

NEW YORK CITY



1899 Lieutenants Benevolent Association

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December 5, 2019

Dear Lieutenant:

The November Delegate and General Membership meeting was held on Wednesday, November 27th, 2019, at Antun's in Queens Village. LBA President Lou Turco chaired the meeting and discussed the following:

DELEGATE JOHN MCKEE RETIRES: After 36 years with the Department and seen years as an LBA Delegate, LBA Bronx Transit delegate John McKee is retiring. John attended the LBA Meeting as one of his last official acts prior to retiring at the end of the month. I wish to thank John for his service to the Department and the to the Association over the years, and wish him well on his retirement.

GREAT TURNOUT AT BENEFIT FOR ACTIVE LIEUTENANT CHRIS CUNHA – 62 PRECINCT SQUAD - RECENTLY DIAGNOSED WITH PANCREATIC CANCER: On Thursday, November 14th a benefit was held to aid Lt. Chris Cunha as he battles pancreatic cancer. The event was coordinated by the members of the 62 Pct Squad, members of Detective Borough Brooklyn and members of the 62 Precinct. The benefit was packed with friends, family and members of the Department in all ranks. I wish to thank everyone who supported this event, and everyone who wished Chris a quick and successful recovery. On behalf of the Board, Delegates and general membership of the LBA, I also wish Chris an easy road to recovery. Please keep Chris and his family in your thoughts and prayers as he battles this illness.

ELDER LAW AND ESTATE PLANNING ATTORNEY AVAILABLE TO OUR MEMBERS: Jim Moschella, from Karasyk & Moschella, introduced Ms. Nicole J. Zuvich, Esq., to the members at the meeting. Jim stated that, he and Philip Karasyk are pleased to announce that the Law Offices of Karasyk & Moschella, has arranged with the Law Offices of Nicole J. Zuvich, P.C., to now offer our members and their families representation in the areas of Elder Law & Estate Planning, as well as Medicaid Planning and Asset Preservation. Nicole spoke to the attendees at the meeting and informed them that she has been involved in the field of Elder Law and Estate Planning for over twenty years. She is the daughter of a retired NYPD Lieutenant, graduated summa cum laude from Hofstra University and received her law degree from St. John's University School of Law. As part of her practice, she strives to address the goals of clients and their family members seeking to preserve their assets and engage in proper estate planning techniques. Her services include the preparation of estate planning documents (i.e. Wills and Trusts) along with Advanced Directives (Durable Power of Attorney, Health Care Proxy and Living Will). She also represents clients in regard to estate administration and probate matters after a loved one has passed away. Nicole also assists clients in the preparation and submission of both home care Medicaid and nursing home Medicaid applications. Nicole seeks to ensure that her clients and their loved ones are properly cared for with the utmost dignity and

respect, while seeking to preserve their financial legacy. Nicole advised the members that, **The average cost of home care services is approximately \$6,000 per month for live-in care. The average cost of nursing home care can exceed well over \$12,000 per month for only ONE individual.** If you are interested in setting up an appointment, please contact the law office of Karasyk & Moschella, at 212-233-3800, to arrange a complimentary initial consultation with a member of their legal staff.

CONTRACT: There has been a lot of speculation and unfounded information pertaining to a possible contract between the LBA and the city being distributed via the print media, social media, texts, and general loose gossip. The simple fact is that the most current contract between the Lieutenants Benevolent Association and the City of New York expired on November 1, 2018. Since the expiration of our contract, actually prior to that date, we had initiated negotiations with the city to progress forward in our next round of bargaining to secure a potential contract to propose to our members.

As we move forward with our negotiations with the city, and when we are successful in attaining what we believe to be a fair and viable contract I will inform the membership. I will travel to all the boroughs and thoroughly explain and answer any questions affiliated with the economic component of the proposed contract.

I need to make clear to the membership that we enter into negotiations to attain the best contract for our members. We do not wait for other unions to negotiate a contract for us, nor do we negotiate a contract for other unions. No other union is negotiating their contract to benefit our members. Understandably, each union negotiates a contract to specifically benefit their members. This is not a selfish or callously detached approach to the contract process. It is a reality based on the unique and specific needs and the contemporaneous contractual position of each union as they enter into and proceed through contractual negotiations with the city.

As I mentioned, when we reach a point where I think we have achieved the best possible contract to present to our members I will present this contract to the membership and let the membership decide how to proceed forward.

DISCIPLINE/CCRB OVERVIEW: LBA 2nd Vice President John Beattie, spoke with the membership at the meeting and reminded them that they must take CCRB Hearings seriously. The investigators at CCRB take their jobs seriously and look for any reason to embolden their case against Members of the Service. John informed members that they must adequately prepare before going to any CCRB Hearing. **This includes conferring with any other officer(s) that may have already testified at CCRB on the same case, and reviewing all pertinent body camera footage related to the case.** CCRB cases in general have increased, this is due partly to complainants having greater access to lodge CCRB's; CCRB's can now be reported and submitted at local politician's offices and Community Board offices. CCRB staff members are also now self-initiating CCRB cases based off what they see on independent external video and Body Worn Camera footage; even if they cannot identify the officers involved. Based on a recently ratified Ballot referendum, CCRB will soon have the authority to investigate and recommend penalties for "False Statements" made during a CCRB investigation/interview. Members must also be cognizant that substantiated finding by CCRB against a member pertaining to "False Statements" may eventually impact on their credibility when testifying at future criminal judicial proceedings.

SEVERE REPERCUSSIONS FOR UNAUTHORIZED RELEASE OF BODY WORN CAMERA (BWC) FOOTAGE: The Department has taken a harsh stance against any member(s) of the Department found to have released Body Worn Camera (BWC) footage without authorization. The Department is now tracking BWC footage by tagging the footage with the Tax number and name of the officer assigned to the BWC. The Department Advocates Office is taking breaches related to the unauthorized release of BWC footage extremely

seriously. As a supervisor you must ensure that such instances of officers independently recording BWC footage is not allowed and that the officers under your supervision are aware of the severe repercussions associated with such an act.

DO NOT WAIVE YOUR RIGHT TO REPRESENTATION: I have been informed by some of our members that they have waived their right to representation when being formally interviewed, by either a Departmental investigative unit or higher ranking member of the service, at a formal hearing. I must emphasize to the membership that they cannot take a laissez-faire attitude toward any internal hearing or formal interview. Our members have the right to representation at any formal hearing and our members must exercise this right prior to speaking at such hearings. A member may anticipate a hearing or interview as being inane and their statements as being innocuous, but these hearings can easily transform into unanticipated serious matters and the member(s) must avail themselves of the representation they are entitled to. If you are notified of a formal hearing please contact your LBA Delegate, LBA Board Member or the LBA office (212-964-7500: Option# 2) to arrange for representation.

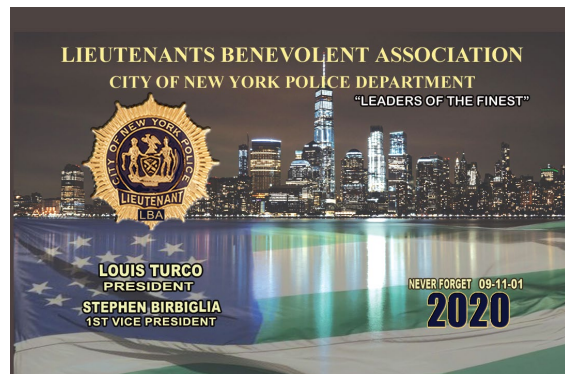
WORKING DURING VACATION: Due in no small part to the LBA's continuous petitioning to the current and prior Departmental administrations, the Department recently reinstated "Working During Vacation": Interim Order 82, published on October 17, 2019. [Click here for link to Interim Order.](#) Please familiarize yourself with the Interim order and participate in this program. You may Work During Vacation once every calendar year; i.e. in December, 2019 and in January, 2020.

RAFFLE TICKETS TO BENEFIT LBA SCHOLARSHIP & ASSISTANCE FUND: At the meeting, each LBA Director and Delegate were given ten (10) Raffle Tickets to sell to their respective co-workers. The Raffle Tickets will also be included in this year's annual LBA mailing to the overall membership. Each Raffle Ticket is \$10. The proceeds from the sales of the Raffle Tickets will go directly to support the LBA's Scholarship and Assistance Fund. The Fund provides \$30,000 in scholarships every year to eligible dependents of our Active and Retired members. The fund also provides financial aid to our Active and Retired members experiencing unforeseen financial hardship(s) usually associated with exorbitant medical costs. The raffle prizes are:

- 1ST PRIZE: TWO (2) ROUND TRIP TICKETS FROM JET BLUE – ANYWHERE JET BLUE FLIES
- 2ND PRIZE: AUTOGRAPHED FOOTBALL HELMET – NY GIANTS – SAQUON BARKLEY
- 3RD PRIZE: AUTOGRAPHED JERSEY – NY METS – NOAH SYNDERGAARD
- 4th PRIZE: AUTOGRAPHED MINI HELMET – RUDY RUETTIGER – NOTRE DAME
- 5th PRIZE: AUTOGRAPHED FOOTBALL – NY GIANTS – NATE SOLDER
- DRAWING TO BE HELD ON TUESDAY, DECEMBER 31ST
- WINNER WILL BE NOTIFIED BY PHONE (NEED NOT BE PRESENT)



2020 PERSONALIZED LBA CARDS: Attached to this e-mail is an order form to submit requests for **2020 Personalized LBA cards**. The personalized 2020 LBA cards cost \$1.00 per card; all proceeds from the sale of the personalized cards go to benefit the LBA's Charitable and Scholarship Fund. Order forms and samples of the cards are also posted on the "Home Page" of the LBA website, www.NYPD-LBA.org. The form includes all the information necessary to process your orders. The winner of the 2020 LBA card design contest is retired Lieutenant William McCabe, formerly of the Intelligence Bureau. Bill designed the LBA card with a view from New Jersey of the lower Manhattan skyline. Majestically and Poignantly rising from the center of the skyline is One World Trade Center - the Freedom Tower. The skyline rests on a sea of a billowing Police Department flag.



FEE ASSOCIATED WITH MAILING GENERIC LBA CARDS: Until recently, the LBA was the only union not to charge members for generic (non-personalized) courtesy (LBA) Cards. However, due to the rise in postage fees over the years, we now charge one dollar (\$1.00) per card for all **mail requests for additional LBA Cards**; members in good standing will continue to receive five (5) generic LBA cards free of charge with the annual mailing. Members can receive additional generic LBA cards at no cost by seeing their LBA Board Member or Delegate, and/or by coming to the LBA office to pick up the additional cards.

LBA CALENDAR BOOKS: Historically, the LBA would mail out a Calendar Book to each Active, Retired and Life Member with the Annual Holiday Mailing. However, in recent years it has become apparent that more and more of our members no longer use a Calendar Book to track their overtime/appearances/appointments/ etc., but rather use their phones or some other electronic device to track these events. In our ongoing effort to manage expenses, we at the LBA did not want to spend money on something the members didn't readily utilize. With this in mind, we will continue to provide a Calendar Book to any member who requests one, but we will not automatically send a Calendar Book to all our members. Also, last year the calendar book leatherette covers intentionally had no year embossed on it. This is so our member may reuse last

year's cover. If you wish to receive a Calendar Book, or need a replacement calendar book cover, we simply ask that you contact the LBA office at 212-964-7500 (Option# 2) and request one be mailed out to you.

LBA FAMILY MEMBER CAR DECAL:



The Lieutenants Benevolent Association has designed and created a car decal to discretely identify vehicles belonging to our members, and their family members, as being those of an LBA member. The decals are designed to be removable so that when a member is selling their car or trading in a lease the decal can be easily removed from the vehicle. Every dues paying LBA member will receive one (1) decal in the annual mailing. Additional LBA Family Member car decals are available for \$2 each from the LBA. Simply mail in a check, made out to the Lieutenants Benevolent Association, to the LBA (40 Peck Slip, New York, NY 10038) for the total amount to cover the number of decals you wish to order. Please make sure to include your return address so that we may forward you the decal(s).

TAMIFLU NOT COVERED BY THE SOC PRESCRIPTION DRUG PLAN: The flu season is approaching, and I want to remind our members that the name brand prescription Tamiflu is not covered by the SOC Prescription Drug Plan. However, the single source generic version of Tamiflu (Oseltamivir Phosphate) is available to our members at a discounted cost; approximately \$75: **this price can be higher based on prescription, i.e. liquid or additional dosage.** If you receive a prescription for Oseltamivir Phosphate, you should process as follows:

- Bring prescription to pharmacy to be filled.
- The pharmacist will likely inform you that the prescription is not covered by our plan. This is factually true since the prescription will be filled at 100% cost to the member at the discounted OptumRx cost.
- Request that the pharmacist fill the prescription through OptumRx.

Additional Information Regarding Tamiflu and Oseltamivir Phosphate:

Tamiflu is an antiviral medication that blocks the actions of influenza virus types A and B in your body. It is used to treat influenza in people 2 weeks of age and older **who have had flu symptoms for 2 days or less.** Unfortunately, in many instances by the time flu symptoms become evident to the point where they can be accurately diagnosed this 2-day threshold has been surpassed. In addition, the prescription is cost prohibitive, potentially placing an inordinate strain on the financial resources of the overall prescription drug plan. Also, the efficacy of the medication has been hotly disputed. A contentious United Kingdom study, conducted by the Cochrane Collaboration in 2014, concluded that the drug reduced the persistence of flu symptoms from seven days to 6.3 days in adults and to 5.8 days in children.” If you are prescribed Tamiflu we suggest you visit their website at www.tamiflu.com ; you may find a coupon to assist in paying for the medication. Finally, we suggest you consider receiving an annual flu shot. The Department frequently provides this shot free of charge at specific sites

throughout the City; you can contact the Medical Division at 718.760.7615 to ascertain where and when you can receive the flu shot.

STUDENT PROOF FOR CONTINUATION OF COVERAGE FOR ELIGIBLE FULL TIME STUDENTS:

Each year the Superior Officers Council Health and Welfare, and the Lieutenants Benevolent Association, receive numerous phone calls from concerned parents stating that their children attending college (full time) have been dropped from receiving prescription benefits. This repetitive issue is easily remedied. Student proof is required **each semester** once the dependent child turns 19 years of age. Acceptable proof is a letter from either the Bursar's or Registrar's Office stating full time student status, or a bill outlining a full-time course load.

- **Proof for the spring semester is valid from February 1st to August 31st**
- **Proof from the fall semester is valid from September 1st to January 31st.**

Due to the high volume and rotational influx/outflow of members with dependent full-time college students, the SOC does not send out reminder notices to members to forward the student proof. It is incumbent upon the member to ensure that the proof is forwarded to the SOC Health and Welfare office. You can forward the proof by:

Mail: The SOC Health & Welfare Fund

40 Peck Slip

New York, NY 10038

Fax: 212-406-3105

DEPENDENT CHILDREN: Eligible dependent children include natural children, legally adopted children, and children for whom you have court appointed guardianship or legal custody and who are **unmarried and live with you permanently**. For the purpose of the **Dental and Optical Benefit**, eligible dependent children are covered to the **last day of the month** of their 19th or 23rd birthday (must be a full-time student after age 19). For the **Prescription Benefit**, dependent children are covered until **December 31st of the year they reach** the age of 19 or 23 years (full time student) or until the end of the semester in the year they graduate whichever comes first.

TICKETS TO EVENTS AT LINCOLN CENTER: As many of you may have recently seen, we have sent out several e-mails announcing free tickets to attend different events at Lincoln Center. The LBA has partnered with Lincoln Center in the "House Cop" program; Lincoln Center has agreed to offer complimentary tickets to LBA Members to attend ongoing events. The events at Lincoln Center have proven to be extremely popular. Literally, within minutes of our sending out the e-mail announcing tickets to events at Lincoln center, the LBA office receives dozens of e-mails requesting the tickets. The events and the available tickets are claimed by our members within minutes. We will only accept requests for Lincoln Center tickets as follows:

- Request **must be sent in via e-mail**; this allows our staff to chronologically address the requests based on the time the e-mail is received.
- **No phone call requests to the LBA office will be accepted.**
- Requests **must include the specific date and time of the event** for which the member wants the tickets.
- Members who have never received tickets to Lincoln Center events will be given preference for the tickets over those who have already received tickets in the past.
- An LBA Member must be one of the attendees.

NEXT MEETING "HOLIDAY MEETING": Join us on Wednesday, December 11, 2019, for the Holiday Luncheon at the El Caribe Country Club: 5945 Strickland Avenue Mill Basin, Brooklyn. The event begins at 1200 hours; **DOORS WILL NOT OPEN UNTIL 1130**

HOURS. LBA Treasurer, James Woods, will have numerous LBA items, including several new items, for sale at the meeting. Members wishing to purchase LBA merchandise will be able to use credit cards. I hope to see you at the meeting.

Lou Turco
President

Dennis Gannon
Recording Secretary