



# The Independent

NEW YORK STATE CORRECTIONAL OFFICERS & POLICE BENEVOLENT ASSOCIATION

Volume 1, Issue 3

December 1999

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## PRESIDENT'S CORNER

Dear Fellow Officers:

Even though NYSCOPBA has been engaged in good faith negotiations with the State for a new contract, the State has decided not to make the December 1 uniform allowance payment required under Article 20.2 of the 1995-99 agreement. The State says that Council 82 agreed, in negotiations, that the uniform allowance did not have to be paid after the contract expired.

NYSCOPBA's attorneys have advised me that the State is legally obligated to make this payment, even though the new contract is not yet in place. This is based on a number of recent PERB decisions, including a 1997 decision ordering the State to pay the Troopers' clothing allowance under almost the same contract language. Our attorneys filed an improper practice charge at PERB on December 3, 1999.

The State obviously believes that the uniform allowance gives the State leverage to force NYSCOPBA to agree to a contract that is less than what our members deserve. As I have said before, we will not allow the State to hold us hostage for what amounts to \$350, after taxes.

We will continue to negotiate with the State and we will continue to demand a contract that recognizes the difficult and dangerous jobs the members of this unit perform.

Brian Shanagher, NYSCOPBA President



**"We will continue to demand a contract that recognizes the difficult and dangerous jobs the members of this unit perform."**

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Executive Board 266  
Grievance Issues 238  
Health & Safety 239  
Health Benefits 236  
Legislative 245  
Member Services 229  
President's Ass't 247  
Public Relations 246

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## Hats Off

*This column celebrates the good work being done by many NYS COPBA members, to benefit their colleagues and our larger communities. Please let us know what is happening in your region.*

### SAVING A FELLOW OFFICER

On the morning of August 16, 1999, at the Wende Correctional Facility in Buffalo, Officer Gregory Garrett put his own physical safety on the line while coming to the aid of another officer. When an inmate was being moved and resisted being frisked for weapons by fleeing the block area, Officer Michael Adams and Officer Garrett pursued him to an upper floor of the block. When the inmate pulled a 9-inch shank, sharpened at one end, out of his boot and tried to lunge at Officer Adams, Officer Garrett grabbed the inmate from behind, thus preventing what Officer Adams is certain would have been a stabbing in his upper body area. Two other officers, Angelo Alessandro and Thomas Vinson, also deserve credit for their quick responses and team efforts in preserving everyone's safety.

### AUBURN CF RAISES FUNDS TO COMBAT DOMESTIC VIOLENCE

Auburn Correctional Facility sponsored a dance in October to raise money for the local Domestic Violence unit. The event, which received broad media coverage, coincided with Domestic Violence awareness month. A total of \$800 was raised to support this worthy cause—congratulations to all who participated and made this event possible.

### GREENE CF OFFICERS RESPOND TO MOTORIST IN NEED

Four correctional officers from Greene CF assisted a female motorist in the early morning hours on November 1, when she fell asleep at the wheel on the NY State Thruway and overturned her Jeep

Cherokee. Officer M. Panzarino was one of the first people at the scene of the accident, and he enlisted some bystanders to help lift the car off of the woman's pinned left foot. Officer J. Herrmann and Trooper Marrow arrived at the accident site, and Officer Herrmann, who is a NYS certified paramedic, was able to crawl into the woman's car and put a cervical collar on her.

Officers R. Middleton and R.H. Thomas arrived at the accident at about this time, and placed road flares on the highway to divert oncoming traffic. All four officers assisted State Troopers and rescue personnel with either the transport of the injured woman or traffic management. Officer Herrmann assisted the rescue squad's paramedic in starting an IV. These four correctional officers showed tremendous public service in aiding a stranger and preventing the accident from becoming worse than it was. They deserve our commendation and respect for a job well done.

### GREEN HAVEN HELPER UNKNOWN

A correctional officer from Green Haven evidently assisted a woman who was driving on the Taconic State Parkway when her car died. He helped her roll the car onto the grass and drove her to work so she could arrange for towing. While the newspaper article that reported this good deed indicated that the woman didn't know the officer's name, it sure was great publicity for the fine character that NYS COPBA members exhibit!

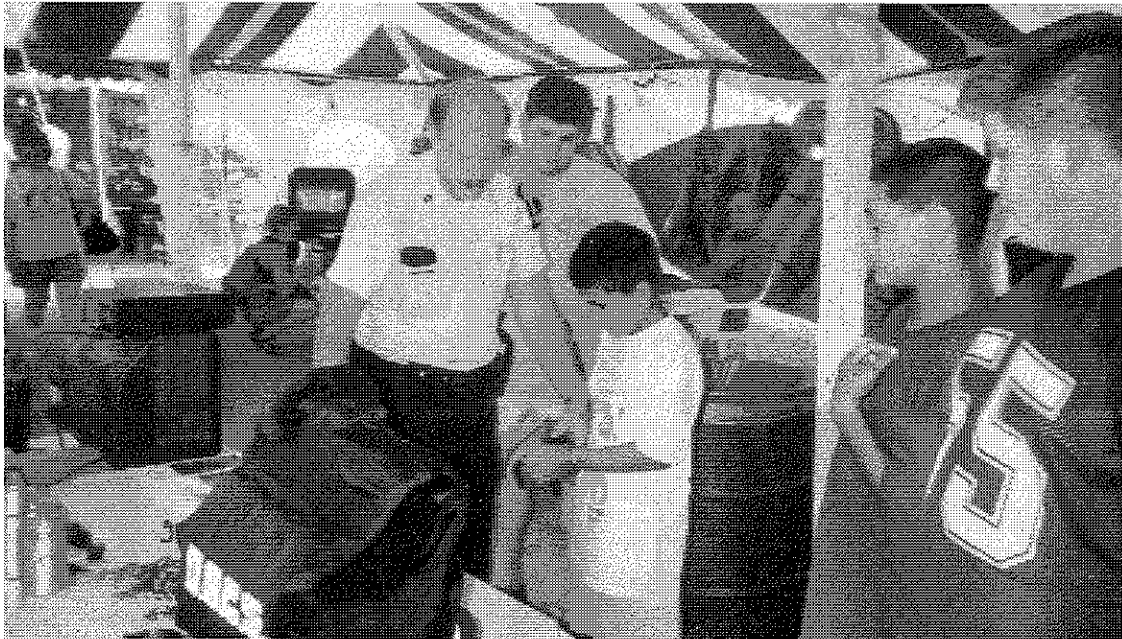
### VETERANS MEMORIAL RESEARCHED BY GROVELAND CORRECTIONAL OFFICER

When the village of Dansville's next veterans monument is completed in mid-2000, Groveland Officer William Gilbert's research efforts will be fulfilled. Officer Gilbert has served on the committee that has organized the project (he has been in charge of researching eligible veterans), which will honor all veterans from 1775 to the present, including those who did not serve during wartime.

**PUBLIC EDUCATION PROVIDED BY  
WOODBOURNE AND OTISVILLE  
CF PERSONNEL**

Officers from Woodbourne Correctional Facility operated an information booth at the "Little Worlds Fair" in Grahamsville, New York, this past August. The horse patrol from Otisville CF was also in attendance. It was the third year in a row that officers provided public education on the role of correctional officers, to promote a better understanding of the profession and its responsibilities. Tables displayed tools of the trade along with photographs, video-

tapes, printed information, and weapons that inmates made. The booth was very busy answering questions from the crowd, suggesting that the public is not very familiar with the operations of correctional facilities. Especially important were the conversations that booth staff had with young people, which hopefully will encourage them to be responsible citizens. Any opportunity NYSCOPBA members have for helping to educate the public is a great service to all of us as well, as we attempt to gain legitimacy and recognition for the professional jobs we do.



*Officer Cook, Woodbourne Correctional Facility, demonstrates equipment used at our facilities during the "Little Worlds Fair" in Grahamsville, NY.*

**CONTACT  
NYSCOPBA**

**OTHER IMPORTANT CONTACTS**

**AFTER HOURS EMERGENCIES**  
888.856.4688

**FIRST UNUM INSURANCE**  
800.234.7706

**EMPLOYEE ASSISTANCE  
PROGRAM, MAIN OFFICE**  
800.822.0244

**NYS RETIREMENT SERVICES**  
518.486.7502

**NYS WORKMAN'S  
COMPENSATION BOARD**  
518.474.6672

**HEALTH INSURANCE**  
HEALTH CALL  
800.992.1213  
EMPIRE BC/BS  
800.342.9815  
UNITED HEALTH CARE  
800.942.4640  
VALUE OPTIONS  
800.446.3995  
HOME CARE (HCAP)  
800.638.9918  
MANAGED PHYSICAL NET  
800.942.4640  
VALUE RX  
800.964.1888

**ADDRESS CHANGES**

Check the address on your pay stub. Is it correct? This is the address NYSCOPBA uses for the mailing list. Please update your Personnel Department if you have changed addresses.

**Legislative  
Committee  
Members**

It is important that all NYSCOPBA members know the members of the Legislative Committee. You can bring ideas for new legislation to any of the following members, or to Chris Leo.

Brian Shanagher (NYSCOPBA President)

Christopher Hansen (Washington)

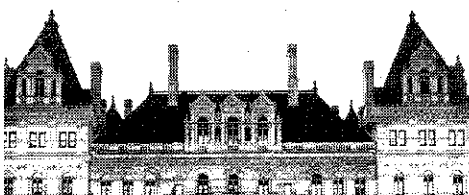
Joseph Strong (Livingston)

Alton Fayle (Mohawk)

Robert Barnes (Mid-Orange)

Carlos Rodriguez (Ulster)

Mitzie Vilsaint (Kirby Forensic)



# SIGNIFICANT NEWS

## **Defibrillators Approved for Correctional Facilities**

NYSCOPBA recently succeeded in convincing the Department of Corrections that allocating \$140,000 to cover the costs of defibrillators at all correctional facilities was an extremely important, potentially life-saving measure. Unfortunately, it took an aggressive push by NYSCOPBA, coupled with the tragic death of one of our members, to make this point. We are pleased to have won this important health and safety battle that our predecessor was unable to resolve successfully. This issue was too important for us to accept a compromise; we will always fight to protect the lives of our members.

## **Do Your Part to Make a Child Smile**

The "Make a Child Smile" program is up and running, with orders coming in for our hats and shirts, proceeds from which will benefit children's hospitals throughout the state. NYSCOPBA's goal in organizing a fundraiser such as this is to aggregate the impact that our thousands of members can have. By all working together to support a common cause, we benefit worthy institutions and charities,

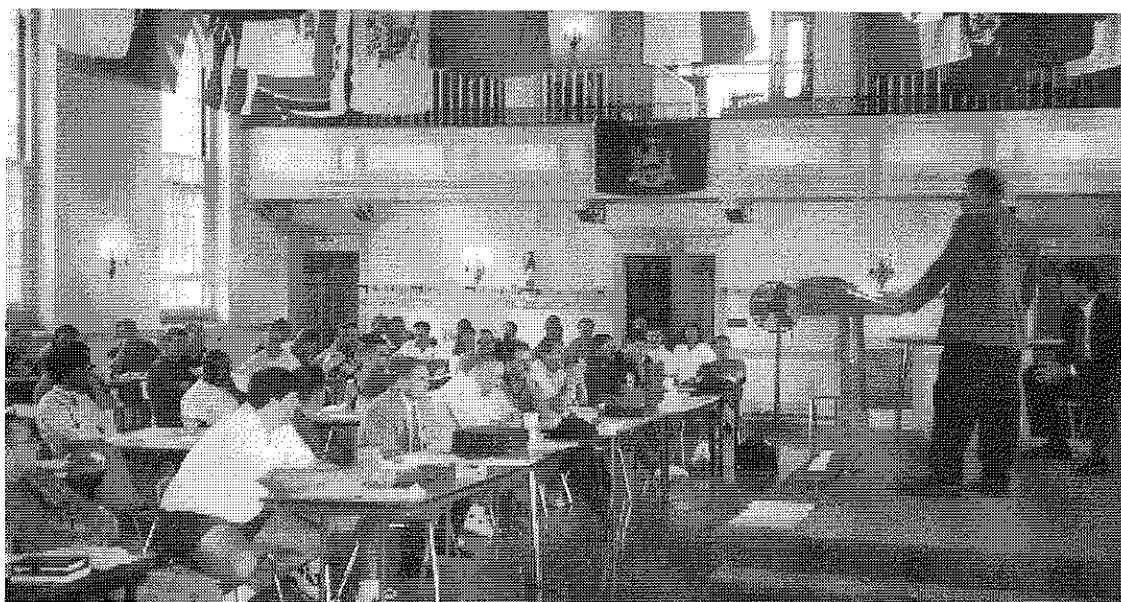
and make a very positive statement about our civic interests and responsibilities. As we approach this season of giving and thinking of others, please see what you can do to sell these items and help the children's hospitals in New York. Chief Sector Stewards can get the hats and shirts on consignment for your facility.

## **S.M.A.R.T. Campaign to Begin**

NYSCOPBA members will have the opportunity to serve their communities and safeguard children by getting involved in a public school program that will fingerprint and i.d. kindergartners and first graders. The program will involve union members accompanying a mascot, "Rudy" the fox, to the public schools. The lesson plan for the supporting curriculum is currently being established through the National Center for Missing and Exploited Children, and radio and TV spots are being prepared. Our target start date is January 2000. Each sector will seek volunteers to participate in this program. If you are interested, contact Denny Fitzpatrick.

## **Next Round of Sector Steward Training in February**

Two rounds of the first phase of sector steward training have been completed; the final round will be in February, at which point all stewards will have received their initial training. The second phase of training, to begin later in 2000, will include workshops on grievance training, labor/management meetings, and role playing. The third phase of training will cover important leadership skills.



*Dan Stuart conducting a training session in Groveland (Western Region) during the first phase of sector steward training.*

# ENCON POLICE SUE COUNCIL 82

Twenty-six EnCon Police Officers are suing Council 82 for illegally refusing to represent them in court in the landmark overtime case that settled in May. The settlement requires the State to pay the officers \$3.4 million to cover overtime pay earned from 1987 to 1995, as well as making a \$500,000 adjustment to the officers' retirement benefits. Now, the officers are bringing legal action against Council 82 for failing to represent them in the initial lawsuit, which meant the officers were limited to suing the State under federal law, which constrained the total amount of overtime they could seek to that beyond a 43-hour week. Had Council 82 fulfilled its responsibilities, the officers

would have been entitled to compensation for all overtime above 40 hours. The papers filed by the officers in state Supreme Court in Albany on November 4 charge that Council 82 refused to assist the officers because it was trying to negotiate more favorable contract terms for other public employees it represented. The allegation that Council 82 deliberately tried to misinform the officers regarding the labor laws is especially disturbing. NYSCOPBA fully supports the action that these EnCon Police officers are taking. A union's purpose is to represent its members, and the alleged actions of Council 82 are unacceptable.

**"The allegation that Council 82 deliberately tried to misinform the officers is especially disturbing."**

## STATE PARK POLICE UPDATE

Jim McCarthy of Long Island, the Chief Sector Steward, has been setting up sector operations while also dealing with disciplines initiated by Major Anthony Ellis, the new Director of Law Enforcement. Ellis was recently appointed, and appears to be trying to make his mark by aggressively initiating disciplines against well-known officers with years of seniority in the downstate regions. This only compounds the severe morale problems already present due to years of neglect and mismanagement. NYSCOPBA is monitoring this activity.

Jim McCarthy is also in the process of selecting a Secretary and Grievance Coordinator to help manage the affairs of the sector. Sector Treasurer, C. Lee Navarro of our New York City region, is receiving funding from the central treasury, according to policy. Jim has also been busy as a result of a recent labor/management meeting of regional Police Chiefs, presided over by Director of Law

Enforcement Ellis. Included in the topics the Director spoke about were changes in structure, a new Academy class by January 2000, and enhancement of marine and snowmobile patrols. Jim is also looking forward to a meeting with Commissioner Bernadette Castro, in receipt of a recent invitation to attend in Babylon, Long Island.

Labor Relations Representative Ken Roseland and Business Agent Neil Watt have been instructed to monitor all three police titles as we go forward, and to assist the Chief Sector Stewards in any way possible to ensure the representation and protection of our members.

### Call for Photos

We are seeking photographs of our members at work and in the community to build our archives and for publication on our web site, our newsletter and other mediums. We also need your help in gathering information about members who perform heroic acts, serve their community on a regular basis, or who are involved in charity events and functions. We will begin profiling a member each month in this newsletter. Please send any information you have to NYSCOPBA in care of Denny Fitzpatrick, Public Relations.

# Safety & Security News

## **Please Report Deficient OMH and OMRDD Police Vehicles**

NYSCOPBA is working hard to correct the ill-equipped and/or poorly maintained OMH and OMRDD police vehicles at some facilities. Our efforts include obtaining new vehicles as well as making sure that all vehicles are properly equipped with cages, lights, and other required items. Sub-standard maintenance has also been a problem. You can assist in the effort to correct these problems by submitting a descriptive letter to your Department Chief each and every time you use a vehicle in unsafe condition. (Note that it is important to report the same problem again and again if it remains unresolved.) Please also send or fax

a copy of these communications to Vice President Andrew Deieso at NYSCOPBA. In this manner, you can help us to illustrate the gravity of the situation and help get it resolved.

## **Safety & Security Visits Being Conducted Statewide**

Vice President Andrew Deieso, Chief Sector Steward Benjamin Barela, and Assistant Business Agent Keith Zulko have been travelling to facilities throughout the state to address grievances and disciplines. They will be visiting your area soon if they have not yet been there, and are available to speak with NYSCOPBA members about their individual issues. Please remember to also contact your Sector Steward to help you in resolving problems.

## **Tips on Filing a Grievance**

With the Grievance Department continuing to work through the backlog of grievances left from Council 82, as well as handling over 500 new grievances that have been filed since June 1 of this year, it is important that every NYSCOPBA member know how to effectively write a grievance. Following these tips when you write a grievance report will make the process move more smoothly.

1. Before you start to write, prepare an outline that lists the key facts and the sequence of events. This should help you organize your thinking.
2. Make sure your summary is in logical order, so that people reading the grievance don't have to decipher it.
3. Back up your grievance report with documentation: directives, contracts, NYS laws, etc.

**"It is important that every member knows how to effectively write a grievance".**

4. Write objectively—do not inject your feelings or emotions. Stick to the facts.

5. Put one main idea in each paragraph, and support it with details.

6. When you think you are done, ask yourself if a person unfamiliar with the situation will be able to understand it, based solely on what you have written. Make any necessary adjustments.

7. Review the contents of your grievance report with another officer or grievance coordinator.

Remember, you have 20 days from the time of an incident to file a grievance report. A grievance is a legal document, that alleges a breach of contract by an employer. Work on a grievance report the same way you would any other legal document—with discipline, clarity, and truthfulness always in mind.

## **State University Police Stewards Met in October**

A Sector Stewards' meeting was held in Albany on October 20, presided over by the recently elected Chief Sector Steward Norman Schubert of SUNY Cobleskill. Vice President Ray Sordoni and Attorney Bill Golderman attended to answer questions. Also, a Secretary and Treasurer were selected to assist Norm in running his sector. The central treasury has provided funding for a com-

puter and fax machine to support the sector. The entire staff of Sector Stewards has been busy representing the membership in disciplines, as well as grievances, which in many cases go back a number of years. Members seem to feel a sense of comfort knowing that they are finally well-represented as police officers by a well-rounded staff of union officials as well as legal professionals.

# Dental and Vision Coverage Update

Over the last six months, our office has received numerous telephone calls from members indicating a problem with their dental and/or vision coverage. The biggest complaint has been termination of their coverage for no reason. Any member running into this problem should either go to their Health Benefits Administrator (HBA) in their Personnel Office or call Sharon Smith at the NYSCOPBA office, ext. 236, for assistance. Apparently, Civil Service went to a new system and many members (mostly those with a transfer) were inadvertently deleted for dental and/or vision coverage. A simple telephone call to Civil Service can solve the problem.

We are still getting a number of calls from members asking who their dental and vision care carriers are through NYSCOPBA. Your dental and vision benefits are provided by the State of New York and did not change as a result of NYSCOPBA's takeover. GHI continues to provide dental coverage and Davis Vision continues to provide vision care coverage.

## IN MEMORY OF OUR COLLEAGUES

NYSCOPBA pays tribute to the following colleagues who have recently passed away.

Carl Bryant, *Mid-Orange Correctional Facility*

Omar Caballero, *Lincoln Correctional Facility*

Jay Daby, *Great Meadow Correctional Facility*

Harold Dunster, *Great Meadow Correctional Facility*

Carl Fransman, *Central New York Psychiatric Center*

Christopher Gaffney, *Eastern Correctional Facility*

John Gough, *Moriah Shock Incarceration*

Richard Murphy, *Eastern Correctional Facility*

Frank Mydlarz, *Great Meadow Correctional Facility*

Philip Nargi, *Arthur Kill Correctional Facility*

Wayne Potter, *Groveland Correctional Facility*

James Prisella, *Livingston Correctional Facility*

Rafael Ramirez, *Sing Sing Correctional Facility*

Richard Riggins, *Wallkill Correctional Facility*

Martin J. Roff, *Elmira Correctional & Reception Center*

Milo Simmons, *Greene Correctional Facility*

# Meeting of EnCon Police Stewards

In September, EnCon Police stewards from across the state met in Albany, and elected Scott Steingart as Chief Sector Steward. Matt Jacoby was selected to be Sector Treasurer. Also attending the meeting were NSYCOPBA President Brian Shanagher, Treasurer Bob Cronin, Vice President Ray Sordoni, Grievance Director Jim Littlefoot, and NYSCOPBA Attorney Bill Golderman. Current issues that are a chief priority include the realignment of bid sectors and the Lieutenants' arbitration award.

## Geographic Differential Under Consideration

We are well aware that a geographic differential was ignored by our predecessor. The financial needs of the members of the Southern Region are recognized by NYSCOPBA, and the issue of a geographic differential is something that will be aggressively pursued. An increase in locational pay under the contract is part of the current proposals in negotiations. The higher cost of living in Rockland and Westchester counties, Long Island, and the five boroughs of New York City mean that NYSCOPBA members in those areas are at a financial disadvantage unless some type of pay differential is established. There is good precedent for such an arrangement: the State Troopers in these areas currently receive such an adjustment to their compensation.

## Worksite Information Needed for Online Tour

We need your help to build an interactive web site tour of the agencies our members work at. We are in need of a picture of your worksite and information about number of staff, inmates, patients, members, seniority, as well as overtime, time off rules, etc. Your efforts will help construct an online map of worksites around the state that will be invaluable to members transferring or taking a promotion. Please send any information to NYSCOPBA in care of Gary Carlsen, Member Services.



# Inside this issue of **The Independent**

**NYSOPBA Files Improper Practice Charge  
on Clothing Allowance**

**Defibrillators Approved for  
Correctional Facilities**

**"Smart Like a Fox" Campaign to Begin**

**Geographic Differential**

**EnCon Officers Sue Council 82**

**State Park Police Update**

**Tips for Filing a Grievance**

**Safety & Security Update**

**Report on State University Police Stewards' Meeting**

**New York State Correctional Officers  
& Police Benevolent Association**

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*The Independent* is NYSOPBA's monthly newsletter that informs members of key issues and milestones as we forge a new identity based on strength, solidarity and recognition.

If you have topics you would like covered in future issues, contact Member Services:  
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