

EXECUTIVE BOARD MINUTES

Date: November 15, 2016 9 am

ROLL: Michael Powers, President
Tammy Sawchuk, Executive Vice President
Mike Dildine, Recording Secretary
Dave Viddivo, Treasurer
Paul Lashway, VP Central
Mike Mazzella, VP Mid-Hudson
Joe Miano, VP Western
Clarence Fisher, VP Southern
Chris Hansen, VP Northern
John Harmon, VP LE
Bill Sellers, Sergeant's Liaison

Attorney: L. Schaefer– LMWF

Guests: Keith Jacques – LMWF, Tim Mannicia

Minutes: October 11, 2016 minutes approved

Directive Changes: Sent via email from B. Cronin:

Next meeting: December 13, 2016 9am East Syracuse Doubletree

Correspondence: None received

President's Report–

- Negotiations update
- Successful in getting frisk form in Dir 2077 pulled back. The badge number remains on the form
- Working over DOCCS head on Dir 4955 and the issues resulting from the security audits
- Have had weekly meetings with our lobbyists to position ourselves with the newly elected assembly and senate.
- DACC and O'Donnell issues discussed
- Staffing reviews are continuing and winding down. We have had constant dialogue with DOCCS and the 2nd floor over implementation of the items and possibly running a second academy.
- Two phone conferences held with OMH Commissioner over issues in the OMH facilities
- Continuing to meet with the editorial board across the state. 11/3 was Watertown, Rochester Editorial Board will be 11/17
- The PAC seminars in the Mid-Hudson region are taking place this week
- On 11/16 will meet with the Washington County DA

- There was a significant inmate yard event on 10/28 with large amounts of chemical agents dispensed. Officers did a great job in bringing back order.
- Pepper spray being rolled out in Green haven and Elmira

Executive Vice-President-

- The IRS is auditing the NYSCOPBA employees' pension fund
- 10/25 met with VP Hansen in Plattsburg over major incidents with inmates at Clinton
- 11/9 Met with BST ERISSA accountant
- 11/9 Jimmy Miller presented a check on behalf of NYSCOPBA on Channel 10 the Pet Connection
- 11/14 Attending the PAC seminar in Kingston

Treasurer's Report-

- 11.48 Gen Op
- Finalized Health Insurance renewal with NEA
- Met with Erisa CPA to discuss NYSCOPBA Employee Pension Plan
- Met with IRS on October 17th for NYSCOPBA Employee Pension Plan Audit
- Letter for Rainy Day Fund reimbursement finalized and began utilization
- Developing Lease agreement regarding parking lot
- Meeting with new Financial Advisor regarding our Investment portfolio, unanimous consent to change financial advisor to RBC Wealth management
- Met with Norvest to discuss savings regarding ADD/Term Life
- Signed letter of engagement with WDR for this year's audit
- Paid out 95,550 to RDF Applicants, one RDF recipient refunded in full after a not guilty full back pay award. Four letters sent out for reimbursement based on non-guilty awards.
- Paid out 20,780 from LDF
- Unanimous consent to pay holiday bonuses to all NYSCOPBA employees

Regional Vice-President's Reports

Law Enforcement report:

- OMH Assault Report Bill enacted, Jan 1, 2017 is first report due
- Collective Bargaining Committee meetings attended.
- Continuing to negotiate compressed, 10 hour and 12 hour scheduling with SUNY for SSAs and CPSOs, if they want it at their work location. Doug Trotter, Al Christian and Bill Golderman are involved with Andy Barna to discuss MOU. Meetings to have final draft of MOU should be completed shortly. Letter to go out to SUNY to inform them not to change scheduling until MOU is completed and signed. Al Christian meeting with attorney on 11/15/16.
- SHTA Retirement issues have been identified. Bill Naylor called NYS Retirement. Legislation being drafted to help resolve issues.

- WTO/ ISO Title Structure Change complete. Confirmation of retirement issues resolved. Seniority computation resolved. Seniority list being reworked with all SSU time counted (WTO & CO).
- PO Status update.
- Attending SSO MidHudson Region Steward Meeting on 11/16/16.
- Tier 5/6 on members, 30/62 confirmed addressing issues with NYS Retirement.
- Bulletproof vest for SSO's being implemented. Draft statewide policy being worked on, facility specific policies will follow.
- Upgrade information for titles needs updating for new applications
- SSO Peace Officer powers being clarified by agencies and legal. Legal and agency opinions have been discussed and confirmed.
- OMH contacted me concerning the opening of a Homeless Program on the Kingsboro PC campus. Separate facility fenced in with private security.

Southern Region Report:

- 10/14/16 – 2 Q & A's in ATA
- 10/17/16 – Toured Edgecombe C.F.
- 10/19/16 – Arbitration at Taconic C.F.
- 10/20/16 – Toured Taconic C.F.
- 10/24/16 – Q & A in ATA
- 10/26/16 – Toured Sing Sing C.F. with Sen. Savino and Emily Hannigan
- 11/4/16 – Toured Queensboro C.F.
- 11/8/16 – Toured Lincoln C.F.
- 11/10/16 – Meeting with Darren Ayotte in Bldg. 9
- 11/16/2016- PAC Seminar in Tarrytown

Western Region Report:

- 10/12/16-Executive Assembly Albany, Arbitration Auburn
- 10/13/16- Executive Assembly Albany, Arbitration Auburn
- 10/14/16-Office
- 10/17/16-Office, Meeting in Albany w/Bill Sheehan (NY Times/DOCCS Lawsuit), Meeting w/member from Willard in Seneca Falls
- 10/18/16-Office, Meeting in Albany w/Bill Sheehan (NY Times/DOCCS Lawsuit), Attended Comp Hearing for member out of Collins in Buffalo
- 10/19/16-Office
- 10/20/16-Office, Livingston Site Visit
- 10/21/16-Office, Check presentation at Crossroads House in Batavia
- 10/22/16-Attended Dwyer Benefit, Pavilion, NY
- 10/23/16-Attended Senator Ortt Event, North Tonawanda, NY
- 10/24/16-Office
- 10/25/16-Office
- 10/26/16-Office, Collective Bargaining Mtg in Albany, Willard Step 2's, Senator Nozzolio event in Geneva
- 10/27/16-Office, Collective Bargaining Mtg w/NYS in Albany
- 10/28/16-Office, Attended Gowanda Stewards Mtg, Pam Helming Event in Geneva

- 10/31/16-Office
- 11/1/16-Office, Q & A's (2) Buffalo, Step 2's Wende, Mtg with member in Ovid
- 11/2/16-Office, Orleans Site Visit, Five Points Step 2's
- 11/3/16-Office, Gowanda Site Visit
- 11/4/16-Attended Archie Funeral, Buffalo
- 11/7/16-Office, Q&A Buffalo, Meeting with Attorney regarding Arbitrator Issues
- 11/8/16-Office
- 11/9/16-Office, Step 2's in Albion & Orleans CF's
- 11/10/16-Office, Albany Mtg w/Golderman & Member, Arbitration Wende, Lakeview Site Visit
- Western Region Disciplines Suspended-23, NOD's-48, Admin Leave-2, RDF Eligible-8
- Morality in the region is bad over the security audits
- Collins/Gowanda picket 11/16/2016
- DOCCS is implementing the NYSCOPBA requested S Block Sgt duty changes.
- DOCCS interviewed NYSCOPBA witnesses prior to them testifying on NYSCOPBA's behalf at an arbitration. L. Schaeffer will look into PERB action
- VP Miano inquired about standing of Southport NY Times litigation motion. K. Jacques stated it was agreed the motion would be withdrawn and a motion to confirm the arbitration award would be entered and a FOIL request made to DOCCS over issuance of statements in question

Central Region Report:

- October 13th the second day of the E.A The Watertown three went to court again with no results. The D.A did not supply the lawyer's the paperwork requested. Next date is in December
- October 17th Veterans committee met
- October 20th Toured Hale Creek C.F. with Jason Combs and Toby Hogan . Talked with members about any issues or concerns
- October 25th attended the 2nd Q&A for a member over the Mid-State Frisk . officer was locked out with pay and now is back to work
- October 21st attended Q&A for a supervisor one of two
- October 26th Attended a PAC meeting in Philadelphia NY. Approximately 10 members from Central and Two Northern jails
- October 27th Attended a PAC meeting at the 69 Steakhouse Whitesboro NY approximately 42 members from the Central Region attended
- October 27th Also toured MID-State and Marcy C.F. talked with members
- November 10th attended two more Q&A's at this time there are four locked out with pay from MID-STATE frisk Superintendent, DEP of Security, LT in charge of frisk and a Sergeant. With 30 more Q&A's coming
- November 14th Jason Combs meeting with Law firm for upcoming Arbitration
- Next court date for the Watertown 3 is 12/1
- Labor relations has called members and questioned them over the phone or persuading them to change their minds of upcoming negotiations
- Gouverneur Cpt. Is changing job descriptions without union input

Mid-Hudson Region Report:

Many issues have occurred around the region since our last board meeting:

- * An Officer at Downstate CF fell down the stairs and required medical attention. The Officer was brought to the clinic and a decision was made that outside medical treatment was necessary. Someone in medical, being new, did not know that they were supposed to call for an ambulance. CSS Cooper is on top of it.
- * An Officer at Sullivan was "electrocuted" when they touched a faulty light switch on the midnight shift. The incident was reported, but no relief was sent for about 2 hours. The Officer was then sent home on his own.
- * I will no longer be setting up bus trips to attend the funerals of fallen Officers. The last 3 or 4 trips ended up with no more than 12-15 members attending. The last one, 3 members showed up at the meeting point so we sent the bus back, but still had to pay the bill. Unless we can devise a way to get commitments, I can't see the need.
- * There is a retired CO from my region suing KFC for false advertising.
- * I received a report that Danny O'Donnell will be touring Green Haven CF on 11/30
- * We are having issues at Hudson, Green Haven and Otisville regarding the Re-Bidding of jobs and who has the say as to when jobs should be posted for re-bid.
- * Hudson CF has reported an issue with Worker's Comp claims being backed up on the facility level. I have informed Darren Ayotte about the problem.
- * Downstate had a member with a family sick vs bereavement leave issue. DCF was going to pay dock the member for 5 days because he used 15 days in January when his mother was sick and then 5 days in July when she passed away. Since DCF is behind in time keeping, the member was notified of the pay dock until November. The DSA at DCF would not let the member charge alternate accruals because a request had to be made within 7 days of returning to duty. I got Dan Martuscello involved and the issue was resolved.
- * Greene CF and Fishkill CF are having major issues with their DSS's. Both facilities report that they lack confidence in them.
- * Still more NOD's coming out of Greene CF for cell phone use. The penalties offered during settlement talks are steep.

Northern Region Report:

October 13th- toward Great Meadow Correctional Facility and Washington Correctional Facility with assemblymen Dan Stec and Assembly woman Carrie Wormer

October 17th- Bare Hill Correctional Facility tour

October 18th- met with Clinton Correctional stewards and Superintendent at Clinton Correctional

October 19th Albany office

October 20th site visit Moriah Correctional

October 21 Albany office

October 24th Albany arbitration prep 4 officer at Moriah Correctional

October 26th 32 to 40 man altercation Clinton Correctional

October 27th Plattsburgh arbitration hearing for Moriah officer

October 28th Plattsburgh arbitration hearing Moriah officer

October 28th hundred and thirty men fight Clinton yard 21 canisters of gas dispensed responded to the facility

October 29th president powers toured

Clinton Correctional

October 31st attended gravesite burial of Trooper Pratt

October 31st through November 3rd Clinton Correctional Staffing review

November 3rd met with members Franklin Correctional over grand jury

November 7th Q&A Utica

November 8th met with member from Bare Hill arbitration prep Potsdam

November 10th met with lawyers for arbitration prep

Unfinished Business:

Temporary Help- Approved

Lack of Arbitrators (Zone 1)- With the addition of recent arbitrator, we will proceed with the normal rules and work on a contingency plan in the event of arbitrator shortages in Zone 1

DOCCS Response to Directive Letter- Attorneys will draft a follow up letter to DOCCS

New Business:

Holiday Independent Issue- Schedule confirmed

CO Sardina and CO O'Connor Article 75 – Will hold the Article 75 in abeyance as the member's status has changed

MAP contract- Executive VP Sawchuk will look into renegotiating the MAP contract. Unanimously approved a mailing to all members in regards to the holidays and the assistance available from both MAP and EAP

Rainy Day Fund Policy amendments- Discussed and will be added to the December EA agenda for action

Financial Advisor- Unanimously approved changing financial advisors, see Treasurer's report.

Motions:

To approve the Rainy Day Fund application for M. Chisholm

Motion made by: Executive Board

Motion defeated by a vote of 8-1

To approve the Rainy Day Fund application for N. Lopez

Motion made by: Executive Board

Motion defeated by a vote of 8-1

To approve the Rainy Day Fund application for R. Caprio

Motion made by: Executive Board

Motion defeated by a unanimous vote

To approve the Rainy Day Fund application for B. Stevens

Motion made by: Executive Board

Motion defeated by a vote of 7-2

To approve the Rainy Day Fund application for J. Rynkewicz

Motion made by: Executive Board

Motion approved unanimously

To approve the Rainy Day Fund application for A. Flores

Motion made by: Executive Board

Motion approved unanimously

To approve the Rainy Day Fund application for C. Hirsch

Motion made by: Executive Board

Motion approved unanimously

To approve the Rainy Day Fund application for C. Claude

Motion made by: Executive Board

Motion approved unanimously

To approve the Rainy Day Fund application for E. Himmelsbach

Motion made by: Executive Board

Motion approved unanimously

To approve the Legal Defense Fund application for C. Claude

Motion made by: J. Miano

Motion approved unanimously

To approve the Legal Defense Fund application for H. Salazar

Motion made by: M. Mazzella

Motion approved unanimously

To approve the Legal Defense Fund request above \$25,000 for K. Berghorn

Motion made by: P.Lashway

Motion denied 8 – 1

Action without a Meeting-

Executive Board members voted unanimously in the affirmative to approve the Legal Defense Fund application for T. Agans.

Action without a Meeting-

Executive Board members voted unanimously in the affirmative to approve the Legal Defense Fund application for L. Hollenbeck

Action without a Meeting-

Executive Board members denied the action without a meeting request to approve the Rainy Day Fund application for B. Stevens

Action without a Meeting-

Executive Board members voted unanimously in the affirmative to approve the Legal Defense Fund application for B. Brand

Action without a Meeting-

Executive Board members voted unanimously in the affirmative to file an Article 75 for Sardina and O'Connor

Action without a Meeting-

Executive Board members voted unanimously in the affirmative to approve the Legal Defense Fund application for J. Oropallo

Action without a Meeting-

Executive Board members voted unanimously in the affirmative to approve the Legal Defense Fund application for T. Reyell

Action without a Meeting-

Executive Board members voted unanimously in the affirmative to approve the Legal Defense Fund application for A. Foote

Action without a Meeting-

Executive Board members voted unanimously in the affirmative to approve the Legal Defense Fund application for W. Foote

A handwritten signature in black ink, appearing to read "Mike Dildine". The signature is written in a cursive style with a small dot above the first letter.

Mike Dildine
Recording Secretary