

Memorandum of Agreement made this        day of March, 2007, by and between the County of Nassau, a municipal corporation in the State of New York, having its principal place of business at One West Street, Mineola, New York, 11501 ("County") and the Police Benevolent Association of the Police Department, County of Nassau, Inc., an employee organization having its principal place of business at 89 Jericho Turnpike, Mineola, New York, 11501 ("PBA").

WHEREAS, the County is a public employer as defined in the New York State Civil Service Law; and

WHEREAS, the PBA is an employee organization as defined in said law; and

WHEREAS, the PBA has filed a grievance dated October 20, 2006, alleging that the Department failed to post job vacancies pursuant to agreed upon procedures; and

WHEREAS, the County denies these allegations; and

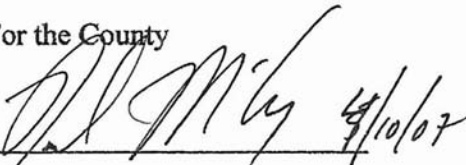
WHEREAS, an arbitration hearing regarding the grievance was commenced on March 26, 2007; and

WHEREAS, the parties wish to resolve this matter in an amicable way without the uncertainties, costs, and risks of continued litigation;

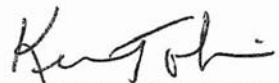
NOW, THEREFORE it is hereby agreed by and between the parties as follows:

1. The Police Department will issue the attached "Internal Correspondence" with a copy sent to the President of the PBA.
2. Upon its issuance, the grievance is hereby withdrawn, with prejudice.
3. Even though it enters into this Agreement, the County continues to believe that the Department's actions did not violate the collective bargaining agreement and that it would prevail should the grievance be tried before an arbitrator. For its part, the PBA believes that the grievance is meritorious and that it would prevail should the grievance be tried before an arbitrator.
4. This Agreement constitutes the entire agreement between the County and the PBA regarding its subject matter. No other promises have been made. This Agreement may not be modified except by a written agreement between the parties.
5. This Memorandum of Agreement is subject to PBA ratification.

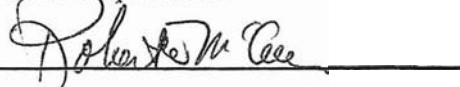
For the County

  
4/10/07

For the PBA

  
Tobin      2007  
4-11-07

For the Department





POLICE DEPARTMENT  
COUNTY OF NASSAU, NEW YORK

INTERNAL CORRESPONDENCE

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DATE: April 11, 2007 SNCC NO:

TO: Chief of Department; Chief of Patrol; Chief of Detectives; Chief of Support (Through Official Channels)

FROM: First Deputy Commissioner of Police Robert W. McGuigan

SUBJECT: POSTING PROCEDURES FOR LISTS OF APPLICANTS (VACANT POSITIONS)

1. Attached hereto please find a copy of a Stipulation of Settlement dated September 19, 2005 regarding a PBA grievance involving failures by some Commands to follow the procedures for posting lists of applicants for vacant positions. There was a subsequent grievance filed in 2006 alleging similar violations.

2. All commands wherein Police Officers have applied for vacant positions will strictly adhere to the terms and conditions of the Stipulation, with special emphasis on the time limits as specified in paragraphs two (2), three (3) and four (4). Lists shall be on Department letterhead (Internal Correspondence) and signed by the Commanding Officer/ Deputy Commanding Officer.

3. In the event there are no applicants for a position, this will be indicated on the posting.

A handwritten signature in cursive script, reading "Robert W. McGuigan".

Robert W. McGuigan  
First Deputy Commissioner of Police