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Letters to the Editor

Daily News

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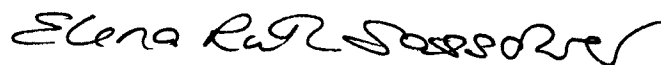
RE: "O'Rourke's Pork" (2/5/98)

Dear Editor:

We share your outrage that former Westchester County Executive Andrew O'Rourke -- now Court of Claims Judge -- is collecting an \$80,000 pension on top of his \$113,000 judicial salary. However, it is NOT a "loophole" in the Retirement and Social Security Law that has allowed this. Rather, the Office of Court Administration (OCA) has BROKEN THE LAW in approving Mr. O'Rourke to be hired as a "retired person" eligible to collect his pension.

The law is very clear that for Mr. O'Rourke to be re-employed in public service as a "retired person", his "prospective employer" had to make a "written request" showing that he met its specific requirements. These include, that he is "duly qualified", that there is a "need for his services", that "there are not readily available for recruitment persons qualified to perform the duties of such position" and that his "employment is in the best interests of government service". Even still, the head of the OCA could NOT lawfully approve the application without a "finding, on evidence" that these requirements had, in fact, been met. Moreover, to prevent abuse, the law REQUIRES the application request and findings and determination to be "a public record open for inspection".

Our non-partisan, non-profit citizens' organization has demanded that the OCA respect the public's right to inspect Mr. O'Rourke's application and the documents relating to its approval. We have also called upon the OCA head to rescind the approval based on the EXPLICIT requirements of the law, which the overwhelming, publicly-available evidence shows Mr. O'Rourke could not remotely meet. Indeed, we have called for an investigation of the OCA for its blatant misrepresentation of the law to cover up its improper approval of the request.



ELENA RUTH SASSOWER, Coordinator
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