



**STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD**

PO Box 2074, Empire State Plaza  
Agency Bldg. 2, 20<sup>th</sup> Floor  
Albany, NY 12220-0074  
TEL: (518) 457-6014  
FAX: (518) 457-6433  
[www.perb.ny.gov](http://www.perb.ny.gov)

**JOHN F. WIRENIUS**  
CHAIRPERSON

**KEVIN B. FLANIGAN**  
DIRECTOR  
OFFICE OF CONCILIATION

June 16, 2017

William F. Sheehan, Esq.  
Lippes Mathias Wexler Friedman LLP  
54 State Street  
Suite 1000  
Albany, NY 12207

Michael N. Volforte, Director  
New York State Governor's Office of Employee Relations  
2 Empire State Plaza  
Albany NY 12223

Re: State of New York & New York State Correctional Officers and Police Benevolent Association, Inc. (NYSCOPBA)

Dear Messrs. Sheehan and Volforte:

I am responding to the declaration of impasse filed by Mr. Sheehan which I received on May 15, 2015, and the follow-up response from Mr. Volforte I received on May 19, 2017. In his submission Mr. Sheehan points out that a memorandum of understanding was reached which was rejected by NYSCOPBA's membership in February 2017. He asserts that as a result, all issues during bargaining remain open. On the other hand Mr. Volforte points out that the parties never met to discuss the issues leading to the failed ratification. He contends that the impasse is premature and indicates, "The State remains ready, willing and able to meet with NYSCOPBA..."

After a failed ratification attempt by either party, it is well-established that the parties have an obligation to meet to clarify, and at least attempt to resolve the causal issues. Since that has yet to occur in this case, before assigning a mediator, I ask that the parties return to the bargaining table without PERB assistance to discuss the sticking points and ascertain whether the issues can be addressed in negotiations. Given that the technical requirements for impasse have been met, the declaration filed on behalf of NYSCOPBA by Mr. Sheehan is not rejected. Rather, the declaration of impasse will be held as *pending* by this office.

In conclusion, it is my hope that renewed efforts by the negotiations teams will prove productive and I ask that you keep me posted on your progress. Should you have further questions or concerns, please do not hesitate to contact me.

Very truly yours,

Kevin B. Flanigan

**RECEIVED**

JUN 19 2017