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Document Type: **SUMMONS + COMPLAINT**

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Plaintiff

NYS LAW ENFORCEMENT OFFICERS
UNION

Defendant

GENEVA CITY

Fees

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State of New York
County of Ontario

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONTARIO

NEW YORK STATE LAW ENFORCEMENT OFFICERS
UNION, COUNCIL 82, AFSCME, AFL-CIO, LOCAL 3471,
STEVE VINE as President of Local 3471, RANDALL GRENIER, JR.
and DANIEL HICKEY,

Plaintiffs,

SUMMONS

-against-

Index No.: _____

CITY OF GENEVA, NEW YORK, STEVE VALENTINO, as Mayor of
the City of Geneva, COUNCIL OF THE CITY OF GENEVA,
SAGE GERLING, as City Manager of the City of Geneva, and
MICHAEL PASSALACQUA, as Chief of Police,

Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to appear in this action and to serve upon plaintiffs' attorneys an answer to the Complaint in this action within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after service is complete if this Summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the annexed Complaint.

The basis of venue for this action in Ontario County is appropriate pursuant to CPLR §504(2).

DATED: June 1, 2021
Albany, New York

**NEW YORK STATE LAW ENFORCEMENT
OFFICERS UNION, COUNCIL 82, AFSCME, AFL-CIO**

By:



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SUPREME COURT
STATE OF NEW YORK

COUNTY OF ONTARIO

NEW YORK STATE LAW ENFORCEMENT OFFICERS
UNION, COUNCIL 82, AFSCME, AFL-CIO, LOCAL 3471,
STEVE VINE as President of Local 3471, RANDALL GRENIER, JR.
and DANIEL HICKEY,

Plaintiffs,

COMPLAINT

-against-

Index No.: _____

CITY OF GENEVA, NEW YORK, STEVE VALENTINO, as Mayor of
the City of Geneva, COUNCIL OF THE CITY OF GENEVA,
SAGE GERLING, as City Manager of the City of Geneva, and
MICHAEL PASSALACQUA, as Chief of Police,

Defendants.

Plaintiffs, New York State Law Enforcement Officers Union, Council 82, AFSCME,
AFL-CIO, Local 3471, Steve Vine as President of Local 3471, Randall Grenier, Jr., and Daniel
Hickey, by and through their attorneys, Ennio J. Corsi, Esq., General Counsel, of the New York
State Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO, (Christine Caputo
Granich, Esq., of Counsel), as and for a complaint against the defendants, allege as follows:

NATURE OF ACTION

1. This action is commenced pursuant to the Civil Practice Law and Rules (“CPLR”) §3001
and seeks a declaratory judgment that City of Geneva Local Law No. 1-2021 (“Local Law”),
which amends the Geneva City Charter to establish a Police Review Board, is invalid, void and
unenforceable, and permanent injunction prohibiting Defendants from putting the Local Law into
effect.

VENUE

2. Venue for this action in Ontario County is appropriate pursuant to CPLR §504(2) given the location of the City of Geneva.

PARTIES

3. Plaintiff New York State Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO, Local 3471, (“Local 3471”) is an employee organization within the meaning of the Taylor Law (Civil Service Law §201(5)) with its principal offices located at 63 Colvin Avenue, Albany, New York 12206.

4. Local 3471 is the duly certified collective bargaining representative for all Police Officers employed by the City of Geneva Police Department (“GPD”).

5. Plaintiff Steve Vine is a police officer employed by the GPD, the duly elected President of Local 3471 and a resident of Wayne County, New York.

6. Plaintiff Randall Grenier, Jr. is a police officer employed by the GPD, a member of Local 3471 and a resident, qualified elector, and taxpayer of the City of Geneva, Ontario County, New York.

7. Plaintiff Daniel Hickey is a police officer employed by the GPD, a member of Local 3471, and a resident, qualified elector, and taxpayer of the City of Geneva, Ontario County, New York.

8. Defendant City of Geneva (the “City”) is a municipal corporation, organized and existing under the laws and the Constitution of the State of New York, which has its principal office located at City Hall, 47 Castle Street, Geneva, Ontario County, New York.

9. The City is a charter city and its current charter became effective on January 1, 1974. A copy of the City of Geneva Charter (“City Charter”) is attached hereto as **Exhibit A.** (Exhibit A, §14.1)
10. Defendant Steve Valentino is now and was at all relevant times the duly elected Mayor of the City of Geneva, the presiding officer of the Council of the City of Geneva, and an acting member of the Council with a principal place of business located at City Hall, 47 Castle Street, Geneva, Ontario County, New York.
11. Defendant Council of the City of Geneva (“City Council”) currently consisting of Mayor Steve Valentino, Tom Burrall, William Pealer, Jan Regan, Ken Camera, Laura Salamendra, John Pruett, Frank Gaglianese, III, and Anthony Noone, is the legislative and governing body of the City of Geneva, organized and existing under the laws of the State of New York, with a principal place of business located at City Hall, 47 Castle Street, Geneva, Ontario County, New York.
12. Defendant Sage Gerling is now and was at all relevant times the duly appointed City Manager of the City of Geneva who is the Chief Executive Officer of the City, with a principal place of business located at City Hall, 47 Castle Street, Geneva, Ontario County, New York.
13. Defendant Michael Passalacqua is now and was at all relevant times the duly appointed Chief of Police of the City of Geneva who is the head of the GPD with a principal place of business located at 255 Exchange Street, Geneva, Ontario County, New York.

LOCAL LAW NO. 1-2021

14. On February 3, 2021, City Council adopted Local Law No. 1-2021, described as a “Local Law Amending the Geneva City Charter To Establish A Police Review Board.” A certified copy of Local Law No. 1-2021 is attached as **Exhibit B.**

15. The Local Law was received, filed and certified by the City Clerk and then filed in the office of the Secretary of State on February 16, 2021. (**Exhibit B**, p. 15)
16. The Local Law purports to amend the Geneva City Charter without a mandatory referendum by adding a new Article XV which establishes a Police Review Board (“PRB”) that is given the authority to “review” GPD investigations of public complaints of officer misconduct and “to engage in other activities”. (**Exhibit B**, §15-2.1)
17. The Local Law provides that the “local law shall take effect twenty (20) days after it is filed as provided in Section twenty-seven of the New York State Municipal Home Rule Law.” (**Exhibit B**, §15-18)

FACTS AND BACKGROUND

18. The City and Local 3471 are parties to a collective bargaining agreement (“CBA”) for the period of January 1, 2018 to December 31, 2020, which governs the terms and conditions of employment for all Police Officers employed by the GPD, including discipline. A copy of the CBA is attached hereto as **Exhibit C**.
19. The CBA required ratification by the City Council and was ratified by the City Council by Resolution #71-2017, a copy of which is attached hereto as **Exhibit D**.
20. Although the effective period of the CBA has expired, all terms of the CBA remain in full force and effect pursuant to Civil Service Law (“CSL”) §209-a.1(e) until a successor agreement is reached, which has not yet occurred.
21. The City Charter mandates compliance with the Civil Service Law regarding police discipline. (**Exhibit A**, §9.2)

22. Compliance with the Civil Service Law regarding police discipline was also mandated in the prior city charter that was in effect from 1964 to 1973. A copy of the prior city charter is attached hereto as **Exhibit E.** (**Exhibit E**, §§114, 181)

23. Compliance with the Civil Service Law regarding police discipline mandates compliance with the Civil Service Law’s collective bargaining provisions set forth in CSL §76(4) and §§200 et seq.

24. The City and Local 3471 have a history of collective bargaining, including regarding the subject of police discipline, which has resulted in a series of collective bargaining agreements, the most recent of which is the CBA.

25. Pursuant to the City Charter, the City Council appoints the City Manager who is responsible to the City Council for the administration of all city affairs under her jurisdiction and control or placed in her charge by the City Charter or other provision of law. (**Exhibit A**, §4.2)

26. Pursuant to the City Charter, the Chief of Police is appointed by the City Manager and is the head of the GPD. (**Exhibit A**, §9.2)

27. Pursuant to the City Charter, the Chief of Police shall appoint and remove all other officers and employees of the GPD subject to the provisions of the Civil Service Law and rules and regulations thereunder. (**Exhibit A**, §9.2)

28. Pursuant to the City Charter, the Chief of Police is responsible for the efficiency, discipline and good conduct of the GPD. (**Exhibit A**, §9.2)

29. Pursuant to the City Charter, the Chief of Police makes the rules and regulations concerning the operation of the GPD, and the conduct, duties, and assignments of all officers and employees, which rules and regulations shall first be approved by the City Manager. (**Exhibit A**, §9.2)

30. GPD General Order (“G.O”) 310 regarding “Disciplinary Procedures” has been in effect since on or about March 31, 2004. A copy of G.O. 310 is attached hereto as **Exhibit F**.
31. G.O. 310 provides that the GPD adheres to the disciplinary procedures set for in CSL §§75 and 76 and the CBA. (**Exhibit F**, Section II, III.B., IV.A.4.h. and B.2.)
32. Article 16 of the CBA entitled “Employee Rights” addresses the subject of investigations of GPD Officers in detail, providing rights and procedures concerning interrogations and the manner in which and by whom investigations will be conducted. (**Exhibit C**, pp. 33-35)
33. Article 19 of the CBA entitled “Discipline” addresses the subject of discipline in detail, providing rights and procedures concerning the imposition of discipline including the election of CSL §75 procedures or the binding arbitration provisions in the CBA’s Grievance Procedure set forth in Article 14 of the CBA. (**Exhibit C**, pp. 38-40)
34. Pursuant to Article 19 of the CBA, formal discipline that does not involve termination is governed by the procedures in CSL §75 unless the City agrees to binding arbitration. (**Exhibit C**, pp. 38-40)
- 35.

PLAINTIFFS’ CLAIMS

A. Local Law No. 1-2021 violates Municipal Home Rule Law §10 and article IX, §2 of the New York State Constitution.

36. Municipal Home Rule Law (“MHRL”) §10(1)(i) and article IX, §2 of the New York State Constitution provide every local government with the power to adopt and amend local laws not inconsistent with the provisions of the state constitution or not inconsistent with any general law relating to its property, affairs or government.

1) The Local Law is inconsistent with CSL §§75 and 76 and Unconsolidated Law §891.

37. CSL §§75 and 76 establish comprehensive procedures for the discipline of public employees in New York State, including police officers, which provide for questioning, hearing, and appeal.
38. Unconsolidated Law §891 mandates identical rules that are almost verbatim to those in the CSL but is limited to removal proceedings for police officers.
39. CSL §§75 and 76 and Unconsolidated Law §891 are general laws.
40. The Local Law conflicts with CSL §75 by failing to provide Local 3471 with the right to union representation regarding questioning by the PRB.
41. The Local Law conflicts with CSL §75 by authorizing questioning of GPD Officers by the PRB which is not their employer.
42. The Local Law conflicts with CSL §75 by failing to adhere to the specific notice requirements regarding removal or other disciplinary action and permitting complaints of officer misconduct to be made anonymously and complainants to remain anonymous.
43. The Local Law conflicts with CSL §§75 and 76 and Unconsolidated Law §891 by authorizing the PRB, a body that does not have the power to remove police officers, to render determinations regarding complaints of police misconduct and make recommendations for discipline without a hearing and which cannot be appealed.
44. The Local Law conflicts with CSL §75 and Unconsolidated Law §891 by inserting the PRB into the disciplinary process for complaints of police misconduct, changing the procedure and requiring the officer or body having the power to remove the officer charged to await the completion of the PRB investigation, determination, and recommendation before imposing discipline or proceeding to a hearing.

45. The Local Law conflicts with CSL §75 and Unconsolidated Law §891 by requiring the officer or body having the power to remove the officer charged provide the PRB with a written explanation of his or her decision to discipline or not, a description of the discipline imposed, if any, and an explanation why and how it may differ from the PRB’s recommendation.

46. The Local Law conflicts with CSL §75 and Unconsolidated Law §891 by prohibiting the independence and impartiality of the officer or body having the power to remove the officer charged by requiring the officer or body to wait for the PRB’s investigation, determination and recommendation regarding discipline and to substantiate any contrary disciplinary decisions.

47. The Local Law conflicts with CSL §75 and Unconsolidated Law §891 by inserting an independent civilian “review” consisting of an investigation, determination and recommendation into the statutory procedure and delaying and interfering with the disciplinary process.

48. The Local Law is therefore inconsistent with CSL §§75 and 76 and Unconsolidated Law §891.

2) The Local Law is inconsistent with the Civil Service Law and the New York State Constitution.

49. Article I, §17 of the New York State Constitution provides that “Employees shall have the right to organize and to collectively bargain through representatives of their own choosing.”

50. CSL §202 provides that public employees shall have the right to form, join and participate in any employee organization of their own choosing.

51. CSL §203 provides public employees shall have the right to be represented by employee organizations and to negotiate collectively with their public employers in the determination of their terms and conditions of employment.

52. CSL §204(2) provides that a public employer “shall be, and hereby is, required to negotiate collectively with such employee organization in the determination of, and

administration of grievances arising under, the terms and conditions of employment of the public employees as provided in this article, and to negotiate and enter into written agreements with such employee organizations in determining such terms and conditions of employment.”

53. CSL §75(2) provides that this “subdivision shall not modify or replace any written collective agreement between a public employer and employee organization negotiated pursuant to article fourteen of this chapter.”

54. CSL §76(4) provides that the disciplinary provisions of CSL §75 and §76 “may be supplemented, modified or replaced by agreements negotiated between the state and an employee organization pursuant to article fourteen of this chapter.”

55. Article I, §17 of the New York State Constitution, and CSL §§ 202, 203, 204(2), 75(2) and 76(4) are all general laws.

56. Collective bargaining is mandatory under the Civil Service Law and the State Constitution.

57. Discipline and disciplinary procedures are terms and conditions of employment and mandatory subjects of bargaining.

58. The City is a public employer vested with the right, authority and duty to negotiate with Local 3471, a recognized employee organization, concerning the terms and conditions of employment for GPD Officers.

59. The City is not exempt from collective bargaining on the subject of police discipline.

60. The Local Law inserted the PRB into the disciplinary process that governs Local 3471 and established different police disciplinary procedures regarding complaints of officer misconduct without the City engaging in collective bargaining with Local 3471.

61. The Local Law changed how police misconduct is investigated, the time provisions regarding the disciplinary process and the manner in which disciplinary determinations are made without preserving either the City's or Local 3471's rights to collectively bargain these terms and conditions of employment.

62. The Local Law was nonnegotiable.

63. The Local Law impairs, precludes or prohibits the full range of collective bargaining regarding the terms and conditions of police officer employment to which Local 3471 and the City is entitled under the Civil Service Law and the State Constitution.

64. The Local Law is therefore inconsistent with Article I, §17 of the New York State Constitution, and CSL §§ 202, 203, 204(2), 75(2) and 76(4).

3) The Local Law is inconsistent with Civil Service Law §209-a.1.(e).

65. The City and Local 3471 negotiated terms and conditions of employment, including discipline and disciplinary procedures, in accordance with the Civil Service Law which resulted in a series of collective bargaining agreements, the most recent of which is the CBA.

66. The CBA made between the City and Local 3471 has expired.

67. CSL §209-a.1.(e) requires the City to continue all the terms of the expired CBA until a new agreement is negotiated.

68. The Local Law has changed the disciplinary procedures set forth in the CBA and imposed the PRB into the disciplinary process regarding complaints of police misconduct.

69. The Local Law precludes the rights and obligations of the City and Local 3471 in the CBA concerning discipline from continuing as they are written without interference from the PRB.

70. The Local Law therefore is inconsistent with CSL §209-a.1.(e).

71. Accordingly, as set forth above in Section A. 1), 2) and 3), Local Law No. 1-2021 is inconsistent with the state constitution and general law and therefore violates MHRL §10 and article IX §2 of New York State Constitution.

B. Local Law No. 1-2021 violates the CBA.

72. The Local Law violates Article 16 of the CBA by authorizing the PRB to question and investigate GPD Officers.

73. The Local Law violates Article 16 of the CBA by not permitting union representation during the investigation of GPD Officers by the PRB.

74. The Local Law violates Article 16 and Article 19 of the CBA by permitting complaints of officer misconduct to be submitted anonymously and by permitting complainants to remain anonymous.

75. The Local Law violates Article 19 of the CBA by precluding complaints of officer misconduct to be resolved through summary discipline or formal discipline without the input or interference of the PRB.

76. The Local Law violates Articles 16 and 19 of the CBA by proscribing different disciplinary procedures for complaints of officer misconduct, including non-appealable PRB determinations and requiring the Chief of Police to wait for the PRB's investigation, determination and recommendation, before proceeding with and determining discipline.

77. The Local Law violates Articles 16 and 19 of the CBA by requiring the participation of the PRB in the disciplinary process regarding complaints of police misconduct.

78. The Local Law violates Articles 16 and 19 of the CBA.

C. Local Law No. 1-2021 violates existing provisions of the City Charter.

79. The Local Law does not amend or repeal any portions of the City Charter.

80. Pursuant to MHRL §11(2)(b), a municipality is not authorized to adopt a local law inconsistent with its charter.
81. Article III, §3.9(B) of the City Charter states that “no appropriation of money shall be made for any use or purpose except by resolution specifying the amount thereof and the department or specific purpose for which the appropriation is made.” (**Exhibit A**, §3.9(B))
82. The Local Law states that the PRB “shall report expenses incurred for the first twelve (12) months and prepare a budget for approval in subsequent years.” (**Exhibit B**, §15-14 (3)(L))
83. The Local Law conflicts with how money appropriations are made under the City Charter. (**Exhibit A**, §§3.9(B), 4.2 (1), 5.1- 5.15.)
84. No provision of the Local Law amends or modifies §3.9(B) or any other budgetary provision of the City Charter.
85. Article IX, §9.2 of the City Charter establishes the powers and responsibilities of the Chief of Police.
86. The Chief “shall appoint and remove all other officers and employees of the Department...” (**Exhibit A**, §9.2)
87. The Chief “shall make rules and regulations concerning the operation of the department, and the conduct, duties, and assignments of all officers and employees which rules, and regulations shall first be approved by the City Manager.” (**Exhibit A**, §9.2)
88. The Chief “shall be responsible for the efficiency, discipline, and good conduct of the Department...” (**Exhibit A**, §9.2)
89. The Local Law creates the PRB whose powers limit or curtail the powers of the Chief of Police.

90. The Local Law requires the Chief to share with the PRB “all evidence considered by the GPD with the findings and determinations of the GPD internal investigation, unless prohibited by law.” (**Exhibit B**, §15-8 (3))

91. The Local Law gives the PRB the power to conduct investigations of police misconduct. (**Exhibit B**, §15-9)

92. The Local Law limits the authority of the Chief of Police to determine discipline by requiring the Chief to wait for the PRB’s investigation, determination and recommendation before proceeding with and determining discipline. (**Exhibit B**, §§15-9 to 15-13)

93. The Local Law limits the authority of the Chief of Police by requiring the Chief to justify his disciplinary determinations to the PRB under the threat that any disciplinary determinations contrary to the PRB’s “recommendations” will be subject to public scrutiny. (**Exhibit B**, §§15-8 - 15-11, 15-14 (F), (G).)

94. The Local Law encroaches on the authority of the Chief of Police to make rules and regulations by permitting the PRB to make policy “recommendations”, including recommendations related to procedures, patterns, practices, and disciplinary matrix(s), and requiring the Chief to implement said recommendations or disciplinary matrix(s) or provide written justification not to implement under the threat that PRB policy recommendations and/or matrix(s) not implemented will be reported to the public. (**Exhibit B**, §15-13(1), (3), (4) and (5))

95. The Local Law curtails the authority of the Chief of Police by requiring the Chief to report to the PRB and to justify of his determinations regarding discipline or GPD policy to the PRB.

96. No provision of the Local Law amends or modifies §9.2 of the City Charter to change or limit the authority of the Chief of Police.

97. The Local Law violates §3.9(B), §4.2 (1), Article V, and §9.2 of the City Charter and therefore also violates MHRL §11(2)(b).

D. Local Law No. 1-2021 Violates Municipal Home Rule Law §23.

98. Municipal Home Rule Law §23(2)(f) provides that a local law shall be subject to mandatory referendum if it abolishes, transfers or curtails any power of an elective officer.

99. Plaintiffs repeat and reallege paragraphs 49 to 64 of Section A. 2 of this complaint as if fully set forth herein.

100. The adoption of the Local Law curtails the power of the City Council by unlawfully precluding the City's right to engage fully in collective bargaining regarding disciplinary procedures as terms and conditions of police officer employment.

101. Plaintiffs repeat and reallege paragraphs 72 to 78 of Section B of this complaint as if fully set forth herein.

102. By violating the CBA, the Local Law curtails the power of the City Council to meet its contractual obligations to the plaintiffs.

103. Plaintiffs repeat and reallege paragraphs 79 to 84 of Section C of this complaint as if fully set forth herein.

104. The adoption of the Local Law curtails the power of the City Council by abolishing its right to determine the budget for the PRB in its first year in accordance with Article III, §3.9(B), §4.2(1) and Article V of the City Charter.

105. Pursuant to the City Charter, the City Council has broad power to appoint board members with the only restrictions being that a City Council member cannot hold any appointive office and that any board shall consist of not more than a bare majority at any time of adherents of the same political party. (**Exhibit A**, §§2.4 and 2.5)

106. The adoption of the Local Law curtails the power of the City Council by limiting its broad power of appointment granted by the City Charter and significantly restricting the applicants City Council can appoint to the PRB. (**Exhibit B**, §15-3 (1) (A)–(E), (2) (A) (1)-(5))

107. Pursuant to the City Charter, the City Council has the power to remove any board member appointed by it at any time by a majority vote of its full membership. (**Exhibit A**, §2.9)

108. The adoption of the Local Law curtails the power of the City Council by limiting its broad power of removal of board members granted by the City Charter to permit removal only for the failure of a board member to adhere to PRB policies and/or inadequate attendance at PRB meetings. (**Exhibit B**, §15-3 (4) (D))

109. Pursuant to the City Charter, the City Council and its appointees, the City Manager and the Chief of Police, have been granted the power to investigate the official conduct of GPD officers. (**Exhibit A**, §§3.13, 4.4, 9.2)

110. The Local Law grants the PRB the power to investigate the official conduct of GPD officers by conducting its own supplementary investigation, including the right to issue subpoenas. (**Exhibit B**, §15-9(1)-(7))

111. The adoption of the Local Law curtails the power of the City Council by usurping the investigative functions of the City Council regarding police misconduct and giving those functions to the PRB.

112. The adoption of the Local Law curtails the power of the City Council by usurping the investigative functions of its appointee, the City Manager, regarding police misconduct and giving its appointee’s functions to the PRB.

113. Pursuant to the City Charter, the Chief of Police, as an appointee of the City Manager who is an appointee of the City Council, is responsible for police discipline and the good conduct of the GPD. (**Exhibit A**, §§2.2 and 9.2)

114. Plaintiffs repeat and reallege paragraphs 85 to 96 of Section C of this complaint as if fully set forth herein.

115. The Local Law limits or curtails the powers and responsibilities of the City Council's appointee, the Chief of Police, granted by the City Charter, by usurping the functions of the Chief of Police to make police department policy, investigate police misconduct and to render discipline, providing these same functions to the PRB and making the Chief's functions contingent on the actions of the PRB.

116. The Local Law curtails the power of the City Council and its appointees.

117. The City Council was required to submit the Local Law to a referendum.

118. The City Council failed to submit the Local Law to a referendum.

119. The Local Law was adopted in violation of MHRL §23(2)(f).

FIRST CAUSE OF ACTION – DECLARATORY JUDGMENT

120. Plaintiffs repeat and reallege each and every preceding paragraph of this complaint as if fully set forth herein.

121. Pursuant to §3.9(A) of the City Charter, “[i]n acting upon a local law, the City Council shall comply with the requirements of the Municipal Home Rule Law.”

122. Local Law No. 1-2021 is inconsistent with the state constitution and general law and therefore violates MHRL §10 and article IX §2 of New York State Constitution.

123. The Local Law violates Articles 16 and 19 of the CBA.

124. The Local Law violates §3.9(B), §4.2 (1), Article V, and §9.2 of the City Charter and MHRL §11(2)(b).

125. The Local Law was adopted in violation of MHRL §23(2)(f).

126. Based on the foregoing allegations of this complaint, Plaintiffs are entitled to a declaration that Local Law No. 1-2021 is invalid, void and unenforceable.

SECOND CAUSE OF ACTION- PERMANENT INJUNCTION

127. Plaintiffs repeat and reallege each and every preceding paragraph of this complaint as if fully set forth herein.

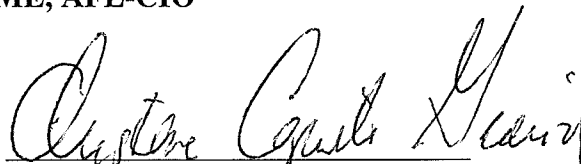
128. Based on the foregoing allegations of this complaint, Plaintiffs are entitled to a permanent injunction enjoining Defendants from implementing any part of Local Law No 1-2021 or putting Local Law No 1-2021 into effect.

WHEREFORE, Plaintiffs respectfully request that the Court issue a Judgment declaring Local Law No 1-2021 invalid, void and unenforceable and granting a permanent injunction restraining, enjoining and prohibiting Defendants from taking any action that implements Local Law No 1-2021 or putting Local Law 1-2021 into effect, along with such other and further relief as the Court deems just and proper.

Dated: June 1, 2021
Albany, New York

**THE NEW YORK STATE LAW ENFORCEMENT
OFFICERS UNION, COUNCIL 82,
AFSCME, AFL-CIO**

By:



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