



DIA



REPORT

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

Winter 2013



6TH

ANNUAL AWARDS CEREMONY

DIA Recognizes Members for Outstanding Work

DIA President John Fleming (far right) made a special presentation to DI Vito Maniscalco (second from right) and Supervising DI James Russell (second from left) from the Brooklyn DA's Office El Dorado Task Force. In July 2012, the two were working a case in the Bronx when they abandoned the job to help save the life of seven-week-old Marcos Vega, Jr. His mother, Kathleen Kilian (pictured center holding Marcos) came to the Awards Ceremony to help present the two DIs with their commendations.

Photos and honorees on pages 4-7

PRESIDENT'S MESSAGE

JOHN FLEMING



On behalf of the entire Executive Board, I would like to wish all our members and their families a happy and safe New Year.

As we find ourselves in the dawn of this new year, we also find ourselves facing many of the same challenges we faced this time last year. Our primary focus continues to be the decision of the Office of Collective Bargaining (OCB) as to the configuration of the negotiations team we will face when we are allowed to again start negotiating.

After four months of hearings and the record finally closed, we still await that decision. For new members, I will recap what has happened briefly by saying that for more than 40 years, the City of New York acted as the bargaining agent for District Attorneys.

In April 2010, after six months of negotiations with the City and District Attorneys, and not being able to reach a new deal, the Union filed for impasse with the Public Employees Relation Board (PERB). Mediator Phillip Maier was chosen and dates were set for mediation in the summer of 2010. The City sent a letter to Maier in June 2010 saying they no longer would act as the bargaining agent for the District Attorneys.

The five District Attorneys and the Special Narcotics Prosecutor sent identical letters to Maier saying they were not responsible for negotiating because they were not the bargaining agent. That stopped the negotiation process until we could

determine who was responsible for bargaining our next contract. The District Attorneys went out and hired a law firm notorious for union busting, Jackson Lewis, while the City is represented by Proskauer Rose. To date, the money each side has spent on lawyers is about what our total contract would cost.

All sides agreed to have the Office of Collective Bargaining decide the matter.

That led to two years of hearings to determine who is responsible for sitting and negotiating with us. Since these events occurred, the City of New York has not come to terms with any union on a new contract. We, along with a few other unions, are the only ones without a contract covering 2010-2012.

The effect this has had on our membership is obvious. After a review of our records, we have seen a turnover rate for 2011 and 2012 at close to 30% of total membership. This is an alarming number. You all know where your office stands in regard to morale. Many members who leave have expressed to me they feel there is no future in this job.

I have been asked by many members why the District Attorneys would sit back and let this happen. Their position ultimately looks as if they have abandoned their own Detectives. I remind our members that they only need to look at our last arbitration to see just how some DAs feel about us.

After the arbitration, it was found that an Executive from the Brooklyn District

Continued on next page



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Attorney's office, who acted as a negotiator for the DAs, supplied information to the City and in her correspondence to City lawyers, made arguments where she clearly states her opinion. "WE DO NOT DESERVE TO BE PAID LIKE MEMBERS OF THE NYPD." I know the Detectives in Brooklyn have not fully recovered from that betrayal.

Our position is that the District Attorneys can, if they wanted to, sit down with us at any time and negotiate a new deal. I have asked our lawyers to make this known as often as possible. During the hearings at OCB, their lawyers stipulated that the District Attorneys are in fact an employer and would be part of the negotiations team bargaining with us. The only question to be determined is would they be the sole party or would they again be negotiating with the City in a joint employer relationship.

At our recent awards ceremony, we again saw the invaluable contributions made by our Detectives.

Case after case shows that, if not for our Detectives, the DAs would be hard pressed to meet their mandate as Chief Law Enforcement Officer of the county.

This year, our Awards Ceremony was moved to January due to Hurricane Sandy. I was asked at the event why no District Attorney spoke this year. As has been our policy, we ask a different DA to speak each year. The Staten Island District Attorney was the last DA left to speak. Last fall I made several attempts to get Staten Island District Attorney Dan Donovan to speak but was informed he would be unable to attend due to a scheduling conflict. Upon receiving the new date in January, I again tried to get Mr. Donovan to attend; yet, no one ever returned my calls or e-mails.

Recent events have led to a renewed optimism by the Board and the membership that the Union is in a far better position today than we found ourselves last year. I continue meeting with our legal team to discuss strategy once the OCB makes a ruling. Also, the Board is working on preserving the right of the District Attorney to hire the most qualified candidates for the Detective Investigator position. We will be meeting with members of the legislature to voice our concerns over policies we believe could hurt some of our membership.

We also will be reviewing the recent gun legislation passed in Albany, which we believe may affect our retired members and their right to own a firearm. For more on this, see page 9 of this newsletter.

This edition of the Report is dedicated to those Detective Investigators who were honored at the Awards Ceremony. On behalf of the entire Board, we thank you for your outstanding contribution to the people of the City of New York.

Letter of Thanks

President John Fleming and the DIA Board,

This is a note to thank the Detectives Investigators Association for their post-Superstorm Sandy financial assistance. We sustained some moderate damage to our home in Bergen Beach, Brooklyn. Starting at the top we contracted with a Roofer to repair the storm damage. At the point of contract we agreed to pay any additional costs for lumber and other materials not apparent at the start. The DIA assistance covered these additional costs for lumber and insulation that was needed to complete the job. The DIA financial assistance was timely as our roof job was completed shortly before the Christmas holidays. The motto of the DIANYC is "EVER VIGILENT," which of course applies to our investigative duties. But in this case, the DIA was vigilant at a time of need for one of its members. Thanks again.

Det. John Lavin
El Dorado Task Force-Financial Group VII
Homeland Security Investigations-SAC/NY



6th Annual DIA Awards Ceremony



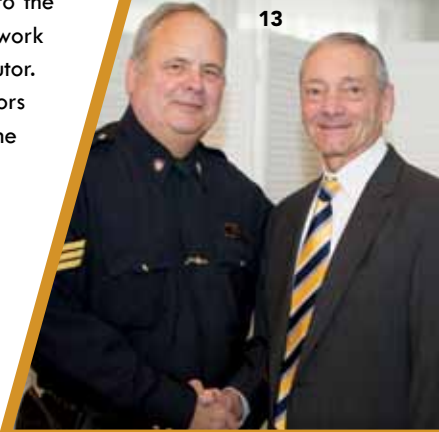


DIA HOLDS 6TH ANNUAL AWARD CEREMONY

The Detective Investigators' Association held its annual awards ceremony on Friday, January 11, 2013 at Battery Gardens in Manhattan. The event was moved from its original date at the end of 2012 due to flooding damage in lower Manhattan from Hurricane Sandy.

The ceremony recognizes the outstanding contributions made to the cause of law enforcement by the Detective Investigators who work for the five District Attorneys' and Special Narcotics Prosecutor. The DIA also recognizes those individual Detective Investigators or groups of DIs whose diligence in pursuing justice has led to the successful completion of cases.

"Our members deserve to be honored for their contributions to the law enforcement community," said President John Fleming. "Each year we sort through all the submissions and choose those cases that best highlight the work our members do on a daily basis. All too often the work our members does not get noticed by either the public or those in law enforcement. This ceremony gives us a chance to highlight some of the more outstanding cases and give our members a chance to be in the spotlight."



1. Queens Det. Sgt. Cres DeLuca
2. NYS State Senator Diane Savino with President John Fleming
3. MC Mike Sheehan and Sr. DI Stanley Schiffman
4. Members and guests enjoying the breakfast
5. Queens County District Attorney Crimes Against Revenue Unit
6. Guests
7. DI Matthew Winters, Fleming and ADA Mark Scholl and Analyst Steve Koch
8. NYPD Emerald Society Pipe Band
9. Brooklyn Detective James Russell, Chief Joseph Ponzi, Assistant Chief Jerry Zino, Director of Security Anthony Nardella
10. DI Randy Roca and DI Jose Flores
11. DIA VP Tony Franzolin greeting guests
12. DIA Chaplain Robert Rainis
13. Special Narcotics Detective Michael Reedy and Chief Leon Schwartzman
14. Tom Leahy, Bureau Chief Investigations Bureau and Tom Kapp, Bureau Chief Arson & Auto Bureau
15. Schwartzman, Fleming and Special Narcotics Prosecutor Bridget Brennan

HONOREES

WOMAN OF THE YEAR AWARD

NYS Senator Diane J. Savino

LIFETIME ACHIEVEMENT AWARDS

Sr. Detective Investigator

Stanley Schiffman

Bronx District Attorney

Supervising Investigator

Shawn Winter

Kings County District Attorney

HUMANITARIAN AWARD

Rishi Singh

Andrew Sussman

Plymouth Beef Company

COMMENDATIONS

Det. Inv. Vito Maniscalco

Supervising Det. Inv. James Russell

Brooklyn District Attorney's Office

El Dorado Task Force

Sr. Det. Inv. Jason Malone

NY County District Attorney

Sr. Det. Inv. Daniel Clark-El

Bronx District Attorney

Special Investigation Unit

Det. Inv. Roger Casuso

Special Narcotics Prosecutor

COMMENDATIONS

Det. Inv. Edwin Morales

Special Narcotics Prosecutor

Det. Inv. Juan Parra

Special Narcotics Prosecutor

Det. Inv. Merrybet Tavarez

Det. Inv. Alberto Rosario

Bronx County District Attorney

Sr. Detective Investigator

Wilfredo Melendez

Bronx District Attorney

Sgt. Joseph Falgiano

El Dorado Task Force

Det. Inv. Matthew Winters

Manhattan District Attorney

UNIT CITATION

Queens County District Attorney

Crimes Against Revenue Unit

Lt. Franco Russo

Team Leader

Sr. Inv. Elizabeth Curcio

Det. Inv. John Warner

Det. Inv. John Keeley

Det. Inv. Jeffrey Boyce

Det. Inv. Joseph Brancaccio

Det. Inv. David Matos

UNIT CITATION

Manhattan District Attorney

Organized Crime Unit/

Investigations Bureau

Sup. Inv. Jeremy Rosenberg

Sr. Det. Inv. Ariela Da Silva

Sr. Det. Inv. Joseph Lamandola

Sr. Det. Inv. Daniel Fooks

Sr. Det. Inv. Shannon Rowe

Det. Inv. Veronica Rodriguez

Det. Inv. Joseph Monroig

Det. Inv. Erin Mulderig

CERTIFICATES OF APPRECIATION

Kim Han

Mark Frazier Scholl

Manhattan Assistant District Attorneys

Katherine Savarese

Steve Koch

Investigative Analysts



1. Queens Sgt. Joseph Falgiano with Fleming
2. Bronx DA's Office
3. Sr. DI Daniel Clark-El
4. Queens Trustee Ron Hickman and Supervisee's Trustee Doris Amador
5. Manhattan DA's Organized Crime Unit/ Investigations Bureau
6. Queens Executive ADA Eileen Sullivan, DIA Labor Counsel Harry Greenberg and DIA Government Affairs Officer Andrew Moesel

7. Sr. DI Jason Malone
8. Supervising Investigator Shawn Winter
9. Members of the Bronx County DA's Office: Sr. DI Stanley Schiffman, ADA Graham Van Epps (Arson & Auto Bureau), Sr. DI Daniel Clark-El, Ellen Kolodney (Elder Abuse Coordinator, Crime Victims Assistance Unit), Sr. DI Wilfred Melendez and Sr. DI Merrybet Tavarez
10. DI Merrybet Tavarez
11. DIA Exec Board with Past President Michael McTighe
12. Sr. DI Wilfredo Melendez
13. Humanitarian Award winners from Plymouth Beef



ABOUT OUR MEMBERS

THE BRONX SAYS GOOD-BYE TO A LEGEND

The Bronx saw one of the finest homicide detectives in the State hang up his badge this summer when Senior Detective Investigator Juan Crosas Medina decided to retire after more than 45 years in policing. After a long and illustrious career solving homicides all over Manhattan for the NYPD, Juan came to the Bronx DA's office to work cold case homicides. In the Bronx he helped mentor investigators in the fine points of homicide investigations.

He became the go to man for all hard to solve homicides throughout the City.

Juan was also a vital member of the DIA Executive Board. He, along with Anthony Franzolin, resurrected the awards committee and made the awards ceremony the sensation it has become.

We wish Juan and his family all the best as he enjoys a much deserved retirement.



Pictured from top left clockwise: Juan Crosas Medina, DIA President John Fleming and DIA VP Anthony Franzolin; Bronx Detective Modesto Acevedo, Mike Sheehan, DIA Secretary-Treasurer Jack Freck and Fleming; Medina and his family; Old Homicide Detectives Acevedo, Manhattan Detective Gerry Giorgio, Medina, Sheehan, Freck and Manhattan Detective Frank Connelly.

DI CONNELLY SWORN IN AS RDNY PRESIDENT

On Wednesday, January 9, 2013 Detective Investigator Frank Connelly of the Manhattan District Attorneys' Office was sworn in as President of the Retired Detectives of New York (RDNY) Inc.

Frank started his career in law enforcement in 1965 as a trainee in the NYPD. In 1967, he volunteered for the Tactical Patrol Force (TPF). From there, in 1970, he went to work in the Narcotics Unit.

In 1977, he was assigned to the Arson and Explosion Squad. In 1980 he was promoted to detective and assigned to the 25 squad. In 1990 he was promoted to detective 2nd grade. He was then assigned to the Manhattan North Homicide squad where he stayed until retiring in 1996.

Frank then made the jump to the Manhattan DA's office where he was immediately assigned to the

Homicide Investigations Unit (H.I.U.) where his skills as a seasoned homicide investigator became evident. Frank is currently assigned to Central Investigations Unit (C.I.U.).

Frank has been married to his wife Carol for 44 years and has one son, Keith who is a Detective in the NYPD Emergency Services Unit. Keith is currently assigned to Truck 1 in lower Manhattan.

Frank has served with distinction on the Detective Investigators' Association Executive Board as Trustee for Manhattan. The entire Board congratulates Frank and wishes him all the best in his new endeavor.





Legislative Update

NY SAFE ACT Becomes State's First Law of 2013

The New York State Legislature passed the "New York Secure Ammunition and Firearms Enforcement Act" (NY SAFE Act) and the Governor signed it into law as Chapter 1 of 2013 on Tuesday, January 15. The 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 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.

"The DIA, along with other police unions, will work together to insure that the rights of our active and retired officers are not compromised and their ability to carry a firearm shall not be infringed upon. We will be visiting members of the legislature and the Governor's office to insure this legislation is implemented correctly," said President John Fleming.

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 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 seven 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 are 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 clip
- Permit holder disclosure. There is a new section of law that was added to address the releasing of the names of pistol permit holders. The new 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."

Police unions will be working with the Governor's office and the Legislature in the coming weeks in an attempt to make amendments that will correct the issues we have with the bill. This imperfect measure was enacted in just two days from its introduction, and clearly was going to be passed no matter what, but our Legislative Committee worked very hard educating the legislators about the defects within the bill, and that will be the key to having successful amendments enacted. You will be kept apprised of the status of this.

Health Corner

ZADROGA ACT

Authorities Add 58 Cancers Covered by Law

On September 10, 2012, federal health authorities added 58 types of cancer to the list of covered illnesses for people exposed to toxins at the World Trade Center as a result of the September 11 attacks. Below is a summary of the Zadroga Act that established the World Trade Center Health Program and the new Victim Compensation Fund.

The Zadroga Act, which was signed into law by President Obama on January 2, 2011, reopened the September 11th Victim Compensation Fund of 2001 and expanded its scope to enable more individuals who suffered physical injury or died as a result of the September 11th attacks to obtain compensation from the Program. Congress appropriated \$2.775 billion and determined that \$875 million of that sum must be paid out in the first five years of the program. Individuals who elect compensation from the VCF will waive their rights to pursue litigation to seek damages from physical injury or death connected to the September 11th attacks. The VCF will complete the payment of claims during 2016-17. The Act also has established the WTC Health Program that provides medical treatment and monitoring for WTC-related health conditions.

Eligibility

The Act applies to persons that were present at the September 11th crash sites at the time of the crashes or between September 11, 2001 and May 30, 2002, and suffered physical harm as a direct result of the crashes or the debris removal from the crash sites. The Act does not apply to persons that suffered emotional distress from the attacks.

The Act defines crash sites to include: World Trade Center site, the Pentagon site, the Shanksville site, debris removal routes such as barges and Fresh Kills, and any area that is sufficiently close to the crashes that the Special Master determines to have presented a demonstrable risk of physical harm.

The Act also applies to Personal Representatives of persons who have died. The Personal Representative is the individual authorized to submit a claim on behalf of a deceased individual. The personal representative is normally the individual who is appointed by a court

as one of the following: 1) the Personal Representative of the Decedent's will or estate; 2) the Executor of the Decedent's will or 3) the Administrator of the Decedent's estate.

The regulations that govern VCFs provide compensation for "presumptively covered conditions." These are conditions consisting of physical injuries that are determined to be WTC-related health conditions by the WTC Health Program. The physical injury must be verified by a medical professional whom has provided contemporaneous medical care.

Presumptively covered conditions include the following Aerodigestive Disorders:

- Interstitial lung disease
- Chronic Respiratory Disorder (fumes/vapors)
- Asthma
- Reactive Airways Dysfunction Syndrome (RADS)
- WTC-exacerbated Chronic Obstructive Pulmonary Disease (COPD)
- Chronic cough syndrome
- Upper airway hyper reactivity
- Chronic rhinosinusitis
- Chronic laryngitis
- Gastro-Esophageal Reflux Disorder (GERD)
- Sleep apnea exacerbated by or related to the above conditions

Presumptively covered conditions include the following Musculoskeletal Disorders:

- Low back pain
- Carpal tunnel syndrome (CTS)
- Certain other musculoskeletal disorders for WTC responders who received treatment for a WTC-related musculoskeletal disorder that meets certain criteria



The WTC Health Program recently added 58 forms of cancers to the list of approved diseases. To obtain a full list of cancers that are covered by the WTC Health Program, please visit: www.cdc.gov/wtc/faq.html.

According to the Act, in general claimants will have two years to submit a claim. The Act also provides that anyone who knows of physical harm resulting from the September 11th attacks must file a claim by October 3, 2013. Claimants who subsequently learn of physical harm must file the claim within two years of the date of when they learn or should have reasonably known that they suffered a physical injury caused by the attacks. Claimants need not show economic harm to be eligible for compensation.

Individuals whose claims were denied under the VCF's first iteration are permitted to amend and resubmit their claims in certain circumstances: 1) the individuals suffered a new injury that is eligible under the new VCF; 2) the individual's prior eligible condition substantially worsened resulting in damages or loss that was not previously compensated; 3) the individual was not previously eligible for the VCF, but is now eligible as a result of changes contained in the Act and 4) the individual's previous claim was based on a condition that was not previously covered by the VCF, but is now covered.

Individuals who submitted claims in the VCF's first iteration that were granted may amend their claims in the following circumstances: 1) the individual suffered a new injury that is eligible under the VCF; 2) the individual's eligible condition has substantially worsened; 3) the individual was not previously eligible for the VCF, but is now eligible as a result of changes contained in the Act and 4) the individual's previous claim was based on a condition that was not previously covered by the VCF, but is now covered.

Important Information

The Act limits how much an attorney may charge in connection with the VCF. Under the Act, attorneys may not charge more than 10% of the payment the claimant receives as a VCF award. Anyone who knows of physical harm resulting from the September 11th attacks must file a claim by October 3, 2013.

You can obtain more information on the Act and VCF by visiting www.vcf.gov.

DIA TO SPONSOR TACTICAL FIREARMS COMPETITION

The DIA, in conjunction with F6 Labs, is in the process of developing a tactical firearms competition that will be open to all active members.

F6 Labs, located in Hicksville, New York, is a state-of-the-art, multi-faceted indoor range designed to improve an officer's basic, operational, and advanced tactical skill set.

This competition is designed to augment your in-service fire arms training.

F6 offers interactive, live fire tactical training for active police officers. The DIA is currently coordinating with range officers throughout the five boroughs to develop a competition that will test the skills of our members. Prizes will be awarded to the top competitors.

Special Narcotics Trustee Juan Parra (212.815.0146) will be coordinating the competition with range officers throughout the City. Within the next month, a memo will be sent to each command describing the competition. In addition, we will post more detailed information on our website at www.nycdia.com

We encourage as many members as possible to sign up and enjoy a day with your fellow Detectives at the range.



Tier 6 Pension

For employees of any of the five NYC District Attorneys or the Special Narcotics Prosecutor, who work as Detective Investigators (DI) and who join NYCERS on or after April 1, 2012, retirement benefits are now subject to Tier 6 pension legislation (Chapter 18 of the Laws of 2012). The Tier 6 legislation does not actually create a new tier, but in fact imposes significant benefit reductions on existing Tier 3 and 4 benefit structures.

Prior to this date, Detective Investigators were subject to Tier 2 (Article 11/NYS-RSSL) and its associated Detective Investigator retirement plans.

SERVICE RETIREMENT (S.505)
NYSRSSL – This is the default for section citations

The new retirement structure has no age requirement and is outlined below:

- 1. Early Retirement:** After 20 years of service – annual benefit is 42% of a five-year average salary. There is no escalation.
- 2. Early Retirement:** Between 20 and 22 years of service. Annual benefit is 42% of a five-year average salary plus .33% for each month of service over 20 years. There is no escalation.
- 3. Normal Retirement:** After 22 years of service, annual benefit is 50% of a five-year average salary. There is no escalation.
- 4. Normal Retirement with Partial Escalation:** Between 22 and 25 years of service, annual benefit stays at 50% of a five-year average salary, but there is an increase of 1/36th of full escalation for each month of service beyond 22 years.
- 5. Normal Retirement with Full Escalation:** After 25 years of service, annual benefit is still 50% of a five-year average salary, but with full escalation.

PAYROLL DEDUCTIONS (S.517)

In Tier 6, DI members are required to contribute 3%

of annual wages. There is no service cutoff for these deductions for DI members. This is in contrast to the 25-year cutoff for Police, Fire, Correction and Sanitation members. This, however, is not very significant. There is no increase in pension benefits beyond 25 years, and this will motivate members to retire at that point.

These deductions are credited with a 5% annual interest rate and are federal tax deferred (IRC414-h eligible).

As opposed to Tier 2, there is no loan program available to any Tier 6 member (Police, Fire, Correction, Sanitation and Detective Investigators).

FAS: NEW FIVE YEAR AVERAGE COMPENSATION BASE (S.512)

Generally, all benefits in Tier 6 are based on the new five-year earnings average. The Tier 2 compensation base was the last 12 months earnings for the basic 20 or 25 year benefit and the old Tier 3 compensation base was a three-year average.

The five-year period can be the final 60 months before retirement or any five consecutive years worked.

If using the final 60 months, up to 12 months of authorized LWOP or partial pay can be replace by months immediately prior to 60 months.

CREDITED SERVICE (S.513)

In Tier 6, all credited NYCERS service counts toward years of service for retirement. That includes non-DI



Financial Corner

Benefits for Detective Investigators

member service, all purchased service (both NY public service and military). NY public service includes city, state, county and NYS public authorities that participate in any NY public pension plan.

Many Detective Investigators begin their careers working at other positions within city government, which includes public authorities like the Transit Authority.

In the past, these members switched from Tier 4 to Tier 2 when they became Detective Investigators. In the future, these employees with post April 1, 2012 NYCERS memberships will initially be eligible for Tier 4 benefits with Tier 6 limitations, and when appointed as DIs, will be switched over to Tier 3 with Tier 6 limitations.

RESTORATION OF PRIOR MEMBERSHIP (S.645)

A DI member who was a previous member of a public employee retirement system in New York City or New York State may apply to restore their original membership date. In order to be eligible, the first membership must have been terminated. If that membership began before April 1, 2012 and the member applies for its restoration, the member would be restored to a Tier 2 status at NYCERS.

VESTING (S.516)

A Tier 6 DI member with five or more years of credited service, upon termination of employment, is entitled to a deferred vested. The benefit is equal to 2.1% times the years of credited service times the five-year compensation base. The benefit at age 62 will be reduced by 50% of the member's Social Security retirement benefit that would be payable at age 62. Like a service retirement, the offset begins at age 62 whether or not you choose to collect the Social Security benefit at that age.

The vested benefit becomes payable on the date the member would have been credited with 20 years of

credited service if he/she had continued working as a DI.

Note: The member will not lose this benefit if he/she is terminated.

ACCIDENT DISABILITY BENEFITS (S.507)

The new Tier 6 accident disability benefit is significantly lowered from the comparable Tier 2 benefit.

The Tier 6 benefit is equal to

- 50% of the five year average FAS
- Minus 50% of the primary SS disability benefit
- Minus 100% of any Worker's Compensation payable

The member is eligible for immediate full escalation.

ORDINARY DISABILITY BENEFITS (S.506)

The new Tier 6 benefit is equal to the greater of 33⅓ percent of the five-year average FAS or 2% times years of service up to 30 years minus 50% of the primary SS disability benefit minus 100% of any Worker's Compensation payable.

The member is eligible for full immediate escalation.

To be eligible, the member must in active service and have at least five years of credited service. Continuous employment in active public service immediately prior to the date of NYCERS membership shall also count toward the five-year requirement. There is no age requirement for the ordinary disability benefit. The member must be determined to be disabled by the Social Security Administration. If you are older than 65 or do not have a enough quarters to be eligible for SS disability, then the NYCERS Medical Board will make the disability determination.

For the full story on Tier 6 Pension Benefits, please visit our website at www.nycdia.com in the Members Only section.

NASSAU DA INVEST

Get 40 Percent Pay Raise

Salaries for Nassau district attorney investigators jumped 40 percent last week, which will cost the county \$1.5 million more a year in salaries alone, following a binding arbitration decision.

The agreement also awards about \$3 million in retroactive pay, and mandates benefits including extra pay for years of service, clothing and equipment allowances.

The 96-page decision, signed by arbitration panel chairman Martin Scheinman, says the Investigators Police Benevolent Association, whose members formerly were part of the Civil Service Employees Association, should receive salaries and benefits closer to the higher-paid police Detectives' Association.

Nassau's representative on the three-member panel objected, saying the county cannot afford the pay increases. The higher wage scale took effect Thursday and is retroactive to Jan. 1, 2011 -- three months before Nassau's financial control board imposed a freeze on all county wages and annual step increases. As a result, the Nassau Interim Finance Authority has said it has no jurisdiction, and County Attorney John Ciampoli said Nassau must pay.

A spokesman for County Comptroller George Maragos said the retroactive money will be paid later this month or in February.

The panel's decision affects 43 current and former investigators in the office of District Attorney Kathleen Rice, comptroller records show. They had been making an average of \$86,400 a year, ranging from about \$46,000 to about \$109,000. The new wage scale boosts their salary to an average of \$121,000, with a low of \$98,000 and a high of \$190,000.

Some are retired police officers who already receive state pensions, of \$56,000 to \$106,000 a year, according to data from the Manhattan Institute for Policy Research, a conservative think tank. It was not clear how many are retired New York City police officers because pension officials have refused to disclose the names of retirees

receiving pensions and the amount of their benefits.

"There is no dispute members of the bargaining unit come to their positions with extensive experience and the highest of qualifications for their work," the decision says.

"We are convinced the welfare of the public will be best served by awarding a wage package competitive with those enjoyed by persons performing similar duties in comparable jurisdictions."

The decision refers to Suffolk district attorney investigators, who had a higher pay scale.

Suffolk's 2011 payroll shows 44 district attorney's investigators who earned from \$71,000 to more than \$220,000; at least half were retired police officers, with pensions ranging from \$36,000 to \$155,000 a year, according to the Manhattan Institute.

Richard Zuckerman, Nassau's representative on the arbitration panel, wrote a partial dissent. Giving the IPBA police benefits "is inconceivable to me . . . while the county remains under NIFA's jurisdiction and in the middle of a severe financial crisis that makes the

county's ability to pay for this Award at best doubtful," he wrote.

IPBA president Michael Falzarano did not return several requests for comment. Rice and Maragos declined to comment, and County Executive Edward Mangano couldn't be reached.

Scheinman long has been controversial because of his generous awards to Long Island police unions, whose members are among the highest-paid in the nation.

Complaining that Scheinman used his decisions in one Long Island county to justify even greater benefits in the other, Suffolk lawmakers in 1998 enacted the so-called Scheinman law, which bans the county from using arbitrators who had worked in Nassau during the previous three years. The resolution remains in effect, said Suffolk's legislative counsel, George Nolan.

The arbitrators are chosen from a list of certified arbitrators. The county and the union each get to pick a panel member. They must agree on the third.



IGATORS

Although some Nassau politicians also have complained, Scheinman has continued to handle Nassau police contracts. Scheinman could not be reached for comment.

Nassau's district attorney's investigators separated from the CSEA, whose members earn lower average pay than the police unions, and started their own bargaining unit in 2004. After the county and IPBA could not reach a new contract, they agreed in 2008 to binding arbitration.

The arbitration award sets up a new eight-step wage schedule, effective Jan. 1, 2011, providing annual salaries of \$90,608 to \$145,826 depending upon years of service.

It covers the period from Dec. 1, 2004, through Dec. 31, 2012.

Nassau District Attorney investigators "assist in basically every aspect" of prosecutions, said Rice spokesman John Byrne. They investigate crimes reported to the office, interview suspects and participate in undercover investigations, he said.

OTHER BENEFITS AWARDED

In addition to salary increases, an arbitration panel awarded benefits to the Nassau County Investigators Police Benevolent Association, including:

- \$1,300 a year in clothing allowance
- \$625 a year for equipment
- \$500 a year in education incentive if they have earned some college credits
- 24 days of sick leave a year
- 27 vacation days annually, increasing to 30 days a year after 16 years in the district attorney's office
- Five days of termination pay for every year after 10 service years in the DA's office.
- \$300 annually for every year of service in the DA's office after reaching the top salary step.
- No contribution for health insurance; investigators receive a \$2,000 annual payment if they do not take county health insurance

Nassau pays the union \$10,000 annually to "better enable" it to "execute its representative role . . . "

The article is reprinted from Long Island Newsday, January 12, 2013

DIA ITEMS FOR SALE

All DIA members can now purchase patches from their Trustee for \$5 each. These patches are a new design and we encourage members to display the patch with pride.



DIA CHALLENGE COIN FOR SALE



Challenge coins are a memento that gives personnel pride and affinity for an officer's agency or department.



Challenge coins are traced back to the military. Soldiers used these as a source of pride and were used to recognize the actions of soldiers who go above and beyond

the call of duty.

Today many police agencies have designed challenge coins for the very same purpose. The DIA has designed its first challenge coin to coincide with the 10 year anniversary of 9/11.

There are a couple dozen of these keepsake coins still available for a cost of \$10. Please contact John Fleming to purchase one.

2013 MEMBERSHIP CARDS

2013 Membership Cards are included with the newsletter for Retirees. Active members already received theirs. Any Active member who did not receive one should contact their Trustee. Retirees who do not get one with their newsletter should contact President John Fleming.



Retiree News

By Nick Vessio, Retiree Delegate



Let me start by wishing you and your families a blessed New Year. I again would like to stress that all members, active and retired, should visit the NYCDIA website on a regular basis to stay informed about union matters.

Last year, President John Fleming asked me to reach out to the retired members to try and have a social gathering such as a picnic. However, very few if any members expressed any interest at all. The NYCDIA encourages our members to participate in the Union.

I personally want to see you become more interested because I want you to feel included in our association.

If any retired member is interested in going to a picnic this summer, please e-mail me at nick0124@verizon.net. In addition, you can contact me if you have any questions regarding any retirement issues.

Have a safe new year.



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