

# CAPTAINS' ENDOWMENT ASSOCIATION BULLETIN

Official Publication of the Captains' Endowment Association  
Police Department, City of New York  
"Managing the FINEST"

## SCHOLARSHIP NIGHT @ MCU PARK



### BBQ & Baseball Night at MCU Park to Benefit Scholarship Fund

On Wednesday, August 18, the CEA hosted our third annual Scholarship Night at MCU Park in Coney Island. The event began with a barbeque followed by a ballgame of the Staten Island Yankees verse the Brooklyn Cyclones. More than 900 CEA members and their families were in attendance. Prior to the game, the winners of CEA College Scholarships were

presented with their award on the field by home plate. Police Commissioner Raymond W. Kelly delivered the certificate and cash award to the winners and was joined by CEA President Roy T. Richter, Mary Jane Gilpin (widow of the late Captain Edward Gilpin), Joseph Dippell (President of the Centurion

# ROY T. RICHTER

## PRESIDENT



*I am happy to inform you that our Retiree Health and Welfare Fund has returned to solvency. Our Active Fund has also been operating in a positive cash flow.*

I hope you have had an enjoyable summer. There are a couple of items I wish to update you on. I am happy to inform you that our Retiree Health and Welfare Fund has returned to solvency. During the last 18 months the SOC was able to increase our reserve balance by more than \$2 million, while continuing to maintain existing benefits for our members. Our Active Fund has also been operating in a positive cash flow and we have not had to withdraw from the Active Fund reserve balance for the same 18-month period.

The SOC continues to seek recovery of \$6 million in past prescription drug “rebate” dollars from our previous drug administrator Empire Blue Cross. We suffered a negative Court ruling this past spring that adversely affects our chances at recovery but are appealing this decision to the 1st Appellate Department.

New federal healthcare legislation will have an impact on the viability of our Welfare Fund. Given that the monies the SOC receives to provide Welfare benefits remain fixed by collective bargaining agreement, the federal legislation will require the

SOC to incur costs and make adjustments to comply with federal mandates. Our Fund is required to comply with these mandates effective July 1, 2011. They include: provide dependent coverage for adult children up to age 26; elimination of “caps” on utilization; and additional administrative reporting requirements by the Fund. These changes will also make it more costly for the City to provide health insurance to our active and retired members. Through the Municipal Labor Committee (MLC) the City has requested many changes that include cost sharing of health insurance premiums by employees and retirees and reduction of Health & Welfare Fund contribution to the unions. The MLC has refused to negotiate these items but continue to have bargaining sessions to discuss cost savings with the City in other areas.

In 2011, the City will be required to report the cost of health insurance coverage on your W-2 wage statement. You will not pay tax on this figure. Exercise taxes on “luxury” health insurance plans take affect in 2018. To read more about the changes required under the federal and state health legislation, visit the Office of Labor Relations website at: [http://www.nyc.gov/html/olr/html/health/health\\_benefits\\_prog.shtml](http://www.nyc.gov/html/olr/html/health/health_benefits_prog.shtml).

Continued on page 5



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City of New York**

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# ZADROGA ACT UPDATE

This past week the CEA signed on to a letter to the leaders of Congress requesting them to reconsider their past vote on the 9/11 Health and Compensation Act. Here is a transcript of our letter.

8 September 2010

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable John Boehner  
Minority Leader  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Madam Speaker & Minority Leader Boehner:

On behalf of the undersigned organizations, representing more than 300,000 Federal, State and local law enforcement officers, we are writing to request that the House of Representatives move to reconsider H.R. 847, the "James Zadroga 9/11 Health and Compensation Act." We further request that the House bring up this measure as soon as possible upon its return to session next week, and without any extraneous amendments. We cannot wait any longer.

Last month, after many long years and thanks to the hard work of countless individuals, the House of Representatives finally held a vote on the Zadroga Act. To say that we were disappointed with the outcome would be an understatement. While we will not deign to dignify what preceded the vote by reciting it here, ultimately 255 Members of the House voted in support of providing medical monitoring and treatment to those who risked their lives responding to the single most heinous attack in our nation's history. This level of support demonstrated beyond a shadow of a doubt that this bill can pass. And it must. We cannot wait any longer.

Nine years ago this week, we labored untold hours at Ground Zero searching for our friends, colleagues, and fellow citizens who were trapped in the wreckage of the World Trade Center. We did so willingly, in an environment more toxic than any we have seen before or since, and with no concern for ourselves. While Members of Congress banded together on the steps of the Capitol to show the unity of our country at a time of tragedy, we were united in a singular mission on "The Pile". When Congress united in voting to expedite Public Safety Officers Benefits payments and establish the Victims Compensation Fund to aid the families of the fallen, we were on "The Pile". Now, nine years later, we are united again as we and tens of thousands of our fellow first responders suffer with the lingering effects of our service. We left our health on "The Pile", and we are dying. We cannot wait any longer.

We cannot wait any longer, nor should we. Congress came together in the wake of 9/11 in ways great and small to honor the courage, sacrifice and dedication to duty of those who responded in New York City, Shansksville, and the Pentagon, and those who made the ultimate sacrifice. It must do so again in passing H.R. 847. We urge you, as the leaders of the House of Representatives, to work together to pass this legislation.

## Get Information Superior Officers Council

If you need information regarding prescriptions, eyeglasses, dental and annuity – please call the S.O.C. at (212) 964-7500, then press option #1 for Health & Welfare.

## February 1961 Class Possible Reunion

If you are from the Police Academy Class of February 1961 and are interested in a 50th reunion, please call Don Moss at (845) 359-7878 or e-mail him at Mary-Don33@aol.com.

# NEWS

# BRIEFS

## Register to Vote in November Election

This year is a big election year, with all politicians from Governor on down running for election. You can't vote if you aren't registered. Here is a list of important dates to remember.

**GENERAL ELECTION DEADLINE MAIL REGISTRATION:** Applications must be postmarked not later than October 8 and received by a Board of Elections not later than October 13 to be eligible to vote in the General Election.

**IN PERSON REGISTRATION:** You may register at your local Board of Elections or any state agency participating in the National Voter Registration Act, on any business day throughout the year but, to be eligible to vote in the November general election, your application must be received no later than October 8 except, if you have been honorably discharged from the military or have become a naturalized citizen since October 8, you may register in person at the board of elections up until October 22.

**CHANGE OF ADDRESS:** Notices of change of address from registered voters received by October 13 by a county Board of Elections must be processed and entered in the records in time for the general election.

## Insurance & Financial Communicators Association Award Competition Results

The Insurance and Financial Communicators Association (I.F.C.A.) recently announced the results of the 2010 Annual Awards Competition. The Superior Officers Council entry received an **Honorable Mention** in the category of Group Benefits & Pensions, Integrated Campaigns. The I.F.C.A. competition recognizes the best in marketing and communications creativity, design and writing for the transition materials communicating the plan design changes to members. I.F.C.A. is an international organization of almost 650 communication professionals employed by more than 125 life insurance and related financial services companies. Each year the organization sponsors an award competition to judge the industry's best work in more than 40 categories. To earn a high score, pieces must be compelling, cleanly deliver the message and be written concisely.

## CEA Transforms Soc Annuity Trust Fund

As you know, the CEA has successfully transformed the SOC Annuity Trust Fund. The modifications we have made to the Annuity Fund have been applauded by a number of private organizations

and include a sponsored story in Time Magazine (see page 6 of this newsletter). More improvements are coming. During the next few weeks you will receive information on a new Trustee directed investment option. This option will be called the SOC Senior Balanced Fund and provide for a diversified conservative mix of low cost index funds intended for persons who wish to reduce risk in their retirement portfolio. The investment mix will be the inverse of the SOC Balanced Fund and consist of 70% to 75% fixed income and 25% to 30% equities.

## Quota Bill Signed Into Law

The CEA has received numerous questions from the field on the impact of the recent amendment to the NYS Labor Law know as the "Quota Bill" on command operations. The law expands quota penalty provisions to include tickets, summons, arrests and stops of individuals suspected of criminal activity within a specified period of time. This new law will make it more difficult to properly evaluate and take remedial action against underperforming members of your command. The Department has given assurances that they will shortly make available appropriate training to our membership to enable them to comply with the law. You should know that the new quota law does not expose you to personal liability for violations. If an officer feels action taken against them



is the result of a violation of the quota law, their relief takes the form of filing a grievance with Labor Relations. The Office of Labor Relations is a valuable resource when taking personnel action to effectively run your command. They may be contacted during normal business hours at (646) 610-5060.

## Guaranteed Pension Bill Awaits Governor's Signature

The CEA is continuing to lobby for passage of the "Guaranteed Pension after 20 Years of Service" bill. The Bill is numbered S.5631A/A.10154 and sponsored by Senator Diane Savino and Assemblyman Peter Abbate. A NYC Council "Home Rule" message was introduced by City Councilwoman Elizabeth Crowley. This bill seeks to amend the New York City Administrative Code to protect uniformed police and fire officers, with 20 or more years of service, from losing their pensions if they are fired. This bill seeks to gain rights similar to most public employees in the State Pension System that guarantee their pensions. This pension guarantee has no added cost to the taxpayers and may encourage our senior, more experienced members to stay on the job if their pension rights are guaranteed. This past June, the NYC Council granted a "Home Rule" message with only one dissenting vote. Subsequently, the NYS Senate passed the bill by a vote of 61-0 and the NYS Assembly approved the bill by a vote of 106-17. The bill now waits for approval by Governor Paterson. The CEA will keep you informed of any further progress.

## ROY T. RICHTER

**PRESIDENT** Continued from page 2

Our re-engineered SOC Annuity Fund continues to be acknowledged for dramatic improvements made for our membership/participants. Inside this newsletter are some of those acknowledgements that include a feature in Time Magazine and new fund offerings for more conservative investors. Also inside this newsletter are updates on grievances and negotiations with the Department on workplace rules and CEA legal filings that protect our membership.

On a final note, I would like to thank Police Commissioner Kelly for attending the recent CEA Scholarship Night and presenting scholarship awards that memorialize past CEA President William Kelly, who died in December 2009, Inspector Richard Winter and Captain Edward Gilpin. Both Richard and Edward died from WTC ailments and received line-of-duty death designation.

## LEGAL UPDATE

### CEA IS GRANTED REGISTERED TRADEMARK STATUS FOR THE CEA SHIELD BY THE U.S. PATENT AND TRADEMARK OFFICE

During the past few years, the CEA became aware of instances where items distributed by the CEA to members were being placed for sale on commercial websites without CEA permission (such as a CEA Card posted for sale on E-Bay). It became apparent the CEA had not taken appropriate steps to protect our distinctive identifying image, the Captain shield design. With the registration of our trademark Captain shield design, the CEA will now be able to take the appropriate action to prevent unauthorized use or sale of items containing our mark. The law firm of O'Dwyer and Berstein, LLP represented CEA interests in this matter.



# TIME

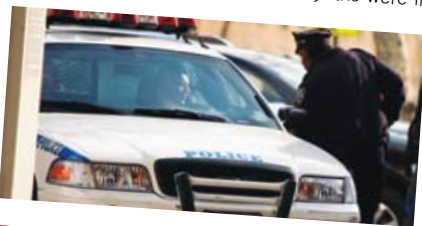


## WALKING THE BENEFITS BEAT PROTECTING THE FAMILIES OF THOSE WHO CARRY THE BADGE

HOW DID THE PRESIDENT OF A UNION SERVE ITS MEMBERS DURING THE RECESSION? AUTHOR AND FINANCIAL EXPERT JEAN CHATZKY FOUND OUT.

When Roy Richter was elected President of the New York Police Department's Captains Endowment Association, one of the first things he did was follow through on his campaign promise to improve the Superior Officers Council's (SOC) benefits package—despite the confines of the recession.

The main issue: the crux of the retirement plan was a bit outdated. It issued only one statement to members each year, often four or five months after the close of the fiscal year, and didn't disclose much detail beyond the account's beginning and ending balance. Payouts were in



lump sums only, and weren't issued until three to six months after a request was made. And then, members were not able to roll the money into another qualified government plan with the same tax-advantaged status.

Roy knew his members deserved more. Jean Chatzky says the best benefit plans are easy to understand, so members and their families can make well-informed decisions about their investment options. She sat down with Roy to talk about how he and a trusted financial advisor revamped his union's plan into one that is not only affordable, but also effective in helping members meet their retirement needs.

To see Roy's conversation with Jean and to learn more about how he revamped the SOC's retirement benefits, watch their video at [AmericaRebuilds.com](http://AmericaRebuilds.com).



**Jean Chatzky**, author and financial expert, spoke with the President of the NYPD's Captains Endowment Association about how they restructured their benefits.

▣ **More choices.** The union's new plan includes additional member-directed investment options, so individuals can tailor their investments to meet their needs based on age and risk-tolerance. Distributions are paid in either lump sums or installments, allowing retired officers—and the families of deceased members, particularly important in this dangerous line of work—to receive regular paychecks for the rest of their lives. Jean says this peace-of-mind is priceless.

▣ **Education.** Because of the range of changes made to the plan, Roy knew members needed to be informed so they could make smart decisions. With the help of the plan administrator, he sent educational mailings to participants' homes. He hosted informational meetings, and made sure the financial professionals were available to answer members' questions and provide them resources to help them choose their investments. Officers and their families can now call one number and get the answers they need. This way, members can concentrate on keeping the city safe and know that their retirement, and their family's financial future, is being managed.

▣ **Transparency.** Under the new plan, current account balances are available on a daily basis, and account statements are issued to members immediately after the close of each quarter. At any time, participants can log on to a new website that allows them to see where they stand. Having this kind of information and guidance at your disposal is not only key to meeting your retirement needs, it allows you to sleep at night because you know exactly where you are financially, says Jean.



# LEGAL UPDATE

## **NYS SUPREME COURT ACTIONS**

### ***Patrolmens Benevolent Association ("PBA") verse The City of New York (Placement of Newly Hired Police Surgeons in Tier III - Pension Rights)***

On July 1, 2009, New York State law that enabled new police and fire department hires to retire in 20 years (Tier II) expired due to a veto of extender legislation by Governor Paterson. Instead, new hires are placed in a pension tier that requires 22 years of service (Tier III) before the employee is allowed to retire and collect a pension and 25 years of service to qualify for a pension with a cost of living benefit. The decision to place new hires in Tier III was based on the opinion of the NYC Law Department. This Law Department opinion resulted in the loss of Increased Take Home Pay ("ITHP") pension contributions for new hires in their pension account. ITHP was created by contractual agreement over the years and results in the City contributing 5% of salary to Tier II members to increase their take home pay. The PBA has commenced a lawsuit on behalf of police officers hired since July 1, 2009 claiming, among other items, that the City has violated contractual agreements by not making ITHP payments to new hires. The CEA has moved to intervene in this action on behalf of newly hired Police Surgeons and future adversely effected CEA members. The law firm of Philip Seelig & Associates represents CEA interests in this matter.

### ***Captains Endowment Association ("CEA") verse the Police Pension Fund, et al. (Enforcement of Statutory Rights of the CEA as Trustee of the Pension Fund)***

The CEA is a statutory trustee of the Police Pension Fund. At monthly meetings, multiple items of business are discussed and voted upon by the Trustees of the Pension Fund. The CEA became aware of action by the Fund that reduces the pension payment of retired Chiefs of Department, arguably, in direct conflict with the relevant NYC Administrative Code section. After months of discussion the CEA introduced a resolution, seconded by another Pension Fund trustee, to change the procedures of the Pension Fund as it applies to retired Chiefs of Department. The Police Department chairman of the Pension Fund refused to allow a vote of the Pension Fund Trustees based on the direction of the NYC Law Department. The CEA position is that a denial of a vote on a resolution properly introduced by a statutory trustee of the Pension Fund is without legal authority and an overreach by the NYC Law Department. Accordingly, the CEA has commenced an action to compel a vote on this matter in State Supreme Court and reinforce the rights of union trustees of the Pension Fund. The law firm of Ungaro and Cifuni LLP represents CEA interests in this matter.

### ***Captains Endowment Association ("CEA"), on Behalf of a Captain, verse the NYC Police Department***

### ***(CEA Unsuccessfully Challenges the Demotion of a Probationary Captain Based Upon Poor Evaluations)***

In 2007, a Probationary Captain assigned to the Housing Bureau was demoted to the rank of Lieutenant based upon poor work evaluations. The CEA alleged this demotion was arbitrary and capricious, in bad faith, and in violation of Department procedures in a Supreme Court action (a prior grievance was unsuccessful) that requested reinstatement of the member to the rank of Captain. To support this argument, CEA counsel pointed to: the four month and 10 month evaluations that were used to extend the Captains probationary period to 18 months were received within a week of each other; the Captain's Commanding Officer did not prepare the evaluation, instead the evaluations were prepared by Bureau supervisors; and there was not adequate notice given to the Captain to improve his performance before his ultimate demotion. Initially the trial judge ruled in favor of the Captain and directed the City respond to the lawsuit citing the appearance of bad faith on the part of the Department. The judge ultimately ruled against the former Captain and adopted the City argument that the Department considered a number of factors when demoting the Captain.

# ABOUT OUR MEMBERS

Celebrations  
In Memoriam  
Promotions  
Births  
Honors



On August 27, 2010, a total 31 Lieutenants were promoted to Captain. The CEA thanks Mayor Bloomberg and Police Commissioner Kelly for this act as it was the Lieutenants' last opportunity at their civil service list expired. To all of our promotees at all ranks, congratulations and continued success!

## PROMOTIONS

**MARCH 1, 2010**

**To Chief of Patrol**  
James P. Hall

**MARCH 26, 2010**

**To Chief of Transit**  
Raymond Diaz

**To Assistant Chief**

Carlos M. Gomez  
Owen J. Monaghan

**To Captain**

Eddie C. Lott  
Vincent J. Costagliola  
Morris A. Wilson  
Roberto Cruz  
John C. Clifford  
James R. McGeown  
Anthony M. Carter  
Maria Ferina-Giacalone  
Scott M. Weisberg  
Edwin Hernandez  
Robert C. LaPollo  
William M. Viscardi  
John J. Kimball  
Cecil A. Wade

**MAY 28, 2010**

**To Inspector**  
Terrence J. Moore  
John J. Nicholson

**To Deputy Inspector**

Kenneth E. Corey  
Barry M. Gelbman

**JULY 2, 2010**

**To Chief of  
Community Affairs**  
Philip Banks

**To Assistant Chief**  
William Morris

**To Deputy Chief**

Mary Cronin  
Edward Mullen

**To Inspector**

Brendan Bane  
Andrew Capul  
John Cosgrove  
Donald Lyons  
Dermot Shea  
Keith Spadaro

**To Deputy Inspector**

Mark DiPaolo  
Richard Gutch  
Gregory Hoag  
Miltiadis Marmara  
Philip Romanzi

**To Captain:**

Thomas Milano  
Fernando Guimaraes  
Robert Haley  
Frank DiGiacomo  
Anthony Raganella  
Christopher Manson  
Michael Mugan  
Raymond Festino  
Thomas Conforti  
Erik Hernandez  
Joseph Gulotta  
Thomas Harnisch  
Eric Pagan

**AUGUST 27, 2010**

**To Deputy Chief:**  
James A. McNamara  
Thomas J. Moran

**To Inspector**

David A. Grossi  
Kristel A. Johnson  
Terrence M. Riley  
Peter J. Simonetti

**To Deputy Inspector**

Joseph F. Campise  
Kieran A. Creighton  
Steven A. Dulisse  
Georgios Mastrokostas  
Elias J. Nikas  
Edward T. O'Brien

**To Captain**

Kevin P. Abernethy  
Elisa Anders  
Wilson Aramboles  
Martin Briffa  
Keith Bush  
John M. Chell  
Joseph L. Delduca  
Matthew T. Donagher  
Peter A. Fiorillo  
Thomas J. Glynn  
Steven Green  
Jason P. Harrell  
Richard N. Hellman

Clint A. McPherson  
David S. Miller  
Norman A. Miller  
Andrew C. Murray  
Tommy M. Ng  
Antonio R. Pagan  
Robert H. Pecoraro  
Moses Reyes  
Brian J. Sayre  
Thomas J. Shalley  
Michael T. Sheehan  
John A. Shipone  
Gregory M. Stewart  
John F. Travaglia  
Cornelius C. Walsh  
Avis M. Washington  
Aaron Wright

# UPCOMING EVENTS

## CEA General Membership Meetings

Wednesday, Oct. 6: Breakfast 1000 hrs., Villa Barone

Meeting includes a Healthcare Seminar with representatives from several health insurance providers to answer any questions. The annual health insurance coverage transfer period will open at the end of October and close the third week of November. During this period, members may transfer from their present health plan into another City health plan and add or drop optional rider coverage. Since 2010 is an even numbered year, retirees will also have the option to change health carriers this year. This annual transfer period is your **only opportunity** to elect changes in your health insurance coverage. Changes are effective January 1, 2011.

Tuesday, Nov. 16:  
Breakfast 1000 hrs.  
Antun's

Tuesday, Dec. 14:  
Dinner 1800 hrs.  
El Caribe



Philip H. Seelig Esq. is Labor Counsel to the CEA and a past President of the NYC Correction Officers' Benevolent Assn.

## CAN A RETIREE WORK IN THE NY PUBLIC SECTOR?

Public sector employment after a NYPD uniform service retirement is regulated by Sections 211 and 212 of New York State Retirement and Social Security Law, and Section 1117 of the NYC Charter. Persons are considered employed in the public sector if the employer is New York State, City of New York, or a county, city, town, village, school district, public authority or public benefit corporation in New York State. Included is teaching service in a public elementary or secondary school or BOCES, SUNY or CUNY.

Under section 1117 the pension portion of the retirement benefit is suspended or forfeited for all retirees who are employed by New York State or any of its political subdivisions, and earn over \$1,800.00 yearly. However, a section 211 waiver allows a retired UMOS to work in public service. Earnings from public employment which exceed the section 212 limit (currently \$30,000 but under a pending NYS senate bill would rise to \$32,500) and for which section 211 approval is not granted will result in the suspension of the pension portion of your retirement income during the period of that employment. Disability Retirees are not eligible for inclusion

under sections 211 or 212 and remain limited under section 1117. Service pension retirees hired under a section 211 waiver or earn below the 212 annual caps may continue to receive their full police pension.

If you elect section 212, you must notify the Article 2 Police Pension Fund. You must confirm that the potential employer's application has been approved for a waiver under section 211, and once you're employed, that the waiver continues to remain in force.

Although you are still governed by state law limitations, The Office of the Corporation Counsel has interpreted section 1117 as inapplicable to Public Benefit Corporations. This means that retired UMOS could work for such corporations without suspension of their pension. The Corporation Counsel has determined certain entities to be Public Benefit Corporations, including NYC Housing, Transit, Dormitory Transportation, New York/New Jersey Port, and School Construction Authorities. Other Public Benefit Corporations are Off Track Betting, Health and Hospitals, Urban Development and Convention Operating Corps. A last exception to the limitations of section 1117 is the Waterfront Commission.

In the calendar year when reaching age 65 or younger, and when a retiree's prospective public sector employment annual earnings will surpass the limitation established in Section 212, the public sector employer may request authorization to hire the retiree up to two years. Under this arrangement, if a section 211 waiver is approved and the employer is not NYC, the retiree's pay may exceed the section 212 earnings cap without penalty. If a 211 waiver is approved and the public service is with NYC (except the Department of Education), the post retirement earnings is restricted to the difference between the yearly pension amount and the salary or compensation the pension was based on. Ask the Police Pension Fund for the calculation of such limits pertinent to you. State law bars service, in the same or similar position of that you were retired from, for one year after retirement. Because the pension laws are too complex to explain fully in just a few paragraphs, this article is meant only as a guide. Before accepting a public sector job and jeopardizing your pension checks, it would be prudent to consult with the Police Pension Fund or an attorney.

# IN THE NEWS

CEA UPDATES AND NEWS OF INTEREST

## FINANCIAL REPORT

## SCHOLARSHIP

## 2010 WINNERS

**CAPTAIN'S ENDOWMENT ASSOCIATION OF THE  
POLICE DEPARTMENT OF THE CITY OF NEW YORK, INC.  
FINANCIAL INFORMATION**

	<u>2008</u>	<u>2007</u>
<b><u>ASSETS</u></b>		
Total Current Assets	\$1,489,366	\$1,542,371
Net Property and Equipment	<u>31,760</u>	<u>24,363</u>
<b>Total Assets</b>	<b><u>\$1,521,126</u></b>	<b><u>\$1,566,734</u></b>
<b><u>LIABILITIES AND NET ASSETS</u></b>		
Total Current Liabilities	\$ 40,322	\$ 19,532
Total Long-Term Liabilities	<u>-0-</u>	<u>-0-</u>
<b>Total Liabilities</b>	<b><u>40,322</u></b>	<b><u>19,532</u></b>
Net Assets:		
Unrestricted	1,076,991	1,159,886
Temporarily Restricted	<u>403,813</u>	<u>387,316</u>
<b>Total Net Assets</b>	<b><u>1,480,804</u></b>	<b><u>1,547,202</u></b>
<b>Total Liabilities and Net Assets</b>	<b><u>\$1,521,126</u></b>	<b><u>\$1,566,734</u></b>
<b><u>STATEMENT OF ACTIVITIES</u></b>		
<b>Total Support and Revenue</b>	<b><u>\$1,050,898</u></b>	<b><u>\$ 971,169</u></b>
<b>Expenses:</b>		
Program Services	1,004,519	983,898
General and Administrative	<u>112,777</u>	<u>171,210</u>
<b>Total Expenses</b>	<b><u>1,117,296</u></b>	<b><u>1,155,108</u></b>
<b>Excess of Expenses Over Support and Revenue</b>	<b>(66,398)</b>	<b>(183,939)</b>
<b>Net Assets, Beginning of Year</b>	<b><u>1,547,202</u></b>	<b><u>1,731,141</u></b>
<b>Net Assets, End of Year</b>	<b><u>\$1,480,804</u></b>	<b><u>\$1,547,202</u></b>

This information is taken from the Financial Statement audited by McEnerney, Brady & Co., CPA's.



# NIGHT @ MCU PARK



## BBQ & Baseball Night at MCU Park to Benefit Scholarship Fund

Continued from page 1

Foundation), Reginald Ward (Chairman of the New York Law Enforcement Foundation) and Al Thompson (Honorary Deputy Commissioners Foundation). Both the Centurion Foundation and the New York Law Enforcement Foundation sponsored three scholarships. This year's awards include memorial scholarships in the name of the late Captain William Kelly, past president of the Captains Endowment Association, and Captain Edward Gilpin and Inspector Richard Winter, both of whom died from cancers contracted from their exposure to toxins at Ground Zero in the immediate aftermath of the World Trade Center terrorist attack on the United States and were granted line-of-duty designation. A beautiful rendition of the national anthem was performed by Nicole La Pietra, daughter of CEA General Counsel Louis La Pietra.

**CAPT. WILLIAM P. KELLY  
MEMORIAL SCHOLARSHIP**  
\$2,250

**MICHAEL BARTON**  
Son of Capt. Charles Barton  
Yale University

**CAPT. EDWARD GILPIN  
MEMORIAL SCHOLARSHIP**  
\$2,250

**CHRISTOPHER VELEZ**  
Son of Capt. Rosendo Velez  
University of Richmond (VA)

**INSPECTOR RICHARD  
WINTER MEMORIAL  
SCHOLARSHIP**  
\$2,250

**PATRICK CAHILL**  
Son of Capt. Patrick Cahill  
University of Maryland

**\$2,000 SCHOLARSHIP  
WINNERS**

**PAUL A. BOLOGNA**  
Son of D.I. Anthony Bologna  
Northeastern University (Boston)

**KEVIN KOPINSKI**  
Son of Capt. Keith Kopinski  
Villanova University



**JARED HOCH**  
Son of D.I. Joe Hoch  
Queens College

**BRIAN HALL**  
Son of Chief James Hall  
Marist College

**\$1,000 SCHOLARSHIP  
WINNERS**

**MATTHEW FALCON**  
Son of Capt. Michael Falcon  
Penn State

**SHANNON B. MCCARTHY**  
Daughter of Insp.  
Pat McCarthy  
CW Post



# ABOUT OUR MEMBERS

## McALLISTER BECOMES FLORAL PARK POLICE COMMISSIONER

In front of a nearly standing-room-only crowd, Floral Park Mayor Kevin J. Greene swore in the Village's new Police Commissioner, Retired NYPD Inspector Stephen G. McAllister, at the board of trustees meeting on Tuesday, July 20. McAllister succeeds Michael Reid, a 34-year Floral Park Police Department veteran who served as the villages' police commissioner for 17 years.

McAllister was welcomed to his new post with a standing ovation. Among his supporters present at the ceremony were his wife, Christine, and his five children, who range in age from seven to 24. Many extended family members, friends and NYPD dignitaries were present, as well. At the conclusion of the ceremony, Steve signed the village Oath of Office Book and now Commissioner McAllister brings his wealth of NYPD crime fighting experience to his new role as Police Commissioner of the Village of Floral Park. The CEA wishes congratulations to another successful CEA executive on his appointment as Police Commissioner!



## CHARLIE DUNNE SELECTED AS U.S. MARSHALL FOR EASTERN NEW YORK

The United States Senate has confirmed the former commanding officer of Mayor Bloomberg's security detail as U.S. Marshal for the Eastern District of New York, the President of the United States announced on June 22.

Inspector Charles Dunne, 42, joined the NYPD in 1990. He had commanded the Intelligence Division's Municipal Security Section. In that post, he oversaw security for Mayor Bloomberg, City Council Speaker Christine Quinn, Comptroller John C. Liu and Public Advocate Bill de Blasio, as well as public buildings including Gracie Mansion and City Hall.

"As the head of my security detail, I have seen Charlie's impeccable judgment at work every day and I rely on his exceptional skills, intelligence and professionalism," the Mayor said. ". . .The nearly eight million New Yorkers who live in Kings, Queens, Nassau and Suffolk counties are lucky to have this phenomenally able career law-enforcement professional help protect them as the U.S. Marshal

for the Eastern District."

Police Commissioner Raymond W. Kelly was similarly complimentary, saying, "Inspector Dunne's confirmation is a tribute to his professionalism, in which the NYPD takes great pride."

Inspector Dunne earned a bachelor's degree from Fairfield University in 1989, a master's degree from John Jay College of Criminal Justice in 1997, and a law degree from St. John's University in 2002.

Duties of Federal Marshals include apprehending fugitives, protecting the Federal judiciary, operating the Witness Security Program, transporting Federal prisoners and seizing property acquired by criminals through illegal activities.

The CEA wishes congratulations to "Marshal" Charlie Dunne!



### DURKIN NAMED SPECIAL AGENT IN CHARGE

On June 20, Michael Novak, Acting Director of the United States Federal Air Marshall Service, announced the selection of John P. Durkin as Transportation Senior Executive Service (TSES) position of Special Agent in Charge (SAC), Newark Field Office, Office of Field Operations. The Air Marshall Service is part of the U.S. Department of Homeland Security.

John currently serves as Deputy Inspector and Commanding Officer of the Aviation Unit in the New York City Police Department and has been employed by the NYPD since July 1986, serving in a number of progressively responsible management and senior level positions. Prior to assuming his current assignment in February 2008, Mr. Durkin served as the Captain of the NYPD Emergency Service Unit for more than four

years. He has extensive experience in multiple aspects of security operations and is a proven leader in the establishment and management of key law enforcement and security programs.

The CEA congratulates Deputy Inspector John P. Durkin on his appointment as Special Agent in Charge, Newark Field Office, of the United States Air Marshall Service!

### RICHARD WINTER REMEMBERED AT MEDAL DAY CEREMONY

At the May 7 Medal Day Ceremony, Daniel Winter received the Distinguished Service Medal on behalf of his father, Inspector Richard Winter, who died in October 2008 from illnesses caused by inhaling toxic materials while partaking in the rescue and recovery efforts at the World Trade Center site, following the 9/11 terrorist attacks.

Police Commissioner Raymond W. Kelly remarked "Inspector Richard Winter joined the Transit Police in 1966 and moved to the Police Department the following year. After time in the 73rd Precinct, he was assigned to the Tactical Patrol Force, whose members were experts in fighting street crime and civil disorder. He rose through the ranks leading, among other commands, the Quartermaster Section, the Strategic Analysis Section, and eventually the Fleet Services Division. A graduate of



Harvard's Kennedy School, he applied his education to improve the division, creating new tools to track vehicle safety and performance. On September 11, Dick organized the repair of half of our Emergency Service fleet in just 48 hours. Hundreds of other department vehicles were also damaged in the attacks. Fleet Services worked around the clock to refurbish them. During that time and throughout Dick's career, his focus and dedication were evident for all to see."

Pictured in top left photo are Mayor Michael Bloomberg, Police Commissioner Kelly, Richard's wife Jean and son Daniel. In right photo, Daniel receives the posthumous award from Mayor Bloomberg.



### CONGRATULATIONS KENNETH McGRATH

The CEA congratulates Deputy Chief Kenneth F. McGrath on his recent retirement and his appointment as CEA Retirees Representative. Ken retired after a successful career in the Department, culminating with his last assignment as Executive Officer of Patrol Borough Queens South. During his career, which began in 1973, Ken gained a reputation as a solid, dependable member of the CEA and last served as Inspectors' Representative. If you need to contact Ken, please call him at (646) 235-2318.

# LEGAL UPDATE

Continued from page 7

The former Captain appealed this decision to the Appellate Division, First Department who recently affirmed the lower court decision.

## GRIEVANCES

### ***Captains Endowment Association (“CEA”), on behalf of a Probationary Captain, (CEA Seeks to Enforce Contract Clause That Allows Waiver of Remainder of Probation After 6-Months in Rank)***

Current Department procedures call for an 18-month probationary period for newly promoted Captains. The last 6-months (months 13 to 18) are automatically waived unless cause exists to deny the waiver. The CEA Collective Bargaining Agreement (“CBA”) has a clause that reads if a “Captain satisfactorily completes six (6) months of probation, after being promoted to the rank of Captain, his commanding officer may recommend that the employee be granted permanent status.” In 2009, a Probationary Captain submitted a recommendation by his commanding officer to waive the remainder of his probationary period pursuant to the CBA clause. The request to waive probation was denied by the Personnel Bureau. A Step III and IV grievance filed on behalf of the Captain were also denied. The CEA filed for arbitration and Arbitrator Jay M. Siegal, Esq. is assigned to rule on the matter. Prior to a hearing, the Personnel Bureau revisited the Probationary Captain’s original request and waived the remainder of his probationary period. The matter is proceeding based on the outstanding request of the CEA to amend relevant Department procedure.



### ***Captains Endowment Association (“CEA”), on behalf of a Deputy Chief (CEA Seeks a Lump Sum Payment for Accrued Time & Leave Balances for a Member Retiring Pursuant to the Mandatory Retirement Age)***

The CEA Collective Bargaining Agreement (“CBA”) has a clause that reads “[w]here an employee has an entitlement to accrued leave and/or compensatory time . . . [and the] employee reaches the mandatory retirement age, the Employer shall provide the monetary value of accumulated and unused annual leave and/or compensatory time allowances standing to the employee’s credit in a lump sum.” The Department routinely requires members directed to retire at age 63 to waive all accrued time and leave balances at retirement. There is no process to receive a monetary payment for these leave balances. A Step III and IV grievance seeking such payment for a retiring Deputy Chief was denied by the Department. There is a general disagreement by the Department with the CEA interpretation of the specific contract clause and its application. The CEA has filed for arbitration and Arbitrator Mark M. Grossman, Esq. has been assigned to rule on the matter.

## PENDING MATTERS

### ***Use of Vacation by Executives Filing For Retirement (Department Seeks to Impose Pre-Retirement Notification Period and Approval Prior to Commencing Pre-Separation Leave)***

Recently a memorandum was forwarded by the Deputy Commissioner of Labor Counsel to the Department’s senior executive staff advising them that they “may deny vacation to any member of the service who fails to provide you with adequate advance notice of their intention to retire.” The memo was in

response to a rare instance of a member, in a precinct command position, who retired and commenced pre-separation leave with minimal notice to the Department. The CEA has protested the new authority contained in this memorandum as it imposes a new employment requirement on CEA members. Executives who are members of the CEA, or in the private or public sector routinely give at least a month’s notice when deciding to leave their employer. On occasion, emergencies arise that cause an individual to leave an employer without notice. The New York City Administrative Code allows a member to file for retirement upon their pension becoming vested. Approval of the employer is not required prior to filing for retirement. Requests for leave must be approved from the date of filing to the retirement date. The Department has 30 days to commence and terminate a member for disciplinary reasons from the date they file for retirement. Terminal Leave can be denied to a member with charges outstanding. Members who have exhausted their time and leave balance must receive the approval of their commanding officer for a 30-day leave of absence without pay if seeking to immediately retire on their filing date. Prior approval to commence pre-separation leave is contrary to the law and the longstanding practice of the Department. Our labor attorney is reviewing available options to challenge the change in policy detailed in the Department Labor Counsel’s memorandum.





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# CEA RINGS CLOSING BELL



On Tuesday, April 27th, the Principal Financial Group, along with the members of the Superior Officers Council, comprised of the Lieutenants Benevolent Association and the Captains Endowment Association, were invited to ring the closing bell at the New York Stock Exchange. The Principal Financial Group became the investment vehicle for the SOC's Annuity Trust Fund on March 17, 2009. Our members now have the ability to make self directed investments with their Annuity monies by either utilizing the Principal Financial Web Site or giving them a call. Pictured are CEA President Roy Richter and Vice President Chris Monahan, LBA President Tom Sullivan and Vice President Lou Turco, members of the Principal Financial Group, including Chairman, President & CEO Larry D. Zimpleman, and representatives from the NYSE.

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