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21		
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5

1 PRESIDENT POWERS: Good
2 afternoon. I'd like to
3 call the meeting to order.
4
5 (Whereupon, a moment of
6 silence was then
7 recognized.)
8 (Pledge of Allegiance.)
9
10 PRESIDENT POWERS: Can
11 I have the rules read in
12 please?
13 SERGEANT AT ARMS:
14 Afternoon. Executive
15 Assembly Rules of Order.
16 Anyone upon entering the
17 Executive Assembly must
18 wear the NYSOPBA
19 identification tag. Chief
20 Sector Stewards will sit
21 in designated areas when
22 the Executive Assembly is
23 in session.

7

1	APPEARANCES:
2	OFFICERS PRESENT:
3	MICHAEL POWERS, President
4	TAMMY SAWCHUK, Executive Vice President
5	TOBY HOGAN, Treasurer
6	CHRISTOPHER SUMMERS, Recording Secretary
7	
8	Vice Presidents
9	MICHAEL MAZZELLA, Mid-Hudson
10	SCOTT CARPENIER, Central
11	JOHN ROBERTS, North
12	CLARENCE FISHER, South
13	JOHN HARMON, Law Enforcement
14	JOE MIANO, Western
15	Also Present:
16	Dave Viddivo, Special Assistant
17	BILL SHEEHAN, Esq.
18	KEITH JACQUES, Esq.
19	STEVEN ANDERSON, Parliamentarian
20	
21	
22	
23	

6

1 Cellular phones are to
2 be turned off and beepers
3 are to be put on vibrating
4 mode. The recording
5 devices are prohibited
6 unless provided by
7 membership services and
8 those directed by the
9 recording secretary.
10 NYSOPBA members in
11 good standing will be
12 allowed to address the
13 Executive Assembly.
14 Please state your name
15 and your sector. Speakers
16 at the microphone will
17 follow the direction of
18 the Sergeant at Arms.
19 Thank you.
20 PRESIDENT POWERS:
21 Thank you. At this time
22 I'd like to introduce our
23 new recording secretary,

8

1 Chris Summers from Attica.
 2 He will come up and do the
 3 roll call.
 4 RECORDING SECRETARY
 5 SUMMERS: Good afternoon.
 6 For you guys that don't
 7 know me, I'm Chris
 8 Summers, I'm the new
 9 recording secretary. I
 10 want to say I'm looking
 11 forward to working with
 12 everybody here. If I mess
 13 up your name, I'm sorry, I
 14 have been working on it,
 15 but give me a couple times
 16 to do it.
 17 RECORDING SECRETARY
 18 SUMMERS: Good morning.
 19 President Powers?
 20 PRESIDENT POWERS:
 21 Here.
 22 RECORDING SECRETARY
 23 SUMMERS: Powers, present.

9

1 MAZZELLA:
 2 Here.
 3 RECORDING SECRETARY
 4 SUMMERS:
 5 Mazzella, present.
 6 VP Law Enforcement,
 7 Harmon?
 8 VICE PRESIDENT HARMON:
 9 Present.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Harmon, present.
 13 VP Central, Carpenter?
 14 VP CENTRAL CARPENTER:
 15 Present.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Carpenter, present.
 19 VP South, Fisher.
 20 VICE PRESIDENT FISHER:
 21 Present.
 22 RECORDING SECRETARY
 23 SUMMERS:

11

1 Executive Vice President
 2 Sawchuk?
 3 EXECUTIVE VICE
 4 PRESIDENT SAWCHUK: Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Sawchuk, present.
 8 Treasurer Hogan?
 9 TREASURER HOGAN: Present.
 10 RECORDING SECRETARY
 11 SUMMERS: Hogan, Present.
 12 Recording
 13 Secretary Summers,
 14 present.
 15 VP North, Roberts?
 16 VP NORTH ROBERTS:
 17 Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Roberts, present.
 21 VP Mid-Hudson,
 22 Mazzella?
 23 VICE PRESIDENT

10

1 Fisher, present.
 2 VP West, Miano?
 3 VICE PRESIDENT MIANO:
 4 Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Miano, present. Sergeant's
 8 Liaison, Sellers, excused.
 9 Adirondack, Sturgeon?
 10 MR. STURGEON: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Sturgeon, present.
 14 Albany Training Academy,
 15 Christiano?
 16 MR. CHRISTIANO: Here.
 17 RECORDING SECRETARY
 18 SUMMERS:
 19 Christiano, present.
 20 Albion, Molino?
 21 MR. MOLINO: Present.
 22 RECORDING SECRETARY
 23 SUMMERS:

12

1 Molino, present.
 2 Altona, Guerin?
 3 MR. GUERIN: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Guerin, present.
 7 Attica, Wagner?
 8 MR. WAGNER: Present.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Wagner, present.
 12 Auburn, Thomas?
 13 MR. THOMAS: Here.
 14 RECORDING SECRETARY SUMMERS:
 15 Thomas, present.
 16 Bare Hill, Perry?
 17 MR. PERRY: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Perry, present.
 21 Bedford Hills, Hale?
 22 MR. HALE: Here.
 23 RECORDING SECRETARY

13

1 SUMMERS:
 2 Moore, present.
 3 Collins, Sticht.
 4 MR. STICHT: Here.
 5 RECORDING SECRETARY SUMMERS:
 6 Sticht, present.
 7 Community Supervision,
 8 Ruland?
 9 MR. RULAND: Here.
 10 RECORDING SECRETARY SUMMERS:
 11 Ruland, present. CCA's
 12 Johnson?
 13 MS. JOHNSON: Present.
 14 RECORDING SECRETARY SUMMERS:
 15 Johnson, present.
 16 Coxsackie, Cantelmo?
 17 MR. CANTELMO: Present.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Cantelmo, present.
 21 Downstate, Cooper?
 22 MS. COOPER: Here.
 23 RECORDING SECRETARY SUMMERS:

15

1 SUMMERS:
 2 Hale, present.
 3 Cape Vincent, Call?
 4 MR. CALL: Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Call, present.
 8 Cayuga, Mohan?
 9 MR. MOHAN: Present.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Mohan, present. If I say
 13 you're name wrong, let me know,
 14 I've got a couple new ones.
 15 Central New York Psych,
 16 Janes?
 17 MR. JANES: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Janes, present.
 21 Clinton, Moore?
 22 MR. MOORE: Here.
 23 RECORDING SECRETARY

14

1 Cooper, present. Eastern,
 2 Caban?
 3 MR. CABAN: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Caban, present.
 7 Edgecombe, Watkins?
 8 MS. WATKINS: Present.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Watkins, present.
 12 Elmira, Rice?
 13 MR. RICE: Here.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Rice, present.
 17 Fishkill, Vantassell?
 18 MR. VANTASSELL: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Vantassell, present.
 22 Five Points, Hatch?
 23 MR. HATCH: Here.

16

1 RECORDING SECRETARY
2 SUMMERS:
3 Hatch, present.
4 Forest Rangers, Carlson?
5 MR. CARLSON: Here.
6 RECORDING SECRETARY
7 SUMMERS:
8 Carlson, present.
9 Franklin, Allen?
10 MR. ALLEN: Here.
11 RECORDING SECRETARY
12 SUMMERS:
13 Allen, present.
14 Gouverneur, Gleason?
15 MR. GLEASON: Present.
16 RECORDING SECRETARY
17 SUMMERS:
18 Gleason, present.
19 Gowanda, Petricca?
20 MR. PETRICCA: Here.
21 RECORDING SECRETARY
22 SUMMERS:
23 Petricca, present.

17

1 SUMMERS:
2 Rowe, present.
3 Hudson, Relyea?
4 MR. RELYEA: Here.
5 RECORDING SECRETARY
6 SUMMERS:
7 Relyea, present.
8 ISO's, Ohms?
9 MR. OHMS: Present.
10 RECORDING SECRETARY SUMMERS:
11 Ohms, present. Kirby
12 Forensic, Aksionau?
13 MR. AKSIONAU: Here.
14 RECORDING SECRETARY
15 SUMMERS: Aksionau,
16 present.
17 Lakeview, Gruber?
18 MR. GRUBER: Here.
19 RECORDING SECRETARY
20 SUMMERS:
21 Gruber, present.
22 Lincoln, Gelzer-Milliner?
23 MS. MILLINER: Here.

19

1 Great Meadow, Keough?
2 MR. KEOUGH: Here.
3 RECORDING SECRETARY
4 SUMMERS:
5 Keough, present.
6 Green Haven, Lawyer?
7 MR. LAWYER: Here.
8 RECORDING SECRETARY
9 SUMMERS:
10 Lawyer, present.
11 Greene, Horacek?
12 MR. HORACEK: Here.
13 RECORDING SECRETARY
14 SUMMERS:
15 Horacek, present.
16 Groveland, Hunsinger?
17 MR. HUNSINGER: Here.
18 RECORDING SECRETARY
19 SUMMERS:
20 Hunsinger, present.
21 Hale Creek, Rowe?
22 MR. ROWE: Here.
23 RECORDING SECRETARY

18

1 RECORDING SECRETARY
2 SUMMERS:
3 Milliner, present.
4 Livingston, Henderson?
5 MR. HENDERSON: Here.
6 RECORDING SECRETARY
7 SUMMERS:
8 Henderson, present.
9 Marcy, Tabor?
10 MR. TABOR: Here.
11 RECORDING SECRETARY
12 SUMMERS:
13 Tabor, present.
14 Mid Hudson Psych,
15 Ogorzaly?
16 MR. OGORZALY: Here.
17 RECORDING SECRETARY
18 SUMMERS: Ogorzaly,
19 present. Mid-State,
20 McGowan?
21 MR. MCGOWAN: Here.
22 RECORDING SECRETARY
23 SUMMERS:

20

1 McGowan, present.
 2 Mohawk, Leddick?
 3 MR. LEDDICK: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Leddick, present.
 7 Moriah Shock, Gilbo?
 8 MR. GILBO: Here.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Gilbo, present.
 12 Ogdensburg, Cox?
 13 MR. COX: Here.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Cox, present.
 17 Orleans, Gold?
 18 MR. GOLD: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Gold, present.
 22 Otisville, DeJager?
 23 MR. DEJAGER: Here.

21

1 Smith?
 2 MR. SMITH: Here.
 3 RECORDING SECRETARY
 4 SUMMERS: Smith, present.
 5 SSO Northern, no
 6 representative.
 7 SSO Southern, Pomaes?
 8 MR. POMALES: Here.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Pomaes, present.
 12 SSO West, Compton?
 13 MR. COMPTON: Here.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Compton, Present.
 17 Security Officers, no
 18 representative. Security
 19 Services Assistant,
 20 Schiavone?
 21 MR. SCHIAVONE: Here.
 22 RECORDING SECRETARY
 23 SUMMERS:

23

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Dejager, present.
 4 Queensboro, Smith?
 5 MR. SMITH: Here.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Smith, present.
 9 Riverview, O'Neil?
 10 MR. O'NEIL: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 O'neil, present.
 14 Rochester Psych, Raven?
 15 MS. RAVEN: Here.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Raven, present.
 19 SSO Central, Barrett?
 20 MR. BARRETT: Present.
 21 RECORDING SECRETARY
 22 SUMMERS: Barrett,
 23 present. SSO Mid-Hudson,

22

1 Schiavone, present.
 2 Shawangunk, Marasco?
 3 MR. MARASCO: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Marasco, present.
 7 Sing Sing, Luther?
 8 MR. LUTHER: Here.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Luther, present.
 12 Southport, Deburgomaster?
 13 MR. DEBURGOMASTER: Here.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Deburgomaster, present.
 17 Sullivan, Fuller?
 18 MR. FULLER: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Fuller, present.
 22 Taconic, Gordon?
 23 MS. GORDON: Present.

24

1 RECORDING SECRETARY SUMMERS:
 2 Gordon, present.
 3 Ulster, Dean?
 4 MR. DEAN: Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Dean, present.
 8 Upstate, Gary?
 9 MR. GARY: Here.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Gary, present.
 13 Wallkill, Holbert?
 14 MS. HOLBERT: Here.
 15 RECORDING SECRETARY SUMMERS:
 16 Holbert, Present.
 17 Washington, Chaplin MR.
 18 CHAPLIN: Here.
 19 RECORDING SECRETARY
 20 SUMMERS: Chaplin,
 21 present. Watertown,
 22 Nevills?
 23 MR. NEVILLS: Here.

25

1 Okay. I'd like to ask
 2 for unanimous consent to
 3 accept the September
 4 minutes. All in favor
 5 signify by saying aye.
 6
 7 (All signify "aye".)
 8
 9 RECORDING SECRETARY SUMMERS:
 10 Anyone opposed?
 11
 12 (No Response.)
 13
 14 RECORDING SECRETARY SUMMERS:
 15 Also, please sign and
 16 return the policies that
 17 are in your folder to
 18 Lisa. Thank you.
 19 PRESIDENT POWERS:
 20 We've got four valor
 21 awards today to
 22 distribute. We'll start
 23 with Mid-Hudson, Mike

27

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Nevills, present.
 4 Wende, Johnson?
 5 MR. JOHNSON: Here.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Johnson, present.
 9 Willard, Moore?
 10 MS. MOORE: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Moore, present.
 14 Woodbourne, Gutierrez?
 15 MR. GUTIERREZ: Here.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Gutierrez, present.
 19 Wyoming, Hickey?
 20 MR. HICKEY: Here.
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 Hickey, present.

26

1 Mazzella.
 2 VP MID-HUDSON MAZZELLA:
 3 On October 27th, 2017 at
 4 approximately 12:30,
 5 off-duty Correction
 6 Officer Jason Brasso was
 7 on Main Street in Beacon
 8 when he observed a
 9 disturbance happening
 10 behind the Beacon post
 11 office.
 12 He then saw several
 13 subjects chasing another
 14 subject towards his
 15 direction. Officer Brasso
 16 observed that one of the
 17 subjects was his barber,
 18 who yelled to him that the
 19 person they were chasing
 20 had a gun and tried to rob
 21 the barber shop.
 22 Officer Brasso then
 23 stepped into the road as

28

1 the group was approaching
2 and engaged the suspect,
3 stating to him that he was
4 off-duty peace officer and
5 to show him his hands.
6 The suspect refused that
7 direction and Officer
8 Brasso drew his personal
9 firearm. He again ordered
10 the suspect to show his
11 hands, to which he
12 complied.

13 Officer Brasso then
14 ordered the suspect to the
15 ground and held the
16 suspect there until police
17 arrived. A Kimber 9 MM
18 firearm that was believed
19 to be used by the suspect
20 during the crime was found
21 near the scene.

22 So, Officer Brasso was
23 able to do something I

29

1 have been trying to do for
2 the last twenty-four years
3 and haven't been able to;
4 stop a crime in progress,
5 play super hero.

6 So, congratulations to
7 Officer Brasso.

8
9 (All applause.)

10
11 VP MID-HUDSON MAZZELLA:
12 Okay. The plaque reads,
13 presented to Correction
14 Officer Jason Brasso in
15 recognition of your noble
16 actions and willingness to
17 go above and beyond. You
18 have demonstrated the true
19 meaning of heroism.

20 Your dedication,
21 devotion show you are
22 truly an asset to your
23 profession. We honor you

30

1 December 13th, 2017,
2 nYSCOPBA.

3
4 (All applause.)

5
6 PRESIDENT POWERS:
7 John?

8 VP NORTH ROBERTS:
9 Could I get Steve and Tim
10 Barr up front please. On
11 October 13th, 2017,
12 officer Steve Barr from
13 Riverview Correctional
14 Facility was attending an
15 Ogdensburg preacademy
16 football game with his
17 brother Tim Barr, an
18 officer at Ogdensburg
19 Correctional.

20 Officer Steve Barr
21 noticed a woman sitting
22 directly in front of him
23 in distress. He attended

31

1 to the woman and realized
2 that she was experiencing
3 some sort of cardiac
4 arrest. Officer Steve
5 Barr was able to detect a
6 faint pulse, both officers
7 realized the woman was not
8 breathing and required
9 life saving measures.

10 Using their training,
11 Officer Tim Barr
12 administered CPR while
13 Officer Steve Barr went
14 and retrieved the AED.
15 Medical personnel also
16 responded to scene,
17 assumed treatment of the
18 woman where she then
19 regained breathing and
20 appeared awake and alert
21 and was transported to the
22 hospital.

23 The woman had a heart

32

1 attack. They did life
2 saving measures on her and
3 we'd like to commend these
4 officers for taking the
5 action to help save this
6 woman's life at a local
7 football game. And she
8 was from the other team
9 Tupper Lake.

10 So we would just like
11 to thank them for making
12 us, NYSCOPBA members look
13 good out in the public in
14 saving somebody's life off
15 duty.

16
17 (All applause and
18 standing ovation.)

19
20 PRESIDENT POWERS:
21 Let's give them another
22 round of applause, for our
23 valor awards. We have one

33

1 an accident and seen a man
2 giving him CPR at the
3 scene. The man turned out
4 to be Correction Officer
5 Jose Candalario that works
6 at Sing Sing Correctional
7 Facility.

8 The motorcycle was
9 going at a very high rate
10 of speed and exploded on
11 impact. When I arrived
12 the bike and truck was
13 engulfed in flames. I was
14 told that the officer
15 pulled CO Hilliard and an
16 occupant from the truck
17 and away from the fire.

18 I called Sing Sing and
19 talked to the Lieutenant
20 to see if they could give
21 this officer the next two
22 days off so he could
23 attend the wake and

35

1 more. Clarence?

2 VP SOUTH FISHER: Can I
3 have Officer Jose
4 Candalario come up to the
5 podium please.

6 Now, I'm going to read
7 a memo that came from
8 Auburn Correctional
9 Facility about what
10 Officer Jose Candalario
11 had to go through. This
12 came from Lieutenant Fichel
13 out of Auburn.

14 And it states, another
15 bad day in Auburn. We
16 lost a young Officer Chris
17 Hilliard to a motorcycle
18 accident. He had five
19 years on the job and was a
20 very good officer. I was
21 in the process of asking
22 him to the CERT team.

23 I happened to come upon

34

1 funeral.

2 Now, for going in there
3 I mean even though we lost
4 an officer, you risked
5 your life to pull the
6 other ones out, you pulled
7 them out to try to save
8 his life.

9 So, I proudly present
10 this award that states,
11 present to Correction
12 Officer Jose Candalario in
13 recognition of your noble
14 actions and willingness to
15 go above and beyond. You
16 have demonstrated the true
17 meaning of heroism. Your
18 dedication and devotion
19 shows you are truly an
20 asset to your profession.
21 We honor you December
22 13th, 2017.

36

1 (All applause and standing
2 ovation.)

3
4 PRESIDENT POWERS:
5 Let's give them another
6 round of applause.

7
8 (All applause.)

9
10 PRESIDENT POWERS:
11 Thank you. We'll move
12 into the President's
13 report. Since our last
14 meeting in September, day
15 after our last meeting in
16 September, it was quite an
17 active day. Had some
18 drones flying over Attica,
19 which was addressed with
20 the Department.

21 Auburn had some
22 multi-man fights, which
23 seems to be the average

37

1 changes to the Workers'
2 Comp situation regarding
3 the SLUs, what do you call
4 that? The schedule loss
5 of use, which would have
6 had a direct impact on
7 many of our members.

8 We attended an assembly
9 I believe on the 25th of
10 September over that. Many
11 attorneys from across the
12 state unions, CSEA, PEF,
13 many other unions, law
14 enforcement agencies were
15 present including us.

16 The result of that was
17 ultimately there was a
18 public hearing. We
19 provided public comment.
20 Much -- a very aggressive
21 response to the Workers'
22 Comp Board and their
23 suggested changes. And as

39

1 norm up there at Auburn.
2 Assault on staff and an
3 inmate slashing.
4 Unattended death at
5 Fishkill. I don't know
6 why I said that, there's
7 nothing in that to warrant
8 it.

9 Sunday the 17th, at
10 Sing Sing, two man fight
11 in Five Building. We had
12 a female officer get
13 shoved, possible broken
14 vertebrae; assault on
15 staff there. Started
16 activation back on Friday
17 the 22nd of September
18 regarding our Workers'
19 Comp. As many of you may
20 remember there was -- the
21 Workers' Comp Board
22 presented to the state
23 some recommendations and

38

1 of now there's -- we have
2 one more public hearing
3 and comment period, I
4 believe it ends on the
5 22nd, is that correct?
6 22nd of December is the
7 final public comment
8 period, we'll be applying
9 another comment to that.

10 And right now as of now
11 the Workers' Comp Board
12 has really kind of eased
13 up on their initial
14 position, which was quite
15 dire. Which for a
16 shoulder injury, which
17 was -- don't quote me for
18 the prices -- schedule
19 loss of use anywhere --
20 ranges anywhere from
21 thirty, maybe forty
22 thousand dollars,
23 depending on the injury;

40

1 would have reduced it down
2 to a very small amount,
3 within probably five
4 thousand dollars for
5 scheduled. Which would be
6 your award at the end of
7 the Workers' Comp.

8 But our responses and
9 many other unions and
10 agencies that responded as
11 well countered that and
12 they've come up with a
13 much more acceptable,
14 somewhat. Many of the
15 attorneys and the
16 associations for Workers'
17 Comp, Workers' Comp
18 Association and Workers'
19 Comp attorneys from across
20 the state were very active
21 in this fight as well.

22 And they're quite
23 content with the changes.

41

1 the memo regarding the
2 Raise the Age. On the 2nd
3 of October we received a
4 memo from the Department
5 from Annucci regarding
6 Hudson, Adirondack and
7 Groveland Annex, which
8 won't be online for
9 probably a year and a
10 half; they're reopening
11 the Groveland Annex
12 Adirondack regarding Raise
13 the Age.

14 And we'll still up in
15 the air as to who's going
16 to be commanding the ship
17 of these facilities,
18 whether it's the Office of
19 Children and Family
20 Services or DOCCS.
21 Regardless, the way we see
22 it, it's their element.
23 But at some point I will

43

1 But we'll continue to push
2 to try and get what we had
3 in place back. Whether
4 that will happen or not,
5 is another story.

6 But we attended that
7 hearing on the 25th,
8 that's the outcome of the
9 Worker's Comp situation as
10 of yet. We'll update you
11 at the next EA.

12 We did a quick
13 walk-through through
14 Ogdensburg Correctional on
15 the 28th. 29th we
16 attended a Pattie Richie
17 event in Watertown. There
18 was speculation that
19 Council 82 was going to
20 join us in our IP with
21 4936, but they as of
22 recent decided not to.

23 Many of you have seen

42

1 imagine that ultimately
2 the Department of
3 Corrections and Community
4 Supervision will take
5 ownership of these
6 facilities, just based off
7 the standard and the fact
8 that the staff are
9 correction officers. And
10 a lot of the programs are
11 duly -- pretty much are
12 part of our curriculum, if
13 will you, directives, and
14 policies and procedures.

15 Had some issues up in
16 Franklin we dealt with on
17 the 5th of October. I
18 don't think we've come to
19 any conclusions on that.
20 We'll follow-up on some of
21 that. Called the Senate
22 Majority Leader John
23 Flanagan regarding the

44

1 Workers' Comp issues and
2 told him our position.
3 And forwarded a letter of
4 our public comment period
5 back to him for his
6 review.

7 Dealt with an issue up
8 at Wallkill, nice job by
9 the chief sector steward
10 there. We had an issue up
11 there regarding the QWL,
12 where the management was
13 coming in and they were --
14 I don't want to get into
15 the leads on it, but it
16 was kind of asinine. And
17 the chief sector steward
18 stepped up, ran into a
19 couple road blocks. He
20 reached out to Mike and I
21 and we were able to with
22 the chief steward be able
23 to walk that back.

45

1 And actions and/or
2 documents that you're
3 privy to write. The
4 Supreme Court in Green
5 County, State Supreme
6 Court judge released
7 personal information. We
8 immediately got ahold of
9 the Department, the
10 Department stance
11 allegedly was that they
12 didn't support it, they
13 filed a motion to stop it.
14 The motion was denied and
15 the information came out.

16 We haven't seen or
17 heard much of this
18 incident since then. I
19 don't know if it's still a
20 court proceeding or what's
21 going on but we'll keep
22 you detailed on that.
23 Keep in mind, 50-A, you

47

1 Creedmoor, state
2 Department recognized two
3 incidents that, correct me
4 if I'm wrong, they had an
5 apprehension of an escape
6 which ultimately leading
7 to letters of commendation
8 I believe for two of our
9 guys at Creedmoor.

10 It was quite a lengthy
11 event I don't have the
12 details here. Green
13 County Court, Supreme
14 Court, regarding 50-a,
15 keep this in the back of
16 your mind. 50-a is public
17 officer law, which
18 basically protects outside
19 entities, media, from
20 garnering personal
21 information regarding your
22 work file, your personal
23 file.

46

1 got a lot of inmate
2 advocacy groups, liberal
3 advocacy groups out there
4 that are pushing to get
5 their hands on these
6 files, your files, our
7 file, the Department's
8 files; and the actions
9 that are taken.

10 We're all privy to the
11 lay of the land as of
12 late, with the liberal
13 sway that's out there.
14 You know, we're the bad
15 guys, but we're in charge
16 of keeping the fucking
17 gate. Excuse my language,
18 I'm trying to be better
19 about that.

20 But no, really, think
21 about it, this is just one
22 small little aspect 50-a
23 and I'm gonna touch upon

48

1 it a little bit later.
 2 And I apologize if I'm
 3 moving kind of quickly
 4 through here, I don't want
 5 to lose you. Because
 6 there's something very
 7 important that we need to
 8 talk about here at the
 9 end, but there's also
 10 information in here that
 11 you're privy to.

12 So, shortly thereafter
 13 in October, Toby and I
 14 went to Hudson when the
 15 Raise the Age came out.
 16 We had a quick tour over
 17 there, we put a lot of
 18 guys -- we explained to
 19 them the details. And the
 20 information that I'm
 21 getting from the
 22 Department regarding the
 23 Raise the Age, and there

49

1 not OSI I'm talking about.
 2 This is Catherine Leahy
 3 Scott who is the attorney
 4 and is the executive
 5 director for State IG.

6 They're a separate
 7 entity. And they're
 8 showing up in our jails.
 9 So not only do we have to
 10 worry about OSI, you have
 11 to worry about the Feds
 12 that are creeping in two
 13 new jails since our last
 14 meeting.

15 Now we have to worry
 16 about State OSI. And
 17 they're showing up with
 18 no-knocks. What we call a
 19 no-knock is, an incident
 20 happened back at Green
 21 Haven back in 2014, is
 22 when they just showed up,
 23 walked in and took command

51

1 stance is pretty much that
 2 DOCCs will be running the
 3 shows.

4 It's not official yet,
 5 obviously it's got to go
 6 through its bureaucratic
 7 bullshit. But ultimately
 8 it will end up, hopefully
 9 God willing it will all
 10 end up in our charge.

11 Early October, again,
 12 Auburn -- had some issues
 13 at Auburn. Couple fights
 14 at Attica. Elmira got
 15 popped again in the field
 16 house, I believe.
 17 Probably three, four day
 18 lock-down if I'm correct,
 19 if not longer.

20 One of the biggest
 21 things I want to talk
 22 about as of late State IG.
 23 This is State IG, this is

50

1 of the facility
 2 completely.

3 We haven't seen that
 4 brevity of it with the
 5 State IG yet, but it's
 6 coming. It's been at
 7 Clinton twice, Upstate
 8 last week, and some of the
 9 issues we're dealing with
 10 continually, are these
 11 slight little set-backs
 12 for us, when certain
 13 things aren't supposed to
 14 be in facilities in
 15 certain areas.

16 If doesn't belong in
 17 there, get rid of it.
 18 State IG is now coming
 19 into our facilities.
 20 That's a reality and it's
 21 another thing we're going
 22 to have to deal with. The
 23 minute you hear it, we

52

1 need to know. We need to
2 know as soon as possible.
3 And you got to go back and
4 tell your members that
5 they're coming into the
6 jails.

7 They only seem to hit
8 maxes so far, they haven't
9 gone into any mediums yet.
10 But it's just another
11 oversight committee
12 looking to put the screws
13 to us in any way, shape or
14 form. Friday the 13th of
15 October, I attended a
16 quick site visit up at
17 Clinton. It was State IG
18 was in there that morning,
19 interviewing many of our
20 members.

21 Elmira fight on the
22 16th, Monday the 16th. I
23 believe it started on

53

1 something; divorce,
2 passing of a family member
3 or anything of that
4 nature, by all means steer
5 them in the direction that
6 they need.

7 We're losing too many
8 of our own members at
9 their own hands. And you
10 can't fathom what they're
11 dealing with and how
12 they're dealing with it,
13 but if you recognize it,
14 help a brother or sister
15 out. Try to steer them in
16 the direction they need.

17 We're seeing too much of
18 this. It's most
19 unfortunate. Towards the
20 end of October we lost a
21 brother in Lakeview and
22 he was highly revered. He
23 was a drill instructor for

55

1 Sunday the 15th, the
2 issues again at Elmira
3 ramped up again.
4 Department conducted a
5 raise the age presentation
6 at Hudson. And I haven't
7 heard anything from that,
8 if you got anything from
9 that, give me a shout.

10 Filed an IP against the
11 Acting Commissioner
12 Annucci regarding his memo
13 for strike action --
14 alleged strike action
15 where he read to NYSOPBA
16 members in line-up.

17 Just a quick side note
18 here, recognizing the
19 holidays coming. If you
20 come across anybody in the
21 work site, you know, that
22 might be down and out,
23 maybe having to deal with

54

1 many years, highly
2 regarded. And when you
3 see these things, we need
4 to -- and sometimes you're
5 not going to see them.
6 But you got to keep that
7 in the back of your mind,
8 especially this time of
9 year during the holidays.

10 Our committee -- our
11 Janus versus AFSCME, we're
12 familiar -- well, we'll
13 jump into November here
14 real quick, seeing that
15 the general election, the
16 constitutional convention
17 was shut down. Round of
18 applause for the members
19 here.

20
21 (All applause.)

22
23 PRESIDENT POWERS: Our

56

1 job our front lines did,
2 our chief stewards
3 bringing our cards back to
4 the facilities with the
5 Workers' Comp cards, the
6 palm cards that we sent
7 out, many of the Con-Con
8 cards, as you can see and
9 many of you already know,
10 after the general election
11 that was pretty handedly
12 shot down.

13 And that was a mission
14 of ours from the jump and
15 that brings us into the
16 late end of October, where
17 Five Points got quite
18 lively; very lively. And
19 it got very hectic. And
20 the phone call I received
21 on Monday the 30th of
22 October from the Acting
23 Commissioner, who may now

57

1 Bloods, the fights. And
2 ultimately I think the
3 last incident ended up
4 being the Bloods versus
5 the Bloods.

6 But recognizing what's
7 happening through the
8 chief sector steward there
9 Shane Nelson, and another
10 steward, Joe Miano and
11 myself, we were able to
12 push forward and push to
13 get OC spray. Recognizing
14 it wasn't a pilot program
15 facility, we put the push
16 on pretty hard. We didn't
17 get any real resistance.

18 A lot of it had to be
19 with targeted area and
20 recognizing who was
21 trained in being able to
22 use it. Fortunately for
23 Five Points, a lot of

59

1 be the New Deputy
2 Commissioner of Security
3 O'Gorman, was that this
4 one is bad, it's hairy and
5 we almost lost it.

6 And that put me on my
7 heels that evening. I
8 reached out to Joe real
9 quick, Joe was already
10 receiving shells from
11 that. And we quickly
12 maintained a line of
13 communication with the
14 Department. And there was
15 a lot of high praise for
16 the staff at Five Points
17 over the way they handled
18 that, almost two week long
19 incident.

20 They were locked down
21 multiple times, a lot of
22 fights. It originated
23 from the Kings and the

58

1 their facility, and this
2 could be good or bad and
3 it's not a slight to any
4 of the probationary
5 officers there but they
6 are new, they're out of
7 the academy. They're
8 showing up at Five Points
9 and they've been trained
10 with the OC spray.

11 So we were fortunate a
12 lot of staff there already
13 had the training, so the
14 implementation went kind
15 of smoothly. It didn't
16 get in as quick as we
17 would have liked, but we
18 did push for it and
19 ultimately we did end up
20 getting to put it in
21 there.

22 So, first part of
23 November was pretty hot

60

1 with Five Points. We
2 toured some facilities
3 with our sponsors Matty
4 Jenny and Patti Richie
5 over are Death Gamble
6 Bill. As many of you are
7 aware, the Death Gamble
8 Bill was vetoed by the
9 Governor.

10 We sent many letters in
11 support once the Governor
12 called this bill up from
13 the Senate. As he called
14 it up, it had ten days to
15 sit and wait and gauge, if
16 you will. But in those
17 ten days, we sent support
18 letters to Alphonse David,
19 phone calls to Alphonse
20 David, to garner some
21 support from members of
22 the Senate and the
23 Assembly, recognizing that

61

1 really pitched it hard.
2 And unfortunately the
3 Governor didn't see our
4 way, you saw many of our
5 responses. His ugly mug
6 was all over the TV and
7 radio, and we had -- I
8 personally from, not to
9 sound paranoid or
10 anything, but I believe
11 our responses to that and
12 the way we responded
13 aggressively towards the
14 Governor and his staff, is
15 one of the reasons why the
16 state IG may have been
17 popping into some of the
18 facilities and all the
19 sudden you saw the New
20 York Times article that
21 came out recently.

22 So, we've been in the
23 jails, a lot of jails are

63

1 it was a heavy lift of
2 13.7 million dollars for a
3 five year sunset.

4 But we were successful
5 in knocking that cost down
6 and that's one of the
7 reasons why we were able
8 to get that through the
9 state assembly, for the
10 first time in many, many
11 years, as far as I can
12 remember. Serving on the
13 legislative committee,
14 back when Don and I were
15 chiefs, and Chris Hickey
16 and others. When we were
17 pushing to get this done,
18 it was nearly impossible
19 to get it through the
20 assembly; we were
21 successful last year.

22 Because we put the
23 sunset language in and we

62

1 hot; a lot of the maxes
2 are hot. There's plenty
3 going on. Scott Carpenter
4 advised us that one of the
5 inmates convicted of rape
6 who attacked a female
7 officer was recently
8 convicted, or not
9 convicted, but charged so
10 we're happy to see that.

11 We'll continue to push
12 for that. If you have any
13 instances where assaults
14 on staff or anything --
15 any incidents of that and
16 you're having a difficult
17 time -- remember, always
18 the member, you have the
19 right to go to the
20 barracks yourself and
21 charge the inmate. Don't
22 forget that.

23 And if you have any

64

1 issues with the Department
2 and Department is having
3 issues getting it
4 through the higher-ups in
5 Albany, give as a shout
6 we'll gladly help push
7 that aspect of it too.
8 Keep in mind, the
9 individuals assaulted can
10 always render those
11 charges.

12 Again, as I mentioned,
13 the Death Gamble
14 legislation was vetoed
15 towards the end of the
16 month, that kept us pretty
17 busy towards end of
18 November, first week into
19 December. We had plenty
20 going on with that.

21 Our new PR firm that
22 the board is recommending,
23 we'll ask for your

65

1 approval later, to hire
2 this firm, this PR public
3 relations firm, Baker
4 Public Relations out of
5 Albany stepped up and did
6 a pretty good job for us
7 real quick. They don't
8 know a whole lot about us
9 yet, but they're pretty
10 quick learners, quick
11 turn-around.

12 We were able to get
13 some media fired out
14 pretty quickly and pretty
15 aggressively. And that's
16 an attribute to Chris
17 Duryea and Keith Jacques,
18 along with Baker Public
19 Relations and this board.
20 And we were able to put
21 our thoughts together, get
22 them on paper, get them
23 over to them. And they

66

1 wrote us some nice
2 slamming articles there.

3 On the 21st, Dan, Chris
4 Duryea our lobbyist who
5 we'll also be presenting
6 his retainer, which was
7 approved until the end of
8 the year this summer, met
9 with Alphonse David, met
10 on the 21st of November.

11 Ran into the
12 Thanksgiving holiday, had
13 some issues down at
14 Eastern. Mike Mazzella
15 advised me we had some OSI
16 issues with K9 handlers.
17 I believe they had four
18 across the state OSI had
19 K9s. And if it's OSI and
20 they're carrying dogs, who
21 are they looking for?
22 They're looking at us.

23 So with that being

67

1 said, I believe they have
2 four, I think they're
3 ultimate goal was to get
4 six. I sent an e-mail
5 over to the Department
6 asking how many they have
7 now. We don't know
8 completely as of yet, but
9 once we get that
10 information we'll get that
11 back up to you.

12 4911-A, package room,
13 Green Correctional,
14 Taconic and Green Haven,
15 are the three pilot
16 facilities, a new program
17 the package room. 4911-A
18 has been distributed to
19 those three facilities.
20 We're already getting some
21 flow back and how messed
22 up it is, but recognizing
23 it's the Department of

68

1 Corrections Community
2 Supervision and it's a new
3 program, it's going to
4 have many hiccups.

5 So with that, we ask
6 any information you can
7 get us, policies,
8 procedures, manuals,
9 catalogs, anything you can
10 get to us, get to us, so
11 we can review it. Any
12 notes you have at any of
13 these three facilities,
14 get us your concerns so
15 that we can fire those off
16 and get those ramped up
17 into the Department.

18 I believe that system
19 when on the 28th of
20 November maybe. That
21 pretty much brings us
22 through to today. Couple
23 site visits up in

69

1 we have no issues with
2 that. We want to
3 eradicate that as well,
4 but the clear bag is not
5 gonna do it, it's still
6 obviously getting in
7 there.

8 But the fact of the
9 matter is, we put our case
10 on the table so with -- I
11 lost my train of thought
12 here. Ion scanning.
13 Thank you. So, ion
14 scanning, O'Gorman reaches
15 out and he says, hey,
16 listen -- this is just how
17 he puts it to me. A lot
18 of the facilities, we
19 scaled back a lot on the
20 ion scanning. In
21 facilities that we don't
22 get any hits on for years,
23 you got some facilities

71

1 Watertown. Thirty-six man
2 fight again at Five Points
3 on the 4th of December.

4 That was the Bloods versus
5 Bloods.

6 Another thing, real
7 quick, ion scanning. The
8 Department reached out to
9 us not to long ago,
10 O'Gorman, just in -- it
11 was a follow-up
12 conversation regarding
13 Five points when he
14 broached the subject of
15 ion scanning and I
16 mentioned K9s. The big
17 thing is 4936, front gate
18 procedures, contraband
19 post Clinton; contraband
20 coming in through the
21 front gate. They're
22 trying to eradicate it,
23 we're on board with that,

70

1 out there we're not
2 getting any hits, so we
3 kind of phased it out.

4 I said, that's news to
5 us. And he says, yeah,
6 what are your thoughts on
7 getting rid of it
8 completely? And I was
9 pretty quick to respond
10 without consulting with
11 the Board, I'm thankful
12 that they all concurred,
13 but I was pretty quick to
14 say, absolutely not.

15 Our goal, your goal is
16 to eradicate contraband
17 coming in through the
18 front gate. You need each
19 and every resource until
20 you have a fail safe
21 mechanism in place.
22 Whether it be a dog in a
23 facility, which we've

72

1 asked for. Or, a
2 continual dog or a true,
3 true screening process at
4 the front gate.

5 So our stance from
6 that, and I don't know
7 what's coming down the
8 pipe, I haven't had a
9 follow up conversation on
10 that yet. But we'll keep
11 you posted if anything
12 comes down regarding ion
13 scanning, but keep an eye
14 on it at your facilities.
15 If you realize it's
16 scaling back, you got to
17 let us know. You got to
18 let us know if it's
19 falling off, so that we
20 can address it and
21 recognize it.

22 Each and every resource
23 is needed at this point.

73

1 We're all familiar, I've
2 talked about the Division
3 of Budget, I talked about
4 finances and the whole
5 nine yards with the State.
6 That's what it boils right
7 down to ultimately is
8 finances. And they're not
9 going to spend the money
10 to put in a fail safe
11 program to prevent
12 contraband coming
13 through the front gate,
14 then we're going to ask
15 for each and every
16 resource and we're not
17 going to accept the
18 removal of any additional
19 resources.

20 So I talked about OSI
21 and the no-knock; spoke a
22 little bit about 50-A, as
23 well. And now I want to

74

1 talk to you real serious,
2 not that we haven't been
3 serious about it in the
4 past, but Janus versus
5 AFSCME.

6 A lot of our concern is
7 we don't know how much is
8 getting back to the
9 membership. Janus versus
10 AFSCME is a court case,
11 it's in the Federal
12 Supreme Court, it came out
13 of the Seventh Circuit
14 Court out of Illinois.

15 It's the same thing
16 that we talked about
17 regarding Friedrichs'
18 versus California. It's
19 basically trying to
20 dismantle unions in
21 laymen's terms. There's a
22 big sway across the nation
23 right now, you see in a

75

1 lot of Republican
2 controlled states, that
3 meaning the executive,
4 legislature -- both
5 houses, the legislature in
6 control.

7 And those rights come
8 right down to each and
9 every one of us in this
10 room. It's your contract.
11 It's every article in your
12 contract. You get jammed
13 up for use of force, you
14 don't have union
15 representation -- they can
16 fire you. That due
17 process could go to the
18 way-side. The due process
19 that we have in place now.

20 I had Bob Cronin come
21 up here last time we all
22 met, there may be some new
23 faces in the room. Bob

76

1 Cronin, Al Mothershed,
2 Bill Naylor, Keith
3 Jacques, myself when I
4 can, sit on a committee
5 that meets quite
6 regularly.

7 We have some avenues
8 that Keith is going to
9 talk about in a little bit
10 as to how we need to
11 proceed. We want to
12 proceed as a law
13 enforcement entity. It's
14 going to be difficult
15 because you have a lot of
16 civilian unions out there.

17 It's got to be -- this
18 tactic that we're looking
19 to do is legislative, and
20 it has to do with changing
21 and amending the Taylor
22 Law. That's a heavy lift.
23 It's a very heavy lift.

77

1 to be looking to do; no
2 free riders. It's a very
3 difficult time right now
4 and it's real. We expect
5 a court decision by
6 probably late spring,
7 early summer. Am I
8 correct with that, Dan,
9 roughly around then?
10 There are many things
11 we're looking to do.

12 We can't do it alone.
13 NYSOPBA can't show up and
14 produce one bill,
15 legislative bill, by
16 itself and have an entity
17 of other unions pushing
18 legislatively with a bill.

19 We're looking to
20 coalition; many unions.
21 Primarily law enforcement
22 unions. We're prone to
23 more discipline than the

79

1 It's going to require lot
2 of work. And it's all in
3 an effort to prevent us
4 from losing anything, let
5 alone membership.

6 Your agency fees can
7 change. I believe we have
8 209 members, Bob?

9 BOB CRONIN: Yes.

10 PRESIDENT POWERS: That
11 don't pay their agency
12 fees. Meaning, that part
13 of -- they don't agree to
14 have some of that union
15 dues come out for
16 political action. If
17 Janus versus AFSCME comes
18 down the pipe and it's
19 favored for Janus, those
20 209 get knocked out of
21 their union arms; but then
22 you're on your own.

23 That's what we're going

78

1 CSEA or PEF, I'm not
2 familiar with their titles
3 but it's no slight to them
4 but that's the reality.
5 That reality is before us.

6 And what we understand
7 is, it's highly unlikely
8 that this Supreme Court
9 with their new appointment
10 of Neil Gorsuch who is
11 pretty much anti-labor
12 from Jump Street, all
13 indicators if it doesn't
14 pass the Supreme Court,
15 apparently there's other
16 cases in line to step in.
17 This could be a potential
18 ongoing battle.

19 So I'm going to have
20 Keith come up and talk to
21 you a little bit about
22 what we're looking to do
23 and who we're working

80

1 with, Keith and Chris. So
2 that we can put together a
3 solid plan so that we can
4 have some solid push back
5 and preserve many of the
6 rights and conditions that
7 we have for NYSCOPBA
8 members. Kevin?

9 KEVIN CONNOLLY: Mike,
10 Kevin CONNOLLY, Coxsackie.
11 Since we entered into this
12 NYCLU settlement, not us
13 but the Department and
14 they have changed
15 keep-lock standards and
16 what have you, it was
17 supposed to be reviewed
18 quarterly, correct?

19 PRESIDENT POWERS: I
20 believe so. Erin? Do I
21 see Erin in the room? Is
22 that correct, was it
23 quarterly or annually?

81

1 go out of their way to cut
2 time just before PLS comes
3 in to make it look
4 beautiful. But we have
5 problems and those
6 problems are spilling over
7 into our general
8 populations.

9 My question is, what is
10 the push back to them from
11 this union?

12 PRESIDENT POWERS: Two
13 things. One, obviously
14 the Board recognizing the
15 need for review, we'll
16 obviously push to get that
17 and the results of those
18 reviews. This was a
19 discussion we had actually
20 at yesterday's board
21 meeting regarding the time
22 cuts. And there's -- we
23 got some legal opinions on

83

1 ERIN PARKER: I can
2 look up the settlement
3 terms real quick.

4 KEVIN CONNOLLY: Well,
5 my question is, what kind
6 of push back are we going
7 to give them? Because
8 since we've entered into
9 this -- or the State
10 entered into this
11 agreement, at my facility
12 alone, we've had more
13 throwings, we have had
14 five in the last two
15 months, that officers are
16 getting thrown on.

17 Our JSU, which
18 apparently is going to be
19 Adirondack and Hudson's
20 problem shortly. They're
21 cutting time left and
22 right. And in fact, the
23 administrations generally

82

1 a lot of it -- not legal
2 opinions but we got
3 briefed again on the NYCLU
4 stipulation; the
5 stipulation and
6 settlement.

7 It's a huge concern.
8 And basically primarily
9 when a convict commits a
10 crime in the facility and
11 gets removed from the
12 general population, he's
13 already looking at a time
14 cut before he even walks
15 into the door. And we're
16 seeing that and we get
17 that.

18 And that's something --
19 in the early strokes in
20 one of the labor
21 management meetings, I can
22 recall Bellnier and I made
23 mention of this yesterday,

84

1 where Bellnier said, well
2 this is completely at the
3 discretion of the hearing
4 officer. Well, not when
5 your captain is knocking
6 on your door and he is
7 telling you, because the
8 superintendent is telling
9 him and somebody is
10 telling him in the Ivory
11 Tower and it's all
12 trickling down.

13 So, I mean, we're going
14 to very clearly review the
15 settlement and look for
16 avenues of discussion with
17 that. Because it's --
18 well before it got to the
19 point where it is now, we
20 all have seen it
21 progressively getting
22 worse. It's happening to
23 all of us. We all see it.

85

1 With that, it's obvious
2 to us that the inmate
3 population is getting
4 continually more brazen in
5 their activities. I mean,
6 Five Points alone, some of
7 the instances, I don't
8 know how they kept up with
9 them quite honestly, the
10 way we were hearing about
11 it. Even at Auburn,
12 incidents at Auburn, they
13 were popping off left and
14 right. How they were
15 keeping up with them was
16 beyond us.

17 And recognizing that,
18 it's a huge concern. It's
19 catering, it's pandering
20 to the inmate population.
21 And it's not so much
22 pandering, but it's
23 allowing them to act in a

86

1 manner which they will.
2 And we'll be sure to
3 discuss it.

4 KEVIN CONNOLLY: But at
5 this point, what is the
6 discussion with the
7 Department?

8 PRESIDENT POWERS:
9 We'll put it on a labor
10 management agenda. To be
11 honest with you, with
12 everything that's been
13 going on, it hasn't been
14 broached in a while. But
15 rest assured, it will
16 shortly.

17 KEVIN CONNOLLY: Thank
18 you.

19 KEITH JACQUES: Kevin,
20 we actually -- this came
21 up yesterday at the board
22 meeting. I just want to
23 make sure that everyone is

87

1 aware, that Executive Vice
2 President Sawchuk brought
3 up this very issue about
4 time cuts.

5 And while we may not be
6 able to solve the problem
7 because the time cuts are
8 occurring as a result of a
9 court ordered settlement,
10 we do have legislators
11 that I think would be
12 willing to introduce
13 legislation, even if they
14 can't move it because of
15 the court ordered
16 settlement. Just the fact
17 they can introduce the
18 bill alone, that then
19 generates some public
20 hearings on the issue.

21 I know Al Mothershed
22 has been doing a lot of
23 work with Senator

88

1 Helming's office on some
2 other issues. Senator
3 Helming has been open in
4 her willingness to
5 introduce and help with
6 any type of legislation
7 that we think fits. We've
8 actually been meeting with
9 her office trying to
10 figure out what can we
11 craft as part of the
12 executive budget process.

13 I think some sort of
14 legislation that relates
15 to these time cuts that
16 are occurring makes sense.
17 And I really think that
18 she is very willing to
19 introduce that. I think
20 Senators like Senator
21 Gallivan would obviously
22 be willing to support that
23 as well.

89

1 But everyone in the
2 room knows, right, we're
3 going to have a problem
4 with Downstate Democrats.
5 That doesn't mean we can't
6 bring some attention to
7 this issue and we talk
8 about this issue all the
9 time. I hear your
10 frustration and I get it.

11 But there are
12 legislators, you know,
13 people in state government
14 that are sympathetic to
15 the members in this room
16 and want to help. And
17 it's our job to try to do
18 that to make sure that all
19 those member are properly
20 engaged. But as everyone
21 knows, there are members
22 that aren't; but we are.
23 We're working on it.

90

1 In terms of the Janus
2 issue that President
3 Powers just talked about.
4 I was just having lunch
5 with my partners and we
6 kind of talked about,
7 there's that movie, I
8 think it was Armageddon,
9 with the meteors that were
10 coming to destroy the
11 earth, and there was the
12 little one and the big
13 one. And if the little
14 one hit the earth, the
15 earth could still survive;
16 but it was the big one
17 they were worried about
18 because the big one could
19 just obliterate all life.

20 Well, the little one
21 was the Con-Con. Everyone
22 stepped up here and helped
23 defeat Con-Con, but now

91

1 Janus is real. And let's
2 be very straight, the
3 Janus plan, the case is
4 designed to destroy
5 unions.

6 Unions are under attack
7 nationwide. We are
8 fortunate that we are in a
9 state where our elected
10 officials strongly support
11 unions and we need that.
12 Because I think when this
13 decision comes down, it's
14 going to be very, very
15 difficult for unions that
16 aren't in states like New
17 York, to survive.

18 It's real. One thing
19 we're trying to do and
20 we're working with a
21 significant coalition,
22 Public Employees
23 Conference, there's

92

1 probably eleven or twelve
2 specific unions within
3 that group, and they're
4 primarily law enforcement
5 groups.

6 We're trying to develop
7 a legislative proposal, a
8 legislative concept that
9 would essentially say,
10 that if you are not a dues
11 paying member, you will
12 not get the representation
13 rights and the services
14 that a dues paying member
15 gets.

16 It's very important
17 that the message get out
18 to the membership that
19 we're very confident that
20 that kind of law is going
21 to be enacted because
22 we're pushing it. It's
23 not just NYSCOPBA. It's

93

1 Court case and it's not
2 looking good in favor of
3 unions. The Supreme Court
4 is probably going to rule
5 in favor of Janus and it's
6 going to throw unions
7 nationwide into a state of
8 turmoil.

9 Which is why this has
10 got to be the most
11 important, significant
12 undertaking of this
13 organization and all
14 public sector
15 organizations during the
16 2018 legislative session.

17 The timing on this
18 thing is a little bit
19 tricky because when this
20 decision comes down, it's
21 going to apply nationwide.
22 There's nothing that New
23 York can do to say, okay,

95

1 the Troopers, it's the
2 BCI, it's the court
3 officers, it's the county
4 correctional groups, it's
5 the New York City PBA,
6 it's the transit workers.

7 Everyone is on board
8 pushing to get this
9 legislation approved, to
10 make sure the dues paying
11 members in this room, that
12 when you're paying your
13 dues, you're going to get
14 the representation rights.
15 Those benefits are not
16 going to go to members
17 that don't want to pay
18 dues.

19 I think it's important
20 for everyone in the room
21 to make sure the message
22 is out there. This case
23 is real. It's a Supreme

94

1 it's not going to apply to
2 us. It's going to apply
3 nationwide and it's going
4 to happen.

5 If a decision comes
6 down in June or July, or
7 about July or August when
8 the legislative session is
9 over and legislation
10 hasn't been enacted which
11 would suffice the Janus
12 ruling, that's what the
13 legislative goal here is,
14 to enact the statute that
15 would satisfy and pass
16 muster with respect to the
17 Janus ruling, if we don't
18 have something in place,
19 we're going to be a
20 position where NYSCOPBA
21 and every other public
22 sector labor union, until
23 the legislative session

96

1 begins in 2019 and we can
2 address it, things are
3 going to be in turmoil.

4 Which is why it's got
5 to be priority number one.
6 I understand it's totally
7 convoluted, it's a little
8 bit complex, but the
9 reality is we have a very
10 difficult, problematic
11 Supreme Court decision
12 that's going to come down
13 and it's going to come
14 down in 2018 and NYSCOPBA
15 needs to make sure that it
16 is looking at that very
17 seriously. Looking at
18 that above all other
19 things.

20 Not to diminish the
21 other things, not to
22 diminish the Death Gamble
23 situation issues, not to

97

1 diminish the time cuts,
2 some of the issues that
3 law enforcement has. All
4 those are significant
5 priorities as well.

6 But I think in terms of
7 where do we really have to
8 point our guns in one
9 direction, it's on this
10 issue. And we are working
11 with, you know, the
12 Troopers PBA and their
13 counsel, who represent
14 several other law
15 enforcement unions
16 statewide. We're working
17 closely with them as part
18 of this PEC coalition,
19 because we have an idea
20 what kind of legislation
21 we would like to see.

22 It's a concept we've
23 been looking at. It's

98

1 called Worker's Choice. I
2 won't bore you with the
3 details but the bottom
4 line is under a worker's
5 choice model, you would
6 have three types of public
7 employees in New York
8 State. You would have
9 union members, you would
10 have nonunion members;
11 there's MC, people that
12 are not allowed to be part
13 of a union; and then you
14 have quote, nonmembers.
15 People that are in the
16 bargaining unit that don't
17 want to be a part of the
18 union and don't pay dues.
19 Under that model, they
20 don't get representation
21 rights.

22 Now, we are sharing
23 that concept with the PEC

99

1 group and we're trying to
2 convince them that that is
3 the way to go. We're
4 pretty comfortable that
5 we're going to get
6 something accomplished as
7 part of this larger
8 working group. But we
9 need to sort of make sure
10 that we're working
11 together on this. Because
12 if eighty unions come
13 through the legislative
14 door and go to the
15 legislative leadership and
16 say, this is what we want,
17 and we being NYSCOPBA,
18 Troopers, BCI, Court
19 Officers Association,
20 County Correctional
21 Officers, County PBAs.

22 If we all come in
23 together and say, this is

100

1 what we want, we would
2 have a much better shot at
3 getting something done
4 then if the Troopers had
5 their bill, NYSCOPBA has
6 its bill, court officers
7 have their bill; we've got
8 to try to stay unified on
9 this.

10 Which has been
11 occupying a considerable
12 amount of our time, as
13 Mike said. Al Mothershed,
14 Bob Cronin, Dan Valente
15 myself, Bill Naylor, it's
16 been -- we've been having
17 several meetings, we're
18 investing a lot of time
19 because we have to.

20 And I think it's
21 imperative that you folks
22 take the message back to
23 the membership. The union

101

1 decision I don't think is
2 going to go well, which is
3 why we got to get out in
4 front of this now.

5 Questions? Yes, sir?

6 DONN ROWE: Rowe, Hale
7 Creek. Keith, just one
8 clarification. I mean,
9 obviously Janus is going
10 to happen in some kind of
11 form, that's a guarantee.
12 It's gonna happen. We
13 don't know what the
14 decision is going to read.

15 KEITH JACQUES:
16 Correct.

17 DONN ROWE: So as far
18 as the decision comes out,
19 worst case scenario, as
20 far as the state complying
21 with the decision, legally
22 how -- is there a time
23 period, is there --

103

1 is working on developing
2 some messages that we can
3 put on the website that we
4 can sort of generate and
5 send out to the members, a
6 really basic, this is what
7 it means to be a member of
8 a union, this is what life
9 looks like in states where
10 there are no unions. This
11 is what pay looks like in
12 states when you're not a
13 member of a union.

14 It's pretty
15 significant, it's pretty
16 drastic. But I think the
17 only way that we're really
18 going to get the
19 membership engaged and
20 understand what's going
21 on, is if we scare them.
22 And frankly, we should be
23 scared because this

102

1 PRESIDENT POWERS:
2 Unanimous consent to go
3 off the record.

4
5 (Response of "Aye".)

6
7 (Discussion off the
8 record.)

9
10 PRESIDENT POWERS:
11 Consent to go back on the
12 record.

13
14 (Response of "aye".)

15
16 KEITH JACQUES: We will
17 quickly cover some big
18 picture legislative
19 issues. For those that
20 don't know it, this is
21 Chris Duryea, statewide
22 public affairs, president
23 and CEO. Chris and I have

104

1 known each other since I
 2 was a law clerk back in
 3 the mid-90s.
 4 Chris is a boots to the
 5 ground kind of lobbyist.
 6 He is like me, we -- you
 7 know, we knock on doors.
 8 We make sure that our
 9 presence is known on the
 10 Capitol. He's got very
 11 strong ties on the
 12 Democratic side which is
 13 very important.
 14 He was very
 15 instrumental in helping us
 16 get the Death Gamble bill
 17 pushed across the goal
 18 line at least in the
 19 legislature and we'll talk
 20 about that in a minute.
 21 But just a couple things.
 22 One legislative
 23 victory, legislation that

105

1 that bill into law as
 2 Chapter 406 of the laws of
 3 2017. He has indicated
 4 he's going to try to make
 5 some minor amendments to
 6 that. We made it very
 7 clear both sponsors in the
 8 Senate and Assembly, that
 9 this is our bill, we are
 10 not supportive of any
 11 change to the law. The
 12 way it was drafted is the
 13 way we think it needs to
 14 be implemented.
 15 So as of right now,
 16 2017, that bill is a law
 17 and that's a direct result
 18 of, you know, the ideas
 19 that developed at this
 20 table and that were
 21 prioritized by this
 22 assembly a few years ago
 23 asking us to push that

107

1 NYSCOPBA started, Dave
 2 Viddivo former treasurer
 3 now special assistant to
 4 the president, was very
 5 instrumental in developing
 6 this legislation that
 7 would provide additional
 8 leave for Combat Veterans.
 9 It would provide an
 10 additional eight days for
 11 those that need such
 12 additional time in
 13 addition to the twenty-two
 14 or thirty days. It would
 15 provide those additional
 16 eight days for those that
 17 need additional time for
 18 any health related
 19 services. Whether it's
 20 mental health counseling,
 21 whether it's doctors
 22 visits.
 23 The Governor signed

106

1 forward.
 2 Death Gamble, as
 3 President Powers said the
 4 Governor vetoed that bill.
 5 He cited cost reasons and
 6 he felt in his veto
 7 message he said that the
 8 benefit was more
 9 appropriate subject of
 10 collective bargaining
 11 agreement and should have
 12 been negotiated.
 13 We immediately took
 14 issue with that. That's
 15 flat out wrong. The law
 16 prohibits that. We cannot
 17 negotiate retirement
 18 related benefits. We
 19 started taking shots at
 20 him pretty significantly.
 21 I don't know if members
 22 got a chance to see some
 23 of the news clips, some of

108

1 the press releases.
2 But, we took some
3 swipes at the Governor and
4 made sure that members of
5 the legislature took
6 swipes at him and made
7 sure they felt pretty
8 embarrassed by their
9 statement.

10 We've already had
11 conversations with both
12 the sponsor of the bill in
13 the Senate and Assembly
14 that we would like to see
15 that bill put into an
16 Article 7 budget bill.
17 Everyone knows there's
18 budget bills, there's
19 appropriation bills and
20 the other are the language
21 bills. We're hoping to
22 get language put in one of
23 those budget bills by both

109

1 NYSOPBA to reach out to
2 the Workers' Comp Board
3 and issue our support.
4 We talked about Senator
5 Helming potentially
6 introducing legislation
7 not only for our
8 corrections members, but
9 she's indicated she's also
10 going to step up on behalf
11 of the law enforcement.

12 We're working with
13 Senator Ortt to revise a
14 law that was enacted a few
15 years ago that relates to
16 assault reporting within
17 our mental health
18 facilities. And we're
19 working on language with
20 his chief counsel.

21 So we have several
22 bills in for sure. Again,
23 I think the focus for the

111

1 Senate and Assembly, and
2 we're hoping to slam the
3 Governor with it and pass
4 it through the legislature
5 that way, but that remains
6 to be seen.

7 President Powers talked
8 about the Workers' Comp
9 Board proposed guidelines
10 that were a huge problem.
11 NYSOPBA voiced our
12 opposition to that. We're
13 not Workers' Comp lawyers.
14 We are the attorneys that
15 represent you, but we
16 talked and worked closely
17 with the injured workers
18 Bar attorneys, and from
19 their perspective, what
20 they're saying now about
21 the new guidelines is that
22 these are good to go.
23 They're asking for

110

1 next, you know, several
2 months has got to Janus
3 and how do we enact some
4 legislation that will
5 offer us some protections.

6 BILL CONROY: Bill
7 Conroy, Attica. I have a
8 question about the combat
9 Veterans time off. Is
10 that going to be eight
11 days or are they gonna
12 break it down to
13 sixty-four hours? How is
14 an officer going to be
15 dispensed that time off?

16 KEITH JACQUES: Unsure.
17 The legislation simply
18 says eight days. And
19 without having any further
20 clarification, the Courts
21 will not do anything but
22 read the general meaning
23 of statutory language. So

112

1 I would assume it would be
2 a day.

3 But, again, I want
4 to see what the Governor's
5 thinking he is going to
6 propose. He did indicate
7 when he spoke to the
8 legislature and that they
9 were working on some
10 chapter amendment
11 language. One of the
12 things he wanted to do was
13 reduce the time from eight
14 days to four days. We
15 were asked if we were okay
16 with that and we said
17 absolutely not; we are not
18 okay with that.

19 But to answer your
20 question, I don't know how
21 it's going to be
22 implemented. I'm not
23 really sure. I'm not a

113

1 Thank you.

2 KEITH JACQUES: You're
3 welcome.

4 CHRIS DURYEA: Let me
5 give you guys a little
6 taste of some of the
7 politics going on on the
8 ground here here in
9 Albany.

10 It's statewide election
11 year. All 213 legislators
12 are up this year. All
13 four statewide elected
14 offices, including the
15 Governor are up this year.
16 So, we're hoping on the
17 Janus piece that gives us
18 plenty of leverage as
19 they're looking for pats
20 on the back and
21 endorsements, and asking
22 us for checks to send in.

23 Getting back, you know,

115

1 military vet. I'm -- I
2 don't know how twenty-two
3 and thirty days are dealt
4 with. Are they full days?

5 BILL CONROY: That's
6 probably a whole day, I'm
7 just saying as a combat
8 veteran if he goes to the
9 VA for four hours, you
10 know, his appointment is
11 over at noon --

12 KEITH JACQUES: It's
13 within the same statutory
14 scheme, so however the
15 twenty-two and thirty are
16 dealt with, that's
17 probably how the eight
18 will be.

19 BILL CONROY: That's a
20 whole day.

21 KEITH JACQUES: I think
22 so.

23 BILL CONWAY: Okay.

114

1 I'm sure you all heard
2 about it, it all comes
3 back to the senate here in
4 Albany. Our friends in
5 the Senate Republicans,
6 right now as it stands the
7 magic number in the Senate
8 is thirty-two.

9 Sixty-three seats, the
10 magic number for majority
11 is thirty-two; very simple
12 math.

13 Right now the Senate
14 Republicans hold
15 thirty-one seats and they
16 have a separate democrat
17 from Brooklyn who
18 conferences with them, who
19 constitutes the thirty-two
20 to make the magic number.
21 Obviously in order to get
22 any business done in
23 Albany in the senate, if

116

1 you pick up one vote in
2 the majority and something
3 is dead. So it's a
4 separate, break-away
5 faction of the independent
6 democrats lead by Jeff
7 Klein from Westchester,
8 there's eight of them.
9 The Republicans, the one
10 democrat and those eight
11 democrats all work
12 together to essentially
13 move legislation to the
14 house.

15 The Governor, if you
16 recall four years ago, the
17 Governor was trying to get
18 the Working Family Party
19 endorsement in the
20 springtime four years ago.
21 The Working Family Party
22 constituted factions of
23 labor, factions of some of

117

1 the crazies of the Working
2 Family Party were pissed.

3 And so, who came up
4 through the middle, a
5 progressive left liberal
6 took the primary on the
7 democratic line. The
8 Governor does not want
9 that to happen this year.
10 You've seen all his
11 politics going left on
12 this, I don't need to tell
13 you where the politics
14 are.

15 So this year the
16 question is how is the
17 Governor going to handle
18 the Working Families
19 Party. So, what's he
20 doing? He's pressuring
21 the IDC, those eight
22 independent Democrats to
23 flip the Senate, because

119

1 the crazy progressives out
2 there, had to be a line on
3 the ballot in New York.
4 All of those lines are all
5 counted up in aggregate;
6 Democrat, Republican,
7 Working Families Party,
8 Independent; they all
9 count towards the end
10 number in New York.

11 So small parties in New
12 York are very important in
13 terms of getting
14 endorsements. The
15 Governor last year to get
16 the Working Family
17 endorsement had to cut a
18 backroom, dirty deal, that
19 although the unions made
20 it happen, AFLCIO, others,
21 NYSUT, although they made
22 that happen, the
23 progressive arm, sort of

118

1 he's catching a lot of
2 shit about it. He's
3 saying, all right, look,
4 if the Governor is working
5 with the Senate
6 Republicans and the IDC,
7 he's propping up the
8 Republicans, means he's
9 propping up Trump.

10 And the Governor's 2020
11 political ambition, hell
12 bent altogether, there's
13 now an effort by the
14 Governor and -- so that
15 his efforts to get a
16 Working Families Party
17 endorsement to flip the
18 Senate back to all
19 Democrats.

20 Getting back to some of
21 what Keith said, although
22 on Janus we're probably in
23 pretty good shape with the

120

1 Democrats, on some of our
 2 other issues that, you
 3 know, the downstate
 4 Democrats, we're
 5 constantly fighting them.
 6 That could put us in a
 7 position this year, if the
 8 Senate flips where all the
 9 sudden we've got Democrats
 10 across the board in an
 11 election year coming, you
 12 know, and my -- so, from
 13 post budget until the end
 14 of session, there could be
 15 a real political flip in
 16 the Senate.

17 So that's a piece we're
 18 really going to keep aware
 19 of because that could turn
 20 the tables on us
 21 significantly. Right now
 22 the Senate -- right now
 23 there are two open seats

121

1 real heavy pivoting
 2 sometime in April.

3 KEITH JACQUES: Anybody
 4 have any questions about
 5 anything Chris or I
 6 raised? Okay. Thanks.

7 PRESIDENT POWERS:
 8 Thank you. Just a couple
 9 quick things before I wrap
 10 up my report here. I
 11 apologize, I failed to
 12 recognize our new board
 13 members. Chris Summers,
 14 Toby Hogan, Scott
 15 Carpenter, John Roberts.
 16 John has been here for an
 17 EA already. But I look
 18 forward to working with
 19 them, they've hit the
 20 ground running, doing a
 21 hell of a job already.

23 (All applause.)

123

1 in the Senate. So what
 2 that -- of those
 3 sixty-three seats, two of
 4 them are open. There are
 5 two Democratic seats. So
 6 the Governor will likely
 7 call a special election
 8 for those two seats some
 9 time after budget.

10 What he is saying is,
 11 let's figure out these
 12 special elections and then
 13 in advance we'll work on
 14 the Working Families Party
 15 endorsement. Those
 16 special elections will
 17 probably be sometime in
 18 early April, then we'll
 19 figure out a deal in order
 20 to try to flip the Senate.

21 So that's the political
 22 world of the Senate and so
 23 we may have to do some

122

1
 2 PRESIDENT POWERS: As
 3 Keith mentioned, Dave
 4 Viddivo is my assistant.
 5 I asked him shortly after
 6 the election, Dave has
 7 retired, but I asked him
 8 to stick around. I have
 9 kind of increased his
 10 duties. He figured the
 11 older he gets the less he
 12 has to do, but that's not
 13 the case here.

14 I spoke with Dave very
 15 openly about it and he's
 16 agreed to come aboard.
 17 Continue to send him your
 18 assault information and
 19 all the information
 20 pertaining to the assaults
 21 in facility matters. But
 22 he will also be our social
 23 media monitor.

124

1 A lot of information
2 comes across on social
3 medial that sometimes is
4 inaccurate and we're not
5 looking to push back or
6 create any fights or any
7 nonsense, but we'll be
8 putting the facts out.

9 So that will be some
10 additional work for him as
11 well. He knows how I like
12 my coffee, Toby Hogan told
13 him. That was a joke when
14 I brought Toby up.

15 That pretty much
16 concludes my report. As
17 you can see, not only are
18 the facilities hot and
19 active, time cuts,
20 increase in violence,
21 contraband, chemies,
22 chemical agents the use,
23 lock-outs, questions and

1 I'll pass it over -- does
2 anybody got any questions
3 for me? I will pass it
4 over to Tammy for the
5 Executive Vice President
6 report. Thank you.

7 EXECUTIVE VP SAWCHUK:
8 Good afternoon, everyone.
9 Okay. Where we finished
10 off last time, we had some
11 directive training with
12 the ISOs and the parole
13 office, those changes were
14 sent over to Erin Parker
15 for her review. Also, we
16 had a Civil Service change
17 with the ISO, that's also
18 being reviewed by Erin
19 Parker.

20 We are discussing
21 current staffing issues.
22 I know there's a lot of
23 jails that are short

1 answers, suspensions,
2 arbitrations; it's all
3 ramping up.

4 And so is our workload
5 here as well inside the
6 box. That we're looking
7 to maintain to keep the
8 benefits that you
9 rightfully and strongly
10 deserve. So we'll
11 continue that push.

12 We're a very
13 transparent board, as
14 you're well aware. And by
15 all means there's always
16 room for improvement. If
17 you got any questions,
18 concerns, give us a shout.
19 And we look forward to
20 working with all of you
21 again.

22 So keep the information
23 coming. And with that

1 staffed, there are a lot
2 of people being stuck.
3 It's not any particular
4 jail per se, it's just
5 about every jail.

6 Generally this time of
7 year when people don't
8 take their full vacations,
9 that seems to slow down a
10 little bit, hopefully that
11 will be the factor again
12 this year. But keep those
13 phone calls coming and if
14 something doesn't seem to
15 be normal operations, as
16 far as post closings,
17 please let us know or let
18 me know.

19 You know I have that
20 open line of
21 communication. You can
22 reach me 24 hours a day,
23 seven days a week.

1 I have attended several
 2 PERB conferences. One for
 3 the Annucci IP, on the
 4 memo that was read at
 5 line-up; two, for employee
 6 drug testing; and three,
 7 for suspicion -- employee
 8 suspicious activity --
 9 reporting of suspicious
 10 activity.

11 Those all have
 12 extensions on the dates,
 13 I'm working with Greg
 14 Meyers on all of those.

15 We had a news report
 16 come out on October 20th
 17 of the Clinton --
 18 regarding the Perrell
 19 incident. I sent for
 20 feedback in regards to the
 21 misinformation that they
 22 had received. And I think
 23 the north country was

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1 meeting on 10/24, the
 2 request had gone out for
 3 bylaws to be submitted to
 4 GOER and as of today one
 5 facility has sent in their
 6 bylaws. So, I'll get with
 7 Abbey Guerra once again to
 8 resend that notification
 9 out.

10 Site visit at Clinton
 11 went well on 10/31. I had
 12 some issues with SUNY --
 13 one of the SUNY campuses.
 14 Talked to John Harmon,
 15 discussed the issues with
 16 one of the supervisors;
 17 that has been resolved.
 18 Site visit with Five
 19 Points on 11/16, that site
 20 visit went very well. And
 21 they did a great job at
 22 Five Points. Thank you.

23 Q and A, I attended at

131

1 pretty happy with that.

2 We had a J and E case
 3 that was heard on 10/23 at
 4 the NYSCOPBA office. We
 5 continue to have problems
 6 was QWLs. They're
 7 numerous. I mean, John
 8 and I attended a meeting
 9 with GOER on 10/24.

10 There's no rhyme to reason
 11 of the bylaws, policies,
 12 procedures that govern any
 13 one of these QWLs; they're
 14 all different.

15 We are trying to work
 16 with GOER so we have one
 17 set of bylaws, one set of
 18 guidelines to at least go
 19 by, to move different
 20 issues of these QWLs
 21 forward. John and I will
 22 continue to talk to them
 23 from -- I can tell you the

130

1 Albany Training Academy to
 2 relieve some of the
 3 workload off of our
 4 business agents and vice
 5 presidents. We have
 6 had -- like Keith Jacques
 7 has said concerning with
 8 the Workers' Compensation
 9 SLU awards. It doesn't
 10 seem as though they're as
 11 drastic as first was
 12 reported. So, Keith will
 13 be drafting that letter
 14 over to Workers' Comp
 15 Board.

16 I had sent a letter
 17 over to Darren Ayotte on
 18 11/29 regarding ISO
 19 retention. ISOs for those
 20 in this room who don't
 21 know and who are new, are
 22 at Grade 9. But yet, they
 23 face the same dangers that

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1 every one of us face in
2 the prisons. And their
3 pay is in no way
4 indicative of what their
5 duties entail.

6 I will continue to push
7 and fight for ISOs to get
8 a pay increase, believe me
9 when I tell you that.
10 Several conference calls
11 with different attorneys
12 regarding OEM complaints,
13 Workmen's Comp issues. I
14 had a person out of
15 Clinton who realized since
16 2015 he hadn't been paid
17 for ten holidays.

18 So my advice is this,
19 pay attention to your
20 paystubs. It's easy to
21 get direct deposit and
22 never look at your paystub
23 to see what you have

1 this. Three and a half
2 years ago I stood here and
3 I was very humbled to say
4 to you, it is my hope, it
5 is my hope once again, to
6 bring a safer work
7 environment to all of us.

8 It is a priority to me
9 and believe me when I tell
10 you, I lose plenty of
11 sleep over it. No one is
12 happy with the NYCLU
13 settlement. That had
14 nothing to do with us and
15 nor did we agree with it
16 and we say that at every
17 EA.

18 But I am going to work
19 tirelessly to see if we
20 cannot push some sort of
21 legislation that says, if
22 it inmate throws on you,
23 if an inmate assaults you,

1 actually been paid for.
2 If it's a problem at one
3 facility, I'm sure it's a
4 problem at other
5 facilities. Pay attention
6 to your holiday pay and if
7 you're receiving it.

8 Workmen's Comp issues
9 out of Green. I met with
10 Jocelyn Gleason, welcome
11 Jocelyn. Once again,
12 great job, we resolved
13 that issue. Site visits
14 at Watertown and Cape
15 Vincent with Senator Patty
16 Richie. Thank you, Kate;
17 thank you Watertown.

18 I attended the CBC
19 meeting at the Desmond.
20 Numerous notifications of
21 State IG and OSI, and a
22 multitude of facilities.

23 And I'd like to say

1 in no way, shape or form
2 will he be entitled to a
3 time cut. There is no
4 rhyme or reason to that.

5 My second mission is
6 this. I know former
7 Executive Vice President
8 Hickey worked on, is
9 double bunking. There's
10 no rhyme or reason for
11 that now. There are over
12 seventy-three hundred beds
13 empty in this state. And
14 there's no reason to
15 double bunk.

16 That is a priority
17 also. So with that being
18 said, I thank you for your
19 participation in the
20 election. I will work
21 tirelessly to get out to
22 your facilities and help
23 you with your issues; and

1 my line of communication
2 is always open. And
3 thank you.

4 PRESIDENT POWERS:
5 We'll go to the
6 treasurer's report.

7 TREASURER HOGAN: I
8 just want to start out by
9 saying thank you. And I
10 look forward to working
11 with each and every one of
12 you.

13 Total income for the
14 month of November was one
15 point two million; total
16 expenses was one point
17 four. Total in Gen Ops is
18 11.8 million. Bond
19 investment unrestricted is
20 6.9 million. Bond
21 restricted, 978 thousand.
22 Rainy Day Fund payouts was
23 a hundred and twenty-four

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1 the budget. Once that
2 gets read, I'll go into
3 the budget. We had a real
4 estate agent that started
5 showing the ground floor
6 of NYSCOPBA looking for a
7 possible tenant.

8 I got to say that the
9 union meeting spendings
10 since we last discussed it
11 has drastically gone down
12 and I appreciate it; I
13 appreciate the help. The
14 only thing I'm asking our
15 chiefs to do is help me
16 out with the missing
17 documentation.

18 If you send me a
19 notice, I can't have
20 missing documentation for
21 five months with an
22 auditor coming next month.
23 Those of you that haven't

139

1 thousand with a balance of
2 sixty-eight thousand.

3 Legal defense being
4 paid out was nine
5 thousand, five hundred,
6 with a balance of 2.1
7 million. I split the
8 legal defense fund in two
9 and purchased a bond for
10 five hundred thousand.
11 That's already started
12 earning interest on, as
13 the fund continues to
14 grow. What we have in the
15 legal defense fund will
16 keep us afloat for many
17 months, while that other
18 money is making money.

19 I met with the Finance
20 Committee and went over
21 the budget which we'll get
22 into because there's a
23 motion on the floor about

138

1 set up Quill accounts, we
2 need to keep pushing that.
3 And that's about all I
4 got. Anybody got any
5 questions?

6 VP MID-HUDSON MAZZELLA:
7 Mike mazzella, Mid-Hudson.
8 I didn't want your first
9 report to go so smoothly,
10 so I wanted to get up and
11 help you out a little.
12 When do we think that
13 enough is in that legal
14 defense fund to stop
15 putting money into it.

16 Like I think there's
17 something when we first
18 originally made the motion
19 that we can stop it at any
20 time. I mean, you got two
21 point something million in
22 there. Do we ever think
23 we're going to use that;

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1 and if we don't, is there
2 a way to move that money
3 to another area of the
4 budget?

5 TREASURER HOGAN: We
6 can cash a bond and move
7 it.

8 VP MID-HUDSON MAZZELLA:
9 I was just curious. I
10 don't think it's that
11 simple. I think it's
12 going to take more. But,
13 I just don't know -- you
14 know, two point something
15 million for legal defense
16 is a lot of money. Maybe
17 we can stop it for a
18 while. So, that's all I
19 was curious about.
20 Thanks.

21 TREASURER HOGAN: We
22 can discuss that in the
23 finance committee and talk

141

1 Anybody else? Thank you.

2 PRESIDENT POWERS:
3 Before we take a break
4 here, remember we got a
5 couple facilities here,
6 the Albany Training
7 Academy, Edgecombe, Green
8 Haven, Hale Creek, Lincoln
9 Mid-Hudson, Washington,
10 Willard and Rochester,
11 your calendar books are in
12 Room 112. Please pick
13 them up at the break.

14 Ten minute break.
15 We'll reconvene in ten.

16
17 (Whereupon, a brief
18 recess was then taken.)
19

20
21 PRESIDENT POWERS:
22 We'll get back on the
23 record here and back on

143

1 about putting a cap on it.

2 STEPHEN MCGOWAN:
3 McGowan, Mid-State
4 Correctional Facility. I
5 think it was the last EA
6 we discussed the members
7 that received Rainy Day
8 Fund, getting their
9 severance pack and not
10 paying it back. Did we
11 have any resolve to that,
12 do you know?

13 TREASURER HOGAN: I've
14 reached out to several and
15 I'm working with them and
16 they are starting to come
17 in. So, what was coming
18 in before and what's
19 coming in now is a big
20 difference.

21 MR. MCGOWAN: Thank
22 you.

23 TREASURER HOGAN: Yep.

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1 track here and we'll start
2 in with departmental
3 reports. We'll bring up
4 Susan and our new Workers'
5 Comp specialist, Jocelyn
6 Gleason. Many of you may
7 not remember, Susan
8 Cunningham recently
9 retired and Jocelyn is her
10 replacement.

11 SUSAN CUNNINGHAM:
12 Yes, I'm like a bad penny,
13 I keep coming back. I
14 just wanted to introduce
15 Jocelyn. The Executive
16 Board really did a good
17 job in finding a
18 replacement for me. Her
19 background is wonderful
20 for Workers' Compensation
21 and health and safety.

22 I started back in
23 October when she first

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1 started. We started
2 working together,
3 orienting her to
4 NYSCOPBA's Workers'
5 Compensation contract and
6 health and safety issues.
7 And she's done a fabulous
8 job. Her background was
9 perfect for this. So,
10 with no further adieu,
11 I will introduce Jocelyn.

12 JOCELYN GLEASON:
13 Thank you, Sue. So, I
14 have had the pleasure of
15 working with Sue and she's
16 kind of orientating me to
17 a lot of things that I
18 have to know and
19 understand about our
20 members and the contract
21 and the union, which is a
22 little different from
23 where I came from as far

145

1 Okay.

2 JOCELYN GLEASON: Any
3 questions? Run. Okay.
4 I'm out.

5 PRESIDENT POWERS:
6 Thanks Susan, Jocelyn.
7 Sharon?

8 SHARON SMITH: Yeah,
9 Sharon is still here. She
10 is not going anywhere for
11 awhile. It's that time of
12 year again, I just wanted
13 to remind you that, you
14 know, the rates went out
15 as you know a few weeks
16 ago. The option transfer
17 period is presently going
18 on and it ends on December
19 15th.

20 So members have until
21 that time, they can go to
22 personnel if they want to
23 change their health

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1 as Workers' Compensation.
2 I have spoken with some
3 of you already. I look
4 forward to working with
5 the rest of you. Call me
6 if you have any issues.
7 Workers' Compensation,
8 health and safety issues,
9 I'm there to help you.

10 I continually watch
11 webinars on Workers' Comp
12 and the SLU and impairment
13 guidelines. So, if you
14 guys have any questions,
15 instead of listening to
16 rumors or anything like
17 that, give me a call. I
18 can look into things for
19 you. Any health and
20 safety issues, I can help
21 with all those as well.
22 Okay?

23 VP MID-HUDSON MAZZELLA:

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1 insurance plan. If they
2 want to change from family
3 to individual coverage,
4 from individual to family
5 coverage. If they just
6 want to voluntarily cancel
7 their coverage; or if they
8 want to enroll. They're
9 not in and they want to
10 enroll.

11 Also, again, I want to
12 mention because there's
13 always somebody that
14 misses it. The opt out
15 program, anybody that's in
16 it, they have to go back
17 to personnel and recertify
18 to get it for the next
19 year. There's a form they
20 have to fill out. If they
21 don't do that, they will
22 still be out of the plan
23 but they will not get the

148

1 money.
 2 So, anything you can do
 3 to mention that to your
 4 members and so forth, so
 5 that they're sure to do
 6 that so they don't lose
 7 out. Otherwise they're
 8 going to have to get back
 9 in next year by April,
 10 carry the insurance to get
 11 back out at the end of
 12 next year to get it the
 13 following year. And I
 14 have had some of those so
 15 I just wanted to remind
 16 you.
 17 Anybody that takes the
 18 new health insurance
 19 option for the institution
 20 employees, the change will
 21 take effect on January
 22 4th. That's the pay
 23 period that that change

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1 And certainly most
 2 important your benefits
 3 will remain the same, even
 4 if they change their name
 5 because those are all
 6 negotiated. So, you will
 7 continue with the same
 8 program, enrollment and
 9 coverage and all of that.
 10 So I just thought I would
 11 mention that in case it
 12 seeps out and people are
 13 wondering about it.
 14 And that's all I have
 15 really, unless anybody has
 16 any questions about
 17 anything. Okay.
 18 Thank you. Happy
 19 Holidays.
 20 PRESIDENT POWERS:
 21 Jimmy?
 22 JIMMY MILLER: Just
 23 three things I'd like to

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1 would happen. And for the
 2 administrative employees
 3 it will be December 28th.
 4 The only other thing I
 5 want to mention, I got
 6 notice this week just in
 7 case you hear this or, you
 8 know, anywhere out there.
 9 Davis Vision has been
 10 purchased on December 1st
 11 by Center Bridge Partners.
 12 They're providing Davis
 13 with their existing
 14 business, Superior Vision.
 15 So, if you hear anything
 16 about it, that did happen.
 17 But there's going to be
 18 at the present there will
 19 be no changes. It will
 20 still be called Davis
 21 Vision. The website will
 22 be the same. The 800
 23 number will be the same.

150

1 cover. For 2017 the
 2 organization pushed out
 3 fifty-one press releases
 4 and a hundred and forty
 5 digital posts. And that's
 6 either on the website,
 7 Twitter or Facebook.
 8 So, just over the last
 9 couple days I wanted to do
 10 a little comparison. And
 11 if you look at CSEA and
 12 the New York State Police,
 13 their PBA, they did a
 14 combined twenty-four press
 15 releases in 2017. So, I
 16 think it's a testament to
 17 the fact that you guys are
 18 very aggressive, very
 19 proactive. Sometimes it
 20 might not seem that way,
 21 but you are.
 22 You are getting your
 23 message out there about

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1 the assaults, you are
2 getting the message out
3 there about the charitable
4 endeavors you're involved
5 in. So, as we continue
6 this, and I will speak a
7 little briefly on PR, I
8 just wanted to convey that
9 to you. That you are very
10 aggressive in what the
11 message that you went to
12 get out there.

13 Secondly, the PR
14 committee met this morning
15 and we're going to look at
16 the feasibility about
17 going back to the State
18 Fair. We will be able to
19 report more on that back
20 to you in February, but it
21 was very popular with the
22 members when we did it
23 back in 2015, but we're

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1 engaged in during that
2 period in response, they
3 did an excellent job.

4 Megan Baker is the
5 principal of the company.
6 She has ten years
7 experience locally. She
8 was an anchor and reporter
9 for Fox News and Spectrum
10 News as well. Several
11 years ago she formed her
12 own PR company. She did
13 an excellent job and I
14 think they're going to be
15 much more engaged than MPS
16 previously to this.

17 Specifically, it helps
18 that they're located here
19 Albany and that I can work
20 hand-in-hand with them.
21 They did an excellent job.
22 Currently, myself and
23 President Powers and Keith

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1 trying to figure out a
2 feasible way of doing
3 that.

4 And lastly, your union
5 put out an RFP in
6 September and three
7 companies responded to one
8 it. One was Baker PR, one
9 was Behan Communications
10 and Gramercy
11 Communications; all local
12 firms in this year. And
13 the Board picked Baker PR.
14 And obviously they need to
15 be approved by the EA.

16 But I just wanted to
17 reiterate and just expand
18 a little bit about
19 President Powers what he
20 said. During the Death
21 Gamble Legislation and
22 then some of the public
23 relations that they

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1 Jacques are going to meet
2 with them next week to put
3 together a comprehensive
4 plan for 2018, which I'm
5 sure we'll be able to come
6 in and present at the next
7 EA.

8 So, hopefully we'll
9 have more information on
10 that as we move forward.
11 That's all I have. Have a
12 nice Christmas and New
13 Year.

14 PRESIDENT POWERS:

15 Thank you, Jim. Dan
16 Valente?

17 DAN VALENTE: Good
18 afternoon. I'm not going
19 to reiterate some of the
20 things that Keith and
21 President Powers and Chris
22 Duryea already discussed
23 about. But the Combat

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1 Vets Bill, the Death
2 Gamble Bill, these guys
3 are why there's action
4 taking place on those, one
5 signing into law, the
6 other got vetoed.

7 We did do the Call For
8 Action to the members to
9 get out and contact the
10 Governor's office. So if
11 you took the time to do
12 that, thank you. We
13 appreciate your support.

14 Election Day, obviously
15 the Con-Con was a big win.
16 Went down about eighty
17 percent of the votes were
18 a no vote. So, that
19 obviously got shot down
20 handily. So, again,
21 thanks for everybody who
22 really reached out to
23 their friends and their

157

1 more or less stayed in
2 democratic hands.

3 The other seat is
4 George Latimer who
5 defeated Rob Astorino for
6 the Westchester County
7 executive position.

8 That's going to be a
9 really highly contested
10 race. Republicans think
11 they can flip that seat.
12 I think we're going to see
13 record amounts of money
14 dumped into that race.
15 And we probably will be
16 asked to have an impact on
17 that race.

18 But we don't know who
19 the candidates are at this
20 point, but I'm sure we'll
21 be involved.

22 The 2018 budget will be
23 unveiled next month, about

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1 neighbors, worked through
2 the unions, forwarded
3 along all the e-mail
4 blasts or palm cards that
5 we tried to get out to
6 inform yourself and
7 friends and family.

8 So, obviously there was
9 a big push statewide; we
10 appreciate your engagement
11 on that. Special
12 elections are going to be
13 called next year as Chris
14 Duryea mentioned. There
15 are currently eleven
16 vacancies in the state
17 legislative. Nine in the
18 Assembly, two in the
19 Senate. The one in the
20 Senate which was vacated
21 by Senator Ruben Diaz, he
22 was elected to the New
23 York City Council. That's

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1 the middle of the month
2 following the State of the
3 State on January 3rd. As
4 was mentioned before, we'd
5 like to try get the Death
6 Gamble Bill, which was
7 vetoed, one of the reasons
8 stated was the cost. We
9 hope to get that
10 legislation and that
11 language enacted into a
12 budget bill, so we can
13 take it from that aspect
14 rather than go through the
15 legislative process and
16 looking at a veto.

17 We've been doing prison
18 tours pretty consistently
19 throughout the state.
20 We've hit about fifteen or
21 so just this fall. Some
22 facilities we've done
23 multiple visits with and

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1 with a variety of
 2 different legislators.
 3 We'll continue to do that
 4 next week. We'll be
 5 hitting the Malone jails
 6 and Attica on Monday.
 7 And it will probably
 8 die down over the winter
 9 months, but we'll be
 10 ramping that up again once
 11 the legislators are back
 12 in session. We'll try to
 13 get some of those folks
 14 out on the road, maybe on
 15 their way back to their
 16 districts or coming to
 17 Albany, to see if they'll
 18 stop off the Thruway or
 19 the Northway, wherever the
 20 case may be, and visit a
 21 prison; visit with our
 22 members and get a better
 23 understanding of the jobs

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1 opening experience.

2 So we're going to
 3 continue to invite them to
 4 the facilities and educate
 5 them as far as with the
 6 jobs that you guys do.
 7 We're going into the
 8 second year of the
 9 legislative cycle. So
 10 that means all the bills
 11 that we've been pursuing
 12 have already been issued
 13 bill numbers, have bill
 14 sponsors. They don't have
 15 to be reintroduced this
 16 year.

17 They continue with the
 18 same bill numbers and they
 19 go back to the beginning
 20 of the process of going
 21 through the committees and
 22 working its way to the
 23 floor for a vote.

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1 that you all do.
 2 One of the things I did
 3 notice on these tours is
 4 that, like Patti Richie,
 5 for instance, she's
 6 pretty well versed in
 7 corrections issues and has
 8 a pretty good finger on
 9 the pulse. But there's a
 10 lot of things that she saw
 11 that were really, quite
 12 frankly were discouraging
 13 for her as far as the
 14 morale, with some of the
 15 equipment that's being
 16 used and policies put in
 17 place.
 18 So, it is working. It
 19 is opening up their eyes
 20 and that's one of the
 21 terms that we here pretty
 22 regularly after these
 23 tours is, it was an eye

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1 And we'll be pushing
 2 that as well as the Janice
 3 initiative that we're in
 4 the works with creating
 5 with all the other
 6 organizations and some
 7 other law enforcement
 8 unions across the state.

9 So it's going to be a
 10 busy next couple months.
 11 And I'll be keeping
 12 updated best we can with
 13 any new developments that
 14 occur. Is there any
 15 questions I'd be happy to
 16 attempt to answer it. If
 17 not, that concludes my
 18 report. Ted?

19 TED NEVILLS: Ted
 20 Nevills, Watertown. Dan,
 21 what's the status of the
 22 amended proposal to the
 23 aggravated harassment law?

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1 DAN VALENTE: The one
2 that would include saliva?

3 TED NEVILLS: Yes.

4 DAN VALENTE: The bill
5 was introduced. We moved
6 it through the Senate last
7 year, it didn't move in
8 the Assembly which remains
9 the hurdle. That bill
10 will go to the Assembly
11 codes committee, which is
12 considered where bills go
13 to die.

14 Any type of legislation
15 that is going to increase
16 penalties or add other
17 statute to the penal law,
18 Assembly democrats don't
19 look kindly on those bills
20 and typically don't take
21 them up.

22 So we're going to have
23 to continue to push that

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1 retirement seminar for
2 just your facility. They
3 bring in the retirement
4 folks to do numbers,
5 preferred comp, civil
6 service, social security.

7 So it's like a
8 full-fledged GOER
9 retirement seminar that
10 you only get once a year,
11 but the nice thing about
12 doing it at the facility
13 is you can go multiple
14 times.

15 One of the other things
16 we've been successful in
17 is stream lining the
18 deferred comp process when
19 you retire to utilize your
20 two thousand dollars of
21 deferred comp money
22 towards your health
23 insurance.

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1 legislation and inform the
2 legislator when we're
3 meeting with them of the
4 importance of that piece
5 of legislation and we're
6 going to continue to fight
7 to get it enacted.

8 TED NEVILLS: Thanks.

9 DAN VALENTE: You're
10 welcome. Anything else?
11 All right. Thanks. Happy
12 holidays.

13 PRESIDENT POWERS: Bill
14 Naylor?

15 BILL NAYLOR: Good
16 afternoon. Retirement
17 resource days are
18 continuing. Still trying
19 to get other facilities in
20 to this. Again, just a
21 quick overview.
22 Retirement resource days
23 essentially is a

166

1 So, I developed a
2 packet. It's out on the
3 table for just the
4 deferred comp process. I
5 actually got deferred comp
6 to agree to accept the
7 letter that comes from
8 civil service that shows
9 how much your sick leave
10 credit will be and how
11 much your monthly premium
12 will be, instead of having
13 to wait for the bill to
14 come from civil service.

15 So you can get ahead of
16 the curve on that and get
17 it set up before the bill
18 actually hits. New York
19 State Retirement still
20 going on with their pilot
21 program. They've actually
22 started to incorporate our
23 folks into the direct

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1 deposit program.
 2 So now we have folks
 3 that actually as soon as
 4 they retire, they're
 5 advanced payments are
 6 coming via direct deposit.
 7 It hasn't been set up for
 8 everybody yet, they're
 9 still picking and choosing
 10 who they want to place in
 11 the program, but that's --
 12 we're starting to get more
 13 and more of our member
 14 into that.
 15 The open enrollment
 16 periods for NYSCOPBA
 17 dental and VSP, elections
 18 will be from February
 19 1st -- or February to the
 20 first week of March. The
 21 dental should be effective
 22 April 1st and VSP will be
 23 effective May 1st.

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1
 2 PRESIDENT POWERS: Any
 3 nays?
 4
 5 (No response.)
 6
 7 PRESIDENT POWERS:
 8 We'll move into committee
 9 reports. Mike Mazzella,
 10 Grievance and Legal.
 11 VP MID-HUDSON MAZZELLA:
 12 Good afternoon, Mike
 13 Mazzella, Mid-Hudson
 14 Region Vice President.
 15 Chairman of the Grievance
 16 and Legal Committee.
 17 Grievance and Legal
 18 Committee convened on
 19 October 20th, 2017. Three
 20 grievances were heard and
 21 reviewed by the committee.
 22 The grievances reviewed
 23 involved issues of

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1 Chapter stats, we added
 2 210 retirees to the chapter
 3 over the last three
 4 months. Three honorary
 5 members. We had
 6 twenty-five members pass.
 7 Twenty-one failed to
 8 renew. And our membership
 9 right now is at nine
 10 thousand, nine hundred and
 11 thirty-four. Any
 12 questions for me?
 13 Thank you.
 14 PRESIDENT POWERS:
 15 Thanks, Bill. That
 16 concludes today's agenda.
 17 Can I have unanimous
 18 consent to move in to
 19 tomorrow's? All signify
 20 by saying aye.
 21
 22 (All respond with
 23 "aye".)

170

1 Workers' Compensation and
 2 counselings. As a result
 3 of the meeting, the
 4 committee recommended that
 5 two grievances be closed
 6 and one grievance is to be
 7 tabled in order to receive
 8 more information.
 9 That is all. Any
 10 questions, comments,
 11 concerns? Seeing none,
 12 thank you.
 13 PRESIDENT POWERS: Pete
 14 Stetz in the room? Joe
 15 Bellinger, election. Or
 16 Heath Allen, Election.
 17 HEATH ALLEN: Heath
 18 Allen, Franklin
 19 Correctional Facility.
 20 I'm the new chairperson
 21 for the election
 22 committee. We had a
 23 statewide election count.

172

1 We mailed out 20,976
2 ballots; we received seven
3 thousand, three hundred
4 and forty-five ballots.
5 We had to set aside
6 thirteen ballots. And the
7 total counted was seven
8 thousand, three hundred
9 thirty-two ballots.

10 The election results
11 were president, Michael
12 Powers got 4226 votes.
13 Richard Harcrow got 2981
14 votes. David Tessmer for
15 Vice President got 3134
16 votes. Tammy Sawchuk got
17 4025 votes. Treasurer,
18 Shawn Carlson got 2803
19 votes. Toby Hogan got
20 4221 votes.

21 Recording Secretary,
22 Mark DeBurgomaster got
23 3093 votes. Chris Summers

173

1 got 3954 votes. Law
2 enforcement, John Harmon
3 got 448 votes. And
4 Gregory Carbach got 241
5 votes. Southern Region,
6 Clarence Fisher got 247
7 votes. Dave Luther got
8 218 votes.

9 The election committee
10 received one challenge for
11 the law enforcement VP
12 position. The election
13 committee met. We did not
14 find a basis for the
15 challenging -- for the
16 challenging the results of
17 the election or for taking
18 any other corrective
19 actions.

20 We have some committee
21 vacancies. Grievance
22 Legal Committee, Western
23 region.

174

1 VP WEST MIANO: Joe
2 Miano, Western Region VP.
3 Lucas Short from Auburn.
4 HEATH ALLEN: Lucas
5 Short from Auburn. Okay.
6 We have the legislative
7 and political action
8 committee. We had some
9 changes there.

10 VP NORTH ROBERTS: John
11 Roberts, Northern Region
12 VP. Kevin Aldous, for
13 PAC, Riverview.

14 HEATH ALLEN: And you
15 had the Rainy Day Recall.

16 VP NORTH ROBERTS: Jeff
17 Guerin, Altona.

18 HEATH ALLEN: The
19 Judicial and Ethics
20 committee needs three
21 nomination for those
22 positions. Joe
23 Christiano, Don Molino and

175

1 Eric Wagner.
2 JOE BELLINGER: We're
3 seeking nominations for
4 the alternatives for the
5 judicial and ethics
6 committee. Is there any
7 nominations for the
8 alternates? All regions,
9 yes, statewide. Seeing
10 none.

11 HEATH ALLEN: That's
12 all I got. Any questions?
13 I want to thank Joe for
14 giving me a hand. He's a
15 really great man for
16 everything he's done.
17 Give him a hand.

18
19 (All applause.)

20
21 PRESIDENT POWERS:
22 Stand by. Could I have
23 Joe Bellinger come back up

176

1 here, please. In the
2 event that some of you may
3 not know, Joe Bellinger
4 recently retired from
5 Willard. Joe is a
6 long-time union man,
7 member of this hall for
8 many, many years.

9 He chaired our Election
10 Committee, one of the more
11 difficult committees to
12 chair. He ran into many
13 obstacles along the way,
14 always kept pretty much
15 the same chagrin on his
16 face that he's carrying
17 right now. He always kept
18 it to himself. He did a
19 good job on behalf of
20 NYSCOPBA.

21 At this time I'd like
22 to present an appreciation
23 plaque to Joe, for his

177

1 your dedication as a union
2 representative. Your
3 service as a chief sector
4 steward for over fifteen
5 years and Election
6 Committee chair, bear
7 testament to your
8 dedication, commitment to
9 the members of NYSCOPBA.

10 From the membership of
11 NYSCOPBA, we congratulate
12 you on your retirement.
13 We wish you nothing but
14 the very best and we
15 appreciate all the help
16 over the years and we may
17 come calling again, you
18 never know. Thank you,
19 Joe.

21 (Standing ovation and
22 all applause.)
23

179

1 years of service to
2 NYSCOPBA, to the Election
3 Committee; and to the
4 members of NYSCOPBA as a
5 whole. As I mentioned,
6 how many years --
7 twenty-five years of
8 service. I believe he has
9 a phone call from Doug
10 Westervelt. Whenever Joe
11 went up to the podium to
12 give his Election
13 Committee report, Joe
14 would get a phone call
15 from Doug Westervelt.

16 So it gives me great
17 honor in recognition to
18 Joe Bellinger with
19 appreciation for close to
20 thirty years of devoted
21 service, in recognition to
22 your public service for
23 the State of New York and

178

1 PRESIDENT POWERS:
2 Dave Luther, PAC.

3 DAVE LUTHER: Good
4 afternoon. 2017 balance
5 sheet for NYSCOPBA PAC
6 accounts as of December
7 5th. Starting balance as
8 of the 30th of October was
9 sixty-six thousand
10 seventy-four dollars.
11 Deposits and transfers,
12 there was a transfer in
13 October of twenty-five
14 thousand and transfer in
15 November of twenty-five
16 thousand, for a total
17 income increase of fifty
18 thousand.

19 Checks paid equaled
20 seven thousand, nine
21 hundred, which was our
22 total expense,
23 seventy-nine hundred. An

180

1 ending balance of a
 2 hundred and eight
 3 thousand, one hundred
 4 seventy-four dollars.
 5 The expenditures this
 6 year 2017 to date, are two
 7 hundred fifty-six
 8 thousand, nine hundred
 9 eighty-five. Thank you.
 10 That concludes the account
 11 report.

12 PRESIDENT POWERS

13 Thank you, Dave. Tammy, J
14 and E.

15 EXECUTIVE VP SAWCHUK:

16 J and E Committee met on
 17 10/23/17, Case Number 259.
 18 It was for additional
 19 screening of charges. The
 20 committee voted
 21 unanimously to dismiss the
 22 case. The charging party
 23 appealed the decision to

1 Association, and the term
 2 of office for Sector
 3 Stewards shall be three
 4 years, except for the
 5 initial election. To be
 6 eligible to run for and
 7 hold the office as a
 8 Sector Steward, one must
 9 be an active member and
 10 continuous good standing
 11 for no less than six
 12 consecutive months at the
 13 time of nomination.

14 The writer is looking
 15 to strike the following:
 16 The Sector Stewards shall
 17 elect one steward from
 18 that sector as Chief
 19 Sector Steward, and add
 20 the following language:
 21 To be eligible to run for,
 22 be elected and hold the
 23 office of Chief Sector

1 the board. The board met
 2 on 11/21/17 and
 3 unanimously voted to deny
 4 the appeal, Case 259.

5 PRESIDENT POWERS: Pete
 6 Stetz, Constitution and
 7 Bylaws.

8 PETE STETZ: We had two
 9 proposals brought to our
 10 committee. The first one
 11 being Article 6, election
 12 of officials, submitted by
 13 Willie Ruland Mid-Hudson
 14 Psych. Going down to the
 15 middle paragraph, Section
 16 A, Sector Stewards.

17 Election of Sector
 18 Stewards shall be held for
 19 each sector as soon as
 20 practicable and in any
 21 event, not more than six
 22 sixty days following
 23 certificate of the

1 steward one must be in and
 2 maintain continuous good
 3 standing, and have served
 4 at least one term as a
 5 Sector Steward at the time
 6 the Sector Stewards elect
 7 a Steward from that Sector
 8 as a Chief Sector Steward.
 9 Yeah, at least one term as
 10 Sector Steward at the time
 11 the Sector Stewards elect
 12 a steward from the sector
 13 as chief steward.

14 The committee's
 15 recommendation is
 16 unanimous of non-adoption.
 17 Is there any discussion on
 18 that?

19 (No Response.)

20
 21
 22 PETE STETZ: The second
 23 one is submitted by John

1 Harmon, and it regards the
2 Retiree Committee with
3 dues.

4 In the first paragraph
5 going down, the Executive
6 Board shall compute and
7 announce the amount of the
8 revised dues whenever
9 there is to be an increase
10 in dues based on an
11 increase in salary.

12 Looking to strike, dues
13 for associate members
14 shall be twenty-five
15 dollars per year and also
16 strike, there shall be no
17 dues for honorary members.
18 He's looking to add the
19 following paragraph to --
20 or basically a new Section
21 C, Retiree Chapter
22 Account.

23 NYSOPBA will establish

1 members. As of October 24
2 of this year, associate
3 member dues totalling
4 \$224,000 which represents
5 the dues of \$25 dollars a
6 year collected from 8,967
7 of the 9,886 chapter
8 members. Recall that it
9 is a policy that the first
10 year of the membership is
11 at no cost to the member.
12 The amount paid out as of
13 October 24th, 2017 for the
14 associate members total
15 \$528,506 which represents
16 a deficit \$304,106. To
17 mitigate this deficit, it
18 is proposed to increase
19 associate member and
20 honorary member dues.
21 This will be done by
22 recommendation of the
23 Retiree Committee with

1 a retiree chapter account.
2 The dues to pay for the
3 Retiree Chapter Account
4 shall be paid by each
5 associate member and
6 honorary member within the
7 Retiree Chapter, an amount
8 recommended by the Retiree
9 Committee with approval of
10 the Executive Assembly.
11 The account will be used
12 to provide associate
13 members (retirees) with
14 benefits. This will be a
15 dedicated account and
16 cannot be used for any
17 other purpose.

18 The wisdom,
19 historically the associate
20 member (Retiree Chapter)
21 dues income has not been
22 sufficient to fully fund
23 benefits provided to

1 approval of the Executive
2 Assembly.
3 NYSOPBA would open a
4 designated bank account
5 and transfer the money
6 collected from the
7 associate members dues
8 from the general account
9 to the designated account.
10 The designated Retiree
11 Chapter account will be
12 used for expenditures
13 accrued by the Retiree
14 Chapter. A financial
15 report of the account will
16 be provided to the Retiree
17 Committee no less than
18 quarterly. The dedicated
19 funds will be used to the
20 benefit of the associate
21 and honorary members
22 (Retiree chapter) and
23 shall not be used for any

1 other purposes.
 2 When we first met on
 3 this and discussed it at
 4 our committee back in
 5 November, the Committee
 6 was in favor of adopting
 7 this. Since that we've
 8 had discussion and we are
 9 withdrawing that. And as
 10 the writer will explain in
 11 a few minutes, we felt as
 12 if there was -- we had
 13 questions that we didn't
 14 see at the time of the
 15 discussion. And at the
 16 time since of November
 17 until today, we've
 18 addressed that with the
 19 writer and he will clarify
 20 that for us.
 21 DONN ROWE: Pete, point
 22 of order. Was the
 23 amendment sent to the

189

1 way to stop the -- to
 2 decrease the impact on the
 3 organization as a whole,
 4 considering the three
 5 hundred and forty thousand
 6 dollar yearly budgetary
 7 item.
 8 So we came up with some
 9 differing ideas on what to
 10 do. I told the committee
 11 that I'm just there as a
 12 board member to kind of
 13 chair it. The Retiree
 14 Committee, the retirees
 15 should be making their own
 16 decisions because they are
 17 the retirees.
 18 There's been lots of
 19 conversations amongst the
 20 committee, the retiree
 21 specialists, Billy Naylor,
 22 the Constitution and
 23 Bylaws Committee. Talked

191

1 Finance Committee?
 2 PETE STETZ: It came
 3 from their committee to us
 4 and this is where we
 5 stand.
 6 DONN ROWE: Pursuant to
 7 the constitution, it needs
 8 to be referred to the
 9 Finance Committee -- needs
 10 to be sent to the Finance
 11 Committee.
 12 VP LAW ENFORCEMENT
 13 HARMON: John Harmon, Law
 14 Enforcement Vice
 15 President. My first
 16 meeting with the Retiree
 17 Committee the dues
 18 structure of course was
 19 the large topic of
 20 conversation, either
 21 trying to find a way to
 22 make it completely
 23 self-sufficient or find a

190

1 to Attorney Billy
 2 Goldman this morning, he
 3 had issues with the
 4 language in the actual
 5 amendment as it was
 6 drafted. Former President
 7 Rowe just said there's
 8 issues of not bringing it
 9 to the finance committee.
 10 I think before it's
 11 withdrawn there does need
 12 to be discussion about how
 13 the organization is going
 14 to achieve this fix. We
 15 definitely need a fix in
 16 the future; the very near
 17 future. And it's up for
 18 debate but it has to be
 19 fixed.
 20 I would suggest this
 21 needs to be fixed prior to
 22 June, which would mean
 23 that an amendment would

192

1 have to be in now or, you
2 know, before the February
3 EA for a first reading;
4 second reading in April.
5 And then if the membership
6 so chooses, send it out
7 for a vote.

8 It is a big issue. It
9 is a big issue not just
10 for retirees and the
11 future of the retire
12 chapter, and all retirees,
13 whether present or in the
14 future; but as it is for
15 the organization when
16 we're dealing with
17 possible budgetary issues
18 with Janus versus AFSCME,
19 and a three hundred fifty
20 thousand dollar hit in our
21 budget.

22 So, before I withdraw
23 it, I know Business Agent

193

1 somebody had made mention
2 earlier about the legal
3 defense fund, and actually
4 Bill Conroy even mentioned
5 it to me when we were
6 sitting here earlier.

7 But I think if this
8 body come February is
9 acceptable to an amendment
10 for the legal defense fund
11 to put a cap on it, and
12 I'll just throw out a
13 figure, let's say a
14 million and a half
15 dollars, the rest of the
16 money that is in there
17 could be used to offset
18 the cost of the retiree
19 chapter.

20 Now, what that does is
21 that keeps the active
22 members, you folks in this
23 room that are voting on

195

1 Mothershed has a few
2 things to say.

3 AL MOTHERSHED: Al
4 Mothershed, Western
5 Region. Mr. President,
6 I'm assuming it's okay to
7 speak. Obviously there's
8 been a lot of effort put
9 into trying to have the
10 retirement fund
11 self-funded so that the
12 retirees will not have to
13 worry about something
14 happening to their
15 benefits when Janus hits.

16 So, we're looking at
17 trying to find some ways
18 that include an increase
19 in the dues that we can
20 take care of
21 constitutionally not just
22 through the dues increase
23 to the retirees, but

194

1 this, that gives you stock
2 in that retiree chapter
3 because you still
4 contribute to the Legal
5 Defense Fund. The
6 retirees cannot vote on
7 anything. They don't vote
8 on motions, they don't
9 vote on how that money is
10 spent or what benefits
11 they may or may not get;
12 you do. The people in
13 this room vote on that.

14 So I've always been a
15 firm believer that the
16 active members should have
17 stock in that chapter
18 somehow. They have always
19 made up the difference
20 between what was paid by
21 the retirees, the balance
22 has always been paid by
23 this body, by this

196

1 organization.
 2 I think that raising
 3 the dues to the retirees,
 4 as much as you know it
 5 kills me because I fought
 6 for years not to do this,
 7 I get what's coming down
 8 the road and I see that it
 9 needs to happen. But I
 10 also see the need for this
 11 body to maintain stock in
 12 that chapter.

13 So by doing the two
 14 amendments in February
 15 that will accomplish all
 16 of that. That keeps your
 17 stock in the chapter, the
 18 retirees dues won't go up,
 19 but it will also offset
 20 the cost of the
 21 organization.

22 VP LAW ENFORCEMENT
 23 HARMON: John Harmon, Law

1
 2 PRESIDENT POWERS
 3 Anybody opposed?

4
 5 (No Response.)
 6

7 PRESIDENT POWERS:
 8 Thank you. Good, Pete.
 9 Thank you. Collective
 10 Bargaining, John, don't
 11 sit down.

12 VP LAW ENFORCEMENT
 13 HARMON: Collective
 14 Bargaining Committee since
 15 the last Executive
 16 Assembly meeting, Mike
 17 Mazzella is the co-chair
 18 with myself and the
 19 Collective Bargaining
 20 Committee.

21 As most everybody
 22 knows, December 6th was
 23 the last time we met with

1 Enforcement Vice
 2 President. At this time
 3 I'll make a motion to
 4 withdraw the amendment to
 5 draft two additional
 6 amendments for February.

7 PRESIDENT POWERS: We
 8 have a motion on the floor
 9 to pull the amendment --
 10 for starters, to send to
 11 the finance committee and
 12 secondly to add -- is that
 13 how you want to do it,
 14 word it that way?
 15 Withdraw the amendment
 16 until it's seen by the
 17 Finance Committee and then
 18 secondly -- no, just
 19 withdraw the amendment.
 20 All in favor signify by
 21 saying aye?

22
 23 (Response of "Aye".)

1 the state since the last
 2 executive assembly
 3 meeting. You probably
 4 already now the point of
 5 contention, most of the
 6 discussion early on was
 7 about the discipline
 8 issues. They brought
 9 forward what the veto
 10 message in the death
 11 gamble indicated.

12 There was no agreement.
 13 We stood fast on what
 14 we've been saying all
 15 along about where we are
 16 with discipline at this
 17 point and there was not
 18 much discussion after
 19 that. We met as a
 20 committee four times since
 21 the last Executive
 22 Assembly meeting, which
 23 includes meeting prior to

1 our negotiation. And
 2 we'll be reaching out to
 3 the state or the state is
 4 going to reach back to us
 5 for dates after the new
 6 year, after the holidays.
 7 Does anybody have any
 8 questions? Okay.
 9 Thank you.

10 BILL STICHT: Bill
 11 Sticht, Collins. What is
 12 the point of contention
 13 with the flyer that was
 14 sent out for the questions
 15 that were on it, about
 16 what we were looking for?
 17 Because I thought the
 18 Executive Assembly was
 19 pretty clear about what
 20 we were looking for.

21 VP LAW ENFORCEMENT
 22 HARMON: Well, the issues
 23 that came back to the

201

1 are we going to go to
 2 impasse.
 3 VP LAW ENFORCEMENT
 4 HARMON: PERB made it
 5 clear that we had to still
 6 be at the table.

7 BILL STICHT: Did they
 8 say how long?

9 VP LAW ENFORCEMENT
 10 HARMON: No. Until
 11 there's absolutely no --
 12 until there's no movement
 13 at all. I mean, right
 14 now --

15 BILL STICHT: Seems
 16 it's almost at that point.

17 VP LAW ENFORCEMENT
 18 HARMON: I can't speak
 19 whether it is or isn't,
 20 but it's slow.

21 STEVE MARASCO: Steve
 22 Marasco, Shawangunk. I
 23 remember a few EAs ago

203

1 committee were that
 2 members feel they weren't
 3 informed or didn't have
 4 input even though there
 5 was a survey put out three
 6 years ago or -- yeah,
 7 three years ago. So, just
 8 to bring everybody back up
 9 to speed and to get people
 10 involved with the website,
 11 you know, get people an
 12 understanding what's going
 13 on, we put out another
 14 sort of just questions in
 15 the survey. There's
 16 nothing but information,
 17 that was it. I believe
 18 the issues that the
 19 members raised were right
 20 in that first question.

21 BILL STICHT: So the
 22 State hasn't really come
 23 back with anything, when

202

1 when we talked about this
 2 we were going to go to
 3 impasse. I specifically
 4 remember hearing someone
 5 saying, if all they want
 6 to do is talk about
 7 disciplinary, we were
 8 going to go to impasse.

9 Now, all I understand
 10 is or hear about, that's
 11 all you guys keep talking
 12 about, I have thought
 13 we were going to declare
 14 impasse. I understand we
 15 have to go through the
 16 motions, I understand all
 17 of that, but I don't
 18 understand it, you know
 19 what I'm saying.

20 VP LAW ENFORCEMENT
 21 HARMON: Permission to go
 22 off the record?
 23

204

1 (Response of "Aye".)

2
3 VP MID-HUDSON MAZZELLA:
4 Anyone opposed to go off
5 the record?

6
7 (No Response.)

8
9 (Discussion off the
10 record.)

11
12 PRESIDENT POWERS: Back
13 on the record.

14 VP LAW ENFORCEMENT
15 HARMON: Any more
16 questions? Thank you.

17 PRESIDENT POWERS: We
18 do have one piece of
19 unfinished business. It's
20 a motion from Mark
21 DeBurgomaster out of
22 Southport and Andy Rice
23 out of Elmira.

205

1 proposed budget and not
2 the minimum of six as
3 stated in the NYSOPBA
4 Constitution, would
5 adversely affect the flow
6 of information at the
7 sector level, and place
8 limitations on the
9 involvement of the
10 membership from the
11 facilities.

12 Again, the motion is
13 made by Mark
14 DeBurgomaster, Southport;
15 seconded by Andy Rice.
16 Don?

17 DONN ROWE: Rowe, Hale
18 Creek, point of order.
19 The budget is unfinished,
20 that's new business.

21 PRESIDENT POWERS: I
22 stand corrected. I
23 apologize, 2018 budget,

207

1 Motion reads, to use
2 NYSOPBA's reserve monies
3 to restore cuts in the
4 2018 proposed budget for
5 Sector Operations and
6 remove the imposed
7 limitation of only six
8 sector meetings a year.

9 The wisdom behind the
10 motion is, the NYSOPBA
11 Constitution Article XIII
12 Section B, outlines the
13 primary purpose of the
14 Sector meetings is to
15 disseminate information to
16 the membership, solicit
17 input on issues affecting
18 the members in that
19 sector, and to resolve
20 disputes that arise at the
21 sector level. Limiting
22 sector meetings to only
23 six as outlined in the

206

1 Toby?

2 VP WEST MIANO: I just
3 want to recognize Joe
4 Butler from Gowanda. He's
5 been a long time steward,
6 a long time chief. He's
7 going to be retiring at
8 the end of the month.
9 This will be his last EA.
10 He's in the back of the
11 room and I just want to
12 wish him well in his
13 future endeavors.
14 Thank you very much, Joe.

15
16 (Standing ovation and
17 applause.)

18
19 PRESIDENT POWERS: Can
20 we have the Sergeant at
21 Arms come up, please? We
22 need these handed out to
23 the chief sector stewards.

208

1 TREASURER HOGAN: The
2 recommendation of the
3 finance committee was to
4 add the 25/9 money back
5 into the budget and I'm
6 passing you out an amended
7 copy of the budget.

8 Does everybody have a
9 copy of the old budget
10 given out this morning in
11 the packet, the budget
12 proposal that was in your
13 packet this morning? So,
14 can you put them
15 side-by-side, old budget,
16 new budget.

17 DONN ROWE: Rowe, Hale
18 Creek. I make a motion
19 that we divide the
20 question and go line by
21 line. I only have four
22 lines that I want to talk
23 about, Toby.

209

1 that too?

2 TREASURER HOGAN: Yes.

3 DONN ROWE: 4085 should
4 be \$894,830.00. 4810
5 should be \$85,833.00, if
6 you go by the last
7 contractual numbers.

8 TREASURER HOGAN: I
9 don't have -- I don't have
10 all that in front of me.

11 PRESIDENT POWERS:
12 Dave?

13 DAVE VIDDIVO: Those
14 two line items are
15 combined in that line
16 total. They always have
17 been when I present the
18 budget. It's nine hundred
19 sixty thousand dollars for
20 those two items are
21 combined in that one line
22 item. So those numbers,
23 Don, I believe are

211

1 TREASURER HOGAN: The
2 recommendation from the
3 Finance Committee, go down
4 to line 4850, the 25/9
5 money was added back in;
6 nine hundred and sixty-two
7 thousand.

8 DONN ROWE: Rowe, Hale
9 Creek. You go 25/9 money
10 at forty-one sixty-two,
11 twenty-one thousand five
12 hundred members --

13 TREASURER HOGAN: Where
14 are you at?

15 DONN ROWE: Talking
16 about 4850.

17 TREASURER HOGAN:
18 Employee benefits?

19 DONN ROWE: Yeah.

20 TREASURER HOGAN: Yeah.

21 DONN ROWE: How did you
22 come up with your amount?
23 Did you add 1210 money in

210

1 accurate. Add them
2 together, it's rounded,
3 nine hundred -- I'll get a
4 calculator.

5 TREASURER HOGAN: Nine
6 eighty-six --

7 DONN ROWE: Nine
8 hundred eighty thousand,
9 six hundred and sixty.

10 DAVE VIDDIVO: Is that
11 what you got, Mike? The
12 last 25/9 money per
13 member, we based it on
14 twenty-one thousand
15 members and I rounded it
16 up to the actual amount of
17 members. We rounded it to
18 twenty-one thousand,
19 that's the difference. He
20 just added some members.
21 What did you use,
22 twenty-one five? More
23 money to spend.

212

1 TREASURER HOGAN: So we
2 include nine hundred
3 eighty thousand, six
4 hundred and sixty. The
5 next line --

6 PRESIDENT POWERS: All
7 in favor signify by saying
8 aye?

9
10 (Response of "aye".)

11
12 VP MID-HUDSON MAZZELLA:
13 You got a lot of people
14 confused.

15 STEVE MARASCO: Go back
16 a step.

17 DONN ROWE: Rowe, Hale
18 Creek. All we're doing
19 here is simply adding the
20 anticipated income of 25/9
21 and 1210 money in the
22 contract, which has been
23 in the contract since 1977

213

1 employee payroll went up
2 seventy-two thousand
3 dollars. We added Dave
4 Viddivo on the payroll, he
5 would actually come off
6 the union leave part which
7 is at the bottom. Members
8 benefits, line 5680, went
9 up forty-five thousand.
10 We raised scholarships
11 from two fifty to three
12 twenty-five.

13 Line 5726, legislative
14 related expense, that
15 went -- that's the same;
16 that stayed the same. No,
17 wait a minute. He got
18 refunded fully, that's
19 back to where it was in
20 the beginning. It was at
21 one fifty-five, it went
22 back up to three hundred.

23 Line 5730, postage and

215

1 and 1982. The previous
2 proposed budget it was not
3 in it. Now it's in the
4 budget, so we have to
5 accept it as a divided
6 question or reject it.

7 TREASURER HOGAN: Line
8 4850 and 4810, added back
9 in the budget would be
10 nine hundred eighty
11 thousand, six hundred and
12 sixty. All in favor?

13
14 (All respond with
15 "aye".)

16
17 TREASURER HOGAN:
18 Opposed?

19
20 (No response.)

21
22 TREASURER HOGAN: Okay.
23 Moving on. Line 5100,

214

1 mailings, it went up from
2 sixty-four thousand back
3 to seventy-five That was
4 for the, if we got to send
5 anything out for Janus
6 versus AFSCME, we
7 anticipate stuff like
8 that.

9 Line 5735, printing and
10 outside copying. Went
11 from sixty-four to a
12 hundred for the same
13 reason, Janus versus
14 AFSCME.

15 VP MID-HUDSON MAZZELLA:
16 Mike Mazzella, Mid-Hudson.
17 Let me start off by saying
18 Toby, I love you Brother.
19 I just wanted you to know
20 that before. You're
21 reading numbers, for
22 instance, you said line
23 5735, what did you say it

216

1 was at and what it went
2 up?
3 TREASURER HOGAN: It's
4 at a hundred and it was at
5 sixty-four.
6 VP MID-HUDSON MAZZELLA:
7 The one that you just
8 handed out has different
9 numbers altogether. I
10 mean, the 2018 budget.
11 But the 2017 is different
12 numbers, that's all. I
13 got lost. For instance,
14 you just said postage and
15 mailings, my sheet here
16 says 2018 budget,
17 seventy-five thousand;
18 2017 budget, seventy-five
19 thousand.
20 TREASURER HOGAN:
21 That's off the old budget,
22 budget proposal.
23 VP MID-HUDSON MAZZELLA:

217

1 Okay. So you're saying
2 you increased it off the
3 old budget. I thought
4 you were reading last
5 year's numbers compared to
6 this year.
7 TREASURER HOGAN: I
8 love you too. Line 5750,
9 office expenses supplies.
10 One twenty-five, it went
11 up twenty-five thousand on
12 that line. 5760 travel
13 costs, 1.3.
14 MIKE CARLSON: I
15 thought the reason we have
16 the committee meetings
17 here that was sold to us
18 was so that would go down,
19 expenditures would go down
20 because we wouldn't have
21 to put people up to
22 Albany, we wouldn't have
23 to have so many rooms.

218

1 Why would it go up a
2 hundred and fifty when
3 we're actually told that
4 it would be a savings to
5 do it this way?
6 TREASURER HOGAN:
7 Right. The idea behind
8 the Finance Committee's
9 recommendation was, we
10 have steward training
11 going on, we have -- you
12 know, if we send anybody
13 out to educate the members
14 on what NYSCOPBA does for
15 the members and stuff like
16 that. You know, that was
17 had the idea.
18 MIKE CARLSON: A
19 cushion?
20 TREASURER HOGAN: If we
21 need it, it's there. Line
22 5810, consulting and
23 temporary staff, one

219

1 fifty-eight. It went up
2 fifty-eight thousand.
3 That was for lobbying
4 Chris Duryea and Baker
5 Associates in anticipation
6 of having them on a
7 contract.
8 Line 5840, public
9 relations, went up nine
10 hundred fifty thousand
11 from seven hundred
12 thousand. So two hundred
13 fifty thousand in case we
14 have a Janus versus AFSCME
15 fight. 5840, regional
16 public relations went back
17 up. That's for your
18 regions for any PR in your
19 regions. That went up a
20 hundred thousand.
21 Line 5920, sector
22 operations; meeting,
23 telephone, travel, office.

220

1 That went up from seven
2 hundred sixty-one thousand
3 to 1.11. 9130, union
4 leave bill, that went down
5 due to the loss of Dave
6 Viddivo on the payroll.

7 And line 8000, bills,
8 expenses, utilities,
9 maintenance, real estate
10 taxes, that went up to two
11 seventy and that's to help
12 get the -- in case we need
13 money to get the ground
14 floor rented and we got to
15 do any repairs.

16 And that's it. The
17 total expense added in an
18 amount --

19 DONN ROWE: Rowe, Hale
20 Creek. Toby, what's the
21 cut on sector operations.
22 We went from 1.4 to 1.011.
23 So there was a cut of

221

1 the difference.

2 TREASURER HOGAN: So it
3 actually went up.

4 DAVE VIDDIVO: Correct,
5 it did. It was carved out
6 of 5920. It was in that
7 budget line when it was
8 1.4 million, we carved it
9 out, because we changed
10 the way we spend money at
11 the sectors to one fund.
12 You got it or no?

13 That money was in that
14 one line, that seven
15 hundred thirty-one that's
16 below it, that was in that
17 line. That was part of
18 the 1.4 million dollar
19 budget for this year.

20 DONN ROWE: Why do we
21 have a reduction of three
22 eighty-nine?

23 DAVE VIDDIVO: Do you

223

1 three hundred eighty-nine
2 thousand.

3 TREASURER HOGAN:
4 Scholarship spending went
5 down.

6 DONN ROWE: That's it?

7 TREASURER HOGAN: It
8 went from five hundred
9 thousand on scholarships
10 down to three twenty-five.

11 DONN ROWE: You said
12 that was in 5680.

13 TREASURER HOGAN: Dave?

14 DAVE VIDDIVO:

15 Permission to speak?

16 Thank you. If you look
17 below that, 5924, seven
18 hundred and thirty-one
19 thousand dollars was
20 carved out of there.
21 That's the new 34 dollar
22 per man. We set up a new
23 line item for that There's

222

1 have your back-ups up
2 there?

3 DONN ROWE: I'm good
4 with it. I just didn't --

5 DAVE VIDDIVO: So, when
6 you're talking 5920, it's
7 at seven sixty-one right
8 now, it was 1.4. This is
9 the -- I'm looking at the
10 budget prior to putting
11 the money back in. Are
12 you looking at the new
13 budget? When we put the
14 twenty-five back in,
15 that's what you're looking
16 at? 1.011?

17 Okay. So three hundred
18 eighty-nine thousand
19 dollars is carved out
20 because of A, the sector
21 funding change; and B, the
22 charity money. See it
23 down there? That five

224

1 hundred dollars, that two
2 hundred eight thousand is
3 part of that as well.
4 It's no longer in. We
5 combined all three.

6 Does that make sense to
7 you guys or no? It's one
8 unit. It's 34 dollars per
9 member for all three of
10 those.

11 DONN ROWE: Three
12 eighty-nine out of 5920.

13 DAVE VIDDIVO: Three
14 eighty-nine we took out.
15 You're asking what that
16 is? It was part of the
17 special sector funding,
18 yes.

19 TREASURER HOGAN: So
20 the finalized total
21 expense number at the very
22 bottom would be fourteen
23 million, six hundred

225

1 Toby, why don't you just
2 put it in the building
3 line so if you're going to
4 do improvements to the
5 building you got money
6 there and if you don't use
7 it, you don't use it.

8 TREASURER HOGAN:
9 Everybody hear that?

10 We're going to add
11 eighteen thousand, eight
12 hundred sixty to the
13 building expense line.
14 The building line number
15 would be two hundred
16 eighty-eight thousand, six
17 sixty. Any other
18 questions on the budget?
19 All in favor of the
20 proposed budget say aye?

21
22 (Response of "aye".)
23

227

1 thirty-one thousand, seven
2 hundred and six.

3 DAVE VIDDIVO: So you
4 guys have twenty thousand
5 dollars you got to spend
6 on something.

7 TREASURER HOGAN: Okay.
8 So back up to total
9 income. Total income
10 number is fourteen
11 million, six hundred and
12 thirty-one, seven sixty.
13 The grand total is
14 eighteen thousand, six
15 hundred and sixty.
16 Anybody have any requests
17 on where you want to put
18 it, what line?

19 MIKE CARLSON: Give it
20 back to the members.

21 TREASURER HOGAN: A
22 dollar a piece?

23 UNIDENTIFIED SPEAKER:

226

1 TREASURER HOGAN:
2 Anyone opposed? Go to the
3 mic.

4 STEVE MARASCO: Steve
5 Marasco, Shawangunk. Can
6 I state the reason? I
7 just don't see us voting
8 on a budget for money we
9 don't have, talking to the
10 Collective Bargaining
11 Committee, there's no sign
12 of a contract anywhere in
13 our future but we're going
14 to spend money we don't
15 have. And, I keep hearing
16 about Janus versus AFSCME
17 that's more money we don't
18 have to spend, but we're
19 spending it. That's all.
20 I just can't approve it.
21 I didn't feel like bashing
22 you up there, it just
23 doesn't make sense to me.

228

1 TREASURER HOGAN:
2 You're not bashing me.
3 DAVE VIDDIVO: Finance
4 Committee this week, did
5 you want to add fifty
6 thousand dollars for
7 possible contract vote
8 this year? Did you guys
9 discuss that?
10 TREASURER HOGAN: I
11 think we should.
12 DAVE VIDDIVO: So the
13 fifty from the PR could go
14 to that nine hundred and
15 put fifty in the budget
16 above that.
17 TREASURER HOGAN: Did
18 everyone hear it? We're
19 going to take fifty
20 thousand off the PR line
21 and add it to the
22 arbitration line in case
23 we go back to arbitration.

229

1 it up to 5830, in to
2 arbitration for the
3 mailing purposes.
4 Everybody understand? All
5 in favor signify by saying
6 aye?

8 (Response of "aye".)

10 PRESIDENT POWERS:
11 Anybody opposed? Steve,
12 still on the record?
13 TREASURER HOGAN:
14 Thank you. Budget passed.
15 PRESIDENT POWERS:
16 Unfinished business.
17 Mark?
18 MARK DEBURGOMASTER:
19 New business, Mark
20 Deburgomaster, Southport.
21 Withdraw that motion.
22 PRESIDENT POWERS: The
23 motion I read in earlier

231

1 PRESIDENT POWERS: Is
2 it a recommendation from
3 the Finance Committee?
4 DAVE VIDDIVO: That was
5 what they decided at the
6 meeting, it just wasn't
7 changed on that sheet for
8 some reason. It's fifty
9 thousand dollars in case
10 there's a contract vote,
11 not arbitration, a
12 contract vote.
13 PRESIDENT POWERS:
14 Which obviously we're all
15 well aware that it costs
16 money to have these
17 ballots mailed out. So,
18 with that being said, line
19 5840, public relations
20 media image enhancement is
21 at nine hundred fifty
22 thousand, we take fifty
23 thousand from that, move

230

1 before Donn corrected me
2 here was to have -- the
3 motion read to have the
4 25/9 monies come in.
5 Enacting the recent
6 budget, that motion has
7 been withdrawn. All
8 signify by saying aye --
9 Andy, you're still
10 seconding it?
11 ANDY RICE: Rice, yeah.
12 PRESIDENT POWERS: All
13 in favor signify by saying
14 aye.
15
16 (All respond with
17 "aye".)
18
19 PRESIDENT POWERS:
20 Anybody, opposed?
21 Thank you. As we
22 mentioned, we don't have
23 it on the agenda. I'd

232

1 like to add a couple items
2 to the agenda with the
3 consent of the membership.
4 Is everybody okay with
5 that? Signify by saying
6 aye?

7
8 (All respond with "aye".)

9
10 PRESIDENT POWERS:

11 Thank you. I've got a
12 couple of motions here we
13 passed yesterday at the
14 board meeting. One is to
15 retain Chris Duryea with
16 the statewide public
17 affairs. He is going to
18 work -- we mentioned
19 previously a couple months
20 back prior to the end of
21 the legislative session we
22 contracted with him on a
23 month to month basis in

233

1 PRESIDENT POWERS:

2 Anybody opposed?

3
4 (No Response.)

5
6 PRESIDENT POWERS:

7 Thank you. That leads
8 into Keith Jacques,
9 renewing the initial
10 contract that he had
11 regarding legislative
12 activity, drafting and
13 additional lobbying,
14 working in conjunction
15 with Chris Duryea. Six
16 thousand, six hundred and
17 sixty-six dollars and
18 sixty-seven cents a month
19 at eighty thousand dollars
20 a year.

21 This was voted on
22 yesterday by the Board, it
23 was unanimous. Any

235

1 lobbying efforts with
2 Keith Jacques.

3 And we'd like to move
4 forward with that. We
5 have a motion to accept
6 the contract for Chris
7 Duryea for four thousand,
8 five hundred and
9 eighty-three dollars a
10 month; fifty-five thousand
11 dollars a year.

12 The motion is made by
13 the Executive Board.
14 Anybody have any questions
15 regarding Chris Duryea
16 statewide public affairs?
17 Seeing none, I ask for
18 unanimous consent to
19 accept the motion as is?
20 Signify by saying aye.

21
22 (Response of "Aye".)

234

1 questions regarding Keith
2 Jacques?

3 It's pretty much the
4 same retainer that he's
5 always had. Seeing none,
6 can I have unanimous
7 consent to accept the
8 motion? Signify by saying
9 aye.

10
11 (All respond with
12 "aye".)

13
14 PRESIDENT POWERS: Next
15 piece of business. Our
16 Parliamentarian, Steve
17 Anderson. Contract stays
18 the same, the payment
19 stays the same as last
20 year.

21 The motion reads, to
22 renew Steve Anderson,
23 Parliamentarian contract.

236

1 All in favor signify by
2 saying aye.

3
4 (All respond with
5 "aye".)

6
7
8 PRESIDENT POWERS:
9 Anybody opposed?

10
11 (No Response.)

12
13 PRESIDENT POWERS: And
14 the last motion is to
15 renew Catch a Falling Star
16 contract at the same price
17 of four thousand, five
18 hundred and eighty-three
19 dollars and thirty-three
20 cents a month; fifty-five
21 thousand dollars a year.

22 Catch a Falling Star is
23 the additional program

237

1 been in place for three
2 years now, at least three
3 years, 2015. Cindy Goss.

4 She sends us a monthly
5 report and unfortunately a
6 lot of the help that she's
7 giving is increasing. A
8 lot has to do with
9 substance abuse and issues
10 with families and health
11 and finances and the mix.

12 So, with that being
13 said, I'd like to ask for
14 unanimous consent to
15 accept this motion.
16 Signify by saying aye.

17
18 (All respond with "aye".)

19
20 PRESIDENT POWERS
21 Anybody opposed?

22
23 (No response.)

239

1 that we pushed out of -- I
2 believe she's out of
3 Albany. She assists us
4 with a lot of the issues
5 that some of our members
6 fall into whether it be
7 alcohol abuse or domestic
8 incidents or just general
9 health.

10 Since we've taken on
11 this program, the
12 Department kind of had a
13 little bit of push-back
14 with that, recognizing
15 their EAP program was in
16 place. We told them we
17 didn't care and we were
18 going to hire them anyway.

19 It gives them a little
20 more confidentiality for
21 our members and you're not
22 dealing with facility
23 level aspects. They've

238

1
2 PRESIDENT POWERS:
3 Thank you. Is there any
4 other new business? Eric?

5 ERIC WAGNER: Wagner,
6 Attica. NYSCOPBA
7 Executive Board and
8 Executive Assembly, a
9 motion was brought to me
10 at our local sector
11 meeting, the sector wants
12 NYSCOPBA to go after in
13 addition to the current
14 retirement plan of
15 twenty-five years, fifty
16 percent; to include the
17 civilian thirty year,
18 fifty-five age, sixty
19 percent, Article 15 plan,
20 which is the current
21 percentage additional
22 plan.

23 PRESIDENT POWERS: Can

240

1 you bring me the motion?
 2 The motion on the floor is
 3 to NYSCOPBA Executive
 4 Board and Executive
 5 Assembly, the Attica
 6 sector wants NYSCOBPA to
 7 go after in addition to
 8 the current retirement
 9 plan of twenty-five years
 10 fifty percent to include
 11 the civilian thirty year,
 12 fifty-five years of age at
 13 sixty percent. The
 14 Article 15 plan with the
 15 current percentage
 16 additional percentage in
 17 the plan.
 18 Motion is made by Craig
 19 Yackeren out of Attica and
 20 seconded by Dave Lakas and
 21 Eric Wagner out of Attica.
 22 Any discussion with the
 23 motion?

241

1 I apologize. This
 2 isn't on the agenda, I
 3 need sixty percent of the
 4 membership. Could I have
 5 unanimous consent to
 6 entertain this motion?
 7 Signify by saying aye.
 8
 9 (Response of "Aye".)
 10
 11 PRESIDENT POWERS
 12 Anybody opposed?
 13
 14 (No Response.)
 15
 16 VP LAW ENFORCEMENT
 17 HARMON: Just a quick
 18 question. Is this the
 19 legislation to either/or
 20 option, like our safety
 21 security officers
 22 currently have. They can
 23 either choose twenty-five

242

1 and out, or thirty
 2 fifty-five, thirty
 3 sixty-two or thirty
 4 sixty-three, at the time
 5 of their -- they become
 6 ready to retire?
 7 VP WEST MIANO: Joe
 8 Miano, Western Region VP.
 9 Point of order. That
 10 motion should come from
 11 the floor and seconded
 12 from the floor. Those
 13 names on there are local
 14 stewards.
 15 PRESIDENT POWERS: Eric
 16 actually did write it on
 17 here. Eric is the maker
 18 of the motion. Do we have
 19 a second for the motion?
 20 VP LAW ENFORCEMENT
 21 HARMON: I'll second.
 22 PRESIDENT POWERS: John
 23 Harmon seconded. Thanks,

243

1 Joe.
 2 So let me read it in
 3 real quick again. The
 4 Executive Board and
 5 Executive Assembly wants
 6 NYSCOPBA to go after in
 7 addition to the current
 8 retirement plan,
 9 twenty-five years fifty
 10 percent, to include the
 11 civilian thirty year, age
 12 fifty-five, sixty percent,
 13 Article 15 plan, with the
 14 current percentage
 15 additional in the plan.
 16 The motion is made by
 17 Eric Wagner out of Attica
 18 and seconded by John
 19 Harmon. Anymore
 20 discussion? Keith? I'm
 21 sorry, Rich, go ahead.
 22 RICH JANES: Janes, I'd
 23 like to amend that motion

244

1 to include all law
2 enforcement also in that
3 motion. SHTA -- including
4 the SHTAs.

5 PRESIDENT POWERS: I'm
6 assuming it would be all.
7 It encompasses NYSCOPBA
8 members. John?

9 VP NORTHERN ROBERTS:
10 John Roberts, Northern VP.
11 I'd just like to have
12 Keith talk a little bit,
13 I've heard this for many
14 many years about that. He
15 has a very good
16 explanation of issues with
17 this. Because everybody
18 does want it, but just the
19 impact on the state, if we
20 could have a few words
21 from Keith.

22 KEITH JACQUES: The
23 cost associated with a

245

1 certainly is something
2 that other members that
3 have twenty-five year
4 retirement have, they have
5 the ability to have both,
6 as VP Harmon said.

7 But we looked at this I
8 think in 2005, it's
9 extremely, extremely
10 costly. And at the time
11 when the Governor vetoed a
12 bill that cost 13.7
13 million dollars, to think
14 we're going to get any
15 traction on a bill that
16 costs hundreds of millions
17 of dollars -- we can do
18 whatever the body decides.

19 I just don't want to be
20 wasting the body's time.
21 And I don't want us to
22 cast a ship on something
23 like this, when we're

247

1 bill like that would be in
2 the hundreds of millions
3 of dollars. So we can
4 draft, you know, whatever
5 anyone wants. But I think
6 everyone in the room needs
7 to understand that the
8 mere introduction of a
9 bill like that would be
10 perceived by someone of
11 the legislature as doing
12 something for NYSCOPBA, at
13 a time when we're going to
14 ask them to do something
15 really significant with
16 respect to Janice.

17 It just gets very dicey
18 to ask them to introduce a
19 bill that costs four
20 hundred million dollars --
21 it cost hundreds of
22 millions of dollars. It's
23 an expensive proposal. It

246

1 trying to pursue other
2 legislative priorities.

3 PRESIDENT POWERS
4 Thanks, Keith.

5 DONN ROWE: Point of
6 information, 2006 this
7 passed both houses. It
8 took quite awhile to do
9 that. It was vetoed by
10 then Governor Pataki. It
11 was 484, I think.

12 ERIC WAGNER: Can I
13 withdraw the motion and
14 revisit it after Janus?

15 PRESIDENT POWERS: We
16 can revisit it at any
17 time, no question.


18 ERIC WAGNER: I'll
19 withdraw the motion and
20 get it back after the
21 Janus.

22 PRESIDENT POWERS: Any
23 objection to the

248

1 withdrawal? No? Any
 2 other new business? No.
 3 Okay. First off, on
 4 behalf of the Board, new
 5 board, new chiefs, we send
 6 a very genuine heart felt
 7 Merry, Christmas and Happy
 8 Holidays to all. We
 9 recognize the fact that
 10 many of our members are in
 11 harms way, at this point
 12 we got a lot of activity
 13 going on in a lot of
 14 facilities. They're
 15 dangerous places.
 16 Keep in mind your
 17 family, your friends. And
 18 on behalf of everybody,
 19 we'd like to wish you all
 20 a very happy holiday.
 21 Motion to adjourn?
 22 Rice, Elmira; and Ruland
 23 second. All in favor

249

1 STATE OF NEW YORK)
 2 SS:
 3 COUNTY OF ERIE)
 4 I, DARLENE L. JERGE, a
 5 Notary Public in and for the State
 6 of New York, County of Erie, DO
 7 HEREBY CERTIFY that the Minutes of
 8 the EXECUTIVE ASSEMBLY were taken
 9 down by me in a verbatim manner by
 10 means of Machine Shorthand, on
 11 DECEMBER 13, 2017. That the
 12 minutes were then reduced in
 13 writing under my direction. That
 14 the minutes were taken to be used
 15 in the above-entitled action.
 16 I further CERTIFY that
 17 the above-described transcript
 18 constitutes a true and accurate and
 19 complete transcript of the
 20 testimony.
 21
 22 
 23 DARLENE L. JERGE,
 Notary Public.

251

1 signify by saying aye?
 2
 3 (Response of "Aye".)
 4
 5 (Whereupon, the meeting
 6 then adjourned for the
 7 day.)

* * * *

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