

County exec stays firm in face of threatened resignations in DA's office

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WHITE PLAINS — Westchester County Executive Robert Astorino is sticking to his guns after learning that as many as a dozen top prosecutors may quit in response to his initiative to cut their benefits. "When I came into office, I said I was going to correct the indefensible pay practices of the past," Astorino said this afternoon, a day after it was disclosed that a group of prosecutors planned to resign following the county's decision to cap their unused sick-time payouts and make them pay part of their [health insurance](#) premiums.

"These huge sick-pay cashouts were never intended to be 401Ks or golden parachutes," the county executive said. "This is a human resource issue, not a law enforcement issue. This is about people managing their own careers, deciding when is the best time for them to [retire](#)."

Astorino announced the planned cuts soon after taking office in January. The Board of Legislators this week unanimously approved having nonunion managers — including those in the Westchester County District Attorney's Office — pay between 10 percent and 20 percent of their health insurance premiums, based on salary, to address a large budget deficit and control spiraling costs.

It was a compromise with Astorino, who in January asked for 15 percent across-the-board contributions from all non-union managers. The board also capped sick and vacation payouts — which could translate into tens of thousands of dollars for a seasoned prosecutor — and enacted a voluntary buyout [incentive](#) worth \$1,000 a year up to \$30,000. They also recommended a hiring freeze.

"This is one of the initiatives I put to the board months ago," Astorino said of the payout caps. "We're facing a \$166 million deficit next year and we've started accumulating savings now in order to tackle this deficit."

The Journal News reported yesterday that 10 to 12 prosecutors had written District Attorney Janet

DiFiore, announcing their plans to resign before the changes take effect July 1. The list includes DiFiore's three top deputies: John George, executive assistant district attorney; Jim McCarty, chief of trial operations; and Maryanne Luciano, legal counsel to the district attorney.

In a private meeting yesterday evening with Democratic legislators, DiFiore expressed concern the defections could hamper her office's efforts to prosecute cases. She has spoken with several police chiefs who have echoed her sentiments.

Astorino is not swayed. "That's their choice," he said of the resignations. "I'm sure there are many good assistant district attorneys who can move up, just as there are many good and qualified mid-level managers in other departments." He left open the possibility that a few new

people could be hired if there is a mass exodus. "There's not an ironclad hiring freeze," he said. "Common sense is going to prevail."

3 top supervisors at Westchester DA's office

Here's a look at the three top supervisors in the Westchester County District Attorney's Office who are planning to resign in the wake of changes to their benefits by county lawmakers. The supervisors, identified by a source in the department who asked not to be identified, all have at least 30 years experience in the prosecutor's office. They were appointed to their current positions by District Attorney Janet DiFiore when she took office in 2006 and comprise her senior management team. They are paid \$158,640 a year as first deputy district attorneys.

Maryanne Luciano

Duties: As legal counsel to DiFiore, Luciano advises the district attorney on intricacies in the law and nuances of state statutes. Date hired: Sept. 2, 1980

History with office: Former chief of the Superior Court Trial Division and former legal counsel to the Trial Division, which includes the Homicide, Career Criminal and Major Case bureaus.

James McCarty

Duties: As chief of trial operations, McCarty supervises all felony trials.

Date hired: March 17, 1980

History with office: Tried more than 100 cases, including successful prosecutions of Carolyn Warmus in the "Fatal Attraction" murder case in 1992 and serial killer Patrick Baxter in 2002. Prosecution of Mount Kisco Police Officer George Bubaris in 2008, charged in the death of immigrant Rene Javier Perez, ended with an acquittal. Former chief of the Career Criminal and Narcotics bureaus.

John George

Duties: As executive assistant district attorney, George is in charge of day-to-day administrative operations and supervises the office's five division chiefs.

Date hired: Sept. 6, 1977

History with office: Former chief of the Yonkers City Court Bureau, directly overseeing the prosecution of tens of thousands of criminal cases in Westchester's largest city. Also the former chief of the Local Court and Grand Jury Division, the Organized Crime and the Narcotics bureaus.

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