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6 NASSAU COUNTY LEGISLATURE

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8 RICHARD NICOLELLO

9 PRESIDING OFFICER

10

11 PUBLIC SAFETY COMMITTEE

12

13 LEGISLATOR DENISE FORD

14 CHAIR

15

16

17 Theodore Roosevelt Building

18 1550 Franklin Avenue

19 Mineola, New York

20

21

22 June 5, 2019

23 2:16 P.M.

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2     A P P E A R A N C E S:

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4     LEGISLATOR DENISE FORD

5                     Chair

6

7     LEGISLATOR STEVEN RHOADS

8                     Vice Chair

9

10    LEGISLATOR VINCENT MUSCARELLA

11

12    LEGISLATOR JOHN FERRETTI

13

14    LEGISLATOR DELIA DERIGGI-WHITTON

15                     Ranking member

16

17    LEGISLATOR SIELA BYNOE

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19    LEGISLATOR DEBRA MULE

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2                   LEGISLATOR FORD:       We are now  
3   calling the Public Safety Committee in regards  
4   to the issue of the school crossing guard  
5   situation to order, and I will ask that  
6   everybody please rise and ask Legislator  
7   McKevitt to lead us in the Pledge of  
8   Allegiance.

9                   Thank you everybody for coming  
10   again today. I think we are probably going to  
11   follow the same format that we followed  
12   yesterday schedule in that we will our unions  
13   representing the school crossing guards to  
14   come up first. We have Commissioner Ryder in  
15   attendance who will be here to answer any  
16   questions or speak with us in regard to some  
17   of the concerns that we do have in regard to  
18   the issue of school crossing guards.

19                  This is an issue that is very near  
20   and dear to my heart and something that has  
21   bothered ever since many years ago when the  
22   county decided to basically switch the job  
23   title from full-time workers to full time,  
24   part time. Over the years the county has  
25   moved from having -- they went to less and

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2   less full time school crossing guards to more  
3   part time.

4           As a result of that, we have been  
5   having difficulty in hiring school crossing  
6   guards. It's my desire that we take a look at  
7   this, find a solution. My belief is that we  
8   need to go back to making this position full  
9   time if necessary. I think these women, and  
10   primarily they are women, can multitask, do  
11   more than one task, school crossings, and in  
12   between their down time we can probably find  
13   something for them to do. They have provided  
14   a great service to all of us and especially to  
15   our children.

16           Aside from the fact that they cross  
17   the children at many unsafe crossings and  
18   corners and stuff and they took their safety  
19   on the line and their lives on the line for  
20   the children, but in many caress they become  
21   that special person to young children.  
22   Usually it's the same woman that's crossing  
23   them. They can establishes relationships.  
24   They provide a safety net. They are the ones  
25   that are the eyes and the ears to hear these

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2   children to see how they are. They also  
3   become known to the neighborhood and they know  
4   the neighborhood that they are working in. So  
5   they know really who belongs there and who  
6   doesn't belong there.

7           I feel over the years the fact that  
8   we see more and more school crossings being  
9   taken up by our officers on patrol and we  
10   thank God we have these officers that can fill  
11   in when a school crossing guard is not  
12   available. But we are going from many two or  
13   three school crossings a day -- I believe the  
14   union will verify that -- to possibly ten or  
15   even 20. Maybe even more than that. Where  
16   these officers are taken off their patrol to  
17   do these crossings. To me that makes a signal  
18   that there is a big problem here.

19           So I'm hoping after today we will  
20   be able to come up with a better solution and  
21   get these women back on the job and get these  
22   crossings done by the people that are hired to  
23   do them. I'm going to ask as the first  
24   speaker I guess it would be James McDermott  
25   from the PBA.

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2                   MR. MCDERMOTT:       Thank you  
3   Denise. I think you covered everything. Not  
4   really. Thank you very much for inviting us  
5   to participate in the inquiry into the school  
6   crossing crisis that has compromised public  
7   safety here in the county.

8                   As you saw yesterday, the  
9   commissioner is often without a plan when  
10  confronting problems of his making. Your  
11  efforts in bringing this to attention of the  
12  public forces of the commissioner to implement  
13  changes that he otherwise refuses to do.

14                  We are grateful for your concern as  
15  are the residents of the county. To put it  
16  plainly, the commissioner made a tremendous  
17  and dangerous error by choosing not to staff  
18  school crossings with additional police  
19  officers. While the commissioner has begun to  
20  address the issue, only after our PBA held a  
21  press conference exposed the mismanagement, he  
22  has still failed to effectively and  
23  efficiently address the crisis. Allow me to  
24  offer some background in this situation.

25                  In 2017 the PBA helped the

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2       commissioner with the crossing guard crisis by  
3       allowing him to utilize police recruits to  
4       temporary fill the crossings.

5           In January of 2018, one and a half  
6       years ago, the PBA brought a grievance to fix  
7       the crossing crisis. The county refused to  
8       respond or schedule a grievance for  
9       arbitration as it is contractually required to  
10      do. The commissioner and the county's failure  
11      to schedule that and many other grievances  
12      concerning public safety will surely be the  
13      subject of another hearing before you in the  
14      future. The crossing crisis that the  
15      commissioner has allowed to continue is an  
16      affront to the public and our officers who  
17      protect our residents.

18           As you know, the department starts  
19      every day with a shortage of at least 50  
20      crossings. Irresponsibly, the commissioner  
21      then allowed patrol officers to be placed out  
22      of service while they were directed to cover  
23      those crossings. In our busiest precincts,  
24      the First, Third and Fifth there have been  
25      times when almost every patrol officer was out

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2   of service and literally prohibited from  
3   responding to calls of crimes in progress and  
4   requests for medical aid to being placed on  
5   crossing. Incredibly, the commissioner did  
6   not call the officers to cover the crossings  
7   so the patrol officers could carry out their  
8   mission in protecting the residents of Nassau  
9   County.

10           This outrageously dangerous  
11   situation led to an increase in response times  
12   where individuals in dire need of medical  
13   assistance were not reached in time. While  
14   the commissioner has now started to address  
15   this problem of his own making, his efforts in  
16   doing so are insufficient and poorly  
17   conceived.

18           To be clear, in each and every  
19   precinct patrol officers are still out of  
20   service every day due to having to cover these  
21   school crossings. This is unacceptable and  
22   quite frankly, is wrong on part of the  
23   commissioner. It must stop.

24           The commissioner sets an arbitrary  
25   numbers of officers in certain precincts that



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2   are called in in the mornings to cover  
3   crossings but the number doesn't cover them  
4   all. That means residents across the county  
5   do not have officers patrolling their  
6   communities and available to help them when  
7   they need it. In other precincts officers are  
8   not called in at all to cover morning  
9   crossings.

10                   In the afternoon the commissioner  
11   compounds his errors by taking equally  
12   ill-advised measures. During afternoon hours  
13   the commissioner pulls officers from  
14   specialized and vital details and assigns them  
15   to cover crossings instead of calling in  
16   officers to staff them. This represents the  
17   height of mismanagement. Taking a highly  
18   trained officers from units such as CIRRT,  
19   marine bureau and mounted units means that  
20   these officers will not be able to carry out  
21   the most critical and emergency functions.  
22   Instead they will be placed out of service to  
23   cover crossings. This further compromises  
24   public safety.

25                   The commissioner must be held

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2       accountable for these events and we must  
3       ensure that officers are called in to cover  
4       crossings so our patrol force can do the job  
5       of protecting the public. Unfortunately,  
6       there's been a pattern of promises being made  
7       to you by the commissioner only to later see  
8       them broken. You've been told that extra  
9       police are being putting in our schools, but  
10      absurdly, those same officers are being pulled  
11      out of their important task and placed out of  
12      service every day on crossings.

13                In the First Precinct, the only  
14      precinct that has school resource officers,  
15      the school officers who work with and rely --  
16      I'm sorry. Of course I have these out of sync  
17      here. Too much information. As I was saying,  
18      the school resource officers, the only  
19      precinct that has them is the First Precinct  
20      and they are being put out on crossings. They  
21      saw a reason to put school resource officers  
22      in the First Precinct, but yet they are on  
23      crossings and they don't get to work with the  
24      administration.

25                As we saw yesterday with the

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2     detectives, this is not a contractual  
3     problem. Although the commissioner may want  
4     you to think it is. It is a problem instead  
5     of the commissioner's making that the  
6     conscious decision to allow public safety  
7     crisis to exist by not taking immediate  
8     measures to stop it. If the commissioner  
9     wants to tell you that the county must engage  
10    in years-long process of negotiating for more  
11    crossing guards, as he did yesterday with  
12    respect to the detectives, that does not  
13    absolve him of the responsibility to provide  
14    officers to cover posts and details that must  
15    be manned now.

16               While the crossing crisis  
17    represents a grave situation for both  
18    residents and our officers who serve, there  
19    are other issues that I wish to mention as  
20    well. When you asked the commissioner  
21    yesterday about the lack of a cadaver dog here  
22    in the county, even though we are in the thick  
23    of a battle to defeat MS-13 and other gangs  
24    and even though the New York State Police have  
25    such a dog, you were told to chalk it up to

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2   shared services. That's a meaningless  
3   answer. The Nassau County Police Department  
4   is a significant and elite police force  
5   representing one of the largest suburban  
6   counties in the nation. It requires on behalf  
7   of our residents such resources. There are  
8   times in other jurisdictions they utilize  
9   their own resources and then when we have to  
10   wait for them if we need their's or go without  
11   them at all.

12               Surely you will remember the press  
13   conference from earlier this year of the  
14   repeated inability of the commissioner to  
15   provide air support and services from our  
16   aviation unit because the department chooses  
17   not to call in pilots. In certain instances  
18   officers are chasing armed suspects or  
19   involved in extremely dangerous incidents that  
20   we have to do without air support because the  
21   department informed them it was unavailable.

22               In other instances during life  
23   threatening circumstances, air support had to  
24   be waited on while helicopters came from  
25   Yaphank in Suffolk and Floyd Bennett Field in

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2       southern Brooklyn. Are we passing this off as  
3       another shared service? This is unacceptable  
4       and places our residents and our officers in  
5       grave danger.

6           The PBA filed a grievance over the  
7       public safety crisis affecting aviation last  
8       year but the county refused to move on that  
9       matter as well. Sadly, these matters revealed  
10      that the department is only reactive and not  
11      proactive.

12           Another example of that is the  
13      issue with the narcotics dogs, to which you  
14      received a misleading answer yesterday. You  
15      were told that there are five such dogs, which  
16      are critical in the area of the opioid abuse  
17      in which we live. This is not accurate.  
18      Scrambling to do something before these  
19      hearings, the department added several dogs.  
20      However, these dogs are not yet trained. So  
21      at the moment Nassau County Police Department  
22      only has one narcotics dog for service and is  
23      placed with a supervisor, not a police  
24      officer, and that represents further  
25      mismanagement by the commissioner. The

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2   department has not been without such dogs for  
3   years.

4           These issues and many others reveal  
5   that the commissioner lacks vision and  
6   solutions for these serious problems. The  
7   commissioner lacks a plan as you saw yesterday  
8   in regards to the detectives issues. You had  
9   to force the commissioner to admit that the  
10   money is budgeted and he must report back to  
11   you with a plan to call in detectives to do  
12   the critical work of keeping our county safe.

13           The same must be done without delay  
14   with respect to crossings. I ask that you  
15   require the commissioner to immediately  
16   correct the deficiencies that we pointed out  
17   to you here today so that the crossings are  
18   properly covered by the officers and are not  
19   taken from their patrol posts or specialized  
20   details. Only then will we make sure that we  
21   are safeguarding officers and our residents  
22   alike.

23           We have a unique situation here in  
24   Nassau County. The commissioner is reversing  
25   a years long tradition by having highly

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2   trained police officers do civilian work and  
3   what we are seeing now the public safety  
4   crisis are unattended and consequences of poor  
5   planning thank you again for your attention  
6   and concern.

7           I just want to give you a couple of  
8   samples of things that are happening. These  
9   are just a couple. They all have rippling  
10   effects that go throughout the county.

11           In the Third and Fifth Precinct  
12   they have mall details to handle the  
13   shoplifting. I came from the Fifth Precinct.  
14   That's Green Acres Mall. They put an arrest  
15   response team down there. It consists of two  
16   guys. They are being put out on crossings.

17           As the Third Precinct has a  
18   substation. There's so much shoplifting going  
19   on that if you didn't have these guys and  
20   girls in these positions handling multiple  
21   shoplifters in the mall, all of Mineola would  
22   be out here in the Third Precinct, all of  
23   Valley Stream would be out of service in the  
24   mall in Green Acres.

25           We had something the other day

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2    exactly what happened in the Fifth Precinct.  
3    They were on crossings and there were about  
4    five shoplifters and you wiped out all of  
5    Valley Stream for calls for service because  
6    you took these two officers out of what they  
7    should be doing and put them on something they  
8    shouldn't be doing.

9           Second example. In the First  
10   Precinct an aided case which we are all  
11   familiar with. An elderly female called 911  
12   to help her husband get back into bed. While  
13   I will not get into specifics of this right  
14   now, we are all aware this simple call turned  
15   into a tragedy. It took 20 minutes for a  
16   police officer to get to this call. It came  
17   over originally -- I am getting into specifics  
18   but I'm going to just touch on them. Came  
19   over as assist aided. Assist invalid. That's  
20   usually picking up somebody and putting them  
21   back. An elderly person that fell off a  
22   toilet bowl or out of bed and fell on the  
23   floor and getting them back up.

24           In this case you have an elderly  
25   woman. She calls. Everybody's out on



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2   crossing. 18 out of 20 cars are out on  
3   crossings. The two other cars are out on a  
4   call. Police officer whose posts it is says  
5   I'll handle it once I'm finished my crossing.  
6   It's 20 minutes later and after a second phone  
7   call he gets there and this person transpired  
8   during that time. I'm not saying, I'm not a  
9   doctor, I don't know what would have happened,  
10   but the person died and that could have been  
11   avoided.

12           Third example. As I mentioned  
13   during a prior address to the legislature, an  
14   officer could actually see where a pedestrian  
15   was struck by a car but was unable to respond  
16   and render aid due to the fact that he was out  
17   on a crossing. You're on a crossing. Across  
18   the street somebody gets hit by a car while  
19   he's riding a bicycle and you're not allowed,  
20   per our rules and regulations, to leave that  
21   crossing to take care of that aided person.

22           Like I said, this is just a general  
23   overview. Has a rippling effect. It's  
24   something that needs to be fixed and needs to  
25   be fixed right now. I thank you all for your

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2     time.

3                   LEGISLATOR FORD:       Thank you very  
4     much. As you know, the topic today is we are  
5     going to focus on our school crossing guards.  
6     Because obviously I guess there is some  
7     rippling effect that seems to be going on. We  
8     will continue with this discussion in regard  
9     to them. With that I'm going to ask that CSEA  
10    president Jerry Laricchiuta to come up.

11                   MR. LARICCHIUTA:     Good afternoon  
12    everybody, Madam Chair. Thank you for  
13    allowing us to speak and thanks to the  
14    committee for allowing me and my team to come  
15    up. I'm probably going to be doing most of  
16    the speaking. I don't have quite as well a  
17    developed delivery as my counterpart in the  
18    PBA. I'm going to keep it a little shorter.

19                   But I want to tell you that  
20    basically we do share a common theme here.  
21    It's a little different in a way. Here's the  
22    bottom line. It comes down to money. In five  
23    years, six years ago former Police  
24    Commissioner Tom Krumpter, and I told this to  
25    the county executive back then, Mr. Mangano, I

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2       told this to the police commissioner  
3       Mr. Krumpster, he's the one that decided that  
4       we're no longer going to hire full time  
5       crossing guards. Because in the contract --  
6       now you all have -- it was a delivered a  
7       letter yesterday I believe, I found this  
8       letter to be extremely offensive to us. So I  
9       wrote a counter letter to you, which I hope  
10      you all received. I think it was hand  
11      delivered.

12                But they mention the fact that the  
13      recruitment issue for crossing guards began  
14      five years and is the result of a collective  
15      bargaining agreement negotiated by the prior  
16      administration and it says see attached. The  
17      attached basically is Section 11 which says,  
18      The county can hire as many full-time or  
19      part-time crossing guards at their own  
20      discretion. And therein lies the biggest  
21      problem we are facing today. You cannot give  
22      government, especially counties, especially  
23      this county, their own discretion. Because  
24      when you do that, I like to compare it to  
25      giving a three year old toddler the right to

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2    try and cross Hempstead Turnpike on their own  
3    in the middle of rush hour. Something bad is  
4    going to happen. The result is never going to  
5    be good.

6           The county at its own discretion  
7    decided to never hire another full timer. It  
8    doesn't say they shall not hire another full  
9    time crossing guard. It says at their own  
10   discretion. Guess what? Since 2012 they have  
11   not yet hired one single full-time crossing  
12   guard and we have been imploring them. I'm  
13   sorry. I think it was 2009 I'm being told.  
14   But okay, that's even worse. So they haven't  
15   hired a single crossing guard full time since  
16   2009. That's horrible. That's why we are in  
17   this position today.

18           We have split and divided one of  
19   our strongest units in CSEA, the crossing  
20   guard unit. They are like everybody's mom and  
21   aunt. They know all their children that  
22   cross. They own those crossings. This is  
23   what they do. They take ownership of these  
24   crossings. No longer can they feel that way.  
25   We went from 400 plus full-time crossing

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2       guards -- I'm going to say in 2012 because  
3       that's figure I got -- to 142 today.

4           I'm not blaming anyone in  
5       particular in the PD because I believe if this  
6       commissioner had the ability to hire more he  
7       would. Because I've had many conversations  
8       with him. I think we are being impeded on  
9       this issue with crossing guards by this  
10      administration. I don't know what the end  
11      game is for them. I really don't. I don't  
12      get it. Obviously there is going to be some  
13      kind of banner some day look what we did. We  
14      saved X amount of money. Right now I'm told  
15      by budget review people there's 375 vacant  
16      funded positions in this budget. 375. Yet  
17      we're short crossing guards.

18           Here's the issue. They will not  
19      hire because this is what the former  
20      commissioner started. He said we're not going  
21      to hire any more full-time crossing guards.  
22      There's a value to that in a department such  
23      as the police department which has the largest  
24      budget in the county. We are counting pennies  
25      now. What our children's lives are worth and

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2    what our residents' lives are worth when a  
3    police officer, a sworn law enforcement  
4    officer, cannot leave a crossing to attend to  
5    a crime or an aided victim because they're  
6    crossing children. Which is a civilian job.

7           I won't tell you what I'm told the  
8    cost is. Maybe when the commissioner comes up  
9    he can verify this or not. But I'm told as of  
10   right now today it's \$5,000 a day in overtime  
11   issues. Listen, I'm not begrudging the police  
12   officers. They're the law enforcement  
13   officers and the best we've got in this  
14   country. I'm not even complaining about  
15   that. But that's why we have civilians. So  
16   they can do their job and we can do ours. And  
17   the land with the highest taxes in the country  
18   are coming out of we should then have sworn  
19   law enforcement officers, 60 of them a day, 70  
20   at sometimes, officers a day that cannot do  
21   their job because they're crossing children.

22           Now, they offered me some kind  
23    of -- they said something about we should  
24    leave this for contract negotiations. If we  
25    leave this for contract negotiations in my

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2    opinion we might have an answer to this by  
3    2040. We've had three meetings in year and a  
4    half with them. We should have been done by  
5    now. It's been 18 months. So please don't  
6    tell me. That's an insult to put that in  
7    there. They want to negotiate this.

8           Then to maybe avoid having these  
9    hearings at all -- now listen, I'm not saying  
10   this administration caused this problem. They  
11   did not. It was the prior administration.  
12   Let's be fair. Let's call it what it is. But  
13   this needs to be fixed now. We can't let this  
14   go on any longer. It has become, like Jim  
15   McDermott said, it's a public safety crisis  
16   which is why you're having a hearing on it  
17   right now.

18           This whole thing about don't  
19   interfere with our arbitrations. Don't  
20   interfere with our legal matters. Don't  
21   interfere with our negotiations that's all  
22   side talk. That's garbage. You can just  
23   throw that out. I gave you the right answer  
24   in there. We've had three meetings in  
25   negotiations. We are no closer today than we

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2       were at the beginning of Laura Curran's term  
3       of getting a contract. Not one iota closer.  
4       That's sad for my members and for all the  
5       other union members too because they think we  
6       are. We're trying to tell them it's going  
7       real slow.

8           Now, the other thing that I saw in  
9       here that was interesting, I really don't  
10      understand why they keep going to this, this  
11      administration continues to say, because the  
12      staffing issue is not only for crossing  
13      guards, this is a county-wide problem, an  
14      epidemic right now, and they say one of the  
15      reasons is because we entered into so many  
16      VSPs, these voluntary separation programs.  
17      And that we even made it worse by saying they  
18      only had to hire half the amount in the last  
19      one. My God is that misleading.

20           Let me give you the real quick  
21      truth on that. I want you to know if you're  
22      dealing from a side of the credibility than  
23      our word should be more than theirs. Let me  
24      straighten that little nonsense out.

25           Because the first four VSPs we put



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2     in -- and Miguel was part of that, we put in a  
3     new pay scale called planned D. It's for  
4     anyone hired after the April 1, 2014. They  
5     would be hired under plan D. Why? Because  
6     now they would be able to be hired at a lower  
7     rate. A lower pay scale. The idea of a VSP  
8     was to have workers in the county that are at  
9     top pay, that could retire, leave on their own  
10    on good terms with a little extra compensation  
11    and the county would save millions in the  
12    future years by paying the same number of  
13    employees but under plan D much less money  
14    until the end. The idea was to get rid of the  
15    highest paid employees on their terms, not  
16    being thrown out or laid off. To let them  
17    leave voluntarily and then replaced by much  
18    lower -- someone that's at top pay making  
19    85,000 would be replaced by someone making  
20    \$30,000 a year and they'd have to start all  
21    over again. Not to be never be replaced.

22               For the first four incentives they  
23    were not replaced. So we couldn't trust the  
24    county. So I insisted on having a 50 percent  
25    number in there so at least we would get

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2   something back. It's not don't hire more than  
3   50 percent. It's like, listen, we trusted you  
4   with four incentives. You haven't hired  
5   anybody back. I don't want to enter into this  
6   one. I want at least 50 percent of the number  
7   that leaves in this incentive hired back.  
8   They're trying to turn that around. It's  
9   disingenuous. It's misleading.

10           Now, I do believe there's an  
11   answer. And we've had talks with this police  
12   commissioner, Commissioner Ryder. We've had  
13   talks as late of yesterday where we came up  
14   with plans to try to get things done. The  
15   chief deputy county executive Helena Williams  
16   is insisting that we put this into  
17   negotiations. It's not happening. First of  
18   all, we'll never get this resolved. I don't  
19   feel confident we're going to have a contract  
20   by September. I know that she's saying we  
21   do. I hope she's 100 percent right. Unless  
22   she has plans I don't know about I don't see  
23   it.

24           Plus it's not a mandatory subject  
25   of bargaining. This is their job to make sure

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2   they have enough crossing guards to cover the  
3   crossings. Not my job. Not CSEA's job. So  
4   you don't take your problem and make it my  
5   proposal. Maybe they think you do. I don't  
6   know. They're very confusing quite frankly.

7           So, I'm so grateful for this  
8   hearing because I just want you to pay  
9   attention to this. Because if it isn't a  
10   public safety issue, this is going on in every  
11   department, but because this is a public  
12   safety and it involves our children, I think  
13   we're getting some attention here.

14           And it can be fixed. All they have  
15   to do is sit down with us. We've offered  
16   plenty of ideas. There's been an offer to  
17   increase the pay of part timers. Which I  
18   don't think really solves the problem. But  
19   it's a start. It's a step in the right  
20   direction. But they won't put it in writing.  
21   They won't give me an agreement on it. What  
22   happens if they change their mind a month  
23   later and take the money back? They can't.  
24   It's illegal. The Taylor Law says you have to  
25   negotiate with the union. You can't just

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2   offer more money on your own. That's a  
3   violation of the Taylor Law. I think that  
4   would be a step in the right direction. I  
5   think part timers might feel like the job is  
6   worth it.

7           You realize the issue is part  
8   timers receive less than half the compensation  
9   of a full timer. Less than half. But they're  
10   pretty much required to do the exact same  
11   job. If they live in Massapequa and their  
12   crossing might be -- not many of these  
13   anymore, there was at one time -- let's say  
14   their crossing is in Elmont. That could take  
15   them 35, 40 minutes to get there on a wintry  
16   day and then go back to Massapequa in the  
17   afternoon and go back to Elmont and do the  
18   afternoon crossing. By the time you subtract  
19   the aggravation, the gas and stress you're not  
20   making too much money at \$17 an hour or \$18 an  
21   hour. It's not an attractive job. And for  
22   people who are going to protect our children  
23   and make sure they get crossed correctly it  
24   needs to be an attractive job. We don't cheat  
25   on public safety. We shouldn't anyway.

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2                   Thank you for listening to me and  
3   sorry about going off a little bit. I want  
4   you to know I believe there's an answer to  
5   this and if this administration wants to be  
6   serious about it I'd be glad to sit down with  
7   them.

8                   LEGISLATOR FORD:       Thank you very  
9   much. I have to say we don't cheat our  
10   children either. I feel that in the case of  
11   the school crossing guards we are.

12                  I want to go over when you talked  
13   about the VSP. When you made basically this  
14   agreement that you said, I remember that at  
15   least 50 percent, that by allowing people to  
16   have the early incentive -- and correct me if  
17   I'm saying this wrong -- that with the early  
18   incentive to allow more senior people to --  
19   sorry about that. But with the VSP, when you  
20   entered into an agreement so to speak to with  
21   the county to allow the senior people to  
22   retire; is that correct? And that by having  
23   them leave at the higher salary that at least  
24   50 percent of the people of the number of  
25   positions that were vacated you would then,

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2     the county would rehire back other employees.

3     Am I correct?

4                   MR. LARICCHIUTA:       That's

5     correct. And they would hire other employees

6     at a lower rate of pay, which was the whole

7     incentive to relieve the financial stress on

8     the payroll. We're down 2,000 members in the

9     last eight years, seven years. Down 2,000.

10    Then they say you entered into all these

11    VSPs. Yeah but the idea was, why we would

12    come up with a plan D? I'm on plan C. I've

13    been around since 1990. I'm on plan C. Ron's

14    on plan C. Anyone hired before 2014 is on

15    plan C. Anyone hired after that is on plan

16    D. The reason for that plan D is so that they

17    would be replacing higher paid plan C.

18                   Now understand this, in fairness to

19    those new hires, they all reach top pay the

20    same eventually. But to get the county going,

21    to get that engine going, get the rehiring

22    going, keep the staffing at a safe level, we

23    allowed the county to rehire at a slower

24    pace. They decided on their own, remember,

25    discretion, their own discretion, which is the

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2       worst thing you can do is to leave the county  
3       at their own discretion, and they decided to  
4       hired nobody.

5                   LEGISLATOR FORD:       That was  
6       actually the basis of my question. Did they  
7       hire at least the 50 percent back?

8                   MR. LARICCHIUTA:       They say they  
9       did. I have no way of proving it. No one's  
10      ever sent me anything. I thought it was  
11      specific to those that left. In other words,  
12      if 20 crossing guards left at least ten would  
13      be rehired.

14                  LEGISLATOR FORD:       That was my  
15      understanding too.

16                  MR. LARICCHIUTA:       That's not the  
17      way it went. If you talk to human resources  
18      or anyone from current administration and  
19      their staff they'll tell you we met that  
20      goal. I have no way of knowing if they met  
21      that goal. Personally I don't think they did  
22      but I have no way of proving or disproving  
23      them. They didn't keep it specific to those  
24      that left. So if 50 left DPW, did we get 25  
25      new hires in DPW? I don't know. I have no

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2   way of knowing that.

3                   LEGISLATOR FORD:       What we can do  
4   is ask our Office of Budget Review to take a  
5   look at that and tell us how many employees  
6   when they left, how many employees were hired  
7   back within those job titles and where were  
8   the major hirings. It should be easy to find  
9   them because they're on plan D rather than  
10   plan C.

11                   MR. LARICCHIUTA:     Let me just see  
12   if I can read this one paragraph on the  
13   clarification letter. As you know, Nassau  
14   County is big on clarification letters with  
15   NIFA and NIFA got involved in this. Hence,  
16   the 50 percent that I was demanding.

17                   So, in the clarification signed by  
18   Mangano, Rob Walker, Laricchiuta and Miguel.  
19   It is not the intent of either party to place  
20   a hard cap or any other finite maximum limit  
21   of employees slash members that Nassau County  
22   can hire in the future. Both parties  
23   understand that the current county executive  
24   and future county executives can hire many  
25   more employees slash members than the 50



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2     percent number who utilized the 2017 VSP. We  
3     clarified that up so they wouldn't have this  
4     argument. Yet they have it anyway. It's  
5     embarrassing. It really is.

6           LEGISLATOR FORD:     So I'm guessing  
7     that you have not met in regards with  
8     negotiations. I agree with you. I don't  
9     think that the school crossing guard is a  
10    contract negotiation issue. I think it's  
11    something that should stand alone. And the  
12    thought that a contract may not be certified  
13    until October, even like if they're saying  
14    September, October that doesn't give us much  
15    hope because then we would have to wait until  
16    you can figure out with school crossing guards  
17    and then start the process of hiring them and  
18    school's already started in September.

19           But I think that we need to find  
20    the solution sooner rather than later and that  
21    basically is the intent of this hearing. I  
22    will let Steve Rhoads and I'll come back to  
23    me.

24           LEGISLATOR RHOADS:     Thank you so  
25    much Jerry for your insight and for your

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2     testimony. Couple of quick questions for  
3     you. We've been, in my conversations with the  
4     administration, we've been told that part of  
5     the issue, as you have alluded to, is a  
6     contractual issue. Not in the context that  
7     you've raised it, though obviously the letter  
8     speaks for itself, but in the context of what  
9     happens to the hours that the crossing guards  
10    if they're on full time where they're not  
11    sitting on a school crossing.

12           One of the ideas that's been  
13    floated about was the idea of utilizing, of  
14    combining parking enforcement agents along  
15    with our crossing guards unit so that for the  
16    four hours these crossing guards are not on a  
17    post they will be functioning as parking  
18    enforcement agents. Since obviously we have a  
19    need and shortage for anybody that lives by  
20    the Long Island Railroad on one of those  
21    surrounding streets can attest to. Would  
22    there be any objection on the part of the CSEA  
23    with a combination of those two units and then  
24    hiring additional crossing guards full time?

25           MR. LARICCHIUTA:     We've shown a

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2   great interest in speaking about that.  
3   There's a lot of other things as always,  
4   nothing is ever simple. What do you do with  
5   the current full-time crossing guards? Would  
6   they be offered that same position? And what  
7   about those that didn't take it? But I  
8   believe that's workable, and I think the idea  
9   going forward, being progressive, looking to  
10   the future, where we are trying to be economic  
11   but yet get the most out of our employees and  
12   save our members work, yes, I think it's  
13   something that we could entertain. As long as  
14   everybody literally has open ears and is  
15   flexible.

16           I have to protect the current full  
17   time. There's 142 of them left. That doesn't  
18   mean I'm going to disband them. But yes, I  
19   think we would show a pretty good interest.  
20   And Miguel would be the one that would --  
21   Miguel Puzo who's our labor relation  
22   specialist, actually he's the director now,  
23   he's a big shot -- he would actually be the  
24   one directing us in how to get that done.

25           LEGISLATOR RHOADS:     Miguel, not

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2   to lock you into anything from a conceptual  
3   standpoint, is there an issue with that type  
4   of a proposal?

5           MR. PUZO:       As Jerry just said,  
6   no, that's something that we would definitely  
7   entertain.   Actually Jerry had mentioned this  
8   a couple of years ago.   We have been throwing  
9   that idea back and forth.   So, there are  
10   issues with incumbents that we can iron out.  
11   But personally I do like the idea.   Especially  
12   if there is an avenue in which our part timers  
13   can achieve or gain a full-time position.   If  
14   we can make that avenue work I think it's  
15   something we can definitely consider.

16           LEGISLATOR RHOADS:       Both of those  
17   are traditionally civilian positions, right?  
18   So we have no issue with respect to taking  
19   work away from anyone represented by PBA I'm  
20   assuming?

21           MR. PUZO:       As long as they're  
22   tickets.   No moving.   But tickets.

23           LEGISLATOR RHOADS:       Parking  
24   tickets.   Okay.

25           MR. LARICCHIUTA:       Sorry

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2   Legislator Rhoads if I could. You brought up  
3   a great -- something I would have kicked  
4   myself for forgetting about. One of our  
5   proposals, actually it's been my proposal for  
6   the longest time. It's is exactly what Miguel  
7   started touching on. If you have an  
8   incentive -- increase the pay for the  
9   part-time crossing guard. Obviously that's  
10   something that everybody recognizes, including  
11   the current commissioner. Where we are trying  
12   to get the administration to look at is, cap  
13   out how many full timers you will go down to.  
14   Like I said, we went to over 400, then to 365  
15   and today we are at 142. Let's say we're okay  
16   with 150. I'm making it up now. Then every  
17   six months you do an internal audit. And if  
18   you're down five or six then the part timers  
19   get first right of refusal to take that in  
20   seniority order.

21           That's gives them the incentive to  
22   say if I do a good job, show up at my  
23   crossings, have a good record and I'm making  
24   more money I can become full time with  
25   benefits. Won't even be considered. They

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2   will not even consider it because they're  
3   using the same theory that they're only  
4   working four hours a day. They're called full  
5   time with reduced work benefits because even  
6   though they're only working four hours a day  
7   they are married to that crossing.

8           They go to work in the morning at  
9   seven o'clock. They can't go when they're  
10   done out to Montauk or wine tasting. They  
11   have to stay around because they have to be  
12   back in a few hours to finish that crossing.

13           So when they came up with this  
14   title, and I'm told it's somewhere in the late  
15   '70s, they decided collectively it would be  
16   called full time with reduced hours. Because  
17   they wouldn't have to do the 40 hour work week  
18   or 37. They would do a 20 hour work week  
19   because of the fact that they are married to  
20   the crossing. That's the way it should be.

21           If you could give me that  
22   incentive, we're not talking a lot of money  
23   here. You went from 400 to 150. You made  
24   your savings. You hit your goal. Now let's  
25   protect the children and let's keep the job

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2       way up there where it's something that is  
3       desirable. And if you don't do a good job you  
4       don't get full time. It's that simple. I'll  
5       stand behind that. It's a winner. But they  
6       won't consider it.

7                   LEGISLATOR RHOADS:     Is it your  
8       understanding that part of this issue and part  
9       of the reason why we are having difficulty  
10      attracting people to be crossing guards is  
11      because of the fact there is no full-time  
12      employment?

13                   MR. LARICCHIUTA:     Absolutely.

14                   LEGISLATOR RHOADS:     Who wants to  
15      sit on a crossing four hours a day working  
16      part time at \$18 an hour.

17                   MR. LARICCHIUTA:     And they were  
18      promised that in the first class. I'm going  
19      back a few years. First class was promised by  
20      former Commissioner Krumpter you do this job  
21      and you do it well we are going to make you  
22      full time some day. That kind of trickled  
23      down for a couple of classes until finally  
24      after three or four years and not one was made  
25      they started asking us what happened to that

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2       whole game that they told us about? I said  
3       well, it says at their discretion.

4           LEGISLATOR RHOADS:     That's  
5       something, this type of proposal, is something  
6       that you've already discussed with the  
7       administration?

8           MR. LARICCHIUTA:     Ad nauseum.

9           LEGISLATOR RHOADS:     Their  
10      reaction has been?

11          MR. LARICCHIUTA:     Not happening.

12          LEGISLATOR RHOADS:     Any  
13      particular reason given?

14          MR. LARICCHIUTA:     I cannot be  
15      seen giving part-time workers full time  
16      benefits. Says in the contract full-time  
17      crossing guards.

18          LEGISLATOR RHOADS:     So there is a  
19      potential solution out there that --

20          MR. LARICCHIUTA:     Would work  
21      tomorrow.

22          LEGISLATOR RHOADS:     -- would work  
23      to alleviate this situation pretty much now.  
24      And you are willing to do that as a stand  
25      alone separate and apart from global contract



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2       negotiations which have been going on for 18  
3       months.

4                   MR. LARICCHIUTA:       Absolutely.

5       I'm going to say it again though. They didn't  
6       cause this. Krumpster did under the Mangano  
7       administration. But they can fix. They're  
8       kind of like playing on the same saxophone he  
9       was playing on. Not a good one.

10                   LEGISLATOR RHOADS:       Sounds like  
11       it could be fixed tomorrow.

12                   MR. LARICCHIUTA:       It could be  
13       fixed immediately. It's a simple easy fix.  
14       And I don't think anyone's going to argue  
15       about benefits for people that are out  
16       there -- by the way, we get about ten to 15  
17       crossing guards a year injured on the job. In  
18       fact, one of my closest vice president's wife  
19       is a crossing guard. She was out over a  
20       year. She almost got killed. She got run  
21       over by a car. Crossing guards they face  
22       certain dangers.

23                   We have a lot of different titles  
24       in this county. Some people have good jobs  
25       and some people not so good. That's just the

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2       way the game was written many, many decades  
3       ago. Crossing guards should not be cheated.  
4       I'm willing to cap it at 150. We had 400.  
5       Take out that discretion part because we can't  
6       leave this county up to their own -- I don't  
7       care who the county executive is. It's not  
8       going to work.

9                   LEGISLATOR RHOADS:     I appreciate  
10      it Jerry. I don't know if you can disclose  
11      that, but who within the administration have  
12      these proposals been floated to?

13                  MR. LARICCHIUTA:     I can tell you  
14      that. Since you said the word proposal it  
15      clicked. I have their proposal sheet in  
16      negotiations. I can't publicly show it  
17      publicly. I think that would be a violation.  
18      But any legislator who wants to see what the  
19      proposals are, none of their proposals in  
20      contract negotiations even mentions crossing  
21      guards at all until yesterday. Yesterday  
22      before this hearing. That's when it became a  
23      negotiating issue. Just telling you. God's  
24      honest truth.

25                  I have been dealing with Helena

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2       Williams, Helena Williams, Helena Williams and  
3       I think Helena Williams.

4                   LEGISLATOR RHOADS:       I notice a  
5       pattern. I appreciate it. Thank you very  
6       much.

7                   LEGISLATOR FORD:       Legislator  
8       DeRiggi-Whitton.

9                   LEGISLATOR DERIGGI-WHITTON:       Can  
10      you explain the title again that you were just  
11      speaking of which is part time, full time?

12                  MR. LARICCHIUTA:       In our contract  
13      we have a section just for crossing guards and  
14      it actually says full-time crossing guards and  
15      lists what their jobs are, what their  
16      entitlements are, how many hours they're  
17      supposed to work and what their benefits would  
18      be.

19                  LEGISLATOR DERIGGI-WHITTON:       How  
20      many hours a day?

21                  MR. LARICCHIUTA:       20 hours a week  
22      would be the minimum. That's a little more  
23      than half of what some of our other -- we have  
24      members that get those benefits at 36 hours,  
25      37 hours and 40 hours.

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2 LEGISLATOR DERIGGI-WHITTON: So  
3 right now before you get benefits it would  
4 have to be 36 hours?

5 MR. LARICCHIUTA: Yes. No, no.  
6 Other than the crossing guards, yes. The  
7 contract doesn't say that. It's the lay of  
8 the land. But for four decades they did.  
9 They got them since 1970s, the crossings  
10 guards, because of the specialty of their jobs  
11 and because of the idea they're actually held  
12 hostage to that crossing and get to know all  
13 the children and vice principal and the  
14 principal. They get the health benefits along  
15 with the \$22,000 pay. That's the idea.

16 LEGISLATOR DERIGGI-WHITTON: So  
17 looking at it as a numbers -- on that side, I  
18 think what we really have to do is have  
19 Maurice Chalmers or someone really look at the  
20 cost analysis. Because I think with the  
21 overtime we are paying with the police and  
22 what this would cost it probably would be  
23 beneficial. If I'm reading this correctly  
24 with the police district fund there is \$20  
25 million available right now because we're

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2   underbudgeted. So I think we really need  
3   to --

4           MR. LARICCHIUTA:       It wouldn't  
5   cost anywhere near \$20 million.

6           LEGISLATOR DERIGGI-WHITTON:    It  
7   wouldn't. That's what I'm saying. If we have  
8   \$5,000 a day in overtime.

9           MR. LARICCHIUTA:       That's what the  
10   police commissioner had said openly, publicly.

11          LEGISLATOR DERIGGI-WHITTON:    We  
12   need to like, at least for me -- let me tell  
13   you I'm a mom of three. You don't have to  
14   talk about the safety. That's a given. It's  
15   a priority for all of us up here. But I think  
16   the number end we have to show how much the  
17   overtime with the police is costing the county  
18   compared to what this type of arrangement  
19   would cost. And I think, my guess, just from  
20   looking at a couple of things, it looks like  
21   it would be less.

22          MR. LARICCHIUTA:       Legislator  
23   DeRiggi-Whitton, yes, I agree, but it's not  
24   my -- we have a very good relationship with  
25   all of the unions in Nassau County. So I

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2   never bang heads about them. They don't want  
3   to do this work and they're making \$5,000 a  
4   day. The important thing is, most important  
5   issue for you legislators I believe, yeah, the  
6   money is certainly an issue. But that's not  
7   my main complaint. My main complaint and I  
8   think Mr. McDermott, I don't think you could  
9   get any better proof, at least he cited two  
10   instances where he couldn't respond to people  
11   in need because they were crossing children  
12   which is civilian jobs.

13                   LEGISLATOR DERIGGI-WHITTON:     I'm  
14   an experienced legislator because I was  
15   married to a police officer. I have three  
16   kids. I remember hearing that quite a lot,  
17   which is that same feeling of being on a post  
18   where you cannot leave legally and having  
19   calls coming in. I've lived it.

20                   But again, not to minimize, you  
21   don't have to sell me on any of that. I got  
22   it.

23                   What I am trying to look at  
24   objectively, and I'm not saying this is any  
25   more important by any means, but the numbers.

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2     I think -- I have to see if it's \$22,000 a  
3     year plus benefits I have an idea of what that  
4     is a year. And if you wanted to go up --  
5     right now you're at what number?

6           MR. LARICCHIUTA:     142 full  
7     timers. And I could be wrong about this, the  
8     part timers, it changes so much about 230 part  
9     timers. Maybe the commissioner will  
10    straighten me out on that.

11           LEGISLATOR DERIGGI-WHITTON:     Your  
12    goal again just for the record is?

13           MR. LARICCHIUTA:     My goal is to  
14    cap it out and I came up with a number that  
15    would be reasonable. My real goal would be  
16    300 full timers. That's not happening.  
17    That's what I would like to see. But that's  
18    not going to happen. I can't even get them to  
19    agree to 150 compared to 400. You got to be  
20    saving the county a lot of money in benefits.  
21    Guess what? That's a senior crew too. I hope  
22    I don't have any senior crossing guards here.  
23    They'll be killing me on the way out. A lot  
24    of them have a lot of seniority. I'd say in  
25    the next five years you're going to see a

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2       pretty large turnover. So that tells the  
3       part-time crossing guards hey, we got  
4       something to look forward to.

5                   LEGISLATOR DERIGGI-WHITTON:       In  
6       the 2018 adopted budget we do have 145 full  
7       time allotted.

8                   MR. LARICCHIUTA:       I know.

9                   LEGISLATOR DERIGGI-WHITTON:       So  
10      we could hire --

11                  MR. LARICCHIUTA:       Three.

12                  LEGISLATOR DERIGGI-WHITTON:       I'm  
13      just saying we could hire more than we have  
14      now. It's better than saying we don't have  
15      enough the money. Let me tell you. We have  
16      the money to hire to start.

17                  MR. LARICCHIUTA:       That's the  
18      frustrating part.

19                  LEGISLATOR DERIGGI-WHITTON:       If  
20      you're talking you want 150 we're talking five  
21      more than what we have. Which is a minimum  
22      amount of what you want. But we're not  
23      talking a huge --

24                  MR. LARICCHIUTA:       I just got  
25      corrected. It's 137 now as of this morning.



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2                   LEGISLATOR DERIGGI-WHITTON:       139

3   I thought.   April.   137 full time or part  
4   time?

5                   MR. LARICCHIUTA:       Full time.

6                   LEGISLATOR DERIGGI-WHITTON:       We  
7   lost two?

8                   MR. LARICCHIUTA:       We lost a  
9   couple since yesterday.

10                  LEGISLATOR DERIGGI-WHITTON:       I'm  
11   going to ask the same question we were having  
12   with the detectives.   Obviously the benefits  
13   and those incentives will help.   But as far as  
14   hiring people right now the way it is no one  
15   is interested or what's going on?

16                  MR. LARICCHIUTA:       There's plenty  
17   of people interested.   They have list.  
18   Everyday they canvass.   I know the people that  
19   get the canvass letters.   I can't sit here --  
20   I'm not going to argue with someone from the  
21   administration that says we can't canvass.  
22   But the problem is when they see the details  
23   of the job it's not interesting enough.   It's  
24   not worth it for them.   You can work at  
25   McDonald's now for \$15.   You don't have to

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2     drive in the snow.

3                   LEGISLATOR DERIGGI-WHITTON:       I  
4     think it's a great job if it fits into your  
5     schedule if you're a stay-at-home mom. I get  
6     it.

7                   Again, I'm going to ask Maurice. I  
8     don't know if he's here. The benefits is  
9     definitely one thing to go to full time. And  
10    you said it's \$17 an hour right now?

11                  MR. LARICCHIUTA:       Right now it's  
12    18 and there is a proposal to make it 25 but  
13    they won't put it in writing.

14                  LEGISLATOR DERIGGI-WHITTON:       That  
15    would be a nice little job.

16                  MR. LARICCHIUTA:       It's a step in  
17    the right direction certainly.

18                  LEGISLATOR DERIGGI-WHITTON:  
19    You're not asking for that much Jerry.  
20    Seriously you're asking --

21                  MR. LARICCHIUTA:       It's all about  
22    perception I think.

23                  LEGISLATOR DERIGGI-WHITTON:  
24    You're talking about increasing it less than  
25    ten percent. Talking about increasing it like

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2     three percent.

3                   MR. LARICCHIUTA:     Remember my  
4     other statement. I don't if you remember when  
5     I said that the part time, because of the  
6     benefit package, part timers work for less  
7     than half the compensation of a full timer  
8     right now. They pretty much have very similar  
9     responsibilities.

10                  LEGISLATOR DERIGGI-WHITTON:     But  
11     if we went with the part time we would also  
12     give them \$25 an hour?

13                  MR. LARICCHIUTA:     It would only  
14     be for the part timers.

15                  LEGISLATOR DERIGGI-WHITTON:     But  
16     now if we went up to the numbers that you're  
17     asking for would that eliminate the need for  
18     the police officers to cover?

19                  MR. LARICCHIUTA:     What I'm  
20     thinking is, if you went with 150, this is my  
21     theory, I don't know, but my theory would be  
22     that if you went to part timers to \$25 an  
23     hour, which would make it attractive, everyone  
24     needs money here in Nassau County, utilities,  
25     everybody's struggling, right? You want to

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2       make this a good job. One of the prime jobs.

3           Now, if you cap it at 150, that's  
4       just a low figure, I know people are kicking  
5       me here, make it 200. I'm not playing games.  
6       I'm just saying look, I want to give an  
7       incentive to the part timers that some day  
8       yeah, you're making \$25 an hour right now but  
9       you might be able to become full time. But  
10      you got to show up for your crossings.  
11      Because they have the ability and adaptability  
12      clause.

13           So they can go and say well, Joan  
14      has been a part timer for five years but she's  
15      50 percent sick time abuser. So we're going  
16      to pass Joan up. I'm going to grieve it and  
17      I'm going to lose. I have to represent my  
18      members.

19           Then Jane only has five percent  
20      sick time use. She gets it. Now she's been  
21      going to her crossings, which doesn't cause  
22      the vacuum. We don't need police officers.  
23      It's called good management. I can do this  
24      with my eyes closed. You don't need to be a  
25      rocket scientist to do this. I know that

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2       certain people are handcuffed, and I  
3       understand that because they're not being  
4       given the right and the money.

5                   LEGISLATOR DERIGGI-WHITTON:

6       Again, I'm making sure we're are on line with  
7       it because I'm looking at 2016 you were at 223  
8       full time. 2017 you went down to 150. I  
9       guess that was one of the incentives.

10                   MR. LARICCHIUTA:     Yeah.

11                   LEGISLATOR DERIGGI-WHITTON:     It's  
12       never been --

13                   MR. LARICCHIUTA:     No, I don't  
14       think that was. What year was that?

15                   LEGISLATOR DERIGGI-WHITTON:

16       2016. I was wondering what happened in 2016.

17                   MR. LARICCHIUTA:     That was not an  
18       incentive. That was just bad timing I  
19       believe.

20                   LEGISLATOR DERIGGI-WHITTON:     It  
21       went from 223 in 2016 to 150 in 2017.

22                   MR. LARICCHIUTA:     '17 was the  
23       incentive. '16 was just a bad year for people  
24       leaving.

25                   LEGISLATOR DERIGGI-WHITTON:

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2       Again, if we get you back up to the 150 that's  
3       still 73 less than --

4           MR. LARICCHIUTA:       Way less.

5           LEGISLATOR DERIGGI-WHITTON:       My  
6       main concern is to free up -- obviously to  
7       have the crossing guards but to obviously free  
8       up the police.

9           MR. LARICCHIUTA:       Exactly.

10          LEGISLATOR DERIGGI-WHITTON:       I  
11       want to make sure these numbers are adequate  
12       if we go only up to 150 full time.

13          MR. LARICCHIUTA:       It's really  
14       kind of low but I'm not unrealistic. I'm  
15       trying to be realistic and I'm trying to be  
16       collaborating here with the county instead of  
17       trying to say oh, we got a public hearing.  
18       I'm going to twist them. That's not the way  
19       we do business. I think 300 would be great  
20       but we're not going to get 300. We're just  
21       going to be doing this for two years.

22          LEGISLATOR DERIGGI-WHITTON:  
23       Summing up what we are looking for is another  
24       five seats full time and to bounce --

25          MR. LARICCHIUTA:       You got to get

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2       to the 150 but you have to cap it there. So  
3       that means every six months whatever we are  
4       below 150 you got to use the part time work  
5       force and now they're going to come to work.  
6       And you give them \$25 an hour and you give  
7       them the incentive.

8                   LEGISLATOR DERIGGI-WHITTON:     The  
9       other thing you're looking for is \$25 an hour  
10      for the part time which now make about 17.

11                  MR. LARICCHIUTA:     It's a very  
12      fair agreement and would definitely help.

13                  LEGISLATOR DERIGGI-WHITTON:     Is  
14      Maurice here? If you don't mind, do you mind  
15      doing --

16                  MR. LARICCHIUTA:     I will move out  
17      the way and let Maurice come up here.

18                  LEGISLATOR DERIGGI-WHITTON:     Can  
19      you do a real quick homework assignment? Hi  
20      Maurice. Can you do a quick analysis of how  
21      much an additional five full time with  
22      benefits crossing guards would be and bouncing  
23      up the 262 part time to \$25 an hour?

24                  MR. CHALMERS:     Maurice Chalmers,  
25      OBR. That would not be a problem. We should

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2   be able to do that fairly quickly for you.

3           LEGISLATOR DERIGGI-WHITTON:       As  
4   soon as you can get that. The other thing,  
5   the second part of the assignment is the  
6   \$5,000 a day. I'm assuming that's 181 days a  
7   year. But let's firm up that number and see  
8   what that is. That's the overtime for the  
9   police right now to cover the crossing  
10   guards.

11           MR. CHALMERS:     I will get that  
12   from PBA.

13           LEGISLATOR DERIGGI-WHITTON:       Both  
14   of those numbers and just compare it. I think  
15   it will help.

16           MR. CHALMERS:     We will do that.

17           LEGISLATOR FORD:     Legislator  
18   Ferretti. Jerry, might as well stay up.

19           LEGISLATOR FERRETTI:     How are you  
20   doing? I appreciate your attempt to be  
21   respectful and only think that it's realistic  
22   to have five additional full timers. I  
23   disagree. I think it's pie in the sky to  
24   think if we raise part timers to \$10 an hour  
25   that all of a sudden they're going to want to



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2       work in the morning, go home and go back to  
3       the other side of Nassau County and work in  
4       the afternoon just because it's a couple of  
5       extra dollars which after taxes comes out to  
6       pennies. I think the fix to this is full time  
7       crossing guards and I don't think an extra  
8       five is going to do the trick.

9           My question to you is, and I will  
10      try to be brief, Legislator Rhoads' idea of --  
11      let me start with this. Did I hear you  
12      correctly that the administration's reluctance  
13      to hire full timers is because it's part time  
14      hours at full time pay?

15           MR. LARICCHIUTA:     Correct.

16           LEGISLATOR FERRETTI:   Is that the  
17      only objection they have to this as far as you  
18      know?

19           MR. LARICCHIUTA:     I believe so.  
20      I think it's the same issue I had with  
21      Krumpter.

22           LEGISLATOR FERRETTI:   So  
23      Legislator Rhoads' idea of tacking on  
24      additional responsibilities to the role of  
25      crossing guard would solve that issue for the

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2       administration?

3           MR. LARICCHIUTA:     Yes.   But I did  
4       answer that.   We would be very interested in  
5       that but there's a lot more involved.

6           LEGISLATOR FERRETTI:     That's kind  
7       of my question.   Obviously if you tack on  
8       additional responsibilities to the current  
9       title, what is the title?

10          MR. LARICCHIUTA:     Parking  
11       enforcement agent.   They're astonishingly low  
12       paid.   They're grade fours.   You don't really  
13       get too much lower than that.   So I think they  
14       top out at 39, \$41,000.   But they generate  
15       about half a million a year in tickets each.

16          LEGISLATOR FERRETTI:     You're  
17       talking about --

18          MR. LARICCHIUTA:     PEAs.

19          LEGISLATOR FERRETTI:     I'm talking  
20       about crossing guards.

21          MR. LARICCHIUTA:     That's their  
22       title.

23          LEGISLATOR FERRETTI:     So they  
24       have the same title?

25          MR. LARICCHIUTA:     No.   Parking

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2   enforcement aides. You mean the part time and  
3   full time?

4           LEGISLATOR FERRETTI:     Full time  
5   crossing guard what is the title?

6           MR. LARICCHIUTA:     Crossing guard.

7           LEGISLATOR FERRETTI:     Crossing  
8   guard one or two.

9           MR. LARICCHIUTA:     Straight  
10   crossing guard.

11          LEGISLATOR FERRETTI:     So then  
12   obviously if you are adding on additional  
13   responsibilities to the crossing guard title  
14   you would have to have a new title, right?

15          MR. LARICCHIUTA:     Correct.

16          LEGISLATOR FERRETTI:     What do you  
17   see as the feasible of a new title that would  
18   incorporate additional responsibility and what  
19   would you think the time frame would be to get  
20   that through the civil service commission to  
21   make that realistic?

22          MR. LARICCHIUTA:     We were doing  
23   good until you asked me that second question.  
24   I think they obviously have to go up a few  
25   grades. Right now parking enforcement aides

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2   are grade fours and they generate a lot of  
3   income for the county and they're so underpaid  
4   and it's disgusting really.

5           But if we were going to increase  
6   that so that now you have crossing guards  
7   doing crossings in the morning and afternoon  
8   and in the down time between that they're out  
9   amongst the county writing tickets and doing  
10   some other things we were talking about. It  
11   wasn't just tickets. There was other things  
12   involved because there's only so many tickets  
13   you can generate.

14           Certainly the grade would have to  
15   go up to at least a grade seven and I think  
16   that's even low. Because we have PSAs in the  
17   police department that are grade nines I  
18   believe after two years. So they're grade  
19   nines. You would be expanding their duties.  
20   But you would be getting more work done and  
21   more efficiently and you'd definitely have  
22   enough people to cross because you'd be  
23   creating a whole new title.

24           Now number two, how long? Oh, my  
25   God. Longer than it's going to take us to get

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2     a contract.

3                   LEGISLATOR FERRETTI:     Doesn't  
4     that go hand and hand? We can't implement  
5     Legislator Rhoads' plan without getting a new  
6     title, right?

7                   MR. LARICCHIUTA:     Yes. Civil  
8     service is understaffed to begin with. The  
9     new director, Martha Crisel, very nice woman,  
10    and she really wants to try and get things  
11    done but they are slower than a snail. Civil  
12    service requires a lot of paperwork, some  
13    background investigations and checkups and  
14    everything has taken triple, quadruple the  
15    time that it should take. This should be able  
16    to get done by September if we were on the  
17    ball in every way. I can see this taking two  
18    years. Getting a new title. Literally. I'm  
19    just saying. From my experience I can tell  
20    you we're still waiting five years now I think  
21    for a title at the college. It's a mess.

22                  LEGISLATOR FERRETTI:     Thank you.

23                  LEGISLATOR FORD:     Please, you're  
24    in demand. Legislator Mule.

25                  LEGISLATOR MULE:     Hi Jerry. I

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2       just wanted some clarification on a couple of  
3       things you said. You mentioned that for a  
4       part time person they might live in Elmont but  
5       work in Massapequa and then in between have to  
6       go home and come back. So my question is, how  
7       are people deployed? Why would someone from  
8       Elmont be working in Massapequa?

9                   MR. LARICCHIUTA:       That's really  
10      not that prominent right now. It was at one  
11      time. That's a departmental policy issue.  
12      What I was told originally, believe it or not,  
13      is for some reason a lot of applications come  
14      out of Massapequa. Which is the Seventh  
15      Precinct. That area. But the Seventh  
16      Precinct has enough crossing guards because of  
17      the fact that a lot of applications come out  
18      of that precinct you have some seniority  
19      there. We don't have crossing guards in the  
20      Fourth or maybe the Third or the Second. So  
21      that's how that would happen.

22                   I believe, for the most part, a lot  
23      of that problem has been fixed. I could be  
24      wrong but I think you still have some going  
25      from Massapequa to Elmont and such.

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2                   LEGISLATOR MULE:       Is there a  
3 policy or a practice or whatever you want to  
4 call it, procedure, that you'd be deployed to  
5 someplace closer to where you live if at all  
6 possible?

7                   MR. LARICCHIUTA:       I would say  
8 it's done by seniority. But when the police  
9 commissioner comes up he would know  
10 definitely. According to our contract it  
11 should be done by seniority.

12                  LEGISLATOR MULE:       I have some  
13 further questions from what my colleagues  
14 asked with regards to the difference between  
15 full time and part time. I want to make sure  
16 I'm understanding. You mentioned that a  
17 full-time crossing guard and a part-time  
18 crossing guard are essentially doing the same  
19 thing but they are paid differently; is that  
20 correct?

21                  MR. LARICCHIUTA:       Yes. Full-time  
22 crossing guards have an annual salary and they  
23 have their own grade and salary plan. Seven  
24 steps in the salary plan. It's not a high  
25 pay. I think they start out at 21 or 22,000

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2       and goes up to maybe a high of 30 after seven  
3       years. I'm saying give or take a little bit.  
4       I don't have the chart in front of me. Part  
5       timers are paid \$18 an hour. They're limited  
6       to I believe 17 hours a week. So 34 hours a  
7       pay period. That's a departmental policy. At  
8       best they can only do 19 and a half hours a  
9       week anyway. Because anything more than that  
10      would require health benefits.

11               LEGISLATOR MULE:       But would the  
12      job itself require more than 19 hours a week?  
13      Like if you did the two posts morning and  
14      afternoon five days a week is that more than  
15      19 hours?

16               MR. LARICCHIUTA:       No. It's just  
17      about that. We used to have them do makeup  
18      time as the full timers in the precincts.  
19      They used to do clerk work in the precincts to  
20      make up for some of that time. Right now  
21      probably not. But that's the argument the  
22      county's using. The argument we're using is  
23      okay, so they're getting a good job. Their  
24      salary is not great but they're getting  
25      benefits with it so it's worth standing out in



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2     the sub zero snow and maybe getting hit by a  
3     car and having parents screaming and yelling  
4     at you. But you're getting benefits with it.

5           So, if you're going to stick to the  
6     numbers you're right, they probably don't need  
7     the benefits. That's why we need 60 cops a  
8     day to do the crossings though.

9           LEGISLATOR MULE:     I'm just trying  
10    to understand.

11          MR. LARICCHIUTA:     That's the  
12    difference. The salary one is annually paid  
13    salary and --

14          LEGISLATOR MULE:     But they're  
15    doing exactly the same job, the same hours  
16    exactly, am I understanding that correctly?

17          MR. LARICCHIUTA:     No. I think  
18    it's a little different. I might need some  
19    help with this. I actually have crossing  
20    guards here if you want to hear from one of  
21    them.

22          LEGISLATOR MULE:     I'm really just  
23    trying to understand.

24          MR. LARICCHIUTA:     I'm having a  
25    little trouble with the full time part time.

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2                   MS. DIAMBROSIO:       Susan

3       Diambrosio. I'm currently the president for  
4       the crossing guard unit.

5                   What Jerry was just talking about  
6       is part timers get \$18 an hour. What was the  
7       question?

8                   LEGISLATOR MULE:     Is there a  
9       difference fundamentally between what a full  
10      time crossing guard does and a part-time  
11      crossing guard?

12                  MS. DIAMBROSIO:     Not really.  
13      It's pretty much basically the same. Full  
14      timers are up to 20 hours a week. Part timers  
15      can only go up to 17. Same crossing guard  
16      crossing in the morning, crossing in the  
17      afternoon. Basically the same job.

18                  LEGISLATOR MULE:     I'm going to  
19      leave that question to someone else.

20                  MS. DIAMBROSIO:     The other thing  
21      is to for a full timers because we get  
22      benefits we are more accountable for the time  
23      that we take off. I think in a calendar year  
24      we can only go up to like seven days in a  
25      calendar year. For a part timer they don't

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2       work they don't get paid. There is no  
3       accountability for their time off. If they  
4       decide to let's say a school year is ten  
5       months they decide to call in and not show up  
6       for four months it's no problem.

7           We're in a position right now where  
8       the county doesn't want to fire them or get  
9       rid of them because we don't have enough  
10      bodies. After four months of them being out  
11      sick or whatever they come back and come right  
12      back to their crossing. That's kind of the  
13      difference. We're more -- the mind set is  
14      different between a full time and part timer.

15           LEGISLATOR MULE:     Okay. So I'm  
16      really liking the idea of the new title. That  
17      makes a lot of sense to me. Thank you very  
18      much.

19           LEGISLATOR FORD:     That's years in  
20      the making. Legislator Bynoe.

21           MR. LARICCHIUTA:     Legislator  
22      Mule, the only I thing I would add to that, I  
23      think I got Susan to agree, one of the big  
24      differences is a part timer goes to the  
25      morning crossing but just doesn't want to go

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2       to the afternoon crossing or doesn't show up.  
3       They do that sometimes. Because they're part  
4       time they're not held accountable to that.  
5       They use a quarter day or half a day whatever  
6       it is and they don't show up. But a full  
7       timer can't do that unless they're  
8       legitimately sick or something happens to  
9       them. That's their crossing. They're  
10      assigned that crossing every day and no ifs  
11      ands or buts. No bidding. Their crossing.  
12      They have to be there in the morning and the  
13      afternoon because they're paid by an annual  
14      salary.

15                   LEGISLATOR MULE:       So I do have  
16      one follow-up question. What happens when  
17      someone doesn't show up for their post?

18                   MR. LARICCHIUTA:       A part timer?  
19      They don't get paid.

20                   LEGISLATOR MULE:       What happens to  
21      that post? I'm talking about for the safety  
22      issue.

23                   MR. LARICCHIUTA:       A police  
24      officer has to do it.

25                   LEGISLATOR MULE:       Do they have to

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2       report they're not coming in? Could they just  
3       not show up and there's no one there at the  
4       post?

5                   MR. LARICCHIUTA:     They have to  
6       report in. I'm sure it's happened once or  
7       twice but normally they would report I'm not  
8       going to be there this afternoon.

9                   LEGISLATOR FORD:     I say that we  
10      go back to full time. I maintain it.

11                  MR. LARICCHIUTA:     I agree.

12                  LEGISLATOR FORD:     It worked for  
13      40 years.

14                  MR. LARICCHIUTA:     I agree.  
15      They're either important or they're not.

16                  LEGISLATOR FORD:     40 years and I  
17      will guarantee you we did not have 60 cops  
18      taken off of patrol to stand by these  
19      crossings. I'm telling you right now. To me  
20      it's just such a slap in the face honestly.  
21      As a woman I find it reprehensible that this  
22      was a job that they looked at and they  
23      thought, I said it and I know probably being  
24      inappropriate when I say this, but I really  
25      felt when they decided to do this that they

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2    took a look at this job. It's 20 hours a  
3    week. These women are working part time.  
4    Probably was bingo money for a lot of them.  
5    When in reality a lot of these women were  
6    single mothers, caring for elderly parents and  
7    they needed those benefits and they needed  
8    them desperately. They were doing a damn good  
9    job. They made us proud. They served our  
10   police department well. They served the  
11   residents in Nassau County exceptionally.

12               What did we do? We turned around  
13   and stabbed them in the back. To this day  
14   they still don't get the respect that they  
15   deserve in regards to that you can't even get  
16   150 full time. Disgraceful.

17               Legislator Lafazan.

18               LEGISLATOR LAFAZAN:     Thank you  
19   very much Madam Chairwoman. I just want to  
20   speak briefly here as a former Syosset School  
21   board member, because like Legislator Ford,  
22   this issue is near and dear to my heart.  
23   There needs to be unanimity in our call for  
24   urgency here because this is not just a public  
25   safety issue for September, this is a school

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2   safety issue specifically. We need to  
3   recalibrate our focus and our urgency on  
4   school safety and my logic is grounded in  
5   statistical math.

6           The probability of a child, God  
7   forbid, being involved in a school shooting is  
8   one in 614 million. The probability of a  
9   child, God forbid, being struck by a motorist  
10   at a crossing is one in 4200. One in 614  
11   million. One in 4200. Yet we will spend  
12   whatever it takes and then some to prepare for  
13   the former. And it seems that Nassau County  
14   won't spend the money for the latter.

15           In Syosset alone we spent money on  
16   new vestibules, an ID scanner system,  
17   nonpenetrable doors and more. The county  
18   spends money to train officials on the revap  
19   and we paid and trained officers in active  
20   school shooter drills. Yet we have crossings  
21   left alone every single day. And likewise our  
22   kids are in jeopardy every single day.

23           The moral of the story here is that  
24   in my opinion we can do both. Because even  
25   one in 614 million is still too high a risk

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2       for our most precious commodity, which is our  
3       children. But one in 4200 is staggering and  
4       it should be a shock to the conscious of every  
5       resident here in Nassau County that we have  
6       crossings left alone.

7           I thank Legislator Ford for  
8       convening this hearing and I stand ready to do  
9       whatever it takes to get this fixed for our  
10      residents. Our communities deserves a fix.  
11      Thank you.

12                   LEGISLATOR FORD:       Legislator  
13      Birnbaum.

14                   MS. BIRNBAUM:       Of course we all  
15      care about our children and the safety of  
16      them. I had even proposed safe storage of  
17      guns in the home because I care so much about  
18      what's happening with guns and violence. But  
19      we're here to talk about crossing guards.

20                   I understand the difference between  
21      a full time and a part time. Here's the  
22      question. Full-time crossing guards they do  
23      the crossing in the morning. They do the  
24      crossing in the afternoon. They do have those  
25      hours in between. Could the union allow them



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2   to do other things in addition to possibly  
3   code enforcement or parking enforcement?  
4   Could they help a local PAL at a shack helping  
5   them in the spring to enroll kids in sports?  
6   I know in my neighborhood they had but I think  
7   they weren't allowed to after a while. Is it  
8   possible for them to be able to do other jobs  
9   to help the community during those off hours  
10  when they're not needed as crossing guards?

11           MR. LARICCHIUTA:     Yes, Legislator  
12  Birnbaum, right now it would be based on a  
13  four hour workday. If there was an hour left  
14  over where they weren't crossing certainly  
15  they could use that hour to help. If we were  
16  talking about Legislator Rhoads' idea where  
17  we're going to actually make it a more  
18  expanded job then we're going to between seven  
19  and eight hour day. Then we're going to put a  
20  whole bunch of job descriptions in there and  
21  they're going to be responsible for a whole  
22  day's worth of work with a crossing in the  
23  morning and a crossing in the afternoon. But  
24  everybody would be able to do that.

25           So your idea would be what's known

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2       as makeup time. That's what we did. We had  
3       plenty of makeup time. We had crossing guards  
4       that would make up the rest of their day back  
5       at the precincts. And it worked out well for  
6       many, many -- for decades. The police  
7       officers, the commanding officers, the PSAs  
8       and the crossing guards, everyone was in favor  
9       of it. Then there was a civil service glitch  
10      and they said nah, it kind of violates civil  
11      service law. No more. You can't go back to  
12      the precincts and do that kind of work.  
13      That's costing the county and the police  
14      department more money now to try to find other  
15      people to do this work that they did in the  
16      course of their job.

17                It's a tricky question. But yes,  
18      we are not opposed to it as long as they  
19      discussed it with us. Not like the raise they  
20      want to give them and not discuss with us. I  
21      don't know what the heck that's all about.  
22      What if they change their mind in two weeks  
23      and don't want to give them the raise? Do  
24      they just take it back? I don't know.

25                So your idea would work as long as

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2     it was discussed and negotiated with the  
3     union.

4                   LEGISLATOR FORD:       Legislator  
5     Walker.

6                   LEGISLATOR BYNOE:       Thank you  
7     Legislator. Hello Mr. Laricchiuta. So, I got  
8     to tell you, I had some ideas that I was going  
9     to try and spin here today but I have to tell  
10    you that I think Legislator Ford, the  
11    chairwoman woman of this committee, has said  
12    it best. That we tried to save some money and  
13    we decided to devalue that position by making  
14    it part time and it's not working. So I'm not  
15    going to spin any further ideas. I'm going to  
16    support Legislator Ford's sentiments that we  
17    just go back to the way it was. The way it  
18    worked.

19                   I will tell you that I'd asked  
20    earlier in some earlier hearings that I'd like  
21    to know about what was happening in Suffolk  
22    and what they were doing in New York City.  
23    So, I was going to ask that question along  
24    with spinning some ideas. But I'm no longer  
25    interested in what happens in Suffolk or

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2    what's happening in New York City.

3                   MR. LARICCHIUTA:       Good because I  
4    don't know.

5                   LEGISLATOR BYNOE:       We have a  
6    whole different thing happening here in  
7    Nassau. We're unique. I think that the folks  
8    who might find this job attractive will find  
9    it attractive just the way it was. The 20  
10   hours, they have benefits and they have the  
11   ability to take care of that parent that might  
12   be ailing at home or go home and do the work  
13   that needs to be done in preparation for the  
14   students to come home. I think that  
15   demographic, as long as that demographic still  
16   exists, the job the way it is is the way it  
17   should be delivered to them. I'm going to  
18   pass on any further comments. Thank you for  
19   your comments.

20                  MR. LARICCHIUTA:       If I could just  
21    add that having a bipartisan accounting of  
22    this and an opinion on this between both sides  
23    is so important and really is great to hear  
24    because we are seeing both sides agreeing on  
25    this to the point where maybe we will be able

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2       to effect some change. I wish Legislator  
3       Abrahams didn't leave. That's his choice.

4           LEGISLATOR BYNOE:       Regrettably he  
5       had to leave. He did want to participate but  
6       unfortunately time got away from him.

7           MR. LARICCHIUTA:       Basically we  
8       have a bipartisan effort here. That means  
9       that we might actually get somewhere with this  
10      committee because they're going to listen to  
11      that. They can't ignore bipartisan effort.  
12      Maybe at the end of the day everybody's  
13      happy. The police commissioner's happy  
14      because he's not sending police officers to  
15      crossings. And we're happy because our people  
16      are doing our work and they're happy because  
17      they're saving money and everybody's happy.

18          LEGISLATOR BYNOE:       So before we  
19      start saying there's bipartisan agreement that  
20      was just my opinion.

21          MR. LARICCHIUTA:       I was doing a  
22      spin.

23          LEGISLATOR BYNOE:       But I'm  
24      hopeful that my other colleagues might support  
25      that. But again, we need the numbers from

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2       OLBR who is going to be crunching some numbers  
3       for us. We're trying to fix something here  
4       and we are finding across county departments  
5       we are understaffed, underresourced. And the  
6       police commissioner didn't create this  
7       problem. He's inherited this problem and it's  
8       our responsibility to try to help him fix it.  
9       Thank you.

10                   LEGISLATOR FORD:     Legislator  
11       Walker.

12                   LEGISLATOR WALKER:     I'm not going  
13       to repeat everything because I totally agree  
14       with Legislator Ford and Legislator Bynoe  
15       agreed also and I'm sure many of us feel the  
16       same up here. But obviously that's not going  
17       to happen instantly either.

18                   What stands in the way from, if  
19       we're down to 137, what stands in the way of  
20       bringing that number up to at least 150 like  
21       basically instantly and possibly raising the  
22       part time pay?

23                   MR. LARICCHIUTA:     If it was the  
24       will of the county and the will of the  
25       residents and the will of this legislature and

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2     the will of the union to do that, we would  
3     enter into a very simple -- I have a one-page  
4     document, it's called an MOU, and it could all  
5     be done on one page and we would agree to that  
6     and say that full timers will not go below  
7     150. There will be a review every six months  
8     by the police commissioner. If there's an  
9     opening in order of ability and adaptability  
10    and seniority part timers would be offered  
11    those positions and the new salary for part  
12    time crossing guards would be \$25 an hour. We  
13    sign it and we're done.

14                   LEGISLATOR WALKER:     Now you  
15    certainly feel that that is the will of you?

16                   MR. LARICCHIUTA:     I think it's  
17    the easiest way and I think it's the safest  
18    way without getting too complicated. And I  
19    think it will work. The numbers don't lie.  
20    Look before Krumpter decided to do this. We  
21    never did had this situation. Never. Never  
22    had this until the past commissioner decided  
23    that for whatever reason it was too expensive  
24    to cross our kids. And now we're faced with  
25    the fact that it's not working and police

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2       officers aren't enforcing the law because  
3       they're crossing our kids. It's just a mess.

4                   LEGISLATOR WALKER:       We are faced  
5       with a serious problem right now. Serious  
6       problem for our police officers. Serious  
7       problem that our commissioner has to deal  
8       with. Certainly our PBA. Those officers it  
9       must kill them to be standing on a street  
10      corner and God forbid there's an accident  
11      across the street that they can't assist  
12      someone with. Or knowing there's someone who  
13      needs -- if I need their help at my house it  
14      would certainly be extremely upsetting to know  
15      they can't leave the post to help a family.

16                   So do you think that is a  
17      possibility if the legislature is really  
18      pushing for that, if you are pushing for that  
19      to happen in a very quick time span?

20                   MR. LARICCHIUTA:       Yes. I think  
21      this is one answer that could be done, could  
22      theoretically be done in a quick time span.  
23      Time frame. Because like I said, it takes  
24      literally one day to draw up an MOU between  
25      both parties, sign it and then the next part



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2    would having payroll institute the changes in  
3    their codes and having the commissioner and  
4    whoever he uses to hire, canvass those part  
5    timers. So you can add more part timers.  
6    Fill in the blank. You have 137 today. So if  
7    we use my number of 150, which Legislator Ford  
8    think is too low and I kind of agree but find  
9    out to be crazy here. We're already 13 down.  
10   That's why it's getting worse. It's going to  
11   continue to get worse. 137 is ridiculously  
12   low from 400.

13                   LEGISLATOR WALKER:       When I go  
14   over every morning to pick up my grandchildren  
15   to bring them to the bus and grab the little  
16   guy who happens to be sitting here right now,  
17   I can tell I pass many, many of our crossing  
18   guards. And if one of them is not there and a  
19   police officer has to sit there or on occasion  
20   no one is there it scares me. It worries me.

21                   I know everybody is trying to do  
22   their best and make sure that we're covered.  
23   It's not like there's a lack of caring for our  
24   children. But these are our children, our  
25   most precious commodity, and we have to do

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2       everything we can to make sure that they are  
3       safe. Like Josh said, we spend so much money  
4       in making sure they're safe in many other  
5       instances and this is so very important.

6           Very sadly, we've had a serious  
7       accident on Old Country Road a good number of  
8       years ago where our crossing guard was hurt.  
9       We lost a child. Very sad.

10           Many of the roads are major, major  
11       roads. Yes, some of our crossings are on less  
12       crazy areas but many of them are frightening  
13       roads. Very dangerous roads. We need to do  
14       everything we can. I would hope that we can  
15       address that. At least do that. It's not the  
16       total fix but if we can at least address that  
17       immediately we are at least taking one step  
18       forward even though it might be a baby step.

19           MR. LARICCHIUTA:     Thank you  
20       Legislator Walker. I hope. So we're with  
21       you.

22           LEGISLATOR FORD:     Aside from the  
23       fact the school crossings we have now, I'm  
24       sure every one of us have had requests from  
25       other school districts and churches to have

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2       additional crossings covered. We can't even  
3       entertain something like that.

4           We want to thank you very much  
5       Jerry. I know I'm available to meet on this  
6       issue to help bump it up, and I think anyone  
7       on this Public Safety Committee would be more  
8       than happy to join you as well as with the  
9       administration. Hopefully they would like  
10      to. But thank you and I guess you will be  
11      here because we will ask Commissioner Ryder to  
12      come up as well.

13           MR. LARICCHIUTA:     Thank you so  
14      much madam chair and the whole Public Safety  
15      Committee for really putting your time and  
16      effort into this. It means a lot.

17           LEGISLATOR FORD:     Commissioner.  
18      And we tried to get you out of the hot seat  
19      because I did call up to see if anyone from  
20      the administration would come down as well as  
21      civil service but they're not available.

22           COMMISSIONER RYDER:   Good  
23      afternoon. With me today is Deputy Chief John  
24      Berry and our chief of patrol Kevin Canavan.

25           I'll quickly give you a little

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2    clarity on part time and full time so we're on  
3    the same page. I know Jerry was doing his  
4    best to explain it. It is complicated. But a  
5    full timer basically works 20 hours a week and  
6    works damn hard for that 20 hours. They  
7    really do. They get their benefits and they  
8    get paid somewhere above \$27 an hour depending  
9    on where you are in the scale and in that  
10   area. But for the most part that's where we  
11   are on a full timer.

12               On a part timer you get paid \$18 an  
13   hour and you work 17 and a half hours a week  
14   for the most part. There are no duties done  
15   between any of those functions. Which was a  
16   grievance that was fought and won years ago.  
17   So there is no clerical work done or anything  
18   else. They're working. They're responsible  
19   for that post. You just heard Jerry say it.  
20   They own it. They own the kids that cross  
21   that post and they do a really good job in  
22   doing it.

23               In 2017, just to give you a number,  
24   we have 404 school crossings. Of that we had  
25   a total of 380 crossing guards. Full duty of

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2     the 380 were 368. 24 of those individuals  
3     were in different positions that could not  
4     fulfill the duties of the crossing guards. So  
5     every day we started off with 31 short to  
6     begin with in 2017.

7           In 2017, in September when the  
8     incentive was given, 61 people took the  
9     incentive and left. I'm sure both sides, both  
10    the union and the county at the time, made  
11    that decision what was best to come out with a  
12    common ground. But they did not foresee the  
13    issue that we see today.

14           So since then, in February of 2017,  
15    we have brought in -- received 408 applicants  
16    for the job. Of the 408 applicants only 206  
17    showed up when invited in. Of the 206 that  
18    did show up only 71 of them had passed to  
19    become crossing guards in the part time  
20    position. Since then, where we were about 30  
21    before the incentive, another 54, putting us  
22    about 80 to 90 short, since that 71 still  
23    leaves us 30 to 40. Then there were  
24    retirements. You heard the number drop from  
25    145 or 150 to 137. Again, not replaced

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2       because of the hiring process bringing them in  
3       as part timers.

4           Today we brought in another 40  
5       applicants or put out applicants to come in.  
6       Only 13 of them showed up. Of the 13 that  
7       showed up, if we use the average numbers, we  
8       will get about six to take the job at the end  
9       of the day. That's the battle we've been  
10      dealing with regarding trying to get the  
11      applicants in.

12           We now have 391 crossings because  
13      we have evaluated some and they have been  
14      reassigned. There are 391 crossings. We have  
15      329 crossing guards. 137 of them are full  
16      time. 192 of them are part time. Gives you a  
17      number of around 316. There are 13 that fall  
18      into that group that are long term sick or  
19      different reasons why they're not there. We  
20      start the day off about 54 short every single  
21      day. So in 2017, before the incentive, we  
22      were 31 short. Now we're up to 54 short.

23           Over the past several weeks we  
24      instituted overtime in holdover for those  
25      members to stay on the day tour to cover. So

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2     the night tour when they're leaving they stay,  
3     they cover the crossing and they're paid at  
4     the overtime rate. The number in the overtime  
5     is roughly \$4,200 in the morning or \$5,000  
6     depending on what the pay scale is that day  
7     and who's working what tours. That roughly  
8     comes out to about \$25,000 a week. If they  
9     were filled by 54 additional crossing guards  
10    at 17 hours a week it would be about \$16,000 a  
11    week. We're overpaying right now if we had  
12    the crossing guards to fill that spot.

13               We met with the union. We had some  
14    discussions. I've been talking back and forth  
15    bringing things back to the administration.  
16    We finally sat down a couple of days ago.  
17    Came up with a solution of look, for right  
18    now, to get this thing kind of fixed for  
19    September, because even if we started to  
20    negotiate, even if they were able to do a side  
21    deal, just to hire is going to take me four to  
22    six months if we get that all worked out.

23               For September, every one of the  
24    current crossing guards that are working at  
25    \$18 an hour will go to \$25 an hour. If there

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2    is any full timers below that wage they will  
3    obviously be given a raise up to the \$25.  
4    Every additional hire that we take on will  
5    take on a \$25 an hour salary. Our information  
6    polling the guys that do security work that  
7    retired are making about \$22 an hour without  
8    benefits in security work for a lot of the  
9    schools. So we offer them \$25 an hour we're  
10   hoping to pull back retired both crossing  
11   guards and members to fill those spots to get  
12   the September issue corrected so we're not  
13   putting cops on crossings and putting  
14   civilians back where they belong on the  
15   crossings.

16           The numbers in each precinct vary.  
17   The First Precinct and the Fifth Precinct are  
18   the too shortest. The First Precinct starts  
19   off 15 per day. The Fifth starts off 16 per  
20   day. We have other ones that start off one,  
21   five, six, seven, two and two. To give you an  
22   idea of what the shortages are.

23           What we do is, as the hiring goes  
24   we try to keep those in the area that works  
25   for them so they don't leave. So they do



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2     stay.

3           So right now the Fourth Precinct  
4     was a problem. The last group of hires all  
5     went to the Fourth. We were able to recruit  
6     in that area and get the number. Now the  
7     First becomes the problem and of course the  
8     Fifth becomes the problem.

9           With this \$25 an hour put out by  
10    precinct when they're hired they'll know  
11    exactly where they're going. Our intent is to  
12    create a pool. We start off at 54 in the  
13    morning. Six people can go sick in the  
14    morning and now I'm up to 60. We have to fill  
15    the crossing.

16          I understand, as Legislator Lafazan  
17    was saying before, I want to make clear, there  
18    is no crossing not covered anymore. Every  
19    crossing is covered every morning and we will  
20    use the police officers to do it because the  
21    safety of the children comes first.

22          Going forward with this pool, we  
23    are able to have a pool that we can pick up  
24    just like we do and say hey, we got a short  
25    next Tuesday. Would you like to take

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2   Tuesday? Some people that, I'll use the  
3   example of a golf player plays his round of  
4   golf he'll take an afternoon shift. Picks  
5   himself up \$50 a day. That's 250 bucks for  
6   week. Of if he's the night player, will work  
7   the day tours and goes out for his run or  
8   something, he'll pick it up and do the days.  
9   We will have a manager that manages the flow  
10   of the people from the pool. We will use the  
11   pool to fill the hours and even have  
12   emergencies in reserve that if someone goes  
13   sick we can backfill without having to use  
14   police officers.

15           Our intent is not to use any police  
16   officers going forward. It's in the job  
17   description of police officers to do that  
18   role. Police officers will always do their  
19   jobs as professionals as they always do. If  
20   we are short that's what we will do. But we  
21   will try to use civilians and hopefully get a  
22   big enough pool at \$25.

23           The conversations were also had  
24   about a hybrid position going forward. A full  
25   time hybrid position as you had discussed.

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2       That discussion I can't go -- I am at that  
3       table and have been at that table with  
4       president Laricchiuta and his team and those  
5       discussions again flowed back and forth. That  
6       will move forward with the intent to see if we  
7       can get that hybrid position and eventually  
8       move part timers to full-time hybrid position  
9       and also work with the full-time crossings  
10      guards and get it back up.

11           The positions that are being  
12      brought in today, like I said, we have 12 I  
13      think I said are being brought in today and  
14      they are being processed as we speak.

15           LEGISLATOR DERIGGI-WHITTON:     Can  
16      you just go over the numbers you had again for  
17      full time and part time?

18           COMMISSIONER RYDER:     Our full  
19      time number is 137. I prefer Jerry's number  
20      at 144 but it's 137. And our part timers is  
21      at 192.

22           LEGISLATOR DERIGGI-WHITTON:     Why  
23      do we have 237 as part time? Maurice, I'm  
24      sorry. You don't have 237?

25           COMMISSIONER RYDER:     No. We have

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2    192 part time 137 full time. That gives us  
3    329. Plus 13 that are on restricted  
4    assignment. Sick leave.

5                   LEGISLATOR DERIGGI-WHITTON:     We  
6    have 237 part time.

7                   MR. CHALMERS:     That was the  
8    number that showed up on the payroll. I will  
9    have to ask the Commissioner where he is  
10   pulling his number from just to make sure.

11                   LEGISLATOR DERIGGI-WHITTON:     I'm  
12   sorry to jump in.

13                   COMMISSIONER RYDER:     Just so you  
14   know, Maurice may not get the numbers we get  
15   because of retirement and how fluid it is. We  
16   know the number because we do a head count  
17   every day. Every day the numbers come in. We  
18   know exactly what our head count is for those  
19   positions.

20                   LEGISLATOR DERIGGI-WHITTON:     I  
21   have two quick questions. Is the \$25 an hour  
22   is that like a done deal?

23                   COMMISSIONER RYDER:     My  
24   understanding is it does not have to be  
25   negotiated as discussed. Correct?

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2                   MR. LARICCHIUTA:     Talking about  
3     the \$25 an hour raise?

4                   LEGISLATOR DERIGGI-WHITTON:  
5     Yeah.   Sounds like it's done.

6                   MR. LARICCHIUTA:     I believe it  
7     has to be negotiated.

8                   LEGISLATOR DERIGGI-WHITTON:     At  
9     least the county is in a position where they  
10    are willing to offer that.

11                  MR. PUZO:     The problem is we did  
12    come to an informal agreement when it comes to  
13    new employees.   Part-time employees.   There is  
14    no salary scale so we do not negotiate,  
15    unfortunately, the salaries of new employees.  
16    When it comes to the existing employees here  
17    that's where it would have to be negotiated,  
18    the raise, for these employees.   That's what  
19    would have to be negotiated.   Not again for  
20    the new employees who are trying to get an  
21    increase.

22                  LEGISLATOR DERIGGI-WHITTON:  
23    Sounds like the county is offering what we  
24    just discussed.   So I think that's good.

25                  MR. PUZO:     The issue -- I'm just

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2   hearing this today -- the issue is that the  
3   county does not want to come to an agreement  
4   in writing in regards to the existing  
5   employees. That's where the union has an  
6   issue. And honestly, again, I'm a third party  
7   to that conversation but I would have an issue  
8   with not having an agreement as to why current  
9   members --

10                   LEGISLATOR DERIGGI-WHITTON:  
11   Commissioner Ryder, we're not sure about the  
12   existing -- or do you think they're going to  
13   bounce them all up? I don't want to get too  
14   into that.

15                   MR. PUZO:       Conceptually we are in  
16   agreement though.

17                   COMMISSIONER RYDER:       In concept  
18   we are. What happens then? I hire at 25.  
19   All of my current part timers quit and I  
20   rehire them back. Of course we will talk to  
21   the administration and do it the way it should  
22   be done.

23                   LEGISLATOR DERIGGI-WHITTON:       One  
24   other quick question. When you said you have  
25   to confirm a crossing guard there's a written

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2     test?

3                   COMMISSIONER RYDER:     No. That is  
4     an application. You apply. You go through a  
5     vetting process to make sure you're qualified  
6     and then we hire you.

7                   LEGISLATOR DERIGGI-WHITTON:     No  
8     physical check?

9                   COMMISSIONER RYDER:     There is a  
10    physical check that gets done. We have to  
11    make sure the person is competent. Can stand  
12    at that crossing.

13                  LEGISLATOR DERIGGI-WHITTON:  
14    That's what they're going through today?

15                  COMMISSIONER RYDER:     Yes.

16                  LEGISLATOR FORD:     Legislator  
17    Ferretti.

18                  LEGISLATOR FERRETTI:     Thank you  
19    Legislator Ford. Good afternoon  
20    Commissioner. I think this is a similar  
21    discussion as to what we had yesterday in  
22    terms of we have in my mind two issues here.  
23    That is, how do we fix this for the long  
24    term? Which I think we've all presented some  
25    ideas whether president Laricchiuta was up at

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2       podium or the last few minutes while you were  
3       at the podium.

4           But my concern is more about the  
5       immediate issue we have. Legislator Lafazan  
6       made a very good presentation. I agree with  
7       everything he said. We obviously have to take  
8       every precaution with school shootings. But  
9       as we heard from Legislator Lafazan, the  
10      statistics say that there's more of an issue  
11      with children getting hit by cars at crossings  
12      statistically. Yet we provide so many  
13      resources to one but not to the other.

14           The irony though is that what we  
15      are doing now in terms of placing police at  
16      crossings actually can put us at risk if there  
17      was, God forbid, a school shooting. Because a  
18      police officer -- correct me if I'm wrong --  
19      if a police officer is put at a crossing and  
20      God forbid there was an event at a school in  
21      eye shot of that police officer, that police  
22      officer can't go in and attend to that, God  
23      forbid, shooting; isn't that correct?

24           COMMISSIONER RYDER:       Technically  
25      yes, you're right.



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2                   LEGISLATOR FERRETTI:       Practically  
3 speaking I would hope.

4                   COMMISSIONER RYDER:       Of course  
5 they would but I understand.

6                   LEGISLATOR FERRETTI:       You know  
7 what I'm saying. Under the rules. So that's  
8 the irony to that statement.

9                   But like I said, I think we have an  
10 issue right now and my concern for right now  
11 is that when we are moving these officers to  
12 do crossings where they are essentially taken  
13 off the streets because they can't attend to  
14 criminal activity, what are we doing to  
15 replace those officers that are being put at  
16 the crossings?

17                   And specifically, first I would  
18 like to ask about the Eighth Precinct. Is  
19 there a policy in place right now at the  
20 Eighth Precinct where if there are more than  
21 six, I'm sorry, less than six crossings  
22 unattended that police officers are not held  
23 over to to come in on overtime?

24                   COMMISSIONER RYDER:       There's only  
25 one uncovered crossing in the Eighth Precinct

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2   every day.

3                   LEGISLATOR FERRETTI:     When you  
4   say there's only one uncovered crossing every  
5   day?

6                   COMMISSIONER RYDER:     When I say I  
7   covered it. Got to clarify that. It's not  
8   that it's not covered. A police officer will  
9   cover it.

10                  LEGISLATOR FERRETTI:     A police  
11   officer covers that crossing?

12                  COMMISSIONER RYDER:     That's  
13   correct.

14                  LEGISLATOR FERRETTI:     When the  
15   police officer covers that crossing is another  
16   police officer held over to fill that spot in  
17   the Eighth Precinct?

18                  COMMISSIONER RYDER:     No, he's  
19   not.

20                  LEGISLATOR FERRETTI:     So then  
21   we're down one officer on patrol in the Eighth  
22   Precinct?

23                  COMMISSIONER RYDER:     That is  
24   correct.

25                  LEGISLATOR FERRETTI:     Why is

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2       that? Why are we not bringing in an officer  
3       on overtime to make up for that shortcoming?

4           COMMISSIONER RYDER:       If you look  
5       back, and again, 2017 we were short 31  
6       crossings. We're always short. We're always  
7       hiring. We're always trying to rehire. In  
8       the job description of a police officer when  
9       that crossing is not filled we assign an  
10      officer to fill it. We're paying out the  
11      overtime. You heard the number. \$5,000 a day  
12      now. We cover 30 of the 50 crossings a day  
13      and spread them out. Most going to the First  
14      and the Fifth Precinct and we bring the number  
15      to a manageable number of five crossings that  
16      are uncovered. We will continue to hire  
17      trying to work through this problem to get to  
18      that number so we don't have to any of them  
19      covered any more.

20           LEGISLATOR FERRETTI:       I  
21      understand but that's not really answering my  
22      question. When we put a police officer at  
23      that crossing in the Eighth Precinct that's  
24      one less police officer that can answer a call  
25      God forbid there's an emergency.

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2                   COMMISSIONER RYDER:       That is  
3       correct. For that 45 minutes to the hour that  
4       he is on that crossing his post is not being  
5       covered.

6                   LEGISLATOR FERRETTI:     Do we have  
7       the ability to hold over an officer on  
8       overtime or bring in an officer on overtime to  
9       cover that post?

10                  COMMISSIONER RYDER:     We have the  
11       ability to continue to do as we are doing it  
12       now with a manageable number, still trying to  
13       manage budget and public safety at the same  
14       time.

15                  LEGISLATOR FERRETTI:     When you  
16       say one crossing is uncovered, is that in the  
17       morning or in the afternoon or both?

18                  COMMISSIONER RYDER:     One post.  
19       So it's morning and afternoon.

20                  LEGISLATOR FERRETTI:     The First  
21       and the Fifth, what's the situation there?  
22       How many crossings are --

23                  COMMISSIONER RYDER:     In the First  
24       Precinct we are short 15 a day. That's a  
25       morning. 15 morning 15 night. And in the

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2     Fifth we're short 16. 16 in the morning 16 at  
3     night.

4                   LEGISLATOR FERRETTI:     When you  
5     say short that means police officers are  
6     manning those crossings?

7                   COMMISSIONER RYDER:     That is  
8     correct.

9                   LEGISLATOR FERRETTI:     And what  
10    are we doing to bring in officers to take the  
11    place of those officers that are manning the  
12    crossings?

13                  COMMISSIONER RYDER:     We're  
14    holding over around ten officers in that  
15    precinct to get to that number to about six.

16                  LEGISLATOR FERRETTI:     When you  
17    say to get that number to about six what do  
18    you mean by that? To get the shortage?

19                  COMMISSIONER RYDER:     Yeah.  
20    They're at the end of their tour so they stay  
21    and they'll cover those posts on overtime.  
22    And what we'll do is those other six we will  
23    use the existing posts that are working that  
24    day to cover those six.

25                  LEGISLATOR FERRETTI:     Those six

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2       that you are using, now you're short six  
3       officers on patrol, correct?

4                   COMMISSIONER RYDER:       That's  
5       correct.

6                   LEGISLATOR FERRETTI:       And are we  
7       bringing in officers on overtime to make up  
8       for those six?

9                   COMMISSIONER RYDER:       No. We do  
10      it at ten. We think the number is manageable  
11      at six.

12                   LEGISLATOR FERRETTI:       We're short  
13      police officers?

14                   COMMISSIONER RYDER:       That's  
15      correct.

16                   LEGISLATOR FERRETTI:       I think we  
17      are losing that in this discussion. We are  
18      very concerned about the children obviously  
19      crossing. We have to protect them. But what  
20      we are missing in this conversation is by  
21      doing that we don't have the officers that we  
22      should have on patrol.

23                   COMMISSIONER RYDER:       I agree. If  
24      we had more officers on patrol we're better  
25      served. But there's many instances where we

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2    don't have many officers on patrol during the  
3    course of the day for many reasons. We as  
4    managers believe that we can get that number,  
5    again, because of the crisis that we are in  
6    with the hiring, get that number to a  
7    manageable of five or six in that precinct for  
8    the day, that's more manageable than it was at  
9    15 or 16.

10               LEGISLATOR FERRETTI:     Let's talk  
11    about the Fifth. Isn't the Fifth Precinct,  
12    doesn't that cover the mall?

13               COMMISSIONER RYDER:     That does.  
14    Yes, sir.

15               LEGISLATOR FERRETTI:     We have  
16    then CIRRT, COPE, are any of them taken to do  
17    crossings?

18               COMMISSIONER RYDER:     CIRRT, COPE  
19    school resource officers and our mall details  
20    are all assisting on covering crossings for  
21    the 45 minutes they need to be covered.

22               LEGISLATOR FERRETTI:     When you  
23    take them from the CIRRT and COPE do you  
24    replace those officers on overtime?

25               COMMISSIONER RYDER:     No, we

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2    don't.

3                   LEGISLATOR FERRETTI:       Isn't a  
4   mall a pretty big target for terrorist  
5   activity and other bad things?

6                   COMMISSIONER RYDER:        Yes.

7                   LEGISLATOR FERRETTI:       Do you  
8   think that that's a good situation that we are  
9   taking officers that are otherwise supposed to  
10  be patrolling our shopping malls, high  
11  terrorist targets and putting them at  
12  crossings?

13                   COMMISSIONER RYDER:        Certain COPE  
14  are used to go handle whatever the strat com  
15  issue is of the day. That may be a traffic  
16  issue. A traffic light in a certain area of a  
17  community that they want enforcement done. So  
18  we will move CIRRT over there. That CIRRT  
19  will be used over to handle a lecture at a  
20  school. They will go in and lecture at a  
21  school. COPE that is. CIRRT will be turned  
22  around and handle a parking condition. A  
23  crowd issue. A parade detail. Many issues  
24  that we move them around to to fill them  
25  they're not doing the details that we ask



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2       them. That's what the creation of those units  
3       were done for. Certain COPE help the  
4       management move the pieces around to fix the  
5       problems that come every day that we need to  
6       handle.

7                   LEGISLATOR FERRETTI:       Is the same  
8       thing happening in the Third Precinct with  
9       Roosevelt Field Mall?

10                   COMMISSIONER RYDER:       Yes, it is.

11                   LEGISLATOR FERRETTI:       We have  
12       highly trained officers that their job is to  
13       protect us from terrorist attacks and attacks  
14       on large groups of people, these highly  
15       trained individuals are being used as crossing  
16       guards? And their job responsibilities are  
17       not being backfilled. So in other words,  
18       there are periods during the day where we are  
19       down these specialized officers at shopping  
20       malls each and every day?

21                   COMMISSIONER RYDER:       CIRRT, COPE  
22       community affairs, we do not use, as you  
23       heard, marine bureau. We do not use any of  
24       the other special units. CIRRT and COPE are  
25       the ones that we created for that

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2   flexibility. BSO is your tactically trained  
3   officers that handle those hostage type  
4   situations, school shootings, mall attacks.  
5   We do not use BSO for those roles. Certain  
6   COPE was created for that. We were down to  
7   almost eight officers in COPE. We're now up  
8   to 22 to give us flexibility so we can cover  
9   things like this.

10           LEGISLATOR FERRETTI:     You  
11   mentioned aviation and marine. You're saying  
12   that we've never used aviation and marine at  
13   crossings?

14           COMMISSIONER RYDER:     That is  
15   correct.

16           LEGISLATOR FERRETTI:     I strongly  
17   believe that, in my opinion, I'm not -- let me  
18   just -- I really respect the job you do. I  
19   think you do a great job. Any time I call you  
20   you're there for me. But in this instance, I  
21   think we are doing a real disservice to Nassau  
22   County residents. We have highly trained  
23   officers that specialize in this lifesaving  
24   skills that they possess and we have them at  
25   crossings and we're not backfilling those

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2       positions. Quite frankly, if we were  
3       backfilling those position with overtime maybe  
4       the county executive and the administration  
5       would get their act together and hire the  
6       crossing guards that we need.

7           What we're doing is we're plugging  
8       a hole and then the water comes shooting out  
9       another hole. We can't have that. We have to  
10      secure our shopping malls and our  
11      communities. I think we have lost that over  
12      the last two hours. The fact that yes, of  
13      course we need to get our crossings covered by  
14      officers but not at the expense of not having  
15      the officers we need on patrol.

16           To me it's very similar to  
17      yesterday. We have the resources to fix this  
18      in the long term and I think there are some  
19      very good ideas we discussed today, but we  
20      have the resources to fix that right now.  
21      That's by bringing in the officers on overtime  
22      to fill those spots that we're using for  
23      officers at the crossing. And I don't know,  
24      is there a budgetary reason that we can't do  
25      that?

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2                   COMMISSIONER RYDER:       Legislator I  
3 plug holes all day. You asked me a question  
4 I'm going to answer it. Correct? Did you ask  
5 me a question? I'll answer it. We plug holes  
6 all day. I plug holes that every one of you  
7 call me and ask me to plug. So when I take  
8 that cop off his post to do that should I  
9 backfill that spot?

10                  LEGISLATOR FERRETTI:     I think  
11 that -- now you asked me a question.

12                  COMMISSIONER RYDER:       When I take  
13 them and do a parade in your community should  
14 I backfill that spot? When I turn around and  
15 I have an auto accident and we have several of  
16 our officers doing a great job and they're all  
17 going to be out of service should I say hey,  
18 get back to post? It's a complicated  
19 situation on a daily basis. It's not as  
20 simple as some people would like to portray to  
21 you. Jerry gave you some numbers. I agree  
22 with Jerry's numbers. I agree we're short.

23                  Again, we didn't enter into this  
24 agreement as you heard the CSEA president say  
25 that. We have to live with it and try to find

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2     a way to fix it and plug those holes. That's  
3     why we do that. My priority is to make sure  
4     that the people in Nassau County are safer  
5     every day. My priority is to make sure I do  
6     it and try to live within my budget.

7           But I told you yesterday it's not  
8     happening this year and I know it's not  
9     happening this year because of different  
10    events. Because of the crossing situation.  
11    We're backfilling 30 spots in the morning.  
12    We're using the tools that we have available  
13    to us that are flexible tools that do not  
14    respond to the radio call in covering those  
15    other calls.

16           And yes, in the duties and  
17    responsibility of a police officer he does do  
18    crossing sometimes. I would 100 percent  
19    prefer I never use a cop on a crossing.  
20    Never. Because it better protects. I'd also  
21    rather have another 20, 30, 40 cops on  
22    patrol. But that's not going to happen  
23    either.

24           I understand the importance of  
25    about what you ask and I understand the

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2   importance of safety. Nobody gets it better  
3   than me because I live it every day. But what  
4   you have to understand is not as simple as pay  
5   that. There's more complicated rules that  
6   come into effect of when we start looking to  
7   pay those positions, how we pay those  
8   positions. If it's \$25,000 a day -- \$25,000 a  
9   week for the morning hours it's double,  
10   another \$50,000, in the afternoon hours. And  
11   again, I'm still only culling 30 out of the  
12   50. I'm \$75,000 a week to get through the  
13   overtime. I didn't create it. I'm trying to  
14   fix it.

15                   LEGISLATOR FERRETTI:     I fully  
16   understand that it's not as simple as that for  
17   you under the constraints that I know you are  
18   under. But the reality is, we have, I forget  
19   the exact number of full time crossing guards  
20   that are budgeted. Full time crossing guards  
21   budgeted.

22                   COMMISSIONER RYDER:       145.

23                   LEGISLATOR FERRETTI:     145 and we  
24   have 137. So there's a deviation of eight  
25   there that according to president Laricchiuta

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2   is simply there because this current  
3   administration doesn't want to hire those  
4   eight full timers because of their job  
5   description. Because it's not good enough for  
6   them that they work the hours, whatever it is,  
7   20 hours a week at full time pay. That's  
8   pretty simple. If we just change that  
9   position, if the administration changed their  
10   position on that and hired these crossing  
11   guards as full timers, as has been the case  
12   for decades prior to whenever this crisis  
13   began, we could at least try to plug those  
14   holes. That's pretty simple.

15           Now I understand that's not you. I  
16   get. And I understand that's probably one of  
17   the reasons that the administration decline to  
18   send someone here today to speak to us. But  
19   that's a pretty simple fix and I think we can  
20   start there.

21           COMMISSIONER RYDER:     I agree. I  
22   will.

23           LEGISLATOR FORD:     Thank you.  
24   Thank you very much for your testimony. But I  
25   just want to rehash and follow-up on what

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2       Legislator Ferretti was bringing up even about  
3       the cops. I understand that, and thank you  
4       very much because you do respond to all of our  
5       requests and we're helping you to have like  
6       more holes. I understand that.

7           But one thing that I understand is  
8       that even if we did ask for somebody to direct  
9       traffic or if they had to plug in somewhere as  
10      a favor for one of us that officer can leave  
11      that post if there was an emergency. Unlike  
12      if an officer was at a school crossing he or  
13      she would not be able to leave it. There is a  
14      difference there.

15           We are trying to work with you to  
16      try to help you be able to maintain things  
17      more in a better fashion I guess. You're  
18      doing a good job but not to have so many  
19      holes. We're trying to work with you on this  
20      and aid you. This is a crisis.

21           And I looked at -- I'm not Maurice,  
22      so I'm not really that good with math but  
23      Maurice can correct me. But I just quickly  
24      looked at this where you said that with the  
25      cost of having police officers cover in the



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2       overtime for the week, for the school week,  
3       it's \$25,000 a week. But if you had the  
4       school crossing guards it would cost you  
5       \$16,000 a week. Whatever it is.

6           I looked at that and I said 16,000  
7       a week, so it's a difference of \$9,000. If I  
8       did 9,000 -- and Maurice I hope you have your  
9       calculator out you're going to tell me if I'm  
10      right or wrong -- if I looked at \$9,000 a week  
11      we're spending and I thought about a school  
12      year would be like 35 weeks. So \$315,000,  
13      like whatever it is, the total cost and if I  
14      divided it by the average salary of \$22,000  
15      for a school crossing guard for \$22,000 a year  
16      it comes to 14 school crossing guards.

17           When I look at the April on board  
18      for 137 and if we even just go to like because  
19      I think 150 is a good number but still not  
20      adequate, I don't necessarily agree with it  
21      but I will agree on time. There is basically  
22      13 school crossing guards. So we can actually  
23      achieve -- the \$9,000 that we're spending a  
24      week extra over and above what we need to be  
25      spending, if we can just get rid of that we

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2       can actually save that \$9,000 a week and that  
3       would give us 13 to 14 school crossing  
4       guards.

5                   But even with the benefits, when  
6       you look at the overtime, I mean, I understand  
7       with the benefits it's even more. But just  
8       when you do the first blush of it, what it is  
9       is that we're just not getting it. Even when  
10      we talk about the \$25 an hour for a part  
11      timer. Of course that's going to attract a  
12      lot of people, even men, that now will want to  
13      do this because it's going to be \$25 an hour  
14      that they will be able to make.

15                   I really don't want to do that  
16      unless there is an agreement with the CSEA  
17      because I'm looking at the fact that we're  
18      going to offer new people \$25 an hour and some  
19      of them will be men. But like when you look  
20      at all the women who have been working part  
21      time making \$18 an hour that if we don't have  
22      a written agreement and you don't come to this  
23      agreement and the solution to say well, they  
24      can quit and I'll rehire them, so then they  
25      have to go through process again. Because we

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2    know they're going to have to pay \$75 to be  
3    fingerprinted, they're going to have go on  
4    this list, they're going to have to do this.  
5    What's the sense? There is no sense in this.

6           I mean I understand you're trying  
7    to come to some solution. But I'm saying and  
8    I'm going to maintain it, what we have to do  
9    is right now for part time, just for part time  
10   alone, to raise them to \$25 an hour. Get it  
11   in writing. We don't need to negotiate in the  
12   contract. You can add into the contract at a  
13   later date. But we have to sit down. And I  
14   am willing myself to sit down with you, the  
15   administration, the union, I don't care who  
16   else wants to sit there, because I am  
17   determined that this must be resolved.

18           Like we said yesterday, we are  
19   watching this contract negotiations with the  
20   detectives. This is even equally if not more  
21   important to many of us. I'm not putting down  
22   detectives but this has been a burning issue  
23   and it's getting frustrating. We're not  
24   talking about a lot of money. To say that we  
25   want to go to 150 full timers still to me is

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2   not right.

3                   We looked at well, we can go to  
4   civil service. They don't even show up. They  
5   haven't even weighed in on any of this. I'd  
6   like to know you probably have not even been  
7   able to get civil service to commit to  
8   changing anything. Because I know over the  
9   years I've asked to sit down and have these  
10   job titles changed. I have come up with more  
11   different jobs that these school crossing  
12   guards could do in between to supplement the  
13   hours that they are at their crossings.  
14   Whether or not to public safety. We can't  
15   even get people to go around and give  
16   citations. People who don't even clean their  
17   sidewalks after a snowstorm on county roads.

18                   When you think about the myriad of  
19   jobs that they could do, the functions that  
20   they can perform for this county for the  
21   betterment of all of us you can't even get a  
22   response.

23                   I'm telling you right now I'm  
24   giving up on civil service. I love Martha  
25   Crisel so I'm not blaming her. But I'm

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2   blaming the system and I'm blaming this  
3   administration. Yes, this was something that  
4   happened years ago. They were not in the  
5   office. But guess what? They decided to be  
6   in office now. You know what? You inherited  
7   it. We all inherited this problem and it has  
8   to be resolved.

9           I thank you very much for your  
10   testimony. But honestly, when you think about  
11   it, to just bring in -- if we have in the  
12   adopted budget 145, have we offered to eight  
13   people applying, whether or not they're part  
14   time or applying now, have we at least offered  
15   to eight people full-time positions as school  
16   crossing guards?

17           COMMISSIONER RYDER: I don't know  
18   the answer to that but I will get it for you.  
19   And I'm going to tell you what, we will make  
20   it 150. We will push it for 150. I want it  
21   too. In all fairness, when this decision of  
22   the \$25 came up it was never discussed about  
23   the part timers had to be renegotiated. I'm  
24   sure that we went back -- he's telling me --  
25   it will get done. We will get it done.

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2                   LEGISLATOR FORD:     I think that  
3    what we need to do -- we have one more speaker  
4    after this -- I think we are going to closely  
5    monitor this. I expect that we take a look at  
6    the 150. If not, at least the 145 at this  
7    time. I am going to write the administration  
8    because I think we need to sit down and talk  
9    to them, public safety people, and maybe meet  
10   with them as a committee to ask them to  
11   outline what they plan on doing with this.

12                   I think that it is a good idea and  
13    if it's something that the union agrees with,  
14    and of course the police commissioner agrees  
15    as well, that if this is something that we can  
16    start with \$25 an hour for part timers I think  
17    that could be a movement in one direction.

18                   But even so, while we're looking at  
19    this even if you can't, I'd love you to push  
20    it to 150, but even not so I would like you to  
21    tell me if the administration has offered  
22    full-time employment to eight people. I'm  
23    being fried. I'm being fried with all these  
24    numbers and all these changes. We need to  
25    make this.

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2                   But I am going to maintain that  
3   these jobs -- I'll guarantee you they're not  
4   going to change the job description. We're  
5   not going to get a new civil service title.  
6   As God is my witness I'm telling you right  
7   now, if anybody wants to take a bet I will bet  
8   \$1,000 that you're wrong. This is how  
9   strongly I believe in this. Maybe that will  
10   compel. Maybe Helena will take my bet and  
11   she'll make those positions. She'll work with  
12   civil service. Then I'll have to pay \$1,000  
13   and I'd gladly would pay it if we can get  
14   this.

15                   COMMISSIONER RYDER:     I'll pay  
16   half.

17                   LEGISLATOR FORD:     I don't care.  
18   But honestly, I really think what we need to  
19   do is move back and start going back to a  
20   full-time position. Because I think that will  
21   be one less headache for you. I know you love  
22   sitting here talking with us but I think it  
23   should be about other things as well.

24                   I think PBA president McDermott  
25   would like to ask one question.

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2                   MR. MCDERMOTT:     Actually it's not  
3   a question. I handed out to you all -- did  
4   you all get a copy of this? School crossings  
5   covered by Nassau County Police Officers from  
6   September 2018 through April of 2019?  
7   Everybody get a chance to look at that?

8                   First Precinct 4,176 crossings  
9   manned by police officers instead of crossing  
10  guards. Second Precinct 520. Third Precinct  
11  2,184. Fourth Precinct 1,663. Fifth Precinct  
12  3,899. Sixth Precinct 1,760. Seventh  
13  Precinct 752. Eighth Precinct 494. Coming to  
14  a grand total of 15,448 crossings that were  
15  covered during that period.

16                   The grievance that we filed over a  
17  year half ago has us at a possible liability,  
18  has the county at a possible liability of over  
19  \$5 million and counting if we get a judgement  
20  in our direction. In our favor.

21                   It's not about the money. It's  
22  never been about the money. It's about fixing  
23  it. I have been speaking with the county  
24  executive about this and telling her how this  
25  is putting police officers' lives in danger.



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2     It's been putting the public's lives in  
3     danger. Spoke with the Commissioner. We got  
4     nowhere. We filed a grievance.

5           I'll just give you how it would  
6     affect me as a Fifth Precinct police officer.  
7     I worked a two man car for 17 years in  
8     Lakeview. I'd sign on duty and during my 12  
9     hour tour I was entitled to a meal period.  
10    You can request that meal period at almost any  
11    time. I myself and the rest of the Fifth  
12    Precinct, because of how busy the precinct was  
13    because it's a busy area, very concentrated in  
14    population, I would ask for a meal period  
15    pretty much towards the beginning of the tour  
16    so I would get on the list to get a meal. I  
17    haven't been on patrol since 2005. I've been  
18    on the executive board. That was then. Back  
19    then if you had four or five crossings in a  
20    precinct that was a lot.

21           The commissioner's here saying that  
22    number one priority is public safety. And  
23    yes, that is the number one priority. Number  
24    two is the budget. But all I keep hearing is  
25    budget, budget, budget. Not to steal from

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2       Jerry's Helena, Helena, Helena. But all I  
3       hear is budget, budget for two days.

4           I agree with John Ferretti that we  
5       need to bring people in and that's just a  
6       temporary fix until we hire enough people. I  
7       applaud all of you for what you're saying and  
8       hiring full-time crossing guards because I  
9       think that's the fix. You have to put the  
10      bait on the hook. But, you know, this can't  
11      exist like this. And to say public safety is  
12      my number one and allow 18 out of 20 cars in  
13      the First Precinct, which is a very busy  
14      precinct, to be out on crossings that's  
15      irresponsible.

16           When we did our press conference a  
17      few weeks back one of my trustees said to me  
18      would they give 18 cars meals at any time  
19      during the tour when you ask for a meal? Of  
20      course not. That's irresponsible. 15  
21      irresponsible. Ten irresponsible. Five  
22      irresponsible. It's usually two, three, four  
23      cars tops throughout the whole precinct.  
24      You're doing that twice a day. You're  
25      basically taking cars out of the whole

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2   precinct in certain precincts out of service  
3   for that period of time at 45 minutes, an  
4   hour, sometimes an hour 15 minutes. It's  
5   irresponsible. So I just wanted to bring that  
6   point to you.

7           LEGISLATOR FORD:     Thank you very  
8   much. I know that the public when they hear  
9   that police officers will be taken off patrol  
10   to man the school crossings it does make  
11   residents angry. Because they do want to see  
12   the police officers patrolling. We need to  
13   correct this rather fast. Even for the  
14   officers they are trained. Like Jerry said,  
15   police officers are trained. They are  
16   emergency responders and then you have our  
17   civilian people. That's why you have civilian  
18   positions.

19           We always look toward maybe past  
20   decades or something like that. Maybe police  
21   officers used to do this job. But they  
22   realized to save money and keep the officers  
23   doing what they're supposed to do we create  
24   civilian positions. So we need to look at  
25   that clear boundary and say this is what we

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2       need to do. We need to make sure our officers  
3       are doing their patrolling. But we also then  
4       need to make sure our school crossing guards.

5                   When you talked about your  
6       liability, another quick, I have my calculator  
7       here, but actually if you consider -- we  
8       talked about benefits. So when you think  
9       about if somebody got benefits for \$23,000 a  
10      year for an individual and for like the 13 or  
11      14 employees it's only \$300,000 a year. So we  
12      could avoid a \$5 million liability but we  
13      would be more than be able to pay then for the  
14      benefits for full time school crossing  
15      guards.

16                   President McDermott you're right.  
17      It's like we need to -- I really would like to  
18      have our officers do what they have to do. I  
19      get calls people are passing stopped school  
20      buses. They're speeding. Whatever. People  
21      really want to see the cops you know doing  
22      that. They appreciate them working at the  
23      school crossings. But we're all in agreement  
24      that we want our officers to do what they're  
25      trained for.

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2                   MR. MCDERMOTT:       I know you are.

3       And I just want to make one more comment.

4       I've been a police officer since 1984. I  
5       started in New York City in Brooklyn North. I  
6       worked in areas like Bedford Stuyvesant, East  
7       New York and Brownsville. When you call for  
8       assistance there's nothing like the first guy  
9       getting there and then New York City, because  
10      it was an army full of officers, before you  
11      knew it there were 100 guys there taking care  
12      of you. Making sure you're safe.

13                  Now we have a situation out here in  
14      Nassau County where you're involved in a life  
15      and death struggle and your next closest  
16      response is a precinct away and they're all  
17      out on crossing too. And so is the precinct  
18      to the north, south, east or west of you.  
19      You're putting my police officers in danger.  
20      They're my police officers. I'm sworn to  
21      protect them. This is a very, very important  
22      matter to me.

23                  LEGISLATOR FORD:     It's extremely  
24      important. I will just tell you, when I did  
25      the citizens police academy, when I did my

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2     ride along I was with officer Sidwell,  
3     probably superior officer now, but I'd sit in  
4     the car. We went to a dead end street and  
5     there was a car with people in it. He got  
6     out. I'd to stay in the car. I waiting. I'm  
7     thinking to myself what's happening? I'm  
8     thinking should I call 911? Did he call?  
9     Whatever. And I'm waiting. What do you do?  
10    What happens to him? Just that stress level  
11    for me waiting, thinking what should I do. I  
12    didn't realize that you had that thing where  
13    you can call.

14                But even that whole time from the  
15    minute he got out of the car to where somebody  
16    responded to me seemed like an eternity. I'm  
17    a civilian sitting in a safe police car with a  
18    bullet proof vest on. But here's an officer  
19    faced with people in a car. You don't even  
20    know what they got.

21               MR. MCDERMOTT:     No such thing as  
22    a safe police car. I don't mean to correct  
23    you but that's the most dangerous place in the  
24    world.

25               LEGISLATOR FORD:     Point taken.

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2       But I'm just saying for an officer then  
3       knowing that he or she is by themselves in  
4       this dark place. How long? It probably  
5       wasn't that long but it seemed like forever.

6                   MR. MCDERMOTT:     You put yourself  
7       in harm's way when you put that vest on and  
8       got in that car. That was daring.

9                   LEGISLATOR FORD:     I have to hand  
10      it to the officers. I think if we can keep  
11      them where they can always respond immediately  
12      especially when an officer is in need, I just  
13      want to make sure we follow through. Whatever  
14      we can do we are going to do it.

15                  MR. MCDERMOTT:     You have been and  
16      I thank you for that.

17                  LEGISLATOR DERIGGI-WHITTON:     Can  
18      I say one quick thing? I know you say budget,  
19      budget, budget. It's almost because we're not  
20      even debating the other facts. Don't take it  
21      the wrong way. It's not like we're not  
22      concerned about the safety issue.

23                  MR. MCDERMOTT:     I'm not hearing  
24      budget, budget from you. I'm not challenging  
25      you on that. So if you think I'm challenging

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2   you I'm absolutely not.

3                   LEGISLATOR DERIGGI-WHITTON:       I  
4   thought that's what you said when you came  
5   back because we are talking about the budget.

6                   MR. MCDERMOTT:       Not to anybody up  
7   on the panel.

8                   LEGISLATOR DERIGGI-WHITTON:       You  
9   know what? I really kind of have this  
10   feeling -- depending on Maurice's final  
11   numbers -- but I don't think budget's going to  
12   be that big of an issue once we have black and  
13   white numbers. I just misunderstood you.

14                  MR. MCDERMOTT:       I'm glad it's a  
15   misunderstanding.

16                  LEGISLATOR DERIGGI-WHITTON:       I  
17   want to tell one quick story. I had -- she  
18   was like in third grade and my daughter's  
19   school was -- you had to park in the parking  
20   lot and had to cross a road to get into the  
21   school. And the crossing guard had her hands  
22   up. For some reason something happened and  
23   she must have moved a little bit and a car  
24   thought it was time to go and came within  
25   inches of running over my daughter.



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2                   My husband was the chief of police  
3   at the time and I saw the whole thing. I got  
4   to tell you, I will never forget that. I was  
5   too far away to grab her. I was probably  
6   about 30 feet away. But that is so embedded  
7   in my mind. I've always had incredible  
8   respect for these people.

9                   And that crossing guard, as soon as  
10   she saw the car coming, her hands were up and  
11   she just turned a little bit and the guy  
12   that -- she went like and he was like older  
13   and I don't know. Anyway, she like ran and  
14   she was ready to like -- she probably would  
15   have been hit before my daughter. It was very  
16   close and it's something that's always stuck  
17   in my mind. Anyway.

18                  MR. MCDERMOTT:    Thank you. Anyone  
19   else?

20                  LEGISLATOR FERRETTI:    Hey Jim.  
21   How are you? You mentioned in the beginning  
22   of your second time up here a grievance that  
23   you have with regard to officers being used at  
24   crossings. Did I get that right?

25                  MR. MCDERMOTT:    That's true.

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2                   LEGISLATOR FERRETTI:     Are you  
3   allowed to tell us what the basis of that  
4   grievance is?

5                   MR. MCDERMOTT:     Sure.   It's a  
6   minimum manning grievance.   Any time there's a  
7   known shortage such as this that you know  
8   you're going to have a shortage, it's not  
9   something like the crossing guard called in  
10   sick that morning, they know going into the  
11   tour that they're going to be short they're  
12   supposed to be bringing people in on overtime  
13   to backfill.   So that's not happening.

14                  LEGISLATOR FERRETTI:     Are you  
15   saying when they use officers for crossings  
16   they're not meeting their minimum manning  
17   requirements in the precincts?

18                  MR. MCDERMOTT:     Yes, I'm saying.

19                  LEGISLATOR FERRETTI:     I guess we  
20   can't really get into anymore than that.   Now  
21   I understand the basis of your grievance.  
22   Just a comment.

23                  We've heard over the last 48 hours  
24   all the union presidents got up and spoke and  
25   the common thread was talking about

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2       mismanagement from the commissioner. From  
3       where I sit I don't see it that way. To me  
4       this comes from the top. The commissioner's  
5       dealt a hand and he has to manage that hand.  
6       I can tell you from first hand experience I  
7       call him on a Saturday, Sunday tell him I got  
8       an issue in front of McCarthur High School. I  
9       got an issue at Polaris Field and he gets the  
10      job done for me.

11                I see this as a problem from the  
12      top, and I don't think it's an isolated  
13      incident. We've seen from this county  
14      executive that while talking big about public  
15      safety we've had issues with the ICE agents  
16      being removed from the correctional facility.  
17      That wasn't Pat Ryder. We've had issues with  
18      opposition to reopening the two precincts  
19      after being closed and promised to be  
20      reopened. That wasn't Pat Ryder.

21                Likewise, I think we have more  
22      public safety issues that yeah, Commissioner  
23      Ryder's put in a position where he has to do  
24      certain things but I think we need to make  
25      sure the focus is on the right person here.

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2           To that end, there was some things  
3   said yesterday that kind of stuck in my head  
4   overnight that I was really thinking about.  
5   One of them was a lawsuit that I learned about  
6   for the first time yesterday. Is it accurate  
7   to say that the PBA has brought lawsuits  
8   against officers individually? In their  
9   individual capacity?

10           MR. MCDERMOTT:     I'm glad you  
11   brought that up. We brought a lawsuit up  
12   against the commissioner and two superior  
13   officers in the Nassau County Police  
14   Department. The commissioner as the  
15   commissioner of police. As a matter of fact,  
16   I put together a statement because I don't  
17   want to miss anything of what I'm going to  
18   say.

19           Yesterday the Commissioner, without  
20   prompting, angrily mentioned a lawsuit that  
21   was recently filed by the PBA. First of all,  
22   let me point out what he said was wrong. His  
23   family is not being sued. His unhinged  
24   statement however is indicative of the  
25   seriousness of this actions brought against

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2   him and others within the police department  
3   itself. This case is very disturbing, the  
4   matter in the case, and it deserves serious  
5   attention by all of you.

6           Also the commissioner's false  
7   statements and his claim that it was personal  
8   clearly reveals an antiunion animus and bias.  
9   I ask you to evaluate how he can fairly deal  
10   with the PBA going forward. Especially when  
11   you take into account that for 18 months the  
12   department and the county have refused to  
13   process grievances filed by us.

14           This is what I'm dealing with right  
15   now. It's a bad situation but at no time did  
16   we ever sue anybody's family. That didn't  
17   happen. We don't do that.

18           LEGISLATOR FERRETTI:     That was  
19   something that kind of stuck in my head  
20   overnight because it would be pretty alarming  
21   if that was the case.

22           MR. MCDERMOTT:     Thank you for  
23   asking.

24           COMMISSIONER RYDER:     I'd like to  
25   comment back that as I don't have the prepared

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2       statement that just in case he was asked, but  
3       I was sued personally. I'm sued as my  
4       capacity as the commissioner of police and as  
5       Patrick Ryder. Patrick Ryder is the sole  
6       provider of Sean, Liam, Megan and Jill and my  
7       family is being sued. And Sergeant Sachs is  
8       being sued. And Lieutenant Massaro is being  
9       sued. They served Sergeant Sachs at Passover  
10      at the celebratory dinner they served his wife  
11      and child.

12                They served lieutenant Massaro at  
13      his house and stuck it on his door. I got  
14      word they were coming for me that night. I  
15      was at dinner on Holy Saturday with my family  
16      and I had to tell my wife for the first time  
17      what was going on. That I was being  
18      personally sued. And after my wife finished  
19      crying and my children ruined their dinner, we  
20      went home. I said if the process server is  
21      there please go in the house.

22                If that's not being personally  
23      served I think we have to have some clarity.  
24      My attorney is sitting to my left. He can  
25      tell you if it was a personal lawsuit or not.

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2       It is a personal lawsuit.

3           I am not biased against the union.

4       As a matter of fact, I'm a union paying  
5       member. And when I said it was personal is  
6       that they made it personal by when you serve  
7       and sue somebody personal you've made it  
8       personal. And I don't have that prepared  
9       statement.

10           MR. MCDERMOTT:     Can I answer?

11       Again, I will be providing all of you with a  
12       copy of the lawsuit. I am the president of  
13       the PBA. If anybody took action against the  
14       PBA they would be suing me. Nowhere in that  
15       document are his wife or children's names and  
16       nor would there ever be as they did nothing  
17       wrong.

18           I believe that on a regular basis  
19       members of our department get sued and then  
20       they put in front of an indemnification board  
21       which the commissioner is on. He knows that  
22       they get indemnified. So I think this is all  
23       taken out of proportion and I think it's  
24       muddying the waters of what's actually going  
25       on here.

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2                   LEGISLATOR FERRETTI:     It sounds  
3     like you were sued in your official capacity  
4     but it was done on a -- you're saying you were  
5     served personally.

6                   MR. MCDERMOTT:     I can't control  
7     when something's --

8                   COMMISSIONER RYDER:     When he  
9     prepares to give you the lawsuit you can read  
10    it. It says in the capacity as police  
11    commissioner and as Patrick Ryder as  
12    individual.

13                  MR. MCDERMOTT:     You will  
14    understand when you see the lawsuit.

15                  LEGISLATOR FORD:     This is  
16    actually very personal and painful issue to  
17    both of you and for all people involved. We  
18    truly understand that.

19                  MR. MCDERMOTT:     It didn't come  
20    about easily.

21                  LEGISLATOR FORD:     Truth be told,  
22    we understand. And I understand the union's  
23    position and I understand the police  
24    commissioner's position. I think that, just  
25    to echo some of the sentiments that Legislator



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2       Ferretti said, that even with these hearings,  
3       and the police commissioner has been kind  
4       enough to sit here and respond to all of our  
5       questions on both days, I believe that maybe  
6       he is trying to help us resolve these issues.

7           But I think that it's more because  
8       of this administration that we're not getting  
9       the answers and the responses and the help  
10      that we need. I think that this is also  
11      almost an outcrop, this situation, I believe  
12      can be because of issues with the  
13      administration. That I think that things  
14      cannot be resolved in a more timely fashion.  
15      Because I'm sure if the commissioner was  
16      solely in charge of everything that things  
17      would get resolved a little bit faster. But  
18      because he has other people he must respond to  
19      that my guess would be that this is a problem  
20      that has emanating from all of this. And I  
21      hope and I pray that we can get this resolved  
22      as soon as possible.

23           I think that it makes it even more  
24      important for us, I guess, to encourage this  
25      administration to start paying attention to

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2    see what's happening. This is terrible. It's  
3    absolutely terrible and it's very painful for  
4    all of you. Especially the commissioner. But  
5    I think we all sense it and it really angers  
6    me that we have come to this.

7           LEGISLATOR DERIGGI-WHITTON:       Just  
8    to wrap it up. Thank you again. I think  
9    these hearings and thank you Legislator Ford  
10   for organizing it. They really again focus on  
11   one subject which we need to do.

12           But one thing, the highlight of the  
13   day for me was when Commissioner Ryder did  
14   offer the \$25 an hour. I think that's a step  
15   in the right direction and that's not ignored  
16   at all by us. I've always felt -- I don't  
17   like this because I happen to like both of  
18   you. I felt very uncomfortable and felt sad  
19   about the whole thing. I know that there are  
20   times where we're going to have differences.  
21   And honestly, even the administration has some  
22   problems with budgets and I get it. I know  
23   it's not an easy job. I give anyone in that  
24   position credit.

25           But you guys have good hearts and

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2    you're good people and I really truly believe  
3    you're in it for the right reasons, to protect  
4    our residents of Nassau County and we are here  
5    to make both of their jobs easier. Again,  
6    it's the job. It's not personal.

7           I do know what Commissioner Ryder  
8    is saying, which I think his heart is a big  
9    one and I think he loves his family and I  
10   think that any time you do things that work  
11   and sometimes something goes wrong, I don't  
12   even know all the details and I don't want to  
13   know right now. But I just think when you  
14   have a big heart and trying to do the best you  
15   can these kinds of things do hurt. I don't  
16   think was your intention. Hopefully going  
17   forward -- basically I'm just saying we care  
18   about all of you and we want to do the best we  
19   can do to help all of you also. Thank you.

20           LEGISLATOR FORD:     I urge let's  
21   get to the table. As a shop steward I filed  
22   many a grievance and sat them and they went on  
23   for days. That being said, I urge you to at  
24   least try to get that resolved and let's put  
25   this bad episode behind all of you. I know

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2    you as a union leader have to protect your men  
3    and women. There are rules and contracts that  
4    must be followed and your job is to make sure  
5    that everybody adheres to it. I don't envy  
6    you in the job you are doing as well.

7           MR. MCDERMOTT:    Greatest job in  
8    the world.

9           LEGISLATOR FORD:   Listen, police  
10   officers have a special place in our hearts.  
11   All of you. When we, even Jerry with your  
12   county workers, I mean, we are all here  
13   because of all of you. We care about you. We  
14   would like to try to start seeing -- let's  
15   start moving everything forward in a more  
16   positive fashion.

17           I will tell you right now, I'm  
18   willing to fight. Fight we must. But I'm  
19   hoping Commissioner that we will be able to  
20   come to some sort of the agreement and work  
21   this thing out. But I thank you very much.

22           I thank you all of you for coming  
23   here today and I thank my members of the  
24   committee. And guess what? We are not having  
25   a hearing tomorrow afternoon. So you are all

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2       free tomorrow afternoon. Thank you very much.

3                   (TIME NOTED: 4:43 P.M.)

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CERTIFICATION

I, FRANK GRAY, a Notary  
Public in and for the State of New  
York, do hereby certify:

THAT the foregoing is a true and  
accurate transcript of my stenographic  
notes.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 12th day of  
June 2019

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FRANK GRAY