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2 NEW YORK STATE
3 CORRECTIONAL OFFICERS AND POLICE
4 BENEVOLENT ASSOCIATION
5 EXECUTIVE ASSEMBLY
6
7 March 11-12, 2020
8 The Desmond
9 Albany, New York
10
11 Volume I
12 Wednesday Session
13 -----
14
15
16
17 STENOGRAPHIC MINUTES of the
18 above-entitled matter as reported
19 by DARLENE L. JERGE, Notary Public
20 and Shorthand Reporter in and for
21 the State of New York.
22
23 Darlene L. Jerge, Court Stenographer

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1 APPEARANCES:
2 OFFICERS PRESENT:
3 MICHAEL POWERS, President
4 TAMMY SAWCHUK, Executive Vice President
5 FRANK GILBO, Treasurer
6 CHRISTOPHER SUMMERS, Recording
7 Secretary
8
9 VICE PRESIDENTS
10 MICHAEL MAZZELLA, Mid-Hudson
11 BRIAN HLUSKA, Central
12 JOHN ROBERTS, North
13 DAVID LUTHER, South
14 JOHN HARMON, Law Enforcement
15 MARK DEBURGOMASTER, Western
16 Also Present:
17 Keith Jacques, Esq.
18 Steven Anderson, Parliamentarian
19
20
21
22
23

2

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6

1 PRESIDENT POWERS:
2 Good afternoon. Let's
3 get started. Call the
4 meeting to order. Can we
5 all please rise.
6
7 (Whereupon, a moment of
8 silence and Pledge of
9 Allegiance was then
10 recognized.)
11
12 PRESIDENT POWERS:
13 Thank you. Could we have
14 the rules read in. Chris?
15 CHRIS MORICONE:
16 Executive Assembly Rules
17 of Order. Anyone upon
18 entering the Executive
19 Assembly must wear the
20 NYSCOPBA identification
21 tag. Chief Sector
22 Stewards will sit in
23 designated areas when the

7

1 Executive Assembly is in
2 session. If you are a
3 nonvoting member, you will
4 need to sit in designated
5 seating in the back of the
6 room. Cellular phones
7 are to be turned off and
8 be put on vibrating mode.
9 Recording devices are
10 prohibited unless provided
11 by membership services and
12 those directed by the
13 recording secretary.
14 NYSCOPBA members in
15 good standing will be
16 allowed to address the
17 Executive Assembly.
18 Please state your name and
19 your sector. Speakers at
20 the microphone will follow
21 the direction of the
22 Sergeant at Arms.
23 There will be no

8

1 alcohol consumption
 2 allowed in the meeting
 3 room while the Executive
 4 Assembly meeting is in
 5 progress.
 6 Anyone found to be in
 7 violation of any of the
 8 Rules of Order will be
 9 escorted from the meeting.
 10 PRESIDENT POWERS:
 11 Thank you, Chris.
 12 Recording secretary, roll
 13 call.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 President Powers?
 17 PRESIDENT POWERS:
 18 Here.
 19 RECORDING SECRETARY
 20 SUMMERS: Powers, present.
 21 Executive VP Sawchuk?
 22 EXECUTIVE VICE
 23 PRESIDENT SAWCHUK: Here.

9

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

10

1 Mazzella, present.
 2 VP Law Enforcement,
 3 Harmon?
 4 VICE PRESIDENT HARMON:
 5 Present.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Harmon, present.
 9 VP Central, Hluska?
 10 VICE PRESIDENT HLUSKA:
 11 Present.
 12 RECORDING SECRETARY
 13 SUMMERS:
 14 Hluska, present.
 15 VP South, Luther.
 16 VICE PRESIDENT LUTHER:
 17 Present.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Luther, present.
 21 VP West, Deburgomaster?
 22 VICE PRESIDENT
 23 DEBURGOMASTER:

11

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

12

1 SUMMERS:
2 Molino, present.
3 Altona, Ayotte?
4 MR. AYOTTE: Here.
5 RECORDING SECRETARY
6 SUMMERS:
7 Ayotte, present.
8 Attica, Tarka?
9 MR. TARKA: Here.
10 RECORDING SECRETARY
11 SUMMERS:
12 Tarka, present.
13 Auburn, Vincent?
14 MR. VINCENT: Here.
15 RECORDING SECRETARY SUMMERS
16 Vincent, present.
17 Bare Hill, Grammo?
18 MR. GRAMMO: Present.
19 RECORDING SECRETARY
20 SUMMERS:
21 Grammo, present.
22 Bedford Hills, Floyd?
23 MS. FLOYD: Here.

13

1 RECORDING SECRETARY
2 SUMMERS:
3 Floyd, present.
4 Cape Vincent, Hill?
5 MR. HILL: Here.
6 RECORDING SECRETARY
7 SUMMERS:
8 Hill, present.
9 Cayuga, Hatfield?
10 MR. HATFIELD: Here.
11 RECORDING SECRETARY
12 SUMMERS:
13 Hatfield, present.
14 Central New York Psych,
15 Hollenbeck?
16 MR. HOLLENBECK: Here.
17 RECORDING SECRETARY
18 SUMMERS:
19 Hollenbeck, present.
20 Clinton, Basto?
21 MR. BASTO: Here.
22 RECORDING SECRETARY
23 SUMMERS:

14

1 Basto, present.
2 Collins, Morosey?
3 MR. MOROSEY: Here.
4 RECORDING SECRETARY SUMMERS
5 : Morosey, present.
6 Community Supervision,
7 excused.
8 Community Assistants,
9 no rep. Coxsackie,
10 Carknard?
11 MR. CARKNARD: Here.
12 RECORDING SECRETARY
13 SUMMERS:
14 Carknard, present.
15 RECORDING SECRETARY
16 SUMMERS:
17 Downstate, Neal?
18 MS. NEAL: Here.
19 RECORDING SECRETARY
20 SUMMERS:
21 Neal, present.
22 Eastern, Batt?
23 MS. BATT: Here.

15

1 RECORDING SECRETARY
2 SUMMERS:
3 Batt, present.
4 Edgecombe, Valentin?
5 MR. VALENTIN: Here.
6 RECORDING SECRETARY
7 SUMMERS:
8 Valentin, present.
9 Elmira, Duryea?
10 MR. DURYEA: Here.
11 RECORDING SECRETARY
12 SUMMERS:
13 Duryea, present.
14 Fishkill, Van Tassel?
15 MR. VAN TASSEL: Here.
16 RECORDING SECRETARY
17 SUMMERS:
18 Van Tassel, present.
19 Five Points, Mamon?
20 MR. MAMON: Here.
21 RECORDING SECRETARY
22 SUMMERS:
23 Mamon, present.

16

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

17

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

18

1 MR. COX: Here.
 2 RECORDING SECRETARY
 3 SUMMERS:
 4 Cox, present.
 5 ISO's, Ohms?
 6 MR. OHMS: Here.
 7 RECORDING SECRETARY SUMMERS
 8 Ohms, present. Kirby,
 9 O'Garro?
 10 MR. O'GARRO: Here.
 11 RECORDING SECRETARY
 12 SUMMERS: O'Garro,
 13 present.
 14 Lakeview Shock, Gruber?
 15 MR. GRUBER: Here.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Gruber, present.
 19 Marcy, excused.
 20 Mid Hudson, Noel?
 21 MR. NOEL: Here.
 22 RECORDING SECRETARY
 23 SUMMERS:

19

1 Noel, present.
 2 Mid State, McGowan?
 3 MR. MCGOWAN: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 McGowan, present.
 7 Mohawk, Mullin?
 8 MR. MULLIN: Here.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Mullin, present.
 12 Moriah Shock, Trombley?
 13 MR. TROMBLEY: Here.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Trombley, present.
 17 Ogdensburg, Wilhelm?
 18 MS. WILHELM: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Wilhelm, present.
 22 Orleans, Sharts?
 23 MR. SHARTS: Here.

20

1 RECORDING SECRETARY
2 SUMMERS:
3 Sharts, present.
4 Otisville, Hawkes?
5 MR. HAWKES: Here.
6 RECORDING SECRETARY
7 SUMMERS:
8 Hawkes, present.
9 Queensboro, Smith?
10 MR. SMITH: Here.
11 RECORDING SECRETARY
12 SUMMERS:
13 Smith, present.
14 Riverview, Aldous?
15 MR. ALDOUS: Here.
16 RECORDING SECRETARY .
17 SUMMERS:
18 Aldous, present.
19 Rochester Psych, Cahill?
20 MR. CAHILL: Here.
21 RECORDING SECRETARY
22 SUMMERS:
23 Cahill, present.

21

1 SSO Central region,
2 Barrett?
3 MR. BARRETT: Here.
4 RECORDING SECRETARY
5 SUMMERS: Barrett,
6 present.
7 SSO Mid-Hudson, Smith?
8 MR. SMITH: Present.
9 RECORDING SECRETARY
10 SUMMERS: Smith, present.
11 SSO Northern region,
12 Laclair?
13 MR. LACLAIR: Here.
14 RECORDING SECRETARY
15 SUMMERS: Laclair,
16 present.
17 SSO Southern Region,
18 Henderson?
19 MR. HENDERSON: Here.
20 RECORDING SECRETARY
21 SUMMERS:
22 Henderson, present.
23 SSO Western, Compton?

22

1 MS. COMPTON: Here.
2 RECORDING SECRETARY
3 SUMMERS:
4 Compton, Present.
5 Security Officers,
6 Tonney V?
7 MR. VACHARRAMBIL: Yes.
8 RECORDING SECRETARY
9 SUMMERS: Tonney V,
10 present. SSA's, Schiavone?
11 MR. SCHIAVONE: Here.
12 RECORDING SECRETARY
13 SUMMERS:
14 Schiavone, present.
15 Shawangunk, Zappala?
16 MR. ZAPPALA: Here.
17 RECORDING SECRETARY
18 SUMMERS:
19 Zappala, present.
20 Sing Sing, Harris?
21 MR. HARRIS: Here.
22 RECORDING SECRETARY
23 SUMMERS:

23

1 Harris, present.
2 Southport, Sickler?
3 MR. SICKLER: Here.
4 RECORDING SECRETARY
5 SUMMERS:
6 Sickler, present.
7 Sullivan, Gilmour?
8 MR. GILMOUR: Here.
9 RECORDING SECRETARY
10 SUMMERS:
11 Gilmour, present.
12 Taconic, Frazier.
13 MR. FRAZIER: Here.
14 RECORDING SECRETARY SUMMERS
15 Frazier, present. Ulster,
16 Scampoli?
17 MR. SCAMPOLI: Here.
18 RECORDING SECRETARY
19 SUMMERS:
20 Scampoli, present.
21 Upstate, Gary?
22 MR. GARY: Here.
23 RECORDING SECRETARY

24

1 SUMMERS:
 2 Gary, present.
 3 Wallkill, Sheridan?
 4 MR. SHERIDAN: Here.
 5 RECORDING SECRETARY SUMMERS
 6 Sheridan, present.
 7 Washington, Chapman?
 8 MR. CHAPMAN: Here.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Chapman, present.
 12 Watertown, Dier?
 13 MR. DIER: Here.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Dier, present.
 17 Wende, Porter?
 18 MR. PORTER: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Porter, present.
 22 Willard, Cornacchio?
 23 MR. CORNACCHIO: Here.

25

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Cornacchio, present.
 4 Woodbourne, Noecker?
 5 MR. NOECKER: Here.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Noecker, present.
 9 Wyoming, Goodrich?
 10 MR. GOODRICH: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Goodrich, present.
 14 The December executive
 15 minutes have been
 16 published. Any there any
 17 corrections?
 18 (No response.)
 19
 20
 21 RECORDING SECRETARY SUMMERS
 22 Seeing none, minutes have
 23 been accepted.

26

1 PRESIDENT POWERS
 2 Thank you, Chris. Move
 3 into the president's
 4 report. Since our last
 5 meeting obviously many of
 6 you are well aware, the
 7 State of State came out,
 8 the Governor released the
 9 budget, he's calling for
 10 twenty-five hundred beds.
 11 They claim there's ten
 12 thousand five hundred
 13 empty beds. Our push is
 14 to bring the top bunks
 15 down through the all the
 16 meetings. Bring those
 17 bunks down, really no need
 18 to close the facilities.
 19 That's our position.
 20 That's our position,
 21 that's the position we've
 22 taken with the legislature
 23 and the Department.

27

1 If any of you witnessed
 2 the Public Protection
 3 Hearings, my testimony
 4 if you recall Acting
 5 Commissioner Annucci in
 6 his testimony acknowledged
 7 the fact if the double
 8 bunks were to come down,
 9 there would be no need to
 10 close any jails. I don't
 11 want to quote him, that's
 12 they way he put it, that
 13 was the way he reference
 14 it.
 15 So that's our push and
 16 that's been our push from
 17 the beginning. Once --
 18 you know, double bunking
 19 is not new to us, we have
 20 been pushing to get this.
 21 We've been fortunate to
 22 find sponsors in both
 23 houses to carry this, a

28

1 same as bill.
 2 The one in the Assembly
 3 is moving somewhat nicely
 4 for us, controlled by
 5 Assemblyman Billy Jones,
 6 former correction officer
 7 out of Bare Hill. He's
 8 now State Assemblyman in
 9 the 16th District maybe.
 10 And as many of you might
 11 recall, Senator Gallavan
 12 in the previous senate
 13 majority, carried the
 14 double bunking bill for
 15 us. And last year he was
 16 gracious enough to pass it
 17 of his sponsorship, pass
 18 that, as bill over to
 19 Senate Sepulveda, who
 20 chairs our correction
 21 committee for the State
 22 senate, Crime and
 23 Corrections.

29

1 We had our legislative
 2 reception not too long
 3 ago, that went off well.
 4 We were able to get around
 5 some things. I had a
 6 conversation with Senate
 7 Sepulveda, he had some
 8 confusion there but we got
 9 him back on track. He's a
 10 confusing individual to
 11 begin with and we'll keep
 12 a close tab on him as we
 13 proceed forward.

14 A lot of things have
 15 happened recently, please
 16 keep an eye out for your
 17 brothers and sisters in
 18 the field. The changes
 19 that continually come,
 20 excuse me. And I
 21 recognize that you're
 22 handling them and you're
 23 doing them and doing

30

1 everything you can, since
 2 implementing these in the
 3 facilities.

4 But the Department is
 5 constantly taking a
 6 different position,
 7 without any adequate
 8 training. That training
 9 is a component we're
 10 continually pushing. I
 11 know individuals with
 12 twenty-five years, I'm
 13 redundant with this, but I
 14 get the same forty hour
 15 training that I got in
 16 1989, you know. And that
 17 forty hours and the vast
 18 changes in this Department
 19 is not sufficient.

20 That's some of the
 21 conversations that we're
 22 having with the agency and
 23 with the legislature.

31

1 We're getting a little
 2 play with that. But our
 3 primary focus right now is
 4 these double bunks and
 5 stave off any prison
 6 closures. And to help
 7 somewhat reduce the amount
 8 of violence that we're
 9 continually dealing with
 10 in our facilities.

11 That includes, and I'm
 12 sure I'm going to hear it
 13 from people in here today,
 14 but that includes a
 15 significant need for
 16 additional staffing. And
 17 the staff that's owed me,
 18 the staff that's owed this
 19 body, that's owed certain
 20 facilities in the last
 21 round of reviews, staffing
 22 reviews that were done in
 23 2017.

32

1 You can be rest assured
2 I'm not letting up on that
3 and I'll continue to push
4 that until you kick me to
5 the curb, but that will be
6 priority number one; the
7 staffing issue and this
8 double bunking issue.

9 We got a budget session
10 right now that has taken
11 an interesting twist as of
12 late. And I didn't play a
13 whole lot of drama or
14 concern into this
15 coronavirus thing, but you
16 look at what other
17 entities are doing and
18 many other establishments
19 are doing as far as
20 governmental operations
21 and you're starting to see
22 some of these things that
23 are coming to light.

33

1 We pushed, I've been
2 very vocal in phone
3 conversations when the
4 coronavirus first touched
5 the shores over here in
6 Westchester, we were quick
7 to get on the phone with
8 the Department. I've had
9 three phone conversations
10 with the higher ups in the
11 administration.

12 Our three positions
13 are, and if there is any
14 transportation officers in
15 here forgive me, but we
16 basically said we don't
17 want any unnecessary
18 medical transports leaving
19 the facilities at this
20 point to avoid
21 contamination. We want
22 all visit rooms shuttered
23 until this contamination

34

1 is complete; and proper
2 protocols, basically
3 supplies. The soaps, the
4 hand sanitizers, the
5 constant reminders of the
6 general precautions that
7 need to be taken in our
8 settings.

9 Masks, any and all
10 protocols to be put in
11 place. We formalized it
12 in a letter to the
13 Department, I believe it
14 might be in your packet,
15 along with the labor
16 management agenda
17 scheduled for Monday the
18 16th.

19 I've got a little bit
20 of word depending on how
21 this coronavirus starts to
22 play out, as to whether or
23 not this meeting will take

35

1 place on the 16th, but
2 we're still tentatively
3 scheduled for the 16th.
4 They were quick to turn
5 around this date when we
6 submitted this agenda, so
7 we're -- if they do
8 cancel, we're hoping we
9 would be able to
10 reschedule that as soon as
11 possible.

12 With that being said,
13 we got a lot of irons in
14 the fire. This
15 coronavirus thing, not
16 only is it a concern
17 inside your facilities,
18 but it's gonna be a
19 concern from a
20 governmental standpoint.
21 The Governor has already
22 asked the comptroller for
23 additional projection in

36

1 revenues going forward,
2 how this may affect what
3 the projected revenues.
4 He's working with the
5 comptroller.

6 Many of you know the
7 comptroller is a very
8 close friend of NYSCOPBA,
9 has been since Donn's
10 term, really since he's
11 been in office. We've had
12 a good relationship with
13 the comptroller's office
14 from the beginning.

15 If anybody paid
16 attention last night,
17 minus this coronavirus and
18 these projected revenues
19 that may be coming in or
20 concerns for projected
21 revenues. If you take a
22 look at what it's done to
23 this hotel, typically when

37

1 we come here that parking
2 lot is full. They
3 canceled four conventions
4 already.

5 They've canceled four.
6 So this thing is gonna
7 have an impact to a degree
8 in governmental operations
9 and that's going to
10 include our ability to
11 maneuver. We'll stay on
12 top of it, continue to
13 stay on top of it and
14 continue to keep moving,
15 especially this double
16 bunking issue.

17 As I mentioned it's
18 moving well in the
19 Assembly. It's in the
20 Senate finance right now.
21 We approached the sponsor
22 of the bill, Senate
23 Sepulveda and asked him to

38

1 reach into the finance
2 committee to have it moved
3 out of finance and move it
4 forward. We're told by
5 his office, his Chief of
6 Staff Diana Goodwin that
7 it's a priority for the
8 senator.

9 But keep in mind, so is
10 HALT. He's basically
11 formalized us with a
12 question as to, you know,
13 this is part of politics,
14 where is your position
15 with HALT. We explained
16 to him very clearly our
17 position with HALT. And
18 we won't move from that.
19 But this double bunking is
20 a priority and we'll
21 continue to move with it.

22 I don't want to get
23 into a lot of details, but

39

1 we had a -- the Department
2 is looking to add
3 recording devices in
4 interviews in your
5 sectors, in your
6 facilities. They're
7 claiming it's for
8 witnesses to an alleged
9 incident, it's not
10 necessarily an
11 interrogation.

12 We had a meeting last
13 week, many of the board
14 here attended. Meeting
15 space kind of got cramped
16 because we had a lot of
17 VPs and BA there, and they
18 were looking to reschedule
19 the meeting. Myself and
20 Tammy excluded ourselves
21 from it, so the meeting
22 space could basically be
23 maintained. And that was

40

1 a meeting we had,
2 ironically enough, Brother
3 Summers here brought a
4 recording device and asked
5 to have it recorded and
6 they agreed, so we have it
7 and we'll continue to
8 review it as these
9 discussions go forward.

10 And keep in mind this
11 is for witnesses to an
12 alleged incident that
13 might have somebody else
14 in the cross hairs
15 so-to-speak.

16 So, we're in the
17 process of putting
18 together some information
19 to hand off to our
20 stewards back in the
21 facilities. If you're
22 new, by all means reach
23 out to your VPs, BAs and

41

1 to us if you have any
2 questions regarding as to
3 how to handle certain
4 situations as we move
5 forward.

6 I mentioned the
7 statewide labor management
8 meeting. A lot of our
9 back and forth in the
10 discussions prompted some
11 of the changes that came
12 forward regarding 4936,
13 the allowable amount of
14 hand sanitizer to bring
15 in.

16 I don't know, I can't
17 say it's because of us, I
18 have reason to believe it
19 was. But they have
20 modified the visit
21 process, it's kind of
22 hokey, it's ridiculous
23 quite frankly. As far as

42

1 the coronavirus is
2 concerned, now we've got
3 our guys up front
4 conducting interviews,
5 taking temperatures and
6 all that happy horseshit.

7 All that aside and
8 we'll continue to push the
9 closures of visit rooms
10 until we got this done. I
11 was brought up to speed
12 this morning, somebody
13 told me Italy had riots,
14 is that correct?

15 UNIDENTIFIED SPEAKER:
16 Twenty-seven prisons when
17 they ordered all visits
18 ceased.

19 PRESIDENT POWERS:
20 There you have it. We'll
21 continue that push, buckle
22 up. I don't wish that.
23 That's kind of where we're

43

1 at right now. I have
2 another matter that
3 significantly needs to be
4 discussed off record.

5 If you have any
6 questions for me regarding
7 any of your concerns that
8 have been brought forward,
9 I'm trying to keep this
10 short because we've got a
11 matter that needs to be
12 addressed in this room
13 forthwith. And we got to
14 make sure that it's
15 accurate and a lot of
16 information is accurate
17 and that we're following
18 all the protocols going
19 forward.

20 But you have any
21 concerns or any comments I
22 may have failed to mention
23 here, don't hesitate to

44

1 reach out to me and get
2 ahold of me and I will
3 help you. With that, does
4 anybody got anything for
5 me? Kevin?

6 KEVIN DONNELLY: Kevin
7 Donnelly, Coxsackie.
8 Mike, can you enlighten us
9 on the Department's stance
10 on our -- what the
11 conversation was as far as
12 closing visits? They seem
13 to be in distress mode by
14 they don't care about
15 letting visits in.

16 PRESIDENT POWERS: In
17 my opinion from what I get
18 out of it is they're not
19 concerned about it. It's
20 the same old battle, they
21 don't give a shit about
22 what our concerns are.
23 They're more worried about

45

1 the backlash that they're
2 going to get from the
3 visitors and the families
4 that are involved in
5 wanting to come up and
6 visit and to be able to
7 promote the contraband.

8 Their position was,
9 okay, you know, they
10 listened and then we start
11 to see little pithily
12 changes here. We tell
13 them that we're constantly
14 trying to be proactive,
15 get out in front of it.
16 What are you doing and
17 more importantly, what are
18 you going to do God forbid
19 there's a contamination in
20 a facility?

21 Because everything
22 shut -- as you're well
23 aware around the world,

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1 everything shuts right
2 down, right? So, what are
3 you going to do and what
4 procedures, we want to see
5 those procedures. We want
6 to be a part of the
7 discussion, which we very
8 seldom get any more, but
9 we want to be a part of
10 that discussion.

11 So what am I getting
12 back? The hokey interview
13 for now, but we'll
14 continue to push.

15 KEVIN DONNELLY: So
16 once again, their
17 employees are on the back
18 burner?

19 PRESIDENT POWERS:
20 Pretty much. That's how I
21 got into a pretty lengthy
22 diatribe just recently
23 with the Department over

47

1 morale and the way you
2 treat your employees.
3 Your employees are our
4 members, but they're your
5 employees. And your
6 management skills, quite
7 frankly, suck shit. And
8 that's a quote, suck shit.

9 KEVIN DONNELLY: Well,
10 at least we got --

11 PRESIDENT POWERS: And
12 I'll be honest with you,
13 Deputy Commissioner
14 O'Gorman supports shutting
15 down visit rooms.

16 KEVIN DONNELLY: I
17 won't even ask the next
18 question.

19 PRESIDENT POWERS: He
20 said it to me and I told
21 him that I was gonna share
22 it. He said he didn't
23 care, I think he's

48

1 thinking of retirement.
 2 Debbie?
 3 MS. FLOYD: Floyd from
 4 Bedford. What are we
 5 gonna do about our
 6 executive team at
 7 facilities making
 8 determinations? Like for
 9 me for instance, they
 10 kicked me out of the jail
 11 on Sunday because they
 12 thought I had the
 13 coronavirus. And they
 14 took away my overtime,
 15 they charged me a sick day
 16 and didn't let me come
 17 back to work Sunday,
 18 Monday; and they called me
 19 Monday about five or
 20 something, said I could
 21 come back without a note
 22 Tuesday.

23 PRESIDENT POWERS: I

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1 don't -- that's news to
 2 me. I know they sent a
 3 bunch of people home with
 4 a cold apparently.
 5 MS. FLOYD: They sent
 6 me or Officer Torres home,
 7 I don't even know when she
 8 left cause I left before
 9 her.
 10 PRESIDENT POWERS: You
 11 got to start to take that
 12 up with your
 13 administration and by all
 14 means keep Dave looped in,
 15 and if you need any
 16 assistance let us know.
 17 MS. FLOYD: Yeah, but
 18 what if they do that to
 19 somebody else? I mean,
 20 they just did it at
 21 Bedford, with if any other
 22 facilities get this kind
 23 of.

50

1 PRESIDENT POWERS: We
 2 got to know about it.
 3 Dave mentioned it to me
 4 yesterday. I was under
 5 the impression it was a
 6 handful of people but, you
 7 know, it could have been
 8 another conversation.
 9 We've been having a lot of
 10 conversations.

11 DAVE LUTHER: Thanks,
 12 George. Just as to follow
 13 up to Ms. Floyd's comment.
 14 In our conversations with
 15 O'Gorman, I don't know if
 16 it will happen in other
 17 jails because he said that
 18 he found that Bedford was
 19 a little over zealous in
 20 their determination as to
 21 who should go home and who
 22 shouldn't. As of the rest
 23 of employees we'll have to

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1 work out as far as
 2 occasions and stuff like
 3 that, whether it goes
 4 for -- was it two or
 5 three?

6 Anyway, everybody got
 7 told to come back to work
 8 after calls were made and
 9 it was addressed. So,
 10 until they can argue this,
 11 until they can get around
 12 the HIPPA Law number one,
 13 and before they can all
 14 determine that they have
 15 medical degrees, they
 16 don't have the right to
 17 make that assumption
 18 unless it's quite apparent
 19 that there is an issue.

20 PRESIDENT POWERS

21 Thank you, Dave. George.

22 GEORGE KARAMANOS:

23 George KARAMANOS out of

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1 Green Correctional. Just
2 to get some clarification
3 on the recording devices
4 that OSI will be bringing
5 in. Is this at the
6 facilities they'll be
7 bringing them in?

8 PRESIDENT POWERS: Yes.

9 GEORGE KARAMANOS: So,
10 what exactly is going to
11 be? Is it for -- I'm
12 confused.

13 PRESIDENT POWERS: So,
14 say there's an incident,
15 Mike and George are
16 involved in the incident,
17 Tammy witnessed it.
18 They're not going to be --
19 allegedly they said
20 they're not going to be
21 questioning us, this isn't
22 an interrogation. Correct
23 me if I'm wrong, Mike.

53

1 VP MID-HUDSON MAZZELLA:
2 Let me help you. Good
3 afternoon. So, we
4 attended this meeting
5 regarding recording
6 device. We were notified
7 a little while back that
8 OSI will be bringing
9 recording devices into the
10 facilities in order to
11 conduct their interviews.

12 So basically, how they
13 normally take notes,
14 handwritten notes as
15 they're asking them
16 questions, now there's
17 going to be a recording
18 devices for the statement,
19 is what they're saying.

20 So what Mike is talking
21 about, they're saying
22 targets of the
23 investigation will still

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1 be going to Albany or
2 Utica or Fishkill,
3 wherever else they're
4 doing interrogations,
5 where there's a
6 stenographer present.
7 That's still going to
8 happen for targets of an
9 investigation.

10 These minor
11 investigations that they
12 normally do at your
13 correctional facilities,
14 where they, you know,
15 maybe pat and frisk wrong,
16 whatever they do when they
17 come into the facility,
18 they're there ten minutes
19 asking questions and
20 handwrite that piece of
21 paper out, make it look
22 like you said what they
23 wrote, they're not going

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1 to do that anymore. Now
2 they're just going to
3 record it. So, question?
4 KEVIN DONNELLY: Kevin
5 Donnelly, Coxsackie.
6 Mike, Dave, John, myself,
7 few others in the room,
8 this was a subject of
9 negotiations and that was
10 pulled off the table.

11 VP MID-HUDSON MAZZELLA:
12 That might have been the
13 subject of negotiation
14 before I got on the
15 negotiating team, because
16 I don't recall it being on
17 the table.

18 KEVIN DONNELLY: It
19 was. It was pulled off.

20 VP MID-HUDSON MAZZELLA:
21 When Mike Dildine was on
22 it?

23 KEVIN DONNELLY: Yes.

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1 But it was pulled off the
2 table and so, why are we
3 allowing this to happen?
4 VP MID-HUDSON MAZZELLA:
5 Number one, you can't stop
6 it. Because there's not a
7 provision in the contract
8 that says they can't
9 record it. Basically the
10 provision about a
11 recording device being
12 mutual is during a
13 disciplinary proceeding.
14 Not -- and questioning by
15 OSI is not a disciplinary
16 proceeding. Can it lead
17 to discipline? Possibly.
18 But it's not considered
19 part of the discipline
20 procedure.
21 KEVIN DONNELLY: John,
22 can you speak on that? No
23 offense, Mike.

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1 VP MID-HUDSON MAZZELLA:
2 No offense taken. Only a
3 few months left to go,
4 pal.
5 KEVIN DONNELLY: God
6 bless you.
7 VP LAW ENFORCEMENT
8 HARMON: John Harmon, Law
9 Enforcement VP. Very
10 early in negotiations we
11 had a conversation, I
12 don't know if it was an
13 exact proposal or not but
14 we were talking about the
15 Bill of Rights section
16 which says no recording
17 device shall be used.
18 They were trying to expand
19 that.
20 And there was
21 discussion with the state
22 about what that pertains
23 to. And I'll be honest

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1 with you, it wasn't a long
2 discussion, but it was
3 something we discussed
4 about what that meant in
5 the Bill of Rights. And
6 to be honest, I don't
7 remember what was said
8 after that.
9 But I know the
10 discussion was about, what
11 they've always told us and
12 we've disagreed with it,
13 but they'll give us a copy
14 of the tape. But I know
15 we were looking to expand
16 the Bill of Rights to
17 include all -- I believe
18 everything, when we first
19 started. This was like
20 six years ago.
21 So I don't know who
22 else in the committee has
23 any more knowledge. I

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1 know it was talked about
2 but I don't think it went
3 any further than them
4 disagreeing with us and
5 saying we can request a
6 copy of the tape and
7 we had back and forth
8 banter about it, but
9 that's about it.
10 KEVIN DONNELLY: Would
11 that be the same as
12 getting a copy of the Q
13 and A minutes, where it
14 takes forever and a day to
15 get that? I mean, now we
16 get it when they're served
17 their NOD, but when would
18 we be entitled to that?
19 VP LAW ENFORCEMENT
20 HARMON: I can tell you
21 for law enforcement, we've
22 had this process for as
23 long as I have been in

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1 Albany. And when I was a
2 chief, we started
3 questioning this. And we
4 receive a copy of the tape
5 typically right after,
6 they burn a copy right
7 after. And I know for the
8 justice center we either
9 get one right after or
10 they send us an encrypted
11 CD as soon as they can get
12 back to their office.

13 VP MID-HUDSON MAZZELLA:
14 Not to cut you off, John.
15 It is a different
16 procedure with them then
17 it would be with DOCCS.
18 DOCCS' statement at this
19 meeting was that we would
20 receive a copy as
21 contractually provided for
22 Q and As now.

23 So if a member would

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1 receive an NOD based on
2 the interrogation or the
3 questioning, then he would
4 receive a copy of the
5 recording.

6 KEVIN DONNELLY: That's
7 the agreed upon or --

8 VP MID-HUDSON MAZZELLA:
9 That's we was said. We
10 went to that meeting --

11 DONN ROWE: Because
12 they say a lot of things.

13 VP MID-HUDSON MAZZELLA:
14 When you say agreed upon,
15 you've got to be careful
16 with the agreed upon.
17 Only because I kind of
18 chaired for the union's
19 side and my first
20 statement was to DOCCS was
21 to let them know that the
22 union does not support the
23 use of recording devices

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1 and we will not agree to
2 it.

3 So, they wanted to end
4 the meeting right then and
5 there. And I said, I'm
6 not saying we don't have
7 questions, I'm just saying
8 we don't agree to the
9 policy. So that's when we
10 started asking questions.
11 We had an attorney in the
12 room as well, Emily was
13 present.

14 And, you know, we asked
15 those types of questions,
16 when would we receive a
17 copy of the tape. So,
18 basically if the officer
19 that's being interviewed
20 gets Notice of Discipline
21 from that interview, then
22 we would get -- actually
23 the Department said per

63

1 the contract the member
2 would get a member of the
3 copy of the tape when he
4 is served with the Notice
5 of discipline.

6 KEVIN DONNELLY:
7 Thank you.

8 VP LAW ENFORCEMENT
9 HARMON: Just to add to
10 that, that process exactly
11 works for us as well. We
12 disagree with the taping
13 of the interview or the
14 interrogation, Q and A,
15 whatever it may be and we
16 get the tape. They give
17 it to the member and if
18 we're there, we keep a
19 file, we have a whole
20 filing cabinet OF
21 interrogations with the
22 law firm.

23 CHRIS MOREAU: Chris

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1 Moreau, Green Haven. Will
2 there be gate clearances
3 for these devices that
4 we're going to have to
5 look for?

6 VP MID-HUDSON MAZZELLA:
7 Being that supposedly from
8 what the Department is
9 saying, is that the Notice
10 of Interrogation will have
11 on their that a recording
12 device will be being used.
13 I'm sure that the
14 Department will consider
15 that as being cleared to
16 come in. Whether they
17 have to ask for a gate
18 clearance in the
19 Department's facilities,
20 they will determine if
21 they get a gate clearance
22 or not.

23 CHRIS MOREAU: They

65

1 said with complete
2 affirmation that the
3 target of the
4 investigation will not be
5 recorded during the
6 proceeding, Q and A?

7 VP MID-HUDSON MAZZELLA:
8 They said the targets of
9 the investigation will be
10 brought to, we keep saying
11 Albany but we know there's
12 multiple points where they
13 do these Q and As. So, it
14 will still be oath with a
15 stenographer present. The
16 targets of major incidents
17 or of incidents will be
18 sent for those.

19 They said that
20 basically what happens now
21 when OSI goes to a
22 facility to conduct an
23 investigation, they know

66

1 just as we know, that
2 those aren't -- those
3 investigations that are
4 conducted at facility
5 levels, aren't of such a
6 nature that they know NODs
7 are coming out of those
8 interviews. That's why
9 they do them there, that's
10 why they handwrite the
11 stuff. They don't bring
12 it up on the record.

13 CHRIS MOREAU: What's
14 to keep them from using it
15 or by turning a would be
16 witness into a target of
17 the investigation.

18 VP MID-HUDSON MAZZELLA:
19 There's always -- there's
20 nothing stopping them.
21 The same way it is now, if
22 an officer at the facility
23 says something that turns

67

1 him into a target, what do
2 they normally do? Bring
3 you up to Albany a week
4 later and put you on the
5 record.

6 CHRIS MOREAU: And that
7 recording will be part
8 of --

9 VP MID-HUDSON MAZZELLA:
10 The recording will be part
11 of the evidence just as
12 the same as the
13 handwritten notes are part
14 of evidence.

15 CHRIS MOREAU: The
16 reasoning behind the
17 recording device, did they
18 elaborate on that.

19 VP MID-HUDSON MAZZELLA:
20 The Department -- when I
21 say the Department, I
22 mean, Darren Miller I
23 think his name is, Darren

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1 Miller from OSI said
2 because he wants a more
3 accurate investigation
4 done.
5 CHRIS MOREAU: So then
6 could we have the video so
7 we can more accurately do
8 our paperwork?
9 VP MID-HUDSON MAZZELLA:
10 Well, as you know I
11 already brought that up at
12 the meeting, because I
13 told you that Thursday.
14 Thank you for reminding
15 me. That's what exactly
16 we talked about, the
17 recording was so they
18 could be more accurate in
19 their investigation. I
20 turned around and said,
21 well, based on that logic
22 then we should be able to
23 view a video tape of an

69

1 incident because we could
2 write our reports more
3 accurately. Of course
4 John Shipley got red in
5 the face, very angry at me
6 and said, that's not the
7 same thing. But it is the
8 same thing so --
9 CHRIS MOREAU: Well,
10 because we're making a
11 concession, can't we put
12 it back a little bit
13 with --
14 VP MID-HUDSON MAZZELLA:
15 We're not making a
16 concession, the Department
17 is telling us a policy
18 that they're implementing.
19 They don't have to tell
20 us. They could have come
21 into the facilities and
22 done it. So they're
23 having a new policy

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1 they're implementing and
2 we are trying to make sure
3 that our members are
4 covered as they should be.
5 CHRIS MOREAU: But we
6 can push back against that
7 policy, can't we?
8 VP MID-HUDSON MAZZELLA:
9 We can do a lot of things.
10 But, again, our argument
11 was made on the record
12 because we have a
13 recording device, because
14 we recorded the meeting
15 where OSI said why they
16 want to record, for
17 accuracy. My argument
18 about reviewing the video
19 is on the record. So,
20 yes, we are going to move
21 with that probably at our
22 statewide labor management
23 we'll bring it up.

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1 CHRIS MOREAU: All
2 right.
3 AL ZAPPALA: Al
4 Zappala, Shawangunk. This
5 is just back to the issue
6 with the coronavirus. I
7 know people will laugh,
8 but currently we have a
9 quarantined area in New
10 York State that is going
11 to be affecting one of our
12 facilities, where I
13 believe we'll have on
14 average at least six
15 officers that will not be
16 able to make it to work
17 because they're contained
18 within that quarantined
19 area.
20 Will the state be using
21 them for their sick time
22 or will it be in ASX
23 because they're being

72

1 forced not to come to
2 work?
3 VP MID-HUDSON MAZZELLA:
4 Let me, real quick. The
5 question is, did they
6 change the information
7 about this area you're
8 talking about? Because
9 last night on the news
10 they said that the area
11 down in Rockland County,
12 Westchester County I think
13 it was. They're not
14 preventing people from
15 going in and out of the
16 quarantined area, it's
17 just they won't allow mass
18 gatherings in that area.
19 AL ZAPPALA: My
20 question is, since we are
21 now seeing the first case
22 of a scenario of
23 quarantine, we'll probably

73

1 see more, and I was just
2 curious what the
3 Department stance will be
4 on so we have a head on on
5 it.
6 VP MID-HUDSON MAZZELLA:
7 Gotcha, Directive 2209.
8 AL ZAPPALA: Thank you.
9 VP NORTH ROBERTS: John
10 Robert, Northern Region
11 VP. Mike, I wanted to
12 touch on OSI committee,
13 recording meeting I
14 attended, I had a lot of
15 questions. I requested
16 that all facility notices
17 also be sent to NYSCOPBA,
18 as many of you know we
19 currently don't receive
20 those notices that the
21 facility received.
22 In my opinion they're
23 insufficient. They don't

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1 provide all the
2 information that you guys
3 should have, like a time
4 seven to three when
5 they're going to have.
6 They're going to hopefully
7 adjust that with the
8 request and also we
9 request to send them down
10 to Bob Cronin at NYSCOPBA
11 and then we forward it to
12 the respective region.
13 Because in the northern
14 region my stance is,
15 myself or business agent
16 will be there. We are
17 going to attend as many as
18 we possibly can. I know
19 we can't be at twelve
20 facilities at all times,
21 but at least when this
22 kicks off, if we file an
23 IP once this is actually

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1 implemented, we can look
2 at it. But we can't fight
3 a policy that's not
4 actually implemented as of
5 yet other than try to
6 negotiate it, as much as
7 possible.
8 So there was a lot of
9 questions and also these
10 statements, take it for
11 what it's worth, Darren
12 Miller said they wouldn't
13 be under oath because OSI
14 has no authority to put
15 you under oath. And
16 hopefully no one signs
17 anything during an
18 interrogation. If that
19 answers a few more
20 questions of where we're
21 at.
22 MIKE CARLSON: Mike
23 Carlson, Forest Rangers.

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1 We had a situation last
2 week where one of our
3 employees, one of the park
4 rangers went to a training
5 over in Dutchess Community
6 College. He got a call
7 this week from the
8 Department of Health New
9 York State indicating that
10 there was a subject in
11 that training who was
12 positive for coronavirus.
13 So, what the Department of
14 Health gentleman told him
15 was he was going to be on
16 the voluntary house
17 quarantine, which we has
18 to stay in his house. He
19 will get paid fourteen
20 days being out from the
21 State. He will get paid
22 his time being home. He
23 did indicate that he had a

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1 wife who is pregnant and a
2 child.
3 They indicated he had
4 no symptoms, he was just
5 in in room with this
6 person who was positive.
7 He was healthy, he says
8 he's still healthy, no
9 issues. But now he's
10 staying home, they said
11 maybe sleep in a different
12 room, this is what they
13 told him. Maybe use a
14 different bathroom,
15 there's nothing to say you
16 have this but he is being
17 paid for the next fourteen
18 days from the date where
19 it occurred.
20 So, he does not have to
21 charge anything to his
22 time accruals. So, he's
23 just taking a fourteen day

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1 siesta.
2 I don't have the memo,
3 this came from the
4 Department of Health.
5 When he got called by the
6 gentleman, we thought it
7 was a gag so then he
8 looked it up on Google and
9 it actually came back it
10 was him.
11 What we were told is if
12 he does get corona,
13 anybody who associated
14 with him while he was at
15 work will also be out for
16 the next fourteen days.
17 So the park manager talked
18 to, I don't know if it was
19 Albany or the region, and
20 said these are the people
21 that he has worked with.
22 So he comes positive, then
23 we're out fourteen days as

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1 well paid leave. And
2 apparently the Governor
3 already approved this.
4 PRESIDENT POWERS: We
5 talked about paid leave
6 aspect regarding
7 coronavirus in the early
8 stages when it first hit
9 New York. And I think it
10 was a five day thing, but
11 that could have preceded
12 that.
13 MIKE CARLSON: We have
14 it also on our last --
15 it's the first thing you
16 can click, whether EOL and
17 this is on there as well.
18 PRESIDENT POWERS:
19 Thanks, Mike.
20 MIKE CARLSON: I don't
21 have anything in writing
22 but --
23 PRESIDENT POWERS:

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1 We'll pick it up.
 2 PAUL MIKOLOJAK: Paul
 3 Mikolojak, Sing Sing
 4 Prison. December it was
 5 brought up that Workers'
 6 Comp Board has a new
 7 formulary table that
 8 they're going invoke on
 9 June 5th. We had asked if
 10 the Board would consider
 11 taking some sort of
 12 injunction out against
 13 that formulary table until
 14 we find out how badly it
 15 was going to affect all
 16 our members, both present
 17 and retired. What was the
 18 Board's decision on action
 19 on that piece of work?
 20 PRESIDENT POWERS: We
 21 Alex Dell a Workers'
 22 Compensation attorney here
 23 to address the Assembly

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1 tomorrow.
 2 PAUL MIKOLOJAK:
 3 Thank you, sir.
 4 PRESIDENT POWERS:
 5 Anything else for me?
 6 Donn?
 7 DONN ROWE: Rowe, Hale
 8 Creek. Mike, I just got
 9 one thing. As far as the
 10 budget is concerned and
 11 the whole closures and bed
 12 closures, again, it's nice
 13 we got a bill on double
 14 bunking which you know
 15 they're not gonna lift a
 16 finger to save those beds
 17 in neither house, either
 18 the Assembly or Senate.
 19 That bill certainly is not
 20 going to get passed by
 21 April. And they're going
 22 to come to some kind of
 23 agreement.

82

1 My biggest issue with
 2 what's going on right now
 3 is we have such a drop in
 4 uniform to inmate ratio
 5 over the past four, five
 6 years. I mean, we've
 7 always hovered right
 8 around three to one and
 9 that's lieutenants,
 10 sergeants, correction
 11 officers. And we've
 12 hovered around 2.8, 2.9.
 13 Right now we're down to
 14 2.3 and it's gonna get
 15 worse. And with all this
 16 crap that they're adding
 17 on in the department, it's
 18 gonna mushroom into a real
 19 staffing issue. Not just
 20 people getting stuck and
 21 all this other stuff.

22 So I think that has to
 23 be a discussion -- I know

83

1 I have raised it with you
 2 before, it has to be a
 3 discussion with the
 4 legislature or with the
 5 Governor's office.

6 PRESIDENT POWERS: It
 7 does. And it was part of
 8 the discussion up until
 9 this double bunking. I
 10 Respectfully disagree, I
 11 think our -- I think this
 12 bill was actually moving
 13 and I think it's going to
 14 gain some traction. Will
 15 we see it in the budget?
 16 No, I highly doubt it. I
 17 think that's what you're
 18 expressing but through the
 19 legislative session we're
 20 kind of hoping.

21 We're spending some
 22 money, about 55-K to wrap
 23 some buses in Albany

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1 regarding the double
2 bunking and the sixteen to
3 one ratio of the housing
4 units. Now, keep in mind
5 a majority of the double
6 bunks are in the medium
7 securities. Annexes
8 double upped as well, but
9 it's more the dormitory
10 type setting.

11 And that's our target.
12 And that's where we're
13 getting a little play,
14 we're getting some play
15 from the speaker in the
16 Assembly. I had a very
17 good conversation with the
18 Deputy Majority Leader
19 Andrea Stewart Cousins and
20 other members of -- higher
21 ranking members of the
22 Senate, some were swayed,
23 some of the newer junior

85

1 legislators in both
2 houses.
3 And we've had some
4 brief conversations, Keith
5 has had some conversations
6 with the second floor
7 regarding this as well.
8 Our target is we're kind
9 of placating the advocates
10 as I've expressed before.
11 We're basically saying
12 you're housing two
13 individuals in a space
14 smaller than a parking
15 space. You probably heard
16 me say that numerous
17 times, I'll say it to
18 anybody who will listen to
19 it but it's a good
20 analogy.

21 That's kind of the
22 angle that we're taking
23 and Donn brings up a good

86

1 point. This is one of the
2 drivers regarding our
3 staffing issue and that
4 ratio is gonna change.
5 That three to one ratio
6 has changed, it changed
7 probably shortly before I
8 got here. And that
9 prompted I believe the
10 staffing reviews.

11 And that was a remedy
12 which has not been
13 fulfilled and now I've got
14 to maintain that
15 fulfillment and then and
16 then more importantly,
17 continue to push for
18 additional staffing. And
19 that training component
20 comes into it as well.

21 Donn mentioned the
22 aspect of the significant
23 changes in the job. I did

87

1 as well in the beginning
2 of my report. The
3 training that we have is
4 insufficient and our
5 people are getting
6 disciplined over certain
7 factions, certain actions
8 that's happened with
9 within the facility that
10 you're getting a heads up
11 with a memo or a lineup
12 room or some hokey,
13 fifteen minute
14 presentation during your
15 use of force training in
16 the spring.

17 So that's a component
18 of it. So there's a lot
19 of moving parts and it's a
20 genuine concern here. And
21 it was a conversation that
22 we had, but we are gaining
23 a little momentum and it

88

1 will be a conversation
 2 that will never go away.
 3 I don't believe it will
 4 ever go away.
 5 In one of the first
 6 trainings that I ever took
 7 as a NYSCOPBA steward
 8 years and years and years
 9 ago, I was always told and
 10 I always take this
 11 practice, that's why you
 12 see it number one on the
 13 labor management agenda is
 14 staffing. Staffing at
 15 every facility is always
 16 an issue. And you always
 17 got to drive that home,
 18 that's my personal
 19 opinion.
 20 I don't believe we'll
 21 ever have enough staffing.
 22 But that ratio is getting
 23 more dangerous in a much

89

1 more confined place, with
 2 little training to be able
 3 to implement the policies
 4 they shove down our
 5 throats every time we turn
 6 around. Kevin?
 7 KEVIN DONNELLY: Kevin
 8 Donnelly, Coxsackie.
 9 Mike, with the
 10 potential -- not
 11 potential, but will be
 12 prison closures and the
 13 new SHU reports and trying
 14 to implement them in the
 15 facilities that quite
 16 honestly probably can't
 17 even accommodate any of
 18 these reforms, why are
 19 they so quick to close
 20 these facilities? Why
 21 aren't they maybe talking
 22 about implementing these
 23 reforms and shifting

90

1 responsibilities?
 2 PRESIDENT POWERS: Much
 3 of the -- much of the
 4 argument we make, and I
 5 made it to the speaker and
 6 the Deputy Majority Leader
 7 in the Senate, you keep
 8 saying you're going to
 9 right size the system.
 10 Well, right size it, then
 11 let's analyze it. Make it
 12 a safer environment for us
 13 to work in. Stop putting
 14 two individuals in a space
 15 smaller than a parking
 16 space.
 17 Give us the additional
 18 tools to do the job, but
 19 much of it boils right
 20 down to the concept of
 21 getting it done. And --
 22 forgive me, Kevin, where
 23 were we going here?

91

1 KEVIN DONNELLY: With
 2 the SHU reform, Mike, I
 3 can only speak for my
 4 facility, we can't even
 5 accommodate programming
 6 for the inmates as it is
 7 now.
 8 PRESIDENT POWERS:
 9 Right. Right.
 10 KEVIN DONNELLY: We
 11 can't accommodate the
 12 recreation that they want.
 13 So instead of forcing it
 14 down our throat in our
 15 facility, why aren't they
 16 utilizing these facilities
 17 and maybe be able to
 18 create the programs at
 19 those facilities, instead
 20 of shutting it down. We
 21 can't even staff our jail
 22 on a daily basis. And now
 23 they're going to put more

92

1 work on staff and we're
2 taking away --

3 PRESIDENT POWERS: And
4 without the training,
5 without the adequate
6 training.

7 KEVIN DONNELLY: We're
8 taking away days off.
9 We're pretty much working
10 six to seven days a week
11 without a day off, double
12 shifts and now they want
13 to put more on us but
14 close facilities. It
15 makes no sense.

16 PRESIDENT POWERS: If
17 you can disperse the
18 inmates in a safer manner,
19 more importantly give us
20 the needs that we need to
21 have. This agency, they
22 were quick to point out it
23 was one of the largest,

93

1 don't quote me because I'm
2 not sure, I'm sure
3 California and Texas is a
4 bit larger, but all that
5 aside we're rapidly
6 decreasing staffing ratios
7 and training components.
8 Ultimately at the end of
9 the day it boils down to
10 money, they think they're
11 going to be able to save
12 money with the prison
13 closures.

14 KEVIN DONNELLY: And
15 they will until it costs a
16 life.

17 PRESIDENT POWERS: Not
18 only that, but now you got
19 all this vacant tax exempt
20 state property that's
21 shuttered. Have you ever
22 been up to Mount McGregor,
23 driven past Mount

94

1 McGregor? In my opinion
2 it has to be probably the
3 best piece of real estate
4 in the state. The view up
5 there is phenomenal and
6 that facility looks like a
7 cow town.

8 The many facilities --
9 the last two facilities he
10 closed, Livingston and
11 Lincoln, two of the newer
12 ones that his father
13 built. There's no
14 rationale here.

15 They claim it all under
16 money, it's bureaucracy,
17 politics, it turns into a
18 whole grand shit show.
19 There's no consideration
20 for the common sense
21 approach. It's no
22 different than bail
23 reform.

95

1 I'm not looking to get
2 into this long
3 conversation, but you look
4 at it, it's knee jerk
5 reactions in my opinion.
6 These things are knee jerk
7 reactions, statements.
8 And now you have this
9 coronavirus offsetting
10 this potential savings in
11 the budget.

12 You got the comptroller
13 who I'll listen to ten
14 times out of ten over any
15 other elected official in
16 this state, who is saying
17 we're pretty close to a
18 recession. So, there's a
19 lot of moving parts right
20 now, a shit ton of moving
21 parts.

22 It's a tough situation
23 to navigate. We're

96

1 confident that we can stay
2 within the navigation and
3 we'll look to offset as
4 much damage as possible
5 without question. I'm
6 tasking Keith and Dan with
7 that, we're still round up
8 in all this.

9 So I want to get back
10 to this campaign, we're
11 wrapping all these
12 twenty-eight buses with
13 this ratios. It's bus
14 wrap, all twenty-eight
15 buses that wrap around
16 Albany, this is to target
17 for the legislature to
18 show a sixty -- it's a got
19 little stick figures,
20 sixty stick figures, one
21 officer, equals violence.
22 Take down the double
23 bunks.

97

1 up there shortly, if you
2 can throw that up there
3 and we'll post that up
4 there for your view. If
5 not, we'll print off a
6 shit ton of copies. It's
7 a small campaign, it's not
8 a shit ton of money,
9 nothing to get worked up
10 about.

11 It's a good targeted
12 campaign, right to the
13 legislature, final two
14 weeks of the budget.
15 Quite frankly, anybody
16 that comes in here that's
17 astute with the politics
18 in New York, next two
19 weeks is when it's gonna
20 happen, really the last
21 week is really when it's
22 gonna happen.

23 And we wanted to be it

99

1 Those are going to wrap
2 around all these buses.
3 We have two billboards
4 running off of 787 and
5 I90. And we're doing some
6 ads on all the political
7 blogs. City to State,
8 Politico and Capitol
9 Confidential.

10 This will come to about
11 fifty-five thousand.
12 We're looking to do it in
13 the hot two weeks prior to
14 the budget, so the theme
15 is evident. So it will be
16 on all the side of all the
17 buses. I believe the
18 billboards are up and
19 running now, Jimmy, am I
20 correct?

21 JIMMY MILLER: Yes.

22 PRESIDENT POWERS:

23 Steph if you can put that

98

1 in there, we didn't want
2 to hit them early and have
3 it be an old hat
4 so-to-speak by now. So
5 we were able to target it
6 and secure it, and we did
7 it at a minimal price.
8 And I think it's a good
9 campaign, so we'll keep
10 you posted on that as that
11 goes.

12 Anything else for me?
13 At this time I'd like all
14 non NYSOPBA employees to
15 leave the building and
16 permission to go off the
17 record. All in favor
18 signify by saying aye?

20 (All respond with aye.)

23 PRESIDENT POWERS: Any

100

1 nays?

2
3 (No response.)

4
5 PRESIDENT POWERS
6 Thank you.

7
8 (Discussion off the
9 record.)

10
11 PRESIDENT POWERS: Back
12 on the record. Okay. I
13 don't know if we'll be
14 going back off the record
15 later, as I mentioned
16 before there's the
17 billboards, that's what
18 the bus wrapping will look
19 like. And we'll keep you
20 looped as to obviously
21 anything going on with
22 that. With that, I'll
23 turn it over to Tammy for

101

1 the Executive Vice
2 President's report.

3 EXECUTIVE VP SAWCHUK:
4 Good afternoon, everyone.
5 In your packet you should
6 have reviewed and
7 attendance memorandum on
8 Directive 4933, the
9 Special Housing Unit,
10 January 29th, 2020. I'm
11 not going to review this
12 today, but I'm going to
13 ask that you put it on
14 your next labor management
15 agenda for review because
16 there's different
17 provisions whether you
18 work in a SHU, a step down
19 program or an SHU 200.

20 So, I've had some
21 questions today about how
22 we're going to implement
23 it. And that's the best

102

1 question to ask at your
2 labor management meetings,
3 because the SHU units are
4 run different. Obviously
5 Sing Sings run a little
6 different than Green's SHU
7 200. So, put it on your
8 labor management meeting
9 agenda and then get it
10 back to me as soon as you
11 can.

12 Questions and answers,
13 I'll have the answers for
14 you next time you get me
15 the questions. We'll wrap
16 up the 2019 Q and A per
17 region. As of December
18 31st, 2019. Total number
19 of Q and As for the
20 northern region was
21 fifty-four. Southern
22 region was forty-seven.
23 Central region was

103

1 fifty-nine. Mid Hudson
2 region was a hundred
3 thirty-one. A hundred
4 forty-four for Western
5 Region. I believe was a
6 total of four hundred
7 thirty-five.

8 This year for the month
9 of January, northern
10 region has been eight.
11 Southern region three.
12 Central region, seven.
13 Mid Hudson is twenty-five,
14 Western region is eleven.
15 For the month of February,
16 northern was zero,
17 southern was three,
18 central was five, Mid
19 Hudson was eleven and the
20 Western Region was
21 twenty-one.

22 On December 18th I met
23 with Anne Enright, Deputy

104

1 Commissioner for DOCCS
 2 parole. Statewide labor
 3 management meeting
 4 regarding staffing
 5 equipment, job duties and
 6 I know a lot of time
 7 keeping, we had some
 8 movement on some of those
 9 items. I'm working on
 10 that currently with Steve
 11 Berandow with DOCCS and
 12 I'll be updating you
 13 shortly in regards to
 14 where we are with those
 15 changes.

16 There was a mentor
 17 meeting, if you're not
 18 aware of the mentoring
 19 directive, it's Directive
 20 2407. When I was first
 21 asked to sit on this
 22 statewide committee, I
 23 really didn't have much

105

1 knowledge what it was
 2 about. I actually thought
 3 it was more geared towards
 4 civilian employees instead
 5 of uniformed employees.
 6 And that's not necessarily
 7 true.

8 So in 2018, there was
 9 276 applications for the
 10 mentoring program, either
 11 to be a mentor or a
 12 mentee. There were 143
 13 applications for mentors.
 14 There was 135 applications
 15 for mentees. There was 61
 16 formal pairings and of the
 17 61 formal pairings, 50 of
 18 those pairings were
 19 uniformed staff.

20 A directive and a
 21 program that I thought was
 22 basically useless to us,
 23 it's being utilized. If

106

1 that is something you're
 2 interested in that would
 3 be great for people who
 4 are in uniform and would
 5 like to take someone under
 6 their wing, becoming a
 7 mentor, if it's working,
 8 I'm all for it.

9 Catch A Falling Star,
 10 we have the statistics for
 11 our member assistance
 12 program, year end 2019.
 13 I will just go over it
 14 briefly, it's not a report
 15 that I can obviously show
 16 or hand out confidential
 17 information. But, we'll
 18 just go over the areas of
 19 concern. PTSD, financial,
 20 medical, substance abuse,
 21 marital discord, family
 22 counseling, domestic
 23 violence and depression,

107

1 family issues are just
 2 some of them.

3 We had 374 members
 4 utilize the program last
 5 year. That doubled from
 6 the year before. And
 7 would be tripled from the
 8 year before that. So that
 9 program is being utilized
 10 and it is working.

11 QWL funding, we have
 12 PRC meetings on the 6th,
 13 John Harmon and myself
 14 with GOER. So, listen up
 15 for your facility when I
 16 call it. Sullivan was
 17 approved. Taconic is
 18 still on hold for the bids
 19 for the roof project, so
 20 the roof project will not
 21 go forward until the water
 22 issue is complete. And
 23 that's an OGS capital

108

1 improvement project, I
2 believe. Ogdensburg was
3 approved. South Port was
4 approved. We had a
5 partial approval for
6 Buffalo parole. Partial
7 approval for Bronx parole.
8 Otisville approved.
9 Orleans approved. Water
10 Town approved. Partial
11 approval for Elmira PC.
12 We have South Port is
13 going up to the executive
14 committee on the parking
15 lot. Niagara Parole was
16 approved. Mohawk was
17 approved.

18 Mohawk was approved for
19 the fitness equipment.
20 Mohawk was approved for
21 partial improvement for
22 the replacement of
23 refrigerators, microwaves,

109

1 toaster ovens, but no
2 approval on fans.
3 Rockland PC put in for gym
4 equipment, that's going to
5 go up to the executive
6 level, which is Mike
7 Bellaforte and President
8 Powers. Mohawk is going
9 up for their parking lot
10 to the executive committee
11 level. Franklin,
12 approved. Gowanda
13 approved. Elmira,
14 approved. Auburn was
15 approved partially and I
16 can explain that to Josh
17 Powers. Green was
18 approved. Cayuga was
19 approved.

20 Mohawk has put in for
21 something, I don't know
22 whether or not they can
23 get it. But from what I

110

1 have been told they do
2 have some ventilation for
3 the air conditioning
4 units, that needs to put
5 back on the next PRC
6 meeting. The roof was
7 approved for Mohawk.
8 Segmore was approved.
9 Lakeview Shock, everything
10 was approved except for
11 plug-in coolers for trip
12 van, that's being
13 researched.

14 Mid State was approved.
15 Riverview was approved,
16 based on what lines were
17 being totally replaced,
18 what was new, what was
19 broken. Washington was
20 approved. Watertown is on
21 hold, follow up with John
22 Shipley with Greg Ross,
23 who is in charge of fire

111

1 and safety with the state.
2 Bedford Hills they wanted
3 a number of broken new or
4 replaced appliances, so
5 Bedford Hills has been
6 reached out to. Eastern
7 was approved.

8 So thus far since the
9 money become available,
10 there is one hundred,
11 fifty-one thousand, three
12 hundred and sixty-eight
13 dollars that has been
14 approved. There has been
15 a number of people who
16 talked to me this morning
17 because they're under the
18 premise that the money is
19 gone.

20 So, the money is not
21 gone, so I'm just hold on
22 briefly. So, in your
23 contract book, I just got

112

1 those today, under 25.6
2 monies you will see these
3 amounts in the contract.
4 2016 was 296 thousand;
5 2017 was 301 thousand;
6 2018 was 308 thousand;
7 2019 was 314 thousand;
8 2020 was 320 thousand.

9 So as you can see we've
10 only spent a hundred
11 fifty-one thousand,
12 there's still quite a bit
13 of money still available.
14 And that's up to fiscal
15 year of 2021.

16 So with that being said
17 get your applications in.
18 Make sure they're filled
19 out completely. And if
20 you need some help, reach
21 out to me at the office
22 and I can help you with
23 that.

113

1 Moving on to tuition
2 reimbursement. SUNY has
3 received a thousand, seven
4 hundred fifty. UBC state
5 two thousand five hundred
6 and ninety-four; and
7 DOCCS, eighty-two
8 thousand, nine hundred and
9 three. This is just a
10 drop in the bucket. A lot
11 of this tuition
12 reimbursement money
13 unfortunately goes back to
14 the state because it's a
15 very unutilized program.

16 VP Harmon and I had a
17 conversation again with
18 GOER regarding utilizing
19 this program and it not
20 being attached to a
21 matriculated degree. And
22 we can look at a pilot
23 program to reimburse other

114

1 things that have to do
2 with health and wellness.
3 John and I worked on
4 something and possibly get
5 together with a couple of
6 maybe the health and
7 welfare committee members
8 to discuss a pilot program
9 and try to get that pushed
10 forward. Any questions
11 for me? Thank you.

12 PRESIDENT POWERS:
13 Thanks, Tammy. Frank.

14 TREASURER GILBO:
15 Good afternoon.
16 Treasurer's report, total
17 cash fifteen point six
18 five million. Rainy Day,
19 one point one eight
20 million. Rain day
21 separation fund,
22 eighty-two thousand.
23 Legal defense, two point

115

1 nine two million.
2 Unrestricted bonds, ten
3 point zero one million.
4 Restricted bonds, two
5 point three three million.
6 Gen Op, one point one zero
7 million. PAC fund, 245
8 thousand.

9 In your packets you got
10 a profit and loss. We're
11 supposed to be at sixteen
12 point seven percent
13 spending. We are at
14 thirteen point four.
15 Roughly eight hundred
16 thousand under budget, so
17 we're doing pretty good.
18 Any questions? Thank you.

19 PRESIDENT POWERS:
20 Enjoy it while he has it.
21 Move into department
22 reports. Sharon?

23 SHARON SMITH: Good

116

1 afternoon. I will be real
2 quick, I don't have much.
3 Since December I did send
4 out a couple memos to you.
5 One concerning a drug
6 recall on couple of weight
7 loss drugs and one on
8 acupuncture.

9 The update on that, I
10 won't get into that, if
11 anybody has any questions
12 feel free ask me about
13 them. The only thing I
14 want to mention, I did get
15 notification from GOER
16 that Governor Cuomo
17 recently announced a new
18 directive by the state
19 Department of Financial
20 services requiring New
21 York health insurers to
22 waive cost sharing
23 associated with the corona

117

1 virus.
2 So, that includes
3 emergency room, urgent
4 care office visits and
5 other measures to be
6 undertaken. So the
7 carriers have been
8 notified to start
9 implementing that into
10 their programs, and you
11 can -- members can expect
12 this will have no out of
13 pocket should they be
14 tested for that.

15 The implemeation is
16 just starting, so I don't
17 have any more information
18 than that. You know, as I
19 get more information, I'll
20 certainly let you know.
21 If you have a member that
22 does end up needing that
23 and there's an issue with

118

1 a copay or out of pocket,
2 call the plan or you can
3 call me, we'll get that
4 straightend out. It's
5 going to take a little bit
6 for the system to get in
7 order but there won't be
8 any out of pocket for
9 anybody. And that's
10 really all I have
11 updating. John?

12 VP LAW ENFORCEMENT
13 HARMON: John Harmon, Law
14 Enforcement VP. Sharon,
15 can you tell them about
16 the meeting we had about
17 the couple programs that
18 were in the collective
19 bargaining agreement that
20 we're looking to see where
21 they are with it, so
22 everybody knows.

23 SHARON SMITH: Yeah.

119

1 We've set up a joint
2 committee meeting with
3 GOER. Actually it's gonna
4 be held the 25th, next
5 week or two weeks. And
6 we're going to discuss the
7 Telemedicine program that
8 was put in a joint
9 committee. Members are
10 asking about that. And
11 also there was, I don't
12 remember offhand what we
13 call it, it's a value
14 based plan where I think
15 it's in negotiation we
16 discussed maybe starting
17 with diabetes on that.
18 And it would be this
19 program, members follow
20 that program and did what
21 was called through the
22 program they can have less
23 copays, no copays, and

120

1 reduction for prescription
2 drugs and so forth.

3 So those are the two
4 that were put in the joint
5 committee that we would
6 like to get going with
7 this. I know the other
8 thing, those programs are
9 in their joint committee
10 and they're doing the same
11 thing. So, certainly
12 after we have that or
13 whatever comes about from
14 it, we'll share it with
15 you and let you know
16 what's going on. Any
17 other questions? Okay.
18 Thank you.

19 PRESIDENT POWERS:
20 Thank you, Sharon. Dana?
21 DANA BETTS: Good
22 afternoon. Much like
23 Sharon, there's not a lot

121

1 So you would be on
2 active payroll for two
3 years for an assault, one
4 year if it wasn't. The
5 benefits as far as the
6 contract goes are exactly
7 the same. Six months full
8 pay, use of accruals, and
9 then you go to half pay.
10 One month for every year
11 of service, or two weeks
12 for every six months of
13 service. That is the same
14 whether it's a one or two
15 year. People are getting
16 that confused.

17 I just wanted to make
18 that clarification. I'm
19 not going to call anybody
20 out but somebody asked me
21 a question today. Paul.
22 Any questions?

23 UNIDENTIFIED SPEAKER:

123

1 that's changed. I just
2 recently had been seeing a
3 trend of phone calls I've
4 been getting so I just
5 want to make a
6 clarification.

7 When somebody is out on
8 Workers' Comp whether it's
9 an assault or not, the one
10 versus two years what I've
11 been hearing is people are
12 being told, well, if an
13 assault and you get two
14 years, you get a year on
15 Workers' Comp benefit at a
16 hundred percent pay.
17 That's not accurate. The
18 benefits are the same
19 whether or not you have a
20 one or two year benefit.
21 The one or two year just
22 means when you get
23 terminated.

122

1 Can you repeat that?

2 DANA BETTS: All of it?

3 UNIDENTIFIED SPEAKER:
4 Yes.

5 DANA BETTS: Sure. One
6 versus two years, the
7 difference between the one
8 and the two, is just the
9 time before you're
10 terminated. The benefits
11 per the contract are
12 exactly the same. Six
13 months full pay, hundred
14 percent, use of your
15 accruals -- your sick
16 leave, your personal, your
17 vacation. Then you go on
18 half pay, one month for
19 every year of service or
20 two weeks for every six
21 months of service. Good?
22 Questions? Paul, any
23 questions?

124

1 PRESIDENT POWERS:
 2 Danno?
 3 DAN VALENTE: Good
 4 afternoon. Since we last
 5 met there's been a lot
 6 going on legislatively.
 7 We had the state of state,
 8 followed by the budget
 9 address. Obviously within
 10 the budget address
 11 included the Governor's
 12 proposal to close prisons.
 13 We've come out against
 14 that. Hopefully we've
 15 gotten some support in the
 16 legislature. Not only to
 17 close prisons but to close
 18 them within a sixty day or
 19 90 day window. We are
 20 adamantly opposed to
 21 considering we have a one
 22 year notification law in
 23 the books.

125

1 That's also something
 2 that is getting traction
 3 within the legislature.
 4 We're working with them to
 5 try to get at least the 90
 6 days expanded to whatever
 7 the case may be. They are
 8 on our side. Believe it
 9 or not, even a lot of Dems
 10 are appauled that the
 11 state wants to close, you
 12 know, these prisons within
 13 90 days.
 14 Years back when prison
 15 closures were taking
 16 place, we always knew
 17 which facilities were
 18 being targeted. It was
 19 listed in the budget, so
 20 whether or not there was
 21 60 or 90 day, you always
 22 had that notice from the
 23 day that the budget was

126

1 introduced.
 2 Starting last year they
 3 have been extremely vague
 4 on which facilities they
 5 are targeting. So with
 6 that reasoning we're
 7 hoping they will least
 8 expand the time frame to
 9 close the prisons to allow
 10 the members to adapt and
 11 get their lives in order.
 12 We'll continue to push
 13 that as the budget
 14 negotiations is
 15 continuing.
 16 Following the PAC --
 17 the budget address, we had
 18 a PAC reception in Albany
 19 with the Executive Board
 20 and the PAC committee.
 21 We had about 70 or so
 22 legislators stop by, which
 23 is a pretty good showing.

127

1 It was a revolving door
 2 all night. A lot of good
 3 conversations, meeting a
 4 lot of new friends, making
 5 new friends, not having
 6 the same discussions with
 7 the legislators who have
 8 been by our side for many
 9 years.
 10 So we're continuing to
 11 speak to anybody who will
 12 listen and carry our
 13 message. With the -- this
 14 year is an election year
 15 across the state. 213
 16 state legislators are up
 17 for re-election with that
 18 comes a lot of request for
 19 endorsements and financial
 20 support and volunteers.
 21 The endorsement aspect
 22 is something that we get
 23 almost daily. I get a

128

1 request on, are we doing a
 2 poll or what our process
 3 is. We are going through
 4 the endorsement process
 5 right now with Assemblyman
 6 Dan Specht, he's in the
 7 northern region. Betty
 8 Little, who is a long term
 9 State Senator, strong
 10 supporter of NYSCOPBA is
 11 retiring. Dan Specht has
 12 put his hat into the ring
 13 to run for that seat.

14 So a request came to
 15 put out -- start the
 16 process on endorsing
 17 Assemblyman Specht. The
 18 ballots went out last
 19 week, I believe. Members
 20 have about thirty days or
 21 so to get those ballots
 22 back, the election
 23 committee will conduct a

129

1 can kind of be the kiss of
 2 death. You don't know
 3 who's gonna win on
 4 election day. If you
 5 choose wrong, the winner
 6 might hold it against you.
 7 If you choose right, well,
 8 that's great, but then
 9 everybody else is gonna
 10 have their hand out for
 11 endorsements as well.

12 So we want to be
 13 cognizant of that. There
 14 is a significant cost to
 15 the organization. So if a
 16 legislator or anybody else
 17 running for office asks
 18 you, asked to have them
 19 contact me. We'll be
 20 happy to, you know, as
 21 long as their values are
 22 in line with NYSCOPBA's,
 23 we can support them

131

1 count, based on the
 2 results either endorse Mr.
 3 Specht stack or not.

4 As far as endorsements
 5 go, we do get -- like I
 6 said, we get a lot of
 7 requests, but it's
 8 something I would like to
 9 try and tamp down, I
 10 suppose. Each one based
 11 on our constitution
 12 requires the members in
 13 the effected areas be
 14 polled. If 213 races are
 15 taking place and we're
 16 requesting to endorse a
 17 majority of those quite
 18 frankly, that's a
 19 significant price tag to
 20 the organization.

21 So while it might look
 22 good on paper for
 23 politicians, endorsements

130

1 financially through our
 2 PAC fund. We can get our
 3 members out to volunteer
 4 on their campaigns. My
 5 opinion is that is a much
 6 more effective way to
 7 endorse a candidate then
 8 putting it on a piece of
 9 paper so they can put it
 10 on their literature.

11 So, keep that in mind
 12 please. Last thing I will
 13 talk about is the Lobby
 14 Day. I sent out an e-mail
 15 saying Lobby Day will be
 16 on April 22nd. On the
 17 night of April 21st we
 18 have a block of rooms at
 19 the Renaissance Hotel. We
 20 have about 60 rooms on the
 21 block.

22 I'm not sure where
 23 we're at as far as how

132

1 many are available. Not
2 that many people have
3 reached out to Lisa to
4 make those reservations,
5 so please do before we
6 lose the block. Because
7 once we lose the block, we
8 won't be able to guarantee
9 anybody hotel rooms.

10 Like last year, April
11 22nd is our Lobby Day.
12 It's for chiefs only
13 unless the chief can't
14 attend, they're able to
15 designate another steward
16 to attend on their behalf.
17 So please contact Lisa at
18 your earliest convenience
19 and we'll make the hotel
20 reservations.

21 In making the meetings
22 with the legislators, if
23 there's anybody in

133

1 particular you want to
2 meet with, please reach
3 out to me and let me know
4 who that is. We're not
5 going to schedule meetings
6 with all 213 legislators.
7 We're going to target
8 those members who are
9 going to be supportive of
10 us, who are going to carry
11 our message to the
12 leadership and push our
13 agenda.

14 We're going to try to
15 meet with some of those
16 that are not necessarily
17 in step with NYSCOPBA,
18 because unfortunately some
19 of those folks are
20 chairing the committees or
21 our ledgeation that we
22 need to go through. They
23 don't necessarily agree

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1 with NYSCOPBA'S politics,
2 but they are those that
3 are in power so we're
4 going to have to have
5 those meetings.

6 It might not be -- it
7 might be kind of
8 controversial, but
9 nevertheless we have to
10 have those conversations.
11 If there's any other
12 questions relating to
13 Lobby Day or the budget,
14 anything legislatively,
15 I'll be happy to take
16 those at this time. If
17 not, that concludes my
18 report. All right.
19 Thank you.

20 PRESIDENT POWERS:
21 Thanks, Dan. Jimmy?

22 JIMMY MILLER:
23 Obviously a little while

135

1 ago President Powers spoke
2 to you about the upcoming
3 campaign on double
4 bunking, so I don't have
5 to repeat that. One thing
6 I wanted to add, coming up
7 we scheduled two editorial
8 board members for the
9 president to meet the
10 editorial boards. One at
11 the Buffalo News and the
12 other at the Orleans
13 Citizen next week, and New
14 York Now on the 23rd.
15 Watertown also is going to
16 be coming up. We're going
17 to try to schedule as many
18 editorial boards to talk
19 about the closures and all
20 the issues dealing with
21 violence and so forth and
22 so on.

23 The only other thing I

136

1 wanted to touch on, up to
2 this date two and a half
3 months into the year,
4 we've -- based on
5 information you guys
6 provided me, we're up to
7 twenty-two press releases
8 on incidents that have
9 occurred in facilities
10 statewide. That's on pace
11 to reach about a 116 press
12 releases. That's almost
13 double what we did last
14 year.

15 I just want to commend
16 you for being proactive,
17 getting that information
18 to me, and encourage you
19 to keep it going. Most of
20 them are on contraband and
21 visitor arrests, but it
22 gets that message out
23 about what's going on

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1 inside the facilities.
2 So, keep it going, I'll
3 get it out as quickly as I
4 can. That's all I got.

5 Thanks.

6 PRESIDENT POWERS:
7 Thanks, Jimmy. That
8 concludes departmental
9 reports. We'll move into
10 committee reports.
11 Heath?

12 HEATH ALLEN: Heath
13 Allen, Election
14 Committee. May 1st, 2020,
15 self-nomination forms will
16 be mailed to every member
17 for all Executive Board
18 officer positions at the
19 NYSOPBA Executive Board.
20 They have to be back by
21 June 5th.

22 Then I have some
23 committees to fill. I

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1 need you guys at the mic.
2 Deburgomaster, Hluska and
3 Mazzella.

4 All right. Health and
5 welfare committee,
6 Deburgomaster.

7 VP WEST DEBURGOMASTER:
8 Jim Meyers, Lakeview.

9 HEATH ALLEN: Publicity
10 and Meetings Committee,
11 Deburgomaster.

12 VP WEST DEBURGOMASTER:
13 Neil Gruber, Lakeview.

14 HEATH ALLEN: And
15 Hluska.

16 VP CENTRAL HLUSKA: We
17 got Lashway for publicity,
18 and Recall is Donny Gill.

19 HEATH ALLEN: Recall
20 panel committee, Mazzella?

21 VP MID-HUDSON MAZZELLA:
22 Anthony scampoli, Ulster.

23 HEATH ALLEN: And

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1 Veterans Committee?

2 VP MID-HUDSON MAZZELLA:
3 Jeff Hocksey out of
4 Woodbourne.

5 HEATH ALLEN: That's
6 all I got. Any questions?

7 PRESIDENT POWERS:
8 Shawn?

9 SHAWN KEENAN:
10 Keenan, Legislative PAC.
11 Starting balance, February
12 1, 2020, two hundred
13 thirty-five thousand, five
14 hundred forty-nine
15 dollars. Deposits,
16 transfers for February,
17 twenty-five thousand total
18 income. Checks paid out,
19 checks 3408 through 3423,
20 totaling fourteen
21 thousand, seven hundred
22 fifty dollars. Total
23 expenses for that time

140

1 frame was fourteen
2 thousand, seven hundred
3 fifty dollars. And an
4 ending balance of two
5 hundred forty-four
6 thousand, seven hundred
7 ninety-nine. Year to date
8 expenditures, forty-nine
9 thousand, two hundred
10 fifty.

11 Just to back up what
12 Dan had said about the
13 Lobby days, the media is
14 crushing the hell out of
15 this whole corona shit.
16 I'm a little slow, I'm
17 still on Zika, H1N1, SARS,
18 you name it.

19 Anyways, there could be
20 the possibility of that
21 being either shut down or
22 delays. They're closing
23 down a ton of stuff for

141

1 multiple people in one
2 area. So, make your
3 reservations, be there, if
4 we got to shut it down,
5 we'll shut it down.
6 There's no EOL time, you
7 guys know that, there's no
8 EOL time for the Lobby
9 Days. It is your time.
10 That means, if you want to
11 be there, you're
12 committed, that's why
13 we're doing it. We can't
14 get EOL time for political
15 purposes. All right.
16 Anybody got anything?
17 Thank you. Love you guys.

18 PRESIDENT POWERS:
19 Frank, finance?

20 TREASURER GILBO: We
21 just had the 2019 audit.
22 Alfie and Ken were the
23 trustees. It went

142

1 smoothly. They stayed all
2 five days, they loved it.
3 They'll give the report
4 when we get it back. As a
5 side note, your stewards,
6 treasurers are doing a
7 good job, we got the
8 money, but get your
9 receipts in please.

10 PRESIDENT POWERS:
11 Thank you, Frank. Mark,
12 health and welfare.

13 VP WEST
14 DEBURGOMASTER: Health and
15 welfare met real quick
16 today. We have a proposal
17 we're working on trying to
18 get new numbers on a
19 different disability plan
20 to offer, trying to crunch
21 the numbers. They still
22 haven't heard back from
23 all the vendors. Once we

143

1 get those numbers, we're
2 hoping to have those for
3 the next EA.

4 Also we addressed, Paul
5 Mikolajczyk made a motion
6 or came to the mic and
7 asked that we look into
8 possible litigation or
9 having litigation filed.
10 We did talk with Erin
11 Parker, it wasn't
12 appropriate at this time.
13 There seemed to be a
14 little miscommunication
15 between Paul and Erin,
16 we're going to clean up
17 with Paul on that and
18 we'll well have that for
19 him on the next EA. Other
20 than that, we don't have
21 anything else.

22 PRESIDENT POWERS:
23 Thank you, Mark. Is Steve

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1 Groom in the room. Dave?
 2 VP SOUTH LUTHER:
 3 Steve is the chairman for
 4 the publicity meetings
 5 committee. He stepped out
 6 over an earlier issue.
 7 The committee has met
 8 several times over the
 9 last month because we want
 10 to get things done in a
 11 timely manner for the
 12 upcoming state fair.

13 The Governor in his
 14 infinite wisdom has now
 15 extended it from thirteen
 16 days to eighteen days. We
 17 have filed all our
 18 applications to be there
 19 and be present, do a
 20 booth, do a give-away for
 21 the kids, do a raffle for
 22 tablets for each and every
 23 day; put our brand out

145

1 there, put our name out
 2 there.
 3 In your packets there
 4 should be half a dozen
 5 sign-up sheets. We will
 6 be looking for volunteers.
 7 I need three -- I need six
 8 volunteers a day, to work
 9 four hour shifts at the
 10 fair. They will each
 11 receive a room. They will
 12 receive parking and they
 13 will receive entrance into
 14 the state fair, you work
 15 four hour shifts. So we
 16 need six volunteers a day.
 17 The hours will be from ten
 18 to twenty, two to six and
 19 six to ten.

20 I'm working with Jimmy
 21 Miller in order to get our
 22 gaming licenses straight
 23 because, you know, God

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1 forbid if New York doesn't
 2 have its hand in both
 3 pockets. We got to do
 4 applications for them and
 5 go to Onadagua and get
 6 permission to sell raffle
 7 tickets there.

8 We're doing that
 9 because our -- who we are
 10 going to donate our money
 11 to, the beneficiary will
 12 be Make-A-Wish foundation
 13 again and we want
 14 everything to be level so
 15 there's no question or no
 16 concerns as to the money
 17 that we raise for that
 18 project.

19 We're talking a lot of
 20 money. We talk a lot of
 21 money to put something
 22 like this on between the
 23 cost of the fair -- the

147

1 cost of the fair and cost
 2 of rooms. But by all
 3 means get your members
 4 that are interested and
 5 trust me, the committee
 6 will not hate you if you
 7 should call me and say, so
 8 and so put in for to work
 9 the fair but he ain't
 10 worth shit, he doesn't
 11 come to work anyway.

12 That gives me an
 13 insight as to whether or
 14 not we should have back
 15 up. But we'll try to put
 16 people in groups that will
 17 work together. By all
 18 means we'll get all the
 19 days covered, but it's
 20 eighteen days this year
 21 instead of thirteen.

22 As always, if there is
 23 any questions feel free to

148

1 give me a call and we will
2 stay on top of it until we
3 have it all put together.
4 Okay. Any questions?
5 Thank you. You have a
6 question?

7 TOM DIER: Yes, Tom
8 Dier, Watertown. What is
9 the dress code for this?

10 DAVE LUTHER: Good
11 question. On the
12 application that we put in
13 there to be filled out by
14 all means there's only six
15 in there for people that
16 want to volunteer, by all
17 means make more copies.
18 It does state in there
19 that the pants can be
20 khaki and we will provide
21 a NYSCOPBA shirt for every
22 person that's working. It
23 will be color coordinated.

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1 in the bill, New York
2 Military Law 2342, and the
3 time and attendance
4 policy. Kind of a little
5 vague, the state is taking
6 it to a little extreme,
7 where if an officer has an
8 appointment three o'clock,
9 the appointment is three
10 to four, specifically out
11 of the west, so they're
12 giving him an hour and a
13 half to go back to the
14 jail so he's being docked
15 two and a half hours of
16 combat health related
17 time, the rest is going
18 towards sick time. That's
19 what they're doing.
20 Attica is doing it
21 completely different.

22 I have had five issues,
23 at least five that I know

151

1 Anything else? Thank you
2 very much.

3 PRESIDENT POWERS:
4 Veterans, Eladio?

5 ELADIO MARTINEZ:
6 Afternoon guys. Don't
7 have much. You got the
8 DD214 reminder, we passed
9 out. Little typo, if you
10 go down to where it says
11 National Guard on the left
12 hand side, that line,
13 which is line seven from
14 the bottom up, where it
15 says may opt, put may also
16 opt. Next line down,
17 Independence Day only,
18 just cross out only.

19 A couple issues we have
20 been having. We've been
21 having issues, problems
22 with the five days of
23 health care, the language

150

1 of. I spoke to Keith
2 Jacques, we're going to
3 revisit this legislatively
4 to see if we can modify
5 the language that's in
6 242, as well as get
7 the information out to the
8 members.

9 Like we see with the
10 memos to our time cards,
11 we're going to see
12 actually give members
13 instructions how to use
14 the sick time because it's
15 obviously not working.
16 We had four members
17 activated. One is
18 overseas, the rest are
19 state time. The trip is
20 postponed this year for
21 next year. Any questions?
22 Okay. Thanks, guys.

23 PRESIDENT POWERS:

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1 Michael, grievance and
 2 legal?
 3 VP MID-HUDSON
 4 MAZZELLA: Good afternoon.
 5 Grievance and legal
 6 committee report.
 7 Grievance and legal
 8 committee convened on
 9 December 11th, 2019. Two
 10 grievances were heard and
 11 reviewed by the committee.
 12 The grievances reviewed
 13 involved issues of
 14 inconvenience pay and
 15 light duty time off. As a
 16 result of the meeting, the
 17 committee recommended both
 18 grievances be pushed
 19 forward to the next step
 20 of the grievance
 21 procedure. Any questions?
 22 Thank you.

23 PRESIDENT POWERS: That

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1 concludes committee
 2 reports. We'll take a ten
 3 minute break and we'll
 4 roll into tomorrow.
 5
 6 (Whereupon, a brief
 7 recess was then taken.)
 8
 9 PRESIDENT POWERS:
 10 We've got a couple quick
 11 updates here. Stephanie
 12 was great enough to blast
 13 out another memo that we
 14 got from the department
 15 and I'll read it real
 16 quickly to you, it's a
 17 corona virus COVID-19 -
 18 precautions. A lot of you
 19 may already have it, seen
 20 it, if you do, by all
 21 means, share it.

22 And this is directed to
 23 all superintendents. I

154

1 also have one to read to
 2 you shortly thereafter.
 3 In order to protect our
 4 staff and the population,
 5 we ask that you do not
 6 enter the facility during
 7 this time if you have the
 8 following active symptoms.
 9 Fever, cough slash
 10 sneezing cold symptoms,
 11 difficulty breathing. In
 12 order to keep our facility
 13 free of COVID-19, we ask
 14 that you abide by this.
 15 Anyone with active signs
 16 of this virus should stay
 17 home, avoid any contact
 18 with the public and see
 19 their doctor as soon as
 20 possible. And the
 21 Department thanks you for
 22 your cooperation.

23 So that came in during

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1 committee reports. Then I
 2 received a memo from the
 3 director of human
 4 resources from the
 5 Director Governor's Office
 6 of Employee Relations.
 7 This memo reads to -- this
 8 is to all state employees.
 9 Please be advised the
 10 following policies apply
 11 to all state employees.
 12 Precautionary quarantine.
 13 Individuals who have
 14 traveled to China, Iran,
 15 Japan, South Korea or
 16 Italy while COVID-19 was
 17 prevalent, but who are not
 18 displaying symptoms or are
 19 known to have had an
 20 exposure to a positive
 21 person but have not had
 22 direct contact with
 23 positive person and are

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1 not displaying symptoms,
 2 are placed on
 3 precautionary quarantine.
 4 Again, this memo is
 5 from the Governor's Office
 6 of Employee Relations to
 7 all employees. Any
 8 necessity for quarantine,
 9 whether precautionary or
 10 mandatory as determined by
 11 the state or local
 12 Department of Health after
 13 analysis of the above
 14 criteria, any employee who
 15 is placed on mandatory
 16 quarantine by state or
 17 local health officials
 18 will be placed on leave
 19 with pay without charge to
 20 accruals or all work days
 21 within the fourteen day
 22 calendar period for the
 23 quarantine.

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1 Whether healthy or
 2 displaying symptoms for an
 3 employee placed on
 4 precautionary quarantine,
 5 by state or local health
 6 officials, if such
 7 employee can perform work
 8 at home, arrangements
 9 should be made to do so.
 10 If not, such employee
 11 shall be placed on leave
 12 with pay without charge to
 13 accruals for all work days
 14 within the fourteen day
 15 calendar period for the
 16 quarantine, whether
 17 healthy or displaying
 18 symptoms.
 19 This policy will be --
 20 I'll be back in June.
 21 This policy applies only
 22 with respect to the
 23 quarantine required due to

158

1 COVID-19. This policy
 2 applies to all state
 3 employees. Information
 4 regarding quarantine can
 5 be found at our website.
 6 I'll send this to
 7 Stephanie shortly and see
 8 if she can assist in
 9 getting this out to us.
 10 Thanks, Steph, for all
 11 your work, by the way.
 12 Confirmation of
 13 quarantine status can be
 14 obtained by contacting the
 15 Department of Health
 16 online at 1-888-364-3065.
 17 Please be advised Center
 18 Center for Disease
 19 Control, CDC, has
 20 recommended that travelers
 21 avoid all non essential
 22 travel to countries in all
 23 three health notices and

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1 cautions against high risk
 2 traveling listed below as
 3 of March 5th, to the
 4 following countries.
 5 China, Iran, Italy, Japan,
 6 South Korea.
 7 This list is subject to
 8 change. Please refer to
 9 the Department of Health
 10 and CDC websites for
 11 updates on this list.
 12 Travel information is not
 13 otherwise known to the
 14 agency, it should require
 15 employees to discourage
 16 travels. Questions should
 17 be referred to our office
 18 at 518-474-6988. In the
 19 attendance leave unit, the
 20 Department of Civil
 21 Service, 518-457-2219.
 22 With that, we follow up
 23 again with our request

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1 with the Department to
2 cease all unnecessary
3 travel -- sorry, Doug --
4 transportation visits and
5 to continue with this.
6 With that, can we have
7 unanimous consent to move
8 into tomorrow's agenda,
9 all by saying aye.

10
11 (All respond with aye.)
12

13 PRESIDENT POWERS: Alex
14 Dell is not here, he will
15 be here tomorrow. We will
16 be meeting tomorrow, so he
17 will be here tomorrow.
18 Unfinished business? No
19 unfinished business. New
20 business.

21 Motion, to approve
22 the amended NYSCOPBA
23 retiree chapter policy.

161

1 Motion is made by John
2 Harmon. I think he has
3 some discussion on it.
4 It's in your packets. Is
5 there a second?

6 VP WEST DEBURGOMASTER:
7 Second.

8 PRESIDENT POWERS: Mark
9 Deburgomaster.

10 VP LAW ENFORCEMENT
11 HARMON: It's in your
12 packet, we shared this new
13 NYSCOPBA retiree chapter
14 policy with the Board
15 yesterday. Made some
16 changes based on what
17 determination has been
18 made -- recommendations by
19 the retiree committee.
20 The retiree committee's
21 recommendation to the
22 Executive Board to approve
23 honorary chapter

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1 membership, so it needed
2 to be outlined.

3 The changes you can see
4 are in italics. Hopefully
5 everyone read the changes.
6 There is -- I will have to
7 ask for an amendment to
8 the policy. If you go on
9 page two, the one issue
10 that was brought up
11 yesterday with the Board,
12 we had a discussion this
13 morning with the retiree
14 committee was the appeals
15 section.

16 So I'll ask for
17 approval to amend the
18 policy as written that was
19 in your packet. All those
20 in favor say aye?

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

163

1
2 VP LAW ENFORCEMENT
3 HARMON: Nay?

4
5 (No response from the
6 floor.)
7

8 VP LAW ENFORCEMENT
9 HARMON: So, in section
10 four, appeals, after the
11 first sentence, anyone
12 does not agree to
13 determination of the
14 Executive Board may appeal
15 the determination, after
16 that, you can strike the
17 rest of that. And what
18 the recommendation of the
19 Board was, was to have
20 basically another
21 reapplication process.

22 So what the retiree
23 committee came up with

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1 that was kind of what the
 2 Board was looking to do as
 3 well, it will now say,
 4 section four, appeals.
 5 Anyone who does not agree
 6 with the determination of
 7 the Executive Board may
 8 appeal the determination.
 9 The individual may reapply
 10 for membership within 60
 11 days of notification. The
 12 process is a one time
 13 opportunity to include new
 14 and verifiable information
 15 to be sent to the
 16 retirement committee for
 17 recommendation to be
 18 forwarded to the Executive
 19 Board for final
 20 determination.
 21 The only reason there's
 22 a timeline there, if you
 23 don't, you're gonna have

165

1 Board decides to deny a
 2 recommendation or agrees
 3 with the recommendation to
 4 deny someone honorary
 5 chapter approval, there
 6 isn't an appeal process
 7 currently available. What
 8 would happen is somebody
 9 would -- there isn't one,
 10 there has to be to
 11 something in there to do
 12 for the appeal.
 13 So yesterday with the
 14 Board, the language that
 15 was written in there in
 16 appeal process wasn't --
 17 the recommendation before
 18 was not to go with that
 19 appeal process, it was
 20 more of a reapplication
 21 process.
 22 So this morning it was
 23 decided, the language was

167

1 people applying and
 2 reapplying and reapplying.
 3 The policy as it currently
 4 states it's verifiable
 5 information. One of the
 6 reasons we have that is
 7 you have to go by what the
 8 constitution says. The
 9 constitution says there
 10 can't be any outstanding
 11 contributions, so we're
 12 looking for verifiable
 13 information.
 14 Does anybody have any
 15 questions on the changes
 16 to the retiree chapter
 17 policy with the amendment?
 18 Let me say is everyone
 19 fine on the amendment,
 20 anybody have any questions
 21 on the amendment to the
 22 policy? What would
 23 happen -- if the Executive

166

1 agreed to what I just
 2 read. If you want I'll
 3 read it again. It will
 4 state, section four,
 5 appeals.
 6 Anyone who does not
 7 agree with the
 8 determination, the
 9 Executive Board may appeal
 10 the determination. The
 11 individual may reapply for
 12 membership within 60 days
 13 of notification. The
 14 process is a one time
 15 opportunity to include new
 16 and verifiable information
 17 to be sent to the
 18 retirement committee for
 19 recommendation to be
 20 forwarded to the Executive
 21 Board for final
 22 determination. Mike?
 23 VP MID-HUDSON MAZZELLA:

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1 Mike Mazzella, Mid-Hudson
2 Region Vice President. I
3 was opposed to the
4 original document as
5 written, from what I
6 brought up yesterday. I
7 think that the changes
8 made are good, so I'm for
9 it. Thank you.

10 VP LAW ENFORCEMENT
11 HARMON: Thank you. So
12 all those in favor of the
13 amended policy that was in
14 your packet for the EA
15 please say aye.

16
17 (All respond with aye.)

18
19 VP LAW ENFORCEMENT
20 HARMON: Not in favor?

21
22 (No response.)
23

1 done.

2 There was some time
3 limits and some issues,
4 some things were left out.
5 One of the bigger issues
6 is for the Law Enforcement
7 sector, really the DOCCS
8 regions don't have this
9 issue. The reason is Law
10 Enforcement sectors do not
11 have an academy and it's
12 often difficult at the
13 orientation due to over 30
14 different titles and over
15 a hundred work locations,
16 and a lot of work
17 locations do not have even
18 a steward there.

19 So the logistics of it
20 caused a lot of problems
21 for us to get some of the
22 members signed up. I can
23 tell you we've got

1 VP LAW ENFORCEMENT

2 HARMON: Thank you.

3 PRESIDENT POWERS:
4 Another motion. To
5 approve the amended
6 NYSOPBA nonmember free
7 rider policy. Motion is
8 made by John Harmon. Do
9 we have a second? Do we
10 have a second?

11 TONNEY VACCABARILI:
12 Second.

13 PRESIDENT POWERS:
14 Tonney V. Thank you.

15 VP LAW ENFORCEMENT

16 HARMON: So, as we know
17 after the Janus decision,
18 we had to make a policy,
19 basically a free rider non
20 member policy. It was
21 done pretty quickly on the
22 day of the EA in 2018, I
23 believe was the day it was

1 problems with the cards.
2 I think we have an
3 internal problem, I think
4 we have a problem with
5 somehow stewards not
6 understanding what the
7 guidelines were in the
8 current policy so they
9 were hoarding them, then
10 they send them all in.
11 That's what they used to
12 do years ago because you
13 had dues coming out.

14 There's some that are
15 lost, wherever they went.
16 And so, there's been a lot
17 of issues about how to get
18 people who are -- did not
19 opt out, they just want to
20 be a dues paying member.
21 I can tell you one person
22 contacted me yesterday,
23 who I can tell you I know

1 of at least three times
2 she signed up and finally
3 an application got sent
4 here but now it's like a
5 year later. And she's
6 been calling me for at
7 least a year.

8 So, there's some issues
9 to the changes, if you
10 want to look at it.
11 Voluntary opting out of
12 NYSCOPBA membership shall
13 be defined as, notifying
14 NYSCOPBA in writing or
15 e-mail of your intent to
16 opt out of being a
17 NYSCOPBA member or
18 refusing to complete a
19 NYSCOPBA membership
20 application as outlined in
21 section three.

22 Then it says, non
23 members can be a dues

1 application.
2 Misinformation, mailing
3 issue, misrepresentation,
4 etcetera, or the
5 discretion of the
6 Executive Assembly. Those
7 were the changes that were
8 made.

9 One example I gave if
10 it was a DOCCS issue. For
11 the academy, NYSCOPBA goes
12 to the DOCCS training
13 academy to sign up all the
14 members usually in the
15 first thirty days.
16 Usually the staff or
17 sergeant liaison go. The
18 example I gave, let's say
19 during the time for
20 NYSCOPBA to sign up the
21 new members at the
22 academy, you know, say
23 another escape happens,

1 paying member if the
2 member does not have any
3 pending or current
4 investigation or
5 disciplinary action or
6 legal issue that could
7 effect or actions against
8 said non member. And,
9 within the first year of
10 NYSCOPBA is notified of
11 non membership, the
12 comptroller's office, the
13 membership application is
14 filed; or, during initial
15 probation period or
16 evaluation period, first
17 NYSCOPBA protective title;
18 or regional executive
19 board member, representing
20 the region the non member
21 works acknowledges in
22 writing there was an issue
23 with the member

1 something happens where
2 all hands on deck, you had
3 to leave as was the case
4 with the escape. If you
5 weren't allowed to get
6 back into the academy
7 until day 46 currently,
8 all those would become non
9 members because that's
10 where the policy currently
11 stands.

12 We need to have a
13 little bit of leeway, but
14 once you opt out, you're
15 out. If you voluntarily
16 opt out, you opt out. I
17 can tell you from speaking
18 to my chiefs this morning,
19 we want every one of our
20 law enforcement members to
21 have an opportunity to be
22 a member. But if they
23 want to opt out, they're

1 out.
 2 I can tell you as of
 3 Monday I had one of the
 4 Law Enforcement members
 5 who opted out wanted back
 6 in and it went in the
 7 garbage. That was --
 8 because you opted out
 9 voluntarily, too bad,
 10 you're out. But if you --
 11 we should be in the
 12 business of making sure we
 13 have the most members, who
 14 want to be here. Those
 15 who don't want to be here,
 16 get the hell out. You're
 17 out.

18 You know, we got to put
 19 it in perspective here,
 20 too, this year, that
 21 there's a possibility this
 22 year depending on closures
 23 we could lose somewhere,

177

1 the new membership packet.
 2 VP WEST DEBURGOMASTER:
 3 So we have verification
 4 that they do receive it.
 5 That was the question that
 6 was raised. Can we prove
 7 they were ever sent a
 8 letter?

9 VP LAW ENFORCEMENT
 10 HARMON: All we know they
 11 were sent a membership
 12 packet. As like with a
 13 constitution amendment or
 14 any election vote we have,
 15 we get two thousand people
 16 to vote. So, what do the
 17 18 thousand members
 18 typically do with that?
 19 They throw it in the
 20 garbage.

21 I'm not saying it's
 22 right. I'm just saying
 23 there's an issue with

179

1 six, seven, eight hundred
 2 members. So we'll be down
 3 another six, seven, eight
 4 hundred dues paying
 5 members possibly by the
 6 end of 2021.

7 So I'm just looking at
 8 this as a little leeway.
 9 I know yesterday we didn't
 10 have any -- there was no
 11 recommendations from the
 12 Board. But if people have
 13 questions, fire away.

14 VP WEST DEBURGOMASTER:
 15 Mark Deburgomaster,
 16 Western Region VP. John,
 17 I just got a couple
 18 questions just for
 19 clarity. They are mailed
 20 a certified letter from
 21 NYSOPBA with the cards.

22 VP LAW ENFORCEMENT
 23 HARMON: They're mailed in

178

1 that. And one of the
 2 issues that we've had over
 3 the past with that card
 4 is, instead of mailing
 5 them in, they would often
 6 bring them into the
 7 facility and try to
 8 attempt to either give it
 9 to a steward -- I know
 10 some give it to human
 11 resources which has
 12 nothing to do with that,
 13 because they just don't
 14 get it.

15 VP WEST DEBURGOMASTER:
 16 The other question
 17 obviously, I talked with
 18 you about it, is the dues
 19 concern. I understand at
 20 this point we have no
 21 mechanism to collect dues
 22 for any of these -- and
 23 some of these applications

180

1 are seventeen months old.
2 That's something we need
3 to rectify. I get
4 allowing somebody an
5 exemption but we still
6 need to go after dues.

7 VP LAW ENFORCEMENT

8 HARMON: So, one of the
9 things when we first
10 discussed this with Janice
11 in the comptroller's
12 office, was the fact that
13 we can not use payroll to
14 go for back dues. That
15 option was told absolutely
16 not, it's not a
17 possibility.

18 VP WEST DEBURGOMASTER:

19 I understand that. And
20 going through the
21 constitution, it would
22 require a constitutional
23 amendment. But I believe

181

1 we should actively seek --
2 I get it because the whole
3 thing, if nothing else,
4 forward this over so we
5 can get a constitutional
6 amendment to fix this so
7 we can collect the dues.

8 Whether it's through
9 calculations done by our
10 accounting staff, just to
11 fix it. If you're going
12 to allow them back in to
13 preserve the members, I
14 think we need to go after
15 those dues that everyone
16 else paid for that same
17 period of time.

18 VP LAW ENFORCEMENT

19 HARMON: The one thing
20 with that and why I
21 respectfully disagree is
22 that, because we're saying
23 that you don't have no

182

1 pending investigations, no
2 pending discipline,
3 nothing that could cause
4 the organization a dollar,
5 then there's nothing there
6 that -- because one of the
7 things that came up when
8 the Janus stuff was coming
9 up, that we asked for back
10 possibly be held liable
11 for anything if we got the
12 dues for something that
13 they weren't part of and
14 now they're paying back
15 dues and they're eligible.

16 That was -- but I'm
17 just saying that if we put
18 the caveat in there that
19 there's nothing that could
20 cost the organization a
21 dollar, because
22 technically if they die
23 before this, they don't

183

1 get the life insurance
2 policy. Anybody up to
3 this point has not been
4 entitled to anything
5 that's offered except for
6 the bare minimum that the
7 statute allows.

8 VP WEST DEBURGOMASTER:

9 And they receive the
10 benefits of the negotiated
11 contract.

12 VP LAW ENFORCEMENT

13 HARMON: Yeah, they only
14 get the first step
15 contractual grievance
16 process and that's it.
17 Dougie?

18 DOUG WESTERVELT:

19 Westervelt, South Port. I
20 think you have to go back
21 for back dues. We pay
22 back dues. We pay retro.
23 So, they received the

184

1 benefits of the pay raise,
2 all the negotiations, they
3 received the cards. I'm
4 not going for they didn't
5 receive the card, because
6 like you said, it's in the
7 packet.

8 I think it's a bit of a
9 cop out and then play the
10 game for as long as you
11 think you can play it, now
12 they see what's going on
13 in the system, now they
14 think they need the
15 protection.

16 VP LAW ENFORCEMENT
17 HARMON: That's not true.

18 DOUG WESTERVELT: We
19 all paid our dues from day
20 one. So go back and get
21 them back. If they need a
22 payment plan, go back -- I
23 mean, I don't know the

185

1 with law enforcement most
2 of our members do a one
3 year, but a lot of them go
4 beyond the one year in the
5 trainingship status or
6 probationary status
7 because they either didn't
8 have the academy or they
9 didn't meet the initial
10 requirements to get off
11 probation. So they often
12 extend people or keep them
13 past the year.

14 So that's when we --
15 you Safety Security
16 Officers is the only title
17 that has a standing
18 academy but we often don't
19 see them until -- I'll
20 give you a for instance.
21 The academy starts -- it
22 just started this week.
23 Most of those guys in

187

1 time frame what type of
2 monies are gonna have to
3 be paid on the back dues
4 situation, but if they
5 need some type of payment
6 plan, they should be able
7 to work that out.

8 VP LAW ENFORCEMENT
9 HARMON: Okay.
10 VP MID-HUDSON MAZZELLA:
11 Mike Mazzella, Mid-Hudson
12 Region VP. My question on
13 the policy is the one
14 section that states, you
15 know, within one year of
16 NYSCOPBA being notified by
17 the comptroller's office
18 as the time frame,
19 underneath that it states
20 something about
21 probationary period.

22 VP LAW ENFORCEMENT
23 HARMON: Yep. Because

186

1 there already have eight
2 months to a year on the
3 job, if not longer.
4 They've already passed the
5 one year period.

6 VP MID-HUDSON MAZZELLA:
7 But the question is if
8 we're in -- wouldn't it
9 be -- is it more logical
10 to think that we'll get
11 notified by the
12 comptroller's office
13 first?

14 VP LAW ENFORCEMENT
15 HARMON: We get notified
16 by the comptroller's
17 office in, I believe after
18 two pay periods or
19 something like that.
20 That's when the initial
21 new member packet was
22 supposed to go out.

23 VP MID-HUDSON MAZZELLA:

188

1 That's what I'm saying.
 2 So two pay periods after
 3 they get hired, we're
 4 getting notified by the
 5 comptroller's office --
 6 VP LAW ENFORCEMENT
 7 HARMON: Yeah, I believe
 8 it's six to eight weeks
 9 later.
 10 VP MID-HUDSON MAZZELLA:
 11 So why don't we just leave
 12 it to one year from that
 13 point, if that's what the
 14 body agrees. Why would we
 15 add the thing about the
 16 probationary period. That
 17 gives them a longer time
 18 to become members.
 19 VP LAW ENFORCEMENT
 20 HARMON: So you're --
 21 saying strike --
 22 VP MID-HUDSON MAZZELLA:
 23 I'm not saying, I'm

189

1 asking. What -- what's
 2 the logic behind it.
 3 VP LAW ENFORCEMENT
 4 HARMON: I'll use the
 5 twenty-four SUNY campuses
 6 we have members at, that
 7 we often don't even see
 8 these guys. Even when you
 9 go there to look for them,
 10 based on work sites or
 11 whatever. I'll use Mike
 12 Carlson's guys, for an
 13 example, in the summer
 14 they might be camped out
 15 in the woods. We've
 16 actually gone to look for
 17 some of these guys who
 18 don't have cards signed
 19 up, so finding them to
 20 actually sign the card.
 21 And again, I'm not saying
 22 it's right but our
 23 organization has had

190

1 historical problem with
 2 our membership throwing
 3 shit out. To get two
 4 thousand people to vote on
 5 a constitutional
 6 amendment, that might be a
 7 lot. We don't get
 8 typically sixty percent to
 9 vote on the contract.
 10 So, there's an issue of
 11 our voting body voting.
 12 And so -- and it reflects
 13 on this -- for law
 14 enforcement it reflects on
 15 this.
 16 VP MID-HUDSON MAZZELLA:
 17 I guess the last question
 18 I had was, we talked about
 19 mailings going to the
 20 members. Is that
 21 certified mail, do they
 22 have to sign for it to
 23 pick it up?

191

1 VP LAW ENFORCEMENT
 2 HARMON: No, it's just
 3 direct mail.
 4 VP MID-HUDSON MAZZELLA:
 5 Thank you.
 6 VP LAW ENFORCEMENT
 7 HARMON: Ricky?
 8 RICK SMITH: Ricky
 9 Smith, Mid Hudson SSO.
 10 You touched on it that as
 11 far as getting to our
 12 members once they come on
 13 board and some of them are
 14 so spread apart. It's
 15 hard getting to them.
 16 In my area I'm all way
 17 the way up here, Albany,
 18 I'm all the way down in
 19 the City. And our
 20 members, they get these
 21 packets and they truly
 22 don't understand them.
 23 Some of them take for

192

1 granted it's
2 self-explanatory but
3 they're looking for me to
4 come or one of the other
5 stewards to come and
6 explain this to them.

7 So this gives us that
8 opportunity and time to
9 get to there and get these
10 members. I have members
11 who want to be in our
12 membership, want to be in
13 NYSOPBA, and they're
14 coming to meetings and
15 saying, hey, I didn't get
16 this or I didn't get that,
17 I'm trying to follow up or
18 whatever the case may be.
19 So I think this is a good
20 thing.

21 MIKE CARLSON: Mike
22 Carlson. Yeah, John, the
23 turn over that my guys,

193

1 you never know who's
2 coming back. And our
3 biggest problem is
4 personnel, not giving the
5 packets out to guys. I
6 have a 168 different
7 facilities or statewide
8 parks or recreation
9 centers that they would be
10 working at. And the
11 personnel last year, I had
12 a guy that said no, I
13 signed the docket or I
14 signed -- I'm telling you
15 I signed it. Come to find
16 out, he got a CSEA package
17 to sign, not NYSOPBA.

18 So personnel is half
19 the problem. I don't want
20 my guys being penalized.
21 If they're going to be
22 here, they're going to get
23 the benefits, we're going

194

1 to get the money of the
2 them. So, I appreciate
3 you stepping up for them
4 and trying to get the
5 money from them.

6 VP LAW ENFORCEMENT

7 HARMON: One of the issues
8 so people know is, when is
9 the last safety security
10 officer academy, they
11 actually had one of their
12 officers there who was
13 just about a year in or
14 more, he was told by his
15 facility that he doesn't
16 have a union. There is no
17 NYSOPBA, there is no
18 union. So he wasn't
19 signing a card. He says,
20 I don't have a union. We
21 had to pull him aside and
22 say that's not true.
23 He was wasn't going to

195

1 sign a card until we
2 explained to him, no,
3 NYSOPBA is your union.

4 ANTHONY HENDERSON:

5 Anthony Henderson, Chief
6 sector steward, safety
7 security officers. What I
8 can see is a break down of
9 the system because even
10 the people that have
11 gotten the packages,
12 they're not getting to the
13 proper place. And that's
14 going to create a problem.

15 I personally at my
16 facility, I see a new
17 member, I sign them up
18 regardless if he sent the
19 package in. That's just
20 me, I don't expect every
21 steward or every chief
22 sector steward to do that,
23 but I do it. I do it as a

196

1 safeguard because I can't
2 afford to not have a
3 member with
4 representation.

5 So, as far as I'm
6 concerned, it's a break
7 down of the system, that
8 needs to be repaired. If
9 this is the way we can
10 repair it by giving them
11 some leeway, I'm all for
12 it.

13 VP LAW ENFORCEMENT
14 HARMON: Again, so people
15 understand, with law
16 enforcement most of our
17 chiefs are either
18 statewide elected chiefs
19 or regional elected
20 chiefs, so most of our
21 chiefs aren't in a
22 building with a lot of
23 people who are there. So,

197

1 that's -- it's been --
2 it's just an issue in
3 logistics of law
4 enforcement.

5 MR. CANNON: Cannon
6 Gowanda Correctional, so
7 my question is this, I
8 think all of us in here
9 would like to see a larger
10 group whenever we can. In
11 this case we've seen and
12 everybody has repeated it,
13 there is a obviously a
14 systematic problem. Have
15 we done anything to look
16 at that?

17 I can see a lot of us
18 maybe making the
19 concession today to accept
20 these new members today
21 based on me knowing that
22 there is a problem there.
23 Have we worked on creating

198

1 a solution to that problem
2 or is this something we're
3 going to have to revisit
4 every EA when we say, hey,
5 we got twelve more guys,
6 hey, we got thirty more
7 guys?

8 VP LAW ENFORCEMENT
9 HARMON: From looking at
10 it from our side and
11 talking to my chiefs this
12 morning and my business
13 agents in our office
14 meeting, we believe that
15 the changes that were made
16 to the policy will
17 definitely keep it -- if
18 we don't get it now, then
19 that means we screwed up.
20 So the changes to the
21 policy we believe will
22 remedy the situation.

23 MR. CANNON: And what

199

1 changes are those?

2 VP LAW ENFORCEMENT
3 HARMON: The changes where
4 it says under Section 3,
5 you can't be under any
6 investigation or
7 disciplinary action, so if
8 you're under investigation
9 basically you can't get
10 it. Now, when you get
11 over that and you paid
12 your own money, fix your
13 issue, then you can
14 reapply. But if you're
15 under investigation,
16 that's a no, that's an
17 automatic no to get in.

18 But then in your first
19 year you can ask -- when
20 we get notified by the
21 comptroller's office or
22 when Stephanie, membership
23 services gets notified or

200

1 during your initial
2 probationary period, it
3 says so if somebody gets
4 promoted they can't say
5 hey, I got promoted, I
6 want to get back into
7 NYSOPBA. No, you already
8 opted out, you're out.

9 For the regional
10 executive vice president
11 to have a caveat to say
12 hey listen, there's a
13 systematic break down
14 here, here it is in
15 writing, this is what
16 happened, let's fix it.

17 MR. CANNON: So, have
18 we looked at how we are
19 going to get this
20 information to these
21 members so in the future
22 it doesn't happen?

23 VP LAW ENFORCEMENT

201

1 HARMON: One of the things
2 is, again, it will still
3 be the packets but through
4 this process we'll have
5 more time because
6 currently it's forty-five
7 days. So this process
8 will allow us to have the
9 time to make sure these
10 people get signed up.

11 I'll be honest with
12 you, this would be our
13 failure if they don't get
14 signed up now. It
15 wouldn't be the member's
16 failure. This would be
17 our failure. So these
18 changes should exactly
19 remedy all that situation.
20 And talking with my chiefs
21 this morning and with my
22 office guys, and they
23 agree with too.

202

1 MR. CANNON: Basically
2 you're saying this is
3 going to be a one time
4 event.

5 VP LAW ENFORCEMENT

6 HARMON: That's it.

7 AL CHRISTIAN: Al
8 Christian, law enforcement
9 business agent.

10 VP LAW ENFORCEMENT

11 HARMON: Hold on, you got
12 to ask permission to
13 speak.

14 AL CHRISTIAN:
15 Permission to speak.

16 PRESIDENT POWERS: Yes.

17 AL CHRISTIAN: I was
18 notified by one of our
19 members at one of the SUNY
20 SSA-1, they put him under
21 the teachers union. So
22 now I have to do a little
23 research and find out how

203

1 that happened.

2 VP LAW ENFORCEMENT

3 HARMON: And then we've
4 had an unfortunate issue
5 with some of our titles
6 they put them in CSEA,
7 teachers union, other
8 unions, because --
9 actually we don't know
10 why. We had to fight to
11 get them back. If you go
12 by the guidelines we
13 currently have, they would
14 be outside the guidelines
15 because they would be
16 outside the guidelines.
17 And so, those are issues
18 that law enforcement
19 particularly has just
20 general to us. Because we
21 have some titles that are
22 similar to some titles
23 that other bargaining

204

1 units have and some of the
2 appointing authorities do
3 not understand that. And
4 then we have to go look
5 for clarification to make
6 it happen. Al?

7 AL ZAPPALA: Al
8 Zappala, Shawangunk. On
9 the finance committee
10 standpoint, we have a lot
11 of guys right now that
12 John is going to be asking
13 us to bring in. And I
14 agree that we need to make
15 our organization bigger
16 than it already is.
17 Bringing in twenty guys
18 brings us another thirteen
19 thousand a year.

20 What organization
21 wouldn't want to increase
22 the money if under the
23 guidelines, like John is

205

1 dropped out and trying to
2 get back in, you didn't
3 have a packet. That's the
4 whole purpose of why we
5 originally came up with
6 these policies for those
7 that leave and don't want
8 to come back. But for
9 those that didn't know the
10 opportunity that was there
11 or the seriousness behind
12 it, I think we need to
13 pass this policy.

14 I would like to do one
15 thing, can we put in that
16 policy, it could already
17 be there, like you have
18 interrogation, could we
19 put that if it's from an
20 incident that occurred
21 prior to the member
22 joining that they're not
23 entitled --

207

1 saying, these people did
2 not understand the
3 importance of joining the
4 union. Because I know
5 myself, our members get
6 things in the mail, we
7 post things above the time
8 clock and they don't see
9 it. It's not for us
10 stewards to say, hey, did
11 you see that, did you look
12 at that, did you get that;
13 in one ear and out the
14 other.

15 They don't have
16 stewards that are there to
17 do that, to do that grunt
18 work. So there should be
19 a time frame that they
20 have where they're able to
21 go out and get those
22 members. I appreciate,
23 John, you got somebody who

206

1 VP LAW ENFORCEMENT
2 HARMON: Yeah, it says the
3 non member does not have
4 any pending or current
5 investigations or legal
6 actions that could affect
7 their employment for the
8 non member.

9 AL ZAPPALA: Okay. I
10 back the motion and I
11 thank you for coming
12 forward and doing that and
13 trying to make this place
14 bigger than we already
15 are.

16 VP LAW ENFORCEMENT
17 HARMON: Thank you.

18 ROBERT STEVENS: Robert
19 Stevens, Mohawk. Just a
20 quick question about the
21 titles, the employer was
22 signing with CSEA or NYSUT
23 or whoever, were they

208

1 paying -- if they were
 2 paying dues to that
 3 union --
 4 VP LAW ENFORCEMENT
 5 HARMON: We don't know
 6 that.
 7 ROBERT STEVENS: If
 8 that comes out that they
 9 were, would that be
 10 something we can recover
 11 those dues from that other
 12 union because we were
 13 supposed to represent them
 14 in the first place?
 15 VP LAW ENFORCEMENT
 16 HARMON: Again, they would
 17 have to sign a card with
 18 that bargaining unit. And
 19 who knows if they are
 20 doing that even at all.
 21 We don't know any of those
 22 things when they happen
 23 because -- we won't know.

209

1 ANTHONY HENDERSON:
 2 Chief sector steward,
 3 Anthony Henderson. I just
 4 want to reiterate what
 5 John said. We're dealing
 6 with 18 different titles.
 7 VP LAW ENFORCEMENT
 8 HARMON: 30.
 9 ANTHONY HENDERSON: 30
 10 different titles in 18
 11 facilities, I believe.
 12 VP LAW ENFORCEMENT
 13 HARMON: 30 titles, 15
 14 agencies.
 15 ANTHONY HENDERSON: It
 16 makes it a very complex
 17 situation because these
 18 personnel departments
 19 within law enforcement,
 20 they're all different
 21 unions or same unions, so
 22 it becomes a problem with
 23 them sorting everything

211

1 Usually it's somebody
 2 saying hey, we got told by
 3 another title that those
 4 three individuals got
 5 placed in other bargaining
 6 unit. We find out third
 7 person.
 8 ROBERT STEVENS: Do you
 9 know if they would
 10 represent them or would
 11 they just say thanks for
 12 the money, have a nice
 13 day?
 14 VP LAW ENFORCEMENT
 15 HARMON: We wouldn't know
 16 that. We'd have to try to
 17 get money from another
 18 bargaining unit and that's
 19 probably an act of God.
 20 ROBERT STEVENS: Fair
 21 enough, thank you.
 22 VP LAW ENFORCEMENT
 23 HARMON: Anthony?

210

1 out because they have no
 2 clue, as far as what I'm
 3 trying to say.
 4 VP LAW ENFORCEMENT
 5 HARMON: Anybody else?
 6 So, as the policy is
 7 written in your packet,
 8 looking for all those in
 9 favor of the policy as
 10 drafted and changed,
 11 signify by saying aye.
 12
 13 (All respond with aye.)
 14
 15 VP LAW ENFORCEMENT
 16 HARMON: Nays?
 17
 18 (No response.).
 19
 20 VP LAW ENFORCEMENT
 21 HARMON: Thank you very
 22 much.
 23 RECORDING SECRETARY

212

1 SUMMERS: Can I have
2 everyone's attention?
3 We're gonna do something a
4 little different since
5 that policy just changed.
6 In your packets you'll see
7 there's eight motions in
8 here that we're going to
9 withdraw right now and six
10 of them because they fall
11 under the new guidelines.

12 So I will read the
13 names so you guys know
14 what names are being
15 withdrawn right now.
16 Approve the membership
17 card for Keith Jackson,
18 that's withdrawn. Approve
19 the membership card for
20 Jay Romaine, that's being
21 withdrawn. Approve the
22 membership card for Kay
23 Winston Lee, that's being

213

1 withdrawn. To approve the
2 membership card for Bea
3 Chairman, withdrawn. To
4 approve the membership
5 card for G. Clark,
6 withdrawn. To approve
7 membership card for S.
8 Bandeau, withdrawn. To
9 approve membership card
10 for S. Pelowski,
11 withdrawn. To approve
12 membership card for M.
13 Burns, withdrawn.

14 I'm going to read the
15 motions now that passed
16 underneath the new
17 guidelines. To approve
18 membership card for E.
19 Morton, underneath the new
20 guidelines, it passed. To
21 approve membership card
22 for P. Reed, passed. To
23 approve the membership

214

1 card for M. Miller,
2 passed. To approve
3 membership card for J.
4 Perillo, passed. To
5 approve membership card
6 for M. Wilder, passed.
7 Last one, to approve
8 membership card for B.
9 Cooney, passed.

10 PRESIDENT POWERS: All
11 right. Another motion,
12 to interpret NYSCOPBA
13 constitution, Article 8,
14 Section B, sector
15 meetings. Which states,
16 it shall be the
17 responsibility of the
18 individual sector steward
19 or stewards to hold
20 regular association
21 meetings for their
22 membership to mean that it
23 is the local sector

215

1 stewards who are
2 responsible for choosing
3 when and where the local
4 sector meetings will take
5 place.

6 The motion is made by
7 Al Zappala, seconded by
8 Steve Murphy out of
9 Fishkill. Any discussion?

10 (No response.)

11
12
13 AL ZAPPALA: Al
14 ZAPPALA, Shawangunk. I
15 felt it was pretty
16 self-explanatory.
17 Basically what I'm asking
18 is, in the NYSCOPBA
19 constitution under Article
20 13, Section B it states,
21 it shall be the
22 responsibility of the
23 sector stewards to hold

216

1 the regular association
 2 meetings for the
 3 membership. And as the
 4 interpretation I'm asking
 5 from this EA is because
 6 under Article 10,
 7 Executive Assembly,
 8 Section 8, paragraph
 9 three, it states: the
 10 Executive Assembly shall
 11 have the authority to
 12 interpret this
 13 constitution and bylaws,
 14 and all controversies
 15 arising thereunder. Any
 16 interpretation adopted by
 17 majority vote Executive
 18 Assembly in good faith
 19 shall be bodied upon all
 20 members, officials, and
 21 officers.

22 So basically what I'm
 23 asking is, is it the

217

1 that were elected to pick
 2 or not? The reason I
 3 bring this up is when a
 4 motion is made by the
 5 members at your local
 6 sector, you have to a
 7 oblige that motion, you
 8 have to follow the
 9 direction of the
 10 membership. Sometimes the
 11 members can make these
 12 motions not realizing they
 13 put you guys, us stewards,
 14 in harms way.

15 Because if a motion is
 16 made, I want to make a
 17 motion to have the meeting
 18 two hours from here, and
 19 you get a bunch of people
 20 that like that idea, we
 21 the stewards have to
 22 follow that motion if it
 23 passes and if we don't

219

1 stewards that are
 2 responsible for holding
 3 the meetings, picking
 4 where the meetings are at?
 5 Because under this
 6 interpretation that I see,
 7 it empowers us, we are the
 8 ones holding the meetings,
 9 we're the ones looking out
 10 for the members, we're the
 11 ones putting everything
 12 together. Or, is it the
 13 members who make a motion,
 14 vote on it and turn, force
 15 our hand to have meetings
 16 where we really shouldn't
 17 have it or, slash, places
 18 we really shouldn't have
 19 it.

20 That's what I asking
 21 for. What do you guys
 22 feel the interpretation
 23 is? Is it the stewards

218

1 follow that motion, we're
 2 in violation of judicial
 3 ethics charges. So, we
 4 put ourselves in jeopardy.

5 So that's the reason I
 6 brought this up today. I
 7 wanted clarification
 8 because depending on who
 9 you talk to, you get
 10 different people reading
 11 it different ways.

12 VP MID-HUDSON MAZZELLA:
 13 Mike Mazzella, Mid-Hudson
 14 region vice president.
 15 Basically it all depends
 16 on following -- when he's
 17 talking about following
 18 the will of your
 19 membership, okay, we do
 20 understand that chief
 21 sector stewards,
 22 presidents, regional vice
 23 presidents, we all have a

220

1 fiduciary responsibility
 2 to this organization.
 3 And, of course, if
 4 somebody were to make a
 5 motion, let's say, to have
 6 a meeting two hours away
 7 at a grand catering hall,
 8 that's not fiduciary
 9 responsibility to say no,
 10 we're not going to
 11 entertain that.

12 Okay. But when a
 13 member is making a motion
 14 to have a meeting placed
 15 at a fire house down the
 16 road next to the facility,
 17 or at QWL, or we want to
 18 make sure that when we go
 19 to these meetings that the
 20 lights are on. That's the
 21 will of the membership.

22 Just my opinion, again,
 23 listen, everybody runs

221

1 their sectors how they run
 2 their sectors and I get
 3 that. I was a chief
 4 sector steward too. But I
 5 can tell you I always went
 6 with the will of the
 7 membership and never my
 8 will. That's all I'm
 9 saying. Thank you.

10 PRESIDENT POWERS: I
 11 tend to agree with VP
 12 Mazzella. An issue that I
 13 ran into years ago when I
 14 was a chief, and Billy
 15 Sellers may be able to
 16 attest to this as well, a
 17 lot of people assumed in a
 18 small community like
 19 Ogdensburg that we were
 20 catering to one particular
 21 person, whether it be an
 22 organization, a VFW,
 23 Knights of Columbus,

222

1 Amvets, whatever the case
 2 may be.

3 A lot of times we ran
 4 into friction there, so
 5 ultimately the membership
 6 directs and governs this
 7 body to a degree and, you
 8 know, that's pretty much
 9 my position. You know, we
 10 are at the will of the
 11 membership. And when the
 12 membership comes in and
 13 suggests they move a
 14 venue, whether QWL or non
 15 profit organization or
 16 whatever the case may be.
 17 So that's my position.

18 AL ZAPPALA: I'd just
 19 like to give a little bit
 20 real quick clarification
 21 about why we're at where
 22 we're at. I totally
 23 understand where

223

1 Mr. Powers, Mr. Mazzella
 2 they make their claims for
 3 the betterment. But right
 4 now I'm involved in a
 5 situation where some
 6 members want to have our
 7 members at a QWL, others
 8 want to have it at a fire
 9 house or whatnot.

10 My position has been
 11 when you have your
 12 meetings at a QWL, you're
 13 on facility grounds. When
 14 you're locked out you're
 15 not allowed on facility
 16 grounds. This occurred to
 17 me, I was locked out three
 18 years ago, I was not
 19 allowed to go to our QWL
 20 meeting. And I set up a
 21 chair, along with another
 22 steward across the street
 23 on the road like an

224

1 animal, to answer
2 questions. Because if I
3 stepped foot on that QWL
4 grounds I was
5 insubordinate and I would
6 have been locked out for
7 other charges.

8 The question here is,
9 two and a half years ago
10 when I brought this to my
11 membership they agreed and
12 they liked the idea that
13 you know what, you're
14 right, when your members
15 need you the most, they
16 should be able to come to
17 that meeting. You can't
18 come to that meeting when
19 it's at a QWL. So we
20 asked our members, what do
21 you guys want to do? And
22 we let them vote.

23 And we knew because

225

1 those people that were
2 there at those meetings
3 understand and always come
4 to those meetings, they
5 would do the right thing
6 for the members and they
7 did. And we have had it
8 at a fire house for the
9 last two and a half years.

10 Now, so much time has
11 passed, time people
12 forget. We have a small
13 group of people that want
14 to move it back to the
15 QWL. So what do we do?

16 UNIDENTIFIED SPEAKER:
17 No one cares.

18 AL ZAPPALA: Sir, you
19 can have your say at the
20 mic when I'm done if you'd
21 like, but please refrain
22 from speaking while I'm
23 talking.

226

1 PRESIDENT POWERS: Come
2 on.

3 AL ZAPPALA: End result
4 is this, current
5 situation, now I got some
6 guys that want to have it
7 back at a QWL, so i'm
8 about ready to have a QWL
9 vote. Now, the other
10 faction says, well, next
11 month we'll come out and
12 we'll get more people and
13 we'll move it back to the
14 fire house. My meetings
15 are about to become a
16 mockery because every
17 month this faction will
18 bring out more people,
19 next month that faction
20 brings out more people.
21 And we're having meetings
22 to have votes to have it
23 this way and that way,

227

1 back and forth.

2 The way this comes to
3 an end, I said to the
4 members, we'll let an
5 interpretation at the EA
6 do this. I'm not gonna
7 argue with you guys. I
8 feel because I was elected
9 I'm doing what's right for
10 the members. And what I
11 said, why would you want
12 to have it at a QWL when
13 someone who is locked out
14 can't go there. And the
15 answer was, "F" them, it's
16 got nothing to do with me.
17 But you know what --

18 PRESIDENT POWERS: Al,
19 Al, you made your point.

20 AL ZAPPALA: Okay.

21 MIKE CARLSON: I like
22 my sector to be separate
23 from the EA here. I want

228

1 my members to make the
2 decision, where we're
3 going to me, what we're
4 going to do as a
5 membership. I really
6 rather not have the EA
7 tell me or tell my members
8 what we're gonna do.

9 AL ZAPPALA: That's not
10 the point of it.

11 MIKE CARLSON: Right.
12 But if we put it in the
13 constitution bylaws that's
14 what -- that's not what
15 I want. Either that or
16 refer to the constitution
17 and bylaws committee for
18 review.

19 PRESIDENT POWERS:
20 Mike?

21 VP MID-HUDSON MAZZELLA:
22 Mike Mazzella, Mid Hudson.
23 Basically the only thing

229

1 Anthony Henderson, Safety
2 and Security Officer,
3 Southern Region. I agree
4 with that gentleman. I
5 was locked out a couple
6 years ago, they had a
7 membership steward meeting
8 on state grounds and I
9 wasn't allowed to go. So
10 I empathize with what the
11 gentleman is saying, it
12 should be left up to the
13 membership to decide.

14 PRESIDENT POWERS: Do I
15 need to read -- Donn?

16 DONN ROWE: Rowe, Hale
17 Creek. The membership and
18 stewards should consider
19 that in situations. Al, I
20 agree with your motion but
21 not what I think you're
22 trying to get at. You are
23 responsible for when and

231

1 that's being asked of us
2 today is, does the
3 constitution say that the
4 chief steward or the
5 stewards will select where
6 meetings are held and on
7 what days they're held or
8 does it not say that.

9 That's all we're asking.

10 So, I mean, that's all
11 he's asking. So for us to
12 be piling on all things on
13 that are convoluting the
14 question. The question is
15 pretty similar, does the
16 constitution say the chief
17 steward and the stewards
18 will pick where the
19 meetings are and on what
20 days, or does it not say
21 that. That's all.

22 ANTHONY HENDERSON:
23 Chief Sector Steward

230

1 where your meetings are
2 held by the constitution.
3 But I believe so are your
4 members.

5 If you are to write
6 this sole authority of the
7 sector stewards for
8 choosing when and where
9 the sector meetings will
10 be held, I'd be opposed to
11 that. But yes, you are
12 responsible, but I believe
13 your members are also and
14 you need to work together.

15 PRESIDENT POWERS:
16 Thank you, Donn. Shawn?

17 SHAWN KEENAN: Keenan,
18 Wende. Did you, either
19 one of you, put into your
20 administration to be there
21 for that meeting? There
22 are exceptions. You can
23 request from your

232

1 superintendent to be at
2 that meeting at the QWL.
3 We have had it done.
4 We've had benefits for
5 members that have been
6 locked out, they were
7 permitted to come to that
8 benefit and also go to a
9 meeting at QWL on state
10 grounds. So it's an
11 option to look at, too.

12 PRESIDENT POWERS:

13 Thank you, Shawn.
14 Anthony?

15 ANTHONY HENDERSON:

16 Chief Sector Steward
17 Anthony Henderson, Safety
18 and Security Officers.
19 Yes, I did put in a
20 request and I was denied
21 by administration.

22 PRESIDENT POWERS: For
23 the record, right? Do I

1
2 (Response of "aye" from
3 the floor.)

4
5 PRESIDENT POWERS:
6 Nays?

7
8 (Response of "nay" from
9 the floor.)

10
11 PRESIDENT POWERS: Nays
12 stand for the record. Go
13 to the mic, please.

14 DON MOLINO: Don
15 Molino.

16 MIKE CARLSON: Mike
17 Carlson.

18 ANTHONY BASTO: Basto,
19 North.

20 EXECUTIVE VP SAWCHUK:
21 Tammy Sawchuk, Executive
22 Vice President, I'm going
23 to abstain.

1 read the motion again? To
2 interpret NYSCOPBA
3 constitution, Article 8,
4 Section B, sector
5 meetings. Which states,
6 quote, it shall be the
7 responsibility of the
8 individual sector steward
9 or stewards to hold
10 regular association
11 meetings for their
12 membership, end quote, to
13 mean that it is the local
14 sector stewards who are
15 responsible for choosing
16 when and where the local
17 sector meetings will take
18 place.

19 The motion is made by
20 Al Zappala and seconded by
21 Steve Murphy out of
22 Fishkill. Any other
23 discussion? All in favor.

1 MR. SCAMPOLI:
2 Scampoli, Ulster.

3 MR. DURYEA: Elmira,
4 Duryea.

5 MR. VINCENT: Keith
6 Vincent, Auburn.

7 PRESIDENT POWERS: I'm
8 sorry, Duryea. Thank you.

9 Motion to adjourn to
10 tomorrow?

11 ROBERT STEVENS: Motion
12 to adjourn.

13 PRESIDENT POWERS
14 Second?

15 MR. MCGOWAN: Second.

16
17 (Whereupon, the
18 Executive Assembly then
19 adjourned for the day.)

20 * * * *

1 STATE OF NEW YORK)
2 COUNTY OF ERIE) ss

3 I, DARLENE L. JERGE, Court
4 Reporter and Notary Public in and
5 for the County of ERIE, State of
6 New York, do hereby certify:
7 That said EXECUTIVE ASSEMBLY
8 MINUTES were taken before me at the
9 time and place set forth and was
10 taken down by me in shorthand and
11 thereafter reduced to computerized
12 transcription under my direction
13 and supervision.

14 And I hereby certify the
15 foregoing transcript is a full,
16 true and correct transcript of my
17 shorthand notes so taken.

18 IN WITNESS WHEREOF, I have
19 hereunto subscribed my name this
20 5th day of June, 2020.

Darlene L. Jerge
DARLENE L. JERGE
NOTARY PUBLIC

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