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| 19 | by DARLENE L. JERGE, Notary Public | 19 | |
| 20 | and Shorthand Reporter in and for | 20 | |
| 21 | the State of New York. | 21 | |
| 22 | | 22 | |
| 23 | | 23 | |
| | 1 | | 3 |
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1 APPEARANCES:

2 OFFICERS PRESENT:

3 MICHAEL POWERS, President-Excused

4 TAMMY SAWCHUK, Executive Vice Pres

5 FRANK GILBO, Treasurer

6 CHRISTOPHER SUMMERS, Recording Secretary

7

8 Vice Presidents

9 MIKE MAZZELLA, Mid-Hudson

10 SCOTT CARPENIER, Central

11 JOHN ROBERTS, North

12 DAVE LUTHER, South

13 JOHN HARMON, Law Enforcement

14 JOE MIANO, Western

15

16 Also Present:

17 ERIN PARKER, Esq.

18 Keith Jacques, Esq.

19 STEVEN ANDERSON, Parliamentarian

20

21

22

23

5

1 be turned off and beepers
2 are to be put on vibrating
3 mode. Recording devices
4 are prohibited unless
5 provided by membership
6 services and those
7 directed by the recording
8 secretary.

9 NYSOPBA members in
10 good standing will be
11 allowed to address the
12 Executive Assembly.
13 Please state your name and
14 your sector. Speakers at
15 the microphone will follow
16 the direction of the
17 Sergeant at Arms.
18 Thank you.

19 PRESIDENT POWERS:
20 Thank you, Pat. Chris,
21 roll?
22

23 RECORDING SECRETARY

7

1 PRESIDENT POWERS: Good
2 afternoon. Call the
3 meeting to order. Please
4 stand.

5
6 (Whereupon, the Pledge
7 of Allegiance and moment
8 of silence were
9 recognized.)

10
11 PRESIDENT POWERS:
12 Rules read in.

13 PAT ROCCO: Pat Rocco,
14 Mid-State. Anyone upon
15 entering the Executive
16 Assembly must wear the
17 NYSOPBA identification
18 tag. Chief Sector
19 Stewards will sit in
20 designated areas when the
21 Executive Assembly is in
22 session.

23 Cellular phones are to

6

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

8

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

9

1 RECORDING SECRETARY
 2 SUMMERS: Christiano,
 3 present. Albion, Molino.
 4 MR. MOLINO: Here.
 5 RECORDING SECRETARY
 6 SUMMERS: Molino, present.
 7 Altona, Ayotte?
 8 MR. AYOTTE: Here.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Ayotte, present.
 12 Attica, Puma?
 13 MR. PUMA: Here.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Puma, present.
 17 Auburn, Thomas?
 18 MR. THOMAS: Here.
 19 RECORDING SECRETARY SUMMERS
 20 Thomas, present. Bare
 21 Hill, Perry?
 22 MR. PERRY: Here.
 23 RECORDING SECRETARY

11

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

10

1 SUMMERS: Perry Present.
 2 Bedford Hills, Floyd?
 3 MS. FLOYD: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Floyd, present.
 7 Cape Vincent, Call?
 8 MR. CALL: Present.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Call, present.
 12 Cayuga, Hatfield.
 13 MR. HATFIELD: Here.
 14 RECORDING SECRETARY
 15 SUMMERS: Hatfield,
 16 present.
 17 Central New York Psych
 18 Center, O'donnell?
 19 MR. O'DONNELL: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 O'donnell, present.
 23 Clinton, Basto?

12

1 MR. BASTO: Here.
2 RECORDING SECRETARY
3 SUMMERS:
4 Basto, present.
5 Collins, Sticht.
6 MR. STICHT: Here.
7 RECORDING SECRETARY
8 SUMMERS: Sticht, present.
9 Community Supervision,
10 no rep.
11 CCA's, Johnson?
12 MS. JOHNSON: Present.
13 RECORDING SECRETARY SUMMERS
14 Johnson, present.
15 Cocksackie, Alvin?
16 MR. ALVIN: Present.
17 RECORDING SECRETARY
18 SUMMERS:
19 Alvin, present.
20 Downstate, Cooper?
21 MS. COOPER: Here.
22 RECORDING SECRETARY
23 SUMMERS:

13

1 RECORDING SECRETARY
2 SUMMERS:
3 Nelson, present.
4 Forest Rangers, Carlson?
5 MR. CARLSON: Here.
6 RECORDING SECRETARY
7 SUMMERS: Carlson,
8 present. Franklin, Allen?
9 MR. ALLEN: Here.
10 RECORDING SECRETARY
11 SUMMERS:
12 Allen, present.
13 Gouverneur, Korig?
14 MR. KORIG: Present.
15 RECORDING SECRETARY
16 SUMMERS:
17 Korig, present.
18 Gowanda, Howe?
19 MR. HOWE: Here.
20 RECORDING SECRETARY
21 SUMMERS: Howe, present.
22 Great Meadow, Keough?
23 MR. KEOUGH: Here.

15

1 Cooper, present.
2 Eastern, Osterhoudt?
3 MR. OSTERHOUDT: Here.
4 RECORDING SECRETARY
5 SUMMERS:
6 Osterhoudt, present.
7 Edgecombe, Patterson?
8 MR. PATTERSON: Present.
9 RECORDING SECRETARY
10 SUMMERS:
11 Patterson, present.
12 Elmira, Rice?
13 MR. RICE: Here.
14 RECORDING SECRETARY
15 SUMMERS:
16 Rice, present.
17 Fishkill, Murphy?
18 MR. MURPHY: Here.
19 RECORDING SECRETARY
20 SUMMERS:
21 Murphy, present.
22 Five Points, Nelson?
23 MR. NELSON: Here.

14

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

16

1 Hudson, Relyea?
 2 MR. RELYEA: Here.
 3 RECORDING SECRETARY
 4 SUMMERS:
 5 RELYEA, present.
 6 ISO's, Ohms.
 7 MR. OHMS: Here.
 8 RECORDING SECRETARY
 9 SUMMERS: Ohms, present.
 10 Kirby Forensic,
 11 Stewart.
 12 MR. STEWART: Here.
 13 RECORDING SECRETARY
 14 SUMMERS: Stewart,
 15 present. Lakeview Shock,
 16 Gruber?
 17 MR. GRUBER: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Gruber, present.
 21 Lincoln, Addo?
 22 MS. ADDO: Here.
 23 RECORDING SECRETARY SUMMERS

17

1 MR. MULLEN: Here.
 2 RECORDING SECRETARY
 3 SUMMERS: Mullen, present.
 4 Moriah Shock, Trombley?
 5 MR. TROMBLEY: Here.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Trombley, present.
 9 Ogdensburg, Cox?
 10 MR. COX: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Cox, present.
 14 Orleans, Allen?
 15 MR. ALLEN: Here.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Allen, present.
 19 Otisville, Hawkes?
 20 MR. HAWKES: Here.
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 Hawkes, present.

19

1 Addo, present.
 2 Livingston, Harrison?
 3 MR. HARRISON: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Harrison, present.
 7 Marcy, Roberts?
 8 MR. ROBERTS: Here.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Roberts, present.
 12 Mid Hudson Forensic,
 13 Ogorzaly?
 14 MR. OGORZALY: Here.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Ogorzaly, present.
 18 Mid State, McGowan?
 19 MR. MCGOWAN: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 McGowan, present.
 23 Mohawk, Mullen.

18

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

20

1 Smith, present.
2 SSO Northern region, no
3 rep. SSO Southern Region,
4 Henderson?
5 MR. POMALES: Pomales.
6 RECORDING SECRETARY
7 SUMMERS: SSO Southern,
8 Pomales, present. SSO
9 Western Region, Compton?
10 MS. COMPTON: Here.
11 RECORDING SECRETARY
12 SUMMERS:
13 Compton, Present.
14 Security Officers,
15 Tonney V.
16 MR. VIARCCHARILLI:
17 Here.
18 RECORDING SECRETARY
19 SUMMERS: Tonney V,
20 present. Security service
21 Assistant, Schiavone?
22 MR. SCHIAVONE:
23 Present.

21

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

23

1 RECORDING SECRETARY
2 SUMMERS: Schiavone,
3 present.
4 Shawangunk, Scott?
5 MR. SCOTT: Here.
6 RECORDING SECRETARY
7 SUMMERS:
8 Scott, present.
9 Sing Sing, Paroline?
10 MR. PAROLINE: Present.
11 RECORDING SECRETARY
12 SUMMERS:
13 Paroline, present.
14 South Port, Deburgomaster?
15 MR. DEBURGOMASTER: Here.
16 RECORDING SECRETARY
17 SUMMERS:
18 Deburgomaster, present.
19 Sullivan, Bell?
20 MS. BELL: Here.
21 RECORDING SECRETARY
22 SUMMERS:
23 Bell, present.

22

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

24

1 I would like to go into
2 executive session to have
3 approval of the executive
4 session minutes for the
5 December 2018 EA. Willing
6 to accept that to get
7 these minutes approved?
8 All in favor?

9
10 (All respond with aye.)

11
12 RECORDING SECRETARY
13 SUMMERS: Any opposed?

14
15 (No response.)

16
17 RECORDING SECRETARY
18 SUMMERS: I'd like to go
19 into executive session.
20 If you're not a sitting
21 chief that votes, could
22 you please step out for a
23 minute.

25

1 SUMMERS: Any Opposed?

2
3 (No response.)

4
5 RECORDING SECRETARY
6 SUMMERS: Thank you. Call
7 them back in. Thank you.
8 The March assembly minutes
9 have been published. Are
10 there any corrections?
11 Seeing none, the minutes
12 are approved. Thank you.

13 PRESIDENT POWERS: We
14 have two valor awards.
15 Scott?

16 VP CENTRAL CARPENTER:
17 Good afternoon. Officer
18 Andre, Officer Alan Andre
19 from Watertown is getting
20 a valor award.

21 During the early
22 evening hours of April 2nd
23 of this year, Officer Alan

27

1
2 (Whereupon, nonvoting
3 members then exited the EA
4 room.)

5
6 RECORDING SECRETARY SUMMERS
7 The minutes have been
8 published and were
9 available at the NYSCOPBA
10 main office for you to
11 review. I'm going to ask
12 if you're in favor to
13 accept the executive
14 minutes.

15 Any corrections?
16 Seeing none, minutes are
17 approved. I need consent
18 to go back into regular
19 session. All in favor?

20
21 (All respond with aye.)

22
23 RECORDING SECRETARY

26

1 Andre from Watertown
2 Correctional facility was
3 in his apartment watching
4 television. He heard a
5 loud argument coming from
6 outside. He went to a
7 window and looked out to
8 see what was going on, and
9 saw a male and a female in
10 a heated argument.

11 He also observed the
12 female was holding a ten
13 to twelve inch metal ice
14 pick or screwdriver in her
15 right hand, and that both
16 of them were arguing in a
17 heated exchange.

18 The training and
19 observations skills led
20 him to become concerned
21 for the safety of the
22 male. At this point he
23 retrieved his off-duty

28

1 weapon, when he looked out
2 the window again, the male
3 and female were clinched
4 and struggling with each
5 other.

6 As their argument
7 escalated to a physical
8 confrontation, the male
9 attempted to prevent the
10 woman from hitting him
11 with the weapon that she
12 had in her hands.

13 Officer Andre ran
14 outside, gave verbal
15 direction to stop fighting
16 and also gave the male
17 direction to get on his
18 knees and place his hands
19 behind his head. The male
20 complied with his
21 direction, but the female
22 got to her feet and turned
23 to face Officer Andre.

29

1 police directions.

2 Officer Andre's actions
3 on this date prevented
4 serious injury to either
5 party and was able to
6 control the situation from
7 escalating further. He
8 exemplified his calm
9 demeanor in the face of a
10 calamitous situation and
11 truly defines a
12 professionalist as a New
13 York State corrections
14 officer. We thank you
15 today.

16
17 (All applause and
18 standing ovation.)
19

20 PRESIDENT POWERS:
21 Mike?

22 VP MID-HUDSON MAZZELLA:
23 Good afternoon. So I

31

1 She was verbally abusive
2 toward him, began to
3 advance towards him and
4 the weapon which was
5 laying on the ground.

6 Officer Andre gave
7 several more commands for
8 her to stop, which she did
9 but refused to get on her
10 knees or follow any more
11 direction. Officer Andre
12 maintained his defensive
13 status and was able to
14 call 911 on his personal
15 cell phone. He continued
16 to maintain his defensive
17 status with his weapon
18 drawn until Watertown
19 police arrived on scene,
20 at which time he
21 identified himself to the
22 police as a corrections
23 officer and follow the

30

1 received this document, it
2 says, I'd like to
3 recommend CO Cleary for an
4 accommodation. On 4/23/19
5 at approximately 7:50 p.m.
6 I was eating an apple on
7 the JS unit and began to
8 choke on the piece of
9 apple. It became apparent
10 to Officer Cleary that I
11 was unable to clear the
12 piece of apple on my own.
13 He immediately came to my
14 assistance and performed
15 the textbook Heimlich
16 Maneuver, clearing my
17 blocked airway of the
18 apple piece. I can not
19 thank Officer Cleary
20 enough. When he saw a
21 fellow staff member in
22 trouble, Officer Cleary
23 responded quickly and

32

1 through his training, took
2 immediate actions to save
3 my life.

4 So we would like to
5 present a plaque and a
6 check to Officer Cleary.
7 Unfortunately, Officer
8 Cleary could not be here
9 today. So in his place
10 we'll ask the chief
11 steward from Coxsackie to
12 come up and accept on his
13 behalf.

14
15 (All applause.)

16
17 PRESIDENT POWERS:
18 Move into the President's
19 report. A lot transpired
20 since I last addressed
21 this Assembly. First and
22 foremost, the Executive
23 budget for the fiscal year

33

1 which did not sit well
2 with the Governor's
3 office, nor with the
4 Department of Corrections.

5 I specifically called
6 out the Governor, the
7 legislature and the
8 administration for their
9 mutual decision to make
10 New York's extremely
11 dangerous prison system
12 even more dangerous. And
13 I'll continue to call out
14 those regardless of their
15 state title or position,
16 who make decisions that
17 put our members in harms
18 way. And if those folks
19 get angry, so be it.

20 We'll continue to fight
21 the fight that we need to
22 fight continually in our
23 facilities. As we've been

35

1 2019 and 20 has been
2 enacted.

3 With the budget's
4 enactment, the Governor's
5 been given authority to
6 close up to three prisons
7 in the current fiscal
8 year. There have been
9 whispers for quite some
10 time that the dropping in
11 inmate population would
12 lead to more prison
13 closures.

14 Sadly, now this is a
15 reality. On March 29th,
16 2019 when it became
17 apparent that the closure
18 authority was going to be
19 incorporated into the
20 executive budget, I
21 directed our PR firm to
22 disseminate and address a
23 press release statewide

34

1 saying for several months,
2 the legislator has been
3 moving full steam ahead
4 with the efforts to pass
5 HALT.

6 Our professionals have
7 been directed to do
8 everything to their power
9 to slow and prevent this
10 process. And through
11 their efforts and those of
12 the Executive Board,
13 we were successful in
14 keeping HALT from being
15 enacted as part of the
16 Executive Budget.

17 Make no mistake, there
18 are a handful of
19 initiatives that this
20 legislator insist had to
21 be part of the final
22 budget and HALT was at the
23 top of that list. A

36

1 victory no doubt, but our
2 fight is clearly not over
3 since the newly elected
4 Democratic Senate, and
5 inmate advocates continue
6 to push for HALT.

7 Their efforts at times
8 are down right
9 disgraceful,
10 misrepresenting what an
11 SHU is in an effort to
12 gain public sympathy for
13 their cause. It's
14 important for everyone to
15 understand that we fight
16 against these
17 misrepresentations every
18 single day and on multiple
19 fronts.

20 Our professionals
21 interact daily with the
22 members of the
23 legislature, their staff,

37

1 York State, pointing out
2 repeatedly that there is
3 no such thing as solitary
4 confinement. Not only in
5 New York State, but in the
6 nation.

7 Our legislative
8 director communicates
9 directly with our members
10 in an effort to engage
11 them and unleash them on
12 those that deserve it.
13 Although our backs are up
14 against the wall, we'll
15 continue to fight this
16 fight for every one of our
17 members.

18 Currently, we're
19 dealing with a legislature
20 that seems to have
21 forgotten the hardworking
22 men and women of law
23 enforcement. In many of

39

1 in an effort to dispute
2 them of the false notions
3 being perpetrated by some
4 of the advocates and by
5 some of the democratic
6 leaders.

7 With our lobbyists,
8 your Executive Board,
9 we're addressing the
10 leadership of the
11 legislature and key
12 personnel in the
13 Governor's office in an
14 effort to ensure that
15 cooler heads prevail and
16 that this horrible piece
17 of legislation is
18 prevented from becoming
19 law.

20 We utilize our PR firm
21 in an effort to educate
22 the public on the true
23 realities of SHU in New

38

1 their eyes, the bad guys
2 are the good guys and the
3 good guys are the bad
4 guys. This pain is being
5 felt not just by NYSCOPBA
6 but law enforcement
7 statewide and nationwide.

8 The number of
9 legislative proposals
10 introduced each week
11 seemingly provide benefit
12 after benefit for those
13 incarcerated or accused of
14 crimes is disturbing. And
15 the proposals that seek to
16 protect the interests of
17 law enforcement have
18 slowed to a trickle.

19 However, as a result of
20 our establishing
21 relationships with some of
22 the more moderate members
23 on the new Senate

40

1 Democratic Majority, we've
2 been able to stave off
3 some of the eregious
4 proposals up to this
5 point.

6 But our defensive
7 efforts must continue on a
8 daily basis if we're going
9 to successfully protect
10 the members of NYSCOPBA.
11 You can be assured that
12 this board will continue
13 to do that and we'll
14 direct our professionals
15 to do the same.

16 Finally, we're dealing
17 with the implementation of
18 a recently ratified
19 collective bargaining
20 agreement. I'm sure
21 there's many questions in
22 the field today regarding
23 this. We know there's

41

1 PRESIDENT POWERS:

2 We're going to get into
3 that here.

4 VP MID-HUDSON MAZZELLA:

5 Good afternoon everybody.
6 So, there's been questions
7 out in the field. To
8 answer that one
9 specifically, the way that
10 the MOU reads, which I was
11 attempting to bring it up
12 and get the exact wording,
13 so if you give me a
14 minute, I can.

15 It says, retroactive
16 payments shall be made to
17 current employees who
18 qualify and individuals
19 who retire on or after the
20 effective date of the
21 agreement. So the
22 interpretation of the
23 Department -- not the

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1 many questions about it.
2 I will let the bargaining
3 chairs address some of the
4 specific issues we are
5 facing.

6 We want to ensure that
7 everyone in this room
8 knows we are working to
9 protect the interests of
10 our members with regards
11 to that contract. So if
12 anybody has any questions
13 for me, I'll turn it over
14 to Mike and John. Good?

15 MATT KEOUGH: Matt
16 KEOUGH, Great Meadow. My
17 issue is I have a couple
18 guys that were terminated
19 from a disciplinary issue
20 at the prison. Are they
21 still entitled to the
22 raises and stuff that they
23 get?

42

1 Department, of GOER, the
2 Governor's Office of
3 Employee Relations is that
4 if you were not a current
5 employee or retired as of
6 the ratification date,
7 then you were not entitled
8 to retroactive payments.

9 So if you were
10 terminated prior to
11 ratification, for
12 discipline or if you
13 resigned from the
14 department and did not
15 take another state job,
16 that you are not entitled
17 to retroactive payments.
18 Questions?

19 BILL STICHT: Bill
20 Sticht, Collins. That
21 says the agreement, the
22 agreement goes back to
23 April of '16.

44

1 VP MID-HUDSON MAZZELLA:
 2 Yep, I'll read it again
 3 just so you know where I'm
 4 coming from. It seems to
 5 be the way people are
 6 interpreting the language.
 7 It also seems to be the
 8 way that GOER is
 9 interpreting the language
 10 on their end. Doesn't
 11 necessarily mean that we
 12 agree with it and we are
 13 going to fight certain
 14 aspects of it.
 15 Again, it says
 16 retroactive payments shall
 17 be made to current
 18 employees who qualify and
 19 retirees -- excuse me, who
 20 qualify and individuals
 21 who retired on or after
 22 the effective date of the
 23 agreement.

45

1 leave it so open for
 2 interpretation.
 3 VP MID-HUDSON MAZZELLA:
 4 Because that's what
 5 happened. I don't have an
 6 answer.
 7 VP LAW ENFORCEMENT
 8 HARMON: I'll chime in
 9 real quick. The GOER is
 10 interpreting it this way
 11 for the first time that I
 12 know of. It hasn't been
 13 interpreted that way
 14 previously. That's why
 15 over the last month or so,
 16 there's been a lot of
 17 conversations I know with
 18 our counsel and President
 19 Powers with the second
 20 floor to figure out why
 21 this went this way.
 22 Because the issue we
 23 have is the MOU states as

47

1 So when you break down
 2 the sentence, it says
 3 current employees who
 4 qualify. So when you're
 5 looking at an MOU that
 6 would be the date of
 7 ratification. It says,
 8 and individuals who
 9 retired on the effective
 10 date.
 11 So that's one way to
 12 look at it. Another way
 13 to look at it, is if you
 14 read it altogether and
 15 that's the way that we're
 16 going to try to convince
 17 the second floor that we
 18 believe that they should
 19 all get it.
 20 MR. STICHT: Why did we
 21 not put in writing
 22 specifically who it would
 23 go to then? Why would we

46

1 you know, as we've said,
 2 the pay bill says
 3 something a little
 4 differently and the
 5 payroll bulletin says
 6 something a little
 7 different than that.
 8 So the issue we have is
 9 that the interpretation
 10 coming from GOER to draft
 11 the pay bill which created
 12 the payroll bulletin,
 13 there's some issues. And
 14 we are addressing those
 15 issues with the Governor's
 16 office.
 17 VP MID-HUDSON MAZZELLA:
 18 And also when we discussed
 19 in this room back in
 20 December, the MOU, we were
 21 reading it line for line,
 22 it was actually brought up
 23 in here that the MOU

48

1 didn't mention the retro
2 pay. Because we talked
3 about it right in this
4 room when we said, you're
5 right, we're going to have
6 to get that corrected.
7 But if you remember we
8 talked about how the state
9 didn't want to give
10 anybody retro. And then
11 we got all of NYSCOPBA
12 members -- current members
13 retro, then we had to
14 fight to get retirees
15 retro.

16 And the question that
17 came out of this room were
18 the same questions that
19 were on all our minds was,
20 are retirees going to get
21 the retro. And we
22 emphatically said yes,
23 because we know that all

49

1 retirees are going to get
2 the retro.
3 Now, GOER is trying to
4 distinguish between
5 somebody who retired from
6 DOCCS and somebody who
7 retired from another state
8 job or county job or
9 wherever, and that's where
10 we're at.

11 There's probably
12 information that I'd like
13 to share with you guys
14 about some of these other
15 types of reservations that
16 we cannot have on the
17 record at all. There
18 cannot be any record.

19 DOUG WESTERVELT:
20 Westervelt, South Port.
21 That's the problem we
22 have, because in December
23 you didn't give this body

50

1 all the true answers. So
2 you even just said it, it
3 wasn't in December but
4 then when did you find out
5 that it happened? And why
6 wouldn't you guys as
7 negotiating chiefs come
8 out here -- that's pretty
9 important. And you pushed
10 the contract through to
11 get it out to be ratified
12 and voted on to our
13 memberships, and you
14 didn't even give them all
15 the true information.

16 VP MID HUDSON MAZZELLA:
17 We gave them all the true
18 information.

19 DOUG WESTERVELT: No
20 you didn't. How can you
21 come out different in
22 December and then come out
23 different later a couple

51

1 months later?

2 VP LAW ENFORCEMENT
3 HARMON: We just said,
4 GOER is interpreting it
5 this way. We didn't have
6 that interpretation from
7 GOER at all. Did not have
8 that interpretation from
9 GOER.

10 DOUG WESTERVELT: Never
11 ever? Never got new
12 paperwork --

13 VP LAW ENFORCEMENT
14 HARMON: No. The only
15 thing in the MOU, what's
16 in the MOU that was sent
17 out to all the members had
18 6G in it. So if 6G is not
19 in it, nobody is getting
20 retro.

21 DOUG WESTERVELT:
22 Exactly, so 6G just showed
23 up?

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VP LAW ENFORCEMENT
HARMON: No. 6G was
talked about on December
12th to the body in
executive session, and it
was said that that had to
be in there. And that's
what was explained; what
went out to the membership
had 6G in it.

DOUG WESTERVELT: As
far as going off the
record, me personally, I
think you're all crazy if
you volunteer to do that.
Because as you can see we
go off the record and shit
hits the fan. The people
get paid extra money
because it was discussed
off the record.

VP LAW ENFORCEMENT
HARMON: Who got extra

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money?

DOUG WESTERVELT: We're
not getting into that now,
we'll get into it later.

VP LAW ENFORCEMENT
HARMON: No, let's get
into it now. You made the
allegation.

DOUG WESTERVELT: You
don't need to go --
listen --

VP MID-HUDSON MAZZELLA:
Doug, just finish what you
have to say. Just finish.

DOUG WESTERVELT: Don't
give me the eyeball.
Don't give me the eyeball.

VP MID-HUDSON MAZZELLA:
All right. All right.

PRESIDENT POWERS: Keep
this in order.

DOUG WESTERVELT: I
think you need to keep the

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subject matter on the
record.

VP MID-HUDSON MAZZELLA:
So you guys know the
information that I'd like
to discuss cannot be on
the record, because --
let's just say it's
information we don't want
out in the public in any
sense of the word.

So, if you want me to
talk about it, I will make
the motion to go off the
record. And if you want
to talk about it, then go
off the record. If you
want to not talk about it,
then don't go off the
record. Simple.

MATT KEOUGH: Matt
KEOUGH, Great Meadow. I'm
looking for guidance, what

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do I tell my people that
are asking the questions
because they work for the
State of New York in 2016
and they worked for the
State of New York in 2017,
then they were suspended
for sixteen months and
then they were terminated.

Are they entitled to
their raises from 2016 and
2017 or not, because I
don't have an answer and I
don't like not being able
to give my people an
answer.

VP MID-HUDSON MAZZELLA:
Governor's office of
Employee Relations say no,
they are not getting
retro.

MATT KEOUGH: How about
employees that resigned to

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1 another state job?

2 VP MID HUDSON MAZZELLA:
3 If they resigned to
4 another state job, then
5 they are getting retro,
6 according to conversations
7 we've had with the
8 Governor's Office of
9 Employee Relations.

10 MATT KEOUGH: But the
11 employees that worked for
12 the State of New York in
13 2016, 2017 but were
14 disciplined and got
15 terminated, they aren't
16 entitled to those two
17 years of retro pay.

18 VP MID-HUDSON MAZZELLA:
19 Correct. It's not an
20 entitlement, it was a
21 negotiated agreement. So
22 here is the other thing
23 that you look at with

57

1 those negotiations.

2 So the retro piece, the
3 state put a price on 25.5
4 million dollars, I think
5 it was. They were looking
6 to get rid of retro for
7 everybody because that's
8 the cost of hazardous duty
9 pay for everybody is 28.8
10 million dollars.

11 So they want to get rid
12 of retro altogether --

13 MATT KEOUGH: They
14 should have settled with
15 us in a timely manner.

16 VP MID-HUDSON MAZZELLA:
17 So we went back and forth
18 with the mediator,
19 remember we were in
20 mediation at the time,
21 we were not sitting down
22 with the state when this
23 all came about. This was

58

1 in the mediation portion,
2 where both the state and
3 the negotiating team was
4 separate.

5 So it was the mediator
6 that came to us and said,
7 hey listen, they don't
8 want to do any retro, it's
9 going to be twenty-five
10 million dollars. And we
11 argued no, no, there will
12 be retro or there will be
13 no deal. Then he came and
14 he said okay, we'll do
15 retro, but not for
16 retirees. And we said
17 we're not walking out of
18 this room unless our
19 retirees get retro.

20 And he came back and he
21 said, all right, after two
22 hours, two and half hours
23 of waiting while the

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1 negotiators were on the
2 phone with the Division of
3 Budget, he came back and
4 said, all right, that's
5 been taken care of, your
6 retirees are going to get
7 retro.

8 So that was foremost on
9 everybody's mind. Now, if
10 you want to say it was a
11 mistake that we didn't
12 think about guys that
13 resigned the position and,
14 you know, took another
15 Article 15 retirement; you
16 can possibly view it as
17 that.

18 But -- yeah, possibly.
19 Who said that? Who
20 whispered that? Again, we
21 made sure that our members
22 were taken care of. Our
23 current members.

60

1 DOUG WESTERVELT:
 2 They're all our members.
 3 They're still our members.
 4 VP MID HUDSON MAZZELLA:
 5 You can sit there and yell
 6 from the back of the room.
 7 But I'll tell you what,
 8 either get up to the mic
 9 or step out of the back of
 10 the room and go outside in
 11 the hallway.
 12 DOUG WESTERVELT: Oh,
 13 that's your answer.
 14 VP MID HUDSON MAZZELLA:
 15 That's my answer to you.
 16 MATT KEOUGH: I'm done,
 17 you gave me my answer. I
 18 have to tell two guys that
 19 worked for two years for
 20 the State of New York
 21 they're not getting any
 22 back pay.
 23 VP MID-HUDSON MAZZELLA:

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1 provides them, or what our
 2 terms are that provides
 3 them.
 4 Those people, they
 5 still come to my meetings.
 6 They still participate.
 7 VP MID-HUDSON MAZZELLA:
 8 Are they retiree chapter
 9 members or something?
 10 MR. GUEST: No.
 11 VP MID HUDSON MAZZELLA:
 12 Why would they come to
 13 your meetings or
 14 participate if they're not
 15 members of NYSCOPBA?
 16 MR. GUEST: Because
 17 they spent thirty years in
 18 the Department of
 19 Correction and it's still
 20 important to them. They
 21 still come to the
 22 meetings. They still
 23 voice their opinions.

63

1 Unfortunately, but yes.
 2 MR. GUEST: Guest,
 3 Gowanda. As you can
 4 imagine, I'm taking a lot
 5 of push-back from the
 6 members, retirees, who
 7 were active members, dues
 8 paying members. I don't
 9 understand why.
 10 You live under a
 11 contract for a certain
 12 amount of time. How does
 13 one paragraph just
 14 eliminate these people's
 15 ability to be compensated?
 16 I have a lot of people all
 17 over me. Article 17,
 18 which allows us as
 19 correction officers who
 20 have thirty years and
 21 they're fifty-five to
 22 resign, to get a better
 23 pension than what NYSCOPBA

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1 Bettering yourself, I
 2 don't believe should
 3 eliminate them from thirty
 4 years in the Department of
 5 Corrections.
 6 And they're asking me
 7 for answers and I don't
 8 have them. So, I guess
 9 what I would first and
 10 foremost, I would like to
 11 find out, okay, yes,
 12 there's language in there.
 13 Who was supposed to
 14 protect us from that
 15 language? Who are the
 16 paid people who are
 17 supposed to explain things
 18 and tell all of us exactly
 19 what's going on?
 20 VP MID-HUDSON MAZZELLA:
 21 That would be us, but you
 22 knew the answer to that
 23 question before you asked

64

1 it?

2 MR. GUEST: It's not
3 you. It's the lawyers who
4 are supposed to be the
5 ones guiding us through
6 this process.

7 VP MID-HUDSON MAZZELLA:
8 Absolutely. The lawyers
9 are not the ones that are
10 supposed to explain things
11 to the members.

12 MR. GUEST: I don't
13 think we are going to win
14 a failure to represent
15 suit. We have never had a
16 process in the past where
17 we were eliminated from
18 living under a contract
19 and being compensated for
20 that contract.

21 VP MID-HUDSON MAZZELLA:
22 Just so you know it's not
23 a right either. As far as

65

1 you --

2 MR. GUEST: I'm talking
3 about legality. We are
4 going to go bankrupt.
5 This quite readily could
6 be the end of NYSCOPBA.

7 VP MID-HUDSON MAZZELLA:
8 I doubt that very highly.

9 MR. GUEST: I do not.
10 Because I can not stand
11 here and tell my members,
12 hey, stick in there, stick
13 in there, we're going to
14 weather it.

15 VP LAW ENFORCEMENT
16 HARMON: Tom, not to cut
17 you off, but the one thing
18 you need to understand is,
19 just to use the Article 15
20 retirees, that group of
21 people, we are in
22 conversation with the
23 Governor's Office to try

66

1 to remedy that.

2 Because this is the
3 first time that the word
4 retiree was interpreted by
5 GOER of those who only
6 retired from NYSCOPBA.
7 That's how the Governor's
8 Office of Employee
9 Relations is doing it.
10 That's their
11 interpretation. That was
12 not the interpretation I
13 can tell you of us in
14 December or January, and
15 February. That wasn't --
16 that's not the
17 interpretation that I had.

18 MR. GUEST: I don't
19 know how to satisfy my
20 members, even if they
21 chose to resign and better
22 themselves in a financial
23 position towards

67

1 retirement. They're still
2 my members. They were
3 there before me, they
4 still come and talk to me.

5 And I was directed by
6 my members, active members
7 and retiree members to go
8 voice the dissatisfaction
9 of, we don't know.
10 There's a feeling of that
11 the ball was dropped
12 somewhere. How was there
13 not protective language
14 put in to this contract?
15 How did the lawyers not
16 look at it and say, you
17 know, that paragraph
18 possibly needs a couple
19 extra sentences?

20 And I have to go back
21 to them. I mean, all of
22 us in this room, we all
23 have to go back to them,

68

1 we all should go back to
2 them and give them
3 answers.

4 So I'm asking for
5 answers, clarifications,
6 things.

7 VP MID-HUDSON MAZZELLA:
8 The only answer we can
9 give when it comes to the
10 particular members that
11 you're talking about or I
12 should say ex-members,
13 because that's what they
14 are.

15 MR. GUEST: They are
16 members. They lived under
17 the years of the contract.

18 VP MID-HUDSON MAZZELLA:
19 Other than that, what I'm
20 saying is the only answer
21 we can give them now is
22 that if they retired and
23 took another state job or

69

1 already --

2 VP MID-HUDSON MAZZELLA:
3 They're not going to win.
4 MR. GUEST: They were
5 members, if they were
6 members, if they left
7 January 24th they were
8 members until January
9 24th. They should have
10 been afforded some type of
11 protection language within
12 that contract.

13 VP MID HUDSON MAZZELLA:
14 If they resigned prior to
15 ratification, what I'm
16 saying is we will have to
17 fight for those guys
18 individually if they don't
19 get the checks. If they
20 want to sue, let them sue.
21 They're not going to win.

22 MR. GUEST: They will
23 win.

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1 a county job or work for
2 the school district
3 driving a bus for three
4 days, whatever it was that
5 got them that additional
6 ten to seventeen years or
7 more, we will have to
8 fight their cases
9 individually if they do
10 not get retro.

11 MR. GUEST: No, we're
12 not going to fight
13 anything. They are going
14 to sue us for failure to
15 represent.

16 VP MID-HUDSON MAZZELLA:
17 They're not going to sue
18 us.

19 MR. GUEST: I know
20 they're going to sue us.

21 VP MID HUDSON MAZZELLA:
22 They're not going to win.

23 MR. GUEST: They've

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1 VP MID HUDSON MAZZELLA:
2 They're not going to win
3 because the reason is they
4 were working under an
5 expired contract then.

6 MR. GUEST: We didn't
7 protect them. I'm just
8 saying we did not.
9 They're members. Just
10 because they chose a
11 different path at the end
12 does not exclude the 30
13 years they paid dues.

14 VP MID HUDSON MAZZELLA:
15 Understood.

16 MR. GUEST: I believe
17 there should be some
18 clarification from the
19 attorneys and if we could
20 have that opinion, why
21 that language that was --
22 why there was not
23 protective language. It

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1 was specifically directed
2 by my members for me to
3 ask. Where was the
4 negotiating professionals,
5 the lawyers during this,
6 that we did not have any
7 protective language within
8 that that gave us a legal
9 standing that would
10 protect our people?
11 That's it. So could I
12 possibly have Erin come up
13 and --

14 VP MID-HUDSON MAZZELLA:
15 Erin may not be able to
16 answer that question,
17 because number one --

18 MR. GUEST: That is --

19 VP MID-HUDSON MAZZELLA:
20 Let me finish. Because
21 number one, she was not
22 not in the room. Number
23 two, John Scotio was

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1 Executive Assembly? Is
2 this not the governing
3 body of NYSCOPBA?
4 Shouldn't anyone
5 applicable to address any
6 of the issues we bring
7 forth should be here.

8 I understand Bill
9 retired. But how does the
10 replacement not have any
11 type of counsel for us to
12 tell our members what it
13 is that they need, what is
14 it they can do? What can
15 we do for them.

16 VP MID HUDSON MAZZELLA:
17 So, you're saying you
18 submitted in advance that
19 you wanted one of them
20 here to --

21 VP WEST MIANO: I did,
22 Mike. I sent an e-mail to
23 the Board and to all the

75

1 there. Bill Sheehan
2 was --

3 MR. GUEST: We had a
4 different negotiating
5 team --

6 VP MID-HUDSON MAZZELLA:
7 All right. Are you going
8 to let me finish talking
9 or are you going to keep
10 stepping on me?

11 MR. GUEST: I'm going
12 to listen.

13 VP MID-HUDSON MAZZELLA:
14 So, Bill Sheehan who
15 retired was present. And
16 Steve Isaacs was present,
17 which everybody in this
18 room wanted Steve part of
19 that as well. So, none of
20 those three are here to
21 give you that explanation.

22 MR. GUEST: What is it
23 that we do here at the

74

1 parties that were involved
2 to be here for this
3 conversation. Remember?
4 I sent that e-mail out
5 about two weeks ago?

6 MR. GUEST: I'm not
7 here looking to start a
8 fight. I want to calmly
9 talk about this but I
10 believe there should be a
11 legal opinion given.
12 Because my members
13 directed me to come here
14 to be able to come back
15 and give them an answer
16 why do we feel we were
17 failed.

18 What do the lawyers do
19 specifically to give us
20 protective language in
21 that contract? And why --
22 this is the first
23 question, what the fuck

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1 Tom, are you kidding me.
2 These people either didn't
3 read it or didn't care.
4 They either held it from
5 us, they didn't tell us or
6 they didn't care.

7 So I need to go answer
8 that question. I have
9 members constantly in
10 communication with me. I
11 listen to them. I'm
12 trying to bring back what
13 I can to them. I don't
14 want an argument. I don't
15 want to deteriorate, but I
16 need -- I will tell you I
17 need to be able to say I
18 asked the attorneys.

19 And if I can't bring
20 that back, I don't know
21 what else to do. Because
22 my members who did Article
23 15 they are -- they have

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1 lawyers, they're
2 preparing. The day they
3 don't get paid, they're
4 going to sue us for
5 failure to represent.

6 Let's guess, here are
7 the three parties;
8 NYSCOPBA, the
9 State of New York, and our
10 attorneys. Which three of
11 those do you think is
12 going to pay? Because
13 they will win.

14 VP MID-HUDSON MAZZELLA:
15 I think none of them.

16 MR. GUEST: The past
17 language, the past
18 practice --

19 VP MID-HUDSON MAZZELLA:
20 Past practice, past
21 language on a negotiated
22 agreement that was
23 ratified by the members.

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1 So if it was ratified by
2 the members, you tell me
3 how in fact you're going
4 to have a failure to
5 represent, when the
6 language --

7 MR. GUEST: Because we
8 didn't protect the members
9 who were covered under the
10 terms of the contract.

11 VP MID-HUDSON MAZZELLA:
12 All right. We're not
13 going to argue --

14 MR. GUEST: Can I have
15 a legal opinion at this
16 point? If I go back,
17 I will not be a chief at
18 this next election in
19 July. If I go back and
20 say we don't have a legal
21 opinion and I couldn't get
22 one, I'm not going to be
23 reelected in my facility.

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1 And I expect that from my
2 members. I expect them to
3 shit can me if I can't
4 give them answers.

5 VP MID-HUDSON MAZZELLA:
6 I will -- you know what --

7 MR. GUEST: I just want
8 to finish the direction I
9 was given.

10 VP MID-HUDSON MAZZELLA:
11 All right. Your concern
12 was brought to us and we
13 will get you an answer.

14 MR. GUEST: Can I have
15 a legal opinion please?

16 VP MID-HUDSON MAZZELLA:
17 We'll get an attorney --
18 we'll get Erin up here for
19 the legal opinion.

20 ERIN PARKER: I heard a
21 few different questions.
22 So could you let me know
23 exactly which question you

80

1 want an answer for?

2 MR. GUEST: First of
3 all, these members lived
4 under our contract. If I
5 hire you to mow my lawn
6 for twenty bucks and I
7 give you fifteen bucks,
8 isn't that a breach of a
9 contract.

10 ERIN PARKER:
11 Retroactive pay in a
12 collective bargaining
13 agreement is not
14 guaranteed. That is
15 something you actually
16 negotiate. It's not
17 something that retroactive
18 is guaranteed within the
19 ratification.

20 MR. GUEST: But it has
21 been.

22 ERIN PARKER: It has
23 occurred in the past, that

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1 that retro pay has been
2 issued in various
3 different ways in the
4 past, because it's
5 negotiated. So it's not a
6 guarantee.

7 MR. GUEST: Is there
8 any likelihood for a
9 remedy of this?

10 ERIN PARKER: At this
11 moment, the remedies are
12 hard to predict because we
13 don't know in the end who
14 is or is not getting this.
15 We have had conversations
16 about this with GOER, with
17 the Governor's Office,
18 with the budget director.

19 What's interesting is
20 the language in the MOU
21 says what it says. The
22 payroll bulletin was just
23 recently issued and the

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1 payroll bulletin is
2 another entity's opinion
3 upon the retro award and
4 it even reads slightly
5 different than what was in
6 that MOU.

7 So to answer the direct
8 question of can we fight
9 this, it really depends in
10 the end on who ultimately
11 is issued retro and who is
12 not.

13 VP LAW ENFORCEMENT
14 HARMON: You know, the one
15 thing like Erin is saying,
16 we just heard what the MOU
17 says, the pay bill is
18 lengthy but the payroll
19 bulletin -- I was saying
20 the MOU says one thing, we
21 already heard that. The
22 payroll bulletin is
23 lengthy and it specifies

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1 all these different
2 things. But the
3 payroll -- the payroll
4 bulletin that came out
5 week and a half ago, the
6 one piece in here that
7 we're looking at that is
8 different than the pay
9 bill, it says you will
10 receive retro if you were
11 active, leave with pay,
12 leave of absence, or
13 retired from any
14 bargaining at ratification
15 date.

16 So, the question that
17 we have, that we brought
18 up, any bar unit, that is
19 any bar unit, whether you
20 went to Local 100 CSEA or
21 the DPW or wherever you
22 went, so that's an issue
23 that is not in the pay

84

1 bill but the comptroller's
2 office has in the payroll
3 bulletin. Which causes
4 another issue because if
5 you read into what that
6 says, that says one thing,
7 the pay bill says another;
8 and their MOU even says
9 another thing.

10 So whoever is
11 interpreting all of this
12 language that came out of
13 that MOU, that's the issue
14 at hand that we keep
15 saying is if you look at
16 the payroll bulletin with
17 their retro chart, you
18 would think a lot more
19 people are getting paid
20 then we even thought with
21 the pay bill.

22 We actually don't know
23 that probably until May

85

1 23rd, because they're the
2 ones that are going to be
3 cutting the check. They
4 don't give us a list of
5 who is cutting checks. I
6 can give you an idea, we
7 have to put -- Stephanie
8 had to do all the weeks of
9 work to get in all the
10 members into that
11 database, to go off of
12 OSC's computer to make
13 sure the numbers jive.

14 And so, we're under the
15 assumption that more
16 people are going to be
17 paid. But we don't know
18 that because we don't know
19 actually how OSC
20 interpreted any bargaining
21 unit. Pretty much any
22 person with Article 15, I
23 would say over 90 percent

86

1 of them or more went into
2 other bargaining unit,
3 whether it's a local CSEA,
4 SEIU, Teamsters, whatever
5 it may be; and they
6 retired from one of their
7 items.

8 So when you look at
9 this what it says in the
10 pay bulletin, you know, I
11 would say there's an
12 argument against what GOER
13 is saying.

14 MR. GUEST: I believe
15 there is an argument. I
16 believe they should be
17 compensated. I'm trying
18 to get answers of where --
19 how can we get this for
20 these people. I
21 understand they are no
22 longer members but they
23 were members during this

87

1 time.

2 VP LAW ENFORCEMENT
3 HARMON: Like Erin was
4 saying, the only way to
5 get that payment, is one,
6 we're going to the second
7 floor to make them
8 understand the issue from
9 the MOU. And they have --
10 we have to get them to
11 make sure when these
12 others are eligible for
13 their retro, that they get
14 a retro check.

15 MR. GUEST: The last
16 topic I'm directed to
17 bring up is the failures
18 of giving up on Spanish
19 language, the failure of
20 giving up on the bag
21 within the contract and
22 the MOU --

23 VP MID-HUDSON MAZZELLA:

88

1 I'm stopping you there,
 2 Dude. You're
 3 calling for --
 4 MR. GUEST: It's a
 5 failure. The members --
 6 VP MID-HUDSON MAZZELLA:
 7 Do you have anything else
 8 regarding this topic that
 9 you would like to bring
 10 up. We're here to talk
 11 about the collective
 12 bargaining agreement, not
 13 what you consider as being
 14 failures. If you want to
 15 bring that up later under
 16 new business, by all
 17 means, go ahead. But
 18 that's not the place for
 19 it right now.
 20 MR. GUEST: So you want
 21 me to tell my members I
 22 accomplished nothing?
 23 VP MID-HUDSON MAZZELLA:

89

1 over the membership's eyes
 2 and that's not the case.
 3 And that needs to end
 4 right now.
 5 VP MID-HUDSON MAZZELLA:
 6 It seems that the newer
 7 contracts that are being
 8 negotiated by all the
 9 bargaining units have some
 10 type of retro limitations,
 11 as far as we can see. As
 12 far as Counsel 82 goes,
 13 we're not a hundred
 14 percent sure what they
 15 discussed because we're
 16 not in the room with them.
 17 So, we do have Keith
 18 coming up that might be
 19 able to answer that
 20 question better, being in
 21 his position.
 22 KEITH JACQUES: I
 23 actually had a

91

1 You accomplished a lot.
 2 There's a lot more meeting
 3 to go, Brother.
 4 MR. GUEST: All right.
 5 VP MID-HUDSON MAZZELLA:
 6 Thank you. Kevin?
 7 KEVIN DONNELLY:
 8 Donnelly, Coxsackie. Are
 9 we the only bargaining
 10 unit dealing with this
 11 situation right now?
 12 VP MID-HUDSON MAZZELLA:
 13 It was my understanding
 14 that UUP also had a --
 15 KEVIN DONNELLY: So
 16 it's not nepharious of
 17 this union? We're not
 18 trying to pull the wool
 19 over anyone's eyes, this
 20 is something coming out of
 21 the state? Because that's
 22 the tone in this room that
 23 the union is pulling this

90

1 conversation this morning
 2 with the state, with their
 3 former legislative
 4 director who was their
 5 legislative director but
 6 one of the vice presidents
 7 for years. He retired a
 8 few months before their
 9 contract was ratified. He
 10 said he's not getting any
 11 retro.
 12 I spoke to Rich Mulvani
 13 who is their counsel who
 14 said there are a lot of
 15 people and we're still
 16 trying to figure it out,
 17 who are not going to get
 18 retro. So, a lot of it is
 19 up in the air. So this
 20 retro issue is not just
 21 specific to NYSCOPBA.
 22 The State Police
 23 bargaining unit is

92

1 actually dealing with it
2 as well. As Mike said UUP
3 is dealing with something
4 even greater than what
5 we're dealing with. I
6 know the answer, hey,
7 we're trying to get as
8 many people covered as we
9 can may not sit well with
10 the people in this room,
11 but for reasons that Mike
12 wanted to get into, the
13 best way to proceed is to
14 try and let us talk with
15 the Governor's Office,
16 talk with the budget
17 director and get as many
18 people covered as we can,
19 before we do anything
20 else.

21 VP LAW ENFORCEMENT

22 HARMON: Tom, just getting
23 back to some of your

93

1 questions, the issue again
2 is in previous contracts
3 the interpretation for all
4 bargaining units was not
5 what they're saying right
6 now. This is I guess
7 across the board, I guess
8 attack, by GOER, on what
9 retroactive means.

10 And until that pay bill
11 came out, was the first
12 time where we're like,
13 what the hell is this.
14 And I can tell you from
15 us, I mean we had
16 conversations with
17 attorneys and our team,
18 the collective bargaining
19 committee came out two
20 weeks ago. And we're
21 like, this doesn't -- this
22 does not mix with what
23 we've been told.

94

1 And now the payroll
2 bulletin -- I can tell you
3 the pay bill does not say,
4 if you retire from any
5 bargaining unit. It does
6 not say that at all. It's
7 a complete departure from
8 what the pay bill says.

9 So, the issue is that
10 this is being changed in
11 morph, depending on who
12 the hell has it. And
13 we're like hold on a
14 second, December 11th,
15 that wasn't the
16 conversation.

17 The conversation we
18 gave to you on December
19 12th was our conversation
20 we had on December 11th,
21 literally ten hours prior
22 to that. That's the
23 issue.

95

1 The issue is who the
2 hell -- we know who is
3 interpreting this, but how
4 is it getting mixed from
5 guy to this guy to this
6 guy. And part of the
7 issue is, is the
8 communication in the
9 administration between
10 this agency is terrible.
11 So the message is being
12 lost from their
13 negotiating team within
14 GOER, within budget, and
15 within OSC. Because
16 everybody is looking at
17 what was -- whoever IS
18 telling them what was
19 Agreed to, everybody is
20 looking at that language
21 differently, too.

22 And the pay bill, just
23 so everybody knows, we

96

1 don't negotiate that.
 2 That is --
 3 KEITH JACQUES: John,
 4 can I just address the pay
 5 bill issue? Because I
 6 know there is some
 7 questions on that, because
 8 as your lobbiest and your
 9 legislative counsel,
 10 whatever you guys want to
 11 call me, we do draft your
 12 legislations. There are
 13 bills we draft that we
 14 specifically review, we
 15 draft corresponding
 16 support memoranda that
 17 accompany bills.
 18 The pay bill is
 19 different. We don't have
 20 anything to do with how
 21 that is drafted. We
 22 receive a copy of it, when
 23 it's ready to be

97

1 VP MID-HUDSON MAZZELLA:
 2 Thanks, Keith. Chuck?
 3 CHUCK THOMAS: Chuck
 4 Thomas, Auburn. Quick
 5 question, you both have
 6 said past practice,
 7 correct?
 8 VP MID-HUDSON MAZZELLA:
 9 No.
 10 VP LAW ENFORCEMENT
 11 HARMON: No.
 12 CHUCK THOMAS: Past
 13 practice everybody got the
 14 money, correct?
 15 VP LAW ENFORCEMENT
 16 HARMON: The
 17 interpretation of retirees
 18 previously was, who cares
 19 how you retired, you got
 20 it.
 21 CHUCK THOMAS: Past
 22 practice, yes? Past
 23 practice for how long?

99

1 published. We received it
 2 probably about an hour
 3 before the assembly
 4 actually voted on it.
 5 VP LAW ENFORCEMENT
 6 HARMON: Actually we got
 7 it, Keith, after it was
 8 already out. I actually
 9 found it on Facebook
 10 before we actually had it.
 11 KEITH JACQUES: It's
 12 our pay bill, the State
 13 Police pay bill and MC pay
 14 bill and the BCI were all
 15 in one piece of
 16 legislation. But the
 17 lobbyiests and the
 18 attorneys that draft
 19 legislation, have nothing
 20 to do with the pay bill.
 21 We don't get to draft it
 22 up or revise it or provide
 23 input to that.

98

1 Just a simple question.
 2 VP MID-HUDSON MAZZELLA:
 3 The simple answer is
 4 whatever retro was
 5 negotiated in past
 6 contracts, I wasn't part
 7 of so --
 8 CHUCK THOMAS: For how
 9 many contracts?
 10 VP MID-HUDSON MAZZELLA:
 11 What was that?
 12 CHUCK THOMAS: For how
 13 many contracts?
 14 VP MID-HUDSON MAZZELLA:
 15 Who knows.
 16 CHUCK THOMAS: How long
 17 has our law firm been
 18 employed for us?
 19 VP MID-HUDSON MAZZELLA:
 20 Probably since 1999.
 21 CHUCK THOMAS: Great.
 22 Can I talk to the lawyer,
 23 please?

100

1 VP MID-HUDSON MAZZELLA:
2 Do you think they're gonna
3 know?

4 CHUCK THOMAS:
5 Absolutely. Because under
6 Labor Law, past practice,
7 the longer it's happened
8 or occurred, the stronger
9 case we have. Therefore I
10 want to talk to a labor
11 lawyer. She's sitting
12 right there.

13 VP MID-HUDSON MAZZELLA:
14 The problem is, we can
15 bring her up. What I'm
16 saying is, the problem is
17 that negotiated agreements
18 does not constitute past
19 practice.

20 CHUCK THOMAS: Bonafide
21 past practice, even if the
22 contract is a violation of
23 a written agreement.

101

1 That's why I want to talk
2 to a labor lawyer.

3 ERIN PARKER: So past
4 practice is function of
5 the Taylor Law. And the
6 concept of past practice
7 is something that is not
8 addressed by a collective
9 bargaining agreement.

10 So when you get into
11 usually we deal with
12 improper practice charges,
13 when the employer
14 unilaterally changes
15 something that existed for
16 a very long time. An
17 improper practice charge,
18 which in laymen's terms
19 might be a violation of a
20 past practice, by the way
21 on something that is a
22 mandatory subject of
23 bargaining, is anything

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1 that exists outside of a
2 collective bargaining
3 agreement. You can't
4 actually --

5 CHUCK THOMAS: Let me
6 ask you something.
7 Anything outside that
8 collective bargaining
9 agreement that was agreed
10 upon by both parties over
11 a period of several times,
12 several years or what,
13 correct?

14 ERIN PARKER: No.

15 CHUCK THOMAS: When you
16 look up the law, I know
17 you're a lawyer.

18 ERIN PARKER: I am.
19 And I'm trying to answer
20 your question.

21 CHUCK THOMAS: I
22 understand but there's a
23 break here because these

103

1 guys are saying past
2 practice.

3 VP MID-HUDSON MAZZELLA:
4 I didn't say past
5 practice.

6 CHUCK THOMAS: Somebody
7 said past practice.

8 ERIN PARKER: If
9 something that is
10 addressed in a collective
11 bargaining agreement or
12 actually any agreement
13 signed by two parties,
14 then the concept of a
15 unilateral change in past
16 practice under the law
17 doesn't exist.

18 PERB, which is where we
19 take the improper practice
20 charge when there's a
21 violation of past
22 practice, has no
23 jurisdiction when there's

104

1 a contract involved.

2 So, you're using the
3 term practice to indicate
4 that the past collective
5 bargaining agreement
6 included a retroactive pay
7 provision that covered
8 more people than it's
9 covering this time.

10 That is not an issue
11 that PERB in a unilateral
12 change of past practice
13 would touch, because it
14 involved an interpretation
15 of an agreement. PERB
16 doesn't touch agreements.

17 CHUCK THOMAS: I
18 understand the agreement
19 portion. I understand
20 unilateral that you're
21 describing. However,
22 again, over so many years
23 that you have been a law

105

1 not filing something

2 regarding past practice.
3 And the answer you're
4 giving me is because we're
5 under contract through
6 negotiations, correct?

7 ERIN PARKER: No. The
8 answer I'm giving you is
9 because PERB does not have
10 jurisdiction on violations
11 of collective bargaining
12 agreements.

13 CHUCK THOMAS: Thanks.

14 ERIN PARKER: You're
15 welcome.

16 MATT KEOUGH: Matt
17 Keough, Great Meadow. So
18 there are people that left
19 under Article 15, where do
20 they stand? Are they
21 members or non members?

22 VP MID HUDSON MAZZELLA:
23 They're not members of

107

1 firm for us as a whole
2 since '99, I believe.

3 ERIN PARKER: I believe
4 as a law firm, yes. Not
5 me personally but --

6 CHUCK THOMAS: Either
7 way, it doesn't make a
8 difference to me. We're
9 looking at twenty years.

10 ERIN PARKER: If you're
11 asking me --

12 CHUCK THOMAS: I'm
13 asking you directly in
14 twenty years this firm has
15 been sitting here going
16 through these agreements,
17 and you're turning around,
18 and now we're looking at
19 past practice. Whether
20 he brought it up, they
21 brought it up or I brought
22 it up, at the end of the
23 day why is the law firm

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1 NYSCOPBA.

2 MATT KEOUGH: When they
3 voted, what were they?

4 VP MID-HUDSON MAZZELLA:
5 If they voted, that means
6 they resigned after
7 ratification, which means
8 they are entitled to
9 retroactive pay.

10 MATT KEOUGH: And the
11 person that was removed or
12 voluntarily resigned but
13 didn't go Article 15.

14 VP MID-HUDSON MAZZELLA:
15 If any of that occurred
16 after ratification, then
17 they get the retro pay.
18 Before ratification and
19 according to GOER and the
20 way they interpret the
21 contract, they do not.

22 MATT KEOUGH: Would
23 they be entitled to their

108

1 union dues back?

2 VP MID-HUDSON MAZZELLA:

3 No, because they were
4 represented by NYSCOPBA
5 during that term. Now
6 we're talking about a
7 negotiated agreement that
8 was resolved after they
9 moving on. While they
10 were active current
11 members, they were
12 entitled to and received
13 all the benefits for the
14 dues that they paid.

15 They were working under
16 an expired contract.

17 That's what happened in
18 expired contract,
19 sometimes they don't get
20 ratified in a timely
21 manner, as we found out.

22 MATT KEOUGH: So if
23 they voted, then they're

109

1 and like we said many
2 times up here now, that if
3 they resigned and went to
4 a county position or some
5 other position, we are
6 still going to fight to
7 try to get them their
8 retro.

9 I'm not going to say
10 they may get it or may not
11 get it, because they we
12 don't know until it
13 happens.

14 DONN ROWE: Rowe, Hale
15 Creek. John, are payroll
16 bulletins out?

17 VP LAW ENFORCEMENT

18 HARMON: Yes.

19 DONN ROWE: Can we get
20 it posted on the website.

21 VP LAW ENFORCEMENT

22 HARMON: It is.

23 DONN ROWE: The last

111

1 entitled to retroactive
2 pay.

3 VP MID HUDSON MAZZELLA:

4 If they were on the
5 payroll, right, if they
6 were on the payroll as of
7 the date of ratification,
8 then -- which would be, I
9 believe, in the pay bill
10 would be --

11 VP LAW ENFORCEMENT

12 HARMON: 1/23.

13 VP MID-HUDSON MAZZELLA:

14 The payroll bulletin says
15 January 23rd. If they
16 were on the payroll as of
17 January 23rd, then they
18 are receiving the retro.
19 If they were not prior to
20 January 23rd, then they're
21 not. Unless of course
22 they resigned and went to
23 another state position,

110

1 payroll bulletin on the
2 last the contract reads,
3 the legislation provided,
4 this is for contract
5 provisions eligibility,
6 April 1st, 2009, general
7 salary increases.
8 Legislation provides for
9 three percent general
10 salary increase for
11 employees who on or after
12 the effective date of the
13 increase, have a status of
14 active leave or pay; or
15 leave of absence due to
16 Workers' Comp or military.
17 And then it goes right
18 down. Does it read the
19 same way?

20 VP LAW ENFORCEMENT

21 HARMON: I believe it
22 reads the same way, the
23 only thing they would put

112

1 was --

2 DONN ROWE: Then they
3 would be entitled to retro
4 pay.

5 VP LAW ENFORCEMENT

6 HARMON: If you haven't
7 seen it, retroactive raise
8 eligibility, it's a chart
9 and it breaks it down how
10 they look. Like, if you
11 guys would like, I'll go
12 through this, how it's
13 interpreted.

14 DONN ROWE: I don't
15 think a lot understand it.
16 I think when we got it, it
17 should have been posted.

18 VP LAW ENFORCEMENT

19 HARMON: I'll get it
20 posted. I actually
21 thought it was posted, my
22 fault. I'll take the
23 blame for that.

113

1 VP MID-HUDSON MAZZELLA:
2 Any other questions? Go
3 ahead, Steve?

4 STEVE MARASCO: Steve
5 Marasco, Shawangunk. As
6 much as I hate to agree
7 with these guys, at the
8 end of the day this body
9 voted to bring that
10 contract to a vote. At
11 the end of the day we can
12 all blame them as much as
13 we want, but if we brought
14 it to back for a
15 ratification and it was
16 approved, it is what it
17 is. And if I got to eat
18 it, believe me, I'm not a
19 happy one. You know what
20 I'm saying? I mean, we're
21 just beating a dead horse
22 in here.

23 VP LAW ENFORCEMENT

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1 HARMON: Kenny?

2 KENNY GOLD: Kenny
3 Gold, Orleans. Say, the
4 language is different in
5 the payroll bulletin, and
6 fighting to make sure
7 everybody gets their
8 money, May 23rd these guys
9 don't get their money.

10 VP LAW ENFORCEMENT

11 HARMON: We need to know
12 who they are.

13 KENNY GOLD: Then what
14 is the course of action?

15 VP MID-HUDSON MAZZELLA:
16 The thing is -- let me
17 jump in. May 23rd is when
18 all active employees are
19 getting the retro,
20 correct?

21 VP LAW ENFORCEMENT

22 HARMON: And then the 29th
23 will be --

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1 VP MID-HUDSON MAZZELLA:
2 So, we have to wait until
3 the retirees start getting
4 their retro to know for
5 sure if somebody did get
6 retro and didn't get
7 retro, and that could take
8 several months. So it's
9 not something that's going
10 to happen by May 24th.

11 KENNY GOLD: Correct.
12 So we can tell our members
13 or non members, this is
14 what -- what is our course
15 of action? What are we
16 going to do when they
17 file --

18 VP MID-HUDSON MAZZELLA:
19 The course of action that
20 we're taking now is having
21 conversation with the
22 Governor's office. We
23 have had conference calls

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1 with the comptroller,
2 Division of Budget. And
3 the last phone call we had
4 with Division of Budget,
5 he said this is above my
6 pay grade pretty much,
7 I'll have to set up
8 another meeting with my
9 people.

10 So Mike Powers has been
11 on the phone every day
12 trying to get that meeting
13 set up so we can get the
14 answers.

15 KENNY GOLD: So when we
16 say we're going to fight,
17 at the end, if it doesn't
18 work then --

19 VP MID-HUDSON MAZZALLA:
20 If we have to go through
21 litigation, we'll go
22 through litigation.

23 KENNY GOLD: But we are

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1 going to do that on behalf
2 of all the Article 15 --

3 VP LAW ENFORCEMENT

4 HARMON: Yes.

5 VP MID-HUDSON MAZZALLA:
6 But that would be a
7 direction that would have
8 to come from this floor
9 first, if it's even
10 allowed. We still have to
11 check -- all right.

12 So what we're saying is
13 our interpretation of the
14 contract is one thing and
15 GOER's interpretation is
16 the other. And the state
17 goes with GOER and doesn't
18 go with our
19 interpretation, we want to
20 know what we can do about
21 that, correct? That would
22 be an answer for an
23 attorney. Keith or Erin?

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1 ERIN PARKER: I
2 apologize, the question
3 is?

4 VP MID HUDSON MAZZELLA:
5 The question is, if our
6 interpretation of the
7 contract is one thing and
8 we're saying because of
9 the way it's worded that
10 Article 15 people should
11 get it; and GOER is saying
12 the way we look at it it's
13 not and they don't get it;
14 what's our legal -- what
15 can we do legally from
16 there to rectify that
17 situation.

18 ERIN PARKER: It will
19 depend a little bit on the
20 individual's actual
21 circumstances. I can tell
22 you right now options that
23 I would think of as a

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1 lawyer for this situation.
2 Is that that memorandum of
3 understanding is a
4 contract. It's signed by
5 two parties.

6 So, enforcement of a
7 contract you think suing
8 on the contract in court,
9 but there are a lot of
10 issues that we would have
11 to look at related to that
12 specific individual about
13 who has standing to sue.
14 Does the individual, does
15 NYSCOPBA? Does NYSCOPBA
16 on their behalf? Does the
17 individual even know
18 they're not a signatory?

19 We think of it as a
20 contract, but it's not a
21 crystal clear answer at
22 this point. And it really
23 will depend on who the

120

1 individual is that didn't
2 get paid. It's very case
3 by case, whether one they
4 want to pursue it
5 depending on their
6 circumstances; and two,
7 exactly what the right
8 course of action will be.

9 SHAWN KEENAN: Keenan,
10 Wende. I keep hearing the
11 term interpretation.
12 Contractual agreement
13 between two parties, the
14 interpretations are gone
15 once we sign and we do the
16 paperwork, correct?

17 VP MID-HUDSON MAZZELLA:
18 You would think.

19 ERIN PARKER: In a
20 legal world when you talk
21 about contracts, you talk
22 about whether the language
23 is clear on its face; and

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1 if it is or isn't clear on
2 its face, then contractual
3 interpretation deals what
4 we call parole evidence.

5 Which is, what was the
6 intent of the parties,
7 what was the intent of the
8 parties based on
9 conversations that
10 occurred at that time;
11 based upon exchanges of
12 proposals at that time.
13 There are avenues that you
14 look at to address what
15 everyone's intent was.

16 SHAWN KEENAN: So GOER
17 not being in that
18 negotiation --

19 ERIN PARKER: They
20 were, yes.

21 VP LAW ENFORCEMENT
22 HARMON: Mike Belaforte
23 was there.

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1 SHAWN KEENAN: So they
2 had a representative that
3 was there, part of that
4 negotiation, so it would
5 have been clear to him
6 during those talks.

7 ERIN PARKER: Keep in
8 mind, there was no direct
9 conversation at that time.
10 There was dealing through
11 a mediator.

12 VP LAW ENFORCEMENT
13 HARMON: In mediation, you
14 don't sit in the same
15 room. They would sit --

16 SHAWN KEENAN: We're
17 talking about an
18 interpretation of each
19 party.

20 VP LAW ENFORCEMENT
21 HARMON: Yes. So the
22 mediator, to tell yo
23 exactly what happened,

123

1 we were arguing about this
2 exact things; retirees.
3 We were saying there's no
4 way in hell we're not
5 going to want our retirees
6 to get paid.

7 The way we thought,
8 exactly how Dorn said, and
9 Tom said, and Dougie said,
10 retirees are retirees,
11 that's the way it's always
12 been treated. We told the
13 mediator we won't have a
14 deal, we're done. Those
15 exact words. We're done.
16 That's exactly what we
17 told this body. We're
18 done if our retirees are
19 not getting paid.

20 Waited for two hours,
21 two and a half hours. I
22 don't know who was here
23 from CBC, somewhere in

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1 that time frame we waited.
2 We actually thought that
3 was it, to be honest with
4 you. We thought that deal
5 would be over and that
6 would be it.

7 Mediator comes in, he
8 goes hey, just to let you
9 no that issue was resolved
10 with the retirees. So the
11 actives and retirees is
12 resolved. So in our mind,
13 in our mind with the
14 mediator saying it's
15 resolved, we think it's
16 resolved. As in, it's
17 resolved the way it's
18 always been forever.

19 Nobody thought any
20 different. Nobody did.
21 The issue again is what's
22 happened over the last
23 month and a half, where --

125

1 because we've been asking
2 this -- I can tell you,
3 not speaking for Keith or
4 Chris or President Powers
5 or Mike and I, whoever it
6 is, we have been asking
7 for that pay bill for
8 months. We wanted to see
9 it, and read it, and
10 digest it before it ever
11 get sent to the state
12 legislature.

13 Well, it didn't work
14 that way because of the
15 budget. So, what happened
16 was all the sudden we
17 get -- literally we found
18 out, we weren't given
19 prior notice for the pay
20 bill at all.

21 We were actually told
22 at one time we were going
23 to get prior notice for

126

1 the pay bill; it didn't
2 happen. They put the pay
3 bill out for everybody,
4 including us, the
5 Troopers, and UUP, all in
6 the same pay bill and
7 said, basically you got it
8 when everybody else got
9 it.

10 So we're left sitting
11 there trying to interpret
12 what the hell does this
13 mean because this isn't
14 exactly what -- so, we're
15 only talking three weeks
16 ago the pay bill came out,
17 three or four weeks ago.
18 It was done in a week
19 basically, ten days I
20 think it was done.

21 You know, so we were
22 left -- and there's no --
23 we don't get the chance to

127

1 review, comment, nor
2 change that pay bill.
3 That is what it is.

4 VP MID-HUDSON MAZZELLA:
5 Thanks, John. Steve?

6 MR. MCGOWAN: McGowan,
7 Mid State. So the wording
8 in this agreement as far
9 as retroactive pay is
10 similar to how it was in
11 our last agreement,
12 correct? With the
13 exception of that -- what
14 you said had that came out
15 after the fact?

16 VP LAW ENFORCEMENT
17 HARMON: The wording in
18 the two payroll bulletins
19 except for this chart they
20 put together, is somewhat
21 similar.

22 MR. MCGOWAN: I'm
23 trying to figure out how

128

1 there can be a different
2 interpretation --

3 VP LAW ENFORCEMENT

4 HARMON: That's our issue
5 as well.

6 MR. MCGOWAN: It
7 doesn't make any sense.

8 VP LAW ENFORCEMENT

9 HARMON: We're saying that
10 the interpretation that's
11 being used, not just for
12 us but for the troopers
13 and everybody else has
14 being morphed, it's its
15 changed what they think
16 the retiree is.

17 MR. MCGOWAN:
18 Realistically, it's
19 already been interpreted.

20 VP MID-HUDSON MAZZELLA:
21 I'm going to cut John off
22 a minute, because I can
23 speak to the same thing

129

1 the retirees; and now
2 they're trying to take
3 retro from people that
4 resigned.

5 So, listen, I'm going
6 to be honest with you, as
7 I always am to the best of
8 my ability sometimes,
9 right? Okay. It's just a
10 joke. The officer that
11 resigns because they had a
12 Q and A scheduled for
13 tomorrow where they're
14 going to be questioned
15 about bringing drugs in to
16 an inmate or having an
17 inappropriate
18 relationship, or whatever
19 reason that they resigned
20 pending issues, which
21 could have been criminal.

22 We've had guys that
23 resigned, they say,

131

1 John is speaking to. I
2 don't recall that there
3 was this language in any
4 other MOU. Because they
5 weren't taking -- they
6 weren't trying to take
7 retro from us in any other
8 MOU, right? They just
9 gave us zero percent
10 increases. So you got
11 your zeros and your zeros.

12 MR. MCGOWAN: Right,
13 but last contract we did
14 get retroactive pay.

15 VP MID HUDSON MAZZELLA:
16 What I'm saying is, I
17 don't believe that they
18 went this route. Okay.
19 They went this route
20 because, like I said, they
21 tried to take retro from
22 all of us, then they tried
23 to take retro just from

130

1 listen, you resign today,
2 we're not going to
3 prosecute, we'll make sure
4 we don't prosecute you for
5 those issues. Do you care
6 if they get retro?

7 MR. MCGOWAN: My
8 primary concern if they
9 didn't retire --

10 VP MID-HUDSON MAZZELLA:
11 My primary concerns are
12 current members, retirees,
13 and the Article 15 guys,
14 we're trying to fight for
15 them. Or even the guys
16 that might have been off
17 of payroll for medical
18 issue, for -- you know,
19 the year comes up and
20 they're being medically
21 terminated, you know.

22 We're trying to get
23 these people covered.

132

1 It's tough to lump
2 resignees as -- I know
3 we're all call it
4 retirees, technically
5 they're resignees. So
6 it's tough for to us to
7 lump them altogether.
8 Because we have no way of
9 knowing by looking at our
10 membership database or by
11 looking at the
12 comptroller's information
13 or even the Department's
14 information, who resigned
15 for what reason.
16 Everybody's resignation
17 letter says, resigned for
18 personal reasons. They
19 don't say resigned because
20 I'm getting a county job
21 and I want to increase my
22 pension.
23 So that's where the

133

1 issue is coming. It's
2 tough to find out who the
3 difference between who
4 resigned under allegations
5 of misconduct or for what.
6 MR. MCGOWAN: I think
7 to me and to a lot of
8 people that work in the
9 compound, it seems like
10 the state is doing
11 everything they have to
12 constantly knock us down a
13 notch. For example, the
14 prison closures they
15 announced. They came out
16 after we ratified our
17 contract with the budget
18 amendment. That is highly
19 offensive. If that had
20 come out before the
21 contract, I doubt that
22 contract would have went
23 through.

134

1 VP MID-HUDSON MAZZELLA:
2 Right.
3 MR. MCGOWAN: I'm just
4 being honest. Seems like
5 everything that they do is
6 to screw with us, it's all
7 about that douche bag
8 Cuomo. Sorry about the
9 douche bag comment. We
10 have to do more to fight
11 this guy.
12 VP MID-HUDSON MAZZELLA:
13 I won't correct you on the
14 douche bag comment.
15 KEVIN DONNELLY: Kevin
16 Donnelly, Coxsackie.
17 Quick question, I just
18 like to ask quick
19 question -- it's actually
20 not a question, I think we
21 got to kind of get into
22 the meats on Article 15,
23 and I do believe we should

135

1 go off the record.
2 VP MID-HUDSON MAZZELLA:
3 Here is the funny thing
4 Kevin, under advice that I
5 was given, which I think
6 is pretty sound advice, if
7 it's something that might
8 be happening out in this
9 great state of ours that
10 we might have knowledge of
11 and we don't report it to
12 certain entities of this
13 state, we could be in
14 trouble ourselves.
15 So if we go off the
16 record and talk about
17 situations, not saying we
18 have any knowledge of on
19 the record and you
20 understand that could put
21 us all in a very bad
22 position.
23 VP WEST MIANO: Joe

136

1 Miano, Western Region VP.
 2 To answer your question,
 3 Mike, I did send -- you
 4 questioned whether or not
 5 the member from Gowanda
 6 requested them I sent the
 7 board an e-mail April 29th
 8 at 11:54 a.m. requesting
 9 the -- sent to the
 10 Executive Board, Keith
 11 Jacques, John Scotio, the
 12 Collective Bargaining
 13 committee, Bill Golderman
 14 to my business agents, Al
 15 Mothershed and Dave
 16 Tesmer.

17 The subject is retro
 18 payments. I am requesting
 19 that all parties involved
 20 with the collective
 21 bargaining of the new
 22 contract attend the EA
 23 April 8th to answer the

137

1 question about who will
 2 and will not receive retro
 3 money. We have received
 4 several calls, some of
 5 which have been
 6 transferred from the
 7 Albany office telling
 8 members to call the
 9 western region. Thank
 10 you. It's sent by me, so
 11 it was requested for
 12 those people to be here.

13 VP LAW ENFORCEMENT

14 HARMON: Joe --

15 VP WEST MIANO: And
 16 none of those people are
 17 here.

18 VP LAW ENFORCEMENT

19 HARMON: Joe, John Scotio
 20 had an arbitration today,
 21 that's why he is not here.
 22 And it's my fault, I did
 23 not contact Steve Isaacs.

138

1 VP WEST MIANO: Okay.
 2 Not one person responded
 3 to me, so I don't like it
 4 when you go after one of
 5 my members requesting
 6 something that was
 7 requested, saying did you
 8 request that. And that's
 9 why I stated, I asked for
 10 it.

11 VP LAW ENFORCEMENT

12 HARMON: Joe, I'll
 13 apologize to the CBC. The
 14 CBC came out today,
 15 whoever is on that
 16 committee. And I knew
 17 John Scotio wasn't going
 18 to be available due to an
 19 arbitration. And we were
 20 not going to hold up an
 21 arbitration proceeding for
 22 the EA. And it is my
 23 fault Steve Isaacs is not

139

1 here. I did not contact
 2 him.

3 AL ZAPPALA: Al
 4 Zappala, Shawangunk. So
 5 to finalize and wrap
 6 things up. Those that
 7 have resigned, you guys
 8 are working on trying to
 9 get an answer. Retirees
 10 will get their money. The
 11 question I have is when
 12 will the retirees that
 13 actually retired get their
 14 money? Do we have a time
 15 frame, because we're going
 16 to meet the --

17 VP MID-HUDSON MAZZELLA:

18 We do not have a time
 19 frame. The comptroller's
 20 office said that they are
 21 working on it, but they
 22 don't have an answer for
 23 us yet. Mike is in

140

1 continued contact with the
2 comptroller's office to
3 try to get those dates.

4 AL ZAPPALA: Thank you.

5 VP LAW ENFORCEMENT

6 HARMON: Tom?

7 MR. GUEST: Guest,
8 Gowanda. Article 15 is
9 not something that should
10 be looked at as shameful
11 or acted above as like
12 somehow there is a scam --

13 VP MID-HUDSON MAZZELLA:
14 Tom, I think you should
15 probably -- we could talk
16 off the record.

17 MR. GUEST: I don't
18 feel that we need to.

19 VP MID-HUDSON MAZZELLA:
20 No, you and I could off
21 the record it you would
22 like about certain
23 situations. I'm not going

141

1 like who got -- like
2 they're resigning because,
3 oh, this guy is in
4 trouble, he's having sex
5 with inmates, that's not
6 the bulk of who I deal
7 with.

8 VP LAW ENFORCEMENT

9 HARMON: That's not the
10 bulk of them.

11 MR. GUEST: I still,
12 even if that person --

13 VP LAW ENFORCEMENT

14 HARMON: Tom, let me cut
15 you off. On average,
16 NYSCOPBA trips out around
17 eighty to a hundred
18 members per month. Eighty
19 percent of those members
20 are retiring from
21 NYSCOPBA. That means
22 they're retiring as an
23 officer.

143

1 to discuss it here in this
2 room.

3 MR. GUEST: I think it
4 should be, but that's
5 fine. The second thing,
6 when we're talking about
7 people who resign --

8 VP MID-HUDSON MAZZELLA:
9 Nobody is villianizing
10 Article 15 guys that do it
11 properly and legally.
12 Nobody is vilifying them.
13 We said --

14 MR. GUEST: These are
15 the people I was sent here
16 to --

17 VP MID-HUDSON MAZZELLA:
18 No, we said we will argue
19 for them; we will fight
20 for them.

21 MR. GUEST: The other
22 thing was when we were
23 disassociating with people

142

1 The twenty that we
2 don't know about are all
3 clumped together. It's
4 deceased, resigned to go
5 work at Wal-Mart, resigned
6 for Article 15, resigned
7 because of disciplinary
8 reasons, terminated
9 because of disciplinary
10 reasons. That group of
11 twenty per month is
12 grouped together.

13 So on average who is
14 over this term, there's
15 been say twenty, some as
16 high as twenty-five, that
17 number has been pretty
18 consistent for the life of
19 NYSCOPBA. That group of
20 twenty percent,
21 twenty-five percent lets
22 say if you want to go
23 high, that is the group of

144

1 people that is being
2 interpreted differently by
3 GOER.

4 VP MID-HUDSON MAZZELLA:
5 Thanks, John. Do we have
6 any questions on there
7 that's of a different
8 nature?

9 MR. GUEST: Just, those
10 people pay dues.

11 MR. MCGOWAN: McGowan
12 Mid State again. What
13 about those that took
14 promotions.

15 VP MID-HUDSON MAZZELLA:
16 Promotions get it.

17 MIKE CARLSON: My
18 seasonal guys, if they
19 were working towards
20 during that time, they
21 would get it. The
22 seasonals that are not
23 working --

145

1 in mind all the brothers
2 and sisters who are
3 working right now. And
4 acknowledge this is the
5 week of correction officer
6 appreciation week.

7 MS. ADDO: Addo,
8 Lincoln. That -- the
9 paper that you had, that
10 we asked, can you make a
11 copy --

12 VP LAW ENFORCEMENT
13 HARMON: It's being
14 blasted out through e-mail
15 to everybody.

16 MS. ADDO: Is it
17 possible that we can get a
18 copy before we leave the
19 EA today or by tomorrow,
20 and get a tangible copy of
21 it? That shouldn't be
22 hard, I've seen you all do
23 it before.

147

1 VP MID-HUDSON MAZZELLA:
2 That's a John question.

3 MIKE CARLSON: You
4 know, I have some guys
5 that --

6 VP LAW ENFORCEMENT
7 HARMON: The seasonals
8 will have their hourly
9 rate recalculated. And
10 upon being rehired for
11 this season they'll get
12 their retro based on
13 previous season.

14 MIKE CARLSON: But if
15 they don't, then they
16 don't get it?

17 VP LAW ENFORCEMENT
18 HARMON: Correct.

19 VP MID HUDSON MAZZELLA:
20 All right. Thank you.

21 PRESIDENT POWERS: Just
22 to acknowledge correction
23 officer week here. Keep

146

1 VP LAW ENFORCEMENT
2 HARMON: It's more like
3 twenty something pages.

4 Okay. Are you talking
5 this page, the one page?

6 MS. ADDO: Yeah.

7 VP LAW ENFORCEMENT
8 HARMON: We can get copies
9 of that.

10 MS. ADDO: That's fine.
11 Thank you.

12 PRESIDENT POWERS: Five
13 minute break.

14 (Recess taken.)

17 PRESIDENT POWERS: All
18 right. We'll get started.
19 Again, Executive Vice
20 president report.

21 EXECUTIVE VP SAWCHUK:
22 Good afternoon. Attended
23 a Women's corrections

148

1 conference in
2 Poughkeepsie. We had the
3 legislative session
4 reception as you know
5 March 19th. Toured
6 Shawangunk March 27th, Mid
7 State on April 3rd.

8 I have had several
9 calls regarding tuition
10 reimbursement and whether
11 it's retroretroactive,
12 when we were out of
13 contract. And it is --
14 that money has not been
15 made available yet. I
16 anticipate it will take
17 several months before that
18 is in place.

19 John and I are
20 committee members with
21 GOER, we will be setting
22 up a meeting, we're in
23 touch with them right now

149

1 to go over guidelines for
2 the QWL funding. I know
3 that there are grant
4 paperwork out there, but I
5 would refrain from filling
6 out all the grant
7 paperwork.

8 I don't know if that's
9 going to be the paperwork
10 going forward until John
11 and I have that meeting.
12 But I can tell you this,
13 at no time should DSA or
14 DSS, or a steward, and I
15 don't mean a steward of a
16 facility, be filling out
17 grant paperwork for
18 NYSCOPBA money.

19 We had an incident at
20 Ogdensburg Riverview that
21 a weather related due to
22 some leaking, I guess,
23 well, there's an insurance

150

1 policy. Check to make
2 sure if you have repair
3 work that's done -- that's
4 weather related or of that
5 nature, check to see if
6 you have insurance on the
7 building with Mary. And
8 you can file a claim for
9 that.

10 But as far as
11 administration filling out
12 paperwork to spend our
13 money the way they want
14 to, that's not gonna
15 happen. So, I'm sure
16 Jimmy and Andy and
17 everybody out that way
18 will be taking care of
19 that, talking to whoever
20 filled out this
21 application for over
22 seventy thousand dollars.

23 So, that's not going to

151

1 happen. Retroretroactive
2 money I was asked, could
3 we reimburse
4 retroretroactive money for
5 microwaves and
6 refrigerators that were
7 purchased when we were out
8 of contract. That answer
9 is no. You took that
10 money out of your sector
11 funding, you can't put a
12 grant in for that and put
13 the money back. It
14 doesn't work that way so
15 that we can't do.

16 Also, someone asked me
17 at the last EA if I had
18 any information on
19 overtime or Workers' Comp.
20 I brought both of those
21 reports with me. I don't
22 remember who asked me, but
23 they're up here if you

152

1 would like to take a look
2 at them.

3 We have had 56 Q and
4 As, for the month of
5 April. As of 5/5/19,
6 there was three hundred
7 seventy-seven inmate on
8 inmate assaults; three
9 hundred and twenty-seven
10 inmate on staff assaults.
11 One thousand, four hundred
12 sixty-two pieces of
13 contraband. And
14 seventy-seven uses of
15 chemical agents someone
16 asked at last EA for that.
17 For the month of April we
18 also under matched, under
19 Cindy Goss, there were 29
20 referrals for treatment.

21 So, that number is
22 climbing which is good
23 because there are people

153

1 without that.

2 I have had several
3 people ask me that here.
4 It's costly. It's
5 extremity costly and I
6 know, John can attest to
7 this, as far as new QWLs
8 being built, that is not
9 going to happen. There's
10 no QWL, no new
11 construction.

12 Current construction on
13 some, I know Cape Vincent
14 just got their building
15 permit on theirs. We're
16 going to do everything
17 possible to make sure that
18 happens. If anybody has
19 any questions on the QWL
20 monies. I will blast out
21 an e-mail to the chiefs as
22 soon as that funding with
23 the application and

155

1 reaching out, using this
2 program to get help for
3 them or a family member.
4 And suicide, that number
5 is rising. So, pay
6 attention to your
7 coworkers at all times.
8 If you see someone's
9 behavior changing or down
10 and out, talk to them,
11 forward them the number,
12 help them out.

13 Also, we were talking
14 as far as what we would
15 like to see under the
16 grant money, under as far
17 as equipment, as far as
18 kitchen. I can tell you
19 this, if you're going to
20 try to redo a kitchen and
21 the QWL that doesn't have
22 fire suppression system,
23 they're not going to do it

154

1 process when I get it, so
2 that way you will have it.
3 All right. Thank you.

4 PRESIDENT POWERS:

5 Treasurer, Frank.

6 TREASURER GILBO: Good
7 afternoon. Treasurer's
8 report. Total cash, ten
9 point zero eight million.
10 Rainy Day, four hundred
11 and seventy-seven
12 thousand. Legal defense
13 two point five seven
14 million. Unrestricted
15 bonds, five point nine
16 eight million. Restricted
17 bonds, one point seven
18 five million. General
19 ops, eight hundred
20 fifty-nine thousand. PAC
21 fund, 201 thousand.

22 Now, I handed a flyer
23 out to Sergeant-at-arms to

156

1 hand the flyer out with
2 profit and loss, the
3 latest profit and loss.
4 And I want you to note on
5 the arbitration, Triple A
6 comes up with a -- charged
7 us almost forty-eight
8 thousand more this year
9 because the two other
10 elections that were
11 supposed to happen that
12 day did not happen, they
13 canceled. So they charged
14 us for the whole day which
15 would have cost them their
16 cost.

17 We're trying to fight
18 it, it's out to the
19 lawyers. But right now
20 it's -- they don't think
21 there's anything they can
22 do because of the fine
23 print, any extra costs.

157

1 last week but in case you
2 didn't see it, I just
3 thought I'd go through it
4 again. On June 1st your
5 formulary under the Empire
6 plan will change. You
7 will be under the advanced
8 flexible formulary.

9 So that means there is
10 a change in the drugs in
11 some cases. There would
12 be 51 additional drugs
13 that will be excluded.
14 Four drugs that will be up
15 tiered to non prefer,
16 which means it will be
17 higher copay for the
18 member. Ten excluded
19 drugs will be added back
20 on to the formulary.

21 So that's a good thing;
22 that's twelve members.
23 And drugs -- there are

159

1 But that's what that is.
2 Other than that, we're
3 going fine. Any
4 questions? Okay. Have a
5 good day.

6 PRESIDENT POWERS: All
7 right. We'll move into
8 department reports. Is
9 Sharon in the room?

10 SHARON SMITH: Good
11 afternoon. I'm just going
12 to go through a couple
13 updates on the changes for
14 the health insurance and
15 so forth. As you know all
16 the copays and so forth,
17 all of that was up June
18 1st. We went through that
19 last EA, so, I'm not going
20 to go through it again.
21 If anybody has any
22 questions, I'm here.

23 I did send a memo out

158

1 going to be drugs down
2 tiered to preferred so
3 members will be have a
4 lower copay. And 208
5 members will be affected
6 by that.

7 It's not a huge amount.
8 Those people are all being
9 notified, have already
10 been or will be notified
11 by mail about those
12 particular drugs and so
13 they can -- they'll have
14 alternatives on there if
15 they want to talk to their
16 doctors.

17 But remember, if they
18 come to you, under the
19 exclusion there is a
20 process to appeal that.
21 But the member does have
22 to try all the drugs that
23 are covered. But if they

160

1 certainly can't take them
2 for whatever reason,
3 they're allergic to
4 something in it, an
5 ingredient and so forth
6 and they can't take those
7 drugs, then they would get
8 approval to have that drug
9 under a copay, under the
10 non preferred.

11 So, you know, I just
12 wanted to remind them so
13 if anybody asks you, there
14 is a process for that.
15 When this first came out,
16 the formulary, there was
17 not a process; if it was
18 excluded, it was excluded.

19 There have will be 31
20 members who are going to
21 be grandfathered into this
22 new formulary, short term
23 grandfather which means

161

1 advantage account, the
2 employer contribution,
3 under that depending on
4 your salary, the employer
5 puts in a certain amount
6 under that program. For
7 administration payroll,
8 May 15th, they'll see they
9 get that money in the
10 program. And for
11 institution it's May 23rd.

12 Again, you have to be
13 enrolled to get that,
14 someone that's not
15 enrolled at all cannot now
16 try to enroll in that
17 program just to try to get
18 the employer's share,
19 that's not allowed.

20 And the only other
21 thing, this is again for
22 Mid Hudson and Southern
23 region, the Westchester

163

1 that for the duration that
2 they're using this drug
3 for that cycle, they will
4 continue to get it as
5 in-network -- excuse me,
6 as covered. And then
7 after that point, they
8 will have to either pay
9 for it or try another
10 drug.

11 There will also be
12 seventeen members who are
13 on a drug that will be
14 grandfathered long term,
15 so they will be able to
16 keep on that drug
17 throughout their whole
18 therapy. So they will not
19 have to find an
20 alternative, as long as
21 they need that drug, they
22 will be able to get it.

23 The dependent care

162

1 Medical Center Health
2 network, there's five
3 hospitals to that -- in
4 that group. They're still
5 negotiating with BlueCross
6 BlueShield. If they don't
7 come to an agreement by
8 the end of the month, June
9 1st those hospitals would
10 be out of network.

11 I sent a memo on all
12 that, the details on April
13 9th, I sent the chiefs a
14 memo that had all the
15 particular details what
16 that means and so forth.
17 But I just wanted to
18 mention negotiations are
19 still going on. We --
20 they haven't reached an
21 agreement yet, so
22 certainly as I hear
23 anything, I will keep you

164

1 advised on that. And
2 that's really all I have
3 today unless anybody has
4 any questions on anything?
5 Thank you.

6 VP WEST MIANO:

7 Thank you.

8 PRESIDENT POWERS:

9 Thanks, Sharon. Dana.

10 DANA BETTS: Happy
11 corrections officers week.

12 So, worker's comp
13 directive there's some
14 changes to it based on a
15 settlement that resolved
16 several improper
17 practices. So, I have
18 some good news.

19 So right now we have to
20 provide documentation
21 typically two weeks,
22 that's being changed to 30
23 days. It could be up to

165

1 forty-five, depending on
2 if it's a long term
3 absence, that kind of
4 thing, so you don't have
5 to go to your doctor every
6 two weeks.

7 Long term absences,
8 that's not quantified. So
9 if you're going to be off
10 for a couple months or
11 something, put in a
12 request with the facility
13 for forty-five days and
14 we'll see how the answers
15 come back, whether or not
16 they'll take it every 30
17 or 45.

18 Now, if you don't hand
19 in your documentation on
20 time when it's needed or
21 when you hand it in it's
22 nonconforming, they're
23 going to send you a letter

166

1 to your home letting you
2 know that it's either not
3 on time or it's
4 nonconforming, and you
5 have seven days in order
6 to get that in before they
7 change your status.

8 Once you get that
9 paperwork in and it's
10 conforming and all that,
11 then you'll be put back on
12 as of the date they get
13 the documentation. It
14 doesn't go retro back.
15 And that's calendar days.

16 Okay. So, right now
17 when you hand in your
18 documentation, it wants
19 to know when your
20 estimated return to work
21 date is and a lot of times
22 we don't know that. The
23 doctor, if you had

167

1 surgery, it could be
2 months down the road.

3 So now they're willing
4 to take either a next
5 scheduled office visit or
6 an estimated return to
7 work date, either one of
8 those will work and either
9 one will be conforming.

10 When your doctor writes
11 out your note, if they're
12 going to fax it, on there
13 it wants a diagnosis.
14 Sometimes doctors will put
15 a diagnosis, they'll put
16 the ICD-10 code which is
17 just a bunch of numbers;
18 that is not acceptable.
19 It has to be written out.
20 They have to put a
21 diagnosis in medical
22 terms, not ICD-10.

23 So if they send that

168

1 in, it's nonconforming and
2 it's going to hurt you.
3 So make sure you check
4 your notes and make sure
5 before they send it in
6 it's a written out
7 diagnosis.

8 What was also in the
9 settlement is now there's
10 going to be a separate
11 Workers' Comp appointment
12 form, clearer for
13 preapproved appointments,
14 so you're going to send
15 that in. That's in the
16 new directive that just
17 came out yesterday.

18 So, it requires your
19 name, the date of injury,
20 the start and end time of
21 the appointment, the
22 doctor's signature; and
23 the date of the

169

1 to return to work.

2 So they're going to go
3 there and ordered back
4 out. So if you -- if a
5 member has an IME and the
6 IME tells them they can
7 return to work, and the
8 member doesn't return to
9 work, they're going to be
10 placed on leave without
11 pay.

12 Now recently what I
13 learned, because I'm still
14 learning, five and a half
15 months, is that the IME
16 says that you can return
17 to work and your doctor
18 says you can't, if you do
19 the dispute resolution
20 program, they'll stay that
21 return to work until the
22 dispute resolution comes
23 back.

171

1 appointment -- or the
2 location of the
3 appointment, that's all
4 that's required on there
5 they get it back.

6 Okay. When you get a
7 note from your doctor that
8 you're going to return to
9 work, you got to get it to
10 your facility at least 8
11 hours in advance of the
12 date you're going to
13 return, with your
14 supporting medical.

15 Remember though, I have
16 had a few instances lately
17 where people hand in their
18 notes, they haven't heard
19 from their facilities and
20 they just return. They
21 can't return until they
22 get the okay from the
23 facility that they're able

170

1 With the caveat
2 remember you can only do a
3 dispute resolution one
4 time per case. So if you
5 can return to light duty
6 or return to work full
7 duty like the IME says,
8 that's your best,
9 otherwise you're going to
10 be on leave without pay.
11 Any questions?

12 MATT KEOUGH: Matt
13 KEOUGH, Great Meadow. If
14 you're given an IME you
15 have to report is that
16 covered by state time or
17 do you have to use your
18 personal time? Back to
19 work, used up Comp time,
20 my officer has no more
21 comp time, used up comp
22 time, and the state is
23 mandating him to go to IME

172

1 and they won't give him
2 state time. They told him
3 has to go back on Comp or
4 use sick time to go to
5 something they're
6 mandating him to go to.

7 DANA BETTS: I'll have
8 to check, I'm not certain.
9 However, I do believe that
10 is state time.

11 DOUG WESTERVELT: Once
12 you burn your own comp,
13 then it turns into sick
14 time. If you use any Comp
15 on that date or on that
16 injury, it goes off your
17 accruals and you have to
18 win it back. I'm going
19 through it right now.

20 MATT KEOUGH: So --

21 DOUG WESTERVELT: So,
22 you'll have to use sick
23 time. Even though he got

173

1 they send it out.

2 SHAWN KEENAN: So it's
3 whatever date they put on
4 it to send out, the seven
5 days.

6 DANA BETTS: Correct.

7 SHAWN KEENAN: Okay.

8 KAY GORDON: Kay
9 Gordon, Taconic. Now,
10 when we have eight hours
11 to our shift to return, is
12 the medical information
13 officer going to be the
14 one that's going to
15 approve now that thirty
16 days? From my
17 understanding that
18 anything under thirty days
19 is the MOI, anything above
20 the thirty days or beyond
21 for return is now going to
22 change; it's going to be
23 Albany?

175

1 a paper that says to
2 report on this date --

3 DOUG WESTERVELT: If he
4 burned all his Comp time.

5 MATT KEOUGH: Okay.

6 DOUG WESTERVELT: He'll
7 get it back.

8 MATT KEOUGH:
9 Thank you.

10 DANA BETTS: I can get
11 an answer to that.

12 SHAWN KEENAN: Keenan,
13 Wende. When you said that
14 the docs that were
15 improperly turned in or --

16 DANA BETTS:
17 Nonconforming.

18 SHAWN KEENAN: When
19 does the seven days start,
20 from the day they send the
21 letter out, the day you
22 receive it?

23 DANA BETTS: The day

174

1 So, is it still gonna
2 be the medical information
3 officer? And when, part
4 two to that, when if we
5 submit our documentation
6 on a timely basis, when
7 does Albany have to give
8 us that confirmation to
9 come back? Are we waiting
10 for that same eight hours
11 or it's gonna be when?

12 DANA BETTS: There
13 isn't a specific time
14 limit. You have to put in
15 eight hours before you
16 plan on returning and then
17 they'll notify you whether
18 or not you can return.

19 KAY GORDON: So if my
20 doctor says I can come
21 back -- we know
22 theoretically eight hours
23 is not enough time, for

176

1 Albany or for us to be
2 notified because everybody
3 on a different shift.

4 So you're going to
5 extend, if Albany over the
6 thirty days or forty-five
7 days for me to return,
8 Albany can say, I'm going
9 to be still on Worker's
10 Comp until they give us
11 the confirmation.

12 DANA BETTS: Correct.

13 KAY GORDON: They're
14 extending our Workers'
15 Compensation days then.

16 DANA BETTS: Right.
17 But remember if they don't
18 allow to you to return
19 because they want to get
20 you an employee health
21 services exam, then they
22 have those twenty days in
23 order to get that exam and

177

1 answer, the medical
2 information officer or
3 central office, it's
4 always going to give you
5 the answer from the
6 medical information
7 officer, but they may ask
8 central office.

9 But DOCCS has indicated
10 to us they will give you
11 an answer within that
12 eight hours. What the
13 difference may be is that
14 answer might be, we're
15 going to send you to EHS
16 first. If they do that,
17 then it triggers the
18 twenty day rule under
19 Article 14 of the
20 collective bargaining
21 agreement.

22 But you will have an
23 answer as to whether you

179

1 the results back. But,
2 yes, you would remain on
3 your own Workers' Comp
4 time. Okay.

5 KAY GORDON: So there's
6 no -- anything for them to
7 do anything on a timely
8 basis, but we have to do
9 it on a timely basis
10 you're saying?

11 DANA BETTS: Yes.

12 KAY GORDON: Wow. Wow.
13 Okay.

14 ERIN PARKER: I think I
15 want to clarify one piece
16 of that. I'm pretty
17 familiar with the changes.
18 The eight hours is for the
19 medical information
20 officer to review and get
21 you an answer.

22 So the question of who
23 is going to give you the

178

1 can come back that next
2 shift that you requested
3 for or if they're going to
4 send you to EHS first
5 within that have time
6 frame.

7 And if there are
8 concerns about that and
9 that is not happening at
10 the local level, we
11 certainly want to know
12 about that.

13 KAY GORDON: It's not
14 happening on the local
15 level.

16 ERIN PARKER: Okay. If
17 you want to get me the
18 specifics then --

19 KAY GORDON: I have
20 grievances on that.

21 ERIN PARKER: Okay,
22 great.

23 KAY GORDON: But the

180

1 problem that we're running
2 into even though the
3 medical information
4 officer is already
5 designated, Albany -- who
6 in Albany doing it? We
7 don't have a name, it's
8 just a blanket checker
9 Albany.

10 ERIN PARKER: So they
11 all -- there is a
12 personnel office in DOCCS
13 central office that
14 addresses issues relative
15 to Workers' Comp leave,
16 sick leave. And they make
17 the determination whether
18 they want you evaluated by
19 employee health services
20 first.

21 Exactly who it is, the
22 reason you don't always
23 have a name is because

181

1 watch commander, it could
2 be whoever is doing the
3 calls, a sergeant in the
4 charts office. Doesn't
5 matter who actually calls
6 you. But, yes, you are
7 supposed to get a
8 response.

9 And what I would
10 recommend is if it's
11 coming up on seven hours
12 and you haven't heard
13 back, I'd call the jail
14 and say, I'm waiting for
15 my response about coming
16 back for my shift in the
17 next hour.

18 KAY GORDON:
19 Theoretically, what's done
20 is two different
21 practices. I believe
22 other jails may be having
23 the same issues with

183

1 depending on the day, it
2 could be one personnel
3 officer or another at
4 DOCCS central office.

5 KAY GORDON: So, now
6 once they send out that
7 conforming note for you to
8 come back, when then does
9 our personnel person have
10 to give notice.

11 ERIN PARKER: You're
12 supposed to be able to be
13 told, if you submit your
14 note eight hours before
15 your shift, sometime in
16 that eight hours you're
17 supposed to get a call,
18 okay, you're coming back
19 great. Or, you're going
20 to Employee Health
21 Services first.

22 And you might get that
23 call from a night time

182

1 regards to notification.
2 And from what I
3 understand, is there is
4 nothing specifically
5 stating that it should be
6 done on a timely basis,
7 but you want us to do it
8 on a timely basis.

9 ERIN PARKER: You're
10 talking about this has
11 happened. You have to
12 realize these changes in
13 the directive were just
14 issued yesterday, so this
15 is new. So, we're talking
16 from here on forward.

17 KAY GORDON: All right.

18 ERIN PARKER: And
19 specific instances, let us
20 know.

21 KAY GORDON: Okay.

22 DANA BETTS: Let me
23 clarify, too, with the

184

1 thirty to forty-five days.
2 You do have to produce
3 medical in the first week
4 that you're out. That
5 doesn't change. Either
6 within seven days or upon
7 your return to work. And
8 then you would go to every
9 thirty or forty-five if
10 it's going to be a long
11 absence. Any other
12 questions.

13 MS. BELL: Yeah, Bell
14 from Sullivan. You're
15 talking about this eight
16 hours. If I work
17 midnights and I submit my
18 documentation at three,
19 there's nobody there to
20 fax it to Albany. So how
21 am I supposed to find out
22 in 8 hours.

23 ERIN PARKER: They have

185

1 indicated that they will
2 makes a sure that there is
3 a decision maker available
4 to make that did decision
5 on all shifts. That might
6 mean they don't send it to
7 Albany and they approve
8 you at the local level.
9 They have the authority to
10 do that.

11 MS. BELL: Even if
12 you're out nine months,
13 ten months.

14 ERIN PARKER: Look, if
15 you're out nine months,
16 even a facility will send
17 you to EHS. They don't
18 have to ask DOCCS that.
19 They're going to send you
20 to EHS. And they can.

21 MS. BELL: They should
22 look at the eight hours
23 though because that's --

186

1 ERIN PARKER: That was
2 what they told us --

3 MS. BELL: I have never
4 seen it in eight hours.

5 DANA BETTS: But this
6 is starting yesterday.
7 Okay.

8 ERIN PARKER: It's new.

9 UNIDENTIFIED SPEAKER:
10 Taconic, just to follow-up
11 on what steward Gordon
12 said. In the event
13 there's a discrepancy, we
14 have a problem where our
15 civilians in our business
16 office, we have an
17 incident where an officer
18 turned in their note to
19 the lieutenant, he
20 forwarded it to personnel
21 and she happened to be out
22 for two days. Three more
23 business days passed and

187

1 she finally, as you said,
2 she called Albany said we
3 made the decision, we made
4 the decision. The
5 correspondence had been
6 given three to four days
7 prior. Who is responsible
8 for that time?

9 ERIN PARKER: Whose
10 time is that, in that
11 circumstance? Again, this
12 eight hour rule wouldn't
13 apply back then. I would
14 make an argument that says
15 that individual had raised
16 their hand and submitted a
17 valid note saying I was
18 out on comp and I can come
19 back. I can mark that
20 argument that that time
21 should not be charged
22 against his or her comp.
23 That argument might need

188

1 to be fought in a contract
2 grievance, so please watch
3 your twenty day time frame
4 to file the grievance
5 paperwork.

6 UNIDENTIFIED SPEAKER:

7 Okay. Coincidentally,
8 that officer had applied
9 for overtime, got hired
10 for the overtime, because
11 she hadn't found out --
12 whoever she spoke to in
13 Albany that she was indeed
14 approved to come back to
15 work. They just didn't
16 give her the notice at the
17 jail level. And the memo
18 came out saying that in
19 the future, an officer is
20 not to be hired for
21 overtime until that
22 specific person clears
23 them to come back, even

189

1 though central office,
2 affirmed to her that she
3 was okay.

4 ERIN PARKER: And the
5 rules now are better for
6 our members. And we hope
7 these things won't happen.
8 But for that particular
9 individual even under the
10 prior rules, a contract
11 grievance might be the way
12 to handle it.

13 UNIDENTIFIED SPEAKER:

14 She did file a grievance,
15 just so you know.

16 ERIN PARKER: Great.

17 DANA BETTS: Thank you.

18 PRESIDENT POWERS:

19 Thank you. Dan?

20 DAN VALENTE: Good
21 afternoon. So in your
22 packet you all should have
23 a copy of a memorandum

190

1 that was produced by Keith
2 Jacques summarizing the
3 Executive budget on April
4 2nd after it was passed.
5 As was discussed earlier
6 with prison closures, the
7 Governor has authorized to
8 close up to three
9 facilities. They
10 indicated September 1st
11 would be a target for the
12 closing dates.

13 So rather than the
14 sixty days that was in the
15 original budget proposal,
16 there was negotiated to be
17 a 90 day notification.
18 Not a great improvement,
19 considering there's a one
20 year notification on the
21 books, but that's what we
22 have to do deal with.

23 There's been no

191

1 indication as to when and
2 where those facilities
3 will be targeted, but we
4 expect something probably
5 by, I would say early
6 June. So we'll -- as soon
7 as we know, you'll know.
8 Included in the original
9 budget proposal was the
10 SHU reform, specifically
11 the legislature included
12 the HALT legislation.

13 The Governor included
14 his version of SHU reform.
15 NYSCOPBA was out in force
16 through our Lobby Days
17 through our call to
18 actions in early February.
19 So we're able to get all
20 of that language taken out
21 of the budget and nothing
22 has been really put
23 forward since then. So we

192

1 escaped the SHU reform
2 there.

3 Again, it's the lesser
4 of two evils between the
5 HALT and the Governor's
6 proposal, but we were able
7 to do a good job of
8 driving a wedge and
9 somewhat of a divide and
10 conquer mentality with the
11 State Senate. With the
12 new democratic majority,
13 the majority of those
14 members are coming out of
15 the City, but they're
16 several members that are
17 located in the suburbs or
18 in the outskirts of New
19 York City or Long Island,
20 that have significant
21 concerns was the HALT
22 legislation or with the
23 SHU reform.

193

1 shouldn't be a make a
2 phone call, one and done,
3 I checked the box. If you
4 did that; great. But we
5 need to keep the pressure
6 on these legislators
7 because the HALT issue
8 while it's not currently
9 moving, it is primed
10 basically to move at any
11 point in time.

12 They have the sponsors,
13 they have thirty-three
14 sponsors on that bill.
15 Thirty-two is the magic
16 number to pass a bill. So
17 the fact that they're not
18 moving this bill with
19 thirty-three sponsors is a
20 testament to the work that
21 our members have done to
22 get into those legislators
23 ears to make the calls,

195

1 We were able to get
2 into their office, I think
3 our members made several
4 phone calls, not just
5 during the February call
6 to action, but the one we
7 put out last week because
8 there's been significant
9 concerns brought up by
10 members of the conference
11 that they're not
12 comfortable with the way
13 this bill is currently
14 drafted. And they have
15 issues with the unions
16 opposition to HALT. They
17 have issues with members
18 within their own
19 conference who have
20 significant concerns with
21 the bill.

22 So, the call to action
23 that went out last week it

194

1 e-mails, whatever the case
2 may be.

3 Please keep that
4 pressure on and keep
5 calling them and getting
6 them to oppose the HALT
7 bill. All the information
8 is on the website if you
9 need talking points, links
10 to contact legislators, if
11 you have any questions for
12 that or need any
13 assistance please let me
14 know.

15 Also included in the
16 original budget proposal
17 there was some issues
18 regarding the peace
19 officer -- the law that
20 basically dictates who is
21 a peace officer and what
22 the powers are to those
23 people. That language

196

1 was -- it was a drafting
2 error as we discussed I
3 believe at the last EA
4 through bill drafting.
5 That was rectified in the
6 bill itself and that
7 language was also removed
8 from the budget entirely.

9 So that was another
10 victory. Going back the
11 last year, there was the
12 Janus decision, the
13 Supreme Court case. Most
14 of you are familiar with
15 that. Within the budget
16 this year there were new
17 language that was signed
18 into law that enhance
19 protections for union
20 member so that
21 organizations that may be
22 trying to raise a
23 bargaining unit or trying

197

1 would be -- you know, will
2 qualify and satisfy the
3 state's means on that.
4 The budget was passed
5 technically, not on time,
6 but they all hang their
7 hats on that fact.

8 But, you know, it was a
9 difficult budget this year
10 and it's going to be
11 continue to be difficult
12 to deal with legislation.
13 In the years past we've
14 always had the support of
15 Republican Dems in the
16 Senate. They were
17 basically our saving grace
18 when many of the policies
19 were put forward; they
20 would be the voice of
21 reasoning and they would
22 stick up and support our
23 members.

199

1 to poach union members to
2 of join different groups,
3 personal information that
4 is yours as a union member
5 is no longer allowed to be
6 shared with any
7 third-party requesting
8 that.

9 There was language in
10 the budget required
11 related to use of force
12 reporting. That is an
13 issue that is strictly for
14 Law Enforcement police
15 officers, and county and
16 corrections, sheriffs
17 something of that nature,
18 has no real impact on the
19 members of NYSCOPBA.

20 The support policy is
21 the budget, still remains
22 to be seen whether or not
23 DOCCS' current policy

198

1 That's all changed
2 obviously with this
3 Democratic majority. So a
4 lot of the bills, as Keith
5 mentioned earlier, those
6 that are going through in
7 the senate, are majority
8 of them are inmate
9 friendly.

10 They're all types of
11 bills that our members --
12 it's a disservice to the
13 members of this
14 organization and Law
15 Enforcement in general,
16 the state, the bills and
17 all the different
18 initiatives that they're
19 pushing forward.

20 That's why the call to
21 action is important. Sure
22 it's about NYSCOPBA and
23 it's about HALT

200

1 legislation, but it's also
2 about the over arching
3 philosophies that the
4 Democrats are putting
5 forward. I mean, putting
6 felonies on juries is a
7 bill they passed
8 yesterday.

9 It's amazing the
10 mindset that they have.
11 So we need to continue to
12 educate them on the issues
13 that are important to us.
14 We had our legislative
15 reception in March. It
16 was very well attended by
17 members of the legislature
18 We were able to continue
19 our conversations and
20 develop new relationships.

21 We had several new
22 members of the legislature
23 show up so we're going to

201

1 continue to keep the
2 dialogue open between them
3 and try to educate them on
4 our issues. I discussed
5 the call to action, I
6 can't stress it enough,
7 please continue to contact
8 state legislators.

9 We got twenty-two days
10 left of session.
11 Twenty-two session days,
12 June 19th is the last
13 scheduled day of the
14 legislative session. So
15 we got a lot of work to do
16 in a short amount of time.
17 Quite frankly I think if
18 we can keep this HALT bill
19 from advancing through the
20 legislature, that is a
21 significant victory in
22 itself. And something we
23 should be all be proud of

202

1 if we're successful so
2 keep the pressure on.

3 Other than that, that's
4 all I have to report.
5 Neil, you got a question?

6 NEIL GRUBER: Gruber,
7 Lakeview Shock. Is there
8 any way we can find out
9 who those 33 sponsors are?

10 DAN VALENTE: Sure.
11 It's public information,
12 go on the Assembly Senate
13 website, you can go on
14 NYSCOPBA's website on the
15 bill tracking link. You
16 should be able to pull up
17 that bill. There was
18 somebody here earlier who
19 asked for that information
20 as well.

21 You know, the bill
22 number, let me get the
23 bill number for you real

203

1 quick. In the Senate bill
2 1623 in the senate and the
3 Assembly A2500. So,
4 usually if you go on
5 either assembly or senate
6 website and pull that up
7 and it will list all the
8 sponsors of each and every
9 bill.

10 Use that have
11 information, if you pull
12 it up and see your elected
13 official is a sponsor,
14 call him out, ask him why.
15 Tell him why he should be.
16 That's the whole purpose
17 of call to action to
18 continue to keep a
19 dialogue open between our
20 members and the policy
21 makers of the state.

22 It's a different boat
23 now. Years past we have

204

1 had our friends in power,
2 now we have quite the
3 opposite so its important
4 we stay engaging and keep
5 our voices heard. Is
6 there any other questions?
7 That's all from me.
8 Thank you.

9 PRESIDENT POWERS: One
10 of the more important
11 reasons we put that call
12 to action out last week
13 beginning of this week, a
14 stunt by one of the
15 senators. They had the
16 Halt cell up in the well,
17 they had the advocates up
18 there for the HALT
19 legislation and the Chair
20 of Crime and Corrections
21 committee. Put himself in
22 there for twenty-three
23 minutes in this cell in an

205

1 the Senate Democratic
2 majority here probably
3 tomorrow and Friday and
4 first part of next week to
5 continue this push with
6 HALT. As Dan said, we
7 need you to guys to do it
8 as well. We need you to
9 push just as much as we're
10 pushing here. With that,
11 Jimmy?

12 JIMMY MILLER: Good
13 afternoon. I'm hoping
14 over the past three weeks
15 that you have he have
16 noticed we started a
17 weekly newsletter that
18 we're sending out on
19 Wednesdays to chiefs to
20 disseminate to your
21 members.

22 It's a combination of
23 news articles that covers

207

1 attempt to show that
2 twenty-three hour cell,
3 which we all know
4 twenty-three hours in
5 Special Housing Unit
6 doesn't exist any more.
7 They have more time out of
8 sell than ever before.

9 So we were quick to
10 counter on that. He also
11 issued a release full of
12 inaccuracy and through
13 that call to action and
14 with myself, Keith and
15 Chris we were able to
16 reach into the senate
17 majority and advise them
18 that much of what he
19 reported was inaccurate,
20 and it's a reflection on
21 the conference.

22 We'll be following up
23 with the leadership and

206

1 correctional facilities
2 incidents that obviously
3 are of interest to you
4 statewide, as well as for
5 the first time capturing
6 information that is being
7 relaid on social media.

8 It won't go out
9 obviously today because
10 we're here, it will go out
11 Friday. Please as we are
12 moving forward, if you
13 have any suggestions what
14 you're looking for, feel
15 free to e-mail me. John
16 Harmon is working with the
17 company that we contracted
18 with to create one for the
19 Law Enforcement members,
20 so that I'm sure will be
21 coming out shortly as
22 well.

23 Two incidents, positive

208

1 incidents to note from
2 April, if you weren't
3 aware of this, Jason Voss
4 who got a valor award
5 previously here, he was
6 honored as correctional
7 officers of the year by
8 Blue Friday of New York.

9 Blue Friday of New York
10 is an organization that
11 supports Law Enforcement
12 families or officers who
13 have been killed in the
14 line of duty. It ranges
15 from the Syracuse area up
16 to the Canadian border.
17 He was honored on April
18 26th. Mike Mazzella went
19 to the celebration and to
20 the banquet where he was
21 honored. He saved a woman
22 who had rolled over
23 several times in a vehicle

209

1 we raised twenty-five
2 thousand dollars, which is
3 phenomenal for them. They
4 were extremely excited and
5 very thankful for all the
6 membership for supporting
7 this.

8 And lastly, what we're
9 working on right now with
10 the Buffalo Bills
11 sponsorship that you have,
12 is creating a NYSCOPBA day
13 for the Philadelphia game
14 which is October 27th. I
15 don't have all the details
16 yet. But feel free, if
17 you're interested in
18 attending, we're working
19 on the number of tickets,
20 and obviously there's a
21 cost issue there, but as
22 we move forward and make a
23 decision on how many

211

1 And as soon as he pulled
2 the woman out of the
3 vehicle, it burst into
4 flames. So, he saved her
5 life.

6 Another significant
7 NYSCOPBA support and
8 sponsorship that we were
9 involved in in the month
10 of April is an
11 organization out of Albany
12 called Team Albany, which
13 is an adaptive sports
14 program for Veterans of
15 any age.

16 It's run out of
17 Stratford PA. NYSCOPBA
18 solely supported the
19 event. We had a phonathon
20 on April 11th. Their
21 budget for the year is
22 fifty thousand dollars.
23 In one day the phonathon

210

1 tickets we'll be able to
2 purchase they're going to
3 provide food and beverages
4 and we'll figure out where
5 the seating is going to
6 be. But feel free to
7 either contact myself or
8 Frank Gilbo. That's all I
9 have. Thank you.

10 PRESIDENT POWERS:
11 Thanks, Jim. Move into
12 department reports. Joe,
13 Health and Welfare.

14 VP WEST MIANO: Joe
15 Miano, Western Region VP.
16 Chairman of health and
17 welfare. I have Don
18 Frazier from FirstNet AT&T
19 is gonna do a short
20 presentation on their
21 services they have
22 available to all our
23 members.

212

1 DON FRAZIER: Thank
2 you, Joe. Good afternoon.
3 I just want to take a few
4 moments, appreciate your
5 time today to talk about
6 this.

7 Before I start, and
8 this presentation
9 generally would go a bit
10 longer, but I want to
11 brief it again, but who
12 quick show of hands, who
13 has heard of what FirstNet
14 is? So, a few of you.

15 I always start this
16 conversation off by asking
17 that question. I have
18 been doing this for
19 FirstNet for about
20 fourteen months with AT&T.
21 A show of hands depending
22 on the department or
23 agencies we're talking to,

213

1 enforcement, fire
2 protection, emergency
3 medical management. The
4 ability to communicate on
5 a wireless network during
6 the time of incident, time
7 of crisis, whatever it may
8 be.

9 This authority was
10 created back in 2012 from
11 a federal government and
12 they quickly realized that
13 this wasn't something they
14 could do themselves. They
15 doesn't build it out,
16 maintain and orchestrate
17 this network for all of
18 our first responders,
19 which all of you are
20 classified here as.

21 So they turned to the
22 wireless carriers, all
23 wireless carriers to put

215

1 there's very little to a
2 mass amount of people that
3 heard of it.

4 That's why it's my
5 responsibility to come out
6 and talk about the benefit
7 to all of you about what
8 FirstNet can be. Next
9 page. So, really quick, I
10 wanna give you a time line
11 of what FirstNet is.
12 Firstnet is a partnership,
13 twenty-five year public
14 and private between AT&T
15 and the Federal Authority,
16 First Responders Federal
17 Network Authority.

18 Since the events of
19 911, it created this
20 authority for the need for
21 first responders, we
22 classify first responders
23 as folks in law

214

1 an RFP out there to bid on
2 this to own this
3 partnership with a 25 year
4 program. AT&T won that
5 have RFP. And as of 2017,
6 all 50 states and 5 US
7 territories opted into
8 FirstNet.

9 Again, FirstNet is your
10 dedicated first responders
11 network. Let me go to the
12 next slide. As I
13 mentioned, it's a
14 partnership between the
15 had federal authority and
16 AT&T. The reason it's
17 really important, and I
18 like to point that out, is
19 because there's extreme
20 oversight from the federal
21 authority to AT&T.
22 There's aren't things one
23 of those wireless carriers

216

1 can offer promotions, they
2 change from time to time,
3 whatever it may be. This
4 is something we are
5 controlled by and held
6 accountable by the federal
7 authority.

8 Again, I want to get to
9 the benefit for the
10 members here, so I want to
11 show you a little bit
12 about what FirstNet does
13 and how it gives priority
14 on that network. Go to
15 the next slide, please.

16 Two types of users on
17 our network. Primary
18 users, primary users are
19 law enforcement, fire
20 protection, emergency
21 medical. Those are the
22 users when you use AT&T,
23 you have what's called

217

1 benefits would be cost,
2 we'll talk briefly about
3 that. Priority is going
4 to give you access to the
5 network during times of
6 crisis, during times of
7 incident.

8 The last guy that was
9 up here talked about the
10 sponsorship of the Buffalo
11 Bills game, right? I've
12 lived in Buffalo for ten
13 years. If you've ever
14 been to a Bills game, I
15 don't care what network
16 you have, whether it's
17 AT&T T, Verizon, you will
18 have trouble using your
19 wireless device in that
20 stadium.

21 The reason being the
22 cell tower is like a pipe.
23 You can only stuff so much

219

1 priority and preemption on
2 the network. We'll give
3 you a slide on how that
4 works.

5 The extended priority
6 users are those folks that
7 support them. So they
8 could be DPW, they could
9 be snow removal, snow
10 companies, health and
11 wellness, they all
12 support. So that during a
13 crisis or incident if
14 there was an incident that
15 came up, everyone that
16 supports would be on that
17 line.

18 Go to the next slide,
19 I'll show that. So,
20 priority and preemption is
21 what you want to the look
22 at, the benefits of what
23 FirstNet does. And other

218

1 in that before you can't
2 pour any more in that. So
3 when 70 thousand people
4 converge on one cell
5 tower, they can't support
6 that network.

7 Being on FirstNet you
8 have 24/7, 365 priority on
9 the network. So whether
10 it's times of congestion
11 or sporting event or
12 concerts or times of
13 crisis and first response
14 incident, you have
15 priority over commercial
16 traffic. We have a couple
17 slides that will depict
18 that.

19 This is your normal
20 network operations. So,
21 as you saw in the previous
22 slide you have first squad
23 vehicles, then we have

220

1 extended priority users.
 2 The yellow cars are
 3 commercial traffic,
 4 someone like myself not on
 5 Firstnet would have just
 6 normal operation on the
 7 network. As crisis occurs
 8 as you see that fire
 9 vehicle moved up there,
 10 that HOV lane, that's your
 11 lane on Firstnet. Only
 12 you have access to that
 13 lane. Go to next slide,
 14 given more incident, more
 15 potential crisis or
 16 congestion on the network.

17 What you notice here,
 18 now that commercial
 19 traffic has moved off the
 20 network. That's what we
 21 refer to as preemption or
 22 called routeless
 23 preemption. As a first

221

1 responder you have
 2 priority on the network
 3 and when you need it, it
 4 will move commercial
 5 traffic off the network so
 6 the availability, the
 7 capacity and bandwidth is
 8 there for to you use and
 9 you only as first
 10 responders.

11 Again, looking at two
 12 benefits, number one, is a
 13 priority preemption. The
 14 second one is going to be
 15 cost. Anybody have any
 16 questions on how priority
 17 works or what the benefit
 18 could be for you?

19 Obviously like I said,
 20 this isn't something that
 21 you have to other services
 22 are out there you have to
 23 dial a phone number, put a

222

1 code into your system,
 2 this is 24/7, 365.
 3 There's nothing you need
 4 to do other than be on
 5 FirstNet with AT&T.

6 Now the rest of the
 7 presentation will be
 8 geared towards the law
 9 enforcement agency. So I
 10 want to talk about our
 11 benefit for first
 12 responders. We talked
 13 about benefit of the
 14 network, the priority of
 15 the network, what you get
 16 for that. At the end of
 17 the day it's going to be
 18 cost, right?

19 What we offer for first
 20 responders, you can get an
 21 unlimited plan, so that's
 22 unlimited talk, unlimited
 23 text, unlimited data, keep

223

1 in mind with Firstnet,
 2 your data is not
 3 throttled. We cannot
 4 throttle a first
 5 responders data, so it's
 6 completely unlimited
 7 access, is 39.99 a month.

8 If you compare your
 9 current wireless price,
 10 I'm pretty much you're
 11 paying a lot more. 39.99
 12 a month each, one device
 13 phone or tablet for 39.99.
 14 That's the big draw is
 15 that unlimited.

16 AT&T took a -- we all
 17 realize that majority of
 18 you have multiple devices,
 19 you have multiple devices
 20 in your family. So, with
 21 that, if you're on
 22 FirstNet, you also have
 23 the ability to have what's

224

1 called our first responder
2 appreciation offer, which
3 we also extend to military
4 and Veterans, which gives
5 you twenty-five percent
6 off each line of service
7 on your accounts.

8 If you have two or more
9 lines, you can an
10 additional twenty-five
11 dollars off your whole
12 monthly plan. So there's
13 substantial savings that
14 AT&T and Firstnet have for
15 all our first responder
16 community.

17 Again, the idea is to
18 have the benefit of
19 priority on the network
20 but also give you an
21 extreme cost savings.
22 This is available for each
23 of our first responding

225

1 you it's probably a
2 no-brainer to switch over
3 to it. You're going to
4 save money, you're going
5 to have a benefit on that
6 network. So it would make
7 sense for you to be on
8 this.

9 If you're with another
10 carrier, I also encourage
11 you to look at what the
12 cost savings are to move
13 over to it. And again,
14 the further benefit you
15 receive, by having
16 priority on that network,
17 as well as your family
18 savings.

19 AT&T and the federal
20 authority are investing
21 heavily into this program.
22 We're investing forty
23 million dollars into this

227

1 entities and you folks
2 here in the room.

3 So I will pause there
4 to see if there is any
5 questions for me? Okay.
6 Again, this session is
7 generally not the forum to
8 talk, so we would
9 definitely welcome the
10 opportunity to talk to
11 your individual
12 facilities, if you have
13 union meetings there,
14 shift changes, role call,
15 things of that nature, to
16 again talk about that
17 benefit.

18 We have a few folks
19 from one of our retail
20 stores here. They have a
21 lot of information for
22 you. If you're already
23 with AT&T now, I'll tell

226

1 program. And a vast
2 majority of that
3 investment is going to go
4 into the network.

5 To give you guys an
6 idea in New York State we
7 have 94 sites that are
8 approved, funded and ready
9 to go up in upstate New
10 York. That's a huge
11 number. We haven't put up
12 a hundred sites in the
13 last five years, so to do
14 that is all in one year is
15 a huge accomplishment.
16 And we're doing that with
17 at backing we have with
18 the federal authority to
19 show we're so invested in
20 the first responder
21 community.

22 Okay. Any questions?
23 I don't want to take up

228

1 too much of your time
2 today. I really
3 appreciate your time. If
4 you have questions, we got
5 folks outside, they can
6 help you with that. We
7 encourage you, we'd be
8 happy to come out to one
9 of your facility meetings
10 and talk about the
11 benefits. Thank you.

12 VP WEST MIANO:
13 Thank you.

14 PRESIDENT POWERS
15 Thank you. Kenny Gold,
16 Orleans?

17 KENNY GOLD: Kenny
18 Gold, orleans. The
19 publicity committee met
20 this morning. We went
21 over two specific things.
22 Probably getting ahead of
23 ourselves a little bit.

229

1 Chris put out 2021
2 Executive Assembly dates,
3 which will come under new
4 business. The committee
5 was fine with all the
6 dates except for the July
7 one, which was at Lake
8 Placid.

9 We haven't really had a
10 chance to go out and look
11 cost wise, if a family
12 friendly event location is
13 exactly what we want. So,
14 when it comes to that, the
15 committee agreed on
16 obviously the Albany ones.
17 We talked to everyone, the
18 Desmond is horrible,
19 everyone wants out of
20 there. That's one hundred
21 percent supportive of the
22 Saratoga one.

23 But cost wise with Lake

230

1 Placid, we definitely want
2 to look in one other
3 place. And the committee
4 agreed trying somewhere
5 near Tarry Town. So if it
6 gets to there, that needs
7 to vote yes or no, whether
8 or not we go forward with
9 those dates. But the four
10 are good, we were hoping
11 to give us another month
12 or so to try to get
13 something better for that
14 July date in 2021.

15 The other thing we
16 brought up which we talked
17 about specifically I
18 believe in December was
19 the state fair. We had
20 some hiccups when it came
21 to budget. We ended up
22 not passing the budget for
23 this year, we didn't do

231

1 that until March; the
2 March EA.

3 So right now we got
4 nowhere. We got no spot
5 for the booth, we got no
6 people ready for the fair.
7 We have an idea already in
8 place but the committee is
9 specifically asking to
10 make sure -- we talked to
11 Frank a little bit -- to
12 make sure there's money in
13 the budget for next year
14 to guarantee that we go to
15 the fair.

16 There was talking,
17 we had money, we didn't
18 have money, we passed the
19 contract, now we got money
20 but right now we have no
21 plans for the fair. Not
22 saying we couldn't do it
23 this year, but we would be

232

1 stretching time to turn
2 around and get people
3 willing to volunteer get
4 to the fair and find a
5 spot.

6 In all reality, we need
7 it by August, the last
8 time we had stuff out for
9 everybody by March or
10 April asking for
11 volunteers. So, in
12 regards to the fair we're
13 just asking well enough in
14 advance, make sure there's
15 money budgeted in for next
16 year and we'll be right
17 back at the state fair
18 where we were. Anybody
19 have any questions?
20 Thanks.

21 PRESIDENT POWERS:

22 Thanks, Ken. Pete?

23 PETE STETZ:

233

1 EA with regards to the
2 compensation -- the
3 deferred compensation,
4 liability fund currently
5 in use and they had
6 created a policy. Any
7 questions? That's it.

8 PRESIDENT POWERS:

9 Thanks, Pete. Steve
10 Carknard?

11 STEVE CARKNARD: PAC

12 committee balance report,
13 starting balance as of
14 3-25-19, one hundred
15 fifty-seven thousand, four
16 hundred forty-nine
17 dollars. Deposits and
18 transfers, March transfer
19 of twenty-five thousand
20 dollars. April transfer
21 of twenty-five thousand
22 dollars; total income
23 fifty thousand dollars.

235

1 Constitution and Bylaws.
2 Old business, we had three
3 articles that went out to
4 the membership for
5 ratification. Article 3
6 deals with membership,
7 Article 7 with the dues;
8 and Article 12, the
9 business agents. All
10 three amendments passed
11 for membership
12 ratification.

13 We had two other items.
14 We had business joint with
15 the finance, and the
16 finance committee is going
17 to go over the Rainy Day
18 Fund, as we discussed this
19 the previous two EAs and
20 to have this body's
21 opinion which way to go.
22 As well as the other item,
23 we brought forth the last

234

1 Checks paid, check number
2 3347 through 3352. Six
3 thousand, two hundred six
4 dollars.

5 Total expenses, six
6 thousand, two hundred
7 sixty dollars. Ending
8 balance, two hundred one
9 thousand, one hundred
10 eighty-nine dollars. 2019
11 year-to-date expenditures
12 fifty-three thousand,
13 three hundred and ten
14 dollars.

15 PRESIDENT POWERS:

16 Thanks, Steve. Heath?

17 HEATH ALLEN: Heath

18 Allen, Election committee.
19 The constitutional
20 amendments, here is the
21 numbers. Article three,
22 we received 1819 ballots.
23 We had to void 44 of them.

236

1 The yeses were 1489, the
2 nos were 286. So Article
3 3 passed.

4 Article 7, we received
5 1807 ballots. We voided
6 41. The yeses were 1309,
7 the nos were 457; Article
8 7 passed. Article 12, we
9 received 1790 ballots. We
10 voided 44. The yeses were
11 1395, the nos 351.
12 Article 12 passed.

13 We have some vacancies.
14 Can I have Dave Luther,
15 Mike Mazzella, and John
16 Roberts up to the speaker.
17 Collective bargaining,
18 Dave?

19 DAVE LUTHER: Todd
20 Paroline out of Sing Sing.

21 HEATH ALLEN: Copy.
22 Health and welfare
23 committee -- I'm going to

237

1 committee?

2 DAVE LUTHER: Aaron
3 Moulton, ISO out of
4 Peekskill.

5 HEATH ALLEN: And Dave
6 Luther, collective
7 bargaining.

8 DAVE LUTHER: I did it
9 already.

10 HEATH ALLEN: I did
11 that. We're done. Oh,
12 Joe, grievance and legal
13 committee.

14 VP WEST MIANO: Joe
15 Miano, Western Region VP.
16 Chris Cramer, Elmira.

17 HEATH ALLEN: Okay.
18 We're good. Now, on to
19 the elections.

20 VP MID-HUDSON MAZZELLA:
21 Before you do that, we
22 also have vacancies on the
23 OSI task force and the SHU

239

1 skip to John Roberts then.
2 Grievance and legal?

3 VP NORTH ROBERTS: John
4 Roberts, north. Andy Cox,
5 Ogdensburg.

6 HEATH ALLEN: All right
7 Mike. Health and welfare
8 committee.

9 VP MID-HUDSON MAZZELLA:
10 Health and welfare,
11 Heather HOLBERT from
12 Wallkill Correctional.

13 HEATH ALLEN: Grievance
14 and legal committee.

15 VP MID-HUDSON MAZZELLA:
16 Jeremy Osterhoudt,
17 Eastern.

18 HEATH ALLEN: Veterans
19 Committee.

20 VP MID HUDSON MAZZELLA:
21 Eric Juarez, Fishkill.

22 HEATH ALLEN: Dave
23 Luther, election

238

1 task force so.

2 HEATH ALLEN: I don't
3 have those here.

4 VP MID-HUDSON MAZZELLA:
5 So, Chris Moreau out of
6 Green Haven for OSI task
7 force. And Joe Horacek,
8 Green.

9 HEATH ALLEN: Okay.

10 VP MID-HUDSON MAZZELLA:
11 Thank you.

12 HEATH ALLEN:
13 Thank you. Election
14 procedure updates. Law
15 Enforcement, the law
16 enforcement
17 self-nomination forms must
18 be received back to
19 NYSCOPBA's main office no
20 later than close of
21 business June 3rd. So if
22 you're in the law
23 enforcement branch you got

240

1 to get that done.

2 All right. This is a
3 procedure for the
4 corrections elections. A
5 sector steward nomination
6 meeting must be held at
7 least sixty days prior to
8 the date of the election;
9 May 31st. Your election
10 committee person has to
11 hold the meeting, you have
12 to take the nominations.

13 Nomination acceptance
14 and rejection will be
15 submitted in writing to
16 the sector election
17 committee within one week,
18 seven days of the sector
19 nominations by June 7th.
20 All nominees must be
21 posted at the facility by
22 June 24th. So whoever you
23 got running, once you

241

1 Last EA we handed out
2 these -- some literature,
3 for recommendation,
4 interpretations, we love
5 interpretations, on this
6 separation benefit,
7 deferred comp program,
8 that nonunion leave
9 members receive upon
10 separation from their
11 union duties.

12 We all remember that?
13 Did we take it back to our
14 membership to discuss with
15 them? Everybody? Nobody?
16 Do you know what we're
17 talking about? All right.
18 So, if you read and you
19 informed your members, the
20 constitutional findings,
21 if it's a violation is
22 really up in the air.

23 But then what the

243

1 check them all out, got to
2 be posted at your
3 facility. That's all I
4 got. Any questions? We
5 good? Thanks.

6 PRESIDENT POWERS:
7 Thanks, Heath. That
8 concludes committee
9 reports. Unanimous
10 consent to move into
11 tomorrow's agenda?

12 (Response of "Aye".)

13 PRESIDENT POWERS:
14 Anybody opposed?

15 (No Response.)

16 PRESIDENT POWERS:
17 Unfinished business?

18 DOUG WESTERVELT:
19 Westervelt, South Port.

242

1 lawyers recommend is it
2 comes to the floor on a
3 vote on the policy, if you
4 wish this program to
5 continue.

6 So basically what the
7 finance committee did, we
8 put back to the budget,
9 placed it in the budget,
10 the monies are there; and
11 basically we come up with
12 a policy that controls it
13 a little better than the
14 previous years. And hands
15 it out with a little more,
16 I would say fairly; fairly
17 earned.

18 So what we come up
19 with -- is there any
20 discussions on this? Does
21 everyone know where I'm
22 at? Because we got to
23 discuss this --

244

1 DONN ROWE: First of
2 all, the Board minutes
3 that the lawyers referred
4 to as 10/1/2002 -- I'm
5 sorry Donn Rowe, Hale
6 Creek. That have should
7 be September 3rd, 2002.
8 It wasn't in the Board
9 minutes of October 1st.

10 DOUG WESTERVELT: Yeah,
11 October 1st, 2002.

12 DONN ROWE: I don't
13 know if you can answer
14 this question or the
15 attorneys can, who
16 submitted the written
17 policy to the law firm?
18 In the paragraph where it
19 says, the written policy
20 provided to this office
21 which was apparently
22 presented to the board and
23 voted on, on July 10th,

245

1 guidelines.

2 DONN ROWE: Can we get
3 a copy of it, somebody got
4 a copy of them?

5 DOUG WESTERVELT: I had
6 it.

7 DAVE VIDDIVO: It
8 wasn't in the packet?

9 DOUG WESTERVELT:
10 Everything should have
11 been in the packet.

12 DONN ROWE: There's a
13 mention by Treasurer
14 Viddivo about guidelines,
15 but there's no guidelines
16 attached to the minutes.

17 DOUG WESTERVELT:
18 Correct.

19 DONN ROWE: Okay.
20 Bill, on page two
21 referring to the July
22 10th, 2007 motion about
23 one week of vacation or

247

1 2007 meeting, was
2 materially different
3 statement of the policy
4 than the summary in the
5 board minutes?

6 ERIN PARKER: I at this
7 point do not know exactly
8 where they came from, but
9 Mr. Golderman does, so I
10 just called to have him
11 come in.

12 DONN ROWE: And did he
13 do any research on the
14 guidelines that were
15 presented at July 11th,
16 2016? There's mention in
17 the minutes but there's no
18 guidelines attached to the
19 minutes.

20 DOUG WESTERVELT: They
21 come way after I found
22 this discrepancy in the
23 budget, the old

246

1 one week of pay, and then
2 the next paragraph it
3 says, the written policy
4 provided to this office.
5 Who presented a different
6 policy to your office with
7 the minutes?

8 MR. GOLDERMAN: To
9 answer your question, we
10 got a package I don't know
11 who gave the actual
12 substance to our office
13 but when we reviewed it,
14 it was Dave -- Dave gave a
15 whole package to our
16 office and we looked at
17 all the various documents.

18 DONN ROWE: So you
19 didn't receive a packet of
20 different policies -- the
21 way it reads to me is that
22 in 2007 somebody sent a
23 different motion to you.

248

1 MR. GOLDERMAN: No,
2 we had a package of all
3 the stuff that happened in
4 progression through the
5 the years and we looked at
6 that package that came
7 through.

8 DONN ROWE: And the
9 date on that was 2007?

10 MR. GOLDERMAN: If
11 that's what it says here.

12 DONN ROWE: Can we get
13 a copy of that, Dave?
14 I've never seen such a
15 thing.

16 DAVE VIDDIVO: I gave a
17 copy for everything.

18 DONN ROWE: You're
19 telling me that the board
20 minutes state one thing
21 and there was another
22 policy --

23 DAVE VIDDIVO: Not a

249

1 policy.

2 DONN ROWE: Another
3 motion dated 2007 that the
4 board supposedly voted on
5 also.

6 DAVE VIDDIVO: Correct.

7 DONN ROWE: So they
8 voted on two motions that
9 day?

10 DAVE VIDDIVO: I wasn't
11 there, I'm not sure
12 whether they were or not.
13 But that's what was in the
14 written form, correct.

15 DONN ROWE: I don't
16 understand it was in
17 written form, where did it
18 come from? Was it buried
19 in Telisky's desk?

20 UNIDENTIFIED SPEAKER:
21 Hey, hey, don't be talking
22 about John.

23 DAVE VIDDIVO: It was

250

1 in the board minute motion
2 folder on the computers.

3 DONN ROWE: It's not in
4 the board minutes.

5 DAVE VIDDIVO: When the
6 minutes are on the
7 website, motions or
8 whatever are in a separate
9 folder, they're not
10 attached.

11 DONN ROWE: The motion
12 is very clear on the
13 website in the minutes.

14 DAVE VIDDIVO: I
15 understand that.

16 DONN ROWE: It says to
17 provide one week of
18 vacation or one week of
19 pay per year of service
20 for NYSCOPBA officials,
21 employees, upon their
22 departure from NYSCOPBA,
23 period.

251

1 DAVE VIDDIVO: Correct.

2 DONN ROWE: There's no
3 other motion attached to
4 it.

5 DAVE VIDDIVO: There is
6 no other --

7 DONN ROWE: I'd like
8 to know where this other
9 motion came from.

10 DAVE VIDDIVO: There's
11 no other motion attached
12 to those minutes, that's
13 correct. It was a
14 separate motion that was
15 in the packet folder of
16 board minutes.

17 MR. GOLDERMAN: Donn, I
18 have all the documents
19 that were submitted to me
20 if that will be helpful.

21 DONN ROWE: That's all
22 the questions I have for
23 now.

252

1 DOUG WESTERVELT: This
2 was my question, this is
3 why I asked you guys to
4 take this back to your
5 membership, we have to
6 clarify it, we got to get
7 it cleared up. We got to
8 make it transparent or we
9 end the program.

10 So, does Bill have the
11 old motion or the old
12 guidelines? And this was
13 my whole question behind
14 all this. Last EA
15 everyone was handed out
16 the review from the law
17 firm. Then, there should
18 have been the old
19 guidelines and the new
20 guidelines to look at, no
21 old ones.

22 Because these
23 guidelines showed up -- my

253

1 DONN ROWE: In the
2 guidelines usage of
3 deferred comp monies going
4 forward.

5 DOUG WESTERVELT: Dave,
6 there's nothing here that
7 says it's attached.

8 So with that, moving
9 on. I mean, this thing
10 shows up, I don't know
11 where it came from but it
12 shows up, we got it. I
13 guess the bottom line is
14 what you got to come down
15 to is a determination of
16 whether or not the
17 deferred comp continues or
18 we end it because it never
19 come on this floor to
20 approve it.

21 Everything is approved
22 through the floor. You
23 guys understand that,

255

1 point and Donn's point is,
2 they were never attached
3 to the executive minutes,
4 from the meeting that
5 these so-called
6 guidelines, they're not
7 signed, they're not dated.
8 They do in pursuit of the
9 July 10th --

10 DAVE VIDDIVO: It says
11 on there, see attached,
12 but for whatever reason
13 they weren't.

14 DOUG WESTERVELT:
15 That's what we're here for
16 today.

17 DAVE VIDDIVO: Does it
18 say see attached on those
19 minutes?

20 DOUG WESTERVELT: I
21 don't have them exact
22 minutes right with me
23 right now.

254

1 right?

2 So, I guess my point
3 is, do you guys all
4 understand what this
5 deferred comp program is?
6 It's not the Rainy Day,
7 but what we got is you're
8 giving everybody that is
9 on union leave and elected
10 officials, a two week
11 stipend, it went from one
12 week to two weeks, with no
13 approval from the floor,
14 that entitles anybody a
15 two week stipend, whether
16 it's cash or two weeks
17 leave upon separation.

18 So either way, we pay
19 for it. If you take two
20 weeks off, the union pays
21 the union leave bill. If
22 they decide to go right
23 back to work, you give

256

1 them a two week stipend
2 based on their base
3 salary. So, it could stem
4 from anything to a three
5 percent to a five percent,
6 almost getting in six
7 percent depending on what
8 the individual's salary
9 is.

10 So what I guess I'm
11 asking today, whether we
12 keep on discussing it, but
13 it has to be transparent.
14 No one was aware of it at
15 the time and it popped
16 out, and whether or not
17 this is what we want to
18 do. Do you want to
19 give --

20 DONN ROWE: Hale Creek.
21 Doug, I got one more
22 question. Had anybody
23 been disbursed one week --

257

1 more than one week
2 vacation or one week pay
3 prior to 2016? Did you do
4 that research or no?

5 DOUG WESTERVELT: I --
6 believe me, I've been
7 trying to get this
8 information and --

9 DONN ROWE: Does Frank
10 know?

11 PRESIDENT POWERS:
12 Donn, what's the question
13 again?

14 DONN ROWE: I'll use an
15 attorneys term, upon
16 information and belief I
17 know of no other board
18 members or employees that
19 have received more than
20 one week vacation or
21 equivalent cash prior to
22 2016. Is that accurate,
23 do you know?

258

1 PRESIDENT POWERS: I
2 don't know. I would
3 assume since it was
4 switched to biweekly --

5 DONN ROWE: It wasn't
6 switched, it was
7 clarified. And now I see
8 that a motion was actually
9 written that they voted on
10 July 10th, and I can't
11 believe Diane Davis missed
12 this, because Diane was
13 very good with her
14 minutes, and she missed
15 this motion that the law
16 firm got ahold of that
17 says biweekly pay or
18 equivalent.

19 PRESIDENT POWERS: In
20 2007.

21 DONN ROWE: Those
22 minutes are very clear.

23 PRESIDENT POWERS:

259

1 You're asking prior to
2 2016, any other previous
3 board member whether they
4 got one or two weeks?

5 DONN ROWE: I know
6 people under my -- when I
7 was there got one. And
8 there's this
9 clarification, I will
10 probably ask later, who I
11 put my request in for the
12 other weeks. Because
13 obviously it was clarified
14 by the treasurer.

15 PRESIDENT POWERS: I'm
16 assuming we have that on
17 record.

18 DOUG WESTERVELT: What
19 I do have and I don't have
20 it with me, I believe in
21 2014 that it changed from
22 one week to two weeks.
23 One week to 2014 to

260

1 biweekly.

2 DONN ROWE: Where did
3 that come from?

4 DOUG WESTERVELT: That
5 come out of the minutes,
6 too.

7 DONN ROWE: Another
8 motion.

9 RECORDING SECRETARY

10 SUMMERS: I have the old
11 one being passed out now
12 by the Sergeant-at-Arms.

13 DOUG WESTERVELT: Here
14 is what we're going to do,
15 we can table this until I
16 get all the information
17 that I have asked for and
18 I haven't gotten. Or, the
19 policy in the program has
20 been going on, people have
21 been paid, I discussed
22 this two EAs ago off the
23 record. That's why I

261

1 didn't ever want to go off
2 the record because this is
3 what happens.

4 But with that being
5 said, the bottom line is
6 this is a program that
7 exists and has been paid
8 in the past. Whether or
9 not we want to continue
10 it, close the program or
11 continue it, that's what
12 we're here to determine
13 under the new guidelines.

14 PRESIDENT POWERS:
15 Doug, I think a full
16 accounting of the program
17 from the jump 2001 or 2, I
18 know where Donn is going
19 here, there's a potential
20 that some of the previous
21 board members lacking some
22 of the benefits. I
23 believe Dave Yule, in the

262

1 finance committee, are
2 reviewing this. So we
3 need to get a full
4 accounting and review of
5 this. So you're looking
6 to you really table it and
7 gather more information.

8 DOUG WESTERVELT: Yeah.
9 I want -- I had the
10 information but it wasn't
11 tied with names that Donn
12 is asking, what they
13 received. I want it from
14 the day one that this was
15 paid, who was paid, how
16 much they were paid. I
17 didn't get the numbers
18 with the names. And
19 that's what I'm waiting to
20 receive.

21 But the bottom line is
22 it doesn't matter who was
23 paid or whether or not

263

1 we're going to continue
2 the program, or we're not
3 under new guidelines. So,
4 if you guys want me to
5 come back next EA with
6 that information and I'll
7 have the break down of
8 once again, I read it,
9 we were off the record, I
10 broke it down. I didn't
11 think that would be an
12 issue to go back and
13 discuss it again, but it's
14 obvious we want to figure
15 this out.

16 So I'll table it, if
17 you guys have no
18 objections to that. And
19 I'll have it --

20 DONN ROWE: My only
21 objection -- I have no
22 objection to creating this
23 policy and this assembly

264

1 approving it. But my
2 objection is referring to
3 motions that don't exist,
4 that didn't exist, that
5 nobody has their name on.
6 That's an issue with me
7 and putting it in writing
8 and providing it to the
9 attorneys to make a
10 decision.

11 When the minutes say
12 one thing and there's
13 nothing attached, when it
14 says there's guidelines
15 and there's no guidelines,
16 how do we know what was
17 going on.

18 DOUG WESTERVELT:
19 That's my concern.

20 DONN ROWE: And that
21 should be a big concern of
22 everyone here. And if I
23 could have two seconds on

265

1 could have called Mike up
2 and said, hey, that Rowe
3 guy is not president any
4 more, why is he out on
5 three weeks union leave
6 still? They can deny it.

7 So, yes, we need a
8 policy, but this whole two
9 weeks nonsense, this is
10 total nonsense. And
11 whoever pulled the wool
12 over on this, should be
13 held accountable for it
14 and we should correct it
15 here. Two weeks is too
16 much.

17 MATT KEOUGH: Matt
18 KEOUGH, Great Meadow. I'm
19 just curious if there
20 would be any retroactive
21 pay on top of that?

22 DAVE VIDDIVO: They
23 should get --

267

1 this policy, I'm in favor
2 of this policy. This
3 policy was adopted in
4 writing because of EOL
5 guys that were dismissed
6 and had to report back to
7 the jail.

8 And that's how it came
9 about. If you know the
10 history of this this is
11 what's it's about. And
12 everybody I worked with at
13 NYSCOPBA doesn't take a
14 lot of vacation, doesn't
15 take a lot of time; and
16 even when they do, they do
17 their job on vacation.

18 So, yes, they deserve
19 some kind of separation.
20 And believe me, leave
21 isn't always going to be
22 available. Leave is
23 approved by GOER. They

266

1 VP WEST MIANO: We have
2 no way of knowing who
3 those people would be.

4 DAVE VIDDIVO: Could I
5 just say something? You
6 know, Donn is referring to
7 motions and policies that
8 have no names or whatever
9 on them. I wrote this one
10 here. I wrote these
11 guidelines, so my name is
12 on this. I wrote this in
13 July 2016.

14 The auditors wanted
15 guidelines to be set up
16 with this policy. The
17 policy already existed.
18 The policy existed back in
19 the early 2000s. I wrote
20 this. It was voted on in
21 the board meeting, maybe
22 it wasn't attached. Okay.
23 But I know it exists, I

268

1 just want to clarify that.

2 PRESIDENT POWERS:

3 Let's pull all the
4 documents together and get
5 them over to the finance
6 committee. We'll bring
7 the lawyers in and we'll
8 hash it out.

9 DOUG WESTERVELT: But
10 you need to go back to
11 your members and discuss
12 it. That's the issue.
13 Because when they read the
14 minutes and they see you
15 gave an increase to the
16 Executive Board and the
17 union leave, people
18 they're going to question
19 us because guys are
20 voting.

21 So the whole thing was
22 it was supposed to go back
23 and be discussed with your

269

1 stuff, will that have an
2 affect on voting on the
3 policy or not?

4 Because if it's not
5 gonna have an affect on
6 voting on the policy, we
7 just keep kicking this
8 down the road. The
9 question is, there's a
10 policy in front of us now
11 that Doug would like
12 everybody to vote on,
13 either yes or no. Is it a
14 good --

15 PRESIDENT POWERS: He
16 may be pulling it.

17 AL ZAPPALA: That's why
18 I wanted to find out if
19 this policy, if we meet as
20 the finance committee, are
21 we meeting to adjust the
22 policy or are we meeting
23 to get numbers? Because

271

1 members two months ago.
2 That's why it was all
3 handed out. So, I will
4 table it, I'll come back
5 with some -- if you want
6 the numbers, I'll have the
7 numbers, the numbers and
8 the actual dates and
9 transition times, which I
10 went over. My apologies,
11 I didn't think I needed
12 them today. We'll just
13 come back the next EA.

14 AL ZAPPALA: Al
15 Zappala, Shawangunk. Just
16 to get clarification, the
17 whole purpose of today's
18 meeting is to vote on a
19 policy. To go back to the
20 finance committee and get
21 numbers from other things
22 in the past and this or
23 that, all this other

270

1 we're trying to figure out
2 what to do with this
3 policy. Meeting to get
4 numbers, meeting to look
5 at things that happened in
6 the past, doesn't really
7 help us, it just keeps
8 pushing it down.

9 What we need to do now
10 is make something correct,
11 make it official. There's
12 people that feel it was
13 correct, there's people
14 that feel it wasn't.
15 Today is this, we are
16 fractured. There's people
17 around the state that they
18 see things that are done,
19 they think this, they
20 think that.

21 This purpose for this
22 policy right now presented
23 to you is to officially

272

1 make something we do it or
2 we don't do it. It
3 doesn't matter what
4 happened in the past. The
5 past happened. All right.
6 Like, this is the truth,
7 these guys work hard, yes,
8 they do.

9 Whether you decide they
10 deserve two weeks, one
11 week, it's irrelevant
12 other than the fact that
13 in front of you is a
14 policy for a two week
15 plan. If Dave wants to
16 pull, I support what you
17 want to do Dave. But like
18 I said, I don't feel
19 pushing this down the road
20 will change anything. We
21 need to get this together
22 because members keep
23 wanting to know where

273

1 constitution and bylaws I
2 believe had a part in
3 it -- no, they didn't.

4 DOUG WESTERVELT: They
5 let us know that it's the
6 opinion of the lawyers
7 that it should have come
8 to the floor.

9 DAVE VIDDIVO: Right,
10 agreed. Right. The legal
11 opinion was that it was
12 done originally properly.
13 Some of the subsequent
14 amendments weren't done
15 properly. And then it's
16 up to this body to decide
17 that it's constitutional,
18 which this body did decide
19 that it's constitutional.

20 That policy that Doug
21 presented to you covers
22 the constitutionality part
23 as well as implementing a

275

1 we're at and what are we
2 doing and that's where
3 we're at.

4 DOUG WESTERVELT: And
5 That's why I'm up here
6 asking for direction from
7 you guys. Where do you
8 want to go with this?

9 PRESIDENT POWERS: We
10 have taken into
11 consideration some may not
12 have received a benefit in
13 the timelines here.
14 That's one of the things
15 that's going to have to be
16 looked at, which shouldn't
17 be an issue because
18 they're owed it.

19 DAVE VIDDIVO: Mike, I
20 think that's a discussion
21 that has to be had the
22 policy is written as is.
23 Doug, finance committee,

274

1 policy to give union
2 members or union leave and
3 appointed employees this
4 two week compensation for
5 every year. It's that
6 simple. If there is
7 something that was done
8 improperly or motions
9 weren't presented to this
10 body for approval, and
11 some people prior to 2016
12 when the last motion was
13 made -- there's been
14 motions made in 7, '14,
15 '16 -- and if it was done
16 improperly and people
17 weren't given the two
18 weeks going back to this
19 2007 motion or minutes,
20 whichever, then we make
21 them whole.

22 It's that simple.
23 Whatever you want to give

276

1 them because they do
2 deserve it. Donn says two
3 weeks is too much; I
4 disagree. I think two
5 weeks is too little. I'm
6 a living example of this
7 policy.

8 PRESIDENT POWERS:

9 Let's stick to the --

10 DAVE VIDDIVO: I'm
11 going to give you an
12 example of why this policy
13 exists. I was out of the
14 facility for the last
15 twelve years. On average
16 I worked six to eight
17 hundred hours of overtime
18 for the first twenty
19 years. I came out on
20 union leave, did this job
21 up there, and it probably
22 affected my retirement for
23 about seventeen to twenty

277

1 somebody paid back an
2 illegal check and the
3 money sat in some desk
4 drawer for three years.
5 It's ridiculous.

6 I'm all in favor of
7 taking care of this policy
8 and make it whole in this
9 room, where it should have
10 been.

11 PRESIDENT POWERS:

12 Doug, you want to move the
13 policy?

14 DOUG WESTERVELT: I
15 want to get the vote in.

16 PRESIDENT POWERS:

17 Everybody wants to move
18 the policy, all in favor?

20 (Response of aye from
21 the floor.)

23 PRESIDENT POWERS:

279

1 grand for the rest of my
2 life.

3 So to give me three
4 grand a year walking out
5 the door to do that job,
6 it's beyond deserving in
7 my opinion for everybody
8 that's up there. And I
9 think two weeks is more
10 than fair.

11 DOUG WESTERVELT: Donn?

12 DONN ROWE: I want to
13 make it clear, I'm not
14 against voting on the
15 policy. All I'm saying is
16 we need to put the right
17 information out. Whoever
18 provided these documents
19 needs to rethink what they
20 did. Because you're
21 looking at motions are
22 coming out of desk
23 drawers. It's like

278

1 Anyone opposed?

2
3 (Response of nay from the
4 floor.)

5 PRESIDENT POWERS:

6 We're good? Any other old
7 business?

8 ANDY RICE: Hold on.
9 Did we just vote on the
10 policy or did we just vote
11 to move on the policy? I
12 was under the impression
13 Doug wanted to see if we
14 wanted to move on it
15 before we actually voted
16 on it.

17 PRESIDENT POWERS:

18 Further discussion is what
19 he said.

20 ANDY RICE: Well, rice
21 from Elmira is a no.

22 CHUCK THOMAS: Thomas,
23 Auburn is a no.

280

1 DOUG WESTERVELT: There
2 was confusion there, hold
3 on. We got to rewind
4 this. We he said we'd
5 like to make the motion to
6 move, my thought was okay,
7 we're going to move it, so
8 we're going to vote on it.
9 You said we already voted.

10 PRESIDENT POWERS: You
11 asked if they wanted to
12 move the policy and they
13 said yes. I asked for
14 unanimous consent and they
15 gave it. And then we had
16 Scott from Shawangunk,
17 then Andy and Thomas step
18 up and said no.

19 UNIDENTIFIED SPEAKER:
20 Are we voting on the
21 policy?

22 MR. ALLEN: Allen,
23 Orleans. No.

281

1 with the policy?

2 DOUG WESTERVELT: With
3 that being said, the
4 reason we have to do is
5 this is because we got to
6 show it on the books. We
7 got slammed in the audit,
8 so it needs to go one way
9 or the other.

10 PRESIDENT POWERS:
11 See ing no discussion with
12 the motion, all in favor
13 signify by saying aye.

14
15
16
17 (Response of "Aye".)

18
19 PRESIDENT POWERS:
20 Anybody opposed?

21
22 (Response of nay from
23 the floor.)

283

1 PRESIDENT POWERS: Am I
2 correct to assume --

3 DOUG WESTERVELT: Okay.
4 So here's what I'm used to
5 the way I understood it,
6 we're going to move to
7 vote on this policy.

8 PRESIDENT POWERS: I
9 know where you're going,
10 Doug, and you're right,
11 that's on me. I didn't
12 ask if there was
13 discussion on the motion.
14 And actually it's not even
15 a motion, it's a policy.

16 DONN ROWE: It's a
17 recommendation from the
18 finance committee.

19 PRESIDENT POWERS: The
20 recommendation from the
21 finance committee was to
22 bring the policy forward.
23 Is there any discussion

282

1
2 PRESIDENT POWERS: Nays
3 go to the mic.

4 ANDY RICE: Rice,
5 Elmira.

6 CHUCK THOMAS: Thomas,
7 Auburn.

8 MR. EDMUND: Edmund,
9 Cayuga.

10 RALPH SCOTT: Scott,
11 Shawangunk.

12 MARK DEBURGOMASTER:
13 Deburgomaster South Port.

14 MR. ALLEN: Allen,
15 Orleans.

16 MR. STICHT: Sticht,
17 Collins.

18 MR. MOLINO: Molino,
19 Albion.

20 PRESIDENT POWERS:
21 Recommendation from the
22 finance committee passes.
23 Thanks, Doug. Any other

284

1 old business?

2 Listen up. In your
3 packet under the Rainy Day
4 Fund. Second page, on the
5 top it reads, current
6 wording regarding the
7 Rainy Day Fund. Under
8 Letter B, changes
9 underlined in bold and
10 under Option B, under
11 Letter B.

12 NYSCOPBA has
13 established a Rainy Day
14 Fund, the dues to pay for
15 the Rainy Day Fund, shall
16 be an increase of two
17 dollars and fifty cents
18 per pay period.
19 Explanation, the two
20 dollars and fifty cents
21 per pay period will bring
22 the suspension benefit
23 back to fifteen hundred

285

1 per pay period and
2 eliminate the separation
3 benefit.

4 This would be an
5 increase of fifty cents
6 per pay period. Under
7 Letter C, it states,
8 NYSCOPBA has established a
9 Rainy Day Fund. The dues
10 to pay for the Rainy Day
11 Fund shall be an increase
12 of three dollars per pay
13 period.

14 Explanation, a three
15 dollar pay period option
16 will cover the recent
17 motion at the October 2018
18 Executive Assembly,
19 whereas the suspension
20 benefit will be reduced to
21 thirteen hundred per pay
22 period for qualifying
23 events. Separation

286

1 benefit would be restored
2 to its original value,
3 parentheses, fifty dollars
4 per paid year of service
5 paid upon separation of
6 state service, end
7 parentheses, prior to the
8 October motion.

9 This would be an
10 increase of one dollar per
11 pay period. Under Option
12 D, NYSCOPBA has
13 established a Rainy Day
14 Fund. The dues to pay for
15 the Rainy Day Fund shall
16 be an increase of three
17 dollars and fifty cents
18 per pay period.

19 Explanation, the three
20 dollars and fifty cents
21 per pay period would
22 restore the suspension
23 benefit, and the

287

1 separation benefit, to its
2 original amounts, fifteen
3 hundred per pay period for
4 the qualifying event and
5 fifty dollars per year of
6 service upon separation of
7 state service. This would
8 be an increase of one
9 dollar and fifty cents per
10 pay period.

11 Option E, to terminate
12 the Rainy Day Fund and
13 remove it from under
14 Article 7 dues.

15 VP MID-HUDSON MAZZELLA:
16 Mike Mazzella, Mid-Hudson.
17 My question I guess is,
18 what exactly is this?
19 These are recommendations
20 from somebody, it's not a
21 motion. You can't have a
22 motion with options.
23 Number two, it affects the

288

1 dues which means it has to
2 be a constitutional
3 amendment.

4 So, what exactly are we
5 looking at other than
6 options. And then, are we
7 here to discuss the
8 different options that
9 come collectively to say,
10 okay, let's all submit
11 Option B or C. I'm not
12 quite sure what we're
13 doing with this whole
14 process right here.

15 RECORDING SECRETARY
16 SUMMERS: Chris Summers,
17 recording secretary. This
18 has been brought up, I
19 believe since November,
20 December. They were
21 supposed to take that back
22 and discuss at their
23 membership meetings and

289

1 bring it back to the EA of
2 what route they want to
3 go. Do they want to raise
4 the dues, how much they
5 want to raise the dues, to
6 eliminate the Rainy Day
7 Fund.

8 That's what this is all
9 about. We actually had an
10 amendment put into us. It
11 did not make the packet,
12 by Mark Deburgomaster.
13 And that was for five
14 dollars and that's to
15 bring the Rainy Day Fund
16 back to the way it is --
17 the way it was. Fifteen
18 hundred dollars with the
19 separation benefit and you
20 didn't have to use your
21 time.

22 I will let Mark
23 Deburgomaster explain it.

290

1 But that's what this is
2 all -- nobody wanted to
3 move forward at the last
4 EA on the Rainy Day Fund
5 because it didn't have the
6 options in front of them
7 at the time, so.

8 VP MID-HUDSON MAZZELLA:
9 I get all that. But the
10 question is, how is this
11 body supposed to proceed
12 with options is my
13 question?

14 RECORDING SECRETARY
15 SUMMERS: Whatever option
16 that their membership sees
17 fit, how much they want to
18 spend on it.

19 VP MID-HUDSON MAZZELLA:
20 So, what I'm getting at it
21 when you call for a vote,
22 are you going to say what
23 option do you want or --

291

1 RECORDING SECRETARY
2 SUMMERS: We're not going
3 to call for a vote. We're
4 trying to hash this out to
5 bring a constitutional
6 amendment for the next EA
7 and then move forward it
8 won't be until September.

9 VP MID-HUDSON MAZZELLA:
10 Understood.

11 RECORDING SECRETARY
12 SUMMERS: This is just to
13 get a constitutional
14 amendment written. That's
15 how we can go about --

16 VP MID-HUDSON MAZZELLA:
17 So this is just to induce
18 conversation as to which
19 way they want to go.

20 RECORDING SECRETARY
21 SUMMERS: Correct.

22 JOHN ROBERTS: John
23 Roberts, northern region.

292

1 Why don't we leave it
2 alone? The Rainy Day Fund
3 is over four hundred
4 thousand dollars. Just go
5 forward. We defeated a
6 motion at the last EA
7 trying to diminish the
8 Rain Day Fund.

9 It's working perfectly
10 fine the way it is right
11 now. We brought it from
12 the hole up over four
13 hundred thousand dollars
14 in five months.

15 PRESIDENT POWERS: The
16 original intent when the
17 motion came out in I
18 believe October, because
19 of the fact that the Rainy
20 Day Fund was heavily
21 utilized at the time, how
22 many do we have out now?
23 Twelve individuals at this

293

1 to the meeting and said,
2 listen, these are the
3 options I'd like you guys
4 to consider. Take it back
5 to your members, here is
6 Option A, B, C, D, E.
7 That way we could curtail
8 what you guys thought or
9 put together a one time
10 amendment to fix it.

11 Doug's motion to freeze
12 it, reduce it or eliminate
13 the pay back was a
14 temporary motion. That
15 was so we didn't go
16 another million fifty in
17 the hole. Because on the
18 pay back had we gone back
19 past that day, we would
20 have owed another million
21 dollars.

22 Right now, NYSCOPBA
23 over long term still has

295

1 point. It's a little bit
2 healthier, it's not
3 perfect. And I'm not sure
4 if these options
5 through the Constitution
6 and Bylaws was to try to
7 bring it back to the
8 original intent.

9 MARK DEBURGOMASTER:
10 Deburgomaster, South Port.
11 This was actually
12 submitted as a
13 constitutional amendment
14 to the committee. But
15 because it had multiple
16 options and multiple
17 choices, the committee
18 couldn't accept it.
19 That's not how you get
20 direction for an
21 amendment.

22 So it was returned to
23 the maker, the maker came

294

1 to pay one million fifty
2 dollars to the members.
3 We got four hundred
4 thousand dollars, you're
5 still short six hundred
6 thousand dollars in that
7 account over a five year
8 period.

9 Also, there are
10 members -- I sold it in my
11 jail, you get your money
12 back when you don't
13 utilize it. We took that
14 away from the members.
15 This body decided we need
16 to keep this and I don't
17 think there's too many
18 people in this room that
19 don't think we need this
20 fund.

21 But in order to move it
22 forward, I'd like to see
23 it restored to what we

296

1 originally promised our
2 members. We promised them
3 fifty dollars back if they
4 didn't use it. That's
5 what they signed up for
6 when they voted this in.
7 That's what we sold it on.
8 If we cost, saying you got
9 to pay a little bit more,
10 fine. There's a question
11 as to whether or not some
12 of the policies we're
13 going move forward with on
14 pay back options, you go
15 into a loan type
16 procedure, those are all
17 things that are now being
18 looked at so you don't get
19 screwed over when they
20 start saying nope,
21 you were compensated for
22 that period.

23 We agreed at the last

297

1 be eliminated. So, our
2 membership at Shawangunk
3 feels that if it can't be
4 self-sufficient, we
5 shouldn't be tweaking
6 things to fix it. That it
7 would be self-sufficient
8 and if it's not, that's
9 not what we were
10 originally presented with.

11 MS. GORDON: Gordon,
12 Taconic. How much money
13 has been paid back
14 currently? Because what
15 we need to understand is,
16 if they're still not
17 paying back, you want us
18 now to either add these
19 other options to fix that
20 hole that's there to put
21 us in a bigger hole later
22 on, so we are still gonna
23 be in the hole. So, how

299

1 EA we weren't going to
2 kill it, we still need to
3 fix a portion of it and
4 that's where this is
5 moving it forward. The
6 Constitution and Bylaws
7 couldn't take that
8 amendment as written. So,
9 it became more like a
10 survey that was sent out
11 to everyone. That's why
12 we're where we are.

13 PRESIDENT POWERS: Has
14 everybody had a chance to
15 bring this back to your
16 local to review this?
17 Scott?

18 MR. SCOTT: Scott,
19 Shawangunk. When this was
20 originally presented to
21 our membership we were
22 told if it wasn't
23 self-sufficient it would

298

1 many holes are we gonna be
2 digging?

3 TREASURER GILBO:
4 Roughly two hundred
5 thousand dollars is still
6 left out to be paid back.
7 We've received I think
8 around seven hundred back.
9 And just to let everybody
10 know, we have paid all
11 fifty dollars out, we're
12 up to date with that. So
13 everybody who should have
14 gotten paid, retired, got
15 paid.

16 MS. GORDON: Oh, excuse
17 me, let me make a
18 correction on that. My
19 husband recently retired
20 and they told him no, he's
21 not entitled to that.

22 SHAUN KEENAN: Keenan,
23 Wende. In this writing,

300

1 the way this reads is that
2 it is an increase of two
3 dollars and fifty cents,
4 and an increase -- in the
5 options. And an increase
6 of three dollars, so it
7 reads that on top of the
8 two dollars, we're going
9 to add two fifty, so it's
10 then four fifty; and then
11 three dollars taking it to
12 five dollars. Is that
13 correct?

14 TREASURER GILBO: Yes.
15 I think --

16 SHAUN KEENAN: It's
17 not --

18 TREASURER GILBO: Yes,
19 it's five dollars.

20 SHAUN KEENAN: So we're
21 adding these to the two
22 dollars already being
23 taken. Okay. Thank you.

301

1 Just to clarify that.

2 DAVE VIDDIVO: Just to
3 let you guys know, these
4 numbers that we're talking
5 about here as far as
6 paying back the fund, when
7 the money is owed back to
8 the fund and people get
9 awards, that money was
10 never included in the
11 calculations to save this
12 fund, that's above and
13 beyond.

14 So by what Mark wants
15 to do here as far as raise
16 it for sustainability at
17 five bucks, it would
18 literally sustain this
19 fund, based on our numbers
20 going back the last two
21 and a half years, it will
22 sustain the fund for
23 seventy-five years and

302

1 beyond.

2 At three dollars and
3 fifty cents there was a
4 slight dip about
5 twenty-five years out to
6 where we started to come
7 back. But at five
8 dollars, it would just
9 continue to rise.

10 PRESIDENT POWERS:
11 Bring these options back
12 to your members and we'll
13 discuss it at the next EA.
14 Any other old business?

15 New business -- hold
16 on. Under old business we
17 have a motion. To create
18 a policy that requires all
19 information submitted to
20 the Executive Board by
21 interested candidates when
22 filling a vacancy for
23 president, executive vice

303

1 president, treasurer or
2 recording secretary, be
3 distributed to the
4 Executive Assembly via the
5 EA packet. This shall be
6 done prior to the assembly
7 confirming the Board's
8 appointee.

9 Wisdom, to afford the
10 EA the same background
11 information provided to
12 the E Board regarding the
13 qualifications and
14 experience of all
15 applicants. Additionally,
16 in the event that the
17 Executive Assembly does
18 not confirm the Board's
19 appointee, an informed and
20 timely decision can be
21 made from any interested
22 candidates that remain.

23 Motion is made by Chris

304

1 Moreau out of Green Haven
2 and seconded by Ken Gold
3 out of Orleans.
4 Discussion?

5 VP LAW ENFORCEMENT

6 HARMON: John Harmon, law
7 enforcement vice
8 president. Again, this is
9 my only issue with this is
10 the privacy of someone's
11 information. I get that
12 the Executive Assembly
13 needs to have the criteria
14 or what the reason or
15 rationale that the Board
16 fill the vacancy for. But
17 my issue is purely just,
18 let's be honest, the
19 information that's
20 distributed does not stay
21 in this room.

22 And if somebody's
23 resume with e-mail

305

1 address, address and other
2 private information gets
3 out, that could be a
4 problem and I understand
5 it. I understand the
6 reason why this motion has
7 come forward. But, the
8 issue is in today's world
9 it's the privacy part.

10 And I think we need to
11 have some accountability
12 to the Board to make a
13 determination and to
14 explain their rationale to
15 the body of what their
16 determination was and how
17 it came about. It's just
18 a privacy piece for me.

19 AL ZAPPALA: Al
20 Zappala, Shawangunk. If
21 John is concerned about
22 the privacy issue, we
23 don't have to put an

306

1 e-mail on the resume. We
2 can have it on there but
3 it could be blackened out,
4 phone number should be
5 blackened out, redacted.

6 But I'll tell you right
7 now, if I run for
8 Executive Board, I'll let
9 every single one of you
10 guys have my cell phone
11 number because I want you
12 guys to call me and I want
13 you guys to know what's
14 going on.

15 If somebody doesn't
16 want to give me their
17 phone number because
18 they're worried, well, I'm
19 worried about them being
20 in that position.

21 NEIL GRUBER: Gruber,
22 Lakeview Shock. As far as
23 the information, when

307

1 people run for Executive
2 Board it comes in the
3 pamphlet that everyone
4 gets, so what's
5 the difference?

6 PRESIDENT POWERS: I
7 think it's more of in the
8 event of a vacancy that
9 occurs during a term.

10 NEIL GRUBER: Yeah, but
11 you're going to get the
12 same information.

13 CHUCK THOMAS: Chuck
14 Thomas, Auburn. I feel
15 with Al there regarding
16 the fact that you can
17 redact certain information
18 on there to include
19 sensitive material that
20 needs to come out. Like I
21 said, I was against this
22 before because of the
23 wisdom previously and they

308

1 came back and they changed
2 it and it looks pretty
3 good.

4 But I fully support the
5 fact that you guys can
6 redact specific
7 information you know
8 that's going to be
9 sensitive, it's going to
10 be put out to the public.
11 Granted, it's a risk. But
12 putting your name in that
13 hat is a known risk, if
14 you're not willing to do
15 it, guess what, then you
16 shouldn't have the balls
17 to put your name in the
18 hat.

19 PRESIDENT POWERS:

20 Kenny?

21 KENNY GOLD: The motion
22 itself is to create a
23 policy. It doesn't say --

309

1 we can put right it to
2 redact sensitive
3 information.

4 PRESIDENT POWERS: Any
5 other discussion? Want me
6 to read it in again?

7 To create a policy
8 that requires all
9 information submitted to
10 the Executive Board by
11 interested candidates when
12 filling a vacancy for
13 president, executive vice
14 president, treasurer or
15 recording secretary, be
16 distributed to the
17 Executive Assembly via the
18 EA packet. This shall be
19 done prior to the assembly
20 confirming the Board's
21 appointee.

22 Wisdom, to afford the
23 EA the same background

310

1 information provided to
2 the E Board regarding the
3 qualifications and
4 experience of all
5 applicants. Additionally,
6 in the event that the
7 Executive Assembly does
8 not confirm the Board's
9 appointee, an informed and
10 timely decision can be
11 made from any interested
12 candidates that remain.

13 Motion is made by Chris
14 Moreau, Green Haven.
15 Seconded by Ken Gold,
16 orleans. All in favor of
17 the motion signify by
18 saying aye.

19
20 (Response of aye from
21 the floor.)
22

23 PRESIDENT POWERS:

311

1 Anybody opposed?

2
3 (Response of nay from
4 the floor.)
5

6 PRESIDENT POWERS: John
7 Harmon. Okay.

8 RECORDING SECRETARY
9 SUMMERS: Chris Summers,
10 recording secretary. I
11 just have a question,
12 since I'm the one in
13 charge of doing all that,
14 and sending that in a
15 packet. Am I redacting
16 that information, am I
17 not? What's going on? I
18 don't want anybody to come
19 back and say I released
20 their information to other
21 people.

22 PRESIDENT POWERS:
23 Okay. All right. All

312

1 right. In your packets
2 you have a NYSCOPBA non
3 member free rider policy.
4 If you recall back some
5 time ago when Janus first
6 came out we agreed that
7 anybody who leaves the
8 bargaining unit will not
9 be allowed back in.

10 We've had a couple of
11 issues that were addressed
12 here that are in your
13 packet, we want to share
14 them with you. So under
15 section three of the non
16 member free rider policy,
17 exemptions and
18 stipulations.

19 Non members will be
20 allowed to become a dues
21 paying member when A,
22 within the first
23 forty-five days after

313

1 prescribed by the
2 Association. Individuals
3 granted membership in the
4 Association shall maintain
5 their status as members in
6 good standing by
7 maintaining their dues
8 obligation and upholding
9 the Constitution and
10 Bylaws.

11 In that packet if you
12 continue through you have
13 three payroll deduction
14 authority membership
15 applications. Their
16 e-mails have been
17 redacted, social security
18 numbers, all that good
19 stuff.

20 So with that being said
21 we're asking for this
22 body's approval to accept
23 these three individuals

315

1 NYSCOPBA was notified,
2 which meant that once the
3 Janus piece came down, we
4 sent out mailings, many
5 mailings to members that
6 were agency fee payers and
7 we asked -- you know, we
8 gave them the opportunity
9 to get in within 45 days.

10 And then, of course,
11 Letter B at the direction
12 of the Executive Assembly,
13 so in here under Article 3
14 in membership, this is on
15 page one of the policy and
16 second page in your
17 packet.

18 To become an active
19 member, an employee must
20 execute and provide to the
21 Association the dues
22 deduction authorization
23 membership card, in a form

314

1 into the membership.

2 STEVE MARASCO: Steve
3 Marasco, Shawangunk. I
4 got some concerns. I
5 specifically remember this
6 conversation a couple
7 years ago and I talked
8 about buyer's remorse.
9 And I remember this Board
10 looking at me like I was
11 crazy and saying, no,
12 you're out, you're out.

13 With that said, these
14 people that want to get
15 back in, they tried to
16 kill our union by taking
17 their dues, if enough
18 people would have done it,
19 we would have went down.
20 Something like this is
21 absurd.

22 RECORDING SECRETARY
23 SUMMERS: Chris Summers,

316

1 recording secretary. They
2 never opted out. They
3 never -- all they did was
4 they never responded back.
5 They were agency shop
6 fees, they never sent in a
7 letter and opted out of
8 the union.

9 STEVE MARASCO: So they
10 paid partial dues.

11 PRESIDENT POWERS: In
12 other words, when the
13 Janus decision came down,
14 they didn't opt in. They
15 were already paying agency
16 fees, which means a small
17 portion of their dues for
18 political action was taken
19 from them.

20 RECORDING SECRETARY
21 SUMMERS: That's the only
22 reason why they are here,
23 because they never opted

317

1 out of the union. That's
2 the only reason why you're
3 seeing this.

4 STEVE MARASCO: My next
5 question would be, every
6 time we come to the EA,
7 every jail gets a roster
8 and they say members not
9 in good standing. So,
10 Janus versus AFSCME has
11 been awhile. All these
12 stewards, if they were
13 still agency dues,
14 neglected what they should
15 have been doing. That's
16 my question.

17 PRESIDENT POWERS: They
18 haven't been paying dues.

19 STEVE MARASCO:
20 Exactly. But they were
21 aware of it, stewards are
22 aware of it.

23 EXECUTIVE VP SAWCHUK:

318

1 They were sent certified
2 letters.

3 PRESIDENT POWERS: When
4 the Janus versus AFSCME
5 decision came down, they
6 were sent three letters
7 within a 45 day period.

8 STEVE MARASCO: This
9 sounds like us trying to
10 collect Rainy Day Fund
11 money, we send a lot of
12 letters.

13 DOUG WESTERVELT: So
14 notified three times
15 since, and they still want
16 back in? Would they be
17 paying retro? They had
18 their chance three times,
19 you're out.

20 CHUCK THOMAS: Chuck
21 Thomas, Auburn. Is our
22 law firm doing anything to
23 protect -- I know there's

319

1 a case going on in
2 California right, guy's
3 name is Tommy Due, I
4 believe. And he's
5 attempting to rack back
6 all the union dues he paid
7 over the entire period he
8 was working. Is our law
9 firm covering that so if
10 that if somebody opts out
11 and they take this to
12 court --

13 PRESIDENT POWERS:
14 We're discussing it.

15 KEITH JACQUES: Chuck,
16 I don't know if it was
17 clarified by Dan Valente,
18 there's actually language
19 that was included in the
20 enacted budget that would
21 prevent any agency fee
22 payer for recouping their
23 dues, so that's a law.

320

1 CHUCK THOMAS: I
2 appreciate it.
3 VP LAW ENFORCEMENT
4 HARMON: John Harmon, law
5 enforcement. One of the
6 issues that my members
7 have that's not like
8 DOCCS, I have -- I don't
9 have any excuses for them
10 not answering mail. But
11 let's be honest, out of
12 twenty-two thousand
13 members, only 18 hundred
14 maybe voted for the
15 constitution and bylaws,
16 and how many through them
17 out?
18 The issue I have from
19 my guys is that we're not
20 notified. Like, for
21 DOCCS, we know exactly
22 everybody who goes to the
23 academy. For my guys, you

321

1 start working, and you're
2 only notified when the
3 agency notifies us that
4 you haven't paid dues.
5 Which typically can be,
6 you know, we just -- we go
7 around and get the dues
8 card signed. We don't
9 have like, if you go to
10 the academy, they get you
11 to sign the card; that
12 doesn't happen. So our
13 guys not responding to
14 mail, which probably half
15 of our union does not
16 respond to mail, the only
17 option we have is to track
18 them down and try to get
19 them to sign a card.
20 And we have places that
21 have -- we have rural
22 areas, you know, they have
23 two or three guys, might

322

1 have ten guys. So, I
2 don't have any excuses for
3 them not answering their
4 mail, but I just wanted
5 you guys to be aware that
6 for the Law Enforcement
7 members of this union,
8 it's not exactly the same
9 way it is for the DOCCS
10 members, where you go to
11 the academy and you make
12 the conscious decision not
13 to sign a card.
14 The one member for law
15 enforcement here, he did
16 not opt out. He just --
17 he just didn't sign the
18 card. I'm not gonna make
19 any comments about it.
20 He's not a bad guy, to be
21 honest with you, he just
22 didn't do it.
23 PRESIDENT POWERS: Al?

323

1 AL ZAPPALA: Al Zappala
2 Shawangunk. I get
3 something in the mail that
4 says NYSCOPBA, I open it
5 up, because I take pride
6 in NYSCOPBA. Shame on
7 those members that were
8 sent out these forms and
9 threw them in the garage,
10 because we know that
11 that's what happened.
12 We built this union.
13 We succeeded. We won
14 Janus versus AFSCME, we
15 won the constitutional
16 convention. We won all
17 those things but we won it
18 together. And now there's
19 individuals because they
20 didn't know what they were
21 doing? No, they knew what
22 they were doing. They
23 said "F" NYSCOPBA and

324

1 that's why they were
2 agency soft payers.

3 Now they wanna come
4 back in? It's up to this
5 body to decide. But
6 remember this, we let
7 three people in, we need
8 to left more in. We let
9 people out, we need to let
10 them back in. This opens
11 up a can of worms. I
12 don't know where we would
13 go if we open that can of
14 worms, but everyone needs
15 to make a conscious
16 decision and vote the way
17 you know you need to vote.

18 MIKE CARLSON: I'll
19 open that can of worms,
20 here, Mike Carlson. I got
21 guys who are retired
22 correction officers, who
23 retire and then want to

325

1 come back to work in the
2 state parks as rangers.
3 Now they're paying their
4 retirement dues. Do they
5 need to pay their other
6 dues as well? And if they
7 don't pay their other
8 dues, do we kick them out
9 or they're not in the
10 union? Because now
11 they're retired members
12 who are now active
13 members, do they pay both?
14 Do they pay retirement or
15 active --

16 PRESIDENT POWERS:
17 They're going to file
18 another card.

19 MIKE CARLSON: They
20 would have to file another
21 card?

22 VP LAW ENFORCEMENT

23 HARMON: Mike, the answer

326

1 for that is, you have to
2 have a card on file for
3 "X" amount of time.
4 If you end up -- there are
5 seasonal, retired
6 correctional officers who
7 work one year and don't
8 work for another two or
9 three years, and then come
10 back into the system.
11 There's a time limit for
12 that card --

13 STEPHANIE FLANAGAN:
14 No, there's not.

15 LAW ENFORCEMENT VP

16 HARMON: There's not.

17 Okay. So, what the law
18 says in Janus, I believe,
19 once you have a card on
20 file, you have a card on
21 file. So you become a
22 member, even when you
23 rejoin the union, you

327

1 don't have to re-sign a
2 card.

3 The issue we have is
4 those that do become
5 seasonals, who -- I'm
6 gonna be honest with you,
7 tracking Mike Carlson's
8 guys down during the
9 season, if you can do it,
10 good luck. Because a lot
11 of them are in the field,
12 they actually live in the
13 field. So you're going to
14 go well past forty-five
15 days for a lot of those
16 guys to even sign a card.

17 Not anything they did
18 wrong, they just would
19 time out.

20 MIKE CARLSON: I have
21 thirty members that camp
22 in the Adirondack during
23 the summer, they're not

328

1 home and I don't know what
2 the reason is they're not
3 getting back. I have 169
4 facilities that you would
5 have to report to state
6 parks, whether they're
7 campgrounds or state
8 parks, or other facilities
9 I would have to go to.

10 There's no way we even
11 know who these people are
12 half the time because the
13 guy was here last year is
14 not coming back. I have
15 new hires. And a of times
16 the -- they're not getting
17 their card to fill out
18 when they sign up. Or,
19 they're putting their
20 resume in coming in for an
21 interview and they're not
22 handing them anything.
23 So, we don't even know

329

1 when the hiring date is.
2 So, it runs into a problem
3 with a lot of seasonals.

4 STEVE MARASCO: Excuse
5 me, Steve Marasco,
6 Shawangunk. In your
7 contract it says,
8 membership packets, the
9 employer agrees to provide
10 each new employee with the
11 membership packet
12 furnished to, by the
13 union, within one week
14 following the first day of
15 employment. So they got
16 their packets from their
17 boss.

18 MIKE CARLSON: No, they
19 didn't.

20 STEVE MARASCO: Well,
21 then, a grievance should
22 have been filed.

23 THOMAS RELYEA: Relyea,

330

1 Hudson. The question now
2 is, do they pay back dues?
3 And if we allow, I'm not
4 saying one way or the
5 other in or out, what
6 happens if you have an
7 incident inches while
8 you're out and then you
9 decide to opt back in, do
10 we cover them back?

11 VP LAW ENFORCEMENT

12 HARMON: No. If you were
13 under investigation or
14 review for something, you
15 cannot get it.

16 THOMAS RELYEA: You can
17 not get back in?

18 VP LAW ENFORCEMENT

19 HARMON: You're not
20 allowed to get back in to
21 the organization if you're
22 under investigation. That
23 means you're only getting

331

1 back in to -- for us to
2 cover you for your
3 disciplinary problem.

4 THOMAS RELYEA: Okay,
5 so they're back up to --

6 VP LAW ENFORCEMENT

7 HARMON: If you opt out of
8 the organization, you're
9 out forever. There is
10 no --

11 DONN ROWE: Rowe, Hale
12 Creek. Point of order.
13 There's no motion on the
14 floor or anything. Can we
15 get some order for this?

16 PRESIDENT POWERS: Yes,
17 this is a discussion
18 period for this very
19 topic.

20 DONN ROWE: There's no
21 motion in the packet, it's
22 just in the packet.

23 PRESIDENT POWERS: In

332

1 came in my packet under
2 new business.

3 DONN ROWE: There's
4 no motion on it. So I'm
5 gonna make a motion to
6 accept these three
7 applications as members.

8 LAW ENFORCEMENT VP
9 HARMON: I'll second it.

10 PRESIDENT POWERS: Get
11 it in writing.

12 DONN ROWE: Are these
13 three applications, their
14 first application, or did
15 they opt out?

16 VP LAW ENFORCEMENT
17 HARMON: No, they did not
18 opt out.

19 DONN ROWE: Are they
20 real agency fee payers
21 where they challenged --

22 LAW ENFORCEMENT VP
23 HARMON: Yes.

333

1 aye.

3 (All respond with aye.)

5 PRESIDENT POWERS:
6 Anybody opposed?

8 (No response.)

10 PRESIDENT POWERS:
11 Donn, you got a motion?

12 VP MID-HUDSON MAZZELLA:
13 Are you going to continue
14 discussion while he's
15 writing? As far as the
16 retro, trying to go back
17 for retro dues, this would
18 be my opinion, but I don't
19 think that anything
20 preJanus we can go after
21 because it's law.

22 VP LAW ENFORCEMENT
23 HARMON: You can't.

335

1 DONN ROWE: Where they
2 challenged the political
3 action money and we ended
4 up settling with them and
5 giving them anything?

6 VP LAW ENFORCEMENT
7 HARMON: No.

8 DONN ROWE: So they
9 never applied, they didn't
10 opt out. Thank you.

11 VP MID-HUDSON MAZZELLA:
12 Sorry, point of order.
13 Even if there was no
14 motion in the packet, we
15 only had this information,
16 Donn just made a motion.
17 So we need sixty percent
18 to actually discuss this
19 new business.

20 PRESIDENT POWERS:
21 Need sixty percent
22 approval to move the
23 motion. Signify by saying

334

1 VP MID-HUDSON MAZZELLA:
2 So we wouldn't be able to
3 try to demand retro dues
4 preJanus.

5 VP LAW ENFORCEMENT
6 HARMON: They paid dues
7 before that. They paid
8 agency fees.

9 VP MID-HUDSON MAZZELLA:
10 So if you're talking about
11 retro fees since Janus,
12 what was that, couple
13 months, right? I think we
14 should go for
15 retroretroactive dues if
16 they want to get back in.

17 STEPHANIE FLANAGAN:
18 I'm not calculating it,
19 Mike.

20 VP MID-HUDSON MAZZELLA:
21 I know you're not.

22 VP LAW ENFORCEMENT
23 HARMON: The penalty or

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1 the getting retroactive
2 dues was discussed last
3 June, I think it was June
4 when we did this. Last
5 June. So that was
6 discussed then and it was
7 decided that we weren't.
8 I mean, it is a policy
9 that we created for
10 these -- for this
11 situation. So, if
12 somebody wants to change
13 the policy, the body can
14 change the policy, if
15 that's the issue.

16 AL ZAPPALA: Al
17 Zappala, Shawangunk. Last
18 year when we talked about
19 it, the issue of past dues
20 never came up because this
21 body voted that once
22 you're out, you're out and
23 you're never coming in.

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1 So we never brought that
2 up.
3 VP LAW ENFORCEMENT
4 HARMON: Well, I mean, the
5 one thing that we're
6 talking about, too, is if
7 you opt out, we were
8 giving -- after that we
9 gave several
10 opportunities. Again, I'm
11 not gonna talk about the
12 mail. Again, eighteen
13 hundred members voted on
14 three constitutional
15 amendments, so we can't
16 really talk about -- I
17 agree I vote on everything
18 single thing, too, but
19 obviously twenty thousand
20 don't. So, I mean, it is
21 what it is when it comes
22 to that.

23 But what I'm saying is

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1 there are circumstances,
2 you work with guys who are
3 paranoid, you work with
4 guys who are not
5 approachable, you work
6 with guys that don't want
7 to talk to anybody. You
8 have guys that don't have
9 any friends. I mean,
10 they're out there.

11 I'm just being honest
12 with you. I don't know my
13 guy in particular
14 personally. I do know
15 that he is not an
16 approachable guy, but I
17 heard he is a good guy.
18 That's all I've heard.
19 That's why I said, people
20 don't talk to him but he's
21 a good guy to work with.

22 That's about the extent
23 of it. But the issue is

339

1 that he -- there was no
2 fault, finally somebody
3 got him to fill it out.
4 That's what happened.
5 They tracked him down and
6 held him down and
7 basically said, fill one
8 out.

9 PRESIDENT POWERS:
10 Neil?

11 NEIL GRUBER: Gruber,
12 Lakeview Shock. My only
13 contention or problem I
14 have is, if this was a guy
15 with a year or two on the
16 job, he was persuaded, you
17 know, didn't sign it,
18 whatever, now wants in.
19 Two of them have over
20 twenty years in and ones
21 got eight. Tell me the
22 two guys that have twenty
23 years in don't know what

340

1 the hell is going on.
 2 AL ZAPPALA: They were
 3 on a really big mountain.
 4 PRESIDENT POWERS:
 5 Shawn?
 6 SHAWN KEENAN: Keenan,
 7 Wende. How many more of
 8 these members are like
 9 this?
 10 VP LAW ENFORCEMENT
 11 HARMON: We have I think
 12 right now a 190, so we
 13 are -- we have like 90.
 14 SHAUN KEENAN: 187.
 15 VP LAW ENFORCEMENT
 16 HARMON: I'm be honest
 17 with you, right now
 18 probably some of them are
 19 cadets that we have right
 20 now, because cadets always
 21 come up as free riders
 22 initially. Because until
 23 they're signed up and

341

1 processed, you're a free
 2 rider.
 3 So you got to eliminate
 4 everybody in the academy.
 5 There's several newer
 6 officers that are in the
 7 system, correction
 8 officers that aren't
 9 signed up yet. And the
 10 rest of them are my guys,
 11 like every time this time
 12 of year for me and whoever
 13 has been on the board for
 14 as long as I've been here,
 15 we usually get our agency
 16 fee shop roster. Every
 17 time this year it would go
 18 from 40 or 50 to 200,
 19 because of my guys alone.
 20 And that's typically
 21 what's happened.
 22 STEPHANIE FLANAGAN:
 23 John, we're under 80 now.

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1 VP LAW ENFORCEMENT
 2 HARMON: Under 80 now.
 3 We've been pounding --
 4 we've been trying to pound
 5 the guys who have not
 6 signed up for whatever the
 7 reason, because we have to
 8 track these guys down.
 9 And most of them are guys,
 10 again, that just don't
 11 open their mail. I'll be
 12 honest with you, we got a
 13 lot of members who throw
 14 everything out.
 15 PRESIDENT POWERS:
 16 Okay. Matt?
 17 MATT KEOUGH: Matt
 18 Keough, Great Meadow. For
 19 twenty years those two
 20 guys know where their
 21 paycheck comes from.
 22 Twenty years they've been
 23 collecting a paycheck.

343

1 They didn't have no
 2 trouble opening that and
 3 now they want to hop --
 4 VP LAW ENFORCEMENT
 5 HARMON: 19 are not paying
 6 dues. They never opted
 7 opt.
 8 VP WEST MIANO: We
 9 wouldn't talk about it if
 10 they opted out.
 11 PRESIDENT POWERS: We
 12 got a motion. Accept
 13 three membership
 14 applications that were
 15 provided without a motion
 16 attached to the EA packet.
 17 Motion is made by Donn
 18 Rowe, seconded by John
 19 Harmon. All in favor of
 20 the motion, signify by
 21 saying aye.
 22
 23 (Response of aye from

344

1 the floor.)

2
3 PRESIDENT POWERS: All
4 opposed?

5
6 (Response of nay from
7 the floor.)

8
9 PRESIDENT POWERS: We
10 got nineteen. Move to
11 role call vote.

12 DONN ROWE: Hey, Chris,
13 can I withdraw the motion?

14 RECORDING SECRETARY SUMMERS
15 Yes.

16 THE PARLIAMENTARIAN:
17 The vote has already been
18 taken.

19 DONN ROWE: Well, I
20 just want to explain my
21 vote. I didn't even know
22 these guys were applying,
23 if you read the EA packet.

345

1 Because, you simply -- I
2 obviously thought that
3 you were actually changing
4 the free rider policy.
5 So -- but since the vote
6 was taken, I request a
7 weighted vote.

8 RECORDING SECRETARY
9 SUMMERS: Need a second
10 for the weighted vote.

11 NEIL GRUBER: Second.

12 RECORDING SECRETARY SUMMERS
13 Neil Gruber, second. All
14 in favor?

15
16 (Response of aye from
17 the floor.)

18
19 RECORDING SECRETARY
20 SUMMERS: Any opposed?

21
22 (Response of nay from
23 the floor.)

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1 RECORDING SECRETARY

2
3 SUMMERS: On the weighted
4 vote, do you guys want the
5 weighted vote or not? Do
6 you know what you're
7 voting for? So all in
8 favor of a weighted vote?

9
10 (Response of aye from
11 the floor.)

12 RECORDING SECRETARY
13 SUMMERS: Any opposed?

14
15 (Response of nay from
16 the floor.)

17
18 PRESIDENT POWERS: Nays
19 stand.

20
21 VP LAW ENFORCEMENT
22 HARMON: I want a weighted
23

347

1 vote for the role call
2 vote.

3 RECORDING SECRETARY
4 SUMMERS: Motion passed
5 for a weighted vote.

6 VP MID-HUDSON MAZZELLA:
7 so the motion passed for a
8 weighted vote, so you do
9 not need to role call for
10 a weighted vote, just so
11 you know. So this will be
12 a weighted vote, correct?

13 RECORDING SECRETARY
14 SUMMERS: Correct. On the
15 motion -- be please be
16 quiet so Steph can hear us
17 in the back. Executive VP
18 Sawchuk?

19 VP SAWCHUK: No.

20 RECORDING SECRETARY
21 SUMMERS: Sawchuk, no.
22 Treasurer Gilbo?

23 TREASURER GILBO: No.

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1 RECORDING SECRETARY SUMMERS
 2 Gilbo, no. Recording Secretary
 3 Summers, no. VP North, Roberts?
 4 VP NORTH ROBERTS: No.
 5 RECORDING SECRETARY SUMMERS
 6 Roberts, no. VP
 7 Mid-Hudson, Mazzella?
 8 VP MID-HUDSON MAZZELLA:
 9 No.
 10 RECORDING SECRETARY SUMMERS
 11 Mazzella, no. VP Law
 12 Enforcement, Harmon?
 13 VP LAW ENFORCEMENT:
 14 Yes.
 15 RECORDING SECRETARY SUMMERS
 16 Harmon, yes. VP Central,
 17 Carpenter?
 18 VP CENTRAL CARPENTER:
 19 Yes.
 20 RECORDING SECRETARY SUMMERS
 21 Carpenter, yes. VP South,
 22 Luther?
 23 VP SOUTH LUTHER: Yes.

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1 RECORDING SECRETARY SUMMERS
 2 Puma, No. Auburn, Thomas?
 3 MR. THOMAS: No.
 4 RECORDING SECRETARY SUMMERS
 5 Thomas, no. Bare Hill,
 6 Perry?
 7 MR. PERRY: No.
 8 RECORDING SECRETARY SUMMERS
 9 Perry, no. Bedford Hills,
 10 Floyd?
 11 MS. FLOYD: Yes.
 12 RECORDING SECRETARY SUMMERS
 13 Floyd, yes. Cape Vincent,
 14 Call?
 15 MR. CALL: No.
 16 RECORDING SECRETARY SUMMERS
 17 Call, no. Cayuga,
 18 Hatfield?
 19 MR. HATFIELD: No.
 20 RECORDING SECRETARY SUMMERS
 21 Hatfield, no. Central New
 22 York Psych Center,
 23 O'Donnell?

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1 RECORDING SECRETARY SUMMERS
 2 Luther, Yes. VP West
 3 Miano?
 4 VP WEST MIANO: Yes.
 5 RECORDING SECRETARY SUMMERS
 6 Miano, yes. Adirondack,
 7 Sturgeon?
 8 MR. STURGEON: No.
 9 RECORDING SECRETARY SUMMERS
 10 Sturgeon, no.
 11 Albany Training
 12 Academy, Christiano?
 13 Mr. CHRISTIANO: No.
 14 RECORDING SECRETARY SUMMERS
 15 Christiano, no. Albion,
 16 Molino?
 17 MR. MOLINO: No.
 18 RECORDING SECRETARY SUMMERS
 19 Molino, no. Altona, Aya?
 20 Mr. AYA: No.
 21 RECORDING SECRETARY SUMMERS
 22 Aya, no. Attica, Puma?
 23 MR. PUMA: No.

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1 MR. O'DONNELL: Yes.
 2 RECORDING SECRETARY SUMMERS
 3 O'Donnell, yes. Clinton,
 4 Basto?
 5 MR. BASTO: No.
 6 RECORDING SECRETARY SUMMERS
 7 Basto, no. Collins,
 8 Sticht.
 9 MR. STICHT: No.
 10 Sticht, no. Community
 11 Supervision, no rep.
 12 CCA's, Johnson? Community
 13 Assistants, Johnson?
 14 Absent.
 15 Coxsackie, Pavlin?
 16 MR. PAVLIN: No.
 17 RECORDING SECRETARY SUMMERS
 18 Pavlin, no. Downstate,
 19 Cooper?
 20 MS. COOPER: No.
 21 RECORDING SECRETARY SUMMERS
 22 Cooper, no. Eastern,
 23 Osterhoudt?

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1 MR. OSTERHOUDT: No.
2 RECORDING SECRETARY SUMMERS
3 Osterhoudt, no.
4 Edgecombe, Patterson?
5 MR. PATTERSON: Yes.
6 RECORDING SECRETARY SUMMERS
7 Patterson, yes. Elmira,
8 Rice?
9 MR. RICE: No.
10 RECORDING SECRETARY SUMMERS
11 Rice, no. Fishkill, Murphy?
12 MR. MURPHY: No.
13 RECORDING SECRETARY SUMMERS
14 Murphy, no. Five Points,
15 Nelson?
16 MR. NELSON: No.
17 RECORDING SECRETARY SUMMERS
18 Nelson, no. Forest
19 Rangers, Carlson? Forest
20 Rangers Carlson, absent.
21 Franklin, Allen?
22 MR. ALLEN: No.
23 RECORDING SECRETARY SUMMERS

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1 Hunsinger, no. Hale
2 Creek, Rowe?
3 MR. ROWE: Yes.
4 RECORDING SECRETARY SUMMERS
5 Rowe, yes. Hudson,
6 Relyea?
7 MR. RELYEA: No.
8 RECORDING SECRETARY SUMMERS
9 Relyea, no. ISO's Ohms?
10 MR. OHMS: Yes.
11 RECORDING SECRETARY SUMMERS
12 Ohms, yes. Kirby
13 Forensic, Stewart?
14 MR. STEWART: Yes.
15 RECORDING SECRETARY SUMMERS
16 Stewart, yes. Lakeview
17 Shock, Gruber?
18 MR. GRUBER: No.
19 RECORDING SECRETARY SUMMERS
20 Gruber, no. Lincoln,
21 Addo?
22 MS. Addo: Yes.
23 RECORDING SECRETARY SUMMERS

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1 Allen, no. Gouverneur,
2 Korig?
3 MR. KORIG: No.
4 RECORDING SECRETARY SUMMERS
5 Korig, no. Gowanda, Howe?
6 MR. HOWE: No.
7 RECORDING SECRETARY SUMMERS
8 Howe, no. Great Meadow,
9 KEOUGH?
10 MR. KEOUGH: No.
11 RECORDING SECRETARY SUMMERS
12 KEOUGH, no. Green Haven,
13 Moreau?
14 MR. MOREAU: No.
15 RECORDING SECRETARY SUMMERS
16 Moreau, no. Greene,
17 Horacek?
18 MR. HORACEK: No.
19 RECORDING SECRETARY SUMMERS
20 Horacek, no. Groveland,
21 Hunsinger?
22 MR. HUNSINGER: No.
23 RECORDING SECRETARY SUMMERS

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1 Addo, yes. Livingston,
2 Harrison?
3 MR. HARRISON: No.
4 RECORDING SECRETARY SUMMERS
5 Harrison, no. Marcy,
6 Roberts?
7 MR. ROBERTS: No.
8 RECORDING SECRETARY SUMMERS
9 Roberts, no. Mid-Hudson
10 Forensic, Ogorzaly?
11 MR. OGORZALY: No.
12 RECORDING SECRETARY SUMMERS
13 Ogorzaly, no. Mid-State,
14 McGowan?
15 MR. MCGOWAN: No.
16 RECORDING SECRETARY SUMMERS
17 McGowan, no. Mohawk,
18 Mullen?
19 MR. MULLEN: No.
20 RECORDING SECRETARY SUMMERS
21 Mullen, no. Moriah Shock,
22 Trombley?
23 MR. TROMBLEY: No.

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1 RECORDING SECRETARY SUMMERS
 2 Trombley, no. Ogdensburg,
 3 Cox?
 4 MR. COX: No.
 5 RECORDING SECRETARY SUMMERS
 6 Cox, No. Orleans, Allen?
 7 MR. ALLEN: No.
 8 RECORDING SECRETARY SUMMERS
 9 Allen, no. Otisville,
 10 Hawkes?
 11 MR. HAWKES: No.
 12 RECORDING SECRETARY SUMMERS
 13 Hawkes, no. Queensboro,
 14 Smith?
 15 MR. SMITH: No.
 16 RECORDING SECRETARY SUMMERS
 17 Smith, no. Riverview,
 18 Aldous?
 19 MR. ALDOUS: No.
 20 RECORDING SECRETARY SUMMERS
 21 Aldous, no. Rochester
 22 Psych Center, Raven?
 23 MS. RAVEN: Yes.

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1 Tonney V, yes. SSA's,
 2 Schiavone?
 3 MR. SCHIAVONE: Yes.
 4 RECORDING SECRETARY SUMMERS
 5 Schiavone, yes.
 6 Shawangunk, Scott?
 7 MR. SCOTT: No.
 8 RECORDING SECRETARY SUMMERS
 9 Scott, no. Sing Sing,
 10 Paroline?
 11 MR. PAROLINE: Yes.
 12 RECORDING SECRETARY SUMMERS
 13 Paroline, yes. Southport,
 14 Deburgomaster?
 15 MR. DEBURGOMASTER: No.
 16 RECORDING SECRETARY SUMMERS
 17 Deburgomaster, no.
 18 Sullivan, Bell?
 19 MS. BELL: No.
 20 RECORDING SECRETARY SUMMERS
 21 Bell, no. Taconic,
 22 Gordon?
 23 MS. GORDON: Yes.

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1 RECORDING SECRETARY SUMMERS
 2 Raven, Yes. SSO Central
 3 region, Crosby?
 4 MR. CROSBY: Yes.
 5 RECORDING SECRETARY SUMMERS
 6 Crosby, yes. SSO
 7 Mid-Hudson, Smith?
 8 MR. SMITH: Yes.
 9 RECORDING SECRETARY SUMMERS
 10 Smith, yes. SSO North, no
 11 rep. SSO Southern region,
 12 Pomales?
 13 MR. POMALES: Yes.
 14 RECORDING SECRETARY SUMMERS
 15 Pomales, yes. SSO Western,
 16 Compton?
 17 MS. COMPTON: Yes.
 18 RECORDING SECRETARY SUMMERS
 19 Compton, yes. Security
 20 Officers, Tonney V?
 21 MR. VIARCCHARILLI:
 22 Yes.
 23 RECORDING SECRETARY SUMMERS

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1 RECORDING SECRETARY SUMMERS
 2 Gordon, yes. Ulster,
 3 Scampoli?
 4 MR. SCAMPOLI: No.
 5 RECORDING SECRETARY SUMMERS
 6 Scampoli, no. Upstate,
 7 Gary?
 8 MR. GARY: No.
 9 RECORDING SECRETARY SUMMERS
 10 Gary, no. Wallkill,
 11 Holbert?
 12 MS. HOLBERT: No.
 13 RECORDING SECRETARY SUMMERS
 14 Holbert, no. Washington,
 15 Howe?
 16 MR. HOWE: No.
 17 RECORDING SECRETARY SUMMERS
 18 Howe, no. Watertown,
 19 Dier?
 20 MR. DIER: Yes.
 21 RECORDING SECRETARY SUMMERS
 22 Dier, yes. Wende, Keenan?
 23 MR. KEENAN: Yes.

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1 RECORDING SECRETARY SUMMERS
2 Keenan, yes. Willard
3 Treatment, Moore?
4 MS. MOORE: No.
5 RECORDING SECRETARY SUMMERS
6 Moore, no. Woodbourne,
7 Gutierrez?
8 MR. GUTIERREZ: No.
9 RECORDING SECRETARY SUMMERS
10 Gutierrez, no. Wyoming,
11 Hickey?
12 CHRIS HICKEY: Yes.
13 RECORDING SECRETARY SUMMERS
14 Hickey, yes.
15 Motion was defeated.
16 55 yeses, 201 nos.
17 VP MID-HUDSON MAZZELLA:
18 Mike Mazzella, Mid-Hudson.
19 Just a quick comment on
20 what just occurred there.
21 I think next time if you
22 separate the question and
23 instead of lumping

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1 added was, if any of the
2 above rules are not
3 adhered to, you will be
4 escorted out of the area.
5 Just a little
6 clarification, I see that
7 we're under the recording
8 devices not allowed, are
9 we gonna specify that it's
10 video and audio recording?
11 Because there's times when
12 people get valor awards or
13 somebody retires, after
14 twenty years and I've seen
15 people take their phone
16 out, they take a picture.
17 Under the way the rules
18 currently read, if we pass
19 them, that person
20 technically could be
21 escorted out because we
22 don't have clarification
23 on the type of record

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1 everybody in together, it
2 might be a better process.
3 Because there could have
4 been reasons why somebody
5 would have voted yes for
6 one and no for the other.
7 So, in the future you
8 might want to separate the
9 question.
10 PRESIDENT POWERS: In
11 your packets, the
12 Executive Assembly Rules
13 of order, you can see as
14 you read them, there have
15 been some changes. We're
16 asking for consent from
17 the floor to accept them.
18 You've had a chance to
19 review them. Is there any
20 discussion with them? AL?
21 AL ZAPPALA: Al
22 Zappala, Shawangunk. So
23 the last rule that we

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1 device it is.
2 So, are pictures still
3 allowed, it's just video
4 and audio?
5 PRESIDENT POWERS:
6 You're referring to number
7 four?
8 AL ZAPPALA: Yes, where
9 it says recording devices.
10 In the past it never
11 really was a big issue,
12 but now that we add the
13 last line where you will
14 be escorted out if you
15 fail to adhere to the
16 above procedures, we
17 really need to iron out
18 what exactly is a
19 recording device. We
20 don't want escorted out if
21 they were just taking a
22 picture and commemorating
23 a memory.

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1 PRESIDENT POWERS: We
2 all have our phones in
3 here, it's part of our
4 lives. Cellular phones
5 are to be turned off and
6 put on vibrating mode.
7 But we're allowing the
8 phones to come in,
9 understanding that we are
10 recording.

11 AL ZAPPALA: As far as
12 if you want to keep
13 recording device are not
14 allowed, I would say video
15 and audio.

16 PRESIDENT POWERS:
17 Phones are on vibrating
18 mode, it's a non issue.
19 You're not going to be
20 escorted out if you have
21 your phone out and taking
22 pictures of valor awards.

23 AL ZAPPALA: I just

365

1 wanted to get
2 clarification.

3 PRESIDENT POWERS:
4 Understood.

5 AL ZAPPALA: One other
6 question that I have on
7 the rules that were
8 changed. In the past it
9 always has been that
10 chiefs are supposed to be
11 sitting in the front and
12 non voting members in the
13 back.

14 Although there's a lot
15 of times when there might
16 be seats open and there
17 might be chiefs that just
18 like to sit in the back.
19 I would like to see if we
20 can change the wording,
21 that chiefs or voting
22 members get priority or
23 preferred seating at the

366

1 front. So that if there
2 is a spot open and
3 somebody wants to get
4 closer to see what's going
5 on, they're not subject to
6 having to sit in the back
7 of the room if we have
8 availability.

9 PRESIDENT POWERS: The
10 main reason for the rule
11 is regarding voting
12 process, so we can get an
13 accurate count yays and
14 nays. I can look around
15 now and still see -- we're
16 not strictly enforcing,
17 you know, but you know as
18 far as a counting
19 mechanism, this is my
20 perception of the changes.
21 But, you know, a lot of
22 times in the past, we have
23 had all sorts of people

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1 not voting members step up
2 and stand up, that's the
3 main reason to have the
4 chief sector stewards
5 sitting in the front.

6 AL ZAPPALA: I agree,
7 but at the same time you
8 have chiefs that would
9 like to sit in the back.

10 PRESIDENT POWERS: You
11 asked for an explanation.

12 AL ZAPPALA: I'm just
13 saying, as long as you're
14 not going to adhere --

15 PRESIDENT POWERS:
16 We're not going to
17 strictly adhere --

18 AL ZAPPALA: That was
19 the question. Thank you.

20 PRESIDENT POWERS: It's
21 more for order.

22 AL ZAPPALA: Sounds
23 good. I just wanted to

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1 make sure we had
2 clarification. Thank you.
3 PRESIDENT POWERS: All
4 good with that? Motion to
5 approve -- sixty percent
6 approval to allow this
7 motion from the Executive
8 Board, signify by saying
9 aye.

10
11 (All respond with aye.)

12
13 PRESIDENT POWERS:
14 Anybody opposed?

15
16 (No response from the
17 floor.)

18
19 PRESIDENT POWERS: To
20 approve the proposed
21 Executive Assembly Rules
22 of Order. Any other
23 discussion? Seeing none,

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1 all in favor signify by
2 saying aye.

3
4 (All respond with
5 aye.)

6
7 PRESIDENT POWERS:
8 Anybody opposed?

9
10 (No response.)

11
12 PRESIDENT POWERS
13 Thank you. And lastly, in
14 your packet is the 2021
15 Executive Assembly dates.
16 Any discussion regarding
17 the dates in 2021?

18 Everybody good with the
19 dates for 2021, signify by
20 saying aye.

21
22 (Response of aye from
23 the floor.)

370

1
2 PRESIDENT POWERS:
3 Anybody opposed?

4 DAVE LUTHER: Nay.

5 PRESIDENT POWERS: Dave
6 Luther. What do we have
7 for new business? Any new
8 business on the floor? I
9 have a couple
10 announcements.

11 MR. OSTERHOUDT: I'm
12 sorry, Osterhoudt,
13 Eastern. I wanted to
14 propose a motion for the
15 Executive Assembly. It's
16 a motion to revamp our
17 NYSCOPBA website,
18 providing an easy search
19 for documents and forms,
20 along with a form for
21 stewards to relay ideas,
22 problems and suggestions
23 easily with the Executive

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1 Board and other stewards.

2 Wisdom behind it is I
3 had gone through the
4 website and I found it
5 difficult to navigate,
6 along with a lot of links
7 that were no longer valid
8 or useful. And the
9 website needs to get up to
10 date with the times.

11 PRESIDENT POWERS: Do
12 you have a second?

13 MR. OSTERHOUDT: It was
14 seconded by Cooper from
15 Downstate.

16 PRESIDENT POWERS:
17 Thank you. This was
18 actually a discussion
19 yesterday with the board
20 regarding the website.
21 And we'll be looking at
22 doing some changes
23 regarding that. And it

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1 might involve quite a bit,
2 quite honestly.

3 I understand your
4 motion, it's something
5 it's a concern for us as
6 well. We'll be working
7 with membership services,
8 too. I don't know if that
9 helps your motion or --
10 but this is something of
11 concern to us. We were
12 just speaking about it
13 yesterday. If you're good
14 with that explanation or,
15 we're going to need sixty
16 percent approval for this
17 new business.

18 All in favor signify by
19 saying aye.

20
21 (Response of "Aye".)

22
23 PRESIDENT POWERS:

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1 made by Jay Osterhoudt,
2 Eastern and seconded by
3 Monica Cooper Downstate.
4 Do you have any discussion
5 with the motion?
6 Any other discussion on
7 the motion? All in favor
8 signify by saying?

9
10 (All respond with
11 aye.)

12
13 PRESIDENT POWERS:
14 Anybody opposed?

15
16 (No response.)

17
18 PRESIDENT POWERS
19 Thank you. Monica?

20 MONICA COOPER: Monica
21 Cooper, Downstate. I'd
22 like to put a motion in to
23 increase the

375

1 Anybody opposed?

2
3 (No Response.)

4
5 PRESIDENT POWERS:
6 Thank you. So the motion
7 reads, to revamp our
8 NYSCOPBA website to
9 provide easy search for
10 documents and forms, along
11 with a form for stewards
12 to relay ideas, problems
13 and suggestions easily
14 with the Executive Board
15 and other stewards.

16 The wisdom, I've gone
17 through the website and
18 found it difficult to
19 navigate, along with a
20 list of links that went to
21 nowhere. The website
22 needs to get up to date
23 with the times. Motion is

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1 bereavement --

2 PRESIDENT POWERS: Hold
3 on. Sixty percent
4 approval to accept this
5 motion?

6
7 (Response of "Aye".)

8
9 PRESIDENT POWERS:
10 Anybody opposed?

11
12 (No Response.)

13
14 PRESIDENT POWERS: Go
15 ahead.

16 MONICA COOPER: To
17 increase the bereavement
18 floral arrangements from
19 the current 125 to 250 for
20 active members who pass
21 away, and leave the 125
22 for the rest of us the
23 same. We have complaints

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1 about the 125 floral
2 arrangement is only the
3 size of your hand. And if
4 an active member passes
5 away, we do take a
6 collection, but we would
7 like NYSCOPBA, if we can
8 get a bigger arrangement,
9 we want to increase it.

10 PRESIDENT POWERS: Can
11 we get a second?

12 CHRIS MOREAU: Chris
13 Moreau, Green Haven.

14 PRESIDENT POWERS: The
15 motion, to increase the
16 bereavement floral
17 arrangement from 125 to
18 250 for active members who
19 pass away. To leave it
20 current for 125 for all
21 other bereavement as is.
22 Motion is made by Monica
23 Cooper, seconded by Chris

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1 Moreau. Mike?

2 VP MID-HUDSON MAZZELLA:
3 Yeah, being that it has a
4 financial impact, it
5 probably has to go to the
6 finance committee to
7 determine how much that's
8 going to be. Although I
9 do agree, we should let it
10 go to the finance
11 committee.

12 PRESIDENT POWERS: Is
13 it this body's desire to
14 send this to the finance
15 committee for review?
16 Signify by saying aye.

17 (Response of "Aye".)

18
19
20 PRESIDENT POWERS:
21 Anybody opposed?

22
23 (No Response.)

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1 PRESIDENT POWERS:

2 Thank you. One quick
3 change here to the next
4 Executive Assembly. On
5 the agenda, you'll note it
6 on the agenda 7:00 to 9:00
7 a.m. is breakfast, 8:00 to
8 12:45 is registration.
9 9:00 a.m. committees, you
10 will see that on the next
11 agenda. Just a small
12 tweak.

13 Couple quick
14 announcements here, before
15 you send that up. We'll
16 be losing a member of the
17 audience today to
18 retirement. Long term
19 standing sector steward,
20 former chief, steward
21 since I believe 1992
22 maybe. And he also served
23

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1 six years as our Executive
2 Vice President.

3 Chris Hickey will be
4 retiring I'm told from him
5 in June.

6
7 (All applause and
8 standing ovation.)
9

10 PRESIDENT POWERS: He
11 served many years as the
12 chair of the
13 Constitutional and Bylaws,
14 if I'm correct. We wish
15 Chris nothing but the best
16 for his future and he and
17 his family.

18 One other thing, real
19 quick here. May 24th will
20 be NYSCOPBA 20th year
21 anniversary. I believe
22 May 24th. But it's this
23 month we'll be celebrating

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1 twenty years in NYSCOPBA's
2 history. And it can't be
3 done without the chief
4 sector stewards and the
5 stewards within the
6 facilities helping lead
7 the way. So, a big hats
8 off to many.

9
10 (All applause.)

11
12 PRESIDENT POWERS
13 There's a handful of board
14 members that are in this
15 audience. Some still work
16 for us in some capacity,
17 and by all means, feel
18 free to buy them a drink.
19 So, in requisition of the
20 twenty year anniversary
21 we'll all gather tonight
22 out front and have a bit
23 of a celebration.

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1 this earlier. I know,
2 we had an active member
3 pass away, Jermaine
4 Jenkins out of Downstate
5 Correctional. He had
6 twelve years on the job.
7 He was 47 years old. I
8 believe he had a heart
9 attack.

10 But this happened last
11 week, I think the funeral
12 is this Friday, Friday.
13 Coming up. So I just
14 wanted to do a quick
15 moment of silence, sorry
16 to bring down the
17 celebration.

18 PRESIDENT POWERS:
19 Could we all please rise?

20
21 (Whereupon, a moment
22 of silence was then
23 recognized.)

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1 With that, thank you
2 all for your service. I
3 apologize, we do have one
4 other piece of new
5 business. We had a
6 vacancy on the Board.
7 Southern region has
8 approved Dave Luther as
9 interim vice president of
10 the Southern region. And
11 the business agent aspect
12 will be coming up shortly.
13 So, we welcome Dave to the
14 board and to the mess.

15
16 (All applause.)

17
18 PRESIDENT POWERS:
19 Michael?

20 VP MID-HUDSON MAZZELLA:
21 Before we end today, could
22 I have one quick moment of
23 silence, we didn't mention

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1
2 PRESIDENT POWERS
3 Thank you. Motion to
4 adjourn.

5 NEIL GRUBER: Yes.

6 PRESIDENT POWERS: Neil
7 Gruber. Second? Don
8 Roberts. All in favor?

9
10 (Response of "Aye".)


11
12 PRESIDENT POWERS:
13 Thank you. Have a good
14 evening.

15
16 * * * *

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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 MAY
12 8, 2019. That the MINUTES were
13 then reduced in writing under my
14 direction. That the minutes were
15 taken to be used in the
16 above-entitled action.

17 I further CERTIFY that
18 the above-described transcript
19 constitutes a true and accurate and
20 complete transcript of the minutes.

21 
22 _____
23 DARLENE L. JERGE,
Notary Public

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