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5

1
2 PRESIDENT POWERS: Good
3 afternoon. Call the
4 meeting to order. Will
5 everyone please stand.
6
7 (Whereupon, the Pledge
8 of Allegiance and moment
9 of silence recognized.)
10
11 PRESIDENT POWERS:
12 Sergeant-At-Arms, read the
13 minutes in -- or, I'm
14 sorry, the rules.
15 RENEE KING:
16 Executive Assembly Rules
17 of Order. One, anyone
18 upon entering the
19 Executive Assembly must
20 wear the NYSCOPBA
21 identification tag. Two,
22 Chief Sector Stewards will
23 sit in designated areas

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	MIKE MAZZELLA, Mid-Hudson
10	SCOTT CARPENIER, Central
11	JOHN ROBERTS, North
12	CLARENCE FISHER, South
13	JOHN HARMON, Law Enforcement
14	JOE MIANO, Western
15	
16	Also Present:
17	Bill Sheehan, Esq.
18	Erin Parker, Esq.
19	Keith Jacques, Esq.
20	Steven Anderson, Parliamentarian
21	
22	
23	

6

1 when the Executive
2 Assembly is in session.
3 Three, cellular phones
4 are to be turned off and
5 beepers are to be put on
6 vibrating mode. Four,
7 recording devices are
8 prohibited unless provided
9 by membership services and
10 those directed by the
11 recording secretary,
12 622.05 EA Policy.
13 Five, NYSCOPBA members in
14 good standing will be
15 allowed to address the
16 Executive Assembly.
17 Please state your name
18 and your sector. Six,
19 speakers at the microphone
20 will follow the direction
21 of the Sergeant at Arms.
22 Thank you.
23 PRESIDENT POWERS:

8

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

9

1 SUMMERS:
 2 Carpenter, present.
 3 VP South, Fisher.
 4 VICE PRESIDENT FISHER:
 5 Present.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Fisher, present.
 9 VP West, Miano?
 10 VICE PRESIDENT MIANO:
 11 Here.
 12 RECORDING SECRETARY
 13 SUMMERS:
 14 Miano, present. Sergeant
 15 liaison, Sellers?
 16 MR. SELLERS: Here.
 17 RECORDING SECRETARY SUMMERS:
 18 Sellers, present.
 19 Adirondack, Sturgeon?
 20 MR. STURGEON: Here.
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 Sturgeon, present.

11

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

10

1 Albany Training Academy,
 2 Christiano?
 3 MR. CHRISTIANO: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Christiano, present.
 7 Albion, Thomas?
 8 MR. THOMAS: Present.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Thomas, present.
 12 Altona, Guerin?
 13 MR. GUERIN: Here.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Guerin, present.
 17 Attica, Wagner?
 18 MR. WAGNER: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Wagner, present.
 22 Auburn, Thomas?
 23 MR. THOMAS: Here.

12

1 RECORDING SECRETARY SUMMERS:
 2 Thomas, present.
 3 Bare Hill, Perry?
 4 MR. PERRY: Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Perry, present.
 8 Bedford Hills, Hale?
 9 MR. HALE: Here.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Hale, present.
 13 Cape Vincent, Lytle?
 14 MR. LYTLE: Present.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Lytle, present.
 18 Cayuga, Langtry?
 19 MR. LANGTRY: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 Langtry, present.
 23 Central New York Psych

13

1 SUMMERS:
 2 Hofstetter, present.
 3 Downstate, Cooper?
 4 MS. COOPER: Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Cooper, present.
 8 Eastern, Osterhoudt?
 9 MR. OSTERHOUDT: Here.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Osterhoudt, present.
 13 Edgecombe, Patterson?
 14 MR. PATTERSON: Present.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Patterson, present.
 18 Elmira, Cramer?
 19 MR. CRAMER: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 Cramer, present.
 23 Fishkill, Sonko?

15

1 Center, O'Donnell?
 2 MR. O'DONNELL: Here.
 3 RECORDING SECRETARY
 4 SUMMERS:
 5 O'Donnell, present.
 6 Clinton, Basto?
 7 MR. BASTO: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Basto, present.
 11 Collins, Sticht?
 12 MR. STICHT: Here.
 13 RECORDING SECRETARY SUMMERS:
 14 Sticht, present.
 15 Community Supervision,
 16 Ruland, excused.
 17 CCA, Johnson?
 18 MS. JOHNSON: Present.
 19 RECORDING SECRETARY SUMMERS:
 20 Johnson, present.
 21 Coxsackie, Hofstetter?
 22 MR. HOFSTETTER: Present.
 23 RECORDING SECRETARY

14

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

16

1 Gleason, present.
 2 Gowanda, Guest?
 3 MR. GUEST: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Guest, present.
 7 Great Meadow, Ashline?
 8 MR. ASHLINE: Here.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Ashline, present.
 12 Green Haven, Moreau?
 13 MR. MOREAU: Here.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Moreau, present.
 17 Greene, Horacek?
 18 MR. HORACEK: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Horacek, present.
 22 Groveland, Hunsinger?
 23 MR. HUNSINGER: Here.

17

1 MR. GRUBER: Here.
 2 RECORDING SECRETARY
 3 SUMMERS:
 4 Gruber, present.
 5 Lincoln, Moore, excused.
 6 Livingston, Henderson?
 7 MR. HENDERSON: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Henderson, present.
 11 Marcy, Roberts?
 12 MR. ROBERTS: Here.
 13 RECORDING SECRETARY
 14 SUMMERS:
 15 Roberts, present.
 16 Mid Hudson Forensic Psych,
 17 Bradshaw?
 18 MR. BRADSHAW: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Bradshaw, present.
 22 Mid State, McGowan?
 23 MR. MCGOWAN: Here.

19

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Hunsinger, present.
 4 Hale Creek, Rowe?
 5 MR. ROWE: Here.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Rowe, present.
 9 Hudson, Raleah?
 10 MR. RALEAH: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Raleah, present.
 14 ISO's, Ohms?
 15 MR. OHMS: Present.
 16 RECORDING SECRETARY SUMMERS:
 17 Ohms, present. Kirby
 18 Forensic, Elvis O?
 19 MR. OYAKHILOME: Here.
 20 RECORDING SECRETARY
 21 SUMMERS: Elvis O,
 22 present.
 23 Lakeview, Gruber?

18

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

20

1 Otisville, DeJager?
 2 MR. DEJAGER: Here.
 3 RECORDING SECRETARY
 4 SUMMERS:
 5 DeJager, present.
 6 Queensboro, Smith?
 7 MR. SMITH: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Smith, present.
 11 Riverview, Aldous?
 12 MR. ALDOUS: Here.
 13 RECORDING SECRETARY.
 14 SUMMERS:
 15 Aldous, present.
 16 Rochester Psych Center,
 17 Raven?
 18 MS. RAVEN: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Raven, present.
 22 SSO Central, Toles?
 23 MS. TOLES: Here.

21

1 Yes.
 2 RECORDING SECRETARY
 3 SUMMERS: Tonney V,
 4 present.
 5 SSA's, Schiavone?
 6 MR. SCHIAVONE: Here.
 7 RECORDING SECRETARY
 8 SUMMERS:
 9 Schiavone, present.
 10 Shawangunk, Scott?
 11 MR. SCOTT: Here.
 12 RECORDING SECRETARY
 13 SUMMERS:
 14 Scott, present.
 15 Sing Sing, Luther?
 16 MR. LUTHER: Present.
 17 RECORDING SECRETARY
 18 SUMMERS:
 19 Luther, present.
 20 Southport, Deburgomaster?
 21 MR. DEBURGOMASTER: Here.
 22 RECORDING SECRETARY
 23 SUMMERS:

23

1 RECORDING SECRETARY
 2 SUMMERS: Toles, present.
 3 SSO Mid-Hudson, Smith?
 4 MR. SMITH: Present.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Smith, present.
 8 SSO Northern region, no
 9 rep. SSO Southern Region,
 10 Pomaes?
 11 MR. POMALES: Here.
 12 RECORDING SECRETARY
 13 SUMMERS:
 14 Pomaes, present.
 15 SSO Western Region,
 16 Compton?
 17 MR. COMPTON: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Compton, Present.
 21 Security Officers,
 22 Tonney V?
 23 MR. VACHAPARAMBIL:

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: Here.
 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

1 Wallkill, present.
 2 Washington, Howell?
 3 MR. HOWELL: Here.
 4 RECORDING SECRETARY SUMMERS:
 5 Howell, present.
 6 Watertown, Nevills?
 7 MR. NEVILLS: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Nevills, present.
 11 Wende, Keenan?
 12 MR. KEENAN: Good
 13 afternoon.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Keenan, present.
 17 Willard, Moore?
 18 MS. MOORE: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Moore, present.
 22 Woodbourne, Gutierrez?
 23 MR. GUTIERREZ: Here.

25

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Gutierrez, present.
 4 Wyoming, Hickey?
 5 MR. HICKEY: Here.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Hickey, present. That's
 9 it.
 10 The minutes have been
 11 published from the June
 12 EA. Are there any
 13 corrections? I did find a
 14 couple corrections it was
 15 brought to my attention
 16 earlier. There is -- this
 17 is in the minutes,
 18 referring to the Governor
 19 that were supposed to be
 20 off the record.
 21 Does the Assembly
 22 have a problem with the
 23 secretary striking those

26

1 sentences from the
 2 minutes? Hearing no
 3 further objection, minutes
 4 approved as amended.
 5 I just have one other
 6 thing. We're doing some
 7 house cleaning up on the
 8 computer and the M-drive.
 9 And just to bring to
 10 people's attention in case
 11 you didn't know or
 12 friendly reminder, the
 13 second reporting policy
 14 and procedure, copies in
 15 the handout in the
 16 folders, I'll read the
 17 motion, so everybody has
 18 an idea this is what's
 19 supposed to be happening.
 20 It was submitted by
 21 Diane Davis, Recording
 22 Secretary, August 6th,
 23 2002. The purpose is to

27

1 establish a standard for
 2 the reporting of the
 3 sector activity
 4 association recording
 5 secretary, to compile a
 6 tangible, current working
 7 resource and history to
 8 pass on.
 9 Procedure, each CSS or
 10 designee shall submit
 11 their Regional VP and
 12 association recording
 13 secretary on the last day
 14 of each month and report
 15 containing sector
 16 business. This report
 17 shall include, but not
 18 limited to, membership
 19 meetings, including
 20 attendance and motions
 21 submitted. Labor
 22 management minutes, labor
 23 management agreements,

28

1 changes to stewards, and
2 any other pertinent
3 information.

4 Should there be no
5 sector activity for the
6 month, a report shall be
7 submitted indicating such.
8 The recording secretary
9 shall forward information
10 to the appropriate
11 departments then archive
12 all reports at the
13 association headquarters.
14 Thank you.

15 PRESIDENT POWERS: We
16 have a valor award. Joe?

17 VP WEST MIANO: If I
18 could have the Wyoming
19 Chief Sector Steward Chris
20 Hickey and Correction
21 Officer from Wyoming,
22 Brian Walser, please come
23 to the front table.

29

1 your own safety by
2 following the trooper and
3 the suspect into a wooded
4 area, where you helped and
5 restrained the suspect
6 while the trooper
7 handcuffed him.

8 Without your assistance
9 it is unlikely he would
10 have been caught that
11 night. Further
12 investigation revealed
13 that he had several prior
14 arrests for the same
15 offense and he was a
16 threat to the public.

17 Your actions should be
18 commended and the
19 assistance you provided
20 was greatly appreciated.
21 On behalf of the New York
22 State Police, please
23 accept this, my gratitude

31

1 I received this letter
2 from Chris Hickey. It was
3 addressed to Correction
4 Officer Brian Walser. It
5 states, Dear Mr. Walser,
6 on March 28th, 2018 a
7 trooper was conducting a
8 traffic stop at the
9 intersection of Main
10 Street and Buell Street in
11 the Town of Newstead.

12 The intoxicated driver
13 fled on foot when the
14 trooper attempted to place
15 him under arrest.
16 Although there were
17 several other civilians in
18 the area, you were the
19 only one to stop and
20 assist the trooper.

21 First, you blocked the
22 suspect's path with your
23 vehicle. Then you risked

30

1 for your actions. It's
2 signed by Lieutenant
3 Michael Divaris, Acting
4 Zone Troop Commander,
5 Troop A, Batavia.

6 We've got a plaque
7 there that states:
8 Presented to Correction
9 Officer Brian Walser in
10 recognition of your noble
11 actions, and willingness
12 to go above and beyond.
13 You have demonstrated the
14 true meaning of heroism.
15 Your dedication and
16 devotion show you are a
17 true asset to your
18 profession and honor's
19 today's date.

20 I also want to mention
21 that Brian is retiring in
22 September, with thirty-one
23 years of service. And

32

1 most of those years he was
2 a active union official in
3 one capacity or another.
4 I want to congratulate
5 him.

6
7 (All applause and
8 standing ovation.)

9
10 PRESIDENT POWERS:

11 Thanks, Joe. With that,
12 we'll move into the
13 President's report.
14 Couple things to discuss
15 here. One more
16 importantly, keep the
17 information coming in.
18 Regarding the jailhouse
19 activities and in our
20 forensic units, and some
21 of our other law
22 enforcement agencies.

23 A lot of that

33

1 September 9th. Meaning
2 that this sit-in is
3 supposed to be nationwide.
4 We didn't see any activity
5 from it two years ago, but
6 obviously we take it
7 serious.

8 It was discovered in
9 Orleans, we advanced it to
10 the agency, who
11 immediately started their
12 protocols. Meaning that
13 CIU is watching, they're
14 listening, all the phones
15 are being monitored -- all
16 the phones are being
17 monitored.

18 So with that being
19 said, keep this in mind
20 and any information that
21 you see or if you get any
22 of that information, keep
23 it coming. Even the

35

1 information obviously is
2 good for us to have and,
3 you know, by all means
4 keep it coming. Don't
5 think that even some of
6 the minute details don't
7 matter.

8 There was a letter
9 circulating around the
10 country calling for an
11 inmate sit-in. We've seen
12 these before. They're
13 very same in nature. It
14 was picked out of a cube
15 by I believe in Orleans,
16 and then we started
17 finding it in some other
18 facilities.

19 We saw it about two
20 years ago, the language is
21 same or similar. It
22 starts at the end of
23 August and concludes on

34

1 minute details inside your
2 facilities, it's summer
3 time, our jails are
4 stressed.

5 There's a lot of
6 activity. And we have a
7 lot of people that are out
8 sick. We have Workers'
9 Comp. We have our
10 suspensions. We've got a
11 lot of shit going on and a
12 lot of people are carrying
13 the burden inside these
14 walls and inside our
15 forensic units and some of
16 our other agencies in law
17 enforcement.

18 It's difficult to keep
19 moral up when that
20 happens. But we need
21 to know about that so we
22 can address that and send
23 those concerns forward.

36

1 Pardon the phrase, but we
2 can't shit out staff, but
3 at least if we know about
4 it, we can express the
5 concerns as things happen
6 and continue to drive home
7 the fact that we're
8 stressed.

9 We got a lot going on.
10 There's a lot of activity
11 in the jails and our guys
12 are doing it, they're
13 doing it with
14 professionalism. Our guys
15 and gals are doing it with
16 professionalism and
17 they're continuing the
18 trend to make us the best
19 in the nation.

20 So keep that small
21 amount of information
22 coming forward by all
23 means.

37

1 Governor's Office up.
2 Stop using us as his
3 political pawns in his
4 primary with Cynthia Nixon
5 and some of the other
6 things. Some of the
7 things I want to share
8 with you are some of the
9 bullets we've discussed
10 over the last couple weeks
11 while this campaign went
12 on.

13 This campaign was very
14 effective. It was very
15 well done in my opinion.
16 I have seen -- I have been
17 part of campaigns before.
18 Not -- I'll be honest with
19 you, this was a very
20 orchestrated one, very
21 calculated one and it was
22 very political.

23 And we didn't launch

39

1 The last Executive
2 Assembly we had the
3 blessing from this body to
4 go forward with a campaign
5 against the Governor. I
6 want to talk about some of
7 those highlights to that.
8 That ended on last Sunday.

9 But here was our target
10 area and we were fortunate
11 to have a guy at the helm
12 who was unfortunately
13 couldn't make it here
14 today, he's on vacation up
15 in Canada with his
16 girlfriend. He wanted to
17 be here today, but he sent
18 across some notes and some
19 highlights that I'm going
20 to share with you today.

21 And the target area for
22 this obviously as we
23 discussed is to wake the

38

1 necessary -- ridiculous
2 comments or accusations
3 towards the Governor, we
4 hit him with the actual
5 policies that he's enacted
6 in the last year. And,
7 you know, those policies
8 are the paroling of
9 convicted cop killers,
10 some of his conditions for
11 issuing pardons to
12 convicted felons. And the
13 tablet issue that is fast
14 and coming forward into
15 our facilities.

16 And the highlights were
17 kind of in three
18 categories and I want to
19 share them with you.
20 Criminal justice reform in
21 our opinion is part of a
22 fair contract. Justice
23 means treating societies

40

1 protectors with dignity
2 and respect. It does not
3 mean rewarding convicted
4 murderers and rapists.

5 Providing for the
6 people who perform New
7 York's most dangerous job,
8 it's not a choice, it's an
9 obligation. Achieving a
10 fair contract for
11 corrections employees and
12 our members of the
13 NYSOPBA, ensures that our
14 prisons continue to run at
15 the highest level of
16 service. That was to
17 include our brother and
18 sisters in OMH.

19 Public safety, the
20 second bullet, public
21 safety is everyone's
22 right. A strong prison
23 system serves all

41

1 was our direct message to
2 the Governor.

3 From the State's
4 largest city to the
5 smallest village, New
6 York's more than thirty
7 thousand correction
8 employees, are hugely
9 important to New York's
10 economic societal
11 well-being.

12 Allowing correctional
13 employees to properly
14 perform their jobs only
15 strengthens our prisons
16 and our forensic units and
17 our agencies in law
18 enforcement. Which
19 strengthens public safety
20 and makes New York a
21 better place to live for
22 everyone.

23 Those were the

43

1 communities equally by
2 preventing criminals from
3 committing crimes wherever
4 they like without
5 impunity.

6 The public should not
7 be forced to worry that
8 convicted criminals will
9 be unjustly turned loose
10 on the streets. A safe
11 New York is free to focus
12 on policies that allows
13 our communities to grow
14 and thrive and be safe;
15 not become concerned with
16 unjust criminal activity.

17 The third bullet is a
18 strong work force to build
19 a strong New York. New
20 York cannot be the labor
21 capital of the world if it
22 picks and chooses who to
23 treat fairly. And that

42

1 highlights of this
2 campaign. And we were
3 able to deliver those in a
4 clear and concise manner.
5 And we got their
6 attention. I'm happy to
7 say we got their
8 attention. And it was to
9 bring it back so that we
10 can get back to the table
11 and negotiate a fair
12 contract without having to
13 be political pawns in his
14 potential primary run
15 and/or anything else
16 political.

17 So, with that being
18 said, it was a strong
19 campaign and this was a
20 calculated campaign. And
21 it was very well thought
22 out by our lobbyist Chris
23 Duryea, legislative

44

1 counsel Keith Jacques, the
2 Executive Board; and more
3 importantly, this team
4 from Gramercy. Who really
5 took it and ran, and they
6 turned shit around on a
7 dime and they did a good
8 job in my opinion.

9 They set a pretty bar
10 high bar early in my
11 opinion. It was a
12 blessing to work with
13 them. We were fortunate
14 to be able to work with
15 them and they did it
16 right. And we were able
17 to do it without any true
18 backlash.

19 Yeah, we had a comment
20 from Dani Lever, and that
21 comment was grossly unjust
22 without question. And we
23 responded. We had a few

45

1 the second floor and it
2 was continual. And
3 we were fortunate to have
4 some people kind of jump
5 on the bus with us. You
6 may have seen the Senate
7 Republicans are going to
8 do public hearings
9 regarding the parole
10 board, the assignment of
11 parole boards and the
12 requirements listed and
13 the Governor granting
14 conditional pardons.

15 So we've got them on
16 board. We have
17 Assemblyman Santabarbara
18 who we gave the facts to,
19 to go on Capital Tonight
20 with Liz Benjamin and talk
21 about the ills and
22 potential problems moving
23 forward regarding the

47

1 letters to the editor go
2 back to the New York Post.
3 And this was upon the
4 recommendation of our
5 media firm.

6 Not to engage in back
7 and forth, but to keep the
8 message clear and concise
9 and to deliver it.
10 Deliver it to our target
11 areas, which is our
12 suburbs. These suburbs in
13 Western New York and
14 Northern New York and
15 parts of Mid-Hudson
16 filtered into it and the
17 pole numbers came back
18 strong, as to many of the
19 policies that the Governor
20 has recently implemented.

21 A lot of it came back
22 in our favor. And that
23 message was sent back to

46

1 tablets coming into our
2 facilities.

3 As of yesterday, the
4 NYPD has recently just as
5 of yesterday, has just
6 come back out and they're
7 enforcing their concerns
8 regarding the paroling of
9 cop killers and convicted
10 violent felons, and/or the
11 manner in which the
12 Governor issues his
13 additional pardons.

14 So we've had a nice
15 little pile on that are
16 coming along. And the
17 objective and our
18 communications have been
19 with many of these people.
20 I haven't spoke to the
21 president of the NYPD,
22 he's pretty elusive until
23 you see him on TV. But

48

1 will all that being said,
2 I have made many contacts
3 inside his forum.

4 And with that, we have
5 an open line of
6 communication. And the
7 message is clear, we
8 continue to pound the
9 message. That message was
10 effective. And John can
11 talk about that in a
12 little bit later in his
13 conversations with the
14 State. I know Chris can
15 come forward with a little
16 bit on that regarding some
17 of the conversations he's
18 had on the second floor.

19 In the beginning, they
20 were hopping pissed,
21 without question. And we
22 enjoyed it. We enjoyed it
23 a great deal because it

49

1 with you.

2 He makes a comment
3 about the NRA, and the NRA
4 is complaining that they
5 may go bankrupt because of
6 the lawsuit the Governor
7 of New York has filed
8 against the NRA. Cuomo
9 turns around and says,
10 we're New Yorkers, you
11 push us, we put a finger
12 in your chest and we push
13 back.

14 We're New Yorkers, too,
15 and we work for you. You
16 push us, we're going to
17 put a finger in your chest
18 and push you back. And
19 that's what we did. And I
20 think there may be some
21 common ground now.

22 We're hoping there's a
23 common ground. John will

51

1 was clear and it was
2 concise. It was accurate.
3 There were no fallacies in
4 it. And we showed the
5 poll numbers in the
6 targeted areas where his
7 favors don't come to
8 light.

9 He took that position
10 and that's the
11 consequences for taking
12 that position. We pushed
13 back. He made a comment
14 the other day, New York --
15 I believe it was over his
16 tift with the NRA, if
17 you're paying attention to
18 any of that. We have to
19 pay attention on that
20 because that gives us the
21 ammunition or the
22 knowledge to come back and
23 share this information

50

1 elaborate on that later,
2 along with Chris. But I
3 wanted to share that
4 information with you and
5 share the fact that this
6 campaign was effective.
7 It was done right and it
8 was done with everybody's
9 best interest in mind.

10 Not to take a negative
11 tone here, but I want to
12 share with you a little
13 bit of forecast going
14 forward in the
15 State of New York. Any of
16 you pay attention to state
17 politics, I'm sure many of
18 you see what's going on in
19 national politics.

20 But in state politics
21 we're going to see some
22 changes. We have a great
23 relationship with Senate

52

1 Republicans, who right now
2 are in the majority.

3 Hence, their public
4 hearings coming out soon.

5 The Senate Dems are
6 gearing up and it's
7 looking, and I can't
8 predict the future, but we
9 can kind of see it, it's
10 in our rearview mirror,
11 and we have a former
12 president, vice president
13 in the audience that had
14 to deal with it eight
15 years ago, nine years ago
16 that saw it.

17 And we're seeing a
18 switch in the Senate, as
19 far as the majority. It
20 appears strongly that it's
21 going to end up in the
22 Democrats hands.

23 I want to share with

53

1 legislation in there that
2 compromise Public Officer
3 Law 50-A. 50-A would
4 allows us to open up your
5 personal history folder if
6 it was FOILED and to have
7 a looksy in your personal
8 history folder.

9 This all comes from a
10 lot of the ground swell
11 from the left, regarding a
12 lot of police agencies in
13 the country; more
14 importantly, in New York.
15 So, they're looking to
16 modify this to open up
17 these folders.

18 With the Senate and the
19 Democratic control, there
20 are members that already
21 hold and are pushing this
22 legislation. With them
23 being in the majority,

55

1 you a little bit about
2 what the Democrats in the
3 House of Assembly are
4 looking to do. We're all
5 familiar with Danny
6 O'Donnell, right? We're
7 all familiar with what he
8 wants to do. He wants to
9 create an office of the
10 ombudsmen. An ombudsmen
11 is a single entity who
12 over looks or an entity,
13 this case would be the
14 Department of Corrections.

15 He's got legislation in
16 place that he has moved, I
17 don't believe it ever got
18 out of committee, Dan, but
19 he's got legislation in
20 place to eliminate
21 segregation or Special
22 Housing Units.

23 There's other forms of

54

1 it's just a matter of time
2 before it comes to light.

3 So you're looking at
4 50-A, Public Officer Law.
5 You're looking at the
6 Office of Ombudsmen, which
7 pretty much get rid of the
8 Commissioner of
9 Corrections. And that
10 capacity which -- anyway,
11 and other entities that
12 look into our business.

13 We see a lot of what's
14 going on. We have
15 entities outside of the
16 Department looking at our
17 actions and our
18 facilities. We're seeing
19 this. This is what we're
20 afraid of is going to come
21 down the pipe and it's
22 real. And you think NYCLU
23 is bad, wait till you see

56

1 Halt. Halt legislation
2 basically handcuffs NYCLU.

3 It nearly eradicates
4 Special Housing. No more
5 than fifteen days
6 regardless of the
7 commission of crime inside
8 the correctional facility
9 and segregation. We've
10 got a lot going on. State
11 comptroller, the
12 executives, the Senate and
13 the Assembly, are all
14 projecting a ten to
15 fifteen billion dollar
16 deficit next year.

17 I can't remember the
18 number back in 2010, but I
19 would say it was probably
20 close to that. I think it
21 was ten billion when the
22 Governor took office in
23 2010 or '11. I'm not sure

57

1 thought it was leaning
2 left bad before, it just
3 keeps getting worse. Not
4 a good time for law
5 enforcement.

6 That's reality and
7 that's what you need to
8 understand. And that's
9 what you need to go back
10 and tell your members.
11 Because in three years
12 down the road when
13 everybody is fucking
14 mother fucking Mike
15 Powers, I will remember
16 this date because it's
17 there and it's real.

18 We have good relations
19 with both sides of the
20 aisle. We always have.
21 This organization always
22 has. And we'll continue
23 those. But it's not going

59

1 what year he came in.

2 That's the writing on
3 the wall. Law enforcement
4 in all aspects is what
5 they're looking at.
6 That's where a lot of the
7 changes are going to come.

8 If you look
9 politically, and I'm sure
10 you probably don't, but
11 the projected next speaker
12 of the house in the
13 Federal Government in New
14 York City was beat in a
15 primary by an upstart.
16 Alexander Ocasio Cortez.
17 She was a nobody and she
18 took out the next speaker
19 and she runs on a
20 progressive socialist.

21 That's not good for us.
22 And they're all jumping on
23 her bandwagon. You

58

1 to be as easy as it was to
2 push back on certain
3 pieces of legislation that
4 we were able to kill that
5 none of you really pay
6 attention to.

7 And it's been since
8 NYSOPBA's inception.
9 We've been very
10 politically astute. Solid
11 all the time. We push
12 back in the right places
13 and we stop things from
14 happening. We don't pat
15 ourselves enough on the
16 back when we do that for
17 the simple fact that the
18 next issue happens.

19 Great Meadow happens,
20 Auburn is locked down.
21 Shooting rounds off at
22 Clinton. Elmira is locked
23 down for the fifth time

60

1 this year. Whatever the
2 case may be, we're
3 constantly moving. We're
4 not perfect. We're on top
5 of it. We try to stay on
6 top of it and it keeps
7 coming fast and furious.

8 Our concern moving
9 forward is we need to be a
10 player in the game. And
11 for to us be leaders, you
12 put us here. And these
13 are the things we have to
14 pay attention to and we
15 do. And I have learned
16 from previous people
17 standing up here, from our
18 inception that you have to
19 pay attention to this
20 stuff.

21 And we do pay attention
22 to it. And we'd be remiss
23 if we didn't tell you what

61

1 public to vote in your
2 general elections, you
3 can't get them to vote in
4 your union elections, and
5 they're going to get
6 convicts to fucking vote
7 to put people in positions
8 of power.

9 This is what's coming
10 and this is what needs to
11 be listened to. This is
12 what needs to be talked
13 about. This is our push
14 back. We're getting other
15 entities to come on board.

16 We've got their ear
17 now. They want to talk, I
18 believe. And it's
19 important to be a part of
20 the conversation, because
21 what's coming, not looking
22 too pretty. So, to end on
23 a positive, our campaign

63

1 we're afraid of. And
2 we'll work on it and we'll
3 continue to work. We
4 always do. And we have
5 good teams. We have great
6 committees. And we'll
7 continue to do that.

8 We're going to need more
9 help, a lot more, as it
10 starts coming down.
11 Politically, in your
12 facilities, in your
13 communities, in your
14 neighborhoods, because
15 it's coming.

16 New York City, I read
17 yesterday, the Mayor's
18 Office is starting an
19 initiative at Rikers,
20 they're sending in voter
21 registration cards to
22 holding pen convicts. You
23 can't get the general

62

1 was effective. We got our
2 message out. We let him
3 know that we are
4 professionals. We're your
5 fucking employees, treat
6 us as such. And I believe
7 we're there.

8 We did it with your
9 help and now we need to
10 carry that torch and push
11 on. Because as I said,
12 the future is not looking
13 to fucking pretty. And
14 that's reality. I hope
15 I'm wrong. I can't
16 predict what's going to
17 happen.

18 I hope I'm wrong. I
19 hope the Senate stays just
20 the way it is right now,
21 because in that case,
22 we're in a good position.
23 But if it doesn't, we got

64

1 a lot of work to do and
2 we're going to have a lot
3 of defending to do.
4 Anybody got anything for
5 me?

6 DAVE LUTHER: Yes.
7 Dave Luther out of Sing
8 Sing. Couple questions,
9 Mike. You said that
10 during this campaign that
11 we were able to get the
12 Governor's attention and
13 that they may want to try
14 to work on something
15 involving us.

16 Are we prepared to move
17 to the second phase if it
18 turns out to be a dead end
19 or he's just kind of
20 dragging us along?

21 PRESIDENT POWERS: We
22 have talked to this PR
23 team, and granted this was

65

1 and a half years from now
2 when they're mother
3 fucking you, well, they're
4 already doing it so.

5
6 (Laughter from the floor.)

7
8 PRESIDENT POWERS: I'd
9 be a liar if I said I
10 didn't already know that.

11 KEVIN DONNELLY: Kevin
12 Donnelly, Coxsackie. You
13 said you -- we all saw the
14 letter that you sent out
15 to the Governor's Office
16 about his spokeswoman,
17 pretty much calling us
18 rapists and thugs. Did
19 you ever get a response
20 back?

21 PRESIDENT POWERS: No.

22 KEVIN DONNELLY: So
23 they haven't walked off

67

1 a personalized campaign,
2 the last campaign. We
3 don't have a PR firm, keep
4 that in mind as well.
5 But, with that being said,
6 we've talked to them,
7 they're pretty efficient.
8 And if we wanted to and if
9 it was this body's wish,
10 we could probably roll
11 something out.

12 DAVE LUTHER: Okay. So
13 we don't have three
14 phases, it was just the
15 one campaign that we just
16 did.

17 PRESIDENT POWERS: The
18 three phases of the one
19 campaign.

20 DAVE LUTHER: Okay.
21 The second one is a
22 statement, not a question.
23 You stated that in three

66

1 their comments?

2 PRESIDENT POWERS: That
3 will be one of the first
4 points of discussion if
5 this guy chooses to ever
6 meet with me.

7 MARK DEBURGOMASTER:
8 Deburgomaster, Southport.
9 Real quick, Mike, I want
10 to get so I understand it
11 clear, because we ramped
12 this up that we were gonna
13 press this press release
14 longer; not just a short
15 term. Gramercy was
16 supposed to set us up into
17 the distance. It sounds
18 like we're cutting off,
19 we're ending this right
20 now and we're going where?

21 PRESIDENT POWERS:
22 Well, the objective, if
23 you remember the last time

68

1 we were all in here, was
2 to get back to open their
3 eyes and let them know
4 that, listen, we've got an
5 issue with your position
6 here. And, you know, we
7 ended up walking away and
8 they didn't try and bring
9 us back and modify it in
10 any way, shape or form.

11 So, the whole concept
12 was to get their
13 attention.

14 MARK DEBURGOMASTER: I
15 got no problem with that.
16 We kicked them. They woke
17 up. They saw we're
18 sitting there. We have
19 the advantage right now,
20 we have their attention
21 and we're going to back
22 off and what?

23 Because I don't see

69

1 talked about a lot of
2 things.

3 MARK DEBURGOMASTER:
4 That they were going to
5 orchestrate. And I'm not
6 unhappy with what they
7 did, I think it's
8 fantastic. But I think
9 we're giving up a little
10 too early. I think we
11 need to keep pressing.
12 We've got their attention.

13 I'm not saying ruin it
14 for us, because again,
15 it's a fine line you got
16 to walk. But I'm sorry,
17 I'm not going to be called
18 a member of a rapist group
19 or an abusing group and
20 leave it at that. I don't
21 think anybody in this room
22 wants to leave it there.
23 And at that point I think

71

1 where we have it set up
2 where we're moving
3 forward. I thought when
4 we brought Gramercy in,
5 they were going to set us
6 up long term with this in
7 stages, but now we're
8 saying we're done.

9 PRESIDENT POWERS: No,
10 we don't have a PR firm to
11 set up anything long term
12 at this point. What we
13 brought them in for was
14 this initiative, this
15 campaign, to be able to
16 open their eyes with clear
17 and poignant facts.

18 MARK DEBURGOMASTER:
19 Because we were talking
20 about showing up at events
21 that they were going to be
22 at. We talked about --

23 PRESIDENT POWERS: We

70

1 our response should be a
2 lot harder.

3 PRESIDENT POWERS: Our
4 response was in the form
5 of the letter back to the
6 Governor. I understand
7 what you're saying, I do.
8 And the objective -- we
9 met -- as of now, I'm not
10 saying -- I guess to
11 answer both yours and
12 Dave's concern here, if we
13 need to turn something
14 around real quick, I'm
15 pretty competent and
16 confident -- confident
17 that Gramercy can put
18 something back together
19 quickly.

20 That's going to have to
21 be discussed in new
22 business, I suppose I can
23 bring it up now with the

72

1 body's consent. If I can
2 get unanimous consent to
3 talk about this real
4 quick. We're so impressed
5 with the work that they've
6 done, I'd like to have the
7 body's contention to enter
8 into talks to bring these
9 guys aboard as our PR
10 firm.

11 We did submit a packet
12 I believe at the last EA,
13 that everybody had a
14 chance to look at of the
15 services they offer. They
16 are effective, they turn
17 shit around in a hurry.
18 They're professionals,
19 they're connected. Matt
20 Hamilton, the guy who
21 addressed us last time who
22 I mention is on vacation,
23 has contacts with all

73

1 sorts of reporters
2 throughout the state and
3 is quite effective.
4 So, if I can get the
5 body's consent here --
6 let's face it, if we do go
7 back and talk and things
8 go shitty, we're going to
9 need a PR firm and we're
10 going to need to move.
11 We've done the proposal
12 process, we've been
13 through that.

14 And I think Gramercy is
15 pretty solid in my
16 opinion. If I can get the
17 consent here from this
18 body to move forward with
19 talks with them, then we
20 can have them. I'm
21 confident in the fact that
22 if we needed to start
23 something tomorrow, we can

74

1 call them up and they can
2 get rolling quickly.

3 This is calculated, you
4 buy ads, this is time
5 sensitive, too. You have
6 to buy the ads, you have
7 got to set the parameters
8 up for it, we've only got
9 a certain amount of money
10 to be able to spend and
11 then that's when it
12 exhausts. And when that
13 ends, then we decide; we
14 have met our objective,
15 then we're looking to
16 move. Ted? Did I answer
17 your question, Mark?

18 MARK DEBURGOMASTER:
19 Yes.

20 TED NEVILLS: What I
21 wanted to talk about,
22 Mike, is the drug bust
23 we had where a couple of

75

1 officers were overcome by
2 the fumes. It was a major
3 amount of drugs. The
4 facility was going to deem
5 it a not to be a UI
6 because it was found in an
7 common area and it was an
8 unknown substance.

9 I called Mike, got him
10 on the phone, I said
11 they're not even going to
12 call this a UI. We had a
13 HAZMAT team there, we had
14 a dozen troopers; it was a
15 major incident. And he
16 got on the phone with
17 Marcello and made this
18 happen to where people
19 understood the
20 significance of it. So,
21 real time information from
22 the field is critically
23 important.

76

1 PRESIDENT POWERS:
 2 Thanks, Ted.
 3 MR. MCGOWAN: McGowan,
 4 Mid State. I wanted to
 5 comment further on what
 6 was already said as far as
 7 the press release. A lot
 8 of individuals at Mid
 9 State in particular and a
 10 few of the local jails
 11 were a little disappointed
 12 with that response and the
 13 amount of time it took to
 14 actually get that out, it
 15 was about a week, I
 16 believe. I think people
 17 feel it should have been a
 18 little heavier handed
 19 without turning into an
 20 asshole about it. To me,
 21 and to everyone that
 22 brought it up to me, it
 23 seemed a little weak. To

77

1 to the committees that I
 2 sit on, we started this
 3 campaign and I believe the
 4 window was short, the
 5 window of opportunity is
 6 short. Because we know
 7 this Cynthia Nixon is
 8 kicking the snot out of
 9 him, as far as his
 10 programs and she's just as
 11 left as he is.

12 PRESIDENT POWERS:
 13 She's worse.

14 DAVE LUTHER: However,
 15 in my opinion, until our
 16 president that represents
 17 twenty thousand plus
 18 members, can sit in his
 19 office across from him,
 20 and discuss business, not
 21 him chiding us for taking
 22 an aggressive action
 23 against him, but honestly

79

1 further what they were
 2 saying, I think it's a
 3 very bad time to end the
 4 campaign.

5 DAVE LUTHER: Dave
 6 Luther, Sing Sing. You're
 7 going to bring this up
 8 again under new business
 9 for the PR firm? Is there
 10 a motion on the table
 11 to --

12 PRESIDENT POWERS: I
 13 just asked for consent, I
 14 didn't see any objection.

15 DAVE LUTHER: What
 16 you're -- what you were
 17 asking for was just to
 18 enter into talks with
 19 them?

20 PRESIDENT POWERS: Yes.

21 DAVE LUTHER: Here is
 22 my thought, Mike. On the
 23 PR, I made it very clear

78

1 talking about our
 2 department and our union
 3 and our contract, then I
 4 personally think we should
 5 stay on him like hair on a
 6 bear. That's my feeling.

7
 8 (All applause.)

9
 10 PRESIDENT POWERS: I
 11 don't necessarily disagree
 12 completely on that. But
 13 there's -- that bear, and
 14 you know, shoot the
 15 messenger here if you
 16 want, at the end of the
 17 day my interest is for the
 18 twenty thousand.

19 And in February 2014,
 20 this body directed the
 21 collective bargaining
 22 committee to basically
 23 take the reigns in the

80

1 next contract negotiation.
 2 I, for one, for four years
 3 wanting to meet with the
 4 Governor. I have been
 5 promised by our previous
 6 lobbyists that I would get
 7 a meeting with the
 8 Governor and it never came
 9 to fruition.

10 He's not here any more.
 11 That bear, with all
 12 intents and purposes --

13 Can we go off the record?
 14 Can I have unanimous
 15 consent to go off the
 16 record?

17 (All respond with aye.)

18 (Off the record
 19 discussion.)

20 PRESIDENT POWERS: Back

81

1 on the record. Anything
 2 else for me? Kevin?
 3 KEVIN DONNELLY: Kevin
 4 Donnelly, Coxsackie.
 5 Mike, where are we at with
 6 this light duty memo that
 7 has been issued. It's
 8 becoming a real pain in
 9 the ass at the jail -- I'm
 10 assuming all the jails.

11 PRESIDENT POWERS:
 12 Yeah, it came out a couple
 13 weeks ago. I immediately
 14 got on it with O'Gorman.
 15 We actually through the
 16 Western Region Office and
 17 the law firm, we were able
 18 to pull up an arbitration
 19 case from 2001 that kind
 20 of combated everything
 21 that they were looking to
 22 do in that light duty
 23 memo.

82

1 I asked to O'Gorman to
 2 have it rescinded until
 3 their legal team takes a
 4 look at that arbitration
 5 case that we won back in
 6 2001 and to see what that
 7 direction is. And I
 8 haven't heard back yet,
 9 but it's on my list of
 10 things to follow up on,
 11 along with about forty
 12 other things.

13 But, I did ask to have
 14 it rescinded and it
 15 stopped in motion at this
 16 point. And, you know, it
 17 appears that they haven't
 18 done that.

19 KEVIN DONNELLY: What
 20 do you mean stopped in
 21 motion?

22 PRESIDENT POWERS: The
 23 memo that came out

83

1 regarding light duty
 2 directed by O'Gorman.
 3 When it first came out, we
 4 sent back conflicting
 5 information regarding the
 6 light duty and their
 7 implementation. We
 8 forwarded an arbitration
 9 award to them and I asked
 10 him to pull back that memo
 11 until their legal team
 12 takes a look at that
 13 arbitration case and
 14 decides as to how they're
 15 going to implement that.

16 KEVIN DONNELLY: And
 17 they agreed on that.

18 PRESIDENT POWERS: They
 19 did not.

20 VP WEST MIANO: Joe
 21 Miano, Western Region VP.
 22 We've been telling
 23 everybody in our region

84

1 when those incidences
2 happen when someone is on
3 light duty and they're
4 violating their limited
5 duty capabilities that
6 were approved by the
7 superintendent, you need
8 to file a grievance
9 individually on every
10 incident.

11 Every time it happens,
12 you need to file a
13 grievance. And tract
14 where they're actually on
15 the charts, where they're
16 tracking that employee.
17 If he's in a full-time
18 post, you need to get that
19 and make that part of the
20 grievance as well. Erin
21 talked about this, we
22 talked about this at the
23 board with Erin Parker

85

1 inmates, but they're given
2 clear direction not to act
3 if there is a situation.

4 PRESIDENT POWERS: It's
5 right in the memo, it's
6 ridiculous.

7 KEVIN DONNELLY: I
8 don't see how they can
9 expect that to happen.

10 PRESIDENT POWERS: It's
11 ridiculous. On another
12 note --

13 KEVIN DONNELLY: I'll
14 be damned if I'm gonna
15 stand by and watch one of
16 my officers get beat up.

17 PRESIDENT POWERS:
18 There was an e-mail that
19 came back also, because he
20 sent that to all the
21 unions. There was an
22 e-mail that came back
23 from -- oh, that's for

87

1 yesterday and she said we
2 should be writing a
3 grievance every single
4 time it happens.

5 So, when you have an
6 incident where they're
7 putting somebody on light
8 duty, putting them in a
9 full time post, whether
10 they're on special watch,
11 as an escort,
12 construction, you need to
13 file a grievance.

14 KEVIN DONNELLY: Kevin
15 Donnelly, Coxsackie. Mike,
16 my concern is in the memo
17 that was read to us, that
18 they're directing these
19 officers to sit on
20 one-on-ones and situations
21 where they'll be around
22 inmates or officers that
23 will be working around

86

1 drug testing, I was
2 thinking the CSEA, but
3 forget it. That's a whole
4 different issue I'm
5 thinking of.

6 But, again, keep in
7 mind, when anybody gets
8 assigned to a light duty,
9 if it's a plot plan job,
10 it's a bid job, somebody's
11 bid job, you got to drop
12 that grievance. If it's
13 construction, drop that
14 grievance. If it has any
15 ability to have any
16 contact with inmate
17 population or offender
18 population and the
19 capacity for intervention
20 is there, drop the
21 grievance. Just drop the
22 grievance. Fill them out,
23 get them in and get them

88

1 going. Shawn?
 2 SHAWN KEENAN: Keenan,
 3 out of Wende. The memo
 4 clearly -- we get letters
 5 from Shipley constantly,
 6 especially in my facility,
 7 for NODs and everything
 8 else, quoting the
 9 employee's manual and the
 10 employee's manual clearly
 11 states that you will come
 12 to the aid of another
 13 employee. So you're
 14 telling us to avoid that?
 15 PRESIDENT POWERS:
 16 They're not directing
 17 that, but it kind of
 18 implies that to the extent
 19 in the language of the
 20 memo. That's why the
 21 grievance needs to get
 22 dropped. The minute we
 23 have an instance of that,

89

1 they --
 2 SHAWN KEENAN: Can't we
 3 use that as an IP?
 4 PRESIDENT POWERS:
 5 Let's get our protections
 6 in place and get the
 7 grievances on file so we
 8 can look at it further and
 9 see if we can't walk this
 10 thing back anyway.
 11 ANDY LASHUA: Lashua,
 12 Greene. Can we get some
 13 assistance from the
 14 grievance department so
 15 that all the grievances
 16 would be uniform, as far
 17 as articles violated, the
 18 general wording of the
 19 grievance so that they all
 20 can be compiled together.
 21 PRESIDENT POWERS: By
 22 all means, if you get
 23 instance like that, reach

90

1 out to our grievance
 2 coordinator with that. Is
 3 that it? Keep up the good
 4 work. Tammy?
 5 EXECUTIVE VP SAWCHUK:
 6 Good afternoon everyone.
 7 I just wanted to do a
 8 little bit of a campaign
 9 summary because -- just a
 10 recap of the campaign
 11 summary.
 12 The campaign was
 13 citizens for protections
 14 of New York. It was a
 15 NYSCOPBA campaign that
 16 engaged in a multifaceted
 17 advertising campaign
 18 focused on criminal
 19 justice reforms.
 20 And the goal of the
 21 campaign was to attack the
 22 Governor's position and
 23 his administration's hard

91

1 line to listen to our
 2 contract negotiations.
 3 This campaign and this
 4 message was based on
 5 scientific polling data
 6 that focused on issues
 7 that resonate amongst the
 8 general public. Overall,
 9 the campaign was a huge
 10 success.
 11 Why? It created
 12 tremendous buzz in the
 13 digital word.
 14 Advertisements created
 15 their own public relations
 16 activity, high value
 17 placements in publications
 18 like the New York Post and
 19 the Daily News. It put
 20 the administration on the
 21 defensive and it displayed
 22 the pallor of NYSCOPBA
 23 when they choose to wield

92

1 it.

2 Just the statistics,
3 some of them. Campaign
4 dates, July 16th through
5 August 5th, the budget was
6 a hundred and thirty-five
7 thousand dollars. Total
8 estimated impressions,
9 4.25 million. Facebook,
10 eight hundred and
11 sixty-four thousand.
12 Twitter, two hundred and
13 eighty-two thousand, for a
14 total of 1.15 million.

15 Stations, News 12, New
16 York 1 and Spectrum, Long
17 Island, Westchester,
18 Hudson Valley, New York
19 City, Albany, Rochester,
20 Buffalo. We had three
21 hundred and sixty-nine
22 spots, estimated household
23 impressions, 1.22 million.

93

1 that's a little bit about
2 the campaign.

3 Last EA I guess I
4 didn't give the
5 suspensions to date. I
6 guess you want that
7 information as well. I
8 will do it today and going
9 forward. To date, non
10 outside charges, there are
11 thirty suspensions for
12 internal charges. We have
13 twenty-nine people on the
14 RDF, that's the Rain Day
15 Fund. There are one
16 hundred and ninety-eight
17 people that were agency
18 fee payers that are no
19 longer members. So they
20 dropped off because of the
21 way it's code with the
22 comptroller's office,
23 because they don't have a

95

1 Campaign summary for
2 radio. We had WHAM AM,
3 Talk 1300, WBM AM, WKRP
4 AM, WNBF AM, and WSR AM,
5 Rochester, Albany,
6 Buffalo, Poughkeepsie
7 Binghamton, Syracuse.
8 1.88 million viewers.

9 It was a success. Do
10 not doubt that. Don't let
11 some comments from a
12 fledgling of Governor
13 Cuomo, like Dani Lever,
14 take anything for what we
15 do and how we put our
16 lives on the line every
17 day for the public or for
18 our communities, for our
19 families, for our friends.

20 Don't let her take that
21 away from. We're better
22 than that. We always will
23 be better than that. So

94

1 card on file.

2 Someone came to me
3 today with a rumor, so I'm
4 the myth buster, and said
5 that we've had over a
6 thousand members to date
7 opt out. That is not
8 true. We had two, and one
9 of the two is begging to
10 get back in.

11 VP MID-HUDSON MAZZELLA:
12 They both are.

13 EXECUTIVE VP SAWCHUK:
14 Oh, they both are.

15 PRESIDENT POWERS: And
16 they're both in trouble.

17 EXECUTIVE VP SAWCHUK:
18 So, having said that, I'm
19 telling you I stand here
20 proud to say that we are
21 not PEF, we are not NYSUT,
22 we're not CSEA. We're not
23 any of those other unions.

96

1 Our members have faith.
2 They believe. We do have
3 unity. We are a sister
4 and brotherhood. And we
5 will continue to be and
6 our members do not opt
7 out. They're not jumping
8 ship. And they're not
9 abandoning NYSCOPBA and
10 they never will.

11
12 (All Applause.)

13
14 EXECUTIVE VP SAWCHUK:
15 I think I'll leave on that
16 positive note.

17 PRESIDENT POWERS:
18 Toby?

19 TREASURER HOGAN: We're
20 going to take a ten minute
21 break.

22
23 (Recess taken.)

97

1 one. I got seven
2 applications so far and
3 one looks promising. So,
4 she's still working with
5 us until we find somebody.
6 She's helping us along.

7 I also wanted to remind
8 everybody, too, with your
9 Quill account, try not to
10 place orders the last week
11 of the month because it
12 takes me a few days to go
13 through everything and
14 process them. And I don't
15 want somebody going into
16 the next month and being
17 billed twice. So, if you
18 could do it in the middle
19 of the month, that would
20 be great. But keep up the
21 good work. That's all I
22 got. Anybody got
23 anything? Tom, do you

99

1
2 TREASURER HOGAN:
3 Good afternoon. My
4 treasurer's report, total
5 cash, 9.96 million. The
6 Rainy Day Fund, eighty-two
7 thousand. Legal Defense
8 Fund, 2.445 million.
9 Unrestricted bonds, 6.1
10 million. Restricted bond,
11 1.49 million. General Op,
12 1.325 million.

13 As of this morning,
14 we've given out a hundred
15 eight thousand, six
16 hundred dollars worth of
17 scholarships.
18 Catastrophic, forty-two
19 thousand, seven hundred
20 fifty. And our Workers'
21 Comp specialist has
22 resigned and we're in the
23 process of getting another

98

1 have a issue with Quill?
2 I will work with you on it
3 and get it going. Anybody
4 else? Thank you.

5 PRESIDENT POWERS: We
6 have a quick presentation
7 from the vendor out in
8 front. Lisa, could you go
9 out and grab Walt Barrett
10 and his team.

11 TREASURER HOGAN: I got
12 one more thing also, our
13 power is out at Hackett
14 Boulevard so the server is
15 out. So, Sonya had to
16 hand write all the checks,
17 so I wanted to let you
18 know.

19 WALT BARRETT: Hello.
20 Good afternoon. Brothers
21 and sisters of NYSCOPBA.
22 My name is Walt Barrett.
23 I retired in '09 as a

100

1 correction officer from
2 Adirondack Correctional
3 Facility. I sat in those
4 very tables that you sit
5 here today on many EAs.

6 In 2015, I started to
7 work with a group of
8 audiologists. And I soon
9 found out that they were
10 very caring, they kept the
11 prices down, great after
12 care, and they just
13 really, really took very
14 good care of their
15 patients.

16 So, I thought that I
17 would put a proposal
18 together since I was one
19 of the founding fathers of
20 the health and welfare
21 committee and send it to
22 Chris Hansen. They looked
23 the proposal over, they

101

1 in New York, if not all of
2 the United States. And we
3 got in touch with an
4 individual by the name of
5 Grant Smith; he was in
6 charge of Hansaton USA.

7 Grant put together a
8 very good program, a
9 really nice piece of
10 technology. And we also
11 worked with another
12 gentleman through AudNet
13 and his name is -- he is
14 sitting behind me, David
15 Smruga. And is he kind of
16 like the spokesperson.
17 So, I'd like to introduce
18 David. We have a small
19 Power Point here and then
20 after we can field a small
21 amount of Q and As, if you
22 have any questions. So I
23 turn the lector over to

103

1 liked what they saw and
2 they pretty much gave me
3 the green light.

4 Now here we are roughly
5 fourteen months later and
6 we finally have what we
7 want and we found the
8 people that put this
9 together for you. My
10 boss, John Suarez worked
11 with me very closely --
12 John, can you raise your
13 hand please. And we came
14 down to several EAs and
15 talked to many of you, who
16 are actually sitting here
17 today.

18 We reached out to
19 Hansaton, we told them
20 what the brothers and
21 sisters of NYSOPBA did
22 for a living. Truly
23 walking the toughest beat

102

1 Dave Smruga.

2 DAVID SMRIGA: Good
3 afternoon everyone. I'd
4 like to thank you all for
5 the opportunity to share a
6 little bit about the
7 program that we've had the
8 pleasure of working with
9 both John Suarez and Walt
10 Barrett to put together.

11 My name is David
12 Smruga, I am the vice
13 president of corporate
14 communications for an
15 organization called AudNet
16 Hearing Group. I'll tell
17 you a little more about
18 AudNet in just a bit, but
19 I wanted to give you a
20 little background behind
21 what we've been able to
22 put together so far so you
23 have a clear understanding

104

1 of what the opportunity
 2 represents.
 3 Go ahead, next slide.
 4 And you can move one more.
 5 The hearing health care
 6 industry is not that
 7 different from most
 8 industries when it comes
 9 to disruptive innovation.
 10 Probably one of the things
 11 that most people are most
 12 acutely aware of now is
 13 the recent legislation
 14 that went into affect in
 15 the Fall of 2017, that has
 16 directed the Food and Drug
 17 Administration to create a
 18 new category of hearing
 19 aids to be sold directly
 20 to consumers over the
 21 counter.
 22 But there are a number
 23 of other disruptive

105

1 than just simple hearing
 2 aid technology. What also
 3 happened at that point was
 4 that the wholesale cost of
 5 hearing instruments to
 6 providers tripled and in
 7 many cases quadrupled, so
 8 the hearing health care
 9 product became a much more
 10 expensive product for
 11 hearing health care
 12 providers to provide. And
 13 that cost ended up being
 14 passed on to the consumers
 15 of hearing health care
 16 products.
 17 That huge change in
 18 pricing also did another
 19 thing. It made the
 20 manufacturers of hearing
 21 instruments significantly
 22 more wealthy than they
 23 once were. And what they

107

1 innovations more historic
 2 that play an even more
 3 important role in terms of
 4 what we had to put
 5 together for you guys here
 6 today. Go ahead, next
 7 slide.
 8 Back in the 1970s,
 9 pretty much all of the
 10 hearing health care
 11 providers in the United
 12 States were private or
 13 small business people,
 14 with the only exception
 15 being those that worked
 16 out of the Veterans
 17 Administration Hospitals
 18 across the country.
 19 Now, the next slide.
 20 In the 1990s, we went from
 21 analog to digital in terms
 22 of hearing aid technology.
 23 This changed a lot more

106

1 did with that wealth is
 2 they went on a buying
 3 spree. The first thing
 4 they did was buy up their
 5 competition.
 6 In the 1970s, there
 7 were approximately
 8 eighty-eight manufacturers
 9 of hearing instruments
 10 worldwide. Today, we talk
 11 many times what we call
 12 the big six. Six
 13 manufacturers that now
 14 control ninety-eight
 15 percent of the hearing
 16 aids that are sold
 17 globally.
 18 But after they had
 19 consolidated their
 20 competition, the next step
 21 in that process was for
 22 them to buy up
 23 distribution. If you

108

1 could move to the next
2 slight. I have been
3 tracking this personally
4 and writing articles about
5 this in trade journals in
6 our industry for the past
7 fifteen years.

8 In 2003, approximately
9 thirty-one percent of all
10 of the providers of
11 hearing health care
12 services in the United
13 States were now owned by
14 corporations and many
15 cases by manufacturers.
16 And another twenty-three
17 percent were affiliated
18 with those suppliers in
19 order to try to get better
20 cost, which left only
21 forty-six percent of the
22 providers in the United
23 States remaining

109

1 where we're taking these
2 independent practices
3 across the United States,
4 organizing it into a
5 union, and negotiating
6 with manufacturers for
7 better prices on a
8 collective basis.

9 Next slide. So if you
10 click through here, we're
11 one of the industries
12 largest purchasing
13 organization right now.
14 The main reason we got
15 there is by a merger
16 between two companies.
17 One that I started in 2001
18 called AudNet Inc. And
19 one that was the first
20 buying group in our
21 industry called Marcon
22 Group, which was
23 established in the late

111

1 independent, autonomous
2 small business men.

3 Fast forward to the
4 next slide, in 2013 the
5 number is now around
6 fifteen percent. So, the
7 small businessman is
8 taking a huge hit when it
9 comes to hearing health
10 care distribution in the
11 United States. Next
12 slide. Somebody has got
13 to fight this.

14 So what we did, and go
15 ahead to the next slide.
16 We established an
17 organization called AudNet
18 hearing group. AudNet
19 Hearing Group by most
20 people's definition is a
21 group purchasing
22 organization; a co-op if
23 you will. An organization

110

1 1970s. Combined, we
2 formed AudNet Hearing
3 Group and that makes us
4 one of the largest hearing
5 groups in the United
6 States.

7 Next slide. So, our
8 mission is to support
9 professional hearing care
10 and independent practice
11 in the United States by,
12 number one, go ahead.
13 Lowering the cost of
14 products and supplies that
15 they need to run their
16 business through
17 collective bargaining.
18 And the next one. Which
19 brings better value to the
20 clients they serve and
21 helps them better compete
22 with these corporate
23 retailers that they're now

112

1 having to compete with.
 2 We also collaborate
 3 with our members both on
 4 an educational and on a
 5 business support basis to
 6 help them in their success
 7 and their ability to
 8 compete in this new
 9 market.

10 Next slide. In June of
 11 this year we had our first
 12 annual meeting with our
 13 members, where we not only
 14 provided educational
 15 opportunities but we had
 16 some fun activities as
 17 well. The gentleman you
 18 see in the middle in the
 19 bottom picture, his name
 20 is Justin Osmond, he is
 21 the nephew of Donny and
 22 Marie Osmond.

23 Justin was born

113

1 take them, they'll
 2 refurbish them and use
 3 that to get those to the
 4 people that couldn't get
 5 them in any other way.
 6 Next slide. We also
 7 have established a
 8 business resource
 9 organization. If you just
 10 click through these
 11 operational, professional,
 12 development and practice
 13 growth business support
 14 services that we offer our
 15 members as well at
 16 discounts.

17 That's the AudNet
 18 Hearing Group side of it.
 19 If you click again, what's
 20 more interesting is the
 21 opportunity that we're
 22 going to be talking about
 23 today. As Walt mentioned,

115

1 severely hearing impaired
 2 and had to wear hearing
 3 aids for most, if not all
 4 of his life. He has now
 5 dedicated his life to
 6 helping others less
 7 fortunate than he, who
 8 have hearing losses. And
 9 he's created a foundation
 10 called the Olive Osmond
 11 foundation named after his
 12 grandmother. And they
 13 travel around the world
 14 providing hearing
 15 instruments and hearing
 16 health care to people who
 17 can't afford or get them
 18 on their own.

19 In fact, one of the
 20 things that this
 21 organization does is if
 22 there are used hearing
 23 aids out there, they'll

114

1 both he and John Suarez
 2 back about two years ago
 3 came up with an idea. Go
 4 ahead and click through.
 5 They looked at the
 6 current benefit package
 7 for hearing health care
 8 for NYSCOPBA members and
 9 recognized that you have a
 10 three thousand dollar
 11 benefit through your
 12 empire plan that's
 13 renewable every four
 14 years. And that that
 15 benefit is paid directly
 16 to union members as
 17 opposed to providers or
 18 manufacturers of hearing
 19 instrument products.

20 Next slide. So, the
 21 current process that any
 22 NYSCOPBA member or retired
 23 NYSCOPBA member would go

116

1 through is they would go
 2 to any hearing aid
 3 provider in their area to
 4 purchase hearing aids.
 5 The provider would bill
 6 the member at whatever
 7 prices that they deem was
 8 appropriate for that
 9 transaction. The member
 10 would secure their
 11 monetary benefit from
 12 Empire. And then finally,
 13 they would be able to
 14 offset the cost with that
 15 benefit.

16 Now, if you go to the
 17 internet and Google the
 18 term, six thousand dollars
 19 hearing aids you will get
 20 approximately ninety
 21 thousand hits, six
 22 thousand dollar hearing
 23 aids. Which tells you

117

1 bit different.
 2 Next slide. According
 3 to the most recent
 4 statistics on average in
 5 the United States since
 6 2004, the retail price for
 7 binaural set of hearing
 8 aids ran between three
 9 thousand four hundred and
 10 forty-two hundred dollars.
 11 Now, if you go directly to
 12 the top end products,
 13 you'll probably be paying
 14 close to forty-eight
 15 hundred dollars a set for
 16 those hearing aids. And
 17 this can vary, it can vary
 18 from provider to provider
 19 and even from state to
 20 state. But if we use that
 21 forty-eight hundred dollar
 22 benchmark as a reference
 23 here, then the current

119

1 there's a lot of noise out
 2 there on the internet
 3 trying to convince the
 4 consuming public that
 5 if you purchase a set of
 6 hearing aids through a
 7 local retailer, you're
 8 probably going to be
 9 paying about six thousand
 10 dollars for those hearing
 11 instruments.

12 That's not necessarily
 13 the case, because this
 14 number is actually being
 15 promoted by people who are
 16 on the internet to sell
 17 hearing aids directly to
 18 you and bypass
 19 professional health care.
 20 So, they try to make
 21 professional health care
 22 look like it's gouging.
 23 The reality is a little

118

1 process for a NYSCOPBA
 2 member who is interested
 3 in getting instruments
 4 would like something like
 5 this.
 6 The provider would
 7 charge the member for
 8 those hearing instruments.
 9 The member would file for
 10 and get the reimbursement
 11 from Empire of three
 12 thousand, but the member
 13 would have to pay that
 14 provider the forty-eight
 15 hundred, which means the
 16 out of pocket cost to that
 17 member could be as much as
 18 eighteen hundred dollars
 19 or more.
 20 This was the current
 21 circumstance that John and
 22 Walter wanted to address.
 23 Next slide. So, what has

120

1 happened through two years
2 of conversation and
3 effort, is that our
4 organization AudNet
5 Hearing Group is going to
6 supply hearing aids to an
7 organization, a company
8 called the Benevolent
9 Hearing Benefit Alliance.
10 BHBA.

11 BHBA will work with
12 NYSCOPBA to create a
13 lifetime no out of pocket
14 hearing aid benefit for
15 NYSCOPBA members. Here is
16 how this will work. Next
17 slide. The purpose of
18 BHBA is to get not low
19 end, but high quality
20 digital hearing instrument
21 products to all NYSCOPBA
22 members who may need them
23 at no out of pocket cost.

121

1 John and Walter were
2 establishing.

3 So, we would then
4 establish a network of
5 participating providers
6 across the
7 State of New York who will
8 offer this no out of
9 pocket benefit to
10 interested NYSCOPBA
11 members in exchange for
12 the fact that BHBA will be
13 referring interested
14 NYSCOPBA members to these
15 participating providers.

16 Next slide. So here is
17 how it would work under
18 this arrangement. The
19 union member would contact
20 BHBA to let them know
21 they're interested. We
22 would then refer that
23 union member to a

123

1 Next slide. This is
2 accomplished by leveraging
3 the cost reduction
4 opportunities that group
5 purchasing can afford.
6 That's why these folks
7 went to Grant Smith first
8 at Hansaton. And when he
9 heard what they were
10 trying to accomplish, the
11 first thought in his mind
12 was, well, let's go to the
13 AudNet Hearing Group
14 because we know they've
15 already got some of the
16 lowest prices, but only
17 for Hansaton products but
18 for a number of other
19 hearing instrument
20 manufacturer products as
21 well. So this might be
22 the quickest path to try
23 to get to the goal that

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1 participating BHBA
2 provider in the area.
3 That provider would test
4 that patient's hearing and
5 place, if necessary, an
6 order for the appropriate
7 products through BHBA.
8 The union member, again,
9 can get these hearing aids
10 at no out of pocket cost.

11 So if we go to the next
12 slide, we'll see how this
13 works. The union member
14 visits a BHBA provider,
15 the provider charges
16 limited to three thousand
17 dollars for these no out
18 of pocket instruments.
19 The union member would be
20 reimbursed through their
21 Empire benefit, three
22 thousand dollars, which
23 they would then pay to

124

1 their provider, which
2 means there's zero out of
3 pocket cost associated
4 with that particular
5 transaction.

6 Go on to the next
7 slide. Here is another
8 key benefit. This is what
9 we were able to negotiate
10 with the folks at Hansaton
11 and make happen. Your
12 benefit renews every four
13 years. There isn't a
14 hearing instrument product
15 in the industry that is
16 warranted for four years.
17 Through our negotiations
18 we were able to get a four
19 year warranty for the
20 products that we'll be
21 selling under this
22 benefits program.

23 So that means that any

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1 interested, this would be
2 strictly an opportunity
3 for you to direct us, BHEA
4 through AudNet Hearing
5 Group would be more than
6 happy if you want to
7 donate those hearing
8 instruments to the Olive
9 Osmond Foundation, to make
10 sure that that happens,
11 we'll make sure that that
12 happens as well.

13 Next slide. So just to
14 give you a quick summary.
15 BHEA offers NYSCOPBA
16 members two high-tech
17 digital hearing
18 instruments at no out of
19 pocket costs every four
20 years, as long as that
21 NYSCOPBA member is a
22 member of the Empire plan.
23 These hearing aids also

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1 union member who gets
2 hearing instruments
3 through this program,
4 would not only have the
5 opportunity to get them at
6 no out of pocket cost, but
7 would never be expected to
8 pay for repair during that
9 lifetime of the hearing
10 instrument. At the end of
11 the four years of the
12 benefit, you simply get
13 new hearing instruments
14 through the same program,
15 which would also be
16 warranted for four years.
17 So you would never be out
18 of pocket for the hearing
19 instruments or for any
20 repair charges that would
21 be occurring during that
22 four year period of time.

23 And if you're

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1 warranted for four years
2 so there is no out of
3 pocket costs for any
4 repair charges ever. And
5 the benefit can be renewed
6 every four years, so these
7 benefits are lifetime.
8 Once you get involved in
9 this, this will be your
10 benefit for the rest of
11 your life.

12 Union members are under
13 no obligation to purchase
14 in this fashion. This is
15 simply an option that is
16 available to union
17 members, if this is where
18 you choose. If you would
19 rather not go to a
20 participating provider,
21 that's your option.
22 Participating providers
23 will be providing this no

128

1 out of pocket feature.
 2 Next slide. This is
 3 just to simply to give you
 4 an idea. The first two
 5 columns are no out of
 6 pocket options that
 7 we were looking at as of
 8 Monday of this week. All
 9 of the asterisked items
 10 that you see here are
 11 considered high technology
 12 features, so all of the
 13 products have high
 14 technology features.
 15 And we just got a new
 16 offer in just last night,
 17 that may allow us to move
 18 one of the dots that you
 19 see up on top for the
 20 rechargeable battery
 21 feature, into the no out
 22 of pocket category.
 23 So, this is still a

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1 be needed. And once that
 2 has been finalized, all of
 3 you will get the detailed
 4 information about this
 5 program so you can share
 6 that with your colleagues
 7 back at your places of
 8 work.
 9 Walter Barrett will be
 10 working with union
 11 members, as kind of the
 12 liaison. His job will be
 13 to familiarize all the
 14 union members what this
 15 benefit is about and also
 16 to advocate on union
 17 members behalf. If
 18 there's anything that you
 19 didn't experience that you
 20 thought you should have
 21 experienced, Walter is the
 22 guy to let know. And
 23 he'll let us know and

131

1 work in progress at this
 2 point. We're very excited
 3 that we've been able to
 4 get as much high tech
 5 features into the no out
 6 of pocket categories and
 7 we're able to do by
 8 leveraging our
 9 relationship with the
 10 suppliers and getting them
 11 to cooperate and trying to
 12 get the best possible
 13 package of technology and
 14 service to you folks.
 15 Next slide. Our plan
 16 right now is targeted to
 17 launch this statewide in
 18 October 1st. Prior to
 19 that date, we're still
 20 putting the final pieces
 21 together in terms of
 22 establishing the statewide
 23 provider network that will

130

1 we'll correct whatever we
 2 need to correct to make
 3 sure that that experience
 4 remains everything we
 5 promised it would be and
 6 what we shared with you
 7 today.
 8 With that said, I'd
 9 like to thank you again
 10 for the opportunity to be
 11 able to share this
 12 information with you. If
 13 you have any questions,
 14 we'll be happy to answer
 15 those as well. Thank you.
 16
 17 (All applause.)
 18
 19 ANDY LASHUA: Lashua,
 20 Greene. Is this going to
 21 be open to the retiree
 22 chapter members too.
 23 WALTER BARRETT: Yes,

132

1 this will push to the
2 retirement chapter at no
3 cost to the chapter.

4 ANDY LASHUA: Thank
5 you.

6 SHAUN KEENAN: Keenan
7 out of Wende. You
8 mentioned that it's Empire
9 only. So any member that
10 is part of say Independent
11 Health, Blue Cross,
12 doesn't get to
13 participate?

14 WALTER BARRETT: Some
15 of them do and some of
16 them don't. The way I
17 usually answer that
18 question is, if you happen
19 to know somebody in your
20 household that has hearing
21 problems, then in November
22 it would seem only natural
23 that you would graduate

133

1 Diagnostics is a twenty
2 dollar copay, that's
3 separate from the hearing
4 aid -- that part of the
5 hearing aid. Thank you.

6 PRESIDENT POWERS:
7 Thank you, Gentlemen.
8 We'll move into
9 departmental reports.
10 Sharon, do you have a
11 report?

12 SHARON SMITH:
13 Afternoon. I don't really
14 have much. There's not
15 much that has been going
16 on the last couple months.
17 I guess I will mention one
18 more time, I mentioned
19 this before. The
20 prescription drug program
21 is back out to bid. They
22 threw -- Optic Health got
23 approved first time

135

1 towards one of those
2 policies that does provide
3 money towards that.
4 Empire just happens to do
5 so.

6 SHAUN KEENAN: So to
7 answer that question, if
8 you're not an Empire plan,
9 you don't get covered by
10 this.

11 WALTER BARRETT: There
12 are some that do. I don't
13 have it right off the top
14 of my head. I have it
15 right at my desk out there
16 though. If you would like
17 to step out at the next
18 break, come over and see
19 me, we can go over that
20 with you.

21 SHAUN KEENAN: All
22 right. You should.

23 WALTER BARRETT:

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1 around, it was thrown out.
2 We've gone through the
3 process of reading the
4 proposals, having
5 interviews. And we're
6 just waiting for a
7 decision who they're going
8 to choose, who the award
9 will go to.

10 Probably next meeting
11 I will have more
12 information and we can
13 talk about it a little bit
14 more. At this point, I
15 don't know, we're just
16 waiting for word on that.
17 And other than that, I
18 don't really have any new
19 information. I don't know
20 if anybody has any
21 questions on anything?

22 DAVE LUTHER: Luther,
23 out of Sing Sing. I do

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1 have one question it was
2 brought to my attention.
3 Some of my members who are
4 not Empire, received
5 letters that their
6 premiums were going up ten
7 percent. Do you know
8 anything about that?

9 SHARON SMITH: No.
10 Because the HMOs submit to
11 the Insurance Department
12 what they want to raise
13 the rates to every year.
14 And they have to be
15 approved, and whatever
16 they are, they are.
17 That's not the state plan,
18 they're not negotiated
19 with the state.

20 So whatever, you know,
21 monies that they spent or,
22 you know, did well or
23 didn't do well and what

137

1 send it out.

2 SHARON SMITH: Okay.

3 DAVE LUTHER: Now,
4 something that you and I
5 have talked about several
6 times over the last week,
7 medical marijuana.

8 SHARON SMITH: Right.

9 DAVE LUTHER: Medical
10 marijuana is of course
11 used to get people off of
12 opiates and chronic pain
13 and glaucoma and all those
14 good things, in lieu of
15 popping the pills.

16 Now I understand well
17 that the federal firearms
18 law says that if you're a
19 law enforcement officer
20 with permission and/or the
21 ability to carry firearms,
22 you can not be associated
23 with medical marijuana or

139

1 they need for the next
2 year is all in their
3 rates. But they all come
4 out at the same time, so
5 we have no idea what the
6 HMO rates are either.

7 DAVE LUTHER: Thank
8 you. It was brought to my
9 attention by several of my
10 members who are not
11 Empire, they received
12 letters looking at a ten
13 percent increase.

14 SHARON SMITH: Yeah,
15 those letters wouldn't be
16 out yet. So, I'm not
17 sure -- I'd like to see
18 one. If you talk to those
19 members, have them send it
20 to me, I'd like to see
21 them.

22 DAVE LUTHER: When he
23 provides it to me, I'll

138

1 any byproduct thereof.
2 That I'm very clear on.

3 However, there's like
4 eighteen hundred of our
5 members who are not
6 allowed to carry firearms
7 under the law. And there
8 are twenty thousand
9 members of NYSCOPBA that
10 all have spouses or
11 significant others or
12 those on their health
13 plans that medical
14 marijuana may be just the
15 thing for them. Maybe a
16 good alternative. I know
17 several people that use
18 them. Of course, along
19 with that comes cost.

20 In Westchester
21 County -- I do have
22 several officers, too,
23 that do have prescriptions

140

1 and carry the card, but
 2 they will not use it until
 3 after they retire because
 4 the Department's stand,
 5 and I checked it out with
 6 the Department, the
 7 Department's stand is
 8 this, although they may
 9 agree with what I'm
 10 asking, but they are --
 11 they have to follow the
 12 Federal firearms
 13 guidelines. And until the
 14 Fed's roll that back, they
 15 will not allow it.

16 So, that being said, if
 17 a family member of mine
 18 goes to a dispensary in
 19 the northern region or in
 20 the Buffalo region, it's
 21 four hundred dollars for
 22 the months supply; you get
 23 a month at a time.

141

1 it under an insurance --
 2 under their insurance
 3 policy, as if it was like
 4 a level three
 5 prescription.

6 What, if anything -- I
 7 know you told me FDA and
 8 all this other stuff, but
 9 we're self-funded. And we
 10 being self-funded, New
 11 York being self-funded, I
 12 would think it only right
 13 that we should make up the
 14 rules. Especially since
 15 my insurance in 2009 for a
 16 family plan was about
 17 ninety-three dollars and
 18 today in 2018, it's two
 19 hundred eight dollars
 20 every payday for my
 21 insurance, which is well
 22 over a hundred percent
 23 increase.

143

1 If you are in
 2 Westchester area or
 3 Rockland or the southern
 4 part -- and this goes into
 5 cost of living by the
 6 way -- it will cost you
 7 anywhere from six to eight
 8 hundred dollars to fill
 9 the same prescription that
 10 would be filled up in
 11 Buffalo.

12 Now, my issue is this.
 13 I still don't understand
 14 why medical marijuana is
 15 not covered under the
 16 Empire plan. The Empire
 17 plan is self-funded by the
 18 state itself. They have
 19 instituted the right to
 20 use medical marijuana,
 21 yet, they will not allow
 22 an officer or a member or
 23 their families to purchase

142

1 Is there anything that
 2 we can do -- is there
 3 anything that the health
 4 and welfare committee can
 5 work on as far as maybe
 6 spurring our legislators
 7 and/or -- we know it's
 8 pharmaceutical that's
 9 pushing back against it.
 10 What can we do to try to,
 11 number one, alleviate the
 12 problem of opiates on our
 13 members and their family,
 14 with trying to get in
 15 medical marijuana as a
 16 covered drug that has
 17 already been approved by
 18 the state?

19 SHARON SMITH: Well,
 20 I'm not sure the answer to
 21 that. I mean, I did look
 22 into it. It is not
 23 approved by the FDA,

144

1 medical marijuana. And
2 since it's not approved by
3 them, it's not covered
4 under the plan. I mean,
5 that was what came back to
6 me. No drug that's not
7 approved by the FDA is
8 covered under the health
9 insurance program. They
10 have no drugs that are.

11 So, I don't know the
12 answer to that, where you
13 need to go. I would think
14 maybe it would be your
15 legislators. You know,
16 if -- I mean, I don't
17 know. I'm not that
18 educated to know where you
19 need to go to get that
20 approved.

21 I just know that that's
22 not covered because of
23 that. And, you know, none

145

1 DAVE LUTHER: Okay.
2 You and I spoke briefly
3 before, and for some
4 reason I seem to think,
5 maybe somebody in the room
6 can remember -- didn't we
7 have an insurance issue
8 once before that we
9 challenged and got it
10 overturned through Empire?
11 Empire backed up?

12 SHARON SMITH: You said
13 a lawsuit, I don't know --

14 DAVE LUTHER: We were
15 threatening a lawsuit and
16 they came back and changed
17 the policy.

18 SHARON SMITH: The only
19 thing I can think of is
20 when you went to the
21 flexible formulary, where
22 there were certain drugs
23 that were now excluded.

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1 of the plans, the HMOs,
2 none of them cover medical
3 marijuana at this point.

4 DAVE LUTHER: Right,
5 the HMOs I understand
6 because we don't fund
7 them.

8 SHARON SMITH: It's not
9 something that's been
10 proven. That's where it
11 stands at this point. You
12 know, any drug, there's
13 all kinds -- you know, it
14 takes time and cases and
15 all of that, you know,
16 lobbyists and all that
17 stuff to get something
18 covered.

19 DAVE LUTHER: Where are
20 you Chris Duryea?

21 SHARON SMITH: So I
22 can't give you an answer
23 on exactly what to do.

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1 And when that first came
2 out if you were on that
3 excluded drug and you
4 needed it, you paid out of
5 pocket. It was not
6 covered.

7 And since then there is
8 a process now. So, if
9 somebody really needs that
10 drug, they need to try the
11 drugs that are offered but
12 if they are allergic to it
13 or for whatever reason
14 they cannot take those,
15 then they would be
16 approved to get that
17 excluded drug; then it
18 would be covered.

19 That's the only one I
20 can think of as far as
21 prescription drugs. I
22 can't think of anything
23 off the top of my head

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1 where we sued and got
2 something. I don't know
3 if anybody else remembers.
4 I'm getting old. I might
5 have just forgotten it.

6 DAVE LUTHER: Who is in
7 charge of our health and
8 welfare?

9 SHARON SMITH: Joe.

10 DAVE LUTHER: Joe,
11 could we kind of kick this
12 on your table and look
13 around and see exactly
14 what we could do, if it's
15 possible to move forward?
16 It's recognized in a lot
17 of states besides the
18 State of New York. And I
19 don't know if any others
20 have allowed their
21 insurance to cover it.

22 But my biggest concern
23 is Empire is a subsidiary

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1 problems that they're
2 approved for. What I'm
3 wondering is what's the
4 issue, if they're going to
5 a medicinal provider who
6 is certified under the
7 State of New York and this
8 individual registers with
9 the New York State
10 Department of Health, and
11 this person is actually
12 going and being prescribed
13 by a doctor. Essentially
14 it's a medicine, correct?

15 SHARON SMITH: Okay.

16 CHUCK THOMAS: Yes.

17 Because now, state is
18 different from Federal.
19 Under Federal, if we were
20 federal employees we
21 wouldn't be covered, we'd
22 be held out. But because
23 we're state employees, we

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1 of the State of New York.
2 It's self-funded by the
3 State of New York.
4 Therefore, they should at
5 least cover stuff that
6 they said is legal in the
7 State of New York. Okay?
8 Thanks, Joe. Thanks,
9 Sharon.

10 SHARON SMITH: You're
11 welcome.

12 CHUCK THOMAS: Chuck
13 Thomas, Auburn. Basically
14 medicinal cannabis is
15 covered under the
16 Compassionate Care Act
17 signed by Governor Cuomo
18 in 2015.

19 SHARON SMITH: Right.

20 CHUCK THOMAS: Okay.
21 We understand that.
22 There's also levels there
23 based on the individual's

150

1 fall under that, that's
2 where our coverage falls
3 in to play.

4 Now, I understand
5 there's terms of our
6 employment; I get that.
7 But if I go to my medical
8 provider and he provides
9 me with opiates, which are
10 one of the most addictive
11 things out there because
12 the pharmaceuticals want
13 to make money, whereby
14 they provide medicinal
15 cannabis, at which time is
16 not addictive, it's been
17 proven that. Where is the
18 issue?

19 That's what I'm not
20 getting. What direction
21 do we go to push? Do we
22 come over here and push
23 it? Because essentially

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1 we have it, it's there,
2 it's in black and white.
3 Now, if you can turn
4 around and produce these
5 doctors that can prescribe
6 it, that are more than
7 willing to step up to the
8 plate and argue the case,
9 why wouldn't Empire cover
10 that?

11 SHARON SMITH: Well,
12 I'm just telling you what
13 they told me. And I do
14 know that there is
15 documentation out there
16 that if you go -- as far
17 as going to a doctor, if
18 he has certification to
19 provide that, the office
20 visit now has to be
21 covered, but not the drug.

22 CHUCK THOMAS: Now,
23 here is the other side of

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1 are prescribing. But the
2 law says what it says, as
3 a law enforcement you
4 can't use it.

5 CHUCK THOMAS: I
6 understand the law behind
7 that, I get that. But
8 when they take that act,
9 does the law need to be
10 brought up to speed to
11 where we're at now?
12 That's where I'm at. I
13 mean, how far behind are
14 they? They got to catch
15 up. That's all I have.
16 Thank you.

17 DAVE LUTHER: One
18 thing, Joe. It's Federal
19 Law, I understand where
20 the law comes from as far
21 as we are concerned. But
22 we all have loved ones and
23 partners that are on our

155

1 the coin. People have
2 been provided medicinal
3 cannabis under Workers'
4 Comp. If I can prove, if
5 I can get that paperwork,
6 which I'm pretty sure I
7 can --

8 VP WEST MIANO: We have
9 had several.

10 CHUCK THOMAS: They
11 actually have been
12 provided with it.

13 VP WEST MIANO: Yeah.
14 The problem is that you
15 still as a peace officer
16 or law enforcement
17 officer, you can't use it.
18 We checked into it. We've
19 had this going on since
20 the law was passed. And
21 that's the problem.

22 Doctors are prescribing
23 it, Workers' Comp doctors

154

1 health insurance plans
2 that have every right in
3 the world to have access
4 to it. And therefore,
5 that's our push. Until
6 they change the Federal
7 Law, I don't care about
8 that. I'm concerned
9 about --

10 VP WEST MIANO: If
11 someone's spouse or child
12 needs that medication,
13 what does that have to do
14 with you?

15 DAVE LUTHER: It has to
16 do with the right, they're
17 covered under my
18 insurance, but my
19 insurance refuses to pay
20 for it.

21 VP WEST MIANO: You're
22 not being denied that
23 prescription.

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1 DAVE LUTHER: That's
2 not what we're arguing.
3 We're arguing the fact
4 whether or not medical
5 cannabis should be covered
6 under my medical
7 insurance; my prescription
8 policy. For family, not
9 for me. Not for any law
10 enforcement officer that
11 carries a weapon. But
12 outside of us, we cover --
13 take out the twenty
14 thousand officers, you
15 still got forty thousand
16 dependents that are on it.
17 That's where it lies.

18 SHARON SMITH: I mean,
19 Joe, we'll talk and try to
20 look into it a little bit
21 more. And see where, you
22 know, where you can go
23 with this and what the

157

1 afternoon, I'll keep this
2 brief. Since our last
3 meeting, we still have the
4 Death Gamble Legislation
5 that's out there.
6 Received several calls,
7 e-mails about the
8 legislation. People heard
9 that it's been signed into
10 law, that it's been
11 vetoed, that it never made
12 it out of the committees
13 or either house of the
14 legislature.

15 Just to be clear, the
16 bill has passed both
17 houses of the legislature,
18 but the bill has not gone
19 any further up to that
20 point. The Governor has
21 until the end of the year
22 to act on this bill. Once
23 it gets delivered to his

159

1 options are. I just don't
2 know off the top of my
3 head. We'll certainly
4 look into it.

5 PRESIDENT POWERS: Keep
6 me abreast of it as well,
7 and we'll share it with
8 the law firm. Let's face
9 it, it out there, it's
10 going to be legal here
11 pretty quick. It's kind
12 of looking that way. But
13 for all intents and
14 purposes, we can take a
15 look at it from a legal
16 perspective.

17 SHARON SMITH:
18 Thank you.

19 PRESIDENT POWERS:
20 Thanks, Sharon. Bill
21 Naylor, is he in here?
22 Dan, you go.

23 DAN VALENTE: Good

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1 desk, he'll have ten days
2 to act.

3 Once that action takes
4 place we will be out there
5 e-mailing and blasting out
6 information to the members
7 to contact the Governor's
8 office, for a chance to
9 sign that legislation into
10 law.

11 So if you hear anything
12 differently that that bill
13 has been vetoed, it's not
14 true; the bill's been
15 signed, it's not true.
16 It's just in legislative
17 purgatory as we speak and
18 will be acted on by the
19 end of the year.

20 We're going -- we are
21 in the primary season.
22 We're getting several
23 requests from legislators,

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1 either for our financial
2 assistance or support on
3 their campaigns. I will
4 be compiling those and
5 we'll be putting those out
6 to the regional VPs to get
7 volunteers to assist in
8 those campaigns.

9 We encourage you all to
10 get involved with that or
11 at least share that
12 information with your
13 members. The more people
14 we can get involved, it
15 really does go a long way.
16 It is recognized by the
17 legislators. And anything
18 that we can do to further
19 our relationships and help
20 the people that are going
21 to help us get these bills
22 through the legislature,
23 it's a win-win, so keep a

161

1 vote in the primary
2 election. You can't vote
3 in any election, you have
4 to only vote in the party
5 that you're enrolled in.

6 So we'll be putting out
7 more information on the
8 deadlines for voter
9 enrollment and ways to get
10 registered, so just keep
11 an eye on that. Other
12 than that, that concludes
13 my report. I'd be happy
14 to take any questions if
15 you have them. Thank you.
16 Have a good day.

17 PRESIDENT POWERS:
18 Jimmy?

19 JIMMY MILLER: I
20 think Mike, Tammy and
21 Chris covered the Gramercy
22 campaign and gave you an
23 overall perspective of how

163

1 look out for that.

2 Other than that, you
3 know, it's kind of the off
4 season right now
5 legislatively. But we're
6 always keeping an eye on
7 the legislation as it gets
8 introduced, but right now
9 it's election season so
10 all that's pretty much on
11 the back burner.

12 We will be following
13 all the legislative races
14 and primaries as we get
15 closer to that date. And
16 I believe next -- August
17 19th, I'm going to get
18 some information out,
19 statewide to the members
20 on this as well -- August
21 19th is the last day to
22 register about the Board
23 of Elections in order to

162

1 that's been going. Just
2 to echo that, I have had
3 conversations with at
4 least a dozen people all
5 outside of law enforcement
6 on a positive side, many
7 of them Democrats.

8 They are very pleased
9 with the campaign, where
10 it's going and what it's
11 shedding light on. So, if
12 you can take that in
13 perspective, the campaign
14 is definitively working.

15 And the only thing I
16 have is just to remind
17 everybody that the
18 statewide golf tournament
19 is coming up September
20 20th. It's three hundred
21 eighty dollars per team.
22 This year it's being held
23 at the Fairway at Half

164

1 Moons.
 2 I'm the contact person,
 3 so please if you plan on
 4 reserving a team because
 5 we're limited to
 6 thirty-six, get in touch
 7 with me as soon as
 8 possible. If you can get
 9 your money in to secure
 10 that so nobody is left out
 11 and don't show up on the
 12 day of the tournament.
 13 Other than that, I don't
 14 have anything else.
 15 Thank you.
 16 PRESIDENT POWERS:
 17 Thanks, Jim. Bill Naylor,
 18 retirement.
 19 BILL NAYLOR: Good
 20 afternoon. The retiree
 21 chapter dues increase went
 22 into effect at the end of
 23 July, so they're starting

165

1 he was taken out of the
 2 chapter.
 3 So chapter stat totals.
 4 We've added a 174
 5 retirees, 2 honorary
 6 retirees, we've had 19
 7 members pass. We've had
 8 eleven failed to renew.
 9 And our total right now is
 10 ten thousand, three
 11 hundred forty-one members.
 12 Any questions? Okay.
 13 Thank you.
 14 PRESIDENT POWERS:
 15 Thanks, Bill. Move into
 16 committee reports. What
 17 you got, Joe?
 18 VP WEST MIANO: Yeah,
 19 real quick. The health
 20 and welfare committee has
 21 been meeting a couple
 22 times the last couple EAs,
 23 there's an online store

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1 to see that now, the
 2 increase of \$2.90 a month.
 3 Since the increase, we've
 4 had several members
 5 request revocation cards
 6 out of that. Out of the
 7 ten thousand, three
 8 hundred members that we
 9 have, we've received
 10 three. So we're holding
 11 our numbers there also.
 12 The retiree committee
 13 requested to have
 14 personalized retiree ID
 15 cards for NYSCOPBA retire
 16 chapter members. So we're
 17 in the process of getting
 18 bids on that and getting
 19 those out.
 20 We had one retiree
 21 removed from the chapter
 22 due to a felony conviction
 23 for child pornography, so

166

1 that wants to -- it's
 2 called Purchasing Power --
 3 I'm sorry, I didn't
 4 identify myself. Joe
 5 Miano, Western Region Vice
 6 President.
 7 They want to have
 8 access to the membership
 9 of NYSCOPBA. We have Bill
 10 Wasseman from Norvest
 11 that's been looking at
 12 this company to see if
 13 they're reputable, if it's
 14 something that, you know,
 15 that our membership may
 16 want or it's legit or it's
 17 not somebody that's going
 18 to be ripping off our
 19 people.
 20 We're going to invite
 21 them to do a presentation
 22 at the next EA in October.
 23 And it's very similar to

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1 Fingerhut. Where people
2 that don't have enough
3 money or cash on hand to
4 buy a new refrigerator or
5 a stove or a washer or
6 dryer, something they're
7 in desperate need and they
8 do monthly installments on
9 it.

10 It's brand name
11 products but it's also
12 something that if someone
13 doesn't have the cash on
14 hand, they don't have to
15 put it on a credit card.
16 We'll give more
17 information and provide a
18 presentation hopefully at
19 the next EA. And that's
20 pretty much all we got
21 going on right now.

22 Thanks.

23 PRESIDENT POWERS:

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1 grievance be held in
2 abeyance until the next
3 scheduled GLC meeting.

4 Any questions? Thank you.

5 PRESIDENT POWERS:

6 Kenny?

7 KENNY GOLD: Kenny
8 Gold, Orleans. The
9 publicity and meetings
10 committee has met a couple
11 times since the last EA,
12 obviously the most recent
13 was this afternoon -- or
14 this morning.

15 But, the main thing is
16 was we were tasked with
17 looking for a different
18 hotel for the Desmond. So
19 the committee went out and
20 stayed over night at the
21 Schenectady Double Tree on
22 July 20th. We met with
23 the general manager or

171

1 Thanks, Joe. Mike
2 Mazzella?

3 VP MID-HUDSON MAZZELLA:
4 Mike Mazzella, grievance
5 and legal. I'm getting
6 old. The grievance and
7 legal committee convened
8 on July 25th, 2018. Eight
9 grievances were heard and
10 reviewed by the committee.

11 The grievances reviewed
12 involved issues of
13 reimbursement of property
14 damage, unjust discipline,
15 review of personal history
16 folder and harassment
17 slash discrimination.

18 As a result of the
19 meeting, the committee
20 recommended that six
21 grievances be closed, one
22 grievance pushed forward
23 to Step 3; and one

170

1 management team from them
2 but, you know, I'm really
3 not going to report on
4 much because the general
5 consensus unanimously was
6 we will not stay ever at
7 that the hotel.

8 Before we even went in
9 there, just to touch on a
10 couple things, before we
11 go on with the rooms,
12 there was a shooting right
13 in front of the hotel a
14 week prior. So, everybody
15 was a little nervous, but
16 we went in there, we
17 realized there's not much
18 around the city that would
19 be good for a venue like
20 this.

21 We would have had the
22 whole hotel, which would
23 have been the best part of

172

1 it. But between not a lot
2 of things to do and not
3 the best of areas, we said
4 this isn't for us. So
5 we're going to continue to
6 look for a different venue
7 besides the Desmond.

8 And the only other
9 thing we talked about ad
10 nauseam was we really want
11 to get back to the State
12 Fair. Obviously this is
13 State Fair at the end of
14 the month here in
15 Syracuse. We really want
16 to find something that is,
17 something we can do year
18 in and year out. Not a
19 big raffle.

20 The idea that was
21 tossed around was
22 something, maybe basically
23 family friendly that we

173

1 that we do, maybe
2 something along the lines
3 of playing a game, a
4 dollar donate, get a
5 little trinket or
6 something, but give all
7 that money to charity.
8 But if you guys have any
9 ideas, let us know. Send
10 them in our e-mail, I'm
11 sure there's a publicity
12 e-mail on the website
13 someone. But does anybody
14 have any questions for me?
15 Thanks.

16 PRESIDENT POWERS:

17 Thanks, Ken. Dave, PAC.

18 DAVE LUTHER: Dave
19 Luther out of Sing Sing.
20 This is NYSCOPBA PAC
21 account for June and July.
22 Our starting balance at
23 the end of -- the 31st of

175

1 can do year after year
2 after year, get our
3 memberships involved, have
4 them come out. If you
5 guys have any ideas that
6 you would like to see at
7 the fair.

8 Maybe I'm speaking more
9 personally that when
10 we were at the fair the
11 last year we did it, going
12 forward with the cell,
13 there was a lot of
14 ex-convicts coming in and
15 it made it hard for our
16 members as well as some
17 families it was probably
18 cute to put their kid
19 behind bars, but it was
20 really negative.

21 So we're going to try
22 something family oriented.
23 Maybe all the charities

174

1 May was a hundred
2 twenty-two thousand, one
3 fourteen. In June and
4 July there was twenty-five
5 thousand deposited each
6 month. We wrote out some
7 checks that equaled
8 sixty-nine thousand, four
9 hundred and twenty-five
10 dollars. That was our
11 total expenses.

12 Our ending balance is a
13 hundred two thousand, six
14 hundred eighty-nine. To
15 date, 2018, our
16 expenditures have been two
17 hundred six thousand, four
18 hundred eighty-five
19 dollars. That is the PAC
20 financial report.

21 EXECUTIVE VP SAWCHUK:

22 Veterans?

23 ELADIO MARTINEZ:

176

1 Good afternoon. Don't
 2 have much to report.
 3 We've met a couple times,
 4 the last EA and this
 5 morning. The only problem
 6 we have is with the
 7 certified veteran
 8 officials. That's from
 9 the guys that are
 10 returning back from Active
 11 Duty, that were Active
 12 Duty and they qualify for
 13 OJT. There's not a person
 14 qualified at the
 15 facilities to sign their
 16 paperwork so they can get
 17 paid for OJT training.
 18 So, we're working on that.
 19 John Harmon is going to be
 20 contacting the state.
 21 That's all I got. Any
 22 questions? Anybody knows
 23 anybody activated, please

177

1 VP NORTH ROBERTS: John
 2 Roberts, Northern Region
 3 Vice President. I'd like
 4 to nominate Jimmy Bell,
 5 Riverview for alternate
 6 J&E.
 7 HEATH ALLEN: That's
 8 all I got. Any questions?
 9 PRESIDENT POWERS:
 10 Thanks, Heath. Okay.
 11 Pete.
 12 PETE STETZ: I've got a
 13 second reading, Article 3,
 14 membership. Membership in
 15 the association shall
 16 consist of three types.
 17 First, active membership
 18 shall be open to all
 19 employees and titles or
 20 positions, adding these
 21 words, in titles or
 22 positions represented by
 23 the association. Second,

179

1 e-mail at vetscommittee
 2 @nyscopba.org or let me
 3 know. Thanks.
 4 EXECUTIVE VP SAWCHUK:
 5 Election committee?
 6 HEATH ALLEN: Heath
 7 Allen, Election Committee.
 8 Today the election
 9 committee met over a
 10 procedure complaint and
 11 how a replacement sector
 12 steward was elected. If
 13 any of you guys have any
 14 problems in your
 15 facilities with replacing
 16 a steward, give us a call,
 17 we'd be more than happy to
 18 help you.
 19 And I've got an opening
 20 for a committee, Northern
 21 Region, J&E Committee,
 22 alternative members only.
 23 John Roberts?

178

1 associate members shall be
 2 open to all retired
 3 employees of any
 4 bargaining unit
 5 represented by the
 6 association. Third,
 7 honorary membership shall
 8 be open to those
 9 individuals who have been
 10 determined by the
 11 association to have made
 12 outstanding contributions
 13 to the association or its
 14 members.
 15 Associate or honorary
 16 members cannot hold office
 17 or vote on association
 18 business. Any individuals
 19 employed by an
 20 establishment whose
 21 employees are represented
 22 by the association, shall
 23 be eligible for membership

180

1 in the association upon
2 their first day of
3 employment. To become an
4 active member, an employee
5 must execute and provide
6 to the association a dues
7 deduction authorization
8 membership card in the
9 form prescribed by the
10 association.

11 Individuals granted
12 membership in the
13 association shall maintain
14 their status as members in
15 good standing by
16 maintaining their dues,
17 obligation and by
18 upholding the constitution
19 and bylaws.

20 Adding this language:
21 NYSCOPBA services, the
22 member benefits not
23 mandated by law shall be

181

1 share.

2 Similarly, nonmembers
3 who suddenly have a need
4 for services such as
5 representation at
6 disciplinary case should
7 not be able to receive
8 such services, simply by
9 paying dues retroactively.

10 Any discussion on
11 that? Seeing none, I'd
12 ask for vote to send this
13 forward to the membership
14 for ratification. All
15 those in favor signify by
16 saying aye.

17 (Response of "Aye".)

18 PETE STETZ: Anybody
19 opposed?

20 (No Response.)

183

1 provided only to members
2 in good standing. Once an
3 individual opts out of
4 membership or decides not
5 to become a member, the
6 individual can not
7 thereafter be permitted to
8 rejoin NYSCOPBA.

9 The wisdom, the
10 constitution amendment
11 prohibits free riders,
12 nonmembers paying no union
13 dues from receiving all
14 the services and benefits
15 that NYSCOPBA offers
16 without maintaining
17 continuous membership.
18 NYSCOPBA dues paying
19 members should not have to
20 subsidize individuals who
21 accept full services and
22 benefits from NYSCOPBA
23 without paying their fair

182

1
2 PETE STETZ: Second one
3 we have, it's in the
4 packet. We started this
5 back in June. The writer
6 did submit something to
7 the committee, a proposal
8 to amendment on Article 7.
9 We met the end June, we
10 furthered discussed today.
11 In-between the previous EA
12 and today we were waiting
13 on information to come
14 from the actuary as well
15 as NYSCOPBA as far as
16 numbers, crunching numbers
17 as we did when we first
18 created this fund.

19 The numbers are in the
20 final stages. They're
21 going out to actuary,
22 they're going to crunch
23 them, we're going to have

184

1 that information provided
 2 to us in the next couple
 3 weeks. So with that, we
 4 spoke with the writer of
 5 this motion this morning.
 6 It was agreed we were
 7 going to table this motion
 8 to our next EA. And
 9 in-between then we'll come
 10 out get the numbers so we
 11 have more information, and
 12 to ensure that this choice
 13 is the best choice for the
 14 organization. Any
 15 questions?

16
 17 (No response.)

18
 19 PRESIDENT POWERS:
 20 Thank you, Pete. Quick
 21 ten minute break, come
 22 back in and do CBC.
 23

185

1 that a mediator was
 2 selected. It's William
 3 Connolly is his name who
 4 will be the mediator. If
 5 you don't know mediation,
 6 it's a maximum of three
 7 days. It might not be
 8 consecutive, so typically
 9 you could have one day,
 10 two day or three days, but
 11 it can be spread out over
 12 time.

13 Some times you have one
 14 day that's just reserved
 15 for the introduction piece
 16 to that. There's been
 17 some conversation about
 18 the process. Just so
 19 everybody knows, we're not
 20 in arbitration. That's
 21 not the process. The
 22 process is impasse, you go
 23 to mediation. Then it's

187

1 (Recess taken.)
 2

3 PRESIDENT POWERS:
 4 We'll conclude with
 5 committee reports with
 6 collective bargaining,
 7 John.

8 VP LAW ENFORCEMENT
 9 HARMON: Collective
 10 bargaining committee
 11 report. Following the
 12 last EA, the letter was
 13 put back in to PERB for
 14 impasse. The end of June
 15 we got notification that
 16 they received that and
 17 they were talking to --
 18 they had to talk to the
 19 state to make sure it goes
 20 through.

21 On July 20th, we were
 22 told that the process for
 23 impasse was completed and

186

1 the fact finding and then
 2 the interest arbitration.

3 The interest
 4 arbitration, because I've
 5 had some questions, it
 6 involves your compensatory
 7 items. Typically a two
 8 year award, unless it's
 9 mutually agreed to go
 10 longer. We've had that.
 11 We've had an award that
 12 was agreed to be a two
 13 year, not a four year and
 14 that was an arbitration
 15 award.

16 The other issue is
 17 about how do you deal with
 18 noncompensatory items. In
 19 the past, either we just
 20 didn't deal with them, we
 21 just kept the same
 22 language we've always had
 23 or -- it hasn't

188

1 happened -- or you can ask
2 to have noncompensatory
3 issues addressed in
4 arbitration. It was kind
5 of a slippery slope, but
6 it's something that is
7 available if you ever
8 chose to do it.

9 There hasn't been an
10 arbitration I think in the
11 state in ten years, but
12 the process is that
13 exactly. So people say,
14 oh, we're in arbitration;
15 we're not in arbitration.
16 That's not how the process
17 works. We're in impasse.

18 And during impasse and
19 going back for as long as
20 I can remember, you can
21 still chat with the state
22 to see if there's any room
23 to resolve your impasse

1 four to three best panel
2 members we could choose
3 that are out there
4 currently. If you read
5 the media, I'm sure you
6 can figure out who some of
7 them are, but that's -- I
8 just don't want to give
9 the names out. I don't
10 want to make that known
11 right now until, until we
12 get something back from
13 them.

14 So right now we
15 narrowed it down to three.
16 Nothing from inside the
17 organization, they're all
18 outside organization
19 people and they're all
20 pretty well known.

21 As President Powers
22 eluded to earlier, couple
23 things we're looking at.

1 issue. Then you go to
2 mediation, there will be
3 an independent that will
4 sit there and try to
5 mediate what the issues
6 are. Quite honestly we
7 don't have any, but it's a
8 big issue.

9 The committee met on
10 July 30th and 31st to
11 discuss the mediation
12 process and panel member
13 discussion. We narrowed
14 it -- we now, our first
15 volley for a panel member
16 was three guys we chose
17 that we were going to
18 reach out to. I don't
19 want to give the names
20 because we don't know if
21 they're going to want to
22 do this or not.

23 I can tell you we want

1 First, I mean, this body
2 ordered us in 2013 and
3 2014 to be the sole
4 recommenders and
5 negotiators to bring a
6 recommendation or no
7 recommendation back to you
8 guys.

9 Couple of things again
10 that have come to light
11 even further since the
12 last Executive Assembly.
13 The economy, the economy
14 is anywhere from depending
15 what you read or what you
16 look at or what the
17 figures from the
18 comptroller are, it's ten
19 to twenty billion dollars,
20 they're say ten to fifteen
21 is more realistic, but
22 it's ten to fifteen
23 billion dollars in the

1 hole starting next year
2 and going 2020 and going
3 further.

4 The other issue the
5 state legislature and the
6 politics of the Democrats
7 taking over completely and
8 what that means for the
9 process.

10 What I mean by that is
11 if, if we get to interest
12 arbitration or when we get
13 to interest arbitration
14 depending what happens,
15 the issue is the other
16 route for the
17 noncompensatory items.

18 They have made it clear
19 to us that they will take
20 to a legislative hearing
21 for the first time ever.
22 The issue we have is if
23 the Democrats control

193

1 that are -- that we're
2 looking at down the barrel
3 right now that we need to
4 be cognizant of and be
5 thinking about. The
6 committee has agreed,
7 we're just going
8 through the process.
9 We're hoping mediation can
10 begin in September.
11 That's only if the
12 mediator is available.

13 I think one issue
14 that we need to talk
15 about, we need to go off
16 the record for a minute.
17 Permission to go off
18 record.

20 (Response of "Aye".)

23 VP LAW ENFORCEMENT

195

1 everything, next year
2 you're facing a ten to
3 fifteen to twenty billion
4 dollar hole going forward.
5 You're going to deal with
6 possibly again Part KK
7 coming back up, because
8 now the process isn't your
9 negotiations, the process
10 is you're at impasse.

11 The other issue is
12 dealing with some --
13 dealing with the whole
14 legislation, as Mike said
15 earlier, 50-A, there's a
16 whole bunch of things that
17 could be dealt with
18 negatively that could
19 effect negotiations. Not
20 including the worst thing
21 that possibly could happen
22 is closure.

23 So there is many things

194

1 HARMON: Go back on the
2 record. That's all I got.

3 PRESIDENT POWERS: All
4 right that concludes
5 committee reports. Is it
6 this body's wish to move
7 into tomorrow's agenda,
8 signify by saying aye.

10 (All respond with
11 aye.)

13 PRESIDENT POWERS:
14 We've got some unfinished
15 business, I'll have Toby
16 come up real quick. Could
17 I have the lawyers please
18 leave the room.

19 We had a motion at the
20 last EA regarding the
21 Lippes firm retainer, to
22 renew there retainer. And
23 Toby, there was a motion

196

1 on the floor to hold off
2 until this EA for a little
3 clarity and I'll hand the
4 mic over to Toby now.

5 TREASURER HOGAN: There
6 was a little modification
7 to the second page. That
8 lippes agrees to meet with
9 NYSCOPBA at any time if
10 NYSCOPBA has lost ten
11 percent of its membership.
12 That was the question.

13 So, if there's no
14 further objection to the
15 retainer, can I get a
16 unanimous consent to enter
17 into an agreement with
18 Lippes. All those in
19 favor say aye.

20
21 (All respond with aye.)
22

23 TREASURER HOGAN:

197

1
2 (All respond with aye.)
3

4 PRESIDENT POWERS: You
5 may remember the dates of
6 July 15th and 16th of
7 2020, we were looking to
8 move the event to another
9 venue, a family oriented
10 venue. And through much
11 of the work, through the
12 committees and the board,
13 we were unable to secure
14 any dates for that time
15 for family oriented so
16 we'll have to look at that
17 again for 2021, for
18 something for next year.

19 And with that, I'm
20 going to need unanimous
21 consent to accept the
22 dates of the Executive
23 Assembly for 2020 and I'll

199

1 Anybody opposed?

2
3 (No response.)
4

5 TREASURER HOGAN:
6 Thank you.

7 PRESIDENT POWERS: The
8 other piece of business, I
9 believe Kenny brought it
10 up in his publicity and
11 meetings report, regarding
12 the Desmond. The dates
13 for 2020 we were looking
14 for a family oriented
15 event.

16 This is new business,
17 I'm going to need sixty
18 percent approval from this
19 body to move this item
20 back on to the agenda.
21 Can I get a consent from
22 the body? All signify by
23 saying aye.

198

1 read them into the record
2 again.

3 Thank you. So it's
4 just the July dates, July
5 15th and 16th to be held
6 at the Desmond in the year
7 of 2020. All in favor
8 signify by saying aye?

9
10 (Response of "Aye".)
11

12 PRESIDENT POWERS:
13 Anybody opposed?
14

15 (No Response.)
16

17 PRESIDENT POWERS:
18 Thank you. Michael?

19 VP MID-HUDSON MAZZELLA:
20 It was brought to my
21 attention at one of the
22 breaks regarding Directive
23 4911. Okay. There are

200

1 certain items on 4911 that
2 are not allowed, the
3 inmates are not allowed,
4 but can still buy from
5 commissary. So, the
6 member that brought it up
7 to me would like us to
8 pursue that and look into
9 that and get with the
10 Department.

11 PRESIDENT POWERS: She
12 approached me earlier and
13 we'll --

14 VP MID-HUDSON MAZZELLA:
15 Now it's on the record
16 too, so. The second thing
17 is Jack Gutierrez, it's
18 his birthday today. So
19 everybody wish Jack
20 Gutierrez a happy
21 birthday.

22 PRESIDENT POWERS:
23 Seeing no other further

201

1 month-to-month with
2 Gramercy at this time
3 until the next EA,
4 entering into talks for
5 retaining them as our PR
6 firm? Seeing none, I will
7 move forward with that.
8 Thank you.

9 Any other new business?
10 Anybody have any new
11 business? I have a couple
12 things I'd like to -- like
13 to talk about real quick.
14 Can you hear me? Couple
15 other things. We talk
16 about it quite bit here
17 regarding tough times for
18 our members in the field.

19 I'm not slighting any
20 issue or incident that's
21 happened in the past where
22 somebody has taken their
23 own life in our work.

203

1 unfinished business, we'll
2 move into new business.
3 As I mentioned earlier, we
4 would like to -- as a
5 Board, we would like to
6 enter into talks with
7 Gramercy, the PR firm to
8 possibly retain them.

9 And I'd like to have
10 consent from the body,
11 unanimous consent now to
12 enter into talks with
13 them. And ultimately
14 obviously report back here
15 in October as to their
16 findings or maybe use them
17 on a monthly interim basis
18 until we get there. If
19 that's okay with this
20 body, I'd like to proceed
21 moving forward with that.

22 Is there any objection
23 to us entering into a

202

1 We had one this time this
2 week it really close to
3 home for some of our board
4 members and our employees.
5 And it was -- it was a lot
6 of intervention going on
7 in-between.

8 And unfortunately; when
9 somebody's mind is made up
10 that mind is made up and
11 sometimes it's difficult
12 to change that mindset.
13 As difficult of a job that
14 we have every day, and
15 recognizing that we have
16 each other backs all the
17 time, and looking over
18 everybody's backs and the
19 attention to detail that
20 we watch every day, it's
21 imperative we continue to
22 keep an eye out for our
23 brothers and sisters in

204

1 the field -- in this law
 2 enforcement field.
 3 Not to be negative or
 4 go on a rant, but we kind
 5 of gave you the outliers
 6 of what's looking forward.
 7 That's real and that's
 8 going to create a lot of
 9 stress -- added stress to
 10 the already stressful
 11 environments that we work
 12 in and live in.
 13 So please keep that in
 14 the back of your mind when
 15 you're going forward.
 16 Keep in mind some of our
 17 friends and families that
 18 lose loved ones, not
 19 necessarily to suicide but
 20 to any manner. There's
 21 people in this room that
 22 recently just lost loved
 23 ones without mentioning

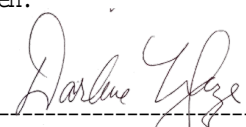
205

1 adjourn? Neil Gruber.
 2 PRESIDENT POWERS:
 3 We're done. Off the
 4 record.
 5
 6 (Whereupon, the
 7 Executive Assembly then
 8 adjourned.)
 9
 10
 11 * * * *
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23

207

1 any names.
 2 So, keep everybody in
 3 our network, whether it's
 4 brothers and sisters of
 5 NYSCOPBA, or vendors that
 6 work for us, or employees
 7 that work for us, keep
 8 them in your thoughts and
 9 prayers are we go forward.
 10 These are difficult times
 11 and there's a lot going on
 12 and we need to keep an eye
 13 on that kind of stuff.
 14 With that, that's
 15 pretty much all I've got.
 16 So, I just wanted to bring
 17 that to the forefront and
 18 keep that in mind. And if
 19 there's anybody that has
 20 anything they would like
 21 to bring forward, by all
 22 means, step up.
 23 With that, motion to

206

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 AUGUST 8, 2018. That the MINUTES
 13 were then reduced in writing under
 14 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,
 Notary Public.

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