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NASSAU COUNTY LEGISLATURE
FULL LEGISLATURE MEETING

RICHARD NICOLELLO, PRESIDING OFFICER

SPECIAL MEETING

County Executive and Legislative Building
1550 Franklin Avenue
Mineola, New York

Monday, February 6, 2023
1:27 p.m.

TAKEN BY: KAREN LORENZO, OFFICIAL COURT REPORTER

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LEGISLATOR RICHARD J. NICOLELO
PRESIDING OFFICER
9TH Legislative District

LEGISLATOR HOWARD KOPEL
Deputy Presiding Officer
7th Legislative District

LEGISLATOR DENISE FORD
Alternate Presiding Officer
4th Legislative District

LEGISLATOR KEVAN ABRAHAMS
Minority Leader
1st Legislative District

LEGISLATOR SIELA BYNOE
2nd Legislative District

LEGISLATOR CARRIE SOLAGES
3rd Legislative District

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LEGISLATOR DEBRA MULE

5th Legislative District

LEGISLATOR C. WILLIAM GAYLOR, III

6th Legislative District

LEGISLATOR JOHN J. GIUFFRE

8th Legislative District

LEGISLATOR MAZI MELESA PILIP

10th Legislative District

LEGISLATOR DELIA DERIGGI-WHITTON

11th Legislative District

LEGISLATOR JAMES KENNEDY

12th Legislative District

LEGISLATOR THOMAS MCKEVITT

13th Legislative District

LEGISLATOR LAURA SCHAEFER

14th Legislative District

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LEGISLATOR JOHN FERRETTI, JR.

15th Legislative District

LEGISLATOR ARNOLD W. DRUCKER

16th Legislative District

LEGISLATOR ROSE MARIE WALKER

17th Legislative District

LEGISLATOR JOSHUA LAFAZAN

18th Legislative District

MICHAEL PULITZER

Clerk of the Legislature

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APPEARANCES :

ANDY PERSICH, OMB

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PRESIDING OFFICER NICOLELLO: All right. Ladies and gentlemen, I'd ask that you all please rise for the Pledge of Allegiance to be led by Legislator Tom McKevitt.

(Whereupon, the Pledge of Allegiance is said by all.)

PRESIDING OFFICER NICOLELLO: Mike, could you please call the roll?

CLERK PULITZER: Thank you, Presiding Officer.

Roll call: Deputy Presiding Officer Howard Kopel.

LEGISLATOR KOPEL: Here.

CLERK PULITZER: Alternate Deputy Presiding Officer Denise Ford?

LEGISLATOR FORD: (No response.)

CLERK PULITZER: Legislator Siela Bynoe?

LEGISLATOR BYNOE: Here.

CLERK PULITZER: Legislator Carrie A. Solages?

LEGISLATOR SOLAGES: Here.

CLERK PULITZER: Legislator Debra

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Mule?

LEGISLATOR MULE: Here.

CLERK PULITZER: Legislator C.
William Gaylor, III?

LEGISLATOR GAYLOR: Present.

CLERK PULITZER: Thank you.
Legislator John Giuffre?

LEGISLATOR GIUFFRE: Here.

CLERK PULITZER: Legislator Mazi
Pilip?

LEGISLATOR PILIP: Here.

CLERK PULITZER: Legislator Delia
DeRiggi-Whitton?

LEGISLATOR DERIGGI-WHITTON: Here.

CLERK PULITZER: Legislator James
Kennedy?

LEGISLATOR KENNEDY: Here.

CLERK PULITZER: Thank you.
Legislator Thomas McKevitt?

LEGISLATOR MCKEVITT: Here.

CLERK PULITZER: Legislator Laura
Schaefer?

LEGISLATOR SCHAEFER: Here.

CLERK PULITZER: Legislator John

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Ferretti?

LEGISLATOR FERRETTI: Here.

CLERK PULITZER: Legislator Arnold
Drucker?

LEGISLATOR DRUCKER: Here.

CLERK PULITZER: Legislator Rose
Marie Walker?

LEGISLATOR WALKER: Here.

CLERK PULITZER: Legislator Joshua
Lafazan?

LEGISLATOR LAFAZAN: Here.

CLERK PULITZER: Alternate Presiding
Officer Denise Ford.

LEGISLATOR FORD: Here.

CLERK PULITZER: Thank you, Ma'am.
We have a quorum.

PRESIDING OFFICER NICOLELLO: Thank
you very much.

Welcome to this Special Meeting of
the Nassau County Legislature. We have
one item on the agenda for today. That is
Item One, Resolution 24. It's a
resolution approving a successor
collective bargaining agreement via

1
2 memorandum of understanding between the
3 county of Nassau and the Nassau County
4 Police Benevolent Association of the
5 Police Department of the County of
6 Nassau. Moved by Deputy Presiding Officer
7 Kopel, seconded by Legislator Ford. That
8 puts the Resolution before us and to
9 invite the Administration to come up and
10 make a presentation.

11 MR. PERSICH: Good afternoon,
12 Legislators. I went over this briefly in
13 the Committees, but I'll just do a real
14 high level synopsis of the agreement.

15 It's an 8 1/2 year term, which goes
16 from one 1/1/18 to 2026. It conforms to
17 the collective bargaining pattern with
18 the other bargaining units. It fits
19 within the multi year plan and is in the
20 budget for this year.

21 The summary of what the terms are:

22 - General wage increases of 1% for
23 2018 to 2021; 2.5% for 2022 to 2023; and
24 3% for 2024 and 25.

25 - There is a stipend of \$6,480 for

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officers with six years of service and another senior stipend for officers with 15 years of service for \$3,750.

- There's a new salary chart for new hires.

- There is a health contribution, which is 2% of base earnings in 2021; 2.25 in 2022; and 2.25 in 2023 and thereafter.

- There was a healthcare buyback, which is consistent.

- We have four additional appearances that will be made by each member.

- Sick leave for incumbents will be reduced by two days for 2023. And the termination is capped at 1.15 for new members and 18 sick days will be earned annually for the new members.

And the agreement resolves several grievances with the Police Department. And I think for both parties, I think this was an amicable way of doing it. It gives the men and women in blue a fair

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and equitable contract that fits the pattern and is funded within the County's financial plan.

I'm here to field any questions and the merits of the financial piece of it.

PRESIDING OFFICER NICOLELLO: I think you started off with saying that it fits within the pattern that's been established.

MR. PERSICH: That's correct.

PRESIDING OFFICER NICOLELLO: In fact, Mr. Dellaverson was involved and present for negotiations.

MR. PERSICH: The County worked and coordinated with Mr. Dellaverson so that we could get it through NIFA quickly.

PRESIDING OFFICER NICOLELLO: What is the estimated net cost?

MR. PERSICH: We've estimated at \$158.5 million over the total life of the deal.

PRESIDING OFFICER NICOLELLO: One question I had and was curious about is there is these retroactive increases

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going back to the beginning of 2018, but they don't get paid for some of those increases?

MR. PERSICH: No, they do. That's just going to be a one time payment is what it's going to be.

PRESIDING OFFICER NICOLELLO: Can you explain that?

MR. PERSICH: Give me one second.

(Whereupon, off the record discussion.)

MR. PERSICH: There is no retroactivity for any pay raises prior to 2021. So they're getting the money, but it's just not going to be called retroactive raises. It's confusing. I know.

PRESIDING OFFICER NICOLELLO: Any way you could describe that in other terms that would be more understandable to us. So, I mean, they are getting the increase --

MR. PERSICH: But it's not Retroactive wage. It's going to be like

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a lump sum payment in 2023 is what it will be like. That's the best way I can describe it.

PRESIDING OFFICER NICOLELLO: So there's no compounding effect; is that what --

MR. PERSICH: In essence, Yes.

PRESIDING OFFICER NICOLELLO: All right. Other questions?

LEGISLATOR FORD: So on the back, pay the retroactive. We're going to pay that in 2023. How much is that going to come to?

MR. PERSICH: It's going to come to approximately -- based on the staff summary -- it's around \$40 Million is what it will be.

LEGISLATOR FORD: And that would take care of the back pay from 2018 to present?

MR. PERSICH: Correct.

LEGISLATOR FORD: 40 million.

MR. PERSICH: Right.

LEGISLATOR FORD: And then with this

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looking at the pay that they get for so many years serving, what about the body cameras? Is that included in this or is that a separate --

MR. PERSICH: The body cameras were done as a separate MOA in 2021 or 2020, and that's a \$3,000 stipend that they get for wearing the cameras. That's separate and apart.

LEGISLATOR FORD: So that wouldn't be part of the contract. That's something else.

MR. PERSICH: Right. That was a separate MOA that was derived as a result of the body cameras.

LEGISLATOR FORD: All right. Thank you.

PRESIDING OFFICER NICOLELLO:
Legislator Schaefer.

LEGISLATOR SCHAEFER: Hi, Andy. How are you?

MR. PERSICH: Good. How are you?

LEGISLATOR SCHAEFER: Good. So I understand that if you opt out of health

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2 coverage, you get a \$4,000 for waiving
3 family coverage and \$2,000 for
4 individual. Is that each year that you if
5 you decide to opt out; you get it each
6 year?

7 MR. PERSICH: That's correct.

8 LEGISLATOR SCHAEFER: That was my
9 only question.

10 PRESIDING OFFICER NICOLELLO: Andy,
11 you've changed the number of steps,
12 correct? So it's a longer time period
13 before the officers reach their
14 highest --

15 MR. PERSICH: Yes. We've lengthened
16 it from 9 to 11.

17 PRESIDING OFFICER NICOLELLO: And
18 new hires, there are certain requirements
19 that are going into effect for new hires
20 alone, correct? That's where the steps
21 get expanded for, for the new.

22 PRESIDING OFFICER NICOLELLO: What
23 else are the new hires subject to?

24 MR. PERSICH: They're getting less
25 less sick days and the the term pay is

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capped at 1.5. So they only get 18 sick days versus 26, which is now 24 for this period for that. One of the givebacks was that.

PRESIDING OFFICER NICOLELLO: And I think you may have mentioned this, but there are additional tours that are required?

MR. PERSICH: Four additional tours that are required by membership.

PRESIDING OFFICER NICOLELLO: Okay. Tell me a little bit about this, there's also a stipends involved, correct?

MR. PERSICH: Correct. So there's two stipends, one for a six year officer, which is \$6,480 after six years, that's what you're entitled to. And then anybody after 15 years gets \$3,750.

PRESIDING OFFICER NICOLELLO: Okay. Just curious, why is it done that way as opposed to factoring it into steps and things of that nature?

MR. PERSICH: Collective bargaining, as I'm learning, it's a very unique way

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of doing things. I think this was how we could meet in the middle on some of the other issues that we had, and this was the most equitable and fair way that we came up to meeting the pattern. So, you know, having been in part of the room for some of these things, this was the best way we saw fit to get this deal done.

PRESIDING OFFICER NICOLELLO: Thank you, Andy.

MR. PERSICH: Thank you.

PRESIDING OFFICER NICOLELLO: Any other questions you have?

LEGISLATOR FORD: Just as a follow up to the Presiding Officer, in regard to the stipend, is that issued as a separate check to the officer or is that something that's incorporated into their pay?

MR. PERSICH: It's part of the base wages, base earnings. So it will be part of their biweekly checks.

LEGISLATOR FORD: But it's an annual payment, though, right?

MR. PERSICH: No, it's going to be

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paid over 26 pay periods.

LEGISLATOR FORD: So 26 divided into \$6,480, or whatever it is?

MR. PERSICH: It's going to be part of that biweekly wages.

LEGISLATOR FORD: Okay. Thanks.

PRESIDING OFFICER NICOLELLO:
Legislator Bynoe, Minority Leader
Abrahams, Legislator Schaefer.

LEGISLATOR DERIGGI-WHITTON: Okay.
Thank you. Just where it went up to an extra two days of training, is that in addition to the five days that we had when we did the police reform?

MR. PERSICH: I don't think -- the training days for police reform in this are separate and apart I would say. They have to do for additional appearances of which some of them can be used for training days. So the training that they will have to do as part of the police reform is separate and apart from this agreement. So this is giving us a means to offset some of the costs that are

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2 associated with this deal. So they give
3 us for additional appearances. We deem
4 what they can they can be used for, for
5 training and other things. But it's just
6 a way to offset some of the costs that
7 are associated with this.

8 LEGISLATOR DERIGGI-WHITTON: And
9 that's in addition to the five days. So
10 now we're going to have a total of seven
11 days.

12 MR. PERSICH: I don't want to
13 confuse -- one is collectively bargained
14 out. One is mandated by police reform. So
15 the fact of the matter is, is these
16 appearances, these four, are separate and
17 apart from the police reform. We have to
18 do five days. I don't know the bill in
19 the police reform, but I'm just saying
20 they have to do five training days that
21 are included as part of their routine
22 tours that they have to do.

23 LEGISLATOR DERIGGI-WHITTON: So
24 that's good. I mean, I think it's a
25 positive because, hopefully, I know we

1
2 wanted to try to bring in some more
3 training. If they need for mental health
4 training, whatever we can do. I'm
5 actually happy that that's included. So
6 now, if I'm correct, I think we have now
7 a total of seven days. So we could,
8 hopefully, really utilize that to help
9 our officers as well as our community.

10 MR. PERSICH: I was going to say
11 the Police Department knows better about
12 the training days and what they are
13 utilized for. You know, I'm sure there's
14 more than four that they do. There's
15 multiple of things that they're doing.

16 LEGISLATOR DERIGGI-WHITTON: And
17 just my last quick question: Have you
18 had any feedback from NIFA?

19 MR. PERSICH: They're aware of the
20 deal. I would think that the fact that
21 we used one of their negotiators who was
22 involved in it. I think they're receptive
23 to what's happening. But I don't want to
24 speak for them and the Board. But I do
25 believe that I think this should pass the

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sniff test, for lack of a better thing,
with NIFA.

LEGISLATOR DERIGGI-WHITTON: So
that's also a positive. Thank you, Andy.

MR. PERSICH: Yup.

PRESIDING OFFICER NICOLELLO:
Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: How are you,
Andy?

MR. PERSICH: Good afternoon,
Minority Leader.

LEGISLATOR ABRAHAMS: Good. I just
want to make sure I'm clear on the topic
of the re-opener, and I want to just
piggy back a little bit on the Presiding
Officer's questions in regards to the
stipend versus the step.

If I'm understanding you correctly,
I mean, I'm not going to get into the
negotiations between the County and the
PBA. But if I understand you correctly,
this was a fairer, more equitable way to
do the compensation for police officers
by doing a stipend rather than a step,

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correct? Or included in the steps.

MR. PERSICH: I would say it was part of the whole process, yes.

LEGISLATOR ABRAHAMS: Okay. Was that process incorporated into the SOA or the DIA contracts?

MR. PERSICH: I can't mix the deals up because there was different nuances in each of the the other two collective bargaining units. But let me just answer the question as best I can. I don't think there's anything in this agreement that will strike a re-opener with the other collective bargaining units because it fits the pattern of the 1476. And that's basically the nutshell of how will these MOAs and MOUs with arrived.

LEGISLATOR ABRAHAMS: So I guess that I guess that's really the nut of this. So walk me through that so I can understand it better.

MR. PERSICH: Let me put it to you this way, we've established pattern bargaining, which is what we've

1
2 established. And we came up with a number
3 that meets the criteria for both the
4 County and NIFA as far as what pattern
5 bargaining would look like, and that is
6 1476. So each one of these labor deals
7 has nuances that fit within the 1476.
8 They will vary based on appearances,
9 other things that were give back. But
10 that's what the premise of the 1476 and
11 pattern bargaining is. So we came up --
12 we do a costing sheet and it says we we
13 value this at 1476. Both sides agree to
14 it and that's how we get to the 1476. And
15 this agreement, along with the other
16 previous agreements, conform to the 1476.

17 LEGISLATOR ABRAHAMS: And Mr.
18 Dellaverson agrees that the County
19 followed the 1476 pattern?

20 MR. PERSICH: Yes, he did.

21 LEGISLATOR ABRAHAMS: And just for
22 the record, Mr. Dellaverson was a part of
23 the SOA and DAI negotiations between
24 those collective bargaining?

25 MR. PERSICH: Yes, he was.

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LEGISLATOR ABRAHAMS: Okay. All right. So give me a second. Make sure I just covered all my topics (perusing). Nothing further for now, Presiding Officer.

PRESIDING OFFICER NICOLELLO: All right. Thanks for now, Andy. Stick around.

MR. PERSICH: Thank you. Yeah, we'll be here. No worries.

PRESIDING OFFICER NICOLELLO: Appreciate it.

I'd like to invite Maurice Chalmers up from the Office of Legislative Budget Review.

MR. CHALMERS: Maurice Chalmers Budget Review. You want me to go over the numbers?

PRESIDING OFFICER NICOLELLO: Yes.

MR. CHALMERS: We did a quick costing of the the MOU also, and we came up with approximately \$167.1 million in that cost. In terms of what's in the budget, the budget did anticipate this

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contract, this MOU, and there is sufficient funding to cover this MOU in the budget.

PRESIDING OFFICER NICOLELLO: I should probably have asked Andy this, but what about the four year plan?

MR. CHALMERS: The multi year plan builds off the 2023 budget and carries through also.

MR. PERSICH: Yes. The multiyear plan included the collective bargaining settlements for this year and the out years, too.

PRESIDING OFFICER NICOLELLO: So it's within the parameters of that plan?

MR. PERSICH: Correct. That NIFA approved October of last year. These these collective bargaining units were included in the multiyear plan.

PRESIDING OFFICER NICOLELLO: All right. Thank you. Any other any questions for Maurice?

LEGISLATOR ABRAHAMS: How are you, Maurice?

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MR. CHALMERS: Very well, thank you.

LEGISLATOR ABRAHAMS: Based on your report, and I know just based on what you just said, the cost over 8 1/2 years is \$167.1, correct, as per your office?

MR. CHALMERS: Correct.

LEGISLATOR ABRAHAMS: And I don't know if you had a chance to review what what OMB had provided, but obviously they had the cost a little bit lower at \$158.5. And I just wanted you for the record just to clarify the difference between --

MR. CHALMERS: Correct. They had it at \$158.5, and we have \$8.6 million more. When we did our costing, we use inflators for the additional cost for term pay differential and some other costs. We use higher inflators than they did. And that's truly the the difference between our costs and their costs.

LEGISLATOR ABRAHAMS: So there's no cost in the contract that you see that they just underestimated other than the

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inflaters that's tied to --

MR. CHALMERS: That is correct. We agree with what their projection. It's just that we use higher inflators.

LEGISLATOR ABRAHAMS: Okay, fair enough. Thank you, Maurice.

MR. CHALMERS: Welcome.

PRESIDING OFFICER NICOLELLO: Any other questions from Maurice?

(Whereupon, no verbal response.)

PRESIDING OFFICER NICOLELLO: Thank you. That's it, right? No more presentation for the Administration.

All right. Any public comment?

(Whereupon, no verbal response from the public.)

PRESIDING OFFICER NICOLELLO: Before we proceed, I wanted to extend my congratulations to president of the PBA, Thomas Shevlin. I understand this contract passed his membership by a vote of 93%. I think as presented by the administration, and as confirmed by the

1
2 Office of Legislative Budget Review, this
3 is a fair, equitable contract, and it
4 fits within the pattern bargaining that's
5 been established by NIFA. So I think it's
6 in the interest of our county residents
7 to to approve this this this deal. So
8 anyone else want to add anything?

9 LEGISLATOR ABRAHAMS: On behalf of
10 our caucus as well, obviously, this has
11 going through a very, very stringent
12 criteria. The 1476 pattern demonstrates
13 for the County and, quite frankly, for
14 our taxpayers, that there are no
15 potential re-openers. I think that's the
16 most important thing. Right now all of
17 these agreements are within the budget
18 constraints of the County and we want to
19 make sure that it remains that way. And
20 at the same time, it provides fair and
21 equitable contracts to our police
22 officers. So from our standpoint, we see
23 things the same way and we plan to vote
24 in the affirmative for this contract as
25 well.

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PRESIDING OFFICER NICOLELLO: Thank
you.

All in favor signify by saying,
"Aye".

(Whereupon, all members of
the Full Nassau County
Legislature respond in favor
with, "Aye".)

PRESIDING OFFICER NICOLELLO: Those
opposed?

(Whereupon, no verbal
response.)

PRESIDING OFFICER NICOLELLO: Passed
by a vote of 18 to nothing.

Motion to adjourn by Legislator
Walker, second by Legislator Pilip.

All in favor of adjourning. Signify
by saying, "Aye".

(Whereupon, all members of
the Full Nassau County
Legislature respond in favor
with, "Aye".)

PRESIDING OFFICER NICOLELLO: Those
opposed?

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(Whereupon, no verbal
response.)

PRESIDING OFFICER NICOLELLO: We're
adjourned.

(Whereupon, above matter is
adjourned, 1:46 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

: SS.:

COUNTY OF NASSAU)

I, KAREN LORENZO, a Notary Public
for and within the State of New York, do
hereby certify:

That the above is a correct
transcription of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this 6th day of February, 2023.

Karen Lorenzo

Karen Lorenzo

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