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5

1 PRESIDENT POWERS: I'd
2 like to call the meeting
3 to order everyone. Please
4 stand.
5
6 (Whereupon, the pledge
7 of allegiance and moment
8 of silence recognized.)
9
10 PRESIDENT POWERS:
11 Could we have the rules
12 read in?
13
14 CLINT STOWELL:
15 Executive Assembly Rules
16 of Order. Anyone upon
17 entering the Executive
18 Assembly must wear the
19 NYSOPBA identification
20 tag. Chief Sector
21 Stewards will sit in
22 designated areas when the
23 Executive Assembly is in
24 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	
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	Bill Sheehan, Esq.
17	Erin Parker, Esq.
18	Keith Jacques, Esq.
19	Steven Anderson, Parliamentarian
20	
21	
22	
23	
24	

6

1 Cellular phones are to
2 be turned off and beepers
3 are to be put on vibrating
4 mode. Recording devices
5 are prohibited unless
6 provided by membership
7 services and those
8 directed by the recording
9 secretary.
10 NYSOPBA members in
11 good standing will be
12 allowed to address the
13 Executive Assembly.
14 Please state your name and
15 your sector. Speakers at
16 the microphone will follow
17 the direction of the
18 Sergeant at Arms.
19 Thank you.
20 PRESIDENT POWERS:
21 Thank you. Next we'll
22 have roll call.
23
24 RECORDING SECRETARY

8

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

9

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

11

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

10

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, Brahney?
 13 MR. BRAHNEY: Here.
 14 RECORDING SECRETARY SUMMERS
 15 Brahney, present.
 16 Bare Hill, Perry?
 17 MR. PERRY: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Perry, present.
 21 Bedford Hills, Maldonado?
 22 MR. MALDONADO: Here.
 23 RECORDING SECRETARY
 24 SUMMERS:

12

1 Maldonado, present.
 2 Cape Vincent, Call?
 3 MR. CALL: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Call, present.
 7 Cayuga, Hatfield?
 8 MR. HATFIELD: Present.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Hatfield, present.
 12 Central New York Psych,
 13 Janes?
 14 MR. JANES: Here.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Janes, present.
 18 Clinton, Moore?
 19 MR. MOORE: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 Moore, present.
 23 Collins, Morosey.
 24 MR. MOROSEY: Here.

13

1 SUMMERS:
 2 Ramirez, present.
 3 Elmira, Rice?
 4 MR. RICE: Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Rice, present.
 8 Fishkill, Vantassell?
 9 MR. VANTASSELL: Here.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Vantassell, present.
 13 Five Points, Nelson?
 14 MR. NELSON: Here.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Nelson, present.
 18 Forest Rangers, Carlson?
 19 MR. CARLSON: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 Carlson, present.
 23 Franklin, Allen?
 24 MR. ALLEN: Here.

15

1 RECORDING SECRETARY SUMMERS
 2 Morosey, present.
 3 Community Supervision,
 4 Ruland, no rep. CCA's, Johnson?
 5 MS. JOHNSON: Present.
 6 RECORDING SECRETARY SUMMERS
 7 Johnson, present.
 8 Coxsackie, Hofstetter?
 9 MR. HOFSTETTER: Present.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Hofstetter, present.
 13 Downstate, Cooper?
 14 MS. COOPER: Here.
 15 RECORDING SECRETARY SUMMERS
 16 Cooper, present. Eastern,
 17 Osterhoudt?
 18 MR. OSTERHOUDT: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Osterhoudt, present.
 22 Edgecombe, Ramirez?
 23 MR. RAMIREZ: Present.
 24 RECORDING SECRETARY

14

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Allen, present.
 4 Gouverneur, Gleason?
 5 MR. GLEASON: Present.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Gleason, present.
 9 Gowanda, Petricca?
 10 MR. PETRICCA: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Petricca, present.
 14 Great Meadow, Keough?
 15 MR. KEOUGH: Here.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Keough, present.
 19 Green Haven, Snedeker?
 20 MR. SNEDEKER: Here.
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 Snedeker, present.
 24 Greene, Horacek?

16

1 MR. HORACEK: Here.
2 RECORDING SECRETARY
3 SUMMERS:
4 Horacek, present.
5 Groveland, Hunsinger?
6 MR. HUNSINGER: Here.
7 RECORDING SECRETARY
8 SUMMERS:
9 Hunsinger, present.
10 Hale Creek, Rowe?
11 MR. ROWE: Here.
12 RECORDING SECRETARY
13 SUMMERS:
14 Rowe, present.
15 Hudson, Relyea?
16 MR. RELYEA: Here.
17 RECORDING SECRETARY
18 SUMMERS:
19 Relyea, present.
20 ISO's, Ohms?
21 MR. OHMS: Present.
22 RECORDING SECRETARY SUMMERS
23 Ohms, present. Kirby
24 Forensic, Aksionau?

17

1 Mid Hudson Psych, Larson?
2 MR. LARSON: Here.
3 RECORDING SECRETARY
4 SUMMERS: Larson, present.
5 Mid-State, McGowan?
6 MR. MCGOWAN: Here.
7 RECORDING SECRETARY
8 SUMMERS:
9 McGowan, present.
10 Mohawk, Smith?
11 MR. SMITH: Here.
12 RECORDING SECRETARY
13 SUMMERS:
14 Smith, present.
15 Moriah Shock, Gilbo?
16 MR. GILBO: Here.
17 RECORDING SECRETARY
18 SUMMERS:
19 Gilbo, present.
20 Ogdensburg, Cox?
21 MR. COX: Here.
22 RECORDING SECRETARY
23 SUMMERS:
24 Cox, present.

19

1 MR. AKSIONAU: Here.
2 RECORDING SECRETARY
3 SUMMERS: Aksionau,
4 present.
5 Lakeview, Gruber?
6 MR. GRUBER: Here.
7 RECORDING SECRETARY
8 SUMMERS:
9 Gruber, present.
10 Lincoln, Gelzer-Milliner?
11 MS. MILLINER: Here.
12 RECORDING SECRETARY
13 SUMMERS:
14 Milliner, present.
15 Livingston, Henderson?
16 MR. HENDERSON: Here.
17 RECORDING SECRETARY .
18 SUMMERS:
19 Henderson, present.
20 Marcy, Powers?
21 MR. POWERS: Here.
22 RECORDING SECRETARY
23 SUMMERS:
24 Powers, present.

18

1 Orleans, Gold?
2 MR. GOLD: Here.
3 RECORDING SECRETARY
4 SUMMERS:
5 Gold, present.
6 Otisville, Pilon?
7 MR. PILON: Here.
8 RECORDING SECRETARY
9 SUMMERS:
10 Pilon, present.
11 Queensboro, Odom?
12 MS. ODOM: Here.
13 RECORDING SECRETARY
14 SUMMERS:
15 Odom, present.
16 Riverview, Aldous?
17 MR. ALDOUS: Here.
18 RECORDING SECRETARY .
19 SUMMERS:
20 Aldous, present.
21 Rochester Psych, Raven?
22 MS. RAVEN: Here.
23 RECORDING SECRETARY
24 SUMMERS:

20

1 Raven, present.
 2 SSO Central, Barrett?
 3 MR. BARRETT: Present.
 4 RECORDING SECRETARY
 5 SUMMERS: Barrett,
 6 present. SSO Mid-Hudson,
 7 Smith?
 8 MR. SMITH: Here.
 9 RECORDING SECRETARY
 10 SUMMERS: Smith, present.
 11 SSO Northern, no
 12 representative.
 13 SSO Southern, Pomaes?
 14 MR. POMALES: Here.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Pomaes, present.
 18 SSO West, Compton?
 19 MR. COMPTON: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 Compton, Present.
 23 Security Officers,
 24 Tonney V.

21

1 MR. VACHAPARAMBIL:
 2 Present.
 3 RECORDING SECRETARY SUMMERS
 4 Tonney V, present.
 5 Security Services
 6 Assistant, Schiavone?
 7 MR. SCHIAVONE: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Schiavone, present.
 11 Shawangunk, Marasco?
 12 MR. MARASCO: Here.
 13 RECORDING SECRETARY
 14 SUMMERS:
 15 Marasco, present.
 16 Sing Sing, Luther?
 17 MR. LUTHER: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Luther, present.
 21 Southport, Deburgomaster?
 22 MR. DEBURGOMASTER: Here.
 23 RECORDING SECRETARY
 24 SUMMERS:

22

1 Deburgomaster, present.
 2 Sullivan, Bell?
 3 MS. BELL: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Bell, present.
 7 Taconic, Gordon?
 8 MS. GORDON: Present.
 9 RECORDING SECRETARY SUMMERS
 10 Gordon, present.
 11 Ulster, Scampoli?
 12 MR. SCAMPOLI: Here.
 13 RECORDING SECRETARY
 14 SUMMERS:
 15 Scampoli, present.
 16 Upstate, Gary?
 17 MR. GARY: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Gary, present.
 21 Wallkill, Holbert?
 22 MS. HOLBERT: Here.
 23 RECORDING SECRETARY SUMMERS
 24 Holbert, Present.

23

1 Washington, Chaplin?
 2 MR. CHAPLIN: Here.
 3 RECORDING SECRETARY
 4 SUMMERS: Chaplin,
 5 present. Watertown,
 6 Nevills?
 7 MR. NEVILLS: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Nevills, present.
 11 Wende, Keenan?
 12 MR. KEENAN: Good morning.
 13 RECORDING SECRETARY
 14 SUMMERS:
 15 Keenan, present.
 16 Willard, Colombai?
 17 MR. COLOMBAI: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Colombai, present.
 21 Woodbourne, Gutierrez?
 22 MR. GUTIERREZ: Here.
 23 RECORDING SECRETARY
 24 SUMMERS:

24

1 Gutierrez, present.
 2 Wyoming, Hickey?
 3 MR. HICKEY: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Hickey, present.
 7 I'd ask for approval
 8 for the minutes of
 9 December. All in favor?

10
 11 (Response of "Aye".)

12
 13 RECORDING SECRETARY
 14 SUMMERS: Any opposed?

15
 16 (No response.)

17
 18 RECORDING SECRETARY
 19 SUMMERS: Thank you.

20 PRESIDENT POWERS: We
 21 have two valor awards
 22 today.

23 VP LAW ENFORCEMENT
 24 HARMON: I have two valor

25

1 when I explain what these
 2 two officers did.

3 On October 17th, 2017,
 4 NYPD was searching for a
 5 bank robbery suspect last
 6 seen around Creedmoor
 7 Psychiatric Center. The
 8 suspect was spotted by
 9 Officers Christopher
 10 Ballus and George
 11 Williams. The suspect
 12 attempted to run after
 13 seeing the officers. The
 14 officers approached and
 15 took down the suspect.

16 They then called NYPD,
 17 awaiting for NYPD to show
 18 up and take them. I say
 19 that, again, keep that in
 20 context of what these
 21 officers did, while in
 22 uniform, without the tools
 23 that a lot of people do
 24 have.

27

1 awards. And just to give
 2 you a little background on
 3 not just these officers,
 4 but the Safety Department
 5 at the Creedmoor
 6 Psychiatric Center, they
 7 were awarded the 2017
 8 Department of the Year by
 9 Office of Mental Health.

10 Last year NYSCOPBA
 11 including these two,
 12 issued five valor awards.

13 For some of you who
 14 don't know, our safety and
 15 security officers do not
 16 have the tools that many
 17 of you have. They don't
 18 have tasers or pepper
 19 spray. It's all from the
 20 training and knowledge
 21 they have to do the job,
 22 and handling a baton.
 23 That's about the extent of
 24 that. Keep that in mind

26

1 So at this time I'd
 2 like to call up SSOs
 3 George Williams and
 4 Christopher Ballus. These
 5 plaques read, we present
 6 to Safety Security Officer
 7 George Williams and
 8 Christopher Ballus, in
 9 recognition for noble
 10 actions and willingness to
 11 go above and beyond, you
 12 have demonstrated the true
 13 meaning of heroism. Your
 14 dedication, devotion show
 15 you are truly an asset to
 16 your profession. We honor
 17 you NYSCOPBA February
 18 14th, 2018.

19
 20 (All applause and
 21 standing ovation.)

22
 23 PRESIDENT POWERS:
 24 Thank you. We'll move

28

1 into the President's
2 report. You might
3 recognize Mike Mazzella is
4 not with us today. Mike
5 had an unfortunate
6 situation over the
7 weekend. Slipped over the
8 on some ice over the
9 fracture to his left
10 ankle. He is seeing a
11 surgeon today, hopefully
12 God willing he'll be back
13 up on his feet and on his
14 bike here when spring
15 rolls around. So, keep
16 him in your thoughts and
17 prayers.

18 Just quickly go over a
19 couple of things here.
20 It's been quite a busy
21 time since the last time
22 we convened here in the
23 hall. Many of the
24 facilities are still

29

1 having much of there
2 issues. Elmira, Auburn,
3 Orleans, Clinton. We've
4 seen a number of lockdowns
5 along the way.

6 A lot of searching
7 going on. Some good work
8 done by our front staff,
9 solid work done by our
10 package room. You're all
11 familiar with the package
12 room vendors, secure
13 vendor package program
14 initiatives been pulled
15 back by the Department
16 from stress from the
17 Governor. The pressure
18 he was receiving from the
19 advocates that don't have
20 a clue what they're
21 speaking about.

22 With that being said, a
23 lot of good, fine work
24 being done by our front

30

1 gate officers and our
2 package rooms right now.
3 And we hope to see a
4 continued presence with
5 that. And the more
6 information you get
7 regarding any good busts,
8 front gate or in the
9 package room or anywhere
10 in the facilities for
11 that, please as we
12 continually ask, bring
13 that information forward
14 so we can use that to make
15 sure we get this secure
16 vendor package program
17 back online.

18 As many of you are
19 familiar, through
20 discussions with the
21 Department and then
22 scaling back the secure
23 vendor package program,
24 we had an IP filed by us

31

1 to the Department
2 regarding staff allowable
3 list. And Many of the
4 things we were allowed to
5 bring in, what we were not
6 allowed to bring in. We
7 went back and forth quite
8 heavily with the
9 Department.

10 Showed the
11 discrimination or
12 contradictory behavior
13 they were showing towards
14 staff, recognizing that
15 cans and canned goods and
16 certain items were allowed
17 in by convicts; yet, not
18 allowed in by staff who
19 maintain the security of
20 the facility.

21 Constantly going back
22 and forth, I don't believe
23 we really got into the
24 Deputy Commissioner --

32

1 he's not a Deputy
2 Commissioner, he's
3 Executive Assistant
4 Commissioner to the
5 Commissioner. We didn't
6 really get to him but we
7 got to his council. And
8 eventually they went back,
9 discussed it after our
10 meeting on the 9th when I
11 introduced the new board
12 members to the
13 administration and the
14 Department.

15 And we were able to
16 piggyback that and get the
17 language rolled back, with
18 the removal of the IP
19 staff allowable list,
20 allowing us to bring
21 certain items back into
22 the facility that we
23 weren't allowed to before.

24 Just so you know, it

33

1 policy is up and running
2 and approved and in place
3 at all facilities.

4 So that was back and
5 forth we went with the
6 Department. As I
7 mentioned since our last
8 meeting, we've been quite
9 busy. You're familiar
10 with the SHUs closures.
11 Let's jump back to the
12 Death Gamble veto as part
13 of legislation.

14 You're all very
15 familiar with that. The
16 Governor's message, veto
17 message, fell down on a
18 fiscal note, but
19 ultimately he ended up
20 trying to appease us by
21 recommending that we
22 collectively negotiate
23 that.

24 We spoke about that in

35

1 has no impact on the IP
2 filed for the clear
3 plastic bag. That is
4 alive over the well. 28th
5 and 29th with PERB over
6 the clear plastic bags.
7 We'll be rolling on that
8 initiative here shortly,
9 but keep in mind
10 regardless of whether or
11 not they get this package
12 room program, secure
13 vendor program going back
14 whether it be Greene,
15 Green Haven and the other
16 facility, Taconic, as they
17 roll that out, even though
18 the pilot program may get
19 back put in place for
20 another three or four
21 months, that won't apply
22 to us. We'll still be
23 able to bring in those
24 allowable items until this

34

1 this room. And we
2 responded quickly and
3 swiftly and we set him
4 back on his heels a little
5 bit. Recognizing the fact
6 that his recommendation
7 can't be done by law. And
8 to have his council even
9 recommend such a foolish,
10 foolish aspect of trying
11 to get it done for us and
12 negate the fact that it's
13 truly deserved for the
14 members of twenty-five
15 years or better, that --
16 it was just pound -- penny
17 wise and pound foolish and
18 we were quick to act on
19 that.

20 Again, we have a lot of
21 stuff happening. The SHU
22 closures, we've got the
23 tablet issues, we've got
24 issues in our facility.

36

1 We addressed very
2 adequately I believe very
3 strongly in our public
4 protection hearings, our
5 positions as far as what
6 is needed and what is
7 imperative for us to be
8 able to maintain solid
9 security in our
10 facilities.

11 They quickly turned it
12 around and issue the
13 tablet initiative. We
14 were able to get out in
15 front of that real quickly
16 with members of the
17 legislature. They are
18 starting to mount, we have
19 a couple more that fell in
20 line as of yesterday and
21 the day before. That's
22 starting to grow.

23 So there's going to be
24 plenty of push back. A

37

1 lot of the initiative --
2 the tablet initiative and
3 the SHU initiative from
4 what we were told is
5 driven by DOCCS. So, not
6 necessarily coming from
7 the second floor.

8 But all actions done by
9 DOCCS have an impact on
10 the second floor and the
11 Governor. And our
12 reactions have been swift
13 and quick and we've been
14 getting into the media as
15 much as we can regarding
16 the ill advised direction
17 that the Department is
18 looking to go in these
19 endeavors. And we've been
20 fortunate enough to be
21 able to push back pretty
22 hard enough to get their
23 attention.

24 That's no different

38

1 than what's transpiring as
2 of late with the
3 Governor's thirty day
4 amendment. In the last
5 forty-eight hours we've
6 been quite active and
7 we've been quite fortunate
8 to be able to get a
9 response for the recent
10 article in the New York
11 Daily News, and be able to
12 respond quickly.

13 The New York Daily News
14 which you're all familiar
15 with it, I'm sure, was an
16 article that came out and
17 it painted a bad picture.
18 But what they did with
19 that, the Governor turned
20 it around and attempted to
21 in his thirty day
22 amendment in his executive
23 budget, which by law he is
24 able to do, was to come

39

1 after our Article Eight in
2 our contract and impose a
3 discipline system much
4 like what the State
5 Troopers have.

6 If you're not familiar
7 with what the State
8 Troopers have, state
9 Troopers Have the
10 Commissioner of the State
11 Police, a delegate with
12 the State Police, and I
13 can't remember the third
14 one. Union picks an
15 officer.

16 So, with that being
17 said the deck is kind of
18 stacked against them from
19 the beginning. That's the
20 same discipline that the
21 Governor is trying to ram
22 down our throats
23 legislatively through his
24 executive budget.

40

1 We were fortunate to
 2 have contact with the
 3 Daily News and we
 4 responded quickly
 5 yesterday on that. We
 6 responded quickly enough
 7 to be able to get a story
 8 written within 24 hours to
 9 piggy back that. And if
 10 anyone is familiar with
 11 how we get things done in
 12 the media, I'm sure you're
 13 all familiar with it, we
 14 all deal with the
 15 frustrations with the
 16 media portraying or
 17 accurately reporting
 18 what's really happening,
 19 we were fortunate enough
 20 to be able to get a quick
 21 response. I would have
 22 liked it to have been a
 23 bit stronger, but they
 24 didn't use the whole quote

41

1 we sent forward.
 2 But the message was
 3 delivered. We have many
 4 friends in the legislature
 5 who have already come to
 6 our aid. I received a
 7 phone call this morning
 8 from Senate Majority
 9 Leader John Flanagan this
 10 morning over this. If
 11 you're not familiar with
 12 Senator Flanagan, on our
 13 website, I believe -- I
 14 think it's up and running
 15 right now, correct, Steph?
 16 We would show it for
 17 you today, but we don't
 18 have audio in here and I
 19 apologize for that. But
 20 yesterday on the floor of
 21 the New York State Senate,
 22 Senator John Flanagan went
 23 in defense of corrections
 24 officers and law

42

1 enforcement as a whole,
 2 regarding the ill advised
 3 concept of the Governor
 4 coming after our Article
 5 Eight through thirty day
 6 amendment through his
 7 executive budget. And
 8 we were quick to get many
 9 in line.

10 Yesterday I charged
 11 Keith Jacques, Chris
 12 Duryea and Dan Valente,
 13 shortly after we caught
 14 wind of this to get up on
 15 the capitol and start
 16 advocating for us now.
 17 Right now, we're in a
 18 pretty good fucking
 19 position.

20 We're in a pretty good
 21 position. I try to get
 22 away without using the F
 23 word today. We're in a
 24 pretty good position but

43

1 that may change. We can't
 2 predict what's going to
 3 happen but we got a lot of
 4 good people and a lot of
 5 power in the state
 6 legislature taking our
 7 back right now.

8 I thanked the Senator
 9 this morning for the call.
 10 I thanked him for his
 11 words on the floor. And I
 12 highly recommend you get
 13 on this You Tube video on
 14 our website and check this
 15 out. It's three and a
 16 half minutes. He was
 17 very, very -- he pretty
 18 much piggy backed our
 19 comments that we responded
 20 to the Daily News.

21 With that I want to
 22 jump into the executive
 23 budget a little bit. For
 24 all of you who aren't

44

1 familiar with the
2 executive budget, I'll
3 kind of lay it out real
4 quick in laymen's terms.
5 I'm stealing from former
6 President Donn Rowe.

7 The executive budget is
8 when the Governor puts
9 together a spending plan
10 for the State of New York.
11 And then through that
12 process, both houses of
13 the legislature come
14 together and they look
15 to see what they can get
16 out of this budget or
17 introduce something in the
18 budget.

19 It's very much a
20 negotiation. It's very
21 much a horse trading show.
22 And that's -- you take
23 that concept and when
24 legislators come together,

45

1 we're get the e-mails, and
2 we're getting all the
3 feedback.

4 We've been talking
5 about it for some time.
6 Aspects of law enforcement
7 across the nation, it's
8 not well received through
9 a lot of the public. A
10 lot of it all has to do
11 with politics and the
12 liberal left, and the sway
13 that certain individual
14 politicians with power
15 tend to lean.

16 And that's the hurdle
17 that we all need to deal
18 with and deal with it
19 collectively. We need to
20 be together on this, we
21 need to stay together on
22 this; and we need to keep
23 firing back.

24 PAC committee met this

47

1 they're going to want
2 their piece of the pie.
3 Things get compromised in
4 the budget side of the
5 line. And before you know
6 it, some members of the
7 legislature are getting
8 certain aspects of theirs.

9 With the budget process
10 being in place, right we
11 are -- we've been quick
12 since the thirty day
13 amendments came out,
14 we were quick to get in
15 the house. We responded
16 quickly and swiftly to
17 many of the issues that
18 you're dealing with on at
19 front line.

20 And trust me when I
21 tell you, your
22 frustrations are our
23 frustrations. We're
24 dealing with it, too,

46

1 morning. We briefed them
2 on everything that's going
3 on. We're going to be
4 looking to really pound it
5 home. One of the things
6 we're going to be asking
7 of you and your regions
8 and in your Assembly
9 legislature and Senate
10 districts, is to respond
11 to your voted elected
12 officials; and explain
13 your concerns regarding
14 the closure issues.

15 Much of the information
16 we have regarding it is
17 all on our website. If
18 you need talking points,
19 they're on there. If you
20 need talking points for
21 tablets, they're on there.
22 If you need anything
23 regarding the thirty day
24 amendment, you can pull

48

1 anything out of the recent
2 press releases we just
3 had. There's a member
4 e-mail newsletter going
5 out to keep the membership
6 informed on that now.

7 Those are our
8 priorities and they need
9 to be your priorities back
10 at the local level. We
11 ask a lot of our chiefs
12 and the members sitting in
13 this audience today.

14 But I can't impress
15 upon you more now than
16 ever how vitally important
17 it is to get these
18 messages to each and every
19 one of our members that
20 work. It's imperative.
21 It's our struggle and it's
22 your struggle. Words get
23 twisted, concepts get
24 thrown out the window or

49

1 Assemblyman David Weperin,
2 who chairs the Corrections
3 Committee for the State
4 Assembly. And Patrick
5 Gallivan, Senator from
6 Buffalo, who chairs the
7 Crime and Corrections
8 committee, has informed us
9 just recently that they
10 will be looking to
11 introduce into the budget
12 the Death Gamble
13 Legislation that was
14 vetoed by the Governor in
15 December.

16 If we can get some
17 success with that, that's
18 a huge, huge victory. And
19 we ask you to go back
20 again to your elected
21 officials and impress upon
22 them the importance of our
23 issues. The Death Gamble,
24 the killing of this thirty

51

1 not thrown out the window,
2 concepts get twisted and
3 they're not accurate
4 concepts.

5 We're shortly going to
6 be forming a NYSCOPBA
7 Facebook page. That page
8 will be for factual
9 information. Nothing
10 more, nothing less. It's
11 not a debate forum. It's
12 going to be accurate
13 information as to where we
14 are.

15 Our difficulty is just
16 as much as your difficulty
17 getting the membership in
18 tow. And it's more
19 important now than ever to
20 keep this membership in
21 tow. Within the state
22 budget we've had
23 commitments from both of
24 our committee chairs.

50

1 day amendment to attack
2 our Article Eight. That
3 is a just system this
4 Article Eight.

5 It's transparent, it's
6 open -- it's wide open.
7 It's due process. It's
8 the best legal parameters
9 you can get and this
10 Governor is looking to
11 strip it from us. And
12 he's looking to do it
13 outside the confines of
14 collective bargaining.

15 It's the little kid who
16 doesn't get his way, at
17 the end of the day tries
18 to back door us. And
19 that's exactly what he's
20 trying to do. And that
21 was our response. We're
22 gaining leverage. It's a
23 difficult time right now.
24 2018, every time we turn

52

1 around we get hit with
2 something different.
3 We react. This Board
4 reacts. Nobody up here is
5 not in the know. And we
6 send out as much
7 information as we can.
8 Continually and we
9 continue and we will
10 continue to do so.

11 But it doesn't stop
12 when it gets to you. And
13 that's the important task
14 that we ask of you.
15 You're our conduit to the
16 front line and that's what
17 we need more now than ever
18 and it needs to be real.

19 We all can have
20 differing opinions at the
21 end of the day, but in
22 order to get -- achieve
23 and get true resolve, we
24 need to push back as one.

53

1 And that's what we're
2 asking of you today. Take
3 this information back.
4 Share it. Talk about it.

5 And keep the confines
6 and the facts and the
7 realities the realities
8 and the facts. Don't let
9 it go off the rails. It's
10 one of our biggest
11 hurdles, stopping
12 misinformation. And
13 that's what we need to
14 continue to do.

15 And we need to continue
16 to do it as one. I'm --
17 shortly I'm going to ask
18 to go off the record here
19 and you will understand
20 why, because this train
21 can easily be derailed
22 with many of the things we
23 have going on.

24 You're all familiar

54

1 with Janus versus AFSCME.
2 We're working in a
3 coalition with other
4 unions in the state,
5 primarily law enforcement,
6 but we're working with all
7 of them. This is
8 something that we're
9 looking to have and we're
10 a major player in this, to
11 get into the executive
12 budget, to protect labor
13 rights in the
14 State of New York before
15 the Janus decision comes
16 down.

17 Which could be
18 detrimental to all labor
19 across the country and
20 will be to many labor
21 groups across the country.
22 We're being proactive with
23 just about every union in
24 this state and pursuing

55

1 soiled legislation that
2 will do the best that we
3 can to protect what we
4 provide for our members
5 and retirees in the
6 system.

7 That is vitally
8 important as well. I'm
9 throwing a lot at you and
10 we're asking a lot of you.
11 I get that. We can't do
12 it without you. We can't
13 be everywhere. It's a
14 hurdle that we all need to
15 overcome and continue to
16 go over each and every one
17 of them as they come.

18 We'll lead, we don't
19 have a problem with that,
20 but we need your support.
21 And we need the accurate
22 information to get back to
23 the field and to the
24 front. That's what we ask

56

1 of you.

2 I have asked numerous
3 times and there's many a
4 face here in that I sat in
5 here when I was a chief,
6 but it's imperative this
7 information get back to
8 the fronts. You see the
9 disciplines that come in
10 and out of your jails.
11 You see the high-handed
12 activity with the -- with
13 the state office campus of
14 the Building 9.

15 We see it, we deal with
16 it. We've got a pretty
17 good success rate. Our
18 law firm and our stewards
19 and our BAs and our VPs.
20 Pretty solid. I'll match
21 it against anybody in the
22 country. But you need to
23 stay on top of that and
24 you can't let this

57

1 in your facilities that
2 are having the same
3 difficulties. This is the
4 sway of law enforcement in
5 the country.

6 We need to protect
7 everything that we have.
8 And everything and the
9 kitchen sink is being
10 thrown at us right now.
11 We're fielding it and
12 we're dealing with it.
13 And we've had some pretty
14 good success as of late.

15 We've had some good
16 pushback with the tablets,
17 we've had some good
18 pushback with the SHUs;
19 and we've had a solid
20 pushback with this thirty
21 day amendment aspect the
22 Governor is trying to cram
23 down our throat.

24 But it doesn't stop

59

1 Governor pull this article
2 from our contract.
3 Period.

4 If he goes there and he
5 is successful, what's
6 next? There's a lot of
7 avenues that you need to
8 pay attention to today,
9 from collective bargaining
10 right down through the
11 whole gamut. So I want to
12 assure you that, you know,
13 that we're on top of all
14 the negative shit that's
15 come our way since
16 December.

17 We deal with it every
18 day. I'd be a liar if I
19 said there were nights
20 that I didn't sleep. I
21 can say that same for the
22 people up here right now.
23 I'm sure it weighs on you
24 and there's people there

58

1 now. It will continue
2 today and it needs to
3 continue with you, with
4 your legislators and your
5 district. That's pretty
6 much all I have. There
7 will be much more today.

8 Anybody have any
9 questions for me? Please
10 take this information
11 back. Share it with your
12 front line and let them
13 know the impact that all
14 this can have coming down
15 the road. Thank you.
16 Tammy?

17 EXECUTIVE VP SAWCHUK:
18 Good afternoon, everyone.
19 As many of you can
20 personally attest to,
21 violence continues to rise
22 in the facilities. It is
23 disheartening that the
24 state continues to put

60

1 efforts towards policy
2 changes that place our
3 members in even more harm.

4 NYSOPBA continues to
5 make demands of the
6 Department to ensure the
7 safety of all of our
8 members. We now have OC
9 spray in many of the
10 facilities that seems to
11 be quite effective.

12 With the continued
13 decline of penalties
14 because of the NYCLU
15 settlement, inmates put
16 other officers and
17 sergeants in danger is
18 disheartening to all of us
19 who sit on the Board.

20 You are already aware
21 of the unprecedented time
22 to working in the
23 Department. We are always
24 mindful of the stressful

61

1 members are for outside
2 criminal charges.

3 So, we have
4 seventy-nine people that
5 are locked out.
6 Thirty-six of them are on
7 the Rain Day Fund.
8 Seventy-nine. Not over a
9 thousand, not nine
10 hundred. This is not the
11 highest rate of lock-outs.
12 It's just simply not true.

13 These are the type of
14 rumors that we got to put
15 to rest in our facilities.
16 Because in drives down
17 morale, it makes our
18 members aggravated, they
19 don't want to come to
20 work. It puts stress on
21 them. It's just simply
22 not the truth.

23 Also, work place
24 violence, we need to

63

1 conditions, the inherent
2 objections we face in our
3 job and the policy changes
4 that continue to rule the
5 day.

6 There's a couple
7 things, I'm going to just
8 call them, I'm going to be
9 the myth buster right now.
10 I got a call last week
11 from a very disgruntled
12 member because there was
13 information being passed
14 around that currently
15 NYSOPBA has over a
16 thousand members locked
17 out without pay.

18 So, what we can pull
19 from a report and it could
20 be a little inaccurate
21 either way, we currently
22 have a hundred and fifty
23 members locked out.
24 Seventy-one of those

62

1 continue to address it.

2 One of the facilities had
3 supplied me today with a
4 work place violence
5 report. If you don't know
6 what that is, and you
7 don't know who is on your
8 committee, we need to talk
9 about that, because I need
10 that information.

11 There should be
12 reports, there should be
13 meetings, there should be
14 risk assessment. And none
15 of that is being done. So
16 the Department is in
17 violation of the
18 directive, so we really
19 need to address that
20 issue.

21 Once again, because we
22 are out of contract there
23 are no funds for QWL
24 improvement, tuition

64

1 reimbursement,
2 refrigerators, microwaves.
3 If you're in desperate
4 need of one of those in an
5 area, just get ahold of me
6 and I'm sure we can work
7 something out. But there
8 isn't any applications,
9 grant money, funding for
10 any of those things right
11 now.

12 I do need Mohawk and
13 Cape Vincent to see me on
14 a break for the issue you
15 guys are having that we
16 need to discuss. Like
17 Mike said, we are
18 continuing to move
19 forward. If you don't
20 know, I believe we have
21 twenty-five active IPs
22 right now.

23 So for those -- this is
24 another myth buster, the

65

1 union is not doing
2 anything; the union is
3 doing everything.
4 Everything in its power to
5 protect each and every one
6 of you. And we do that
7 every day, seven days a
8 week.

9 It's exhausting at
10 times but we are working.
11 The attorneys are working.
12 The BAs live in the Albany
13 Training Academy or the
14 Utica office. Believe me,
15 there's not one person on
16 this board, there's not
17 one BA that is not fully
18 doing their job to do
19 everything in our power to
20 protect you.

21 We will continue to do
22 that. What we can no
23 longer allow is a divide
24 between us. This is what

66

1 they want, to divide and
2 conquer. The taller we
3 stand and the prouder we
4 are, will be the most
5 effective against them.
6 And it's called unity.
7 And we need to have that.

8 We need to show that.
9 We need to carry that with
10 us in the facilities every
11 single day. That's all I
12 have, if you have any
13 questions.

14 DAVE LUTHER: Dave
15 Luther out of Sing Sing.
16 You brought up the issue
17 of OC and training coming
18 into -- we're supposed to
19 be getting OC into our
20 jail. My understanding is
21 it's an eight hour
22 training to utilize the OC
23 coming in.

24 Currently they've taken

67

1 our use of force and
2 weapons and cut all those
3 times in half. There's no
4 syllabus provided to my
5 WIOs at Sing Sing. And
6 they're telling us that
7 they're supposed to
8 incorporate --

9 EXECUTIVE VP SAWCHUK:
10 Who's telling you?

11 DAVE LUTHER: My WIOs.
12 They're telling me they're
13 expected to incorporate
14 the OC training into the
15 sixteen hours that we get
16 for weapons and use of
17 force.

18 EXECUTIVE VP SAWCHUK:
19 Well, I haven't gone
20 through that curriculum of
21 training. If there is
22 someone here who has,
23 they'll know more about
24 that than I. But I don't

68

1 believe that's
2 incorporated into the use
3 of force training.

4 DAVE LUTHER: I believe
5 when they did the pilot
6 programs, the jails that
7 had the pilot program,
8 they actually got eight
9 hours of training.

10 EXECUTIVE VP SAWCHUK:
11 Additional, correct.

12 DAVE LUTHER: So I
13 fully expect, and if our
14 board could follow-up with
15 the Department on this,
16 how many hours are you
17 going to give us? Is
18 there an extra days
19 training. They're sending
20 out a training schedule
21 for the ranges and stuff
22 beginning April 1st and
23 none of that is addressed.
24 They're giving us two

69

1 curriculum, without adding
2 additional training. Our
3 argument, and you've heard
4 it in this room before,
5 forty hours is not
6 sufficient amount of
7 annual training with all
8 that you throw at us.

9 That's been our
10 position since Jump
11 Street. We actually the
12 last labor management that
13 we had, we're formulating
14 an agenda now, to go
15 forward with the labor
16 management agenda. If you
17 got any issues, send them
18 to your VP so we can send
19 them in and get them on
20 the docket. That will be
21 one of the primary talks
22 regarding the training of
23 OC spray. Paul?

24 PAUL MIKOLOJAC: Paul

71

1 days, when do we get the
2 third?

3 EXECUTIVE VP SAWCHUK:
4 Mike has a little more
5 information about that.

6 PRESIDENT POWERS: We
7 spoke about that about a
8 year ago when they
9 introduced the Glock. And
10 they're doing the same
11 thing with the OC spray
12 that they did with the
13 Glock training. The pilot
14 facilities that did the
15 Glock got full eight
16 hours. Our stance is,
17 full eight hour on
18 implementation.

19 They're doing the same
20 things with OC spray.
21 They're compromising two
22 hours out of use of force
23 and taking hours out of
24 other aspects of the

70

1 Mikolojac, Sing Sing
2 Correctional.

3 PRESIDENT POWERS: Yes
4 you may.

5 PAUL MIKOLOJAC: By the
6 time we have the labor
7 management agenda, we're
8 already going to be doing
9 it. Starting the second
10 week in April we are going
11 to put --

12 PRESIDENT POWERS: I'm
13 well aware when the OC is
14 coming in.

15 PAUL MIKOLOJAC: We're
16 putting 24 hours of shit
17 in a sixteen hour period.
18 Something has to be taken
19 out of it and they're not
20 telling us what they're
21 taking out of there.

22 PRESIDENT POWERS:
23 Well, it's in the
24 curriculum, that's -- your

72

1 WIOs should know where
2 they're coming from.
3 PAUL MIKOLOJAC: As the
4 chief at Sing Sing, we do
5 not have the curriculum.
6 Does the Board have a
7 syllabus for this new
8 training.

9 DAVE VIDDIVO: Al is
10 going to get it.

11 PAUL MIKOLOJAC: We
12 haven't been given it.
13 We've asked the regional
14 training lieutenants, you
15 know the red apple club
16 that don't have bids, and
17 this is the same thing
18 that we've done with the
19 Glocks. So now, is there
20 absolutely no litigation
21 that we can file as a
22 union against this
23 training?

24 PRESIDENT POWERS: We

73

1 hours, best of my
2 knowledge.

3 But when this does roll
4 out completely -- and this
5 is constant dialogue for
6 us and the Department.
7 They fall back on the same
8 thing, that they've got
9 the okay from DCJS to be
10 able to proceed forward.

11 We've sent it to the
12 law firm, do who have any
13 recourse. And basically
14 at this point it's no.
15 But we're continually
16 pushing to recognize the
17 violence and all the
18 additional training. As I
19 mentioned outside the
20 forty hours of annual
21 training, quite frankly we
22 don't believe eighty hours
23 of annual training would
24 be enough with everything

75

1 went to pursue that with
2 the Glock training. And
3 what they've done is
4 they've cleared it through
5 the Division of -- DCJS.
6 And they have signed off
7 on their avenue of
8 pursuit.

9 PAUL MIKOLOJAC: So
10 there's no litigation that
11 we as a union can file
12 about the fact they
13 continue to water down the
14 training that new officers
15 need to compete with these
16 violent inmates?

17 PRESIDENT POWERS: It's
18 constantly being used in
19 defense of individuals who
20 may not be properly
21 trained in whether it be
22 the Glock or OC spray when
23 it comes out. The pilot
24 program all received eight

74

1 that they've thrown at us
2 in the last 2014.

3 NICOLE BELL: Okay,
4 Bell, Sullivan. We have a
5 pilot program. We're not
6 all trained. We had
7 additional people --

8 PRESIDENT POWERS: The
9 people that.

10 NICOLE BELL: First
11 responders and second
12 responders, and a couple
13 others, but there's a lot
14 of people that have not
15 been trained. And we were
16 told April 2018 everybody
17 statewide is going to be
18 trained. We did it eight
19 hours extra to train, but
20 the ones coming up are not
21 going to have that.

22 PRESIDENT POWERS: The
23 ones that are carrying it,
24 have they been trained?

76

1 Has anybody -- all right.
2 That's part of the pilot
3 program.

4 NICOLE BELL: Yep. I'm
5 one of them that was
6 trained, but the people
7 that are coming up, their
8 training is going to be
9 cut short. They're not
10 going to have the full
11 eight hours that we had.
12 We had to be there at a
13 set time or they were sent
14 back to the jail. It was
15 a full eight hours.

16 PRESIDENT POWERS:
17 We'll be sure to deliver
18 that without question.
19 Couple thing I failed to
20 mention in my report and I
21 apologize. One, we'll be
22 brining in representatives
23 from Baker Publications
24 Relations. The Board has

77

1 hall, so we can have a
2 discussion real quickly.
3 Can I have unanimous
4 consent to go into
5 executive session.

6 We're going into
7 executive session, so
8 we'll need a motion.

9 CHRIS HICKEY: Hickey,
10 Wyoming. Motion to go
11 into executive session.

12 PRESIDENT POWERS:
13 Thanks, Chris. Second?
14 Shaun Keenan.

15 RALPH SCOTT: Scott
16 from, Shawangunk. I'd
17 like to make a motion to
18 let all the NYSCOPBA
19 members stay, so everyone
20 can know what's going on.

21 PRESIDENT POWERS: It's
22 out of order. All right.
23 If you're not a designee
24 in the executive

79

1 approved -- obviously
2 until you guys approve it
3 or don't, whatever the
4 case may be, but we've
5 been working with Baker PR
6 since December.

7 They'll be coming in to
8 do a quick presentation.
9 We meant to do that in
10 December and it was an
11 oversight on our behalf
12 with the transition. So,
13 we'll be bringing that
14 forward. There's many new
15 initiatives that we'll be
16 looking at as far as PR,
17 new commercials, all that
18 kind of stuff.

19 And now I'd like to ask
20 for unanimous consent to
21 go off the record. And
22 I'd like to ask anybody
23 who is not a voting member
24 to please exit to the

78

1 session -- hang on.

2 CHRIS HICKEY: I made
3 the motion, motion is
4 executive session, chief
5 sector stewards only.
6 Everybody else can go.

7 AL ZAPPALA: Mike, we
8 had this discussion last
9 February.

10 PRESIDENT POWERS: We
11 have a motion on the
12 floor.

13 AL ZAPPALA: I
14 understand we have a
15 motion on the floor.

16 PRESIDENT POWERS: We
17 have to rule on the
18 motion.

19 AL ZAPPALA: Point of
20 order.

21 PRESIDENT POWERS:
22 Excuse me.

23 AL ZAPPALA: Sir, with
24 all due respect, what we

80

1 discussed last year, the
2 big issue that occurred,
3 before we go into
4 executive session if the
5 motion on the floor was
6 made to let certain
7 members stay, as long as
8 this body approved, than
9 that overridden -- that
10 overrides.

11 PRESIDENT POWERS: Was
12 that motion followed
13 through?

14 AL ZAPPALA: The
15 Parliamentarian -- I got
16 it all on the record.

17 PRESIDENT POWERS:
18 Motion on the floor to
19 have the chief sector
20 stewards present in the
21 room. That's the motion
22 on the floor. If there's
23 discussion.

24 AL ZAPPALA: The acting

81

1 chief from Shawangunk,
2 Ralph Scott, just came up
3 here. He made a motion to
4 let any NYSCOPBA.

5 PRESIDENT POWERS: He
6 made a motion after
7 another motion was already
8 made.

9 AL ZAPPALA: That
10 motion just came up. He's
11 our acting chief. He just
12 made a motion and you
13 ruled it out of order.

14 THE PARLIAMENTARIAN:
15 Quiet please.

16 PRESIDENT POWERS:
17 Point of order, the first
18 motion that came up was
19 from Chris Hickey to go
20 into executive session.
21 Then the acting chief from
22 Shawangunk came up. We
23 have a motion that has to
24 be acted on. Now, to

82

1 answer -- to get back to
2 you, the Parliamentarian
3 is telling me that you can
4 make an amendment to a
5 motion to allow anybody to
6 stay, but specific people.
7 Chris Hickey -- it's the
8 body, it's executive
9 session. It's no
10 different than the
11 legislature or governing
12 body of anything. When
13 you go into executive
14 session, it's the body.
15 It's the chief sector
16 stewards.

17 AL ZAPPALA: I
18 understand it's the body.
19 The motion that Ralph
20 Scott just presented --

21 VP LAW ENFORCEMENT
22 HARMON: You got to act on
23 the first motion.

24 AL ZAPPALA: Before we

83

1 go into executive
2 session --

3 PRESIDENT POWERS: He's
4 going to need further
5 amendment. He wants to
6 continue to amend the
7 motion and specify who he
8 wants to stay in this
9 room.

10 AL ZAPPALA: Okay.

11 RALPH SCOTT: I'd like
12 to amend the motion --

13 PRESIDENT POWERS:
14 Pardon me.

15 RALPH SCOTT: Any
16 elected NYSCOPBA official
17 to stay.

18 PRESIDENT POWERS: Any
19 stewards.

20 RALPH SCOTT: Any
21 stewards.

22 PRESIDENT POWERS: Is
23 there a second? Come to
24 the mic and get it on the

84

1 record.
 2 DAVE LUTHER: Dave
 3 Luther will second it.
 4 PRESIDENT POWERS: Any
 5 further discussion with
 6 the amended motion? All
 7 in favor of the motion
 8 signify by saying aye?
 9 I'm sorry, the amended
 10 motion. The amended
 11 motion is to go into
 12 executive session with any
 13 elected official steward
 14 of NYSCOPBA, that would
 15 include business agents.
 16 SHAUN KEENAN: Keenan,
 17 Wende --
 18 PRESIDENT POWERS:
 19 Listen, we'll bring
 20 everybody back in, we'll
 21 go off the record.
 22 SHAUN KEENAN: Exactly,
 23 that's off the record,
 24 that's not executive

85

1 to rescind the motion
 2 please? Any objection to
 3 withdrawing the motion?
 4 CHRIS HICKEY: Yes.
 5 PRESIDENT POWERS: Go
 6 on the record, please.
 7 CHRIS HICKEY: Hickey,
 8 I'll withdraw the motion.
 9 RALPH SCOTT: Thank you.
 10 PRESIDENT POWERS:
 11 Bring everything back in
 12 Could I have unanimous
 13 consent to go off the
 14 record?
 15
 16 (All respond aye).
 17
 18 PRESIDENT POWERS
 19 Anybody opposed?
 20
 21 (No response.)
 22
 23 (Discussion off the
 24 record.)

87

1 session.
 2 PRESIDENT POWERS: I
 3 know that.
 4 SHAUN KEENAN: We're
 5 allowing members to stay
 6 that aren't the voting
 7 body that is off the
 8 record only. It's not
 9 executive session.
 10 PRESIDENT POWERS: It's
 11 true. Are you going to
 12 amend the motion again?
 13 The amended motion on the
 14 floor is to go into
 15 executive session, to
 16 include all stewards,
 17 which is technically not
 18 executive session. So,
 19 let's just bring everybody
 20 back in, pull the motion,
 21 we'll go off the record
 22 and we'll take this
 23 information. Can I get
 24 the makers of the motion

86

1
 2 PRESIDENT POWERS: Back
 3 on the record. Toby.
 4 TREASURER HOGAN:
 5 Good afternoon. I'm going
 6 to give my Treasurer's
 7 report. Our Gen Op
 8 account we have 7.68
 9 million. Rainy Day Fund
 10 as of Monday was a hundred
 11 thousand. Legal Defense
 12 Fund, 2.27 million.
 13 Unrestricted bonds, 6.86
 14 million. Restricted
 15 bonds, 1.49 million.
 16 Just to give you a
 17 little perspective on the
 18 misinformation that's out
 19 there. Since January
 20 we've had only two people
 21 on Legal Defense Fund. We
 22 have thirty-six members
 23 right now on Rainy Day
 24 Fund.

88

1 We had our annual audit
2 from the 5th to the 9th,
3 and we did really well on
4 it. And that's about all
5 I got. Other than we
6 still have a lot of
7 facilities not signed up
8 with Quill yet. Quill is
9 out there in the lobby in
10 case anybody hasn't seen
11 her and you want to get
12 signed up with her. And
13 that's all I got. Anybody
14 got any questions?

15 CHRIS HICKEY: Hickey,
16 Wyoming. Was that an
17 internal audit or outside
18 audit?

19 TREASURER HOGAN:
20 Outside audit.

21 CHRIS HICKEY: Is there
22 a report on that?

23 TREASURER HOGAN:
24 She'll be sending it over

89

1 there's risk assessment.
2 And that's what's not
3 being done.

4 I know there's some new
5 chiefs in the room and
6 maybe you're not familiar
7 with what work place
8 violence is. See me
9 during one of the breaks.
10 Jocelyn Gleason who is our
11 health and safety staff is
12 here today. And she's
13 going to go into it a
14 little bit more. But I'm
15 not talking about OEM
16 complaints, I'm talking
17 about inmate on officer
18 violence There is a report
19 generated from that. In a
20 logbook, yes thank you.

21 PRESIDENT POWERS:
22 Directive 4960. Joe?

23 JOE CHRISTIANO: Joe
24 Christiano, Albany

91

1 the I'll put it on the
2 website. They just
3 finished it. Anything
4 else? The union meeting
5 expenses has gone way
6 down. Keep up the good
7 work.

8 PRESIDENT POWERS: Ten
9 minute break.

10 (Recess taken.)

11 PRESIDENT POWERS:
12 Let's get started. Tammy?

13 EXECUTIVE VP SAWCHUK:
14 I just wanted to clarify,
15 work place violence. I'm
16 not talking about OEM
17 complaints. What I'm
18 talking about is inmate on
19 staff assault and how it's
20 being reported, how it
21 goes into a work place
22 violence report where

90

1 Training Academy. Memo
2 here from Acting Deputy
3 Commissioner Brandow dated
4 November 28th, 2017.
5 Stating that the second
6 and third quarters of
7 training, every facility
8 that doesn't have it will
9 get the eight hour initial
10 OC training course.

11 Any facility that's
12 already had it or any
13 member that's at that
14 facility, because we have
15 had it at the Academy
16 since August, any member
17 that's already had it is
18 going to get a one hour
19 refresher.

20 But everybody that
21 doesn't have it, is
22 definitely getting an
23 eight hour block in the
24 second and third quarters.

92

1 That's going to be with
2 two days, use of force,
3 firearms and baton. And
4 the second day will be
5 eight hour initial OC
6 training. It's a DCJS
7 mandate that every
8 individual gets it.

9 It doesn't matter if
10 you're a WTO and you got
11 it in school, you still
12 have to get exposed again.
13 Everyone has to take a
14 test, throw that test out,
15 and that test gets
16 forwarded to DCJS as well.

17 But by this memo from
18 Brandow, it says we are
19 going to get the eight
20 hours, but it doesn't say
21 what they're taking out of
22 the training block.

23 PRESIDENT POWERS:
24 Thanks, Joe. Move into

93

1 have to fill out a form
2 that they give permission
3 for the insurance company
4 to give me information.
5 The forms are all on the
6 website. I gave you each
7 a copy of one -- there's
8 one for United Health
9 Care, one for Empire Blue
10 Cross Blue Shield, one for
11 Civil Service in case
12 there's a problem with
13 their paycheck or the opt
14 out issues like that that
15 I have to go to Civil
16 Service.

17 And they're passing one
18 for Beacon Health, that's
19 the mental health
20 substance abuse program.
21 So I just want to make you
22 aware of it, if somebody
23 comes to you and they're
24 asking you about it,

95

1 departmental reports.
2 Sharon? Anybody sees a
3 extra pair of glasses, see
4 Vice President Fisher.

5 SHARON SMITH: Good
6 afternoon. I will be real
7 quick. Sergeant-at-Arms
8 is passing out a form for
9 each of you that I didn't
10 have. There's three in
11 your packet that I had put
12 in there this morning. I
13 just want to make you
14 aware of this real
15 quickly, when members call
16 me for help with an issue
17 with the health insurance,
18 they're going to have to
19 sign an ROI now. Because
20 HIPPA regulations have
21 gotten stricter on them
22 and all the insurance
23 companies require them.

24 So they're going to

94

1 that's what that is all
2 about. I'm going to have
3 to have that signed
4 document in order to help
5 them.

6 And the only thing I
7 want to mention, if you
8 look at the form, you'll
9 notice that it always --
10 everywhere it says
11 member's name and so
12 forth, they're not talking
13 about you as the enrollee.
14 Whoever I'm working for,
15 if it's your wife that I'm
16 trying to help, it's her
17 bills, she's going to have
18 to fill this information
19 out. It has to be signed
20 out by her. She is in the
21 health insurance, I need
22 her approval to be able to
23 help her.

24 Certainly you could

96

1 fill it out and then your
2 children -- you would put
3 your children's
4 information there and then
5 you as the enrollee
6 because they're minors,
7 you would actually sign
8 it, at the end there's a
9 place for you to sign and
10 it would be your signature
11 because they're minors.

12 But it would be their
13 information you fill out,
14 because its says member
15 everywhere, I didn't want
16 you to get confused and
17 think you had to fill
18 everything out in your
19 name.

20 So, that's how that
21 works. I just wanted to
22 give you a quick ideal, if
23 a member comes to you and
24 they're confused on it, I

97

1 issues for anything
2 concerning, you know,
3 formulary changes or
4 anything later in the
5 year, probably in the Fall
6 that stuff will start
7 coming out.

8 But I just thought I
9 would mention that in case
10 anyone here's wondering
11 about it. And that's all
12 I have. Does anybody have
13 any questions?

14 ANDY RICE: Rice,
15 Elmira. Sharon, the forms
16 that you said, they are on
17 the website?

18 SHARON SMITH: Yes.

19 ANDY RICE: Can we fill
20 them out and have an
21 e-signature?

22 SHARON SMITH: You can
23 do it that way, sure.
24 Doesn't have to be the

99

1 can mail them to them.
2 Again, they're on the
3 website and I will make
4 sure I get it from them.
5 But I just thought I would
6 pass that on to you, so
7 you have that information.

8 The only other thing I
9 have, the -- I have
10 reported for the
11 prescription drug program
12 was out for bid. I just
13 received word that Optum
14 Health actually won the
15 award, so the prescription
16 drug program, they'll be
17 the new vendor for that
18 program. This is not
19 until January 1st of 2019.
20 So the rest of the year
21 Caremark will continue to
22 have the program.

23 And I'll certainly
24 report going forward any

98

1 original.

2 ANDY RICE: Thank you.

3 SHARON SMITH: That's
4 fine, yes. Any other
5 questions? Thank you.

6 PRESIDENT POWERS:
7 Thanks, Sharon. Jocelyn?
8 JOCELYN GLEASON: High
9 everyone. So I wanted to
10 talk a little bit about
11 work place violence like
12 Tammy was saying before.
13 We're talking more on
14 inmate on staff incidents.
15 Assaults, anything that
16 happens in the facility,
17 it needs to be documented.

18 When you're filling out
19 your accident incident
20 reports, you need to be
21 clear of what exactly
22 happened in that incident.
23 If it involved an inmate
24 and they attacked you or

100

1 assaulted you, be sure
2 that you're putting that
3 in the incident accident
4 reports.

5 Because we're running
6 into issues where the one
7 year, two year termination
8 comes into play at the
9 end, if you don't have a
10 clear description of what
11 happened when you were
12 injured at the time of the
13 injury, a lot of these
14 cases are going to the one
15 year determination to be
16 terminated.

17 So if something is
18 happening at the facility
19 and you're attacked or
20 something happens with an
21 inmate, just be clear in
22 your report. If it was a
23 use of force and your
24 injury was the result of

101

1 follow-through, they're
2 supposed to be taking
3 these incidents and
4 reviewing them. Looking
5 at what happened during
6 that incident and then
7 deciding if the
8 appropriate actions were
9 taken during that
10 incident.

11 So, for example, you
12 know, if somebody -- if an
13 inmate grabbed something
14 and hits an officer with
15 it, those incidents are
16 supposed to be reviewed
17 and then they're supposed
18 to be talked about at
19 these yearly meetings.
20 They're supposed to be
21 reviewed and talked about
22 at the labor management
23 meetings.

24 If nothing is being

103

1 an inmate, be clear in
2 that incident accident
3 report when you're filling
4 that out.

5 The work place violence
6 prevention program that
7 takes place at the
8 facility level, we're
9 lacking union
10 representation in some of
11 those meetings. That's
12 what we found at the
13 yearly committee meeting
14 with the Department of
15 Corrections.

16 Their documentation is
17 poor. When I was
18 reviewing the reports that
19 they gave me, it was not
20 easy for me to pick out
21 which incidents were work
22 place violence. The
23 documentation and the
24 follow-through, when I say

102

1 resolved at those
2 meetings, then they can be
3 escalated to your BA or
4 your VP, and then from
5 there it could be
6 escalated to me, to kind
7 of go from there to see
8 what we should be doing.
9 So when Tammy is talking
10 about work place violence,
11 that's important, that's
12 how they document assaults
13 on staff.

14 And if you guys aren't,
15 you know, documenting
16 those things on your
17 incident accident reports,
18 your UIs, that information
19 isn't being documented
20 at all. So that's on work
21 place violence So it is
22 inmate on staff. It can
23 be staff on staff, but
24 that's not what we're

104

1 talking about here. It's
 2 inmate on staff.
 3 And the other thing
 4 that I wanted to just
 5 touch on real quick were
 6 the changes in Workers'
 7 Compensation. The
 8 guidelines for determining
 9 schedule loss of use are
 10 new. And as of January
 11 1st, they went into
 12 affect.

13 The changes are not
 14 substantial. The changes
 15 were basically with the
 16 SLU examination. They're
 17 not affecting your grade,
 18 your AWW, your average
 19 weekly wage that the
 20 Workers' Comp Board
 21 calculates. And it's not
 22 affecting the weeks that
 23 go in to the schedule loss
 24 of use award.

105

1 acceptable.

2 It's not acceptable
 3 with OSHA. DOCCS is
 4 currently looking to
 5 change that directive. I
 6 don't have the final
 7 decision from PESH. But
 8 DOCCS is working with Corp
 9 Craft right now to make
 10 containers that are OSHA
 11 acceptable containers
 12 which are puncture proof
 13 and leak proof.

14 So if your facilities
 15 are using bags or
 16 cardboard, if you want to
 17 let me know. Because
 18 right now it's a good time
 19 to bring it up because
 20 it's on the front burner.
 21 So that's it. Anybody
 22 have questions? Hi.

23 MR. MCGOWAN: McGowan,
 24 Mid-State. This might be

107

1 So really it's just the
 2 exam that the provider
 3 does. So really that's
 4 the change with the SLU.
 5 I know there was a lot of
 6 questions on it and some
 7 comments on it. But
 8 really the only changes
 9 were with the exam that
 10 your doctor does.

11 And then the only other
 12 thing that I had for a
 13 safety concern was that I
 14 attended a PES inspection
 15 at Otisville for razor
 16 disposal process. And
 17 PESH found that the
 18 process that Otisville was
 19 using and I'm thinking
 20 that other facilities are
 21 also using that same
 22 process, of using plastic
 23 bags or cardboard boxes to
 24 store used razors is not

106

1 a stupid question, but if
 2 an officer is responding
 3 to an emergency situation
 4 and is injured on the way
 5 there, is that considered
 6 inmate related or not?

7 JOCELYN GLEASON: It
 8 all -- from what I have
 9 been told, it has to be an
 10 assault. So an assault
 11 meaning it has to be a
 12 direct injury from the
 13 inmate on to the officer.

14 MR. MCGOWAN: Thank
 15 you.

16 VP LAW ENFORCEMENT
 17 HARMON: John Harmon, Law
 18 Enforcement Vice
 19 President. PEF just won a
 20 decision the end of last
 21 year, sometime last year,
 22 that ancillary injuries
 23 sustained during a use of
 24 force or inmate related

108

1 are qualified. So, there
2 is a PEF decision out
3 there that kind of changed
4 that whole dynamic.

5 So, if you guys want I
6 can get a copy and give it
7 to you.

8 MR. MCGOWAN:
9 Thank you.

10 JOCELYN GLEASON: We
11 are having the union
12 attorneys review certain
13 cases. So what I always
14 say when somebody calls me
15 is, get me your injury
16 accident report, any other
17 information that you have,
18 that's why I say it's so
19 important to put as much
20 information as you can in
21 the incident accident
22 reports. And then the
23 attorney will review it to
24 see if she or he has

109

1 all of that to determine
2 if at the time of the
3 injury the appropriate
4 actions were taken.

5 What that means? I
6 don't know. Because the
7 reports that we got,
8 doesn't give us any of
9 that information of what
10 the appropriate actions
11 were.

12 DAVE LUTHER: My
13 concern is when they say
14 the appropriate action, is
15 it the appropriate actions
16 that the proper aid was
17 given to the officers; or
18 are they going to be a
19 subdivision of OSI and
20 determine whether or not
21 the use of force or the
22 injury was legitimate.

23 JOCELYN GLEASON: The
24 appropriate action should

111

1 enough to proceed with an
2 Article 78 proceeding.

3 DAVE LUTHER: Dave
4 Luther out of Sing Sing.
5 On the work place
6 violence, you said that
7 the reports are reviewed
8 to see if the right things
9 were done. Can you
10 clarify for us what kind
11 of right things that
12 they're looking for?

13 JOCELYN GLEASON: At
14 that yearly work place
15 violence prevention
16 committee meeting, I'm
17 only talking about that
18 yearly meeting, they're
19 supposed to be reviewing
20 all of the UIs, the SH-900
21 logs, which is the log of
22 all injuries for the
23 facility. And they're
24 supposed to be looking at

110

1 be, so let's just use a
2 simple example. I pick up
3 that chair and, you know,
4 an inmate picks up that
5 chair and hits the
6 officer. So the
7 appropriate action would
8 be, why was that chair
9 there.

10 So they're doing like a
11 risk assessment of what
12 happened during that
13 injury. Then they're
14 supposed to be looking
15 back at it to determine
16 what they can do to maybe
17 correct that from
18 happening again.

19 DAVE LUTHER: So it's
20 more environmental than it
21 is whether or not the use
22 of force was warranted or
23 whether or not the officer
24 was right or wrong.

112

1 JOCELYN GLEASON: Yes.
2 That's not what the
3 purpose should be, no.
4 Okay. Have a good day.

5 PRESIDENT POWERS:
6 Thank you. Dan Valente?

7 DAN VALENTE: Good
8 afternoon. It's been a
9 busy couple of months
10 since we last met. The
11 Governor gave his State of
12 State address, followed
13 that up with his executive
14 budget presentation in the
15 middle of January.

16 Since that time, we've
17 come to learn of the
18 thirty day amendment that
19 were introduced that would
20 impact the disciplinary
21 Article 8 of what you guys
22 have in your contract.
23 Obviously there's been a
24 response to that, we're

113

1 were some pretty clear
2 opinions on the direction
3 of the Department, some of
4 the policies that have
5 been implemented that had
6 have taken the tools away
7 from the members of
8 NYSOPBA.

9 There were members even
10 in the minority that had
11 concerns with obviously
12 the tablets, with the uses
13 of force, with the way
14 that the reduction in the
15 SHU beds, and the twelve
16 hundred beds that are
17 slated to be closed
18 following this budget.

19 So there's a lot of
20 issues out there. But
21 it's important for the
22 members to understand
23 there's a lot of people in
24 Albany, in the

115

1 continuing to respond to
2 that.

3 We have been working
4 with several members of
5 the legislature, in both
6 houses and both
7 majorities; the Assembly
8 Dems and the Senate
9 Republicans. And Senate
10 Republicans are in lock
11 step with the members of
12 NYSOPBA and have nothing
13 but support for the job
14 that you do and the
15 difficult working
16 conditions that you
17 operate in.

18 It couldn't have been
19 more clear during the
20 public protection hearing
21 of the budget. President
22 Powers testified even when
23 Acting Commissioner
24 Annucci testified there

114

1 legislature, elected
2 officials that have your
3 back and are willing to go
4 to bat for the members of
5 this organization.

6 Granted there are
7 members on the other side
8 of the coin that would see
9 nothing more than to let
10 everyone out of prisons
11 and deal with criminals
12 and crimes in community
13 based setting. Well, we
14 all know that that's not
15 an effective strategy. So
16 we do have friends that
17 are in the legislature
18 that are speaking up on
19 our behalf.

20 And we're going to
21 continue to have those
22 relationships and have
23 those conversations to
24 educate them on why it is

116

1 that we need the
2 protections that we are
3 looking for. The
4 technology, the package
5 room policy that got
6 rescinded. Things that
7 are going to make it
8 easier for our members to
9 do their jobs and make it
10 safer for them to do their
11 jobs.

12 Again, we're going to
13 continue to have those
14 conversations. They're
15 ongoing. And this is
16 really just the
17 beginning -- we've got
18 about six weeks until the
19 budget is negotiated. So
20 we're going to be talking
21 to go everybody and
22 anybody that will listen
23 to try to get them to
24 understand why we need to

117

1 As far as Lobby Days
2 are concerned, we are
3 going to be a looking for
4 approval on this. Dave
5 Luther will be giving the
6 recommendation during the
7 committee report. But
8 just briefly, what we're
9 look to do is we're going
10 to have a Lobby Day in
11 Albany, and what we're
12 looking to do is dedicate
13 it to the members in this
14 room. People who have
15 dedicated countless hours,
16 supporting members, being
17 involved, sharing
18 information.

19 And we're going to do
20 that in Albany, much like
21 in the past. Where, you
22 know, get the hotel room
23 the night before, then we
24 would go down and we'd

119

1 have the protections that
2 we're seeking.
3 Some of the things that
4 we're going to be doing
5 down the road next month
6 during the final push of
7 the budget like last year,
8 we had a legislative
9 reception in Albany where
10 the PAC committee and the
11 Executive Board hosted an
12 event. We invited the
13 legislators to come to the
14 event.

15 It was very well
16 attended in my opinion. I
17 think we had a lot of good
18 conversations. We're
19 going to continue to do
20 that again on March 20th
21 in Albany, it will be
22 again for the PAC
23 committee and the
24 Executive Board.

118

1 have meetings.
2 Historically, we've always
3 done it regionally, now
4 it's just going to be
5 little bit smaller groups,
6 but we're going to be
7 spreading the whole state
8 on one day. There's a
9 variety of things we can
10 do outside of the
11 meetings.

12 There's a new
13 correctional memorial wall
14 in Albany. I believe the
15 dedication ceremony took
16 place, but it's something
17 that maybe we can do for
18 our members to have a
19 separate ceremony. The
20 week of May 8th or during
21 that week, is correctional
22 facility employee
23 awareness week. We have
24 done in the past, where

120

1 we've had members from
2 color guards come and
3 present colors to the
4 Senate. We have had
5 resolutions read on behalf
6 of NYSCOPBA.

7 So there's a variety of
8 different things that we
9 can do. Now, in order to
10 incorporate the general
11 membership, what we are
12 proposing to do is to have
13 regional legislative
14 receptions. Similar to
15 the one like we did in
16 Albany. Similar like
17 we've done in the past
18 with PAC seminars.

19 We're going to be
20 basically taking the Lobby
21 days, making them local.
22 So, say if you're done in
23 the Elmira area, we would
24 invite legislators that

1 whether you're meeting
2 them for the very first
3 time.

4 So this is something
5 that is new. We're short
6 on time essentially in
7 order to set up Lobby Days
8 as we've done in the past.
9 But I think that we'd be
10 able to incorporate the
11 membership in a different
12 venue, get them involved
13 and get them meeting their
14 legislators and keeping
15 them engaged in the
16 legislative process.

17 We're going to continue
18 to keep the relationships
19 in Albany with the PAC
20 committee, with the
21 Executive Board, with our
22 retained lobbyists and
23 other committees as well.
24 The Veterans Committee

1 are in the surrounding
2 areas to attend this
3 event, a reception for a
4 couple hours. And
5 obviously the members from
6 the facilities that are,
7 you know, in close
8 geographic proximity to
9 that location are welcome
10 to attend.

11 And it just gives our
12 members an opportunity to
13 meet their legislators.
14 To have conversations in
15 an informal setting, you
16 know, we're not going to
17 be in the LLB, we're going
18 to be at a neutral
19 location. We'll be able
20 to talk to legislators,
21 whether it be your
22 neighbors, people that
23 you've dealt with
24 previously in the past or

1 does a good job of getting
2 out and meeting with the
3 legislators.

4 But we're just looking
5 to change things up a
6 little bit then we have
7 done in years past. So
8 we're going to be looking
9 for your approval on that.
10 If there is any questions
11 on that I would be happy
12 to entertain them or at
13 least address them during
14 the committee report. So
15 if there is any questions,
16 feel free. Kevin?

17 KEVIN DONNELLY: Kevin
18 Donnelly, Coxsackie.
19 Could you have either
20 Keith, Chris explain the
21 thirty day bill to the
22 Executive Assembly so we
23 know what we're up
24 against?

1 DAN VALENTE: Sure. I
 2 would defer to Keith and
 3 Chris on that. They've
 4 been involved with the
 5 leadership in both houses
 6 since this broke. And,
 7 you know, they know the
 8 process and how this is
 9 going to play out so.

10 KEITH JACQUES: Kevin,
 11 are you referring to the
 12 thirty day amendment the
 13 Governor just proposed?

14 KEVIN DONNELLY: Yes.

15 KEITH JACQUES: Okay.
 16 So, as Mike brought up in
 17 his report, the Governor
 18 has the constitutional
 19 authority to propose
 20 amendments. Usually
 21 they're technical but he
 22 can propose any amendment
 23 he wants to the original
 24 executive budget. He can

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1 legislature, with Senate
 2 leadership, with members
 3 of the Assembly, conveying
 4 our significant concerns
 5 with this proposal we
 6 haven't even seen yet.
 7 But we're comfortable that
 8 the legislature fully
 9 understands our concerns
 10 with it and as the budget
 11 negotiations continue
 12 between the legislature
 13 and the Governor, the
 14 legislature will seek to
 15 remove that language, that
 16 offensive language from
 17 the Article Seven.

18 Just keep in mind that
 19 the Governor has authority
 20 outside of the budget to
 21 try and introduce we'll
 22 call it program bills or
 23 bills that come out of the
 24 Governor's office. So if

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1 develop that for thirty
 2 days and he doesn't have
 3 to ask the legislature for
 4 approval.

5 So these thirty day
 6 amendments, just assume
 7 they are part of now the
 8 proposed executive budget.
 9 The language which we
 10 haven't seen yet, it will
 11 be available tomorrow, it
 12 will be a part of one of
 13 the Article Seven bills.
 14 And if anyone attended the
 15 legislative PAC seminars
 16 we do during the winter,
 17 you will recall the
 18 legislature has
 19 significant authority with
 20 respect to Article Seven,
 21 those can actually change
 22 what's proposed.

23 So we already started
 24 having meetings with the

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1 he can't get something
 2 done in the budget, often
 3 times he tries to look to
 4 stand alone legislation to
 5 achieve what he's seeking
 6 to accomplish.

7 Does that help?

8 Questions on that?

9 TED NEVILLS: Ted
 10 Nevills, Watertown.
 11 Keith, wouldn't he
 12 essentially be facing the
 13 same players that would
 14 not allow it to go through
 15 the budget process with
 16 the program bill?

17 KEITH JACQUES: Well,
 18 here's the problem. The
 19 problem is the Senate.
 20 Everyone understands where
 21 the Senate Republicans
 22 are. Mike explained that
 23 Senate Majority Leader
 24 Flanagan called in this

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1 morning to explain his
 2 support from his
 3 conference, with respect
 4 to our position on this
 5 ridiculous proposal.
 6 Senator Flanagan
 7 actually was on the floor
 8 of the Senate yesterday
 9 and gave an awesome three
 10 and a half minute speech.
 11 And if you can Google
 12 Senator John Flanagan on
 13 You Tube you can see it.
 14 He stood up to talk about
 15 an organ donation day or
 16 something, but he
 17 immediately redirected his
 18 comments to the officer
 19 that was injured in New
 20 York City over the
 21 weekend. And the fact
 22 that the Governor is
 23 talking about proposing
 24 changes to our

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1 These are two seats
 2 that are generally
 3 democratic seats. Right
 4 now there are thirty-one
 5 republicans in the Senate,
 6 there are sixty-three
 7 overall seats. The IDC
 8 that NYSCOPBA has a very
 9 good relationship with,
 10 there are working with
 11 Senate Republicans and
 12 they allow Senate
 13 Republicans to stay in
 14 control of the majority.
 15 But there could be a
 16 situation where the Senate
 17 Democrats are actually
 18 running the Senate
 19 chamber.
 20 If that happens,
 21 obviously the Senate
 22 Republicans relationship
 23 with us would still be
 24 strong, but the control

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1 disciplinary process.
 2 He was very poignant
 3 and very matter of fact.
 4 The Senate Republicans,
 5 we're worrying about the
 6 good guys. The bad guys
 7 are behind the bars. And
 8 there's too many people in
 9 the legislature that are
 10 concerned about the bad
 11 guys. We're concerned
 12 about the good guys.
 13 So the Senate
 14 Republicans clearly
 15 supportive of NYSCOPBA.
 16 You got two open seats in
 17 the Senate right now and
 18 the Governor has scheduled
 19 special elections for
 20 those two open seats,
 21 April 24th. He
 22 specifically did it after
 23 the budget process would
 24 be completed.

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1 would not be with us, we'd
 2 be dealing with a totally
 3 different beast. People
 4 that have been at Lobby
 5 Days try talk to
 6 Democratic Senators
 7 understand at times that
 8 the opinion and the
 9 position of those members
 10 is not the same opinion
 11 and position as everyone
 12 in this room has; and
 13 certainly not the same
 14 position and opinion that
 15 Senate Republicans have.
 16 So, the short answer,
 17 we could be looking at a
 18 different group of people
 19 if he decides to introduce
 20 his stand alone bill,
 21 later on, depending what
 22 happens in the special
 23 elections.
 24 One other thing.

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1 President Powers touched
 2 on the Death Gamble bill,
 3 everyone knows the
 4 Governor vetoed that bill.
 5 We've been working both
 6 with the Senate and the
 7 Assembly. And as Mike
 8 said, both the corrections
 9 chairs of each house have
 10 shown us letters that
 11 they're sending to the
 12 leadership of their own
 13 house asking for the Death
 14 Gamble Legislation be
 15 included in each houses,
 16 one house budget
 17 resolution.

18 So as the budget
 19 negotiations continue,
 20 each house of the
 21 legislature will introduce
 22 a budget resolution that
 23 will essentially be each
 24 houses official position

1 shape.
 2 Chris will give the lay
 3 of the land on where we
 4 are politically because I
 5 think these special
 6 elections in April are
 7 going to significantly
 8 impact the political lay
 9 of the land in
 10 State of New York.

11 CHRIS DURYE: I think
 12 you laid it out
 13 pretty well here. Some of
 14 the politics around what's
 15 going on in the Senate, if
 16 you recall the last time
 17 we were here, there's
 18 sixty-three seats in the
 19 Senate. So the magic
 20 number for the majority is
 21 thirty-two. Right now the
 22 Republicans have
 23 thirty-one seats.

24 They coalesce with one

1 on where they are on the
 2 budget. And if we can get
 3 both Senate and Assembly
 4 to include that Death
 5 Gamble Legislation in
 6 their own budget
 7 resolutions, that is going
 8 to make it very difficult
 9 for the Governor to not
 10 enact that as part of the
 11 budget.

12 So, we're moving
 13 forward. The right steps
 14 are being taken and the
 15 correction chairs of each
 16 house are asking for their
 17 leaders, Hastings and
 18 Flanagan to include it in
 19 their one house bills.
 20 And we'll continue to push
 21 it and hopefully get it
 22 included in each of those
 23 houses bills, then I think
 24 we'll be in pretty good

1 other Brooklyn Democrat.
 2 So that's the magic number
 3 for them, that's how razer
 4 thin our friends are. The
 5 republicans have been your
 6 backstop for years. So,
 7 on the Democratic side,
 8 there's a break-away
 9 faction of eight
 10 Democrats, called the
 11 Independent Democratic
 12 Conference.

13 Those eight Democrats
 14 are critical to getting
 15 things through the Senate.
 16 They have been our
 17 friends. So -- however,
 18 these days the progressive
 19 left have been beating the
 20 living crap out of the
 21 Independent Democrats for
 22 not being aggressive
 23 enough. Because they
 24 coalesce with our friends

1 in the Republican
2 Conference, they are being
3 framed as propping up
4 Mr. Trump and being thrown
5 in with the bath water of
6 not being able to push our
7 progressive agenda here in
8 New York State.

9 The Governor in order
10 to get -- he has taken a
11 position back in December
12 to reunite the Democrats
13 in the Senate. This plan
14 is based around the
15 special elections coming
16 up in April. There are
17 two open seats. So the
18 Governor has attempted to
19 bridge the budget by
20 saying, well, we can't --
21 we don't know what's going
22 to happen in the Senate
23 until these two special
24 elections happen, so we're

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1 to get this thing spiked,
2 but it's a very complex
3 and very uneasy and
4 uncertain series of days.
5 Does that lay it out?

6 DAVE LUTHER: Dave
7 Luther out of Sing Sing.
8 I do have a question. The
9 Governor likes to have his
10 budget in by the 1st of
11 April to have it approved.
12 But of course he knows
13 that he lacks support in
14 the Senate because of the
15 numbers. What is the
16 chance that he might stall
17 until the special
18 elections, it would only
19 be three weeks afterwards.
20 That he would stall to try
21 to get the numbers that he
22 needs in the Senate to get
23 his budget through.

24 CHRIS DURYE: I

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1 going to wait until after
2 the budget, until these
3 special elections.

4 So now, there's a
5 tremendous amount of
6 pressure, there are
7 progressives -- I think in
8 all but maybe two of those
9 Independent Senate seats
10 that are facing Democratic
11 primaries from their far
12 left, so there's an
13 incredible amount of
14 pressure on those eight
15 Democrats to come up even
16 more progressive ideas and
17 progressive ideals in this
18 budget.

19 So as we are tasked
20 with killing this thing in
21 the next six weeks, we
22 have got a lot of work to
23 do. I mean, I feel
24 confident that we're going

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1 think -- you know,
2 frankly, I think the
3 Governor stands to lose
4 more with a late budget
5 than the legislators do.
6 I think we talked about, I
7 think maybe one incumbent
8 last year?

9 DAN VALENTE: 2016
10 elections in the Assembly,
11 150 elected -- positions
12 up for election, one
13 sitting incumbent was
14 removed, was voted out of
15 office. Incumbency is a
16 very strong tool in the
17 legislature.

18 DAVE LUTHER: But both
19 these seats are open right
20 now, correct?

21 CHRIS DURYE: That's
22 correct.

23 DAVE LUTHER: So there
24 is no incumbent.

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1 CHRIS DURYEYEA: That's
2 correct. They're
3 historically Democrat.

4 DAVE LUTHER: The
5 Assembly is, correct. The
6 two seats that are open,
7 are they the Assembly or
8 Senate.

9 CHRIS DURYEYEA: We're
10 talking about the Senate.
11 The Assembly is not going
12 to matter, there's 150 --

13 DAVE LUTHER: They're not
14 going to carry us anyway,
15 because they're primarily
16 Democrat. My issue is if
17 he -- who are the
18 Republicans running in
19 this special elections;
20 and are we putting boots
21 on the ground to try to
22 sport Republicans going
23 in.

24 CHRIS DURYEYEA: These

1 democratic seat. The
2 current Assemblywoman
3 Shelly Mayer, she's got a
4 base, female these days in
5 a Westchester County
6 district; she's going to
7 be tough to beat. I think
8 the Republicans are
9 looking at this like, you
10 know, we got a general
11 election coming up in the
12 fall, we've only got so
13 many resources, money.
14 There is a woman she is a
15 sitting town councilwoman
16 she ran -- Killian, she
17 ran against the incumbent
18 Lattimore 2016, she put up
19 some good numbers. I
20 think she lost by eleven
21 points. But she's a solid
22 candidate female, but I
23 think the Republicans are
24 going to support her but I

1 are traditionally
2 Democratic seats. One of
3 which is right in the
4 heart of the Bronx. And
5 keep in mind, these --
6 special elections there
7 are no primaries. So the
8 local party officials
9 anoint the candidate. In
10 the heart of the Bronx, I
11 mean, the Democrat is
12 actually the current
13 Senator Louis Schveeva.
14 He is anointed to be the
15 Democratic candidate, by
16 all accounts he's going to
17 win.

18 The Republicans
19 initially came out -- the
20 second seat is in Yonkers,
21 which was actually once a
22 Republican seat. But it's
23 been redrawn now where
24 it's essentially a

1 don't think it's in the
2 cards frankly. Anybody
3 else?

4 KEITH JACQUES: Dave,
5 so the legislature really
6 now is in the control of
7 the timetable once the
8 Governor introduces his
9 proposal, it's sort of in
10 the legislature's hands.

11 Once thing we should
12 all be aware of is while
13 the Senate Republicans are
14 in control, they are
15 really starting to knock
16 heads with the Governor.
17 Flanagan was taking shots
18 at the Governor, the
19 Governor was taking shots
20 at Flanagan.

21 Frankly, with some of
22 the senate Republicans
23 coalescing around this
24 issue, the thirty day bill

1 that the Governor just
2 proposed, so that's
3 obviously good news for
4 us. But we still have our
5 work cut out as Chris said
6 six weeks here. So, any
7 other questions?

8 DAN VALENTE: All
9 right. Thank you.

10 PRESIDENT POWERS:
11 Without any objection from
12 the body, we'll bring up
13 Jim Miller, along with
14 Jason Politi and Jim
15 Smith from Baker PR to do
16 a presentation from Baker
17 PR. All in favor?

18
19 (All respond with aye.)
20

21 PRESIDENT POWERS:
22 Anybody opposed?
23 (No response.)
24

1 marketing manager for
2 Baker PR and Jim Smith is
3 the VP. Jason has a brief
4 presentation and then he
5 will answer any questions
6 that you have moving
7 forward of the collective
8 plan we put together for
9 the remainder of 2018 and
10 then moving forward from
11 there. Jason?

12 JASON POLITI: Good
13 afternoon. Thank you. My
14 name is Jason Politi from
15 Baker Public Relations.
16 Just a little background
17 on the firm. We are a
18 full service public
19 relations and marketing
20 firm. That means we
21 handle a lot from
22 communications with
23 members of the statewide
24 media from marketing.

1 JIMMY MILLER: Good
2 afternoon. Before I
3 introduce Jim and Jason, I
4 just want to say a couple
5 words. We've been working
6 with Baker PR for about
7 two and a half months now.
8 I think I can attest and I
9 think the Board will agree
10 with me, they have been
11 fully engaged more than
12 the previous PR firm,
13 outside PR firm that
14 you've had previous to
15 them.

16 They fully understand
17 what the issues are and
18 they're more than willing
19 to get involved and push
20 the agenda that obviously
21 favor some of the issues
22 that are really important
23 to you.

24 Jason Politi is the

1 That means social media,
2 some of you may have
3 already noticed some
4 e-mail newsletters coming
5 into your e-mail box. We
6 work with Jimmy and Mike
7 Powers to put those
8 e-mails together.

9 A little background on
10 my, I spent seven years at
11 a television news station
12 in the City of Albany.
13 I've been with Baker for
14 about three years now. We
15 started with President
16 Powers and Jimmy Miller a
17 couple years ago. We did
18 a couple one-off projects
19 and that led us to
20 deciding that late last
21 year it would be
22 beneficial to enter a long
23 term plan.

24 So, right off the bat,

1 I think the first week we
 2 started working together
 3 Governor Cuomo issued the
 4 Death Gamble veto, so that
 5 was one of our first big
 6 projects. I brought a
 7 presentation with some of
 8 the media we were able to
 9 get out. So our main goal
 10 there is to bring
 11 NYSCOPBA's message and
 12 statements from President
 13 Powers to a much larger
 14 audience.

15 Bring that to members
 16 of the statewide media who
 17 can in turn educate the
 18 general public and educate
 19 some of the policy makers
 20 as to what NYSCOPBA needs
 21 and what it's fighting
 22 for. And what really
 23 matters to its -- to the
 24 union members.

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1 twenty years. Megan Baker
 2 had been in the business,
 3 you may know her name if
 4 you're local. She was a
 5 local television
 6 personality for about a
 7 decade. She just
 8 celebrated her tenth
 9 anniversary in public
 10 relations.

11 I joined the firm a
 12 month ago. So your issues
 13 to me while new, are not
 14 foreign. For the last
 15 nine years, about six out
 16 of the last nine years
 17 that I have been doing --
 18 that I have I been working
 19 in public relations, the
 20 two major clients were
 21 first responders who are
 22 major employee labor
 23 union. I'm a former
 24 Teamster myself back in

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1 A lot of it is making
 2 sure that NYSCOPBA's
 3 voices reach the same
 4 audience as some of the
 5 adversarial voices. And a
 6 lot of that is reacting to
 7 some of the policies
 8 coming out of Washington
 9 and coming out of the City
 10 of Albany.

11 So we've had a very
 12 busy first few months. We
 13 think it's been -- we have
 14 had a lot of wins in that
 15 first three months. And
 16 we're looking forward to
 17 the successes we've had.
 18 Now I will introduce my
 19 colleague, Jim Smith.
 20 Thank you.

21 JIM SMITH: Good
 22 afternoon. My name is Jim
 23 Smith, I have been in
 24 public relations for about

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1 the '80s.

2 So I do have a good
 3 sense of what you're
 4 looking for, what your
 5 priorities are. I have
 6 never walked in your
 7 shoes. But I know that
 8 you're safety, your
 9 protection, the work
 10 environment that you have
 11 and the challenge that you
 12 face, must get before the
 13 decision makers in Albany.

14 And that's been a great
 15 deal of what I've done
 16 over the past nine years.
 17 From elevating the profile
 18 of the people in the
 19 memberships that I have
 20 served. And I really look
 21 forward to making that a
 22 big part of what I do at
 23 Baker moving forward. So
 24 it's an honor to work with

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1 you folks.
 2 JIMMY MILLER: Any
 3 questions for anyone?
 4 DAVE LUTHER: Dave
 5 Luther out of Sing Sing.
 6 How long has your firm
 7 been practicing? The
 8 actual firm, what's it
 9 called?
 10 JIM SMITH: Baker
 11 Public Relations has been
 12 in business for, we're now
 13 in the eleventh year. My
 14 background, I was a
 15 newspaper reporter for
 16 five years, then I got
 17 into public relations
 18 twenty years ago.
 19 DAVE LUTHER: Does your
 20 firm have any history of
 21 working with any law
 22 enforcement other than
 23 your first go round here
 24 with us since December?

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1 Southerntier and then came
 2 to Albany where she became
 3 a reporter for a Fox
 4 affiliate, and then went
 5 to become an anchor with
 6 Spectrum News.
 7 She has worked over a
 8 time period of over a
 9 decade in the news
 10 industry with a lot of
 11 different local law
 12 enforcement agencies here.
 13 And her and I have had
 14 many conversations over --
 15 well over the past year
 16 when she actually wanted
 17 to engage NYSCOPBA about a
 18 lot of the issues.
 19 So she's very familiar
 20 with that and so is Jason.
 21 And I think so far they've
 22 done an excellent job in
 23 their understanding of the
 24 issues that are important

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1 JIM SMITH: I don't
 2 believe so, but I bring
 3 that experience to the
 4 table when I joined the
 5 firm a month ago.
 6 DAVE LUTHER: What did
 7 you do before that?
 8 JIM SMITH: I was a
 9 news reporter. I was in
 10 another PR firm in Albany.
 11 And we represented two
 12 labor unions, eighteen
 13 thousand member New York
 14 State firefighters and a
 15 union of police officers,
 16 who are employed by the
 17 State. Forest Rangers,
 18 Environmental Conservation
 19 Officers, university
 20 police, and one other.
 21 JIMMY MILLER: Dave,
 22 just to answer a little
 23 bit more. Megan was a
 24 reporter coming out of the

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1 to you guys.
 2 VP SOUTH FISHER:
 3 Clarence Fisher, Southern
 4 Region. What is your --
 5 do you have any
 6 connections or reach with
 7 the southern part of the
 8 state? We don't usually
 9 get the same information
 10 that the rest of the state
 11 gets, so do you have a
 12 plan or connections that
 13 will get some information
 14 down to that part of the
 15 state?
 16 JIM SMITH: You're
 17 referring to the media in
 18 that regard?
 19 VP SOUTH FISHER: Yes.
 20 JIM SMITH: My
 21 experience and Jason's
 22 experience as well is
 23 working with statewide
 24 media. I've had a lot of

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1 experience with a variety
2 of clients getting
3 recognition, elevating
4 their issues in all parts
5 of the state. That's
6 something we work with
7 your lobbying team on, or
8 will be working with your
9 lobbying team on, and the
10 leadership at NYSCOPBA.

11 And it's just what we
12 do, what I've done for
13 twenty years. So, yes, we
14 do have inner roads, we do
15 know how to recognize a
16 good story. And once you
17 can do that, you can pitch
18 that, raise the issues to
19 any media person, any
20 politician in any part of
21 the state.

22 VP SOUTH FISHER:
23 There's a heavy
24 concentration, a lot of

1 everything that we're
2 doing collectively, much
3 different than the
4 previous PR firm, part of
5 the advantage of having
6 Baker in Albany is that
7 we're only about four,
8 five miles away, so it's a
9 lot easier to communicate.

10 So whether we're they
11 put out a press release or
12 whether I do it, we're
13 working through a
14 different process than we
15 were before so there's
16 checks and balances there.
17 But also so we recognize
18 we have collectively a
19 better idea and actually
20 more ideas about what will
21 be important and what will
22 improve what we have
23 previously done before.

24 KENNY GOLD: So what

1 legislators down in that
2 part of the state. And
3 they don't see their end
4 of it, so it's just an eye
5 opening experience for
6 them to see some of the
7 other parts of it.

8 KENNY GOLD: Kenny
9 Gold, Orleans. Based on
10 your working with Jimmy
11 and with the Board so far,
12 what do you guys
13 anticipate your role being
14 for this organization?
15 Meaning, do you put plan
16 on putting out press
17 releases, do you plan on
18 putting a campaign
19 together? What exactly
20 would your role be if
21 you're hired by us? We
22 already have a PR
23 director.

24 JIMMY MILLER: Kenny,

1 you're saying is we're
2 adding another arm to you?

3 JIMMY MILLER:

4 Previously, there was
5 another arm.

6 KENNY GOLD: Basically
7 there's nothing different
8 than what we have as a PR
9 director in theory?

10 JIMMY MILLER:

11 Personally, from my
12 experience in two and a
13 half months, you have a
14 better firm that is
15 actively engaged more than
16 the previous one. I'm not
17 taking anything away what
18 they did, because I had a
19 good working relationship
20 with them. But what we've
21 accomplished in two and a
22 half months have been
23 pretty significant.

24 As i said, they're fully

1 engaged and they
2 understand what the issues
3 are.

4 KENNY GOLD: So in
5 theory, if something comes
6 up and you can't get to
7 it, they're going to do
8 it. That's what their
9 role is. Basically
10 they're looking at doing
11 the same thing you would
12 be doing.

13 JIMMY MILLER: We're
14 virtually in contact every
15 day, whether it's e-mail
16 or phone, talking about
17 the issues. If there is
18 nothing going on or what's
19 going on and whether we
20 need to follow-up on it.

21 KENNY GOLD: Thanks.

22 MIKE CARLSON: Mike
23 Carlson, Forest Rangers.
24 What do you base your

1 worked or did not work.
2 If we have a plan that
3 says we are going to
4 elevate your profile so
5 that Bill Number X or Bill
6 Number Y gets the
7 attention it never got
8 before, which would give
9 it the best chance to
10 either survive or
11 squashed, whatever your
12 priorities are. And than,
13 if that is accomplished
14 then ultimately if you get
15 the outcome you desire,
16 whether that outcome is
17 just to elevate your
18 profile on that issue and
19 get the media paying
20 attention, get editorial
21 boards to write in your
22 favor, the Governor to see
23 the value that you do.
24 Those are the measurables

1 success on? And how do we
2 know we're getting the
3 best bang for the buck?
4 You go out, you hear
5 something, you hear this
6 is a good story, let's
7 push it. How do we know
8 here that it's working?
9 What do you do to show us
10 what you're doing is
11 working and you're worth
12 the money we're giving
13 you?

14 JIM SMITH: Sure. We
15 work with the leadership
16 teams with any client that
17 we have. We develop
18 priorities. We establish
19 a plan to go forward,
20 whether it's a one year
21 plan or a six month plan.
22 We measure our results
23 against that plan. So
24 it's very obvious if it

1 that we look at going
2 forward.
3 Now, we are just
4 getting started in this
5 relationship. We will
6 look back in six months
7 and be able to tell
8 whether it's working or
9 not. According to Jimmy,
10 according to Mike, I
11 believe, they would
12 endorse the work we've
13 done so far. And we plan
14 to be very aggressive with
15 this moving forward.
16 JIMMY MILLER: Also,
17 Mike, to add to that, in
18 this digital age,
19 everything is measured,
20 whether it's internally or
21 externally. Internally
22 now with their ability,
23 what they're sending out,
24 the member e-mails they

1 are able to track and see
2 how many people wind up
3 reading them, how many
4 people click through
5 anything that they add to
6 any of your links. So, we
7 have a way of measuring
8 that.

9 For an example, as a
10 pretty good rate, out of
11 the fourteen thousand plus
12 e-mails that Stephanie has
13 in the database from
14 NYSCOPBA members,
15 basically all the member
16 e-mails that have gone
17 out, there's been an open
18 rate of about four or five
19 thousand, which is pretty
20 significant overall.

21 It might not seem like
22 a lot, but overall when
23 you look at it in the
24 scheme of things, it's

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1 have a team of
2 part-timers, a couple of
3 freelancers. And a couple
4 of design experts who
5 assist on an hourly basis.

6 DAVE LUTHER: I don't
7 need to know names, but
8 how many other clients do
9 you represent?

10 JIM SMITH: There
11 are -- we probably have a
12 roster of sixteen to
13 eighteen right now.

14 DAVE LUTHER: So,
15 we're -- we have a
16 tendency just by our sheer
17 what we do for a living,
18 that -- we're the
19 Governor's red-headed step
20 children. So there are
21 times when things get
22 heated and we have to move
23 fast. And what I mean by
24 fast, when Mike has to

167

1 pretty significant. The
2 same thing digitally,
3 externally, it's a way of
4 tracking to see what news
5 organizations are covering
6 your stories.

7 And then part of this
8 is awareness campaign.
9 Making people aware what
10 the issues are, that's one
11 goal. And then changing
12 their opinion. If they
13 have a negative opinion is
14 the second. And there's
15 ways of measuring that,
16 but that's a step process
17 that we have to get to.

18 DAVE LUTHER: Dave
19 Luther out of Sing Sing.
20 Just a couple more
21 questions. How many
22 people work for your firm?

23 JIM SMITH: We have
24 seven on staff. We also

166

1 make a rebuttal or we want
2 to in terms, shake down
3 the Governor. Do you have
4 a team that is assigned to
5 handle those issues?

6 PRESIDENT POWERS: In
7 the beginning when we
8 first met with them, and
9 when the Board approved
10 it, one of the first
11 things I said to Jason and
12 to Megan is, we're a needy
13 bunch, without question.
14 And shit comes to us quick
15 and sometimes without
16 notice. And when that
17 happens, we need you to be
18 readily available.

19 And I have been assured
20 and Jason hasn't let us
21 down yet in that capacity.
22 When I do call, I don't
23 get -- I haven't gotten a
24 message yet -- I haven't

168

1 left a message for anybody
2 yet. So I have been
3 fortunate to be able to
4 get in and get moving as
5 quickly as possible.

6 DAVE LUTHER:
7 Thank you.

8 NICOLE BELL: Nicole
9 Bell, Sullivan. The
10 question is, how much is
11 it going to cost NYSCOPBA?

12 PRESIDENT POWERS: I
13 can answer that as well.
14 We've -- it's four
15 thousand dollars a month,
16 that would be
17 forty-five -- forty-eight
18 thousand dollars annually.

19 SHAUN KEENAN: Keenan
20 out of Wende. To put this
21 into context, I'm not
22 trying to single you out
23 Jim. But we're paying you
24 to do the same job that

169

1 governmental actions that
2 we need to take place,
3 whether it be political or
4 policy natured or anything
5 of that nature, we use
6 Baker PR.

7 They work hand-in-hand,
8 much like Jimmy tried to
9 with our former PR firm.
10 But we're getting a little
11 more bang for our buck.
12 And recognizing that they
13 have other clients as
14 well, having that inside
15 PR has been so far
16 advantageous.

17 RALPH SCOTT: Scott,
18 Shawangunk. Maybe I
19 missed it at some point,
20 but the last comment on PR
21 campaign was a bunch of
22 billboards but they were
23 in roads in Kingston New
24 York, where the Governor

171

1 we're bringing them in to
2 do.

3 PRESIDENT POWERS: No,
4 not necessarily.

5 SHAUN KEENAN: But
6 they're working in
7 conjunction?

8 PRESIDENT POWERS:
9 They're working in
10 conjunction. Jimmy
11 handles most of the press
12 releases. Then I send
13 them to Jason for editing.
14 It's always good to have
15 another set of eyes. They
16 don't handle every one of
17 them, but we have Jimmy
18 handle most of the ones
19 in-house. The ones you
20 send us where we get the
21 UIs, we put those
22 together.

23 A lot of the other
24 issues regarding

170

1 doesn't give a shit,
2 pardon my language; he
3 cares about the city.

4 What contacts
5 outside -- I keep seeing
6 Spectrum, I worked in
7 local television, nobody
8 watches it. Let's be
9 realistic. The
10 majority -- nobody in the
11 city, nobody -- the
12 Democrats, none of the
13 liberals are going to
14 change minds where you
15 give information to are
16 really watching spectrum.
17 They're watching ABC, CBS,
18 they're reading the Daily
19 News, they're reading the
20 Post.

21 They don't -- no
22 disrespect to anybody out
23 west, but here is the
24 truth. This voting

172

1 majority is the City. Do
2 you guys have plans to be
3 in that market? I
4 understand it's a state
5 plan for us, but when it
6 comes to changing the
7 ideas of government and
8 Governor Cuomo, it has to
9 do with the City; the five
10 bureaus.

11 PRESIDENT POWERS:
12 Jason, tell him how
13 many -- I don't have the
14 e-mails, but the outreach
15 that Baker PR has
16 regarding any periodicals,
17 newspaper, TV station,
18 anything. I can't
19 remember the number. It
20 was -- the list that the
21 board has seen, I
22 apologize I can't pick it
23 up right now off my
24 tablet. If I can get if,

173

1 into our yearlong plan and
2 that is something that we
3 will be tackling in six
4 months.

5 JIMMY MILLER: Just
6 so you know, New York is
7 always going to be a
8 challenge because of the
9 cost when you talk about
10 marketing. So we got to
11 look at different ways and
12 potentially digitally,
13 we were talking about
14 billboards and they
15 become very expensive.

16 But in relation to that
17 previous campaign, it did
18 get the Governor's
19 attention. Whether it was
20 the billboards in Albany,
21 whether it was Syracuse,
22 Rochester or Buffalo, I
23 know they were down in
24 Hudson Valley in some of

175

1 I will surely get it to
2 you.

3 But the outreach is
4 quite significant. Not
5 only in the city, but
6 throughout all corners of
7 the state. Thank you.

8 JASON POLITI: I think
9 it's up around the 200
10 count. But, yeah, we have
11 been in contact and
12 everything that we put out
13 on behalf of NYSCOPBA so
14 far, has hit New York City
15 media as well as beyond
16 the state.

17 In terms of strictly
18 marketing, talking about
19 billboards and commercials
20 and that sort of things.
21 We're still evaluating
22 that stuff and how to
23 change it up. But that is
24 something that is built

174

1 the more rural areas.
2 Part of that was because
3 there weren't enough
4 locations available.

5 But we will look at
6 other avenues to get that
7 message to them.

8 JEREMY OSTERHOUDT:
9 Jeremy Osterhoudt, Eastern
10 Correctional. How far is
11 the outreach outside of
12 the state? I mean, we all
13 know Governor Cuomo is
14 probably going to be
15 running for president
16 sooner or later. And
17 anything that could
18 detriment that would not
19 be good on his part.

20 So us showing that he
21 is damaging the workers in
22 our state might show a
23 horrible light upon
24 himself. So any outreach

176

1 outside of this state
 2 might be good. How much
 3 outreach do you have
 4 outside?
 5 JIM SMITH: Your
 6 priorities are New York,
 7 whether he runs for higher
 8 office, that's not our
 9 concern right now. But to
 10 answer your question,
 11 depends what the story is.
 12 Things go viral every day.
 13 And if you have a issue
 14 where there's a, you know,
 15 an inmate on officer
 16 assault that rises to some
 17 level where you would
 18 garner some national media
 19 interest, you know,
 20 hopefully that doesn't
 21 happen; but to your point,
 22 it depends on what the
 23 story is.
 24 Right now we are not

177

1 into committee reports.
 2 KENNY GOLD: Kenny
 3 Gold, Orleans. PR
 4 committee. Our committee
 5 met today, we really
 6 didn't have a definitive
 7 end result because it's
 8 not there yet. Obviously
 9 most of you guys know
 10 there's a motion in the
 11 packet about having a PR
 12 campaign, fitting to
 13 follow after Baker PR and
 14 Jim at this point.
 15 We talked about a lot
 16 of different things. Some
 17 of you guys talked about
 18 the billboards. Every
 19 different avenue we can
 20 use for PR. We talked
 21 about -- obviously most of
 22 you guys know, we took the
 23 step, the PR was supposed
 24 to be a three step

179

1 concerned what the
 2 Governor is going to do
 3 out of state. We want to
 4 get the attention here.
 5 We want to get the
 6 attention of the
 7 legislature here or other
 8 decision makers in New
 9 York, so the issues you
 10 have before the state are
 11 addressed and addressed in
 12 the way you want it.
 13 JIMMY MILLER: No other
 14 questions. Thank you.
 15 PRESIDENT POWERS:
 16 Consent from the body we
 17 move into tomorrow's
 18 agenda, all signify by
 19 saying aye.
 20
 21 (All respond with
 22 aye.)
 23
 24 PRESIDENT POWERS: Move

178

1 process.
 2 It was supposed to be,
 3 what is NYSCOPBA, what's
 4 the acronym? Explain it
 5 the people, explain it to
 6 the public. Then there
 7 was that softer one where
 8 the light goes out at the
 9 end of the night, whatever
 10 that was. We never made
 11 it to the harder hitting
 12 commercial that we were
 13 looking for. We talked
 14 about that.
 15 We talked about
 16 different ideas. We also
 17 talked about billboards.
 18 They are extremely costly.
 19 We went through that whole
 20 campaign last year. Well,
 21 although we are not a
 22 Toyota dealership, we'll
 23 never truly know what bang
 24 for the buck we get. We

180

1 also recognized the static
2 ones, the rotating ones,
3 the digital ones were
4 horrible.

5 We'd like to find a
6 couple billboards that are
7 in different regions,
8 maybe not five or six
9 everywhere, but maybe one
10 or two that's in a good,
11 well viewed spot that
12 would be beneficial for a
13 stagnant duration.

14 We also talked about in
15 the city, someone I
16 believe the guy from
17 Shawangunk, he brought up
18 the city. It's so
19 astronomically expensive
20 to do any sort of PR down
21 in the city. We talked
22 about any different things
23 such as wrapping buses,
24 putting something on

181

1 done.

2 Those were all
3 different things that we
4 talked about looking at.
5 And although I'm kind of
6 probably getting a little
7 further ahead because we
8 haven't had that motion.
9 These are some of the
10 things we talked about
11 that we would need. Not
12 just one or two, but
13 basically all encompassed
14 in one.

15 Which is, the assaults
16 that we face every day.
17 We got the numbers to
18 prove it. The drugs in
19 the facilities. Including
20 the fact that we're being
21 trained on Narcam to help
22 the drug problem. And
23 getting out the actual
24 facts.

183

1 taxicabs, car wrappings.

2 Any little thing that
3 would get the word out. I
4 know some of the people
5 from the board brought up
6 taking full page ads in
7 the New York Post and New
8 York Times, wherever it
9 may be. I don't know if
10 necessarily the Times
11 would be the one we're
12 looking at, but the Post,
13 I think.

14 And then obviously most
15 importantly, the social
16 media. Most people go on
17 their phones, Facebook,
18 You Tube, but getting
19 someone to put it out
20 whether it's Baker PR or
21 Jimmy, whoever we need to
22 hire to get that done,
23 whatever news stations we
24 would need to get that

182

1 The main thing is we
2 know what we face daily.
3 The public doesn't know
4 any of that. While the
5 Governor is throwing
6 everything at us, I'm sure
7 most people are about
8 ready to see some sort of
9 punch back or some sort of
10 hard line stance that we
11 have of what really goes
12 on.

13 We have the numbers on
14 the assaults, we have the
15 numbers of drugs,
16 contraband, the cost and
17 the overdoses, all the
18 overdoses that are going
19 on in the facilities. The
20 hospital visits.

21 What it does, when
22 these inmates go to the
23 hospitals, tying up the
24 ambulances, tying up the

184

1 staff that we face. The
2 closures, the SHU
3 closures. The SHU 200 in
4 Cayuga. What would the
5 public see if we were
6 closing down jails. It's
7 no different than what
8 they're doing to us inside
9 the facilities.

10 The lack of penalties
11 due to NYCLU settlement.
12 The lack of technology,
13 the tools that we're given
14 and the training. We
15 talked about some of those
16 already today. Canceling
17 the pilot program for the
18 package room. Obviously
19 the tablets, the
20 disciplinary that we
21 talked about here.

22 Obviously boiling down
23 to, we're the bad guys,
24 we're the bad apples. All

185

1 Allen, election committee.
2 We have a few things to go
3 over. SUNY Buffalo CPSCO
4 self nomination form they
5 sent in, they sent in
6 four, we have three
7 positions so we'll be
8 having an election there.
9 The ballots will be out
10 this week and counted
11 after.

12 Judicial and Ethics
13 Committee vacancies. Mid
14 Hudson region? Not here?
15 STEVE MARASCO: Steve
16 Marasco, Shawangunk.
17 Mid-Hudson Region, Hanna
18 Holbert from Walkkill.

19 HEATH ALLEN: The
20 Judicial and Ethics
21 committee has three
22 alternatives open for
23 nominations. Any
24 nominations?

187

1 that stuff we're looking
2 at encompassing -- well,
3 the PR committee is, if
4 tasked, with Baker PR,
5 Jimmy, the Board whoever
6 it may be moving forward
7 in some sort of hard
8 hitting campaign if this
9 body so chooses.

10 But at this point the
11 committee talked about all
12 different ideas and all
13 different entities of what
14 we could use. That's
15 basically the report of
16 all the things we talked
17 about, not knowing if we
18 were moving forward on any
19 of these at this point or
20 not. Any questions?
21 Thanks.

22 PRESIDENT POWERS:
23 Heath?

24 HEATH ALLEN: Heath

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1 VP WEST MIANO: Joe
2 Miano, Western Region VP.
3 Dean Thomas from Albion.

4 VP NORTH ROBERTS: John
5 Roberts, Northern Region
6 VP. Joe Christiano, Albany
7 Training Academy.

8 HEATH ALLEN: We still
9 need one more.

10 UNIDENTIFIED SPEAKER:
11 Mid-hudson region, Don
12 Vantassell, Fishkill.

13 HEATH ALLEN: No other
14 nominations? With only
15 three, we're good. There
16 will be no elections. Now
17 we need recall panel
18 vacancy for sergeant's
19 rep. Bill Sellers?

20 EXECUTIVE VP SAWCHUK:
21 Billy sellers, he stepped
22 out.

23 BILL SELLERS: Bill
24 Sellers, Sergeant's

188

1 liaison. I nominate Nate
2 Hunsinger from Groveland
3 for the recall committee.

4 HEATH ALLEN: Any
5 questions? No questions.
6 We're all set. Thank you.

7 EXECUTIVE VP SAWCHUK:
8 Dave Luther, PAC.

9 DAVE LUTHER: We have a
10 recommendation from the
11 committee that will need
12 to be approved by the EA.
13 NYSCOPBA's PAC account
14 starting balance as of the
15 31st of January is
16 ninety-seven thousand,
17 four seventy-four.
18 Twenty-five thousand
19 dollar deposit for January
20 transfer. Checks paid,
21 twenty-five hundred.
22 Checks amounting to
23 ninety-five hundred
24 dollars were written.

189

1 Legislation session will
2 be held March 20th in
3 Albany consisting of the
4 Executive Board, the PAC
5 committee, lobbyists and
6 legislators.

7 However, on May 8th in
8 Albany, the Executive
9 Assembly chiefs and
10 designees will be
11 statewide lobby day.

12 What we would like to
13 do with your permission is
14 do regional legislative
15 receptions, the date would
16 be determined by the
17 regional VPs. The events
18 would take place
19 throughout the year. It
20 would be local to both our
21 legislators and to the
22 officers and our members
23 that work in the area to
24 attend a couple hour

191

1 Total expense was
2 ninety-five hundred.
3 Ending balance is a
4 hundred twelve thousand,
5 nine hundred seventy-four
6 dollars in our PAC fund.

7 Any questions on that?
8 Okay. The PAC
9 committee met this
10 morning. We've been
11 kicking around the idea of
12 changing Lobby Days a
13 little bit on how we were
14 going to handle it that
15 would best reflect an
16 opportunity for everybody
17 that wanted to be
18 involved.

19 So the recommendation
20 to the Executive Assembly
21 for the Legislative PAC
22 Committee regarding 2018
23 Lobby days, legislative
24 receptions are as follows.

190

1 reception at a place of
2 choosing.

3 So it would be more
4 personal, it would be more
5 personal between our
6 officers and the
7 legislator and they're
8 actually dealing with --
9 they're dealing
10 face-to-face with the
11 legislators that are in
12 their area.

13 We all know how it
14 works on Lobby Days,
15 there's fifteen, twenty of
16 us crowding into the
17 office. Sometimes we're
18 talking to people that are
19 not even in our districts,
20 trying to cover everybody
21 that we can. We believe
22 that this would be a
23 better way to keep
24 legislation busy all

192

1 yearlong as designated by
2 the local VPs.
3 That way it's open to
4 everybody. Not just a
5 handful that we can afford
6 to take out. So our
7 recommendation is to
8 proceed with what I just
9 read to you and ask for
10 the EA's permission to
11 move forward with it.

12 KENNY GOLD: Kenny
13 Gold, Orleans. Dave, what
14 was the numbers last year,
15 the amount of members who
16 attended Lobby Days in
17 Albany.

18 DAVE LUTHER: I don't
19 have those numbers in
20 front of me, Kenny.

21 KENNY GOLD: I know at
22 least I can speak for out
23 west, the numbers were
24 more than they ever were

193

1 a hundred from --

2 VP WEST MIANO: Yeah.

3 DAVE LUTHER: Our
4 region is small.

5 KENNY GOLD: I'm just
6 saying number wise, I
7 don't think there was a
8 limit. The whole region
9 could come if they wanted.

10 DAVE LUTHER: It
11 affords everybody the
12 opportunity to go. That's
13 why we wanted to do this.
14 Otherwise you got to get
15 time off, you got to get
16 approvals, there's travel
17 time, distances, stuff
18 like that. We're also
19 looking at expense.

20 The cost of putting
21 everybody up and moving
22 back and forth between the
23 Capitol and the buildings
24 and reception and all that

195

1 last year. People were
2 taking the drive out,
3 seeing them in their --
4 the legislators were
5 there, not just the
6 chiefs, our own members
7 taking the time out and
8 coming.

9 Especially being well
10 received as it was last
11 year, why the change all
12 the sudden? Was it
13 different from different
14 regions?

15 DAVE LUTHER: I don't
16 know what the overall
17 numbers were. We believe
18 this is a better way to
19 get everybody that wants
20 to be involved. I know
21 that we were set in
22 numbers, where we could
23 only take forty at a time.

24 KENNY GOLD: Joe, over

194

1 other stuff.

2 KENNY GOLD: All right.
3 Thanks, Dave.

4 DAVE LUTHER: Any other
5 questions? Can I have the
6 EA's approval to go -- go
7 ahead bro, I'll wait for
8 you.

9 AL ZAPPALA: Al
10 Zappala, Shawangunk.
11 Monetary wise, will this
12 save us money?

13 DAVE LUTHER: Yes.

14 AL ZAPPALA: It will.
15 Okay. Thank you.

16 DAVE LUTHER: Can I
17 entertain a motion to move
18 ahead with our agenda for
19 the PAC committee.

20 EXECUTIVE VP SAWCHUK:
21 Do you have a motion in
22 writing?

23 DAVE LUTHER: No. It's
24 a recommendation. Do I

196

1 have to have a motion for
2 this? The EA can just
3 approve that we move
4 forward with our
5 recommendation.

6 EXECUTIVE VP SAWCHUK:
7 You can make a
8 recommendation to the EA.

9 DAVE LUTHER: I made
10 it. All those in favor
11 aye?

12
13 (All respond with
14 aye.)

15
16 DAVE LUTHER: Opposed?

17
18 (No response.)

19 DAVE LUTHER: Thank you
20 very much gentlemen. That
21 ends my report.

22 EXECUTIVE VP SAWCHUK:
23 Veterans?

24 ELADO MARTINEZ: Good

1 know that for sure. We'll
2 know that after he
3 introduces all the chapter
4 amendments.

5 We have the Veterans
6 point of contact list that
7 hasn't been completely
8 updated, so there's a
9 bunch of jails that we
10 need for Veterans at each
11 jail for point of contact.
12 I think we still have
13 issues with certifying
14 officials at jails.

15 So if you have a member
16 that has returned from
17 active duty and he
18 qualifies for the GI
19 benefits, you need a
20 certified official at each
21 jail. We're running into
22 issues where the person at
23 the jail that is the
24 certifying official has

1 afternoon. The Veterans
2 Committee met today and
3 one of the biggest things
4 is I think everybody has
5 questions with the eight
6 days for the combat, with
7 the health related issues
8 for the Veterans. And I
9 think probably Bill Naylor
10 will cover it a little
11 bit.

12 They've changed it, or
13 the Governor's amendment
14 to reduce it from eight
15 days to five days. At the
16 time I'm thinking it's
17 going to be pushed back.
18 We don't know the exact
19 date. I think Larry
20 Schaeffer can elaborate a
21 little bit more on that.
22 I have heard anywhere from
23 April 1st of this year to
24 next year. So, we don't

1 left, retired or
2 transferred and that
3 veteran cannot put his
4 time in.

5 So, I have been dealing
6 with a lady out of New
7 York State, Jackie Gray
8 that is in charge of the
9 Veterans employment
10 benefits, education
11 benefits, if anybody needs
12 her point of contact,
13 I will gladly give it to.

14 There was a problem
15 also with our voicemail.
16 So, if somebody called the
17 union office, the light
18 was not blinking. I have
19 changed it, it works now.
20 The voicemail is going to
21 ask to leave a message, if
22 not, contact my phone
23 number. My phone number
24 is on there and the

1 e-mail.
2 That concludes the
3 report for the day. Any
4 questions? If anybody has
5 any members that have gone
6 overseas, please let us
7 know through the voicemail
8 and/or my number. Okay.
9 Thank you.

10 EXECUTIVE VP SAWCHUK:
11 OSI?

12 SCOTT CARPENTER: OSI
13 oversight report, we had a
14 meeting this morning. I'm
15 going to bring Andy Lashua
16 up to describe in more
17 detail the issues at Green
18 Correctional.

19 We discussed about
20 facility Q and A's. How
21 many stewards are allowed
22 in during an interview
23 with the OSI agent.
24 There's really nothing in

201

1 we dealt with at Green.
2 Now that we have
3 clarification on that,
4 they're not allowed, we
5 don't have to worry about
6 that ever again.

7 Okay. The OSI employee
8 frisk at Green. On 1/18,
9 1/19, tour one employee
10 frisk was conducted by OSI
11 and State IG. Thirty
12 investigators from OSI
13 were assigned. Seven
14 investigators from IG were
15 assigned. And OSI dog
16 handler were also present.

17 All employees were
18 frisked by OSI and IG
19 investigators, including
20 the dog team upon entering
21 the facility. The
22 officer, supervisor
23 lockerrooms, employee
24 workstation and all inmate

203

1 writing. Typically it's a
2 one-on-one, but recent
3 facility Q and A, OSI got
4 a case where more than one
5 steward was in there.

6 Just as a reminder if
7 you go to a Q and A in
8 Utica or the State Office
9 Building and they have a
10 college intern in there,
11 they're are not allowed.
12 They're not allowed and
13 tell them to leave.

14 It's pretty much what
15 we discussed. I will have
16 Andy come up and talk more
17 in depth about the
18 experience at Green. Andy
19 Lashua?

20 ANDY LASHUA: Lashua,
21 Green. First of all, I'd
22 like to thank you and the
23 E Board for taking care of
24 the college intern issue

202

1 housing units, towers,
2 recreation areas, the
3 chapel, ID sergeant office
4 area, program areas and
5 medical building was
6 frisked. The Department
7 of Motor Vehicle Program
8 Building was also frisked.

9 Many officers reported
10 that upon arrival to work
11 OSI investigators
12 immediately approached
13 their cars, knocked on
14 their window and ordered
15 them to immediately go
16 inside. The off-duty
17 officer who were using
18 their cell phones while in
19 their cars were ordered to
20 hang up and go inside.

21 Many officers reported
22 that they were saying
23 their routine good night
24 to wives and children, all

204

1 reported that this action
2 was intrusive and caused
3 embarrassment and stress.

4 Officers reported that
5 an OSI investigator was
6 observed entering the
7 facility with an unopened
8 can energy drink. At the
9 time cans weren't allowed.

10 The officer assigned to
11 the lobby main entrance
12 stopped him and refused
13 entry until the can was
14 removed from the facility.

15 One officer reports
16 when OSI investigators
17 first entered the facility
18 they were asked by the
19 main entrance officer if
20 they had any cell phones.
21 They all stated that they
22 didn't. It was discovered
23 that their gate pass
24 included two cell phones.

205

1 forced to work a 16 hour
2 shift in wet socks.

3 One officer reports
4 that he was told to stand
5 facing away from the area
6 where his bag was being
7 frisked. When his bag was
8 returned, his previously
9 secured clear plastic food
10 container was opened and
11 food had spilled inside
12 the bag. Because his food
13 was now considered
14 contaminated, he had no
15 food to eat for sixteen
16 hours.

17 Many officers reported
18 that OSI investigators did
19 not change frisk gloves
20 between officers when pat
21 frisking. At least one
22 was reported to have worn
23 black gloves, leather fist
24 gloves. One officer

207

1 This was reported to the
2 Deputy of Security. When
3 questioned by the Dep of
4 Security, OSI
5 investigators claimed they
6 were never asked.

7 This was witness by
8 several officers. Four
9 officers were found to
10 have a small book in their
11 bags. The books were
12 confiscated. The books
13 were not returned. And
14 one officer reports that
15 her book was religious.
16 Officers reported that
17 they were ordered to
18 remove their boots and to
19 either stand in their
20 socks on a wet mat or
21 stand on a dirty floor
22 while the dirty mat was
23 mopped and not dried. At
24 least one officer was

206

1 reports that he observed
2 that his OSI investigator
3 had not changed his gloves
4 after several frisks, and
5 then ran his fingers over
6 the officer's plastic
7 fork. Because of this
8 unhygienic action, the
9 officer could not eat his
10 meal.

11 All locks in the
12 officer supervisor
13 lockerroom were cut, even
14 though combinations and
15 extra keys were on file.
16 All locks in all employee
17 workstations were cut even
18 though combinations and
19 extra keys were on file.
20 Officers reported that
21 extra uniforms hanging in
22 their lockers were thrown
23 on the floor and then
24 thrown to the bottom of

208

1 the locker. The once
2 clean uniforms were
3 covered with dirt on the
4 floor and rust from the
5 bottom of the lockers.
6 Also, personal items and
7 assorted paperwork were
8 thrown to the bottom of
9 the lockers.

10 One officer reports
11 that he was at his open
12 locker in the lockerroom
13 when two OSI investigators
14 and the dog were present.
15 He secured his locker and
16 left the area. Instead of
17 searching the locker while
18 it was open, OSI
19 investigators waited for
20 him to leave, cut the lock
21 and searched the locker,
22 leaving items in a pile at
23 the bottom of it.

24 Officers reported that

209

1 investigators conducted
2 themselves appropriately,
3 the reported conduct of
4 the remaining
5 investigators diminishes
6 this.

7 We at NYSCOPBA Green
8 Sector were led to believe
9 that the purpose of the
10 State IG was to ensure
11 that DOCCS OSI personnel
12 conduct themselves
13 appropriately.

14 The recommendations
15 that the membership has
16 asked me to relate to you
17 is that NYSCOPBA relate
18 this information to
19 stewards in remaining
20 facilities so that they
21 can inform their members
22 what to expect and prepare
23 to deal with it
24 accordingly.

211

1 OSI investigators searched
2 the inmate housing unit
3 workstations and
4 confiscated magazines.
5 Just to note, the
6 magazines were the inmate
7 packaged that ran through
8 the pilot program.

9 Officers report there
10 was an OSI investigator
11 standing outside inmate
12 housing unit using a
13 camera to look into the
14 window of the officer's
15 station.

16 In conclusion, NYSCOPBA
17 Green Sector received
18 several reports from its
19 members in regards to the
20 conduct by OSI
21 investigators during OSI
22 employee frisk on 1/18 and
23 19. Although it was
24 reported that some OSI

210

1 And NYSCOPBA Green
2 Sector members are
3 concerned that the
4 treatment they experienced
5 will continue. DOCCS
6 needs to better train OSI
7 investigators to conduct
8 themselves in a
9 professional manner at all
10 times and try to preserve
11 all employee dignities at
12 all time.

13 And my brothers in the
14 back room, this was much
15 longer but I needed to
16 streamline for you guys.
17 That's it for the OSI
18 report.

19 PRESIDENT POWERS:
20 Andy, well done with your
21 report. We've had
22 communication was the
23 director from OSI
24 regarding some of the

212

1 activity. When and if
2 they come to your facility
3 and these things occur,
4 please document them as
5 well so that we can
6 continue to push the
7 issues and concerns going
8 forward with that. Donn?

9 DONN ROWE: Rowe, Hale
10 Creek. Was this addressed
11 with the commissioner?

12 PRESIDENT POWERS:
13 Deputy commissioner.

14 DONN ROWE: I mean,
15 this is disgusting, Mike.
16 Something should be
17 addressed to the
18 commissioner on this and
19 to the AG's office.

20 PRESIDENT POWERS: It's
21 going to be, without
22 question. One of the
23 issues that we had, we
24 don't deal with Annucci,

213

1 You get us this.

2 The committee met this
3 morning, Andy shared it
4 with them, we looked at
5 it. And it will be
6 addressed. Not only with
7 the executive assistant
8 commissioner who is pretty
9 much running the
10 department, but it will be
11 directed at the Director
12 of OSI as well.

13 SHAUN KEENAN: Keenan
14 out of Wende. How do they
15 account for the failure to
16 secure those lockers that
17 had money, batons, keys to
18 cars.

19 PRESIDENT POWERS:
20 Everything they tell us
21 that we need to fucking
22 do, they compromise.

23 SHAUN KEENAN: So that
24 was brought to the

215

1 Donn.

2 DONN ROWE: Somebody
3 needs to deal with them,
4 somebody needs to call
5 them out. This is
6 frequently disgusting.

7 PRESIDENT POWERS: When
8 I read it, it infuriates
9 me. To hear him say it,
10 it infuriates me.

11 DONN ROWE: It's one
12 thing to go down and do
13 your job but it's another
14 thing to go down and
15 demean people.

16 PRESIDENT POWERS:
17 Without question. You're
18 not going to get an
19 argument out of me there.
20 The whole matter will be
21 addressed. That's why I'm
22 asking when and if it
23 happens in your facility,
24 you do the same thing.

214

1 commissioner's attention?

2 PRESIDENT POWERS: It's
3 what prompted the initial
4 meeting. Some of the
5 these concerns I
6 believe -- I can't
7 remember the last place
8 that had an employee
9 search, but the concerns
10 came to us. We addressed
11 them with the Department.
12 Sat in a room with the
13 Director of OSI and he
14 said bring all complaints
15 forward. That complaint
16 will be going forward.

17 SHAUN KEENAN: When one
18 of my members leaves their
19 locker unsecured and goes
20 to the back of the
21 facility, they're going up
22 front with me and they're
23 walking out the front
24 door. Why are these

216

1 individuals still
 2 employed?
 3 PRESIDENT POWERS:
 4 We'll call them out on it,
 5 no question. Without
 6 question.
 7 MATT KEOUGH: Matt
 8 Keogh, Great Meadow. How
 9 do I advise my staff if
 10 they're being instructed
 11 to take their boots off
 12 and they're not being
 13 provided a place to stand.
 14 PRESIDENT POWERS: You
 15 need to address that on
 16 spot and let them know
 17 that you don't have an
 18 adequate place for them.
 19 VP WEST MIANO: You
 20 need to have him put a
 21 green uniform on --
 22 PRESIDENT POWERS: If
 23 they had a green uniform
 24 on, like Joe says. That

217

1 difficult. I'm not
 2 suggesting you defy
 3 direction and put yourself
 4 out there, but make it
 5 difficult, as difficult as
 6 you can. Joe just said
 7 it, you guys in green
 8 aren't getting that
 9 fucking treatment.
 10 SHANE CALL: Shane
 11 Call, Cape Vincent.
 12 Conflict of interest for
 13 us to be representing
 14 these members of the OSI
 15 that come from security.
 16 PRESIDENT POWERS: We
 17 made that concern as well.
 18 That's been a constant
 19 concern of ours.
 20 CHRIS HICKEY: Hickey,
 21 Wyoming. I just assume
 22 these OSI people, are they
 23 correction officer,
 24 correction sergeant

219

1 needs to be addressed.
 2 All those issues should be
 3 addressed.
 4 MATT KEOUGH: I have no
 5 issue instructing my
 6 members. Is it a
 7 compliance thing? If I
 8 go -- if they tell you to
 9 take your boots off and
 10 they don't provide you a
 11 place to stand, I'm going
 12 to tell my guys, don't
 13 take your boots off.
 14 PRESIDENT POWERS: They
 15 need to provide you a
 16 place to stand. And if
 17 they think don't -- clean
 18 and dry place to stand.
 19 MATT KEOUGH: So how do
 20 we seek reimbursement for
 21 stuff that they damage
 22 during these searches.
 23 PRESIDENT POWERS: File
 24 claims. Make it

218

1 titles?
 2 PRESIDENT POWERS: Some
 3 are, some aren't.
 4 CHRIS HICKEY: Andy, is
 5 there any way you can find
 6 out who they are.
 7 ANDY LASHUA: I know
 8 exactly who they all are.
 9 I'm not putting it into
 10 the record right now.
 11 It's a long list.
 12 CHRIS HICKEY: Want
 13 some help.
 14 ANDY LASHUA: I would
 15 like to clarify that the
 16 OSI did put some blue
 17 seals on some lockers.
 18 Some, I'll say. And
 19 I will go a little bit
 20 deeper to say some of
 21 those blue seals were put
 22 on backwards. So that you
 23 could just open them.
 24 It's not hard to follow

220

1 directions. But they did
2 put some seals on some
3 lockers, others were left
4 unsecured. And they put
5 some of the blue seals on
6 improperly.

7 SHAUN KEENAN: Andy, a
8 blue seal is a lock?

9 ANDY LASHUA: No.

10 SHAUN KEENAN: Then
11 it's unsecured.

12 ANDY LASHUA: It is
13 practice, I have seen it
14 in other prisons where
15 they'll put a seal through
16 the locker. I'm not
17 saying I'm good with it.

18 SHAUN KEENAN: I'm
19 saying it's not a lock,
20 it's got to be secured.
21 That blue seal doesn't
22 mean squat, it's the same
23 thing on a fire
24 extinguisher.

221

1 hold office as a sector
2 steward. One must be an
3 active member in
4 continuous good standing
5 but no less than six
6 consecutive months at the
7 time of nomination.

8 He's asking for removal
9 of the following. The
10 sector steward shall elect
11 one steward from that
12 sector as chief sector
13 steward. Striking that
14 and adding, to be eligible
15 to be run for, be elected
16 and hold the office of
17 chief sector steward one
18 must be in and maintain
19 continuous good standing
20 and have served at least
21 one term as a sector
22 steward at the time of the
23 sector stewards elect a
24 steward from that sector

223

1 ANDY LASHUA: Correct.

2 PRESIDENT POWERS: Pete
3 Stetz, Constitution and
4 Bylaws.

5 PETE STETZ: We got
6 two articles. First one
7 is a second reading for
8 Article 6, election of
9 officials submitted by
10 Billy Ruland, Mid-Hudson
11 Psych, SHTA. Going down to
12 the second paragraph.

13 Election for sector
14 stewards shall be held for
15 each sector as soon as
16 practical in the event,
17 not more than sixty days
18 following certification of
19 the association. And the
20 term of office for sector
21 steward shall be three
22 years, except for the
23 initial election to be
24 eligible to run for and

222

1 as a chief steward.

2 With that we need the
3 body's approval to either
4 send this or defeat it and
5 send it to the membership
6 for ratification. All
7 those in favor of sending
8 this out?

9 STEVE MARASCO: Is it
10 open for discussion now or
11 no?

12 PETE STETZ: We had a
13 first reading in December.

14 STEVE MARASCO: All
15 right.

16 VP LAW ENFORCEMENT
17 HARMON: John Harmon, Law
18 Enforcement Vice
19 President. I thought last
20 year it was said that we
21 could have discussion at
22 any time during a
23 constitutional amendment.
24 That was said at this body

224

1 last year, just for the
 2 record.
 3 PETE STETZ: So with
 4 that, any further
 5 questions on this proposed
 6 motion?
 7 STEVE MARASCO:
 8 Thank you. I just wanted
 9 to say in our election, we
 10 only had one or two out of
 11 the seven are all new
 12 stewards, five of them.
 13 And we have past stewards
 14 that just wanted to take a
 15 break and they want to
 16 come back. If you pass
 17 this, we can't ever make
 18 them the chief even though
 19 they're past chiefs.
 20 To me it don't make
 21 sense. I think the local
 22 elected officials that,
 23 the way the bylaws read,
 24 we appoint our chief. And

225

1 PETE STETZ: All right.
 2 January 19th we had a
 3 joint committee meeting
 4 with the retirement
 5 committee. And the
 6 following amendment was
 7 proposed.
 8 Article seven dues.
 9 The dues for active
 10 members shall be fifteen
 11 and fifty dollars per pay
 12 period payable through a
 13 payroll deduction since
 14 January 1, 1999. The dues
 15 for active members of the
 16 association shall
 17 automatically be increased
 18 by the same percentage as
 19 the increase in salary of
 20 members in the collective
 21 bargaining unit. No such
 22 increases in dues of the
 23 association shall be
 24 effective until the

227

1 to have a restriction on
 2 who we can appoint as
 3 chief is kind of against
 4 what we're thinking.
 5 That's all I got to say on
 6 this.
 7 VP WEST MIANO: Joe
 8 Miano, Western Region VP.
 9 It's real simple then, you
 10 vote it down.
 11 PETE STETZ: Any
 12 further discussion? No.
 13 So with that all those in
 14 favor signify by saying
 15 aye.
 16 (No response.)
 17
 18 PETE STETZ: All those
 19 opposed?
 20
 21 (All respond with
 22 nay.)
 23
 24

226

1 effective date of each
 2 such increase in salary of
 3 the members of the
 4 collective bargaining
 5 unit.
 6 The Executive Board
 7 shall compute and announce
 8 the amount of the revised
 9 dues whenever there is to
 10 be an increase in the dues
 11 based upon increase in
 12 salary.
 13 Looking to remove the
 14 following. Dues for the
 15 associate member shall be
 16 twenty-five dollars per
 17 year. There shall be no
 18 dues for honorary members.
 19 Adding the following
 20 language. The dues for
 21 associate members and
 22 honorary members shall be
 23 fifty dollars per year.
 24 Any future dues increase

228

1 to retiree dues will be
2 made through a motion
3 slash committee
4 recommendation with final
5 approval of the Executive
6 Assembly.

7 The dues -- to continue
8 on with the regular
9 language. The dues
10 obligation shall be waived
11 for any member who has
12 been taken off the
13 respective agencies
14 payroll due to any of the
15 following; suspensions,
16 notice of discipline,
17 military leave, sick
18 leave, FMLA or Workers'
19 Compensation leave, until
20 such time as the member is
21 return to the payroll of
22 their employment or their
23 employment is terminated.

24 With that it is open --

1 their contribution, it
2 allows the Executive
3 Assembly the power to make
4 sound financial decisions
5 in relation to the future
6 once they enter
7 retirement. Both
8 committees were unanimous
9 with adoption of the
10 amendment.

11 VP LAW ENFORCEMENT
12 HARMON: John Harmon, Law
13 Enforcement Vice
14 President. I'd like to
15 amend the motion proposed.
16 I'd like to amend the
17 proposed amendment to
18 remove retiree dues and
19 add associate members and
20 honorary members dues.
21 Retiree dues don't exist
22 in the current
23 constitution.

24 PETE STETZ: So the new

1 the wisdom of the proposed
2 amendment. The associate
3 members dues have not been
4 increased since the
5 inception of NYSCOPBA in
6 1999. The cost to
7 maintain retiree benefits
8 is costly. An increase
9 brings the chapter closer
10 to be financially solid in
11 the event of the upcoming
12 federal litigation has a
13 negative effect on the
14 organization.

15 Secondly, is to have
16 the retiree chapter
17 finance itself in the'
18 event that the pending
19 federal litigation has a
20 negative impact. I said
21 this twice. It also
22 assures that the active
23 members maintain stock in
24 the retiree chapter. With

1 language reads, will be as
2 follows, dues for
3 associate members and
4 honorary members shall be
5 fifty dollars per year.
6 Any future dues increases
7 to the associate members
8 and honorary members dues
9 will be made through a
10 motion slash committee
11 recommendation with final
12 approval of the Executive
13 Assembly.

14 VP LAW ENFORCEMENT
15 HARMON: Correct.

16 PETE STETZ: Any
17 further discussion in
18 regards to this? No.

19 MIKE CARLSON: One
20 question, will the fifty
21 dollars be enough that
22 we're looking for to make
23 it whole?

24 PRESIDENT POWERS: We

1 need a second on the
 2 amendment.
 3 JOHN ROBERTS: I'll
 4 second it.
 5 PRESIDENT POWERS: All
 6 in favor of the amended
 7 motion? Was there any
 8 more discussion? To amend
 9 the proposed amendment to
 10 remove quote, retiree dues
 11 and add associate members
 12 and honorary members dues.
 13 Motion is maybe by John
 14 Harmon, law enforcement
 15 vice president; seconded
 16 by John Roberts, Northern
 17 Region Vice President.
 18 All in favor signify by
 19 saying aye.
 20
 21 (All signify "aye".)
 22
 23 PRESIDENT POWERS:
 24 Opposed?

233

1 organization were going to
 2 be. The constitution and
 3 bylaws to make sure the
 4 language would be
 5 appropriate. And of
 6 course the retiree
 7 committee made up of the
 8 retirees who recommended
 9 this change.
 10 Initially the idea was
 11 to be completely solvent,
 12 which would be the dues
 13 would cover all expenses
 14 of the retiree chapter.
 15 But after looking into it,
 16 you actually have to have
 17 some exposure to the
 18 mothership. Because if
 19 you don't, the cost you
 20 actually lose money by
 21 doing that.
 22 So to keep a little bit
 23 of an expense to the union
 24 but overall saving the

235

1 KENNY GOLD: Nay.
 2 Kenny Gold, Orleans.
 3 DON MOLINO: I oppose
 4 too.
 5 PRESIDENT POWERS:
 6 The amendment passes.
 7 VP LAW ENFORCEMENT
 8 HARMON: Now, on the
 9 original -- now on the
 10 amended amendment?
 11 PETE STETZ: Can you
 12 answer Mike's question
 13 with regards to the fifty
 14 dollars.
 15 VP LAW ENFORCEMENT
 16 HARMON: John Harmon, Law
 17 Enforcement Vice
 18 President. The three
 19 committees were involved
 20 in this amendment. We
 21 have a finance committee
 22 to discuss what the
 23 financial parameters were,
 24 what the savings to the

234

1 organization two hundred
 2 thousand dollars a year,
 3 two hundred fifty thousand
 4 dollars a year. I don't
 5 know the exact number off
 6 hand, I know Billy does.
 7 It seems like it was a
 8 reasonable recommendation.
 9 And just for purposes of
 10 information, if a retiree
 11 was to get the twenty
 12 thousand dollar life
 13 insurance for themselves,
 14 the lowest quote we got
 15 was twenty-six or
 16 twenty-seven dollars per
 17 month. And this would be
 18 fifty dollars per year.
 19 DONN ROWE: Rowe, Hale
 20 Creek. Sorry about this,
 21 but I'd like to amend the
 22 amendment to strike any
 23 further dues increase to,
 24 the dues will be made

236

1 through a motion slash
2 committee recommendation,
3 with final approval of the
4 Executive Assembly. I'd
5 like to strike that
6 language.

7 MIKE CARLSON: Mike
8 Carlson. Can you explain
9 the wisdom behind that?

10 PRESIDENT POWERS:
11 Donn, correct me --

12 CHRIS HICKEY: I'll
13 just second it so we can
14 open the discussion.

15 PRESIDENT POWERS: We
16 just amended the article
17 and changed from retiree
18 dues to association dues,
19 correct?

20 VP LAW ENFORCEMENT

21 HARMON: No, associate
22 members versus honorary
23 members. That's the first
24 one. The second one,

237

1 THE PARLIAMENTARIAN:
2 In the previous amendment,
3 the body voted to keep
4 that specific sentence in.

5 DONN ROWE: No, they
6 changed the language.

7 THE PARLIAMENTARIAN:
8 No, they voted to change
9 the language --

10 DONN ROWE: I appeal
11 the ruling of the chair,
12 if that's your ruling.
13 Simply because what we
14 just did, was we amended
15 the amendment, as we
16 always do. And we changed
17 the language within it.
18 We didn't approve the
19 entire -- we approved one
20 word in the amendment.

21 I rise to strike that
22 entire sentence and simply
23 leave it at dues for
24 associate members and

239

1 Donn's motion is to strike
2 out the --

3 PRESIDENT POWERS: Donn
4 wants to strike any future
5 dues --

6 DONN ROWE: This
7 amendment would simply
8 strike everything after
9 per year.

10 THE PARLIAMENTARIAN:
11 The entire second
12 sentence.

13 DONN ROWE: Yes. So
14 the amendment would read,
15 dues for associate members
16 and honorary members shall
17 be fifty dollars per year.

18 PRESIDENT POWERS:
19 Okay. I'm being told it's
20 out of order due to the
21 fact that we just changed
22 the sentence -- any future
23 dues increase to the
24 association member dues.

238

1 honorary members shall be
2 fifty dollars per year.
3 I'd ask for a ruling from
4 the chair.

5 PRESIDENT POWERS:
6 Second on the motion?

7 CHRIS HICKEY: Chris
8 Hickey seconded.

9 PRESIDENT POWERS: Did
10 you write that up?

11 DONN ROWE: I'm asking
12 just to strike the
13 second -- if you want me
14 to write it, I'll write
15 it.

16 PRESIDENT POWERS: You
17 made a motion.

18 DONN ROWE: Do you want
19 me to speak on it first?

20 PRESIDENT POWERS: By
21 all means. We need
22 approval from the body to
23 listen to it, too.

24 DONN ROWE: We're doing

240

1 a ruling? Are we doing
2 the challenge -- I
3 challenge -- is your
4 ruling that that amendment
5 is out of order, Mike?

6 PRESIDENT POWERS: No.
7 No. It's not. So we'll
8 vote on the amendment.

9 VP LAW ENFORCEMENT
10 HARMON: The second
11 amendment to the
12 amendment.

13 PRESIDENT POWERS: We
14 can have discussion on the
15 motion if anybody after
16 Donn talks gives us --

17 DONN ROWE: My simple
18 purpose of striking that
19 language, I do not believe
20 that this body by simple
21 recommendation and simple
22 motion, simple majority,
23 should be able to raise
24 the dues of the retiree

241

1 Enforcement Vice
2 President. The wording in
3 the amendment was, as I'm
4 speaking for the retiree
5 chapter. If you were to
6 look at other benefits,
7 that the retiree chapter
8 want to gain, the issue
9 was how would they gain
10 them if they didn't --
11 they would have to come to
12 the body and ask for more
13 money. Instead, the idea
14 was to recommend to the
15 body that there's a new
16 benefit and the reason for
17 the benefit would be the
18 change in dues. That was
19 the wisdom behind it.

20 AL ZAPPALA: Al
21 Zappala, Shawangunk. I
22 think that if we send
23 monetary changes like that
24 out to the membership, we

243

1 chapter or associate
2 members, whatever you want
3 to call them.

4 That's my point on
5 this. I believe it should
6 be under, without a better
7 word, sold to the
8 membership and the
9 membership should vote on
10 it, like they're going to
11 have to vote on this. We
12 should be able to go out
13 and tell the members,
14 look, the retiree chapter
15 needs another increase to
16 seventy-five dollars a
17 year, it's in your hands
18 and this is why. For us
19 to do a simple motion here
20 by majority I think is
21 wrong, it's a disservice
22 to the membership.

23 VP LAW ENFORCEMENT
24 HARMON: John Harmon, Law

242

1 all know most of the
2 members when they receive
3 a constitutional amendment
4 might not know the basis
5 behind why we need to do
6 it. Automatic reaction
7 usually is, hell no, I'm
8 not going to do it.

9 This body is elected to
10 make the hard decisions
11 that need to be made to
12 make this union run. That
13 means a decision of
14 raising dues, which in the
15 time of Janus versus
16 AFSCME, we might have to
17 make that hard decision.
18 If the fund is not making
19 enough and we're digging
20 into our general fund to
21 support it, that becomes
22 an issue of this body.

23 This body, the goal of
24 this body of the finance

244

1 committee is to make sure
2 that we still have money
3 to function. And
4 therefore I believe it
5 should still be under this
6 body's jurisdiction to
7 raise dues that can
8 adversely affect our
9 operating budget.

10 DONN ROWE: Rowe, Hale
11 Creek. This language has
12 been in the constitution
13 since the inception of
14 NYSCOPBA. This issue has
15 been raised before. I
16 obviously support raising
17 the dues at this time.
18 But again, it's our job to
19 educate the members. And
20 something like a dues
21 increase should be at the
22 hands of the members, not
23 a body sitting here
24 listening to

245

1 they do that and come back
2 to here and say, hey, we'd
3 like to add this program
4 to the benefits. And they
5 would say that's great,
6 there's no extra money for
7 it and they would shut it
8 down. By leaving it open,
9 it gives an avenue to go
10 to that if further
11 benefits want to be given
12 to the retiree chapter,
13 that they can be addressed
14 and maybe tweaked to make
15 it happen. So I think
16 it's a positive thing to
17 leave it open, rather than
18 to lock it in at fifty
19 dollars.

20 AL ZAPPALA: Al Zappala
21 Shawangunk. The only
22 concern that I have with
23 the motion that is on the
24 table is by asking members

247

1 recommendations.
2 We should take these
3 recommendations, as we
4 will with these, and we
5 talked about these at our
6 sectors and educate the
7 members. And they should
8 have a choice as far as
9 dues increase. As far as
10 financial stability, that
11 is our responsibility to
12 communicate that to the
13 members and get it out to
14 the members. And they
15 have the final say on
16 that, not this body.

17 PRESIDENT POWERS:
18 Okay. We have a motion,
19 correct me if I'm wrong
20 here.

21 MIKE CARLSON: My
22 question is retirement
23 wants to add benefits like
24 John was saying, how do

246

1 to vote on something,
2 you're asking them to vote
3 on something that they
4 don't partake in. They're
5 not retired yet. They
6 don't understand what's
7 happening with the
8 retirement chapter, with
9 the retirement options
10 that they have, the
11 benefits that they get.

12 Even though we do put
13 out many ways of letting
14 members know what you get
15 as retirement option,
16 you're still not going to
17 get everyone to understand
18 what they're voting for.
19 I've seen it time and time
20 again.

21 At my facility, I got
22 members coming up to me,
23 hey, what does this motion
24 mean, what is that. We

248

1 try to get to as many
2 people as we can.
3 Ultimately, like I said
4 earlier, the functioning
5 of this body depends on
6 how we vote. And I think
7 we all know what Janus
8 versus AFSCME is, but I
9 know there's people out
10 there that don't.

11 And the whole reason
12 this is all coming about
13 with the raise in dues
14 isn't anything other than
15 what the future of this
16 union has to deal with.
17 Yes, we're raising the
18 twenty-five now, but if
19 everyone looks at the
20 numbers ahead, there's
21 going to be a point where
22 we're going to have more
23 retirees than we're going
24 to have members.

249

1 should be left in the
2 constitution where it
3 belongs.

4 PRESIDENT POWERS:
5 Okay. We have a motion.
6 To amend the amendment to
7 strike from any future
8 dues increase to the
9 retiree dues will be made
10 through a motion committee
11 recommendation with final
12 approval of the Executive
13 Assembly. To strike that
14 sentence. All in favor
15 signify by saying aye.

17 (Response of aye.)

19 PRESIDENT POWERS
20 Opposed?

22 (Response of nay.)

24 PRESIDENT POWERS:

251

1 And that's why it
2 really should be in the
3 hands of this EA to decide
4 where we go with that.
5 Not sending a ballot out
6 to someone that isn't
7 listening to what's
8 happening because they
9 don't have a value to it.

10 VP WEST MIANO: Joe
11 Miano, Western Region VP.
12 The reason why it's in the
13 constitution to begin with
14 is so this body can't
15 dictate the amount of
16 money for the dues.
17 That's why it's been in
18 there like Donn said, it's
19 been in there since the
20 inception of NYSCOPBA for
21 that reason.

22 It's not just the EA's
23 motion and you can change
24 the dues. That's why it

250

1 Nays, please rise.

2 VP LAW ENFORCEMENT
3 HARMON: John Harmon, Law
4 Enforcement Vice
5 President.

6 MIKE CARLSON: Mike
7 Carlson, Forest Rangers.

8 RALPH SCOTT: Ralph
9 Scott, Shawangunk.

10 DON VANTASSELL: Don
11 Vantassell, Fishkill.

12 PRESIDENT POWERS:
13 Motion passes.

14 PETE STETZ: Point of
15 order, information that
16 will go out for the next
17 EA for the second reading
18 of this article for dues
19 is the new language
20 striking dues for
21 associate members shall be
22 twenty-five dollars per
23 year. There shall be no
24 dues for honorary members.

252

1 Adding the following
 2 language, dues for
 3 associate member and
 4 honorary members shall be
 5 fifty dollars per year,
 6 adding that.

7 VP LAW ENFORCEMENT
 8 HARMON: John Harmon, Law
 9 Enforcement Vice
 10 President. Just for the
 11 record so everybody knows,
 12 the retirement committee
 13 this was actually -- this
 14 was an option. The
 15 retirement committee is
 16 not against the current
 17 proposed amendment as it
 18 currently sits, Donn
 19 Rowe's amended amendment.
 20 This was what we talked
 21 about, we were looking for
 22 a more streamline approach
 23 in case we did look at
 24 other benefits. But this

253

1 locks. They provided us
 2 with the information. And
 3 you would think it was
 4 just a simple matter of
 5 filling out this claim
 6 form. But DOCCS returned
 7 that and turned it into a
 8 five page notary, travel
 9 voucher booklet that needs
 10 to be filled out.

11 Just so you know at
 12 your facility, get ahead
 13 of the game, I have these
 14 packets available for the
 15 staff so they can recoup
 16 your funds. So,
 17 thank you.

18 PRESIDENT POWERS: Five
 19 minutes.

20
 21 (Recess taken.)

22
 23 PRESIDENT POWERS:
 24 Okay. Let's find our

255

1 option is agreeable to the
 2 retiree committee as well.

3 PRESIDENT POWERS:
 4 Thanks, John. Five minute
 5 break.

6
 7 (Discussion off the
 8 record.)

9
 10 PAUL LASHUA: Lashua
 11 Green, I would like to
 12 thank the Executive Board
 13 for taking the action with
 14 having the meeting to
 15 address the issue at
 16 Green. (Inaudible.)

17
 18 PRESIDENT POWERS:
 19 Listen up.

20 PAUL LASHUA: The
 21 facility management was
 22 good off to help us with
 23 regards to recouping the
 24 found for the cost for new

254

1 seats. All right. Let's
 2 get started again. I'd
 3 ask for unanimous consent
 4 to go off the record? All
 5 signify by saying aye.

6
 7 (All respond with aye.)

8
 9 (Discussion off the
 10 record.)

11
 12 PRESIDENT POWERS:
 13 We'll go back on the
 14 record. Collective
 15 bargaining, John.

16 VP LAW ENFORCEMENT
 17 HARMON: The collective
 18 bargaining committee met
 19 on December 20th, January
 20 11th, January 23rd,
 21 February 6th; and the
 22 negotiations were on
 23 February 7th.
 24 Negotiations were

256

1 conducted at the Radisson
2 right here down the
3 street. Most of the
4 executive board attended.

5 To be perfectly clear,
6 the discussion was about
7 Article 8. The State was
8 pretty adamant about their
9 position. And the State
10 was using, in so many
11 words, the media as the
12 mechanism that was
13 creating some of the
14 problem.

15 We told them that we're
16 not interested in what the
17 media has got to do with
18 anything. The media
19 doesn't control our
20 negotiations; we do. The
21 state was still trying to
22 say something to do with
23 the matrix that we've been
24 talking about all along.

257

1 the hell we want. We have
2 the -- this is the data
3 that we're going to use
4 nothing but press releases
5 to try to skew your
6 nonsense. You know what,
7 we're going to use our
8 facts for us.

9 But that's the route
10 we're going. I said, Joe,
11 we'll give you several
12 weeks to come back to us
13 and see what you want to
14 do. Well, we got five
15 days. Five days later, as
16 you know now, Monday, I'll
17 get into a little bit -- I
18 could go off the record a
19 little bit.

20 PRESIDENT POWERS:
21 Permission to go off the
22 record?
23

24 (All respond with aye.)

259

1 We were clear that we
2 will not negotiate
3 anything to do with the
4 matrix involved in Article
5 8. To give you an idea
6 how it went then, chief
7 negotiator Joe Bress, Mike
8 Volforte, Director of
9 GOER, came back and said
10 well, we're prepared to go
11 another route. We're
12 prepared to seek
13 legislative action which
14 we heard about today,
15 which would be Section 75
16 that the State Police
17 currently have.

18 We caucused just to
19 talk about the idea. We
20 came back and I was pretty
21 clear with Joe Bress, I
22 said, you can do whatever
23 the hell you want and
24 we're going to do whatever

258

1 PRESIDENT POWERS: Back
2 on the record. All good.

3 VP LAW ENFORCEMENT
4 HARMON: I don't know when
5 we'll meet again. It
6 maybe, maybe not. I know
7 the committee is going to
8 be talking about what the
9 options are. We got to be
10 prepared for if Section 75
11 does happen. If it
12 doesn't happen, what are
13 the options then.

14 You know, we're pretty
15 clear what the options are
16 from this body, we know
17 what direction the body
18 has been. But other than
19 that, we'll see exactly
20 where it goes.

21 KENNY GOLD: Kenny
22 Gold, Orleans. Being what
23 you just said, kind of a
24

260

1 little off topic, but if
2 you guys know exactly what
3 we want, are we getting
4 any more of these survey
5 questions going out
6 because I'm getting a
7 lot --

8 VP LAW ENFORCEMENT

9 HARMON: No, they're not
10 going back on out.

11 Kenny GOLD: No more
12 questions.

13 VP LAW ENFORCEMENT

14 HARMON: No more
15 questions. So everybody
16 knows, the survey
17 questions went out, part
18 of the problem when we
19 went around doing that
20 tour that I got my balls
21 kicked in over and over
22 for, they were
23 misinformed, we didn't
24 have the information or we

261

1 for tomorrow that outlines
2 what is arbitrable and
3 what isn't, and what the
4 process is. So if you
5 have questions about it,
6 you can at least show your
7 members so people
8 understand.

9 Because this has been a
10 constant, you know, run of
11 misinformation about what
12 is in an arbitration and
13 what isn't. And I have
14 something I can get
15 together for you guys for
16 tomorrow and get to you
17 guys in the morning for a
18 handout if that's what you
19 would like.

20 PRESIDENT POWERS: I
21 believe it's already on
22 the website, am I wrong?

23 VP LAW ENFORCEMENT

24 HARMON: I'm not sure.

263

1 didn't have this. So, to
2 try to appease that crowd,
3 we said we'll send more
4 survey questions out.
5 Even though we had a
6 survey that 4500 hundred
7 members responded to the
8 first time, and we went on
9 collective bargaining
10 tours, before we ever got
11 really involved; and
12 before everything else
13 that was made pretty clear
14 what was going on, we
15 tried to do it again.
16 People complained about
17 that as well, so that was
18 it. Two questions, done.

19 It wasn't worth -- the
20 responses weren't worth
21 the time and there weren't
22 that many responses coming
23 in. If everybody likes,
24 and I'll prepare something

262

1 MR. GLEASON: Gleason,
2 Goveurnor. When we first
3 brought Article 8 out we
4 liked it. All the sudden
5 now it's turned back
6 around. We sat up here --

7 VP LAW ENFORCEMENT

8 HARMON: Well, we like to
9 think the things we were
10 telling the state were
11 beneficial to us. But the
12 problem was the State was
13 hung up on their matrix
14 and everything else, and
15 since we were not agreeing
16 to their stance at all,
17 they decided to say fuck
18 it, we'll go to the state
19 legislature and shove
20 Section 75 up your ass.

21 MR. GLEASON: 75 you're
22 saying is the commissioner
23 and all that --

24 VP LAW ENFORCEMENT

264

1 HARMON: That just
2 happened -- they told us
3 Wednesday, in the middle
4 of the day. And Monday it
5 was put in the budget.

6 PRESIDENT POWERS:
7 Monday afternoon we found
8 out about the thirty day
9 amendment.

10 CHRIS HICKEY: Hickey,
11 Wyoming. What's our legal
12 counsel saying on this
13 situation.

14 VP LAW ENFORCEMENT
15 HARMON: Which part of it?
16 CHRIS HICKEY: All of
17 it.

18 VP LAW ENFORCEMENT
19 HARMON: The impasse part,
20 we are now, as we said
21 earlier boxes have been
22 checked to go to impasse
23 but it would be beneficial
24 for to us to wait and see

265

1 VP LAW ENFORCEMENT
2 HARMON: Billy. Steve
3 Isaacs has been here and
4 there sometimes.

5 CHRIS HICKEY: Has he
6 been around at all.

7 VP LAW ENFORCEMENT
8 HARMON: Sometimes.

9 CHRIS HICKEY: He's
10 kind of not there.

11 VP LAW ENFORCEMENT
12 HARMON: He's been there
13 when the schedule allows.

14 CHRIS HICKEY: Has he
15 provided any strategic
16 guidance?

17 VP LAW ENFORCEMENT
18 HARMON: I will say this,
19 for Steve he has. Some of
20 his approaches or the
21 angles are a little bit
22 different than I think
23 we're used to. He has a
24 different way of

267

1 what happens with the
2 budget bill.
3 The Section 75 piece so
4 everybody is aware, the
5 Board yesterday had a long
6 discussion about Section
7 75. We're prepared for
8 injunctive relief if that
9 is enacted. We believe we
10 do -- I'm not saying it's
11 a winner, but we have an
12 angle for injunctive
13 relief on Section 75. And
14 concern we have negotiated
15 much different than except
16 for Article 8, that's kind
17 of still in the hands of
18 negotiations.

19 CHRIS HICKEY: Who
20 actually is the legal
21 counsel heading this up?

22 VP LAW ENFORCEMENT
23 HARMON: For us?

24 CHRIS HICKEY: Yeah.

266

1 professing things and
2 looking at things, maybe
3 dealing with COVA and this
4 and that. But his
5 dialogue when given has
6 been good.

7 DONN ROWE: Rowe, Hale
8 Creek. Is he under
9 retainer still?

10 PRESIDENT POWERS: Not
11 now, I don't believe so.

12 VP LAW ENFORCEMENT
13 HARMON: He was paid up
14 front. That was a one
15 time payment.

16 PRESIDENT POWERS: The
17 first round of
18 negotiations.

19 DONN ROWE: What was he
20 paid?

21 VP LAW ENFORCEMENT
22 HARMON: A hundred
23 thousand dollars approved
24 by the Executive Assembly.

268

1 DONN ROWE: I've just
2 got one comment, my
3 opinion. The Collective
4 Bargaining Committee is
5 very much aware that
6 obviously Article 8,
7 Article 24 and the health
8 insurance article were the
9 huge issues with that
10 tentative agreement.

11 I know that it got
12 voted out of this body to
13 be sent to the members.
14 But let's not lose sight
15 at that health insurance
16 mess, you know, took a
17 hard hit with a lot of
18 members, too.

19 VP LAW ENFORCEMENT
20 HARMON: I agree, Donn.
21 And the one thing is, look
22 at the CSEA agreement.
23 But I will tell you
24 without violating the

269

1 VP LAW ENFORCEMENT
2 HARMON: Well, they
3 weren't raised in a
4 couple.

5 DONN ROWE: Yes, they
6 were. They've been
7 modestly increased in
8 every contract that I've
9 been in, I've been in 37
10 years.

11 VP LAW ENFORCEMENT
12 HARMON: Not the last
13 contract they weren't.

14 DONN ROWE: Yes, they
15 were. Yes, they were.
16 I'm not going to argue
17 with you, John.

18 VP LAW ENFORCEMENT
19 HARMON: Okay.

20 DONN ROWE: The premium
21 is based -- another fact
22 that needs to go out, the
23 premium is based on the
24 experience of the plan.

271

1 Taylor Law, and
2 negotiating in public,
3 some of the things we
4 looked at, I'll say it,
5 that were approved by the
6 State, nobody else has.
7 We did get enhancements
8 approved by the State that
9 nobody else bargained.

10 DONN ROWE: You know, I
11 get some of that and we've
12 got that in the past. And
13 just like -- and also the
14 information that went out
15 about it was inaccurate as
16 far as copay increases.
17 We've always had modest
18 copay increases.

19 To make a statement
20 from the collective
21 bargaining committee that
22 there was -- copays
23 haven't been addressed in
24 many years.

270

1 NYSOPBA is a little piece
2 of that.

3 VP LAW ENFORCEMENT
4 HARMON: But the overall
5 plan --

6 DONN ROWE: There's 200
7 thousand state employees,
8 depending if you're
9 talking Empire or
10 whatever. And that eight
11 dollar saving for the
12 member per payday, that
13 means the state has got a
14 big investment in that,
15 too, because they're
16 paying seventy percent of
17 the premium.

18 VP LAW ENFORCEMENT
19 HARMON: Correct.

20 DONN ROWE: So, I think
21 we got to keep all of that
22 in perspective. I thank
23 you, that the collective
24 bargaining committee is in

272

1 tune with that.
2 VP LAW ENFORCEMENT
3 HARMON: Yeah, it is. I
4 mean, I did a lot of the
5 health care stuff just
6 because of the figures
7 involved in it. I know
8 Don and Chris have been
9 entrenched in it
10 previously.

11 There's such a --
12 there's so much data when
13 you're doing health care
14 to understand how the
15 premium raises and lowers,
16 it doesn't lower
17 technically. But the plan
18 itself and what the state
19 pays for the overall plan
20 and what we pay for, when
21 we have an expense it's
22 for the overall plan.

23 People aren't saying,
24 you're out of the pocket

273

1 to seven hundred fifty
2 thousand dollars.
3 Wisdom behind the
4 motion. Due to the high
5 number of assaults, drugs,
6 the NYCLU settlement, SHU
7 consolidations, minor
8 penalties for infractions,
9 the initiative of clear
10 bags, the Governor and
11 DOCCS do not take our
12 safety seriously. They're
13 running the department on
14 politics, not sound
15 security policies and
16 places our members in
17 jeopardy daily.

18 Motion is made by Kenny
19 Gold Orleans; seconded by
20 Mike Morosey, Collins.

21 Discussion on the motion?

22 STEVE MARASCO: Steve
23 Marasco, Shawangunk. I
24 stood here at the last EA

275

1 expenses, it's
2 not NYSOPBA pays, the
3 overall plan pays for it.
4 So when there are changes
5 made to the plan, there's
6 a change made that affects
7 everybody in the plan.
8 Anybody else? I will put
9 that information together
10 for everybody tomorrow.
11 And thank you.

12 PRESIDENT POWERS:
13 Willing to move into new
14 business? We have a
15 motion in your packet.
16 Motion reads, create a PR
17 campaign focusing on our
18 members safety in our
19 facility and work sites.
20 This would include
21 creating a new commercial,
22 as well as billboards
23 placed across New York
24 State. Cost would be up

274

1 and voted nay on the
2 budget when we added
3 another million dollars of
4 money we're expected to
5 get a contract. And Am
6 again, no offense guys, we
7 don't see a contract
8 anywhere in sight. To
9 spend an extra million, to
10 go up to seven hundred
11 fifty thousand doesn't
12 makes sense. That's all I
13 got to say on this.

14 PRESIDENT POWERS:
15 John?

16 VP LAW ENFORCEMENT
17 HARMON: John Harmon, Law
18 Enforcement Vice
19 President. I recommend
20 the motion be sent to the
21 finance committee.

22 PRESIDENT POWERS:
23 Recommendation -- Kenny?

24 KENNY GOLD: I believe

276

1 the finance committee
 2 looked at it that's the
 3 reason there was a number.
 4 When we made the motion,
 5 the idea was we honestly
 6 don't know how much we
 7 could spend. But facing
 8 what we're facing today
 9 and the climate that we're
 10 in, we don't want to wait
 11 until April, we keep
 12 getting pushed around.
 13 Let the committee look at
 14 it.

15 I personally can't
 16 stand here and tell you
 17 exactly what fund it would
 18 come out of or cut this
 19 and get that. The bottom
 20 line is I'm sure everybody
 21 in this room would agree,
 22 we're getting our asses
 23 handed to us every single
 24 day.

277

1 motion, that motion for
 2 the seven hundred fifty
 3 thousand, was that to come
 4 out of our existing budget
 5 which we would need to
 6 move things around? Or is
 7 that seven hundred fifty
 8 thousand that you're
 9 asking to come out of the
 10 general operating fund?

11 KENNY GOLD: Whatever
 12 this body feels it would
 13 be best. I don't know an
 14 answer, whatever you guys
 15 think. Whatever it takes
 16 is what we need. That's
 17 what we're looking for.

18 PRESIDENT POWERS:
 19 Doug.

20 DOUG WESTERVELT:
 21 Westervelt, South Port.
 22 It has to come out of the
 23 existing budget right now.
 24 You can't make a proposal

279

1 It can't just be the
 2 same old, you know, we got
 3 the press releases out.
 4 We need something more.
 5 In your face, hard hitting
 6 thing like we said in the
 7 PR committee. I don't
 8 know if that clarifies
 9 anything. I don't know
 10 what the finance committee
 11 talked about today at
 12 their meeting. That was
 13 the idea. The number was
 14 there just so the finance
 15 committee could look at
 16 it, not because we think
 17 we're going to spend seven
 18 hundred fifty thousand.
 19 It's so we can get
 20 something moving today.

21 AL ZAPPALA: Al
 22 Zappala, Shawangunk.
 23 Kenny, just a
 24 clarification on that

278

1 for seven hundred fifty
 2 thousand dollars and take
 3 it out of the general
 4 fund. It's got to come in
 5 here, page thirteen of the
 6 budget. If you want to
 7 take that much money,
 8 you're going to have to
 9 readjust the existing '18
 10 budget.

11 RALPH SCOTT: From
 12 Shawangunk, if I'm reading
 13 this right, we got one
 14 point one million dollars
 15 already allocated to PR,
 16 and now we don't think
 17 that's enough money that
 18 we have to add another
 19 seven hundred fifty
 20 thousand or am I just
 21 reading this wrong?

22 PRESIDENT POWERS: It's
 23 nine hundred fifty
 24 thousand.

280

1 KENNY GOLD: If you
2 want to spend it on that,
3 that's fine.

4 RALPH SCOTT: That's
5 where we're going?

6 KENNY GOLD: That's why
7 it comes here, so this
8 body can see if we need it
9 further, later down the
10 road we need to take out a
11 bond, whatever.

12 RALPH SCOTT: Why
13 wouldn't we spend the
14 money in the budget before
15 we make a motion to spend
16 more money.

17 KENNY GOLD: That's to
18 say how much this whole
19 campaign was. If this
20 body could approve this
21 board to go further.

22 RALPH SCOTT: You just
23 said you don't know where
24 the money is coming from.

281

1 PRESIDENT POWERS: For
2 clarification, I'm sorry,
3 who's the chief for
4 Shawangunk?

5 AL ZAPPALA: Acting
6 chief today is Ralph
7 Scott.

8 PRESIDENT POWERS:
9 Okay. See me after the
10 Assembly today.

11 AL ZAPPALA: Sure.

12 PRESIDENT POWERS:
13 Thank you.

14 AL ZAPPALA: All I was
15 going to say in reference
16 to the questions the
17 people are asking on the
18 nine hundred fifty
19 thousand that's been
20 budgeted for PR, that nine
21 hundred fifty thousand
22 that has been budgeted for
23 PR, is budgeted for PR.
24 And it's allocated

283

1 If you as the finance
2 committee met this
3 morning --

4 KENNY GOLD: I'm not
5 finance committee.

6 RALPH SCOTT: Whoever
7 it is, you have a budget.
8 Why are we going to -- I'm
9 confused. You know what
10 I'm saying? We have a
11 budget for PR. We're
12 looking to do PR, so why
13 not spend the PR money.

14 KENNY GOLD: That's
15 fine. It's to be
16 transparent to bring it
17 out so everybody sees
18 exactly what we would be
19 doing.

20 AL Zappala: Al
21 Zappala, Shawangunk. I'm
22 on the finance committee.
23 I can answer that
24 question.

282

1 throughout the year for
2 different projects.

3 What Kenny Gold is
4 asking for is separate
5 from above the nine
6 hundred fifty thousand
7 that's already being
8 utilized.

9 KENNY GOLD: No, you're
10 wrong. If that's what
11 this body feels we should
12 utilize that funds and
13 going forward with a hard
14 hitting campaign towards
15 everything, then that's
16 what we do. If we feel it
17 needs to come out of
18 something else, that's why
19 it's here.

20 Because that is almost
21 eighty percent,
22 seventy-five percent of
23 our budget. That's why
24 it's here.

284

1 PRESIDENT POWERS:
 2 Chris?
 3 CHRIS HICKEY: Hickey,
 4 Wyoming. What's
 5 encumbered in the PR
 6 budget line right now?
 7 The money that's budgeted,
 8 what's encumbered in that
 9 line that we got to pay
 10 for, do you know?
 11 TREASURER HOGAN:
 12 Advertising, consultants,
 13 promotional and regional
 14 PR.
 15 CHRIS HICKEY: Do you
 16 have a dollar amount of
 17 what that is taken off
 18 that nine fifty that's
 19 allocated?
 20 TREASURER HOGAN: I
 21 only know how much was
 22 spent last month which was
 23 seventy-four thousand.
 24 CHRIS HICKEY: Okay.

285

1 All in favor signify by
 2 saying aye.
 3
 4 (Response of aye.)
 5
 6 PRESIDENT POWERS
 7 Anybody opposed?
 8
 9 (No response.)
 10
 11 PRESIDENT POWERS:
 12 Motion passes. Thank you.
 13 We have two quick items
 14 here. One being one we
 15 discussed earlier, I'll
 16 need unanimous consent or
 17 sixty percent of the body
 18 to move these two motions.
 19 Can I have that, all
 20 signify by saying aye.
 21
 22 (All respond with aye.)
 23
 24 PRESIDENT POWERS: One

287

1 But we probably have some
 2 contractual obligations,
 3 I'm just assuming. Maybe
 4 we don't. Do we know what
 5 that is? Can we find out
 6 what that is?
 7 VP LAW ENFORCEMENT
 8 HARMON: Mike, on my
 9 motion though, my motion
 10 was to recommend it to the
 11 finance committee.
 12 PRESIDENT POWERS:
 13 Second on the motion?
 14 SHAUN KEENAN: Keenan
 15 out of wende, I'll second
 16 the motion.
 17 PRESIDENT POWERS: We
 18 have a motion on the floor
 19 to send these back to the
 20 finance committee for
 21 review. Motion is made by
 22 John Harmon, seconded by
 23 Shaun Keenan. Any
 24 discussion on that motion?

286

1 of them being to hire
 2 Baker Public Relations out
 3 of Albany at four thousand
 4 dollars a month and
 5 forty-eight thousand
 6 dollars annually.
 7 KENNY GOLD: What
 8 budget line would they
 9 come out of?
 10 PRESIDENT POWERS: The
 11 motion is made by the
 12 Executive Board. All in
 13 favor signify by saying
 14 aye.
 15 DAVE LUTHER: I have a
 16 couple things that are
 17 bothering me. Number one,
 18 I don't think they're deep
 19 enough for what we do. I
 20 don't think that I
 21 personally it's --
 22 VP WEST MIANO: You
 23 already voted them in.
 24 You already approved them.

288

1 DAVE LUTHER: It was
2 missed at the December EA.
3 I think they're a pleasant
4 corporation. I don't
5 think they have deep
6 enough roots in the
7 political scene. I myself
8 believe that we need a
9 stronger, more prominent
10 PR firm.

11 PRESIDENT POWERS:
12 Okay, Dave.

13 CHRIS HICKEY: Not to
14 belabor the point, but
15 just for information I
16 know at one time this body
17 required any contracts to
18 be available for us to
19 vote on. And I believe
20 that any rules of
21 contracts are supposed to
22 be given to us in
23 advancement. Did that get
24 changed? Does anybody

289

1 oversight. So that
2 contract is by duty should
3 come to you for review.
4 We have not changed that
5 aspect.

6 CHRIS HICKEY: Okay.

7 KENNY GOLD: Mike,
8 Kenny Gold. Kind of going
9 off what Dave said, you
10 know, depending on what
11 they have, we already have
12 a PR guy that does this.
13 We're talking about
14 changing retirees, adding
15 more money to them because
16 we may not have money in
17 the future. In essence,
18 we're paying somebody to
19 do the same job that we
20 already have an in-house
21 person doing.

22 PRESIDENT POWERS:
23 Powers, President. Valid
24 points, without question.

291

1 know?

2 PRESIDENT POWERS: No,
3 it hasn't been changed,
4 Chris. I don't know if
5 the contract actually went
6 out in December. Was it
7 part of the packet in
8 December?

9 CHRIS HICKEY: No,
10 because typically on
11 renewals we would get them
12 all. Like at the EA
13 before, so if there's any
14 issues with them we could
15 address them. I'm not
16 trying to kill this thing.

17 PRESIDENT POWERS: No,
18 I understand. That's a
19 good point. We did review
20 it in November, at the
21 November board meeting.
22 We meant to bring it to
23 the December EA. Like I
24 said earlier, it was an

290

1 They are a new PR firm.
2 They are in the region.
3 We have worked closely
4 with them since December.
5 We've had pretty good
6 results, I think.

7 Is there a learning
8 curve? Anybody who joins
9 NYSOPBA has got a
10 learning curve, that's
11 without question. I think
12 they've adapted quite well
13 to it. We've worked
14 pretty closely with them.
15 We've had some pretty
16 good, strong results.

17 We had a huge
18 turn-around and in quick
19 fashion which they played
20 a major role in yesterday
21 in pushing back against
22 the Governor, hard hitting
23 if you will, aspect of
24 pushing back from the

292

1 Governor for his thirty
 2 day amendments.
 3 And myself personally,
 4 I think for the value for
 5 what we got, we paid a
 6 hell of lot more for less
 7 with the last PR firm.
 8 And that was a powerful PR
 9 firm. So, with that being
 10 said, we got a pretty good
 11 bang for our buck here.
 12 And they're learning
 13 pretty quick on the fly.
 14 We have legislators
 15 that have been legislators
 16 for twenty years still
 17 don't know our shit. They
 18 claim to and they got our
 19 backs and they'll go to
 20 the microphones, sometimes
 21 you'll hear them, plain
 22 and simple.
 23 They don't fully get
 24 it. And that's the job

293

1 Yes.
 2 DONN ROWE: All right.
 3 I'd make a motion to
 4 postpone this to the next
 5 EA, pay them month to
 6 month. In order for the
 7 EA to review the contract
 8 and then vote on it at
 9 that time.
 10 EXECUTIVE VP SAWCHUK:
 11 Well, we can make a motion
 12 to postpone, which we'll
 13 need a second to review.
 14 VP LAW ENFORCEMENT
 15 HARMON: I'll second.
 16 KEVIN DONNELLY: Kevin
 17 Donnelly, second.
 18 EXECUTIVE VP SAWCHUK:
 19 The motion on the floor to
 20 hire Baker Public
 21 Relations has been
 22 postponed. All in favor?
 23
 24 (Response of "Aye".)

295

1 that we'll do from our
 2 legislative aspect. And
 3 keep in mind, if they do
 4 fall or fall from grace,
 5 we got the option to
 6 remove them at any time.
 7 It's a pretty good
 8 benefit.
 9 DONN ROWE: Rowe, Hale
 10 Creek. We've been paying
 11 them month to month?
 12 PRESIDENT POWERS: Yes.
 13 DONN ROWE: When did
 14 you enter into an
 15 agreement with them?
 16 December. And NPS failed
 17 to renew, they didn't want
 18 to renew or whatever.
 19 EXECUTIVE VP SAWCHUK:
 20 They withdrew.
 21 DONN ROWE: They
 22 withdrew. We did RFPs on
 23 this?
 24 EXECUTIVE VP SAWCHUK:

294

1 .
 2 EXECUTIVE VP SAWCHUK:
 3 Anybody opposed?
 4
 5 (No Response.)
 6
 7 EXECUTIVE VP SAWCHUK:
 8 Postponed.
 9 PRESIDENT POWERS: Let
 10 me get some clarification
 11 here. Do you want to look
 12 at the other RFPs that
 13 came with them as well?
 14 Okay. Look at Baker. So
 15 we'll send you Baker's
 16 RFP.
 17 DONN ROWE: Rowe, Hale
 18 Creek. Did the PR
 19 Committee make a
 20 recommendation on this? I
 21 think it should go to the
 22 PR Committee.
 23 VP LAW ENFORCEMENT
 24 HARMON: It's technically

296

1 not the PR Publicity and
2 meetings, but publicity
3 covers it if you want to
4 be specific. The EA needs
5 to have a copy of the
6 contract off the bat.

7 PRESIDENT POWERS:
8 Okay. We'll have that
9 sent out as soon as
10 possible to the chiefs.
11 And the last piece of
12 business we want to
13 discuss here is the
14 2020 -- Executive Assembly
15 dates for 2020 were handed
16 out. If you want to take
17 a look at those.

18 DAVE LUTHER:
19 Mr. President, don't you
20 have another motion?

21 PRESIDENT POWERS: It
22 wasn't in the packet so.

23 MR. GLEASON: On that
24 note, Mike, Gleason

297

1 that comes up next year,
2 if you want to address it,
3 have it addressed, make
4 sure you do it ahead of
5 time that way we can tweak
6 it.

7 When it was discussed
8 on price, on how much it
9 would cost. He said the
10 July meeting is in Albany
11 which is pretty expensive
12 over all of them. So he
13 said if you guys want to
14 bring it to Health and
15 Welfare to discuss it,
16 it's up to you guys. He
17 thought it would be a good
18 ideas. It's the way we
19 used to do it years ago.

20 PRESIDENT POWERS: The
21 problem is we know the
22 hotels are available now.
23 Chris?

24 MR. HICKEY: I don't

299

1 Goveurnor. A couple
2 people, this has come up
3 and asked me, few people
4 late July 2020 would like
5 a family oriented meeting
6 in Lake George, Lake
7 Placid, et cetera. Can we
8 throw that around?

9 PRESIDENT POWERS:
10 Problem with that is
11 locking in hotels at a
12 later date. I believe
13 we're pretty well locked
14 in.

15 MIKE CARLSON: We
16 talked to the previous
17 treasurer. He said that
18 that was scheduled here,
19 so it's pretty expensive
20 here. He thought when
21 this comes up -- I brought
22 this up probably about
23 eight months ago. And
24 Dave Viddivo says, when

298

1 disagree with you, Mike.
2 But if we get, you know, a
3 foot in the ass next month
4 from the Supreme Court, we
5 may want to really
6 consider that venue.

7 PRESIDENT POWERS: Are
8 you suggesting we sit on
9 this, Chris?

10 MR. HICKEY: Postpone
11 it. Postpone it at least
12 until the next meeting.

13 PRESIDENT POWERS:
14 You're going to need to
15 have some viable options
16 as to where you might want
17 to have this and confirm
18 it with the finance
19 committee, and see whether
20 or not the availability
21 rates are available.
22 Sooner rather than later.

23 So be prepared at the
24 next Executive Assembly to

300

1 address this. We got a
2 motion on the floor from
3 Chris Hickey to postpone
4 this motion for the 2020
5 EA dates. Can I get a
6 second?

7 VP LAW ENFORCEMENT

8 HARMON: I'll second.

9 PRESIDENT POWERS: John
10 Harmon, second. All in
11 favor signify by saying
12 aye.

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

16
17 PRESIDENT POWERS: I
18 was just handed another
19 motion here, we'll need
20 approval for too. I'll
21 need approval for this
22 third motion to be heard.
23 All in favor?
24

301

1 down to reflect decreases
2 in biweekly net pay for
3 each member according to
4 their pay scale.

5 Wisdom of the motion
6 reads, number one, this
7 break down will help
8 provide the membership
9 with a clearer picture of
10 the proposed contract and
11 its affect on an hourly
12 rate scale. This allows
13 the member who is confused
14 as to the affective
15 contract proposal to
16 readily see what it means
17 in their biweekly
18 paychecks. Only the
19 percentages and
20 expenditures from the
21 current proposal should be
22 reflected, as to not make
23 increases appear to be
24 more than they actually

303

1 (All respond with "aye.")

2
3 PRESIDENT POWERS
4 Anybody opposed?

5
6 (No response.)

7
8 PRESIDENT POWERS: The
9 motion reads, the
10 following motion is a
11 mandate from the members
12 of Sing Sing Sector.

13 Any proposed contract
14 brought back to the
15 membership, will wherever
16 possible be broken down
17 to reflect percentage
18 increases and its
19 equivalent in hourly wages
20 and its biweekly increases
21 in salary. Number two,
22 any known new expense
23 taken from the members in
24 medical premiums be broken

302

1 are and expenditures
2 appear less than they are.

3 Motion is made by Dave
4 Luther, Sing Sing
5 Correctional Facility.
6 We'll need a second for
7 the motion. S. McGowan,
8 second. Discussion on the
9 motion. John Harmon?

10 VP LAW ENFORCEMENT

11 HARMON: John Harmon, Law
12 Enforcement Vice
13 President. If there is no
14 premium increases due to
15 the contract, how would we
16 break down what the
17 premium changes would be?
18 Because every year it
19 changes, we'll be accused
20 of it.

21 PRESIDENT POWERS: The
22 point John Harmon is
23 making is at the annual
24 premium increases that you

304

1 see each and every year
2 with your health
3 insurance, you will not be
4 getting the break down in
5 your payroll.

6 KEVIN DONNELLY: Kevin
7 Donnelly, Coxsackie. Is
8 that break down for every
9 year, one through
10 twenty-five, one through
11 thirty? And more
12 importantly, who is going
13 to do this?

14 PRESIDENT POWERS: You
15 are.

16 KEVIN DONNELLY: I
17 doubt I'm going to do it.

18 PRESIDENT POWERS: I'm
19 assuming, I can't say it
20 because I would have to
21 take a quick look here.

22 DAVE LUTHER: It's for
23 the length of the
24 contract. However, you're

305

1 going to have to address
2 every salary increase,
3 every -- I thought you
4 like spending time with me
5 crunching numbers.

6 KEVIN DONNELLY: I do,
7 David. That's not what I
8 like doing when we hang
9 out but -- crunching
10 numbers. Actually, I
11 don't do crunches at all,
12 as you can probably tell.
13 Who is going to be taxed
14 with doing this?

15 PRESIDENT POWERS: I'm
16 thinking we've got an
17 analyst who is quite apt
18 to probably break this
19 down for us. He is that
20 guy in the science class
21 that we all knew. You
22 know what I mean?

23 KEVIN DONNELLY: Oh, I
24 know.

306

1 VP LAW ENFORCEMENT

2 HARMON: John Harmon, Law
3 Enforcement Vice
4 President. Can I make a
5 recommendation that we
6 kind of hold off on this
7 until we see exactly where
8 the hell we're going with
9 negotiations. I'm not
10 saying I disagree with it
11 or some of the ideas,
12 because those questions
13 have been raised
14 previously.

15 But I think we probably
16 need to know what we're
17 going to do before we
18 decide how we're going to
19 spend the money we don't
20 have. I mean, I think it
21 would be a motion to be
22 put on hold for now until
23 we know exactly what the
24 hell we're doing. Because

307

1 also, I'm sure everybody
2 knows, thirty titles in
3 law enforcement alone and
4 you're going to break down
5 twenty-one thousand
6 members salary biweekly,
7 whoever is doing that,
8 good luck.

9 PRESIDENT POWERS: That
10 will be quite an expense.

11 VP LAW ENFORCEMENT

12 HARMON: Yes.

13 PRESIDENT POWERS: Any
14 more discussion on the
15 motion? All in favor of
16 the motion signify by
17 saying aye?

18 (Response of "aye.")

19 PRESIDENT POWERS

20 Opposed?

21 (Response of nay.)

308

1
2 PRESIDENT POWERS:
3 Nays, please stand. No,
4 the ayes, I apologize.
5 The motion is defeated.

6
7 ANDY RICE: I'd like to
8 present a motion.

9 PRESIDENT POWERS: Go
10 ahead. Can we get sixty
11 percent of the membership
12 to approve the reading of
13 the motion from Brother
14 Rice?

15
16 (All respond with "aye.")

17
18 PRESIDENT POWERS: Thank
19 you.

20 ANDY RICE: Motion is
21 to have NYSCOPBA file an
22 immediate injunction and
23 improper practice over the
24 current sergeant promotion

1 with little or no
2 discussion or input from
3 this organization. This
4 is also an attack on
5 seniority which in '79
6 this bargaining unit went
7 on strike to preserve that
8 very benefit.

9 If a member is passed
10 over on the promotion
11 list, they suffer
12 irreparable damages in the
13 sense they can never
14 recoup the loss of wages
15 or the lost seniority or
16 time or title. That would
17 include when someone gets
18 promoted off the other
19 list, gets to their
20 facility, they can
21 transfer and again, enjoy
22 another privilege at the
23 expense of one of our very
24 own.

1 list, and the process
2 they're using to
3 administer it. This
4 should also include
5 language regarding the
6 voluntary transfer list
7 for sergeants and
8 maintaining the past
9 practice of transfers
10 strictly by seniority.

11 Wisdom, there's an old
12 saying that a correction
13 officer is a correction
14 officer is a correction
15 officer. We are all
16 charged by law with the
17 same responsibility
18 regardless of sex, creed,
19 color, religion or sexual
20 orientation.

21 This is nothing less
22 than an attempt by the
23 State and the Department
24 to separate and divide us

1 Motion made by A. Rice,
2 seconded by E Henderson,
3 Livingston.

4 PRESIDENT POWERS:
5 Thanks, Andy. Don't shoot
6 the messenger here, but
7 unfortunately NYSCOPBA has
8 no control over this.
9 This is Civil Service Law.
10 And I'm going to have Erin
11 and Mike Morrow come up
12 here and explain. Trust
13 me when I tell you, we all
14 understand the issue at
15 hand here. This all boils
16 right down to Civil
17 Service Law.

18 ANDY RICE: I
19 understand that. But we
20 can by motion of this body
21 go forward and still file
22 an improper practice and
23 have our attorneys fight
24 it, and hopefully maybe

1 win on that end, even
2 though we're not going to
3 win the Civil Service Law.

4 PRESIDENT POWERS: We
5 can do it but it probably
6 will never get through
7 PERB.

8 ERIN PARKER: How PERB
9 works is when you draft a
10 charge to PERB, the first
11 thing that happens is that
12 PERB's director reviews it
13 to see if it's even
14 sufficient on its face.
15 And because Civil Service
16 Law and the concept of job
17 duties, titles, all of
18 those subjects are not
19 mandatory subjects, even
20 filing it, it likely will
21 get kicked immediately
22 back to us and not even
23 processed.

24 Because we can't even

313

1 request for the titles and
2 their approval of the
3 titles.

4 Just so that everyone
5 is aware, I'll do just a
6 little basic, this title
7 is a separate and distinct
8 title. So we have
9 correction sergeant and we
10 have correction sergeant
11 Spanish language. It is
12 developed by Civil Service
13 as a separate and distinct
14 title. So they consider
15 it as if they are two
16 separate titles.

17 We have reviewed the
18 case law about Civil
19 Services authority to do
20 this. This is absolutely
21 under their authority
22 under Civil Service Law
23 118. We've reviewed PERB
24 jurisdiction and whether

315

1 meet what we call a prima
2 facie of a charge at PERB,
3 because this is outside of
4 the jurisdictions that
5 they're going to hear.

6 ANDY RICE: When did
7 they come up with these
8 105 items?

9 ERIN PARKER: April
10 13th, 2017.

11 ANDY RICE: But they're
12 brand new items, right?

13 ERIN PARKER: They are
14 new items, yeah.

15 ANDY RICE: But they're
16 not added to our thought
17 plans or --

18 ERIN PARKER: There's
19 not a budget bill level
20 that corresponds with
21 these items. And I will
22 say I did FOIL from Civil
23 Service directly all the
24 information related to the

314

1 this is an improper
2 practice charge.

3 It is not an improper
4 practice charge because
5 Civil Service has the
6 jurisdiction to handle
7 titles. And even if we
8 weren't dealing with Civil
9 Service concept, the
10 issues of qualifications
11 for a position, duties of
12 a position, classification
13 standard for a position,
14 are nonmandatory subjects.

15 And third, we did look
16 at this from a
17 discrimination angle,
18 under both Federal Law and
19 New York State Law. You
20 have to keep in mind that
21 anything related to a
22 discrimination claim is
23 whether you as an
24 individual are being

316

1 discriminated against
 2 based on what we like to
 3 call a suspect
 4 classification.
 5 And those are listed in
 6 all of these individual
 7 laws. Suspect
 8 classifications are age,
 9 gender, race, national
 10 origin, religious
 11 affiliation. They are not
 12 the language that you
 13 speak. And there is
 14 plenty of case law under
 15 both New York State and
 16 Federal discrimination
 17 claims that specifically
 18 state that a language
 19 issue does not get a
 20 national origin suspect
 21 class.
 22 The language that you
 23 speak doesn't create a
 24 suspect class. Those are

317

1 PRESIDENT POWERS: If
 2 they're not proficient in
 3 that language.
 4 PAUL MIKOLOJAC: No.
 5 No. We don't know if --
 6 they haven't been offered.
 7 MIKE MORROW: It's only
 8 upon appointment.
 9 PAUL MIKOLOJAC: So
 10 now, someone that is
 11 already a sergeant who
 12 wants one of these can't
 13 have it.
 14 ERIN PARKER: Correct.
 15 PAUL MIKOLOJAC: And
 16 there's nothing we can do
 17 about that?
 18 ERIN PARKER: No.
 19 Because the title was
 20 created just recently and
 21 you are on that list based
 22 on the exam that occurred
 23 in April for two separate
 24 titles.

319

1 the three areas that we've
 2 reviewed this. I know
 3 this is frustrating.
 4 Myself and Mike Morrow
 5 have been getting calls
 6 along with everyone on the
 7 Board, about this issue
 8 for quite -- this past
 9 week.
 10 We have reviewed this
 11 ad nauseam at every angle
 12 humanly possible and this
 13 is just not a
 14 challengeable issue that
 15 we will get traction on
 16 it.
 17 PAUL MIKOLOJAC: Do
 18 they have to offer -- if
 19 Sing Sing gets six of
 20 these positions, are they
 21 going to offer those
 22 positions, those new
 23 items, to my sergeants
 24 that are already there?

318

1 PAUL MIKOLOJAC: But
 2 the sergeants that are
 3 already in sergeant titles
 4 weren't told you need to
 5 take this test to fill one
 6 of these positions.
 7 Because in six weeks from
 8 now they say we're going
 9 to have a Spanish speaking
 10 lieutenant and the
 11 criteria is, you have a
 12 year and a half as a
 13 Spanish speaking sergeant.
 14 All the sergeants.
 15 MIKE MORROW: That's
 16 not part of the
 17 requirement.
 18 PAUL MIKOLOJAC: So we
 19 already know what the new
 20 lieutenant criteria is
 21 gonna say.
 22 MIKE MORROW: No, I'm
 23 telling you what Civil
 24 Service rules say as far

320

1 as becoming proficient and
2 considered a spanish
3 language is you can at any
4 time, at any space in time
5 become proficient in the
6 language. Therefore on
7 the next exam if you sign
8 up off the exam
9 announcement and check the
10 box saying I want to take
11 the sergeant spanish
12 language exam, you take
13 the exam. Then you have
14 to pass the proficiency
15 part following that.

16 PAUL MIKOLOJAC: Yes.

17 MIKE MORROW: To show
18 that you're proficient in
19 the language.

20 PAUL MIKOLOJAC: But
21 what about if the
22 requirement for lieutenant
23 is that you're already
24 holding the Spanish

321

1 do not know exactly where
2 that comes from. That
3 was, what happens is DOCCS
4 requests Civil Service to
5 authorize a certain
6 number. It might be
7 contained in the Civil
8 Service FOIL request that
9 I just did. I don't know
10 that yet.

11 Exactly how many they
12 choose, whether that's
13 based upon the number of
14 inmates that speak
15 Spanish, I don't know the
16 answer to that. That
17 number that you quote,
18 that is a number that was
19 included in my memo. To
20 be clear, those are
21 inmates that identified
22 that they don't speak
23 English well. That does
24 not account for inmates

323

1 speaking sergeant.

2 MIKE MORROW: They
3 cannot do that. Just like
4 you can't be required to
5 be a Spanish language
6 officer before you take
7 the sergeant.

8 PAUL MIKOLOJAC: Okay.
9 Thank you.

10 JIMMY SONKO: I've got
11 a few questions, but where
12 did they come up with the
13 number of a 105? And
14 since there's less than
15 twenty-seven hundred
16 people in New York State
17 prison system that don't
18 speak the American
19 language, why do they have
20 them spread out in all
21 fifty-four jails?

22 ERIN PARKER: Okay.
23 First question first, the
24 number, the 105 number, we

322

1 that actually speak both.
2 Not that that's neither
3 here nor there, but it's
4 just information for you.

5 JIMMY SONKO: The state
6 always says about
7 programs, you got an
8 alcoholic or a pedophile
9 they have to go to a
10 certain jail. I mean,
11 well, you have
12 twenty-seven hundred.
13 You're going to violate
14 the whole seniority system
15 here to give them carte
16 blanche to put a transfer
17 to wherever they want to
18 be, and skip people that
19 got a better grade on the
20 test, instead of putting
21 those twenty-seven hundred
22 in three to five
23 facilities and keeping it
24 where the system is more

324

1 diverse and just go off
 2 the sergeant's list.
 3 ERIN PARKER: We don't
 4 have -- NYSCOPBA will not
 5 have control over where
 6 DOCCS chooses to house
 7 their inmates. That's a
 8 function outside the
 9 union's jurisdiction.
 10 JIMMY SONKO: We are a
 11 collective bargaining
 12 unit. I mean, can't we
 13 have some kind of input
 14 here. For instance, the
 15 person that left our jail,
 16 the night assistant watch
 17 commander. I mean, what
 18 purpose or wisdom is
 19 somebody working eleven to
 20 seven in the chart office
 21 out of population, doing
 22 with her eighty, when the
 23 95 is still sitting on his
 24 post.

325

1 language position
 2 somewhere else in the
 3 state?
 4 ERIN PARKER: Are you
 5 asking about
 6 reassignments? So say you
 7 have a Spanish language
 8 position at Livingston and
 9 you want to go to
 10 Fishkill. So, that, first
 11 and foremost from a
 12 logistics stand point and
 13 terminology stand point is
 14 actually called a
 15 reassignment. And it's
 16 done based upon the
 17 voluntary reassignment
 18 agreement that was
 19 negotiated between
 20 NYSCOPBA and the state
 21 years ago.
 22 It's not a transfer.
 23 And the only reason I want
 24 to be careful about that

327

1 ERIN PARKER:
 2 Understandable
 3 frustration.
 4 ERIC HENDERSON: Eric
 5 Henderson, Livingston
 6 Correctional. I don't
 7 think the argument is that
 8 Civil Service made the
 9 need an created the items.
 10 The issue is they're hired
 11 into the item but then
 12 transferred to a regular
 13 sergeant's title.
 14 ERIN PARKER: They're
 15 not transferred into a
 16 regular sergeant's title,
 17 just so you're aware.
 18 They created new separate
 19 Spanish language items
 20 within the department.
 21 ERIC HENDERSON: So
 22 someone hired as a Spanish
 23 language sergeant could
 24 only fill another Spanish

326

1 terminology, is because a
 2 transfer is a specific
 3 Civil Service terminology
 4 that means something
 5 entirely different.
 6 So if you're a Spanish
 7 language sergeant at
 8 Livingston and you want to
 9 be a Spanish language
 10 sergeant somewhere else,
 11 you will still use the
 12 same exact voluntary
 13 reassignment process. And
 14 when your name comes up,
 15 what they'll do is just
 16 move the Spanish language
 17 item that you are holding
 18 in your facility to that
 19 facility you're going to.
 20 MIKE MORROW: Or if
 21 you're going to leave that
 22 item where you're leaving,
 23 they will take a vacant
 24 item from one of the other

328

1 facilities and move it to
2 where you're going.
3 They're not set items at a
4 specific facility.
5 They're fluid.

6 ERIN PARKER: The
7 concept of items we think
8 about it from a very
9 permanent perspective,
10 they're not. And that
11 doesn't have anything to
12 do with Spanish language.
13 The concept of moving
14 vacant items happens all
15 the time.

16 ERIC HENDERSON: So if
17 a fire safety officer at
18 Livingston wants to
19 transfer to Fishkill, can
20 his fire safety position
21 item transfer to Fishkill
22 with him.

23 ERIN PARKER: No,
24 because that is a bid.

329

1 system considers full
2 title, not parenthetical.
3 So as an officer, we have
4 Spanish language officers
5 and non Spanish language
6 officers, they all
7 transfer via the same MOU
8 for reassignment.

9 ERIC HENDERSON: And
10 they're also hired off the
11 same --

12 ERIN PARKER: No, they
13 are not. Correction
14 officers are hired off two
15 separate lists, the same
16 way they are hiring
17 sergeants now.

18 MIKE MORROW: And if
19 you look at the way that
20 Spanish language officers
21 are hired, they exhaust
22 the Spanish language list
23 a heck of lot faster than
24 they exhaust the non

331

1 The concept of fire and
2 safety officer is a job
3 you're bidding for. That
4 is different than an item
5 that you have been
6 appointed to.

7 ERIC HENDERSON: But
8 you said before it's a
9 separate title.

10 ERIN PARKER: It is.

11 MIKE MORROW: Fire and
12 safety is not a title.

13 ERIC HENDERSON: That
14 was a poor example. The
15 fact is that they're
16 turning this into a
17 regular sergeant. There's
18 got to be some way we can
19 fight the reassignment
20 process.

21 MIKE MORROW: We fought
22 to keep the reassignment
23 system exactly the way it
24 is. So the reassignment

330

1 Spanish language.

2 ERIC HENDERSON: So
3 it's basically just a lack
4 of information that was
5 put out prior to?

6 MIKE MORROW: The
7 information was out there,
8 but it's hard to find.

9 ERIC HENDERSON:
10 Thank you.

11 VP WEST MIANO: Joe
12 Miano, Western Region VP.
13 Have they given any job
14 descriptions for those new
15 items?

16 MIKE MORROW: The job
17 descriptions by civil
18 service are exactly the
19 same as correction
20 sergeant. There are no --
21 by rule, they do not issue
22 a separate Spanish
23 language classification
24 standard or job

332

1 description.
 2 VP WEST MIANO: So
 3 there's no reasoning for
 4 the Spanish speaking
 5 sergeant if there is no
 6 need for it.
 7 MIKE MORROW: Well, the
 8 reasoning from the
 9 Department, it belongs to
 10 them alone. They're the
 11 appointing authority, they
 12 created the title. They
 13 see fit that they need
 14 translation information on
 15 the spot, on the front
 16 line staff, similar to
 17 some of our other titles
 18 that are Spanish language.
 19 Spanish language safety
 20 officers, just like
 21 Spanish language
 22 correction officers, our
 23 front line staff. They
 24 also are looking statewide

333

1 they may create positions
 2 like this. And fill them
 3 by two separate tests the
 4 way that they are.
 5 That is the
 6 conversation I had. I
 7 know there were some other
 8 conversations that
 9 occurred between Mike and
 10 DOCCS and some board
 11 members and DOCCS. There
 12 may have been a
 13 miscommunication at some
 14 point just about exactly
 15 how this was going to
 16 work. I was not part of
 17 those conversations, so I
 18 wouldn't speak to those.
 19 MIKE MORROW: I can
 20 tell you I had a
 21 conversation with DOCCS
 22 the first week of January.
 23 Let me step back just one
 24 second.

335

1 to increase the number of
 2 front line supervisors
 3 which are sergeants or
 4 front line safety and
 5 security officer, or SHTAs
 6 supervisor positions,
 7 which are front line
 8 supervisors. The whole
 9 state is.
 10 VP WEST MIANO:
 11 Thank you.
 12 ANDY RICE: Rice,
 13 Elmira. Was there
 14 discussion prior to this
 15 with the Civil Service or
 16 the State or the
 17 Department?
 18 ERIN PARKER: There was
 19 a conversation I had once
 20 at the direction of the
 21 Board back when we
 22 initially saw the text to
 23 get that information.
 24 That information was that

334

1 When they said they
 2 were going to create a
 3 Spanish language sergeant
 4 title, it was not unusual
 5 for me to hear it because
 6 there are a hundred sixty
 7 titles statewide that are
 8 spanish language titles.
 9 And I know dealing over
 10 the last ten years with
 11 Spanish language titles
 12 how they've been hired
 13 traditionally.
 14 Okay. So the fact that
 15 they were going to use two
 16 separate lists already
 17 dawned on me they could do
 18 that. My purpose the
 19 first week in January was
 20 to discuss with DOCCS
 21 security personnel and
 22 make it clear that
 23 NYSOPBA was requesting
 24 that they solely hire off

336

1 the inner file list which
2 includes not only the non
3 SL titles, but the SL
4 individuals as well, in
5 score order.

6 So when they reached an
7 Spanish individual, they
8 would simply slot them in.
9 Like which is what I think
10 everybody would really
11 like in this room. Okay.
12 So we made the official
13 request.

14 I originally thought
15 that was what they were
16 going to agree to. And
17 about a week and a half
18 later we were notified by
19 the Department, that no,
20 we're not going to follow
21 that way. We thought you
22 were talking about just
23 for reassignments. We're
24 actually going to use

337

1 list as it exists.

2 ANDY RICE: We had
3 discussions about this,
4 because we, the Department
5 of Corrections and the
6 prisons, we haven't dealt
7 with this, right? So I
8 think --

9 MIKE MORROW: We have
10 dealt with this on the
11 Spanish language officer.

12 ANDY RICE: Okay.

13 MIKE MORROW: Which is
14 identical to this.

15 ANDY RICE: Civil
16 service law says there's
17 two lists, this is Spanish
18 language.

19 MIKE MORROW: Yes.

20 ANDY RICE: So if I got
21 a ninety-five on the test,
22 he gets a ninety but he
23 gets promoted before I do.

24 MIKE MORROW: Different

339

1 separate list and appoint
2 off a separate list.

3 At that point because
4 as Erin explained, it's a
5 non mandatory subject of
6 negotiation. We made our
7 request. We made our
8 thoughts known to the
9 Department. They have
10 not -- they don't have to
11 listen to us and they
12 don't have to honor any of
13 our requests by law.

14 ANDY RICE: So the
15 transfer list --
16 reassignment list is
17 nonnegotiable?

18 ERIN PARKER: The
19 reassignment list is
20 negotiable.

21 ANDY RICE: If we
22 can't --

23 ERIN PARKER: If you're
24 following the reassignment

338

1 tests though.

2 ANDY RICE: I
3 understand.

4 MIKE MORROW: You might
5 as well be a clerk arguing
6 that you should be a
7 sergeant.

8 ANDY RICE: What they
9 should do is or what we
10 can push for, is those
11 Spanish speaking items
12 aren't some fictitious
13 item. So if you want, if
14 you make promotion before
15 me, you stay at Sing Sing
16 until Spanish language
17 item opens up in Elmira Do
18 you follow what I'm
19 saying.

20 MIKE MORROW: I follow
21 what you're saying. The
22 appointment occurs quicker
23 which does definitely give
24 the appearance of you're

340

1 creating the term which
2 I've heard as super
3 seniority. That's not
4 what's happening.

5 I only can work in the
6 confines of our contract
7 in order to challenge this
8 or within PERB for IP.
9 Erin has already
10 explained, it's not an IP
11 because it's an
12 appointment.

13 They are the appointing
14 authority. They have sole
15 discretionary power on
16 that. We have no say on
17 that. Contractually, my
18 seniority does not start
19 until the appointment
20 starts in service, until I
21 start service in title.

22 I am upholding
23 seniority through the
24 reassignment list because

341

1 slot, when the guy before
2 yours should have gone.
3 But that's Civil Service
4 rules, not ours.

5 JIM SONKO: Jim Sonko
6 Fishkill. Did the state
7 lose any kind of negligent
8 lawsuit that we weren't
9 providing spanish speaking
10 sergeants?

11 ERIN PARKER: Not that
12 I'm aware?

13 JIM SONKO: Are they
14 going to monitor and see
15 if there's actually a need
16 for it. Are they doing so
17 many translations a week?
18 Or, is this just they want
19 to have somebody available
20 who speaks this language.

21 ERIN PARKER: They said
22 there's a need for it.

23 JIM SONKO: On what
24 basis is there's no

343

1 when I start my seniority,
2 that's what I use to
3 reassign throughout the
4 system. That is not being
5 compromised at all.

6 You may not like when
7 they're starting my
8 seniority but it's
9 completely outside the
10 challenging part of the
11 contract. I can't
12 challenge that.

13 ANDY RICE: Kind of
14 like RIF.

15 MIKE MORROW: And I
16 dealt with this very
17 situation when we had the
18 reductions in force back
19 '09 and 2011, when they
20 reduced Spanish language
21 officers who had
22 twenty-eight years on the
23 job because they were
24 reducing that title by one

342

1 negligent lawsuit. Since
2 when are they proactive on
3 anything to give us
4 something we supposedly
5 need.

6 ERIN PARKER: Well,
7 negligence wouldn't be the
8 only reason to have
9 something like this. Like
10 I said, I requested the
11 full packet from Civil
12 Service to understand what
13 their reasoning for the
14 request was. I'm hoping
15 that sheds more light.

16 But please keep in mind
17 within DOCCS itself, there
18 are a number of Spanish
19 language titles. Not just
20 in security. It's going
21 to be hard pressed for
22 their to be any sort of
23 Civil Service not
24 approving it, when it

344

1 exists for so many other
2 titles within corrections.
3 JIM SONKO: Last bit of
4 sarcasm. What are we
5 doing for the Russians
6 that none of us can
7 communicate with or the
8 Chinese? And are they
9 hiring Spanish speaking
10 doctors or they being paid
11 fifty dollars a minute on
12 that medical assessment
13 thing because they can't
14 speak the language?
15 SHAUN KEENAN: Keenan,
16 out of Wende. What are
17 the job duties of a
18 spanish speaking sergeant.
19 ERIN PARKER: The
20 duties are no different
21 literally. I don't know.
22 The items are created so
23 that there are Spanish
24 speaking titles available

345

1 at Albion.
2 ERIN PARKER: Yep.
3 It's not going to -- there
4 is going to be no priority
5 to spanish speaking
6 sergeants on the
7 reassignment list.
8 SHAUN KEENAN: You're
9 guaranteeing me they're
10 not going to take me and
11 move me to Albion because
12 they need a Spanish
13 speaking sergeant.
14 ERIN PARKER: No.
15 SHAUN KEENAN: And I'm
16 up on the list to move --
17 MIKE MORROW: That
18 would be a violation of
19 the reassignment
20 agreement. Neither can
21 they force you to go
22 somewhere else, nor can
23 they keep you at a place
24 and reassign somebody else

347

1 in the facility. But
2 there's a difference
3 between an item and a bid
4 that comes with a set of
5 job duties.
6 And there is nothing
7 different from a duty
8 perspective or a
9 classification perspective
10 between a sergeant and
11 sergeant -- spanish
12 sergeant.
13 SHAUN KEENAN: So I
14 make a sergeant, Spanish
15 speaking sergeant, I'm
16 reassigned to Attica
17 Correctional.
18 ERIN PARKER: You're
19 appointed there, yes.
20 SHAUN KEENAN: I'm
21 waiting for my transfer, I
22 want to go back to Wende,
23 however they need a
24 spanish speaking sergeant

346

1 ahead of you to a facility
2 because they need you at
3 Attica.
4 SHAUN KEENAN: So they
5 have no additional duties
6 and no additional
7 responsibilities, but yet,
8 they get to go ahead of me
9 on the list?
10 ERIN PARKER: For
11 appointment purposes, but
12 it's not ahead of you.
13 It's two separate lists.
14 SHAUN KEENAN: I'm
15 sorry, is he still putting
16 stripes on before I do?
17 ERIN PARKER: He is
18 appointed before you.
19 SHAUN KEENAN: So he
20 took me off of the list.
21 ERIN PARKER: Different
22 lists, two separate and
23 distinct lists.
24 SHAUN KEENAN:

348

1 Semantics. Semantics.
 2 MIKE MORROW: It's not
 3 semantics, it's Civil
 4 Service Law. It's law.
 5 ERIN PARKER: It's
 6 Civil Service Law.
 7 SHAUN KEENAN: Come on.
 8 I get the fact it's Civil
 9 Service.
 10 PRESIDENT POWERS: Pay
 11 attention, please.
 12 SHAUN KEENAN: You
 13 can't tell me that we
 14 don't have some sort of
 15 recourse for this.
 16 ERIN PARKER: We don't
 17 have recourse for this.
 18 I'm sorry if it's not the
 19 answer you want to hear.
 20 But my legal --
 21 SHAUN KEENAN: A lot of
 22 the answers that come from
 23 up above don't make sense.
 24 However, I get that they

349

1 suspect classes; age,
 2 race, national origin,
 3 religion, gender, listed
 4 in law. The case law is
 5 very specific that a
 6 language in and of itself
 7 does not create a suspect
 8 class, such as national
 9 origin.
 10 Here is why. I could
 11 speak Spanish, okay, so
 12 language in and of itself
 13 does not create a
 14 recognize suspect class
 15 under discrimination law.
 16 MS. DAVIS: Is that New
 17 York State?
 18 ERIN PARKER: Both New
 19 York State and Federal.
 20 MS. DAVIS: I was going
 21 to say because Article 7
 22 of the Civil Rights Act of
 23 1964 which is Federal, it
 24 does say language is

351

1 do --
 2 ERIN PARKER: My legal
 3 obligation is to tell you
 4 that we've reviewed every
 5 angle of this and there's
 6 no recourse to this. This
 7 happens all across the
 8 state in many different
 9 titles.
 10 SHAUN KEENAN: Are we
 11 at least on the record
 12 saying, we disagree with
 13 this?
 14 ERIN PARKER: Yes.
 15 Yes. Absolutely. There
 16 was more than one call on
 17 that.
 18 MS. DAVIS: LK Davis,
 19 Bedford. Earlier you said
 20 that language is not a
 21 part of discrimination.
 22 ERIN PARKER: So,
 23 discrimination claims are
 24 based upon what we call

350

1 considered a form of
 2 discrimination for
 3 national origin, so it's
 4 the wording.
 5 ERIN PARKER: It says
 6 that national origin.
 7 MS. DAVIS: It says
 8 language is a form of
 9 national origin
 10 discrimination, I'm
 11 reading it right here.
 12 ERIN PARKER: I said,
 13 what the case law actually
 14 says, is language per se
 15 is not enough for national
 16 origin discrimination.
 17 MS. DAVIS: And also I
 18 want to add is, you said
 19 that you guys knew that
 20 this was gonna happen or
 21 that it may happen,
 22 correct?
 23 ERIN PARKER: We knew
 24 that the second title

352

1 would be created. Because
2 it was evident by the two
3 exam announcements so.

4 MS. DAVIS: See, that's
5 the thing. I don't
6 remember reading it on the
7 exam announcement, I don't
8 know if anyone else read
9 it. So my question is,
10 why didn't NYSCOPBA inform
11 the members that this
12 could be an option when we
13 took the test?

14 Because if that's the
15 case, why take the test,
16 why score the way we did.
17 Like someone said before
18 me, seniority is a major
19 thing. I mean, it just
20 feels like none of that
21 matters when it comes to
22 this situation. Why
23 didn't NYSCOPBA let the
24 members know that they had

353

1 exactly what may have
2 happened.

3 MIKE MORROW: Well,
4 part of the reason -- I
5 agree with you, we didn't
6 necessarily tell you
7 exactly how it would work.
8 Mainly because this had
9 never been done before
10 with sergeant's title.
11 And we were going to make
12 the request, which we did,
13 to see if they would use
14 the inner file list.

15 So that decision had
16 not been made yet. But,
17 the fact that we knew that
18 two separate lists were
19 going to exist, and that
20 they as the appointing
21 authority can make a
22 decision on which list,
23 that is absolutely, that's
24 common knowledge in Civil

355

1 an option?

2 MIKE MORROW: For
3 everybody that signed up
4 for the exam, on the exam
5 it had Spanish exam on it.

6 MS. DAVIS: Okay, it
7 did. But if you guys let
8 us know that this may have
9 occurred as far as two
10 separate lists.

11 MIKE MORROW: It was
12 right on the exam on the
13 top.

14 MS. DAVIS: It said
15 Spanish language, yes.
16 But it didn't have the
17 perimeters and the process
18 of which they're going by.
19 It didn't have that.
20 So you guys can say it was
21 on there. Yes. It may
22 have been on there, check
23 this box. But you guys
24 did not let us know

354

1 Service.

2 It may not be common
3 knowledge in our members
4 per se, but there's a lot
5 of things I'm sure a lot
6 of you here don't realize
7 that there's zone scoring
8 in Civil Service as well,
9 but there is. So, someone
10 who gets an 81 on the exam
11 and gets seniority
12 credits, could score in
13 the 90 zone, but their raw
14 score was nine points less
15 than the other individual.
16 And some people don't know
17 that either.

18 MS. DAVIS: I hear you.

19 MIKE MORROW: So, I
20 understand your
21 frustration.

22 MS. DAVIS: I hear you.
23 But I feel like when you
24 got -- when they told you

356

1 that they were not going
2 to follow it the way you
3 guys suggested, I feel
4 like the membership should
5 have known that.

6 MIKE MORROW: We put it
7 out at least week.

8 MS. DAVIS: Last week?
9 Okay. You put that out
10 last week.

11 MIKE MORROW: That's
12 when we found out.

13 MS. DAVIS: You found
14 out last week.

15 MR. HICKEY: One simple
16 question, can we petition
17 Civil Service for a title
18 change? And if we can,
19 let's do to because that's
20 probably our only venue.

21 ERIN PARKER: Title
22 change?

23 MR. HICKEY: Right,
24 that's the only thing we

357

1 because Civil Service
2 would say, okay, but it
3 would be for both titles.

4 MIKE MORROW: The legal
5 argument years ago is --
6 the argument years ago
7 with Spanish language
8 titles when they were
9 brought on, those
10 individuals that qualified
11 should have been paid more
12 because there was an
13 additional requirement.

14 And that was shot down as
15 being discriminatory in
16 nature because it wasn't
17 because of national
18 origin. So that's part of
19 the reasoning behind this.
20 That's why the
21 classification standards
22 are exactly the same under
23 civil service.

24 VP SOUTH FISHER: I

359

1 can probably petition,
2 right?

3 ERIN PARKER: We're not
4 the appointing authority,
5 DOCCS is the appointing
6 authority. So only DOCCS
7 can request title.

8 MR. HICKEY: They can
9 request it through a
10 structural title change,
11 but I believe we can still
12 petition Civil Service for
13 title change.

14 MS. PARKER: We can
15 petition Civil Service for
16 upgrades and
17 reclassification, but
18 that's not the same as a
19 title change.

20 MR. HICKEY: Okay.
21 Then why don't we pursue
22 an upgrade to correction
23 sergeant.

24 ERIN PARKER: Actually,

358

1 just wanted to -- and my
2 understanding of how this
3 occurred and how we got
4 side-swiped, too, because
5 I understand the
6 frustration of a lot of
7 people. If I scored a
8 certain thing and you
9 scored less, it would piss
10 me off, too.

11 However, you know, we
12 talked about it and they
13 said, well, listen, we
14 talked about this before.
15 I'm going, I don't
16 remember talking about
17 this. But let me tell you
18 why I don't remember.
19 After re-reading the memo
20 in my opinion, the way
21 that the memo read was
22 that, the Department said
23 they were bringing the
24 title in, but they also

360

1 said that it would be done
2 the same way that the
3 correction officer's title
4 would be, unless there was
5 something extraordinary
6 like a rip that would
7 happen that would change
8 the criteria over the move
9 the sergeant when they
10 needed to.

11 And they also said, if
12 I read it right, that the
13 items belonged to the
14 facilities, not to the
15 individual that took the
16 test. So, if that was
17 told to us in the
18 beginning, if they said,
19 listen, we're going to
20 start hiring off the
21 sergeant's list first, you
22 don't think any one of us
23 would have caught that
24 immediately, instead of

361

1 of what they did, because
2 we're still members, too.
3 Just saying.

4 They didn't know that
5 was in their either. They
6 didn't know it. They just
7 happened to check it off
8 and all the sudden, bang,
9 the fix came in. Somebody
10 from outside, some
11 political entity pushed up
12 on somebody to make this
13 shit happen, but it wasn't
14 us.

15 Just to let you know it
16 wasn't us. But we've been
17 fighting it ever since.
18 Again, we're still one
19 body, this is another
20 thing they're doing to try
21 to separate us. I ain't
22 letting that shit happen.
23 So I just wanted to let
24 you know what I saw when

363

1 something flying over our
2 head.

3 But you did it to us,
4 now it makes us -- you
5 know, everybody's looking
6 this way, that's not what
7 happened. We've been
8 fighting that in a
9 separate way. But we got
10 side-swiped just like you
11 got side-swiped. But then
12 we find out that the way
13 they side-swiped us, those
14 mother fuckers.

15 Because what they made
16 you think was that we had
17 some hand in this and we
18 didn't do anything about
19 it. Which it's like, they
20 turned me over, no kiss,
21 no foreplay. Hard. I was
22 angry about it, too.
23 However, however, I don't
24 want us to be divided off

362

1 this came up. Thank you.

2
3 (All applause.)

4
5 JIMMY SONKO: The state
6 gives us a test to score
7 us on our knowledge of the
8 Department rules and
9 directives. I mean,
10 that's plain as day. I
11 mean, the ninety-eight
12 that are left, there's
13 many of them that just got
14 a seventy.

15 I mean, their logic can
16 of saying a seventy as
17 long as you can answer the
18 three questions over the
19 phone makes you a better
20 candidate than the
21 ninety-five that you're
22 surpassing right now, just
23 doesn't seem to be
24 anywhere correct. I think

364

1 we need to know where this
2 whole decision started
3 from and that's where our
4 fight should be.

5 MS. GORDON: Kaye
6 Gordon, from Taconic. I
7 hate to have anyone
8 minimize anyone's
9 knowledge, whether it be
10 large, small. We are all
11 proficient in several
12 different areas. Please
13 do not separate and divide
14 Spanish from English.
15 There's none.

16 Somebody have a better
17 degree of a language in a
18 proficiency that may not
19 be fictitious, that may
20 not be undermining; it is
21 what it is. If it's a
22 civil law, it's civil; it
23 is not state. That is
24 something totally

365

1 understand one language,
2 should I minimize your one
3 language? No. But you're
4 still going to have to
5 represent that individual.

6 So just keep that in
7 mind; it's not their.
8 It's the process for how
9 they did it. And they are
10 dividing us and it makes
11 no sense. Thank you.

12 (All applause.)

13 PRESIDENT POWERS: Any
14 other new business?

15 ANDY RICE: We got to
16 act on that motion.

17 PRESIDENT POWERS:
18 Motion was ruled out of
19 order.

20 ANDY RICE: Rice,
21 Elmira. How is the motion
22 ruled out of order for
23
24

367

1 different.

2 The process may have
3 been sorry you got kicked
4 in your ass, but at the
5 same time you cannot knock
6 those that are proficient
7 in a language that you are
8 not proficient in. You
9 cannot knock down
10 somebody's knowledge on
11 certain things because
12 that does not make you a
13 better person or a better
14 union rep because you will
15 still have to represent
16 them, no matter how you
17 feel.

18 So I don't want to
19 hear, and I'm new here,
20 that because I am
21 proficient over the I'm
22 good at something and
23 because I scored a higher,
24 because you only

366

1 filing an IP? We got a
2 professional opinion that
3 said, yeah, we can't go
4 there. But it's not out
5 of order, the motion is
6 not out of order. We
7 heard the discussion I'm
8 not going to withdraw the
9 motion.

10 PRESIDENT POWERS: Let
11 me read the motion again.
12 The problem with the
13 motion is it's beyond this
14 body -- it's beyond our
15 authority. Let me read
16 the motion in.

17 ANDY RICE: And that
18 isn't beyond our
19 authority.

20 PRESIDENT POWERS: To
21 have NYSCOPBA file an
22 immediate injunction and
23 improper practice over the
24 current sergeant promotion

368

1 list and the process they
2 are using to administer
3 it. This should also
4 include language regarding
5 the voluntary transfer
6 list for sergeants and
7 maintaining the past
8 practice of transfers
9 strictly by seniority.

10 Wisdom of the motion.
11 There's an old saying that
12 a correction officer is a
13 correction officer is a
14 correction officer. We
15 are all charged by law
16 with the same
17 responsibilities
18 regardless of sex, creed,
19 color, religion or sexual
20 orientation.

21 This is nothing less
22 than an attempt by the
23 State and the Department
24 to separate and divide us

369

1 Livingston, seconded.
2 Joe?

3 VP WEST MIANO: Joe
4 Miano, Western Region VP.
5 Just because it may be a
6 losing fight, doesn't make
7 the motion out of order.

8 PRESIDENT POWERS: So
9 there's the motion. Any
10 more discussion with the
11 motion? All in favor of
12 the motion signify by
13 saying aye.

14
15 (All signify "aye".)

16
17 PRESIDENT POWERS
18 Anybody opposed?

19 JEREMY OSTERHOUDT:
20 Nay.

21 PRESIDENT POWERS: Name
22 for the record, please.

23 JEREMY OSTERHOUDT:
24 Jeremy Osterhoudt, Eastern

371

1 with little or no
2 discussion or input from
3 this organization. This
4 is also an attack on
5 seniority which in 1979
6 this bargaining unit went
7 on strike to preserve that
8 very benefit. If a member
9 is passed over on a
10 promotion list, they
11 suffer irreparable damages
12 in the sense they never
13 recoup the lost wages or
14 lost seniority or time and
15 title, then to boot when
16 someone is promoted off
17 the other list gets to
18 their facility, they can
19 transfer and again enjoy
20 another privilege at the
21 expense of one of our very
22 own. Made by Andy Rice
23 out of Elmira, and E.
24 Henderson out of

370

1 Correctional.

2 PRESIDENT POWERS:
3 Motion passes.

4 ANDY RICE: Rice
5 Elmira. Just wondering
6 where we're at with the
7 motion that was at the E
8 Board in October, that was
9 made by John Harmon and
10 approved by the whole
11 Executive Board, to
12 immediately begin the
13 process of drafting and
14 introducing legislation
15 for our Worker's Choice
16 Law, that would help
17 protect NYSCOPBA The bill
18 must be submitted to
19 legislation when
20 appropriate. NYSCOPBA
21 must be proactive to
22 protect the organization
23 and the rights of our
24 members. Is there

372

1 anything being drafted --
 2 currently drafted or --
 3 PRESIDENT POWERS: Good
 4 question, I'm glad you
 5 asked that. It's going --
 6 the -- as we mentioned
 7 before regarding the Janus
 8 versus AFSCME. We are
 9 working with a collective
 10 amount of unions through
 11 the Public Employee
 12 Conference.
 13 And a lot of those --
 14 there is piece of
 15 legislation not --
 16 actually, Keith could come
 17 up and explain it a little
 18 better. But in
 19 conjunction with these
 20 unions, we do have -- they
 21 have a piece of
 22 legislation regarding John
 23 Harmon's motion at the
 24 October E Board meeting

373

1 KEITH JACQUES: We
 2 don't actually have
 3 anything introduced at
 4 this point, Andy.
 5 Frankly, some of the
 6 concerns of PEC is if we
 7 introduce a bill right now
 8 that will give time for
 9 the National Right to Work
 10 lobby to come in to New
 11 York State and try to pick
 12 off Senate Republicans who
 13 on a national level,
 14 Republicans as you know
 15 normally support labor.
 16 I have an idea what the
 17 bill is going to look
 18 like. They're talking
 19 about amending the
 20 provisions in the Taylor
 21 Law to make it so that if
 22 a union has people that
 23 are not paying dues, that
 24 they don't have to provide

375

1 where we went back and met
 2 with PEC what we got out
 3 of the last PEC
 4 conference. Basically,
 5 where are we right now
 6 with PEC and the Janus
 7 versus AFSCME?
 8 KEITH JACQUES: We are
 9 working with PEC as part
 10 of a larger coalition, PEC
 11 represents more than
 12 eighty unions. And we are
 13 developing legislation
 14 that we are going to try
 15 an incorporate into the
 16 executed budget, which
 17 will occur in late March,
 18 April 1st time frame.
 19 ANDY RICE: So there's
 20 no legislation in writing
 21 right now that you can
 22 share or involving free
 23 riders and so on and so
 24 forth?

374

1 any services to those
 2 people.
 3 Right now the Taylor
 4 Law requires all
 5 bargaining unit members to
 6 receive full service
 7 representation, including
 8 agency fee payers. Does
 9 everyone understand what
 10 an agency fee payer is?
 11 So, I think there's
 12 probably a couple hundred
 13 agency fee payers in
 14 NYSCOPBA. NYSCOPBA has to
 15 provide representation
 16 services to those members
 17 as well.
 18 So the thought here is
 19 to change the DFR
 20 requirements so that those
 21 people that decide they
 22 don't want to pay union
 23 dues, if Janus goes the
 24 way it could go, that

376

1 those people would not be
2 entitled to any services
3 that the union provides to
4 its existing members.

5 ANDY RICE: But there
6 hasn't been any -- on our
7 end, we -- the Board spoke
8 unanimously to draft
9 something. And we don't
10 have nothing currently.
11 We're working on it, but
12 we don't have anything,
13 correct?

14 This was October. This
15 is a pressing issue for
16 all of us. And the
17 hearings are starting on
18 the 26th of this month.
19 And the decision is going
20 to come out. And I'm
21 concerned about my future.
22 I have seven years left to
23 do, so I'm very concerned
24 about the future of unions

377

1 there's talks that the
2 Governor is looking, all
3 bullshit aside, the
4 speculation that we're
5 getting is, he's going to
6 come in with his sword
7 drawn, with some high end
8 large union and come in
9 and save the day on labor.

10 And it's all political.
11 And those are some of the
12 moving parts that we're
13 dealing with as well. We
14 don't want -- we made it
15 very clear to PEC from
16 NYSOPBA standpoint that
17 we don't want any free
18 riders. A free rider is
19 somebody who's going to
20 benefit from the things
21 that we want.

22 And ultimately what
23 we're coming to with many
24 law enforcement entities

379

1 in general.

2 PRESIDENT POWERS:
3 We're all concerned, Andy,
4 and that's a very valid
5 point, without question.
6 And some of the concerns
7 that we have going forward
8 is there's many fingers in
9 the pie here. And you
10 have a political dynamic
11 right now that's
12 questionable.

13 And as Keith mentioned
14 in this -- New York State
15 the Republican Senate is
16 very labor friendly,
17 they're very friendly to
18 us, but nationwide, not so
19 much. In fact, it's a
20 complete reversal. You
21 have a couple special
22 elections coming up, and I
23 mentioned in the
24 President's report, that

378

1 is coming out with
2 something that they won't
3 necessarily get the
4 benefits that NYSOPBA
5 provides. Unfortunately,
6 and correct if I'm
7 speaking out of turn
8 Keith, but ultimately what
9 would happen is somebody
10 who chooses not to pay
11 agency fees, would benefit
12 from the salaries that we
13 negotiate as a collective
14 body.

15 But at the end of the
16 day they won't get upon
17 retirement, if it still
18 exists, the retiree -- the
19 dental and all the extras.
20 You won't be assigned an
21 attorney if you get jammed
22 up at the facility.
23 You're not going to get
24 representation, Rainy Day

380

1 Fund, Legal Defense Fund
2 and all that.
3 It's constantly moving.
4 This thing is constantly
5 moving. And it's not just
6 in New York. It's
7 nationwide. And
8 there's -- let's face it,
9 you know, we deadlocked a
10 year ago with the
11 Friedrichs versus
12 California.
13 And that's where it
14 left us. And now we're
15 working with this
16 coalition to protect as
17 much as we can, before the
18 Supreme Court decision
19 comes down. You got to
20 remember the legislative
21 session and the budget is
22 done, if it's on time, by
23 April 1st.
24 We would have a

381

1 if I'm wrong, but the
2 objective is to protect
3 all who partake in the
4 union, who choose to stay
5 within the confines of the
6 union.
7 MIKE CARLSON: My
8 question is for Keith. If
9 this goes through what
10 you're saying, when the
11 people who don't -- aren't
12 in unions, do they have to
13 negotiate their own
14 contract.
15 KEITH JACQUES: There's
16 was a model conceptual
17 piece of legislation out
18 there called Workers
19 Choice that the Board
20 wanted us to try and
21 pursue, which by the way,
22 we did. I shared the
23 model legislation with
24 PEC, they were not

383

1 decision, God willing
2 hopefully not before that,
3 but shortly thereafter or
4 later into the summer, and
5 our goal is to protect as
6 much as we can at this
7 point from a labor
8 perspective for -- and no
9 senator is going to take
10 our bill alone, a standing
11 piece of legislation or
12 assemblyman without
13 protecting the rights of
14 all aspects of labor in
15 the State of New York.
16 And that's some of the
17 hurdles that we're dealing
18 with. There's a couple of
19 ideas of legislation out
20 there and it's still yet
21 to be determined as to
22 which way they're going to
23 go. But the long --
24 again, Keith, correct me

382

1 interested. I shared the
2 model legislation concept
3 with some senators. They
4 said look it, the
5 political landscape of
6 this thing is there's
7 going to be one bill, one
8 bill only. You're going
9 to have to work with
10 coalition.
11 And that's what we're
12 doing, we're working with
13 PEC. So, let me explain
14 the fifty thousand of you
15 the Workers Choice model.
16 It would create three
17 types of public employees
18 in the State of New York;
19 now there are two.
20 You have bargaining
21 unit members and MCs. The
22 Workers Choice model will
23 create three. Create
24 union members, it will

384

1 create MCs, and non
 2 members. Those non
 3 members are people that
 4 would say, I don't want to
 5 be represented by NYSOPBA
 6 I don't want to be
 7 represented by my
 8 bargaining unit anymore.
 9 I want completely out.
 10 And those people would be
 11 out. And those people
 12 would negotiate on their
 13 own with the state.

14 So the state could
 15 negotiate individual
 16 contracts with all those
 17 people that opt out and
 18 they could negotiate
 19 different and better
 20 salaries, they can
 21 negotiate different types
 22 of seniority, because
 23 those people won't be
 24 bound by the contract.

385

1 And you're out. But your
 2 ancillary problems that
 3 would get created by that
 4 type of legislation. So,
 5 the avenue that PEC the
 6 AFL is doing the same
 7 thing, is the thought is,
 8 deal with the duty of fair
 9 representation first. And
 10 if somebody wants to be --
 11 if somebody doesn't want
 12 to pay union dues those
 13 people aren't going to get
 14 Legal Defense Fund,
 15 they're not going to get
 16 Rainy Day Fund, they're
 17 not going to get an
 18 attorney for
 19 interrogation, they're not
 20 going to get an attorney
 21 for disciplinary; and the
 22 list goes on and on.

23 MIKE CARLSON: But the
 24 tax payers are going to be

387

1 MIKE CARLSON: The
 2 state would be bound. The
 3 county would because now
 4 instead of dealing with,
 5 you know, all the
 6 elements, I have to deal
 7 with everybody --

8 KEITH JACQUES:
 9 Creating an administrative
 10 nightmare for the State
 11 and it would create a very
 12 significant problem for
 13 the union, if members who
 14 are jumping out are now
 15 getting different
 16 benefits, better benefits
 17 because the State can do
 18 that.

19 But look it, we shared
 20 the concept with PEC
 21 because the concept gets
 22 rid of free riders. It
 23 says, if you don't want to
 24 be in our union, get out.

386

1 the one footing the bill
 2 when the State has this
 3 headache to deal with tens
 4 of thousands of people who
 5 want to negotiate their
 6 own contract.

7 KEITH JACQUES: But
 8 Mike, that type of model,
 9 type of conceptual
 10 legislation, that Workers
 11 Choice, we couldn't get
 12 any traction with that.
 13 That's not going anywhere.

14 MIKE CARLSON: Okay.

15 VP LAW ENFORCEMENT

16 HARMON: I mean, I know
 17 everyone knows I'm on the
 18 other side of this. But
 19 the state could make non
 20 members MC if they wanted
 21 to through law. They
 22 could do that.

23 They can make a non
 24 member, just happen and

388

1 make them MCs --
 2 KEITH JACQUES: Not
 3 under the Workers Choice
 4 model. You're an MC
 5 employee, they're separate
 6 and apart. They're
 7 prohibited from
 8 collectively bargaining.
 9 These members would not be
 10 permitted to collectively
 11 bargain, they would have
 12 to collectively bargain on
 13 their own.

14 VP LAW ENFORCEMENT
 15 HARMON: I'm not referring
 16 to Workers Choice. I'm
 17 just saying if something
 18 did happen where you had
 19 members and non members,
 20 the State could classify
 21 all non members as MC.
 22 They could.

23 So the problem I have
 24 and -- first of all, this

389

1 believe AFL CIO and AFSCME
 2 have our best interests.
 3 They have their own
 4 interest. Part of this
 5 deal is, they would love
 6 nothing more than to see
 7 the unions like ours
 8 crumble so they can fly
 9 back in and save the day.

10 We are in a unique
 11 position with this Janus
 12 versus AFSCME Supreme
 13 Court decision. And let's
 14 make no mistake. February
 15 26th before the case is
 16 heard, eight justices have
 17 already made their
 18 decision. Their briefs
 19 are already drafted and
 20 written. It's just a
 21 matter of whether the
 22 majority are of a
 23 descending opinion.

24 Only one judge is going

391

1 organization is the
 2 largest independent Law
 3 Enforcement this country.
 4 We're independent for a
 5 reason. We don't have AFL
 6 CIO, AFSCME, we don't have
 7 mothership come in fly
 8 over us and protect us if
 9 they want to.

10 We're independent. We
 11 have things in our
 12 collective bargaining
 13 agreement that we hold
 14 dearly. We were just
 15 arguing about seniority.
 16 Somebody tell me how you
 17 would feel if a non dues
 18 paying member would bid a
 19 job over you. Because I
 20 know I'd be fucking
 21 pissed, I can tell you
 22 that.

23 And there's things that
 24 I believe that -- I don't

390

1 to make a decision and it
 2 sure as hell is not going
 3 to be in our favor. Judge
 4 Gorsuch is not going to
 5 rule in our favor. The
 6 question is how hard are
 7 they going to hammer us.
 8 I think some -- I get the
 9 idea of unfortunately you
 10 got CSEA, PEF, motherships
 11 who like to control the
 12 whole thing.

13 But the reality is, we
 14 also have something to
 15 protect. We chose to be
 16 independent. We have
 17 rules that allow us to be
 18 independent because that's
 19 what we want to do, we
 20 want to be on our own. We
 21 don't want someone
 22 hovering over us, telling
 23 us what we need to do and
 24 how to do it.

392

1 Legislation is not
2 drafted, does not protect
3 our independent right.
4 Where members who are non
5 dues paying members have
6 the same contractual
7 rights as us, that's
8 fucking bullshit. I'm
9 sorry. There's no other
10 way around it.

11 There needs to be -- I
12 understand we're the small
13 little minnow in this big
14 ocean when it comes to
15 bargaining units, but
16 we're in a different boat.
17 You know, what we do is
18 different. We're not
19 secretaries. We're not
20 sitting there putting
21 things away, working eight
22 to five.

23 You know, our job is
24 unique and different.

393

1 '60s with baseball bats
2 and a time clock to
3 collect union dues That's
4 what that would mean. You
5 turn to community
6 organizers as stewards,
7 going around collecting
8 dues. That can happen.
9 Don't let anybody tell you
10 any different.

11 There is a chance for
12 that to happen. Is that a
13 far reach? We better be
14 prepared for everything.
15 We better prepare for
16 everything that can come
17 our way with this
18 decision. We're making
19 financial decisions for
20 what ifs, but we're not
21 making changes to how
22 legislatively or
23 constitutionally how we're
24 going to do business.

395

1 Fuck, we get hammered
2 every God dam day in the
3 media. I don't see
4 anybody else getting
5 hammered like that,
6 whether you're a city
7 correction or state
8 correction officer.

9 You know, you don't
10 see -- in a way I look at
11 this, if we're not
12 prepared for the worse
13 case scenario, we're doing
14 a disservice to all of
15 you. That's my opinion.
16 Because there's a chance
17 that this opinion and
18 decision will be
19 absolutely destroying to
20 unions. If we've got to
21 go out and recard
22 everybody, no dues
23 deduction.

24 We're going back to the

394

1 That's a problem.

2 You know, I'm a little
3 bit in a minority. But
4 that's a problem that we
5 are going to face real
6 soon. Remember February
7 26th, eight judges have
8 already made their
9 decision. They're only
10 going wait for one. I
11 believe the decision going
12 to come a lot quicker than
13 later.

14 There's not much to
15 write here. It's already
16 been drafted. If somebody
17 didn't kill Scalia it
18 would have been over
19 already. Let's be honest.
20 Four four, he disappeared
21 unfortunately. Here we
22 are, we're facing this
23 again. There is real.
24 This is a real existential

396

1 threat that we have
 2 absolutely zero control
 3 over unless we control
 4 what we can ourselves.
 5 Think about what needs
 6 to be done. Think about
 7 what we need to persevere
 8 and preserve our rights
 9 that we have. I know
 10 seniority and we just got
 11 done hammering our own
 12 members because they
 13 have -- they're proficient
 14 where some of us aren't.
 15 Think about it if the guy
 16 isn't even a union member.
 17 He speaks Spanish
 18 language, not only does he
 19 speak spanish language,
 20 but he's not a member.
 21 You want to see pissed off
 22 then? Then they're
 23 nonunion, DOCCS oh by the
 24 way, we're going to have a

397

1 country is going to be
 2 affected by this decision.
 3 Some organizations that
 4 are in this state also
 5 have ties in other states.
 6 They're national. And
 7 they have a history on how
 8 they handled it in the
 9 other states. And I'll
 10 gave you an example.
 11 AFSCME did what Clarence
 12 explained before about
 13 bending over the table;
 14 that's what their history
 15 is in these other states
 16 when the Right to Work
 17 came in.
 18 They waited, they took
 19 it in the rear end; and
 20 then they come in, they
 21 picked up the pieces and
 22 put everybody back
 23 together again from what
 24 was left.

399

1 third transfer list, for
 2 non members. We're going
 3 to give them the right to
 4 transfer first. Then
 5 what? Tell me where
 6 that's going to go.
 7 This is real. And, you
 8 know, I'm of the opinion
 9 that we need some very
 10 real, hard decisions and
 11 we might need a minority,
 12 but you know what, we need
 13 them.
 14 AL MOTHERSHED: If I
 15 may, Mr. Powers. Al
 16 Mothershed, western
 17 region. Keith, I've got a
 18 couple comments on some of
 19 the things that you said.
 20 First off, I think
 21 everybody in this room
 22 needs to realize
 23 there's every labor
 24 organization in this

398

1 So, my concern is we're
 2 going to depend on
 3 somebody else to get us to
 4 the promised land, but we
 5 need to make sure -- I
 6 guess Keith didn't hear
 7 that. But we need to make
 8 sure that if these people
 9 are promising us
 10 something, they need to be
 11 able to deliver. Over the
 12 don't -- and I haven't,
 13 maybe someone else has,
 14 seen whatever language it
 15 is that they're going to
 16 prepare or submit, that is
 17 going to protect us and
 18 give us the things that we
 19 need.
 20 Now, I know the
 21 Workers' Choice wasn't
 22 perfect, but we discussed
 23 in that committee the
 24 things in there that we

400

1 needed to make sure we got
2 protections for.
3 Obviously DFR was one of
4 them, exclusivity was one
5 of them. What happens to
6 these non members, not the
7 MC people, not the union
8 members, but the people in
9 the middle.

10 We talked about what's
11 going to happen to them.
12 One of the protections we
13 needed to make sure they
14 didn't get disparaging
15 treatment and we needed to
16 make sure they didn't get
17 favorable treatment.
18 Because obviously if they
19 get favorable treatment,
20 that's bad for us.

21 That means they're
22 going to get a better
23 benefit than we do, and we
24 can't let that happen.

401

1 problem that we could lose
2 twenty, thirty, forty
3 percent of our membership.
4 That's not unrealistic.
5 The State Police, they're
6 not going to lose anybody.

7 They've got a
8 supplemental retirement
9 plan that they get.
10 They're not going to lose
11 anybody. We don't have
12 that. We don't have
13 something like that to
14 offer our people.

15 So, what is our back up
16 plan if we see this
17 legislation or this
18 language, and it doesn't
19 give us what we need to
20 get us and to protect us
21 and to get us where we
22 need to be. What's our
23 plan?

24 KEITH JACQUES: Al, I

403

1 But if they get
2 disparaging treatment,
3 then of course they're
4 going to go after the
5 State. And the State is
6 gonna say, well, you're
7 using that, so these guys
8 are union members.

9 So there's a fine line.
10 We get all that, we talked
11 about all that, but we
12 don't have any answers. I
13 don't care if we're a
14 coalition with God and his
15 sister. I don't care
16 about any of that. What I
17 care about is where this
18 organization is going to
19 end up and if we're going
20 to end up on our feet when
21 this is all over.

22 PEF, State Police --
23 I'll use the State Police
24 as an example. We have a

402

1 did actually share a draft
2 of the concept bill with
3 the Board. The Board
4 knows and I hope everyone
5 in the room knows, every
6 single meeting we have on
7 the hill, regardless if
8 we're talking about John's
9 peace officer status for
10 his SSOs or Death Gamble,
11 we always talk about Janus
12 because we understand the
13 critical nature, we
14 understand this is a
15 significant priority. We
16 get that.

17 AL MOTHERSHED: I'm not
18 questioning that.

19 KEITH JACQUES: We
20 tried to sell something
21 different, something in
22 the Workers Choice model,
23 we couldn't get any
24 traction with it. We

404

1 couldn't get any traction
2 with it. All I can tell
3 you is that we're being
4 told, and I'm talking with
5 Mulvaney, who you met, and
6 Gordie Warnok, the goal is
7 to get something into the
8 budget. To try and do
9 that under the radar
10 screen.

11 I don't really know
12 what else to tell you
13 other than the fact that
14 regardless of what kind of
15 legislation is in place
16 because something will be
17 in place, the union
18 whether it's Workers
19 Choice or whether it's the
20 DFR proposal we're talking
21 about, they need to start
22 selling themselves to the
23 members about the benefits
24 of being a NYSCOPBA

405

1 doing the best we can.
2 And, you know, the
3 draft legislation shared
4 with the Board, it deals
5 with free riding. Does it
6 kick people out
7 completely? No. Is it
8 designed to try and limit
9 the people who would free
10 ride? Absolutely. Does
11 in maintain exclusivity
12 and bargaining rights for
13 NYSCOPBA Yes, it does.
14 Are we going to try to put
15 this in the budget? Yes,
16 we are.

17 So that's the goal. I
18 get the frustration. I
19 don't know what else to do
20 other than what we've been
21 doing. You know, I shared
22 the legislation with the
23 board, I'm sure that if
24 they want to share it,

407

1 member.
2 Because regardless of
3 what happens, people are
4 going to be able to jump
5 out. And the goal is make
6 sure that they don't jump
7 out. And the way they
8 won't jump out is if you
9 guys start championing all
10 the different things that
11 you do for your members.
12 Because you do so much
13 more for your members than
14 any other bargaining unit
15 in the state.

16 And I agree with you.
17 I get the sense of
18 urgency. It's the sense
19 of urgency that we feel in
20 my office. It's a sense
21 of urgency that I know
22 that Chris feels. So, I
23 don't know what to do
24 other than to say we're

406

1 they can share it. But
2 that's what it does, it
3 amends the DFR provisions
4 of the Taylor Law to
5 basically give NYSCOPBA
6 the right to refuse to
7 give any service to anyone
8 that is not paying union
9 dues.

10 AL MOTHERSHED: In your
11 packets -- in your files
12 that you guys picked up
13 this morning, there's two
14 documents in there. I
15 strongly suggest you take
16 them back and make copies
17 and give them to your
18 members, post them all the
19 bulletin boards. Because
20 that's all Janus related
21 information.

22 KEITH JACQUES:
23 Let's -- and I'll answer
24 that question. One thing

408

1 I think we probably need
 2 to do, maybe we haven't
 3 explained enough the
 4 potential ruling that
 5 we're looking at here.
 6 As everyone knows, we
 7 have the agency fee
 8 payers, and these are the
 9 folks in the bargaining
 10 unit, I think there's
 11 probably like 200 NYSCOPBA
 12 members. These people
 13 say, I don't want any of
 14 my union dues being used
 15 for political purposes.
 16 But these people say, I
 17 don't want my union dues
 18 being used for political
 19 purposes, the union has to
 20 refund that portion of the
 21 dues that the union takes
 22 from the member and puts
 23 into the pack. I don't
 24 know what the percentage

409

1 don't change the Taylor
 2 law to protect free riding
 3 right now, and Janus goes
 4 the way we think it's
 5 going to go, those people
 6 will get all their money
 7 back, those 210. They'll
 8 still be entitled to all
 9 the services that NYSCOPBA
 10 provides, because under
 11 the Taylor Law you have to
 12 provide services to all
 13 bargaining unit members.
 14 Okay. So the concern
 15 would be that, Johnny's
 16 going to speak to Billy
 17 and say, hey man, I get
 18 everything you get and I'm
 19 not paying a nickel.
 20 That's not fair. Then
 21 people are going to start
 22 jumping out, jumping out,
 23 jumping out. Which is why
 24 it's absolutely crucial we

411

1 is, let's call it five
 2 percent.
 3 What the Janus plan is
 4 saying every single nickel
 5 that I pay in union dues
 6 is used for political
 7 purposes. So there's a
 8 concern that the Court is
 9 going to say, okay, these
 10 209, 210 agency fee payers
 11 in our bargaining unit,
 12 the court will say, if
 13 you're an agency fee
 14 payer, you don't have to
 15 pay anything because, yes,
 16 we agree with Janus every
 17 single penny of union due
 18 payments is used for
 19 political purposes, so
 20 we're going to be able to
 21 give all that money back
 22 to folks.
 23 So if we don't change
 24 the DFR provisions, if we

410

1 get legislation protect
 2 the union and to prevent
 3 people from getting good
 4 things for nothing.
 5 All right. So that's
 6 the concern of Janus. So
 7 this, the draft
 8 legislation that I shared
 9 with the board, it would
 10 essentially allow a union
 11 to withhold all services
 12 to those that don't want
 13 to pay union dues And it
 14 would not be subject to a
 15 DFR claim. All right.
 16 Does that kind of -- okay,
 17 sorry, so go ahead ask
 18 your question.
 19 AL MOTHERSHED: So this
 20 piece of legislation that
 21 you shared with the Board,
 22 is that stand alone, is
 23 that something that's
 24 coming from PEF, is that

412

1 coming from AFL CIO? Who
2 is actually going to
3 submit that?

4 KEITH JACQUES: This is
5 the PEC model bill, and
6 PEC has been working with
7 Alcantara, who is a member
8 of the IDC. Senator
9 Alcantara is the senator
10 that introduced a bill
11 that we talked about last
12 year, that would create a
13 uniform dues deduction
14 process, it's a uniform
15 card I guess, throughout
16 the state for members that
17 are joining a union.

18 The thought is perhaps
19 attach it to that, over
20 the that into the budget.
21 But, yes, it's something
22 that PEC has a large
23 group, again I said
24 there's probably 80 or 90

413

1 But the question
2 becomes, is it better to
3 try and get something or
4 is it better to stand out
5 there on our own and draft
6 a separate piece of
7 legislation that we
8 probably can't even get
9 introduced, so that we can
10 say we tried something.
11 That's up to this body to
12 decide.

13 AL MOTHERSHED: Let's
14 say when and if we ever
15 see what is going to be
16 submitted, it doesn't have
17 what we need in to fix the
18 four core problems is what
19 I call them, there's four
20 problems that I think we
21 need to address
22 specifically, let's say it
23 doesn't have all that in
24 there.

415

1 unions that are impacted,
2 that are pushing that
3 piece of legislation.

4 AL MOTHERSHED: But
5 that doesn't solve all of
6 our problems.

7 KEITH JACQUES: I don't
8 think we can solve all of
9 our problems, Al, that's
10 what I'm trying to tell
11 you. If PEC is saying
12 this is what we want, and
13 if the legislature is
14 telling us this is going
15 to be done with one bill,
16 we're not going to do all
17 these little piecemeal
18 bills, it's going to be
19 one bill that's brought as
20 a labor coalition and
21 we're trying to get
22 everything we can, we may
23 not able to get everything
24 we can.

414

1 KEITH JACQUES: The
2 four core being?

3 AL MOTHERSHED:
4 Exclusivity, DFRs, free
5 riders, and I can't think
6 of the fourth one right
7 now. Let's say that it
8 doesn't have all that in
9 there, that bill gets
10 submitted, can we get that
11 bill amended.

12 KEITH JACQUES: We can
13 try to amend legislation
14 absolutely. But, again,
15 it's going to be the same
16 problem we're having now.
17 I'm trying to talk to the
18 legislature about a
19 separate, you know,
20 stand-alone bill for us
21 and it's like, guys, it's
22 gonna be one bill for
23 labor.

24 Yes, we seek amendments

416

1 to bills all the time.
 2 Matter of fact, what we
 3 introduced last year, it
 4 would make it a felony for
 5 somebody to attack law
 6 enforcement officers.
 7 Specifically excluded from
 8 that legislation was
 9 correctional officers,
 10 from inmates that do that
 11 to COs in a prison. We
 12 amended the bill and made
 13 it specifically applicable
 14 to all our members.

15 AL MOTHERSHED: My
 16 concern obviously is when
 17 these other folks present
 18 this legislation that's
 19 going to take care of
 20 their folks, if we don't
 21 get our arguments made in
 22 that legislation, we still
 23 have a shot somewhere down
 24 the line to say we need to

417

1 that they're going to take
 2 care of us? Absolutely
 3 not. I don't. Do I trust
 4 you? I'm hoping to God
 5 that you're -- you over
 6 the Chris back there, I'm
 7 not questioning you guys
 8 work ethics.

9 KEITH JACQUES: We're
 10 going to do everything we
 11 can. I couldn't possibly
 12 stand here and promise you
 13 a specific outcome that's
 14 going to absolutely occur.

15 AL MOTHERSHED: What
 16 I'm asking for is, we got
 17 to have a shot. And right
 18 now it doesn't look like
 19 we're taking a shot.

20 KEITH JACQUES: Why
 21 does it look like we're
 22 not taking a shot? If I'm
 23 telling you that every
 24 meeting we have we're

419

1 over the that bill to
 2 include A, B, C.

3 KEITH JACQUES: That
 4 assumes we're not making
 5 our arguments and we're
 6 not doing our jobs in
 7 communicating all --

8 AL MOTHERSHED: I'm not
 9 saying it's you guys.

10 KEITH JACQUES: Okay.

11 AL MOTHERSHED: The
 12 outside coalitions that
 13 we're depending on. Look,
 14 I'm a very trusting guy.
 15 But I'm not going to trust
 16 the future of this
 17 organization to somebody
 18 that -- look, he promised
 19 language to you at one
 20 point, promised language
 21 to me at one point, over
 22 the I'm not happy about
 23 the outcome of that.

24 So, do I trust the fact

418

1 discussing Janus, and we
 2 talk to PEC constantly, I
 3 don't understand how
 4 that -- it doesn't look
 5 like -- if you trusted me
 6 enough, I'm telling you
 7 this is what we're doing.

8 AL MOTHERSHED: I'm not
 9 questioning that, Dude.
 10 What I'm questioning is
 11 the fact that when that
 12 legislation gets put in,
 13 and we won't know that
 14 until it gets put in,
 15 because they're not
 16 sharing it with --

17 CHRIS DURYEA: AFL CIO
 18 contacted me last week,
 19 that they want to talk.
 20 If I was to speculate, the
 21 PEC is coming out, we're
 22 coming out with PEC.
 23 Okay. So that's where
 24 we're going to end up.

420

1 AFL is going to be here,
 2 it's going to be the
 3 teachers CSEA in that
 4 corner. So they came to
 5 me and said, look, in
 6 about a week or two we're
 7 going to have to talk.
 8 What that means is, we all
 9 have said a thousand times
 10 we're going to have one
 11 bill.

12 By the way, we need to
 13 sneak this thing in. If
 14 we pop up over the
 15 introduce a bill, the
 16 opponents are going to
 17 shoot this thing down like
 18 you can't imagine. You
 19 got Senator John
 20 DeFrancisco, a
 21 conservative upstate
 22 running against the
 23 Governor, who is going to
 24 try to come out with

421

1 and sisters united in
 2 labor, if this is what
 3 we're going to come up
 4 with, okay, good, we got
 5 it.

6 They are going to rely
 7 on us to deliver our
 8 friends in the senate.
 9 Because it's going to be
 10 upstate conservatives that
 11 they're going to be
 12 looking to us to deliver.
 13 So we seem to have
 14 leverage in this process.

15 I said it a thousand
 16 times, but this body --
 17 I'll say it again, so Al,
 18 I know it sounds like it's
 19 very short time frame, but
 20 six weeks in a budget
 21 negotiation, we're still a
 22 little early. In a couple
 23 weeks things are going to
 24 start moving and you're

423

1 something conservative.
 2 His ideology is in line
 3 with the Supreme Court
 4 that we are trying to --
 5 on this one we're
 6 liberals. On this one
 7 we're in Governor Cuomo's
 8 corner. So, it is
 9 imperative for us to sneak
 10 this thing in at the last
 11 minute. So in a couple
 12 weeks, we're going to have
 13 a come to Jesus meeting
 14 with both PEC over the.

15 And let me tell you
 16 something else, we are
 17 going to be in a position
 18 to drive the bus. What's
 19 going to happen is we're
 20 going to come together on
 21 a bill. We may not like
 22 it. If we got three of
 23 the four, and we say all
 24 right, look, as brothers

422

1 going to start seeing it
 2 and we'll share it.

3 And as we start to sit
 4 down and come up with our
 5 one bill, you're going
 6 to see it. That's where
 7 it's going to end up.

8 AL MOTHERSHED: He's
 9 going to be labor
 10 friendly. Any
 11 anticipation he put
 12 something in his budget?

13 CHRIS DURYEA: The play
 14 is to sneak this thing in
 15 in the last minute.

16 PRESIDENT POWERS: You
 17 know what the AFL CIO gave
 18 him at the end of the day?
 19 Their ringing endorsement.

20 KEITH JACQUES: Any
 21 other question on Janus?

22 DONN ROWE: Just to be
 23 clear, this is not going
 24 to be a bill submitted to

424

1 the Senate, submitted to
2 the Assembly. This is
3 we're talking about
4 putting something in the
5 budget. So you don't have
6 to stick your hand out to
7 John Flanagan, and then go
8 rub the Governor. At the
9 end of the day, they're
10 going to do it. Because
11 they're all going to take
12 credit for backing labor.
13 Maybe John Flanagan not as
14 much.

15 But that's the bottom
16 line. So everybody is
17 clear on that, you're not
18 going to see a debate on
19 the floor about this bill.
20 It's going to be snuck in,
21 in the budget.

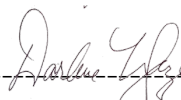
22 CHRIS DURYE: That's
23 correct.

24 DONN ROWE: All right.

1 STATE OF NEW YORK)
2 SS:
3 COUNTY OF ERIE)

4
5 I, DARLENE L. JERGE, a
6 Notary Public in and for the State
7 of New York, County of Erie, DO
8 HEREBY CERTIFY that the MINUTES of
9 the EXECUTIVE ASSEMBLY, were taken
10 down by me in a verbatim manner by
11 means of Machine Shorthand, on
12 FEBRUARY 14, 2018. That the
13 MINUTES were then reduced in
14 writing under my direction.

15 I further CERTIFY that
16 the above-described transcript
17 constitutes a true and accurate and
18 complete transcript of the minutes
19 taken.

20
21
22 
23 DARLENE L. JERGE,
24 Notary Public.

1 PRESIDENT POWERS: All
2 right. Motion to adjourn?
3 Shaun Keenan. And Rich
4 Janes, second.

5
6 (Whereupon, the
7 Executive Assembly then
8 adjourned.)

9 * * * *

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