

**NYSCOPBA
POLICY & PROCEDURES
MANUAL**



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd. - Albany, NY 12209
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



To: NYSCOPBA Chief Sector Stewards

From: Chris Summers, Recording Secretary

Date: January 10, 2018

Re: NYSCOPBA Policy and Procedures Manual

In keeping with the June 26, 2003 Motion, passed by the Executive Assembly, to create and maintain a Policy and Procedures Manual, below is an index of materials contained herein.

The manual should be updated at the Sector level whenever changes are made.

This information is available on NYSCOPBA's website as well.

- Certificate of Incorporation
- Constitution & By-Laws
- Confidentiality Policy
- Whistleblower Policy
- Conflict of Interest Policy
- Judicial & Ethics Policy
- Rainy Day Fund Policy
- Legal Defense Fund Policy
- Policy for Recovering Funds and Property
- Political Action Contributions Policy and Procedure
- Employment Policy
- Policy for Non-Cooperation in NOD Defense Representation
- Retiree Chapter Policy
- Sector Reporting Policy
- Sector Funds Reimbursement Procedures and Forms
- Veterans Committee Policy – Veterans Motions
- Dependent Scholarship Policy
- Media Guidelines
- Miscellaneous Standing Policies adopted by the Executive Assembly

MOTION SHEET

I move we create a policy that reflects the Executive Assembly is the governing board who sets all policies, aims and goals of this Organization by which the Executive Board is mandated to follow.

Motion Made by: Randy McAdam

Motion Seconded by: Frank McKinney

Motion **Passed**/Defeated: Unanimous

Date: September 23, 2003

MOTION SHEET

NYSCOPBA Standard Operating Policy and Procedure Manual shall be developed and maintained by the Executive Board, with the approval of the Executive Assembly, to help assist in the conduct of daily affairs of the Association. The Executive Board shall be responsible for the implementation of all policy and procedure decisions of the Executive Assembly.

Motion Made by:

Simun Matesic
Robet Centore

Motion **Passed**/Defeated:

Unanimous

Date: 6/26/2003

MOTION SHEET

Motion:

That a tentative policy, of any and all policies made by the EA to be sent to the Membership services to be programmed onto the disc that membership services distributes.

Motion Made by:

Paul Mikolajczyk
Sing Sing

Motion Seconded by:

Frank McKinney
Lyon Mountain

Motion **Passed**/ Defeated: Unanimous

Date:

September 6, 2001

NYSCOPBA
PHONE EXTENSION LIST

| | |
|--|-------------------------|
| Allen, Michelle (Administrative Asst.) | 225 |
| Betts, Dana (Workers Comp/ Health Safety) | 247 |
| Brunelle, Ricky (Northern Region Business Agent) | 243 |
| Carpenter, Scott (Central Region VP) | 315-736-5479 |
| Christian, Al (Law Enforcement Business Agent) | 244 |
| Conference Room #1 (Main-Rear) | 264 |
| Conference Room #2 (Front) | 265 |
| Conference Room (Main-Rear/ AV System) | 267 |
| Cronin, Bob (Grievance Director) | 259 |
| (Membership Services) | 256 |
| Flanagan, Stephanie (Membership Services) | 261 |
| Gilbo, Frank (Treasurer) | 240 |
| Gulino, Mary (Office Manager) | 227 |
| Harmon, John (Law Enforcement VP) | 316 |
| Hebert, Kim (Member Services Asst/ Scholarships) | 234 |
| Janes, Rich (Law Enforcement Support Staff) | 231 |
| Lobby at Front Desk | 263 |
| Lunchroom (Downstairs) | 254 |
| Lunchroom (Upstairs) | 232 |
| Luther, David (Southern Region VP) | 914-375-7527 |
| Manning, Kayla (Accounting – Sectors) | 241 |
| Marro, Mike (Grievance Dept., Staffing) | 253 |
| Mazzella, Mike (Mid Hudson VP) | 845-563-8700 |
| Miano, Joe (Western Region Vice President) | 585-382-3120 |
| Miller, Jim (Public Relations) | 230 |
| Naylor, Bill (Retirement/ Retirement Disability) | 257 |
| NYSCOPBA Headquarters Fax | 518-426-1635 |
| Pascuzzi, Nicole (Accounting Asst.II/ Accts Payable) | 249 |
| Powers, Michael (President) | 302 |
| Roberts, John (Northern Region VP) | 243 |
| Sawchuk, Tammy (Executive Vice President) | 304 |
| Sellers, Bill (Sergeant Liaison) | 266 |
| Smith, Sharon (Health Benefits) | 236 |
| Summers, Chris (Recording Secretary) | 242 |
| Suominen, Lisa (Receptionist/Administrative Asst.) | 221/315 |
| Trotter, Doug (Law Enforcement Business Agent) | 231 |
| Valente, Daniel (Legislative Director) | 306 |
| Veterans Committee | 303/518-441-2036 |
| Viddivo, Dave (Special Asst. to the President) | 237 |

SATELLITE OFFICES

| | | |
|------------------------|--|--|
| Central Region | Scott Carpenter Jason Combs | 315-736-5479 Fax 315-736-5541 |
| Mid-Hudson | Mike Mazzella Larry Flanagan | 845-563-8700 Fax 845-563-9077 |
| Southern Region | David Luther Karlechia Quinn-Moore | 914-375-7527 Fax 914-375-7529 |
| Western Region | Joe Miano Al Mothershed, Dave Tessmer | 585-382-3120 Fax 585-382-9275 |

CERTIFICATE OF INCORPORATION

of

**NEW YORK STATE CORRECTIONAL OFFICERS AND POLICE BENEVOLENT
ASSOCIATION, INC.**

Under Section 402 of the Not-For-Profit Corporation Law

The undersigned, for the purpose of forming a corporation under Section 402 of the Not-For-Profit Corporation Law of the State of New York, does hereby certify:

1. The name of the Corporation is NEW YORK STATE CORRECTIONAL OFFICERS AND POLICE BENEVOLENT ASSOCIATION, INC. (the Corporation").

2. The purposes for which the Corporation is formed and the powers which may be exercised by the Corporation, in addition to the general powers set forth in Section 202 of the Not-For-Profit Corporation Law of the State of New York are:

- (a) to protect and promote the interests of its members in connection with their employment;
- (b) to better the conditions of employment of its members, improve their services and develop a higher degree of efficiency in their respective occupations; and
- (c) to do any and all acts or things necessary, suitable, appropriate, proper or incidental in connection with any of the foregoing purposes, or in advancement thereof, which may be done by a corporation organized for such purposes under the laws of the State of New York, and to exercise any and all powers which may now or hereafter be lawful for the Corporation to do or exercise under or pursuant to the laws of the State of New York for

the purposes of accomplishing any of the other purposes of the Corporation as set forth herein, which do not require the prior consent of any governmental organization, unless such consent is obtained.

3. The Corporation is a corporation as defined in subparagraph (a)(5) of Section 102 of the Not-For-Profit Corporation Law, and it is a Type A Corporation.

4. No part of the net earnings of the Corporation shall inure to the benefit of any of its members.

5. The principal office of the Corporation is to be located in the City of Albany, County of Albany and State of New York.

6. The names and residence addresses of the initial directors of the

Corporation are:

| Name | Address |
|------------------|---|
| Brian Shanagher | 79 Academy Avenue Cornwell-on-Hudson New York 12520 |
| William West | 122 CE Penny Drive Wallkill, New York 12589 |
| Robert Cronin | 44 King Avenue Hudson Falls, New York 12839 |
| Patrick Vaccarro | 281 Parkdale Avenue Buffalo, New York 14213 |

7. The Secretary of State of the State of New York is hereby designated as the agent of the Corporation upon whom process may be served, and the post office address to

which the Secretary of State shall mail a copy of any such process served upon him is New York State Correctional Officers and Police Benevolent Association, Inc., 121 State Street, Albany, New York 12207.

8. The subscriber hereof is over the age of 18 years, is a citizen of the United States and is a resident of the State of New York.

9. The Corporation shall have perpetual duration.

State of New York)
Department of State) SS:

I hereby certify that the annexed copy has been compared with the original document filed by the Department of State and that the same is a true copy of said original.

Witness my hand and seal of the Department of State on

March 18, 2005



A handwritten signature in black ink, appearing to read "R. M. S.", is written over the printed title.

Secretary of State

STATE OF NEW YORK
DEPARTMENT OF STATE

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.

WITNESS my hand and official seal of the
Department of State, at the City of Albany,
on August 7, 2015.



Anthony Giardina

Anthony Giardina
Executive Deputy Secretary of State

150612000

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Received

MAR 12 2015

**CERTIFICATE OF AMENDMENT OF THE
CERTIFICATE OF INCORPORATION OF NEW
YORK STATE CORRECTIONAL OFFICERS
AND POLICE BENEVOLENT ASSOCIATION,
INC.**

Industrial Board of Appeals

Under Section 803 of the Not-for-Profit Corporation Law

1. The name of the Corporation is New York State Correctional Officers and Police Benevolent Association, Inc. This name has never been changed.

2. The date of filing of the certification of incorporation in the office of the Secretary of State of New York is March 2, 1998 and the certificate of incorporation was filed under Section 402 of the Not-for-Profit Corporation Law.

3. A certificate of amendment of the certificate of incorporation, adding Article 10 of the Certificate of Incorporation was filed in the office of the Secretary of State of New York on March 18, 2005.

4. The Corporation is a corporation as defined in Section 102(a)(5) of the Not-for-Profit Corporation Law. The Corporation is a non-charitable corporation under Section 201 of the Not-for-Profit Corporation Law (previously referred to as a Type "A" corporation), the corporate purposes are not changed hereby.

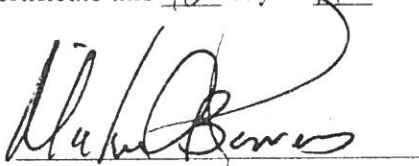
5. The provision of Article 10(b) of the Certificate of Incorporation, which was added pursuant to the Certificate of Amendment filed on March 18, 2005, is hereby amended to read as follows:

(b) The Executive Assembly shall approve all contracts, purchases or expenditures having an aggregate value of One Hundred Twenty Thousand (\$120,000) or more...

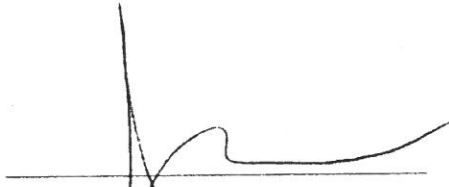
6. The undersigned have been authorized to execute and file this Certificate of Amendment by the concurring vote of a majority and quorum of the Executive Assembly, comprised of the representatives of the members and exercising all of the rights, powers and privileges of members pursuant to Section 603(d) of the Not-for-Profit Corporation Law, at a regular meeting thereof held upon due notice pursuant to Section 605 of the Not-for-Profit Corporation Law, as more fully appears by the affidavit of the undersigned hereto annexed.

7. The Secretary of State is designated as the agent of the Corporation upon whom process against it may be served and the post office address to which the Secretary of State shall mail a copy of any process against it served upon the Secretary of State is, New York State Correctional Officers and Police Benevolent Associations, Inc. 102 Hackett Boulevard, Albany, New York, 12209.

IN WITNESS WHEREOF, the undersigned have made, subscribed and acknowledged this Certificate this 10th day of March 2015.



Michael Powers
President

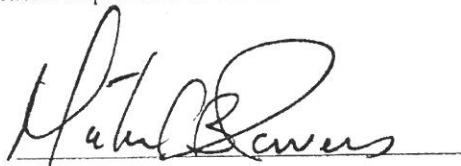


John Telisky
Treasurer

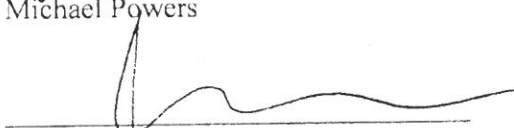
VERIFICATION

STATE OF NEW YORK)
) SS:
COUNTY OF ALBANY)

MICHAEL POWERS, and JOHN TELISKY, being duly sworn, depose and say, and each for himself deposes and says, that Michael Powers is President and John Telisky is Treasurer of New York State Correctional Officers Police Benevolent Association, Inc., the Corporation described in the foregoing Certificate, that a regular meeting of the Executive Assembly of the Corporation was held on the 25th day of February 2015, upon notice pursuant to Section 605 of the Not-for-Profit Corporation Law of the State of New York, that a quorum of the Executive Assembly was present in person at said meeting, and that at said meeting the deponents were authorized to execute and file the foregoing Certificate by the majority vote of the members of the Executive Assembly, which vote also constituted a quorum of the said Executive Assembly.

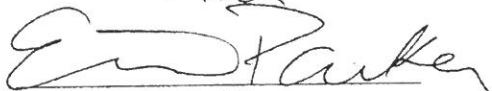


Michael Powers



John Telisky

Sworn to before me this
10 day of ~~February~~, 2015
March



Notary Public

4851-0450-0770, v. 1

ERIN N. PARKER
Notary Public, State of New York
No. 02WA6163368
Qualified in Albany County
Commission Expires March 28, 2017


CERTIFICATION

STATE OF NEW YORK)
) ss:
INDUSTRIAL BOARD OF APPEALS)

I, Devin A. Rice, an attorney licensed to practice in all the courts of the state of New York and Associate Counsel to the New York State Industrial Board of Appeals, do hereby certify that:

The attached is a true copy of a Resolution of Decision dated April 29, 2015, in the Matter of the Application of NEW YORK STATE CORRECTIONAL OFFICERS AND POLICE BENEVOLENT ASSOCIATION, INC., filed under IBA Docket Number CI 15-006 which I have compared with the original in this office and which I do hereby CERTIFY to be a true and correct transcript thereof.

IN WITNESS WHEREOF, I set my hand and the seal of the Industrial Board of Appeals, this 8th day of May 2015.



Devin A. Rice
Associate Counsel

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

-----X
In the Matter of the Application of: :
 :
NEW YORK STATE CORRECTIONAL OFFICERS :
AND POLICE BENEVOLENT ASSOCIATION, :
INC., :
 :
For Approval of an Amendment to a Corporate :
Instrument Pursuant to New York State Labor Law :
§ 104 and New York State Not-for-Profit Corporation :
Law § 404 (j). :
-----X

DOCKET NO. CI 15-006

RESOLUTION OF APPROVAL


WHEREAS:

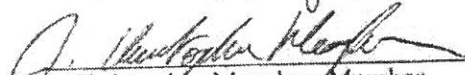
1. An application having been filed on March 12, 2015, for approval of an amendment to a previously approved Certificate of Incorporation in the above entitled matter; and
2. The Board having made such inquiry into the objectives and purposes of the amendment as it has deemed necessary and advisable; and
3. The Board, having given due consideration to all the papers filed herein, makes the following determinations pursuant to the provisions of Labor Law §104:
 - (a) the stated purposes of the proposed amendment are consistent with public policy and the Labor Law; and
 - (b) no further hearing herein is necessary.

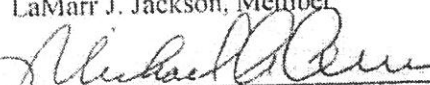
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:


1. The said Amendment to Certificate of Incorporation is approved; and
2. A certified copy of this Resolution be annexed thereto.

WITNESS, the signatures of the Members of the Industrial Board of Appeals and the Seal of the Industrial Board of Appeals of the State of New York, at Albany, New York, on the 29th day of April, 2015.


Vilda Vera Mayuga, Chairperson


J. Christopher Meagher, Member

LaMarr J. Jackson, Member

Michael A. Arcuri, Member

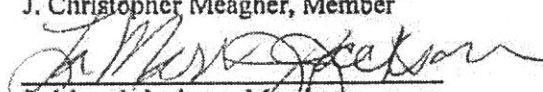

Frances P. Abriola, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at Albany, New York on
April 29, 2015.

WITNESS, the signatures of the Members of the Industrial Board of Appeals and the Seal of the Industrial Board of Appeals of the State of New York, at Albany, New York, on the 29th day of April, 2015.

Vilda Vera Mayuga, Chairperson

J. Christopher Meagher, Member



LaMarr J. Jackson, Member

Michael A. Arcuri, Member

Frances P. Abriola, Member

Dated and signed by a Member
of the Industrial Board of Appeals
at Buffalo, New York on
April 29, 2015.

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CERTIFICATE OF AMENDMENT
OF THE
CERTIFICATE OF INCORPORATION
OF

New York State Correctional Officers and Police Benevolent Association, Inc.
(Name of Domestic Corporation)

Under Section 803 of the Not-for-Profit Corporation Law

Filer's Name Sheehan Greene Golderman & Jacques, LLP

Address 54 State Street, Suite 1001

City, State and Zip Code Albany, NY 12207

NOTE: **The certificate must be submitted with a \$30 filing fee.** This form was prepared by the New York State Department of State. It does not contain all optional provisions under the law. You are not required to use this form. You may draft your own form or use forms available at legal stationery stores. The Department of State recommends that all documents be prepared under the guidance of an attorney. **Please be sure to review Section 804 and Section 404 of the Not-for-Profit Corporation Law to determine if any consents or approvals are required to be attached to this certificate of amendment.**

For Office Use Only

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED JUN 12 2015
TAXS _____
BY: [Signature]

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F050816000986

**CERTIFICATE OF AMENDMENT OF
THE CERTIFICATE OF INCORPORATION OF
NEW YORK STATE CORRECTIONAL OFFICERS
AND POLICE BENEVOLENT ASSOCIATION, INC.**

Under Section 803 of the Not-for-Profit Corporation Law

1 The name of the Corporation is New York State Correctional Officers and Police Benevolent Association, Inc This name has never been changed

2 The date of filing of the certificate of incorporation in the office of the Secretary of State of New York is March 2, 1998 and the certificate of incorporation was filed under Section 402 of the Not-for-Profit Corporation Law

3 The Corporation is a corporation as defined in Section 102(a)(5) of the Not-for-Profit Corporation Law The Corporation is a Type "A" corporation under Section 201 of the Not-for-Profit Corporation Law, the corporate purposes are not changed hereby

4. The provision added to the Certificate of Incorporation is intended to clarify certain internal procedures by adding Article 10 of the Certificate of Incorporation, the full text of which reads as follows

10 The Executive Board, as the board of directors of the corporation, shall manage the day-to-day affairs of the corporation subject, however, to the authority of the Executive Assembly, comprised of the elected representatives of the members chosen in accordance with the Bylaws, as follows:

(a) The Executive Assembly shall have final authority with respect to all budgetary matters, including the adoption of the corporation's budget

(b) The Executive Assembly shall approve all contracts, purchases or expenditures having an aggregate value of Twenty-Five Thousand (\$25,000) or more

(c) The Executive Assembly shall have final

/

authority with respect to the approval of professional agreements and the retention of professional advice and services

(d) The Executive Assembly shall have final authority with respect to the hiring and dismissal of all employees, consultants and staff

(e) The actions and proceedings of the Executive Assembly shall not be subject to annulment or supersession by the board of directors

5 The undersigned have been authorized to execute and file this Certificate of Amendment by the concurring vote of a majority and quorum of the Executive Assembly, comprised of the representatives of the members and exercising all of the rights, powers and privileges of members pursuant to Section 603(d) of the Not-for-Profit Corporation Law, at a regular meeting thereof held upon due notice pursuant to Section 605 of the Not-for-Profit Corporation Law, as more fully appears by the affidavit of the undersigned hereto annexed

6 The Secretary of State is designated as the agent of the Corporation upon whom process against it may be served and the post office address to which the Secretary of State shall mail a copy of any process against it served upon the Secretary of State is, New York State Correctional Officers and Police Benevolent Association, Inc , 102 Hackett Boulevard, Albany, New York, 12209

IN WITNESS WHEREOF, the undersigned have made, subscribed and acknowledged this Certificate this 26 day of Oct, 2004

2

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

Evelyn C Heady
Chairwoman

Mark S Perla
Gregory A. Monteleone
Walter J Sakowski, Jr



John G Binseel
Linda D Cleary
Counsel

EMPIRE STATE PLAZA
AGENCY BUILDING 2, 20TH FLOOR
ALBANY, NEW YORK 12223

Members

(518) 474-4785
FAX (518) 473-7533

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

-----X
In the Matter of the Application of :

NEW YORK STATE CORRECTIONAL OFFICERS
AND POLICE BENEVOLENT ASSOCIATION, INC., .

DOCKET NO CI-04-023

For Approval of an Amendment to the Certificate of
Incorporation Pursuant to Section 404 of the
New York State Not-for-Profit Corporation Law .

-----X
RESOLUTION OF APPROVAL

WHEREAS:

1. An application having been duly made for approval of said proposed Certificate of Amendment to the Certificate of Incorporation, pursuant to Not-For Profit Corporation Law Section 404, Labor Law Section 104 and Part 67 of the Board's Rules of Procedure and Practice (12 N Y C R.R. Part 67) on October 26, 2004. This application was based upon a vote taken by NYSCOPBA's Executive Assembly, on October 26, 2004; and
2. The Board was served with an Order to Show Cause (NY Supreme Court - County of Albany, Index Number 7282/04), signed November 22, 2004, concerning this application. The Board was not enjoined from taking any action by this Order, which is currently pending before the Court. The Board was also served with a Summons and Verified Complaint in the same action; and
3. The original Certification of Incorporation was considered and approved by the Industrial Board of Appeals on February 25, 1998, under docket number CI-3-98; and
4. An earlier application for approval of an Amendment to the Certificate of Incorporation was filed with the Board by this Applicant on October 21, 2004, under docket number CI-04-022; and

Visit our Website at <http://www.labor.state.ny.us/iba/index.htm>

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- 5 The earlier application was the subject of three Orders to Show Cause served upon the Board ((1) Order to Show Cause (NYS Supreme Court – County of Queens, Index Number 14585/04), signed October 25, 2004, with a Temporary Restraining Order, temporarily enjoining the Board from taking any action based upon the amended Certificate of Incorporation, (2) Order to Show Cause (NYS Supreme Court – County of Queens, Index Number 14585/04), signed October 26, 2004, and (3) Order to Show Cause (NYS Supreme Court – County of Queens, Index Number 14585/04) signed October 27, 2004; and
6. By Order dated February 2, 2005, NYS Supreme Court Justice Allan B Weiss dismissed the three (3) Orders to Show Cause listed in paragraph number 5 above, in their entirety, on the basis there is no action pending before the court; and
- 7 By letter dated October 27, 2004, the attorneys for the Applicant notified the Board that the first application, subject of the litigation referenced in paragraph number 5 above, was withdrawn The Board discontinued this application by decision dated February 23, 2005, and
8. The Board began receiving written requests to intervene and be heard concerning the application almost as soon as it was filed, and continued to receive letters and petitions, both in support of and objecting to the application, from members of NYSCOPBA As of the date of this Resolution, the Board has received approximately 4930 letters/signatures from NYSCOPBA members, with 2929 letters/signatures in support of the application, and 2001 letters/signatures objecting to the application, and
- 9 Upon written notice by the Board, dated December 21, 2004, a public hearing was scheduled to be held, in Albany, New York at 10 00 a.m on Tuesday, January 18, 2005 Thereafter, an Amended Notice of Public Hearing, for the same date and time but relocating the hearing's location to a larger venue, was issued on January 6, 2005 A copy of the amended notice was sent via first class mail to everyone who had indicated an interest in the application and provided the Board with a legible mailing address, and
10. A public hearing was held on Tuesday, January 18, 2005, in Albany, New York All persons wishing to address the Board concerning the pending application were given an opportunity to do so; and
11. The Board having made such inquiry into the objectives and purposes of the application as it has deemed necessary and advisable; and

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12 The Board having given due consideration to all the papers filed herein and the comments made during the public hearing, makes the following determinations pursuant to the provisions of Labor Law Section 104

- (a) the original certification of incorporation was approved by the Industrial Board of Appeals on February 25, 1998, under docket number CI-3-98, and filed with the New York State Department of State on March 2, 1998.
- (b) the applicant is an organization set up by its constitution as a representative or delegate voting system, as authorized by NYS Not-for-Profit Corporation Law Section 603 (d), and the Executive Assembly is the body of elected representatives who, by law, have and may exercise all the powers, rights and privileges of members at an annual meeting
- (c) that at a scheduled Executive Assembly meeting on October 26, 2004, the Executive Assembly did consider and vote, by a vote of 59 for and 27 against, to approve the proposed amendment to the Certificate of Incorporation, and direct the filing with the appropriate officials and agencies a Certificate of Amendment of the Certificate of Incorporation, and to execute and file such other documents as may be necessary to implement, effectuate and defend its provisions
- (d) that the application for approval of a corporate document, under review herein, is complete, and was filed by a party that was authorized and directed to do so
- (e) that the stated purpose of the proposed amendment is consistent with public policy and the Labor Law.
- (f) the application for approval of a Certificate of Amendment to the Certificate of Incorporation should be approved.

b.

NOW, THEREFORE, IT IS HEREBY

RESOLVED:

1. That the said Certificate of Amendment to the Certificate of Incorporation is approved;
and
- 2 That a certified copy of this Resolution be annexed thereto

WITNESS, the signatures of the Members of the Industrial Board of Appeals and the Seal of the Industrial Board of Appeals of the State of New York, at Albany, New York, on the 16th day of March 2005.


Evelyn C. Heady, Chairwoman


Mark S. Perla, Member


Gregory A. Monteleone, Member


Walter J. Sakowski, Jr., Member

Dated and Filed in the Office
of the Industrial Board of Appeals,
at Albany, New York,
on March 16, 2005.

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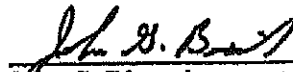
CERTIFICATION

STATE OF NEW YORK)
) ss.
INDUSTRIAL BOARD OF APPEALS)

I, John G Binseel, an attorney licensed to practice in all the courts of the state of New York and counsel to the New York State Industrial Board of Appeals, do hereby certify that:

The attached is a true copy of a Resolution of Approval dated March 16, 2005, in the Matter of the Application of NEW YORK STATE CORRECTIONAL OFFICERS AND POLICE BENEVOLENT ASSOCIATION, INC., filed under IBA Docket Number CI 04-023 which I have compared with the original in this office and which I do hereby CERTIFY to be a true and correct transcript thereof.

IN WITNESS WHEREOF, I set my hand and the seal of the Industrial Board of Appeals, this 16th day of March, 2005.



John G. Binseel
Deputy Counsel

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mk-

CERTIFICATE OF AMENDMENT OF
THE CERTIFICATE OF INCORPORATION OF
NEW YORK STATE CORRECTIONAL OFFICERS
AND POLICE BENEVOLENT ASSOCIATION, INC.

Under Section 803 of the Not-for-Profit Corporation Law

300

STATE OF NEW YORK
DEPARTMENT OF STATE

MAR 16 2005

FILED
TAXS
BY: *Walt*

Albany

HINMAN
STRAUB

ATTORNEYS AT LAW
121 STATE STREET
ALBANY, NEW YORK 12207-1693

2005 MAR 16 PM 4:24

FILED

2005 MAR 16 PM 3:59

RECEIVED

9



Constitution and Bylaws

New York State Correctional Officers &
Police Benevolent Association, Inc.

*Adopted on August 18, 1998
Amended on April 30, 2019*

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ARTICLE I NAME

The name of this organization shall be the New York State Correctional Officers & Police Benevolent Association, Inc., hereinafter referred to as the "Association". The principal offices of the Association shall be located in the County of Albany and State of New York. This Association is a non-profit corporation, organized and existing pursuant to the Not-For-Profit Corporation Law of the State of New York, and its Certificate of Incorporation has been filed with the Secretary of State, with the due consent of the appropriate authorities.

ARTICLE II PURPOSE AND OBJECTIVE

The primary purpose and objective of the Association shall be to improve the terms and conditions of employment of public employees, and in particular, members of the Security Services Bargaining Units of the State of New York, to represent such employees in collective bargaining pursuant to Article 14 of the Civil Service Law of the State of New York, and to otherwise bring together and promote the welfare of such employees, including, but not limited to, preventing wherever possible the privatization of public employee services and functions. The Association shall have the general powers set forth in Section 202 of the Not-for-Profit Corporation Law of the State of New York and the powers set forth in this Constitution and Bylaws.

This Constitution and Bylaws is the governing document of NYSCOPBA and supersedes all other NYSCOPBA policies and procedures.

The Association remains independent and never becomes a member of any organization that can or will dictate policy for the Association.

ARTICLE III MEMBERSHIP

Membership in this Association shall consist of three (3) types. First, active membership shall be open to all employees represented by the Association. Second, associate membership shall be open to all retired employees of any bargaining unit represented by the Association. Third, honorary membership shall be open to those individuals who have been determined by the Association to have made outstanding contributions to the Association or its members. Associate or honorary members cannot hold office or vote on Association business.

Any individual(s) employed by an establishment whose employees are represented by the Association shall be eligible for membership in the Association upon their first day of employment.

To become an active member an employee must execute and provide to the Association a dues deduction authorization (membership) card in a form prescribed by the Association. Individuals granted membership in the Association shall maintain their status as members

in good standing by maintaining their dues obligation, paying back the Rainy-Day Fund in a timely manner which the member has contractually agreed to repay in a timely manner and by upholding this Constitution and Bylaws¹.

NYSCOPBA services and member benefits not mandated by law shall be provided only to members in good standing. Once an individual opts out of membership or decides not to become a member, the individual will not thereafter be permitted to rejoin NYSCOPBA.²

ARTICLE IV RESERVATION OF MEMBERS' RIGHTS

The rights reserved to active members of the Association shall include, but are not limited to, the right to ratify any and all collective bargaining agreements for bargaining units in which the members are employed; such ratification process is to be conducted by an independent firm; the right to have negotiating teams which fairly reflect the composition of the bargaining units which they represent; the right to ratify any and all amendments to this Constitution and Bylaws before such amendments become effective; the right to vote in the election of officers and officials of the Association, pursuant to the procedures contained in this Constitution and Bylaws; and the right to be polled prior to endorsement by the Association of candidates for political office.³ In the event the Association conducts a poll for the endorsement of a candidate for political office, such poll shall be conducted by the Election Committee of NYSCOPBA. The count of the endorsement poll shall be open for viewing to any member of NYSCOPBA in good standing.⁴

The Association further hereby acknowledges and supports by financial means and otherwise the rights of the members to identify and address the unique needs and concerns of the membership through bargaining, legislative and administrative action.

ARTICLE V ELECTION OF OFFICERS

A. Executive Board Officers ⁵

The officers of the Association shall constitute the Executive Board. The term of office for all Executive Board Officers in the 2014 elections will be through September 2017, or until a successor for that office has been certified by the Association⁶. For all subsequent elections, the term of office shall be three (3) years for all Executive Board Officers or until a successor is certified by the Association (as in the case of a run off election). Not less than sixty (60) days prior to the date established for the election of Executive Board Officers, the Association shall call upon the membership to submit nominations for Executive Board Officers to the Election Committee. The Election Committee shall review all nominations submitted and verify that said nominee(s) are eligible to run for and hold an Executive Board office. The Election Committee shall notify all prospective candidates of their eligibility status not more than twenty (20) days after the nomination(s) were received by the Election Committee. Elections shall be by mail ballot, members shall have thirty (30) days to return ballots, and ballots shall be counted immediately following said thirty (30) day period.⁷

In order for an Executive Board candidate to be victorious in an election, the candidate must receive a majority of all votes cast (50% +1 vote). If none of the candidate(s) receive a majority of all votes cast, a second (run off) election will be conducted within two (2) weeks after the first election between the two candidates receiving the most votes in that election. In the event that only one individual who meets the eligibility criteria set forth in Article V Section B is nominated as a candidate for an Executive Board Officer for NYSCOPBA, the unopposed individual will be considered victorious for said position and no ballots will be necessary to conduct an election for that position. The victorious unopposed individual will assume the duties of the elected position upon certification of the initial ballot count.⁸

B. Eligibility

Eligibility to be nominated for and elected to hold office as an Executive Board officer in the Association shall be extended to any active member who, at the time of nomination;

- 1) At least 21 years of age at time of nomination
- 2) Has been an active member in continuous good standing for period of 2 consecutive years as of the date of election
- 3) Has served as an association official or officer not less than six consecutive months
- 4) Has not been otherwise disqualified under any other provisions as set forth in this constitution

ARTICLE VI ELECTION OF OFFICIALS

A. Sector Stewards

The Executive Assembly has the sole authority to establish and/or dissolve a sector.⁹ A sector shall consist of Association members employed at an individual work site or facility located within one of the five (5) geographic regions established by the Executive Assembly, provided however, a Sector may also include Association members of multiple work sites or facilities.¹⁰

Elections for Sector Stewards shall be held for each Sector¹¹. The term of office for Sector Stewards shall be two (2) years. Commencing with the Sector Steward elections in 2019 the term of office shall be three (3) years¹². To be eligible to run for and hold office as a Sector Steward, one must be an active member in continuous good standing for no less than six (6) consecutive months, at the time of the nomination.¹³ The Sector Stewards shall elect one steward from that sector as Chief Sector Steward.

In the event that a vacancy occurs during a Sector Steward's regular term of office, the remaining stewards from the sector in which the vacancy has arisen shall select a candidate who is an active member in continuous good standing with the Association. Should the Sector Stewards be unable to reach agreement within thirty (30) days on a candidate to fill the vacancy, an election will be held.¹⁴ Additional Sector Steward positions will be filled in accordance with the established Election Committee policy for filling vacancies.¹⁵

If a Chief Sector Steward or Sector Steward should resign from their elected position or elected sector position, a letter of resignation shall be submitted to the respective regional Vice President and Recording Secretary in accordance with the Sector reporting policy.¹⁶

The number of Sector Stewards at facilities or worksites shall be no less than;

Worksites/Facilities With

| | | | | | |
|-------------------|---|-------------------|---|----------------|----|
| 1-100 Employees | 3 | 201-300 Employees | 7 | 401+ Employees | 11 |
| 101-200 Employees | 5 | 301-400 Employees | 9 | | |

Additional Sector Steward positions may be established by a vote of the membership as outlined in Article 13(b). Any sectors with additional Stewards, the additional Stewards would remain in place until such number is reduced by that sector in accordance with Article 13(b).¹⁷

B. Officer and Official Election Procedures

Elections for officers and officials of the Association shall be conducted in accordance with the following procedures:

- 1) No candidate(s) shall hold more than one position with the Association simultaneously.
- 2) The candidate(s) for Sector Stewards receiving the highest number of votes for all duly established steward positions in that sector shall be declared the winners and shall assume that office immediately.
- 3) All elections shall be by secret ballot vote.
- 4) In the event of a tie vote between two or more candidates for the last available vacancy, there will be a run-off election among those candidates so affected.
- 5) Write-in candidates shall not be allowed.
- 6) Absentee ballots will be accepted in accordance with policies established by the Election Committee and approved by the Executive Board.
- 7) Any candidate(s) nominated for an Association office must be and remain an active member in good standing.
- 8) All elections for Executive Board Officers shall be conducted by an outside independent agency.
- 9) The Election Committee shall recommend and thereafter shall adopt procedures for expeditiously addressing challenges to the eligibility of nominees and/or the election process.

C. Recall of Sector Stewards

A Sector Steward may be subjected to a recall vote of the sector membership for violations of the Constitution and Bylaws, illegal activity, and/or failure to follow the lawful directions of the sector membership. The person or group from a sector requesting a recall vote against a Sector Steward must notify the Judicial/Ethics Committee in writing of specific violations of the Constitution and Bylaws, illegal activity, and/or failure to follow the lawful directions of the sector membership. The Judicial/Ethics Committee will, within 30 days of receipt of notification, inform the person or group instituting the recall, if said charges are bona fide. Once the person or group from the sector receives notification from the Judicial/Ethics committee that said charges are bona fide, that person or group must give prior written notice to the sector to have a motion to recall placed on the agenda. The notice must be given at least fourteen (14) days prior to the sector meeting and posted. At the sector meeting, the motion, with a second, requesting a recall vote of the Sector Steward must be made. If no quorum exists that motion must be placed on the agenda for the next sector meeting and posted no later than fourteen (14) days prior to that meeting. A quorum must be present in order for a recall vote motion to pass. In the event that after two consecutive sector meetings, a quorum has not been present, said motion would automatically be rescinded.¹⁸

D. Prohibited Activities¹⁹

An employee of the Association is prohibited during his/her normal working hours, from actively campaigning for the election or defeat of an Association member for a particular elective office within the Association. An employee, elected officer or member²⁰ of the Association shall also be prohibited from utilizing any Association resources, including but not limited to computers, copiers, fax machines and telephones, regardless of whether the employee is actually conducting such activities during his/her normal working hours.

E. Sergeants' Liaison or Law Enforcement Equivalent²¹

A statewide elected Sergeants' Liaison or Law Enforcement equivalent official will serve as a member of the Executive Assembly, with all rights of the Executive Assembly except the right to vote, to be elected simultaneously with the Executive Board and a 3-year term of office as set forth in Article V Section A. Only supervisors can vote on this position. To be eligible for this position you must meet a supervisors criteria and;

- 1) At least 21 years of age at time of election
- 2) Has been an active member in continuous good standing for period of 2 consecutive years as of the date of election
- 3) Has served as an association official or officer not less than six consecutive months
- 4) Has not been otherwise disqualified under any other provisions as set forth in this constitution

ARTICLE VII DUES²²

The dues for active members shall be fifteen and 50/100 dollars (\$15.50) per pay period, payable through payroll deductions. Commencing January 1, 1999, the dues for active members of the Association shall automatically be increased by the same percentage as the increase in salary of members of the collective bargaining unit. No such increases in dues of the Association shall be effective until the effective date of each such increase in salary of members of the collective bargaining unit. The Executive Board shall compute and announce the amount of the revised dues whenever there is to be an increase in dues based upon an increase in salary. Dues for associate members shall be fifty dollars (\$50.00) per year ²³ and the dues for honorary members will be twenty percent (20%) more than an associate member.²⁴ The dues obligation shall be waived for any member who has been taken off their respective agency's payroll due to any of the following: Suspension from a Notice of Discipline; Military Leave; Sick Leave; FMLA; or Workers' Compensation Leave, until such time as the member is returned to the payroll or their employment is terminated.²⁵

A. Legal Defense Fund²⁶

NYSCOPBA will set up a Legal Defense Fund for the defense (criminal) of its members. This fund will only be used for the defense of criminal charges or a criminal investigation against bargaining members where it shall appear to the Executive Board, in its discretion, that the actions alleged or being investigated occurred while the member was engaged in the lawful performance of his or her duties and that assisting in such defense shall be consistent with the overall interests of the general membership. If criminal charges are brought, the member(s) must file and qualify for reimbursement under New York State POL Section 19. Member(s) must execute a signed assignment of any funds received back from New York State to NYSCOPBA and returned to the Legal Defense Fund. As soon as this fund is approved in accordance with NYSCOPBA's Constitution, it will be established with \$1.00 per pay period per member. This will be a dedicated fund and cannot be used for any other purpose. The use of this fund will be determined on a case by case basis by the factors presented by the Regional VP(s) and by a vote of the Executive Board. The Executive Board will decide on a case by case basis what resources will be utilized for the defense. ²⁷

B. Rainy Day Fund²⁸

NYSCOPBA has established a Rainy Day Fund. The dues to pay for the Rainy Day Fund shall be an increase of \$2 per pay period.

ARTICLE VIII AGENCY SERVICE FEE

~~All employees represented by the Association for purposes of collective bargaining who are not members in good standing shall be responsible for the payment of an agency service fee (through payroll deduction) in accordance with Section 208.3 of the Civil Service Law of the State of New York.~~

~~The Association shall provide a notice and rebate procedure in conformity with applicable state and federal laws.~~

Article VIII has strike through due it being repealed from the Janus v AFSCME U.S. Supreme Court decision of 2018

ARTICLE IX THE EXECUTIVE BOARD

A. Composition

The Executive Board shall be the managing body of the Association and shall consist of a President, an Executive Vice President, a Treasurer, a Recording Secretary and six (6) Vice Presidents, one of whom shall be non-corrections.^{29,30}

B. Duties and Powers

The Executive Board shall have general supervision and control over the day to day affairs of the Association, and for the implementation of policies adopted by the Executive Assembly. Except as otherwise provided in this Constitution and Bylaws, all decisions of the Executive Board shall require a vote of the majority of the Executive Board members at a meeting. Each Executive Board member shall have one (1) vote excluding the President who shall vote only to break or make a tie.³¹ A quorum of the Executive Board shall be seven (7) members.

C. Meetings

The Executive Board shall meet at least once monthly at the call of the President or by a majority of the Executive Board, provided however, that all members of the Executive Board are provided sufficient notice of said meeting and the opportunity to attend. The President shall chair Executive Board meetings. In the absence of the President, the Executive Vice President shall be the chairperson. In the absence of the President and the Executive Vice President, the President's designee shall be the chairperson. The Executive Board shall designate a meeting during the month of March each year as the annual meeting of the Executive Board of the Association.

D. Attendance at Meetings

Any one or more members of the Executive Board or any committee thereof may participate in a meeting of the Executive Board or the committee by means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at the meeting.

E. Action Without Meeting

Any action required or permitted to be taken by the Executive Board or by any committee of the Executive Board may be taken without a meeting if all members of the Executive Board or of the committee consent in writing to the adoption of a resolution authorizing the action and the writing or writings are filed with the minutes of the proceedings of the Executive Board or of the committee.

F. Vacancies

In the event that a vacancy occurs during the regular term of office of an Executive Board member, the Executive Board shall appoint from among the Executive Assembly and/or employees of the Association, who are members in good standing with NYSCOPBA, a candidate to serve the remainder of the regular term of the vacated Executive Board position(s), contingent upon a majority vote of the Executive Assembly approving that appointment.³²

Should the vacancy occur in the position of regional Vice President or Law Enforcement Vice President the appointee shall hail from that region or unit. The appointment shall be contingent upon a majority vote of the Executive Assembly members of that region.³³

In the event the Executive Assembly does not confirm the Executive Board appointment, the respective region or unit may fill the vacancy prior to the Executive Assembly adjourning.³⁴

G. Compensation

In addition to the salaries reimbursed to their employer for union leave, the members of the Executive Board shall receive compensation for providing services to the Association as follows: President, \$25,000 per year; Executive Vice President, \$22,500 per year; Recording Secretary, Treasurer and Vice Presidents, \$15,000 per year.

H. Removal For Cause³⁵

1) Notwithstanding any inconsistent provision of Article XI of this Constitution and Bylaws, a standing committee of the Association to be known as the "Recall Panel"

is hereby established. The Recall Panel shall consist of seven (7) members, to be nominated and elected by the Executive Assembly, as follows: Each of the five regions of correctional officers and correctional sergeants (North, South, West, Mid-Hudson and Central) shall elect one member; the Law Enforcement sector shall elect one member; and one member, who shall be a sergeant, shall be elected by the Executive Assembly as a whole. Any member in good standing is eligible to serve on the Recall Panel. Recall Panel members shall serve a two-year term. No member of the Recall Panel is eligible to serve on any other standing committee of the Association. A quorum of the Recall Panel shall be four members. Upon convening for the purpose of hearing charges, the Recall Panel itself shall choose a chairperson and a clerk. The clerk shall be responsible for documenting the proceedings of the Panel. The chairperson shall preside at hearings of the Panel and shall be eligible to vote only to break a tie. All votes of the Recall panel are decided by a majority vote.

2) Any member or group of members in good standing may file written charges seeking the removal for cause of a member of the Executive Board. The charges shall clearly state that a recall vote within the group or region that elected the accused member is requested and shall include a list of all witnesses to be called and all evidence to be presented at a hearing if it is determined that a full hearing is necessary. The grounds for such charges may include, but are not limited to: violations of the Association's Constitution and Bylaws; failure to follow the lawful direction of the Executive Assembly; and involvement in activities culminating in arrest for misdemeanors and/or felonies.

3) Charges shall be filed by delivering them, by mail or hand delivery, to NYSCOPBA's Recording Secretary, who shall, by certified mail within fourteen (14) calendar days of receipt thereof, provide each member of the Recall Panel and each member of the Executive Board with a copy thereof. In the event the Recording Secretary is the subject of the charges, the charges shall be filed by delivering them to the President, who shall assume the responsibilities of the Recording Secretary for the purposes of carrying out the provisions of Article 9 section H.

4) Upon receipt of the charges, the appropriate Board member shall immediately schedule the Recall Panel for a preliminary hearing. The Recall Panel will meet to discuss the charges and determine if a full hearing is to be held on those charges. If the Recall Panel determines a full hearing is to be held, the appropriate Board member shall notify the charging party and the accused officer, they shall be advised in writing of the date, time and place of the hearing and of the right to appear and present evidence and witnesses with respect to the charges. Full discovery rights will be afforded to the accused to include all evidence, documentation and a list of witnesses. Adherence to formal procedure and to the strict rules of evidence shall not be required. Following the conclusion of the hearing, the Recall Panel shall make written findings upon the charges and shall recommend to the Executive Assembly whether a vote to remove the officer for cause should be conducted within the group or region from which the accused member was elected. The Recall Panel shall issue its

findings and recommendation, within sixty (60) calendar days following receipt of the charges. A copy of the findings and recommendation shall be delivered to the Recording Secretary.

5) The Recording Secretary shall mail a copy of the findings and recommendations of the Recall Panel to each Chief Sector Steward at least fourteen (14) days prior to the next Executive Assembly meeting or, where there are less than fourteen (14) days remaining before the next Executive Assembly meeting, as soon as practicable.

6) The Recall Panel shall hear charges against members of the Executive Board in cases where removal for cause is sought, and shall make findings with respect to the charges. The Recall Panel will meet to decide whether a full hearing on the charges should be conducted. If, during its initial screening of the charges, the Recall Panel finds no basis for the recall and determines a full hearing is not necessary, the Recall Panel may recommend dismissal of the charges. The recommendation of the Recall Panel shall be presented to the Executive Assembly.

If a full hearing on the charges is conducted, the Recall Panel will make a recommendation to the Executive Assembly as to whether a vote to remove such officer should be conducted from among the region or group electing him or her. The role of the Recall Panel shall be advisory. The Executive Assembly shall determine whether a recall vote to remove such officer for cause shall be conducted from among the region or group electing him or her. A determination to conduct a recall vote shall require a two-thirds vote of the Executive Assembly.

7) The Executive Assembly shall consider the findings and recommendations of the Recall Panel at its first meeting following their issuance, and may accept or reject them in whole or in part, or take such other action with respect to the charges, consistent with law and with the Constitution and Bylaws, as it may deem appropriate. A motion to conduct a vote within the group or region that elected the accused officer as to whether that officer should be removed for cause shall require a two-thirds vote of the Executive Assembly

8) A vote as to whether the accused officer should be removed for cause shall be conducted by an independent agency, under the direction of the NYSCOPBA Election Committee, with ballots to be mailed within thirty (30) days of the vote of the Executive Assembly authorizing it. The mailing shall contain, in addition to the ballot, a description or summary of the findings and recommendation of the Recall Panel and of the action taken by the Executive Assembly with respect thereto. The determination as to whether the accused officer shall be removed for cause shall be by majority vote of the members in the group or region from which he or she was elected.

9) The Executive Board may, in the exercise of its authority contained in Section 714 of the Not-for-Profit Corporation Law, at any time during the pending proceedings of

the Recall Panel and of the Executive Assembly with respect to the charges, determine whether to suspend the accused officer and for what period of time.

ARTICLE X THE EXECUTIVE ASSEMBLY

The Executive Assembly shall consist of the Executive Board, all Chief Sector Stewards of the Association and the non-voting Sergeants' Liaison or Law Enforcement equivalent³⁶. The Executive Assembly shall be open only to members of the Association, its employees, consultants hired to serve the Association or guests authorized by the Executive Board or Assembly.³⁷

A. Voting Body

The voting body of the Executive Assembly shall consist of the members of the Executive Board, all Chief Sector Stewards of the Association and the non-voting Sergeants' Liaison or Law Enforcement equivalent.³⁸ A quorum of the Executive Assembly shall be a majority of the voting body of the Executive Assembly.³⁹ In the event that a Chief Sector Steward is not in attendance, his/her designee shall act as a voting member provided that said designee hails from the same sector as the Chief Sector Steward and provides verification of designee status in accordance with Executive Assembly policy. Each voting member of the Executive Assembly shall have the power of one (1) vote, provided, however, that if twenty (20%) percent of the voting membership shall request, voting by members of the Executive Assembly shall be by weighted vote. The weight of each Chief Sector Steward's vote shall be as follows:

Sectors with the following number of active members in good standing shall receive:

| | | | | | |
|---------|---------|-----------|----------|-----------|----------|
| 1-100 | 1 vote | 701-800 | 8 votes | 1401-1500 | 15 votes |
| 101-200 | 2 votes | 801-900 | 9 votes | 1501-1600 | 16 votes |
| 201-300 | 3 votes | 901-1000 | 10 votes | 1601-1700 | 17 votes |
| 301-400 | 4 votes | 1001-1100 | 11 votes | 1701-1800 | 18 votes |
| 401-500 | 5 votes | 1101-1200 | 12 votes | 1801-1900 | 19 votes |
| 501-600 | 6 votes | 1201-1300 | 13 votes | 1901-2000 | 20 votes |
| 601-700 | 7 votes | 1301-1400 | 14 votes | | |

B. Roll-Call Votes

A vote on any motion of substance that is opposed by 10 or more voting members shall be subject to a roll call vote. When a roll call vote is not necessary, those voting members who are opposed to the motion shall stand and state their name and shall be recorded in

the minutes of the Executive Assembly meeting. Procedural motions, e.g. to postpone definitely, to commit, to recess, to close debate, shall not be the subject to roll call votes without a two-thirds (2/3) vote so ordering and shall be recorded in the minutes of the Executive Assembly meeting. Copies of said minutes shall be distributed to all Chief Sector Stewards who shall post a copy at work sites/facilities for not less than fifteen (15) days. Voting shall be in accordance with procedures established by the Executive Assembly.⁴⁰

C. Agenda

The Recording Secretary of the Association shall issue in writing a detailed agenda not less than Fourteen(14) days prior to each Executive Assembly meeting to enable the Chief Sector Stewards to consult with stewards and members at their sectors, concerning the agenda items.⁴¹ By a sixty percent (60%) vote, the Executive Assembly may consider new business not included on the agenda, unless previous notice is otherwise required by law, the Articles of Incorporation, or the Constitution & Bylaws.⁴²

D. Powers and Duties

The Executive Assembly shall be the governing body of the Association with respect to its overall policies, aims and purposes. Meetings of the Executive Assembly shall be convened no less than five (5) times a year, at a time and place approved by the Executive Assembly and shall be chaired by the President or his/her designee. There shall be no more than three months between Executive Assembly meetings. All voting members of the Executive Assembly are required to attend Executive Assembly meetings unless on pre-approved leave or official Association business as specified by the Executive Assembly. Failure of voting members of the Executive Assembly to attend two (2) consecutive meetings of the Executive Assembly, unless excused by the Executive Assembly, is grounds for removal of that person from the Executive Assembly.⁴³

The Executive Assembly shall be charged with aiding the Executive Board and the Collective Bargaining Committee in the development of contractual strategies, language and monetary proposals, and any other issues having a direct impact on the membership at-large.

The Executive Assembly shall have the authority to interpret this Constitution and Bylaws and all controversies arising there under. Any interpretation adopted by majority vote of the Executive Assembly in good faith shall be binding upon all members, officials and officers.

E. Budget⁴⁴

Once the Executive Assembly approves a budget for a fiscal year, any new, unfunded initiative not budgeted for will require a corresponding (dollar-for-dollar) reduction in budgeted money prior to approval.

ARTICLE XI COMMITTEES

The Association shall have the following standing committees:

- 1) Collective Bargaining Committee
- 2) Health and Welfare Committee
- 3) Finance Committee
- 4) Grievance/Legal Assistance Committee
- 5) Legislative/Political Action Committee
- 6) Election Committee
- 7) Judicial/Ethics Committee
- 8) Publicity and Meetings Committee
- 9) Constitution and Bylaws Committee
- 10) Veterans Committee⁴⁵

The purpose of each committee shall be to research, review, recommend, propose and advise the Executive Assembly on matters falling within the purview of their respective committee. The committee(s) shall have the right to bring its recommendations and/or proposals before the Executive Assembly for consideration.

A. Duties and Responsibilities

The duties and responsibilities of each committee shall be determined by the Executive Assembly except as specified in this Constitution and Bylaws.

B. Term of Office

Committee members shall serve a two (2) year term. Commencing with the Sector Steward elections in 2019, the term shall be three (3) years⁴⁶. There is no limitation on the number of terms a committee member may serve, except as specifically provided in this Constitution and Bylaws. Failure of any committee member to attend three (3) consecutive committee meetings of their respective committee, unless excused by the remaining committee members, will be removed from said committee.⁴⁷

Where as a Steward's term of office may expire before his/her committee obligation is completed, the former Steward may complete his/her committee obligation on an interim basis until a new committee is elected by the Executive Assembly.⁴⁸

C. Committee Composition

All committees shall consist of seven (7) members. At least one member of each committee shall be an Executive Board member. The remaining six (6) members of the committee shall consist of one member from each region and one from the Law Enforcement group. They shall be nominated and elected by plurality from within the Executive Assembly or elected worksite Sector Steward.^{49,50}

Each committee shall designate a chairperson and recording secretary from among the committee members except the Finance Committee which shall be chaired by the Treasurer.

If a committee member elected by the Executive Assembly is unable to complete his/her term, he or she shall furnish a written resignation. Nominations to replace that committee member shall be received at the next Executive Assembly meeting. An election shall be held to fill the committee vacancy. Should no candidate accept the nomination, the committee shall select a member of the Executive Assembly or elected worksite Sector Steward to complete the unexpired term of the vacated position. In the event that the election process fails to entertain enough candidates to fill a committee, the Executive Board member in charge of said committee will appoint such vacancies.⁵¹ When a known committee vacancy occurs, the Regional VP or Law Enforcement VP, may appoint a member in good standing to fill the vacancy on an interim basis, until such time as nominations and elections are held at the next scheduled Executive Assembly as stated above.⁵²

D. Finance Committee

The Finance Committee shall have the responsibility, among other things, to make recommendations to the Executive Board and the Executive Assembly concerning the proposed yearly budget for the Executive Assembly's approval, the salaries and compensation of Association personnel, standards for payment of expenses, and policies and procedures for distribution of funds to sectors for their operating expenses.⁵³

E. Special Committees

The Executive Assembly may establish additional special committees as it deems necessary, provided that special committee(s) shall conform to the guidelines set forth in this Constitution and Bylaws.

F. Constitution and Bylaws Committee

Be it resolved that the Constitution and Bylaws Committee is authorized to correct article and section designations, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the intent of amendments to the Constitution and Bylaws after their adoption, provided that any such

modifications shall be reported in written form to the Executive Assembly prior to an updated printing of the Constitution and Bylaws.⁵⁴

ARTICLE XII BUSINESS AGENTS

A. Duties

A Business Agent/Assistant will be an employee working directly for the respective regional Vice President. Business Agents/Assistants shall perform field services at sectors, including, but not limited to, labor management committees, representation of members at proceedings at worksites, and otherwise assist Sector Stewards and regional Vice Presidents in the performance of duties.

B. Composition

There shall be not more than seven (7) Business Agents employed by the Association unless the Executive Assembly shall otherwise determine.

C. Removal of Business Agent

A Business Agent/Assistant shall be removed only for good and sufficient reasons. The regional Vice President shall give notice of a meeting to remove the business agent to all Chief Sector Stewards via telephone, and submit an agenda, which shall include the reasons for the requested removal. The notice and agenda shall be sent via certified mail at least thirty (30) days prior to the date of the meeting to all Chief Sector Stewards of the region. The Business Agent/Assistant may be afforded the opportunity to provide a written response or appear at the meeting to discuss why he/she should not be removed. There must be a two-thirds (2/3) majority of the regional Chief Sector Stewards or their designee's present at said meeting with a two-thirds (2/3) majority requirement of those present on any vote taken. If the required two-thirds (2/3) vote is not received, the present and/or interim Business Agent/Assistant shall remain in that position until a subsequent meeting is held pursuant to this Article. In cases that a regional meeting is not practical because of geographical limitations, the next scheduled Executive Assembly meeting would be utilized so long as appropriate notice is provided. Notwithstanding the procedures above, if a Business Agent/Assistant embezzles or misappropriates funds, or performs an egregious act, the Executive Board may temporarily remove the Business Agent/Assistant until the above procedures are completed.⁵⁵

D. Business Agent/Assistant Vacancy

The Executive Board shall ⁵⁶fill any Business Agent/Assistant vacancy on an interim basis. A Business Agent/Assistant shall be filled on a permanent basis by the respective regional Vice President with approval of the respective region or unit. The following procedure will govern this process. The regional Vice President will inform the Recording Secretary to post the Business Agent/Assistant position vacancy which shall be posted for thirty (30) calendar days. The regional Vice President shall provide notice of a meeting to all Chief Sector Stewards via telephone, and the agenda shall be sent via certified mail at least thirty (30) days prior to the date of the meeting to all Chief Sector Stewards of the region. A regional meeting shall be conducted within two weeks after the closing of the Business Agent/Assistant vacancy posting. There must be at least 2/3 of the regional chief sector stewards or their designees present at the meeting with a 50% plus 1 majority requirement of those present on any vote taken to replace the Business Agent/Assistant. In cases that a regional meeting is not practical because of geographical limitations, the next scheduled Executive Assembly meeting would be utilized so long as appropriate notice is provided. This article shall be subject to the authority of the Executive Assembly as provided by the Certificate of Incorporation.

ARTICLE XIII MEETINGS

A. Statewide General Membership Meetings

Statewide general membership meetings may be called by the Executive Board, the Executive Assembly, or by a petition filed with the Executive Board and signed by a minimum of ten (10%) percent of the active membership in good standing. The President or his/her designee shall chair such meetings.

The Executive Board shall determine the date, time and place for such a meeting in accordance with stipulations contained herein (if any). The Recording Secretary shall cause to be made a posting at each sector that notifies the membership of the date, time, purpose and location of the statewide general membership meeting. This posting shall be made no less than thirty (30) days prior to the date of the general membership meeting taking place. A statewide general membership meeting shall not occur within twelve (12) months of the last statewide general membership meeting.

B. Sector Meetings

The primary purpose of sector meetings is to disseminate information to the membership, solicit input on issues affecting the members in that sector, and to resolve disputes that arise at the sector level. The Chief Sector Steward or his/her designee shall chair all such meetings.

It shall be the responsibility of the individual Sector Steward(s) to hold regular Association meetings for their membership. Such meetings are to be held no less than six (6) times

per calendar year at times which will provide full opportunity for members to attend and provide input concerning sector and Association business. Failure of any Sector Steward to attend three (3) consecutive meetings of their respective sector, unless excused by the remaining Stewards of the said sector, is grounds for removal of that person as a Sector Steward.⁵⁷

Votes taken and decisions made at the sector meetings must be such that their impact does not affect other Association members in other sectors, and are not contrary to this Constitution and Bylaws, or rules, regulations, policies and/or existing collective bargaining agreement(s), and shall be deemed null and void if the decisions do not comply with these requirements.

At all sector meetings ten percent (10%) of the sector membership will be required to constitute a quorum and shall be qualified to transact business brought before it.

In the event that a quorum does not exist at a sector meeting, the membership in attendance may conduct business, provided however, that all such business is non-binding upon the sector membership until the following occurs:

- 1) A posting of the business transacted at the sector meeting shall be made at that sector and shall include:
 - a. A complete copy of all motions made at the meeting; and
 - b. The official tally for each motion
- 2) Notice of the time, date and place of the next sector meeting shall be provided; the first order of business shall be the adoption of the previous meeting minutes.

If said minutes are adopted by a majority vote of those members in attendance, those matters so decided at the previous meeting shall be binding upon the body, provided however, that they comply with Association policies, procedures, any applicable collective bargaining agreements, this Constitution and Bylaws and applicable law.

ARTICLE XIV JUDICIAL/ETHICS COMMITTEE (THE PANEL)

A. Purpose

A Judicial/Ethics Committee (the panel) shall be established whose purpose shall be to hear charges brought forth by a member(s) in good standing against another member(s) alleging that a violation of the Association's Constitution and Bylaws, rules, regulations and/or policies has occurred.

The panel shall establish and periodically evaluate the judicial procedures and guidelines of the Association and propose any changes it deems necessary to the Executive Assembly for approval.

The panel will make available, upon request to any active member, procedural guidelines detailing their rights under the Judicial/Ethics panel, provided however, that said guidelines must contain the following information:

- 1) Procedures for filing charges;
- 2) The basis for which charges may be filed;
- 3) Rights of the defendant;
- 4) Rights of the plaintiff;
- 5) The hearing process, including:
 - a. Time limitations (if any);
 - b. Rules of evidence;
 - c. Sanctions; and
 - d. Representation
- 6) How the records of the panel shall be maintained and who has access to such records; and
- 7) Rights of appeal and procedures therein

These guidelines shall be developed in cooperation with the Judicial/Ethics Committee and shall be furnished to the Executive Assembly in writing for final approval.

B. Composition of Judicial/Ethics Committee

The Judicial/Ethics Committee shall consist of seven (7) members. The Executive Vice President or his/her designee shall be the chairperson and the remaining six (6) members shall consist of one member from each region and one from the Law Enforcement group. They shall be nominated and elected from among the Executive Assembly or elected worksite Sector Stewards. In the event that the election process fails to produce enough candidates to fill a committee, the Executive Board member in charge of said committee will appoint qualified candidate(s) to fill the vacancy(s).

The panel shall appoint a recording secretary from among the panel members. No panel member, with the exception of the chairperson, shall be allowed to serve more than two (2) consecutive terms.

No directly interested party may serve on the Judicial/Ethics Committee. The Executive Assembly shall elect three alternate panel members from the Executive Assembly or elected worksite Steward to be used on a rotational basis to replace panel member(s) who become directly interested party(s) in pending charges. In the event that the chairperson of the Judicial/Ethics Committee is a directly interested party, he/she will be excused and the remaining panel members shall appoint an interim chairperson from the remaining panel.^{58,59}

The Judicial/Ethics Committee shall meet on a regular basis at a time and place to be determined by the panel chairperson. Annual reports of the Judicial/Ethics Committee

shall be submitted to the Executive Assembly, provided however, that any activity has transpired within the previous twelve (12) months.

ARTICLE XV CONSTITUTIONAL AMENDMENTS

Any proposed amendment to the Constitution and Bylaws must be submitted in written form and sent to the chairperson of the Constitution and Bylaws Committee. Any proposed amendment to the Constitution and Bylaws requiring resources of the Association will also be sent to the Finance Committee for review and analysis. The proposed constitutional amendment shall be returned to the member of origin no later than thirty (30) days after receipt by the Constitution and Bylaws Committee. Each proposed constitutional amendment shall be submitted by the Constitution and Bylaws Committee and, if applicable, the Finance Committee, to the Executive Assembly with their respective recommendations for adoption or rejection of the proposed amendment, within thirty (30) days after receipt, or as soon as practicable⁶⁰. Each proposed amendment shall be read at the next scheduled Executive Assembly for first reading; discussion, debate and amending purposes.⁶¹ After the Constitution and Bylaws Committee report is completed, each Chief Sector Steward or his designee will receive a copy of said amendment.⁶² At the next meeting of the Executive Assembly, members of the Executive Assembly shall vote on each proposed amendment. Adoption of each proposed amendment must be by a two-thirds vote of the Executive Assembly. Within sixty (60) days following adoption of a constitutional amendment by the Executive Assembly, the membership of the Association shall be entitled to vote by mail ballot in favor of or against the amendment. Acceptance of the amendment by a majority vote of the members voting shall constitute ratification of the amendment, and it shall thereupon become effective.

ARTICLE XVI DUTIES OF OFFICERS

A. President

The President shall:

- 1) Preside at all meetings of the Executive Board, the Executive Assembly, all general membership meetings and any other special meetings called by the body, the Executive Board or the Executive Assembly. If the President is not in attendance, his/her designee will preside over all such meetings except as otherwise specifically provided in this Constitution and Bylaws.
- 2) Report periodically to the membership regarding the progress and standing of the body.
- 3) Submit an annual report of the Association to the membership.
- 4) With the consent of the Executive Board, sign all agreements for the Association.
- 5) Carry out such additional lawful direction(s) of the Executive Board and/or the Executive Assembly as they may make from time to time.

- 6) Uphold the Constitution and Bylaws, policies, procedures and direction(s) of the Association.

B. Executive Vice President

The Executive Vice President shall:

- 1) Assist the President and perform the duties of the President in his/her absence.
- 2) If for whatever reason the President resigns, retires or is otherwise unable to complete his/her term of office, the Executive Vice President shall assume the position of the President for an interim period or until such time as the Executive Board shall select an interim President to complete the remainder of the presidential term, in accordance with the provisions as set forth in this Constitution and Bylaws.
- 3) Preside as chairperson of the Judicial/Ethics Committee.
- 4) Countersign checks drawn against the funds of the Association.
- 5) In the event the Treasurer resigns, retires or is otherwise unable to perform the duties of his/her office, the Executive Vice President shall be authorized to sign all checks drawn against the funds of the Association provided that such expenditures are approved by a majority vote of the Executive Board.
- 6) Act as general overseer of operations for the Association.
- 7) Carry out such additional lawful direction(s) of the Executive Board and/or Executive Assembly as they may make from time to time.
- 8) Uphold the Constitution and Bylaws, policies, procedures and directions of the Association.

C. Treasurer

The Treasurer shall:

- 1) Collect, receive and safely maintain all dues and other income of the Association in a bank(s) selected by the Executive Board.
- 2) Act as custodian for all assets and properties of the Association.
- 3) Sign all checks drawn against the funds of the Association.
- 4) Monthly, furnish to the Executive Board and quarterly to the Executive Assembly and make available for review to the membership, a detailed operating statement reflecting the expenditures for the previous month(s). Such expenditure statements shall be reviewed quarterly by a certified public accountant and shall be audited annually by an independent accounting firm to assure compliance with Association policies and generally accepted accounting principles. Quarterly reviews and annual audits shall be made available for review by the membership.
- 5) Act as Association office administrator.

- 6) With the consent of the Executive Board, countersign all agreements for the Association.
- 7) Chair the Finance Committee meetings.
- 8) Carry out such additional lawful direction(s) of the Executive Board and/or Executive Assembly as they may make from time to time.
- 9) Uphold the Constitution and Bylaws, policies, procedures and direction(s) of this Association.
- 10) A copy of the proposed budget shall be transmitted or mailed to each member of the Executive Assembly, no later than October 1st of the current fiscal year.⁶³
- 11) Any Member in possession of union property at the end of his/her term or separation of employment must return all union property within thirty (30) days. Failure to comply will result in immediate suspension of union benefits and NYSCOPBA Constitutional rights, to include temporary non-payment of reimbursable expenses and or payroll, pending the outcome of Judicial and Ethics charges.⁶⁴
- 12) Assure members dues are not spent on litigation to determine or defend the interpretation of our Constitution without the express consent of the Executive Assembly when in session, in accordance with Article XV.⁶⁵

D. Recording Secretary⁶⁶

The Recording Secretary shall:

- 1) Act as keeper of the records for the Association.
- 2) Ensure that the proceedings of all Executive Board, Executive Assembly, general membership and special membership meetings are recorded.
- 3) With the consent of the Executive Board, countersign all agreements for the Association.
- 4) Prepare and give notice of all Executive Board, Executive Assembly, general membership and special membership meetings.
- 5) Carry out such additional lawful direction(s) of the Executive Board and/or Executive Assembly as they may make from time to time.
- 6) Uphold the Constitution and Bylaws, policies, procedures and direction(s) of this Association.
- 7) Formally advise any individual(s) affected by Executive Assembly actions immediately following their adoption.⁶⁷

E. Vice President(s)

The Vice President(s) shall:

- 1) Provide services to sectors in a specific region of the State, such region to be determined by the Executive Assembly.

- 2) Coordinate the efforts of Business Agents and Sector Stewards in their respective region.
- 3) Designate two (2) Vice Presidents as co-signers for checks drawn against the funds of the Association.
- 4) Furnish to the Executive Board monthly and to the Executive Assembly bi-monthly a report of the pertinent issues affecting their respective regions.
- 5) Carry out such additional lawful direction(s) of the Executive Board and/or Executive Assembly as they may make from time to time.
- 6) Uphold the Constitution and Bylaws, policies, procedures and direction(s) of this Association.

F. Bonds

The Executive Assembly shall have the power to require any officer or employee of the Association, at the Association's expense, to provide a bond for the faithful discharge of his or her duties, in the form and with such surety or sureties, or without surety, as the Executive Assembly may deem advisable.

ARTICLE XVII ORDER OF BUSINESS

The rules contained in the current edition of Robert's Rules of Order, revised, shall be the parliamentary authority of the Association in all cases to which they are applicable and in which they are not inconsistent with this Constitution and Bylaws.

The following will be the format for all Association meetings;

- 1) Meeting called to order
- 2) Pledge of allegiance
- 3) Roll call of officers
- 4) Reading of minutes of previous meeting(s)
- 5) Reading of correspondence
- 6) Reports of officers
- 7) Reports of committee(s)
- 8) Unfinished business, (old business)
- 9) New business which shall be submitted in writing and signed by the maker
- 10) Adjournment

ARTICLE XVIII ASSOCIATION TRAINING

Basic training classes will be offered by the Association for all officials and officers. Such training classes shall be mandatory and are necessary for the success of this organization. Failure to attend such classes may be grounds for removal of any official or officer. The requirement of such training is to be determined by the Executive Assembly.

ARTICLE XIX LEGAL COUNSEL

Attorneys shall be available to the membership for arbitrations, negotiations, administrative agency and state and federal court litigation, and other services, including disciplinary proceedings, which the Executive Board may deem necessary, based upon the guidelines recommended by the Grievance/Legal Assistance Committee and adopted by the Executive Assembly.

ARTICLE XX SEVERABILITY

The provisions of this Constitution and Bylaws are severable and if any of the provisions herein shall be held illegal by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

ARTICLE XXI NEGOTIABLE INSTRUMENTS

All checks, drafts, bills of exchange, notes or other obligations or orders for the payment of money shall be signed in the name of the Association by the officer or officers that the Executive Board of the Association may from time to time designate by resolution.

ARTICLE XXII INDEMNIFICATION

Subject to the limitations contained in §722(a) of the New York State Not-For-Profit Corporation Law, the Association shall, to the full extent otherwise permitted by law, indemnify any person made, or threatened to be made, a party in any civil or criminal action or proceeding by reason of the fact that he or she, his or her testator or intestate, (a) is or was an officer or official of the Association, or (b) served any corporation, partnership, joint venture, trust, employee benefit plan or other enterprise in any capacity at the request of the Association; and the Association may, in the discretion of the Executive Assembly, indemnify such other Association personnel to the extent permitted by law. The Association shall purchase officers' and officials' liability insurance in such amounts and with such coverage as the Executive Assembly may from time to time deem appropriate, to indemnify the Association for any obligation incurred as a result of the indemnification of officers and officials, and to indemnify officers and officials in instances in which they may not be indemnified by the Association.

ARTICLE XXIII CORPORATE SEAL

The Corporate seal shall be circular in form and have inscribed thereon the name of the Corporation, the year 1998 and the words "Corporate Seal". The seal shall be in the

custody of the Recording Secretary and shall be used as authorized by the Executive Board.

ARTICLE XXIV FISCAL YEAR

The fiscal year of the Association shall be fixed by the Executive Board.

ARTICLE XXV ASSETS AND FUNDS

A. Ownership

No director, officer or employee of the Association shall have any right, title or interest in any of the assets and funds of the Association, and all assets and funds of the Association shall be owned exclusively by the Association.

B. Management

The Association, its Executive Board, officers and agents shall so manage, maintain and control the assets and funds of the Association as to give full effect to the purposes of the Association as set forth in this Constitution and Bylaws.

C. General Operating Fund Treasury⁶⁸

The NYSCOPBA Executive Assembly and Executive Board shall ensure that spending practices never deplete the General Operating Fund Treasury below a six (6) million dollar threshold. Only when the Organization's very existence is threatened, shall the threshold be breached. The Organization would go into austerity budget mode and the Finance Committee would meet immediately.

ARTICLE XXVI DISSOLUTION

Upon the dissolution of the Association, no director, officer, or other private person shall be entitled to any distribution or division of its remaining property or its proceeds, and the balance of all money and property shall pass to, or shall inure to the benefit of those organizations described in Section 201 of the Not-for-Profit Corporation Law. Any such assets not so disposed of shall be disposed of by the Supreme Court of the State of New York for the county in which the principal office of the Association is then located, as provided by law, exclusively for such purposes or to such organization(s) as said court shall determine, which are organized and operated for the purposes set forth in Article I hereof.

ARTICLE XXVII LIMITATIONS

No part of the net earnings of the Association, if any, shall ensure to the benefit of any officer or official.

FOOTNOTES

-
- ¹Article III- 1,819 Members voted, Yes 1,489, No 286, Void 44
Ratified April 30, 2019
- ²Article III- 2,633 Members voted, Yes 2,298, No 291, Void 44
Ratified October 5, 2018
- ³Article IV- 3,199 Members voted, Yes 2,857, No 263, Void 79
Ratified January 25, 2008
- ⁴Article IV- 3,134 Members voted, Yes 2,654, No 480, Void 52
Ratified June 18, 2012
- ⁵Article V- 1,187 Members voted, Yes 798, No 389, Void 67
Ratified August 9, 2017
- ⁶Article V Section A- 1,768 Members voted, Yes 1,485, No 264, Void 19
Ratified December 4, 2014
- ⁷Article V Section A- 3,188 Members voted, Yes 2,639, No 470, Void 79
Ratified January 25, 2008
- ⁸Article V Section A- 1,776 Members voted, Yes 1,540, No 214, Void 22
Ratified December 4, 2014
- ⁹Article VI Section A- 1,924 Members voted, Yes 1,206, No 570, Void 11
Ratified September 10, 2013
- ¹⁰Article VI Section A- 2,298 Members voted, Yes 2,001, No 235, Void 24
Ratified April 4, 2011
- ¹¹Article VI Section A- 2,955 Members voted, Yes 2,580, No 307, Void 68
Ratified July 2004
- ¹²Article VI- Section A- 1,215 Members voted, Yes 795, No 420
Ratified August 9, 2017
- ¹³Article VI Section A – 2,473 Members voted, Yes 2015, No 411, Void 47
Ratified January 28, 2016
- ¹⁴Article VI Section A- 2,637 Members voted, Yes 2,008, No 609, Void 20
Ratified February 2004
- ¹⁵Article VI Section A- 2,581 Members voted, Yes 2,131, No 398, Void 40, Late 12
Ratified July 28, 2008
- ¹⁶Article VI Section A- 2,725 Members voted, Yes 2,496, No 173, Void 56
Ratified April 13, 2010
- ¹⁷Article VI Section A- 2,012 Members voted, Yes 1,797, No 194, Void 21
Ratified March 1, 2010
- ¹⁸Article VI Section C- 1,974 Members voted, Yes 1,774, No 179, Void 21
Ratified Jan 04, 2007
- ¹⁹Article VI Section D- 2,421 Members voted, Yes 1,995, No 389, Void 37
Ratified March 01, 2012
- ²⁰Article VI Section D- 1,870 Members voted, Yes 1,495, No 355, Void 20
Ratified August 13, 2014
- ²¹Article V- 1,187 Members voted, Yes 798, No 389, Void 67
Ratified August 9, 2017

²²Article VII Dues

| Arbitration Eligible | | Non-Arbitration Eligible | |
|----------------------|-----------------------------|--------------------------|-----------------------------|
| 08/11/1999 | \$15.50 | 08/11/1999 | \$15.50 |
| 10/01/1999 (3%) | \$15.96 | 10/01/1999 (3%) | \$15.96 |
| 04/01/2000 (3%) | \$16.43 | 04/01/2000 (3%) | \$16.43 |
| 04/01/2001 (3.5%) | \$17.00 | 04/01/2001 (3.5%) | \$17.00 |
| 04/01/2002 (3.5%) | \$17.59 | 04/01/2002 (3.5%) | \$17.59 |
| 04/01/2003 (2.25%) | \$17.98 | | |
| 04/01/2004 (2.75%) | \$18.47 | 04/01/2004 (2.5%) | \$18.02 |
| 04/01/2005 (3%) | \$19.02 | 04/01/2005 (2.75%) | \$18.51 |
| 04/01/2006 (3%) | \$19.59 | 04/01/2006 (3%) | \$19.06 |
| 04/01/2007 (3%) | \$20.18 | 04/01/2007 (3%) | \$19.63 |
| 04/01/2008 (3%) | \$20.79 | 04/01/2008 (3%) | \$20.22 |
| 04/01/2009 (3%) | \$21.41 | 04/01/2009 (3%) | \$20.83 |
| 04/01/2010 (4%) | \$22.27 | 04/01/2010 (4%) | \$21.66 |
| 08/01/2012 (\$1) | \$23.27 *Legal Defense Fund | 08/01/2012 (\$1) | \$22.66 *Legal Defense Fund |
| 04/01/2014 (2%) | \$23.72 | 04/01/2014 (2%) | \$23.09 |
| 04/01/2015 (2%) | \$24.19 | 04/01/2015 (2%) | \$23.55 |
| 01/28/2016 (\$2) | \$26.19 *Rainy Day Fund | 01/28/2016 (\$2) | \$25.55 *Rainy Day Fund |
| 04/01/2016 (2%) | \$26.65 | 04/01/2016 (2%) | \$26.00 |
| 04/01/2017 (2%) | \$27.13 | 04/01/2017 (2%) | \$26.46 |
| 04/01/2018 (2%) | \$27.61 | 04/01/2018 (2%) | \$26.93 |
| 04/01/2019 (2%) | \$28.10 | 04/01/2019 (2%) | \$27.41 |
| | | | |

²³ Article VII – 2,390 voted, Yes 1,369, No, 985, Void 36

Ratified June 4, 2018

²⁴ Article VII- 1,807 voted, Yes 1,309, No 457, Void 41

Ratified April 30, 2019

²⁵ Article VII – 2,962 voted, Yes 2,340, No 622, Void 136

Ratified June 8, 2015

²⁶Article VII Section A- 3,168 Members voted, Yes 1,997, No 1,171, Void 51

Ratified June 18, 2012

²⁷ Article VII, Section A – 2,144 voted, Yes 1,697, No 447, Void 65

Ratified August 8, 2016

²⁸ Article VII Section B – 3,063 Members voted, Yes 2,020, No 999, Void 44

Ratified January 28, 2016

²⁹Article IX Section A- 3,254 Members voted, Yes 2,461, No 793, Void 87

Ratified May 16, 2006

³⁰Article IX Section A- 2,102 Members voted, Yes 1,604, No 359, Void 139

Ratified September 27, 2005

³¹Article IX Section B- 1,887 Members voted, Yes 1,519, No 224, Void 154

Ratified September 27, 2005

³²Article IX Section F- 2,981 Members voted, Yes 2,137, No 794, Void 53

Ratified July 2004

³³Article IX Section F- 527 Members voted, Yes 397, No 126, Void 4

Ratified June 2001

³⁴Article IX Section F- 2,783 Members voted, Yes 2,190, No 376, mixed invalid 217

Ratified March 2, 2009

³⁵Article IX Section F - 1,851 Members voted, Yes 1,584, No 267, Void 65

Ratified August 8, 2016

³⁶Article V- 1,187 Members voted, Yes 798, No 389, Void 67

Ratified August 9, 2017

³⁷Article X- 535 Members voted, Yes 393, No 132, Void 7

Ratified June 2001

³⁸Article V- 1,187 Members voted, Yes 798, No 389, Void 67

Ratified August 9, 2017

³⁹Article X Section A – 1,551 Members voted, Yes 1,327, No 167, Void 57

Ratified October 2015

⁴⁰Article X Section B- 1,557 Members voted, Yes 1,336, No 164, Void 57

Ratified October 2015

⁴¹Article X Section C- 1,405 Members voted, Yes 1,285, No 78, Void 42

Ratified November 2004

⁴²Article X Section C- 2,814 Members voted, Yes 1,832, No 844, Void 138

Ratified December 19, 2005

⁴³Article X Section D- 2,682 Members voted, Yes 2,013, No 646, Void 23

Ratified February 2004

⁴⁴Article X Section E- 2,233 Members voted, Yes 1,833, 358 No, Void 42

Ratified November 13, 2009

⁴⁵Article XI (10)- 3358 Members voted, Yes 2,785, No 573, Void 68

Ratified May 16, 2006

⁴⁶Article XI- Section B- 1,215 Members voted, Yes 795, No 420

Ratified August 9, 2017

⁴⁷Article XI Section B- 3,187 Members voted, Yes 2,826, No 283, Void 78

Ratified January 25, 2008

⁴⁸Article XI Section B- 3,120 Members voted, Yes 2,796, No 264, Void 60

Ratified April 13, 2010

⁴⁹Article XI Section C- 1,938 Members voted, Yes 1,535, No 367, Void 36

Ratified March 27, 2008

⁵⁰Article XI Section C- 2,167 Members voted Yes 1,832, No 270, Void 65

Ratified August 10, 2009

⁵¹Article XI Section C- 508 Members voted, Yes 372, No 130, Void 6

Ratified June 2003

⁵² Article XI Section C – 2,671 Members voted, Yes 2,006, No 618, Void 47

Ratified January 28, 2016

⁵³Article XI Section D- 2,092 Members voted, Yes 1,595, No 357, Void 146

Ratified September 27, 2005

⁵⁴Article XI Section F- 1,403 Members voted, Yes 1,096, No 261, Void 46

Ratified November 2004

⁵⁵Article XII All Sections, rewrite- 1622 Members voted, Yes 1,389, No 208, Void 25

Ratified February 13, 2015

⁵⁶ Article XII Section D – 1,790 Voted, Yes 1,395, No 351, Void, 44

Ratified April 30, 2019

⁵⁷ Article XIII Section B- 1,406 Members voted, Yes 1,177, No 195, Void 34

Ratified November 2004

⁵⁸ Article XIV Section B- 2,727 Members voted, Yes 2,100, No 575, Void 52

Ratified February 2004

⁵⁹ Article XIV Section B- 3,101 Members voted, Yes 2,798, No 252, Void 51

Ratified April 13, 2010

⁶⁰ Article XV- 2,240 Members voted, Yes 1,773, No 421, Void 46

Ratified November 14, 2011

⁶¹ Article XV- 1,795 Members voted, Yes 1,593, No 175, Void 27

Ratified November 3, 2006

⁶² Article XV- 1,998 Members voted, Yes 1,671, No 279, Void 148

Ratified September 27, 2005

⁶³ Article XVI Section C (10)- 1,433 Members voted, Yes 1,296, No 90, Void 47

Ratified November 2004

⁶⁴ Article XVI Section C (11)- 3,290 Members voted, Yes 3,059, No 231, Void 73

Ratified May 16, 2006

⁶⁵ Article XVI Section C (12)- 3,248 Members voted, Yes 2,971, No 277, Void 83

Ratified May 16, 2006

⁶⁶ Article XVI Section D- 1,374 Members voted, Yes 1180, No 140, Void 54

Ratified November 2004

⁶⁷ Article XVI Section D (7)- 3,291 Members voted, Yes 3,059, No 104, Void 128

Ratified December 19, 2005

⁶⁸ Article XXV Section C- 2,294 Members voted, Yes 1,928, No 299, Void 67

Ratified November 13, 2009

RESOLUTION

WHEREAS, the Parliamentarian has offered his opinion that motions to be considered by the Executive Assembly must first have been listed and included with the agenda that is distributed to members at least fourteen (14) days in advance of the meeting; and

WHEREAS, by long-standing practice, the Executive Assembly has had the ability to consider, vote on and implement motions proposed under new business, without such motions having been included with the agenda of the meeting; and

WHEREAS, the Executive Assembly is authorized by Article X, Section D of the Constitution and Bylaws to interpret the Constitution and Bylaws and all controversies arising thereunder, and

WHEREAS, The Executive Assembly deems that an interpretation of Article X, Section C of the Constitution and Bylaws is necessary to clarify and establish the meaning of that provision with respect to the question of whether motions may be made and acted upon on the floor of the Executive Assembly without first having been included with the agenda distributed to members in advance of the meeting; now, therefore

BE IT RESOLVED, that the Executive Assembly hereby interprets the provision of Article X, Section C of the Constitution and Bylaws that a “detailed agenda” be issued at least fourteen days in advance of an Executive Assembly meeting to mean that individual motions need not be included with the agenda sent to all members in advance of an Executive Assembly meeting before being proposed and acted upon at such meeting, so long as the agenda includes therein a provision or reference for “new business”.

Submitted by: Al Brown
Seconded by: D.W. Tucker

Motion Passed/Defeated: Yes 50 No 24 Abstain 2

DATE: April 21, 2005



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd. - Albany, NY 12209
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



NYSCOPBA Confidentiality Policy

Applicability. This policy is intended to apply to all NYSCOPBA elected and non-elected officers and officials, employees, staff, members on union leave, and vendors and other third parties with access to NYSCOPBA “member information” as described below.

Statement of Background and Intent. NYSCOPBA is a membership organization that provides numerous services to its members in a multitude of ways. Necessarily, in order to provide these services, and sometimes in the course of providing them, NYSCOPBA collects and maintains certain information concerning its members, in either written or electronic form. This information, referred to as “member information,” is often personal in nature, such as a member’s home address, telephone number, social security number, e-mail address, family information, or health and insurance enrollment data. NYSCOPBA believes that member information should be kept confidential.

This means that member information should only be shared with, or utilized by, NYSCOPBA officers and officials, employees, staff, members on union leave, and vendors and other third parties when such use or sharing furthers the legitimate business and interests of NYSCOPBA or the individual interests of the members whose information is being used or shared.

Member information should be shared with the employing agency or other relevant State agency (i.e. Civil Service, NYS Retirement System, Comptroller, etc.) only to the extent necessary to the collective bargaining relationship or to otherwise address or resolve the member’s grievance or other expressed interest.

Other than as noted above, member information should not be shared with or used by anyone inside or outside NYSCOPBA unless affected members agree or where required by law.

Maintaining the confidentiality of member information best serves NYSCOPBA members’ interests by ensuring that their information is not disseminated to individuals or entities that are hostile to them or to NYSCOPBA.

Maintaining the confidentiality of member information also encourages members to participate in NYSCOPBA's activities and to seek NYSCOPBA's assistance without fear of unwarranted disclosure of personal information.

Prohibited Activity. No person or entity subject to this policy shall share or utilize NYSCOPBA member information except in furtherance of the legitimate business and interests of NYSCOPBA or the individual interests of the members whose information is being used or shared, except with the consent of affected members or as required by law.

Compliance. The Executive Board shall disseminate and enforce this policy by such means as it shall deem appropriate, including but not limited to written notices, employment agreements, negotiated clauses and other mechanisms designed to ensure compliance.

Acknowledgment

I certify by my signature below that I have read the foregoing Confidentiality Policy and understand its provisions.

(Print Name)

Signature

Date: _____

WHISTLEBLOWER POLICY

NEW YORK STATE CORRECTIONAL OFFICERS & POLICE BENEVOLENT ASSOCIATION, INC.

ARTICLE I

Introduction and Purpose. The New York State Correctional Officers and Police Benevolent Association, Inc. (“NYSCOPBA”) requires its directors, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. The purpose of this policy is to encourage and enable employees and members of NYSCOPBA to report any action or suspected action taken within NYSCOPBA that is illegal, fraudulent or in violation of any adopted policy of NYSCOPBA to a source within NYSCOPBA before turning to outside parties for resolution. This policy applies to any matter which is related to NYSCOPBA’s business and does not relate to private acts of an individual not connected to the business of NYSCOPBA. This policy is intended to supplement but not replace any applicable state and federal laws governing whistleblowing applicable to non-profit organizations.

ARTICLE II

Violations and Reporting in Good Faith. All employees and members of NYSCOPBA are encouraged to report any action or suspected action taken within NYSCOPBA that is illegal, fraudulent or in Violation of any adopted policy of NYSCOPBA (each, “Violation”). Anyone reporting a Violation, must act in good faith, without malice to

NYSCOPBA or any individual in NYSCOPBA, and have reasonable grounds for believing that the information shared in the report indicates that a Violation has occurred.

ARTICLE III

No Retaliation. No employee or member who in good faith reports a Violation or cooperates in the investigation of a Violation shall suffer harassment, retaliation or adverse employment consequences. Any individual within NYSCOPBA who retaliates against another individual who in good faith has reported a Violation or has cooperated in the investigation of a Violation is subject to discipline.

If an individual believes that someone who has made a report of a Violation or who has cooperated in the investigation of a Violation is suffering from harassment, retaliation or other adverse employment consequences, the individual should contact the Compliance Officer.

Any individual who reasonably believes he or she has been retaliated against in Violation of this policy shall follow the same procedure as for filing a complaint.

ARTICLE IV

Reporting Process. If an individual reasonably believes that a Violation has occurred, the individual is encouraged to share his or her questions, concerns, suggestions or complaints with any person within NYSCOPBA who may be able to address them properly.

In most cases, the direct supervisor of an individual is the person best suited to address a concern. However, if an individual is not comfortable speaking with his or her supervisor, or if he or she is not satisfied with the supervisor's response, the individual is encouraged to speak

directly to the Compliance Officer, who is NYSCOPBA's Executive Vice President, or anyone in management he or she feels comfortable approaching.

ARTICLE V

Confidentiality. NYSCOPBA encourages anyone reporting a Violation to identify himself or herself when making a report in order to facilitate the investigation of the Violation. However, reports may be submitted on a confidential basis by the complainant or may be submitted anonymously by filling out a reporting form and forwarding the form to NYSCOPBA's main office. Reports of Violations or suspected Violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, to comply with all applicable laws, and to cooperate with law enforcement authorities. Furthermore, NYSCOPBA will explore anonymous allegations to the extent possible, but will weigh the prudence of continuing such investigations against the likelihood of confirming the alleged facts or circumstances from attributable sources.

ARTICLE VI

Compliance Officer: Handling Reported Violations. The supervisor, manager or board member who receives a report of a Violation from the complainant is required to notify the Compliance Officer of that report, except as provided below with respect to a report relating to the Compliance Officer. The Compliance Officer will notify the complainant and acknowledge receipt of a report of Violation within ten (10) business days, but only to the extent that the complainant's identity is disclosed or a return address is provided. The Compliance Officer shall notify the Executive Board of all reported Violations.

The Compliance Officer, or his or her designee, is responsible for promptly investigating all reported Violations and for causing appropriate corrective action to be taken if warranted by the investigation. The complainant will be notified about what actions will be taken, to the extent reasonably possible, and consistent with any privacy or confidentiality limitations. If no further action or investigation is to follow, an explanation for the decision will be given to the complainant.

In the event that the Compliance Officer is suspected of committing a Violation, then the Violation will be reported to the President and the Violation will be investigated by the President under close supervision of the Executive Board.

Compliance Officer:

Tammy Sawchuk, Executive Vice President
New York State Correctional Officers and
Police Benevolent Association, Inc.,
102 Hackett Blvd.
Albany, NY 12209
(#518-427-1551).

ARTICLE VII

Accounting and Auditing Matters: Reports. The Finance Committee is responsible for addressing all reported concerns or complaints of Violations relating to corporate accounting practices, internal controls or auditing. Therefore, the Compliance Officer must immediately notify the Finance Committee of any such concerns or complaints.

In addition, the Compliance Officer will advise the Executive Board of any reported Violations, the current status of the investigation, and the outcome or corrective action taken at the conclusion of the investigation.

ADOPTED BY THE EXECUTIVE ASSEMBLY AT ITS MEETING ON THE _____ DAY OF _____, 2014.

A copy of this Policy shall be distributed to all Executive Board members, officers, employees and members of NYSCOPBA who provide substantial services to NYSCOPBA.

My signature below indicates my receipt and understanding of this policy. I also verify that I have been provided with the opportunity to ask questions about the policy.

Dated: _____, 2014

[Signature]

[Print Name]

AMENDED CONFLICT OF INTEREST POLICY

ARTICLE I

Purpose: The purpose of the Conflict of Interest Policy is to protect the interests of the New York State Correctional Officers and Police Benevolent Association, Inc. (“NYSCOPBA”), when it is contemplating entering into a transaction or arrangement that might benefit the private interest of a member of the Executive Board or Executive Assembly of NYSCOPBA. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to non-profit and charitable organizations.

ARTICLE II

Definitions:

1. **Interested Person.** Any director, principal officer, including members of the Executive Board and Executive Assembly, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person and has a potential conflict of interest.

2. **Financial Interests.** A person has a financial interest if the person has, directly or indirectly, through business, investment or family:

- a. An ownership or investment interest in any entity with which NYSCOPBA has a transaction or arrangement;
- b. Any compensation arrangement with NYSCOPBA or any entity or individual with which NYSCOPBA has a transaction or arrangement; or

- c. A potential ownership or investment in, or compensation arrangement with, any entity or individual with which NYSCOPBA is negotiating a transaction or arrangement.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest has a conflict of interest only if the appropriate governing board decides that a conflict of interest exists.

3. Conflict of Interest. The term “Conflict of Interest” means a conflict, or the appearance of a conflict, between the private interests and official responsibilities of a person in a position of trust. It encompasses that which could cast doubt on such a person’s ability to act with objectivity with regard to the interests of NYSCOPBA. Acting with objectivity pertains to actions which could influence the use of NYSCOPBA’s resources toward personal or family gain or gain by a business or organization with which the member or his/her family is affiliated.

The following matters shall not constitute “conflicts of interest” for purposes of this policy: fixing the compensation of directors or officers; establishing, amending or modifying Association policies governing travel and expense reimbursement.

ARTICLE III

Procedures:

1. Duty to Disclose. In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the Executive Board, Executive Assembly and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

2. Determining Whether a Conflict of Interest Exists. After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Executive Board, Executive Assembly or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board, Assembly or committee members shall decide if a conflict of interest exists.

3. Procedures for Addressing the Conflict of Interest.

- a. An interested person may make a presentation at the Executive Board, Executive Assembly or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest. An interested person is prohibited from attempting to improperly influence, or from improperly influencing, the deliberations or voting on the matter giving rise to the possible conflict of interest.
- b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the governing board or committee shall determine whether NYSCOPBA can obtain, with reasonable efforts, a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing any conflict of interest, the Executive Board, Executive Assembly or committee shall determine by a majority vote of the disinterested members whether the transaction or arrangement is in NYSCOPBA's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.

4. Violations of the Conflicts of Interest Policy.

- a. If the Executive Board or committee has reasonable cause to believe a member has failed to disclose an actual or possible conflict of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

- b. If after hearing the member's response and making further investigation as warranted by the circumstances, the Executive Board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

ARTICLE IV

Records of Proceedings: The minutes of the Executive Board, Executive Assembly and all committees with board delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Executive Board's, Executive Assembly's or committee's decision as to whether a conflict of interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to their proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

ARTICLE V

Annual Statements: Each director, principal officer, including members of the Executive Board, Executive Assembly and members of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

- a. Has received a copy of the conflicts of interest policy;
- b. Has read and understands the policy;
- c. Has agreed to comply with the policy; and
- d. Understands NYSCOPBA is non-profit and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax exempt purposes.

ARTICLE VI

Periodic Reviews. To insure that NYSCOPBA operates in a manner consistent with non-profit purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and result of arms-length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management, organizations conform to NYSCOPBA's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further non-profit purposes and do not result in inurement and impermissible private benefits.

ARTICLE VII

Use of Outside Experts. When conducting the periodic reviews as provided in Article VII, NYSCOPBA may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

ARTICLE VIII

Written Statement of Potential Conflicts. Prior to the initial election of any director, including members of the Executive Board and Executive Assembly, and annually thereafter, such director shall complete, sign and submit to the Secretary of NYSCOPBA a written statement identifying to the best of the director's knowledge, any entity of which such director is an officer, director, trustee, member, owner (either as a sole proprietor or partner), or employee and with which NYSCOPBA has a relationship, and any transaction in which NYSCOPBA is a participant and in which the director might have a conflict of interest. Each director shall annually resubmit such written statement. NYSCOPBA's Secretary shall provide a copy of all completed statements to the Chair of the Finance Committee and to the President.

STATEMENT REQUIRED BY NYSCOPBA CONFLICT OF INTEREST POLICY

The undersigned member of the Executive Board or Executive Assembly hereby states that he/she:

- a. Has received a copy of the conflicts of interest policy;
- b. Has read and understands the policy;
- c. Has agreed to comply with the policy; and
- d. Understands NYSCOPBA is non-profit and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax exempt purposes.

To the best of my knowledge, set forth below are all entities of which I am an officer, director, trustee, member, owner (either as a sole proprietor or partner), or employee and with which NYSCOPBA has a relationship, and any transaction in which NYSCOPBA is a participant, and in which I might have a conflict of interest:

Dated: _____ Signed: _____

[Print Name]

NYSCOPBA's Judicial/Ethics Panel
Policy and Procedures

Preamble:

The purpose of NYSCOPBA's Judicial/Ethics Panel Policy and Procedures is to resolve charges promptly, fairly and in the interest of the membership.

PARAGRAPH 1: FILING OF CHARGES

Except as provided in this article, any member of NYSCOPBA may file charges against any officer or member of NYSCOPBA for acts or omissions as hereinafter described in Paragraph 2; such charges must be filed within sixty (60) days of the date upon which an act or omission occurred or when the accusing member first knew or reasonably should have known the alleged act or omission.

PARAGRAPH 2: BASIS FOR FILING CHARGES

The following shall constitute basis for the filing of charges:

- A) violation of any provision of the Constitution and Bylaws of NYSCOPBA;
- B) misappropriation, embezzlement, or improper or illegal use of NYSCOPBA funds;
- C) dual unionism or sedition (activity which assists or is intended to assist competing employee organizations);
- D) instituting or urging others to institute legal action against NYSCOPBA or any officer, employee thereof without first exhausting all internal remedies within NYSCOPBA, provided that this shall not apply where the action was instituted in order to prevent the loss of rights under an applicable statute of limitations and the member has diligently pursued his or her internal remedies;
- E) using the name or assets (including mailing lists) or goodwill of NYSCOPBA in an unauthorized manner;
- F) deliberately interfering with any official of NYSCOPBA in the discharge of his or her lawful duties;
- G) conviction of a crime, the nature of which is such to bring NYSCOPBA as an organization into disrepute;
- H) knowingly submitting any false financial report or statement;
- I) acting in a manner such as to harm substantially the interests of NYSCOPBA;

- J) malicious prosecution or the bringing of charges which are frivolous in nature; and
- K) engaging in corrupt or unethical practices by taking or improperly retaining any money, books, records, or other property belonging to NYSCOPBA. The unauthorized destruction, alteration, or mutilation of records, vouchers, or receipts shall also constitute a violation of this code.
- L) While acting in one's official capacity, demonstrating a persistent pattern of treating other members with such a degree of disdain, disrespect and lack of professionalism as to undermine the promotion of the welfare of bargaining unit members.

PARAGRAPH 3: CONTENTS OF THE JUDICIAL/ETHICS COMPLAINT CHARGES

Charges shall be in writing on a form created by the Judicial/Ethics Committee and shall be signed by the member or members bringing the charge. The charges shall state specific section(s) of Paragraph 2 above alleged to have been violated, and specific facts underlying the charge.

In setting forth the specific facts underlying the charges, the charging person(s) shall state in detail the date each act or omission is alleged to have occurred, and any witnesses to the acts or omissions charged.

The charges shall be accompanied by any corroborative evidence, including, but not limited to:

- [1] physical evidence
- [2] documentary evidence (i.e., correspondence, business records);
- [3] hand-written and dated declarations(s) (the writing of which is witnessed by a second person) corroborating the allegation(s) made by the charging party, based on the personal knowledge of the person making the declaration and signed under penalty of perjury.

All document(s)/declaration(s) shall contain specific facts and be relevant to the charges as referenced in Paragraph 2, A-L above.

The written charge must contain the name, address, title and work location of the charging party as well as the name, address, title and work location (if known) of the accused.

Charges may only be initiated by NYSCOPBA officers or members in good standing. The written charges must be legible and specific.

PARAGRAPH 4: FILING AND SERVING CHARGES

The charges shall be filed in duplicate by being personally delivered to, or mailed by registered or certified mail to the Secretary of NYSCOPBA or, if the Secretary is a party or witness, to the President.

The Secretary (or President) shall refer the case immediately to the Chair of the Judicial/Ethics Committee. The date of filing shall be the date of the postmark or the day of hand delivery to the Secretary as evidenced by a signed receipt.

The Secretary shall serve the respondent with a copy of the charges either personally or by registered or certified mail, directed to the last known address of the respondent. The respondent shall have twenty (20) days after receipt in which to respond. The date of response shall be the date of postmark or hand receipt. Reasonable extensions to respond may be granted by the Chair of the Judicial/Ethics Committee. Copies of all correspondence, to include the response of the accused, shall be forwarded to the Judicial/Ethics Committee for review and resolution. A copy of the respondent's reply will be sent to the charging party.

PARAGRAPH 5: ETHICS COMMITTEE

A. Initial Screening of Charges

Pursuant to the Constitution and Bylaws, the Judicial/Ethics Committee shall be elected by the Executive Assembly. A quorum, consisting of at least five (5) Judicial/Ethics Committee members, shall be required to consider and render a decision on charges; all decisions shall be made by majority vote. The committee will make every effort to meet within sixty (60) days of receipt of the grievance to review each case. If it is not possible to meet in person, the Judicial/Ethics Committee may conduct a meeting by teleconference. Additionally, if by majority vote it is found necessary, the committee may conduct interview(s) and request additional information from the parties. The committee may:

1. dismiss or deny the charges if the committee finds no substantial evidence of a constitutional or ethics code violation; or
2. sustain the charges and issue an ethics/judicial opinion to the parties defining their responsibilities under the Constitution or these procedures if violations are found to be of a minor or technical nature; or

3. refer the matter for a full hearing before the Committee, if it finds substantial evidence of a serious violation of the Constitution or Paragraph 2 of these rules.

Internal committee rules of decorum include a provision that impacted individuals not be allowed to attend committee meetings unless the matter is referred for a full hearing. Members should be informed of the status of their case after submission, as well as be told reasons for sustaining or dismissing the case. The Chair will prepare a summary of the case to be presented to the Executive Board to simplify understanding of issues.

All correspondence relative to the case will be made available to the parties. Committee members will not accept phone calls from litigants except to discuss procedures. The Chair will recuse committee members should a conflict of interest or the appearance of conflict of interest surface.

Charges of dual unionism or sedition shall be referred to the Judicial/Ethics Committee for immediate review. If the Committee finds substantial evidence of dual unionism or sedition by any elected union officer or official, that officer or official may be immediately suspended from Office and all official duties pending the hearing provided by this procedure. The suspended official shall be given prompt notice of the suspension and may present evidence to the Committee, at its next meeting, to demonstrate that the suspension is not warranted. The Committee, upon consideration of such evidence may, in its discretion, continue or revoke the suspension.ⁱ

PARAGRAPH 6: REFERRAL FOR A FULL HEARING

Cases referred for a full hearing pursuant to paragraph 5 (3) shall be heard by a quorum of the Committee selected by the Chair, who may also serve as a member of the hearing panel.

The parties may appear before the hearing panel in person and with witnesses to present and answer the charges. A full and fair hearing will be conducted, with the accuser and the accused afforded the right to question witnesses and examine any evidence presented by the charging party. Witnesses need not testify under oath. The accused may select another NSYCOPBA member to represent him or her in the presentation of a defense, however, no counsel may present a case. The accused may elect to present a defense in writing rather than personally appear. In the absence of a written or personal defense, the hearing shall still proceed.

PARAGRAPH 7: JUDGMENT OF THE HEARING PANEL

Upon completion of the hearing, the Hearing Panel shall vote on whether to sustain the charges in whole or in part. A majority vote of the Hearing Panel shall be required to sustain the charges. The Hearing Panel shall render its decision within thirty (30) calendar days at the end of the hearing. The Hearing Panel's decision shall include a summary of the evidence presented

and shall state the basis upon which the decision was made. The Hearing Panel's decision shall be mailed to the accused, the charging party, and to such other persons as may be deemed appropriate. If the charges are not sustained, they shall be dismissed.

If the charges, or any portion thereof, are sustained, the Hearing Panel shall render judgment and may impose discipline. Discipline may include:

- A. requirement that the guilty party or parties conform to the Constitution and Bylaws and the Judicial Ethics Procedures;
- B. command to do or perform or restrain from specific acts;
- C. reprimand;
- D. deprivation of NYSCOPBA privileges;
- E. removal from Office; or
- F. suspension or expulsion from NYSCOPBA.

PARAGRAPH 8: APPEALS TO EXECUTIVE BOARD

1. Decisions of Judicial/Ethics Committee pursuant to paragraph 5 (1) or (2) and paragraph 6 may be appealed to the Executive Board by any party to the charge. All appeals will be filed with the Secretary (or President if the Secretary is a party) within thirty (30) days of the mailing of a decision. The decision shall be mailed by registered or certified mail to the last known address as shown on NYSCOPBA's books or may be personally delivered to the party or parties and this shall constitute due notice. Reasonable extensions to appeal may be granted by a majority vote of NYSCOPBA's Executive Board.^{ii, iii}
2. The appeal must be received in duplicate by the Secretary (or President) of NYSCOPBA. The appeal shall contain a concise statement of the facts that the appellant feels warrants such an appeal.
3. The Executive Board, upon one-third (1/3) of those present and voting, shall hear the appeal at its next scheduled meeting, provided that the appellant postmarks the appeal within thirty (30) calendar days prior to the meeting.
4. In-person presentations to the Executive Board by the appellant or other parties to the grievance will require a majority of the vote of the Executive Board. Travel and other expenses to attend the appeal will not be provided by NYSCOPBA. There will be no

requirement on the part of NYSCOPBA's Executive Board to schedule hearings or appeals for the convenience of any of the litigants.

5. A majority vote is required to overturn any decision of the Ethics/Judicial Committee.
6. Board members party to the grievance will not be allowed to vote.
7. A decision by the Executive Board will be considered final unless the Executive Board votes to remand to the Ethics Committee for a full hearing under paragraph 6.

PARAGRAPH 9: FAILURE TO COMPLY

Failure by an elected officer to comply with the final judgment imposing discipline shall be considered an action detrimental to NYSCOPBA's interest and may lead to impeachment.

Failure by a member to comply with the decision of the Executive Board will be grounds for the Board to take further disciplinary action.

Judgment of the Judicial/Ethics Committee is final unless an aggrieved party appeals the decision to the Executive Board.

ⁱ Paragraph 5 amended to include last paragraph (dual unionism and sedition) Approved September 1, 2000

ⁱⁱ Paragraph 8 (1) amended ~~within sixty (60) days of the receipt of a decision.~~ Approved February 11, 2009

Paragraph 8 (1) amended to include ...within thirty (30) days of the mailing "or personal delivery of the decision. The decision shall be mailed by registered or certified mail to the last known address as shown on NYSCOPBA's books or may be personally delivered to the party or parties and this shall constitute due notice. Reasonable extensions to appeal may be granted by a majority vote of NYSCOPBA's Executive Board."



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd. - Albany, NY 12209
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



Charging Party:

Accused Party:

Print Name _____

Print Name _____

Signature _____
Charging Party MUST sign form

Date _____

Address _____

Phone Number _____

Title _____

Work Location _____

Corroborating Witness Signature _____

Witness must attach a declaration or statement of facts.

BASIS FOR FILING CHARGE:

LIST SPECIFIC LETTER(S) (A-L) PARAGRAPH 2 OF THE JUDICIAL & ETHICS POLICY & PROCEDURE:

SPECIFIC FACTS RELEVANT TO THE CHARGE(S):

Except as provided in this article, any member of NYSCOPBA may file charges against any officer or member of NYSCOPBA for acts and or omissions as described in paragraph 2. Such charges **MUST BE FILED IN DUPLICATE WITHIN 60 DAYS** of the date upon which an act or omission allegedly occurred or when the accusing members first knew or reasonably should have known of the alleged act or omission. Any corroborative evidence per paragraph 3 shall accompany charges. (Please print or type.)

Status of File: (For Committee Use Only)

Paragraph 4: Filing and Serving Charges. Charges shall be filed in duplicate by being personally delivered to, or mailed by Registered or Certified mail to the Recording Secretary of NYSCOPBA. If the Recording Secretary is a party or witness, the charges shall be filed to the President. The respondent shall have 20 days after receipt in which to respond. (Please Print or Type.)

RESPONSE OF ACCUSED PARTY: _____

Accused Signature: _____ Date: _____

DECISION OF NYSCOPBA'S JUDICIAL & ETHICS COMMITTEE FILE# _____

Please be advised that the New York State Correctional Officers and Police Benevolent Association, Inc. Judicial & Ethics Committee reviewed your accusation, and, after careful consideration of the facts, has found:

1. _____

2. _____

3. _____

The purpose of the Judicial & Ethics Committee is to substantiate only those findings that a member violated paragraph 2. If you do not agree with the Committee's findings, you have the right to appeal the determination to the Executive Board. All appeals must be filed with the Recording Secretary (or President if the Secretary is a party), within 30 days of receipt of the decision (see paragraph 8).

Chair, Judicial & Ethics Committee

Signature

Date

Print

10/11/05

MOTION:

Any member who is expelled as a result of J & E proceedings who wishes to be re-instated shall request same of the NYSCOPBA Executive Board via certified mail to the recording secretary: Request shall include charges which resulted in expulsion and why the board should re-instate.

To be taken up at Executive Board meeting following receipt by the recording secretary. The Executive Board decision will be given to the member within 30 days.

Motion made by: John Telisky

Motion seconded by: Keith Zulko

Motion **passed** - Unanimously



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd. - Albany, NY 12209
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



NYSCOPBA COMPUTER POLICY

Access and use of computing and networking resources at NYSCOPBA are privileges extended to employees of NYSCOPBA. Access to NYSCOPBA's computing and networking resources is limited to authorized users and is for approved purposes only. "Approved purposes" is defined as only NYSCOPBA related purposes. "Authorized users" is defined as any member of NYSCOPBA or the NYSCOPBA Employee Association (NEA) who is issued a NYSCOPBA Computer Account. NYSCOPBA's computing resources include computer hardware and software, computer-based files and data, and all networks reached via NYSCOPBA's Officers such as the Internet. All equipment and software installed on NYSCOPBA's network is Property of NYSCOPBA and is only to be used for NYSCOPBA related work product. As such, all transmissions over NYSCOPBA's network whether originating or terminating within the NYSCOPBA network is monitored by Management. Any and all prohibited uses of the NYSCOPBA network will result in the loss of your account and/or disciplinary charges.

Each holder of a NYSCOPBA Network Account has the responsibility to use resources referred to above in an ethical and legal manner and agrees as to the following as a condition for use of the account:

1. Security measures are in place to protect the privacy of NYSCOPBA users. Any attempt to bypass these security measures, or to secure a higher level of access or privilege without appropriate authorization, is prohibited and will result in the loss of your account and/or disciplinary charges.
2. Use of another person's user ID, or applying for a false user ID, is prohibited and will result in the loss of your account and/or disciplinary charges.
3. Use of your user ID for commercial purposes is prohibited. You may not sell access to your user ID or perform work for profit in a manner not authorized by NYSCOPBA and will result in the loss of your account and/or disciplinary charges.
4. E-mail messages and files are not private and are considered the property of NYSCOPBA. The reading, deleting, or modifying of another user's e-mail or files without the owner's and/or administrator's permission is prohibited and will result in the loss of your account and/or disciplinary charges.
5. Offensive messages (e.g., messages with sexual, discriminatory, racial, or derogatory connotations) will not be permitted. Harassment in any form will not be tolerated and will result in the loss of your account and/or disciplinary charges.
6. Please refrain from sending excessively large quantities of e-mail: An excessively large quantity of mail may be defined as a small message sent to a very large number of users, a very large message sent to several users, or anywhere in between. Users who repeatedly do this, regardless of the method used (e.g., distribution lists, multiple distribution lists, individual mailings, etc.), will be considered in violation of e-mail policy and will result in the loss of your account and/or disciplinary charges, unless the NYSCOPBA President grants permission. This could significantly reduce response time or have undesired effects on NYSCOPBA's Computer Systems.
7. Sending unsolicited commercial or bulk e-mail, including advertisements, is prohibited and will result in the loss of your account and/or disciplinary charges.
8. Chain mail is prohibited and will result in the loss of your account and/or disciplinary charges. Chain mail is an e-mail message that requests the recipient to forward or send a copy of the message to multiple users.
9. You will be held responsible for all e-mail messages sent from your user ID. For this reason, forgery, or attempted forgery, of the "From" line in an e-mail message is prohibited. Masking the identity of an account and/or electronic identification address is prohibited and will result in the loss of your account and/or disciplinary charges.
10. NYSCOPBA's Computer Systems cannot be used to upload (send) copyrighted materials, trade secrets, proprietary financial information, or similar materials without appropriate prior authorization of the NYSCOPBA President.

SEXUAL HARASSMENT POLICY

It is the policy of NYSCOPBA to comply with federal and state laws which prohibit sexual harassment and to maintain an employment atmosphere free of sexual harassment, intimidation or coercion. Sexual harassment of any kind will be grounds for immediate and appropriate disciplinary action up to and including dismissal. NYSCOPBA has adopted the New York State Sexual Harassment Guidelines which may be found at <https://www.ny.gov/combating-sexual-harassment-workplace/employers> including applicable forms. The Guidelines and forms may also be obtained through any Executive Board member or the Office Manager.

NYSCOPBA prohibits sexual harassment of any employee. All employees and non-employees¹ of NYSCOPBA must, therefore, avoid offensive or inappropriate sexual behavior at work and are responsible for assuring that the workplace is free from sexual harassment at all times.

WHAT IS HARASSMENT?

Sexual harassment can take many forms. It may be, but is not limited to, words, signs, jokes, pranks, intimidation or physical contact.

Any verbal or behavior may constitute as harassment when:

1. Submission to such behavior is made, either explicitly or implicitly, a term or condition of employment.
2. Submission to or rejection of such behavior by an individual is used as a basis for employment decisions affecting the individual.

¹ Non-employees are defined as individuals who are utilized by NYSCOPBA for specific projects and are not in a paid status, e.g., Judicial Ethics Committee, Finance Committee, Collective Bargaining Committee, Health and Welfare Committee, Grievance Committee, Legal Assistance Committee, Legislative Political Action Committee, Election Committee, Publicity and Meetings Committee, Constitution and By-Laws Committee, Chief Section Stewards, Stewards, etc.

3. Such behavior includes deliberate, repeated, unsolicited and unwelcome verbal comments, gestures or physical acts of a sexual nature.
4. Such behavior has the purpose or effect of interfering with an individual's performance or creating an intimidating, hostile or offensive work environment.

EXAMPLES:

The following kinds of conduct may constitute sexual harassment:

1. Unwelcome sexual advances.
2. Request for sexual acts or favors with or without accompanying promises, threats, reciprocal favors or actions.
3. Other verbal conduct of a sexual nature made to an employee when submission to such conduct is made whether explicitly or implicitly a condition of an individual's employment or when submission to or rejection of such conduct has the purpose or effect of substantially interfering with an individual's work performance.
4. Use of any offensive or demeaning terms which have sexual connotations including off-color language or jokes of a sexual nature; slurs and other verbal, graphic or physical conduct relating to an individual's gender.
5. Persistent and unwelcome remarks about another's clothing or body.
6. Unwelcome and repeated invitations to social engagements.
7. Unwelcome touching or pinching.
8. Any action relating to an employee's job status which is in fact affected by consideration of his/her sex or the granting or refusal of social or sexual favors.

9. Display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons.
10. Deliberate or careless creation of an intimidating, hostile or offensive atmosphere by sexual innuendo, comment or action.

COMPLAINTS:

An employee who feels that he/she is being sexually harassed or believes that he/she has witnessed sexual harassment, can make an oral or written complaint to his/her immediate supervisor. If the employee is uncomfortable about presenting the complaint to his/her immediate supervisor or if the immediate supervisor's conduct is cause for complaint, the employee may make the complaint to the office manager or a member of NYSCOPBA's Executive Board (President, Executive Vice President, Secretary, Treasurer or Vice President) (hereinafter "Executive Board") of NYSCOPBA. Any employee who has a complaint of sexual harassment at work by anyone, including co-workers or visitors, is urged to bring the matter to the attention of his/her supervisor so that NYSCOPBA may investigate and address the problem. In addition, it is a supervisor's duty to report incidents of sexual harassment of NYSCOPBA employees to the office manager or member of the Executive Board of NYSCOPBA.

INVESTIGATION AND DISCIPLINARY ACTION:

All reports of sexual harassment will be promptly investigated with as much confidentiality as possible, consistent with a thorough investigation. Allegations of sexual harassment shall be fully investigated by a union official and/or committee appointed by the President. If the President's conduct is the cause of complaint, then the Executive Vice President shall make the appointment.

It is the responsibility of the investigator and/or committee to investigate the matter expeditiously, properly and thoroughly. Should the investigation result in a finding that harassment occurred, NYSCOPBA will take steps necessary to end the harassment and take appropriate disciplinary action against the offender. This may range from a reprimand to dismissal, or removal from a standing committee. The corrective action should reflect the severity of the conduct.

Disciplinary action up to and including dismissal from employment may be taken as warranted. No retaliation of any kind will be taken against any employee who reports in good faith alleged sexual harassment.



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POLICY FOR RECOVERING FUNDS AND PROPERTY FROM NYSCOPBA MEMBERS AND OFFICIALS 10/11/2005

Sector Level:

- 1.) The Regional V.P. or his designee should verbally request the return of the property and/or money involved from the member/official. If this does not resolve the issue then see 2 below and then advise Executive Vice President and Treasurer.
- 2.) The Regional V.P. or his designee should make a written request for the return of the property and/or money involved. If this does not resolve the issue see Association Level I below and then advise Executive Vice President and Treasurer.

Association Level:

- 1) The Regional V.P. or his designee should notify the Executive Vice President and Treasurer of the situation in writing and include all correspondence from the member/official who is holding the property and/or money at issue. If the Treasurer deems the member/official is entitled to the property and/or money the issue will be considered resolved and the sector will be treated appropriately.
- 2) If the Treasurer does not deem it appropriate for the member/official to maintain possession of the property and/or money the Treasurer will notify the Regional V.P. (with copy to the member). The member will have 30 days to return the property and/or money or appeal the decision to the Executive Board.
- 3) If the member/official fails to act or the Executive Board denies the approval made by the member/official, the following will occur:
 - a. The Treasurer will send the member/official involved a certified letter requesting the return of the property and/or money involved and justification for the delay or denial of the return of the property and/or money involved.
 - i. The Treasurer will deduct the appropriate amount from future mileage and or per diem payments.
 - b. The value of the property or the amount of money held by the member/official will be deducted from future reimbursements made to the member/official.
 - c. Should the member/official refuse to return the property and/or money involved and deductions cannot be made from future reimbursements he/she will be advised that he/she could be petitioned into Small Claims Court and/or subjected to Judicial and Ethics charges.

* Adopted Unanimously at Executive Assembly 12-8-05



New York State Correctional Officers & Police Benevolent Association

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Grievance/Legal Assistance Committee

GRIEVANCE REVIEW POLICY

(As adopted December 12, 2007)

1. **STATEMENT OF POLICY:** Article 7 "*Grievance and Arbitration*" of the collective bargaining agreement provides that NYSCOPBA may take an appeal of a grievance that is not satisfactorily resolved. It shall be the policy of the New York State Correctional Officers & Police Benevolent Association, Inc. ("NYSCOPBA") that the determination to take any such appeal shall be made in accordance with the procedures described herein.
2. **INITIATION OF GRIEVANCES:** NYSCOPBA, or a person or persons represented by NYSCOPBA ("grievant") may submit a grievance to Step 1 as provided by Article 7 of the collective bargaining agreement.
3. **GRIEVANCES NOT SATISFACTORILY RESOLVED:** A determination by NYSCOPBA that it is not in the best interest of NYSCOPBA to appeal a grievance to the next step in the grievance process is subject to review only as provided by this policy and the procedures specified herein.
4. **REQUEST FOR REVIEW OF A DECISION OF NYSCOPBA:** If NYSCOPBA determines that a grievance not satisfactorily resolved at Steps 1 or 2 will not be appealed to the next step of the grievance procedure, the grievant or the Sector Steward representing said grievant may request a review of this determination by the Grievance/Legal Assistance Committee established pursuant to Article XI of the NYSCOPBA Constitution. The procedure for this review shall be as follows:
 - a. The grievant will be notified by NYSCOPBA in writing of this determination. A copy of this notice shall also be provided to the Vice-President and the Chief Sector Steward representing the grievant.

Members of the Committee:

Wilson Chapman (Great Meadow CF); Robert Cronin (Mt. McGregor CF); Dave Fletcher (Franklin CF);
Jeff Levy (Division of Parole); Hugh Ricenburg (Downstate CF); Don VanTassell (Fishkill CF)

Committee Chair:

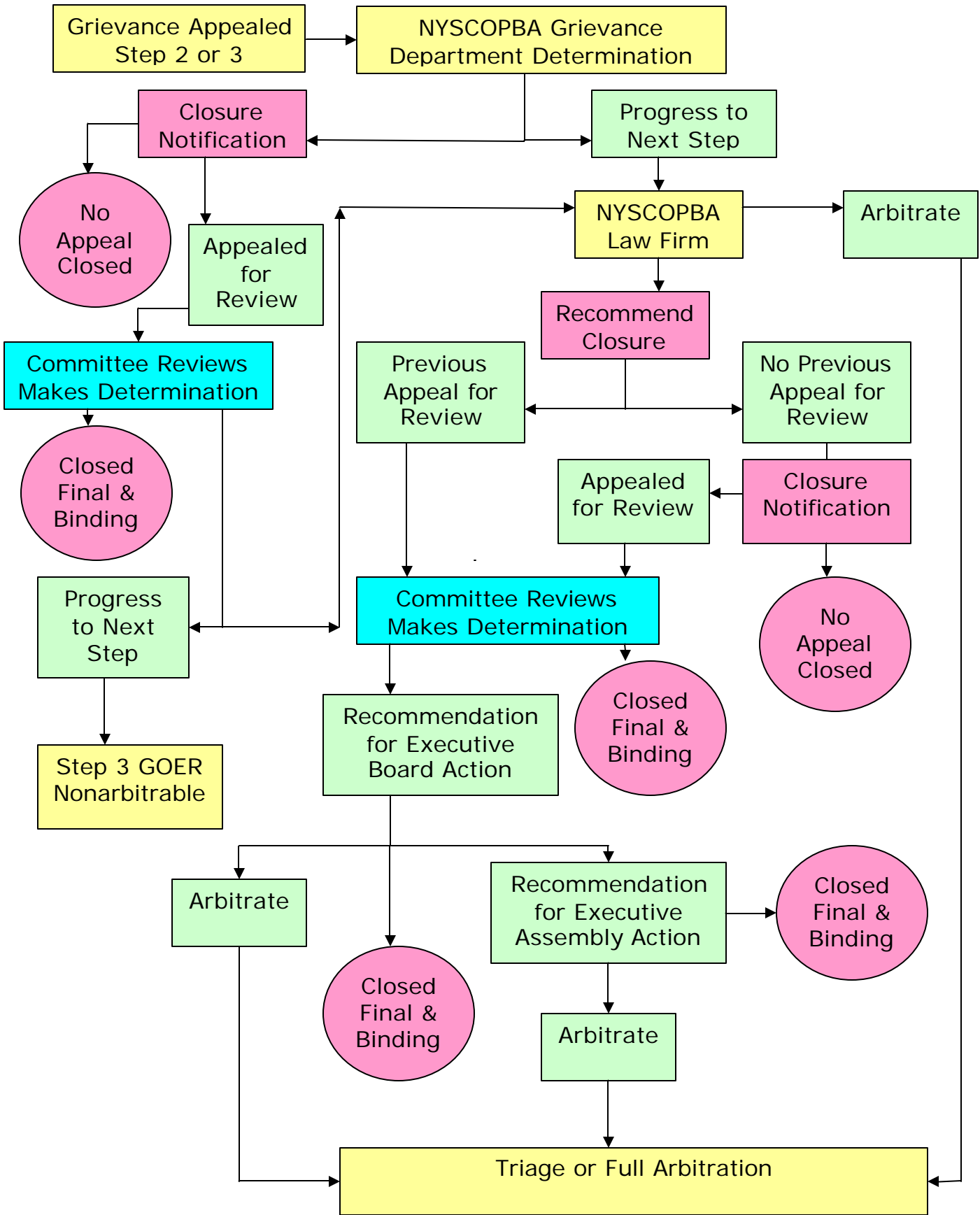
Kevin Walker (Mid-Hudson Vice President)

- b. The notice to the grievant shall include the reasons why NYSCOPBA determined that the grievance should not be appealed to the next step. This notice may include any information, which supports the decision of NYSCOPBA including past grievance decisions, arbitration decisions, etc.
 - c. The notice to the grievant shall state, "In the event you do not agree with this determination to close this grievance, you may request in writing that this determination be reviewed by the Grievance/Legal Assistance Committee. This request must be made within thirty (30) days following receipt of this notice. Your request for review must include specific relevant additional information that NYSCOPBA did not possess that might have affected the determination to close the grievance. The request for review by the Grievance/Legal Assistance Committee should be sent by email to grievance@nyscopba.org or mailed to 'NYSCOPBA Grievance Department, 102 Hackett Blvd., Albany, NY 12209-1543.' If a written request for review is not received within thirty (30) days, the grievance will be closed."
 - d. The Grievance Department will forward a request for review to the Grievance/Legal Assistance Committee. The committee will review the written submission, and may call witnesses, may consult with legal counsel and/or request additional information from any person possessing information believed to be relevant. NYSCOPBA shall notify the grievant of the date and time when the committee will consider their request for a review. The grievant may participate via a telephone conference call or may appear in person at his or her expense. Their Sector Steward or Vice-President may represent the grievant in this review. In the event a good faith effort has been made to contact the grievant and the grievant cannot be contacted, the Grievance/Legal Assistance Committee may go forward with the review and render a decision thereon.
 - e. The Grievance/Legal Assistance Committee will render a decision within thirty (30) days after the review is considered. The Grievance/Legal Assistance Committee will notify the grievant in writing that either the grievance will be closed or that the grievance will be appealed to the next step. The decision of the Grievance/Legal Assistance Committee will be final and binding and cannot be appealed.
5. GRIEVANCES NOT SATISFACTORILY RESOLVED AT STEP 3: If NYSCOPBA or Legal Counsel designated pursuant to Article XIX of the NYSCOPBA Constitution and Bylaws determines that it is not in

the best interest of NYSCOPBA to pursue a grievance beyond Step 3, the following shall occur:

- a. Only when the Grievance/Legal Assistance Committee has not previously reviewed the grievance as described in section 4 of this policy, the grievant, the Sector Steward and the Vice-President representing the grievant will be provided the opportunity for such review as provided by section 4(a) to section 4(d).
- b. If the Grievance/Legal Assistance Committee agrees with the determination that it is not in the best interest of NYSCOPBA to pursue the grievance beyond Step 3, the grievance will then be closed. This decision will be final and binding and cannot be appealed.
- c. If the Grievance/Legal Assistance Committee does not agree with the determination that it is not in the best interest of NYSCOPBA to appeal the grievance beyond Step 3, the grievance will be submitted to the Executive Board.
- d. The Executive Board shall then decide that the grievance will be pursued beyond Step 3, or the grievance will be closed, or the grievance will be referred to the Executive Assembly. This decision of the Executive Board will be final and binding and cannot be appealed.
- e. The decision of the Executive Board, or of the Executive Assembly if the grievance is referred to them by the Executive Board, that the grievance will be pursued beyond Step 3 or that the grievance will be closed will be final and binding and cannot be appealed.

**Grievance Review Policy & Procedure
Adopted by NYSCOPBA EA 12-12-07**



Grievance Procedure Summary: under Article 7 in the contract.

STEP I

- 1.** Grievant files a grievance within 20 calendar days of occurrence.
- 2.** Grievant, Union and local management meet within 10 calendar days.
- 3.** Local management issues a written decision within 10 calendar days.

STEP II

(From this point forward the Union owns the grievance)

- 1.** Union files appeal to DOCS Labor Relations within 15 days.
- 2.** Meeting with Labor Relations and Union within 10 days.
- 3.** Labor Relations issues decision within 10 days.
- 4.** NYSCOPBA evaluates whether or not to forward grievance to next step (see Grievance Appeal Procedure). NYSCOPBA may appeal Step II decision to Governor's Office of Employee Relations within 15 days. (* 15 day window extended to 60 days per MOU with GOER)

STEP III

- 1.** Step III review scheduled every other week at GOER office (Member receives scheduling letter explaining review procedure. Member may participate by phone, upon request to grievance department)
- 2.** On-site review- (very rare) Meeting at worksite with Union, Management and GOER, usually within 4 months.
- 3.** Health and safety issues may be referred to Health and Safety Committee for review.
- 4.** Out of Title grievances referred to Civil Service Classification and Compensation for review.

5. GOER issues decision or recommends resolution.(No set time frame)
6. NYSCOPBA evaluates whether or not to forward grievance to next step (see Grievance Appeal Procedure). NYSCOPBA may appeal Step III decision to Step IV within 15 days. (* 15 day window extended to 60 days per MOU with GOER

STEP IV

1. Appeal to Alternate Dispute Resolution Process or Arbitration may take several paths:
 - a. **Triage** - Discussion between NYSCOPBA and State legal counsel (resolution conference) to determine if grievance can be resolved or if it can be best addressed through Expedited or Full Arbitration.
 - b. **Expedited Arbitration** – NYSCOPBA and State legal counsel present verbal case summaries (no written briefs) before a Master Arbitrator. Arbitrator renders decision, usually within 7 days. **Expedited Awards are non-precedential unless the parties agree otherwise.**
 - c. **Full Arbitration** – NYSCOPBA and State legal counsel present verbal and written testimony, including written briefs, before a mutually agreed to Arbitrator. Decision is usually issued within 30 days. **Full Arbitration awards are precedential unless otherwise agreed to by the parties or expressly indicated by the arbitrator.**

Guidelines for Investigating and Writing Grievances

The hallmark of the competent Law Enforcement Officer is the ability to record his or her statement of events in a clean, concise and readily understandable manner. This skill should be employed when writing grievances as well. Grievance reports are the spark that fires the other components of the grievance process into action. It invokes due process of the contract and all New York State laws. Accordingly, it should not be approached in a lax or haphazard manner.

The grievance report should be professional, clear, concise and perfectly understandable. Consequently, when you sign your name on the bottom of your grievance, you tell every person who reads it the type of person you are and the type of organization you represent. An incoherent grievance leaves the reader wondering, "What is he/she trying to tell me?".

Confused, vague or ambiguous grievances result from a failure to think through the facts and circumstances, which will ultimately make up the body of your grievance. The desired result will be lost if you cannot or will not take the time to document the grievance in a way that is clear and understandable.

Think through each portion of your grievance from beginning to end....then write. This will eliminate the need for future "translation". Strive for coherence. "Coherence" is the quality of logic and order. If the grievance lacks a logical sequence... if the events are recorded out of logical order... the reader will have the difficult, if not impossible, chore of figuring out what actually took place.

The practice of outlining a grievance before writing it invariably strengthens your report writing. It is a way to organize the information in your possession before beginning to write. You will get results by putting effort into your report and back it up with documentation: directives, contracts, NY State laws, etc. Explain how they have been violated.

Subjective writing expresses the writer's personal feelings or emotions, opinions, biases or prejudices, and does so generally without regard to verifiable facts, contractual arguments (contract) and evidence.

Objective writing records the facts and circumstances without reference to the writers personal feelings concerning the event, without emotion, and most importantly, without any implication of bias or prejudice.

Each paragraph should be limited to one idea. That central statement should either be elaborated in the beginning of the paragraph, if not the first sentence itself. Clarity and unity of thought is then achieved by relating all other details of the paragraph to the central statement.

These are the questions to ask yourself about your grievance report:

"Does this make sense? Does it report what actually happened? Is it coherent? Will someone else understand this? Does this report adequately or recreate the scene? Is it capable of being misunderstood?"

Double-check the contents of the grievance with another officer or grievance coordinator.

If you follow these guidelines, the result will be a report which is more consistent, more detailed, and much more effective....a report which displays a degree of professionalism.

Updated August 15, 2013

What Makes A "Good" Grievance

A grievance is a legal document which alleges a breach of contract by an employer. It is imperative that the writer of a grievance treat the grievance with the same respect as any other LEGAL instrument. The following are some of the key components of a "good" grievance.

THE CHARGES

It is extremely important to list the correct charges on a grievance. Make absolutely sure the Articles of the Contract that are cited are appropriate for the incident described. Don't try to put a square peg in a round hole. If an Article doesn't fit the incident, don't cite it. If you're not sure, seek advice from more experienced officials. Spend time on research in order to file an accurate grievance

THE FACTS

Describe the incident in such a fashion that a person who has never been in your facility will be able to visualize the events leading up to and during the incident. Describe why the actions described violate the Articles cited in the charges. Stick to the facts and don't use window dressing. **If you refer to documents, such as Labor/Management agreements, medical documentation / receipts, pay stubs etc..., submit a copy of those documents with the grievance.** This is valuable evidence to be considered by the hearing officers. It is too late to run around and try and obtain this documentation when a grievance reaches Step 2 or Step 3. Do your homework before filing the grievance.

THE TRUTH

This is basic common sense. If you get caught exaggerating and/or lying on any part of the grievance, you might as well go home – it's all over!

TIMELINESS

Know the time limits in Article 7 and use them to your advantage. Do your research, get the supporting documentation and write a complete presentation, but do not exceed your time limits. **You have 20 calendar days from the date of the occurrence to file your grievance.** Also, if you lose at Step 1, immediately forward the grievance, the step 1 response and all supporting documentation to the NYSCOPBA Grievance Department so it may be appealed to step 2 in a timely manner. Please contact your Vice President or Business Agent for your regions method of getting the grievance to NYSCOPBA.

Political Action Contributions Policy & Procedures¹

- The NYSCOPBA PAC account shall be funded by the amount approved in the annual budget. The PAC Treasurer and Association Treasurer will see to it that this account complies with all State and Federal laws
- NYSCOPBA's President shall serve as the Political Action Fund Treasurer.
- Contributions to PAC's shall be by the PAC Treasurer only after consultation with the Association President, Executive Vice President, and Legislative Political Action Committee Chairperson and legislative Counsel. This does not preclude membership input. A report of such contributions shall be made at each scheduled meeting of the Executive Board, Legislative Political Action Committee meeting and Executive Assembly.
- Contributions are limited to statewide races; Governor, Lieutenant Governor, Comptroller, Attorney General; or State Senate, State Assembly, County Sheriff, County District Attorney or County Judge; or any Association member in good standing seeking political office.
- A Legislative Political Action committee report will be made at each regularly scheduled Executive Assembly that will include the balance in the NYSCOPBA PAC account, the amount of money deposited since last report, total expenditures since last report, and a year-to-date expenditure report.²
- Contributions to NYSCOPBA members running for political office shall be \$500 upon receipt of a written request and verification of their candidacy.³

Political Endorsements Policy & Procedures⁴

- Association endorsements shall be limited to statewide races; Governor, Lieutenant Governor, Comptroller, Attorney General; or State Senate, State Assembly, County Sheriff, County District Attorney or County Judge; or any Association member in good standing seeking political office.
- Candidates seeking the Association's endorsement will be evaluated based on the criteria including, but not limited to past political performance; voting record, if an incumbent;

¹ Adopted by NYSCOPBA's Executive Assembly on October 4, 2006

² Amended by motion at Executive Assembly on August 8, 2012

³ Increased from \$250 by motion to amend at Executive Assembly on December, 11, 2013

⁴ Amended by motion at Executive Assembly on October 12, 2016

record of support or opposition to the needs of the association; and/or the interest of that candidate in having NYSCOPBA's endorsement.

- Association sectors are not permitted to endorse candidates.
- When a request for an endorsement for political office is received by the Association, the request shall be put before the Legislative/PAC Committee for consideration of an Association endorsement. The Committee's recommendation shall be put before the Executive Board for further consideration.
- If the Executive Board determines that an endorsement is warranted, a poll of the Association's affected membership will be conducted in accordance with Article IV, Reservation of Members' Rights of the Association's Constitution.

In the event that the Association conducts a poll for the endorsement of a candidate for political office, such poll shall be conducted by the Election Committee of NYSCOPBA. The count of the endorsement poll shall be open for viewing to any member of NYSCOPBA in good standing.

Attendance at Political Fundraisers Policy and Procedures

- Attendance at political fundraisers by NYSCOPBA officers, officials, employees, and members acting as agents of NYSCOPBA shall be coordinated by the Legislative Director or the Association President. The legislative Director shall consult with the appropriate elected officials and Legislative Political Action Chairperson when coordinating attendance at these events.
- All NYSCOPBA attendees will present themselves and their issues in a manner which is conducive with that of the Association's legislative agenda and overall mission and purpose.

MOTION SHEET

I would like to make a motion to set a policy that a bi-monthly actuary report be given at each Executive Assembly to account for the PAC Fund monies.

Motion Made by: Robert Hartung
Motion Seconded by: Emilio Mei

Yes _____ NO _____ ABS _____

Motion **Passed**/Defeated: **unanimous** Date: 11/14/02



New York State Correctional Officers & Police Benevolent Association, Inc.

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Legislative/PAC Committee

Donn Rowe, President — PAC Treasurer Jason Zioikowski, Chairman (West)
Fran Kiernan (Central) Jose Pomales (Law Enforcement) Phil Jamison (Mid-Hudson)
Brent Dumas (North) David Luther (South)

RECOMMENDATION

Pursue Legislation to reimburse an active member's family for accumulated sick leave at the time of an active member's death;

After discussions and research from our last two committee meetings (17Dec13 & 28Jan14), the committee recommends that the desired effect of the Executive Assembly's motion would be best served through collective bargaining.

Not that either collective bargaining or legislation would be any easier, we came to the conclusion that with the present language regarding annual leave in the CBA; and the accumulation of sick leave; that collective bargaining would be more fluid and that the argument against legislation would be that the issue is better suited there.

28Jan14

Recommendation to send to the Collective Bargaining Committee in lieu of pursuing Legislation - DEFEATED

NYSOPBA will continue to pursue Legislation

February 12, 2014 EA

MOTION SHEET

Motion:

To pursue Legislation to reimburse an active member's family for accumulated sick time at the time of an active member's death.

Motion Made by: D. Vantassell

Motion Seconded by: John Telisky

Motion Passed/Defeated: **Passed unanimous**

Date: December 11, 2013

MOTION SHEET

Motion:

So that NYSCOPBA members can be as up to date as possible concerning possible legislation action that may affect them, be it resolved as follows: That any proposed action on NY State prison closures and or consolidations in the State Executive Budget or stand alone legislation, NYSCOPBA will inform each member possible by blast email and a copy of the proposed action be listed on the NYSCOBPA website front page and legislative page. If proposed action/legislation is brought up for a vote by a body of the legislature, a copy of how each member of the legislature voted shall also be blast emailed to all members possible showing how each legislator voted, final tally and if legislation passed or failed. This information will also be listed on the NYSCOPBA front page and legislative page as well.

Motion Made by: Dave Fletcher (for V. Blasio)

Seconded by: Louis Delmonte

Motion **Passed**/Defeated: unanimous

Date: December 12, 2012

MOTION SHEET

Motion:

Recommendation from the Legislative/PAC Committee

Upon careful consideration of the attached motion, it is the recommendation of the Committee that NYSCOPBA pursue and reallocation through the Division of Classification and Compensation in accordance with Section 118 of the Civil Service Law to its' completion, prior to attempting to submit legislation to accomplish the same.

Motion Made by: Legislative/ PAC Committee

Seconded by:

Motion **Passed**/ Defeated: Passed with one objection*

*J. Frawley

Date: December 12, 2012

MOTION SHEET

Motion:

To immediately form a committee or assign an existing committee to research, prepare and pursue legislation to achieve a salary upgrade for all NYSCOPBA members. i.e., CO salary grade to fifteen, sergeant salary grade eighteen, etc.

The focus of the committee and the organization should be to achieve this upgrade as soon as possible. And if at all possible have this salary upgrade in place before March 30, 2014 when the next negotiated percent raise of two percent take effect.

Also, if this upgrade can not be achieved before then, the organization will continue to pursue this litigation until it is either passed or defeated by the state legislature or the governor.

* *Unanimous consent given to assign to the Legislative / PAC Committee

Motion Made by: Jim Frawley

Seconded by: Dave Luther

Motion Passed/Defeated: unanimous - Yes -81; No - 0

Date: October 24, 2012

EMPLOYMENT POLICY

This policy addresses the hiring and termination of NYSCOPBA members (hereinafter “union employees”) who are not statewide elected officials, who are employed by the State of New York and are on Union Leave.

A. Hiring Policy

1. The hiring policy, which was approved by the Executive Assembly on September 8, 2005, shall remain in effect. A vacancy shall be filled utilizing the canvass process adopted by NYSCOPBA (i.e., notification will be sent to the local sectors to be posted on NYSCOPBA’s bulletin boards. The notification of a job opening shall be posted for thirty (30) days. Letters of intent and/or resumes shall be forwarded to the Recording Secretary. The Executive Board shall consider all applicants, and, if deemed necessary, interview certain applicants. After considering the applicants, the Executive Board shall render a determination. The action will be reported to the Executive Assembly.

B. Unsatisfactory Performance

1. Counseling: It is recommended that unsatisfactory job performance shall be addressed in a progressive manner. Poor performance shall be identified and the employee shall be given opportunities to alter and improve his or her performance. The union employee shall receive a verbal or written counseling. The counseling shall be in keeping with the seriousness of the offence. Counseling is not necessary in each instance. For example, theft from NYSCOPBA may warrant more severe action than a counseling.
2. Unsatisfactory Job Performance Procedure: If it is determined that a union employee is not performing to NYSCOPBA’s satisfaction, the union employee shall be advised in writing of the allegation of poor performance. The union employee shall have the opportunity to respond in writing to the allegation.
3. Heard by the Executive Board: The affected union employee shall have the opportunity to address the Board. The Board will determine when the employee’s matter shall be heard. (Depending on severity of the issue, the Executive Board may impose a suspension immediately.) The Executive Board will make the decision by majority vote.
4. The Executive Assembly has the final authority with respect to the hiring and dismissal of all employees, consultants and staff. The employee may, therefore, appeal the Executive Board’s determination to the Executive Assembly by submitting a written appeal by certified mail, with all supporting documentation, to NYSCOPBA’s Recording Secretary for placement on the agenda at the next Executive Assembly following termination. If the employee appeals the matter to the Executive Assembly, the decision of the Executive Assembly shall be final. All proceedings shall be held in Executive Session.

MOTION SHEET

Motion:

To amend the canvass policy that was unanimously accepted on 1/14/2000, to fill vacancies.

Expand policy to include associate members for vacancies and future positions.

Motion Made by: Diane Davis

Motion Seconded by: Kevin Walker

Motion **Passed**/ Defeated: **Unanimous**

Date: 12/5/2006 (Executive Board Meeting)

Date: 12/7/2006 (Executive Assembly Meeting)

MOTION SHEET

Motion:

To accept the hiring and firing policy as amended.

Motion Made by:

Motion Seconded by:

Motion **Passed**/ Defeated: 64 Yes

27 No

1 Abstain

Date: 09/08/2005

MOTION SHEET

That the E.A. direct the NYSCOPBA Executive Board to meet with all Business Agents and create a policy for hiring and firing of business agents, and to present a written draft to the EA on October 22-23, 2003 for the approval of the assembly.

The Policy should incorporate all previous policy and past practices, including an appeal process to maintain due process protections.

Amend to include all Union Leave Employees

Wisdom of the Motion: to prevent problems in the hiring and firing of business agents.

Motion Made by: Jeff Cullinan

Motion Seconded by: Gary Bensley

Motion **Passed**/ Defeated: **Unanimous**

Date: September 23, 2003

be a legal opinion concerning the motion's constitutionality delivered to the governing body.

New Business

{On recommendation of the Constitution and Bylaws Committee, Phil Bijeau made the following motion that was seconded by Dave Stanson:

Whenever a Union Leave employee vacancy occurs in the main office of NYSCOPBA, and prior to appointing anyone, the Executive Board give notice to all sectors so everyone has the opportunity to send a resume showing his/ her interest in the opening. }

Following a brief discussion, a vote was taken and the motion unanimously passed.

Diane Davis made a motion concerning the sending of flowers to members who are hospitalized. Bob Cronin recommended that her motion be tabled and referred to the Finance Committee that is scheduled to meet on January 24 and 25, 2000. Diane was agreeable to the suggestion.

Anthony Farda requested permission to hire temporary, clerical help for the Satellite Office. It would be at a cost of \$10.00 per hour and it would be for no more than three days a week. A discussion followed. The group agreed by unanimous consent that if a need arises in a Satellite Office, temporary clerical help may be obtained.

At this time the following motion was presented by Anthony Farda and seconded by Grant Marin:

A Board of Trustees consisting of six Chief Sector Stewards (two of which will act as alternates) be nominated and elected from the Executive Assembly. The nominations to take place at the February 2000 Assembly. Following nominations, the list of nominees will be placed on the agenda for the following Executive Assembly at which time a vote will take place thereby allowing membership input in this process. The purpose of this Board will be to oversee the quarterly audit and report their findings to the Executive Assembly at the first meeting following said audit.

A discussion took place on this issue. No vote was taken due to a subsidiary motion made by Dave Stanson and seconded by Phil Bijeau:

To table this motion until a legal opinion is given on the constitutionality of the motion.

LEGAL DEFENSE FUND POLICY

NYSCOPBA has created a Legal Defense Fund for its members. The NYSCOPBA Executive Board, in its discretion, based on the facts and circumstances of each case, shall determine whether the actions occurred while the member was engaged in the lawful performance of his or her duties and that assisting in such legal defense shall be consistent with the overall interests of the general membership. The NYSCOPBA Executive Board shall consider the following criteria:

1. Eligibility

Any active dues paying member in the New York State Correctional Officers & Police Benevolent Association, Inc. Union can participate in the Legal Defense Fund upon fulfillment of each of the following three criteria:

- a. Filing with the Plan Administrator a properly completed application.
- b. Approval of the application by the Legal Defense Fund.
- c. Commencement and continuation of the required contribution to the Legal Defense Fund.

2. Benefit

The purpose of the Legal Defense Fund is to provide legal defense for qualifying members for actions that occur while the member was engaged in the lawful performance of his or her duties. A "member" is an employee of the Security Services Unit of New York State represented by NYSCOPBA.

- a. **Performance of Duty:** The coverage is only for members' acts or omissions that occurred in the course and scope of the members' performance of duty and must be consistent with the overall interests of the general membership. If the member is involved in alleged off-duty conduct, money from the Legal Defense Fund shall not be used (e.g. domestic incidents, outside drug and/or alcohol charges, workers' compensation, theft).
- b. **Former Member:** The member must be an active member, except insofar as the event giving rise to the claim occurred while the individual was an active member.
- c. **Approved Leave of Absence:** If the member is on leave of absence approved by his or her employer, the member will be eligible for benefits under the Legal Defense Fund for events occurring prior to his or her approved leave of absence. Events occurring while the member was on the leave will not be covered.

3. Amount of Coverage

The maximum benefit per occurrence is \$25,000. The \$25,000 shall be broken down in the following manner:

- a. \$5,000 may be provided up to the time of arraignment.
- b. When a criminal information and/or indictment is issued, the member may request from the Legal Defense Fund additional funds in increments up to \$10,000.
- c. The total benefit available from the Legal Defense Fund [for any qualifying incident] may not to exceed \$25,000.

4. Exclusions from Coverage

The Fund does not cover acts or omissions as the result of off-duty conduct or while on a leave of absence, including but not limited to domestic incidents, outside drug and/or alcohol charges, and theft. No benefits under the Fund will be provided with respect to workers' compensation claims, all civil defense, or post-sentencing or appellate review.

In addition, if the Plan Administrator determines that Fund benefits have been provided to a member as a result of misrepresentations of that member and/or a member does not cooperate with the Plan Administrator during the course of such member's claim for benefits, payment of such benefits may cease and the Fund will have the right to seek reimbursement from the member of any benefits already paid.

5. Termination of Benefits

Except insofar as to the acts or omissions giving rise to the claim occurred prior to such termination of coverage, the benefits will automatically terminate when one or more of the following situations occur:

- a. Individual ceases to be a member of NYSCOPBA;
- b. Employment terminates; or
- c. The Legal Defense Fund is terminated.

6. Claims Procedures

- a. If a member seeks an allocation from the Legal Defense Fund, he/she must submit a Legal Defense Fund Application to the Regional Vice President of his or her Region who is acting as representative for the Plan Administrator for purpose of accepting the member's application. The member may initially seek up to \$5,000 up to the time of arraignment as set forth in Amount of Coverage.

- b. After the member has been arraigned, he or she may request additional funds from the Plan Administrator with an explanation of how (i) the action occurred while the member was engaged in the lawful performance of his or her duties and (ii) assisting in such defense shall be consistent with the overall interests of the general membership. The coverage is only for lawful acts or omissions that occurred in the course of employment. The member must make clear in his or her application how his or her request is related to such events. The payments will be made only after the member complies with all requests of the Plan Administrator. If the Plan Administrator approves the member's request, the check will be transmitted directly to the member's criminal attorney. To the extent the member already paid the attorney, the member will need to request reimbursement of fees from the attorney.
- c. In order to ensure timely processing of a member's claim application, the Legal Defense Fund Application should be completed accurately, including providing sufficient information for the Plan Administrator to determine that the member's actions which are the subject of the complaint are within the course and scope of employment covered by the Legal Defense Fund.
- d. The member must also attach documentation that the member applied for reimbursement under NYS Public Officers Law (POL) Section 19.
- e. The member must also agree that if the member is acquitted of the charges or it is determined that the member is entitled to reimbursement of his/her legal fees, the member agrees to cooperate with NYSCOPBA in seeking reimbursement from the NYS Attorney General's Office and return money given from the Fund to NYSCOPBA.

7. Benefit Claims and Review

A member is only treated as filing a claim for Fund benefits when the member submits a Legal Defense Fund Application to the Plan Administrator. For purposes of the Fund's claims and review procedures, a member is not treated as filing a claim for Fund benefits when the member or the member's attorney asks the Plan Administrator by telephone if coverage is available to the member for a particular incident or legal action.

The Plan Administrator will notify a member in writing if the member's claim for Plan benefits is denied, within the time periods described below. The notice will set forth:

- a. The specific reason or reasons for the denial;
- b. Reference to the specific Fund provisions on which the denial is based;
- c. A description of any additional material or information necessary for the Participant to perfect the claim and an explanation of why the material or information is necessary; and

- d. A description of the Fund's review procedures and the time limits applicable to the review procedures, including a statement of the Participant's right to bring a civil action under Section 502(a) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), if the claim for benefits is denied on review.

The Plan Administrator will provide the written notice to the member as soon as possible, but not more than 90 days after the Plan Administrator receives the Participant's claim, unless the Plan Administrator determines that an additional period of time, not to exceed 90 days, is required because of matters beyond the control of the Fund. If an additional period of time is required, the Plan Administrator will notify the Participant in writing of the circumstances requiring the extension of time and the date by which the Plan Administrator expects to render a decision.

If the Plan Administrator notifies a Participant that the Plan Administrator has denied all or part of the Participant's claim, the Participant may request a review of the denial. The Participant or the Participant's authorized representative must notify the Review Panel of the Plan Sponsor in writing of the Participant's request for a review of the denial within 60 days after the Participant receives written notice of the denial from the Plan Administrator.

The Review Panel will give the Participant or the Participant's authorized representative the opportunity to submit written comments, documents, records, and other information relating to the Participant's claim for Fund benefits.

Upon request and free of charge, the Participant or the Participant's authorized representative will be provided reasonable access to, and copies of, all documents, records, and other information relevant to the Participant's claim for benefits.

The Review Panel's review will take into account all comments, documents, records, and other information submitted by the Participant or the Participant's authorized representative relating to the claim, without regard to whether the information was submitted or considered by the Plan Administrator.

The Review Panel will notify a Participant in writing of the Review Panel's decision upon review. The notice will set forth:

- a. The specific reason or reasons for the decision;
- b. Reference to the specific Fund provisions on which the decision is based;
- c. A statement that the Participant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the Participant's claim for benefits; and
- d. A statement of the Participant's right to bring an action under Section 502(a) of ERISA.

The Review Panel will make its decision no later than 60 days after the date the Review Panel received the request for review. However, if the Review Panel determines that special circumstances require an extension of time for processing the review request, the Review Panel will notify the Participant in writing before the end of the initial 60-day period. The notice to the Participant will indicate the special circumstances requiring the extension of time and the date as of which the Review Panel will make its decision, which must be within 120 days after the date the Review Panel received the request for review.



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd. - Albany, NY 12209
(518) 427-1551 nyscopba@nyscopba.org



LEGAL DEFENSE FUND APPLICATION

To: _____
(Your Regional Vice President)

Date: _____

From: _____
(Your name)

Title: _____
(Your title)

Agency and Facility: _____
(Your agency and work location)

E-Mail: _____
(Please print)

Telephone: _____
(Home phone)

(Cell Phone)

Amount Requested: _____

All information and documents below are REQUIRED. The application CANNOT be considered by the Executive Board until all three requirements below are met.

- 1. Attach a copy of the information, complaint, accusatory instruments and/or Grand Jury Subpoena.** If you do not have any of the above, attach an additional sheet containing date, time, nature of the arrest and the agency and/or department who arrested you.
- 2. On an attached sheet, state how your alleged act or omission occurred in the course and scope of your lawful performance of duty.** The Executive Board will consider whether assisting in such legal defense is consistent with the overall interests of the general membership.
- 3. Attach documents showing you applied for reimbursement under NYS Public Officer Law §19.** The application for reimbursement is attached to this application and must be sent by you, via certified mail return receipt requested and via regular mail to the Attorney General's Office. Reimbursement under Section §19 of the Public Officers Law is time-sensitive and is conditioned on delivering to the Attorney General's office a written request for reimbursement within ten (10) days after arraignment or after a grand jury appearance. Written evidence (such as a subpoena) of the grand jury appearance is also required. Further, §19 of the Public Officers Law conditions reimbursement upon your full cooperation in the defense of any action or proceeding against the State which might have arisen out of your actions. Reimbursement is left to the discretion of the Attorney General's Office. (Attached is a copy of Public Officer's Law §19 and the policy adopted by the Executive Assembly October 2012.)

Signed: _____

Date: _____



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd. - Albany, NY 12209
(518) 427-1551 nyscopba@nyscopba.org



[Date]

Hon. Eric T. Schneiderman
NYS Attorney General
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL

Re: Reimbursement of Attorney Fees

Dear Attorney General Schneiderman:

I am employed as a _____ with the _____ (Department/Agency). Pursuant to § 19 of the Public Officers Law, I am writing to request reimbursement of attorneys' fees and litigation expenses.

Enclosed is a copy of my accusatory instrument.

Please let me know if you require any additional information.

Very truly yours,



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd. - Albany, NY 12209
(518) 427-1551 nyscopba@nyscopba.org



[Date]

Hon. Eric T. Schneiderman
NYS Attorney General
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL

Re: Reimbursement of Attorney Fees

Dear Attorney General Schneiderman:

I am employed as a _____ with the _____ (Department/Agency).
On _____, I was required to appear before the _____ Grand Jury. Pursuant to § 19
of the Public Officers Law, I am writing to request reimbursement of attorneys' fees and litigation
expenses.

Please let me know if you require any additional information.

Very truly yours,

RAINY DAY FUND POLICY

NYSCOPBA has created a Rainy Day Fund for its members. The purpose of the Rainy Day Fund is to provide supplemental income for qualifying members who are suspended without pay for disciplinary reasons for incidents that occur while on duty. For those members who do not utilize the Rainy Day Fund during their careers, a Separation Benefit is also established under this fund. The NYSCOPBA Executive Board, in its discretion, based on the facts and circumstances of each case, shall determine whether the actions occurred while the member was engaged in the lawful performance of his or her duties and that providing supplemental income during that period of suspension shall be consistent with the overall interests of the general membership. The NYSCOPBA Executive Board shall consider the following criteria:

Eligibility

Any active dues paying member in the New York State Correctional Officers & Police Benevolent Association, Inc. Union can participate in the Rainy Day Fund upon fulfillment of each of the following three criteria:

- a. Filing with the Plan Administrator a properly completed application.
- b. Approval of the application by the Rainy Day Fund.
- c. Commencement and continuation of the required contribution to the Rainy Day Fund.

Benefits under the Fund

Supplemental income during suspension

The Fund benefits described below are only available to members who receive a Notice of Discipline and are suspended without pay for incidents that occur while on duty. The NYSCOPBA Executive Board in its sole discretion shall determine whether the conduct alleged in the Notice of Discipline occurred while the member was engaged in the performance of his or her duties.

There is a fourteen (14) calendar day "waiting period" from the time the member is suspended without pay before the member becomes eligible for Fund benefits. In addition to the 2 week waiting period, a member who is approved to receive Rainy Day Funds must first exhaust all vacation and personal accruals prior to receiving funds.

All Fund benefits will cease if the member agrees to settlement of the Notice of Discipline.

All Fund benefits will cease if a member is found guilty of any or all charges imposed upon him/her within the Notice of Discipline immediately as of the date of the arbitrator's

decision. The Fund will not pay supplemental income during any going forward penalty period assigned by the arbitrator and/or agreed to by the member.

All Fund benefits will cease if the member admits guilt, resigns from their position or lack of active participation from the member in the pending case.

Amount of Coverage

The maximum benefit is the lesser of \$1,300 or the members' bi-weekly salary, payable every two weeks while the member is suspended, excluding the waiting period.

Each payment will coincide with the regular pay schedule currently in place. All payments will be pro-rated based on the actual number of day(s) suspended after the member satisfies the fourteen (14) day waiting period and the exhaustion of all vacation and personal accruals credited to the member.

All funds paid by the Rainy Day Fund are subject to both Federal and State income taxation.

Separation Benefit

As of November 20, 2018, the separation benefit has been suspended and will remain as such until or unless a Motion is passed by the Executive Assembly reinstating the separation benefit.

Exclusions from Coverage

The Fund does not cover acts or omissions as the result of off-duty conduct or while on a leave of absence, including but not limited to domestic incidents, outside drug and/or alcohol charges, and theft.

In addition, if the Plan Administrator determines that Fund benefits have been provided to a member as a result of misrepresentations of that member, and/or a member does not cooperate with the Plan Administrator during the course of such member's claim for benefits, payment of such benefits may cease and the Fund will have the right to seek reimbursement from the member of any benefits already paid.

Termination of Benefits

Except insofar as to the acts or omissions giving rise to the claim occurred prior to such termination of coverage, the benefits will automatically terminate when one or more of the following situations occur:

- a. Individual ceases to be a member of NYSCOPBA;

- b. Employment terminates; or
- c. The Rainy Day Fund is terminated

Claims Procedures

Upon receiving a Notice of Discipline and/or suspension notice, the member must submit a copy of the Notice of Discipline and or suspension notice to the Regional Vice President of his or her Region who is acting as representative for the Plan Administrator for purpose of accepting the member's application.

NYSCOPBA shall provide the member with an application and the member must submit the application to the Recording Secretary who shall forward the request to the NYSCOPBA Executive Board to determine whether the member qualifies for the benefit. The NYSCOPBA Executive Board shall determine whether the member meets the criteria for the benefit.

In order to ensure timely processing of a member's claim application, the Rainy Day Fund Application should be completed accurately, including providing sufficient information for the Plan Administrator to determine that the member's conduct alleged in the Notice of Discipline occurred while the member was engaged in the performance of his or her duties.

The member must also agree that if the member is, by settlement, arbitration or other means, restored to the payroll for any period of time for which he/she received payment from the Fund, the member shall reimburse to NYSCOPBA the amount paid to the member during his/her period of suspension. The member must execute a signed agreement before receiving any payments, and as a condition thereof, if he/she receives his/her back pay, the member shall reimburse NYSCOPBA.

Benefit Claims and Review

A member is only treated as filing a claim for Fund benefits when the member submits a Rainy Day Fund Application to the Plan Administrator. For purposes of the Fund's claims and review procedures, a member is not treated as filing a claim for Fund benefits when the member or the member's representative asks the Plan Administrator by telephone if coverage is available to the member for a particular incident.

The Plan Administrator will notify a member in writing if the member's claim for Fund benefits is denied, within the time periods described below. The notice will set forth:

- The specific reason or reasons for the denial;
- Reference to the specific Fund provisions on which the denial is based;

- A description of any additional material or information necessary for the Participant to perfect the claim and an explanation of why the material or information is necessary; and
- A description of the Fund's review procedures and the time limits applicable to the review procedures, including a statement of the Participant's right to bring a civil action under Section 502(a) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), if the claim for benefits is denied on review.

The Plan Administrator will provide the written notice to the member as soon as possible, but not more than 90 days after the Plan Administrator receives the Participant's claim, unless the Plan Administrator determines that an additional period of time, not to exceed 90 days, is required because of matters beyond the control of the Plan. If an additional period of time is required, the Plan Administrator will notify the Participant in writing of the circumstances requiring the extension of time and the date by which the Plan Administrator expects to render a decision.

If the Plan Administrator notifies a Participant that the Plan Administrator has denied all or part of the Participant's claim, the Participant may request a review of the denial. The Participant or the Participant's authorized representative must notify the Review Panel of the Plan Sponsor in writing of the Participant's request for a review of the denial within 60 days after the Participant receives written notice of the denial from the Plan Administrator.

The Review Panel will give the Participant or the Participant's authorized representative the opportunity to submit written comments, documents, records, and other information relating to the Participant's claim for Fund benefits.

Upon request and free of charge, the Participant or the Participant's authorized representative will be provided reasonable access to, and copies of, all documents, records, and other information relevant to the Participant's claim for benefits.

The Review Panel's review will take into account all comments, documents, records, and other information submitted by the Participant or the Participant's authorized representative relating to the claim, without regard to whether the information was submitted or considered by the Plan Administrator.

The Review Panel will notify a Participant in writing of the Review Panel's decision upon review. The notice will set forth:

- The specific reason or reasons for the decision;
- Reference to the specific Fund provisions on which the decision is based;
- A statement that the Participant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the Participant's claim for benefits; and

- A statement of the Participant's right to bring an action under Section 502(a) of ERISA.

The Review Panel will make its decision no later than 60 days after the date the Review Panel received the request for review. However, if the Review Panel determines that special circumstances require an extension of time for processing the review request, the Review Panel will notify the Participant in writing before the end of the initial 60-day period. The notice to the Participant will indicate the special circumstances requiring the extension of time and the date as of which the Review Panel will make its decision, which must be within 120 days after the date the Review Panel received the request for review.

THE RAINY DAY FUND APPLICATION AND AGREEMENT

To: _____
(Recording Secretary)

Date: _____

From: _____
(Your Name)

Title: _____
(Your Title)

Agency and Facility: _____
(Your Agency & Work Location)

Email: _____
(Please Print)

Telephone: _____
(Home Phone)

(Cell Phone)

All information and documents below are REQUIRED

Specify how the conduct alleged in the Notice of Discipline (NOD) occurred while you were engaged in the performance of your duties under your specialized official title.

The Rainy Day Fund (RDF) began March 1, 2016. This Application and Agreement shall comply with the terms of the RDF Policy. In the event this Application and Agreement conflicts with the terms of the RDF Policy, the terms of the RDF Policy shall prevail.

Before being eligible to participate in the RDF, I must execute this Application and Agreement. Applications will be submitted to NYSCOPBA's Executive Board for monthly review.

If approved, a member MUST fully exhaust vacation and/or personal accruals while on suspension prior to being eligible to receive funds. The availability of funds may revert back to the date of application, but no sooner than fourteen days from the date of suspension or the full use of all vacation and/or personal accruals, whichever occurs later.

I hereby understand that by submitting this signed Application and Agreement; if I am restored to the payroll for any period of time for which payment is received from the RDF whether by settlement, Arbitrator decision, or other means; I shall immediately reimburse to NYSCOPBA the amount paid to me during my period of suspension. Additionally, I understand that, if payment is received from RDF after the date of settlement or Arbitrator decision, I shall reimburse to NYSCOPBA the amount paid to me after settlement or decision. As a condition to receiving benefits under this fund, I hereby assign NYSCOPBA any back pay I subsequently receive, whether through settlement, arbitration award or otherwise; to the extent of the benefits received under this Fund.

Upon demonstrating that I am suffering a hardship, and am unable to immediately reimburse NYSCOPBA; NYSCOPBA in its sole discretion may agree to offer applicant a payment plan in an effort to satisfy the balance due.

In the event (a) I violate the terms contained in the RDF Policy or the RDF Application and Agreement or (b), fail to make payment as set forth herein or set forth in the payment plan authorized by NYSCOPBA; I agree to pay interest on the outstanding balance at a rate of 9% per annum until the balance is paid in full and reasonable attorney fees, collection fees and/or costs incurred in recover of the outstanding obligation herein.

****MONEY APPROPRIATED THROUGH THIS FUND IS CONSIDERED TAXABLE INCOME **** Proper tax documentation will be filed with appropriate taxing authorities

I also acknowledge that I have been provided a copy of the RDF policy and fully understand the terms set forth therein.

****Please note that the address noted on the issued NOD will be where the RDF checks are mailed if approved. If no address is noted on the NOD the RDF checks will be mailed to the address currently on file with your payroll department. If you would like the check(s) mailed to a different address you must note the address on this application.**

Please check off the method of delivery to receive your funds, if approved.

Mail paper check

Direct Deposit – Please provide the following;

Routing Number (9 -Digits) _____

Account Number (3-17 Digits) _____

Bank Name - _____

Name on Account - _____

- Please include a voided check with your application if choosing Direct Deposit

Signed: _____ Date: _____

PLEASE MAIL ALL APPLICATIONS TO: NYSCOPBA, 102 HACKETT BLVD., ALBANY, NY 12209 – ATTN: Chris Summers, RECORDING SECRETARY

OUTLINE OF POLICY AND PROCEDURES FOR REPRESENTATION WHEN A MEMBER RECEIVES A NOTICE OF DISCIPLINE (NOD) AND FAILS TO COOPERATE IN HIS/HER DEFENSE

Discipline is an issue NYSCOPBA takes very seriously. Every member served with a disciplinary charge (Notice of Discipline) is provided legal representation at the Union's expense. NYSCOPBA's goal is to make sure every member gets the most thorough and aggressive defense possible.

In order to achieve this goal, it is imperative that the member who receives the Notice of Discipline cooperates in his/her defense. If the member fails to cooperate in his/her defense, the NYSCOPBA Executive Board, in its discretion, based on the facts and circumstances of each case, shall determine whether it is appropriate to continue to represent the member and pay for his/her legal representation, including the costs associated with arbitration. The following procedures shall be followed by the NYSCOPBA Executive Board prior to rendering a determination not to represent the member:

- 1) The assigned attorney writes a letter to the member at the last known address as listed on NYSCOPBA's database advising the member that he/she is represented by the attorney. The letter shall ask the member to contact the attorney. The Vice President and/or Business Agent of the region and Chief Sector Steward will be provided a copy of the letter.
- 2) If the attorney does not hear from the member, the Vice President/ Business Agent and/or Chief Sector Steward shall contact the member and ask him/her to contact his/her assigned representative.
- 3) If NYSCOPBA does not hear from the member, a second letter will be sent by either the assigned attorney and/or the Vice President and/or Business Agent of the region. Additionally, the regional representative and local steward shall attempt to contact the member and advise him/her to contact the assigned NYSCOPBA representative.
- 4) If the member fails to cooperate, a third letter shall be sent to the member advising the member that unless he/she contacts NYSCOPBA, a recommendation will be made to the Board that NYSCOPBA is unable to represent the member. The member will be advised that NYSCOPBA's Board will address his/her situation and the Executive Board may authorize the attorney to resign from the case. The letter will also advise the member that he/she will have to retain representation at his/her own expense which includes the cost of the hearing.
- 5) The Board has the authority to take appropriate action including, but not limited to, advising the member that since he/she has failed to assist in his/her representation, NYSCOPBA is unable to represent the member in the defense of the Notice of

Discipline. The member will be responsible for the payment of his/her attorney fees and the cost associated with the hearing.

- 6) A final letter will be sent to the member advising the member of NYSOCPBA's determination and/or any other actions the NYSCOPBA Board chooses to make based on the facts and circumstances of the particular matter.
- 7) The arbitrator and the State's representative will be notified that NYSCOPBA is not representing the member in the disciplinary grievance.

August 8, 2012
Executive Assembly Meeting

Policy was adopted with objectors

Luther, Sing Sing; VP Perez, Southern Region; Patterson, Edgecombe;
Hale, Bedford Hills; Lashua, Greene

NYSCOPBA Retiree Chapter Policy

PURPOSE

The NYSCOPBA Retiree Chapter, an organization of the New York State Correction Officer and Police Benevolent Association, to advance and promote the NYSCOPBA programs for Retired members.

GOVERNING AUTHORITY

The NYSCOPBA Retiree Chapter shall be governed by these policies which shall be compatible with the Constitution and Bylaws of NYSCOPBA.

OBJECTIVES

The NYSCOPBA Retiree Chapter shall:

- A. provide opportunity for NYSCOPBA members to continue their membership and involvement in the NYSCOPBA following retirement from active employment;
- B. NYSCOPBA Retiree Chapter members, provide opportunities for their involvement in certain NYSCOPBA sponsored programs;
- C. establish opportunities for NYSCOPBA Retiree Chapter members to address and pursue issues of common concern, create avenues to safeguard and strengthen retirement benefits;
- E. create ways and means for NYSCOPBA Retired members to join with the NYSCOPBA Retiree Chapter in efforts to bring about positive support for Retiree Chapter members and the achievement of NYSCOPBA Retiree Chapter objectives;

NYSCOPBA RETIREE CHAPTER MEMBERSHIP

Section 1. *Eligibility*

The NYSCOPBA Retiree Chapter shall be comprised solely of the retired associate members of NYSCOPBA or; any NYSCOPBA honorary member who has resigned and taken membership with another unit provided a majority approval of the Executive Board. Honorary members must submit a completed application to the Executive Board for approval. Retired membership with NYSCOPBA's Retiree Chapter is open to any person who is eligible to receive a pension from the NYS Local and Retirement System. Retired membership is limited to persons who support the purposes and programs of the Retiree Chapter.

Section 2. *Benefits and Services*

NYSCOPBA Retiree Chapter members shall be eligible to receive benefits and services of the Retiree Chapter authorized by the NYSCOPBA Executive Board.

Section 3. *Exemptions*

Retirees will not be eligible to receive benefits and services of the Retiree Chapter when:

- A. Any Retiree has left service due to an inappropriate relationship with an inmate or person confined in an institution under the jurisdiction of the NYS Department of Corrections or Office of Mental Health or;
- B. Any Retiree has left service due to a felony conviction or;

- C. Any Retiree who chooses to not join the Chapter or;
- D. Any Retiree who refuses to set up automatic dues deductions or;
- E. Exemption as deemed appropriate by the NYSCOPBA Executive Board.

DUES AND FINANCES

Section 1. *Dues*

Dues of Retired members of the NYSCOPBA Retiree Chapter shall be established by the NYSCOPBA Constitution and Bylaws payable through automatic monthly pension deduction.

Section 2. *Income*

Income for NYSCOPBA Retiree Chapter membership shall be derived from monthly pension deductions and the interest from the lifetime account.

THE NYSCOPBA RETIREE COMMITTEE

Section 1. *Rights and Benefits*

Members of the NYSCOPBA Retiree Chapter shall have rights and benefits as provided in the NYSCOPBA Constitution and Bylaws.

Section 2. *Number of Members*

The number of Retiree Committee members shall be determined as provided in the NYSCOPBA Constitution and Bylaws.

Section 3. *Eligibility*

Only active NYSCOPBA Retiree Chapter members shall be eligible to serve on the NYSCOPBA Retiree Committee.

Section 4. *Election*

The election of Retiree Committee members shall be determined as provided in the NYSCOPBA Constitution and Bylaws.

Section 5. *Vacancy*

Any vacancies of the Retiree Committee members shall be determined as provided in the NYSCOPBA Constitution and Bylaws.

SECTOR REPORTING POLICY & PROCEDURE

PURPOSE: Establish a standard for the reporting of Sector Activity to the Association Recording Secretary. Compile a tangible, current working resource and history to pass on.

PROCEDURE: Each CSS or designee shall submit to the Regional Vice President and the Association Recording Secretary on the last day of each month a report containing Sector business.

This report shall include, but not be limited to, membership meeting minutes (including attendance and motions submitted); labor/ management minutes; labor/ management agreements; changes in stewards; any other pertinent information.

Should there be no sector activity for the month, a report shall be submitted indicating such.

The Recording Secretary shall forward information to the appropriate departments, then archive all reports at the Association Headquarters.

Submitted by: Diane Davis, Recording Secretary August 6, 2002

August 29, 2002 – Executive Assembly – Motion to adopt policy made by Diane Davis, Motion Seconded by Paul Mikolajczyk – Policy Adopted

62 Yes

13 No

1 Abstain

SECTOR MINUTES TEMPLATE

FACILITY:

DATE:

PRESENT: Sector Chief & Stewards
Members Present (attach sign in sheet)

MINUTES PREVIOUS:

SECTOR REPORT:

TREASURER REPORT:

UNFINISHED BUSINESS:

NEW BUSINESS:

Submitted by:

Sector Recording Secretary

Excerpts from Roberts Rules of Order

§48 – MINUTES AND REPORTS OF OFFICERS

Minutes

The record of the proceedings of a deliberative assembly is usually called the minutes, or sometimes – particularly in legislative bodies – the journal. In an ordinary society, unless the minutes are to be published, they should contain mainly a record of what was done at the meeting, not what was said by the members. The minutes should never reflect the secretary's opinion, favorable or otherwise, on anything said or done. The minutes should be kept in a substantial book or binder.

CONTENT OF THE MINUTES

The first paragraph of the minutes should contain the following information (which need not, however, be divided into numbered or separated items directly corresponding to those below):

1. [page 452] the kind of meeting: regular, special, adjourned regular, or adjourned special;
2. The name of the society or assembly;
3. The date and time of the meeting, and the place, if it is not always the same;
4. The fact that the regular chairman and secretary were present or, in their absence, the names of the persons who substituted for them; and
5. Whether the minutes of the previous meeting were read and approved- as read, or as corrected- and the date of that meeting if it was other than a regular business meeting. Any correction is made in the text of the minutes being approved; the minutes of the meeting making the correction merely state that the minutes were approved “as corrected” (see form, p. 454, 1. 34-35). The body of the minutes should contain a separate paragraph for each subject matter, giving, in the case of all important motions, the name of the mover, and should show:
 - a.) The wording in which each motion was adopted or otherwise disposed of (with the facts as to whether the motion may have been debated or amended before [page 453] disposition being mentioned only parenthetically); and
 - b.) The disposition of the motion, including – if it was temporarily disposed of (pp. 88, 329-30) – any primary and secondary amendments and all adhering secondary motions that were then pending;
6. All main motions (10) or motions to bring a main question again before the assembly (pp. 72-76; 34-37)- except, normally, any that were withdrawn* - stating:
 - a.) The wording in which each motion was adopted or otherwise disposed of (with the facts as to whether the motion may have been debated or amended before [page 453] disposition being mentioned only parenthetically); and
 - b.) The disposition of the motion, including – if it was temporarily disposed of (pp. 88, 329-30) – any primary and secondary amendments and all adhering secondary motions that were then pending;
7. Secondary motions that were not lost or withdrawn, in cases where it is necessary to record them for completeness or clarity – for example, motions to Recess or to Fix the Time to Which to Adjourn (among the privileged motions), or motions to Suspend the Rules or grant a Request to Be Excused from a Duty (among the incidental motions), generally only alluding to the adoption of such motions, however, as “...the matter having been advanced in the agenda on motion of ...” or “...a ballot vote having been ordered, the tellers...”;
8. All notices of motions (pp. 116-18); and
9. All points of order and appeals, whether sustained or lost, together with the reasons given by the chair for his or her ruling.

The last paragraph should state:

10. The hour of adjournment.

Additional rules and practices relating to the content of the minutes are the following:

- The name of the seconder of a motion should not be entered in the minutes unless ordered by the assembly.
- When a count has been ordered or the vote is by ballot, the number of votes on each side should be entered; and when the voting is by roll call, the names of those voting on each side and those answering “Present” should be entered. If members fail to respond on a roll-call [page 454] vote, enough of their names should be recorded as present to reflect that a quorum was present at the time of the vote. If the chair voted, no special mention of this fact is made in the minutes.
- The proceedings of a committee of the whole, or a quasi committee of the whole, should not be entered in the minutes, but the fact that the assembly went into committee of the whole (or into quasi committee) and the committee report should be recorded (see 52)
- When a question is considered informally, the same information should be recorded as under the regular rules, since the only informality in the proceedings is in the debate.
- When a committee report is of great importance or should be recorded to show the legislative history of a measure, the assembly can order it “to be entered in the minutes”, in which case the secretary copies it in full in the minutes.
- The name and subject of a guest speaker can be given, but no effort should be made to summarize his remarks.

THE SIGNATURE

Minutes should be signed by the secretary and can also be signed, if the assembly wishes, by the president. The words Respectfully submitted – although occasionally used – represent an older practice that is not essential in signing the minutes.

FORM OF THE MINUTES

The principles stated above are illustrated in the following model form for minutes:

The regular monthly meeting of the L.M. Society was held on Thursday, January 4, 20__, at 8:30 P.M., at the Society’s building, the President being in the chair and the Secretary being present. The minutes of the last meeting were read and approved as corrected. [page 455] The Treasurer reported the receipt of a bill from the Downs Construction Company in the amount of \$5,000 for the improvements recently made in the Society’s building. The question put by the chair “that the bill be paid” was adopted. Mr. Johnson, reporting on behalf of the Membership Committee, moved “that John R. Brown be admitted to membership in the Society.” The motion was adopted after debate.

The report of the Program Committee was received and placed on file.

The special committee that was appointed to investigate and report on suitable parking facilities near the Society’s building reported, through its chairman, Mrs. Smith, a resolution, which, after debate and amendment, was adopted as follows: “Resolved, That...[its exact words immediately before being acted upon, incorporating all amendments].”

The resolution relating to the use of the Society’s library by nonmembers, which was postponed from the last meeting, was then taken up. This motion and a pending amendment were laid on the table after the chair announced that the guest speaker had received a phone message which would require his early departure.

The President introduced the guest speaker, Mr. James F. Mitchell, whose subject was _____. At the conclusion of Mr. Mitchell's talk, the resolution relating to the use of the Society's library by nonmembers was taken from the table. After amendment and further debate, the resolution was adopted as follows: "Resolved, That...[its exact wording immediately before being finally voted on]."

Mr. Gordon moved "that the Society undertake the establishment of a summer camp for boys on its lakefront property." Mrs. Thomas moved to amend [page 456] this motion by inserting the word "underprivileged" before "boys." On motion of Mr. Dorsey, the motion to establish the camp, with the pending amendment, was referred to a committee of three to be appointed by the chair with instructions to report at the next meeting. The chair appointed Messrs. Flynn, Dorsey, and Fine to the committee.

The meeting adjourned at 10:05 P.M.

Margaret Duffy, Secretary

READING AND APPROVAL OF THE MINUTES

When the next regular business session will be held within a quarterly time interval (see p. 88), when the session does not last longer than one day, and when there will be no change or replacement of a portion of the membership before the next session, procedures relative to the reading and approval of minutes are as follows:

- The minutes of the meeting are normally read and approved at the beginning of the next regular meeting, immediately after the call to order and any opening ceremonies. An adjourned meeting of an ordinary society approves the minutes of the meeting that established the adjourned meeting; its own minutes are approved at the next adjourned or regular meeting, whichever occurs first. A special meeting does not approve minutes; its minutes should be approved at the next regular meeting.
- Corrections, if any, and approval of the minutes are normally done by unanimous consent. The chair calls for the reading of the minutes, asks for any corrections, then declares the minutes approved, as shown on pages 343-44.
- By a majority vote without debate, the reading of the minutes can be "dispensed with" – that is, not carried out at the regular time. If the reading of the minutes is [page 457] dispensed with, it can be ordered (by majority vote without debate) at any later time during the meeting while no business is pending; and if it is not thus taken up before adjournment, these minutes must be read at the following meeting before the reading of the later minutes. If it is desired to approved the minutes without having them read, it is necessary to suspend the rules for this purpose.
- A draft of the minutes of the preceding meeting can be sent to all members in advance, usually with the notice. In such a case, it is presumed that the members have used this opportunity to review them, and they are not read unless this is requested. Correction of them and approval, however, is handled in the usual way. It must be understood in such a case that the formal copy placed in the minute book contains all corrections that were made and that none of the many copies circulated to members and marked by them is authoritative. (see also p. 344)

When the next regular business session will not be held within a quarterly time interval (see p. 88), and the session does not last longer than one day, or in an organization in which there will be a change or replacement of a portion of the membership, the executive board or a committee appointed for the purpose should be authorized to approved the minutes. The fact that the

minutes are not then read for approval at the next meeting does not prevent a member from having a relevant excerpt read for information; nor does it prevent the assembly in such a case from making additional corrections, treating the minutes as having been previously approved (see third paragraph below).

In sessions lasting longer than one day, such as conventions, the minutes of meetings held the preceding day are read and approved by the convention at the beginning [page 458] of each day's business after the first (and minutes that have not been approved previously should be read before the final adjournment)- except as the convention may authorize the executive board or a committee to approve the minutes at a later time.

When the minutes are approved, the word Approved, with the secretary's initials and the date, should be written below them.

If the existence of an error or material omission in the minutes becomes reasonably established after their approval- even many years later- the minutes can then be corrected by means of the motion to Amend Something Previously Adopted (35), which requires a two-thirds vote, or a majority vote with notice, or the vote of a majority of the entire membership, or unanimous consent.

MINUTES TO BE PUBLISHED

When minutes are to be published, they should contain, in addition to the information described above, a list of the speakers on each side of every question, with an abstract or the text of each address, in which case they may be called "proceedings," "transactions," or the like. In such cases the secretary should have an assistant. When it is desired, as in some conventions, to publish the proceedings in full, the secretary's assistant should be a stenographic reporter or recording technician. The presiding officer should then take particular care that everyone to whom he assigns the floor is fully identified. Under these conditions it is usually necessary to require members to use a public address system. Reports of committees should be printed exactly as submitted, the minutes showing what action was taken by the assembly in regard to them; or they can be printed with all additions in italics and parts struck out enclosed in brackets, in which case a note to that effect should precede the report or resolution. [page 459]

Excerpts from NYS Not for Profit Law

§ 603. Meetings of members.

- (a) Meetings of members may be held at such place, within or without this state, as may be fixed by or under the by-laws or, if not so fixed, at the office of the corporation in this state.
- (b) A meeting of the members shall be held annually for the election of directors and the transaction of other business on a date fixed by or under the by-laws. Failure to hold the annual meeting on the date so fixed or to elect a sufficient number of directors to conduct the business of the corporation shall not work a forfeiture or give cause for dissolution of the corporation, except as provided in paragraph (a) of section 1102 (Judicial dissolution; petition by directors or members; petition in case of deadlock among directors or members.)
- (c) Special meetings of the members may be called by the board and by such person or persons as may be authorized by the certificate of incorporation or the by-laws. In any case, such meetings may be convened by the members entitled to cast ten per cent of the total number of votes entitled to be cast at such meeting, who may, in writing, demand the call of a special meeting specifying the date and month thereof, which shall not be less than two nor more than three months from the date of such written demand. The secretary of the corporation upon receiving the written demand shall promptly give notice of such meeting, or if he fails to do so within five business days thereafter, any member signing such demand may give such notice. The meeting shall be held at the place fixed in the by-laws or, if not so fixed, at the office of the corporation.
- (d) A corporation may provide in its certificate of incorporation or by-laws adopted by the members for the election of representatives or delegates, who, when assembled within or without the state as directed by the certificate of incorporation or the by-laws, shall have and may exercise all of the powers, rights and privileges of members at an annual meeting. When so exercising the powers, rights and privileges of members, such representatives or delegates shall be subject in all respects to the provisions of this chapter governing members.

Excerpts from NYS Not for Profit Law

§ 607. List or record of members at meetings.

A list or record of members entitled to vote, certified by the corporate officer responsible for its preparation or by a transfer agent, shall be produced at any meeting of members upon the request therefor of any member who has given written notice to the corporation that such request will be made at least ten days prior to such meeting. If the right to vote at any meeting is challenged, the inspectors of election, or the person presiding thereat, shall require such list or record of members to be produced as evidence of the right of the persons challenged to vote at such meeting, and all persons who appear from such list or record to be members entitled to vote thereat may vote at such meeting.

Excerpts from NYS Not for Profit Law

§ 621 Books and records; right of inspection; prima facie evidence.

- (a) Except as otherwise provided herein, every corporation shall keep, at the office of the corporation, correct and complete books and records of account and minutes of the proceedings of its members, board and executive committee, if any, and shall keep at such office or at the office of its transfer agent or registrar in this state, a list or record containing the names and addresses of all members, the class or classes of membership or capital certificates and the number of capital certificates held by each and the dates when they respectively became the holders of record thereof. A corporation may keep its books and records of account in an office of the corporation without the state, as specified in its certificate of incorporation. Any of the foregoing books, minutes and records may be in written form or in any other form capable of being converted into written form within a reasonable time.
- (b) Any person who shall have been a member of records of a corporation for at least six months immediately preceding his demand, or any person holding, or thereunto authorized in writing by the holders of, at least five percent of any class of the outstanding capital certificates, upon at least five days written demand shall have the right to examine in person or by agent or attorney, during usual business hours, its minutes of the proceedings of its members and list or record of members and to make extracts therefrom.
- (c) An inspection authorized by paragraph (b) may be denied to such member or other person upon his refusal to furnish to the corporation, its transfer agent or registrar an affidavit that such inspection is not desired and will not be used for a purpose which is in the interest of a business or object other than the business of the corporation and that he has not within five years given, sold or offered for sale any list or record of members of any domestic or foreign corporation or aided or abetted, or attempted or offered to aid or abet, any person in procuring any such list or record of members for any such purpose.
- (d) Upon refusal by the corporation or by an officer or agent of the corporation to permit an inspection of the minutes of the proceedings of its members or of the list or record of members, as herein provided, the person making the demand of inspection may apply to the supreme court in the judicial district where the office of the corporation is located, upon such notice as the court may direct, for an order directing the corporation, its officer or agent to show cause why an order should not be granted permitting such inspection by the applicant. Upon the return day of the order to show cause, the court shall hear the parties summarily, by affidavit or otherwise, and if it appears that the applicant is qualified and entitled to such inspection, the court shall grant an order compelling such inspection and awarding such further relief as to the court may seem just and proper.
- (e) Upon the written request of any person who shall have been a member of record for at least six months immediately preceding his request, or of any person holding, or thereunto authorized in writing by the holders of, at least five percent of any class of the outstanding capital certificates, the corporation shall give or mail to such member an annual balance sheet and profit and loss statement or a financial statement performing a

similar function for the preceding fiscal year, and, if any interim balance sheet or profit and loss or similar financial statement has been distributed to its members or otherwise made available to the public, the most recent such interim balance sheet or profit and loss or similar financial statement. The corporation shall be allowed a reasonable time to prepare such annual balance sheet and profit and loss or similar financial statement.

- (f) Nothing herein contained shall impair the power of courts to compel the production for examination of the books and records of a corporation.
- (g) The books and records specified in paragraph (a) shall be prima facie evidence of the facts therein stated in favor of the plaintiff in any action or special proceeding against such corporation or any of its officers, directors or members.
- (h) Nothing in this chapter shall require an employee organization certified or recognized for any collective negotiating unit of an employer pursuant to article fourteen of the civil service law to disclose the home address of any member or former member of such organization.

Sector Funds Reimbursement Procedures

| | |
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Quick Reference for Sector Funding & Reimbursement

- Other than the 12 routine union expenditures, prior approval is required before checks can be written.

Routine union expenditures are:

- 1) Telephone/Internet – Up to \$40 Telephone/ \$100 internet - per sector per month
- 2) Postage
- 3) Office Supplies - \$125 maximum / month – Order through Quill.com
- 4) Sector Meetings – Minimum of 6 meetings annually
- 5) Mileage - .545 cents / mile effective January 2018
- 6) Parking / Tolls
- 7) Lodging
- 8) Per Diem - \$62 / overnight
- 9) Bereavement - \$125 Floral –or- \$100 Charitable Donation –or- \$75 Fruit Basket
- 10) Hospitalization - \$75 Floral –or- \$75 Fruit Basket for non-elective, in-patient procedure
- 11) Member Memorial - \$150 Floral – Fruit Basket – Plaques – Shadow Box
- 12) New Baby Award - \$25 gift card for birth / adoption of a member's baby

- When writing the check:
 - Two signatures are required
 - Do not sign a check written to yourself - have two other authorized signatories sign it
 - Never make checks payable to Cash
 - For each check written, be sure to have itemized receipt(s), phone bill if reimbursing phone charges, and/or expense vouchers signed by the member if (s)he was reimbursed for mileage
 - Fill in memo line with a short description of what the check was written for
 - Make a copy of the signed check and attach to corresponding receipt(s) / documentation
- Get a receipt that shows:
 - **Sales tax** was charged
 - **Details of purchase**
 - **Business name, address and phone number.** In the case of a hand-written receipt, have vendor write their business name, address & phone number or attach a business card.
- Do not make deposits into the sector checking account. All deposits should be forwarded to the Albany Office for processing.
- ❖ Submit a Monthly Sector Reimbursement Form each month with receipts and all other required documentation. All expenses must be submitted monthly and year-end expenditures must be submitted by January 3rd of the following year.
 - We recommend using the NYSCOPBA website to submit your sector's paperwork electronically at www.nyscopba.org/stewards or you may submit the documentation:
 - via email to AccountingStaff@nyscopba.org
 - via fax to (518) 426-1635
 - via regular US mail to: NYSCOPBA
102 Hackett Blvd
Albany, NY 12209
- ❖ We will review the reimbursement packet for fully documented expenses and credit your sector's account electronically. A sector statement will be sent once a month for your review and so we can address any questions or concerns.
If you have any questions about sector funding or reimbursement procedures, please feel free to call NYSCOPBA's Accounting Department at:

(518) 427-1551 or (888) 484-7279 Frank Gilbo Ext 240 Kayla Manning Ext 241 Nicole Pascuzzi Ext 249

Sector Funds

The sector bank account is to be used exclusively for authorized sector fund expenditures and reimbursements.

Sales Tax

NYSCOPBA is not exempt from paying sales tax. If you are paying for a purchase out of your sector's checkbook, you must include sales tax.

Please be sure sales tax is clearly indicated on your receipt

Although we are exempt from paying income tax, we must pay the sales tax on all purchases.

Sector Funding Procedures for Steward Changes

(i.e: new Chief Sector Steward and/or Sector Treasurer)

In the event there is a change in Chief Sector Steward, Sector Treasurer or other Stewards authorized to sign checks, NYSCOPBA's Accounting Department must be notified promptly.

The Sector Funding Agreement should be signed by the Chief Sector Steward and Treasurer, notarized and sent to NYSCOPBA's Accounting Department.

The Key Bank Business Non-Personal Signature Card form should be signed by all stewards authorized to sign sector checks (not just the new signatories) and sent to NYSCOPBA's Accounting Department.

New check signers can not sign checks until forms are completed and sent to the Accounting Department

Both of these forms are available in the back of this manual and on our website.

Ordering New Sector Checks

NYSCOPBA's Accounting Department will place the order for all sector checks. **All outstanding documentation must be submitted prior to receiving new checks.** When you are down to the last 25 checks in the checkbook, please contact Kayla Manning at kmanning@nyscopba.org 518-427-1551 ext 241. The order will be placed and the new checks will be mailed to you within two to three weeks.

Stale Checks

Any checks written but not cashed within 45 days will be voided.

Electronic Check Readers

If an original check is given back at the time of the purchase, you must forward it via US Mail to NYSCOPBA's Accounting Department.

- i.e. payment is put through a check reader at places such as Walmart and given back to the account holder at the time of purchase
-

Routine Union Expenditures

NYSCOPBA reimburses the sector for expenses that are incurred while conducting legitimate business for the organization. Documentation for each check written **must be submitted monthly** and year-end expenditures must be submitted by January 3rd of the following year. The following is a list of routine union expenditures:

*****See details of the routine union expenses on pages 5 – 8*****

- 1) Telephone/Internet – Up to \$40 Telephone/ \$100 internet - per sector per month
- 2) Postage
- 3) Office Supplies - \$125 maximum / month – Order through Quill.com
- 4) Sector Meetings – Minimum of 6 meetings annually
- 5) Mileage - .545 cents / mile effective January 2018
- 6) Parking / Tolls
- 7) Lodging
- 8) Per Diem - \$62 / overnight
- 9) Bereavement - \$125 Floral –or- \$100 Charitable Donation –or- \$75 Fruit Basket
- 10) Hospitalization - \$75 Floral –or- \$75 Fruit Basket for non-elective, in-patient procedure
- 11) Member Memorial - \$150 Floral – Fruit Basket – Plaques – Shadow Box
- 12) New Baby Award - \$25 Gift Card for birth / adoption of a member's baby

*****Any other expenditure requires a Purchase Requisition Form to be filled out. This must be submitted to the Accounting Department for approval prior to making the purchase*****

Purchase Requisitions

If you have a request that does not fall in any of the 12 routine union expenditure categories that are listed above, you will need to submit your request to the NYSCOPBA Treasurer for approval prior to writing the check. This may be done on a Purchase Requisition Form. Blank forms are available in the back of this manual and on our website.

Fill in the Purchase Requisition Form and do one of the following:

- Fax to (518) 426-1635
- Email to AccountingStaff@nyscopba.org
- Mail to NYSCOPBA
ATTN: Accounting Dept
102 Hackett Blvd
Albany NY 12209

It will be reviewed by the NYSCOPBA Treasurer. We will notify you of the approval or denial. Please let us know whether you want the reply via mail, phone, fax or e-mail.

REIMBURSING ROUTINE UNION EXPENSES:

1. Telephone / Internet:

➤ Telephone bills

NYSCOPBA will reimburse union-related business calls up to \$40 per month per sector for charges incurred on one cell phone line or one personal land line.

If the land line is located in the facility's union office, the above stated limit does not apply and the full amount due will be reimbursed.

It is the sector's responsibility to be sure that the facility phone is secured for use for union-related business only.

The sector should submit a Purchase Requisition if a phone is needed.

The sector should submit for reimbursement by including a copy of the signed check with the Monthly Sector Reimbursement Form and attach the phone bill page showing the summarized charges.

➤ Internet bills

NYSCOPBA will reimburse up to \$100 on one internet bill per month per sector. In the case of an "all-in-one" bundle (ie: phone + internet + cable), reimbursement will be prorated to include only the internet portion.

The sector should submit for reimbursement by including a copy of the signed check with the Monthly Sector Reimbursement Form and attach the internet bill as documentation.

2. Postage:

- NYSCOPBA will reimburse receipted postage expenses for union-related business. The sector can purchase the postage directly with a sector check and then submit for reimbursement by including a copy of the signed check with the Monthly Sector Reimbursement Form and the itemized receipt(s).

3. Office Supplies:

This should **not** be reimbursed through the sector – Payments will be made directly from the NYSCOPBA Albany Office

- Sectors will use Quill.com **exclusively** for office supply purchases. Payments to Quill.com will be made directly from the NYSCOPBA Albany office. Each Sector will have one account to access for purchases up to \$125 per month.

If at any time additional supplies are needed above the \$125 per month limit, a purchase requisition form must be filled out and pre-authorization from the NYSCOPBA Executive Treasurer must be given to allow for the additional purchase.

Office supplies include, but are not limited to:

- pens, paper, ink for printer
- retirement medallions / nameplates for plaques in the QWL for retired members (maximum reimbursement is \$15 per member's plaque)

REIMBURSING ROUTINE UNION EXPENSES (Continued):

4. Sector meeting expenditures :

- NYSOPBA will reimburse for receipted Union meeting expenses:

Sector meeting expenses should be consistent with the guidelines for refreshments provided to the general membership at a Union meeting.

Expensive meals at local restaurants are not in the spirit of this guideline.

The NYSOPBA constitution calls for a minimum of 6 sector meetings annually.

The sector should make the purchase, then submit for reimbursement by including a signed copy of the check with the Monthly Sector Reimbursement Form and itemized receipt(s).

*****IMPORTANT REMINDERS*****

- ✓ **Sales Tax** - Please be sure sales tax is charged and noted on the receipt
- ✓ **Details of Purchase** - If the items on the receipt are unclear, write it on the back of the receipt
- ✓ **Vendor Information** - If a receipt does not show the company name, address and / or phone number, have the vendor write in on the receipt or attach a business card

5. Automobile mileage:

- NYSOPBA will reimburse for mileage at the IRS standard mileage rate if a member utilizes his/her own personal vehicle for official union business.
 - "Official Union Business" means the member's presence is required for duties in his/her capacity as a steward.
 - Only one steward per meeting is eligible for mileage reimbursement. In addition, a steward is only eligible for reimbursement if the meeting is held on his / her day off.
 - Voluntary, routine attendance at membership meetings or other sector functions do not qualify for mileage reimbursement or any other type of reimbursement.

The member should submit a signed expense voucher and include the miles driven and the reason for the mileage (to where, for what).

The sector should then write a check to the member and submit for reimbursement by including a copy of the signed check with the Monthly Sector Reimbursement Form and the member's signed expense voucher.

Make sure the member notifies your Vice-President before traveling for prior approval. This also facilitates your regional representative with the knowledge of possible situations where a member may need representation.

REIMBURSING ROUTINE UNION EXPENSES (Continued):

6. Parking & tolls:

- NYSOPBA will reimburse members who incur parking or toll expenditures while traveling on official union business. (Also see Automobile Mileage)
The Sector should write a check to the member and submit for reimbursement by including a copy of the signed check with the Monthly Sector Reimbursement Form and the member's signed expense voucher with toll receipt(s) / EZ-Pass statement attached.

7. Lodging:

- NYSOPBA will reimburse lodging expenses when a member is on official union business and must stay overnight away from home.
The sector should write a check to the member and submit for reimbursement by including a copy of the signed check with the Monthly Sector Reimbursement Form and the member's signed expense voucher with their lodging receipt attached.

8. Overnight Per Diem:

- NYSOPBA will reimburse a member \$65 per night if (s) he is on official union business and must stay overnight away from home.
The sector should write a check to the member and submit for reimbursement by including a copy of the signed check with the Monthly Sector Reimbursement Form and the member's signed expense voucher with the lodging receipt attached.

9. Bereavement expenditures:

- NYSOPBA will reimburse for either a floral arrangement or a sympathy food basket or a charitable donation sent on behalf of a current member or Retiree Chapter member in the event that someone in their immediate family passes away. The choice of what to send will be made by the sector.

Immediate Family is defined as the member's spouse, child, step-child, parent, grandparent, brother, sister, aunt, uncle, parent-in-law, brother-in-law, sister-in-law, grandchild or any person living in the employee's household

Allowable expenditures are:

- **\$125** max, including all taxes and fees, for a **Floral Arrangement**
- **\$75** max, including all taxes and fees, for a **Fruit / Sympathy Basket**
- **\$100** max, for Charitable Donation
 - A charitable donation must be made payable directly to the organization and not to an individual (i.e.: Cancer Society, American Heart Association, a volunteer ambulance corps, etc.)

The sector will make the purchase or send the charitable donation and then will be reimbursed for properly documented bereavement expenses up to the above stated limits. The sector should submit for reimbursement by including a copy of the signed check with the Monthly Sector Reimbursement Form and a receipt showing:

- What was purchased
- Date
- On behalf of what member
- The relationship to the deceased

The sector may also choose to purchase sympathy cards to mail to members and submit for reimbursement by including a copy of the signed check with the Monthly Sector Reimbursement Form and itemized receipt(s).

REIMBURSING ROUTINE UNION EXPENSES (Continued):

10. Hospitalized Member:

- In the event a member is hospitalized for an in-patient non-elective procedure, the sector may send a floral arrangement or fruit basket. The limit on this expenditure is \$75, including all taxes and fees.

The sector will make the purchase and then will be reimbursed for properly documented expenses up to the above stated limit. The sector should submit for reimbursement by including a copy of the signed check with the Monthly Sector Reimbursement Form and a receipt notating it was for a hospitalized member and show:

- What was purchased
- Date
- On behalf of what member

11. NYSCOPBA member memorial expenditures:

- In the event that a current member or Retiree Chapter member passes away, the sector may send a floral arrangement or fruit basket or donation on behalf of the deceased. The limit on this expenditure is \$150, including all taxes and fees.

The sector may also purchase a memorial plaque or shadowbox for an additional \$150, including all taxes and fees.

The sector will make the purchase and will be reimbursed for properly documented expenses up to the above stated limits. The sector should submit for reimbursement by including a copy of the signed check with the Monthly Sector Reimbursement Form and a receipt showing:

- What was purchased
- Date
- On behalf of what member

12. New Baby Award:

This should **not** be reimbursed through the sector - The gift card will be distributed directly from the NYSCOPBA Albany Office

- In the event a member or member's spouse has a new baby or adopts a child, a \$25 gift card is available
To be eligible, the member must be in good standing.

A New Baby Award application must be filled out by the member within one year of the birth or adoption of the baby and the CSS or Treasurer should verify the birth using the child's birth certificate or birth announcement.

The sector should submit the completed New Baby Award application to the NYSCOPBA Accounting Department. Upon approval of the application, the gift card will be mailed directly from the NYSCOPBA Albany Office to the member's mailing address.

Special Sector Funding

To apply for this program, the Chief Sector Steward or Sector Treasurer should submit a **Special Sector Funding Motion** (motion sheet available on the next page of this manual and on our website) to NYSCOPBA's Accounting Department, Attn: Kayla Manning.

Special Sector Funding money is for special projects which benefit that sector's members and / or their community
(i.e.: Retirement Parties, Summer Barbecues, Christmas Parties, Sponsorships, Community Projects, Charitable Donations, etc.)

- ❖ Each sector is allotted \$34 per member per year. This money does not come out of routine sector funding.
- ❖ Special Sector Funding money cannot be spent on political endorsements or illegal or unlawful activity.
- ❖ Each sector's allotted funds are determined once annually. The membership number comes from the State Comptroller's Office. The applications may be submitted at any time during the year.
- ❖ A Special Sector Funding Motion must be submitted in a timely manner to NYSCOPBA's Accounting Department via email, mail, fax, or online using NYSCOPBA's website.
- ❖ A copy of the meeting minutes authorizing the use of the funds for the stated purpose should be attached to the motion sheet.
 - The motion must follow parliamentary procedure (i.e.: Robert's Rules of Order) and is required to show:
 - 1) by whom the motion was made
 - 2) by whom the motion was seconded
 - 3) The dollar amount
 - 4) the results of the vote tally
 - If a quorum (10% of the sector membership) was not met the minutes must be posted for 30 days and approved at the next month's meeting.
(The minutes from both months would need to be submitted in this case)
- ❖ The Special Sector funds will be electronically deposited into the sector bank account and an email confirmation will be sent to the Sector Treasurer and Chief notifying them when they may write the check.
- ❖ **Receipts from Special Sector Funding must be submitted to NYSCOPBA's Accounting Department, Attn: Kayla Manning, within two weeks following the event. Any unspent monies will be refunded electronically back into the account.**



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd., Albany, NY 12209
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



Special Sector Funding Motion

Motion:

FACILITY:

Maker: _____ **Seconded by:** _____ **Amount:** _____ **Date:** _____

How Many Members Voted: Yes ____ No ____ Abstain ____

Did motion pass? Yes ____ No ____

If Quorum was not met the minutes must be posted for 30 days

❖ *10% of the sector membership is required to constitute a quorum. In the event that a quorum does not exist the meeting minutes should be posted for 30 days and approved at the next month's meeting.*

2nd meeting date _____ - Did motion pass? Yes ____ No ____

Attach this motion sheet to monthly minutes and submit in a timely manner to the NYSCOPBA Accounting Department via email, fax, mail or online at NYSCOPBA website.

Catastrophic Assistance

To apply for this assistance, a Sector Steward should submit a **Catastrophic Application** (form available in the back of this manual and on our website) to their regional Vice President or Business Agent within one year of the catastrophic event.

NYSCOPBA has approved a Catastrophic Program to assist members and their immediate families in their time of need. This program is available to all active, in good standing, members of the Bargaining Unit, excluding retirees.

Qualified recipients will receive \$750 for assistance out of the established fund.

To be eligible, member's request for Catastrophic Assistance must meet one of the following criteria:

- 1) Severe damage, with documentation, to primary residence
- 2) Terminal illness or death of member, member's spouse, domestic partner or child

In Addition:

- Any second-time request requires Executive Board approval
- Limit two applications for any illness
- Applications must be submitted within one year of the catastrophic event

The Catastrophic Application must be completed by an elected Steward from the facility in which the member works within one year of the catastrophic event and forwarded to their Regional Vice President or Business Agent for approval.

The Catastrophic funds will be electronically deposited into the Sector bank account and an email confirmation will be sent to the Sector Treasurer and Chief to notify them when they may write the check.

Honor Guard / Color Guard Expenses

NYSCOPBA appreciates its members who are involved in the Honor Guard / Color Guard which covers funeral services for NYSCOPBA members. As such, NYSCOPBA will reimburse the sector for refreshments provided to the Honor Guard / Color Guard members.

The sector should write the check and then include a copy of the signed check with their Monthly Sector Reimbursement Form and itemized receipt(s).

This expense should be listed under the Bereavement category on the Reimbursement Form, and the sector should note "color guard refreshments for (member's name) funeral/wake".

OTHER PUBLIC RELATIONS PROGRAMS

Health Fair/Employment Fairs

- Money is available to sectors for flu shots, information booths at Health Fairs, etc.
-

Membership Retirement Awards

- A Sector Steward should send a fully completed Retirement Application to Bill Naylor by fax or mail. For the Retirement application and guidelines please visit the NYSCOPBA website.
-

Valor Awards

- This program has been established to recognize members who have exhibited excellence above and beyond the call of duty, both on and off the job. Stewards should work with their Regional Vice President to ensure recognition at an Executive Assembly.
-

Scholarships

- A one-time Scholarship Award is available for dependents of NYSCOPBA members who meet the criteria. For the Scholarship application and guidelines please visit the NYSCOPBA website.
-

Regional Public Relations

- Funds are available through each Region for Public Relations. A Sector Steward should submit the request in writing to their Regional Vice President for approval prior to issuing funds.
-

Sector Level Public Relations Donation Form

- A Sector Steward should submit this form to notify NYSCOPBA's PR Dept. of any donations being made at the sector level. It can be submitted on the website or via fax, email or mail, Attention: James Miller.
-

SUBMITTING FOR SECTOR REIMBURSEMENT

Once a month the Sector Treasurer or Chief Sector Steward must submit a Monthly Sector Reimbursement Form with all required documentation to NYSCOPBA's Accounting Department.

We recommend submitting documentation using the
NYSCOPBA website:

www.nyscopba.org/stewards

Once we receive your documentation via electronic submission, you will receive email confirmation. If you do not get confirmation within 72 hours please contact Kayla Manning at kmanning@nyscopba.org or 518-427-1551 Ext 241

Or you may choose to send the documentation:

- via email to AccountingStaff@nyscopba.org
- via fax to (518) 426-1635
- via regular US mail to:

NYSCOPBA
102 Hackett Blvd
Albany, NY 12209

- ❖ If you choose to submit your sector reimbursement online using the NYSCOPBA website, complete the online form and attach all required documentation by scanning and then uploading the electronic file where indicated.
- ❖ If you choose one of the other options to submit your sector reimbursement paperwork, complete the Monthly Sector Reimbursement Form by filling in one check per column – Put the check number in top box and the check amount in bottom box. (An example is shown on page 19 of this manual)
- ❖ If an original check is given back at the time of the purchase, you must forward it via US Mail to NYSCOPBA's Accounting Department.
 - i.e. payment is put through a check reader at places such as Walmart and given back to the account holder at the time of purchase
- ❖ Attach all required documentation for each check written, along with a copy of the signed check
- ❖ A copy of each document submitted should be kept for your records. If sending electronically, retain the documentation for at least 1 year after submission.
- ❖ We will review the documents and process the reimbursement for all fully documented expenses. We will credit your account electronically and notify you of any additional information needed.

Dues Refund for Active Military Members

*****This should not be reimbursed through the sector*****

NYSCOPBA will reimburse the union dues of members who are actively deployed. To be reimbursed, members who are actively deployed should submit copies of their pay stubs to NYSCOPBA's Accounting Department with a To/From listing date of active deployment and requesting a refund of the dues. A check will be sent to the member directly from the NYSCOPBA Albany Office.

Steward Training Reimbursement

*****This should not be reimbursed through the sector*****

Stewards are eligible for a \$100 stipend along with mileage and per diem reimbursement, where applicable, for each day of Steward / Treasury Training.

NYSCOPBA offers several training dates at once in order to accommodate stewards' varied schedules and RDO's.

To be reimbursed, a Steward Training reimbursement form should be completed and signed by the member and submitted to NYSCOPBA's Treasurer on the day of training.

Executive Assembly Expenses

*****Executive Assembly expenses should not be reimbursed through the sector*****

Per the Constitution, the Executive Assembly is made up of the Executive Board and (acting) Chief Sector Stewards representing each of the Sectors; therefore, only those members are due reimbursement for expenses related to the EA.

Other members may attend the Executive Assembly but their expenses are not reimbursable. This was approved at the January 2001 Executive Assembly.

Policy for Documents

Any requests for NYSCOPBA's financial records that are to be reviewed or requested are to be put in writing and only reviewed at NYSCOPBA Headquarters located in Albany, NY. All requests for documents must stipulate to the Treasurer which documents are being reviewed.

License Agreements

Any equipment purchased with NYSCOPBA's funds is NYSCOPBA property. As such, we require that the Chief Sector Steward, as representative of the NYSCOPBA sector, sign a License Agreement.

The License Agreement is a form that states that the equipment belongs to NYSCOPBA and is needed for use by the Sector. It is expected that, except for routine wear and tear, the equipment will be reasonably maintained. NYSCOPBA recognizes when the equipment is located in the sector's Union Office, the Chief Sector Steward cannot constantly monitor it. However, NYSCOPBA does expect the Chief Sector Steward takes reasonable precautions to ensure the integrity of the equipment, to report any problems to NYSCOPBA and to return it to NYSCOPBA, if and when it is requested.



New York State Correctional Officers & Police Benevolent Association, Inc

Veterans Committee

Mid-Hudson Satellite Office

21 North Plank Road Newburgh, NY 12250

Office: 845-563-8704

Fax: 845-569-9077

Veterans Committee Chairman: Joe Porcaro

Cell: 518-441-2036



August 17, 2006

VETERANS COMMITTEE POLICY

GRAVE MARKERS: The Veterans Committee has created grave markers to be presented to the families of NYSCOPBA members who are veterans of the Armed Forces of the United States and pass away during their active NYSCOPBA career.

Procedure for requesting grave markers:

1. The Chief Sector Steward of the qualifying member's sector will verify the member was a veteran by checking with facility records or by obtaining a copy of the member's DD214 from his/her family.
2. The Chief Sector Steward submits a request, in writing, to the Regional Vice President.
3. The Chief Sector Steward or his/her designee will present the grave marker to the deceased member's family prior to funeral services. If this is not possible, the Regional Vice President will mail the grave marker to the deceased member's family to the address provided by the sector.
4. The Regional Vice President will forward a copy of all verified requests for grave markers to the Veterans Committee at the above address.

NOTE: the Veterans Committee wishes to extend this benefit to any member's family for any veteran member who has passed away since the inception of NYSCOPBA. Verification of service for these members will require receipt of a copy of the deceased member's DD214 which the Chief Sector Steward may obtain from the member's family. The DD214 should be forwarded to the Regional Vice President, along with the current mailing address of the family receiving the marker.



FORMS

These are the forms to use for Sector Funding and Reimbursements.

Please throw out the old form copies you may have since some have been updated.

These forms are also available on NYSCOPBA's website on the Stewards page as well as the Treasurers page. Go to www.nyscopba.org/stewards and the list is under Treasury Forms.

- Expense Voucher
- Monthly Sector Reimbursement Form
- Example of Completed Reimbursement Form
- Purchase Requisition Form
- Steward Training Reimbursement Form
- Special Sector Funding Motion
- Thank You Letter Request Form
- Sector Funding Agreement
- KeyBank Business Non-Personal Signature Card
- New Baby Award Application
- Catastrophic Policy
- Catastrophic Assistance Application
- Sector Public Relations Donation Form (to notify NYSCOPBA's P.R. Dept.)



**New York State Correctional Officers
 & Police Benevolent Association**
 102 Hackett Blvd. - Albany, NY 12209
 (518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



MONTHLY SECTOR REIMBURSEMENT FORM

(NOTE: Submit Receipts With This Form)

| SECTOR CHECK NUMBER | Check # | Check # | Check # | Check # | Check # | Check # | Check # | Check # | Check # | Check # |
|--|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| BEREAVEMENT | | | | | | | | | | |
| HOSPITALIZATION | | | | | | | | | | |
| MILEAGE (use IRS Standard Mileage Rate) | | | | | | | | | | |
| PARKING/TOLLS | | | | | | | | | | |
| PER DIEM | | | | | | | | | | |
| POSTAGE | | | | | | | | | | |
| SECTOR MEETING EXPENSES | | | | | | | | | | |
| PHONE (\$40 max per month) / INTERNET (\$100 max per month) | | | | | | | | | | |
| OTHER (Give explanation in space provided below) | | | | | | | | | | |
| SECTOR CHECK TOTAL | | | | | | | | | | |

NOTES: (use this space to give details of expenses not included in the above categories. (i.e. Special Sector Funding))

Name: _____ **Signature:** _____ **Sector:** _____ **Date:** _____
 (Treasurer or Chief Sector Steward)



**New York State Correctional Officers
& Police Benevolent Association**
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(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



MONTHLY SECTOR REIMBURSEMENT FORM

(NOTE: Submit Receipts With This Form)

| SECTOR CHECK NUMBER | Check # 856 | Check # 857 | Check # 858 | Check # 859 | Check # 860 | Check # 861 | Check # 862 | Check # 863 | Check # | Check # |
|--|-------------------------|-----------------------------------|---------------------------------|-------------------------------------|-----------------------------------|--|---------------------------------|--------------------------------|---------|---------|
| BEREAVEMENT | \$125 | | | | | | | | | |
| HOSPITALIZATION | \$75 | | | | | | | | | |
| MILEAGE (use IRS Standard Mileage Rate) | **Attach Detailed | | | | | \$107 | | | | |
| PARKING/TOLLS | Invoice or Receipt** | | | | | \$5.50 | | | | |
| PER DIEM | | | | | | **Attach Signed | | | | |
| POSTAGE | | | | | \$9.60 | Expense Voucher & Toll Receipt(s)** | | | | |
| SECTOR MEETING EXPENSES | | \$256.77 | | | **Attach Itemized Receipt** | | | **Attach Internet Bill** | | |
| PHONE (\$40 max per month) / INTERNET (\$100 max per month) | | **Attach Itemized Receipt** | **Give | \$40 **Attach Phone Bill** | | | **Give | \$100 | | |
| OTHER (Give explanation in space provided below) | | | Explanation Below** \$150 | | | | Explanation Below** \$750 | | | |
| SECTOR CHECK TOTAL | \$200 | \$256.77 | \$150 | \$40 | \$9.60 | \$112.50 | \$750 | \$100 | | |

NOTES: (use this space to give details of expenses not included in the above categories. (i.e. Special Sector Funding))

CHECK 858 - SSF - LOCAL FOOD PANTRY (MOTION DATED JANUARY 17, 2017)

CHECK 862 - CATASTROPHIC - ANNE SMITH

Name: SAM JONES
(Treasurer or Chief Sector Steward)

Signature: *Sam Jones*

Sector: FACILITY NAME

Date: TODAY'S DATE



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd Albany, NY 12209



Phone #: (888) 484-7279 Email: AccountingStaff@nyscopba.org Fax #: (518) 426-1635

STEWARD TRAINING REIMBURSEMENT FORM

Submit to NYSCOPBA Treasurer

**** DENOTES REQUIRED INFORMATION ****

| **Date of Training** | **Miles Driven** (\$0.545/mile) | Tolls & Parking (attach receipt) | Per Diem (\$65/overnight) | Training Stipend (\$100 / day of training) | **Starting Location** & **Training Location** (i.e. home, facility, etc) |
|-----------------------------|--|-------------------------------------|------------------------------|---|---|
| | | | | | |
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| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Totals | \$ - | \$ - | \$ - | \$ - | Reimbursement Total \$0.00 |

****ANY MISSING AND OR ILLEGIBLE INFORMATION MAY RESULT IN A DELAY IN PROCESSING YOUR REIMBURSEMENT****

****Name (Please Print)**** _____ ****Physical Street Address**** _____ ****City**** _____ ****State / Zip**** _____

PLEASE PRINT CLEARLY

Mailing Address (if different from physical address):

****Employee / Member Signature****

Approved

****Facility****

Comments:



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd., Albany, NY 12209
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



Special Sector Funding Motion

Motion:

FACILITY: _____

Maker: _____ **Seconded by:** _____ **Amount:** _____ **Date:** _____

How Many Members Voted: Yes ____ No ____ Abstain ____

Did motion pass? Yes ____ No ____

If Quorum was not met the minutes must be posted for 30 days
❖ *10% of the sector membership is required to constitute a quorum. In the event that a quorum does not exist the meeting minutes should be posted for 30 days and approved at the next month's meeting.*

2nd meeting date _____ Did motion pass? Yes ____ No ____

Attach this motion sheet to monthly minutes and submit in a timely manner to the NYSCOPBA Accounting Department via email, fax, mail or online at NYSCOPBA website.



New York State Correctional Officers
& Police Benevolent Association, Inc.
102 Hackett Boulevard - Albany, NY 12209
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



ACKNOWLEDGMENT REQUEST FORM

Today's Date: _____

Recipient

Organization Name: _____

Address: _____

To Whom It May Concern:

Enclosed is a check in the amount of \$ _____ made payable to

_____ for

(reason for donation / sponsorship)

Please send a Letter of Acknowledgment* to:

New York State Correctional Officers & PBA, Inc.

Facility: _____

Name: _____

Address: _____

City: _____

State / Zip Code: _____

Additional Notes:

(*Acknowledgment letters must be written on the letterhead of the organization the funds were intended for)



**New York State Correctional Officers
& Police Benevolent Association**

102 Hackett Blvd. - Albany, NY 12209
(518) 427-1551 ext 240 www.nyscopba.org FGilbo@nyscopba.org



When there is a change in Chief Sector Steward or Sector Treasurer, this form must be completed and notarized. Please send completed forms to the Albany Office, Attention Accounting. If you have any questions or if you need a copy of the Sector Funds Reimbursement Procedure Manual, please contact us.

SECTOR FUNDING AGREEMENT

We, the undersigned, in recognizing our responsibility to the membership of the Association, agree that all funds in our Sector Treasury will be expended on legitimate union activity. The following is a list of legitimate union expenditures in accordance with the Central Treasury Funding Policy. The Sector Funds Reimbursement Procedures gives the details of these expenditures and we acknowledge receipt of the procedures booklet.

- 1) Telephone/Internet – Up to \$40 Telephone/ \$100 internet - per sector per month
- 2) Postage
- 3) Office Supplies - \$125 maximum / month – Order through Quill.com
- 4) Sector Meetings – Minimum of 6 meetings annually
- 5) Mileage - .58 cents / mile effective January 2019
- 6) Parking / Tolls
- 7) Lodging
- 8) Per Diem - \$65 / overnight effective October 1, 2018
- 9) Bereavement - \$125 Floral –or- \$100 Charitable Donation –or- \$75 Fruit Basket
- 10) Hospitalization - \$75 Floral –or- \$75 Fruit Basket for non-elective, in-patient procedure
- 11) Member Memorial - \$150 Floral – Fruit Basket – Plaques – Shadow Box
- 12) New Baby Award - \$25 Gift Card for birth / adoption of a member’s baby

All checks drawn from the Sector checking account will require **two signatures**. The signature of the Chief Sector Steward and the Sector Treasurer must be listed on the bank signature card; Other Stewards may be added as additional signatories. A copy of the bank signature card designating signatories will be forwarded to the NYSCOPBA Treasurer any time changes are made. Further, we understand that in order to be reimbursed by the Association for such expenditures, we must submit a Sector Reimbursement paperwork monthly with all documentation, including itemized receipts, to the NYSCOPBA Treasurer.

CHIEF SECTOR STEWARD

SECTOR TREASURER

ADDRESS

ADDRESS

TELEPHONE NUMBER

TELEPHONE NUMBER

NOTARY PUBLIC

SECTOR NAME

| | | | | |
|--|-------------------------|-------------------|---|---|
| Legal Title of Account NEW YORK STATE CORRECTIONAL OFFICERS & POLICE BENEVOLENT ASSOCIATION, INC. | | | | |
| SECTOR MASTER CHECKING | | | Status <input checked="" type="checkbox"/> C - Corporation <input type="checkbox"/> S - Corporation <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Corporation Non-Profit <input type="checkbox"/> Organization/Association <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Public Entity <small>(<input type="checkbox"/> C - Corporation, <input type="checkbox"/> S - Corporation, <input type="checkbox"/> P - Partnership)</small> | |
| Principal Business Address 102 HACKETT BLVD | | | | |
| City ALBANY | State NEW YORK | Zip Code 12209 | Telephone No. (518) 427-1551 | <input checked="" type="checkbox"/> Account Number XXXXXXXX4015 |
| Statement Mailing Address SAME | | | | Sector Name: HOP# |
| City | State | Zip Code | Telephone No. | <input type="checkbox"/> New Signature Card <input type="checkbox"/> Replace previous Signature Card |
| Designated Signer's Name * | US Citizen (Y/N) | Title | TIN or SSN | Signature |
| | | | | |
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* If this entity has additional Designated Signers enter Signer's information on page 2 and check here

By signing below, the client listed above ("Client") authorizes KeyBank National Association ("KeyBank"), at its discretion, to open one or more business or non-personal accounts owned by the Client with the same Account Title listed above and with the same Designated Signers listed above, and upon receipt of electronic, written or oral instructions from the Client without obtaining an additional Signature Card ("Account" or "Accounts"). Accounts opened hereunder are listed above and on Exhibit A attached hereto and made a part hereof, as such Exhibit may be amended or supplemented by the Client from time to time. Addition of a new account to Exhibit A shall be effective only upon receipt by KeyBank of a new Exhibit A in a form acceptable to KeyBank in its sole discretion. The Client acknowledges and agrees that all Accounts opened under this Signature Card are governed by the terms and conditions of the Deposit Account Agreement and Funds Availability Policy ("Agreement") and Disclosures governing the Accounts. KeyBank may change the Agreement at any time. By signing below, Client acknowledges receipt of the Agreement and Disclosures.

The Client authorizes KeyBank to operate all current and future Accounts opened under this Signature Card. The authority to operate each Account includes: (i) to act upon instructions from any of the designated signers to deposit, withdraw or transfer funds to or from any other accounts at the Bank when opening new accounts; (ii) to recognize and honor the signature of any of the designated signers on checks (if withdrawal by check is permitted) and withdrawal slips and honor any other electronic, written or oral requests for withdrawals or transfers of funds, including transfers to KeyBank or to third parties; and (iii) to act upon instructions from any Designated Signer for the transaction of any business on any Accounts covered by this Signature Card. KeyBank may rely on this authorization for the Accounts opened under this Signature Card until KeyBank receives written notice revoking the authorization and has reasonable time to act upon it. Until such notice is actually received, the authority conferred herein to the Designated Signers noted below shall remain in full force and effect and KeyBank shall be indemnified and saved harmless from any loss suffered or liability incurred by it in pursuance of this Authorization.

Attention New Customer: The information provided by the Client to open a new Account is subject to review and verification. KeyBank reserves the right to close the Account in the event KeyBank is unable to verify, to its satisfaction, the information that Client has provided.

The undersigned certifies that the above are the true and genuine signatures of authorized signer(s) with their respective title, authorized to sign for the Entity. Under penalties of perjury, the undersigned certifies that (1) the number shown on this form is the Entity's correct taxpayer or employer identification number (or the Entity is waiting for a number to be issued), and (2) the Entity is not subject to backup withholding because: (a) the Entity is exempt from backup withholding, or (b) the Entity has not been notified by the Internal Revenue Service that it is subject to backup withholding as a result of failure to report all interest or dividends, or (c) the IRS has notified the Entity that it is no longer subject to backup withholding, and 3) I am a U.S. citizen or other U.S. person (defined below).

- Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:
- An individual who is a U.S. citizen or U.S. resident alien.
 - A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States.
 - An estate (other than a foreign estate), or
 - A domestic trust (as defined in Regulations section 301.7701-7).

The undersigned must cross out item (2) above if the Entity has been notified by the IRS that it is currently subject to backup withholding because of underreporting interest or dividends on its tax return.

Tax Identification No. _____ Title for Legal Owner of TIN _____

Refer to the list of payees exempt from backup withholding and for which no information reporting is required.
 If this Entity is exempt from backup withholding and information reporting under IRS regulations, enter your correct TIN in the previous section and check here:
 If you are a foreign person, cross out above certification section and U.S. Person on the line under your signature below. Complete the appropriate Form W-8.



**New York State Correctional Officers
& Police Benevolent Association**
 102 Hackett Blvd - Albany, NY 12209
 (518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



New Baby Award Application

In the event a member or member's spouse has a new baby or adopts a child, a \$25 gift card will be awarded. To be eligible, the member must be in good standing. In order to receive the gift card, the member should complete the application within one year of the birth or adoption of the child and present a copy of the child's birth certificate or birth announcement to the facility Chief or Treasurer.

Member / Child Information
(To be filled in by the Member)

Member's Name _____

Facility _____

Child's Name _____

Child's Date of Birth _____

Was this child adopted? Yes_____ No_____ If yes, Date of Adoption was:_____

I am requesting a \$25 New Baby Award for the birth / adoption of my child
Applications must be submitted within one year of the birth / adoption of this child

By signing below, I verify that the above information is valid and that I have not previously received a New Baby Award from NYSCOPBA for this child.

Member's Signature: _____ Date: _____

Mailing Address: _____

SECTOR INFORMATION

(to be filled in by Chief Sector Steward or Treasurer)

By signing here, I verify that the above information is correct and the birth / adoption has been verified using the child's birth certificate.

Steward Completing Form _____ / _____
 (Print) (Sign)

****Send the completed application to the Albany Office by either by email, fax or mail****
(The \$25 gift card will be sent directly from the NYSCOPBA Albany office to the member's mailing address)

CATASTROPHIC POLICY

NYSCOPBA has approved a Catastrophic Program to assist members and their immediate families in their time of need. Qualified recipients will receive \$750 out of the established fund.

In order to qualify for this assistance:

1. A member's request for Catastrophic Assistance must be submitted by an elected steward from the facility in which the member works and forwarded to their regional Vice President or Business Agent for approval.
2. A member's request for Catastrophic Assistance must meet one of the following criteria:
 - Severe damage, with documentation, to primary residence
 - Member, member's spouse, domestic partner or child or step child with terminal illness
 - Death of the member, member's spouse, domestic partner, child or step child

In addition:

- With a terminal illness, a second-time catastrophic assistance may be requested upon death of the member, members spouse, domestic partner, child or step child, which does not need additional Executive Board approval
- Limit of two applications for any illness
- Applications must be submitted within one year of the catastrophic event

This program is available to all active, in good standing, members of the Bargaining Unit, excluding retirees.



New York State Correctional Officers & Police Benevolent Association

102 Hackett Blvd - Albany, NY 12209
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



Catastrophic Assistance Application

(\$750 available for active members of the Bargaining Unit, in good standing, excluding retirees, who meet the criteria and have the application submitted within one year of the catastrophic event)

Date: _____

Recipient's Name: _____

Recipient's Home Phone #: (_____) _____ - _____

After this is approved, the Sector will be notified when the authorized local Sector representatives can write the check. (If for a Sector without a bank account, the check will be processed directly from the Albany office when approved.)

Check should be written payable to: _____

And mailed to this address: _____

Current Facility/Sector: _____ Job Title: _____

Reason for Application: (Must meet one of the criteria: severe damage with documentation to primary residence; terminal illness or death of member, spouse, domestic partner, child or step child)

REFERRING PERSON INFORMATION

Steward Completing Form _____ / _____
(Print) (Sign)

Vice President / Business Agent Approval _____ / _____
(Print) (Sign)

If 2nd request, date of Executive Board approval (motion attached) _____

*Limit two applications for any illness

*Applications must be submitted within one year of the catastrophic event



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd. - Albany, NY 12209
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



Sector Public Relations Donation Form

Sector: _____ Region: _____ Steward: _____

Phone: _____ Email: _____

Date: _____ Amount: _____

Organization Donation is for: _____

501c3?
(IRS Designated Charity)

Address of organization: _____

Contact Information (of requesting organization):

Name: _____

Title: _____

Phone: _____

Email: _____

Purpose of NYSCOPBA funds requested: _____

Is there an event associated with this donation? Yes No

Date and Time of event: _____

Media Coverage for event? Yes No If yes, Contact Info: _____

Send form to NYSCOPBA Public Relations, 102 Hackett Blvd. Albany NY 12209, fax to 518.426.1635 or email
jmiller@nyscopba.org. Public Relations Director Jim Miller-518.427.1551 x 230 or 518.469.0379



New York State Correctional Officers & Police Benevolent Association, Inc.



Veterans Committee
Mid-Hudson Satellite Office
21 North Plank Road Newburgh, NY 12250
Office: 845-563-8704
Fax: 845-569-9077
Veterans Committee Chairman: Joe Porcaro
Cell: 518-441-2036

August 17, 2009

VETERANS COMMITTEE POLICY

GRAVE MARKERS: The Veterans Committee has created grave markers to be presented to the families of NYSCOPBA members who are veterans of the Armed Forces of the United States and are deceased during their active NYSCOPBA career.

Procedure for requesting grave markers:

1. The Chief Sector Steward of the qualifying member's sector will verify the member was a veteran by checking with facility records or by obtaining a copy of the member's DD214 from his/her family.
2. The Chief Sector Steward submits a request, in writing, to the Regional Vice President.
3. The Chief Sector Steward or his/her designee will present the grave marker to the deceased member's family prior to funeral services. If this is not possible, the Regional Vice President will mail the grave marker to the deceased member's family to the address provided by the sector.
4. The Regional Vice President will forward a copy of all verified requests for grave markers to the Veterans Committee at the above address.

NOTE: the Veterans Committee wishes to extend this benefit to any member's family for any veteran member who has deceased since the inception of NYSCOPBA. Verification of service for these members will require receipt of a copy of the deceased member's DD214 which the Chief Sector Steward may obtain from the member's family. The DD214 should be forwarded to the Regional Vice President along with the current mailing address for the family receiving the marker.



MOTION SHEET

Motion:

Any active member of the military who is not receiving supplemental pay have NYSCOPBA waive there union dues.

Motion Made by:

Larry Flanagan
Shawangunk

Motion Seconded by:

Gary Dahlman
Sullivan

Motion **Passed**/Defeated:

Unanimous

Date:

April 2, 2002

MOTION SHEET

Motion:

NYSCOPBA Retirement Award

NYSCOPBA's members who purchase their military time for retirement will be paid \$10.00 per year for service time purchased along with there State service at the time.

-Reasons for motion- at this time members who purchase there military for retirement are not being paid for this time in our NYSCOPBA retirement award, which is \$10.00 for every year of State service.

Motion Made by:

Tom Fleming
Camp Georgetown

Motion Seconded by:

Donn Rowe
Hale Creek

Motion **Passed**/Defeated:

Unanimous

Date:

April 2, 2002

MOTION SHEET

Motion:

That NYSCOPBA create a Veteran's Committee for each facility on a voluntary basis and a line of communication be formed for each facility and the Albany-based Veteran's Committee.

Motion Made by:

Name: Ambrosine Phillips

Sector: Wende

Motion Seconded by:

Name: Charles Massara

Sector: SSA

Motion Passed/Defeated:

PASSED/UNANIMOUSLY

Date:

September 1, 2000

Motion was made on April 25, 2000 at the Executive Assembly meeting held in Saratoga, New York.

Note: The above motion is verbatim as submitted in writing by the maker.



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd. - Albany, NY 12209
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



NYSCOPBA Dependent Scholarship Policy

Current NYSCOPBA members' and retiree chapter members' dependents are eligible to apply for a one-time \$600.00 scholarship for college education. The dependent must be a High School senior or full-time (at least 12 credit hours) student at an accredited two or four year college or university and has not previously received a scholarship from NYSCOPBA.

Procedure

Eligible students will need to complete a Scholarship Application. The application is available at www.nyscopba.org/memberbenefits and may be completed and submitted online or downloaded and mailed to NYSCOPBA headquarters. Requests for an application may also be made by contacting 518-427-1551. The application will determine eligibility and will encumber the award. Scholarship funds will only be sent to dependent student upon completion of the first college semester of at least 12 credit hours with a grade 'C' or better.

For High School Students:

Applications received BEFORE APRIL 15 of eligible applicants will have a certificate of award sent to their respective High School. Only applications received prior to April 15 will have a certificate sent to the school due to processing time. Upon request, a certificate may be mailed directly to the student after the April 15 deadline if desired.

To Receive the Scholarship

Eligible dependents that have a Scholarship Award Application on file must submit a copy of the grades of their college semester of at least 12 credit hours, each class receiving a 'C' grade or better to NYSCOPBA headquarters. To ensure proper credit, the transcript must show the Institution name and the name of the student. Submission of grades may be uploaded and submitted online through our secure website portal. Mailed or faxed copies will be accepted as well. Upon verification of eligibility, the \$600.00 award will be sent to the dependent's address listed on the application.

MOTION SHEET

Motion:

To withdraw the May 1st deadline for scholarship applications.

Motion Made by: John Telisky

Seconded by: _____

Motion Passed/Defeated: unanimous

Date: August 8, 2012

NYSCOPBA Public Information/Media Policy

Role of the Media

A well informed public is essential to the existence of our democratic nation. To effectively exercise their duties as citizens, members of the public must be aware of current events that exist. A free press, by supplying this needed information and promoting a medium for expression, makes it possible for citizens to influence the manner in which our government provides service.

Good media relations are an important part of any agencies' community relations activities. As a majority of the public has little or no contact with NYSCOBPA members, their attitudes and perceptions of the organization are greatly influenced by information obtained through the media. Positive publicity generates positive opinions. The probability of obtaining positive publicity is strengthened when relations with the media are good.

It is necessary to recognize that NYSCOBPA matters are also matters that will concern the public. The purpose of this policy is to promote free flow of information to all the news media.

The policy of NYSCOPBA shall be to maintain a relationship with the members of the news media that is built on trust, cooperation and mutual respect, and one that will generate a free flow of information between NYSCOPBA and the news media.

Media DEFINED

The term media shall include the following:

1. Newspapers and Magazines
2. Wire Services
3. Internet Services
4. Blogs
5. Television Stations
6. Social Media – Facebook & Twitter

7. Other bona fide news gathering/disseminating agencies
8. Radio Stations
9. Newsletters

Media Releases

The public information and news media relations function shall be coordinated by the Director of Public Relations or specified designee. Other members of NYSCOPBA should be encouraged to advise the DPR of new programs, outstanding achievements, current developments, charitable endeavors and any investigative developments likely to prompt media attention and/or any newsworthy information from their respective areas or responsibility that will assist the DPR or designee.

The DPR or designee shall be responsible for, but not limited to, the following:

1. The release of any information affecting the organization; e.g. – statements concerning policy, major incidents, etc.
2. Perform duties to assist members in handling media relation encounters
3. Serve as the official liaison between members of the NYSCOPBA and the news media
4. Monitor NYSCOPBA's release of information to the media
5. Monitor and maintain all social media sites
6. Serve as the coordinator for all community relations
7. Be aware of deadline times of respective news media and to accommodate these representatives as is practical

8. Issue press releases concerning any information of interest to the public
9. Be available non business hours to coordinate any media related activities

Responsibility for the Release of Information

The DPR or designee should ensure that any information which may be released to the media should be:

1. Accurate
2. Contain as many facts and details as possible
3. Does not pose a security threat to the members involved
4. Timely if possible at all times

Notification of Director of Public Relations or Designee

Responsibility for planning, developing, writing and distributing news releases and articles about programs, sponsorships and activities of NYSCOBPA rests with the DPR or designee.

Each NYSCOPBA region should have a designated member that is responsible for informing the DPR or designee of all activities in that region. Preferably each work site should have a designated member that will identify news related activities in their work place and coordinate with the DPR or designee to release that information to the news media when appropriate .

That notification should be communicated through phone, email or other timely communication on a consistent basis.

MOTION SHEET

Motion:

To schedule the E.A. meetings for the rest of 2002.
All meetings will be on a Tuesday, Wednesday,
Thursday, not adjacent to any holidays. Starting
January 1, 2003 all meetings will be scheduled for
the full calendar year.

Motion Made by:

Bob Hartung
Great Meadow

Motion Seconded by:

Randy McAdam
Franklin

Motion **Passed**/Defeated:

Unanimous

Date:

April 2, 2002

MOTION SHEET

The decision to retain attorney
representation be the sole responsibility of
the Executive Assembly.

Motion Made by: Chris Hansen

Motion Second by: Ken Keeler

Yes 228 NO 14 ABS 3

Motion Passed/Defeated: _____ Date: 10-3-02

MOTION SHEET

To establish a policy that the following support staff positions attend at minimum the first day of each Executive Assembly meeting:

Retirement / Disability Specialist

Health Benefits Specialist

Health and Safety Specialist

Motion Made by: Mike Carlson
Tim Osborn

Yes 63 NO 7 ABS 0

Motion Passed/Defeated: **Date:** 2/3/2003

MOTION SHEET

I move that if and when an Executive Assembly is to be adjourned due to a lack of a Quorum, a roll call will be conducted before adjournment and it's results will be conspicuously posted ASAP on NYSCOPBA's Home Page under the Heading of " Executive Assembly Roll Call / Non-Quorum Adjournments."

Motion Made by: Joe Scalise
Robert Centore

Unanimous Yes ___ NO ___ ABS ___

Motion Passed/Defeated : Date: 2/4/2003

MOTION SHEET

I move that we vacate the past practice of waiting on action of committee reports until new business. We shall adopt the policy from Roberts Rules attached (see below).

Motion Made by: Frank McKinney
Paul Mikolajczyk

Motion **Passed**/Defeated: Unanimous

Date: 6/26/2003

...as quoted from Roberts Rules of Order, Newly Revised, 10th Edition, page 345..." A motion arising out of an officer's, a board's, or a committee's report is taken up immediately, since the object is to give priority to the classes of business in the order listed."

MOTION SHEET

Motion:

A Policy that all original video recordings of the Executive Assembly shall be provided to the Recording Secretary immediately upon the completion of same. They shall remain in the custody of the Recording Secretary. Copies to be provided upon request.

Motion Made by: Lyndon Johnson

Motion Seconded by: Pat Pratt

Motion **Passed**/Defeated: **1 opposed**

Date: 12/16/04

Member who opposed

Robert Centore, Mohawk C.F.

MOTION SHEET

Motion:

To protect the integrity of these proceedings, the only recording devices allowed to record the Executive Assembly shall be provided by NYSCOPBA's Membership Services and those directed by the recording secretary. Should a member desire to record any or part of these proceedings they must present their request to the Executive Assembly prior to recording. Their request must be approved by the Executive Assembly.

Motion Made by: Lisa Andersen

Motion Seconded by: Pete Ronca

Motion **Passed**/Defeated: Unanimous

Date: 6/22/2005

MOTION SHEET

To have Membership Services video tape the Executive Assembly Meeting , as a means of reference.

The cost of equipment to accomplish this is \$2,726.94 – this is a one-time expenditure.

Copies of the video may be requested from Membership Services on an individual basis.

Motion Made by: Diane Davis

Motion Second by: Larry Flanagan

Yes _____ NO _____ ABS _____

Motion Passed/Defeated: unanimous Date: 11/14/02

MOTION SHEET

Minutes of the Executive Assembly meetings be made available in electronic format (compact disc), to any member in good standing, who requests a copy.
*Amended to ...any Chief Sector Steward in good standing who requests a copy.

Motion Made by: David Tessmer

Motion Second by: Ed Lattin

Yes ___ NO ___ ABS ___

Motion **Passed**/Defeated: **unanimous** Date: 11/14/02

MOTION SHEET

Motion:

That Knickerbocker and Bolton St. John's report in to us at the EA's to let us know what the progress is and what they are doing, or on the website.

Motion Made by: Mike Carlson

Seconded by: _____

Motion **Passed**/Defeated: unanimous

Date: April 18, 2012

MOTION SHEET

To direct those responsible for lobbying for NYSCOPBA to attend the monthly Executive Board meetings. If both individuals are not available at least one attends and this should be extended to all E.A.'s conducted in Albany.

Motion Made by: A. Mothershed

Second by: J. Harmon

Motion **Passed** unanimous

Date: March 13, 2012

MOTION SHEET

Motion:

To return the 2016 EA Locations to the prior
schedule of alternating Albany & Syracuse
Locations

Motion Made by: Mike Dildine

Motion Seconded by: John Harmon

Motion Passed/Defeated: Unanimous

Date: August 27, 2014

-----Unanimously approved by the Executive Board on 8/26/2014 -----

MOTION SHEET

Motion:

By order of the Executive Assembly all Executive Board meetings will have a representative of our duly hired law firm for all legal issues each and every Executive Board meeting. The lawyer shall be present throughout the duration of the entire meeting.

Motion Made by:

Kevin Walker
Downstate

Motion Seconded by:

Harry Brennan
Mt. McGregor

Motion **Passed**/Defeated:

Unanimously

Date:

November 19, 2001

* The above listed motion is verbatim from the maker.

MOTION SHEET

Motion:

I would like to make a motion to hold someone in the Albany union office responsible to report each month to the Executive Board on any change in the Department's policy, directives, rules, regulations etc. that effect the terms and conditions of any officers or sergeants job so that necessary steps may be taken by the Executive Board. This report shall be given and read into the record of every E-Board meeting, whether or not there are any changes! This will prevent any mishaps as was the case with Directive 4059, (emergency response).

Motion Made by: Wilson Chapman

Motion Seconded by: Don Rowe

Motion **Passed**/ Defeated: Unanimous

Yes_____No_____Abstain_____

Unanimous

Date: April 6, 2006

MOTION SHEET

To adopt a standing policy whereas whenever it becomes necessary to conduct a referendum vote of the membership in regard to tentative collective bargaining agreements or election of Executive Board members as stipulated in the Constitution and Bylaws — the Executive Assembly authorizes the Executive Board to conduct such referendum for those costs which are reasonable and customary.

Motion Made by: Diane Davis
Motion Seconded by: Chris Hickey

Motion **Passed**/Defeated: Unanimous

Date: February 14, 2008

**Wisdom: Recommendation of Constitution/Bylaws Committee to both the Executive Board and Executive Assembly.

MOTION SHEET

When NYSCOPBA receives an arbitration decision that is positive for NYSCOPBA that we create a standing policy that our law firm of record go to court (a judge) and get said decision confirmed.

Wisdom: DOCS as well all State agencies have attempted to and continue not to follow arbitration decisions that are not positive for them. This would allow NYSCOPBA to file contempt of court charges on the State agencies as well the individuals that are not following the decision.

Motion Made by: Tom Haas
Motion Seconded by: Brian Shanagher

Motion Passed/Defeated: Unanimous

Date: August 16, 2007

MOTION SHEET

Motion:

I would like to make a motion that B.A. and V.P. submit written itineraries to the Executive Vice President monthly so that there is accountability to the Membership!

Motion Made by: Robert Hartung
Great Meadow

Motion Seconded by: Randel Page
Riverview

Motion **Passed**/Defeated: 162 – 64

Date: April 1, 2002

MOTION SHEET

Motion:

It shall be policy of the NYSCOPBA Organization by order of the Executive Assembly:

All membership mailings to be generated by the Executive officers will not be mailed until thorough review of the Executive Board and approved by a quorum majority vote.

Motion Made by: Lyndon Johnson

Motion Seconded by: Frank Scarlotta

Motion Passed/Defeated: _____

Date: September 24, 2003

****Unanimous consent to refer to the Executive Board****

MOTION SHEET

Motion:

That NYSCOPBA proceed forward with a request for proposal in preparation for upcoming contract and arbitrations process. To seek out a seasoned and Independent Panel Member if we proceed with Arbitration. The Executive Board to spearhead this proposal process and bring to the EA for approval.

Motion Made by: Dave Luther, Sing Sing
Seconded by: Jim Frawley, Otisville

Motion Passed/Defeated: unanimous

Date: June 26, 2013

MOTION SHEET

To initiate an action if possible to protect our members personal information released by Paladium.net.

Motion made by: V. Blasio

Second by: M. Dildine

Motion **Passed** Unanimous

February 25, 2014

Motion Sheet

To propose a new policy for selecting Sergeant At Arms for statewide Executive Assembly Meeting. I propose that all 5 Regional Vice Presidents, along with Law Enforcement, are given the authority to select 2 stewards out of their represented regions for the Sergeant At Arms. The regions that would only receive one pick would rotate from region to region on a bi-monthly basis. The regions that have Valor Awards would forfeit there Sergeant At Arms for that Executive Assembly meeting.

Wisdom: to maximize the availability stewards in there respected regions would have to participate in the Executive Assembly process, in a fair and consistent manner.

Motion Made by: Chad Stickney
Motion Seconded by: Larry Cocozello

Motion **Passed**/Defeated: Unanimous

Date: June 30, 2011

MOTION SHEET

Motion:

I would like to adopt a policy to place a cap on mileage for Business Agents and VP's to \$ 1,000 a month. If you go over \$1,000 a month it is subject to approval of treasurer if mileage monies are denied they could appeal to Executive Board! The President is exempt from this policy.

Motion Made by: Robert Hartung

Motion Seconded by: Grant Marin

Motion Passed/Defeated: 73 Yes 7 No

Date: February 26, 2004

MOTION SHEET

No Vendor or employee of NYSCOPBA Employees Association will involve themselves, written or verbally, in any aspect of NYSCOPBA's internal political activity including and not limited to the hiring and firing of a Business agent.

Motion Made by: J. Telisky

Motion Seconded by: C. Hansen

Motion passed unanimous

Date: July 16, 2014

Motion

That after any serious attack from an inmate on a NYSCOPBA member that an advertising billboard goes up in the region or area near the work site that the attack took place. The billboard should mention less staff, and prison or work site violence or similar in nature. This includes the Law Enforcement members and covers any NYSCOPBA represented title.

Motion made by: V. Blasio

Second by: J. Gavin

Discussion on motion.

Motion **passed**: Unanimous

October 9, 2012

MOTION SHEET

Motion:

Elmira Sector Executive Assembly Motion Purpose of motion: The purpose of this motion is to facilitate the enactment of decisions made at sector meetings pursuant to Article XIII, Section B of the NYSCOPBA Constitution by authorizing Chief Sector Stewards with the ability to bind the union at the sector level, and to improve representation for our membership by enabling local representatives to officially participate in meaningful negotiations at the sector level.

This should have the effect of resolving sector issues in a prompt equitable manner.

Motion: This body, The New York State Correction Officer and Police Benevolent Association, does designate and authorize Chief Sector Stewards as Union agents who can bind the Union at sector level consistent with the statewide collective bargaining agreement.

This authorization to bind the Union shall include issues impacting the collective bargaining agreement (impact negotiations) and issues where the collective bargaining agreement authorizes local agreements and /or arrangements.

Motion Made by: Daniel Stuart
Elmira

Motion Seconded by: Thomas Mulhern
Cayuga

Motion **Passed**/Defeated: Unanimously

Date: April 1, 2002

MOTION SHEET

To adopt a policy whereas title specific members vote on their title specific Labor/Management agreements, at the sector level. The method of implementing this policy shall be determined by the sector stewards at each individual sector.

Motion Made by: Tom Mulhern
Sgt's. Committee

Yes ___ NO ___ ABS ___

Motion Passed/Defeated Unanimous Date: 12/3/2002

MOTION SHEET

I make a motion to leave the decision of the purchase of alcohol up to the perspective sectors.

Motion Made by:

Simun Matesic
Dave Tessmer

Motion Passed/Defeated: _____

Date: 10/23/2003

Revised: 10/4/02

REFERRED to Finance Committee

MOTION SHEET

That Chief Sector Stewards be permitted to hold a seat on more than one standing committees this would insure that those on committee have the experience and knowledge needed to serve the members properly.

Motion Made by: Tom Haas
Motion Second by: Ken Keeler

Yes ___ NO ___ ABS ___

Motion **Passed**/Defeated: **unanimously** Date: 10-3-02

MOTION SHEET

Motion:

Due to NYSCOPBA's Constitution being a legal and binding document, from this day forward it shall be the responsibility of the Constitution and Bylaws Chairperson to notify out retained law firm the date(s) the Constitution and Bylaws Committee will be meeting for an attorney to attend to provide legal advice.

Motion Made by: Simun Matesic

Motion Seconded by: Grant Marin

Motion **Passed**/Defeated: Unanimous

Date: April 22, 2004

MOTION SHEET

Motion:

I propose that the EA create or utilize a pre-existing committee to specifically keep watch for misappropriations, inappropriate denial of benefits, and wasteful spending by facility administrations, collect and verify information in regards to these actions and use these actions and use this information strategically in the media to inform the public.

Motion Made by:

Andy Lashua, Greene CF

Seconded by:

Chad Stickney, Ogdensburg CF

Motion **Passed**/Defeated: **unanimous**

Date:

February 16, 2012

MOTION SHEET

Motion:

That NYSCOPBA create a committee whose sole purpose is to monitor the activities of the Office of Inspector General DOCCS statewide and report to the Executive Board, Executive Assembly and the NYSCOPBA J&E Committee; instances of misconduct as they are discovered.

Motion Made by: Andrew Lashua

Motion Seconded by: Dan Mulligan

Motion Passed/Defeated: Unanimous

Date: June 25, 2014

MOTION SHEET

Motion:

To form a committee or assign an existing committee to research, prepare and pursue changing our correction officer and sergeant uniforms to a more professional law enforcement type uniform.

Motion Made by: Jim Frawley
Seconded by: Fran Kiernan

Motion Passed/Defeated: unanimous

Date: October 24, 2012

Motion to assign to the Health & Welfare Committee

Motion Made by: Jim Frawley
Seconded by: Mike Carlson

Passed w. one opposition (did not identify)

MOTION SHEET

Motion:

To immediately form a committee or assign an existing committee to research, prepare and pursue legislation to achieve a salary upgrade for all NYSCOPBA members. i.e., CO salary grade to fifteen, sergeant salary grade eighteen, etc.

The focus of the committee and the organization should be to achieve this upgrade as soon as possible. And if at all possible have this salary upgrade in place before March 30, 2014 when the next negotiated percent raise of two percent take effect.

Also, if this upgrade can not be achieved before then, the organization will continue to pursue this litigation until it is either passed or defeated by the state legislature or the governor.

**Unanimous consent given to assign to the Legislative / PAC Committee

Motion Made by: Jim Frawley

Seconded by: Dave Luther

Motion Passed/Defeated: unanimous - Yes -81; No - 0

Date: October 24, 2012

MOTION SHEET

Motion:

Recommendation from the Legislative/PAC Committee

Upon careful consideration of the attached motion, it is the recommendation of the Committee that NYSCOPBA pursue and reallocation through the Division of Classification and Compensation in accordance with Section 118 of the Civil Service Law to its' completion, prior to attempting to submit legislation to accomplish the same.

Motion Made by: Legislative/PAC Committee

Seconded by:

Motion Passed/Defeated: Passed w/ one objection*

* J. Frawley

Date:

December 12, 2012

MOTION SHEET

Motion:

The Election Committee recommends a special election for the ISOs, for multi work sites and one sector.

Motion Made by: Election Committee

Seconded by: _____

Motion Passed/Defeated: unanimous

Date: June 26, 2013

MOTION SHEET

Motion:

To accept the recommendation of the Election Committee for the Recall Panel elections to be aligned with the rest of the committees.

Motion Made by: Joe Bellinger

Motion Seconded by:

Motion Passed/Defeated: Unanimous consent

Date: September 18, 2013

MOTION SHEET

Motion:

To immediately call out the Collective Bargaining Committee to research and address the bargaining units deficiencies in the past contract and arbitration process. The C.B.C. should review all bargaining unit shortcomings and their wisdom & discuss the methodology and arguments used by the state and the union. By reviewing the minutes and the presentations of both sides the C.B.C. is then to return to the E.A. and make recommendations for neutralizing the states arguments – advancing the image and professionalism of our bargaining unit (i.e.: extended Academy, more strict physical fitness requirements and education requirements) Also the C.B.C. should look at the full list of public arbitrators, review their past awards and create a more informed list likely to be more favorable in our efforts.

Wisdom of the motion – The purpose of this motion is to position ourselves in advance and be on the offensive in the next round of negotiations. To fully understand the presented arguments of the state over the last few series of negotiations. It will give us an opportunity to neutralize the states presentation giving any potential arbitrator more incentive to vote on our behalf.

Motion Made by:

Willie Perez

Motion Seconded by:

Jamie Hathaway

Motion Passed/Defeated:

Unanimous consent

Date:

September 18, 2013



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd. - Albany, NY 12209
(518) 427-1551 nyscopba@nyscopba.org



NYSCOPBA Collective Bargaining Committee

12/18/13

Meetings chaired by V. Blasio

In attendance were: Mulhern, Luther, Lashway, Carlson, Petrie, Dumas and guest WRVP M. Dildine, CRVP J. Gavin, Pres., D. Rowe, VP C. Hickey, and Treas. J. Telesky, Law Enforcement J. Harman. Also in attendance were Bill Sheehan and Keith Jacques (NYSCOPBA Attorneys)

Meeting held In Conference at NYSCOPBA HQ in Albany, NY

Meeting was called to order by V. Blasio.

A Round table discussion was held, by all in attendance, as to the recommendations made by the CBC at the December EA meeting. Upon completion of the discussion, the submitted recommendations were understood and a consensual agreement was heard.

- 1) The CBC is to be included in all aspects of any contract offers. This is to include contract negotiation and the Arbitration process. All discussion on Contracts and Arbitration will include updates to the CBC.
- 2) The CBC will be the entity to make all recommendation to the EA in dealing with the Contract and the Arbitration process. The Executive Board as a whole can be invited to participate and voice their opinions. But recommendations will come from the CBC.
- 3) The CBC will recommend to the EA that a new study be undertaken to address the Geographic pay for all affected areas, prior to the next contract negotiations. To address the inequality paid to other State agencies working in those regions and what is paid to our members.

It was agreed upon, by everyone in attendance, that the Geographic study would also include Shift differential/ inconvenience pay.

Also discussed was the hiring of an Economist to discuss the Cost of living increases.

The CBC spoke of a time line for conducting these studies and after discussion with Bill Sheehan it was determined best time would be around July 15, 2015. This way, when at the negation table, all information is up to date and pertinent.

New recommendations added for EA approval.

- 4) That an additional CBC committee member be added from Law Enforcement to participate in the negotiation process. (It was agreed that during the Law Enforcement negotiations that the CBC would be updated and advised thru out the entire process.)
- 5) That the CBC would conduct surveys by mail to all members but will also conduct Regional meetings to hear contract issues that members would like to have addressed. This process would start 6 months prior to negotiations.
- 6) The CBC recommends that NYSCOPBA insist that DOCCS be present during contract negotiations and agreements. CBC believes this will deter DOCCS stall tactics of accepting parts of agreement within the negotiation process. During the meeting the following issues were breeched and will be revisited. They were:

Increase of sick time accruals as recommended by the Legislative committee. (Sheehan to provide numbers to Blasio). Health care cost and contributions from members. Dental and eye care plans. Discussed past Arbitrations and the process we have followed.

Next Meeting set for February 18, 2014

Respectfully Submitted,
David Luther, CBC Member SSCF

Approved Unanimous - February 12, 2014 EA

MOTION SHEET

I move to create a policy that any and all proposed changes in the life and disability insurances be brought to the Health and Welfare Committee for their evaluation and then report to the E. A. for approval.

Motion Made by: Marcelino Perez

Motion Second by: Bob Hartung

Yes ___ NO ___ ABS ___

Motion **Passed**/Defeated: **unanimous** Date: 11/14/02

MOTION SHEET

Motion:

From this day forward this shall set the policy for mailing Constitutional Amendments to be ratified through a membership referendum vote.

Constitutional Amendments:

1. Shall include the “original language” of the Constitution Article or subsection thereof being amended;
2. New Language shall be in “**BOLD**”;
3. Old Language shall be “**strikethrough**”;
4. Shall contain the maker’s “Intent and/or justification”;
5. Shall contain the committee(s) “recommendation”;
6. Shall include a “Fiscal Note” from the Finance Committee. Should there be no financial impact it should so state; and
7. Shall include the “voting tally” of the Executive Assembly.

Motion Made by:

Simun Matesic

Motion Seconded by:

Bill Starr

Motion Passed/Defeated:

Unanimous

Date:

April 22, 2004

MOTION SHEET

Motion:

The Finance Committee will select two (2) trustees, other than the Association Treasurer, from the committee to oversee the year end audit.

This motion is a recommendation from the Finance Committee.

Motion Made by: John Telisky
Treasurer

Motion Seconded by: James Stevens
Coxsackie CF

Motion Passed/Defeated:

Date: September 28, 2005

The Finance Committee met on September 27 and 28, 2005. This motion is to be added to the Agenda for the December 7 and 8, 2005

Motion Passed Unanimously at December 7-8, 2005 Executive Assembly Meeting.

MOTION SHEET

In accordance with Article XI Section C Paragraph 2 which state in part “ each committee shall designate a chairperson and recording secretary from among the committee members ... therefore a copy of the report from each committee (except Judicial and Ethics) be included with the packets received at each E.A. The J & E Committee report are to be issued to the charging and the accused parties only upon their request and not to the General membership.

Motion Made by: Simun Matesic

Motion Second by: David Tessmer

Unanimous Yes ___ NO ___ ABS ___

Motion Passed/Defeated: _____ Date: 2/4/03

Motion Sheet

In accordance with the motion passed on 12/8/10 regarding the review of all contracts (requiring action by the Executive Board) no later than 120 days prior to expiration:

Motion: that all contracts requiring action be sent to the Finance Committee for a review of possible fiscal ramifications prior to being presented to the Executive Assembly for review of RFP.

Motion Made by: Dan Mulligan

Motion Seconded by: Chuck Weed

Motion **Passed**/Defeated: **Unanimously**

Date: February 10, 2011

Motion Sheet

To have all contracts requiring action by the Executive Board be reviewed no later than 120 days prior to their expirations, and presented to the Executive Assembly at that time for review and possible RFP's.

Motion Made by: Al Mothershed

Motion Seconded by: Tom Mulhern

Motion Passed/Defeated: unanimously

Date: December 8, 2010

Motion Sheet

To accept the proposal for Business Travel Accident Insurance.
This insurance will cover Union Officials in the amount of
\$500k and Sector Stewards will be covered in the amount of
\$250k.

Motion was passed unanimously

Date: February 11, 2009

Date: February 11, 2009

MOTION SHEET

Motion:

“A motion to obtain/provide hostage insurance for members of NYSCOPBA.”

Motion Made by:

Joseph Strong
Livingston

Motion Seconded by:

John O’Donnell
Gowanda

Motion *Passed*/ Defeated:

Unanimous

Date:

September 15, 1999

MOTION SHEET

Motion:

Expend Fiscal Year 13-14 and Fiscal year 14-15 funds for 25.6 - QWL Funding for the 3 current building projects.

Motion Made by: Chris Hickey

Motion Seconded by: John Telisky

Motion Passed/Defeated: Passed

1 NO - J. Harmon, LEVP

Date: April 23, 2014

MOTION SHEET

Motion:

To create a Key Master Account for all sector checking accounts.

Motion Made by: John Telisky

Treasurer

Motion Seconded by: James Stevens

Coxsackie

Motion Passed/Defeated:

Date: October 14, 2005

The Finance Committee met on October 14, 2005. This motion is unanimously approved by the Finance Committee. No cost would be incurred by NYSCOPBA.

Motion Passed Unanimously at the December 7-8, 2005 Executive Assembly Meeting.

MOTION SHEET

Motion:

This body adopt a policy to have the financial report mailed out with the meeting minutes prior to each Executive Assembly starting with the next 2005 Assembly.

Motion Made by: Art Jolley
Motion Seconded by: Randy McAdam

Motion **Passed**/Defeated: Unanimous

Yes ___ No ___ Abstain ___
Unanimous

Date: 4/20/2005

MOTION SHEET

Motion:

That the NYSCOPBA Executive Board set up a Statewide Labor Management Meeting approximately every 6 months to address the needs of our members.

Motion Made by:

Robert Hartung
Great Meadow

Motion Seconded by:

Frank McKinney
Lyon Mt.

Motion **Passed**/Defeated:

Unanimously

Date:

August 29, 2002

MOTION SHEET

Motion:

Recommendation from the Health & Welfare Committee regarding a dental insurance programs for NYSCOPBA Retiree Chapter Members (see attached minutes).

Motion Made by: Health & Welfare Committee

Seconded by:

Motion Passed/Defeated: unanimous

Date: December 12, 2012

(Executive Assembly 12/12/2012) Page 109

1 this language?
 2 MR. PORCARO: You would
 3 have to get a copy of the law.
 4 You would have to look at the
 5 law the way it is written. You
 6 would have to suggest changes
 7 to it and write to your
 8 congressman and say we feel we
 9 are being unfairly treated and
 10 these are the changes that
 11 should be made in the law.
 12 UNIDENTIFIED SPEAKER:
 13 Thank you.
 14 MR. PORCARO: Any other
 15 questions?
 16 (No Response.)
 17 MR. PORCARO: Everyone have
 18 a merry Christmas and a happy
 19 New Year and we will see you in
 20 a couple months.
 21 PRESIDENT ROWE: Health and
 22 Welfare Committee.
 23 MR. LASHUA: Lashua,
 24 Greene.

(Executive Assembly 12/12/2012) Page 110

1 Two points of discussion;
 2 the main points at our last
 3 committee meeting held on
 4 November 20th; the first was
 5 new uniforms. Vendors are
 6 still being sought out and
 7 interviewed at this time and
 8 more research is required
 9 before we present anything to
 10 the members or to DOCCS.
 11 Next up was discussion on
 12 the new retiree dental plan,
 13 which leads to the following:
 14 → The Health and Welfare ←
 15 Committee requests our
 16 insurance broker to prepare and
 17 distribute a request for
 18 proposal for a dental insurance
 19 program for NYSCOPBA retiree
 20 chapter members. This would be
 21 a voluntary program offered to
 22 all retiree chapter members and
 23 their dependents. The cost of
 24 this program would be deducted

(Executive Assembly 12/12/2012) Page 111

1 from the retirees monthly
 2 pension check.
 3 During employment our
 4 members receive dental
 5 insurance from the New York
 6 State Health Insurance Program
 7 through GHI. Upon retirement,
 8 members may continue their
 9 dental benefits under the COBRA
 10 rules for 36 months. When
 11 COBRA coverage ends, GHI again
 12 offers the opportunity for
 13 retired members to purchase the
 14 GHI conversion plan. Premiums
 15 paid for COBRA coverage and the
 16 GHI conversion plan are paid by
 17 retirees through direct
 18 billing.
 19 Because of the cost, many
 20 retirees elected not to
 21 continue their dental coverage.
 22 Once a retiree declines to
 23 continue coverage, they lose
 24 coverage forever and can not

(Executive Assembly 12/12/2012) Page 112

1 purchase GHI coverage at a
 2 later date.
 3 Also, many retiree chapter
 4 members have expressed their
 5 dissatisfaction with GHI
 6 because there are not enough
 7 choices for GHI dentists in
 8 their area.
 9 As an alternative, NYSCOPBA
 10 will offer a low cost,
 11 voluntary group dental plan
 12 that covers preventive services
 13 only. This type of dental
 14 program is an affordable option
 15 that will allow retirees who do
 16 not have dental insurance an
 17 opportunity to obtain it.
 18 It is important to
 19 understand that the recommended
 20 dental program is not meant to
 21 replace the dental insurance
 22 coverage offered by NYSCOPBA to
 23 NYSCOPBA retirees through GHI
 24 and New York State. It is

(Executive Assembly 12/12/2012) Page 113

1 offered as a less expensive
2 alternative.
3 In addition to providing
4 basic dental services, the
5 recommended dental program has
6 a large enough network to
7 provide sufficient coverage
8 across the United States, and
9 if necessary it would provide
10 retirees a higher reimbursement
11 when utilizing a dentist not in
12 the network.
13 The plan would cover
14 preventive services such as
15 emergency treatment, oral
16 examinations, x-rays, teeth
17 cleaning and additional
18 children's services. Retirees
19 will have the freedom to use
20 any dentist they choose and
21 eliminate claim forms when a
22 network dentist is chosen.
23 Also if services are
24 required outside the scope of

(Executive Assembly 12/12/2012) Page 115

1 coverage, versus the GHI
2 conversion cost of \$35.29 for
3 an individual, \$66.43 for
4 individual and spouse and
5 \$98.50 for family coverage.
6 As an additional benefit,
7 participants in the retiree
8 chapter program dental program
9 will also have access to
10 discounted vision care if Davis
11 Vision Providers are used.
12 All current retiree chapter
13 members will be guaranteed an
14 opportunity to enroll in the
15 plan during a specific open
16 enrollment each year. New
17 retiree chapter members who
18 first join the retiree chapter
19 will also be given an
20 opportunity to enroll at that
21 time.
22 Guardian Life Insurance
23 Company of America is rated A
24 plus plus superior by A Invest

(Executive Assembly 12/12/2012) Page 114

1 the preventive plan, members
2 will receive a discount for the
3 services if they are performed
4 by a Guardian participating
5 dentist.
6 The plan the Health and
7 Welfare Committee recommends
8 for retiree chapter members
9 will be provided by the
10 Guardian Life Insurance Company
11 of American.
12 Guardian Life is one of the
13 largest national dental
14 networks with 138,000 locations
15 and the average distance to a
16 choice of two member providers
17 is 6.2 miles.
18 The monthly cost for the
19 proposed Guardian Life program
20 is approximately one half of
21 the GHI conversion cost; \$17.38
22 for the retiree chapter member
23 and \$31.12 for a member and
24 spouse and \$50,35 for family

(Executive Assembly 12/12/2012) Page 116

1 and has a financial size
2 category of XB, which is two
3 billion dollars or greater.
4 And a stable outlook.
5 So based on a review of the
6 products available in the
7 market place, the Health and
8 Welfare Committee recommends
9 that NYSCOPBA Execute an
10 agreement with the Guardian
11 Life Insurance Company of
12 America that provides a dental
13 program for retiree chapter
14 members in accordance with the
15 terms and conditions proposed.
16 With that being said, is
17 there anyone that has a problem
18 or issue with moving forward on
19 the committee's recommendation?
20 PRESIDENT ROWE: Any
21 discussion on the
22 recommendation?
23 (No Response.)
24 PRESIDENT ROWE: Hearing

| | |
|---|--|
| <p>(Executive Assembly 12/12/2012) Page 117</p> <p>1 none, all those in favor of 2 accepting the recommendation 3 signify by saying aye. 4 (Response of "Aye".) 5 PRESIDENT ROWE: Anyone 6 opposed? 7 (No Response.) 8 PRESIDENT ROWE: Carried.</p> <hr/> <p>9 MR. PORCARO: Andy, can we 10 get a copy of that to present 11 to our members? Because what 12 we have in your notes in here 13 does not have that whole packet 14 in it there. 15 MR. LASHUA: Yes. 16 VICE PRESIDENT PAGE: Randy 17 Page, Northern Region Vice 18 President. 19 Just if anybody is 20 interested, from eleven to one 21 there will be a representative 22 out here from the Guardian that 23 will have a lot of information 24 here as well.</p> | <p>(Executive Assembly 12/12/2012) Page 119</p> <p>1 PRESIDENT ROWE: Let's get 2 through the committee reports. 3 It needs some discussion 4 and we have discussed this at 5 the Board. Obviously nobody is 6 going to put it aside. We will 7 discuss it. 8 But there are various 9 things, whether it is 10 documentation or how we proceed 11 or how many are heard at triage 12 or how many arbitration dates 13 are available to us. 14 And as you said, it has 15 been like that for 30 years. 16 And we have been looking to 17 improve it. 18 Legislative PAC. 19 MR. DELMONTE: Lou 20 Delmonte, Lakeview. 21 Good morning. 22 I'll start off just going 23 over the sheet I think 24 everybody has in their packet.</p> |
| <p>(Executive Assembly 12/12/2012) Page 118</p> <p>1 So you might want to get 2 what you can from him and bring 3 it back to your members as 4 well. 5 PRESIDENT ROWE: John. 6 TREASURER TELISKY: 7 Telisky, Treasurer. 8 Can we have Bill step to 9 the mike and talk about the 10 grievance process so everybody 11 has a full interpretation of 12 what's going on with the 13 arbitrations? 14 That grievance was filed on 15 11/7/2006. And it was ready 16 for full arbitration on 17 4/2/2007. So it has been in 18 the pipe line. 19 I know you can only do 20 about 25, and I don't want to 21 speak for you, but I know the 22 system only allows you to do 23 approximately 25 full 24 arbitrations a year.</p> | <p>(Executive Assembly 12/12/2012) Page 120</p> <p>1 If you don't, the starting 2 balance \$306,501.59. 3 There was deposited 4 \$25,000. Transfer out was 5 \$50,000 with an end balance of 6 \$281,501.59. 7 Deposits in November, there 8 were two deposits of \$25,000. 9 And the year to date 10 expenditure is \$366,450. 11 A couple things here that 12 we will go over real quick. 13 There was a motion put out 14 in the last EA in regard to the 15 committee taking on the 16 upgrade. We met and we 17 discussed in length and had 18 some legal advice on this in 19 regard to how it should be 20 approached and the best way to 21 approach it and the effective 22 way. And there was a 23 recommendation put out. Again, 24 that should be in the packet.</p> |

Motion Sheet

To raise the Retiree's benefit for eyeglass reimbursement from \$50.00 to \$100.00 effective 3/1/09.

Motion Made by: John Ireland
Motion Seconded by: Brent Dumas

Secondary motion to send to the Health & Welfare Committee

Motion Made by: John Telisky
Seconded by: Al Mothershed

Motion Passed to send to Health & Welfare Committee

Date: February 11, 2009

Voted on April 15, 2009 at Executive Assembly meeting.

Passed Unanimously

MOTION SHEET

Motion:

Asked for unanimous consent to accept an increase in Union provided life insurance benefit for the active and retired members as follows:

Active Members life insurance increase from \$15,000 to \$30,000

Active Members AD&D insurance increase from \$26,000 to \$30,000

Retiree Chapter Members life insurance increase from \$15,000 to \$20,000

Motion Made by: John Telisky, Treasurers Report

Seconded by:

Motion **Passed**/Defeated: **unanimously**

Date: April 10, 2013