

Chief Turner sues Metro

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By Amanda Wardle

Former Metro Police Chief Emmett Turner Monday joined a lawsuit against Metro that seeks to challenge the way in which retirement pay is calculated for police officers and fire fighters.

The case in question, filed last September by approximately 15 former members of the Metro Police and Fire Departments, alleges that an opinion issued in September 2001 by the Metro Legal Department ordering that police and firefighters could no longer use their accrued vacation time in calculating their pension payments upon retirement has denied the former employees of pay to which they are entitled.

Turner, who retired from his position as Metro police chief in early March, reportedly took a nearly 50 percent pay cut when he accepted a position under Gov. Phil Bredesen as state Assistant Commissioner for Fire Prevention. At the time of his retirement, Turner said that his pension from Metro, which he was expected to be fully eligible for, would likely compensate for the expected salary reduction.

At issue is a practice that police and firefighters say was long understood to be policy within their departments, in which employees were allowed to include up to 60 days worth of vacation pay in one of their final paychecks, thus allowing the calculation of their pension payments to be higher.

Police and firefighters are allowed 20 days of vacation per year, and may carry a maximum of 40 days per year, meaning that no officer may retire with more than 60 days of accrued vacation pay for which they are eligible.

The change occurred following a request by the Metro Finance and Personnel departments to examine the practice. Metro Finance Director David Manning said the department has been systematically examining the pension payment practices for all Metro departments.

Metro Legal determined that the practice was not only questionable, but possibly illegal, and ordered that the accrued vacation pay could no longer be included in the figure used to calculate pensions.

“The Metropolitan Employee Benefit System does not authorize the practice of making a lump sum payment to increase a pension benefit,” said Metro attorney Michael Bligh in the opinion.

Metro asked the court to dismiss the case last November, saying that the former employees were asking them to calculate pension benefits in a manner that was unlawful. Davidson County Chancellor Irvin Kilcrease said the employees did, in fact, have a case for which they could be granted relief, and upheld the case.

Police and firefighters say, authorized or not, many Metro employees, including Turner, had

planned their retirement and pension plans for years expecting their vacation pay to be included in the figure, and that to deprive them of the higher payments is unfair.

“Our position is that it might not necessarily have been authorized, but this is the way we’d operated and this is what people were counting on,” said Calvin Hullett, president of the local chapter of the Fraternal Order of Police. Hullett said the FOP fully supports the officers in the suit. “When you look at anybody who is looking to retire, essentially, when they leave they’re cutting their salary in half.”

The officers involved in the suit would be eligible for approximately \$25 to more than \$100 per month in higher pension payments if their accrued vacation time were included.

Further complicating the issue, say Hullett and FOP attorney David Raybin, is the fact that many officers are not eligible to take all of their vacation pay because of limitations in time off.

“Many of these officers are not allowed to take all of their vacation time while employed because they are too valuable,” Raybin said. Hullett noted that, even line-level police officers sometimes have a difficult time getting vacation time approved due to staffing requirements.

Metro Legal’s Bligh declined to comment on the case.

Police officers and firefighters in the suit have asked Kilcrease to award them not only the pay to which they say they are entitled but any damages that the court might consider appropriate.