9		2		5
			9			1		
	7		4	5			3	
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 1507 Longworth House
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 (916) 651-4028

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California Assembly

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 Riverside, California 92501
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 4080 Lemon St.-5th floor
 Riverside, CA 92501
 (951) 955-1050

The Riverside Sheriffs' Association has deployed an integrated "members only" online news & information center to improve our ability to keep our members informed on important issues.

RSA MEMBER ALERTS

The news & information center at rcdsa.org is where members will go to view exclusive content, including negotiations and other confidential information from RSA.

To access the news & information center members are required to log on and register by clicking on the "RSA Members Only" link then following the instructions. Once registered members will also be able to update their own on-line profiles at anytime (email addresses, user name & password, etc). Members are urged to keep their information current at all times to avoid missing important updates from the Association.

For Technical assistance please contact Kathy Delgado by email: kathy@rcdsa.org
 Monday – Friday 8am – 5pm or by calling (951) 653-5152 (800) 655-4772.



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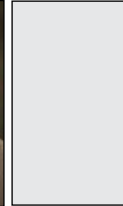
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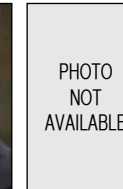


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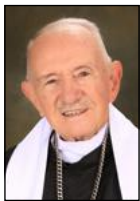
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