

NEW YORK CITY



POLICE DEPARTMENT

Lieutenants Benevolent Association

233 Broadway, New York, NY 10279

Suite 1801 Telephone: (212) 964-7500

Fax: (212) 964-4240

March 1, 2016

Dear Lieutenant:

The February Delegate and General Membership meeting was held on Wednesday, February 24, 2016, at Antun's in Queens Village. LBA President Lou Turco chaired the meeting and the following topics were discussed:

CONTRACT: We have come to a conclusion in the continuing negotiations with the City's Office of Labor Relations in regard with our contract; ratified by the membership on February 17, 2015. The following enhancements to the contract were approved by the Lieutenants Benevolent Association's Delegate to be sent to the General membership to vote on; ballots will be sent out in the near future:

- **Elimination of Home Confinement Sick Leave Policy (Pilot Program):** The City has agreed to include members of the Lieutenants Benevolent Association in the elimination of the home confinement regulations when out sick mirroring the same agreements in place with the PBA, DEA and SBA. This enhancement was made at no cost to the membership. The pilot program will provide that eligible employees, who request sick leave for an injury or illness, shall no longer be subject to home visitation and confinement, outside the hours of the employee's regularly schedule tour of duty, except where the convalescence for the injury or illness requires home confinement in the opinion of the Department's Medical Division, after conferral with the employee's personal physician.
- **Creation of Catastrophic Leave Bank:** The City has agreed to permit the Lieutenants Benevolent Association to create a program to permit our members to voluntarily donate vacation time to establish a Catastrophic Leave Pool. Each Lieutenant will be asked to voluntarily donate one (1) hour of vacation time to this Leave Pool; no Lieutenant is under any obligation to donate and those who opt not to donate an hour vacation time may still be eligible to receive additional time off utilizing this program. If each of our Lieutenants donate one (1) hour this would equate to an initial bank consisting of 1,706 hours or 195 days (based on an 8:45 tour). A panel will be established to consider who will be eligible to receive the additional time off, and the necessary criteria to submit a request. The minutia associated with creating and operating this program remains to be determined. We will inform the membership of fuller details at a later date.

QUESTIONS/ISSUES CONCERNING IMPLEMENTATION OF “USE OF FORCE REPORT” AND THE REVISED “STOP, QUESTIONS AND FRISK REPORT”:

The proposed implementation of a new Use for Force Report and revised Stop, Question and Frisk Report are topics that the membership is acutely aware of, and of which they understandably had numerous questions. There exists a murky ambiguity attached to the mechanizations and procedures associated with these two reports. I, along with 1st Vice President Steve Birbiglia and 2nd Vice President John Beattie, have attended and initiated several meetings with the hierarchy of the Department in an attempt to get clarification on how these reports and the inherent investigative steps attached to preparing these reports are to be properly implemented by our members. The result of these meetings have not delivered satisfactory responses nor direction. For this reason, in conjunction with Mike Palladino, President of the Detectives’ Endowment Association, I forwarded the attached communication to Commissioner Bratton asking for his direct assistance in creating a collaborative environment where we can receive specific answers to our concerns and questions pertaining to this matter: [click for attachment](#).

UPDATE TO FRIEDRICHS vs. CALIFORNIA TEACHERS ASSOCIATION:

As I mentioned in last month’s LBA Monthly Newsletter, on Monday, January 11th, the United States Supreme Court began hearing arguments in regard with *Friedrichs vs. California Teachers Association*. A group of California Teachers sued the California Teachers Association, arguing that public-employee unions are inherently political and that being compelled to pay union dues violates the Teachers’ First Amendment rights. What's at stake is the principle of "fair share" — that all who benefit from union representation should share fairly in the costs of that work. In New York State, the law says that if you choose not to be a union member, you must still pay your "fair share" for the union's work that benefits you — for example, the higher salaries and benefits that unions negotiate, better working conditions, health and retirement benefits and so on. In *Friedrichs vs. California Teachers Association*, some individuals have gone to court insisting they should be able to be "free riders." They want to share in the benefits of a unionized work place without contributing their fair share —or any share at all — but they want to still be entitled to union representation and to all the benefits and contract protections the union negotiates. The loss of revenues attached to those opting out of paying their ‘fair share’ along with providing benefits to those who opt to be ‘free riders’ would be fiscally calamitous to unions across the nation.

Four of the nine Supreme Court Justices seem to see the necessity and rational of the ideology of upholding the ‘fair share’ standard; Justices Elena Kagan, Sonia Sotomayor, Ruth Bader Ginsburg and Stephen Breyer. However, Supreme Court Justices Antonin Scalia, Anthony Kennedy, Clarence Thomas, Samuel Alito and Chief Justice John Roberts appear, from early arguments, to be siding with the plaintiff’s side of the issue.

With the passing of Antonin Scalia, on Saturday, February 13th, it is anticipated that there will be a split decision (4 to 4) from the US Supreme Court on this matter. Historically in such instances, the legal decision automatically reverts to the initial legal finding on the issue with the option to rehear the case at a later date.

CHANGE IN EMBLEM HEALTH (GHI and HIP) CO-PAY STRUCTURE:

We have been informed that Emblem Health, the parent company of GHI and HIP, is restructuring their Co-Pay schedule come July. Emblem Health is seeking to adjust Emergency Room co-pays from \$50 to \$150 per visit. They claim this is necessary due to a reported 74% increase in municipal workers utilizing Emergency Rooms for medical attention. Emblem also plans on increasing co-pays for visits to Urgent Care facilities from \$15 to \$50 per visit, due to a reported 106% increase in

municipal workers utilizing these medical care facilities. You will be receiving a detailed communication in the mail from Emblem Health explaining these co-pay changes.

HEALTHPLEX PPO BUY-UP OPTION PLAN: We are continuing to have meetings with HealthPlex in regard to retaining the HealthPlex PPO Buy-Up Option plan for our Active and Retired members. We are cautiously optimistic that the Superior Officers Council, Health and Welfare, will be capable of retaining the current Buy-Up Option Plan in a revised format. We are committed to retaining and providing our Active and Retired members with an affordable (to both the members and the SOC) dental insurance enhancement plan. We will advise the membership of the results of these exploratory conversations with HealthPlex in regard with maintaining the Buy-Up Option Plan with minimal impact on the enrollees.

UPCOMING LBA MEETINGS/EVENTS:

Wednesday, March 23rd, the Villa Barone Manor, 1200 Hours:

At this meeting we will be honoring our “Leaders of the Finest” Award recipients. Suitably, as we acknowledge some of the current heroes amongst our ranks we will also be honoring several of our retired Lieutenants who served in the Armed Forces in Vietnam during the Vietnam War. We anticipate 53 retired Lieutenants / Vietnam War veterans, representing every branch of the military, to be at this event. The Police Commissioner and several high ranking members of the military will be at the event to acknowledge the service of these members. We hope many of our members will be able to attend this special event to recognize our current and former heroes.

Wednesday, April 20th, at Antun’s of Queens Village, 1800 Hours:

At this meeting we have again invited Jim Becker, founder and CEO of CostofLearning.com, along with Hunter Shelburne, High School Territory Manager for The Princeton Review, to come and speak with our members in regard to providing them with key information on College Exam test preparation and financial planning for paying college tuition. These two gentlemen provide empirical information for members who are beginning to explore the realities associated with sending a child to college or for a member who is contemplating to continue their own education. We held a similar meeting in November of 2014, in conjunction with the CEA, where over 400 members of the two Unions attended.

Wednesday, May 25th, at Antun’s of Queens Village, 1000 Hours:

At this meeting the LBA has made arrangements to have HeartScan Services perform non-invasive thyroid and carotid ultrasound scans and blood pressure checks at no cost to 75 of our members. The LBA has provided the services of HeartScan to our members in the past which resulted in two of our members receiving early detection of thyroid issues. If you are interested in receiving this non-invasive scan at no cost, please contact the LBA office, at 212-964-7500 (Option# 2), to register. Due to time limitations we are only able to have 75 of our members receive this service. Therefore, only the first 75 members to contact the LBA office and register will be able to receive the scans.

LBA FIELD MEETINGS: Over the past several years, LBA 1st Vice President, Steve Birbiglia, and I have visited numerous commands throughout the City to hold open discussions with our members. Steve and I, along with LBA 2nd Vice President John Beattie, will continue to visit commands so that we can have informal conversations with our members to hear their concerns and ideas about the Job and any issues impacting on the membership. If you know of any venues where there will be a significant number of Lieutenants attending, please notify the LBA Office so that we may take advantage of this opportunity to speak with our members.

NEXT MEETING: The March LBA Delegate and General Membership meeting will be held on Wednesday, March 23rd at the Villa Barone Manor: 737 Throggs Neck Expressway in the Bronx. The meeting will commence at 1200 hours. I Hope to see you at the meeting.

Lou Turco
President

Dennis Gannon
Recording Secretary