

# The New York Deputy

DECEMBER 2007

## 2006 Deputies of the Year: Detective Gerard Pfitscher & Detective Darrin Cummings, Dutchess County Sheriff's Office

Better late than never! Due to a series of scheduling problems, the presentation of the 2006 Deputies of the Year awards was delayed longer than we would have liked. The 2006 recipients were Detective Gerard Pfitscher and Detective Darrin Cummings from Dutchess County. Detective Gerard Pfitscher was awarded his department's exceptional duty award stemming from five separate incidents in which a team of out of county daytime burglars plagued Southern Dutchess County. As a result of determination, devotion to duty and service to the public, Detective Pfitscher solved countless Multi-County and Multi-Jurisdictional burglaries and recovered thousands of dollars worth of property bringing acclaim to this agency and the police profession.

In addition, this Detective's efforts and cunning and that of his partner Detective Darrin Cummings brought to a conclusion a 15 year old cold case arson / homicide with the 2006 indictment and subsequent guilty plea



2006 Deputies of the Year

of Brian Giggy Of Pawllng New York who was serving time for rape in an upstate prison. Outside of their regular day-to-day duties, a review of the case file yielded a crime scene photo in which Giggy was noticed in the background. Armed with a bogus positive DNA report off of a piece of evidence found at the scene 15 years prior, the pair went to the prison and left with a video taped confession after the convict fell for the ruse. Also in 2006, while looking into a complaint relative to a subject luring teenage girls from a website to become "fashion models" or "movie stars" Pfitscher and Cum-

mings' investigation revealed that this was a front for a local prostitution ring and pornography web-site. A video taped sting operation in a local hotel led to warrants and the arrest of Jonathan Li-

cata, identified as the ring leader.

In July 2006 members of this agency responded to a robbery of the Bank of America on Route 9 in the town of Poughkeepsie, which was the third in a string of bank heists. Detectives Cummings' investigation led to the apprehension of this dangerous felon and also cleared two other bank robberies. Detective Cummings was awarded his department's apprehension award for the 2006 multi-jurisdictional arrest.

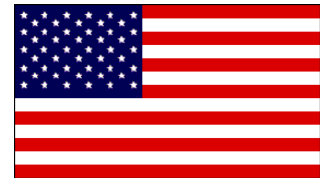
Congratulations to Detectives Pfitscher and Cummings!

### SEND IN YOUR NOMINATIONS FOR 2007 CANDIDATES

**Submit your nominations now for the 2007 Deputy of the Year and Correction Officer of the Year. If you have a candidate who has performed service "above and beyond" the call of duty, we'd like to consider him or her for our annual award. Send a written summary, including supporting documentation like department reports, news summaries, photos, etc. if you have them. Please help us honor our members! Send information to: Officer of the Year; New York State Deputies Association, Inc., 61 Laredo Dr., Rochester, NY 14624.**

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### THINGS TO DO IN 2008:

- Contact your Assembly Members and Senators to encourage them to support NYSDA's legislative agenda
- Write to the Governor and express your disappointment with his lack of support for NYSDA's legislative agenda
- Submit your nominations for Correction Officer and Deputy of the Year
- Send your up to date contract and wage information to NYSDA
- Check for eligibility for NYSDA scholarships

## Governor's Counsel Leaves Questions Unanswered

Members of NYSDA's Executive Board and Legislative Committee met with David Weinstein, Assistant Counsel to Governor Spitzer. NYSDA requested the meeting to discuss Governor Spitzer's vetoes of all of the items on the NYSDA agenda.

Mr. Weinstein had very little information of substance. He was asked about Mr. Spitzer's change of heart on the 20 year corrections bill. Spitzer had pledged his support when interviewed for an endorsement, specifically stating at that time that state corrections should have no impact on the bill for local officers. However, his veto message listed that as one reason for his veto. Mr. Weinstein said he couldn't address that, as he was not at the meeting.

Mr. Weinstein talked about a couple of options that "might" be worth exploring.

One suggestion was that there be language providing that the retirement benefit would be a non-mandatory subject of bargaining and/or that it would not be subject to interest arbitration. The latter provision is not even relevant, as local correction officers do not have access to interest arbitration.

As far as making it a non-mandatory subject of bargaining, such a stipulation would allow employers to refuse to negotiate the benefit, making it a meaningless option. In addition, there would likely be opposition from other employee organizations if there was any

plan to make retirement benefits non-mandatory subjects of bargaining.

Mr. Weinstein also said that eliminating the 1/60th option might help, although that wasn't even mentioned in the veto message. Mr. Weinstein made it clear that his was not the "final say" on any amendments.

Many of us continue to be disappointed by the actions of Governor Spitzer. We endorsed him based upon his stated beliefs, positions, and philosophy, which seem to change after he took office. We are hopeful that we will be able to have meaningful discussions with him and his staff in 2008, with the hope that he will see fit to follow through on items of importance to our members.

## Ongoing Negotiations

A settlement was reached in Yates County on a four year agreement covering 2008-2011. Wage increases of 4%, 3%, 3.5% and 3.5% were agreed upon. The parties also agreed on a new health insurance plan, made necessary because the provider was planning to eliminate the existing plan within a year or two. The new plan is very similar to the former plan, and removes the requirement for referral from a family doctor. The employee contribution after four years of service increased from 10% of the premium to 12% of the premium.

As of this writing, productive negotiations continue with the Fulton County SEA and Fulton County. The parties continue to work jointly to reach an agreement.

Meetings also continue between the Chautauqua County SEA and Chautauqua County, and progress has been made on several fronts. Negotiations continue to be productive.

Cayuga County PBA and Cayuga County are attempting to come up with a date for another meeting now that some additional background work has

been done. We are hopeful that we can make significant progress once we can get a date set.

Genesee County DSA has its first meeting scheduled for mid-December, and Herkimer County DSA will be starting negotiations shortly.

Saratoga County DSBA and Saratoga County have not made any progress as of this writing. As of this moment, the Association continues to await a response from the Employer. Hopefully progress will have been made by the time this goes to print.

## Check the NYSDA Web Page

In an effort to include more accurate information, we are now including full salary schedules at our web page, rather than providing a list. As always, the data is only as good as that which is available to us. So if your salary schedule isn't posted, please send a copy of your contract to Tom Ross.

Also available at our web page (follow the link for "Wage Comparison Information") is a spreadsheet providing information for New York Counties based upon the most current population data available from the U.S. Census Bureau. Information available includes county

population, median household income, per capita income, average cost of housing, etc. This sheet is available in two formats. If you have Microsoft Excel or a similar program, you can download a spreadsheet that will allow you to sort data as needed. If you do not have Excel, the spreadsheet is available in pdf format, and can be opened with the free Adobe Reader.

We have also started supplying web pages for member associations. Available on these web pages are things like a "fill in the blank" copy of the department's application for 207-c benefits,

grievance forms, the collective bargaining agreement, negotiations information and notices from the association leadership. Any Associate, Basic or Full Service member organization can have a web page. NYSDA will maintain it, based upon material provided by the local association. If you are interested in establishing a page for your group, contact Tom Ross.

We also maintain cost of living information, meeting information, and many other things at our site. If you have any suggestions to improve the site, please let us know!

## Health Insurance - to change or not?

Anyone involved in collective bargaining will agree that health insurance will be a key issue - usually for the employer, but frequently for the employees as well.

If we look back to the introduction of Health Maintenance Organizations (HMOs), we can remember that they were far cheaper than the standard medical coverage of years gone by. This is because they centered on managed care and preventive medicine. The theory was that it would be cheaper to prevent serious illness than it would be to treat it after the fact. Did it work? It depends on who you talk to.

When HMOs came into being, the people who opted into them were generally younger employees who were in generally good health. These people seldom went to the doctor, so their use of the system was low regardless of their plan. Several things happened as HMOs became the norm rather than the exception.

- The participants in the plans became older and started using the system more. One would like to think that the carriers thought of this in advance ... but who knows?
- Doctors were more likely to order tests based upon fewer symptoms. Technology advanced, more tests became available and, of course, costs increased. Although the theory was to catch illness or injury early when it's easier to treat, many critics claimed doctors were engaging in unnecessary testing simply because the insurance company paid the bill.
- Prescription medication costs skyrocketed as newer, more advanced drugs became available. Many blame this on the drug companies, who may charge hundreds of dollars a month for pills that only cost a few cents to make. But the other side of the coin is that the second pill might cost a few cents to make, but the first one cost millions or billions of dollars.
- Carriers found that primary care physicians almost never denied a patient's request to see a specialist.

Even if a primary care physician doesn't feel a specialist is necessary, referrals are often made either because they want to appease the patient or because they fear a malpractice suit if they delay a referral.

In an effort to change with the times, carriers have started pushing Preferred Provider Organizations (PPOs). The significant difference between these plans and the HMO is that in the PPO there is no primary care physician, and the patient may go to a specialist without a referral. These are, arguably, better plans than HMOs because they give the patient greater flexibility - depending on the PPO's area of coverage.

If the PPO is obtained through "The Blues", coverage is very nearly universal throughout the country. So a patient can choose any provider who is a member of a "Blue Cross" plan anywhere, and simply pay the standard co-pay they would have paid to a local doctor. Costs increase significantly if the patient chooses a physician or facility that is "out of network." Thus, it is important to determine the network before agreeing to this plan. If it's not a Blue Cross plan, you may have trouble outside of your home area. (There is a new version - the Exclusive Provider Organization, or EPO, which does not provide any coverage for out-of-network care, other than emergency care.)

With this background - and hopefully much more information that you go out and get on your own - you need to consider many factors when negotiating health care changes.

The facts come down to dollars and cents. It's likely that the new plan will have higher co-pays on some or all procedures. But does the savings on premiums offset the potential additional cost? What effect will the health care issue have on the monetary settlement?

Let's take a hypothetical situation where employees are given two choices: No wage increase and keep the same health insurance or a 3% wage increase and change to a lesser health insurance with a lower premium cost. And let's assume that the increased medical costs completely eat up the wage increase and

premium savings. Which choice is better?

If you keep the better health insurance, that's a non-taxable benefit (at least at the moment), so you're gains are tax-free. Problem is, your income remains the same.

If you take the lesser health insurance, your wage increases but you spend it all on medical care. But remember - if your wages increase, so too does your overtime rate and your holiday pay and anything else that is based upon your salary. The increased rate is there forever, and will ultimately impact your final average salary for purposes of retirement.

There is always a risk. We might have an unusually "healthy" year, or we might have a very "unhealthy" year. We might develop a serious or chronic medical condition, requiring expensive treatments and/or medication. Or we might not go to the doctor at all over the course of a year.

Be very careful of plans that offer odd benefits. There is currently a lot of advertising in the Rochester area for a plan that reimburses up to \$500 per year for a gym membership. That's very nice. But the ad doesn't tell you that the plan has a cap of \$1000 per year on prescriptions. Virtually any maintenance drug that is not generic costs more than \$100 a month. So your \$1000 is gone very quickly. Fortunately, most employers do fairly thorough research into plans, and avoid these types of surprises.

Another thing to keep in mind - the people who are negotiating for the county are probably going to be in the same plan they want you to go into. We'd like to believe then that it can't be THAT bad.

The decisions are never easy. Best advice is to research changes carefully, and avoid the urge to say "no" without looking. It is entirely possible through the use of creative tools to develop a program that provides the majority of employees with better benefits at a lower cost.

It just takes some time and work.

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# Seasons Greetings

A stylized illustration of a frog, colored in shades of brown and tan, with large orange eyes and a purple V-shape on its chest. It is positioned to the right of the word "Seasons" in the "Seasons Greetings" header.

**BEST WISHES FOR A SAFE AND HAPPY HOLIDAY  
SEASON FROM THE EXECUTIVE BOARD OF THE  
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