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February 3, 2016

Hon. Andrew Cuomo
New York State Capitol Building
Albany, NY 12224

Dear Governor Andrew Cuomo:

On behalf of the District Attorneys Association of the State of New York, I wish to draw your attention to two issues as you make your final budget determinations.

District Attorney Salary Reimbursement Program

Shortly after we submitted our budget requests, the State Commission on Legislative, Judicial, & Executive Compensation approved a set of recommended pay raises slated to take effect April 1 -- increasing salaries for Supreme Court judges from \$174,000 a year to nearly \$193,000 in 2016 and then to \$203,100 (or higher) in 2018. Because the proposal links state judicial salaries to federal judicial salaries, the actual number is somewhat of a moving target.

District Attorneys' salaries are tied, by law, to judicial salaries (*see* Judiciary Law §183-a, NYC Charter §1125); an additional appropriation is therefore needed to meet this financial obligation.

Funding for judicial salary increases is included in the OCA budget, but the governor's budget has no similar appropriation for district attorneys' salaries. DAASNY therefore requests an **increase in the appropriation for district attorney salary reimbursement if judicial salaries are increased in April.**

Loan Forgiveness

DAASNY is appreciative of the legislative and executive commitment to helping young public servants continue in public service by providing assistance with student loans debt relief. The Tuition Reimbursement Program for Prosecutors and Indigent Legal Services Attorneys is vital to many attorneys who are saddled with debt in excess of \$100,000.

We request, in conjunction with our counterparts at the Association of Legal Aid Attorneys, that changes be made to this program to meet the contemporary needs of public sector attorneys. These changes can be made within the current budget appropriation and require no additional monies. Those changes, reflected in the attached proposed legislative language, are:

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- Increase the maximum annual loan reimbursement from \$3400 to \$4000;
- Increase the period of eligibility from 6 to 8 years of service;
- Add a tolling provision so that time spent by the ADA or public defender on maternity and military leave would no longer be considered an "interruption" to the service year, which under the current statutory construct prevents them from receiving loan assistance.

DAASNY supports the continued appropriation of \$2.43 million, which is already included in the budget, along with the legislative revisions outlined above.

Again, on behalf of DAASNY I thank you for your ongoing support of the criminal justice system.

Very Truly Yours,



Thomas P. Zugibe
President, DAASNY
District Attorney, Rockland County

Enclosures

cc: Assembly Member Farrell (farrellh@assembly.state.ny.us)
Assembly Member Glick (glickd@nysa.us)
Senator Young (cyoung@nysenate.gov)
Senator LaValle (lavalles@nysenate.gov)
Terrence O'Leary (Terrence.OLeary@exec.ny.gov)
Alphonso David (alphonso.david@exec.ny.gov)

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DRAFT LOAN FORGIVENESS LANGUAGE

Section 1. § 679-e(2)(b). of the Education Law is amended to read as follows:

b. "Eligible period" means the ~~eight~~ **six**-year period after completion of the ~~third~~ **second** year and before the commencement of the ~~tenth~~ **twelfth** year of employment as an eligible attorney. For purposes of this section, all periods of time during which an admitted attorney was employed as an eligible attorney and all periods of time during which a law school graduate awaiting admission to the New York state bar was employed by a prosecuting or criminal defense agency as permitted by section four hundred eighty-four of the judiciary law shall be combined.

Section 2 Education Law Section 679-e (2) (d) is amended as follows:

d. "Year of qualified service" means the twelve month period measured from the anniversary of the attorney's employment as an eligible attorney, or as a law school graduate awaiting admission to the New York state bar employed by a prosecuting or criminal defense agency as permitted by section four hundred eighty-four of the judiciary law, adjusted for any interruption in employment. **Except as provided below any** [any] period of temporary leave from service taken by an eligible attorney shall not be considered in the calculation of qualified service. However, the period of temporary leave shall be considered an interruption in employment and the calculation of the time period of qualified service shall recommence when the eligible attorney returns to full time service.

Employer-provided vacation or leave time is equivalent to hours worked in determining whether you meet the full-time employment requirement. This includes leave taken for a qualifying condition under the Family and Medical Leave Act of 1993. Employer-provided vacation or leave time is equivalent to hours worked in determining whether you meet the full-time employment requirement. This includes leave taken for a qualifying condition under the Family and Medical Leave Act of 1993.

Section 3. § 679-e(3)(a) of the Educaiton Law is amended to read as follows:

3. Awards. a. An eligible attorney may apply for reimbursement after the completion of each year of qualified service provided however that reimbursement to each eligible attorney shall not exceed ~~three~~ **four** thousand four hundred dollars, per qualifying year, subject to appropriations available therefor. The president may establish: (i) an application deadline and (ii) a method of selecting recipients if in any given year there are insufficient funds to cover the needs of all the applicants. Awards shall be within the amounts appropriated for such purpose and based on availability of funds.

Section 4. § 679-e(3)(b) of the Educaiton Law is amended to read as follows:

b. An eligible attorney may apply after the completion of the ~~fourth~~ **third** year of qualified service, and annually thereafter after the completion of the ~~fifth~~ **fourth** through ~~ninth~~ **eleventh** year of qualified service, and may seek a student loan expense grant for only the previous year of qualified service within the time periods prescribed by the president. An eligible attorney may receive student loan expense grants for no more than ~~six~~ **eight** years of qualified service within an eligible period.

Section 5. Effective Date.

This Act shall take effect within 30 days after enactment. Nothing in this Act shall be implemented in a manner that diminishes the current award or status of eligible attorneys currently participating in the program.