



Nassau County PBA **NEWSLETTER**

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MINEOLA, N.Y.

PBA Wins Historic Decision

**Federal Judge rules that
language is clear**

Wage freeze unlawful

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President's Message

by James Carver

WISHING WILL NOT BRING SUCCESS ... BUT PLANNING, PERSISTENCE AND THE BURNING DESIRE WILL

Let me begin by thanking the Executive Board, Trustees, Delegates and membership who stood strong during the most difficult time this or any other PBA has ever faced. We have worked hard each and every day to resolve the wage/step freeze. We also worked hard to prevent the County from trying to legislate away our contractual rights through passage of the "King Ed" Law and the so-called "Taxpayer Relief Act". We have had to suffer through the tragic line of duty deaths of our fellow officers. We have had to ensure compliance with our collectively bargained rights due to precinct closures. And these are in addition to the many daily obstacles that come along with protecting our statutory and contractual rights and benefits. Staying on track with a plan which was put in place many months ago is one of the hardest things for a president to do, knowing that it will take a long time to see the plan through and knowing that there will be mounting frustration within the membership. But, collectively, we didn't waiver from our plan and we stood strong during very stressful times. The pressure was mounting to do a deal, any deal, even if it wasn't the right deal.

Throughout this process, we stayed united and focused!

FEDERAL COURT REJECTS WAGE FREEZE

As everyone is aware by now the PBA, SOA and DAI won an historic decision in the NIFA wage/step freeze lawsuit when Judge Wexler agreed that NIFA did not have the authority to freeze our wages/steps since that authority ended when the Interim Finance Period expired in 2008. Many of you who have read the decision know that Judge Wexler did not decide on the remaining arguments that were made in our first wage freeze lawsuit, which covers the 2011 wage/step freeze. Decisions on those other arguments did not need to be made at this point. NIFA has already stated it will appeal the decision and if they were to win on appeal the remaining arguments would have to be decided by Judge Wexler then. We are still going forward with the second wage freeze lawsuit, which covers the 2012 wage/step freeze. While we are still in the process of performing discovery in that second lawsuit, we will be making an application to the Court to void the 2012 wage freeze for the same reason as the Court decided the 2011 wage freeze was improper.

Since NIFA instituted the wage freeze in March 2011, the PBA has made the lawsuit one of its primary focuses, spending an enormous amount of time, effort, and resources to put us in the best possible position to prevail in the lawsuit. Not knowing how the lawsuit would be decided (and there is no attorney in the world that would

say this was to be a slam dunk win, except apparently NIFA's attorneys), we always expressed a willingness to engage in talks which might resolve the lawsuits, lift the wage freeze, and provide protection against a future wage freeze. Back in the summer/fall of 2012, Magistrate Judge Brown offered to mediate in an attempt to come to a settlement. The Police Unions and the County were on board with this offer but NIFA flatly turned it down, explaining that since it believed its case was so strong, it was not interested in participating in such mediation. Even though NIFA did not want to pursue mediation, the PBA and the County continued to talk in hopes of arriving at some type of settlement.

When it appeared to some that a settlement was nearing a reality, there were many obstacles thrown our way. This potential settlement could also have set the stage for other unions to resolve the lawsuit. But there were some individuals who, for their own political agenda, wanted all the workers of this county to continue to suffer through the wage and step freeze, especially those going through the steps. For that, they should be ashamed of themselves.

So where does that leave us now?

As stated previously, NIFA will appeal causing a further delay to justice for County workers. NIFA has no skin in the game and can afford to continue with litigation while we remain frozen pending an appeal. Their defense of this lawsuit is funded using sales tax revenue that is earmarked for the County. And NIFA's directors are protected personally from being held monetarily responsible under the NIFA statute. We will continue to go forward with the 2012 wage/step freeze lawsuit and the appeal of the 2011 lawsuit. And we will oppose what we anticipate to be new resolutions by NIFA in March 2013 to freeze wages/steps for another year.

All of these actions are designed to frustrate us into making a deal that makes no sense for our members. We all need to stay united during this time. Your PBA will not get frustrated. We will continue to stay focused on the task at hand and that task is to make sure that the steps and wages are rightfully reinstated. Some may not agree with the direction we take but our concern is always about the membership and that will never change.

Enclosed in this newsletter is a copy of Judge Wexler's decision, which is also available online at the PBA's website.

FEDERAL AGE DISCRIMINATION LAWSUIT AGAINST POLICE UNIONS THROWN OUT

Back in 2009 several members sued the County and all 3 police unions in federal court because termination pay was capped. You may recall that, despite our strongly opposing any reduction in termination pay, such pay was capped by the 2007 Interest Arbitration Award. It was argued in the lawsuit that the unions engaged in discriminatory acts based upon age. We were successful in obtaining a dismissal of the lawsuit in September 2011.

Plaintiffs (the members who sued) requested the court

reconsider its arguments and allow them to amend their complaint to clarify facts alleged. In February 2012, we again were victorious in getting the lawsuit dismissed. But Plaintiffs appealed this latest decision to the Second Circuit Court of Appeals, the same court which will hear any appeals in our wage/step freeze lawsuit. The appeal took about one year. The Second Circuit affirmed our win. I have also enclosed a copy of that decision in this newsletter.

GOVERNOR'S PROPOSAL TO ALTER ABILITY TO PAY FOR BINDING ARBITRATION/GUN LEGISLATION

The Governor introduced in his budget an amendment for Binding Arbitration in the ability to pay section. He wants to add a new section that arbitrators would have to consider when issuing a binding award that is defined as "fiscally distressed municipalities". A municipality would be deemed "fiscally distressed" if 1- the full property tax rate is the top 25% of all municipalities statewide as averaged over the prior 5 year period or 2- the municipality has a 5 year average general fund balance that equals less than 5% of the budget.

If the municipality has either or both of the listed issues the interest arbitration panel is prohibited from issuing an award that is more than 2% in value for any given year. There are major issues with the potential change in the ability to pay. If passed and signed into law as is, it would open the door for any municipality to draw down on its reserve which would place them into this newly created section of the law. I have met with staff from the Governor's Office and with Senator Skelos to express our concerns over this proposed language and will continue to meet with them along with other police unions throughout the State.

While meeting with both the Governor's staff and Senator Skelos we also discussed the restrictions the new gun legislation has on not only active police officers, but our retirees. This legislation was enacted in haste so the state can claim it was the first to address the tragic shootings in Sandy Hook Elementary School. Both agreed that changes need to be made to the restrictions that our police officers face and that there was no intent on doing so. As with the Binding Arbitration ability to pay proposal, we will be meeting with both again to correct the flaws in the legislation. I will keep you posted as things progress.



PBA President Jim Carver addresses the press after the wage freeze was found unlawful by Federal Judge.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JAMES CARVER, as President of the Nassau
County Police Benevolent Association,
GARY LEARNED, as President of the Superior
Officers Association of Nassau County, and
THOMAS R. WILLDIGG, as President of the
Nassau County Police Detectives' Association,
Inc.,

U.S. DISTRICT COURT
★ FEB 14 2013
LONG ISLAND

Plaintiffs,

-against-

MEMORANDUM AND ORDER

CV 11-1614

(Wexler, J.)

NASSAU COUNTY INTERIM FINANCE
AUTHORITY, RONALD A. STACK,
LEONARD D. STEINMAN, ROBERT A.
WILD, CHRISTOPHER P. WRIGHT,
GEORGE J. MARLIN, THOMAS W.
STOKES, in their official capacities as
directors/members of the Nassau County
Interim Finance Authority, EDWARD
MANGANO, in his official capacity as
COUNTY EXECUTIVE OF NASSAU
COUNTY, COUNTY OF NASSAU, and
GEORGE MARAGOS, in his official capacity
as NASSAU COUNTY COMPTROLLER,

Defendants.

-----X
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Edward Mangano and George Maragos

WEXLER, District Judge

In this action Plaintiffs, officers representing three Nassau County Police Officers and Detectives Unions (collectively the “Unions”) challenge the imposition of a wage freeze imposed by Defendant Nassau County Interim Finance Authority (“NIFA” or the “Authority”). The wage freeze at issue impacts compensation agreements reached between the Unions and the County of Nassau (the “County”). In addition to naming the Authority as a Defendant, Plaintiffs also name the individual directors/members of NIFA, the County, Nassau County Executive Edward Mangano, and Nassau County Comptroller George Maragos. All individuals are named only in their official capacities.

Federal jurisdiction is based upon Plaintiffs’ claim that the wage freeze violates the Contracts Clause of Article 1 of the United States Constitution. In addition to the Constitutional claim, Plaintiffs allege that the freeze was imposed in violation of the express terms of Section 3669 of the New York Public Authorities Law – the statute that authorizes imposition of a wage

freeze under certain circumstances. Plaintiffs seek a judgment declaring the wage freeze unlawful, and an order enjoining its implementation.

The parties have engaged in expedited factual discovery which is now complete. Presently before the court are the parties' cross-motions, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment.

BACKGROUND

I. Facts: The Parties and the Creation of NIFA

The facts set forth below are drawn from the documents properly before the court, including the parties' statements pursuant to Rule 56.1 of the Rules of this Court.

As noted, Plaintiffs are representatives of three Nassau County Police Officers and Detectives Unions. NIFA is a corporate governmental agency and an instrumentality of the State of New York. It was created in 2000 by the Nassau County Interim Finance Authority Act (the NIFA Act"). See County of Nassau v. Nassau County Interim Finance Authority, 920 N.Y.S.2d 873, 875 (N.Y. County 2011). NIFA was created in response to the County's impending descent into insolvency. At the time, debt service in the County accounted for nearly one-fourth of the County's budgeted spending, and rating agencies downgraded the County's bond rating to near junk status. The Nassau County Legislature voted for unanimous approval of the NIFA Act as "necessary and in the public interest." County of Nassau, 920 N.Y.S.2d at 875.

Under the NIFA Act, the Authority was authorized, inter alia, to issue bonds and notes for County purposes and to oversee its finances. Id. at 876. Pursuant to the Act, the County was provided with a \$100 million state subsidy (\$25 million per year through 2004) as well as a grant of \$5 million to assist the County in connection with its tax certiorari process. Id. To date, NIFA

has issued more than \$2 billion in bonds for the County's benefit, \$1.5 billion of which remain outstanding. Additionally, the Authority has also assisted Nassau by restructuring maturing debt, refinancing existing debt, and borrowing money. Nassau County, 920 N.Y.S.2d at 876.

II. NIFA Monitoring of the County's Finances: The Interim Financing and Control Periods

The NIFA Act provides for separate periods during which the Authority monitors County finances – an “interim financing period,” and a subsequent period, extending to the later of the end of January 1, 2030, or the date when NIFA's bonds are discharged. The NIFA Act also allows to Authority to invoke a “control period,” during which it may exercise additional enumerated powers over County finances and contractual obligations.

A. The Interim Finance Period

The NIFA Act's “interim finance period” referred initially to the time period from the enactment of the NIFA Act through 2004. During this time, NIFA issued bonds to assist in the restructuring of County debt and to address its cash flow needs. See N.Y. Pub. Auth. L. §3667. During the interim finance period, the County was required to submit annual audit reports demonstrating that its budget and financial plans comply with the NIFA Act, and that in making certain budgetary calculations, the County adhered to Generally Acceptable Accounting Principles See generally, N.Y. Pub. Auth. L. § 3651(14). The initial interim financing period provided for in the NIFA Act was scheduled to end in 2004. That period was extended by the New York State Legislature through 2008. See id. There is no dispute that the interim finance period expired in 2008, and is therefore no longer in effect. The NIFA Act makes clear that despite the expiration of the interim financing period, the Authority remains obligated to continue to oversee the County's financing. See, e.g., N.Y. Pub. Auth. L. §3667(4) (requiring the

submission of budgets and revisions thereto so long as bonds issued by NIFA are outstanding).

B. The Control Period

I. NIFA's Power to Invoke a Control Period

The NIFA Act authorizes the Authority to institute, under certain limited circumstances, what is referred to as a "control period," as set forth in Section 3669 of the Public Authorities Law ("Section 3669"). N.Y. Pub. Auth. L. §3669; see N.Y. Pub. Auth. L. § 3651(5). During a control period, NIFA has the power to exercise a higher level of monitoring and control over County finances and contractual obligations. The circumstances requiring NIFA to impose a control period are set forth in Section 3669. Those circumstances include, inter alia, a determination that the County: (1) has failed to pay the principal of or interest on any of its bond or notes when due or payable; (2) has incurred a major operating funds deficit of one percent or more in the aggregate, or (3) has violated the NIFA Act in any way that "substantially impairs the marketability of the county's bonds or notes." N.Y. Pub. Auth. L. §3669 (1).

NIFA is required to impose a control period either in the event that one of the Section 3669 enumerated events has occurred, or if there exists a substantial likelihood and imminence of such occurrence. The Section 3669 control period is terminated when NIFA determines that the conditions permitting the imposition of that period no longer exist. N.Y. Pub. Auth. L. § 3669(1). Additionally, the NIFA Act provides that a control period may not continue, in any event, "beyond the later of (1) January 1, 2030 or (2) the date when all NIFA bonds are "refunded, discharges or otherwise defeased." N.Y. Pub. Auth. L. §3669(1).

ii. NIFA's Duties and Powers During a Control Period

Section 3669(2) sets forth certain duties and powers granted to NIFA during a control

period. Among those duties are the requirement that the Authority consult with the County and prescribe the form of a financial plan. N.Y. Pub. Auth. L. §3669(2)(a). NIFA is also required, as deemed necessary, to “review the operations, management, efficiency and productivity of county operations, audit compliance with the financial plan and compliance with respect thereto.” N.Y. Pub. Auth. L. §3669(2)(b). Section 3669(2)(d) sets forth particular NIFA duties with respect to prospective contracts, including the rights to review, revise and/or disprove the terms of any such contract. *Id.* NIFA is also granted the power to review the terms of any proposed long or short term borrowing during a control period. N.Y. Pub. Auth. L. §3669(2)(e). Additionally, subsection (2) of Section 3669 grants NIFA the broad control period power to withhold any transitional state aid from the County. N.Y. Pub. Auth. L. §3669(2)(g).

iii. NIFA’s Power to Institute a Control Period Wage Freeze

In addition to the duties and powers granted under subsection (2) of Section 3669, the control period section of the NIFA Act also grants the Authority the power to suspend any wage increase previously agreed upon in connection with “collective bargaining agreements, or other analogous contracts or interest arbitration awards.” N.Y. Pub. Auth. L. §3669(3). The imposition of a control period wage freeze requires more than the determination that a control period exists. Instead, in addition to the declaration of a control period, a Section 3669 wage freeze may be imposed only upon NIFA’s enactment of a resolution that a wage freeze is “essential to the adoption or maintenance of a county budget or a financial plan that is in compliance with” the NIFA Act, and the Authority’s separate declaration that there exists a “fiscal crisis.” N.Y. Pub. Auth. L. §3669(3).

Section 3669(3) places a time limit on any wage freeze imposed during a control period.

That section, quoted in full below, refers to a wage freeze that lasts for “one year and” to a date specified by the authority as necessary to achieve the objectives of the financial plan N.Y. Pub. Auth. L. §3669(3). The final pertinent clause of Section 3669(3) states “which date shall in no event be later than the end of the interim finance period” N.Y. Pub. Auth. L. §3669(3).

III. The Declaration of a Control Period and the Institution of the Wage Freeze

Prior to January of 2011, NIFA had never instituted a control period. It therefore never had occasion to declare existence of a fiscal crisis or invoke a Section 3669 wage freeze. On January 26, 2011, NIFA enacted Resolution No. 11, declaring a control period. The control period was stated to have been enacted pursuant to Section 3669(1), on the ground that there was a substantial likelihood and imminence of the County incurring a major operating funds deficit of one percent or more in the aggregate results of operations during 2011. On March 24, 2011, NIFA adopted Resolutions 11-303 and 11-304, declaring the existence of a fiscal crisis and suspending “all increases in salary and wages of employees of the County” set to take effect after the date of the resolutions.¹

IV. Plaintiffs’ Complaint and the Motions for Summary Judgment

In this lawsuit, the Unions do not challenge NIFA’s decision to invoke a control period. Instead, Plaintiffs challenge only the decision to declare a fiscal crisis and institute a wage freeze pursuant to Section 3669(3). Plaintiffs set forth three separate causes of action. The first alleges that the wage freeze violates the Contracts Clause of Section 1 of the United States Constitution. Plaintiffs’ second and third causes of action assert that the wage freeze violates the express terms of the powers set forth in Section 3669. Specifically it is argued: (1) that NIFA has no power to

¹ NIFA also instituted a wage freeze in 2012. The legality of that freeze is not before the court.

institute a wage freeze after expiration of the interim finance period, and (2) that the wages due to the Unions are the result of a state court judgment and not within the definition of “collective bargaining agreements, or other analogous contracts or interest arbitration awards,” subject to Section 3669(3).

The parties have cross moved for summary judgment as to all claims. As to the Constitutional claim, the parties differ as to whether the Contract Clause is implicated and, if implicated, whether it is violated by the wage freeze. As to Section 3669, the parties differ as to the proper interpretation of the statutory language – which each side characterizes as plain in meaning. The court turns now to the merits of the motions.

DISCUSSION

I. Standards for Summary Judgment

A motion for summary judgment is granted only if the court determines that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. FRCP 56(c); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250 (1986). Summary judgment is properly granted if the moving party “shows that there is no genuine dispute as to any material fact” and he is therefore entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a).

II. Disposition of The Motions

As noted, the motions are directed to both Constitutional and statutory questions. The court turns first to the question most appropriate for summary disposition, the statutory issue of whether the plain language of Section 3669 authorizes a wage freeze after expiration of the interim finance period.

A. Section 3669: Propriety of A Wage Freeze After the Interim Financing Period

As noted above, Section 3669(3) refers to a time limit to be placed on any wage freeze imposed during a control period. The precise language at issue provides, in pertinent part, that any wage freeze imposed:

shall continue until one year after the date of the order *and*, to the extent of any determination of the authority that a continuation of such suspensions to a date specified by the authority, is necessary . . . such suspensions shall be continued to the date specified by the authority, *which date shall in no event be later than the end of the interim finance period*

N.Y. Pub. Auth. L. §3669(3) (emphasis added).

Both parties interpret the statutory language to allow NIFA to impose wage freezes that last a year or longer. At issue is whether the final clause quoted above, i.e., “which date shall in no event be later than the end of the interim finance period,” applies uniformly to any wage freeze – a one year freeze or a freeze extended by NIFA to a date specified (hereinafter a “date specified” freeze).

The Unions interpret the time limiting language to apply to any wage freeze – whether one year or date specified – and conclude that such wage freezes can be imposed only during the interim financing period. Defendants, on the other hand, interpret the limiting language of the final clause to refer only to date specified wage freezes. Thus, it is argued that the language stating that the end point of a wage freeze “shall in no event be later than the interim finance period,” is said to apply only to “date specified” wage freezes, which may not extend beyond the end of the interim finance period. One year wage freezes are, according to Defendants, allowed to

be imposed at any time, during any control period, whether imposed during or after the interim finance period.

As with any case of statutory interpretation, the court begins with the plain language of the statute. Where that language is plain and unambiguous, the court need look no further for the meaning of the words used. Connecticut Nat. Bank v. Germain, 503 U.S. 249, 253-54 (1992) (when words of statute are unambiguous court must assume that “legislature says in a statute what it means and means in a statute what it says there”). The language of a statute is best understood by considering that language in the context of the overall statutory scheme. Saks v. Franklin Covey Co., 316 F.3d 337, 345 (2d Cir. 2003). Thus, the “preferred meaning of a statutory provision is one that is consonant with the rest of the statute.” Id. (citation omitted). If the plain meaning of the language can be discerned by examining that language in the context of the statute, the court need look no further than those words. Louis Vuitton Malletier S.A. v. L Y USA, Inc., 676 F.3d 83, 108 (2d Cir. 2012).

Upon consideration of the language at issue here, the court agrees with Plaintiffs’ reading of the NIFA Act, and holds that the language of Section 3669 unambiguously limits NIFA’s power to impose a control period wage freeze to the end of the interim finance period – which period ended in 2008. The presence of the word “and” in Section 3669(3) militates heavily in favor of the Union’s interpretation. Thus, the statute states that a wage freeze may be imposed for a period of one year *and* to a date specified. The final limiting clause, which refers to “such suspensions” makes no distinctions between the two possible end dates – it states only that the end point of any freeze “shall in no event be later than the end of the interim finance period.”

The Court recognizes that the Union’s interpretation of Section 3669(3), which it has

accepted, limits the power of NIFA to impose a wage freeze to the end of the interim finance period, which period has long since expired. While this interpretation restricts NIFA's exercise of a strong power over County finances, such limitation is consistent with the NIFA Act as a whole. The statute is written to envision early and strict control over the County's finances, followed by an easing of such control over time. While the right to impose a control period may be exercised at any time (prior to January of 2030 or when all NIFA bonds are discharged), it makes sense to limit the availability of the extreme tool of the retrospective wage freeze to early in the NIFA monitoring process, when greater powers of oversight are available to the Authority. This interpretation continues to allow for the strong oversight tools set forth in Section 3669(2) to be exercised during any control period, while reserving the wage freeze tool for use in the earlier interim financing period.

The court's interpretation is further supported by the fact that the power to impose a wage freeze is set forth in a subsection of Section 3669 that is separate and apart from those delineating NIFA's many other control period rights over County finances. It is clear that such a freeze was not to be routinely imposed, even during the control period's time of heightened oversight. Instead, the wage freeze, admittedly an important tool in NIFA's arsenal, was to be imposed only upon a subsection (3) separate finding supporting a declaration of a fiscal crisis. It is not surprising that the legislature chose to further limit the wage freeze power to the interim finance period only, preferring not to extend that power to any subsequently imposed control period.

It would have been simple for the legislature to write the NIFA Act as Defendants seek to have it interpreted. Thus, the legislature could have stated that a control period wage freeze may

be imposed *during any control period*, for a period of one year *or during the interim finance period*, to a date specified. The NIFA Act could then have gone on to make clear that the latter type of freeze, which presumably would last for more than one year, may not continue beyond the end of the interim finance period. Such language was not, however, chosen and amounts to a strained interpretation of the NIFA Act.

In sum, the court holds that the language of Section 3669(3) is clear. It limits the imposition of wage freezes of previously bargained for rights to the time when a control period and fiscal crisis are declared during the interim finance period. Such wage freezes are neither contemplated nor allowed thereafter. It is not for the court to re-write legislation to grant NIFA powers broader than those intended by the legislature. That body chose to extend the interim financing period, and thus the power to impose a control period wage freeze, from 2004 through 2008. The legislature could have easily extended the interim finance period further, but it did not. In view of the plain language of the NIFA Act, this court, recognizing that it is without power to legislate increased powers to NIFA, holds that the Authority went beyond its statutory authorization when imposing the 2011 control period wage freeze.

III. Additional Grounds and Stay Pending Appeal

In view of the fact that the court has found that Section 3669 does not authorize the imposition of a wage freeze beyond the interim finance period, the court need reach neither the Constitutional issue raised, nor the additional statutory ground raised by the Unions. No opinion as to either ground is expressed herein. The court grants Plaintiffs' motion for summary judgment and denies Defendants' cross-motion. The court will stay the operation of any judgment entered herein pending appeal, if any, of this matter to the Court of Appeals for the Second Circuit.

CONCLUSION

For the forgoing reasons, the court grants Plaintiffs' motion for summary judgment and denies Defendants' motions for summary judgment. The Clerk of the Court is directed to terminate the motions docketed under docket numbers 68, 72, 79 and 83 in this matter. Plaintiff are directed to submit an appropriate judgment on notice within two weeks of the date of this order.

SO ORDERED.

/s/
LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
February 14, 2013

12-1061-cv
Young v. County of Nassau

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 4th day of February, two thousand thirteen.

PRESENT: PIERRE N. LEVAL,
REENA RAGGI,
Circuit Judges.
KENNETH M. KARAS,
*District Judge.**

ROBERT YOUNG, STEVEN SCHEIN, MICHAEL
O'LEARY, RICHARD FOGELSON, GARY FERRUCCI,
JOHN BIRBIGLIA, on behalf of themselves and all others
similarly situated,

Plaintiffs-Appellants,

No. 12-1061-cv

FRED BAURIES, JAMES W. BONISLAWSKI, RONALD
E. BURK, GREGORY J. CELENTANO, ROBERT
COLASONNO, WILLIAM COMPETIELLO, JOHN
CONNOR, JAMES T. CRUICKSHANK, ARTHUR J.
D'ALESSANDRO, JON S. DANIEL, FRED EAVARONE,
JAMES FUCITO, JOEL R. FUOCO, JEANNE A. GANS,
ROBERT H. HILLMAN, ALBERT J. JASKOT,
LIEUTENANT, JOHN B. LAVELLE, STEPHEN H.
MACAULEY, LOUIS V. MACCIO, JOHN P.

* Judge Kenneth M. Karas, of the United States District Court for the Southern District of New York, sitting by designation.

MARSCHHAUSER, WAYNE R. MATHISON, NORMAN MCCLOY, ROBERT JOHN MCDONALD, ALLEN P. MCGOVERN, DONALD F. MESSE, ROBERT L. NASH, SERGIO NICOLICH, KENNETH E. OLSEN, RICHARD F. PITA, WILLIAM F. SHARP, STEPHEN J. SCHMIDT, ANDREW G. SETHER, DENNIS F. SHARP, SCOTT A. WANLASS, RICHARD ZITO, LAWRENCE FEFFER, WILLIAM GRAY, KATHLEEN LONGO, JEFFREY SCHILLING, EDWARD HARSCH, RICHARD BROCK, PETER HEMSLEY, STEVEN HOLMES, DONALD BITTNER, LEWIS CUNNINGHAM, WALTER ANDERSON, VINCENT QUIGLEY, THOMAS STORZ, MARY ANN HERNON, JOHN DALTON, MICHAEL FLEMING, THOMAS MCLAUGHLIN, CHEROXIE KING, WILLIAM LAMURA, JOHN FALLON, JOHN KING, GREGORY DETWILLER, ANDREW SAWULA, JOHN FREUND, ALL PLAINTIFFS, EDWARD GOLLER, LAUREL TOBIAS, JOSEPH MARINO, THOMAS REILLY, WAYNE LAWRENCE, THOMAS HAYES, ELIZABETH NUGENT, DANIEL MILLER, ANTHONY BONKOWSKI, THOMAS KETELTAS, RONALD RISPOLI, LORETTA BRENNAN, DANIEL URBAN,

Plaintiffs,

v.

COUNTY OF NASSAU, PATROLMEN'S BENEVOLENT ASSOCIATION, SUPERIOR OFFICERS' ASSOCIATION, DETECTIVES' ASSOCIATION, INC.,

Defendants-Appellees,

NASSAU COUNTY POLICE DEPARTMENT, TOM SUOZZI, individually and in his Official Capacity, DAN MCCRARY, individually and in his Official Capacity,

Defendants.

APPEARING FOR APPELLANTS: ROBERT J. VALLI, JR., Valli Kane & Vagnani, LLP, Garden City, New York.

APPEARING FOR APPELLEES: SHARON N. BERLIN (Matthew John Mehnert, *on the brief*), Lamb & Barnosky, LLP, Melville, New York, *for Appellee County of Nassau*.

SETH H. GREENBERG, Greenberg Burzichelli Greenberg, P.C., Lake Success, New York, *for Appellees Patrolmen's Benevolent Association, Superior Officers' Association, Detective's Association, Inc.*

Appeal from a judgment of the United States District Court for the Eastern District of New York (Denis R. Hurley, *Judge*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment entered on February 16, 2012, is AFFIRMED.

Plaintiffs, current and former employees of the Nassau County Police Department ("Police Department"), appeal from the denial of their motions (1) to reconsider the dismissal of their class action complaint charging that a termination pay policy imposed in arbitration results in unlawful age discrimination, see 29 U.S.C. § 621, et seq.; N.Y. Exec. Law. § 291 et seq.;¹ and (2) for leave to file a second amended complaint ("proposed complaint") as

¹ As alleged in the complaint, the newly imposed policy limited reimbursement for "banked" administrative days at two years' salary for all patrolmen, sergeants, and detectives retiring after July 1, 2009. Such "banked" days are comprised of unused and accumulated vacation, sick, personal, and annually awarded bonus days, along with uncompensated overtime and working holidays. As do the parties, we refer to reimbursement for banked days as "termination pay," and we refer to the cap on reimbursement as the "termination pay cap" or simply the "cap."

futile. We review the challenged denial of reconsideration for abuse of discretion, see Harris v. Kuhlmann, 346 F.3d 330, 348 (2d Cir. 2003), mindful that the appeal of that denial brings up for our review the underlying dismissal order, see “R” Best Produce, Inc. v. DiSapio, 540 F.3d 115, 121 (2d Cir. 2008). We review de novo the denial of leave to amend on futility grounds where, as here, the denial is based on a legal interpretation. See Gorman v. Consol. Edison Corp., 488 F.3d 586, 592 (2d Cir. 2007). We assume the parties’ familiarity with the facts and record of prior proceedings, which we reference only as necessary to explain our decision to affirm for substantially the reasons stated in the district court’s well-reasoned opinions.

1. Reconsideration

Plaintiffs submit that the district court was obliged to reconsider its original judgment of dismissal because, in reaching that decision, it overlooked four critical facts: (1) a statement by Nassau County Labor Relations Director Dan McCray to the press acknowledging that the termination pay cap was intended to prod older, better-paid workers to retire, allowing the Police Department to hire younger, lower-paid workers; (2) statements by certain plaintiffs that they would have continued working but for the challenged pay cap, and that the pay cap violated the Age Discrimination in Employment Act (“ADEA”); (3) losses of \$41,000 to \$100,000 in earned benefits by workers who did not retire; and (4) evidence that the prospect of comparable benefit losses prompted other workers’ retirement. See Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995) (stating that

reconsideration may be warranted where “moving party can point to . . . data that the court overlooked”). In fact, as the district court persuasively set forth in its memorandum denying reconsideration, it overlooked none of these facts. Rather, it concluded that despite them, plaintiffs’ claims failed because they could not show that the challenged policy put them at a disadvantage relative to younger workers.

To be sure, older workers had to make a difficult choice between retiring before the policy took effect, thus avoiding the termination pay cap, or continuing to work and facing the reduction in termination pay that the cap imposed. Younger workers, however, were not afforded even that choice. They were necessarily subject to the cap. Thus, because plaintiffs have failed to demonstrate that the district court overlooked facts “that might reasonably be expected to alter [its] conclusion,” *id.* at 257, they cannot claim abuse of discretion in the denial of reconsideration. We need not further discuss the district court’s rationale for dismissing the complaint because we hold that the complaint, even as amended, fails to state a claim for relief.

2. Proposed Complaint

Plaintiffs submit that the district court erred in ruling that it would be futile to allow them to file their proposed second amended complaint, which sought to explain that the challenged policy discriminated against older workers relative to their younger counterparts because only employees over 40 could have accrued enough days to be adversely affected, whereas younger workers allegedly “are not and mathematically cannot be harmed by the

new policy should they choose to retire.” Compl. ¶ 43, J.A. 997 (emphasis added); see 29 U.S.C. § 631(a) (limiting ADEA protection “to individuals who are at least 40 years of age”). The flaw in this argument, as the district court recognized, is that the pleading nonetheless failed plausibly to allege discrimination between older and younger workers. The latter were plainly subject to the policy and would never have the option of recovering more than the capped amount of termination pay. By contrast, older workers who had accrued more than the capped amount were afforded a limited window within which to collect that full amount by opting to retire, an opportunity not available to their younger counterparts. See generally General Dynamics Land Sys., Inc. v. Cline, 540 U.S. 581, 600 (2004) (holding that ADEA “does not mean to stop an employer from favoring an older employee over a younger one”); Abrahamson v. Bd. of Educ., 374 F.3d 66, 72 (2d Cir. 2004) (identifying potential age discrimination where older workers are deprived of benefit while younger workers, unlike here, “still have the future option of receiving the benefit”); Henn v. Nat’l Geographic Soc., 819 F.2d 824, 826 (7th Cir. 1987) (“Provided the employee may decline the offer and keep working under lawful conditions, the offer makes him better off. He has an additional option, one that may be (as it was here) worth a good deal of money.”).

Plaintiffs may wish they had yet another option: one that allowed them to keep working and to retain accrued termination benefits in excess of the cap. But they cannot plausibly claim that defendants’ failure to afford them that option constitutes age discrimination when no such opportunity was afforded to younger employees.

Conceding that this is one way to construe the facts, plaintiffs offer the competing interpretation that older workers in fact were disadvantaged by the cap, in that only employees over age 40 were affected by it—and, indeed, were forced to retire to avoid being penalized by it—whereas younger employees can arrange their affairs to avoid exceeding its limit in the future. Plaintiffs thus argue that the district court impermissibly chose between competing plausible scenarios, a task properly reserved to the factfinder. See Anderson News, L.L.C. v. Am. Media, Inc., 680 F.3d 162, 184–85 (2d Cir. 2012) (“The choice between two plausible inferences that may be drawn from factual allegations is not a choice to be made by the court on a Rule 12(b)(6) motion.”). We are not persuaded. Where, as here, the pertinent facts are undisputed, we may answer the “purely legal” question of whether given conduct “violate[s] the ADEA.” Johnson v. New York, 49 F.3d 75, 79 (2d Cir. 1995). We hold that the arbitration-imposed pay caps do not, for the reasons already discussed.

To the extent plaintiffs claim that the pay caps create a disparate impact based on the fact that prior notice will give younger workers better opportunity to use their leave time, whereas older employees may have accumulated leave which, because of lack of notice, they are unable to use, the policy is nonetheless lawful under the ADEA because it is “based on reasonable factors other than age,” 29 U.S.C. § 623(f)(1), namely the need to save money and the willingness of affected employees to keep working past the policy’s effective date, see Smith v. City of Jackson, 544 U.S. 228, 241 (2005) (holding that pay plan that is less generous to older workers than to younger workers was “based on reasonable factors other

than age” where based on seniority and rank, as well as need to bring officers’ salaries in line with those of surrounding communities).

Accordingly, leave to file the proposed complaint was properly denied.

3. Remaining Arguments

Because we affirm the judgment against plaintiffs on the merits, we need not reach defendants’ other arguments for affirmance, including that the Police Department cannot be held responsible for an arbitration award implemented in accordance with New York State law and that leave to amend should have been denied for reasons of undue delay.

The judgment of the district court is AFFIRMED.

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court

The block contains a handwritten signature in cursive script that reads "Catherine O'Hagan Wolfe". Overlaid on the signature is a circular official seal. The seal has "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom, with small stars on either side of the center text.

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

DENNIS JACOBS
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Date: February 04, 2013
Docket #: 12-1061cv
Short Title: Young v. County of Nassau

DC Docket #: 09-cv-3830
DC Court: EDNY (CENTRAL ISLIP)
DC Judge: Hurley
Wall

BILL OF COSTS INSTRUCTIONS

The requirements for filing a bill of costs are set forth in FRAP 39. A form for filing a bill of costs is on the Court's website.

The bill of costs must:

- * be filed within 14 days after the entry of judgment;
- * be verified;
- * be served on all adversaries;
- * not include charges for postage, delivery, service, overtime and the filers edits;
- * identify the number of copies which comprise the printer's unit;
- * include the printer's bills, which must state the minimum charge per printer's unit for a page, a cover, foot lines by the line, and an index and table of cases by the page;
- * state only the number of necessary copies inserted in enclosed form;
- * state actual costs at rates not higher than those generally charged for printing services in New York, New York; excessive charges are subject to reduction;
- * be filed via CM/ECF or if counsel is exempted with the original and two copies.

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

DENNIS JACOBS
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
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DC Court: EDNY (CENTRAL ISLIP)
DC Judge: Hurley
Wall

VERIFIED ITEMIZED BILL OF COSTS

Counsel for

respectfully submits, pursuant to FRAP 39 (c) the within bill of costs and requests the Clerk to prepare an itemized statement of costs taxed against the

and in favor of

for insertion in the mandate.

Docketing Fee _____

Costs of printing appendix (necessary copies _____) _____

Costs of printing brief (necessary copies _____) _____

Costs of printing reply brief (necessary copies _____) _____

(VERIFICATION HERE)

Signature

1st Vice President

By Pete Paterson

As we are all aware by now, the federal judge ruled in our favor in regards to the wage freeze lawsuit we filed against the Nassau County Interim Finance Authority (NIFA) and the County of Nassau. The judge issued a summary judgment agreeing with our argument that the period that NIFA can freeze wages expired when the interim finance period expired. This is a huge win for us. I want to thank the members for staying united. We will continue this fight on your behalf and with all your support, we will win. We have been fighting hard against this wage freeze since it started. It is extremely unfair for both NIFA, and the county, to take away fairly negotiated benefits that the membership deserves. You go out and put your life on the line for the residents of this county and all you ask for in return is the benefits and wages that were agreed upon, and promised to you by the county. The Control board doesn't know what you have to go through out on the street, but they should recognize what you do and balance the budget another way, instead of taking the easy way out, freezing our wages. They should not appeal this ruling, but we know that they probably will. I promise you that the entire executive board will work just as hard now, to uphold this historic win. We will do whatever it takes to restore the steps and wages you deserve.

LEGISLATION

The legislature passed the "New York Secure Ammunition and Firearms Enforcement Act" (NY SAFE Act) and the Governor signed it into law. The new law addresses numerous issues, including mental health, redefining assault weapons, amending certain sections of the penal law regarding weapons possession, and amending the education law in relation to school safety improvement teams.

We have some serious concerns with the law as it pertains to our retired members and want to make absolutely certain that it has no negative effect on active members. As police officers, we should be exempt from these new restrictions, and that certainly was the intent, however, we believe the legislation does not clearly address this as well as it should. Retired members will be affected by this legislation because they are not covered by the existing exemptions as defined in section 265.20 of the penal law. We will be addressing that issue as well. I have met with the Governor's staff as well as several Senators and Assemblyman. I pointed out our concerns and so far they seem very receptive. They all acknowledge that active police officers should be exempt from all the new restrictions. The discussions with respect to retired officers are still ongoing, but seem positive. We have been stressing to the legislature several points. One is that retired police officers are the "good guys". They have all gone through extensive training and have received a letter from our

department that they retired in good standing, if they have a pistol permit. Another point being stressed is that retired police officers spent their whole career carrying a gun as part of their profession. For more than 20 years of service, you are trained with a particular weapon, and become accustomed to the amount of rounds it carries. Continuity is very important.

We will keep lobbying to correct these issues and I will send out a legislative update as soon as any amendments to the law are made.

Most of the sections of the law that we are concerned with, and which may impact our members, do not take effect until 60 days from the enactment. These are some of the main parts of the law that may impact our members:

- Amends the penal law and adds more types of weapons to the definition of assault weapons

- Creates a new crime of criminal possession of a weapon on school grounds (Class E felony).

- Makes it illegal to possess more than 7 rounds in a magazine

- Requires reporting the loss or theft of ammunition to the police within 24 hours of discovery

- Creates harsher penalties in certain penal law offenses

- Creates the crimes unlawful possession of a large capacity ammunition feeding device and unlawful possession of certain ammunition feeding devices. Note: this is where the issue of our magazines is addressed. This is a new section of law and will limit the amount of rounds you can carry to seven, even if you possess a 10 round magazine.

PERMIT HOLDER DISCLOSURE

We have been working with the legislature to prohibit the names of active and retired police officers, who have a pistol permit, from being released to the media. This law contains a section that achieves our goal. The new section of law states that no names will be subject to disclosure for 120 days from the enactment of this law, and it provides persons to specify grounds for not having their names subject to foil requests. One of the grounds stated in the law is: "The applicant is an active or retired police officer, peace officer, probation officer, parole officer, or corrections officer."

This part was a big win for us.

BUDGET

The Governor introduced his proposed budget for the 2013-2014 New York State fiscal year. There are several parts that will affect us.

1. Binding arbitration.

The budget contains a section that addresses ability to pay when a municipality is determined to be "fiscally distressed." It states that an arbitrator can only increase the entire collective bargaining agreement by no more than 2%, including taking into account certain increases to health insurance premiums as well as other benefits. Obviously, this will kill the whole binding arbitration process. The law would consider certain municipalities fiscally dis-

tressed if they meet certain criteria. The ones proposed in this legislation can be easily manipulated so that they can become "fiscally distressed" only when it comes to negotiations. We have met with the Governor's office and the legislature on this problem. The police and fire unions are strongly opposing this new ability to pay section. The budget has to be voted on before April 1st, so we will keep up the pressure and I will update you on any changes. This is just another fight that we face and illustrates why we have to maintain a strong presence in Albany.

Another concern is the proposed long term pension contribution option. This section of law will allow a county, town or village to make contributions to the pension system at a flat rate, over a longer period of time. We are still examining the proposal and there are fiscal studies being made. Our primary concern is that the retirement system may become underfunded if numerous municipalities adopt this measure. We will be following this closely, as protecting our pension fund is a major responsibility for all the labor unions.

The PBA is going to introduce legislation to have certain highway overpasses named after our fallen brothers, Joe Olivieri and Artie Lopez. I spoke to the Senate and Assembly and they assured me they will assist us in any way possible to accomplish this.

We will also be holding a dedication in the near future for a memorial park dedicated to Geoffrey Breittkopf. We had a bronze plaque placed at the site to honor his memory. We had to delay this dedication several times due to our other tragedies, as well as super storm Sandy, but we will be planning on holding it in the spring.

We are also working on finding a location to honor Charlie Cole's memory. When this is done, we will hold a ceremony and the membership will be notified.

These dedications are important. Time goes by and people forget the sacrifices that these heroes made. We don't, but they do. That can't happen. When we dedicated the bridge in Mike Califano's memory I said at the dedication, this was done so that the residents don't forget their heroes. These guys served the county well, died as a result of their service, and they should never, ever be forgotten.

2nd Vice President

by Kevin Tobin

In the following pages you will see several grievances that have been resolved. Be aware these are only a few of the several outstanding ones that we have. The only small change there is that the cutoff date is Feb. 28.

In light of the tremendous victory we had regarding the lawsuit, your PBA has been continuing to keep the day to day issues alive.

There is a tendency on the departments and the County's part to lose focus on other important business that has to get done. There are many in the powers to be

that are using that argument. There certainly is no problem focusing on how to get us to give, give and give some more. One only has to look around to see what is happening. Where are the people, other than The PBA and the other unions, that are doing ANYTHING positive for the cops?? Oh there is no shortage of excuses, blame and finger pointing going on.

There are very few, that are trying to foster good working harmony amongst our members. As I always say, Be careful of Wolves in sheep's clothing.

You may ask why I tell you this? We are in a critical stage in this department, and not addressing issues as they arise on a regular basis is creating a bigger void. Such as RMS a dismal failure, yet they try and protect the mess. Not able to hire and having no plan. Another dismal mess. Closing of precincts, and the trying to sell it as a good "initiative", yea OK and we have a bridge to sell you. The list goes on and on.

To all those that don't see it, WAKE UP including those that have the power to speak up, We urge you to stop the Bleeding, You are killing this job, and worse than that you are killing the very fiber of Police Officers. THEIR MORALE!!!! The PBA has done nothing but try to make the job stabilize. This is simply known as death by a thousand slices. We have continually requested to have a liaison for the department to address on going labor issues and attempt to stop problems before they rise to the level of insanity.

We continue to await that person.

The PBA will continue to bring our issues to the forefront and hope for fast and immediate resolutions, and we will continue to pursue our contractual rights. This is the day to day operations.

People can't always hide behind the cover of working on bigger things. After all whats more important and bigger than our cops????

I would like to take this opportunity to thank all the trustees and delegates for standing tall and all of your unwavering support during these very difficult times. This lawsuit is a tremendous victory and a major step in our battle to stop anyone who attempts to break us down. I encourage you, the members to thank them when you see them, they deserve your recognition.

For those that who are falling to rumors and innuendos, please do a real service to yourself and your fellow co-workers, be sure you know the facts before you adhere to BS.

There are some who will give you bad information, not because they are vicious, it's because they do not know the facts.

STAY INFORMED AND UNITED AND SUCCESS WILL SURELY CONTINUE.

As always feel free to contact any PBA rep for information. We will keep you posted as quick as we can. Thank you.

Stipulation of Settlement ("Settlement Agreement") made this 31st day of January 2011 by and between the County of Nassau ("County"), a municipal corporation in the State of New York, having its principal place of business at 1550 Franklin Avenue, Mineola, New York, and the Police Benevolent Association of the Police Department of the County of Nassau, N.Y., Inc. ("PBA"), an employee organization having its principal place of business at 89 East Jericho Turnpike, Mineola, New York.

WHEREAS, the PBA filed a grievance dated July 26, 2010, alleging that the Department assigned Auxiliary Officers throughout the Sixth Precinct to perform various police duties which are solely and exclusively the work of PBA unit members in the aftermath of a wind/rainstorm that occurred on or about June 24, 2010; the PBA further alleges that the Department violated the parties' overtime book procedures throughout the incident(s) that is/are the subject of the grievance; and

WHEREAS, the PBA filed a grievance dated September 2, 2010, alleging that during the period July 29, 2010 through August 1, 2010, the Police Department improperly assigned crossing guards to perform PBA unit duties on and around the entrance/exit area from Eisenhower Park in and around Hempstead Turnpike for a planned event and dedicated detail related to the Continental Youth Championships (Gaelic Games); and

WHEREAS, the County denies all of the allegations in both grievances; and

WHEREAS, arbitrations have been scheduled for both grievances; and




WHEREAS, the parties acknowledge that the July 26, 2010 grievance and the September 2, 2010 grievance involve what appear to be one-time events that are unlikely to reoccur; and

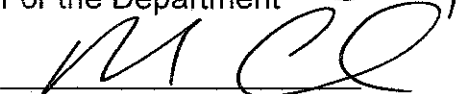
WHEREAS, the parties wish to resolve these matters in an amicable way amongst them, without the uncertainties, costs and risks of continued litigation.

NOW THEREFORE, the parties agree to the following:

1. Even though it enters into this Settlement Agreement, the PBA continues to believe that the County's / Department's actions violated the parties' Collective Bargaining Agreement or relevant memoranda of agreement concerning PBA unit work, and that it would prevail should the grievance be decided by an arbitrator. For its part, the County believes that the grievance is without merit and that it would prevail should the grievance be decided by an arbitrator.
2. The parties reaffirm their commitment to the terms of the December 22, 2008 Agreement with regard to the use and assignment of Auxiliary Officers.

3. The parties further reaffirm their commitment to the terms of the "Bayville Agreement," dated December 24, 1992, and the subsequent January 20, 2010 Agreement, in which the County agreed, among other things, that "it will not unilaterally transfer any police unit work to non-PBA unit personnel, including non-unit County employees, volunteers, outside contractors, or other outside personnel."
4. The County acknowledges that although the PBA is not seeking a monetary remedy in connection with the above-referenced grievances, as set forth in the January 20, 2010 Agreement and various overtime book agreements, it does not waive its right to do so in any future grievance should a violation be found.
5. The grievances are hereby withdrawn, with prejudice.
6. This Settlement Agreement constitutes the entire agreement between the County and the PBA regarding its subject matter. No other promises have been made. This Settlement Agreement may not be modified except by a written agreement between the parties.
7. This Settlement Agreement is subject to PBA ratification.


For the ~~County~~ Department For the PBA
  11/15/12
Thomas L. Krumpal

For the ~~Department~~ County


Stipulation of Settlement and Memorandum of Agreement ("Settlement Agreement") made this 31st day of January 2012³ by and between the County of Nassau ("County"), a municipal corporation in the State of New York, having its principal place of business at 1550 Franklin Avenue, Mineola, New York, and the Police Benevolent Association of the Police Department of the County of Nassau, N.Y., Inc. ("PBA"), an employee organization having its principal place of business at 89 East Jericho Turnpike, Mineola, New York.

WHEREAS, the PBA filed a grievance dated June 24, 2011, alleging that on or about May 11, 2011, the County and the Police Department violated the parties' Collective Bargaining Agreement when it unilaterally transferred certain PBA unit work (involving work performed by PBA members assigned to the Department's Aviation Bureau) to non-PBA unit personnel; and

WHEREAS, the County denies all of the allegations in the June 24, 2011 grievance; and

WHEREAS, an arbitration has been scheduled to adjudicate the grievance; and

WHEREAS, the parties have expressed a mutual desire to modify the Aviation Bureau's work chart, which they believe would sufficiently resolve the issues underlying the instant grievance; and

WHEREAS, the parties further wish to resolve these matters in an amicable way amongst them, without the uncertainties, costs and risks of continued litigation.

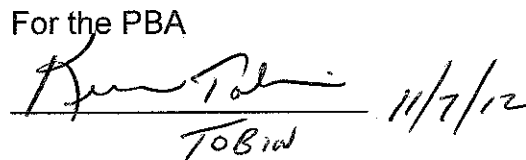
NOW THEREFORE, the parties agree to the following:

1. Even though it enters into this Settlement Agreement, the PBA continues to believe that the County's / Department's actions violated the parties' Collective Bargaining Agreement or relevant memoranda of agreement concerning PBA unit work, and that it would prevail should the grievance be decided by an arbitrator. For its part, the County believes that the grievance is without merit and that it would prevail should the grievance be decided by an arbitrator.
2. The County and the PBA agree to negotiate over a new work chart covering PBA members assigned to the Police Department's Aviation Bureau.
3. The parties agree to commence negotiations over the new work chart as described in paragraph 2 above no later than December 31, 2012.
4. In the event the parties are unable to agree on a new work chart, the parties may, either individually or jointly, declare impasse and avail

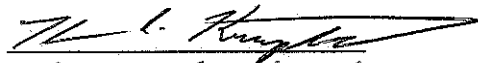
itself/themselves of the conciliation procedures set forth in the Public Employees Fair Employment Act (Article 14 of the N.Y.S. Civil Service Law Section, commonly referred to as "The Taylor Law") and the Taylor Law Rules as administered by the New York State Public Employment Relations Board to resolve the dispute over the new work chart only.

5. The grievance is hereby withdrawn, with prejudice.
6. This Settlement Agreement constitutes the entire agreement between the County and the PBA regarding its subject matter. No other promises have been made. This Settlement Agreement may not be modified except by a written agreement between the parties.
7. This Settlement Agreement is subject to PBA ratification.

For the County


For the PBA

TOBIW 11/7/12

For the Department


Thomas C. Krumpal

Taggart, Karen

From: Seth Greenberg <sgreenberg@gbglawoffice.com>
Sent: Wednesday, January 30, 2013 11:42 AM
To: Taggart, Karen
Subject: Grievance Settlement Agreements
Attachments: Aviation Grievance Settlement Agmt - 11-8-2012.PDF; Payback Training Stip.PDF

This e-mail shall confirm our conversation from earlier today in which we agreed that:

1 – The remedy (compensatory time hours) set forth in the Payback Training Grievance Settlement Agreement (Paragraph 2) that was scheduled to be credited to each affected member by on or before December 30, 2012, shall be completed by February 28, 2013; and

2 – The date by which negotiations over a new work chart vis-à-vis the Aviation Bureau, as set forth in Paragraph 3 of the Aviation Grievance Settlement Agreement shall be extended to February 28, 2013.

The settlement agreements referenced herein are also attached hereto for your convenience (you have the originals for signature by PD/County).

-Seth

Seth H. Greenberg, Esq.
Greenberg Burzichelli Greenberg P.C.
3000 Marcus Avenue, Suite 1W7
Lake Success, New York 11042
Tel: (516) 570-4343
Fax: (516) 570-4348
www.gbglawoffice.com

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Stipulation of Settlement ("Settlement Agreement") made this ^{31st} ~~day of November, 2012,~~ ^{January, 2013}
by and between the County of Nassau ("County"), a municipal corporation in the State
of New York, having its principal place of business at 1550 Franklin Avenue, Mineola,
New York, and the Police Benevolent Association of the Police Department of the
County of Nassau, Inc. ("PBA"), an employee organization having its principal place of
business at 89 East Jericho Turnpike, Mineola, New York.

WHEREAS, the PBA filed a grievance dated January 26, 2012, alleging that the County
violated the parties' Collective Bargaining Agreement when the Police Department (1)
did not provide a minimum of seven (7) calendar days' advance notice prior to the
scheduling of a training payback tour and/or (2) did not schedule training payback tours
continuous with members' regularly scheduled set of tours and/or (3) switched a police
officers' single tour on multiple occasions; and

WHEREAS, the County denies all of these allegations; and

WHEREAS, hearings were commenced on August 14, 2012; and

WHEREAS, the parties wish to resolve these matters in an amicable way amongst
them, without the uncertainties, costs and risks of continued litigation.

NOW THEREFORE, the parties agree to the following:

1. Even though it enters into this Settlement Agreement, the PBA continues
to believe that the Department's actions violated the parties' Collective
Bargaining Agreement and that it would prevail should the grievance be
decided by an arbitrator. For its part, the County believes that the
grievance is without merit and that it would prevail should the grievance
be decided by an arbitrator.
2. The following 101 police officers shall each be credited with four (4) hours
of compensatory time no later than December 30, 2012 (designated
precincts are for informational purposes only as officer assignments may
have changed):

Concerns of Police Survivors Launches the Metro New York C.O.P.S. Chapter

by Leslyn Stewart

With an average of 150 law enforcement officers killed in the line of duty each year, the number of survivors is constantly growing. Every line of duty death of a police officer affects a multitude of people in his or her immediate circle. The spouse and children are the most immediately affected, but the waves of overwhelming emotion and grief reach the parents, siblings, in-laws, co-workers, and friends as well. Concerns of Police Survivors (C.O.P.S) is a national organization with a primary goal of offering emotional and peer support to survivors whose lives have been forever changed by a line of duty death. In addition, C.O.P.S. offers training and assistance to law enforcement agencies on how to best respond to the loss of a member of their department. C.O.P.S. also provides counseling services to children and educational scholarships. Originally organized in 1984 by survivors who attended the first National Police Survivor's Seminar during National Police Week, C.O.P.S. has grown to a national organization with 52 local chapters.

On October 16, 2012 the "launch" event for the much-awaited Metro New York chapter of Concerns of Police Survivors, was held at the NYC Police Museum. Board members, advisors, survivors, police brass and community leaders came together to share in the official start of the newest local chapter of C.O.P.S., which will serve the New York City, Nassau and Suffolk Counties.

Just days after the launch event, it was with heavy hearts that members of the Metro New York C.O.P.S. board attended the wake and funeral service for Nassau County Police Officer Joseph Olivieri. Officer Olivieri was killed while responding to a multi-car collision on the Long Island Expressway in the early morning hours of October 18th. Members of the Metro New York C.O.P.S. board, themselves police survivors, endured their own painful memories and attended the wake as a support group. Although they were immediately and unexpectedly thrust into the midst of their first line of duty death, they managed to encourage and comfort the family of Officer Olivieri and reassure them that the C.O.P.S. organization would be there for them from this time forward.

Even more devastating news came on October 23rd with the killing of Nassau County Police Officer Arthur Lopez, an 8-year veteran of the department. Officer Lopez was shot and killed by an ex-convict, who then later shot and killed a civilian during a carjacking. The Metro New York C.O.P.S. board members again were present to immediately offer their assistance and comfort to the family, friends and co-workers of this brave officer during the wake and funeral services.

In just the past two years, this local law enforcement community has experienced several line of duty deaths, including Michael Califano and Geoffrey Breitkopf of the Nassau County Police Department, Special Agent John Capano of Alcohol, Tobacco and Firearms, lastly Peter Figoski and Alain Schaberger of the New York City Police Department. Unfortunately, with each of these tragedies the number of police survivors has increased. The spouses, parents, children, friends, and co-workers of these "heroes" have undoubtedly experienced, and will continue to experience, unspeakable grief. These "police survivors" will now join thousands of others across the country with the common thread of tragically losing a beloved officer.

Remarkably, the Metro New York Chapter has assembled a board of directors that is representative of widows, parents, siblings, and co-workers of police officers from various departments who died in the line of duty. The board also has the assistance of several volunteer advisors including mental health professionals and active and retired law enforcement employee assistance professionals.

The Metro New York Chapter's President, Leslyn Stewart, and Vice President, Sue Ciano, are both widows of officers killed in the line of duty. Leslyn is the surviving spouse of NYPD Det. Dillon Stewart, who was shot as he and his partner attempted a car stop in East Flatbush, Brooklyn on November 28, 2005. Several hours after the shooting, Det. Stewart died as a result of his injuries. He left behind his wife and two daughters, 6 years old and 4 months old. Sue Ciano is the surviving spouse of Suffolk County Police Officer Glen Ciano. Officer Ciano's patrol vehicle was struck, he was killed by a drunk driver while he was responding to another officer on February 22, 2009. P.O. Ciano was assigned to the 2nd precinct and was survived by his wife, a 19 year-old son, and a 21 year-old daughter. These two remarkable women have joined with other police survivors from the metro area who have committed themselves to establishing a successful local C.O.P.S. chapter. The testimonials of these two women speak to the success of C.O.P.S.

The Metro New York C.O.P.S. chapter will provide hands on, face-to-face support and encouragement to existing survivors, as well as those who may become survivors in the future. The idea of "helping those that come next" is vital to the success of C.O.P.S. The role of the local chapter will be to encourage survivors to meet on a personal level and offer and/or receive support from others who have experienced similar losses. The local chapter also seeks to raise awareness of the C.O.P.S. organization and coordinate with departments and fraternal organizations to provide support to the families and coworkers in the way of transportation, escort officers, financial assistance or anything else necessary to assure them that they and their loved one will not be forgotten.

C.O.P.S. sponsors The National Police Survivor's Conference every May during National Police Week in Washington D.C. This conference consists of five days of programs and workshops geared specifically toward surviving families. The workshops are broken down into spe-

cific survivor groups such as spouses, adult children, teens, children, co-workers, parents, in-laws, and significant others. Information is provided regarding the Public Safety Officer's Benefit's Program, administered through the Bureau of Justice Assistance, U.S. Department of Justice. The survivors attend the Annual National Peace Officer's Memorial Service and a ceremony at the National Law Enforcement Officer's Memorial. It is a week in which returning survivors can reach out to those that are attending for the first time and reassure them that they are not alone.

Support the Metro New York C.O.P.S. Chapter. Upcoming fundraisers include a showing of "Heroes

Behind the Badge," a documentary produced in partnership with the National Law Enforcement Officers Memorial Fund. This film profiles some fallen officers and some officers who survived their life-threatening encounters. In addition, a fellowship fundraiser at Mulcahy's in Wantagh is scheduled for April 25, 2013.

To learn more, please visit us at www.metronycops.org or Metro New York Concerns of Police Survivors Chapter on Facebook. To learn more about the National Concerns of Police Survivors organization as well as upcoming retreats and events for surviving family and coworkers, visit www.nationalcops.org.

PBA PENSION ESTIMATE PROGRAM

Your PBA has instituted a Pension Estimate benefit for all FULL Dues paying Members. This benefit will entitle each member to one Pension Estimate during the course of his or her career. As a part of this service you will be entitled to have your pension estimate updated for 3 years after the initial estimate. We have hired Lynn Ang Pension Estimate and Projections L.L.C. to perform these estimates for the members. To take advantage of this benefit you will have to obtain a Pension Estimate Voucher at the PBA office. This voucher will then be given to Lynn when you meet with him to perform the initial estimate.

Lynn Ang

Pension Estimate and Projections L.L.C.

Cell Phone: 516-946-1696

Retired HPB - Formerly - PAB-Payroll Section

NASSAU COUNTY PBA
JUDICIAL/D.A.'S OFFICE
REVIEW FORM

Your PBA is interested in knowing how you feel about your interaction with the District Attorney's Office and the various judges in the court system. If you have had a good or bad experience involving the court system please take the time to complete the following Judicial Review Form and return it to the PBA Office, Attention Bob Rettinger.

These forms will be used to help evaluate the members of the court system. Your input is both needed and greatly appreciated.

NAME: _____ COMMAND: _____ SERIAL #: _____

DATE OF COURT: _____ COURT: _____

JUDGE: _____

DEMEANOR TOWARDS POLICE OFFICER: _____

IMPARTIALITY: _____

GENERAL RATING: _____

COMMENTS: _____

ASSISTANT DISTRICT ATTORNEY: _____

DEMEANOR TOWARDS POLICE OFFICER(S): _____

CASE PREPARATION: _____

WAS ENOUGH TIME PUT INTO THE PREPARATION OF THE CASE? _____

WERE YOU CONSULTED DURING THE PREPARATION OF THE CASE? _____

WAS YOUR INPUT IN THE CASE AND/OR PLEA BARGAINING USED OR HONORED? _____

COMMENTS: _____

OVERALL RATING:

EXCELLENT GOOD FAIR POOR UNACCEPTABLE



ADMINISTRATIVE HEADQUARTERS
180 FROELICH FARM BLVD., WOODBURY, NY 11797-2923
516-496-0400 • 1-800-416-5454 • FAX: 516-496-1073

CONVENIENT LOCATIONS THROUGHOUT NEW YORK CITY AND LONG ISLAND

Date

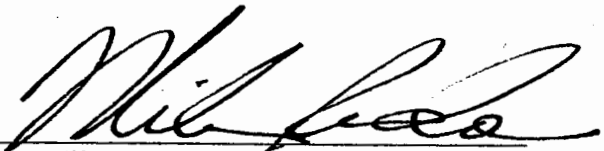
Re:

Dear Dr.

Police Officer _____ is protected by a contractual provision known as "medical review". As part of this process, the Nassau County Police Surgeon will call you to discuss the officer's ability to return to work in a "light duty" capacity. Please be advised that all officers are required to work 10 – 12 hour shifts answering phones and interviewing complainants that enter the station house. If the surgeon articulates any reduced work schedule or special accommodations for your patient, please request that this information be put in writing and submitted to you for agreement before you state your opinion on your patient's ability to work.

Thank you for your continued cooperation.

Very truly yours,
FUSCO, BRANDENSTEIN & RADA, P.C.,

By: 
Milan Rada, Esq.

MAO / POLICE SURGEON QUESTIONNAIRE

In order to evaluate members' police surgeons visit and MAO investigation the PBA requests that the following information be provided:

NAME _____ SERIAL# _____
DATE OF APPOINTMENT _____ COMMAND _____
SCHEDULED TIME OF APPOINTMENT _____ TIME SEEN _____
I# _____
EXAMINED BY (NAME OF SURGEON) _____
MAO SUPERVISOR VISITED (IF APPLICABLE) _____

1. Was a medical exam conducted? Yes No
2. What did the medical exam consist of (What did the doctor do?) _____

3. Did the Police Surgeon perform any medical tests as part of the examination? (feel for spasm, test for sensory loss, use a tape to measure for atrophy, test for reflex loss, make you walk on heel/toes, test straight leg raising, etc.)? _____

4. How long did the medical exam take? _____
5. Were you ordered to either Restricted Duty or Full Duty? Yes No
6. Was the Police Surgeon aware of the duties and responsibilities of your position before you were assigned back to full duty? Yes No
7. If you were ordered back to work, who gave the order, Police Surgeon or MAO Supervisor? _____
- 7a Did this order conflict with any of your doctors evaluations? Yes No
8. Do you feel the Police Surgeon treated you fairly and professionally? If not, please provide details. _____

9. Do you feel the MAO Supervisor / Staff treated you fairly and professionally? If not, please provide details. _____

10. Were you asked to complete any forms by the Police Surgeon? Yes No
If yes, what forms? _____
11. After completion of any forms, were you asked, ordered or in any way coerced into making any changes on any of the forms? Yes No
If yes what forms? _____
12. Did the Police Surgeon discuss your symptoms, such as pain that you might have? Yes No
Did you feel that this was a full and complete discussion? Yes No
13. Did the Police Surgeon or MAO Supervisor make any suggestions that you seek treatment with any doctors or physical therapists? Yes No

If you feel that you were not treated professionally by any of the medical staff of the Police Surgeon's office, or MAO please complete the form and then contact a PBA representative.

Legal Report

By: Milan Rada, Esq.

In view of the fact that we were hit by the "Blizzard of 2013" and that there is still about another month of winter to go, I thought that the case of a police officer v. New York State & Local Employees' Retirement Sys. would be of some interest. It addresses the continuing saga of incident vs. accident.

In this case, the police officer applied for accidental disability retirement benefits (3/4) following an event in which she slipped on ice near the front door of the precinct and injured her left knee. The application was initially denied on the basis that the slip and fall on ice was not an "accident" within the meaning of the Retirement and Social Security Law (RSSL), so as to qualify for the higher ¾ benefit. The police officer requested a hearing and redetermination within the specified time period, which is four months from the date of the initial determination. Following the hearing, the Hearing Officer affirmed the initial determination, also finding that the slip on ice was not an "accident" within the meaning of the RSSL.

The police officer then took her appeal further, filing an Article 78 to have the Court review the decision of the Hearing Officer. As is typical in these types of cases, the Court pointed out that "[The police officer] bore the burden of establishing her injuries were the result of an accident, and the Comptroller's decision will be upheld if supported by substantial evidence". In setting forth its rationale, the Court stated that "It is well settled that 'an incident does not qualify as an accident justifying the award of accidental disability retirement benefits (3/4) where the injury results from an expected or foreseeable event arising from the performance of routine employment duties.'"

The Court reviewed some of the evidence in the file. Certified copies of weather reports indicated that freezing rain fell intermittently in the area on the night in question from approximately 9:30 p.m. until 3:00 a.m. There also was a contemporaneous incident report prepared by a fellow police officer indicating that the cop in this case fell "due to the inclement weather." The Court pointed out that "The assessment of [the police officer's] sworn testimony, as well as the evaluation of any apparent inconsistency between such testimony and the written documentation, presented credibility issues for the Hearing Officer and, ultimately, the Comptroller to resolve." The Court concluded that "inasmuch as there is substantial evidence in the record that the icy condition presented a hazard that [the police officer] should have reasonably anticipated given the weather conditions, it [decision of the Hearing Officer] will not be disturbed". [NOTE: Our law firm did not represent the police officer.]

Moving on to some other topics, we had a few appointments which indicated that there some time frames that police officers are failing to meet, thus jeopardizing certain benefits they might otherwise be entitled to. Recently we met with a police officer who failed to give the department

notice of his line of duty accident within the required seven (7) days. The applicable rule is Article 7, Rule 7, number 1, which reads as follows: "Full pay will be granted to Members of the Force for injuries received while acting within the scope of official duties when such injury has been reported to the member's Commanding Officer within seven (7) days after the injury was sustained and it can be conclusively shown the disability was actually received while the member was performing police duty and that no negligence on the member's part contributed thereto. This time limit may not be extended except by approval of the Commissioner of Police."

To play it safe, every injury should be reported to the department within seven (7) days of such injury. If the injury appears to be truly minor, then a non-recordable report may be filed, also within seven (7) days of the injury. However, if the injury progresses to a more serious level, a full aided package should be completed. The non-recordable report has preserved the police officer's rights because the department received notice within the required time frame, within seven (7) days of the injury.

Some members may believe they have a minor back or neck injury, so minor that they do not even file a non-recordable report within the required 7 days. It is not uncommon for back and neck injuries to progress, some even to the point that surgery is needed. Back or neck surgeries, particularly a fusion, can take months to heal before the police officer is able to return to work. In this situation all sick leave taken will be the cop's own personal time. This is a heavy price to pay for the failure to notify the department within seven (7) days of the accident.

Another benefit that requires time frames for the benefits provided is Workers' Compensation. The Workers' Compensation law requires the injured police officer to notify the department (or whoever the employer is) within 30 days of the injury. The claim must be filed with the Workers' Compensation Board within two (2) years of the injury. The form that must be submitted to initiate the claim is a Workers' Compensation form C-3. The employer is required to file a form C-2. The failure to file a timely C-3 form can be deadly to a Workers' Compensation claim. There are limited exceptions to this rule and we sometimes can get around the restriction, however, why take a chance? File the C-3 timely! Besides making sure that your entitlement to Workers' Compensation benefits remains intact by following the Workers' Compensation filing requirements, a timely filed Workers' Compensation case also satisfies the notice requirement if an accidental (3/4) or performance of duty (50%) disability retirement is applied for.

Should you have any questions about disability retirement, Workers' Compensation, Social Security Disability Benefits, Veterans Disability Benefits, or personal injury law suits, please do not hesitate contact my office at 516.496.0400, ext. 4413.



First Precinct

by Maureen Mazur

Farewell and Congrats to Inspector Studdert who has left us for the D.D. Studdert has been in the 1st for quite a long time...as a Captain, Deputy Inspector and Inspector. Inspector Studdert will surely be missed by all of the members of the 1st. Studdert is extremely quick witted and always kept us on our toes, as Lt. Pizzimenti can attest to. The officer's meetings will never be the same! Just remember once you are a member of the 1st, you always are.

With Studdert's departure we now welcome D.I. Magrane as our new C.O. This is round 2 for Magrane, who was previously here as a Lt. Also arriving to the 1st are new Sgt's Cohen and Colletti, from the 4th pct, who were welcomed here immediately by having to work Christmas Eve and Christmas on straight time...welcome to the 1st and the rank of Sgt.! No one is happier to see new Sgt's in the 1st then Sgt. McCoullough, who is finally senior to someone!

Merge or not? No one really knows for sure. Word has it maybe March or April. If it happens, we will most definitely have a get together and a pic, so former members and retirees, check your emails for updates and a possible date.

The merge makes no sense, it is utter chaos and has no cost-savings, but it is politics.

IS IT TRUE THAT.....

Culmone was put in his place by a 6yr old on a call?

Olnowich gave himself a shower by pulling a lever at the hospital, which turned out to be the decontamination shower?

WHAT P.O.....

Split his pants at the range and kept shooting like nothing happened?

Is referred to as "The anti-Christ" by the night P.O's"?

Went on restricted because he tripped over his dog?

Refers to himself at CAR140 when he is off duty?

Had his wife schedule his RMS training for him?

WHAT BOSS.....

Looks like a porn star with his new moustache?

Had Charlie's Angels working as his inside crew?

CONGRATS

Sgt's Benedetto and Barrett on their transfer to Records.
Sgt. Rothenberg going to the FBI academy for training.

Second Precinct NEWS FROM THE 02

Brought To By "The Beef"

You Can Email At cebo209@yahoo.com

Beef's song lyric's quiz Answer

Godzilla from B.O.C.

Blue Oyster Cult/Soft White Underbelly

THE FIRST STAGE OF THE LAWSUIT ENDS AND THE EMPLOYEES WIN



Ok so I'm being a little juvenile here, but really; The County and NIFA have been doing this to the employees of Nassau County for two years now so a little (spiking of the football) is in order here. The Executive Board worked hard for two years to

get a settlement and resolve this issue but time and time again they were delayed and stonewalled so all parties involved have no one to blame but themselves, we're not the bad guys here! Over the course of the next year the appeals process will go forward – stay tuned.

Personally I think this makes the upcoming County executive race -----

And this just so happens to be my

Beef's Sitcom Question Of The Month

What Show – What Actor

Hint he had the hot's for Ruth Buzzy

The uniforms are in

Yes it's true they're trickling in a little at a time and very soon the next time we all line up in ranks " we will all look uniform " and like one department. Who could of thunk it possible.



Congratulations to PO Keath Mishkin and PO Paul Saponieri on the birth of their newborns. Both families are doing wonderful. We would like to welcome to the 2nd North and South, Sgt Rich DiGiuseppe and Sgt Valerie Troise and congratulations on your promotion. After 29 plus years, PO Tony Visconti retired from our department. We congratulate you and wish you the best of luck PB, lol! A special thank you to PO Thomas Rilling and PO Dennis Kelly for organizing the 10-78 fundraiser for PO William McKean and his family. It was a great turnout and very generous donations. Congratulations to all on winning our wage freeze lawsuit.

Now, where is Dear Joe Sal? Too scared to write?



Third Precinct

By Bill Purcell

GOOD NEWS! GOOD NEWS! GOOD NEWS!

On February 14th, Judge Wexler issued a decision in favor of the PBA which stated that NIFA had no authority to freeze our wages because the Interim Finance Period had already expired. This is a huge win for the good guys. NIFA has appealed the decision and that process should take about a year to conclude, but it sure does look good for our side to prevail, again. You always increase your odds of winning when you have the facts on your side.

WHO DESERVES THE CREDIT?

I just want to remind everyone, that this lawsuit was never a ground ball. The whole country, over the past couple of years has become anti-labor. These are bad economic times and the politicians that created them have deflected fault off of themselves and have, with the help of the media, shifted blame to the labor unions for the country's hard times.

I have always said that the PBA attorneys, Harry and Seth Greenberg, are two of the sharpest guys I have ever met and the way they handled this lawsuit is just more evidence of their capabilities. Harry and Seth were assisted by an attorney by the name of Alan Klinger, who some of you may have heard speak at some of the open meetings. Alan specializes in labor law and was a great compliment to these men. Last, but not least, these guys did most of the work, but Jimmy Carver and the Executive Board called all the shots. In the end, everyone I mentioned had some part in getting us through this long drawn out ordeal that got us into the winners circle.

MY OPINION, FOR WHAT IT'S WORTH

This fight is still not over, the appeal process still has to take its course. Although I'm confident, as we all know, anything can happen, the last couple of years have had allot of unexpected twists and turns.

Not too long ago, most people were of the opinion that a deal was in our best interest because of the unknown outcome of the lawsuit and the amount of time that we have been frozen in our steps and wages. That opinion changed as time went on and we got jerked around by Ed Mangano, the Republicans and the Democrats, who care more about politics than you or doing the right thing. Last month, the memberships' opinion seemed to change. Most cops wanted Carver to tell Mangano to go to hell, stop talking to him and sit back and let the lawsuit take its course. The cops in steps, who are suffering the most, were so pissed at all the games that the politicians were playing, that the fight or flight mentality took over, and these men and women wanted to fight. At this time, Jimmy Carver took a little heat from some of the guys because he was still attempting to get a deal done and was allowing the county to have more and more time to consider the deal.

It would really be great if Jimmy Carver had a crystal ball

and could see what was going to happen in the future, but he doesn't. He can only take the facts and make an educated decision. Although I am a delegate, most of you know I am a pretty straight shooter and I will always give my honest opinion on any topic. I truly believe that he never made a decision because of pressure from the membership and always made his decision after he asked himself "what would be the best course of action to get these officers through their steps".

I don't fault anyone for giving him a hard time. Everyone in this union is entitled to their opinion and should be heard. **That is why our union is so strong.**

I've never heard Jimmy complain about taking the heat, he was elected to be the boss and it comes with the territory. I think he has been a great leader through all of this and deserves the credit for the end result.

Like I said, this is my opinion, maybe you agree, maybe you don't, either way, there finally seems to be a little light at the end of the tunnel.

WHO DON'T WE HAVE TO THANK?

We certainly don't have NIFA to thank. These guys have been absolutely no help to anyone since they have been here and to be honest, I don't even think they know their roll. **We certainly don't have Ed Mangano to thank.** He has been in over his head since he was elected. NIFA wouldn't even be here if it weren't for this guy's incompetence. **We don't have the republicans or the democrats to thank.** The republicans use to be on the side of law enforcement, but now they close Police Precincts under the guise of saving money, without a clue to how the closings were going to affect anyone or how the plan would be implemented, none of them can think for themselves and only do what they are told. The democrats are more concerned with their redistricting problems and their next election, than they are with doing what is right.

UNFINISHED BUSINESS

Ed Mangano, we must never forget how he has made us the enemy of the people and we should vote him out this November, even if it means having to pull the lever for Tom Souzzi (which may cause many of us to puke on ourselves in the voting booth). When we are done with Mangano, we will determine who our friends and enemies are on the Legislature and we will do everything we can to eliminate our enemies next November.

FUNDRAISER

A fundraiser will be held at The Sands Atlantic Beach on April 13th from 1500 to 2100 hours, for our fallen brothers Joe Olivieri and Artie Lopez. All the proceeds will be split between the families. Admission ticket is \$40.00 and can be obtained from any of your PBA reps. A door prize is included with admission.

Do your job and go home safe, it's all that matters.

TOP COP (NOVEMBER 2012)

by Stan Ruppenthal

On April 29th, 1983 Stan Ruppenthal started his law enforcement career with the NCPD. Stan completed the

Police Academy and was assigned to the Third Precinct where he remained for the next 29 years of his life. During that time, he made many arrests and assisted on many more. Stan was in the unique position of patrolling the neighborhood in which he lived with his wife and two children. Stan was eventually assigned to RMP 321 in Westbury, for the last 17 years of his career and became a pillar in his community, not only by keeping his neighborhood safe, but in addition, Stan was very active in the East Meadow Soccer Club. Stan was looked up to by both children and adults in the Westbury Community and couldn't go anywhere without bumping into someone he knew.

Stan had planned on retiring in the very near future, when his life was cut short and he passed away suddenly on November 26th, 2012. The memories that he has left his community and co-workers with, will never be forgotten.

For many dedicated years of service, it is with great pleasure that the Top Cop Committee has named Stan Ruppenthal as our Top Cop of November 2013.

Fourth Precinct

by Gregory O'Neill

SERENITY NOW!

The last two and a half years have been trying for all members: fellow officers deaths; the "King Ed" doctrine; NIFA wage freezes; precinct closures; the "fire or burn them all" attitude; natural disasters etc. Nothing will and should erase the loss of our fallen brothers. They made the ultimate sacrifice. Nothing can change the way the county and some of the leadership at the top of this department has mistreated us. No one will forget how we were and possibly will continue to be made the enemy of the public by the media, politicians and the people who were appointed to lead us.

With the ongoing negativity and morale at an all time low, some new life was injected into all PBA members on February 14, 2013. United States District Judge Leonard Wexler granted the Nassau PBA's members a summary judgment. We were awarded a landmark victory over NIFA and Nassau County! Judge Wexler stated that NIFA lost its authority to impose a wage freeze on County employees in 2008. Thank you Ed Mangano and your staff for your incompetence. For the first time you might get applause and a standing ovation from all the PBA members. According to Judge Wexler "they (legislature) could have easily extended the interim finance period further, but they did not." The statute is very clear. So clear that Nassau County residents should question the choice of law firms chosen by Ed Mangano and NIFA. These law firms used tax -payer dollars to fund a defense that they probably already knew as an illegal act. Aren't the politicians and the lawyers the ones with the higher education? Shouldn't their 16 plus years of further education recognize the wording of the statute? I state the above because according to them we are already paid too much. We have it too easy. We are only cops in a blue uniform, with minimal education, and a career that is supposed to have a low glass ceiling.

The PBA board had been working very hard over the last two years to try and find a way to lift the wage freeze. They proposed and spearheaded a deal that would have lifted the freezes and simultaneously filed a lawsuit against NIFA and the County to lift the wage freeze. Our board was always and will continue to be the "bigger person" in the room. It is a blessing that the political parties that oversee this county blocked any opportunity to finalize a deal because their political futures and party politics superseded what was best for Nassau County. Both parties stalled, played games and used our families' livelihoods and us as leverage for their own political gain. Democrats desperately want PBA support, redistricting and now Suozzi is pushing to get back into the County Executive seat. The republicans want bonding, union concessions, and to show the public that bi-partisan-ship exists under Mangano during an election year. Now both parties are scratching their deflated, well-educated heads and realize they have zero leverage.

We are now in the "position of power." Advantage PBA! Unfortunately we will all have to continue to be patient because it seems as if the county and NIFA will waste more money on an appeal. Also, we should expect that a freeze to be implemented again in late March of 2013. Let's all continue to hang in there. We now know that we are slowly getting close to the finish line and hopefully as the well-deserved victors.

ANOTHER VICTORY

In early 2012, the department continually violated contractual rights when scheduling payback or training days. Representatives from the 4th pct and other precincts gathered the appropriate information and the PBA filed a grievance alleging that the County violated our Collective Bargaining Agreement when the Police Department did the following: (1) failed to provide a minimum of 7 days advance notice prior to the scheduling of a training payback; (2) failed to schedule training payback tours continuous with members' regularly scheduled tours; and (3) switched a police officers' single tour on multiple occasions.

The County agreed to credit 101 officers (a total of 42 fourth pct officers) with 4 hours of compensatory time. This was well-deserved victory for all members involved. These are the type of infractions by the county that we need to stay on top of. It is bad enough that we are all frozen but they shouldn't be able to break other contractual rights. If at any-time you have any questions or concerns please contact a PBA representative.



Fifth Precinct

By Joe Nocella

pbanewsletter@yahoo.com

GAME CHANGER

Last month, a federal judge ruled in favor of the PBA and threw out the illegally imposed wage freeze of 2011. From day one, the PBA was willing to offer savings through a renegotiated contract but both Mangano and NIFA balked at the offer. Not because it was inadequate

mind you, but because they thought it was more important to play games than right the ship. Keep in mind, we were in no way obligated to make concessions. We were working under a legally binding contract, which the county was obligated to honor. But there were extenuating circumstances ... A portion of our membership was suffering at the hands of an administration whose only care was to further their own cause, so as always, the union did right by the membership and came up with a deal. Our offering was fair, it was presented in good faith, and would have given the county the savings they were looking for. But as is often the case in politics, a power play ensued and Mangano, the Dems, and NIFA decided to play king of the hill with absolutely no regard for anyone else.

Fast forward several months ... Despite their unwillingness to sign off on a deal, the PBA continued to talk to Mangano and company in hopes of getting it done. We spoke to anyone who would listen, even traveling to Albany on multiple occasions to ask for an intervention from the state. There was a lot of back and forth, a lot of affirmative head-nodding, but no action. The long and short of it is, in an attempt to lift the burden on the membership, negotiations were conducted ad nauseam ... But it was not our only out. All the while, the lawsuit kept chugging along. Depositions, discovery ... all conducted and completed while Mangano sat on his hands. The legal aspect of the situation was being completely discounted by the opposition. Negotiations had just about gotten to the point of pulling the offer off the table and focus solely on the lawsuit when Judge Wexler stepped up to the plate and made his ruling ... **IN FAVOR OF THE PBA!** And now, Mangano, the Dems, and NIFA will all have to live with their failure.

Can't say enough about how well our executive board and attorneys handled this crisis. They explored every avenue, left no stone unturned, all for the benefit of the membership. Was there frustration? Absolutely. But if this issue has proved anything, it's that without a doubt, a united membership is the key to victory. Patience is as big an ally in battle as is any weapon in your arsenal. If you allow yourself to become exasperated, then you run the risk of playing into the hands of our enemies. Don't fall victim to political trickery. If you do and your actions are divisive, you'll have been played for a fool, and in the process, done damage to the organization. Then you'll only have yourself, and those who acted with you to blame. Think. Look at who is pulling the strings. This being a big election year, both Mangano and the entire legislature are up for re-election in November, we have to stand united and secure the future of this job and our livelihood.

THE FIGHT OF OUR LIVES

While we just won a huge local battle, the war is far from over. Just when you thought the demonization of the working class couldn't get any worse, this past month, New York State Governor Andrew Cuomo proposed a 2% cap on all arbitration awards. Baring a negotiated deal, this

proposal, should it be enacted into law, would render the arbitration process useless, crippling labor's ability to obtain a fair and equitable contract. Cuomo is not the first elected official to make such a proposal. New Jersey Governor Chris Christie enacted a cap last year. At that time, Cuomo planted the seed for his own state to follow suit stating, "New York is at a crossroads, and we must seize this opportunity, make hard choices and set our state on a new path toward prosperity." These guys really need to get new speechwriters. "Hard choices" ... Hard for who? Hard for the guy who lives in a mansion, travels first class wherever he goes, has his own private security team, every bit of which is paid for with our tax money, and gets to bank 100% of his own paycheck? ... Hardly. What Cuomo is saying is that the constant barrage of propaganda against labor unions is taking hold and that he wants to strike that fatal blow and take away the one thing that ensures fairness. He's saying the political machine has to continue to blame unions for the mess they created, so that they can take everything we have in order to keep what they've got. When you consider that, making these "choices" sounds pretty damn easy if you're a politician.

SELF-MUTILATION

The implementation of the wondrous RMS is forging ahead ... Why, you ask? Nobody seems to know. During a time when every penny we spend is scrutinized, we're being force fed this software that is unnecessarily costing the county tens of millions of dollars. Somewhere, someone is smiling like Cleavon Little in *Blazing Saddles* ... Kicking back, putting up his feet, smoking a fat stogie, and with a tremendous look of satisfaction on his face, decrying ... "Civil Service!" ... Because only here is this type of decision-making tolerated.

NEW VESTS?

Supposedly we're getting them ... Exactly when? It's as much a mystery as RMS is. Personally, the warranty on my vest expired four years ago. Kind of makes you wonder who's minding the store.

FROM THE BETTER LATE THAN NEVER FILE ...

Several months ago, Jeff Schilling, one of the fifth precinct's most well liked and respected cops, left our command for a new assignment in the Fugitive Squad. Jeff came on the job in 1983, came to the fifth, and worked 501 for a good portion of the next seventeen years. He was one of the original "mayors" of Elmont, and to this day, people in the community still ask for him. As far as I'm concerned, that's the true mark of a good cop. You make such an impression on people that they remember your name, and when they speak it, a smile comes across their face, and kind words are exchanged.

In 2000, Jeff hung up the gun belt, traded it in for a jacket and tie, and went upstairs to the fifth squad where he stayed for the next twelve years.

My apologies to you buddy, working opposite tours as we do, it came to my attention that you left long after it should have. After twenty-nine years in the fifth, it's only fitting, and well deserved, that your efforts on behalf of the people of our precinct be acknowledged. From one guy who takes great pride in being a member of this command to another, all the best to you.

TOP COPS

Congratulations to Jason Vinberg, Tom Sullivan, and Mark Scagliola on being voted fifth precinct Top Cops for December, 2012. Here's the scenario ...

Bad guy does a bank robbery at gunpoint. Teller hands over cash in excess of \$5000 but what the bad guy doesn't know is that the money contains exploding dye packs. A notification is put out and the hunt begins.

While canvassing the area, Tom and Mark spot a suspicious auto parked in the vicinity of the robbery. The car was unoccupied with the interior dome light on, and keys and a do-rag sitting on the front seat. Thinking this might be the bad guy's getaway car, Tom and Mark request an unmarked unit to sit on it ... and in comes Jason. Shortly after setting up an observation point, Jason sees a subject matching the description given in the notification, and what's more, the subject has red dye on his hands. A show-up was conducted, the bad guy is positively identified, and that's that. Or is it?...

After the subject was placed into custody, Mark and Tom continue to canvas for evidence, and sure enough, they recover the proceeds of the robbery not far from the suspicious car.

As it turns out, the suspicious auto actually wasn't involved in the robbery, but it helped Mark and Tom track down the subject nonetheless. It just goes to show, if you keep your head in the game, good things can happen. With the help of canine, the actual subject-vehicle was located a short distance away with a handgun in plain view inside.

That's two months in a row that we have people being honored for bank robbery arrests, and Mark was involved in both. Great job guys!

5TH PRECINCT PRIDE HITS THE ROAD

Going on a trip? Take your fifth precinct coin wherever it is you go. This month's destinations ... the precinct fishing trip out of Captree State Park on the Yankee 3, and back stage at the DMB concert in Virginia Beach. That's Tim Rooney with the winning fish, and yes, that's Dave Matthews behind the coin on stage ... not too shabby. Thanks to Rich Grogan and TJ Uvena for taking the time to snap the photos.



2013 GYM DUES

As you may or may not know, the operation and maintenance of the precinct gym costs money, so please, if you have yet to pay your 2013 dues, the time is now. The fund is getting dangerously low. See Steve Lincoln, John Miller, or any union rep to make payment. Thanks very much!

EVERY THIRD THURSDAY ...

Next month's open meeting is Thursday, March 21st at 8pm. Some good news should bring a big turnout ... We'll see you there.



Sixth Precinct

by Ed Conroy

Happy St. Patrick's Day, Happy Passover and a Happy Easter to everyone. I guess most of us are looking forward to the first day of spring and the prospect of warm weather. It is not too soon to start thinking about the Precinct picnic and any other event or function that we may want to try this year. Time goes quick so the summer will be upon us before you know it and we have to start planning now. Even though we are going through these difficult times with the County and the Department we can't let it beat us. A little camaraderie and fun is good to lift the spirits we can't let them take that away from us. It is good to get together with co-workers, friends and their families and take a break from stress that has been created by people worrying about their own political agendas and existence. I am not trying to make light of the current situation or trivialize it. I am just saying that we cannot let them win. Participate in Precinct functions, support each other and let's try to boost morale for ourselves not for them.

BIRTHS

Congratulations to Gus Anastasis and his wife Vicky on the recent birth of their son. Anthony Anastasis was born on January 15 2013. He was 21 inches long and weighed 7lbs 13 ounces.

Congratulations to Steve Krukowski and his wife Catherine on the recent birth of their daughter. Ava Grace Krukowski was born on January 16, 2013. She was 6lbs 13 ounces and 18.5 inches long.

FAREWELL AND GOOD LUCK

Tommy Wilson has received his disability pension and his last day was on January 24, 2013. Everyone who had the pleasure of working with Tom over the years can tell you what a good guy and cop he was and would work with him any day. Tom, we want you to remember that you are still part of the Sixth Precinct family and we are here for you. We wish you the best of luck and continued progress in your rehabilitation.

NEWSLETTER

If anyone has anything that they want to submit to the newsletter, let me know. If there are any announcements, births or gatherings, I would be glad to submit them. Sometimes things do get by me, so drop me a note. If anyone else would like to submit an article, let me know.

TOP COP INFO

The Precinct Top Cop Committee needs your help. It is more important now than ever with the merger that we get information from someone involved or someone who knows the info so we can recognize the officers involved. If you know of an Officer or Officers that deserve recognition, please submit the information to Sgt Shea the new committee Supervisor, Glenn Demeo, Carlos Rivera or Ed Conroy.

OPEN MEETING

The PBA open meeting is held on the third Thursday of the month (except for July and August). Come down, stay informed and get involved. Hope to see you there.

Until next month, be safe and stay healthy.

Notes From The ESU Corner

by Clarence Hudson III

Let me start off with a request. On April 13, 2013 their will be a Memorial Benefit. It will be held at The Sands Atlantic Beach. 1395 Beech Street Atlantic Beach, NY. If you can attend please do. It will be held from 1500-2100 hrs. If you can't make it please buy a ticket. This is an event where the monies raised goes directly to the families of P.O. Arthur Lopez and P.O. Joseph Olivieri. Anything that you could contribute will be appreciated. It will greatly help their respective survivors.

Recently there was an article in the daily L.I. newspaper talking about pensions. There was also an article on arbitration. On the pension issue the local paper showed their usual understated fairness. Let us go find guys that had some lengthy time on the job. Or, who worked in a specialized, yet undermanned unit. Yes there are fairly large amounts of overtime that help inflate their salaries. Did they attempt to get to the bottom of the staffing issue? Why opt for fairness when you can go for some easy sensationalism. Also, let's print the top ten pensions. (Librarian?) Leave the average pension amount for all retirees (20,000 and 42,000), regular and law enforcement, buried in the last two paragraphs. Meanwhile, our Governor would like to limit arbitration awards to 2 percent. Like the property tax cap. Why give local governments, especially Nassau County any incentive to negotiate fairly. Let's change every aspect of the Triborough Amendment that promotes any semblance of equity between management and labor to the side of management. It seems like they are trying to make labor the scapegoat for all the fiscal problems. (you think?) How about local governments live up to there signed,

negotiated agreements first. It seems to this observer that other than the occasional bits of relevant information, the local daily is best utilized by your favorite household pet for bathroom breaks.

On to some actual ESU information. Chemical Suicides are all over the news. I implore you. Look on the internet on how it is accomplished. The information is readily available. We had another one here in Nassau recently. Exercise EXTREME CAUTION should you come upon a scene that you suspect may be a chemical suicide. If you take even one breath of this lethal concoction without the proper protective gear, you could be seriously hurt or killed. Respiratory protection and specialized suits are a MUST until the scene has been monitored and thoroughly ventilated. A number of times the individuals who utilize this method of their own demise will leave a warning note because they only want to hurt themselves and not first responders. However that may not always be the case. They may leave no note, mix a faulty batch of chemicals, or, may intentionally want to hurt the Police. Once more. If you suspect a chemical suicide exercise CAUTION. Your safety and that of your partner is paramount.

That's all for now. See you next month.



Nassau Police Post 1050 American Legion

by Dan Scheidel

Over the years of preparing this column for the PBA newsletter I've stressed the importance of the American Legion and other veteran organizations. Today we see more and more young men and women come back from serving their country with debilitating injuries and mental fatigue. It is through the veteran organizations like these that we keep reminding our elected representatives of the constant care these dedicated men and women need and should have.

As I have mentioned it is only through a strong and vigorous voice can we assure them that care. Nassau Police Post 1050 is not your normal fraternal or line organization. It is not necessarily a social club made up of Irish, Italian, German or any nationality or a religious one may it be Catholic, Jewish or any denomination. Its members are all of the above and more for we are all veterans and most of all, active or retired police officers. Therefore our range of interest goes way beyond a fraternal or religious agenda. It is the veterans we support.

If you look at any village or community list of organizations you'll notice each has a veterans' organization listed, whether it be the American Legion, VFW, Jewish War Vets, Catholic War Vets, etc. The Police Post has only one community to work from, the POLICE COMMUNITY from which to draw its members and to seek its support.

As an American Legion Post we must support National,

State, County and our own programs. We cannot continue to offer that support without support of our own community. Membership is a problem. I know I've asked a hundred times for veterans, male and female police officers, with service time requirements to consider joining our Post. This year the Post will be celebrating its 82nd Anniversary. Once we were considered the prime Post in the county with numbers ranging from two to well over two hundred members. Last month only five members came to the December meeting. We didn't even have enough to form a quorum. How can we add to the voice for veterans' benefits and care if we can't even conduct our own business because of the lack of voices within our own organization.

To be honest I can understand the problems of today's officers. When I came on the job back in 1953, I'll be celebrating my 60th anniversary of coming on the job this October. I got married just prior to becoming a "Patrolman". My wife worked as a "Mail Girl" for a local defense plant and her salary was about three or four hundred dollars a year than mine. So when the new family started to come around we lost her income for she became a stay at home mother. Raising a family meant part time work for me as my family grew and so did the need for extra cash. When I look back on the crazy jobs I did and the hours I put in after working my tours I didn't have time to join any organizations either. As I watch today's young families grow and their efforts to keep the young ones involved; soccer, lacrosse, Little League, school activities, etc., I know their times are restricted. But all I'm asking is that you join our Post, give us three or four hours a year, we have only ten meetings per year. Meetings last at most an hour and a half. We even have programs that could benefit your youngsters, "Children & Youth", "Americanism", Boys' State and annual scholarship awards.

You will be adding your voice to the thousands of other Legionnaires that strive to see to the benefits and welfare of all veterans. We meet on the second Tuesday of the month at the American Legion Hall, Post 948, Royale Street, Bellmore. Meetings begin at 2000 hours and refreshments are served. Come and let us introduce ourselves and what we stand for.



ARPO

by Bob Livoti

With a stroke of a pen, our dysfunctional New York State Governor and State Legislators have violated the Federal Law Enforcement Officers Safety Act of 2004 better known as HR218. In their blinding act to speed up changes to NYS gun laws, they have enacted new guns laws in NYS that directly go against the provisions of HR218 by limiting the amount of ammunition law enforcement officers and retired law enforcement officers in NYS can carry in their weapons. What were these idiots thinking of when then made these new laws?

There are over 100,000 retired law enforcement officers

in New York State that are directly affected by this also. Even active law enforcement officers are affected and now the law has to be changed so that you are not in violation of the new laws. You know how our state legislators operate in Albany so the question now is are they going to get off their ass and do it before the effective date of April 15, 2013 of the NY SAFE Act of 2013?

A law enforcement firearms course in New York requires that the participant bring three fifteen round magazines. However, the law in New York forbids retired law enforcement personnel from possessing the fifteen round magazines necessary to take the required course. In fact, the possession of even one fifteen round magazine by a retired police officer is a felony. Even the new assault weapons ban known as the New York Secure Ammunition and Firearms Enforcement Act or SAFE Act, that was rushed through the state legislature and signed by Governor Cuomo in January made no correction for retired law enforcement officers. To make matters worse, the SAFE Act was rammed through so quickly that it is even illegal for active police officers to possess fifteen round magazines which is precisely what they carry. When we look at the LEOSA and SAFE ACT side by side one must conclude that in New York, the state law cancels the essence of the federal law. In order to meet the requirements of LEOSA a retired police officer must commit numerous perpetual felonies. Moreover, the SAFE Act prevents retired law enforcement officers from other states entering New York State legally. The law in New York undoes the anti-terrorist safety measures put in place nationally after September 11, 2001.

I urge each one of you to contact your elected NY State and US elected official and demand that they fix the mistake they made with the new law. Remind them that there are over 100,000 retired law enforcement officers residing in New York State and you want them to change the law they just passed so you are not in violation of the new law.

A second notice was mailed out for ARPO dues payments. If you are one of the members who still haven't paid your dues, we would appreciate it if you sent in your dues payment as it is now past due.

Nassau Blue was another great success and you'll see photos in our ARPO march newsletter. I'll also be using some of the photos in our 2014 calendar. There are many members out there that have photos that we can use in our newsletter and calendar. If you have something, please let me know so that I can make copies.

BOB BURDEWICK

I've been in Florida for the past 2 months and just received an e-mail that Bob Burdewick is in a hospice care center and in all likelihood will not last too much longer. Bob was a big supporter of unions for the police and served as an officer with both the PBA and with the SOA for many of his years on the job. When he retired and moved to Florida, he became director of The National Armed Services and Law Enforcement Memorial Museum

in Dunedin, Florida. He had a collection of almost 2,000 police figurines in the museum. Remember Bob in your prayers.

Don't forget our ARPO meetings are the 2nd Wednesday of the month at 8PM. Come on down and meet your friends, have a slice of pizza and go home with a goodie bag compliments of Dave Fischer.



Columbia Police Association

By President Frank Ruvolo

After digging out from the Blizzard of 2013 just days before, we met for the February 11 meeting at Verona's. With some extremely foggy weather this night and members probably exhausted from shoveling and clearing snow for days, we still had a decent turnout at the meeting given these circumstances. Our guest speakers did show up as well and gave a nice presentation. Representatives from David Lerner Associates were present and we were shown some retirement plans available. Our own member Alex Barnych presented some various packages offered by his firm with another David Lerner representative named Daniel Burnes. Both gave an informative introduction to plans offered including Tax Free Municipal Bonds and great investment called the AppleReit investments, (Real Estate Investment Trust). Other investment vehicles were discussed and the presentation ended with some raffle prizes won by members. Congratulations to Al Barnych who has recently been promoted at David Lerner as the Assistant Branch Manager. To contact either for more information, call Alex or Daniel at 516-465-5822.

Following the presentation, I gave recognition Certificates to two of our members. Sergeant Michael Valente was recently honored by the PBA as Supervisor of the Year and may also be our only member to receive both a Cop of the Year Award and Supervisor of the Year award from the PBA. Sergeant Nicholas Passarella was presented a Certificate in recognition of his promotion to Sergeant on November 26, 2012.

At the next two meetings, we will recognize the remaining members who received Top Cop awards from the PBA and DAI and also recognize our members who were promoted. See pictures below of Nick and Mike being presented the certificates from myself and Chief of Detectives Rick Capece.

We also formed a new committee to coordinate the Columbus Day Parade festivities, our committee chairmen are Sal Curcio and Nick Passarella, more details to follow as the parade draws closer.

Our 2013 member renewals have been delayed and should be in your possession by now, if you haven't received the letter, please contact us, send request by email to columbiapoliceassociation@gmail.com or frankcar108@aol.com.

Also visit the website at : www.pdcncolumbiaassoc.org
We apologize for the delay.

Our next meeting will be held on March 11 and April 8 at Verona's Ristorante, 1255 Melville Rd, Farmingdale.

Hope to see you soon.

Fraternally

Det. Frank Ruvolo/1SQD



Police Holy Name Society

by President Neil J. Delargy

COME CELEBRATE THE EIGHTY-FIRST ANNUAL HNS COMMUNION MASS AND BREAKFAST

The Nassau County Police Holy Name Society, which includes all the Village/City Police Departments in the County of Nassau, will hold its annual Communion Mass and Breakfast on Sunday March 17, 2013. This will be our 81st Annual Celebration! The Mass is scheduled for 8:00 a.m. St. Agnes Cathedral, 29 Quealy Place, Rockville Centre. Our Chaplains will participate in the development and celebration of the Mass.

The church is located about 2 miles from our breakfast site: Knights of Columbus Hall, 2985 Kenneth Place, Oceanside. The trip to the catering hall from the church should take about 10 minutes and the breakfast will begin directly after Mass, as soon as our guests arrive. The program follows with coffee/tea/juice, fruit, pastries and rolls available upon arrival and shortly later a bountiful breakfast featuring everyone's favorites.

Our program is very time conscious and child friendly.

Please, feel welcome to bring your family and experience a comfortable, religious event. Tickets are only \$25.00 (kids under 12 are free). For reservations, call my work number 573-7125 or cell 516-945-5625 with the details, organization name and number of attendees. We can be contacted by mail with a check made out to the Police Holy Name Society and sent to Police Holy Name Society C/O Neil Delargy, IAU 1490 Franklin Ave., Mineola, NY 11501.

The 38th Annual Police HNS Retreat is set for March 18-March 20, 2013 at Saint Ignatius Retreat House in Manhasset. Our Chaplains and Fred "The Retired Skull" Seiling handle this event. It's geared for members of Police Departments (civilian, sworn) and retired members. Complete details with cost and program details will be available shortly.

Contact Fred Seiling at: home- 516- 352-8957.

Please send a \$100.00 deposit (made out to St. Ignatius Retreat House) to Fred Seiling 197 Kamda Blvd., New Hyde Park, NY, 11040. to hold your reservation.

This November, members of the Nassau County Police Holy Name Society will once again make a pilgrimage to Europe. We will spend 10 days in Italy enjoying an inspirational, religious trip to the beautiful, historic cities of Venice, Padua, Ravenna, Florence, Siena, Assisi and of course Rome. Two years ago the group traveled to the Marian Shrines of Portugal, Spain and France. We have once again teamed with the Long Island based Catholic Tour Company "206 Tours" located in Hauppauge to bring to the police community an affordable exciting trip. Our Society Chaplain, Father Gerard Gordon, has agreed to accompany our group as our Spiritual Director. We will depart on November 11 and return November 21, 2013, the approximate cost is \$3,800. Included in the price is: the roundtrip airfare; hotels; tour buses; breakfast and dinner daily; a tour escort; location specific tour guides; and all historic area entry fees.

A short description of the Pilgrimage to Italy is as follows:

Day 1 - Nov 11, Monday, Departure

Departure this evening for your overnight flights to Italy.

Day 2 - Nov 12, Tue, Arrive in Italy

Arrive Italy and transfer to Mogliano Veneto. Take some time for relaxation prior to dinner and overnight.

Day 3 - Nov 13, Wed, Full Day Excursion to Venice

After breakfast depart for nearby Venice, the iconic city where the streets are paved with water! We will enjoy a tour and visit of some of the greatest sights you will ever see: St. Mark's Square, The Golden Basilica of San Marco, the Bridge of Sighs, and we will even have an extraordinary visit of Doges' Palace. After the tour you will have free time to explore Venice on own, shop and perhaps take an gondola ride and visit St. Mark's Square. We return to our hotel for dinner and a restful overnight.

Day 4 - Nov 14, Thur, Padua - Ravenna - Florence

We'll make a stop in Padua, where St. Anthony, the Patron Saint of lost things is honored. We celebrate Mass at the Basilica built in his honor. We'll continue to Ravenna,

often visited for its superb Byzantine mosaics, regarded as the finest outside Istanbul! Ravenna's early Christian Churches and mosaics have been collectively designated a World Heritage Site. Later we will continue to Florence for dinner and overnight.

Day 5 Nov 15, Fri, In Florence

After Mass, we will enjoy a guided tour of Florence which includes magnificent Franciscan church of The Holy Cross or Santa Croce with the beautiful facade, church is a burial place of Michelangelo, Galileo and Machiavelli. Walking tour through Piazza Signoria, pass by Palazzo Vecchio, Uffizi and Ponte Vecchio. We will view Michelangelo's "David" as well as other works of art. You will have free time to explore the museum and city before dinner.

Day 6 Nov 16, Sat, Excursion to Siena

We depart to Siena, the birthplace of Saints Catherine and Bernardine and one of Italy's loveliest medieval cities. Here we will stroll the Piazza Del Campo, one of Italy's finest squares and visit the Cathedral and the Basilica of St. Francis. We return to Florence for dinner, exploring and overnight.

Day 7 Nov 17, Sun, Florence - Assisi

We'll depart Florence and ride through the countryside toward Assisi. Once there, we will visit the tomb of St Francis. Here we visit the Chapel, Portiuncola, the rose bush, and the cave where the saint retired for prayer. After stopping at an outdoor cafe with a view of an ancient Roman temple, we go to the Church of St Clare to see the saint's incorrupt body.

Day 8 Nov 18, Mon, Assisi to Rome

This morning, we'll depart Assisi and travel toward Rome. Arrival in Rome is in time for independent activities and dinner on your own.

Day 9 Nov 19, Tue, In Rome - Full Day Touring

Today we have a sightseeing tour entitled "Christian Rome" which includes: the Basilica of St. Mary Major; the Holy Stairs; the Basilica of St. John the Lateran; St Paul Outside the Walls; The Appian Way; Domino Quo Vadis Chapel; Baths of Caracalla, Arch of Drusus; Tomb of Celilia Metella, and the catacombs of St Callixtus where the early Christians hid themselves to escape persecution. We will also enjoy a visit to the Trevi fountain. Dinner on your own.

Day 10 Nov 20, Wed, In Rome - Papal Audience (if available) - Vatican Museum Tour, Sistine Chapel - St. Peters Basilica

Before dinner, we'll have some time at leisure, to explore your own paths, to shop, or just to sit in one of the outside cafes and watch the world go by. Dinner on your own.

Day 11 Nov 21, Thur, Rome to New York
Prepare for your departure to the airport and your return to New York with memories for a lifetime!

Details for these two annual HNS events are available on our website: www.policeholynamesociety.com

Please look for our membership letter and application that will be mailed to registered Police HNS members during February 2013. The membership dues and raffle proceeds are the major funds that fuel our charitable programs and scholarship awards.



Police Emerald Society Nassau County, NY

www.ncpdemerald.org

Tom DeSane reporting

March is usually a very slow month for us. Just kidding. Actually, as you all know, March is the month when one of our premier events occurs. I'm sure that most of us are looking forward to leaving the fall and winter behind us. What better way to mark the end of winter than by celebrating Saint Patrick's Day.

The 252nd New York City Saint Patrick's Day Parade will be held on Saturday March 16th. Please note the date change from the usual March 17th parade date. The Emerald Society Pipe Band will hold their annual breakfast at 0700 hours at The Nutty Irishman, 323 Main Street in Farmingdale. The cost is \$10.00 per person. Please support our Pipe Band. We will be departing from behind headquarters for NYC at 0930 hours. We will muster in NYC on West 45th Street between 5th and 6th Avenues at 1150 hours. All who intend to march must be in uniform or proper business attire. Jeans and sneakers are not proper business attire. This is the Parade Committee rules, not ours. Don't embarrass yourself or us. We will be holding our Saint Patrick's Day Party at 1600 hours at The Nutty Irishman. Join us and enjoy food, music, a cash raffle, special prices on refreshments and a performance by our Pipe Band. No uniforms at the party, please.

The annual Easter Monday commemoration outside the Nassau County Courthouse will be held on April 1st at noon. All members should make an effort to attend.

Our Installation Dinner Dance will be held on May 16th at 1930 hours at the Crest Hollow Country Club. Check our website and facebook page for updates.

Our Golf Outing will be held on June 6th at Timber Point Country Club. Stay tuned for updates.

Our monthly meetings are held on the third Wednesday of the month, excluding July and August, at Peppercorn's in Hicksville and are free for our members to attend. Non members are welcome to attend and sign up at the meeting.

Remember, up to date information on all events and additional information, including important notifications, membership applications, flyers and photos of all our events can be found on our regularly updated website: www.ncpdemerald.org. You can also check us out on facebook. STAY SAFE.



Nassau Police Running Club

by Rocco Sinisi

The Empire State Building. Eighty six floors. 1576 steps to the Observation Deck. The NY Road Runners Club holds an annual race in February to get to the top of it. Just over 700 people took part in this year's race with our own Lesli Hiller being one of the participants. Lesli finished 133th overall, 12th female and 3rd in her age group. Nice Job. And if you are curious as to how long it took for the overall winner to race to the top. He completed it in ten minutes and 12 seconds.

The Winter Series winded down with two races. One at Sunken Meadow Park and the last one at Caumsett State Park. Lesli took first place in her age group at Sunken Meadow while Joann Distler took third place in her age group over Caumsett. Showing up at one or the other race or in some cases both races were Frank Borgi, Roy Gier, Michael Yowhan, Michelle Dipaolo, Tom Conroy, Al Hirsch, Frank Decicco and Jim Skopek. Only three and a half more months to the start of the summer series.

The snowstorm of last month forced the cancellation of the Trail Relay race over at Bethpage State Park. The Long Beach Snowflake 4 miler, which I thought would be cancelled actually took place after this issue went to press.

Race Schedule

March 9 St Patricks 4 miler Huntington
10 Nickerson Beach 5k Nickerson Beach
16 Kings Park 15k
Go for the Green 5k Smithtown
17 May the Road Rise 5k Patchogue
23 Cedar Creek Park 5k Seaford
24 Suffolk County 5k/13.1 Selden
30 Old Bethpage 5k Old Bethpage



Joann Distler and Frank Decicco



Frank Borgi and his chili

The next PBA meeting is March 21st

Retired Column

By John Nosovitch

STEVE ALLEN ... Hand5404@aol.com Just a quick note to say hello and thank you for keeping the retired guys up to date on what is going on. Also thanks to Neil Brogan from the retired Detective Association for his Column. You both deserve a lot of thanks from all us retirees. {Thank You}. As for me, we still live in Queens, but spend a lot of time in our winter home in Hilton Head, South Carolina, we have been there since retirement in 2003. Old buddies John Rinaldi and Bob Gallagher also live in my area also live in my area of Sun City and we manage to see each other and have dinner frequently. I often ride down Community Drive in Manhasset and pass the Sixth Precinct, it is terrible what the county did by closing it down, the morale of the men on the job now is not a happy one. I am a member of the Nassau Golf Club I joined about five years ago there's about 80 retired gus in the club and we play about 26 rounds a year and it is great to see a lot of old friends and have a drink together. I did lose two old friends recently, George Doherty who came on the job with me in 1962 and Art Swoboda who worked adjourning cars with me in the Sixth and was a Detective in the Sixth Squad. That's it for now keep on doing what you have been doing for many years with all our appreciation.

JIM CASH...jrcmmc@plantation.net... Retired/ 8th Pct. Hope all is well in Texas. I'm doing OK in Georgia. We plan to move back to NY in a year or so. When the real estate market recovers here, moving back to NY to be near our Kids and Grandkids. We have had a good twelve year run in Georgia. I'm in remission for my Multiple Myeloma (bone marrow cancer). I'm still playing golf, but not as well or as often as I would like.

RON STAUCH ... NCPD2320@aol.com May I first wish you a Blessed New Year! {Thank You} I haven't written in awhile and thought I'd drop you a line. This past Jan 2 I have been retired 30 years from NCPD (Still the best PD). I really hadn't thought much about it and when I did I said to my Wife (Gen) Wow, hard to believe. I'm still living in Ohio. We had just down sized and are living now in Miamisburg OH about 35 miles north of Cincinnati. I have been pastoring a church in Xenia, OH for 20 years. Still trying to help people but in a little different way then when I was a Police Officer in ESB. My wife and I went back to New York for a visit in September. We went to HQ to get a new ID card and then took a ride to the 5th Pct where I started. It was sad to see that they closed it down. It is sad for the people of those communities. Crime will not decrease, it will only increase. I remember when I first had gotten to the 5th back in 1969 the radio pretty much had gotten quite after 3:30 AM and when I left that Pct in 1974 the radio never stopped. When I was on the job we had 4,000 members and now it is under 3,000. I'm sure the crime rate as increased over the years. I had spoken to a few of "Nassau's Finest" when we were there and they are a great bunch of men and women on that department. Still helpful, courteous and respectful. Those men and women are always in our prayers. They're the Best! Well

once again may you and your family have the best year ever.

JOE SCHNAPPAUF... joegin78@yahoo.com 315 Woodbridge Drive Unit A Ridge, NY 11961.. Like always everyone that's retired can't wait to get the Newsletter to read (our Column) I was appointed in 1958 assigned to foot patrol in Valley Stream assigned a car 509 in 1962. So many men, I worked with Sgt's, I can't name them all. I transferred to the 2nd Pct. 1970 under Lt. Weldon, who has since passed away, as so many men and bosses have. I have been pretty lucky with my wife watching over me, I've reached 80 years and now they want you to cancel the insurance you pay double the amount or more!

We have traveled extensively to Eastern Europe on the River Boats. Took a granddaughter to Scotland and England. Speaking of granddaughters, 1 goes to Notre Dame, in her 3rd year. 1 graduated John Cooke University in Australia, 1 graduated from Northeastern and I from Idaho State. We've been renting on the West Coast of Florida in Clearwater. Cove Bay and now at the Top of the World the past 10 years, playing a lot of golf. Thanks for writing this column, it's interesting how many names come up with whom you worked with.

MESSAGES FROM THE 20TH NASSAU BLUE REUNION



Walter Triesch..Always fun to be here. lots of stories, laughs and commorodity. I always look forward to next year.

Lou Marcus Glad to be here for the 20th. It gets better every year. Thanks to the crew who worked so hard to make it happen. Just wanted to tell you all what a great job everyone did with the reunion. My only complaint is that the weekend went by way too fast. It was a great crowd with a lot of new faces. Thanks again to everyone for all of their hard work and special thanks to Maureen and Kathy for doing this for 20 years. Please be sure to pass my thanks on to everyone who put it together. Really hoping to do it again next year.

Jack and Anne Carson We made it again- Yea!! Everyone is so great. Thank You all who made it happen! It's like we see each other all the time.

Dave Owen Great Job! Gang This year is sad with the loss of Rich and Frank, but happy to see the rest another time

George H. Kenny (son of George and Alice Ann) Twenty Years of Memories, Twenty Years of Treasure.. Thank You Dad, Thanks to You Mom for showing me what a great time you can have when you let people in your lives and build friendships that last a life time. Thank You to all who

expressed and shared your kind words and personal stories. You all have made my weekend.

Al (Cannonball) Schultze My Dad "CABANAAL" and I started coming to the Nassau Blue Reunion 12 years ago. When I suggested us coming he said that he'll know no one. In fact, he seemed to know everyone and almost everyone knew Cabana Al. Since that Nassau Blue Reunion, it has become a part of our life. Dad passed 3 years ago after renewing and making new friends. My wife, Wendy has joined me since and has also made many new friends. I hope Nassau Blue goes on for many more years.

Patricia Bock We have so many nice memories of N.C.P.D. over so many years. This Nassau Blue Reunion gives us the opportunity to remember and to share. These last 20 years have been a gift. Thanks to all who have made it possible. God Bless us all.

Joan Murray We are having a great time and seeing old friends is the best and missing those that have left us, but looking down on us.

Rich Mueller It never ceases to amaze me how Nassau Blue brings us together and after so many years each of us picks up where we left off the last time we met. So many stories and so many memories-all good !

Dan Parker It is so great to be back in the family again. Always nice to see the old gang.

Larry Neushotz Had a stroke. Don't know nothing. Just like the old IAU Days, Have a good life.

Art Mazzeo Having a wonderful time. This is my first time to a Nassau Blue Reunion, regret not coming to more.

Jack Wichmann I missed last year, but I'm happy to be here this year to see all the great people from Nassau County.

Al J. Sarro President Nassau Blue South I am here to extend any future assistance to Nassau Blue's continued operation to keep our organization going.

Bryan Sullivan Nassau Blue South- Again a wonderful weekend. Have only missed one (1) reunion since the beginning

Ed Graham Another great Reunion, So fortunate I've been able to attend all 20 of them. Sure wish Frank and Rich could have been here also.

Ed Watson To the Committee - Happy 20th..Have made about 15 of them. Great to see so many old friends.

Greg & Janet Vazquez Good to see everyone again. A good time was had by all. Thanks Again.

Dan & Jonny (Last Name Unreadable) Good to see all the men and woman that made NCPD.

George Reiber Had a great time - wish that my wife could come down, but due to "Sandy" we were hamstrung. Next Year! Looking forward

Bill & Pat Stegmuller... 1497 Carroll Street Wantagh.... The 20th Nassau Blue Reunion was held in Kissimmee, Florida with it's usual success. President Joe Grella and Vice President Tom Goelz, with their better halves, Arlene and Bobby taking the reins and leading things with the experience of Maureen McCabe, wife of founder Frank and Kathy Buchan wife of Richie, his numer uno had things running like a fine tuned "Swiss watch". The Committee as in the past made a once a year get together a very pleasant affair. Through the Reunion, Pat and I have had the

pleasure of meeting and making many friends and look forward to attending each year. Many golfers down for a few rounds of golf and Randy Kacer says the only thing that will improve their game is if the cups to sink the putts in are made the size of hubcaps. Larry Neushotz hasn't changed a bit despite dealing with the after-effects of a stroke. Saw first time attendee Wheels Wagenfohr and from the recesses of our minds were able to recall names and details of working details of the early 1950's. A very pleasant surprise seeing Wheels. Couldn't miss Pat Bock with her ever present Kodak Memory Maker in her hands. Jack Carson feeling chipper and back at his fixed post of keeping unwanted intruders out of the hospitality Room. Sadly over the years many, too many have left us to join the heavenly Reunion. If the 20th Reunion is destined to be the last, Pat and I feel very honored to have met all who have attended these gathering, past and present. It was a great run and all good things must come to an end. The Nassau Blue Reunion will leave us with memories to last a life time. Thanks to all who made it possible. KEB 237

ADDITIONAL THOUGHTS from Bill and Pat Stegmuller. Alice Anne Kenny brought the Kenny stable of throughbreds for a day at the races. Alice Ann was being helped through difficult times by her son George and his wife Tammy. Charlene West (daughter of Maureen McCabe) was at her usual post, along with her husband and son behind the bar keeping everyone in the hospitality room happy. Robin the Head Waitress doing the same at the morning breakfasts in the Smoke House Grill. A touching moment at the Dinner Dance was the bagpipes rendition of Amazing Grace. Reverend Harry Hall noted the passing of George Kenny, Richie Buchan, Bobby Hayes, Ed Curran, Francis (Frank) Gowrie, Charlie Dansi and Kay Watson. Pat and I were fortunate to win one of Kay's handmade quilts. A great remembrance of a Great Lady. Just heard that if promises made are promises kept, Joe Grella and Tom Goelz will keep the reunion going. Time Will Tell.

ODDS AND ENDS.. Congratulation to Bob and Liz Doepper- they just celebrated their 60th anniversary. Their kids and grandkids gave them a trip to the reunion and Disney World for a week. Some of their family joined them.. Sorry to hear that Bob Burdewick is now in Hospice. Glad to hear that Roger McQueen is still plugging along up in Vermont..

HEALTH AND WELFARE .. Deepest Sympathy to the families of Peter H. Chiovitt, John J. Meehan, Stephen J. Nawrocki, Andrew J. O'Connor, Donald J. Wittreich our thoughts and prayers are with you at this time.

GET WELL Wishes to John Bruns, Ralph Torres, Betty Burns wife of Bill Burns, Rose Murphy widow of Frank. Get Well Soon.

WRITER'S THOUGHTS ... The 20th reunion was one of the best, if not the best. If you missed it, you sure missed a good time. Hopefully there will be a 21st.. So keep it in mind.. Will keep you posted..

Great seeing Norm Sarne after 40 years!...Keep those letters and e-mails coming.. Remember it is your Column.

John Nosovitch 7445 Live Oak Lane North Zulch, Texas 77872 - 936-399-2420 - jnoso@tconline.net

NOTICES

★ ATTENTION ALL MARINES ★

Nassau/Suffolk USMC Association Meetings

First Thursday of Every Month

Tun Tavern, 1st Marine Corps District

605 Stewart Avenue, Garden City - 2000 Hours

Yearly Event: USMC Birthday Celebration

Assn. Chaplain - Fr. Joseph D'Angelo

Annual Scholarship drawn at Birthday Celebration

Contact

Don Goeller, NCPD, 573-5275 • Joe Baker, NCPD, 573-5550

Bob Edwards, NCPD, 573-7788 • Bill Jackson, NCPD, 573-6210

Pete Ellison, NCPD, 573-6300 • Fred "Skull" Seiling, NCPD, 573-5190

Ken Williams, NCCC, 572-5205 • Jim Rooney, SCPD, HQ

Frank Gould, SCPD, 3rd Pct • Joe Busweiler, SCPD, HQ

Michael Meehan, RVC, 766-1500 • Robert Kersteins, NCPD

Dues: \$10/Year

★7th Precinct Website★

The 7th Precinct now has a website for active and retired members go to:

www.the7thpct.org

and register

★Second Precinct ★

Retirees Breakfast

10AM - Second Tuesday each month

Hauppauge Palace Diner

(corner Rte 347/Rte 111)

★Eighth Precinct★

BREAKFAST CLUB

Meets 1st Monday of the Month

Embassy Dinner

Hempstead Tpke., Bethpage - 10:00 AM

★3rd Precinct Website★

www.the3rdprecinct.com

Photos • Upcoming Events

Squad Calendars • Turnout Notes

Time Section Info...and much more

To gain access to the "Members Section"

You must enter a user name & password

The first letter of your last name MUST be capitalized.

There cannot be any special characters in your password such as an apostrophe (O'Donnell). Type our name without these characters.

any problems, email

stan321@optonline.net

★ATTENTION MEMBERS★

Are you interested in Radio?

If so, the Nassau County

Police Amateur Radio Club

is now on the Net at www.qsl.net/kb2uyp

★Fourth Precinct Retirees★

2ND THURSDAY OF EACH MONTH

12:30 PM

Johnny Russell's Union Park Cafe

2823 Long Beach Road • Oceanside, NY 11572

(Corner of Merle Ave) 12 Hr. T.O.H. Parking Lot

(Enter from Rear)

★First Precinct★

Romeo Club

(Retired Old Men Eating Out) Breakfast

We meet on the first Thursday of the month at 9:30AM

Mediterranean Grill

195 Bedford Ave, (Corner Grand Ave.)

Bellmore, NY 11710 • (516 221-8721)

★4th Precinct Website★

the4thprecinct.org

The new 4th precinct website for all present and past members of the 4th Precinct Log onto

the4thpct.org to register

and find out about precinct events and happenings

★Fifth Precinct★

Retirees Brunch

11AM - First Wed., each month

Massapequa Diner

★WANTED★

Retired members of the department

who live or rent in the Villages, Florida

We have located 25 members as of this date

If you have not already been contacted please send your Name, address, phone number and e-mail address to

Ralph Giardina - e-mail: hoplax@aol.com

or call 516-249-7069

Also interested in locating any members who live in the Ocala - Leesburg area of Central Florida

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Website: blueknightsnyx.com

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Saturday, March 16th, 2013

Pipe Band Breakfast: 0700 hours

The Nutty Irishman

323 Main Street, Farmingdale, NY

\$10.00 per person

Transportation: Buses will depart from behind

N.C.P.D. Headquarters at 0930 hours

Lineup: West 45th Street between

Fifth Ave and Sixth Avenue at 1150 hours.

All who march must be in uniform or proper business attire.

Party: 1600 hours at

The Nutty Irishman

No uniforms at party, please.

Tuesday, April 2, 2013

1600-1900

Marcus Christ Hall

Jericho Tpke/New Hyde Park Rd., NHP

Help us raise money for childhood cancer research. Be a shavee or sponsor one by making a donation.

Contact Nick Mosesso 3pct Pop 573-6370

<http://www.stbaldricksorg/events/ncpd>

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Rank_____Command_____Serial#_____

Email:_____

Or you can email it to: Subruk@aol.com (you must include your name, serial#, rank and command)

Please print clearly in block letters so there is a distinct difference between the letters o and i and the numbers 1 and zero, etc.

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NASSAU POLICE POST 1050

American Legion

PO BOX 86 • MINEOLA, NEW YORK 11501



Fellow Officers and friends,

The Nassau Police Post 1050, American Legion, is conducting its Annual Fund Drive. Because of the unique American Legion Charter for the Nassau Police Post 1050, membership is limited to only police officers from accredited police departments who have or are now serving their country through their military service. This distinctive charter, while recognizing the special relationship between the police and the military, restricts the Police Post from soliciting funds from the community in general even though we serve the community through many of our activities.

The police "family", as we like to think of all the men and women of the Nassau County Police Department, has always been very generous in the past. Because of your generosity, the Police Post has been able to provide a host of services to various veteran and community based organizations including the veterans' nursing homes located in Stonybrook and Northport. We must also still meet the goals and aspirations of the American Legion's National state and county requirements. The Police Post will always seek to assist veterans and support veteran legislation and interests both locally and nationally. Your generous support will help us meet these goals.

Voluntary contributions as well as organizational contributions are greatly needed. Contributions can be mailed to:

Nassau Police Post 1050
PO Box 86
Mineola, NY 11501

Sincerely,

Dan Scheidel, (NCPD-RET), Commander
Nassau Police Post 1050, American Legion



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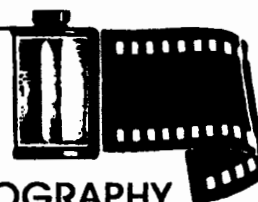
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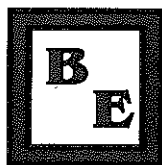


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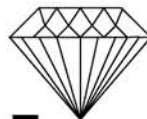




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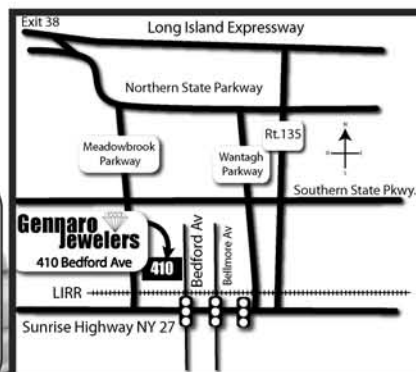


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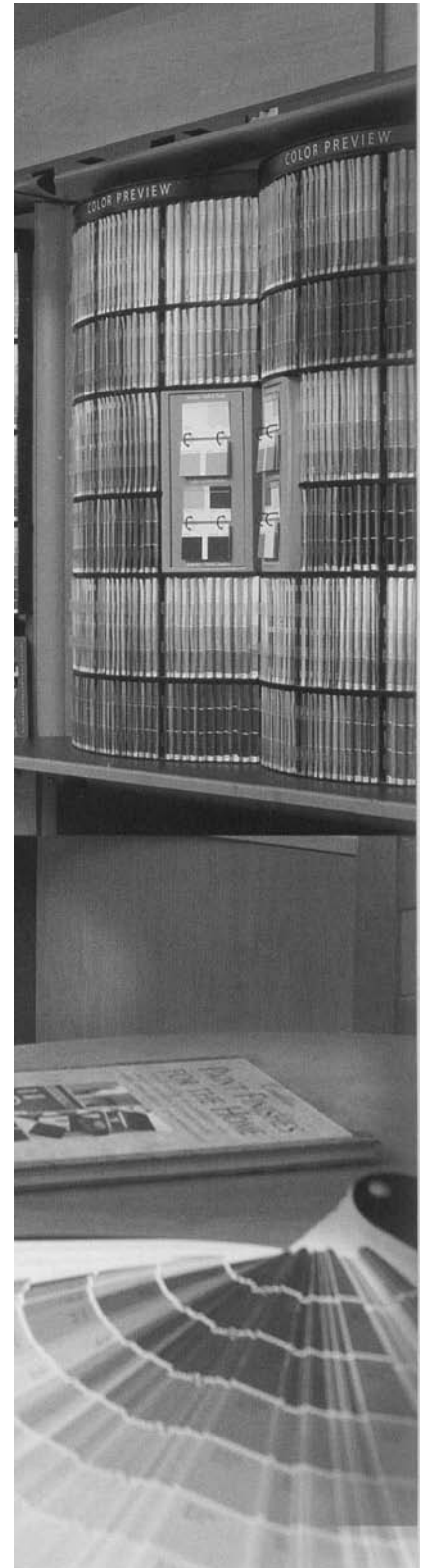
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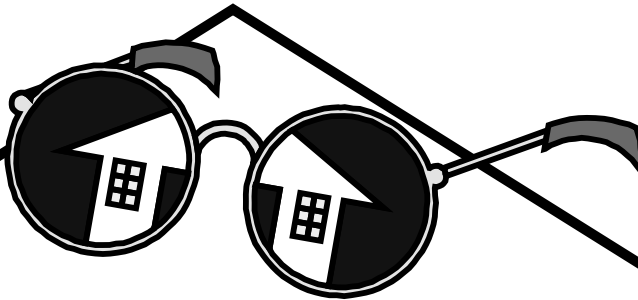


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