

Dear FOP members and other law enforcement officers:

We would like to provide you with information to help protect those officers who retired before July 1, 2005 and have now been required to pay into the SC Retirement System. Those officers were promised when they retired that they would never have to pay into the system again and they knew that they would not be entitled to collect increased retirement benefits.

A conference committee decided in June of 2005 that all retirees should have to pay. State and other government employees (TERI) brought suit which was recently decided in their favor. The other working retirees class action suit was sent back to Common Pleas Court. The reason for this was that almost every employee was treated differently when they retired and then signed back up for employment at their present employer or a different employer. Charleston PD officers were treated differently than SLED who was treated differently than Oconee Sheriff's Office. Even in the same dept., you could have different arrangements for officers.

The SCFOP has contacted a labor attorney in Georgetown who started the original class action suit for law enforcement who has agreed to bring as many retired officers as possible into a new class action suit against the retirement system. There are approximately 9,000 individual cases here, which make it impossible for separate suits for each one. We would hope that all or the majority would qualify for the class action suit. The key is to have documents or a written statement from whoever signed you back up that says you wouldn't have to pay back into the system.

If you would like to see if you qualify, please read the supporting documents, fill them out, and send directly to the attorney. This is not to say that we feel that the present law to make retirees pay into the system without any benefit who retired after July 1, 2005 is fair either but you must try to change things in proper order. This issue will be dealt with in the future.

I hope that we have provided you with an avenue to protect the rights and benefits of those who have been wrongly singled out in paying into a system which will never provide any additional benefits.

Fraternally,

Jerry Wright, State President

May 16, 2006

Via email: jwright@newberrycounty.net
Jerry Wright

Re: James Arnold, et al. v. South Carolina Police Officers Retirement System,
et al.

C/A No. 2005-CP-22-756
Our File No. 2005-0407C

Dear Mr. Wright:

I have had a chance to take an in depth look at the Layman case and here's how I see our case coming out.

1. Any police officer who signed the TERI documents would be entitled to their money through our suit.
2. Any police officer who is a working retiree. That is to say, a police officer who meets the following qualifications may be entitled to money based on additional litigation with the State. A working retiree in the lawsuit is defined as follows: Someone who retired from a State agency or governmental agency who receives their retirement pay and who also gets a paycheck from the governmental entity.

I am not sure which category any of the police officers fall into. I do note the Opinion says that if you are a working retiree you may have a contract if you can show the following:

1. A signed document between the governmental entity and the working retiree.
2. Promises made by the governmental entity or the state to the working retiree that no benefits would be paid out of his salary.
3. Any circulars, letters or other documents which could be construed as a contract.

I believe that we really need to send a letter out to all of the retirees advising them that if they are a working retiree they need to give us any documentation which would show that they were not going to have any retirement contributions taken out of their check. If those are letters or signed documents, we certainly need those. If those are memorandums or other memos received through the governmental agency, we will need those. It is really important that we attempt to build our case for the working retiree so any documentation that you or any other retiree can show me would be extremely helpful.

Again, the Opinion talks about two different types of retirees, a TERI retiree and a working retiree. As I have indicated, TERI retirees, those who signed certain documents and went under the TERI plan, are home free. The working retirees are left in limbo at this point so obviously we need to gather any evidence that would help us show working retirees to be under some sort of contract with the State.

I hope this answers your questions. I have prepared a short questionnaire to put on your website. It is attached.

Sincerely yours,

Gene M. Connell, Jr.

GMC,Jr.:sm
Enclosure

QUESTIONNAIRE FOR ALL RETIRED POLICE OFFICERS

Please answer the following questions to determine your retirement eligibility.

1. Did you retire under the TERI program? _____
If so, did you retire prior to July 1, 2005? _____

2. If you did not retire under the TERI program, did you retire prior to July 1, 2005?

3. Did you retire prior to July 1, 2005? What date?

4. Did you receive any documentation when you retired which shows no contributions were to be taken out of your wages? _____

5. Did you retire and then return to work with a police agency? _____
If so, were any promises made as to whether retirement contributions were to be taken out?

Please detail below. Also provide documents to the Attorney listed at the bottom of page.

6. When you retired, did you rely on representations that you would not have retirement contributions taken out when you returned to your job? _____
If so, who were they made by and were you given any documentation? _____

7. Please provide the following information and attach any supporting documentation regarding your retirement prior to July 1, 2005 to Gene M. Connell, Jr. at the address below
Retiree's name: _____
Address: _____

Phone number(s): _____

Gene M. Connell, Jr., Esquire
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