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NEW YORK STATE

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CORRECTIONAL OFFICERS AND POLICE BENEVOLENT

6

ASSOCIATION

7

Executive Assembly

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February 13-14, 2008

11

The Crowne Plaza

12

Albany, New York

13

14

15

VOLUME II

16

Thursday Session

17

February 14, 2008

18

19

20

STENOGRAPHIC MINUTES of the

21

above-entitled matter as reported by James

22

S. Covey, a Notary Public and Shorthand

23

Reporter in and for the State of New York.

24

James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1

2

3 OFFICERS PRESENT:

4 LARRY FLANAGAN, President

5 DIANE DAVIS, Recording Secretary

6 Vice Presidents

7 TOM HAAS, Central

8 KEVIN WALKER, Corrections Mid-Hudson

9 RANDY PAGE, Corrections North

10 AL MOTHERSHED, Corrections West

11 WILLIE PEREZ, Corrections South

12 KEITH ZULKO, Law Enforcement

13

14 Also Present:

15 Natalie Carraway, Esq.

16 Dr. Mark Schilansky, Parliamentarian

17

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James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

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(Executive Assembly 2/14/08)

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MOTIONS

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To send MOU for ratification 64

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DISPOSITION of MOTIONS

3

To hire a stenographer --- 62

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defeated

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To send the MOU for 65

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ratification --- out of

7

order

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To challenge the chair --- 71

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For EOL re closures --- 81

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carried

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To hold a rally --- carried 92

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Re binding arbitration --- 111

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carried

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Re diagnosis and prognosis 118

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--- out of order

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James S. Covey, Court Reporting Services

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(The meeting was called to
order by President Flanagan at
approximately 9:00 a.m.)

3

4

5

6

PRESIDENT FLANAGAN: Good
morning everybody. We are going
to get started again, please.

7

8

9

We are going to start with
the roll call, please.

10

11

SECRETARY DAVIS: Good
morning. Happy Valentine's Day to
all of you. Are we ready?

12

13

14

President Flanagan.

15

PRESIDENT FLANAGAN: Here.

16

17

SECRETARY DAVIS: Flanagan,
present.

18

19

Executive Vice President
Shanagher.

20

Shanagher, absent.

21

Treasurer Telisky.

22

TREASURER TELISKY: Present.

23

24

SECRETARY DAVIS: Telisky,
present.

James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 Recording Secretary Davis,
2 present.
3 VP North Page.
4 VICE PRESIDENT PAGE:
5 Present.
6 SECRETARY DAVIS: Page,
7 present.
8 VP Mid-Hudson, Walker.
9 VICE PRESIDENT WALKER:
10 Present.
11 SECRETARY DAVIS: Walker,
12 present.
13 VP Law Enforcement, Zulko.
14 VICE PRESIDENT ZULKO:
15 Present.
16 SECRETARY DAVIS: Zulko,
17 present.
18 VP Central, Haas.
19 VICE PRESIDENT HAAS:
20 Present.
21 SECRETARY DAVIS: Haas,
22 present.
23 VP South, Perez.
24 VP South, Perez. Absent.
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 VP West, Mothershed.
2 VICE PRESIDENT MOTHERSHED:
3 Here.
4 SECRETARY DAVIS:
5 Mothershed, present.
6 Adirondack, Barrett.
7 MR. BARRETT: Here.
8 SECRETARY DAVIS: Barrett,
9 present.
10 Albion, Giwaosagie.
11 MR. GIWAOSAGIE: Here.
12 SECRETARY DAVIS:
13 Giwaosagie, present.
14 Altona, Forkey.
15 MR. FORKEY: Here.
16 SECRETARY DAVIS: Forkey,
17 present.
18 Arthur Kill, Cocozello.
19 MR. COCOZELLO: Present.
20 SECRETARY DAVIS: Cocozello,
21 present.
22 Attica, Golden.
23 MR. GOLDEN: Here.
24 SECRETARY DAVIS: Golden,
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 present.

2 Auburn, Weed.

3 MR. WEED: Here.

4 SECRETARY DAVIS: Weed,

5 present.

6 Barehill, Jolley.

7 Barehill, Jolley.

8 MR. JOLLEY: Here.

9 SECRETARY DAVIS: Jolley,

10 present.

11 We need to hold it down just

12 a little when we do the roll call.

13 I can't hear you up here.

14 Bayview, Hill.

15 Bayview, Hill. Absent.

16 Beacon, Warner.

17 MR. WARNER: Present.

18 SECRETARY DAVIS: Warner,

19 present.

20 Bedford, Floyd.

21 MS. FLOYD: Here.

22 SECRETARY DAVIS: Floyd,

23 present.

24 Butler ASACTC, DeAngelis.
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 MR. DEANGELIS: Here.

2 SECRETARY DAVIS: DeAngelis,
3 present.

4 Butler Minimum, Casper.

5 MR. CASPER: Here.

6 SECRETARY DAVIS: Casper,
7 present.

8 Camp Gabriels, Wood.

9 MR. WOOD: Here.

10 SECRETARY DAVIS: Wood,
11 present.

12 Camp Georgetown, Comfort.

13 MR. COMFORT: Here.

14 SECRETARY DAVIS: Comfort,
15 present.

16 Camp Pharsalia, Lashway.

17 MR. LASHWAY: Present.

18 SECRETARY DAVIS: Lashway,
19 present.

20 Cape Vincent, Pratt.

21 MR. PRATT: Here.

22 SECRETARY DAVIS: Pratt,
23 present.

24 Capital Police, Sawyer.
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 MR. SAWYER: Present.

2 SECRETARY DAVIS: Sawyer,
3 present.

4 Cayuga, Mulhern.

5 Cayuga, Mulhern. Absent.

6 Central New York Psychiatric
7 Center, Harmon.

8 MR. HARMON: Here.

9 SECRETARY DAVIS: Harmon,
10 present.

11 Chateaugay, Litner.

12 MR. LITNER: Here.

13 SECRETARY DAVIS: Litner,
14 present.

15 Clinton, Ireland.

16 MR. IRELAND: Here.

17 SECRETARY DAVIS: Ireland,
18 present.

19 Collins, Keller.

20 MR. KELLER: Here.

21 SECRETARY DAVIS: Keller,
22 present.

23 Coxsackie, Murdza.

24 MR. MURDZA: I think so.
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 SECRETARY DAVIS: Murdza,
2 present.

3 Division of Parole, Levy.

4 MR. LEVY: Here.

5 SECRETARY DAVIS: Levy,
6 present.

7 Downstate, Ricenberg.

8 MR. RICENBERG: Here.

9 SECRETARY DAVIS: Ricenberg,
10 present.

11 Eastern, Farrell.

12 MR. FARRELL: Here.

13 SECRETARY DAVIS: Farrell,
14 present.

15 Edgecombe, Martin.

16 MR. MARTIN: Here.

17 SECRETARY DAVIS: Martin,
18 present.

19 Elmira, Bachert.

20 MR. BACHERT: Here.

21 SECRETARY DAVIS: Bachert,
22 present.

23 Fishkill, Vantassell.

24 MR. VANTASSELL: Here.

James S. Covey, Court Reporting Services

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1 SECRETARY DAVIS:

2 Vantassell, present.

3 Five Points, Shields.

4 MR. SHIELDS: Here.

5 SECRETARY DAVIS: Shields,

6 present.

7 Forest Rangers, Carlson.

8 MR. CARLSON: Here.

9 SECRETARY DAVIS: Carlson,

10 present.

11 Franklin, McAdam.

12 MR. MCADAM: Here.

13 SECRETARY DAVIS: McAdam,

14 present.

15 Fulton, Abraham.

16 Fulton, Abraham. Absent.

17 Gouverneur, Rosbrook.

18 MR. ROSBROOK: Here.

19 SECRETARY DAVIS: Rosbrook,

20 present.

21 Gowanda, Blasio.

22 MR. BLASIO: Here.

23 SECRETARY DAVIS: Blasio,

24 present.

James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 Great Meadow, Bishop.

2 MR. BISHOP: Here.

3 SECRETARY DAVIS: Bishop,
4 present.

5 Green Haven, Beachy.

6 MR. BEACHY: Here.

7 SECRETARY DAVIS: Beachy,
8 present.

9 Greene, Viddivo.

10 MR. VIDDIVO: Here.

11 SECRETARY DAVIS: Viddivo,
12 present.

13 Groveland, Collmer.

14 MR. COLLMER: Here.

15 SECRETARY DAVIS: Collmer,
16 present.

17 Hale Creek, Rowe.

18 MR. ROWE: Here.

19 SECRETARY DAVIS: Rowe,
20 present.

21 Hudson, Peck.

22 MR. PECK: Here.

23 SECRETARY DAVIS: Peck,
24 present.

James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 Kirby Forensic, Bey.
2 Kirby Forensic, Bey.
3 Absent.
4 Lakeview Annex, Cymerman.
5 MR. CYMERMAN: Present.
6 SECRETARY DAVIS: Cymerman,
7 present.
8 Lakeview Shock, Tingue.
9 MR. TINGUE: Here.
10 SECRETARY DAVIS: Tingue,
11 present.
12 Lifeguards, Forsyth.
13 Lifeguards, Forsyth.
14 Absent.
15 Lincoln, Brown.
16 MR. BROWN: Here.
17 SECRETARY DAVIS: Brown,
18 present.
19 Livingston, Stuart.
20 MR. STUART: Here.
21 SECRETARY DAVIS: Stuart,
22 present.
23 Lyon Mountain, Branch.
24 MR. BRANCH: Here.
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 SECRETARY DAVIS: Branch,
2 present.
3 Marcy, Yutzler.
4 MR. YUTZLER: Here.
5 SECRETARY DAVIS: Yutzler,
6 present.
7 Mid-Hudson Forensic,
8 Decovnick.
9 MR. DECOVNICK: Here.
10 SECRETARY DAVIS: Decovnick,
11 present.
12 Mid-Orange, Predmore.
13 MR. PREDMORE: Here.
14 SECRETARY DAVIS: Predmore,
15 present.
16 Mid State, Carpenter.
17 MR. CARPENTER: Here.
18 SECRETARY DAVIS: Carpenter,
19 present.
20 Mohawk, Suprenant.
21 MR. SUPRENANT: Present.
22 SECRETARY DAVIS: Suprenant,
23 present.
24 Monterey, Conley.
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 MR. CONLEY: Here.

2 SECRETARY DAVIS: Conley,
3 present.

4 Moriah, Fariss.

5 MR. FARISS: Here.

6 SECRETARY DAVIS: Fariss,
7 present.

8 Mount McGregor, Kelleher.

9 MR. KELLEHER: Here.

10 SECRETARY DAVIS: Kelleher,
11 present.

12 Ogdensburg, Dobbs.

13 Ogdensburg, Dobbs. Absent.

14 Oneida, Pape.

15 MR. PAPE: Here.

16 SECRETARY DAVIS: Pape,
17 present.

18 Orleans, Stalker.

19 MR. STALKER: Here.

20 SECRETARY DAVIS: Stalker,
21 present.

22 Otisville, McMenemy.

23 MR. MCMENEMY: Here.

24 SECRETARY DAVIS: McMenemy,
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 present.

2 Queensboro, Skinner.

3 MR. SKINNER: Here.

4 SECRETARY DAVIS: Skinner,
5 present.

6 Riverview, Fredericks.

7 MR. BLEAU: Bleau here for
8 Fredericks.

9 SECRETARY DAVIS: Bleau for
10 Riverview, present.

11 Rochester Psychiatric,
12 Knights.

13 MS. KNIGHTS: Here.

14 SECRETARY DAVIS: Knights,
15 present.

16 Rochester Buffalo Day
17 Reporting, Maliga.

18 MR. MALIGA: Here.

19 SECRETARY DAVIS: Maliga,
20 present.

21 Safety Security Officers
22 Central, McNeilly.

23 MR. MCNEILLY: Here.

24 SECRETARY DAVIS: McNeilly,
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 present.

2 Safety Security Officers

3 Mid-Hudson, Barela.

4 MR. BARELA: Here.

5 SECRETARY DAVIS: Barela,

6 present.

7 Safety Security Officers

8 Southern Region, Moore.

9 MR. MOORE: Here.

10 SECRETARY DAVIS: Moore,

11 present.

12 Safety Security Officers

13 Western Region, Terry.

14 Safety Security Officers

15 Western Region, Terry. Absent.

16 Security Officers, Rybak.

17 MR. RYBAK: Here.

18 SECRETARY DAVIS: Rybak,

19 present.

20 Security Service Assistants,

21 Guido.

22 Security Service Assistants,

23 Guido. Absent.

24 Shawangunk, Peters.

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1 MR. PETERS: Here.

2 SECRETARY DAVIS: Peters,

3 present.

4 Sing Sing, Mitchell.

5 Sing Sing, Mitchell.

6 Absent.

7 Southport, Fluman.

8 MR. FLUMAN: Here.

9 SECRETARY DAVIS: Fluman,

10 present.

11 Sullivan, Beach.

12 MR. BEACH: Here.

13 SECRETARY DAVIS: Beach,

14 present.

15 Summit Shock, Keenan.

16 MR. KEENAN: Here.

17 SECRETARY DAVIS: Keenan,

18 present.

19 Taconic, Shaka.

20 Taconic, Shaka. Absent.

21 Ulster, Caponero.

22 MR. CAPONERO: Here.

23 SECRETARY DAVIS: Caponero,

24 present.

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1 Upstate, Dumas.

2 MR. DUMAS: Yup.

3 SECRETARY DAVIS: Dumas,
4 present.

5 Wallkill, Heal.

6 Wallkill, Heal. Absent.

7 Washington, Taylor.

8 MR. TAYLOR: Here.

9 SECRETARY DAVIS: Taylor,
10 present.

11 Watertown, Kogut.

12 MR. KOGUT: Here.

13 SECRETARY DAVIS: Kogut,
14 present.

15 Wende, Waddell.

16 MR. WADDELL: Here.

17 SECRETARY DAVIS: Waddell,
18 present.

19 Willard, Keefe.

20 MR. KEEFE: Here.

21 SECRETARY DAVIS: Keefe
22 present.

23 Woodbourne, Porcaro.

24 MR. PORCARO: Here.
James S. Covey, Court Reporting Services

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1 present.

2 Safety Security Assistants,

3 Guido. Absent.

4 Sing Sing, Mitchell.

5 MR. MITCHELL: Present.

6 SECRETARY DAVIS: Mitchell,

7 present.

8 Taconic, Shaka.

9 MR. SHAKA: Present.

10 SECRETARY DAVIS: Shaka,

11 present.

12 Wallkill, Heal. Absent.

13 PRESIDENT FLANAGAN: Good

14 morning, everybody.

15 Just a quick note here.

16 Mike Morrow was in communication

17 with Gus, Warren Augustanino, in

18 regards to there have been some

19 question asked over the past few

20 hours about freezes on these

21 facilities that have proposed to

22 be closed.

23 There are no freezes on the

24 facilities in or out at the

James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 present time. And what was
2 explained to Mike was that in the
3 future that Lucien LeClair will
4 govern all of that. I just want to
5 let everybody know that.

6 Listen, I wanted to go over,
7 yesterday as I discussed in the
8 President's Report there were
9 several interruptions. We had
10 speakers here. Mike Axelrod was
11 here and spoke to everybody in
12 regards to arbitration and
13 negotiations process. I wanted to
14 make sure that everybody
15 understands from me, the president
16 of the union, and also speaking
17 for the Executive Board here, our
18 intent is to fight to get the best
19 that we can for all the members.
20 Certainly I don't want there to be

21 Any understanding otherwise.
22 There were a lot of questions
23 right to the degree that we wanted
24 to know if elephants could fly.

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(Executive Assembly 2/14/08)

1 But the thing of it is, I just
2 want everybody to understand just
3 as we did when we were first
4 elected, there was quite a mess
5 that we get involved in. There
6 are no secrets about it. There
7 was quite a mess we got involved
8 in and we did the best we could in
9 as quick a fashion as possible to
10 get some type of increases in our
11 salaries out there. And we
12 anticipate to do the same thing
13 again.

14 I just want to reiterate one
15 thing. Many times yesterday
16 during the course of the
17 conversation it was percentages,
18 percentages, percentages,
19 percentages. For two and a half
20 years I have stood up here and
21 explained to everybody that we can
22 not just be focused on percentage
23 increases. Because every single
24 union certainly in my experience
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 now goes through the same process
2 in negotiations and everybody
3 looks to get percentage increases.

4 Everybody has to understand
5 that if we are talking about a
6 four percent increase or we talk
7 about \$2600 in the base salary, if
8 you do the math it is the same
9 exact thing. As a matter of fact,
10 if you talk about \$2600 in base
11 salary over all for all the
12 members of the union, that is
13 actually a better benefit than
14 four percent.

15 So I just wanted everybody
16 to understand that if we can try
17 to relate to our members, and it
18 is a hard thing to talk about
19 because for all of our careers,
20 our main focus has always been on
21 percentage increases, but we are
22 trying to turn the times and we
23 are trying to explain to people
24 and we are trying to accomplish
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 the same task, we're just calling
2 it something different.

3 The end result is you still
4 bring home more money in your
5 paycheck. We are talking about
6 increasing base salary.

7 Thank you.

8 Next on the agenda we have
9 unfinished business, a
10 stenographer at the Executive
11 Board meetings.

12 MR. LEVY: Excuse me, Larry.

13 Jeff Levy, Parole.

14 Did we complete the
15 committee reports?

16 PRESIDENT FLANAGAN: Were
17 you here?

18 MR. LEVY: Yes.

19 PRESIDENT FLANAGAN: What
20 did we not complete, Jeff? Help
21 me out here.

22 MR. LEVY: Legislative
23 Committee.

24

James S. Covey, Court Reporting Services

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1 PRESIDENT FLANAGAN: Yes,
2 that was here. You went up to the
3 mike and asked questions of Chris.

4 You went right to the mike
5 and asked Chris a question.

6 MR. LEVY: Yeah, I did. And
7 my understanding is that Chris is
8 staff. He is not a member of the
9 Legislative Committee.

10 PRESIDENT FLANAGAN: It is
11 my understanding, and I know
12 sometimes we all love to split
13 hairs, but it is my understanding
14 that Brian asked Chris to give the
15 Legislative Report. And I didn't
16 hear any argument from the body
17 when he gave the Legislative
18 Report.

19 So now that Brian is not
20 here and it is kind of hard for me
21 to argue for Brian, the
22 Legislative Report was given
23 yesterday.

24 Also, Brian was here along
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 by his side and answered questions
2 that it was my understanding that
3 Chris could not answer.

4 But regardless of all that,
5 share with me the point.

6 MR. LEVY: I would like to
7 know what the committee decided as
8 far as the requests that were
9 submitted to them concerning
10 legislation that the union is
11 going to support.

12 PRESIDENT FLANAGAN: That
13 question was asked by you and
14 answered yesterday right here at
15 this podium that said that we are
16 researching it and we are
17 investigating it.

18 And you stood there, and I
19 don't want to make a mockery, you
20 stood there and went --
21 (gesturing) --- and walked away.
22 I sat right here, Jeff.

23 MR. LEVY: That was the
24 answer I got from Chris. And I
 James S. Covey, Court Reporting Services

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1 assumed that answer came from
2 Chris as the legislative director,
3 not on behalf of the committee.

4 PRESIDENT FLANAGAN: Okay.
5 But in all fairness, in all
6 fairness, and again we are
7 splitting hairs here, Brian was
8 sitting right here yesterday. You
9 could have asked him then. He is
10 not here today.

11 MR. LEVY: That is because I
12 was waiting for the Legislative
13 Committee Report to do that.

14 PRESIDENT FLANAGAN: Okay.
15 The legislative report was
16 given yesterday, Jeff.

17 MR. LEVY: That was the
18 Legislative Committee report you
19 are saying?

20 PRESIDENT FLANAGAN:
21 Correct.

22 MR. LEVY: I don't recall
23 hearing anything about any
24 discussions that the committee had
 James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 concerning the legislation.

2 PRESIDENT FLANAGAN: Jeff,
3 again, we don't want to waste the
4 whole day splitting hairs here,
5 but again yesterday you asked the
6 question specifically toward are
7 we going to resubmit bills for
8 name specific arbitration. And
9 Chris went through the whole
10 thing, you mean you're talking
11 about those that have peace
12 officer status on duty, off duty.
13 The discussion was right here and
14 you nodded your head and walked
15 away.

16 So the committee report was
17 given. All those that had any
18 communications about future
19 legislation, they had the
20 opportunity to go to the mike, as
21 you did. And it is certainly my
22 opinion that the remark you made,
23 and the question you asked was
24 answered. And if you don't mind,
James S. Covey, Court Reporting Services

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1 I would like to move on.

2 MR. LEVY: I think it would
3 have been a lot clearer if we were
4 made to understand that was not
5 just the legislative report but
6 the Legislative Committee report.

7 It was my perception that it
8 was not the committee report and I
9 was waiting for that to get
10 clarification on these issues.
11 unfortunately I guess we are not
12 going to hear the committee
13 report.

14 PRESIDENT FLANAGAN: Thank
15 you, Jeff.

16 Back to stenographer at the
17 Executive Board meetings.

18 We have a motion on the
19 floor.

20 At the December 13th EA,
21 2007, a motion was made by Al
22 Mothershed and seconded by Vinny
23 Blasio in an effort to provide
24 consistency and complete record of
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 all meetings I make the motion to
2 hire a stenographer to take the
3 minutes of the NYSCOPBA Executive
4 Board meetings.

5 It was open for debate and
6 discussion and then there was a
7 subsidiary motion made by Tom
8 Farrell and seconded by Randy
9 page, which passed, to postpone
10 the motion until the next
11 Executive Assembly.

12 So it is open for debate and
13 discussion.

14 MR. KOGUT: Nick Kogut,
15 Watertown.

16 I guess the reason why it
17 was postponed is we were looking
18 for a price.

19 PRESIDENT FLANAGAN: It is
20 my understanding that the price
21 would be approximately \$12,000 per
22 year.

23 MR. KOGUT: In my opinion
24 that is ridiculous.
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 get a complete record. We have
2 spent millions and millions of
3 dollars on a lot of different
4 issues and you did about \$600,000
5 yesterday, so I don't think that
6 \$12,000 a year to get a complete
7 record of the Board meeting
8 minutes is unreasonable.

9 MR. BROWN: Officer G. Brown
10 from Lincoln Correctional
11 Facility.

12 Is it my understanding that
13 when you have Executive Board
14 meetings that at any time if we
15 were to hire a stenographer is it
16 also possible that at any time the
17 chairperson of that meeting can
18 say we can go off the record. And
19 if you have the ability to do
20 that, then we are not going to
21 know exactly what is going on.

22 So to have a stenographer
23 there taking the minutes and then
24 having the Board have the ability
James S. Covey, Court Reporting Services

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1 to say stop, we want to go off the
2 record with this discussion, the
3 membership still will never know
4 what is the going on.

5 So I do not know if having a
6 stenographer there is really going
7 to do what we need to be done if
8 they are able to say can we go off
9 the record and that is where the
10 stenographer stops.

11 And as the conversations get
12 heated, can we go off the record,
13 that's where the conversation
14 stops. How do we get past that so
15 that the membership, and I
16 understand what you're saying, how
17 do we get past that so the
18 membership will know exactly what
19 is going on?

20 PRESIDENT FLANAGAN: Donn.

21 MR. ROWE: Rowe, Hale Creek.

22 There is no method in the
23 Constitution or in Roberts Rules
24 to go off the record. They would
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1 have to make a motion to go into
2 Executive Session and then talk.
3 It would be unanimous consent of
4 the Board. There is no, this is
5 off the record or this is on the
6 record. That can not go on and
7 should not go on.

8 PRESIDENT FLANAGAN: Just
9 for a point of order, Donn, it is
10 a majority of the Executive Board.

11 MR. PORCARO: Joe Porcaro,
12 Woodbourne.

13 I have a question. I have
14 no problem with spending \$12,000
15 so we can hear what you guys have
16 to say. But correct me if I am
17 wrong, when you guys have your
18 Executive Board meetings, Diane
19 takes notes, correct, and then she
20 sends those notes out to every one
21 of you guys to review to make sure
22 that what you said is in the
23 notes, so that we get back the
24 minutes that reflect what you guys
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1 said; correct?

2 PRESIDENT FLANAGAN:

3 Correct.

4 MR. PORCARO: Then why are
5 we recording? Why are we going to
6 record what you said when she
7 sends them out to you to review to
8 send them back to us?

9 PRESIDENT FLANAGAN: Just so
10 we know, the minutes are also
11 recorded. Diane brings a
12 recording device and then she uses
13 that to help her put the minutes
14 together.

15 MR. PORCARO: Thank you.

16 PRESIDENT FLANAGAN: Vinny.

17 MR. BLASIO: Vinny Blasio,
18 Gowanda.

19 One of the reasons this came
20 up is because sometimes the
21 minutes don't accurately reflect
22 what happened in the room.

23 What just happened recently
24 in the Independent was a motion
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1 that I didn't make got sent out.
2 The motion got made and it had my
3 name to it and I didn't make
4 motion. That was a complete
5 opposite of actually what happened
6 in this room.

7 So if you have a
8 stenographer, people would know
9 exactly what was said.

10 PRESIDENT FLANAGAN: Mike.

11 MR. CARLSON: Mike Carlson,
12 Forest Rangers.

13 At any time that there is a
14 question on what was said, can we
15 go to the recording?

16 PRESIDENT FLANAGAN: It is
17 my understanding now that the
18 Executive Board members can
19 request copies of the recording to
20 make sure that what they said is
21 what they said. I don't believe
22 at the present that any member
23 can request a copy of the
24 recording that Diane utilizes to
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1 finalize her minutes.

2 MR. CARLSON: Okay. I guess
3 what I am getting at is what Vinny
4 was just saying, is there a way
5 that he could listen to that or
6 request to listen to that to
7 clarify if there was an issue?

8 PRESIDENT FLANAGAN: Just in
9 regards to that, that's from my
10 perspective that is two entirely
11 different issues. That is a
12 motion that was made here at this
13 body and now we are talking about
14 minutes and recordings and a
15 stenographer at the Executive
16 Board, which is two completely
17 different things.

18 MR. CARLSON: Okay.

19 To me with the tape
20 recording with the three dollar
21 tape in, it is a heck of a lot
22 cheaper than the \$12,000, you
23 know, something that you can
24 review at any time if there was
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1 questions.

2 PRESIDENT FLANAGAN: Tom.

3 VICE PRESIDENT HAAS: Tom

4 Haas, Central Region Vice

5 President.

6 All I know is that if we
7 request a change and it is not
8 changed, I'm not going to vote
9 unanimately to accept the minutes.

10 And I do believe all of the
11 minutes from the Executive Board
12 have been approved by the Board
13 unanimately.

14 PRESIDENT FLANAGAN: Thank
15 you, Tom.

16 Tom.

17 MR. MULHERN: Tom Mulhern,
18 Cayuga.

19 Thanks for waiting for me on
20 this. For \$12,000, I love you
21 people that are up front today,
22 you know, and I love everybody in
23 the room and everything is good.

24 But you don't know definitively if
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1 you will still love the people up
2 there in August.

3 And this is \$12,000. We
4 spent three quarters of a million
5 dollars in fifteen minutes
6 yesterday. For \$12,000 a year
7 lets just be done with this.

8 And I spoke to Diane. And
9 this is absolutely no attack from
10 me on her. She does a great job.
11 But with that said, this gives the
12 members transparency. This gives
13 this body transparency. I just
14 don't understand, for \$12,000 a
15 year why we are going to bat an
16 eye lash on this. I really don't.

17 Thank you.

18 PRESIDENT FLANAGAN: Diane.

19 SECRETARY DAVIS: Diane

20 Davis, Recording Secretary.

21 I used to take these kinds
22 of motions kind of personally,
23 because I have been doing the
24 minutes a long time. But a very
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1 old wise chief from the west once
2 told me that it is not so much
3 about the job you are doing, it is
4 just the fact that the motion was
5 made and it can be pointed out in
6 the minutes.

7 As Tommy said, I take notes.
8 I paraphrase things. I give
9 everybody an opportunity to make
10 the necessary corrections. Over
11 the last three years the most
12 corrections have been made by Al
13 Mothershed, and I have gladly made
14 them any way he wants me to make
15 them.

16 Mr. Blasio's comment
17 regarding the Independent, I
18 paraphrased the motion that he
19 made regarding the extension of
20 grievance time lines, which was
21 what the whole motion was about.
22 I have already addressed that to
23 him in an e-mail and I have
24 already addressed it to Al
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1 Mothershed at the Board meeting.

2 This body can choose what
3 they want to do. But we have it
4 in a recording. The minutes, as
5 Tommy said, have been passed
6 unanimously every time.

7 Thank you, very much.

8 PRESIDENT FLANAGAN: Any
9 further debate on the motion?

10 Again the motion is: In an
11 effort to provide consistency and
12 a complete record of all meetings
13 --- let me just back track a
14 minute.

15 Since we are, many times,
16 very, very critical about things,
17 this motion says, and it is typed,
18 In an effort to "provided"
19 consistency. Would there be any
20 objection if I cross out that "D"
21 and have it "provide" consistency?

22 (No response.)

23 PRESIDENT FLANAGAN:

24 Agreed.

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1 . . . and complete record
2 of all meetings, I make a motion
3 to ire a stenographer to take
4 minutes at the NYSCOPBA Executive
5 Board meetings.

6 The motion was made by Al
7 Mothershed and seconded by Vinny
8 Blasio.

9 All those in favor, say aye.

10 (Response of "Aye".)

11 PRESIDENT FLANAGAN: Any
12 opposed?

13 (Response of "Nay".)

14 PRESIDENT FLANAGAN: Roll
15 call vote.

16 MR. MULHERN: Tom Mulhern.

17 Mr. President I request a
18 weighted ballot vote, please.

19 MR. KELLER: Keller from
20 Collins.

21 Second that.

22 PRESIDENT FLANAGAN: Listen
23 up, please everybody.

24 All those that would like to
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1 see a weighted roll call vote,
2 please stand.

3 (A count was conducted.)

4 PRESIDENT FLANAGAN: We have
5 enough.

6 SECRETARY DAVIS: Are we
7 ready to do this?

8 In an effort to provide
9 consistency and a complete record
10 of all meetings, I make the motion
11 to hire a stenographer to take the
12 minutes at the NYSCOPBA Executive
13 Board meetings.

14 Motion made by Al Mothershed
15 and seconded by Vinny Blasio.

16 Executive Vice President
17 Shanagher.

18 Shanagher, absent.

19 Treasurer Telisky.

20 Treasurer Telisky. Absent.

21 Recording Secretary Davis,
22 abstain.

23 VP North Page.

24 VICE PRESIDENT PAGE: No.
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1 SECRETARY DAVIS: Page, no.
2 VP Mid-Hudson, Walker.
3 VICE PRESIDENT WALKER: No.
4 SECRETARY DAVIS: Walker,
5 no.
6 VP Law Enforcement, Zulko.
7 VP Law Enforcement, Zulko.
8 Absent.
9 VP Central, Haas.
10 VICE PRESIDENT HAAS: No.
11 SECRETARY DAVIS: Haas, no.
12 VP South, Perez.
13 VICE PRESIDENT PEREZ: Yes.
14 SECRETARY DAVIS: Perez,
15 yes.
16 VP West, Mothershed.
17 VICE PRESIDENT MOTHERSHED:
18 Yes.
19 SECRETARY DAVIS:
20 Mothershed, yes.
21 Adirondack, Barrett.
22 MR. BARRETT: No.
23 SECRETARY DAVIS: Barrett,
24 no.
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1 Albion, Giwaosagie.
2 MR. GIWAOSAGIE: Yes.
3 SECRETARY DAVIS:
4 Giwaosagie, yes.
5 Altona, Forkey.
6 MR. FORKEY: No.
7 SECRETARY DAVIS: Forkey,
8 no.
9 Arthur Kill, Cocozello.
10 MR. COCOZELLO: No.
11 SECRETARY DAVIS: Cocozello,
12 no.
13 Attica, Golden.
14 MR. GOLDEN: Yes.
15 SECRETARY DAVIS: Golden,
16 yes.
17 Auburn, Weed,
18 MR. WEED: Yes.
19 SECRETARY DAVIS: Weed, yes.
20 Barehill, Jolley.
21 MR. JOLLEY: No.
22 SECRETARY DAVIS: Jolley,
23 no.
24 Bayview, Hill.
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1 Bayview, Hill. Absent.
2 Beacon, Warner.
3 MR. WARNER: No.
4 SECRETARY DAVIS: Warner,
5 no.
6 Bedford, Floyd.
7 MS. FLOYD: Yes.
8 SECRETARY DAVIS: Floyd,
9 yes.
10 Butler ASACTC, DeAngelis.
11 MR. DEANGELIS: Yes.
12 SECRETARY DAVIS: DeAngelis,
13 yes.
14 Butler Minimum, Casper.
15 MR. CASPER: Yes.
16 SECRETARY DAVIS: Casper,
17 yes.
18 Camp Gabriels, Wood.
19 MR. WOOD: No.
20 SECRETARY DAVIS: Wood, no.
21 Camp Georgetown, Comfort.
22 MR. COMFORT: No.
23 SECRETARY DAVIS: Comfort,
24 no.
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1 Camp Pharsalia, Lashway.
2 MR. LASHWAY: No.
3 SECRETARY DAVIS: Lashway,
4 no.
5 Cape Vincent, Pratt.
6 MR. PRATT: No.
7 SECRETARY DAVIS: Pratt, no.
8 Capital Police, Sawyer.
9 MR. SAWYER: Yes.
10 SECRETARY DAVIS: Sawyer,
11 yes.
12 Cayuga, Mulhern.
13 Cayuga, Mulhern. Absent.
14 Central New York Psychiatric
15 Center, Harmon.
16 MR. HARMON: Yes.
17 SECRETARY DAVIS: Harmon,
18 yes.
19 Chateaugay, Litner.
20 MR. LITNER: No.
21 SECRETARY DAVIS: Litner,
22 no.
23 Clinton, Ireland.
24 MR. IRELAND: No.
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1 no.
2 Elmira, Bachert.
3 MR. BACHERT: Yes.
4 SECRETARY DAVIS: Bachert,
5 yes.
6 Fishkill, Vantassell.
7 MR. VANTASSELL: No.
8 SECRETARY DAVIS:
9 Vantassell, no.
10 Five Points, Shields.
11 MR. SHIELDS: Yes.
12 SECRETARY DAVIS: Shields,
13 yes.
14 Forest Rangers, Carlson.
15 MR. CARLSON: No.
16 SECRETARY DAVIS: Carlson,
17 no.
18 Franklin, McAdam.
19 MR. MCADAM: No.
20 SECRETARY DAVIS: McAdam,
21 no.
22 Fulton, Abraham.
23 Fulton, Abraham. Absent.
24 Gouverneur, Rosbrook.
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1 MR. ROSBROOK: No.
2 SECRETARY DAVIS: Rosbrook,
3 no.
4 Gowanda, Blasio.
5 MR. BLASIO: Yes.
6 SECRETARY DAVIS: Blasio,
7 yes.
8 Great Meadow, Bishop.
9 MR. BISHOP: Yes.
10 SECRETARY DAVIS: Bishop,
11 yes.
12 Green Haven, Beachy.
13 MR. BEACHY: No.
14 SECRETARY DAVIS: Beachy,
15 no.
16 Greene, Viddivo.
17 MR. VIDDIVO: No.
18 SECRETARY DAVIS: Viddivo,
19 no.
20 Groveland, Collmer.
21 MR. COLLMER: Yes.
22 SECRETARY DAVIS: Collmer,
23 yes.
24 Hale Creek, Rowe.
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1 MR. ROWE: Yes.

2 SECRETARY DAVIS: Rowe, yes.

3 Hudson, Peck.

4 Hudson, Peck. Absent.

5 Kirby Forensic, Bey.

6 Kirby Forensic, Bey.

7 Absent.

8 Lakeview Annex, Cymerman.

9 MR. CYMERMAN: Yes.

10 SECRETARY DAVIS: Cymerman,

11 yes.

12 Lakeview Shock, Tingue.

13 MR. TINGUE: Yes.

14 SECRETARY DAVIS: Tingue,

15 yes.

16 Lifeguards, Forsyth.

17 Lifeguards, Forsyth.

18 Absent.

19 Lincoln, Brown.

20 MR. BROWN: No.

21 SECRETARY DAVIS: Brown,

22 no.

23 Livingston, Stuart.

24 MR. STUART: Yes.
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1 MR. SUPRENANT: No.
2 SECRETARY DAVIS: Suprenant,
3 no.
4 Monterey, Conley.
5 MR. CONLEY: Yes.
6 SECRETARY DAVIS: Conley,
7 yes.
8 Moriah, Fariss.
9 MR. FARISS: No.
10 SECRETARY DAVIS: Fariss,
11 no.
12 Mount McGregor, Kelleher.
13 MR. KELLEHER: No.
14 SECRETARY DAVIS: Kelleher,
15 no.
16 Ogdensburg, Dobbs.
17 Ogdensburg, Dobbs. Absent.
18 Oneida, Pape.
19 MR. PAPE: No.
20 SECRETARY DAVIS: Pape, no.
21 Orleans, Stalker.
22 MR. STALKER: Yes.
23 SECRETARY DAVIS: Stalker,
24 yes.
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1 Otisville, McMenemy.
2 Otisville, McMenemy.
3 Absent.
4 Queensboro, Skinner.
5 MR. SKINNER: No.
6 SECRETARY DAVIS: Skinner,
7 no.
8 Riverview, Bleau.
9 MR. BLEAU: No.
10 SECRETARY DAVIS: Bleau, no.
11 Rochester Psychiatric,
12 Knights.
13 MS. KNIGHTS: Yes.
14 SECRETARY DAVIS: Knights,
15 yes.
16 Rochester Buffalo Day
17 Reporting, Maliga.
18 MR. MALIGA: Yes.
19 SECRETARY DAVIS: Maliga,
20 yes.
21 Safety Security Officers
22 Central, McNeilly.
23 MR. MCNEILLY: No.
24 SECRETARY DAVIS: McNeilly,
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1 no.

2 Safety Security Officers

3 Mid-Hudson, Barela.

4 MR. BARELA: No.

5 SECRETARY DAVIS: Barela,

6 no.

7 Safety Security Officers

8 Southern Region, Moore.

9 MR. MOORE: Here.

10 SECRETARY DAVIS: Moore, yes.

11 Safety Security Officers

12 Western Region, Terry.

13 MS. TERRY: Yes.

14 SECRETARY DAVIS: Terry,

15 yes.

16 Security Officers, Rybak.

17 MR. RYBAK: Yes.

18 SECRETARY DAVIS: Rybak,

19 yes.

20 Security Service Assistants,

21 Guido.

22 Security Service Assistants,

23 Guido. Absent.

24 Shawangunk, Peters.
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1 MR. PETERS: No.
2 SECRETARY DAVIS: Peters,
3 no.
4 Sing Sing, Mitchell.
5 MR. MITCHELL: No.
6 SECRETARY DAVIS: Mitchell,
7 no.
8 Southport, Fluman.
9 MR. FLUMAN: Yes.
10 SECRETARY DAVIS: Fluman,
11 yes.
12 Sullivan, Beach.
13 MR. BEACH: No.
14 SECRETARY DAVIS: Beach, no.
15 Summit Shock, Keenan.
16 MR. KEENAN: No.
17 SECRETARY DAVIS: Keenan,
18 no.
19 Taconic, Shaka.
20 MR. SHAKA: No.
21 SECRETARY DAVIS: Shaka,
22 no.
23 Ulster, Caponero.
24 MR. CAPONERO: No.
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1 SECRETARY DAVIS: Caponero,
2 no.
3 Upstate, Dumas.
4 MR. DUMAS: No.
5 SECRETARY DAVIS: Dumas, no.
6 Wallkill, Heal.
7 Wallkill, Heal. Absent.
8 Washington, Taylor.
9 MR. TAYLOR: No.
10 SECRETARY DAVIS: Taylor,
11 no.
12 Watertown, Kogut.
13 MR. KOGUT: No.
14 SECRETARY DAVIS: Kogut, no.
15 Wende, Waddell.
16 MR. WADDELL: Yes.
17 SECRETARY DAVIS: Waddell,
18 yes.
19 Willard, Keefe.
20 MR. KEEFE: Yes.
21 SECRETARY DAVIS: Keefe,
22 yes.
23 Woodbourne, Porcaro.
24 MR. PORCARO: No.
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1 SECRETARY DAVIS: Porcaro,
2 no.
3 Wyoming, Hickey.
4 MR. HICKEY: Yes.
5 SECRETARY DAVIS: Hickey,
6 yes.
7 Executive VP Shanagher.
8 Absent.
9 Treasurer Telisky. Absent.
10 Recording Secretary Davis,
11 no.
12 VP Law Enforcement Zulko.
13 VICE PRESIDENT ZULKO: Yes.
14 SECRETARY DAVIS: Zulko,
15 yes.
16 Bayview, Hill. Absent.
17 Cayuga, Mulhern.
18 MR. MULHERN: Yes.
19 SECRETARY DAVIS: Mulhern,
20 yes.
21 Fulton, Abraham. Absent.
22 Hudson, Peck. Absent.
23 Kirby Forensic Bey. Absent.
24 Life Guards, Forsyth.
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1 Absent.

2 Ogdensburg, Dobbs. Absent.

3 Otisville, McMenemy.

4 Absent.

5 Security Service Assistants,

6 Guido. Absent.

7 Wallkill, Heal. Absent.

8 MR. PECK: Diane, Hudson,

9 Peck. No.

10 SECRETARY DAVIS: Hudson,

11 Peck. No.

12 The motion has been
13 defeated. 115 yes, 143 no.

14 PRESIDENT FLANAGAN: Now we
15 go into new business.

16 There was a motion that was
17 submitted to Diane to be put on
18 the agenda. The motion was made
19 by Vinny Blasio. To move that
20 NYSCOPBA have the MOU listed below
21 sent out for membership
22 ratification to all NYSCOPBA
23 members eligible to vote.

24 The MOU is the MOU dated
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1 November 8, 2007 between the State
2 of New York and the New York State
3 Correctional Officers and Police
4 Benevolent Association, NYSCOPBA.
5 Pilot Grievance Procedure changes.

6 This is to confirm the
7 agreement between the parties to
8 extend the six month pilot program
9 regarding Article 7, Grievance
10 Procedure, to assist the parties
11 in good faith processing and
12 review of grievances.

13 The agreement negotiated
14 between the State of New York and
15 NYSCOPBA, 1999-2003 required
16 NYSCOPBA to appeal Step 2
17 decisions to the Director of GOER,
18 Step 3, within 15 days from the
19 day which the union received the
20 Step 2 decision, Article 7.2(a),
21 for the effective period of this
22 pilot only, those 15 days shall be
23 extended to 60 days.

24 Under the present contract
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1 language, specifically Article
2 7.2(b)(1), the union must make a
3 demand for ADR arbitration within
4 15 days from the date the union
5 received the Step 3 decision. For
6 the effective period of this pilot
7 only, those 15 days shall be
8 extended to 60 days.

9 These shall be the only
10 changes made in Article 7 unless
11 otherwise agreed upon by the
12 parties.

13 The pilot was to be
14 effective June 1, 2001 through
15 September 30, 2001. The parties
16 agreed to extend these changes
17 through March 31, 2008, at which
18 time it shall expire unless
19 expressly extended in writing by
20 the parties.

21 And it was signed on the
22 seventh of November of 2007 by
23 Seren Hrachian, Associate
24 Director, myself the President and
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1 John Telisky, the Treasurer.

2 And before we go on any
3 further from there I am going to
4 rule this motion out of order,
5 based on the Constitution,
6 specifically Article IV of the
7 NYSCOPBA by-laws, which reserves
8 to the members the right to ratify
9 any and all collective bargaining
10 agreements. And it is my opinion
11 that the MOU is not a part of the
12 collective bargaining agreement.
13 Therefore it does not need to be
14 ratified by the membership and
15 this motion is out of order.

16 This MOU is for the day to
17 day operations that allows the
18 NYSCOPBA Grievance Department to
19 deal with the grievances.

20 MR. BLASIO: Vinny Blasio,
21 Gowanda.

22 Just so I can get
23 clarification, are you saying that
24 this dos not supersede the
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1 contract that was ratified?

2 PRESIDENT FLANAGAN: No.

3 What I am saying is this
4 motion that you submitted I am
5 ruling out of order.

6 MR. BLASIO: Not that you
7 have to, but can I have the
8 reasoning for that?

9 PRESIDENT FLANAGAN: I would
10 hope that sometimes when I stand
11 up here and explain to people why
12 I ruled things out of order they
13 would listen because I went
14 through it all. But for you I
15 will do it again.

16 I am ruling this out of
17 order because specifically in
18 Article IV of the NYSCOPBA
19 By-Laws, the members have the
20 right to ratify any and all
21 collective bargaining agreements.
22 And an MOU is not part of the
23 collective bargaining agreement.

24 It is more in regards to the day
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1 to day operations of the NYSCOPBA
2 Grievance Department. Therefore
3 that is why I am ruling it out of
4 order.

5 Donn.

6 MR. ROWE: Rowe, Hale Creek.

7 Are you saying that neither
8 this body nor the membership do
9 not have the right to ratify an
10 MOU.

11 PRESIDENT FLANAGAN: I am
12 saying, again, and this will be
13 the third time, that this specific
14 motion which is the MOU for the
15 grievances, which is for the day
16 to day operation of the Grievance
17 Department to deal with the
18 grievances, I am ruling this
19 motion out of order.

20 MR. ROWE: Well, I appeal
21 the ruling of the chair on the
22 grounds that we have entertained
23 MOUs in here and there is nothing
24 out of order.

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1 PRESIDENT FLANAGAN: With
2 all due respect, Donn, you make
3 your motion to appeal the chair
4 and then we get a second and then
5 we can debate all you want to
6 debate.

7 MR. KELLER: Dan Keller,
8 Collins.

9 I second that.

10 PRESIDENT FLANAGAN: Okay.

11 Those that are wishing to
12 appeal the chair, they have the
13 opportunity to go the mike to make
14 their argument, and everyone is
15 afforded one time to go to the
16 mike to make their argument.

17 MR. ROWE: Rowe, Hale Creek.

18 I understand your statement
19 as far as the day to day affairs
20 and the actual signing of the MOU.
21 But I don't understand how you can
22 rule it out of order so we can not
23 entertain an MOU in this room or
24 with our membership. I just don't
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1 get that.

2 I'm not saying, you know, I
3 understand the authority for you
4 to sign an MOU in the day to day
5 affairs. But I don't understand
6 how you can rule a motion to
7 address an MOU when we have
8 addressed MOUs on this floor.

9 And I would really like an
10 explanation to that.

11 PRESIDENT FLANAGAN: And I
12 am ready to give you one.

13 Other MOUs that we have
14 discussed on this floor do not
15 have the direct effect on the day
16 to day operations in regards to
17 the grievance procedure.

18 And I specifically ruled
19 this motion out of order as
20 addressed in the NYSCOPBA By-Laws,
21 Article IV, and that this pertains
22 to the day to day operations and
23 is not ratifying the contract.

24 Just in all fairness, Donn,
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1 as I said previously, you have one
2 time to make your argument.

3 Tom.

4 VICE PRESIDENT HAAS: Tom
5 Haas, Central Region Vice
6 President.

7 Do I have to make an
8 argument or can I just ask for
9 clarification?

10 PRESIDENT FLANAGAN: You
11 can ask for clarification.

12 VICE PRESIDENT HAAS: I
13 believe the motion says to go to
14 the membership for ratification.
15 It does not say anything about us
16 discussing it on this floor.

17 PRESIDENT FLANAGAN: That is
18 correct.

19 VICE PRESIDENT MOTHERSHED:
20 Al Mothershed, Western Region VP.

21 Obviously, Tommy, to do that
22 it would have to go through this
23 body. The intent of the language
24 in the contract is being changed
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1 motion, to the next business.

2 New business.

3 Brad.

4 MR. PECK: Thank you, Mr.

5 President.

6 Peck from Hudson.

7 I have a motion.

8 Motion is, NYSCOPBA bring

9 one member out on EOL time one or
10 two days per week from each of the
11 affected facilities, members to be
12 chosen by the NYSCOPBA stewards at
13 those facilities, to work with the
14 local communities and legislators
15 in their area to combat the
16 closure of their facilities. Once
17 very two weeks these four members
18 will meet in Albany with the four
19 state wide officials to discuss
20 the progress that is being made.

21 This policy will be
22 revisited at the June EA meeting.

23 The wisdom of this, the
24 affected members have a vested
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1 interest in their own facilities
2 and the members already have
3 forged personal ties with
4 community leaders, legislators and
5 their staff. These ties have
6 already assisted NYSCOPBA in
7 obtaining pertinent information
8 that we request and need at a
9 moment's notice that we otherwise
10 would be unable to obtain quickly.

11 Seconded by Wood from
12 Gabriels.

13 PRESIDENT FLANAGAN: Brad,
14 just so I can understand, as we
15 discussed yesterday there was a
16 motion put on the floor and
17 adopted by this Executive Assembly
18 in regard to a committee. The
19 committee was made up.

20 Is it your intent to amend
21 that motion or is this an
22 additional motion?

23 MR. PECK: My motion is to
24 basically leave the other
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1 commission, committee alone and
2 just set this up as a temporary
3 --- basically our fight is from
4 now until the budget. It is
5 immediate and right now. We don't
6 have time to put another committee
7 in place and go through that whole
8 voting process.

9 It is just to bring one
10 person out from each facility.
11 The stewards from those facilities
12 would determine who that would be,
13 to work with the community and be
14 able to push forward this fight
15 against the closures.

16 PRESIDENT FLANAGAN: So
17 having said all that, then this
18 motion would be to amend the
19 previous motion?

20 MR. PECK: Yes.

21 PRESIDENT FLANAGAN: Okay.
22 Tom.

23 MR. MULHERN: Tom Mulhern,
24 Cayuga.
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1 I think it would be
2 important. Just think, down the
3 road it is not like this could not
4 be happening to my facility. So
5 that committee, and I wasn't here
6 when it was formed, should still
7 stay in place and we at some point
8 should bring it out and start
9 talking about strategy. But I
10 think right now I think we just
11 move the motion. And I am
12 absolutely in support of him and
13 the three other jails.

14 Whatever we can spend or do
15 for you guys we should do, period.

16 PRESIDENT FLANAGAN: All I
17 am asking from Brad, this is an
18 additional motion?

19 MR. PECK: Yes, this would
20 be an additional motion. The
21 original committee would stay in
22 place and this would be an
23 additional group of individuals
24 that would come out to fight this
James S. Covey, Court Reporting Services

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1 specific prison closure move.

2 PRESIDENT FLANAGAN: We have
3 a motion here.

4 NYSCOPBA bring one member,
5 one or two days per week, from
6 each of the affected facilities,
7 members to be chosen by the
8 NYSCOPBA steward at facility, to
9 work with the local communities,
10 legislators in their area to
11 combat the closure of these
12 facilities.

13 Once every two weeks these
14 four members will meet in Albany
15 with the four statewide elected
16 officials to discuss the progress
17 that is being made.

18 This policy will be
19 revisited at the June EA meeting.

20 The wisdom is the affected
21 members have a vested interest in
22 their own facilities and the
23 members already have forged
24 personal ties with the community
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1 leaders, legislators, legislative
2 staff. These ties have already
3 assisted NYSCOPBA obtaining
4 pertinent information that we
5 request and we need at a moment's
6 notice that we otherwise would be
7 unable to obtain quickly.

8 And the motion was made by
9 Brad Peck, Hudson, and seconded by
10 Michael Scott Wood from Gabriels.

11 Any debate and discussion on
12 the motion?

13 MR. MULHERN: Tom Mulhern,
14 Cayuga.

15 The one thing I would
16 suggest is that perhaps it should
17 be Larry or one designated
18 E-Board, one of the four. But to
19 get them together is not going to
20 be necessarily an easy thing to do
21 once a week. And if he is the
22 focus man, if you met with Larry
23 once a week that might be a good
24 way to accomplish things.

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1 MR. PECK: Ideally the
2 three, I believe all four jails
3 are within three regions, those
4 three regional vice presidents and
5 then either Larry or Brian,
6 whoever is in the office or
7 whoever wants to take the lead.
8 Brian has been working very
9 closely with us doing the
10 legislative part of it.

11 Also part of it is coming to
12 Albany we will be able to bring
13 Pat McCarthy for any additional
14 lobbying, and all of our resources
15 are in the Albany area.

16 Whoever needs to be there of
17 course, if Randy or Kevin or
18 somebody has something else going
19 on that day, of course we would
20 get the information to them. It
21 is just what we would like to do.

22 PRESIDENT FLANAGAN: Brad,
23 in regard to the motion, because
24 we all understand at this body
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1 that when a motion is made we try
2 to follow it to the letter of the
3 law. So if you are not opposed to
4 this, we could say, Meet in Albany
5 with the president and when
6 available the four statewide
7 elected officials.

8 Lets just say, what Tom was
9 trying to bring up, if we put
10 together a meeting and then all of
11 a sudden Tommy Haas had to go over
12 to Building Two for a Q and A and
13 he wasn't available then someone
14 could contradict the motion and
15 say they were not there.

16 MR. PECK: I have no
17 opposition to that.

18 PRESIDENT FLANAGAN: Okay.

19 One more time. Bring one
20 member, one or two days per week
21 from each of the affected
22 facilities, member to be chosen by
23 the NYSCOPBA stewards at facility,
24 to work with the communities and
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1 legislators in their area to
2 combat the closure of these
3 facilities.

4 Once very two weeks these
5 four members will meet in Albany
6 with the President or with the
7 four state wide elected official
8 when available to discuss the
9 progress that is being made.

10 Open for debate and
11 discussion.

12 Hearing none, all those in
13 favor signify by saying aye.

14 (Response of "Aye".)

15 PRESIDENT FLANAGAN:

16 Opposed.

17 (No Response.)

18 PRESIDENT FLANAGAN: Thank
19 you.

20 MR. PECK: Thank you,
21 everybody.

22 The next order I would
23 have, I know I talked to a couple
24 people yesterday, so when are we
 James S. Covey, Court Reporting Services

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1 going to hit the Capital?

2 (Inaudible comments from the
3 floor.)

4 MR. PECK: I will step aside
5 then .

6 VICE PRESIDENT ZULKO: Keith
7 Zulko, Law Enforcement Vice
8 President.

9 Larry, we have a
10 recommendation for the negotiating
11 team, law enforcement does.

12 Recently we have been made
13 aware that CSEA and PEF negotiated
14 within their contract the
15 diagnosis prognosis portion in
16 their contract where it is not
17 required, similar to what
18 corrections and DOCS got that the
19 lawyers fought hard for and won.

20 We are requesting that the
21 negotiating team look at that and
22 possibly negotiate that into ours,
23 because law enforcement is having
24 a huge problem with the diagnosis
James S. Covey, Court Reporting Services

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1 prognosis. So we are requesting
2 that under new business for you
3 guys to consider that.

4 I know you have already put
5 your agendas out there, but it is
6 something to look at.

7 PRESIDENT FLANAGAN: Thank
8 you, Keith.

9 MR. KELLEHER: Jeff
10 Kelleher, Mount McGregor.

11 This motion is made by me
12 and seconded by Paul Lashway.

13 To hold a rally at the
14 Capital to object to the closures
15 of the four facilities. All
16 expenses to be covered by
17 NYSCOPBA. Tentative date to be
18 sometime in March of 2008 to beat
19 the budget.

20 PRESIDENT FLANAGAN: The
21 motion is to hold a rally at the
22 capital to object to the closures
23 of the four facilities. All
24 expenses to be covered by
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1 NYSCOPBA. Tentative date to be
2 sometime in March of 2008.

3 The motion was made by Jeff
4 Kelleher and seconded by Paul
5 Lashway.

6 Open for debate and
7 discussion.

8 Could I ask a question.
9 Would there be any objection to
10 putting into the motion maybe a
11 little more definitive of what all
12 expenses are?

13 MR. MULHERN: Tom Mulhern,
14 Cayuga.

15 That was what I was coming
16 up for. And the other thing is I
17 would like to ask Chris Leo, about
18 what the most effective date would
19 be to have us at our highest
20 profile moment up there with the
21 legislature.

22 We don't want to go up there
23 and have a big rally and have it,
24 you know.

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1 PRESIDENT FLANAGAN: So
2 having said that, Tom, would you
3 want it to say something in there
4 for the tentative to be
5 coordinated by the Legislative
6 Department.

7 MR. MULHERN: Right. To
8 enhance the loudness of our tree
9 falling in the forest. I just
10 want to make sure that we are not
11 up there when they are in recess.

12 As far as the money thing,
13 you have to be careful. It almost
14 sounded like that motion was open
15 bar. I like it, but ---

16 (Inaudible comments from
17 the floor.)

18 PRESIDENT FLANAGAN: So,
19 Tom, in regards to what you said,
20 tentative date to be sometime in
21 March 2008, and we want to put
22 something in there to be
23 coordinated by ---

24 MR. MULHERN: Through the
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1 legislative director.

2 PRESIDENT FLANAGAN: Any
3 objection to that, Paul or Jeff?

4 (Inaudible comments from
5 the floor.)

6 MR. MULHERN: And the
7 monetary thing just real quickly,
8 I would say that the mileage and
9 \$150 per diem is as much as we can
10 go. Stipend. I'm sorry.

11 PRESIDENT FLANAGAN: Randy.

12 VICE PRESIDENT PAGE:
13 Larry, I already talked to
14 Chris yesterday. He was supposed
15 to come here today with a date.
16 He was checking the calendar to
17 find out exactly when this would
18 be best to get the best bang for
19 the buck.

20 And I think money wise, I
21 think the intention was to pay for
22 buses or whatever to get the
23 people here. It was not intended
24 for an open bar. So whether we
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1 amend the motion to say --- was it
2 for mileage?

3 PRESIDENT FLANAGAN: What we
4 have right now is to hold a rally
5 at the Capital to object to the
6 closure of the four facilities.
7 All expenses to be covered by
8 NYSOPBA and with a tentative date
9 to be sometime in March of 2008 to
10 be coordinated by the legislative
11 committee.

12 VICE PRESIDENT PAGE: I
13 would say then to amend it to
14 cover mileage, buses and a per
15 diem if necessary. That is how I
16 would amend it.

17 Some people may have to come
18 the night before depending on how
19 far they are coming form and
20 depending on the time of the
21 rally.

22 MR. MULHERN: Tom Mulhern,
23 Cayuga.

24 I don't think we should go
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1 lodging. If we go \$150 plus
2 mileage, I come from pretty far.
3 Chris Hickey does. We can do it
4 in one day.

5 I have news for you. Be
6 very, very careful because our
7 guys are going to show up. For
8 \$150 and mileage to Albany, you
9 will see a wave of people there.

10 MR. PAGE: Quite honestly I
11 am in disagreement with the \$150
12 deal. I think we can call this a
13 special function if you if you
14 will. But If our guys can not
15 come together for something
16 important to rally on the steps of
17 the Capital without getting \$150,
18 shame on them.

19 This is important. This is
20 for them. And I am in full
21 disagreement with paying people
22 the \$150 to come for this rally.

23 (Applause.)

24 PRESIDENT FLANAGAN: Larry.
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1 MR. COCOZELLO: Larry
2 Cocozello, Arthur Kill.
3 I just wanted to reiterate.
4 I don't need the \$150. I don't
5 think any other members should.
6 Cover the expenses to get there
7 and back. I think that is fine.
8 And even if not, I will still come
9 and bring whoever I could.

10 (Applause.)

11 PRESIDENT FLANAGAN: Thank
12 you.

13 Tom.

14 MR. MULHERN: Tom Mulhern,
15 Cayuga.

16 I don't disagree with what
17 Randy said or with my brother,
18 except to say this: If you
19 really, really wanted to make a
20 statement, just like we did in
21 Watertown, guys are giving up a
22 day. God forbid it happens to your
23 jail or whatever, I want to make
24 sure that we don't hold a rally
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1 and just the chiefs in this room,
2 guys that are dedicated and ladies
3 that are dedicated to doing the
4 right thing every day, but I am
5 telling you what, for that \$150
6 and mileage you are going to get
7 everybody that is off, coming.

8 I think that it is
9 important. And we are giving the
10 money back to our members. It is
11 not like we are just peeing it
12 away at the bar. I shouldn't have
13 said that. Can I scratch that
14 part of it?

15 I think it is important.
16 And I will be there either way
17 just like Randy and a lot of us.
18 But a lot of us come to these
19 functions all the time and we give
20 up our own time and time with our
21 family. But if you really want to
22 have a wave of people, and I think
23 it is important, there are four
24 jails on the chopping block, I
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1 want to see as many people as we
2 can possibly muster to go to this.

3 So I would like to see the
4 mileage and stipend there.

5 PRESIDENT FLANAGAN: Let me
6 ask you this. Since we just
7 adopted at the last EA that policy
8 that gives us the opportunity to
9 put our members at events, then
10 maybe the best thing for us to do
11 would be in this motion that we
12 just say that expenses will be
13 covered in accordance with policy
14 adopted at the December EA.

15 (Inaudible comments from
16 the floor.)

17 PRESIDENT FLANAGAN: No
18 jackets?

19 Listen, why don't we do
20 this. I'm not hearing anybody say
21 they don't want to go. We're
22 sitting here, and I'm not trying
23 to critical, but we're sitting
24 here debating whether I want
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1 jackets or I don't want a jacket.

2 Why don't we just say that
3 we will do it in compliance with
4 the policy that was adopted. And
5 you know what? If you don't want
6 a jacket, then don't ask for a
7 jacket. If the member doesn't
8 want a jacket then they don't ask
9 for a jacket.

10 Is that acceptable? I'm
11 not the boss. I'm just up here
12 running the meeting, that's all.

13 (Inaudible comments from the
14 floor.)

15 PRESIDENT FLANAGAN: Okay,
16 the motion is to hold a rally at
17 the Capital to object to the
18 closure of the four facilities.
19 All expenses covered by NYSCOPBA
20 policy adopted at the December '07
21 EA. The tentative date is to be
22 sometime in March of 2008, to be
23 coordinated by the Legislative
24 Committee.

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1 Motion made by Jeff
2 Kelleher, seconded by Paul
3 Lashway.
4 All those in favor, signify
5 by saying aye.
6 (Response of "Aye".)
7 PRESIDENT FLANAGAN:
8 Opposed.
9 (No response.)
10 PRESIDENT FLANAGAN: Thank
11 you.
12 (Applause.)
13 PRESIDENT FLANAGAN: Mike.
14 MR. CARLSON: Mike Carlson,
15 Forest Rangers.
16 Yeah, I have a motion here
17 Larry.
18 We are asking NYSCOPBA will
19 pursue and support legislation to
20 provide binding arbitration for
21 law enforcement titles with peace
22 officer status. Separate
23 legislation will be pursued
24 individually for each job title.
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1 And the wisdom is, all we
2 are really doing is asking this
3 body to bring this to the
4 legislation to see if we can get
5 this passed so that the law
6 enforcement can maybe catch up to
7 the rest of corrections.

8 It may, like you say, maybe
9 we are just spinning our wheels.
10 But I know one thing; if we don't
11 put it in it will definitely not
12 happen.

13 Maybe the Governor will say
14 I won't give you money this year,
15 bit I'll ---

16 PRESIDENT FLANAGAN: Mike,
17 Mike, let me have the motion. You
18 will have the opportunity to give
19 a whole debate when we get to that
20 point.

21 MR. CARLSON: You got it.

22 PRESIDENT FLANAGAN: Motion
23 is NYSCOPBA will pursue and
24 support legislation to provide
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1 binding arbitration for law
2 enforcement titles with peace
3 officer status. Separate
4 legislation will be pursued
5 individually for each job title.

6 Motion made by Mike Carlson
7 and seconded by Randy McAdam.

8 Open for debate and
9 discussion.

10 Hearing none, Tom are you
11 coming?

12 MR. SAWYER: I strongly
13 disagree with the wording of this.
14 We've been separated long enough.
15 if you are not going to take all
16 of law enforcement then don't take
17 anybody.

18 MR. CARLSON: Mike Carlson.

19 I do agree with you brother
20 strongly on that. The only
21 problem is I believe if we can
22 break one stick at a time here and
23 kind of put the Governor in a bad
24 spot where he can not dance out of
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1 it so easily I feel it would be
2 beneficial.

3 I mean, I do, I understand
4 what you are saying, that we
5 either all swim or we all sink.
6 But I think the best way to win
7 this is by one stick at a time.

8 PRESIDENT FLANAGAN: Thank
9 you, Mike.

10 Keith, you up there? No?

11 VICE PRESIDENT ZULKO: Keith
12 Zulko, Law enforcement vice
13 president.

14 I do believe there is
15 legislation already that was
16 discussed yesterday that includes
17 all of law enforcement being
18 reintroduced. But also based on
19 the veto message from last year I
20 support this motion to try to put
21 it in for those with peace officer
22 status also. Because obviously
23 this governor and the previous
24 governor are playing games and we
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1 need to see once and for all which
2 way it is going.

3 I am in support of this. I
4 understand what my Brother Tom too
5 is saying, and we should support
6 for everybody and we should
7 support all the legislation put
8 in, both of them.

9 PRESIDENT FLANAGAN: Jeff.

10 MR. LEVY: Jeff Levy,
11 Parole.

12 We started out some years
13 ago trying to get binding
14 arbitration for everybody and you
15 know what happened. Some got cut
16 out.

17 Our concern is that if we
18 have a bill that includes
19 everybody it will make it a lot
20 easier for the legislature or the
21 governor to object to giving
22 binding arbitration benefits to
23 certain job titles and as a result
24 the entire bill could fail and
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1 nobody could get it.

2 The unfortunate reality is,
3 as we found back in 2001 and 2002,
4 that they were not ready to give
5 it to everybody. And I do not
6 know if they will be ready to give
7 it to anybody now. But I think,
8 as Mike Carlson said, the chances
9 of getting it for some titles are
10 probably in reality better than
11 the chances of getting it for all
12 titles.

13 MR. SAYWER: Mr. President,
14 there are some titles that you
15 know and I know that are out there
16 under law enforcement that will
17 never get peace officer status.
18 And for us to agree to this is
19 taking another portion of this law
20 enforcement and putting them over
21 here. And I strongly disagree with
22 doing that. If we all can't go in
23 as one, then we should not go in.

24 PRESIDENT FLANAGAN: John.
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1 MR. HARMON: Harmon, Central
2 New York Psyche.

3 One of the issues I have is
4 that the state has done a good job
5 of fracturing this union already.
6 Why should this body fracture this
7 union any more than the state
8 already has?

9 PRESIDENT FLANAGAN: Tim.
10 No?

11 Jeff.

12 MR. LEVY: Jeff Levy,
13 Parole.

14 We didn't hear many people
15 from corrections saying no, we
16 don't want binding arbitration if
17 they are not going to give it to
18 everybody in the union.

19 PRESIDENT FLANAGAN: Jeff,
20 excuse me, please.

21 You know, we are sitting
22 here talking today about dividing
23 our union. And I don't appreciate
24 the fact that you go to the mike
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1 and you participate in dividing
2 the union yourself.

3 It wasn't done by ---

4 (Applause.)

5 MR. LEVY: If you let --

6 PRESIDENT FLANAGAN: Let me
7 finish. Very rarely do I get
8 pissed off, but I am pretty pissed
9 off right now.

10 It had nothing to do with
11 NYSCOPBA or the correction
12 officers dividing this union.
13 That was a decision made by the
14 governor. It has nothing to do
15 with us. And I feel terrible that
16 you guys don't have binding
17 arbitration, but it doesn't help
18 this organization at all that we
19 sit here and point fingers at one
20 another.

21 If we are supposed to be one
22 union, then lets practice it at
23 the mikes.

24 (Applause.)

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1 MR. LEVY: It is unfortunate
2 that you interrupted me, because
3 if you had not interrupted you
4 would have ---

5 PRESIDENT FLANAGAN: You
6 started off on the wrong step
7 there Jeff.

8 I apologize.

9 MR. LEVY: If you hadn't
10 interrupted me I don't think you
11 would have said what you just did.

12 PRESIDENT FLANAGAN: I am a
13 big man and I will retract it if I
14 feel I need to.

15 MR. LEVY: What I started to
16 say was, I didn't hear anybody from
17 corrections saying, No, if
18 everybody can't get it we don't
19 want it either. I wouldn't have
20 asked you to. I would not have
21 expected you to.

22 What I would have hoped for,
23 and I think what we have heard
24 from corrections is, Yeah, we got
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1 it and we would like to see others
2 get it as well. And that is all I
3 am asking for now.

4 I believe the comments you
5 just made to me were totally
6 inappropriate and I wish you had
7 not made them. And I wish you had
8 not interrupted me and given me a
9 chance to say what I had to say.

10 I really don't think that my
11 point is objectionable. I am not
12 suggesting and I never suggested
13 that corrections officers should
14 have said no, if we can not get it
15 for everybody we don't want it
16 either and we are not going to
17 take it. I never suggested that
18 and I don't think you have ever
19 heard anybody here suggesting
20 that.

21 What I am saying is that we
22 found out that the reality is that
23 the state was not ready to give
24 binding arbitration to every
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1 member of this union. They may
2 never be ready to give it to every
3 member of this union.

4 I am being very selfish I
5 guess in some ways because I would
6 like to think that we can make the
7 argument that warrant officers are
8 probably as deserving as
9 correction officers are to have
10 binding arbitration. we can make
11 arguments for that. Some other
12 titles can make different
13 arguments because our jobs are not
14 the same, our status is not the
15 same.

16 For instance, whether we are
17 peace officers 24 hours or only on
18 duty. There is a variety of
19 differences.

20 And because of those
21 differences I think we can make
22 separate arguments for the
23 different titles and we should
24 have the opportunity to do that.
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1 And the only way we will have the
2 opportunity to make those
3 arguments to the legislature or to
4 the governor is if there is
5 separate legislation for each
6 title so that we can pursue
7 binding arbitration for those
8 titles based on the
9 characteristics of the particular
10 job.

11 PRESIDENT FLANAGAN: Jeff, I
12 apologize if the harsh words I
13 used offended you. But just so we
14 can understand, and don't anybody
15 misunderstand what I am saying, I
16 am not changing my position.

17 My interpretation of the way
18 you started off the conversation
19 was a comment that could have been
20 perceived by many people in the
21 room as a comment to divide the
22 union. And I will stand on what I
23 said.

24 If the words that I utilized
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1 were too harsh, then I apologize.
2 And that is all I am apologizing
3 for.

4 Keith.

5 VICE PRESIDENT ZULKO: Keith
6 Zulko, Law Enforcement Vice
7 President.

8 Larry, I think we need to
9 sit down with this governor, you
10 me, Brian and whoever needs to sit
11 down.

12 PRESIDENT FLANAGAN: If we
13 can find him.

14 VICE PRESIDENT ZULKO: I
15 know. I know. To deal with this
16 issue within law enforcement based
17 on our titles.

18 As we know, there have been
19 veto messages regarding my
20 brothers and sisters that are in
21 SHTA titles that are doing front
22 line work based on peace officer
23 status. Neither governor, the
24 previous governor or this one,
 James S. Covey, Court Reporting Services

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1 both have said they are not going
2 to give it to them. We need to
3 sit down with this Governor and
4 explain to him and his people, I
5 know trying to find him, we need
6 somehow for our lobbyist to sit
7 down somehow and have this meeting
8 and discussion so they fully
9 understand what is going on.

10 I do not believe that we
11 need to separate our brothers and
12 sisters, even though we are
13 already separated because we have
14 four within the Department of
15 Corrections who are received the
16 benefits of binding arbitration,
17 based on the legislation.
18 Therefore I believe all of us
19 should have that and I know you do
20 too. I know that is your
21 position. We have had many
22 conversations on this.

23 And some how we need to sit
24 down and have this meeting once
James S. Covey, Court Reporting Services

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1 and for all because we have
2 people, brothers and sisters right
3 here in the capital, who are
4 screening individuals coming in
5 and out who do not have peace
6 officer status. And I think they
7 need to understand that it is more
8 important that these individuals
9 do have peace officer status so
10 they all fall under the binding
11 arbitration. Because they are
12 performing jobs that are serious
13 and dangerous to themselves and to
14 the public. They are protecting
15 everybody.

16 So therefore I do want to
17 stress that I think we need to
18 move forward to have this meeting.
19 I'm not objecting to any one of
20 these motions. I do believe that
21 we need to move forward with the
22 motions that were made. But I also
23 think, like I said earlier, we do
24 have legislation that encompasses
James S. Covey, Court Reporting Services

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1 everybody.

2 I don't want to separate
3 and divide. We don't need to do
4 that. And I don't want to see
5 that done. But we also need to
6 see what direction we can go. It
7 is becoming a hit and miss for us.
8 And I do not know what else to do
9 either and we have had these
10 conversations. But at least we
11 need, you know, I think the big
12 thing is we need to sit down and I
13 need to be included in anything
14 because I don't think anybody
15 understands what we do in that
16 Capital.

17 PRESIDENT FLANAGAN: Mike.

18 MR. CARLSON: Yeah, Mike
19 Carlson.

20 I don't believe that this
21 separates us at all. I don't
22 believe that when our brother
23 corrections got binding
24 arbitration that made us all
James S. Covey, Court Reporting Services

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1 stronger. It made law enforcement
2 stronger that they were entitled
3 to get that. To us we are
4 standing in line and you know
5 something, maybe we are next.

6 It may take a while and we
7 may have to fight a little harder.
8 I am glad to see that they got
9 binding arbitration because it
10 tells me that maybe some days I
11 may have that opportunity to get
12 it.

13 I don't believe it splits
14 anybody by them getting binding
15 arbitration, our correction
16 brothers in law enforcement or
17 not. That does not separate us.
18 The state is trying to play this
19 game with us. But we are not
20 fighting each other here. We are
21 fighting the state here.

22 I feel if there is any way
23 that even one title, whether it is
24 warrant officer or whoever it is
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1 gets that, it puts the state in a
2 bad position. It does not put us
3 in a bad position. That is one
4 more brother or sister that has
5 binding arbitration. That is what
6 our goal is here, for all of us to
7 get it, and that's why I proposed
8 this, so that all of us some day
9 may get it.

10 I know if we don't bring
11 this to legislation we definitely
12 won't get it. I know the governor
13 isn't all of a sudden going to say
14 You know, I notice there are a few
15 titles that are law enforcement
16 that the last governor missed out
17 on and I want to step up to the
18 plate and give it to them. It is
19 not going to happen. You know it.
20 I know it. We all know it. We
21 are all here too fight for the
22 same thing.

23 I'm not asking for anything
24 that my other brothers and sister
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 correction officers don't have.
2 That's the reason I proposed it to
3 you. I don't believe it is going
4 to separate any of us that a few
5 other people may get it here.

6 PRESIDENT FLANAGAN: Thank,
7 Mike.

8 One more time.

9 NYSOPBA will pursue and
10 support legislation to provide
11 binding arbitration for law
12 enforcement titles with peace
13 officer status. Separate
14 legislation will be pursued
15 individually for each job title.

16 Motion made by Mike Carlson,
17 seconded by Randy McAdam.

18 All those in favor signify
19 by saying aye.

20 (Response of "Aye".)

21 PRESIDENT FLANAGAN:
22 Opposed.

23 (Response of "Nay".)

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1 PRESIDENT FLANAGAN: Would
2 the "nays" please stand, go to the
3 mike and identify yourself,
4 please.

5 MR. HARMON: John Harmon,
6 Central New York Psyche.

7 MR. SAWYER: Tom Sawyer,
8 Capital Police.

9 MS. KNIGHTS: Judy Knights,
10 Rochester Psyche.

11 PRESIDENT FLANAGAN: Any
12 other new business?

13 Diane?

14 SECRETARY DAVIS: I have a
15 policy motion.

16 At the October '08 Assembly
17 we sent to the members an
18 amendment to the Constitution
19 which they ratified. Excuse me,
20 it was October of '07.

21 They ratified it on 1/25/08.

22 And it is in the Article IV,
23 Reservation of Members' Rights.

24 The amendment that was
James S. Covey, Court Reporting Services

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1 ratified was, Such ratification
2 process to be conducted by an
3 independent firm.

4 So at the time that the
5 Constitution and By-Laws Committee
6 made the recommendation to accept
7 that, they also said we need a
8 policy in place to effect the
9 actual balloting.

10 So, to adopt a standing
11 policy whereas whenever it becomes
12 necessary to conduct a referendum
13 vote of the membership in regard
14 to tentative collective bargaining
15 agreements, or election of
16 Executive Board members as
17 stipulated in the Constitution and
18 By-Laws, the Executive Assembly
19 authorizes the Executive Board to
20 conduct such referendum for those
21 costs which are reasonable and
22 customary.

23 Motion is made by myself and
24 seconded by Chris Hickey.
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1 Just so you know, the cost
2 for these ratifications, the
3 contract was \$59,000. The May '05
4 election was \$47,000 and the July
5 '05 run off was \$57,000.

6 Let me make a correction.
7 The Treasurer just informed me it
8 was \$57,000 for both the July '05
9 and May '05. That is just so you
10 have a reference point.

11 PRESIDENT FLANAGAN: We have
12 a policy motion made by Diane
13 Davis and seconded by Chris
14 Hickey.

15 To adopt a standing policy
16 whereas whenever it becomes
17 necessary to conduct a referendum
18 vote of the membership in regard
19 to tentative collective bargaining
20 agreements or election of
21 Executive Board members as
22 stipulated in the Constitution and
23 By-Laws, the Executive Assembly
24 authorize the Executive Board to
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1 conduct such referendum for those
2 costs which are reasonable and
3 customary.

4 Open for debate and
5 discussion.

6 Hearing none, all those in
7 favor signify by saying aye.

8 (Response of "Aye".)

9 PRESIDENT FLANAGAN:

10 Opposed.

11 (No response.)

12 PRESIDENT FLANAGAN: Thank
13 you.

14 John.

15 MR. HARMON: John Harmon,
16 Central New York Psyche.

17 Just a comment on Worker's
18 Comp that was brought up yesterday
19 about the negotiations.

20 One of my concerns is, is
21 the state in their flow charts and
22 everything else they are bringing
23 to battle our Workers' Comp, are
24 they also putting in there how the
James S. Covey, Court Reporting Services

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1 state doctors are keeping us out
2 of work past our own doctor's
3 releasing us? Is that time
4 included in their argument against
5 us?

6 Because I would have to say
7 it is not because there are a lot
8 of employee man hours by the state
9 keeping us out, not our own
10 doctors.

11 PRESIDENT FLANAGAN: Do you
12 want me to comment on that, John?

13 Is that a statement or are
14 you asking a question?

15 MR. HARMON: I was making a
16 statement, but if you can add
17 anything?

18 PRESIDENT FLANAGAN: Just to
19 let you know, as was discussed
20 yesterday, that Workers' Comp is
21 one of the big issues for the
22 State. We have not gotten into
23 big details yet, but certainly
24 that will be NYSCOPBA's position.
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1 We are in the process of getting
2 all of the numbers and
3 documentation together.

4 Okay, Tim.

5 MR. MOORE: I have a motion,
6 just for clarification.

7 Tim Moore, Southern Region
8 Safety Officers.

9 The issue that we're getting
10 within my region, the problem that
11 we are being asked more and more
12 for prognosis and diagnosis and a
13 doctor's note even if an officer
14 is out four or five days.

15 For clarification, I was
16 told by some members in this body
17 that it may be too late for us to
18 present anything. Has that window
19 closed?

20 PRESIDENT FLANAGAN: In
21 regards to discussions?

22 All of our proposals have
23 been submitted. Now, as far as a
24 different proposal, a completely
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 different proposal, my
2 understanding is it is too late to
3 submit any completely different
4 proposals. But again I don't have
5 it all right here, but I believe
6 that there was some type of
7 proposal submitted in regards to
8 documentation and what you are
9 requesting.

10 The full extent of the
11 degree I do not know. But what I
12 would say from my experience, as
13 long as we have a proposal in
14 addressing that we can certainly
15 incorporate it in.

16 MR. MOORE: With that said,
17 I wanted to make an official
18 motion so I can take this back to
19 my members because I am getting
20 calls more and more from my
21 region.

22 So my motion reads, To
23 instruct the Negotiating Committee
24 to request and negotiate the same
James S. Covey, Court Reporting Services

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1 benefit for law enforcement that
2 was won for corrections via the
3 New York State Courts relating to
4 prognosis and diagnosis and as it
5 has been already reported that
6 CSEA and PEF has already
7 accomplished this in their current
8 contract.

9 Motion made by me and
10 seconded by Judy Knights.

11 PRESIDENT FLANAGAN: Tim,
12 bring that up here.

13 I'm going to make a call
14 here and I am going to tell you
15 right now you are not going to be
16 happy with it. I am going to call
17 this motion out of order. And the
18 reason I am going to ---

19 Listen up, please.

20 I'm trying to keep
21 everything legal and binding here.

22 The process by which way
23 NYSCOPBA does negotiations is once
24 we start the negotiations process
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1 we send out surveys to all the
2 members. The members were
3 afforded the opportunity to submit
4 proposals to the negotiating team.
5 The negotiating team is
6 established by the Executive
7 Assembly.

8 The negotiating team sat
9 down and put all the proposals in
10 place and we signed the ground
11 rules for negotiations, which
12 every negotiating member was
13 privy to. And in the negotiating
14 process we all came to the terms
15 that October 31, 2007 was the last
16 day that either side could submit
17 any new proposals.

18 And it is my opinion that
19 based upon this motion if I was to
20 accept this motion I would have
21 great concerns for what has been
22 established by this body in
23 regards to negotiations and where
24 we already are.

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1 Therefore I will rule it out
2 of order.

3 MR. MOORE: As a novice I
4 need to ask this body what can I
5 do to have some sort of an
6 amendment to it.

7 I understand what you are
8 saying, Larry. But when that line
9 was set we didn't know about the
10 current circumstances that PEF and
11 CSEA were going to win something
12 that was going to benefit out
13 members.

14 PRESIDENT FLANAGAN: Tim,
15 and listen, just so you are
16 understanding, I am trying to be
17 as honest with you, I don't object
18 to the context of the motion. And
19 as I said previously, when Keith
20 went to the mike and brought up
21 the same thing and wanted to talk
22 about just making a note that we
23 wanted it brought up and I said
24 that we would look into it.

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1 And as I said to you before
2 you went to there, we would look
3 into it. But it is my opinion as
4 the chair, once you put it to an
5 official motion its a problem with
6 what we have for negotiations, and
7 that is why I will rule this out
8 of order.

9 If you want to go to the
10 mike and simply make a
11 recommendation that we talk about
12 it in negotiations, I have no
13 problem with that. And certainly
14 for lack of better words, for
15 cover for yourself for your
16 members you can certainly show
17 them the copy of the minutes of
18 the meeting that will reflect that
19 you went there and spoke about it
20 on behalf of your members.

21 MR. MOORE: Thank you.

22 PRESIDENT FLANAGAN: Any
23 other new business?

24 MR. MULHERN: Just real
James S. Covey, Court Reporting Services

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1 quick. Tom Mulhern, Cayuga.

2 We never negotiated away
3 prognosis diagnosis. It was won
4 in a court battle under the
5 Americans with Disabilities Act.

6 And I think my brother here
7 told me that that is moving
8 forward for them, that we are
9 filing for their group the same
10 way.

11 VICE PRESIDENT ZULKO: Yes.
12 Ed Greene. I just spoke to him.

13 MR. MULHERN: One more thing.
14 I do not know if Tim, I would say
15 if there is a way to slip this in
16 and there is a bone to be thrown,
17 if PEF and CSEA have corrected
18 this for their members during
19 negotiations, so when you are in
20 that room, Tim would request that
21 you keep them and their groups in
22 mind if we have the opportunity to
23 correct this.

24

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1 PRESIDENT FLANAGAN:

2 Absolutely, Tom.

3 Thank you.

4 MR. MOORE: Just for
5 clarification, I made a phone call
6 to Ed and this is being worked on
7 by the law firm and what I did is
8 I asked Ed Greene to make sure
9 this would not conflict with what
10 we're trying to do legally and he
11 said it would compliment the legal
12 process. And so that was clarified
13 in a phone call.

14 PRESIDENT FLANAGAN:

15 Alright, Tim.

16 Thank you.

17 Any other new business?

18 Scott.

19 MR. CARPENTER: Scott

20 Carpenter, Midstate.

21 I just wanted to read this.

22 It is a donation request for one

23 of my members back at the jail.

24 It is not a motion. But one of my
James S. Covey, Court Reporting Services

(Executive Assembly 2/14/08)

1 fellow stewards at the jail is
2 running a benefit and he gave me a
3 blurb to read here.

4 PRESIDENT FLANAGAN: Go
5 ahead.

6 MR. CARPENTER: This is to
7 whom it may concern from John
8 Duly, Correction Officer at
9 Midstate. The subject is benefit
10 and donations for Sophia Johnson.
11 He wrote this on 1/21/08.

12 Recently Midstate Correction
13 Officer Roy Johnson's five year
14 old daughter Sophia was diagnosed
15 with a cancerous brain tumor. She
16 underwent surgery in December of
17 2007 in Boston to remove the
18 tumor. She has begun intensive
19 radiation and chemotherapy in
20 Boston, Massachusetts, which is
21 expected to continue at least one
22 year. This has caused
23 extraordinary financial and
24 emotional hardships for the
James S. Covey, Court Reporting Services

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1 Johnson family.

2 We are humbling seeking
3 support and donations in any way
4 that you are able to be used for
5 the benefit party in March 2008
6 for the relief of the Johnson
7 family during this difficult time
8 in their lives.

9 Your cooperation toward this
10 effort is greatly appreciated and
11 thank you in advance for your
12 support.

13 It is signed by John Duly,
14 Correction officer.

15 PRESIDENT FLANAGAN: If you
16 send that up we will put that up
17 on the web site too.

18 MR. CARPENTER: I appreciate
19 the donations, but John is doing a
20 raffle and he was very adamant
21 about it. He wanted the raffle
22 tickets to be taken by you guys.

23 If you are going to donate, take a
24 raffle ticket. If you win one of
James S. Covey, Court Reporting Services

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1 the prices, he does not care
2 wherever in the state it is, he
3 will deliver it.

4 John was very adamant.

5 PRESIDENT FLANAGAN: Scott,
6 do me a favor please. How much are
7 the raffle tickets?

8 MR. CARPENTER: They're \$20.

9 PRESIDENT FLANAGAN:
10 Whatever his child's name is, put
11 that on the ticket.

12 MR. CARPENTER: Thank you.

13 PRESIDENT FLANAGAN: Any
14 other new business?

15 Motion to adjourn. Check
16 out time is eleven. Safe trip.

17 (Whereupon the meeting was
18 adjourned at approximately 10:15
19 a.m.)

20

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I, JAMES S. COVEY, do hereby
certify that I attended at the time
and place above mentioned and took a
stenographic record of the
proceedings and testimony in the
above-entitled matter, and that the
foregoing is a true and correct copy
of the same and the whole thereof,
according to the best of my ability
and belief.

JAMES S. COVEY
Notary Public/Shorthand Reporter
Dated: _____

James S. Covey, Court Reporting Services

