



New York State Correctional Officers & Police Benevolent Association, Inc.

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December 16, 2009

Dear NYSCOPBA Corrections Member:

We are pleased to announce that **NYSCOPBA has signed a Memorandum of Understanding (“MOU”) with New York State that will be sent out to you shortly for ratification.** This MOU resolves all outstanding non-monetary issues for all bargaining unit members, and all monetary issues for our Law Enforcement members, for the two-year term April 1, 2007 to March 31, 2009. If ratified by the membership, it will clear the way for us to immediately begin negotiations with the State for a new agreement covering both monetary and non-monetary terms.

The ratification process: Because Corrections members had monetary terms established by the interest arbitration award, the ballot you will receive covers non-monetary terms, while the ballot for our Law Enforcement members includes both monetary and non-monetary terms. (The non-monetary terms are exactly the same for all members). The ratification process will be administered by the American Arbitration Association.

The non-monetary terms of the MOU: The MOU calls for the existing non-monetary contractual provisions (those not directly related to compensation) to be continued, without change, for the two-year period ending March 31, 2009. This will allow us to continue with the same contract language we have been working under and to immediately begin negotiations for a new agreement.

The reasons we agreed to continue the current contract language: As everyone is aware, the State’s fiscal position is very problematic right now, and there is no prospect of any significant improvement in the immediate future. The Legislature has just adopted a \$2.7 billion deficit reduction plan for the current fiscal year and the State is facing a projected deficit of \$6.8 billion for the 2010-11 fiscal year. Given this gloomy economic forecast, and with many experts saying things may get worse before they get better, we believe that the next round of bargaining on our monetary issues should not be delayed. Because the State has now made a monetary offer to our Law Enforcement members that we could accept, extending the non-monetary terms of the contract for all members will, with ratification, allow us to immediately begin bargaining for the contract period beginning April 1, 2009.

Extending the current contract language does not mean that we have abandoned the non-monetary issues we had raised; we are free to propose them in the next round of bargaining. As a practical matter, non-monetary changes to contract language cannot be implemented retroactively in the same way that compensation can be. Therefore, because the two years covered by the MOU have already expired, we lose nothing by extending the current non-monetary terms for two years.

It is also important to understand that both parties have discontinued their proposals in this round of bargaining. The State had many proposals on the table. By continuing the existing language, none of them will be adopted. Among the changes the State was seeking were limitations on a member's use of accrued leave while suspended without pay as well as limiting Workers Compensation Leave at full pay to those who are injured from an assault by a ward of the State or a member of the public. We strongly opposed those proposals. For the two years covered by this MOU, those and all other State proposals are withdrawn.

The MOU contains no concessions or "give-backs" of any kind by NYSCOPBA.

The MOU continues all provisions of the current agreement, including:

(1) All labor/management committees and programs funds:

Program	Contract Article
Health Benefits Committee	12.10(b)
Education and Training	13.1
Employee Assistance	13.5(a)
Organizational Alcohol	13.5(b)
Labor Management Training	13.6
QWL L/M Committee	25.6
Employee Benefit Fund	25.9
Family Benefits	25.10

An appropriation sufficient to fund these programs for two years was provided in the pay bill that implemented the interest arbitration award. The MOU maintains these committees and programs and clarifies that the benefits are extended to our Law Enforcement members.

(2) Employee Organization Leave:

We will receive two years' worth of Employee Organization Leave (1,424 days) that we will be able to use for union-related purposes.

(3) Appendices and Side Letters:

All provisions of the 2003-2007 agreement will be continued for the term April 1, 2007 to March 31, 2009, including the side letters.

The NYSCOPBA Executive Board supports the MOU for these reasons:

- a. Ratification will allow us to immediately begin negotiations on all issues (monetary and non-monetary) for the period beginning April 1, 2009.
- b. All committees and programs are continued for the two-year period.
- c. We have made no concessions or give-backs.
- d. The State has withdrawn all of its proposals for the two-year period covered by the MOU.

We are anxious to begin the next round of bargaining. As discussed above, the State is facing many problems and uncertainties. The adverse fiscal situation affects every aspect of State government and limits available resources. To complicate matters, 2010 is a gubernatorial election year; if a new governor were to take office in 2011, it is difficult to predict what impact that might have on contract negotiations. The leadership changes in the State Senate add an additional complicating factor to the fiscal and political climate. Because we have developed a positive and productive working relationship with Governor Paterson and his staff, it is my belief that commencing contract negotiations for the period April 1, 2009 to March 31, 2011 as immediately as possible is in the best interests of the membership. Ratification of the MOU will allow us to do that.

Thank you for the unity and support you have demonstrated throughout these negotiations.

A handwritten signature in black ink, appearing to read 'Donn Rowe', with a stylized flourish at the end.

Donn Rowe,
President