



DIA



REPORT

DETECTIVE INVESTIGATORS' ASSOCIATION
of the District Attorneys' Offices, City of New York

Vol. 2 Issue 2

Summer 2011

FOCUS

Once a year, the DIA puts out a newsletter focusing on a City official. Comptroller John Liu has proven himself to be a true advocate for the labor movement, often coming out in defense of organized labor while others in City government are doing their best to dismantle unions as we know them. His recent report entitled "The \$8 Billion Question"

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on City Comptroller JOHN LIU



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PRESIDENT'S MESSAGE

JOHN FLEMING



If any man tells you he loves America
Yet hates labor, he is a liar.
If any man tells you he trusts America
Yet fears labor, he is a fool.
All that harms labor,
Is treason to America
— A. Lincoln

As we enter the summer season the top priority for the DIA is to secure a contract for you and your family. The Executive Board is well aware that is the same thing we said this time last year!

The reason nothing has happened for twelve months is this union has had to face obstacle after obstacle placed in our path. We have become pawns in a game of chicken between the City and the five District Attorneys' and the Special Narcotics Prosecutor. All sides had asked the Office of Collective Bargaining (OCB) to rule on who is responsible for negotiating with us. Twice, the lawyers for the DAs have used arguments that are not relevant to the matter at hand to delay an answer which is needed before we can proceed further. The last meeting was on June 21st.

To refresh your memory Michael Bloomberg gave all workers a two year deal of 4% and 4%. There were no givebacks attached. This offer was given to win union support so the mayor could do an end around the laws and secure a third term. It worked. What were we offered? Two zeroes, another zero for heroes deal.

We see all around us an organized movement against organized labor. States like Wisconsin, New Jersey, and Ohio all have abandoned the principles associated with collective bargaining. I can tell you your DA has also abandoned those same principles. Why do I come to this conclusion?

The District Attorneys' have all agreed to the same terms we are now fighting over for all other unionized members in their offices, and to all legal staff and to the Executives. They also have found the money to hire their own lawyers to fight us in our attempts to negotiate for a contract. At great expense to their budget, they chose to lawyer up instead of sit at the table and bargain with us. The firm they hired, Jackson Lewis pays their partners \$850 an hour, their associates \$550 an hour, and junior associates \$450 an hour. At least two lawyers are working full time on the DA's campaign to deny you your raises. The total cost for our raises over the two year period is 1.9 million dollars.

Contract negotiations have long been a source of frustration for us. Since becoming president I have led three rounds of negotiations, and all three have led to impasse. The years of waiting for what everyone else already received are taking a toll and I always thought the employers would have been smart enough to see the long term effect this course of action would have on their organization.

Detective investigators, like other police officers are asked everyday to risk their life and future. A simple reminder of these dangers occurs every time you put your gun on.

During the first two rounds of negotiations I was told by the DAs that they were on

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VICE PRESIDENT'S MESSAGE

ANTHONY FRANZOLIN



As you know, the DIA has made great strides over the past years to become an association which addresses the needs of the member during these trying times. The DIA has attempted to address the ever changing needs of its members, and it was this dedication that prompted President John Fleming to create the position of Health and Welfare Officer. As many of you know, most unions have a health and welfare officer to help those members who are navigating uncharted waters when it comes to injuries and illnesses suffered in the performance of your duties as a Detective Investigator.

It was with a sense of pride that I accepted this position. My hope is that this will become a permanent part of the DIA Executive Board. I feel that as a Detective Investigator who has experienced the line of duty process for both an INJURY and an ILLNESS, I have a unique perspective when it comes to assisting our members who become injured or sick. It used to be that line of duty designations mostly occurred when someone was physically injured performing their duties, the events of September 11 changed that forever. Many Detective Investigators were involved in the rescue and recovery of that event. We also have two offices (NY County and Special Narcotics) which are located within the area south of Canal Street. Federal and State law consider ANYONE working or residing in that area to be affected by the events on September 11th. The Executive Board felt it was important to have someone who could help in the event a member became ill due to his exposure.

As you know, before a line of duty is granted, each office has a process that has to be followed. During this time, affected members are using their sick time, and sometimes members do not have enough time in the sick bank to cover the waiting period and if necessary, the appeal of a decision. The Executive Board along with the Chief Investigators felt that a system needed to be implemented so that members would not use up their sick time waiting for a decision to be made.

To that end, I have asked President Fleming to send a letter to each Chief Investigator, so that we all may meet and collectively discuss what I believe is the most compelling challenge facing the health of our detectives. This meeting will be in the form of a labor-management meeting with one simple agenda — dealing with the needs of our sick Detectives.

As a member of the Mount Sinai Health Advisory Committee and through the efforts of the Detectives' Endowment Association (DEA), we have been able to collect a list of medical providers with a history of dealing with 9/11 responders. We also have had assistance from members of the NYPD medical division

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FRANZOLIN APPOINTED HEALTH & WELFARE OFFICER

President John Fleming recently appointed Vice President Tony Franzolin as the Union's Health & Welfare Officer. In his capacity, Franzolin will represent the views and rights of Detective Investigators currently dealing with health related matters as a result of the performance of their duties as Detective Investigators.

"In this position, the Health & Welfare Officer will coordinate his efforts with County Trustees," Fleming said. "It will remain the responsibility of the County Trustee to communicate with all Detective Investigators and their county any information that would pertain to union matters."

"The Executive Board has never had such a position. Yet, I feel that the current circumstances dictate a Union response to the ever-increasing number of members who are injured or taken ill by their official duties. Most importantly the Union realizes the increasing number of members who are ill due to their duties during 9/11," Fleming said.

Vice President Franzolin is well versed in this area and has a great deal of understanding and knowledge that will be beneficial for Detective Investigators with questions regarding rights and protections under General Municipal Law 207C, their rights under our pension plans, Workers' Compensation, and medical coverage.



FOCUS on City Comptroller JOHN LIU

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presents a very different take on worker pensions than either Mayor Bloomberg or the media present. So what is it about John Liu that sets him apart? He is a public servant devoted to increasing government transparency and holding the City accountable for waste, fraud and abuse. He has served New Yorkers for the past 18 months in his position as Comptroller and is looking forward to the work ahead of him. Will that upcoming work involve a run for Mayor? While there is no official word on that subject, his name has been circulated more than once as a strong possibility. The following interview, held at his office in mid-June, provides interesting insight as to Comptroller Liu's stance on some controversial issues. The one question, however, he was not able to immediately address was when asked about the fact that both the City and the DAs refuse to negotiate a contract with our Union because each claims they are not our employer and that the City is no longer funding raises for the DAs offices. Liu was taken aback when asked these questions. His press officer has informed us that the matter has been turned over to his Bureau of Labor Relations for further review and we should be notified after July 4.

I want to start and ask about your background. I know you come from Taiwan and your father is a big John Kennedy fan. How did you start in City government? What really got you to move into the public sector?

I don't have much of a background in politics. My degree is in something completely different. I spent 14 years in the private sector, management consulting, financial related. But I was always very involved in the civic association at home. I was a member of the community board, president of the civic association, and I ran for City Council because I wasn't so happy with the way things were done in City government. I figured let me try to do something from the inside instead of complaining from the outside, which I was pretty good at, also.

In your position today as Chief Financial Officer, what do you see as the most important thing for this agency?

This office touches every part of City government. We look at things prospectively through our contracting process and city contracts. I sign all the paychecks. We also look to make sure every agency is working as efficiently as possible and not wasting any money. I'm also responsible for investing pension assets and keeping an eye on the pension funding of our plans. It's a fair amount of responsibility that I feel privileged to have. It also ties in with my professional background before I was elected to anything.

It's not an office that is very well known. Most of my members don't know what the comptroller does other than when they get their paychecks they see your name on them.

I ran for this office because I know this is an office that can help create change and steer the City in the right direction. Obviously we're not City Hall. City Hall has nearly all of the juice, but we can make sure that City Hall is heading in the right direction. This office is naturally designed as a counterweight to the mayoral team.

You're preparation for this job was your work in the private sector?

Work in the private sector and also eight years in the City Council where there were many issues I dealt with and I continue to deal with. Making sure that the schools are effectively teaching the kids, looking at MTA related issues because they have lots of fiscal issues there as well, and just continuing to look at equal opportunity. Also, my goals in serving the public are to ensure everyone in the City has equal opportunity, equal treatment and equal protection by City government.

One of the issues that has recently come up is a proposal by Gov. Cuomo for a Tier VI. You outlined pretty clearly in your report that 48% of the pension problem goes back to the decline in returns in the pension funds. Do you think a Tier

VI at this time is necessary?

That's an important question. It's a question for the Executive to ponder as they discuss negotiations with employees and the unions. It's a legislative issue, also. My job as Comptroller is

"Studies have shown that defined contribution plans actually cost about 46% more than defined benefit plans to provide the same retirement income to retirees. I don't think it's cost effective. The defined contribution-defined benefit debate seems to miss the fact that we're talking about people, specifically senior citizens here."

"For the City of New York, pension costs are high. They have risen substantially in recent years. The reason they have gotten so high is because of the fact we just went through the worst 10 years in market history in modern times. It's not as some would suggest that City workers are getting things that no one else gets. It's because market returns have been awful."

FOCUS

on City Comptroller

JOHN LIU

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“There has to be an open line of communication. I’m of the firm belief that it’s the employees who actually know best about what people in the community, people in buildings, in churches and on the streets, need from City government. The last people who know directly what people actually need are people sitting in City Hall.”

to be objective about what’s happening and that’s why my office has been taking the lead on this initiative to put the facts out there so people can decide policy going forward. It’s my belief that policy should be based on informed facts. For the City of New York, pension costs are high. And they have risen substantially in recent years. The reason it’s gotten so high is because of the fact we just went through the worst 10 years in market history in modern times. It’s not as some would suggest that City workers are getting things that no one else gets. It’s because market returns have been awful. The reality is that pension benefits

have not increased significantly in more than 10 years. [My report] shows that for the next few years, pension costs will remain pretty high as a percentage of the City’s budget because we’re still absorbing losses from those awful years of investment returns.

Beginning in 2016 pension costs for the City will begin to decrease significantly. And that’s because new tiers that kicked in in 2009 and a few years before that are starting to have an impact. It takes a long time for new benefit tiers that are applicable only to new employees to kick in. Conversely, pension costs should be managed. Pension costs currently and for the next few years are not going to be effected materially by any new tiers that get put in today. It takes a while for them to decrease. The reality is that new tiers that have already been negotiated and implemented are kicking in and will start to have a significant impact on reducing costs.

Pensions are so important for public sector workers. A pension is financial security. Could you ever see a time where the City would actually turn away from the defined benefit and go to a defined contribution, which has been brought up many times unfortunately.

People have talked about it. Some on the editorial boards love to push the idea. The idea of pensions as retirement income, defined contributions cost a lot more to yield the same retirement income. Studies have shown that defined contribution plans actually cost about 46% more than defined benefit plans to provide the same retirement income to retirees. I don’t think it’s cost effective. What they have talked about is the fact that defined contribution plans alleviate the City or plan sponsors of any risk. That’s definitely true. I think the more pertinent question is who should bear the risk? Should it be a plan sponsor with thousands, and in New York City’s case, hundreds of thousands of participants whose risk could be aggregated, or should you have our senior citizens bearing all the risk individually? That’s a matter of public policy and sometimes, the defined contribution-defined benefit debate



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to miss the fact that we're talking about people, specifically senior citizens here.

As a member of the of the Municipal Labor Committee, I have witnessed how this Mayor and his administration deal with the unions. It's basically a take it or leave tone. This approach is having a serious effect on the ability of the unions to trust this Mayor and to work with him in solving those problems that our City must deal with. It's a shame because what's happened is that in history you have seen the unions and the administration come together to solve problems. It's gotten to a point now where I don't see any lines of communication open. If you were to one day become Mayor and take control of the City, what do you see as an important means of developing a relationship so we can work collaboratively to get things done?

City government cannot be effective and can't even be efficient when City Hall is not working closely with the employees and the unions that represent the employees. It's got to be a full partnership. We have 300,000 plus City employees represented by several different unions. There has to be an open line of communication. I'm of the firm belief that it's the employees who actually know best about what people in the community, people in buildings, in churches and on the streets need from City government. The last people who know directly what people actually need are people sitting in City Hall. I fear that in this strained time, and it is a strained time, I'm not going to blame anyone for the stress, the stress and the strain are a result of probably the worst recession since the Great Depression. It's not a time to start pointing fingers and start unfairly castigating people. You want to be able to work together. It's the City employees who actually have a much better understanding of what people need.

However, I believe there are some changes that are absolutely necessary to strengthen our pension system. There have to be some changes made that more effectively detect fraud and the idea of padding.

My office has looked at the concept of pension padding because that's been talked about quite a bit. We've looked at detailed statistics about the phenomenon of people putting in a lot more overtime in the years leading up to retirement. We found there are some people who do that. There are some people who do pad their pensions by getting too much overtime. Those are the kinds of abuses that have to be reigned in. Is the abuse widespread and pervasive? Not in the least bit. Some people engage in it and they have to be stopped.

Let's talk about contracting out. I've read in many articles that the perception of public employees is that they are more corrupt than private employees. I see the root of that problem being that private companies are given very little oversight. The people who really suffer are the public employees because the general public reads about what is going on, with City Time for example, and they assume those workers are public employees. My concern is that City workers are not being used properly; we have the expertise to do the work. For some reason, the City administration feels that outsourcing is good.

In all parts of government there has to be checks and balances. Whether an agency or commissioner is managing and overseeing City employees or managing and overseeing an outside contractor, it's still the responsibility of that agency or commissioner, and ultimately the Mayor is responsible. The City Time scandal is huge. More than \$80 million is alleged to be stolen. That is a gargantuan amount. It's sheer incompetence for a project to be five years overdue and 1000% over budget. City Time isn't the only project. There are other projects, huge projects, involving outside contractors where the billing has been by the hour. That by itself is mismanagement. When you have an agreement with a consultant who bills by the hour, guess what? It is in the consultant's best interest to drag the project out for as long as possible. What does that mean? It means the project is going to be delayed and it's going to cost a lot more than what was originally budgeted. Whether you call it corruption or sheer incompetence, or mismanagement, it's all the same. It's a waste of taxpayer's money. That's something we have to stop.



FROM THE BOROUGHES

QUEENS & THE BRONX



The Queen's DAs New Revenue Crime Unit has hit the ground running. The team consists of six Detective Investigators, two Assistant District Attorney and two Financial Analysts. This new unit Targets all revenue Crimes such as Cigarette smuggling to evade state and local taxes, which is a multimillion dollar industry. To date the unit has seized in excess of 4,000 cartons of cigarettes valued at \$440,00 in 12 arrests.

Several Detective Investigators from the Bronx DA's Office retired on May 26. President John Fleming, Vice President Anthony Franzolin and Bronx Trustee Juan Crosas-Medina all presented the retirees with plaques from the Union. Pictured top row from left: President Fleming and DI Joseph Russell; Crosas-Medina and Russell; VP Franzolin, DI Joseph Iodice, Fleming, Russell, Quelch and Crosas-Medina. Bottom row from left: Crosas Media and Quelch; Fleming and Iodice; Fleming and Quelch. Thanks to Stanley Schiffman for the photos.



your side, and wished they could help but "their hands were tied by the City."

I can tell you that since June 25th 2010 the DAs have had the authority to back up those words with action and meet with us to negotiate a deal.

I know this because legal papers filed by the City lawyers with OCB describe a meeting between Jim Hanley, the Commissioner of the Office of Labor Relations, the Criminal Justice Coordinator and representatives from the District Attorneys' offices in which Hanley indicates a desire for the DAs to start bargaining with the DIA without OLR for a number of reasons, including;

"part of an overall strategy by OLR with the DIA to avoid any resolution that might cause a negative precedent with respect to other pending negotiations, with other city unions,"

So that we are clear, no one ever had any intention of bargaining with us in the two years of failed negotiations. There was never any dialogue, never a proposal, let alone an offer.

I know a rumor existed that claimed the City put an offer on the table and our bargaining team refused it. By now you should see that claim for what it is; a bold faced lie. Many on the other side will say this course of action is dictated by economics. But I ask you if that is true where did the money come from to fund raises for everybody else in the offices, let alone the hundreds of thousands of dollars to hire a private law firm?

Earlier this month I attended the City Council budget hearings for the DAs. All offices were represented and all testified. No one raised a concern over funding for our raise. I can tell you they did use your hard work as a basis for extended funding. I was assured funding for these raises was still in the budget. The actions taken by the DAs will mean there is no chance a contract will be realized this year.

Also, it will prevent the union from dealing with other pressing issues. An example of this was our attempt to set a labor management meeting to discuss the increasing number of 911 illnesses. Over 15% of our detectives are sick from 911 related illnesses. In response to this I had asked for a labor management meeting with the Chief Investigator from each office.

Also present would be doctors from Mount Sinai, members from the NYPD and Corrections medical division. The purpose was to begin a dialogue to develop a program to deal with the increasing number of sick officers. Anthony Franzolin spent a great deal of time and effort to set up this meeting. After the OCB meeting on the 21st each DA declined to send a representative.

That to me is a clear sign that your District Attorney has little concern for your health & well being, as well as your ability to provide for your family.

In light of this I have reached out to elected officials, such as Comptroller John Liu and City Council members for their support.

In light of the fine work done by our members I would have thought each DA would be proud to call you their own. Yet, as you can see that is not the case.

You can be confident this union will do whatever is necessary to get you your well deserved raise.

CONTRACT UPDATE

The City and the District Attorneys offices ("DAs") continue to frustrate and delay the collective bargaining process. After we filed for impasse with the New York State Public Employment Relations Board ("PERB"), the City and the DAs did not show up to two scheduled PERB mediation sessions. The City stated that it was not a joint employer and was no longer a representative of the DAs and therefore their attendance at the mediation sessions was not required. Each of the DAs and the Office of the Special Narcotics Prosecutor wrote letters to PERB stating, in pertinent part, that " ... this office does not serve as the collective bargaining agent in this matter and, therefore, will not attend or participate in the mediation session scheduled for the above referenced matter." We cannot go to interest arbitration without first participating in mediation.

In order to bring the City and/or the DAs to mediation, we filed for a Declaratory Ruling with the Office of Collective Bargaining ("OCB") asking for a declaration as to whether the City is a joint employer and if the DAs are either a joint employer or an employer. You should know, whether the DAs are declared to be an employer or joint employer, they are required to participate in good faith in the collective bargaining process, which includes mediation and interest arbitration.

OCB received our Petition for a Declaratory Ruling on January 10, 2011. The DAs informed OCB, by letter dated February 4, 2011, that they had then recently been informed for the first time by the City, that the law firm representing the City, Proskauer Rose, would be representing the City only and that they need time to retain counsel. From all the pleadings filed with PERB and OCB in this matter, as early as June 25, 2010

SPECIAL NARCOTICS PROSECUTOR'S

Detective Investigators Unit

The Special Narcotics Investigators Unit works with assistant district attorneys and federal and state law enforcement agencies in combating drug activity throughout the five boroughs of New York City. During 2010, the unit opened 27 new investigations, which resulted in the arrests of 134 offenders.

Created in 1992, the majority of the investigators are law enforcement veterans from the NYPD's Narcotics Division and the New York Drug Enforcement Task Force. They develop their own cases or work jointly with law enforcement agencies in large-scale narcotics and money laundering investigations.

Staffed with the most experienced narcotics investigators in the city, the unit plays a vital role in partnering with other law enforcement agencies. The SNP investigators bring an unmatched level of expertise, along with knowledge of cutting-edge investigative techniques and technology, to their cases.

Operation Bad Medicine

A case that exemplifies the key role SNP investigators play in their multi-agency collaborations involved a prescription drug ring that diverted 43,000 oxycodone pills worth \$1 million through a sophisticated scheme. This labor-intensive investigation, which began as a referral from the Staten Island District Attorney's Office and the New York State Health Department's Bureau of Narcotic Enforcement, led to the indictment and arrest of 31 defendants, including one ring leader who sold pills from an ice cream truck. Working closely with BNE, SNP investigators learned that a high volume of oxycodone pills were entering the black market on Staten Island through a single source. A Manhattan doctor's office was the source of more than 300 forged prescriptions.

Investigators devoted hundreds of man-hours to tracking down the fraudulent prescriptions and interviewing witnesses and pharmacists. Ultimately, the trail led to the doctor's office manager, who stole prescription sheets from her employer and then sold them to two leaders of the Staten Island drug ring. These ring leaders recruited more than two-dozen runners to fill prescriptions and paid them in pills and/or cash. Several members of the ring were also implicated in armed robberies at pharmacies. Many had drug dependency problems.

Heroin

In 2010, SNP investigators continued to lend their expertise to the DEA and the NYPD in targeting heroin packaging mills. New York City continues to serve as a major hub for large-scale heroin packaging operations, but there are signs that drug traffickers are feeling the effects of successful law enforcement efforts. Major traffickers are increasingly relocating the mills where they package heroin out of The Bronx and Upper Manhattan to less predictable locations. Over the past year, heroin mills were dismantled in quiet residential sections of Yonkers, Fort Lee, N.J. and Cornwall, N.Y., as well as an upscale apartment on West 43rd Street near bustling Times Square.

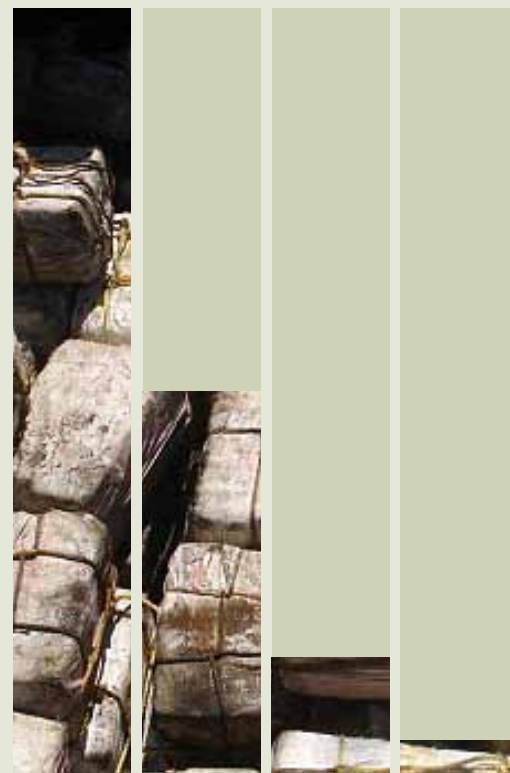
Curtains for Theater District Heroin Mill

A booming heroin mill located in Manhattan's Theater District was dismantled in November following a long-term investigation. More than a kilogram of heroin was seized from a West 43rd Street apartment that housed the drug ring's packaging operation, just blocks from Times Square. Four drug traffickers were arrested by members of the New York Drug Enforcement Task Force and SNP investigators. At the time of the arrests, mill workers had been busily

packaging heroin into user-ready "glassine" envelopes. Investigators found piles of loose heroin on tables alongside drug packaging paraphernalia. Tens of thousands of glassines had already been filled and wrapped into bundles for delivery. A variety of stamps were used to market the heroin under different brand names, including "Jersey Boys," "Cats & Dogs," "King Kong" and "95 South." The investigation revealed that mill was in operation at the apartment building for approximately two weeks prior to the arrests.

Seizures

Cocaine	118 kilos (260 lbs.)
Heroin	55 kilos (122 lbs.)
Marijuana	320 lbs.
Gun Seizures:	38



Cocaine Marijuana Heroin Guns

WORKERS' COMPENSATION

Changes to MEDICAL TREATMENT GUIDELINES

Beginning on December 1, 2010, there were important changes to the Workers' Compensation Medical Treatment Guidelines. These changes do not affect every type of injury. The relevant injury sites affected are the neck, back, shoulders and knees, which are the most common sites of injury we see in this industry. This change in the Medical Treatment Guidelines pertains to all cases. It does not matter if your date of accident falls before December 1, 2010; you will still be subject to the new Guidelines.

An overview of the new Medical Treatment Guidelines shows that the intent of the Workers' Compensation Board is to streamline the medical treatment that claimants receive. This includes office visits, physical therapy, surgical procedures and medications. The point is to compact the treatment, allowing for the same amount of treatment that would have been authorized in the past, but within in a shorter time frame. This will ensure that claimants are able to return to work in a shorter amount of time than was possible under the old Medical Treatment Guidelines. As always, the goal of the Workers' Compensation Board Medical Treatment Guidelines is to assist doctors in treating the claimants as efficiently as possible so claimants can in return to work as quickly as possible.

The most important part of the new Medical Treatment Guidelines is the Variance Procedure. This is an entirely new procedure set forth as of December 1, 2010. If a claimant's treating doctor wishes to request specific treatment, surgery, or physical therapy that is NOT provided for in the guidelines, the doctor must submit what is called a Variance Form, or MG-2, as it is also known.

Here is an example of what this means: If a claimant is out of work with a torn rotator cuff in his shoulder, and has surgery to repair the tear, the claimant should receive post-operative physical therapy for three to six months, with a gradual return to regular activity within six to nine months. If the claimant's treating doctor feels that more physical therapy is needed past this time frame, the doctor must submit a



Variance Form, requesting the additional physical therapy, along with a brief synopsis as to why this extra physical therapy is needed.

Once the Variance Form is received, the insurance carrier can either authorize the treatment, or deny the treatment and schedule an exam with their doctor. At any point during this procedure, the claimant's doctor can attempt to have the issue resolved informally. If not, and the treatment is still denied, the claimant can request review of this denial, and there would be a hearing before a Workers' Compensation Judge. The Judge would then make a decision whether to authorize the extra treatment or not.

The new Medical Treatment Guidelines only pertain to injuries to the neck, back, shoulders and knees. All other injuries and treatment for those injuries do not follow the Variance Procedure.

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CONTRACT UPDATE

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and thereafter, Proskauer Rose expressly stated they were representing the City and not the DAs.

The DAs retained the law firm of Jackson Lewis. At the direction of the DAs, Jackson Lewis filed an Answer to our Petition for a Declaratory Ruling as to who are the joint employers or who is the employer. Thereafter, by letter dated May 24, 2011, at the DAs direction, they wrote Proskauer Rose, the City's lawyers, informing them that Proskauer Rose should withdraw as counsel to the City based on prior representation of the DAs. Proskauer Rose wrote back indicating they have no intention of withdrawing and there was no conflict. Thereafter, on June 10, 2011, Jackson Lewis wrote back that they fully intend to seek disqualification of Proskauer Rose at the OCB conference on June 21st.

Steven DeCosta, the Trial Examiner, presided over the OCB conference. Mr. DeCosta that stated the first issue that needed to be discussed was the disqualification of the City lawyers raised by the DAs. This disqualification issue needs to be resolved before our Petition declaring who is the employer and/or joint employers can be resolved.

So you can see that your Executive Board is frustrated by the delaying tactics of the DA by: their failure to attend mediation, by their failure to realize, in a timely manner, that they needed separate counsel, and by their delay in seeking disqualification of the City's lawyer.

This gives you an update as to why this collective bargaining process is taking so long and who is delaying the process.

Vice President's Message

Continued from page 3

and NYC Department of Correction. I believe the cooperation between all six offices will be vital in getting a unified response to this every growing problem.

I will be available to each County Trustee to help guide the members through the line-of-duty process. Any member may contact me at 646.302.1665 or on the DIA hotline at 877-DIA-2747.

*Have a
Great
Summer*

Detective Investigators' Association
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REPORT



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