



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

August 13, 2018

Ms. Tammy Sawchuk
Executive Vice President
New York State Correctional Officers &
Police Benevolent Association, Inc.
102 Hackett Blvd.
Albany, New York 12209

Dear Ms. Sawchuk,

This is in response to your July 24, 2018, letter to Acting Commissioner Annucci, concerning access to Department correctional facilities by NYSCOPBA union officials.

As you are aware, the Commissioner has designated me as the Executive Team member responsible for reviewing requests by statewide union representatives to access State Correctional Facilities. As requested, attached is a copy of my April 5, 2018, memorandum regarding this policy, which was a re-issuance of a previous memorandum with some clarifications. This memorandum was advanced to Michael Powers, President, NYSCOPBA, via e-mail on the date of issuance. Additionally, nothing in this policy prevents access to employees and meeting space as outlined in Article 5.2 of the collective bargaining agreement.

Upon receipt of a request for a statewide union representative to access a facility, the request is forwarded to my office, reviewed and routinely approved, and will continue to be approved when sufficient advance notice is provided. When possible, please consider submitting requests with as much advance notice as possible, however, they should be advanced no less than 24-hours in advance. Additionally, it would be helpful if you can ensure that the facility Chief Sector Stewards are timely advancing such requests to the Superintendent for processing, in the event I am not immediately available.

The authority governing access to correctional facilities is contained in Correction Law §146 [1] and Title 7 New York Code of Rules & Regulations §51.3 and §200.1 [b] [3]. In addition to the legal authorities to grant access to correctional facilities, we recognize Article 5.2 of the collective bargaining agreement regarding access to employees. Since Union access to employees has not been impeded nor has the long-standing policy regarding the processing of requests from a statewide union representatives to visit facilities, I see no need to meet to discuss Article 5.2 of the agreement or the process for which access if requested and reviewed as access was in fact granted on a subsequent date.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel F. Martuscello III".

Daniel F. Martuscello III
Acting Executive Deputy Commissioner