

# Civil rights lawyer files suit claiming Nassau lawmakers wrongly passed police contract



Attorney Fred Brewington at his office in Hempstead on Sept. 29 Credit: Raychel Brightman

**By Scott Eidler**

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Civil rights attorney Frederick Brewington has filed a lawsuit against Nassau County Executive Laura Curran, 16 county legislators, and other officials, arguing a police labor agreement should be voided because lawmakers wrongly voted for it on an "emergency basis."

The plaintiff, Doris Sharpe, described in court papers as a Nassau resident, cites the legislature's "defective vote" on Nov. 16 approving an 8.5-year labor deal for the Nassau Superior Officers Association. The suit names as defendants Curran, a Democrat, and 16 of 19 county legislators



who voted to approve the contract, including 11 Republicans and 5 Democrats. Also named are Nassau Interim Finance Authority Chairman Adam Barsky, NIFA board members, and Nassau's Clerk of the Legislature, Michael Pulitzer.

The suit, filed Tuesday, follows activists' criticism of Curran and legislators for taking action on police contracts. Earlier this month, Nassau officials announced passage of a "tentative" deal between the county and Police Benevolent Association, its largest police union. That pact needs the approval of the Legislature and NIFA.

The suit notes that NIFA is set to consider the SOA deal at its meeting on Thursday.

Activists say Nassau should hold off on approving police contracts until the county settles on a comprehensive police reform plan, as required under a June directive from Gov. Andrew M. Cuomo. The directive, known as "Executive Order 203," requires municipalities with police departments to develop plans for sweeping reforms by April 1, following this May's death of George Floyd while in Minneapolis police custody.

Passage of the deals now, "completely undercuts police reform efforts."

"By using emergency procedures, the CBA [collective bargaining agreement] was approved outside of the normal legislative process, which would have required, inter alia, that it first be considered and voted on in committee, then be afforded an opportunity for public comment, and then be considered and voted on by the entire legislature," Brewington argued in court papers.

"Therefore, the County Legislature's ratification of the CBA is a nullity and is void as a matter of law," Brewington argued. "No emergency exists that would permit respondents to bypass the County Legislature's normal legislative process."

Only three county legislators, all Democrats, voted against the SOA deal's passage: Minority Leader Kevan Abrahams, of Freeport, Siela Bynoe, of Westbury, and Carrié Solages, of Lawrence. The deal provides 15% raises, including a \$3,000 stipend for wearing body cameras. Also, members who have served six years as a supervisor are to receive a step increase to base salary of \$8,000.

The suit continued, "Despite the obvious magnitude of the eight and a half-year CBA and its implications for Nassau County taxpayers, respondents illegally approved the CBA outside of



the normal legislative process, without any emergency basis, and failed to afford the County Legislature's relevant committee and the public an opportunity to weigh in."

The suit notes that the letter from the county setting forth an emergency was signed by Chief Deputy County Executive Helena Williams "for Laura Curran ... The letter, however, made no mention of the County Executives [sic] absence or inability to perform her duties."

Chief deputies have signed for the county executive in other matters. A county spokesman said the county does not comment on pending litigation. A NIFA spokesman declined to comment.

Presiding Officer Richard Nicoletto (R-New Hyde Park) said: "The Majority will thoroughly review the suit filed late today as we do all litigation against the county. Regardless of technical procedural claims in the law suit, the SOA contract was approved 16-3 and is clearly in the best interests of Nassau residents and the men and women who serve as supervisors in the NCPD."

A NIFA spokesman said the agency has no comment. Representatives for other defendants did not respond to requests for comment.

A spokesman for legislative Democrats declined to comment.

The suit notes that without an emergency declaration, all resolutions must be filed with the legislature's clerk "in final form for passage for at least one week."

Brewington says the county and SOA finished negotiating in September, and writes: "There was no sudden or unexpected occurrence or condition requiring immediate action."



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