

# Cop pact suit tossed

Nassau deal with key group would have been voided

BY SCOTT EIDLER

scott.eidler@newsday.com

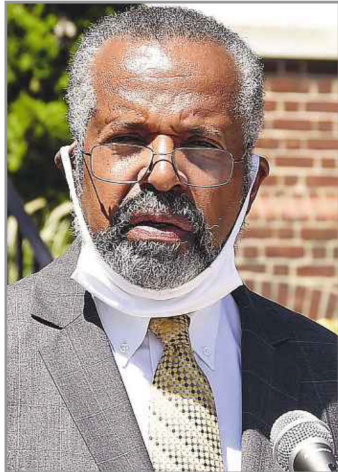
A Nassau judge on Monday dismissed a lawsuit seeking to void a labor contract between Nassau County and the Superior Officers Association and lifted a temporary restraining order barring the 8.5-year pact from taking effect.

Civil rights lawyer Frederick Brewington filed the suit on Dec. 15, representing plaintiff Doris Sharpe of Hempstead.

In seeking to void the pact, Brewington argued the county legislature was wrong to approve the pact at its Nov. 23 meeting on an “emergency” basis.

The Nassau Interim Finance Authority, a state control board responsible for signing off on the pact, subsequently approved the deal at its Dec. 17 meeting.

The 15-page ruling from Judge James P. McCormack found Sharpe lacked standing and “the petition itself lacks merit.” McCormack vacated a



JOHN ROCA

**Lawyer Frederick Brewington, who filed the lawsuit**

temporary restraining order, granted Dec. 17, halting the contract from moving forward.

It was not immediately clear when payments to the officers, under the terms of the new labor agreement, would commence.

The deal provides 15% raises to officers, including a \$3,000 stipend for wearing body cameras. County officials had defended their decision to bring the pact to the legislature on an emergency basis.

A new health insurance plan

offered by Aetna was set to result in rate increases for officers and the legislature needed to approve the contract at its Nov. 23 meeting to save costs, county officials had argued, according to the judge’s ruling. That would have resulted in \$466,000 in additional costs to the taxpayers for each month of delay, the county had argued, according to McCormack.

The legislature’s vote was 16-3 with three Democratic legislators objecting: Minority Leader Kevan Abrahams of Freeport; Carrié Solages of Lawrence and Siela Bynoe of Westbury.

In a statement, Brewington said: “Of course, we are disappointed at this point. We are evaluating the decision right now as we consider next steps. This is a very complex matter that has several important issues, which have been unveiled by Ms. Sharpe bringing the case in the first place.”

Sharpe, 60, said in a statement provided by Brewington: “As an African-American and the Plaintiff in this action, the County left me no real choice. It was either sit and watch my Legislature act in a negative manner against police reform or speak up. I chose to speak up, and the Court

clearly understood my position, when it wrote, ‘To be clear, the court finds her concerns perfectly legitimate. It makes sense to argue that if the MOA is approved prior to Executive Order 203 being addressed, then the MOA is, in essence, ignoring Executive Order 203.’ While the Court saw this as something that is not certain to happen, for me it is a real and present danger.”

Brewington had argued the contract approval threatened to undermine the county’s plan to enact sweeping reforms to policing, which is due to the state by April 1 under a directive from Gov. Andrew M. Cuomo. Approving police contracts before a county plan is set, as part of order 203, would harm efforts to secure meaningful reform, Brewington and Democratic activists and lawmakers have argued.

A spokesman for Curran declined to comment on the ruling.

Ricky Frassetto, president of the SOA, said: “I’m glad that this is all behind us and the SOA members can finally get what they deserve, by us negotiating a fair contract.” Frassetto said he hoped his members would be “paid as soon as the county can implement it, as soon as payroll can be implemented.”

Presiding Officer Richard Nicoletto (R-New Hyde Park) said in a statement: “The contract between the county and its Superior Officers is in the best interests of Nassau residents, and the men and women of the Nassau County Police Department. The court decision will permit the contract to be implemented.”

The ruling is a victory for Curran, a Democrat, who will have formalized two new labor contracts since taking office in 2018.

Deals with the county’s five major unions expired on the eve of her first term and Curran, who is up for reelection in 2021, has been working to finalize new contracts. In December 2019, the county announced a new deal with the Detectives’ Association Inc., which was later ratified by the legislature and NIFA.

Her administration suffered a big setback last week, when members of the Police Benevolent Association rejected terms of a proposed deal between the county and PBA, by a margin of 143 votes, according to PBA president James McDermott.

The county has yet to set new contracts for the Civil Service Employees Association and Sheriff’s Correction Officers Benevolent Association.