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NEW YORK STATE

5

CORRECTIONAL OFFICERS AND POLICE BENEVOLENT

6

ASSOCIATION

7

Executive Assembly

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December 6-7, 2006

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The Cl arion

12

Al bany, New York

13

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15

VOLUME I

16

Wednesday Sessi on

17

December 6, 2006

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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 Reporter
(518) 731-8293

2

(Executive Assembly 12/6/06)

1

2

3 OFFICERS PRESENT:

4 LARRY FLANAGAN, President

5 BRIAN SHANAGHER, Executive Vice President

6 DIANE DAVIS, Recording Secretary

7 Vice Presidents

8 TOM HAAS, Central

9 KEVIN WALKER, Corrections Mid-Hudson

10 LYNDON JOHNSON, Corrections North

11 AL MOTHERSHED, Corrections West

12 WILLIE PEREZ, Corrections South

13 KEITH ZULKO, Law Enforcement

14

15 Also Present:

16 Edward J. Greene, Esq.

17 Michael Malamut, Parliamentarian

18

19

20

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3

(Executive Assembly 12/6/06)

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AGENDA

5

Call to order

7

6

Moment of silence

7

7

Invocation

7

8

Pledge of Allegiance

9

9

Assembly Rules of Order

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Roll call

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Minutes of October

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Report of the President

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Report

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(Executive Assembly 12/6/06)

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3

Legislative Department Update 294

4

Constitutional and By-Laws Committee 300

5

Recess 351

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(Executive Assembly 12/6/06)

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MOTIONS

3

To accept the minutes 27

4

To utilize Park Strategies at 130
no charge

5

6

To hire Ron Dunn 167

7

To rescind the September 28, 178
2005 retirement benefit

8

To amend to include 2006. 184

9

To accept the Health and 228
Welfare recommendation
re Met Life

10

11

To allow First Mutual Corp 236

12

To create election policy 278

13	To send for ratification	310
14	(recall amendment)	
15	To refer to the Finance	350
16	Committee	

17

18 * * *

19

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(Executive Assembly 12/6/06)

1

2 DISPOSITION of MOTIONS

3	To accept the minutes ---	27
4	carried	
5	To utilize Park Strategies	130
6	at no charge --- carried	
7	To hire Mr. Dunn --- carried	178
8	To include 2006 (\$10 per	204
9	year) --- carried	
10	To rescind the retirement	206
	benefit --- carried	
	To accept the Met Life	228

11 recommendation --- carried
12 To allow First Mutual --- 239
13 carried
14 For election policy --- 289
15 withdrawn
16 To send for membership 341
17 ratification (recall
18 amendment) --- carried
19 To refer to Finance --- 351
20 without objection

18

19

20 * * *

21

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24

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(Executive Assembly 12/6/06)

1

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

5

6 PRESIDENT FLANAGAN: Good
7 morning, everybody. We are going

8 to get started. The flag just
9 showed up.

10 Can we rise for a moment of
11 silence, please?

12 (Whereupon a moment of
13 silence was observed.)

14 PRESIDENT FLANAGAN: Thank
15 you.

16 We'll have Lou give the
17 invocation.

18 MR. GIAMPAGLIA: The Book of
19 Wisdom tells us to trust in the
20 Lord with all your hearts and lean
21 not on your own understanding, in
22 all your ways acknowledge him and
23 he will make your path straight.

24 Do not be wise in your own
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8

(Executive Assembly 12/6/06)

1 eyes, for fear the Lord and shun
2 evil.

3 Let us pray.

4 Father, we thank you for
5 this gathering here today. And we

6 thank you for each and every
7 member and we thank you for the
8 chief stewards that are here as
9 well, representing so many of the
10 people they work with. We ask you
11 to watch over all those we
12 represent today and for always and
13 that you keep them safe.

14 We thank you for the
15 Executive Board and pray that you
16 give them wisdom and give us all
17 guidance today, tomorrow as we
18 conduct business. Keep our
19 families that are away from us, be
20 with us tonight as well as we
21 celebrate the holidays. And we
22 ask that you would come and fill
23 this room with your glory that we
24 would know you better and that,
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9

(Executive Assembly 12/6/06)

1 Father, you would direct each and
2 every one of us that we would do

3 your business with integrity and
4 honesty and that you would be
5 honored and glorified.

6 We commit this time into
7 your hands in Jesus name.

8 Amen.

9 PRESIDENT FLANAGAN: We'll
10 have the Pledge of Allegiance.

11 (Whereupon the Assemblage
12 recited the Pledge of Allegiance.)

13 PRESIDENT FLANAGAN: Bill
14 Starr will give us the rules for
15 the meeting, please.

16 MR. STARR: Good morning,
17 everybody.

18 The following are the
19 Executive Assembly Rules of Order:

20 Number one; anyone upon
21 entering the Executive Assembly
22 must wear the NYSCOPBA
23 identification tag.

24 Number two; chief sector
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1 stewards will sit in designated
2 areas when the Executive Assembly
3 is in session.

4 Number three; Cell phones
5 are to be turned off and beepers
6 are to be put on vibrate mode.

7 Number four; NYSCOPBA
8 members in good standing will be
9 allowed to address the Executive
10 Assembly. Please state your name
11 and your sector.

12 Number five; Speakers at the
13 microphone will follow the
14 direction of the sergeant at arms.

15 Thank you.

16 PRESIDENT FLANAGAN: Thank
17 you, Bill.

18 Roll call.

19 SECRETARY DAVIS: Good
20 morn ing.

21 Presi dent Fl anagan.

22 PRESIDENT FLANAGAN: Here.

23 SECRETARY DAVIS: Fl anagan,
24 present.

(Executive Assembly 12/6/06)

1 Executive Vice President
2 Shanagher.
3 VICE PRESIDENT SHANAGHER:
4 Here.
5 SECRETARY DAVIS: Shanagher,
6 present
7 Treasurer Telisky.
8 TREASURER TELISKY: Here.
9 SECRETARY DAVIS: Telisky,
10 present.
11 Recording Secretary Davis,
12 present.
13 VP North Johnson.
14 VICE PRESIDENT JOHNSON:
15 Here.
16 SECRETARY DAVIS: Johnson,
17 present.
18 VP Mid-Hudson, Walker.
19 VICE PRESIDENT WALKER:
20 Present.
21 SECRETARY DAVIS: Walker,

22 present.
23 VP Law Enforcement, Zul ko.
24 VICE PRESIDENT ZULK0: Here.
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12

(Executive Assembly 12/6/06)

1 SECRETARY DAVIS: Zul ko,
2 present.
3 VP Central, Haas.
4 VICE PRESIDENT HAAS:
5 Present.
6 SECRETARY DAVIS: Haas,
7 present.
8 VP South, Perez.
9 VICE PRESIDENT PEREZ:
10 Present.
11 SECRETARY DAVIS: Perez,
12 present.
13 VP West, Mothershed.
14 VICE PRESIDENT MOTHERSHED:
15 Here.
16 SECRETARY DAVIS:
17 Mothershed, present.
18 Adi rondack, Forti er.
19 MR. FORTIER: Here.

20 SECRETARY DAVIS: Fortier,
21 present.

22 Albany Training, Johnson.

23 Albany Training, Johnson.

24 Absent.
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13

(Executive Assembly 12/6/06)

1 Albi on, Mi ano.

2 MR. MIANO: Here.

3 SECRETARY DAVIS: Mi ano,
4 present.

5 Al tona, Forkey.

6 MR. FORKEY: Here.

7 SECRETARY DAVIS: Forkey,
8 present.

9 Arthur Ki ll , Rodri guez.

10 MR. RODRI QUEZ: Here.

11 SECRETARY DAVIS: Rodri guez,
12 present.

13 Atti ca, Gol den.

14 MR. GOLDEN: Here.

15 SECRETARY DAVIS: Gol den,
16 present.

061206.txt
17 Auburn, Graney.
18 MR. GRANEY: Here.
19 SECRETARY DAVIS: Graney,
20 present.
21 Barehill, Jolley.
22 MR. JOLLEY: Here.
23 SECRETARY DAVIS: Jolley,
24 present.
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14

(Executive Assembly 12/6/06)

1 Bayview, Hill.
2 Bayview, Hill. Absent.
3 Beacon, Kohler.
4 MR. KOHLER: Here.
5 SECRETARY DAVIS: Kohler,
6 present.
7 Bedford, Floyd.
8 MS. FLOYD: Here.
9 SECRETARY DAVIS: Floyd,
10 present.
11 Butler ASACTC, Hickey.
12 MR. HICKEY: Here.
13 SECRETARY DAVIS: Hickey,
14 present.

15 Butler Minimum, Casper.
16 MR. CASPER: Here.
17 SECRETARY DAVIS: Casper,
18 present.
19 Camp Gabri els, Guynup.
20 MR. GUYNUP: Here.
21 SECRETARY DAVIS: Guynup,
22 present.
23 Camp Georgetown, Fleming.
24 MR. FLEMING: Here.
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15

(Executive Assembly 12/6/06)

1 SECRETARY DAVIS: Fleming,
2 present.
3 Camp Pharsal ia, Reynolds.
4 MR. REYNOLDS: Here.
5 SECRETARY DAVIS: Reynolds,
6 present.
7 Cape Vincent, Pratt.
8 MR. PRATT: Here.
9 SECRETARY DAVIS: Pratt,
10 present.
11 Capital Police, Sawyer.

12 MR. SAWYER: Present.

13 SECRETARY DAVIS: Sawyer,

14 present.

15 Cayuga, Pepin.

16 MR. PEPIN: Here.

17 SECRETARY DAVIS: Pepin,

18 present.

19 Central New York, Ashe.

20 MR. ASHE: Here.

21 SECRETARY DAVIS: Ashe,

22 present.

23 Chateaugay, Sampica.

24 MR. SAMPICA: Here.
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16

(Executive Assembly 12/6/06)

1 SECRETARY DAVIS: Sampica,

2 present.

3 Clinton, Carpenter.

4 MR. CARPENTER: Here.

5 SECRETARY DAVIS: Carpenter,

6 present.

7 Collins, Keller.

8 MR. KELLER: Here.

9 SECRETARY DAVIS: Keller,

10 present.
11 Cocksackie, Lamphere.
12 MR. LAMPHERE: Present.
13 SECRETARY DAVIS: Lamphere,
14 present.
15 Division of Parole, Levy.
16 MR. LEVY: Here.
17 SECRETARY DAVIS: Levy,
18 present.
19 Downstate, Ricenberg.
20 MR. RICENBERG: Here.
21 SECRETARY DAVIS: Ricenberg,
22 present.
23 Eastern, Farrell.
24 MR. FARRELL: Here.
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17

(Executive Assembly 12/6/06)

1 SECRETARY DAVIS: Farrell,
2 present.
3 Edgecombe, Martin.
4 Edgecombe, Martin. Absent.
5 Elmira, Bruce.
6 MR. BRUCE: Here.

7 SECRETARY DAVIS: Bruce,
8 present.
9 Fishkill, Sonko.
10 MR. SONKO: Here.
11 SECRETARY DAVIS: Sonko,
12 present.
13 Guys, hold the noise down.
14 It is a little difficult to hear
15 you.
16 Five Points, Cary.
17 MR. CARY: Here.
18 SECRETARY DAVIS: Cary,
19 present.
20 Forest Rangers, Carlson.
21 MR. CARLSON: Here.
22 SECRETARY DAVIS: Carlson,
23 present.
24 Franklin, McAdam.
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18

(Executive Assembly 12/6/06)

1 MR. MCADAM: Here.
2 SECRETARY DAVIS: McAdam,
3 present.
4 Fulton. Fulton.

5 Who is here for Ful ton?

6 (No Response.)

7 SECRETARY DAVI S:

8 Gouverneur, Race.

9 MR. RACE: Here.

10 SECRETARY DAVI S: Race,
11 present.

12 Gowanda, Bl asi o.

13 MR. BLASI O: Here.

14 SECRETARY DAVI S: Bl asi o,
15 present.

16 Great Meadow, Chapman.

17 MR. CHAPMAN: Here.

18 SECRETARY DAVI S: Chapman,
19 present.

20 Green Haven, Mazzel l a.

21 MR. MAZZELLA: Here.

22 SECRETARY DAVI S: Mazzel l a,
23 present.

24 Greene, Vi ddi vo.
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19

(Executive Assembly 12/6/06)

1 MR. VIDDIVO: Here.

2 SECRETARY DAVIS: Vi ddi vo,

3 present.

4 Grovel and, Di l l on.

5 MR. DI LLON: Here.

6 SECRETARY DAVIS: Di l l on,

7 present.

8 Hal e Creek, Rowe.

9 MR. ROWE: Here.

10 SECRETARY DAVIS: Rowe,

11 present.

12 Hudson, Leone.

13 MR. LEONE: Here.

14 SECRETARY DAVIS: Leone,

15 present.

16 Ki rby Forensi c, Bey.

17 MR. BEY: Here.

18 SECRETARY DAVIS: Bey,

19 present.

20 Lakevi ew Annex, Cymerman.

21 MR. CYMERMAN: Present.

22 SECRETARY DAVIS: Cymerman,

23 present.

24 Lakevi ew Shock, Ti ngue.

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(Executive Assembly 12/6/06)

1 Lakeview Shock, Tingue.

2 Absent.

3 Lifeguards, Forsyth.

4 Lifeguards, Forsyth.

5 Absent.

6 Lincoln, Brown.

7 Lincoln, Brown. Absent.

8 Livingston, Lambert.

9 MR. LAMBERT: Here.

10 SECRETARY DAVIS: Lambert,
11 present.

12 Lyon Mountain, Branch.

13 MR. BRANCH: Present.

14 SECRETARY DAVIS: Branch,
15 present.

16 Marcy, Morrow.

17 MR. MORROW: Here.

18 SECRETARY DAVIS: Morrow,
19 present.

20 Mid-Hudson Forensic,
21 Decovnick.

22 MR. DECOVNICK: Here.

23 SECRETARY DAVIS: Decovnick,

24 present.
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21

(Executive Assembly 12/6/06)

1 Mid-Orange, Frawley.
2 MR. FRAWLEY: Here.
3 SECRETARY DAVIS: Frawley,
4 present.
5 Mid State, Fowler.
6 MR. CARPENTER: Here.
7 SECRETARY DAVIS: Fowler,
8 present.
9 Mohawk, Centore.
10 MR. CENTORE: Here.
11 SECRETARY DAVIS: Centore,
12 present.
13 Monterey, Conley.
14 MR. CONLEY: Here.
15 SECRETARY DAVIS: Conley,
16 present.
17 Moriah, Seerup.
18 MR. SEERUP: Present.
19 SECRETARY DAVIS: Seerup,
20 present.

061206.txt
21 Mount McGregor, Cronin.
22 MR. CRONIN: Here.
23 SECRETARY DAVIS: Cronin,
24 present.
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22

(Executive Assembly 12/6/06)

1 Ogdensburg, Sellers.
2 MR. SELLERS: Here.
3 SECRETARY DAVIS: Sellers,
4 present.
5 Oneida, Collins.
6 MR. COLLINS: Here.
7 SECRETARY DAVIS: Collins,
8 present.
9 Orleans, Moore.
10 Orleans, Moore. Absent.
11 Otisville, McMenemy.
12 MR. MCMENEMY: Here.
13 SECRETARY DAVIS: McMenemy,
14 present.
15 Queensboro, Skinner.
16 Queensboro, Skinner.
17 Absent.
18 Riverview, Powers.

19 MR. POWERS: Here.
20 SECRETARY DAVIS: Powers,
21 present.
22 Rochester Psychiatric,
23 Knights.
24 MS. KNIGHTS: Here.
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23

(Executive Assembly 12/6/06)

1 SECRETARY DAVIS: Knights,
2 present.
3 Rochester Buffalo Day
4 Reporting, Anderson.
5 Rochester Buffalo Day
6 Reporting, Anderson. Absent.
7 Safety Security Officers,
8 Roach.
9 Safety Security Officers,
10 Roach. Absent.
11 Safety Security Officers,
12 Winters.
13 MR. WINTERS: Present.
14 SECRETARY DAVIS: Winters,
15 present.

16 Safety Securi ty Offi cers,

17 Moore.

18 MR. MOORE: Here.

19 SECRETARY DAVIS: Moore,

20 present.

21 Safety Securi ty Offi cers,

22 Terry.

23 MS. TERRY: Present.

24 SECRETARY DAVIS: Terry,
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24

(Executive Assembly 12/6/06)

1 present.

2 Securi ty Offi cers, Ki ng.

3 MR. KING: Present.

4 SECRETARY DAVIS: Ki ng,

5 present.

6 Securi ty Servi ce Assi stants,

7 Gui do.

8 MR. GUIDO: Present.

9 SECRETARY DAVIS: Gui do,

10 present.

11 Shawangunk, Hasbrouck.

12 MR. HASBROUCK: Here.

13 SECRETARY DAVIS: Hasbrouck,

14 present.
15 Sing Sing, Mejia.
16 MR. MEJIA: Here.
17 SECRETARY DAVIS: Mejia,
18 present.
19 Southport, Westervelt.
20 MR. WESTERVELT: Here.
21 SECRETARY DAVIS:
22 Westervelt, present.
23 Sullivan, Beach.
24 MR. BEACH: Here.
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25

(Executive Assembly 12/6/06)

1 SECRETARY DAVIS: Beach,
2 present.
3 Summit Shock, Liddle.
4 MR. LIDDLE: Here.
5 SECRETARY DAVIS: Liddle,
6 present.
7 Taconic, Valdez.
8 MR. VALEZ: Present.
9 SECRETARY DAVIS: Valdez,
10 present.

11 Ulster, Ronca.
12 MR. RONCA: Here.
13 SECRETARY DAVIS: Ronca,
14 present.
15 Upstate, Perry.
16 MR. PERRY: Present.
17 SECRETARY DAVIS: Perry,
18 present.
19 Wallkill, Scott.
20 MR. SCOTT: Here.
21 SECRETARY DAVIS: Scott,
22 present.
23 Washington, Hansen.
24 MR. HANSEN: Here.
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(Executive Assembly 12/6/06)

1 SECRETARY DAVIS: Hansen,
2 present.
3 Watertown, McCarger.
4 MR. MCCARGER: Here.
5 SECRETARY DAVIS: McCarger,
6 present.
7 Wende, McKeel.
8 MR. MCKEEL: Here.

9 SECRETARY DAVIS: McKeel,
10 present.
11 Willard, Bellinger.
12 MR. BELLINGER: Here.
13 SECRETARY DAVIS: Bellinger,
14 present.
15 Woodbourne, Porcaro.
16 MR. PORCARO: Here.
17 SECRETARY DAVIS: Porcaro,
18 present.
19 Wyoming, Hickey.
20 MR. HICKEY: Here.
21 SECRETARY DAVIS: Hickey,
22 present.
23 Albany Training, Johnson.
24 Absent.
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(Executive Assembly 12/6/06)

1 Bayview, Hill. Absent.
2 Edgecomb, Martin. Absent.
3 Fulton. Anyone present from
4 Fulton?
5 (No Response.)

6 SECRETARY DAVIS: Lakeview

7 Shock, Tingue. Absent.

8 Lifeguards, Forsyth.

9 Absent.

10 Lincoln, Brown. Absent.

11 Orleans, Moore. Absent.

12 Queensboro, Skinner.

13 Absent.

14 Rochester, Buffalo,

15 Anderson. Absent.

16 Safety Security Officers,

17 Roach. Absent.

18 We will go right to the

19 minutes. Are there any

20 corrections to the minutes of

21 October four and October five?

22 (No Response.)

23 SECRETARY DAVIS: Seeing

24 none, may I have unanimous consent
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(Executive Assembly 12/6/06)

1 to accept the minutes?

2 All those in favor say aye.

3 (Response of "Aye.")

4 SECRETARY DAVIS: Opposed.

5 (No Response.)

6 SECRETARY DAVIS: Thank you.

7 PRESIDENT FLANAGAN: Good

8 morning, everybody.

9 Hope everybody had a good

10 Thanksgi vi ng and I wi sh everybody

11 a Merry Chri stmas and Happy New

12 Year.

13 As most of you are aware, we

14 received a favorable deci sion in

15 regards to the defrag for the law

16 enforcement group. As of last

17 night I received a phone call from

18 Lucien LeClare of GOER. We are

19 going to be putting some dates

20 together to start negotiations for

21 the law enforcement.

22 (Appl ause.)

23 PRESIDENT FLANAGAN: Kei th.

24

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VICE PRESIDENT ZULK0:

Larry, if I may, I would like to take this opportunity to thank you, the Board and this entire body for the support for the law enforcement over the tremendous time we have been going through. And those facilities out there in corrections who have taken the time, the members who wrote the letters to CSEA and to Council 82 on behalf of law enforcement, our deepest and sincere thank you to everybody. We could not have done it without everybody here.

(Applause.)

PRESIDENT FLANAGAN: I have an update in regard to inconvenience pay.

Everybody, please pay attention.

The inconvenience pay, as we all know, many of us have been frustrated and aggravated with the James S. Covey, Court Reporter

(Executive Assembly 12/6/06)

1 lack of the inconvenience pay
2 being implemented. We have been
3 in constant communication with
4 GOER, the comptroller's office, as
5 everybody is pretty aware that it
6 is pretty much nonexistent.

7 GOER, we sat and met with
8 them and also the department and
9 payroll in regards to implementing
10 the inconvenience pay as it was
11 written in the award. It was
12 discussed with GOER and also from
13 the department of payroll that
14 they did not believe that they
15 could achieve implementing the
16 inconvenience pay the way it was
17 written in the arbitration award.

18 Therefore, what we did, we
19 called the arbitrator back and
20 told him to rectify the problem.

21 Yesterday at about three
22 o'clock I believe it was, maybe

23 3: 30, I received an amendment to
24 the arbitration award in regard to
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(Executive Assembly 12/6/06)

1 inconvenience pay. I will make
2 sure everybody gets a copy of this
3 before the day is over.

4 The first part of the letter
5 talks about the March 21 binding
6 arbitration award and the language
7 in regards to the inconvenience
8 pay.

9 The next paragraph says:

10 "In an effort clarify and
11 expedite the implementation of
12 this portion of such award, let
13 the following language control:
14 Employees assigned to work on the
15 night shift as defined by the
16 facility shall receive nine
17 hundred dollars per year for work
18 on such shift. This amount shall
19 be paid in equal installment in

20 each bi-weekly check.
21 Employees assigned to work
22 on the evening shift as defined
23 "
24 --- folks, can we do that
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1 afterwards so we can all hear this
2 about the inconvenience pay?
3 Thank you.
4 "Employees assigned to work
5 the evening shift as defined by
6 the facility shall receive \$1800
7 per year for work on such shift.
8 This amount shall be paid in equal
9 installment in each biweekly
10 check.
11 Members on approved paid
12 leave shall continue to receive
13 inconvenience payments as provided
14 above. Intermittent inconvenience
15 pay shall continue and be paid
16 consistent with past practice. It
17 is the intent of the panel that

18 all arbitration eligible employees
19 shall be paid their respective
20 inconvenience payments bi-weekly
21 to extent that at the end of 26
22 pay period the amount will be
23 equal to nine hundred dollars or
24 eighteen hundred dollars
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(Executive Assembly 12/6/06)

1 respectively.
2 Signed,
3 Thomas Rinaldo, Mike Axelrod
4 and Walt Pelegri ni "
5 Also came with this a side
6 letter, signed by Sarin Horation
7 that says:
8 "Dear Mr. Flanagan:
9 "This is to clarify and
10 define shift categories relevant
11 to inconvenience pay and for that
12 purpose only Times exclude pre
13 shift.
14 "Evening shift shall be

15 defined as any shift that begins
16 at 11:00 a.m. or 6:59 p.m., or any
17 time in between.

18 "A night shift shall be
19 defined as any shift that begins
20 7:00 p.m. or at 2:59 a.m., or at
21 any time in between.

22 "All other shifts shall be
23 deemed day shifts."

24 Just so we can understand
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1 what that means, at the facilities
2 the inconvenience pay for the
3 afternoon shift will start at
4 eleven o'clock in the morning and
5 continue on to 6:59 p.m., and
6 every shift in between from 11:00
7 a.m. to 6:59 p.m.

8 In other words what the
9 present language was it said that
10 the inconvenience shift would be
11 established by the facility, we
12 were under the understanding it

13 would be the regular shifts of
14 three to eleven, four to twelve,
15 and then all of the other off
16 shifts would fall into that and
17 they would get a lesser amount of
18 hours. For example if we had a
19 three to eleven designated as the
20 regular shift then we had some one
21 to nine and two to ten, they would
22 receive a lesser dollar amount in
23 inconvenience pay.

24 What this is saying is that
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1 every shift from 11:00 a.m. to
2 6:59 p.m. will be the afternoon
3 inconvenience shift. So it is
4 three to eleven, one to nine,
5 twelve to eight, two to ten, 2:30
6 to 10:30; all those shifts, every
7 one of them will receive the full
8 \$1800 a year inconvenience pay.

9 And on the evening shift,

10 the night shift will start at 7:00
11 p.m. and go to 2:59 a.m. and any
12 shifts in between there will
13 receive the \$900 per year.

14 Any questions in regards to
15 this?

16 (Inaudible comments from the
17 floor.)

18 PRESIDENT FLANAGAN: As I
19 said, before the day is over I
20 will provide everyone with a copy
21 of this. I got this at about 3:30
22 last night.

23 (Inaudible comments from the
24 floor.)

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1 PRESIDENT FLANAGAN:

2 Absolutely, absolutely.

3 MR. MAZZELLA: Larry.

4 PRESIDENT FLANAGAN: Please,
5 can we all pay attention?

6 We know this is important to
7 everybody out there in the field.

8 Go ahead, Mike.

9 MR. MAZZELLA: Mike

10 Mazzella, Green Haven.

11 What was the start date of

12 that, for retroactive purposes?

13 PRESIDENT FLANAGAN: It will

14 be to April 1, 2006.

15 MR. KELLER: Dan Keller,

16 Collins.

17 Are those times that you

18 gave start time for the shift, or

19 is that the entire time period for

20 a shift?

21 PRESIDENT FLANAGAN: Those

22 are the start times.

23 MR. KELLER: So it can go to

24 eight in the morning or something.

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1 PRESIDENT FLANAGAN: Pardon

2 me?

3 MR. KELLER: If their shift

4 goes from twelve to eight they

5 will still be paid for the full
6 eight?

7 PRESIDENT FLANAGAN:

8 Correct.

9 Just so we can understand,
10 the difference is, and I perceived
11 it to be better, I perceived it to
12 be more, what this says is that
13 every one --- we were under the
14 interpretation that --- lets go
15 back. We have a three to eleven
16 shift. And anybody that works an
17 off shift would you receive a
18 lesser amount than the eight hours
19 because it was part of the three
20 to eleven shift.

21 This says that every one of
22 those shifts from 11:00 a.m. to
23 6:59 p.m. will receive the full
24 eighteen hundred dollars a year
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1 inconvenience pay.

2 Mike.

3 MR. CARLSON: Mike Carlson.

4 Larry, how would they do it
5 if you don't work that constant
6 shift all the time? If you work a
7 shift maybe two months where you
8 working a three to eleven?

9 PRESIDENT FLANAGAN: There
10 are two phases of intermittent
11 inconvenience pay. Phase one is
12 those officers, let utilized so we
13 can all ---

14 (Inaudible comments due to
15 excessive noise from the floor.)

16 PRESIDENT FLANAGAN: Mike,
17 for your answer, I apologize,
18 there are two phases of
19 intermittent inconvenience pay.

20 There was an arbitration
21 award won that said you have to
22 work at least two weeks of the
23 inconvenience shift for that money
24 to go onto your base salary to be
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1 equated for overtime purposes.

2 Those individuals that say
3 for example are training relief
4 officer and would only work that
5 inconvenience shift sporadically,
6 maybe two days during a pay
7 period, they would receive the
8 money but it would not go onto
9 their salary for overtime
10 purposes.

11 Donn.

12 MR. ROWE: Rowe, Hale Creek.

13 That basically was my
14 question.

15 Is this going to be applied
16 to the salary factor? It is not
17 put on their base pay. It is
18 applied to their salary factor; is
19 that correct?

20 PRESIDENT FLANAGAN:

21 Correct.

22 MR. ROWE: So it is not on
23 their base pay?

24

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1 PRESIDENT FLANAGAN: Right.

2 I apologize. Wrong wording.

3 MR. ROWE: So it is applied
4 like it did before, if you and I
5 at the same time, if you worked
6 afternoons, if you worked overtime
7 days you would make more at an
8 overtime rate because of your
9 salary factor?

10 PRESIDENT FLANAGAN:

11 Correct. Because the
12 inconvenience pay is applied to
13 your salary factor; correct.

14 Chris.

15 MR. HANSEN: Hansen,
16 Washington.

17 Larry, implementation of
18 this agreement?

19 When I get back I know
20 somebody is going to send word
21 back to the facility and say,

22 Well, I heard that we are supposed
23 to get this money, and when is it
24 going to start?
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1 When is an actual memo going
2 to go out to the facility telling
3 them that this is enacted?

4 PRESIDENT FLANAGAN: I had
5 communication with Sarin yesterday
6 afternoon before I left the
7 office. I asked that I get a
8 phone call today. He will have a
9 discussion with Russ DelBello to
10 find out, and I asked him to give
11 me at least a ball park when we
12 can expect to see this in our pay
13 checks.

14 I'm hoping to get that phone
15 call from him today. As soon as I
16 know that definite date, obviously
17 that is what we all want to know.

18 Jim.

19 MR. MCMENEMY: Jim McMenemy,
20 Otisville.
21 Larry, just so I understand,
22 the original wording in the
23 arbitration award was a dollar per
24 hour for the three to eleven
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1 shift?
2 PRESIDENT FLANAGAN:
3 Correct.
4 No, no, let me --- the
5 original language was, effective
6 April 1, 2006, employees working
7 the evening shift as defined by
8 the facility shall be paid one
9 dollar per hour for hours worked
10 during that shift.
11 MR. MCMENEMY: Okay. So
12 just saying that it is the three
13 to eleven is the evening shift,
14 that dollar an hour that is eighty
15 dollars a week. This eighteen
16 hundred dollars ---

17 (Inaudible comments due to
18 excessive noise from the floor.)

19 PRESIDENT FLANAGAN:
20 Eighteen hundred dollars a year is
21 not eighty dollars a pay period.

22 MR. MCMENEMY: Exactly.

23 In 26 pay periods its \$69.

24 So it goes down from \$80 a pay
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1 period to \$69?

2 PRESIDENT FLANAGAN: That is
3 the way the award is amended, and
4 lets think about this before we
5 look to say, Well, I just lost
6 money.

7 The present language, or the
8 original language in the
9 arbitration award only guaranteed
10 you that hour if you worked it.
11 If you did not work it then you
12 did not make that money.

13 This amended award says that

14 you will be guaranteed \$1800 a
15 year, whether you work it or not.

16 MR. MCMENEMY: Got you.

17 Like the one to eight or one
18 to nine, two to ten, they would
19 lose that hour?

20 PRESIDENT FLANAGAN:

21 Correct.

22 MR. KELLER: Dan Keller,
23 Collins.

24 Is this going to be --- are
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1 we going to have to do quarterly
2 adjustments like we do with our
3 president briefing?

4 PRESIDENT FLANAGAN: The way
5 I understand it, that is not the
6 way it is written. It
7 specifically says in this amended
8 award, Members on approved paid
9 leave shall continue to receive
10 inconvenience payments as provided
11 above.

12 It was our interpretation,
13 whether you are off or not you are
14 still getting the money. There is
15 not going to be any adjustments
16 quarterly?

17 MR. KELLER: So how is that
18 going to work with resource
19 officers that slip in between
20 shifts from day shift to
21 afternoons to midnights.

22 PRESIDENT FLANAGAN: I'm
23 going to explain it again.

24 This is why I really wish
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1 that everybody would pay
2 attention. This is important
3 information that is going to have
4 to be relayed to the facility.

5 There are two phases of
6 intermittent inconvenience pay.
7 There is one you work two weeks or
8 more, that will be applied to your

9 salary for overtime calculations.
10 And the other one is if you work
11 it sporadically, say one or two
12 days within a pay period, all you
13 would receive is the dollar amount
14 of the inconvenience pay. It will
15 not be applied for overtime
16 purposes.

17 MR. KELLER: Okay.

18 PRESIDENT FLANAGAN: Jeff.

19 MR. LEVY: Jeff Levy,
20 Parole.

21 In case we get lucky and
22 find that we can get this
23 inconvenience pay applied to our
24 contract, I do not know if this
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1 something that is unique to us but
2 we frequently are assigned to work
3 overtime prior to the scheduled
4 beginning of our shift.

5 If the time we are assigned
6 to work overtime prior to the

7 beginning of the shift falls into
8 the, for instance the night time,
9 would then we be eligible?

10 PRESIDENT FLANAGAN: The way
11 I understand it, those that work
12 the inconvenient hours will
13 receive the inconvenience pay,
14 period.

15 Those that are on the
16 regular assigned shift will
17 receive it at a yearly rate.
18 Those that work it whether it is
19 overtime or a different shift
20 resource officers, they will
21 receive the dollar amount for that
22 day.

23 MR. LEVY: Thank you.

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1 (Inaudible comments from the
2 floor.)

3 PRESIDENT FLANAGAN: Pardon

4 me?

5 (Inaudible comments from the
6 floor.)

7 PRESIDENT FLANAGAN: Again,
8 in all fairness this is me
9 speculating because all I have is
10 what we have that I received, but
11 it is my understanding that what
12 they would do is they would just
13 do like they do right now with the
14 inconvenience pay. If it is \$500
15 per year, they break it down and
16 divide it by an hourly rate and
17 apply it to your pay.

18 Go ahead, Vinny.

19 MR. BLASIO: Vinny Blasio,
20 Gowanda.

21 If we don't know then I
22 don't want to put that out there,
23 but I guess that's what we're

24 Looking for is an answer for the
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1 people that are resource.

2 Now you get the \$19.16.
3 Most people that are intermittent
4 get that no matter what, unless
5 they are primarily assigned day
6 shift. Now with this are you
7 saying if they worked one day or
8 they're training relief and worked
9 one day three to eleven or two to
10 ten or one to nine, they are going
11 to get the \$69 pro rated down to
12 that one day?

13 PRESIDENT FLANAGAN:
14 Correct. That is the way I
15 understand it. That is why the
16 language is in there that says
17 that the intermittent
18 inconvenience pay shall continue
19 to be consistent with past
20 practice.

21 MR. BLASIO: There would
22 be no past practice for overtime.
23 How would that effect the people
24 that work it on overtime?

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1 PRESIDENT FLANAGAN: Help me
2 out here?

3 MR. BLASIO: If someone
4 worked, if I'm day shift and I
5 work seven to three every day, now
6 I go into work for three to eleven
7 or eleven to seven or both shifts
8 on overtime there is no past
9 practice for me to receive
10 inconvenience pay for overtime so
11 how does that effect that?

12 PRESIDENT FLANAGAN: The way
13 I understand it, because that
14 question was asked also, that you
15 do receive that. Probably most
16 individuals don't realize it
17 because it is a very minute amount
18 of money.

19 The way I understand it,
20 because I asked this, and Bill
21 Sheehan is here somewhere, we had
22 this discussion, the way I

23 understand it is if you work

24 overtime you receive the dollar
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1 amount of inconvenience pay but it
2 is a small amount of money.

3 You said it is \$19.59?

4 MR. BLASIO: Its \$19.60, no
5 matter what shift.

6 If you are intermittent
7 inconvenience pay or if you are
8 assigned three to eleven or eleven
9 to seven, you get that no matter
10 what.

11 PRESIDENT FLANAGAN:
12 Correct, for a two week period of
13 time.

14 What I am saying is that it
15 is my understanding that that is
16 broken down to an hourly rate and
17 you do receive that when you work
18 overtime.

19 MR. BLASIO: Now we do?

20 (Inaudible comments due to

21 excessive noise from the floor.)

22 PRESIDENT FLANAGAN: Hang

23 on.

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1 MR. SHEEHAN: I think,
2 Vinny, what it is, if you happen
3 to work an afternoon or an evening
4 shift not on an over time basis
5 but because you are a resource
6 officer and you get assigned, even
7 if it is one shift over a two week
8 period, you are going to get the
9 daily rate.

10 Now the daily rate
11 previously was nineteen bucks or
12 whatever it was, that is obviously
13 going to increase by these numbers
14 because the daily rate is a
15 prorated amount out of the now
16 nine or eight hundred dollars.
17 You get that.

18 It is my understanding that
19 if you were a regular day officer
20 and you get a bid on a day shift
21 and you get held over to work for
22 eight hours over time on the
23 evening or night shift, I don't
24 think you get, or it is not my
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1 understanding that the current
2 practice is that you get an extra
3 payment for that. You get overtime
4 obviously. But I don't think you
5 will get the extra daily rate
6 also. It is not the current
7 practice. And it is my
8 understanding it will not be the
9 future practice.

10 The idea here was that the
11 same practices with respect to the
12 treatment of the inconvenience
13 would continue, obviously with the
14 higher numbers.

15 MR. BLASIO: Okay.

16 PRESIDENT FLANAGAN: Randy.

17 MR. MCADAM: We been told
18 two or three different stories,
19 Larry.

20 Clarify us on the swapping
21 issue. There was a rumor that ran
22 rampant that if I was day shift
23 and I swapped and worked for you
24 on afternoons on a regular basis
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1 that I got your inconvenience pay
2 and so on and so forth.

3 Clarify that for us, please.

4 PRESIDENT FLANAGAN: That
5 was, to my understanding, the old
6 award language. And that was what
7 was explained to us. And that is
8 one of the differences that we see
9 in it.

10 The original language for
11 the award said you got a dollar an
12 hour and you had to work it. And

13 we were under the impression that
14 if you were a swapper and you did
15 two and four with somebody from
16 the three to eleven shift that it
17 was our understanding that if you
18 were a day officer and you worked
19 for somebody on the evening shift
20 that you would receive the
21 inconvenience pay because the
22 language said that you would get
23 paid a dollar an hour for the hour
24 you worked, more directed toward
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1 an overtime philosophy.
2 That was the old language.
3 Now the new language is the way it
4 has been applied all along. Those
5 that received inconvenience pay
6 are going to receive it whether
7 they work the shift or not,
8 whether they do swaps, they will
9 still receive the full
10 inconvenience pay.

11 And from what we understand,
12 those were some of the problems
13 that GOER and the Comptroller's
14 Office and payroll were faced with
15 trying to figure out how to
16 implement all those different
17 payments. So now the way we
18 understand it, the inconvenience
19 pay, the nine hundred dollars for
20 the night shift and the eighteen
21 hundred for the afternoon shift
22 will be received by those officers
23 whether they are working the swap
24 or somebody else is working it for
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1 them.
2 MR. MCCARGER: McCarger,
3 Watertown.
4 I might be missing the
5 picture here. Are you saying
6 eighteen hundred dollars for th
7 ethree to eleven shift or

8 afternoon shift? But it said ---
9 didn't it start out saying a
10 dollar an hour, which would be
11 eight a pay period, times 26 pay
12 periods, which is \$2080?

13 PRESIDENT FLANAGAN: Yes,
14 \$2080.

15 Your question is why is it
16 eighteen hundred?

17 MR. MCCARGER: I have to
18 take an answer back home.

19 PRESIDENT FLANAGAN: I'm
20 with you. But again, and please
21 take this as I'm picking on you,
22 but we really we have to pay
23 attention because I discussed this
24 already and what I said was the
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1 old language in the award said
2 that if you worked you got paid.
3 You received that dollar per hour
4 working the inconvenience shift.

5 The new language says those

6 that are on the inconvenience
7 shift will receive eighteen
8 hundred dollars per year whether
9 you work or not.

10 So obviously we can see a
11 difference of about \$280, but the
12 difference is that now you receive
13 the eighteen hundred dollars
14 whether you work your shift or
15 whether you are on vacation or
16 whether you are on sick time, sick
17 leave or whatever, as long as you
18 are on the payroll you receive
19 that amount per year.

20 MR. MCCARGER: Thank you.

21 PRESIDENT FLANAGAN: Any
22 other questions in regards to the
23 inconvenience pay?

24 As I said, I will get a copy
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1 of this for everyone before we
2 end.

3 Moving along, since the last
4 time we met we have toured some
5 facilities. We were at, the 16th
6 of October we toured Upstate. On
7 the 30th of October we toured
8 Eastern. On November first we
9 toured Mohawk.

10 November eight we had a
11 state wide labor management
12 meeting. November tenth we did an
13 informational picket at Fishkill.

14 We have had, as I expressed,
15 several meetings and
16 communications with GOER in regard
17 to the defrag and the
18 inconvenience pay. And I just gave
19 you the results of that.

20 I am looking for the
21 February EA, on the second day, I
22 would like to have a seminar, a
23 training seminar, for every one

24 here for Deferred Comp. And
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1 obviously before I plan this I
2 would like to get some consensus
3 from the membership here if they
4 would be satisfied with the second
5 day of the EA in February to
6 utilize that period of time to do
7 a training seminar for Deferred
8 Comp.

9 What many of us have seen,
10 and I'm sure you have seen at the
11 facilities also, many of us have
12 seen in dealing with this contract
13 and this award and receiving more
14 money, we receive many phone calls
15 and I am sure many of you have
16 received several complaints in the
17 facilities, people are losing
18 their houses, their cars, we would
19 like to present and be more
20 proactive in regards to our
21 members that don't benefit from
22 Deferred Comp trying to be more
23 active in deferred comp.

24 We had a meeting with a

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1 representative from Deferred Comp
2 last week. We have it now on the
3 NYSCOPBA web site and you can go
4 to the Deferred Comp web site.
5 And apparently there are many tool
6 bars I believe is the word they
7 use in the computer world that you
8 can go on and you can calculate if
9 you are going to get one percent
10 what the difference will be in
11 your take home pay, it will give
12 you a projection of that one
13 percent at a very, very safe
14 investment what that will project
15 over a 25 year period of time.
16 And I'm not going to bull
17 shit anybody here, it was mainly
18 my idea and I presented it to the
19 Board. I think it is a very, very
20 beneficial thing. Again, as I
21 said, I would like to see us more

22 proactive.

23 I talked to the

24 representative from Deferred Comp.
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1 They used to do training at the
2 facilities when they had their
3 training seminars. From what I
4 understand about two years ago the
5 commissioner decided that training
6 was no longer necessary. If and
7 when we receive a new commissioner
8 their intent is to go back and see
9 if they can start the training
10 again. And I certainly shared with
11 them that I would be more than
12 happy to give them a letter of
13 support to go to the department to
14 try to be more proactive in
15 regards to deferred comp.

16 Having said all that, would
17 anybody be opposed to the second
18 day of the EA, as long as our
19 business is done that we have a

20 training seminar for Deferred Comp
21 to bring back to our members?

22 Okay. Thank you.

23 As I am sure many of you are
24 aware, I was named to be on the
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1 Spitzer transition team. We had a
2 meeting last week. I can't give
3 you the date off the top of my
4 head. I think it was November
5 28th.

6 Unfortunately for me on the
7 way to the meeting I was on the
8 Henry Hudson and I was rear ended.
9 So by the time I got to the
10 meeting, I got there just in time
11 for the group to say, Thank you
12 for your time, we appreciate your
13 efforts.

14 I did have a little side
15 communication with an individual
16 by the name of Robert Vangee and

17 expressed our concerns briefly
18 with him.

19 We have another meeting
20 tomorrow at two o'clock here in
21 Albany, so I will be leaving
22 tomorrow at two o'clock to attend
23 this meeting.

24 Just so we can all
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1 understand, the purpose of this
2 meeting or this involvement is not
3 to go in and directly talk about
4 post closings and staff shortages
5 and more time off.

6 It is more to the way I
7 understand it, and again I told I
8 was a little late for the first
9 meeting, it is my understanding
10 just to share ideas and philosophy
11 in regards to where the Department
12 of Corrections is now, where it
13 has been.

14 We have other meetings going

15 on. We had a quite lengthy phone
16 meeting yesterday with some of the
17 policy people where we are sharing
18 more of our concerns in regards to
19 moral issues with the department,
20 disciplinary problems, Article
21 VII grievance problems, so we are
22 also working on that end of it.
23 But I just wanted everybody to
24 understand so that we can go back
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1 and relay to their members that
2 this transition team meeting I can
3 tell you all right now it is not
4 going to result in fixing post
5 closings and getting more staff at
6 the facilities. This is more, the
7 way that I understand it, more of
8 a concept to get people's input
9 and what the flavor is with the
10 Department of Corrections right
11 now.

12 The parliamentarian will be
13 here until two o'clock today and
14 then will be leaving. We had some
15 scheduling problems with the
16 parliamentarian, so if we have any
17 parliamentary issues that have to
18 be addressed I ask that we do it
19 before two o'clock because he has
20 to be leaving at two o'clock and
21 we will not have anybody from two
22 o'clock on.

23 If it is the body's
24 direction at that point to close
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1 the meeting then we will cross
2 that bridge when we come to it.

3 I am going to go onto
4 something else right now. There
5 is no report written. It is
6 coming from me. And I have some
7 concerns.

8 I have yet to, and I don't
9 do it very well, I have yet to

10 stand up here and do horn tooting.
11 But I have to say that this Board
12 has done a very, very good job
13 over the past year and a half. And
14 I would like to see NYSCOPBA
15 become stronger. And I believe
16 the way that has to be done is the
17 information and the good feelings
18 for the most part that we have in
19 this Executive Assembly has to be
20 relayed back to the facilities.
21 And for some reason it is my
22 opinion from the communication
23 that I have and the issues that we
24 address, that there seems to be a
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1 breakdown in communication from
2 here back to the facilities.
3 And myself personally I
4 don't understand it.
5 It is my opinion, and
6 anybody can go to the mike and

7 argue with me, it is my opinion
8 that this organizations is moving
9 forward in a positive way more
10 rapidly than it has done in years.
11 And again, I'm not taking the
12 credit for it. I am the president
13 but we have an excellent Board.
14 We work very well together. We
15 present to this body that we work
16 very well together.

17 When we are here at the
18 Assembly level it seems to me like
19 we work pretty much together. We
20 have our differences and we will
21 always have our differences.

22 But we need to relay to the
23 members out there, to the rank and
24 file what really NYSCOPBA is
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(Executive Assembly 12/6/06)

1 doing. And for some reason, I
2 will say it again, it seems to die
3 here once we leave. There seems to
4 be a higher degree of negativity

5 that is going out to the members
6 than the positive things that are
7 being accomplished.

8 And I appreciate the fact
9 that everybody is sitting here
10 very quietly and very intently and
11 listening to me. But very
12 seriously, we have to go back and
13 tell the members the positive
14 things that you guys are doing.
15 Not just me, not just us, that we
16 are doing.

17 We are getting business
18 done. We are taking care of
19 business. We are moving forward.
20 We are doing a good job and it is
21 all of us. That's all I have to
22 say.

23 Let me just make sure if
24 there is any other communication I
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(Executive Assembly 12/6/06)

1 have here.

2 As I said, I'm not sure if I
3 announced that we are going to be
4 able to start to put dates
5 together for communications for
6 negotiations for the law
7 enforcement group.

8 We had an IP that was filed
9 in regards to directive 2202. We
10 have a meeting on the eleventh of
11 November with the Department to
12 discuss those issues. December
13 eleventh.

14 We had our first collective
15 bargaining committee meeting two
16 days, four days, November fourteen
17 and fifteen and November 27 and
18 28.

19 The collective bargaining
20 committee put together all of the
21 surveys, for lack of better words,
22 that were received into the
23 office. Unfortunately we only

24 received 379 surveys. This is one
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(Executive Assembly 12/6/06)

1 of the points I am trying to make
2 here. We have 20,000 members and
3 we only received 379 surveys in
4 regards to what people want to see
5 on the contract and what we want
6 to see addressed.

7 The surveys were put
8 together and compiled and were
9 broken down into --- there were
10 379 surveys returned by mail. Of
11 that number, 55 offered no
12 contract suggestions. There were
13 four received by e-mail or hand
14 delivered for a grand total of
15 383.

16 The surveys were broken down
17 by the region they originated
18 from. They representatives from
19 each region reviewed them. The
20 team then compiled a wish list of
21 those items most mentioned in the
22 surveys. The attached list is
23 long and every individual on the

24 team understands it will be
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1 reduced considerably.

2 From a statewide perspective
3 the surveys conveyed the same
4 message of what the most important
5 issues: Number one; more money,
6 more money and more money. Number
7 two; preserving health benefits.
8 And number three; retirement
9 improvements, mostly legislative.

10 Over all, the responses were
11 very similar.

12 We have another issue that
13 to my understanding will be
14 addressed here in the Executive
15 Assembly in the next two days. We
16 have some concerns about the
17 military leave MOU. Those that
18 are unaware of what has been going
19 on with the military issues, there
20 was an arbitration that was won

21 favorably. Officer Nichols out of
22 Gowanda in regards to military
23 leave and receiving his longevity
24 payment while he was on military
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1 leave.
2 Since that award GOER has
3 now presented back to us a new MOU
4 for the next year starting
5 December 31, 2006. And there is
6 specific language in this MOU that
7 basically denies what we achieved
8 from the arbitration for Officer
9 Nichols.

10 Be prepared. What we will
11 have to have discussions on is we
12 are basically between a rock and a
13 hard place. There will be further
14 communication from the Military
15 Committee. Probably Tom Haas will
16 speak on it. But right now just so
17 we understand, we are between a
18 rock and a hard place. My

19 understanding about the benefits
20 that we received from the
21 Department for military leave, the
22 Department is not obligated by
23 law, federal or state, to give us
24 the benefits that they do. All
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1 that the employer is obligated is
2 to insure that your position is
3 there when you come back from
4 military leave. The other
5 benefits that we receive, they're
6 not obligated to give them to us.
7 So we have to think about the
8 fact, and understand this, I'm not
9 trying to sway anybody to make any
10 decision but I want everybody to
11 understand the facts that if we
12 don't sign the MOU we could be
13 faced with the possibility of
14 losing the benefits that we have
15 because there is no obligations

16 under the state or federal law to
17 give those to us. And if we do
18 sign the MOU then we are basically
19 saying we accept defeat in regards
20 to what we have already won for
21 arbitration.

22 That's all I have.

23 Thank you.

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(Executive Assembly 12/6/06)

1 MR. ROWE: Larry.
2 Rowe, Hale Creek.
3 You mentioned communication
4 and I want to address this now or
5 we can address it in new business.
6 We had an issue come up with the
7 attorneys last EA. We had a
8 problem I believe with
9 communication to this body and to
10 the members regarding the
11 retainer.

12 Now in the mean time since
13 our last meeting you signed the

14 retainer on October 17th. You
15 also sought out a independent
16 opinion on the retainer from
17 another firm.

18 PRESIDENT FLANAGAN:

19 Correct.

20 MR. ROWE: I don't
21 understand why that wasn't
22 communicated to this body at the
23 last meeting.

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1 PRESIDENT FLANAGAN: Just so
2 I understand, what is your
3 question?

4 MR. ROWE: My question is,
5 why --- obviously you had the
6 retainer out to the independent
7 firm; right?

8 PRESIDENT FLANAGAN:

9 Correct.

10 MR. ROWE: So why wasn't

11 that produced to this body prior
12 to us approving it, prior to you
13 signing it?

14 PRESIDENT FLANAGAN: The
15 response from the independent
16 attorney?

17 MR. ROWE: Yes. You signed
18 it. According to the paper work
19 you signed it before.

20 PRESIDENT FLANAGAN: I
21 signed it before I got the
22 response, before I got the written
23 response, yes.

24 To my understanding this
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1 individual, and Brian what is his
2 name? Jay Gervin has been the one
3 that has reviewed the retainers
4 since NYSCOPBA started. And the
5 way that I understand it, it was
6 pretty much the same thing. We
7 all know that the attorney issue
8 is, for lack of better words, a

9 delicate issue.

10 And 99.9 percent of the
11 language that was in the retainer
12 is the same that is in the
13 retainer since NYSCOPBA first
14 started. The only different
15 language that was in the retainer
16 was the dollar amount. And
17 obviously two years versus one
18 year.

19 So the review from Jay
20 Gervin was nothing more than to go
21 through the motions that we had
22 gone through all along and to make
23 sure there was nothing that was
24 illegal or that would complicate
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1 matters for NYSCOPBA.

2 We had already communicated
3 with Jay Gervin and he said it
4 looks like it is pretty much the
5 same language and I don't foresee

6 a problem at all.

7 MR. ROWE: And I just think
8 that we need to put this out to
9 the membership and put it out to
10 this body that you are talking
11 about communication, that needed
12 to be done. That needed to be done
13 prior to the retainer being
14 signed.

15 Because if there is a
16 problem you say, Look, we had an
17 independent person look at this
18 and this is where we are.

19 Now this body voted in
20 October of 2004, you know, we put
21 some checks and balances in the
22 place. And one of those was that
23 we had the final authority with
24 respect to the approval of
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1 professional agreements or
2 retention of professional advice.

3 PRESIDENT FLANAGAN:

4 Correct.

5 What did we do that ---

6 (Multiple voices. Inaudible

7 comments.)

8 MR. ROWE: Who approved

9 that.

10 PRESIDENT FLANAGAN: Who

11 approved what?

12 MR. ROWE: The professional

13 advice, the seeking out of

14 professional advice?

15 Did you at least notify this

16 body that you were doing that?

17 PRESIDENT FLANAGAN: That we

18 were signing the retainer?

19 MR. ROWE: Yeah.

20 PRESIDENT FLANAGAN: No.

21 MR. ROWE: We need to be --

22 that's what I'm saying. We set

23 these rules and set these checks

24 and balances and we need to

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1 communicate it to this body and to
2 our members that we are following
3 through with this.

4 PRESIDENT FLANAGAN: Donn,
5 you are right.

6 And we are following
7 through. And we are doing --- let
8 me finish.

9 We are doing everything that
10 we are supposed to be doing. It
11 is just my opinion that things can
12 be looked at a little differently
13 and presented and twisted a little
14 different, this Board is doing
15 absolutely positively nothing
16 wrong. They are doing everything
17 for the members and making sure
18 that everything gets done for the
19 members.

20 MR. ROWE: I disagree with
21 that.

22 PRESIDENT FLANAGAN: And you
23 have that right.

24 James S. Covey, Court Reporter

(Executive Assembly 12/6/06)

1 MR. ROWE: My opinion is
2 that, you know, we both agree it
3 is a delicate issue. We put it
4 out there. We put it up front to
5 everybody. This is what it is.
6 And it would have probably had the
7 same outcome. And I think that is
8 better communication and that is
9 better for this body and better
10 for our members.

11 PRESIDENT FLANAGAN: Okay.
12 I understand.

13 Thank you, Donn.

14 Brian.

15 VICE PRESIDENT SHANAGHER:
16 Brian Shanagher, Executive Vice
17 President.

18 I just want to point out,
19 three retainers have been reviewed
20 by Jay Gervin; the initial
21 retainer with Hinman Straub going
22 back to 1999 was reviewed by Jay

23 Gervin.

24 Any time you negotiate
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(Executive Assembly 12/6/06)

1 something of this size, we are not
2 attorneys. We need attorneys that
3 act on behalf of NYSCOPBA to
4 negotiate against our future
5 counsel.

6 He scrutinized the first
7 retainer that was signed, the one
8 year retainer. He also did that
9 one and he did this one.

10 In a phone conference call
11 he relayed to Larry Flanagan, I
12 believe Diane Davis was in the
13 office and myself that there was
14 no problem with signing the
15 retainer as is but he has some
16 notes for future retainers or you
17 can look to change them now. And
18 that is what he reiterated in a
19 written response. That is what you

20 got after. But he said the
21 retainer was fine as it is to go
22 forward. There is no big major
23 flaw with the retainer.

24 And has given written
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(Executive Assembly 12/6/06)

1 opinions on the other ones also if
2 they are available.

3 PRESIDENT FLANAGAN: Vinny.

4 MR. BLASIO: Vinny Blasio,
5 Gowanda.

6 Larry, two things you had in
7 the report, one in that MOU for
8 the military, was that correction
9 specific or is that for everybody
10 employed by New York State?

11 PRESIDENT FLANAGAN: I will
12 ask Tom to answer the question.
13 I'm not certain. I don't do all
14 the military issues.

15 VICE PRESIDENT HAAS: Tom
16 Haas, Central Region VP.

17 Vinny, in response to your

18 question with that, I have gone to
19 Natalie and spoke to Natalie, who
20 is working on this, and Bill
21 Sheehan, the MOUs for all state
22 agencies are identical. They
23 don't change specifically ones for
24 DOCS employees or for CSEA
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1 employees.
2 The wording in that will be
3 state wide for all state agencies.
4 MR. BLASIO: So if we
5 decided not to, or if we don't
6 want to enter into that agreement,
7 are they going to say, screw you,
8 you are going to be the only
9 entity that doesn't. Can't all the
10 unions get together and fight this
11 issue or are they just going to
12 say, this is only going to apply
13 to DOCS?
14 VICE PRESIDENT HAAS: As you

15 all know, the friendship with
16 Council 82 as best is strained.
17 I spoke to several people
18 who told me that the lieutenants
19 in Council 82 have already signed
20 this MOU. So that's where we
21 stand. They have already got it.
22 As far as CSEA, PEF, UUP and
23 the rest of them, I don't know if
24 they have signed it. But I have
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1 been told that Council 82 and the
2 lieutenants have signed this MOU
3 with that wording change in it.
4 MR. BLASIO: So with that,
5 say that every single entity
6 throughout New York State every
7 union, MC, signed off on that
8 except for DOCS, are they going to
9 change the policy for everybody or
10 are they just going to do DOCS?
11 That's what we need to know
12 to make that decision.

13 VICE PRESIDENT HAAS: What
14 it will be is DOCS will not have
15 an MOU with us if we don't sign
16 it. You have to sign it to be
17 part of it.

18 MR. BLASIO: So then we will
19 be discriminated against out of
20 every other union?

21 (Inaudible comments due to
22 excessive noise from the floor.)

23 VICE PRESIDENT HAAS: Yes
24 and no. But it will be our choice
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1 whether we sign it or not.
2 I think we will wait until
3 this comes up under military stuff
4 because there is a lot of
5 discussion in there. And I'm not
6 really please with it because we
7 are being held hostage. We have
8 guys over there catching bullets
9 for us and now the state wants to

10 screw them and the only ones that
11 are getting screwed are the ones
12 that are in the military and their
13 families, nobody else.

14 I think we ought to hold
15 that until later.

16 MR. BLASIO: Fair enough.

17 The last thing is, Larry,
18 you mentioned that on December
19 11th. We're having a discussion on
20 the improper practice on 2202.

21 PRESIDENT FLANAGAN:

22 Correct.

23 MR. BLASIO: On that, are we
24 seeking relief at all on that like
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(Executive Assembly 12/6/06)

1 we did with the bags when DOCS
2 decided to unilaterally change the
3 size of the bags?

4 PRESIDENT FLANAGAN: What
5 about the bags?

6 MR. BLASIO: Just like when
7 we did the bags when we did the IP

8 with that we seeked and got
9 injunctive relief that in the mean
10 time until PERB made a decision
11 that they couldn't go to that
12 policy.

13 Are we doing the same with
14 2202?

15 PRESIDENT FLANAGAN: The IP
16 is filed already in regards to
17 directive 2202. I believe there
18 are three IPs filed on 2202 for
19 the changes.

20 Our intent is to go to sit
21 down with the department and see
22 if we can resolve these issues
23 because obviously we are all very
24 aware of the fact that the IP
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1 process takes quite a lot of time
2 and in the meantime we are all
3 living under the changes. So our
4 intent was to sit with the

5 department and see if we could
6 address and correct these problems
7 while the IP is still out there.

8 If we can, then I would
9 think it would be our direction
10 that we remove the IPs because we
11 have accomplished the task in a
12 different way.

13 MR. BLASIO: Is there
14 anything like just something they
15 are following by the letter of the
16 law on 2202 there's a change from
17 asking medical documentation from
18 every thirty days to two weeks, so
19 our people that are out are
20 getting the medical documentation
21 and have to go to the appropriate
22 doctor every two weeks.

23 That does two things. One
24 is this going to screw us in the
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(Executive Assembly 12/6/06)

1 future because they got to go pay
2 for the doctor visit every two

3 weeks so then they're going to say
4 you guys increase your health care
5 by ten percent so we're going to
6 get screwed on that next year and
7 then in the mean time they have to
8 go see their doctor every two
9 weeks incurring mileage and
10 copays. And we know as of January
11 first our copays are going up
12 again.

13 Are we fighting for those
14 people to get reimbursement on
15 that in the mean time?

16 PRESIDENT FLANAGAN: We are
17 going to address all of the
18 issues. I have Ed Greene, who has
19 forwarded over all our issues to
20 the Department so we can sit down
21 and try to address them while we
22 are waiting on going to the IP
23 process.

24

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1 MR. BLASIO: Right. And I
2 agree with that. That's not what
3 I'm disputing.

4 Is there any process that we
5 have in place that is going to
6 provide any relief for our
7 memberships that had to follow
8 this unilateral change that should
9 a never happened to begin with?
10 Is there anything we are doing to
11 make the members who in the mean
12 time?

13 Are we advising them to file
14 grievances in the mean time to try
15 to get back co-pays and mileage?
16 I mean, this is a change that they
17 didn't ask for that we got shoved
18 up our ass and now these members
19 have to abide by it just like you
20 said until we win that. So what
21 are we doing for these members in
22 the mean time? Are we just
23 telling them we don't have

24 anything for you or we can file a
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1 grievance? What advice should we
2 be giving them?

3 PRESIDENT FLANAGAN: I would
4 suggest that we file grievances.

5 Just so we can understand,
6 there has been no issue directed
7 toward me other than the IPs that
8 we filed in regards to these
9 concerns or these issues that are
10 being brought up. And obviously
11 they are coming out of your
12 facility.

13 Have you told them in the
14 mean time to file grievances?

15 MR. BLASIO: I told them I
16 would ask to see what was going on
17 with the IP. and as I discussed
18 with John and as I discussed with
19 Al, I asked for one of the things
20 that should a been done right from
21 the begin with is ask for an

22 injunction to block their changes
23 until we either come up with an
24 agreement or we have a full PERB
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(Executive Assembly 12/6/06)

1 hearing because in the mean time
2 our members are suffering monetary
3 losses and basically it is
4 harassment.

5 You are going from every
6 thirty days to two weeks. I mean,
7 that is bull shit.

8 PRESIDENT FLANAGAN: And I
9 believe those specific issues are
10 addressed in the IPs.

11 MR. BLASIO: And they are.

12 But by the time we wait for
13 a decision, what do we do for
14 those people that are being harmed
15 in the meantime?

16 PRESIDENT FLANAGAN: Just so
17 we can understand, I think we are
18 speaking the same thing, we are

19 just missing some words.

20 That is why our intent is to
21 sit with the Department to rectify
22 these problems now. We have to
23 establish a meeting, communicate,
24 when I talked to John Lemke, who
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1 is taking over for Gary Fillion, he
2 wasn't even aware of any problem.

3 MR. BLASIO: Right.

4 And I am well familiar with
5 John Lemke, unfortunately.

6 PRESIDENT FLANAGAN: I am
7 certain you are.

8 MR. BLASIO: But I just want
9 to make sure that these guys don't
10 slip through the crack.

11 We can fix this process,
12 whether it's December eleventh or
13 January eleventh or next year when
14 we are still talking about this.
15 But I just want to make sure that
16 the people in the mean time that

17 get harmed don't fall through the
18 cracks and say, hey, you fixed it
19 down the road but now you just
20 went out and had a thousand
21 dollars worth of mileage and
22 co-pays, what are we doing for
23 you, that's all.

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1 PRESIDENT FLANAGAN: I am
2 with you. And we will certainly
3 address that problem also.
4 Deb.
5 MS. FLOYD: Floyd from
6 Bedford.
7 Along what Vinny was talking
8 about the concern on directive
9 2202, in there in the IP is it
10 also concerning do you all have
11 something where I don't have to
12 bring a note saying what time I
13 left the doctor's office?

14 PRESIDENT FLANAGAN: I am
15 pretty certain, but again remember
16 I have not read the IPs all the
17 way through, but I am pretty
18 certain that issue was addressed.
19 These issues came in from
20 the facilities. We asked all the
21 individuals that were having
22 specific issues at the facilities
23 to relay the information to Ed
24 Greene to put in the IP.
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(Executive Assembly 12/6/06)

1 MS. FLOYD: So in the
2 meantime, like Vinny with his
3 members at his facility, do I tell
4 my members to bring the note in
5 when they leave?

6 PRESIDENT FLANAGAN: Pardon
7 me?

8 (Inaudible comments from the
9 floor.)

10 PRESIDENT FLANAGAN: We
11 would obviously tell our members

12 to follow the lawful direction and
13 that we are working on trying to
14 resolve the matter.

15 We certainly don't want to
16 tell our members, listen we have a
17 directive out there that says to
18 bring in a note but don't worry
19 about it.

20 MS. FLOYD: Okay. So do you
21 know when we would get some
22 information on this or how quickly
23 you guys --- I know you said you
24 meeting on December eleventh, but
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(Executive Assembly 12/6/06)

1 you going to get something out to
2 us?

3 PRESIDENT FLANAGAN: As soon
4 as I have positive information
5 that things are getting fixed I
6 will certainly let everybody know.

7 MS. FLOYD: Okay. All right.

8 PRESIDENT FLANAGAN: Go

9 ahead.

10 UNIDENTIFIED SPEAKER: Two
11 things, Larry.

12 Just to touch on that, one
13 of the IPs is from Hudson and does
14 specifically deal with the issue
15 of having a doctor's note.

16 One of my members, his
17 doctor was great. His doctor came
18 back and put right on the -- his
19 doctors note was first refused
20 because it had no time. He
21 returned to the doctor's office
22 and came back with a note from the
23 doctor which stated, It has not
24 been my practice, nor will it be
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1 my practice, to put down the time
2 my patients depart my office.

3 That is being addressed with
4 that.

5 (Inaudible comments from the
6 floor.)

7 UNIDENTIFIED SPEAKER: That
8 is being addressed as one of the
9 IPs.

10 The second thing, in your
11 report you stated we had a state
12 wide labor management. Can you
13 touch briefly on what was
14 discussed and if anything was
15 settled?

16 PRESIDENT FLANAGAN: There
17 was nothing settled.

18 I don't have --- I'll try to
19 get a copy of the agenda. I don't
20 have a copy. I believe it is on
21 our web site but I will get you
22 copy.

23 I can tell you, one of the
24 first issues that we raised was
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(Executive Assembly 12/6/06)

1 partial swaps. We had requested
2 for the department to allow
3 partial swaps. And the response

4 from Lucien was that he wanted
5 something more defined and he
6 would look at it. And we are in
7 the process of trying to put
8 something together with a little
9 more definition in regard to
10 partial swaps.

11 Any other questions?

12 Thank you.

13 TREASURER TELISKY: Good
14 morning everybody.

15 Treasurer's Report for
16 October 2006.

17 We took in \$3,007,078.78.

18 We are left with \$2,226,212.49.

19 On the profit and loss sheet
20 I wanted to call your attention to
21 page twenty, please.

22 Are you on page 20 for
23 October 2006? Are looking at

24 November? I sent October in the
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(Executive Assembly 12/6/06)

1 mail.

2 What I'm trying to do is, as
3 soon as we get the month done is
4 to get these reports out to you
5 and get them on the web site so if
6 you have meetings you can bring it
7 to your members.

8 Any way, I want to call your
9 attention to the attorney retainer
10 and lobbying fees.

11 As you are aware in the
12 packet that was sent out to you,
13 there was a motion made and
14 seconded about the classification
15 of \$3,000 from the lobbying to the
16 general retainer. And if you look
17 at page twenty you will see that I
18 did that in the October 2006
19 report.

20 Any questions on that?

21 Donn.

22 MR. ROWE: Rowe, Hale Creek.

23 John, you got a notation

24 next to it, PAC Legal.
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1 Can you explain that?

2 TREASURER TELISKY: Under
3 attorney over to the left?

4 MR. ROWE: Under the 5821
5 and 5823.

6 TREASURER TELISKY: What
7 happened was we entered into an
8 agreement with Sheehan and Greene
9 for a bi-monthly retainer for a
10 general attorney retainer.

11 What we did after we entered
12 into that agreement, we entered
13 into a subsequent agreement for
14 lobbying, more specifically with
15 Keith Jacques of that firm.

16 What we agreed to do was pay
17 them \$3,000 monthly. At first it
18 was going to be for the whole
19 fiscal year, which is \$36,000.
20 And then we amended that to say
21 eight months at \$3,000 a piece,
22 which would have been \$24,000.

23 What I did by mistake is I
24 sent them a \$3,000 payment in July
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1 that should have been applied
2 toward the general attorney
3 retainer but it was put down as
4 \$3,000 for lobbying. So I had to
5 reclassify that and that was what
6 I did.

7 They were entitled to the
8 money. We did not pay them a cent
9 more than they were owed. And that
10 is the fact of the matter.

11 MR. ROWE: John, I wasn't
12 going to get into all that.

13 My question was the notation
14 PAC Legal. What does that
15 represent? To me it gives the
16 impression it is something to do
17 with the PAC fund.

18 TREASURER TELISKY: It was
19 reclassified from the PAC fund, so
20 all it is ---

21 (Multiple voices. Inaudible
22 comments.)

23 MR. ROWE: It has nothing to
24 do with the PAC Fund. Absolutely
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1 nothing to do with the PAC Fund.

2 TREASURER TELISKY: But it
3 was classified initially. You are
4 correct. It was lobbying. It
5 should have been classified under
6 lobbying.

7 MR. ROWE: Can we correct
8 that?

9 TREASURER TELISKY: Yes, we
10 can.

11 So we are on the same page
12 all I'm going to do it take out
13 PAC, the three letters.

14 Any questions on that?

15 Donn.

16 MR. ROWE: Under 5821 you
17 should take out PAC. And under

18 5823 you should put lobbying
19 because under the 5823 it says PAC
20 legal and actually it is lobbying.
21 TREASURER TELISKY: Thanks.
22 So noted. So done.
23 November's report. We took
24 in \$1,071,947.67.
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1 Our net for this month was
2 \$267,772.83.
3 Any questions about the
4 November report, any of the
5 reports in November?
6 I would like to call your
7 attention to the left hand side of
8 your packet there is a quarterly
9 review, a three month review.
10 If I am going too fast just
11 stop me. I know you got these
12 packets today. I would like to
13 call your attention to the last
14 page, if you have no questions on
15 any of the other pages.

16 There are ten sectors which
17 we don't need to put on the record
18 but here they are that need to
19 close their old bank accounts so
20 we can get this done for the
21 audit. If your name is listed
22 there and you think you closed
23 your account or you think there is
24 something wrong with that, please
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1 Let me know. We don't have these
2 sectors as closed yet.
3 Any questions on that?
4 Next, vouchers. We're at
5 the end of the fiscal year. I
6 sent out a memo to all you guys on
7 your mailing last Friday that I
8 would appreciate it if you would
9 cut off your vouchers through
10 December 31st, so stop that
11 voucher there and create a new
12 one for January so you don't add

13 December and January together.

14 Any questions on that? This
15 is just for accounting because I
16 want to close out the month and
17 close out the year.

18 Lastly about that, you know
19 that special sector project money
20 has to be utilized by December
21 31st, so if you think you are
22 going to utilize it before the end
23 of the year, please get a motion,
24 a second, attendance sheet and
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1 that it passed to allocate the
2 money. If you got to promulgate
3 into January or February I will
4 allow the sector to do that, but I
5 need it in writing before the end
6 of the year so I can classify it
7 when I do the audit.

8 They are telling me that
9 mileage is going up to 48 and a
10 half cents on January first. I

11 have not got that from the IRS
12 yet. As soon as we do, I will
13 send a memo out on that.
14 When you guys go to regional
15 meetings or go to any regional
16 situation, please take that
17 mileage and tolls right out of
18 your sector. Don't send your
19 vouchers up to me. All it does is
20 I have to write more checks. You
21 can take it right out of the
22 sector and get it faster and that
23 way we don't have to worry about
24 mail and getting crossed in the
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1 mail and maybe really need the
2 money or whatever the case may be,
3 if you take it right out of the
4 sector you will have it. So if you
5 are going to a regional meeting,
6 just submit right to your sector
7 that you went to a regional

8 meeting, just like you do
9 normally.
10 E-mail addresses. We talked
11 about communications and we have
12 been trying to get as many e-mail
13 addresses from as many people as we
14 can so instead of using blast
15 faxes we can use blast e-mail out
16 to everybody. So if you have an
17 e-mail address or you know
18 somebody who is a steward in your
19 sector that has an e-mail address,
20 please give those to membership
21 services and fill out that form so
22 we can put you down on our data
23 base.
24 Lastly, to get everybody on
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1 the same page we sent a mailing
2 out to everybody about Quest
3 Diagnostic and Sharon is going to
4 come to the mike briefly and
5 discuss what we sent you so we are

6 all on the same page.

7 As you are aware, Quest
8 Diagnostic Lab is no longer one of
9 our labs as of December 31st. And
10 if our members submit to Quest and
11 they get turned down it may be a
12 severe problem with paying the
13 whole bill as in they are not
14 paying anything.

15 MS. SMITH: Good morning.

16 We were notified recently
17 that United Health Care has
18 contracted with Lab Corp. And
19 this is just for independent labs.
20 We are not talking about the
21 hospital labs or others. But
22 Quest and Lab Corp are the only
23 two independent groups out there.

24 And they contracted with Lab Corp.
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1 So effective January one, Quest
2 will no longer participate in the

3 plan.

4 So if a member has services
5 done by Quest it will be covered,
6 but it will be covered under basic
7 medical, which is a \$335
8 deductible up front and then you
9 pay eighty percent and they pay
10 twenty percent.

11 So we did a membership
12 mailing out to try to reach
13 everybody on this because it is
14 such short notice to make them
15 aware of it.

16 I have already received some
17 calls. I know apparently in the
18 west particularly there are not a
19 lot of Lab Corp facilities there.
20 And United Health Care is working
21 on it. You can go to the Civil
22 Services web site and go to
23 employee benefits and look for
24 participating providers and you
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1 can look for a lab there on that
2 web site. You punch in your zip
3 code and it will tell you. I
4 actually had a member from the
5 west yesterday call me and she
6 lives in Warsaw and there is none.
7 I contacted to United Health Care
8 and they got back to me and
9 Wyoming General Hospital, which is
10 in that area, that hospital lab
11 will be a lab for Lab Corp.

12 What they are trying to do
13 in the areas where they don't have
14 any place is trying to get the
15 hospital labs to participate with
16 Lab Corp until they can actually
17 open more sites. They are working
18 on it. They are going to be
19 getting information to us. They
20 are working diligently through the
21 end of December to get as many as
22 they can.

23 And we are having a joint
24 committee meeting next Friday and

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1 this is one of the issues and we
2 will get more information then and
3 we will certainly share that with
4 everybody.

5 I just wanted to make you
6 all aware of that up front.

7 And the other piece of that
8 is, and I had put it in the memo
9 was to check with your doctor. If
10 you have your specimens taken by
11 the doctor, if he draws the blood
12 and he sends it to the lab, make
13 sure you check with your doctor
14 where he sending that. A lot of
15 them send them to Quest. And try
16 and stop that and say you don't
17 want them to send them to Quest,
18 find out the Lab corp and send it
19 there.

20 I just wanted to make you
21 aware of that.

22 A couple other things while

23 I am up here. There are changes.

24 These changes are for those with
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1 the arbitration award. Your
2 co-pays are going to be changing
3 effective January one.

4 A doctor, a lab and so forth
5 will be going to eighteen dollars
6 from fifteen. The out patient
7 mental health which presently is
8 fifteen is going to eighteen. And
9 the emergency room is going from
10 fifty to sixty.

11 So make sure you get that
12 out to the membership so they are
13 aware of that.

14 The group that is not under
15 the award, your co-pays are
16 remaining the same. And also the
17 rates went up and you should have
18 all gotten that information on the
19 rates. They change every year.

20 And I have gotten some calls from
21 law enforcement why their rates
22 are higher than those with the
23 award, and I explained to them
24 and you can explain to your
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1 members that because you don't
2 have an award and have not gone
3 into the new benefits that
4 actually are saving the plan,
5 namely the prescription drugs
6 three tier and the increase in the
7 co-pays and so forth, their rates
8 are a couple dollars higher. And
9 on the plus side their co-pays are
10 ten dollars and they still have
11 the five and fifteen drug, so I
12 wouldn't complain too much.

13 And the other piece is Eye
14 Med, the vision care, and this is
15 everybody. All units or agencies,
16 the state contract is up the end

17 of December.
18 The plan went out for bid
19 and two groups bid on it. Eye Med
20 was one and Davis Vision. And
21 after the whole process Eye Med
22 was chosen by the State. At this
23 point the Comptroller's Office has
24 not signed that contract yet. That
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1 is why nothing has gone out to the
2 members yet. They are going ahead
3 with everything. They believe he
4 is going to sign it. And they are
5 printing documentation to get
6 something out to the membership
7 before the first of the year with
8 web sites and phone numbers you
9 can check.

10 Your benefits will remain
11 exactly the same and continue. So
12 if you got glasses today you are
13 not eligible again for two years.
14 So it does not start over again.

15 That all remains the same.
16 Certainly the provider list
17 could be different. I know Eye
18 Med is trying to get the same
19 providers that are in with Davis
20 Vision. There will be changes.
21 Empire Vision Centers will not be
22 in. They are owned by Davis
23 Vision do it does not look like
24 that will happen. But they have
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1 to meet access standards.
2 I get calls that there is
3 nobody in our area. They have to
4 meet access standards under the
5 contract. They have to have
6 providers within so many miles of
7 members homes.
8 That information, again,
9 will be coming out shortly. And as
10 soon as I know more I will get it
11 out to you.

12 Does anybody have any
13 questions?
14 MR. PORCARO: Joe Porcaro
15 from Woodbourne.
16 Sharon, so you go to the
17 doctor and he draws your blood
18 usually and he sends it to Quest.
19 And I go to him and say I can't
20 give you my blood here because you
21 are using Quest and you need to
22 use the other place. I then take
23 the prescription and check the web
24 site is what you said, the Civil
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1 Service web site to find out where
2 the location is I would have to go
3 do the blood work at?
4 MS. SMITH: If the doctor
5 said I use Quest and I have a
6 contract with them or that's who I
7 use, then ask them for a script,
8 yes. And then you can go to the
9 web site.

10 Or you can call United
11 Health Care and they will help you
12 also and find out where to go in
13 your area to have it done there
14 and you would only have the 18
15 dollar co-pay.

16 MR. BLASIO: Hey, Sharon.

17 Vinny Blasio, Gowanda.

18 In regards to Lab Corp, we
19 had a discussion last week and I
20 did call United Health Care and
21 when they first plugged in the zip
22 code they just up with the zero
23 and the closest one being 150
24 miles away in Pennsylvania. When
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1 I called Lab Corp themselves they
2 said we had to go to Ohio. There
3 was no participating providers.

4 The lady from United Health
5 Care called back and they were
6 able to locate four.

7 The only question I had is I
8 called. They said there was
9 four. They gave me the telephone
10 numbers. I called. One was a
11 hospital. But when I talked to
12 their staff I don't even think
13 they knew that they were
14 participating in the plan. But
15 they said that they will bill it
16 differently. They're not going to
17 bill it like as far as like a
18 Quest or a Lab Corp. They are
19 going to actually bill you as far
20 as being checked into the hospital
21 and drawing blood, which I guess
22 is a different co-pay than it
23 would using a Quest or Lab Corp.

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1 MS. SMITH: This is an issue
2 for next week at the meeting.
3 Because I brought it up with
4 United Health Care yesterday when

5 they told me that this hospital
6 was going to participate, this
7 hospital lab, that was my
8 question, how is the hospital
9 going to know to bill United
10 Health Care and not Blue Cross.
11 You are going to be physically
12 present there. You could be.
13 They are going to allow you to go
14 to these hospitals. Now you are
15 physically present.

16 It has always been if you
17 are physically present at the
18 hospital and have the bloods
19 drawn, Blue Cross pays that claim
20 and you have a \$35 co-pay. So now
21 they are going to allow you to go
22 there and it is going to be United
23 Health Care and you will have the
24 eighteen. And that was my question
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1 is how are they going to know.

2 And there is supposed to be some
3 kind of a voucher or something.
4 And they are working on it.

5 Next week I will know more
6 on that. I do not know if it is
7 something I --- it should be
8 automatic. It is not anything I
9 should have to get to the
10 membership that they are going to
11 have to deal with. And if you have
12 a member where that happens, that
13 they went and they are charging
14 them \$35, adjustments can be made.
15 But how it is all going to work I
16 will know more next week. But that
17 is an issue. We know to make sure
18 if we are saying they can use that
19 you are still getting the \$18
20 co-pay.

21 MR. BLASIO: Right, okay.

22 MR. PERRY: On a positive
23 note, Harold Perry, Upstate.

24 One of my family members had
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1 to have some jaw reconstruction.

2 For two and a half, three years,

3 we fought this and got denied.

4 We had --- I called Sharon

5 and in months --- less, in weeks,

6 she helped me out with paperwork,

7 made phone calls and put me into

8 an external review. I was told

9 that it was probably not going to

10 happen. It did happen and we won

11 it after three years of fighting

12 because of Sharon.

13 Thank you, Sharon.

14 (Applause.)

15 SECRETARY DAVIS: Diane

16 Davis, Recording Secretary.

17 Sharon, these changes also

18 apply to everybody who is retired;

19 correct?

20 MS. SMITH: For the Quest

21 and Eye Med, yes.

22 SECRETARY DAVIS: And the

23 co-pays and all of that; correct?

24

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1 MS. SMITH: I think the
2 retiree are already at eighteen.

3 SECRETARY DAVIS: Right.

4 But we are all in the same
5 plan.

6 Can you explain to the body
7 the fact that how the retirees are
8 all in same medical plan that
9 active employees are impacts the
10 cost of our health care?

11 MS. SMITH: Sure.

12 Under the Empire Plan you
13 have different groups, but
14 everybody is all one plan. So CSEA
15 members, retirees, management
16 confidential, PEF; everybody is in
17 the same plan. Everybody pays the
18 same rate.

19 Everybody has --- there are
20 some changes because of the

21 negotiations, but basically you
22 know everybody has the same
23 benefit. So everybody is in one
24 pool. And like I said, the
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1 retirees are in there also. And
2 over fifty percent of the cost of
3 the Empire Plan is retiree cost.
4 So all of you people working are
5 actually helping to keep retiree
6 rates down and keep them in the
7 plan. You are paying for them.

8 The good news is some day
9 you will retire and you will have
10 it and the actives will be helping
11 you. But everybody is in one
12 pool.

13 We get a lot of calls about
14 going to different tiers. And we
15 get a lot from retirees saying
16 there is just two of us, we should
17 not have to pay family, there are
18 only two of us. You have to

19 understand, they are the ones
20 driving up the cost. If you
21 started breaking out into family
22 and two person and so forth, the
23 rate for family would be driven up
24 so high that an individual and so
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1 forth that it would not be
2 feasible. The plan was set up to
3 try to put everybody in the same
4 pool and all divided as equally as
5 possible so everybody is paying
6 the same and you can keep it lower
7 for everybody.

8 MR. PEPIN: Bill Pepin,
9 Cayuga.

10 Sharon, am I to understand
11 that the eye care contract has not
12 been signed yet?

13 MS. SMITH: Not by the
14 comptroller's office yet. .

15 MR. PEPIN: Just to let the

16 members know, this is a non union
17 entity.

18 I am coming to this body and
19 to address Larry, what would be
20 the best way to let the state know
21 exactly how unhappy we are that
22 this is a non union entity.

23 MS. SMITH: I can tell you
24 that, when they asked us, because
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1 the unions are part of the process
2 when they are going through the
3 RFP process. And when they asked
4 for our recommendation I talked to
5 Larry and we discussed everything
6 and our recommendation was to stay
7 with Davis Vision. And that is the
8 recommendation we gave.

9 When we got word that Eye
10 Med was chosen, NYSCOPBA has
11 specific contract language in
12 Article 12.14 that says that they
13 can not change a vendor without

14 joint committee approval. And so
15 we have grieved it. We have
16 grieved that they have gone to Eye
17 Med. We do have a grievance out
18 there on it. It went directly to
19 step three denied and it is going
20 to go to arbitration, but we have
21 done that.

22 The state has all along
23 tried to get that language back
24 and they try to tell us that is
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1 not what that language means, but
2 we could never get from them what
3 it did mean and they always wanted
4 it back. It was awfully important
5 for them to get it back. But we
6 have held on to it. So we have
7 done that.

8 MR. PEPIN: Basically that
9 contract that we had with Empire
10 was I am pretty sure the last 24

11 years.

12 MS. SMITH: Yes. I don't
13 know how long it has been. I
14 think they have had it with them
15 for a long ---

16 (Multiple voices. Inaudible
17 comments.)

18 MR. PEPIN: I'm not asking a
19 question. I'm stating a fact. It
20 has been for 24 years.

21 And basically all the state
22 did was to save a few dollars and
23 they gave the Empire, the
24 contract, they give it to a non
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1 union entity, the Davis; correct.

2 MR. CARLSON: Mike Carlson,
3 Forest Rangers.

4 Sharon, can you give us an
5 update on any of the dental? Has
6 that changed? Are we looking at
7 anything better in the future?

8 MS. SMITH: There is no

9 change to it except that providers
10 keep dropping out. That is what I
11 know about it.

12 But that is going to have to
13 be in negotiations, Mike, at this
14 point. They have not put the
15 program out for bid. That was
16 another contract that was awarded
17 to GHI the last time that went out
18 for bid and the Comptroller would
19 not sign the contract. So they
20 have to put it back out but they
21 just haven't.

22 GHI is abiding by the
23 contract. They gave us the
24 benefits and are abiding like we
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1 have it or had it with them. But
2 I think that it really needs to be
3 addressed in the next round of the
4 negotiations.

5 MR. CARLSON: Yeah, because

6 it seems like the money, there is
7 plenty enough a money to use but
8 you can't use it because you can't
9 find a provider.

10 MS. SMITH: Absolutely. And
11 that is the fee schedule. That is
12 the problem. They pay less than
13 Medicaid.

14 TREASURER TELISKY: Thank
15 you, Sharon.

16 Just so you know, Sharon and
17 Peg Porter from Health and Safety
18 are at every EA both days and they
19 are usually in the back of the
20 room.

21 Peggy is back there right
22 now so if you have any questions
23 about health and safety they are
24 always here. They are even in
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1 Liverpool.

2 In the spirit of
3 clarification and working

4 together, if you notice something
5 on the Treasurer's Report or you
6 see something that is wrong, will
7 you give me a call and I can
8 change it so you have the most
9 accurate information at the EA,
10 and if we have to send out an
11 amendment we will. The records,
12 if you want to see any of the
13 records about any expenditure, the
14 Finance Committee can get copies
15 of that documentation, which has
16 been a past practice of NYSCOPBA.
17 But if you tell me ahead of time
18 what documents you want to look
19 at, I will bring them to the EA.

20 What I did today was copy
21 every check have from January to
22 11-30 for every check we wrote for
23 this fiscal year. And every line,
24 every 26 lines is checks we wrote.

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1 No shows for hotels. I know
2 I beat you guys every time I come
3 up, but you just won't call and
4 cancel the hotel. Please be
5 cognizant of that. If you are not
6 going to show up and you know you
7 are not going to show up, will you
8 call and cancel your room, or call
9 me, I know you all know my number.
10 I will cancel your room. Call me
11 and tell me and I'll do it,
12 please.

13 The number is right on the
14 front of your packet every time we
15 send it out to you too.

16 Last thing, I want to talk
17 to you about catastrophic policy
18 and procedure.

19 What we did as a Board
20 yesterday, I put a motion on the
21 floor at the Board that we stay
22 true to the benefit that existed
23 with NYSCOPBA since its inception,

24 that you are entitled to one
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1 catastrophic per cycle of NYSCOPBA
2 in our existence since 1999.

3 What our Board agreed to is
4 if you have another, if one of
5 your members have another
6 catastrophic event we are going to
7 do it on a case by case basis. We
8 want you guys to submit them to
9 us. So if there are two out there
10 or three out there, we want to try
11 and provide that for them. But
12 every one that is more than one
13 will go in front of the E Board
14 for approval. So it is going to be
15 like a second layer of security so
16 to speak so we are not doing this
17 person gets one and this one does
18 not.

19 But what I will ask you to
20 do is, when that member comes to
21 you we don't really ask for much
22 other than a to from for the first

23 one. So if there is a second and
24 third one comes about and they go
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1 to you, if they have receipts, I
2 want to have the receipt sent in
3 too. Whatever they are saying
4 happened, happened, we would like
5 to have some documentation with
6 that.

7 So if they can send a packet
8 down to me so I can show the
9 Board, I would appreciate that.

10 Thank you.

11 PRESIDENT FLANAGAN: We are
12 going to take a short recess.

13 (A break in the proceedings
14 was taken.)

15 PRESIDENT FLANAGAN: Lets
16 get started again, please.

17 Lets go guys.

18 Listen, another piece of
19 information that I wanted to relay

20 to everybody here.

21 I am going to say a month

22 ago I went to down to Park

23 Strategies, Senator D'Amato's

24 firm, and talked about the fact
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1 that we were not going to continue

2 business with Park strategies.

3 Obviously I am sure we can

4 all understand that Senator

5 D'Amato really could not

6 understand why, and wanted to have

7 a continued relationship with us.

8 As such, Senator D'Amato's

9 firm, Park Strategies is

10 continuing to represent us until

11 December 31, 2006 at no cost.

12 December 31, 2006.

13 And I am signing a paper

14 today for that specific language

15 that will go to the lobbyist

16 commission that Park Strategies

17 will be representing NYSCOPBA

18 until December 31, 2006, at no
19 additional cost. I wanted you to
20 know that.

21 Any questions?

22 Donn Rowe.

23 MR. ROWE: Rowe, Hale Creek.

24 Are you asking for unanimous
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1 consent of this body?

2 PRESIDENT FLANAGAN: For
3 what?

4 MR. ROWE: To sign that
5 agreement.

6 PRESIDENT FLANAGAN: To sign
7 an agreement for -- so you think
8 that is what we should do?

9 MR. ROWE: I believe that is
10 what our certificate of
11 incorporation says that we should
12 do.

13 PRESIDENT FLANAGAN: Our
14 certificate of incorporation says

15 that --- Donn, you know what, I
16 certainly have no problem asking
17 this body for unanimous consent to
18 continue to utilize Park
19 Strategies, to support the Board
20 decision and utilization of Park
21 Strategies until December 31, 2006
22 with no additional cost.

23 MR. ROWE: Well, just for
24 clarification, I would like the
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1 chair to recognize that it is the
2 authority of this body.

3 PRESIDENT FLANAGAN: I
4 already conceded to it, and I
5 agree with you.

6 MR. ROWE: Thank you.

7 PRESIDENT FLANAGAN: You're
8 welcome, Donn.

9 Having said that, Edwin,
10 please go to the mike if you would
11 like to address me.

12 Thank you, sir.

13 Having said that can I have
14 unanimous consent in regards to
15 utilizing Park Strategies until
16 December 31, 2006 at no additional
17 cost to NYSCOPBA.

18 Anybody opposed?

19 (No Response.)

20 PRESIDENT FLANAGAN: Thank
21 you.

22 MR. COLLINS: Hey, Larry,
23 Tim Collins from Oneida.

24 What was their strategy in
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1 saying they would provide free
2 services? Did they have a agenda
3 in mind that they would try to win
4 us over?

5 PRESIDENT FLANAGAN:

6 Obviously, Tim, they would like to
7 continue to have a relationship
8 with NYSCOPBA. There was no ---
9 what my commitment was to Park

10 Strategies was that I would come
11 and talk to this body and say that
12 I would like to utilize Park
13 Strategies. And obviously that
14 would be a decision made by this
15 body.

16 MR. COLLINS: So, I mean,
17 did they have --- they must have
18 had something in the works where
19 they were going to try to, in 26
20 days or by the end of the month
21 they are going to try to shine or
22 show something to us?

23

24

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1 PRESIDENT FLANAGAN: Tim,
2 let me say this.
3 We talked to Park Strategies
4 about getting things done that
5 none of us want discussed in this
6 forum and they are working on it.
7 Thank you.

8 Let the record reflect that
9 the signing of this agreement was
10 by unanimous consent with this
11 body's approval.

12 Denny.

13 Denny Fitzpatrick.

14 MR. FITZPATRICK: We have
15 some honored guests here today
16 that I would like to recognize.

17 First of all I would like to
18 ask Rene Snyder and Chris Smith
19 from Special Olympics to come up
20 here. They have something they
21 would to present to this body.

22 MR. SMITH: Thank you, very
23 much.

24 As Denny mentioned, my name
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1 is Chris Smith. I am the vice
2 president for development and
3 public relations for Special
4 Olympics, New York. We wanted to

5 take a couple of quick minutes.
6 Rene Snyder is our liaison for the
7 law enforcement community for
8 Special Olympics. And this body,
9 NYSCOPBA, is probably one of our
10 strongest partners over all, and
11 the strongest partner we have with
12 the law enforcement community.

13 And one of the things I just
14 wanted to mention to you who may
15 not know, right now with New York
16 State we are the largest program
17 in the country. We have over
18 43,000 athletes and well over 400
19 competitions that we do in any
20 given year. And that is in 22
21 sports.

22 Just a real brief thing in
23 terms of describing the type of
24 athletes we have, a lot of folks
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1 don't understand, we have various
2 levels of athletes. But just to

3 give one example of the type of
4 athleticism, last Albany at our
5 summer games, Mike Murray was of
6 the judges on the weight lifting
7 contest, and there were two
8 gentlemen in particular that stood
9 out. One young man named Benson
10 from the Syracuse area and weighs
11 not more than 150 pounds, maybe
12 145, and he actually dead lifted
13 475 pounds in that competition.

14 And another gentleman, and
15 forgive me, I don't remember his
16 name, he was from the Westchester
17 county area, they were trying to
18 set --- he set three state records
19 in a row well over 500 pounds
20 within fifteen minutes, which is
21 unbelievable for any body who
22 lifts that kind of weight. And as
23 Mike said to me this morning, he
24 could have gone much higher except
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1 his coach only did five pound
2 increments.

3 And so just wanted to share
4 with you the type of athletes. We
5 certainly have folks that do more
6 basic training. But this is
7 something that Special Olympics is
8 really about competition and about
9 giving people who have
10 intellectual disability an
11 opportunity to have pride and to
12 feel good about something and it a
13 great program and you guys are
14 terrific partners.

15 I wanted to make a
16 presentation to Denny Fitzpatrick
17 for his work with us over the last
18 several years. And then if you can
19 give us a couple more minutes, we
20 wanted to talk about some of the
21 things we are doing in 2007.

22 So first, without further
23 ado, this is basically is that

24 NYSCOPBA was our strongest partner
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1 for our recent 25th Anniversary
2 Torch Run Conference. We hosted
3 the international conference in
4 Buffalo. We had close to a
5 thousand officers from throughout
6 the world, 30 countries. Plus we
7 had every state and every province
8 in Canada. And this is a special
9 commemorative print that we had
10 made that says, Thank you for
11 reaching out, for your energy to
12 move hundreds of members of the
13 law enforcement community to reach
14 out and touch the hearts of
15 thousands on behalf of our
16 champions.

17 Special Olympics is sport in
18 its truest sense. The goal is not
19 to win but to try, to experience,
20 not conquer.

21 And then the athletes oath.

22 Let me win, but if I can not
23 win, let me be brave in the
24 attempt.
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1 (Applause.)
2 MR. SMITH: If we could just
3 take two more quick minutes.
4 In 2007 the Special
5 Olympics, we have three things we
6 want to talk about to NYSCOPBA and
7 present to you. Denny suggested
8 that we talk to the entire body
9 about it. Rene will talk about
10 the first two and I will talk
11 about the third.
12 And basically, with that,
13 Rene, if you want to talk about
14 these first two projects.
15 MS. SNYDER: Once again,
16 thank you for everyone who
17 participated in the Torch Run or
18 the Polar Plunge or giving an

19 award. Thank you, because it is
20 your body and your representation
21 that helps us succeed here at
22 Special Olympics.

23 First and foremost for the
24 2007 actual run, the conference
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1 has given us such excitement
2 around this program and this
3 relationship that you guys all
4 have with Special Olympics and our
5 athletes. And we would like to
6 see our Torch Run be an event in
7 itself. Something that people
8 take notice to, something that
9 sponsors wanted to get involved
10 in, something that people want to
11 see in the media.

12 And right now we have
13 several different legs, so I am
14 sure some you take part of in the
15 location that runs through a town
16 near your community.

17 This year we would like to
18 see two legs start; one in Buffalo
19 and on in Long Island. And we
20 would like to converge on our
21 State Summer games in Albany.

22 With that being said,
23 logistically that is pretty
24 difficult to encounter. We want
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1 everyone's help on this to say I
2 can bring a group of people from
3 Wyoming County or I can bring a
4 group from Westchester County and
5 participate in these runs.

6 Whether you jump on board at
7 a different location in the front
8 of your jail or the front of a
9 school or something to bring the
10 community involved into these
11 torch runs. And they can see the
12 end of it, which will converge
13 right on SUNY Albany the night of

14 opening ceremonies with thousands
15 of athletes there and it is really
16 a fantastic event and a feel good
17 thing for everyone involved.

18 We want to make this a
19 spectacular event. That is
20 something we will put out to you
21 to say, who would like to get
22 involved. Who wants to be really
23 involved with this event.

24 Another thing that we have
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1 is our Polar Plunges, which right
2 now we had a couple last year. We
3 had one in Fishkill and one in
4 Rochester. We had a small one in
5 Coney Island and a small one on
6 Long Island.

7 This year we are proposing
8 for 2007 to have seven Polar
9 Plunges from Buffalo/Rochester
10 Syracuse the Hudson Valley Region,
11 Coney Island, Long Island and the

12 Capital District throughout
13 January 07 to December 07.
14 Other states with polar
15 plunges can raise over a million
16 dollars with this one event
17 itself. We have not been that
18 successful. Basically what we are
19 looking for is your membership.
20 Each and every one of you could
21 bring 20 to 25 people to this
22 event. Make it a team thing.
23 Make it a fun thing. And with
24 each and every one of you bringing
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1 in 25 people raising \$100 a piece,
2 if you do the math, that is such a
3 fantastic thing.

4 I don't think that it will
5 take us years to get things
6 established. I think with your
7 help and the help of other law
8 enforcement, with challenges, with

9 the help of the media and the help
10 of other outside sponsors that you
11 guys have links into you can make
12 these events double if not triple
13 from last year's numbers.

14 It is not all about the
15 money. It is also about the
16 athletes and their involvement in
17 things and seeing these athletes
18 get excited and have a good time
19 at these events and be able to buy
20 new uniforms and go to China for
21 World Games.

22 You guys have done such a
23 fantastic job supporting us in the
24 past, obviously writing checks is
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1 such a huge thing for us. But also
2 buying t-shirts for our fire truck
3 pulls and buying trophies for our
4 fire truck pulls and polar
5 plunges, all these things are
6 things that NYSCOPBA has done in

7 the past which we love and it is
8 fantastic. What we are looking to
9 do is to get more involved at the
10 actual facility and to get more
11 membership involvement with these
12 events.

13 And if you have another idea
14 that maybe the polar plunge isn't
15 your thing, bring it up and lets
16 talk about it. We are really
17 trying to broaden our program and
18 compete with the states who have
19 million dollar programs; New
20 Jersey, Maryland. These states
21 are raising \$1.7 million in their
22 law enforcement torch run
23 programs. We have that capability.

24 We have that kind of membership
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1 here. We need to get involved.

2 Thank you, very much for
3 your time.

4 Chris is going to talk about
5 our 2007 World Games Teams.

6 You guys have already done
7 some things in your facilities as
8 far as sponsoring an athlete or
9 sending kids to a dinner or fund
10 raising lunches or buying a raffle
11 ticket to raise a thousand dollars
12 in one day. What we want to do is
13 give ownership to one thing or a
14 team or a kid who is going to
15 represent the United States and
16 New York in China at those games.

17 MR. SMITH: Thanks, Rene.

18 What we brought was a few
19 copies of a proposal to NYSCOPBA
20 to partner with Special Olympics
21 this year in 2007, being involved
22 in the law enforcement torch run,
23 to get involved with Polar plunges
24 and then the third thing was our
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1 world games.

2 Denny when we talked briefly
3 in Buffalo a few weeks ago at the
4 conference he asked in terms of
5 what is the opportunity to be out
6 there and at the level of support
7 that NYSCOPBA gives to Special
8 Olympics.

9 And so we put together a
10 proposal around our World Games
11 team. And we will send thirty
12 athletes along with a few coaches
13 to Shang Hai China next October.
14 There will be over 7,000 athletes
15 participate. It will be the
16 largest competitive event ever in
17 the world. And the thirty
18 athletes from New York will be
19 part of the contingent of the U.S.
20 National Team. And so what we are
21 looking at doing in the proposal
22 that we will give to, and we
23 brought four or five copies for
24 you guys to look at and to
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1 discuss, but it gives us an
2 opportunity to give you guys some
3 extra recognition to help us being
4 one of the major players as part
5 of that World Games Team. And
6 then as part of that to also
7 recognize NYSCOPBA throughout the
8 year as doing that. And there are
9 several levels in that and I don't
10 want to go through all the
11 details, but it is something that
12 we think would be a great
13 partnership for you to be involved
14 with.

15 Just to kind of reiterate,
16 the opportunities with the torch
17 run, if we are going across the
18 state, our goal is to try to do it
19 through every county, to look at
20 the map and work with the
21 committee that will put that
22 together, there may be

23 opportunities where we could run

24 by several of the facilities. I
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1 know where I live in Oneida County
2 a lot of the facilities are close
3 to each other. We could perhaps
4 do the torch runs by those
5 facilities. That might be
6 something to think about.

7 The Polar Plunges is an
8 opportunity where we could in
9 seven locations where we help
10 perhaps try to help recruit teams
11 from facilities close to the
12 locations.

13 And lastly, both at the
14 summer games in June and our fall
15 games in October in other areas
16 where we could give recognition to
17 NYSCOPBA as being part of the
18 World Games partnership.

19 Thank you very much and if
20 you have any questions, thank you,

21 very much. We appreciate your
22 help.

23 (Applause.)

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1 MR. FITZPATRICK: Speaking
2 of the conference out in Buffalo,
3 it was absolutely phenomenal. We
4 had a lot of participation by
5 officers out there. In fact in
6 the memorial run on Saturday we
7 had approximately 140 officers in
8 uniform running the streets of
9 Buffalo. It was absolutely great.

10 And by the way, the
11 Department of Corrections, they
12 were off on state time running in
13 that event, so they did their
14 part.

15 Second of all, as Rene
16 indicated, we had some facilities
17 that really went over and above

18 helping us to support the athletes
19 working that conference to be able
20 to take part of the dinners and
21 all of the different functions
22 that the conference had, there is
23 a cost factor to everything as we
24 all know. But I would like to
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1 call up the following facilities:
2 A representative of; Auburn,
3 Cayuga, Collins, Coxsackie, Five
4 Points, Oneida and Wyoming, come
5 up please.
6 Auburn, Cayuga, Collins,
7 Coxsackie, Five Points, Oneida and
8 Wyoming.
9 They are all the same that
10 we will give them all out.
11 What this really is folks is
12 that when we went to this
13 conference approximately twenty to
14 twenty-five athletes that worked
15 that conference all week long.

16 And when I tell you work, they
17 worked from six in the morning
18 until ten or eleven at night. And
19 in the past the athletes have not
20 had the opportunity to take part
21 in the ceremonies; the opening
22 ceremonies or closing ceremonies
23 or the banquet dinner or the hall
24 of fame dinner or whatever the
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1 case may be.
2 These gentlemen behind us in
3 their efforts ran fund raisers at
4 their facilities using the lotto
5 tree. And within a week's time we
6 raised over \$2000 to make sure
7 that all these athletes were able
8 to attend. The athletes wanted to
9 do something to recognize those
10 individuals.
11 So we made up a Cops Care
12 logo with NYSCOPBA and the

13 Executive Assembly. And it was
14 signed by the athletes thanking
15 these individuals for having them
16 be able to take part in the
17 ceremonies.

18 Again, thank you.

19 (Applause.)

20 MR. FITZPATRICK: I would
21 like SS0 One Earnest Small and SS0
22 One Latasha Irving to come up,
23 please.

24 I told them both they have
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1 to make a speech. Neither one of
2 them are speaking up to the mike.
3 I do not know what the problem is.

4 I am waiting for the photo
5 shoot to be done.

6 Chief sector steward Tim
7 Moore sent me up a letter
8 requesting that this body
9 recognize these two individuals.

10 I would like to read what he

11 wrote for this recognition.

12 On Thursday, November 24,
13 2005, while on assignment at
14 Kingsboro Psychiatric Center,
15 these two officers responded to a
16 fire alarm at 10:53 a.m.

17 After confirming that this
18 was indeed a real fire emergency,
19 these two officers evacuated the
20 whole building two area,
21 protecting and saving the lives of
22 all the patients, staff, and
23 visitors that were in the
24 building.

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1 As this deed was not
2 rightfully celebrated and
3 acknowledged by the facility or
4 agency, I believe the union should
5 issue these two officers valor
6 awards hopefully at the December
7 Executive Assembly.

8 No doubt that we are
9 certainly going to do that. Our
10 hats are off to you.
11 (Applause.)
12 MR. FITZPATRICK: No
13 speeches.
14 Thank you.
15 On or about September of
16 this past year Larry Flanagan came
17 to me and said that there was a
18 member out there that we should
19 recognize for being a true member.
20 And there was a letter
21 written by Ed Greene to Larry and
22 to John Telisky about Belinda
23 Fountain.
24 Belinda, would you come up
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1 please?
2 (Applause.)
3 MR. FITZPATRICK: I think the
4 letter that Ed Greene wrote to
5 John Telisky really says it all.

6 Dear John:
7 Enclosed please find a check
8 in the amount of fifty thousand
9 dollars, duly endorsed by Ms.
10 Fountain and myself for attorney
11 fees and costs in the above
12 matter. Receipt of this check
13 fully and finally resolves the
14 diagnosed prognosed litigation
15 pursuant to the terms of the
16 stipulation of settlement.

17 As you know, Ms. Fountain's
18 participation in this litigation
19 has been instrumental in achieving
20 a significant change in the
21 department's policies for the
22 benefit of every NYSCOPBA member
23 employed by the department.

24 Ms. Fountain's selflessness
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1 was perhaps best illustrated by
2 her continued participation after

3 her well deserved retirement from
4 employment with the department.

5 Ms. Fountain's willingness
6 to fight this battle more for her
7 fellow members than for herself
8 exemplifies what is best about
9 NYSCOPBA, its representatives and
10 its members.

11 To this we certainly
12 recognize you and support you and
13 thank you.

14 (Applause.)

15 MR. FITZPATRICK: This
16 states:

17 Presented to Correction
18 Officer Belinda Fountain in
19 recognition of your participation
20 and persistence in the diagnosed
21 prognosed litigation which was
22 instrumental in achieving
23 significant changes in the
24 department's policy for the
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1 benefit of every NYSCOPBA member.

2 Your selflessness was
3 perhaps best illustrated by your
4 continued participation after your
5 well deserved retirement from the
6 department. Your willingness to
7 fight this battle more for your
8 fellow officers than for yourself
9 exemplifies what is best about
10 NYSCOPBA, its representatives and
11 its members.

12 Again, on behalf of the
13 membership of NYSCOPBA we thank
14 you. And good luck in your
15 retirement.

16 (Applause.)

17 MS. FOUNTAIN: I'm not one
18 for long speeches but I would like
19 to thank you. It was totally
20 unexpected. I wasn't expecting
21 anything from the state. I just
22 hope that it carries you well and
23 you get through the things than I
24 did for myself and everyone else.

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1 Thank you.

2 (Applause.)

3 MR. FITZPATRICK: I only
4 have a couple more things to bring
5 up.

6 First of all, the school
7 resource officer program, as you
8 know it was funded through a
9 grant. We were able to train 42
10 people in October, of which I
11 think eleven have already gone out
12 and have gotten further training
13 or by attending other schools.

14 The program is going very
15 well. The money, from what I
16 understand, is finally being freed
17 up. Since July it has been quite
18 the battle to get that done. I
19 have to thank Dave Martin for all
20 of his work in putting that grant
21 together. It was an awful lot of

22 paperwork. But it has passed the
23 smell test.

24 John Telisky has helped us
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1 tremendously with DCJS to help
2 expedite that process. And
3 hopefully in the future we will be
4 able to get a reciprocal grant
5 from the legislature or possibly
6 from Congress.

7 We have gotten many, many
8 letters back from the schools that
9 have already been done. And it is
10 only a positive thing and the more
11 we can do the more this program is
12 going to take on a life of its
13 own.

14 The department has been
15 working very well with us on this
16 program. Even though the grant
17 was only for one year in a pilot
18 program, they have already agreed
19 that if the money is there and the

20 funding is there, the program will
21 continue beyond the one year.

22 As long as we can continue
23 finding ways to fund that and

24 support it, that program will
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1 continue, which I am very happy to
2 hear.

3 Secondly, again, speaking
4 about funding, it all about money
5 unfortunately, but we need your
6 help out there, especially for
7 those of you with SEFA campaigns
8 that are coming, would you please
9 take advantage of that. That
10 would certainly help us. All of
11 the money that we can generate
12 from SEFA from the infinity
13 program, legal access program that
14 we now have as payroll deducted,
15 are very important and vital to
16 maintaining the various programs

17 so that the union does not have to
18 continually foot that bill. And it
19 does not come cheap,
20 unfortunately.

21 On another note I would just
22 like to take this opportunity to
23 thank all of you for the
24 opportunity to work with you and
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1 for you these past seven and a
2 half years. I am extremely proud
3 of this board. They have done a
4 hell of a job in the adversity
5 that they were faced with when
6 they took over.

7 I wish you all the best.

8 Thank you.

9 (Applause.)

10 PRESIDENT FLANAGAN: It is
11 only about twenty-five minutes to
12 twelve.

13 Next on the agenda is lunch.

14 Without any opposition, I

15 would like to move forward to
16 start the committee reports.
17 Is anybody opposed to moving
18 forward?
19 Edwin, are you okay with
20 that?
21 (Inaudible comments from the
22 floor.)

23

24

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1 PRESIDENT FLANAGAN: Thank
2 you.
3 Having said that, I will
4 start off with the committee
5 report in regards to the
6 collective bargaining.
7 As I said earlier we had all
8 you the surveys that were sent in.
9 I wrote a letter to GOER last week
10 requesting to go back to the table
11 to start negotiating. As I said I

12 put in two letters. I put in one
13 to go back into negotiations for
14 the law enforcement. And I also
15 requested to begin negotiations
16 for 2007.

17 I got a response back from
18 GOER that it was their position
19 that we had to wrap up the non
20 compensatory issues before we
21 could move forward. Having talked
22 to the lawyers, we can take an
23 avenue in regards to litigation
24 that if we need to go that route.
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(Executive Assembly 12/6/06)

1 But what I am going to look
2 to propose, if I can get it done,
3 I am asking the Department, as a
4 matter of fact I did it in a
5 written form and I am waiting for
6 a response back, I am asking for
7 the Department to allow us to
8 extend our contract, our present
9 contract that we have all been

10 living under, until March 31,
11 2007, all the non compensatory
12 issues.

13 The reason for that ---
14 excuse me, GOER. GOER. I am
15 asking GOER not the department.

16 The reason for that is, we
17 believe it would expedite matters,
18 that we would be able to present
19 obviously not without being voted
20 on by the members, we would
21 present to the membership that we
22 have been living under this
23 contract language now and we are
24 just looking to extend it until
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(Executive Assembly 12/6/06)

1 March 31 of 2007 with the changes
2 that we have already made with the
3 MOUs, specifically with Article
4 VIII and we are also looking to
5 see if we can not get the 25 9
6 money out that is also beneficial

7 to us.

8 If we can accomplish all
9 that, like I said we would present
10 that to the membership for a vote
11 and this way here on March 31,
12 2007 we can go back to the table
13 with an entirely clean slate and
14 fresh start with all new proposals
15 and not have to worry about
16 whether we have to do a battle in
17 regards to the litigation.

18 And I understand from
19 talking to the law firm that this
20 was done previously with the State
21 Police and they had, I believe it
22 was an IP that they had to file
23 and from there they won it and

24 they were allowed to start
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(Executive Assembly 12/6/06)

1 negotiations. But trying not to
2 clog the system up with all of the
3 logistics, if we could get the
4 green light from GOER to extend

5 the contract language of the day
6 to March 31, 2007, we would send
7 that out to be ratified with the
8 changes. And if we get back good
9 results then we would be able to
10 start negotiations with a fresh
11 start.

12 That is where we are in
13 regards to negotiations and
14 collective bargaining.

15 I'm not sure if everybody is
16 aware, it might have been reported
17 before, but how the collective
18 bargaining slash negotiating slash
19 arbitration team was established,
20 the Executive Board wanted to make
21 sure that the committee was as
22 unpolitical as possible. And they
23 picked two representatives from
24 every region. And that is what

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1 makes up the team. There are

2 twelve members on the team. It is
3 two members from every region.
4 And that is how your collective
5 bargaining negotiating committee
6 was established.

7 Anybody have any questions?

8 MR. BEY: Talib Bey, Kirby.

9 How is all the negotiations
10 going to take place at once? We
11 don't have money yet. We got to
12 get our money. We got to continue
13 negotiations for the four, five
14 years that we didn't get. We have
15 to start negotiations for the 2007
16 contract. In what order is all
17 that going to take place?

18 Is it going to be different
19 negotiations taking place? Is our
20 money going to be a priority? You
21 going to take care of our money
22 first and then we going to move
23 on?

24 How is that going to take
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1 place?

2 PRESIDENT FLANAGAN: Sounds

3 like we have a lot of work to do.

4 Yes, obviously I don't think

5 it is much of a brainer that one

6 of the things that we are going to

7 look to accomplish first as

8 obtaining raises for the law

9 enforcement people who are trying

10 to survive on 2002 salaries; the

11 same position we were in just a

12 short time ago.

13 That is why I have already

14 written the letter to begin

15 negotiations, to get back to

16 negotiations for law enforcement.

17 As I said earlier, Sarin

18 called me yesterday and told me we

19 could continue. They got the

20 green light from the other unions

21 and he is supposed to call me

22 within the next day or so to

23 coordinate some dates.

24

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1 MR. BEY: What I am saying
2 is, is all this going to be
3 simultaneous?

4 PRESIDENT FLANAGAN: Pretty
5 much so, yes.

6 MR. BEY: Oh. Okay.

7 PRESIDENT FLANAGAN: Pretty
8 much it is all going to happen at
9 once.

10 MR. BEY: Thank you.

11 PRESIDENT FLANAGAN: Bill.

12 MR. PEPIN: Bill Pepin,
13 Cayuga.

14 You're saying this is going
15 to put out for a vote by the
16 membership to extend this
17 contract?

18 PRESIDENT FLANAGAN: It
19 would have to be, yes.

20 Any other questions?

21

Thank you.

22

TREASURER TELISKY: Finance

23

Committee met November 20, 2006

24

and discussed two motions from the
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(Executive Assembly 12/6/06)

1

Executive Assembly meeting.

2

The first motion was an

3

analysis of the law firm

4

expenditure. The recommendation

5

of the Finance Committee is to

6

hire Ron Dunn of Gleason, Dunn and

7

O'Shea to do an analysis.

8

The cost will be less than

9

\$20,000 and will be completed by

10

the Executive Assembly meeting of

11

February seven and eight of 2007.

12

The second motion was to

13

rescind the September 28, 2005

14

retirement benefit motion and

15

replace it back with the ten

16

dollars per year of service for

17

retirees.

18

The committee recommended

19 not adoption of a non budgeted
20 expense. In addition, it would
21 cost if everybody retired from
22 1962 to 1982, \$575,120 if the
23 average member did 20 years of
24 service.

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(Executive Assembly 12/6/06)

1 There are 2,054 members
2 eligible and the current cost of
3 the program that we currently have
4 was allocated at \$53,000 thus far
5 this year. The cost difference is
6 \$522,120.

7 Year to date we have had 573
8 members retire out of NYSCOPBA.

9 So that would expose us to another
10 part of this, because if we were
11 just doing this from 2007 forward
12 these people would have already
13 gotten the benefit and would not
14 be entitled to it. So basically we
15 would be just not doing the 2006

16 members.

17 With that said, I am going

18 to try this with the first one, to

19 hire Ron Dunn of Gleason, Dunn and

20 O'Shea, I'm going to ask for

21 unanimous consent of this body.

22 All in favor signify by

23 saying aye.

24 (Response of "Aye".)
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(Executive Assembly 12/6/06)

1 TREASURER TELISKY: Opposed.

2 (Response of "Nay.")

3 TREASURER TELISKY: Can the

4 nays stand, please.

5 Can you go to the mikes and

6 state your name for the record if

7 that's your intent?

8 MR. MCKEEL: Steve McKeel,

9 Wende.

10 MR. CARY: Jeff Cary, Five

11 Points.

12 MR. MCADAM: McAdam,

13 Franklin. And I would like

14 discussions on this and have it go
15 back to a revote before we're
16 done.

17 MR. BRANCH: Branch, Lyon
18 Mountain.

19 MR. SAMPI CA: Sampi ca,
20 Chateaugay.

21 MR. CARPENTER: Carpenter,
22 Clinton.

23 MR. FORKEY: Forkey, Altona.

24 MR. PERRY Perry, Upstate.
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(Executive Assembly 12/6/06)

1 VICE PRESIDENT JOHNSON:
2 Johnson, Northern VP.

3 MR. BUTLER: Butler,
4 Midstate.

5 VICE PRESIDENT SHANAGHER:
6 Brian Shanagher, Executive Vice
7 President.

8 TREASURER TELISKY: Because
9 this is a delicate situation, I'm
10 going to open it back up for

11 debate and discussion.
12 Under unanimous consent
13 rules I asked for it and no one
14 asked for debate. We can go into
15 the procedure.

16 Randy, go ahead.

17 MR. MCADAM: Last Executive
18 Assembly we spent hours and hours
19 in argument and discussion all
20 over the place on this subject on
21 putting the attorneys on for a
22 retainer for a certain time frame,
23 did we not?

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(Executive Assembly 12/6/06)

1 TREASURER TELISKY: Yes, we
2 did.

3 MR. MCADAM: So why are we
4 going to spend \$20,000, waste
5 \$20,000 to go back and look at
6 what we argued two days on the
7 frigging floor about. If you want
8 to spend \$20,000, spend it when

9 the retainer is back up. Don't
10 waste \$20,000 on a retainer that
11 we have already signed. That is a
12 bunch of bull crap.

13 TREASURER TELISKY: Just so
14 you are aware of it, it was
15 referred back to the Finance
16 Committee by Mike Carlson and
17 Debra Floyd with one, two, three,
18 four, five, six, seven, eight,
19 nine, ten, eleven, twelve
20 dissenters. That is why we took
21 action the way we did in the
22 Finance Committee.

23 Any other debate?

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(Executive Assembly 12/6/06)

1 MR. CARLSON: Can I pull that
2 action?

3 TREASURER TELISKY: That has
4 already been acted on by this
5 body. You already voted on it.

6 MR. CARLSON: Can you give
7 us the wisdom behind the finance,
8 why we came up with this?

9 TREASURER TELISKY: Sure.

10 We feel as a committee that
11 to put this issue in the right
12 frame I will say is to look into
13 our legal expense, okay.

14 You continually hear how
15 much our legal expenses is. And
16 we feel that the best way to see
17 what we were getting for our
18 dollar was to do an analysis.

19 Donn.

20 MR. ROWE: Rowe, Hale Creek.

21 You know, I think that Al
22 Mothershed put this pretty simple.

23 We spend \$70,000 a year to audit

24 our books when we have book
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(Executive Assembly 12/6/06)

1 keepers, a treasurer, and we have
2 reports here. And this is what we
3 are doing. We are going to audits

4 how we something that everybody
5 has admitted is a delicate issue
6 within this organization. It is a
7 simple audit of what this law firm
8 does for us and to look for to may
9 be more efficient, for billing
10 practices to be different.

11 Every organization has had
12 this done at one time or the
13 other. And some have changed law
14 firms over it. Some have stayed
15 with law firms over it. It is a
16 simple audit of something that we
17 do and that we spend 25 cents of
18 every dollar of our members on.

19 TREASURER TELISKY: Diane.

20 SECRETARY DAVIS: Diane

21 Davis, Recording Secretary.

22 I supported this motion
23 yesterday at the Board for one

24 reason and one reason only.
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1 Everybody keeps calling this a
2 delicate issue. It is not a
3 delicate issue. It is a political
4 issue.

5 I want to see this put to
6 bed once and for all. I have done
7 this for seven years arguing over
8 attorneys. I have no doubt in my
9 mind that we are getting our
10 monies worth and then some.

11 I think once Mr. Dunn is
12 finished with his analysis you
13 will find that we can save a lot
14 of money but you are going to have
15 to reduce a lot of services. And
16 that will be a decision that this
17 organization will have to make.

18 TREASURER TELISKY: Thanks,
19 Diane.

20 Mike.

21 MR. CARLSON: Mike Carlson.

22 John, I don't believe I made
23 this motion and I don't believe I
24 seconded this motion.

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1 (Multiple voices. Inaudible
2 comments.)

3 MR. CARLSON: Okay. You did
4 use my name.

5 TREASURER TELISKY: You made
6 the motion to refer to the Finance
7 Committee.

8 (Inaudible comments from the
9 floor.)

10 MR. CARLSON: We were on the
11 same team then.

12 (Inaudible comments from the
13 floor.)

14 MR. CARLSON: Okay.

15 (Inaudible comments due to
16 excessive noise from the floor.)

17 TREASURER TELISKY: Randy.

18 MR. MCADAM: Did you guys not
19 already have discussion with Dunn
20 when there was a review done of
21 the attorneys that were present
22 and everything? And did we pay

23 for that already?

24 How many times do we review
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(Executive Assembly 12/6/06)

1 a review? Am I right or wrong?

2 Was Dunn, was the attorneys
3 and the issue discussed with Dunn
4 already?

5 TREASURER TELISKY: Yes.

6 But we didn't pay for it. It was
7 gratis.

8 MR. MCADAM: So now we are
9 going to give him twenty thousand
10 to tell us the same thing they
11 told you the first time.

12 TREASURER TELISKY: Thank
13 you, Randy.

14 MR. ROWE: Rowe, Hale Creek.

15 That's inaccurate to say,
16 John, I believe.

17 You know, all we did was
18 talk to him about various options
19 within the motion that was

20 presented to us from the grievance
21 legal committee. That's all it
22 was. We did not discuss our law
23 firm. We didn't discuss billing
24 of our law firm. He did not look
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(Executive Assembly 12/6/06)

1 at any records.
2 He came in there cold as
3 consultant and for free and simply
4 stated, as did every other party
5 that came in there, that what you
6 need to do is do an analysis of
7 what you are doing legally from
8 billing practices and the services
9 provided. That is simply what it
10 was it had nothing to do with --
11 he did not review anything on
12 Sheehan and Greene, Hinman and
13 Straub or anybody.

14 TREASURER TELISKY: Thanks,
15 Donn.

16 MR. CARY: Jeff Cary, Five
17 Points.

18 So once this analysis is
19 completed, they give us
20 recommendations on how the law
21 firm can run smoother or better
22 operate for us or our membership?

23 TREASURER TELISKY: That's
24 correct.
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(Executive Assembly 12/6/06)

1 MR. CARY: And the analysis
2 will go out to the membership so
3 the members that are questioning
4 the law firm, my members at Five
5 Points that are questioning it
6 will be aware of what was in the
7 analysis.

8 TREASURER TELISKY: The
9 analysis will go out to the
10 chiefs, yes.

11 MR. CARY: And is the law
12 firm good with the
13 recommendations?

14 Would they --- have you

15 talked to the law firm to see if
16 whatever recommendation the
17 analysis comes out with, they're
18 conducive to comply with them?

19 TREASURER TELISKY:
20 Personally talking for myself,
21 after the E-Board meeting
22 yesterday, the E-Board to send
23 this to you guys in favor of this
24 analysis, just so you know.
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1 I talked to one attorney in
2 the morning and one in the
3 afternoon and they have no issues
4 with it. But they are both in the
5 room so if they do have issues
6 with it, they never said it to me.

7 They don't.

8 TREASURER TELISKY: Number
9 two, motion ---

10 (Inaudible comments due to
11 excessive noise from the floor.)

12 TREASURER TELISKY: Let me

13 try this again. Motion number
14 two.

15 MR. MCADAM: I want
16 discussion on motion number two
17 before it is brought up. I don't
18 want to have it voted on and then
19 be told we can not talk about it.

20 TREASURER TELISKY:
21 Procedurally it was done
22 correctly, just so you're aware of
23 that.

24 The second motion was to
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(Executive Assembly 12/6/06)

1 rescind the September 28, 2005
2 retirement benefit and replace it
3 with ten dollars per year of
4 service for retirees.

5 We recommend the non
6 adoption of this non budgeted
7 expense.

8 In addition, it would cost
9 the organization \$575,120 if the

10 average 28 years of service and
11 2,054 members eligible retired.

12 The current cost for 2006
13 was approximately \$53,000 to the
14 retirement benefit. The cost
15 difference would be \$522,120.

16 Open for debate and
17 discussion.

18 MR. MCADAM: That \$522,000
19 difference is from only the
20 difference for what we pay for
21 substandard benefits this year.

22 I'm not knocking anybody for
23 trying to enhance what was done

24 for the retirees. But those
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(Executive Assembly 12/6/06)

1 benefits, at least I can't speak
2 for everybody in our region but I
3 have heard are no good to us.

4 From talking with your
5 retirees and guys about to retire,
6 a \$230 to \$250 check doesn't mean
7 anything to them but it is a small

8 token they really appreciate.

9 This difference of \$522,000
10 is only because we paid for
11 substandard benefits for the last
12 year instead of giving --- if we'd
13 a did an analysis with the guys
14 that retired and what we paid out
15 the year before on retirees at ten
16 dollars a man I don't think it
17 would a been that high.

18 TREASURER TELISKY: Just for
19 clarification, Randy, the
20 difference is that benefit package
21 you guys voted on on September 25,
22 2005 is \$53,000 year to date.
23 That is the only analysis I can
24 give you because everybody would
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(Executive Assembly 12/6/06)

1 have to have a mass exodus from
2 1962 to 1982 that is eligible to
3 retire to make this number the way
4 it is. But once you vote this

5 benefit in it compounds itself.
6 Next year if you keep it the way
7 it is the 83's will be allowed to
8 have this benefit.

9 You see what I'm saying?
10 The numbers will keep on growing
11 and growing and growing.

12 MR. MCADAM: We started out
13 giving this benefit to say thank
14 you to the officers for what they
15 have had to up with. And ten
16 dollars isn't squat but we already
17 had that discussion. But it is a
18 little something to get back, you
19 know. And now we're sitting
20 there, I go for that too Mike, I
21 wouldn't argue that.

22 When you send them out with
23 just a plaque or that wonderful

24 little imitation badge and thank
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(Executive Assembly 12/6/06)

1 you, most a them it don't mean
2 anything. They throw that right

3 out when they walk out the door.
4 The little bit of check to take
5 their wife out to diner or do
6 something with it is a small
7 benefit. They remember that. We
8 do our retirement parties the guys
9 get a kick out of getting that
10 there. Its a big thing to them.
11 I been so sick of hearing
12 like everybody else in this room,
13 its not budgeted. I realize that.
14 So are our all our retro dues that
15 came back and we all got swore at
16 and pounded in the facilities
17 with. Those retro dues are not
18 budgeted either. So there is the
19 beginning of a fund to put away to
20 give a little something back to
21 these guys when they go.

22 And I think the guys that
23 haven't got it, and I mean I can
24 speak personally, chiefs got
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1 attacked on a personal level for
2 screwing guys out of getting
3 retirement benefits because they
4 didn't get their \$250 check or
5 their \$230 check because some
6 places people didn't know it
7 changed.

8 I stand behind this motion
9 and in that the one thing I do
10 request on a change in it is that
11 we go back and cover everybody in
12 06 and give them what they got
13 coming to them.

14 (Inaudible comments due to
15 excessive noise from the floor.)

16 TREASURER TELISKY: Randy,
17 for point of clarification, there
18 is a motion pending right now so
19 we will have to have --- you would
20 have to have another motion to go
21 back to 2006.

22 MR. MCADAM: I can't amend
23 this motion?

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(Executive Assembly 12/6/06)

1 TREASURER TELISKY: The body
2 has the motion now.

3 MR. MCADAM: We are in
4 discussion on the motion and it
5 can not be amended while we are
6 discussing it?

7 (Inaudible comments due to
8 excessive noise from the floor.)

9 TREASURER TELISKY: We can
10 amend it. You can amend that.

11 MR. MCADAM: I would like to
12 make a motion to amend to include
13 everybody in the year 2006.

14 TREASURER TELISKY: Give it
15 to me in writing.

16 Do we have a second on that?

17 MR. CARPENTER: Second that.

18 TREASURER TELISKY:
19 Carpenter from Clinton.

20 MR. CARPENTER: Carpenter
21 from Clinton.

22 Can you tell us how you get
23 the \$575,000, where you got that
24 figure from?
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1 TREASURER TELISKY: Sure.
2 It is 2,054 members times \$280 a
3 member.
4 When you try to provide a
5 benefit, for a point of
6 clarification, you have to include
7 every single person. It is like
8 correlate to this twenty year bill
9 that we have. When you put a
10 twenty year bill in you have to
11 add every single person in the
12 mix.

13 Bill.

14 MR. PEPIN: Bill Pepin,
15 Cayuga.

16 I agree with Randy as far as
17 having the retirees have a small
18 token of \$230 or \$250.

19 John, you being Finance
20 Committee and your being the
21 Treasurer, how much of a financial
22 burden is this going to be on the
23 body?
24 To put it in simple terms,
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(Executive Assembly 12/6/06)

1 can we afford this is what I am
2 saying?
3 TREASURER TELISKY: Yes, we
4 can.
5 MR. MAZZELLA: Mike
6 Mazzella, Green Haven.
7 Was the original policy ten
8 dollars per member per year with a
9 maximum of \$250?
10 TREASURER TELISKY: No. It
11 was just ten dollars a year, Mike.
12 Bill.
13 MR. BRANCH: Branch, Lyon
14 Mountain.
15 John, are you saying there
16 is 2000 some odd officers eligible

17 to retire in 2007? Is that where
18 that number came from?

19 TREASURER TELISKY: Yes.

20 From 1962 is our most senior
21 person on the job to 1982. You
22 are going into 2007, so a 25 year
23 person, you have to allocate that
24 into 2007.

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(Executive Assembly 12/6/06)

1 We are going to try this. I
2 am going to ask for unanimous
3 consent to adopt the non adoption
4 of this motion.

5 (Inaudible comments due to
6 excessive noise from the floor.)

7 TREASURER TELISKY: I'm
8 sorry. We have to vote on the
9 amendment first. We are amending
10 the motion. Randy, do you have
11 that in writing, please?

12 MR. MAZZELLA: Mike
13 Mazzella, Green Haven.

14 I'm a little confused.

15 The motion on the floor
16 before the amendment is on your
17 recommendation not to adopt the
18 motion; correct?

19 TREASURER TELISKY: Correct.

20 MR. MAZZELLA: So then with
21 the amendment to include anybody
22 retired in 2006, what motion are
23 you amending?

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(Executive Assembly 12/6/06)

1 TREASURER TELISKY: We are
2 adding 573 members. We are
3 amending the underlying motion I
4 am being told.

5 MR. MAZZELLA: So you are
6 amending the underlying motion?

7 So if we vote against you
8 recommendation, that motion with
9 his amendment would then take
10 place?

11 (Inaudible comments due to

12 excessive noise from the floor.)

13 TREASURER TELISKY: What we
14 are supposed to do is, the under
15 lying motion was of the committee
16 that ---

17 (Inaudible comments due to
18 excessive noise from the floor.)

19 THE PARLIAMENTARIAN:
20 Formally, the way the vote is
21 supposed to be done is on the
22 under lying motion itself. And
23 then the committee stated not
24 withstanding the recommendation of
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(Executive Assembly 12/6/06)

1 the committee, so that you are
2 aware of what the recommendation
3 of the committee is when you take
4 the vote.

5 But formally you do not vote
6 on the committee recommendation,
7 you vote on the under lying
8 motion.

9 That is the way the
10 procedure is supposed to work.
11 TREASURER TELISKY: Are we
12 clear on that?
13 (Inaudible comments due to
14 excessive noise from the floor.)
15 MR. PEPIN: Just for a point
16 of information, I am glad it was
17 not two o'clock.
18 (Inaudible comments due to
19 excessive noise from the floor.)
20 TREASURER TELISKY: All right,
21 we are going to vote on first ---
22 first we are going to vote on the
23 amendment. Randy, can you give me
24 your motion, please?
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1 (Inaudible comments from the
2 floor.)
3 TREASURER TELISKY: I need
4 it in writing.
5 MR. CONLEY: John, can I ask
6 a question.

7 This is Bob Conley from
8 Monterey.

9 You guys say that you don't
10 want to adopt going back to ten
11 dollars a year. You say we can
12 afford it. So basically what
13 you're saying is that these guys
14 that worked all these years and
15 you're not willing to give them
16 2.7 cents a day in recognition?

17 That's bull shit.

18 TREASURER TELISKY: In
19 response to what you said, Bob,
20 just so you know, we put together
21 a budget, and the allocations, if
22 this was brought up during April
23 or June or August or September, we
24 would try to allocate it in the
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1 budget, okay, so we could do it
2 for this. But since it is non
3 budgeted the committee

4 recommendation was that if we open
5 Pandora's Box, okay, which we're
6 doing here by putting non, even
7 though we got retro money,
8 alright, its a slippery slope and
9 we are trying to be fiduciary
10 responsible.

11 We understand. The three
12 other members that are with me in
13 the Finance Committee, we agree
14 with what you're saying. But we
15 have a fiduciary responsibility to
16 this organization.

17 Tom.

18 VICE PRESIDENT HAAS: Tom
19 Haas, Central Region VP.

20 Just so everybody here
21 understands that right now the
22 retirees do get the medical thing
23 from when they retire; is that
24 correct?

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2 now, John? That is what I wanted
3 you to tell the body.

4 TREASURER TELISKY: Retiree
5 benefit currently provided by
6 NYSCOPBA is to eliminate the ten
7 dollars per year, continue
8 providing a plaque or retirement
9 badge to those eligible, continue
10 free membership in the retiree
11 chapter for one year, continue to
12 provide at no cost the first year
13 ten thousand basic life, and
14 continue to provide vision
15 discount program and in place of
16 the ten dollars a year a dental
17 discount program for the first
18 year at a cost of \$84 family
19 coverage, and number seven also in
20 lieu of ten dollars a year to
21 provide at no cost to the retiree
22 for one year a motor club at \$52 a
23 year.

24 The asterisks on the dental
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1 and motor club discount programs
2 can be continued by the retiree
3 optionally at a negotiated group
4 rate.

5 Mike.

6 MR. GUYNUP: John, in your
7 budget we have a two dollar
8 increase in our union dues. That
9 is almost a million dollars? Was
10 that budgeted into there for this
11 year?

12 TREASURER TELISKY: No, I
13 didn't get the retro money before
14 we did the budget.

15 MR. GUYNUP: Alright. So we
16 got a surplus of almost a million.

17 TREASURER TELISKY: I said
18 we can afford it.

19 MR. GUYNUP: There we go.

20 (Inaudible comments due to
21 excessive noise from the floor.)

22 UNIDENTIFIED SPEAKER: John,

23 is there anything to preclude this

24 body here next year submitting a
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1 motion for the 2007 budget process

2 to where we could retro in the

3 members if it were passed a ten

4 dollar a year bill or motion and

5 we could retro in the members?

6 Would anything preclude us

7 from doing that?

8 TREASURER TELISKY: The

9 motion you are voting on today?

10 UNIDENTIFIED SPEAKER: No,

11 but I am just asking in the next

12 year if we could resubmit a motion

13 re put this back in, the ten

14 dollars? It would be a budgeted

15 amount.

16 I can understand why you

17 don't want to have it because its

18 non budgeted amount this year. But

19 is there anything to preclude us

20 from retro in the people that got

21 left out in 2006?

22 TREASURER TELISKY: We are
23 doing that now with the amendment.

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1 UNIDENTIFIED SPEAKER: I
2 know that. But if it got shot
3 down, we could do that next year?

4 TREASURER TELISKY: Lets do
5 the amendment first.

6 Tom.

7 VICE PRESIDENT HAAS: Tom
8 Haas, Central Region VP.

9 Just for clarification,
10 again, because there is a lot of
11 questions, 2006 the members that
12 retired got the benefit package
13 that you just explained, plus they
14 will get the additional, if this
15 passes, an additional ten dollars
16 for every year?

17 TREASURER TELISKY: Correct.

18 VICE PRESIDENT HAAS: And
19 then for this year coming up 2007
20 the retirees would get the same
21 things, the benefit package you
22 mentioned earlier and the ten
23 dollars a year?

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1 TREASURER TELISKY: No.
2 That is rescinding the benefit
3 package and replacing it with ten
4 dollars a year.

5 VICE PRESIDENT HAAS: Okay.

6 TREASURER TELISKY: Here we
7 go. Here's the amendment.

8 To include all those
9 retiring in 2006, this would
10 include the badge, the plaque and
11 the first year's dues in the
12 retirees chapter.

13 Motion made by Randy McAdam
14 and seconded by Dick Carpenter.

15 I'll repeat it again.

16 To amend to include all
17 those retiring in 2006. This
18 would include a badge and a plaque
19 and the first year's dues in the
20 retirees chapter.

21 Motion made by Randy McAdam
22 and seconded by Dick Carpenter.

23 All those in favor of the
24 amendment, please ---
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1 (Inaudible comments from the
2 floor.)

3 MR. BLASIO: Don't they get
4 that already, John?

5 (Inaudible comments due to
6 excessive noise from the floor.)

7 MR. BLASIO: There is
8 nothing in there about the ten
9 dollars.

10 (Inaudible comments from the
11 floor by Mr. McAdam.)

12 TREASURER TELISKY: Would

13 you accept a point of
14 clarification that we put, Plus
15 the ten dollars per year for your
16 amended motion?

17 (Inaudible comments from the
18 floor by Mr. McAdam.)

19 TREASURER TELISKY: Would
20 you accept the amended motion plus
21 ten dollars a year in your amended
22 motion? Dick, will you second it?

23 (Inaudible comments from the
24 floor.)

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1 TREASURER TELISKY: We'll
2 read it again.
3 To amend to include those
4 retiring in 2006. This will
5 include a badge and a plaque, the
6 first year's dues in the retiree
7 chapter plus the ten dollars a
8 year per year of service.

9 Vinny.

10 MR. BLASIO: Vinny Blasio,

11 Gowanda.
12 John, is that motion out of
13 order. There is nothing --- they
14 have already received the benefit
15 that that motion says its going to
16 rescind. So how can you rescind
17 something that they have already
18 gotten?

19 TREASURER TELISKY: He just
20 wants to add that they are going
21 to get the ten dollars a year.

22 MR. BLASIO: Right. But
23 2006 they're going to get a
24 benefit that 2007 didn't? Is
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1 that what we're doing?
2 The way the motion reads its
3 technically out of order because
4 you are trying to rescind the
5 September 28th, but they have
6 already received that so you can
7 not take that away from them.

8 That's out a order.

9 TREASURER TELISKY: One more
10 time.

11 If we just add the ten
12 dollars per year and take out this
13 will include a badge and plaque,
14 this would make it in order.

15 Are your willing to do that,
16 Randy?

17 MR. MCADAM: That would
18 guarantee that they are still
19 going to get the badge and plaque?

20 TREASURER TELISKY: They
21 already got that.

22 (Multiple voices. Inaudible
23 comments.)

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1 TREASURER TELISKY: They got
2 that.

3 MR. MCADAM: Fine, then amend
4 it to that.

5 TREASURER TELISKY: So all

6 we're doing is amending the ---

7 Donn.

8 MR. ROWE: Can you scratch
9 that badge thing. That comes from
10 the department. That does not come
11 from us.

12 (Inaudible comments from the
13 floor.)

14 TREASURER TELISKY: That
15 comes from us now.

16 MR. ROWE: We pay for it?

17 TREASURER TELISKY: Yes, we
18 pay for it.

19 MR. ROWE: When did that
20 start? I missed that.

21 (Inaudible comments from the
22 floor.)

23 MR. ROWE: For non retirees.

24 We pay for all retiree
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1 badges?

2 TREASURER TELISKY: Right.

3 MR. DOMMERMUTH: Gary

4 Dommermuth, NYSCOPBA.

5 The department gives
6 retirement badges to anybody who
7 has twenty-five years creditable
8 DOCS time or receives a disability
9 retirement.

10 We have plenty of members
11 across the state who retire with
12 fifteen, twenty years. But they
13 fall short of the twenty-five year
14 service credit and the department
15 refuses to give them a shield. So
16 we supply the shield to those
17 people that can not meet the
18 twenty-five years correction, the
19 department and military time.

20 Article 19, they will not
21 honor that either so we cover
22 them.

23 So we do supply the badge.

24 It is minimal but we felt it was
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1 unfair that somebody that put
2 twenty years in and are not
3 entitled to a shield but they meet
4 retirement age and we thought we
5 should give them one.

6 TREASURER TELISKY: Here we
7 go. Let me read it again.

8 This is to amend it to add
9 ten dollars per year.

10 MR. BLASIO: John, the
11 original motion said to rescind
12 the September 28 2005 retirement
13 benefit motion. Alright, right
14 there you are rescinding that
15 motion. So in the amendment how
16 do you rescind something that they
17 have already gotten?

18 TREASURER TELISKY: We are
19 just adding the ten dollars per
20 year. We are amending to add the
21 ten dollars a year.

22 MR. BLASIO: Just for 2006.

23 TREASURER TELISKY: Correct.

24

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1 MR. BLASIO: So 2007, they
2 are not going to get both?

3 TREASURER TELISKY: Correct,
4 in 2007 they are not.

5 Lyndon.

6 VICE PRESIDENT JOHNSON:

7 Lyndon Johnson, Northern VP.

8 My question is, you are
9 rescinding it. You are not
10 rescinding what was already given.
11 You are just discontinuing it for
12 2007; correct?

13 We are no longer going to
14 give that benefit and now we are
15 going back to the ten dollars?

16 TREASURER TELISKY: Correct.

17 MR. DOMMERMUTH: Gary

18 Dommermuth, NYSCOPBA.

19 A way to look at it, whoever
20 retired in 2006, they got
21 everything.

22 (Inaudible comments due to
23 excessive noise from the floor.)

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1 TREASURER TELISKY: Here we
2 go.

3 To add, we are voting on the
4 amended motion to add ten dollars
5 per year.

6 All in favor of adding ten
7 dollars per year to the 2006
8 members, signify by saying aye.

9 (Response of "Aye".)

10 TREASURER TELISKY: Opposed.

11 (Response of "Nay.")

12 TREASURER TELISKY: Can you
13 go to the mike, two people that
14 dissented?

15 MR. RICENBURG: Hugh
16 Ricenburg, Downstate.

17 MR. MEJIA: Mejia, Sing Sing.

18 TREASURER TELISKY: Thank
19 you.

20 Now we are going to the
21 original motion, which is to
22 rescind the September twenty-fifth
23 retirement benefit and replace it
24 with ten dollars per year of
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1 services for retirees.

2 You are going to be voting
3 on that notwithstanding the
4 Financial Committee's report.

5 All in favor of yes vote
6 signify if they approve ten
7 dollars a year and a no vote would
8 be you would be dissenting against
9 it.

10 All those in favor of us
11 giving ---

12 MR. BEY: Doesn't the
13 amendment, doesn't the motion say
14 rescind?

15 Yes, so if we vote yes that
16 means that we are rescinding the

17 motion; correct?
18 (Inaudible comments due to
19 excessive noise from the floor.)
20 TREASURER TELISKY: Not
21 withstanding our recommendation
22 you are voting for the ten dollars
23 per year, that is what you're
24 doing.
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1 MR. BEY: But how can you do
2 that?
3 The motion says one thing
4 and you got an amendment to it and
5 then you want to rescind it so
6 then like you rescinding the whole
7 thing.
8 (Inaudible comments due to
9 excessive noise from the floor.)
10 TREASURER TELISKY: You are
11 only rescinding the going forward
12 of it.
13 (Inaudible comments due to
14 excessive noise from the floor.)

15 TREASURER TELISKY: Lets try
16 this one more time.

17 A yes vote, you would give
18 ten dollar a year, we would be
19 reinstating that again. A no vote
20 you would be dissenting from that.

21 All those in favor of giving
22 our members ten dollars per year,
23 signify by saying aye.

24 (Response of "Aye".)
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1 TREASURER TELISKY: Anybody
2 opposed?

3 (No Response.)

4 TREASURER TELISKY: Thank
5 you.

6 (Applause.)

7 PRESIDENT FLANAGAN: It is
8 adopted.

9 Recess for lunch. Thank
10 you.

11 (Whereupon a lunch recess

12 was taken.)

13 PRESIDENT FLANAGAN: All

14 right, we are going to get started

15 again everybody.

16 VICE PRESIDENT JOHNSON:

17 Health and Welfare Committee

18 Report.

19 We talked about a membership

20 guide that we were going to use

21 for vendors that wanted to do

22 business with us. The guide that

23 is to be created will reflect all

24 vendors who are approved to have
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1 access to our members.

2 Those vendors wishing to do

3 business with us must go through a

4 screening process that includes,

5 Norvest the Health and Welfare

6 Committee and the Executive Board

7 and ultimately the Executive

8 Assembly. The guide will contain

9 two categories; those vendors

10 which are endorsed and those which
11 are not endorsed. The difference
12 being that endorsed vendors will
13 be afforded payroll deduction.

14 The guide will be updated
15 periodically. And we have not set
16 exactly how often we are going to
17 do that, but it can be determined
18 here if you want, if you want to
19 do it yearly or whatever.

20 Next thing on the agenda is
21 yesterday Bill Wasserback from
22 Norvest attended the Board meeting
23 and he gave a report in regards to
24 group auto and home owners
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1 insurance. It is well stated
2 right here the way he put it.

3 I would like to discuss a
4 group auto and homeowner's
5 insurance program that is
6 currently provided to some members

7 through the Liberty Mutual
8 insurance company.

9 This program was established
10 in December of 2001, however was
11 canceled by Liberty Mutual only 18
12 months after it began.

13 At the present time
14 approximately five percent of
15 union membership participates in
16 this program and 95 percent of the
17 membership is cut out. Although
18 we were able to convince liberty
19 to continue payroll deductions,
20 the group discounts were
21 completely eliminated and the
22 program was closed to members not
23 already participating. And those
24 members that were participating
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1 had their coverage renewed based on
2 individual underwriting decisions.

3 Because of this, the auto
4 and homeowners insurance program

5 is now closed to 95 percent of
6 union membership and the benefit
7 of group discounts has been
8 eliminated. An RFP was sent to
9 all insurance carriers that offer
10 payroll deducted employer
11 sponsored programs for groups as
12 large as NYSCOPBA. The RFP was
13 sent to Met Life, Travelers,
14 Liberty and Allstate.

15 Liberty and Allstate
16 declined to submit a proposal.
17 Proposals were received from Met
18 Life and Travelers. The proposal
19 were evaluated and on site visits
20 were made to both Met Life and
21 Travelers to discuss their
22 programs in more detail and meet
23 the individuals who would
24 administer the program.

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1 Based on experience, the

2 discounts proposed and the five
3 year rate guarantee Met Life
4 offered a superior program. Met
5 Life's account executive for this
6 program, Sarah Peck, is here to
7 provide an overview of the
8 program and answer questions.

9 Now, Larry just went out to
10 get her. So if you have any
11 question about Met Life, fire
12 away.

13 MS. FLOYD: I have a
14 question.

15 You said we had two
16 proposals for Met Life and
17 Travelers?

18 VICE PRESIDENT JOHNSON:
19 Right.

20 MS. FLOYD: Is Travelers
21 here too to talk to us?

22 VICE PRESIDENT JOHNSON: No.
23 This is Met Life

24
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1 MS. FLOYD: Can we get them
2 here?

3 VICE PRESIDENT JOHNSON: At
4 the Board meeting yesterday, I
5 wasn't present for the
6 presentation. I had to give a
7 deposition for a lawsuit.

8 Anybody that was there from
9 the Board that wanted to comment
10 on what Bill Wasserback said, I do
11 not know. Did Bill do a
12 comparison between the two and
13 offer what it was?

14 PRESIDENT FLANAGAN: What
15 was presented to the Board
16 yesterday was that the way it was
17 presented to us was that Met Life
18 was the favorable company for us
19 to do business with in regard to
20 that they offer a much better
21 percentage discount and I think
22 the young lady can speak better
23 about the insurance program they

24 are looking to offer NYSCOPBA than
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1 I can.

2 MS. FLOYD: Okay. I

3 understand that.

4 But I think that --- is this
5 on?

6 (Inaudible comments due to
7 excessive noise from the floor.)

8 MS. FLOYD: I wanted to
9 know, Larry, is I wanted to know
10 the difference between the policy
11 she have for homeowners and auto
12 and also what Travelers because
13 evidently we going to pick one of
14 them, or we already pick somebody?

15 PRESIDENT FLANAGAN:
16 Obviously it is the Assembly that
17 decides. And that is why this
18 lady is here today.

19 They came and spoke to us
20 yesterday. Bill Wasserback gave

21 the whole presentation to us. And
22 I believe that there was many
23 things that was explained to us
24 that there was more availability
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1 through Met Life than there was
2 with Travelers.

3 MS. FLOYD: Maybe we can
4 have a copy of the stuff that he
5 had.

6 PRESIDENT FLANAGAN: The
7 motion that was passed at the
8 Board was to implement the Met
9 Life group auto home program for
10 our membership ASAP. And it was
11 unanimously passed by the Board.
12 And that is why it is here today.

13 MS. FLOYD: Okay. But can I
14 have something that I can look at
15 and compare like something, I mean
16 I know she going to get up there
17 and speak and let us know, but I
18 also want something like something

19 to compare to between Travelers
20 and Met Life.
21 PRESIDENT FLANAGAN: I feel
22 very confident that the lady will
23 explain everything and talk about
24 the web site and all the
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1 information that can be and
2 obtained. And I believe she will
3 also explain that if is the
4 decision of this body to deal with
5 Met Life I think before we can
6 actually implement or we can start
7 in a program is about 16 weeks.

8 Go ahead.

9 MS. PECK: There was an
10 actual process, a request for
11 proposal.

12 There were some glaring
13 differences between Met Life and
14 Travelers.

15 Number one, due to the fact

16 that Liberty Mutual offered a
17 program to your organization in
18 the past and then decided to stop
19 offering new business, Norvest's
20 Bill Wasserback came to us and
21 asked for a five year agreement.
22 Travelers was unable to meet that
23 requirement. Met Life said yes,
24 we will offer a five year
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1 agreement.
2 The other glaring difference
3 is that there are group discounts
4 and payroll deduction discounts
5 for the benefit. Met Life, if you
6 have an auto policy with us that
7 is payroll deducted will be a
8 total of 16 percent discount.
9 Travelers can only meet eight
10 percent.
11 For home we are willing to
12 offer 18 percent as well. And
13 Travelers, the same again. It was

14 under that.

15 That was one of the ---
16 between the five year agreement,
17 which is our commitment to your
18 organization, as well as the
19 discount difference, that was
20 really the driving factor.

21 UNIDENTIFIED SPEAKER: I
22 have a question.

23 Say you become the benefit,

24 I have a Met Life as my houses
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1 carrier.

2 Would I be granted a
3 discount or prorated or anything
4 to that effect?

5 MS. PECK: Yes, you would.

6 If you are a current Met
7 Life auto, home, snow mobile,
8 boat, motor cycle policy holder,
9 through this organization a
10 discount will be added. You will

11 have the option as well to accept
12 payroll deduction, which will be
13 the additional discount. But for
14 those of you who are currently
15 with Met Life, you would need to
16 call us after the program is up
17 and running and indicate that you
18 are part of this group.

19 VICE PRESIDENT HAAS: Tom
20 Haas, Central Region VP.

21 This is not really for you.
22 This is for the body out here.

23 We agreed as a Board a while
24 ago when we are looking into this
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1 insurance stuff for homeowners,
2 auto insurance, disability, that
3 we are not the professionals in
4 this field. Bill Wasserback, which
5 is our broker, our insurance
6 broker, is the professional. He
7 knows what to look at, the loop
8 holes, and where to go with it.

9 That is why when he was given the
10 proposals the insurance broker of
11 choice put out the RFPs to these
12 companies.

13 Out of the four they put
14 out, two responded back. And then
15 they went and visited these
16 companies. This is not something
17 the Board on their own, we don't
18 have the expertise in this. The
19 insurance people do. Our broker
20 does. That is why he does the
21 research on all of it and reports
22 back to us and gives us a decision
23 to make and it is a very good and
24 informed decision.

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1 MR. CARLSON: Yeah, just a
2 few questions.

3 Would also that cover any
4 blanket policies?

5 MS. PECK: Yes.

6 Umbrella policies sometimes,
7 or sometimes they are called
8 excess liability policies, you can
9 secure those as a stand alone or
10 on top of your auto and homeowners
11 insurance. Through the group
12 program you have access to that up
13 to five million dollars.

14 MR. CARLSON: Okay. And how
15 about as far as rental insurance,
16 would that be covered as well?

17 MS. PECK: Yes. We have
18 renters, condo, we mentioned motor
19 cycle and boat, secondary homes
20 are covered. And also if you are
21 a landlord for rental property it
22 is called a landlord policy and
23 that is also offered.

24 What you are looking at is a
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1 full service personal lines
2 program. It is not just a stand
3 alone auto only, home only, but it

4 allows you to secure insurance for
5 whatever your needs may be on that
6 personal level.

7 MR. SAWYER: Tom Sawyer
8 Capital Policy.

9 Do you also carry camping
10 trailer insurance?

11 MS. PECK: Mobile home and
12 recreational vehicles are
13 included. That would be included
14 under those provisions or
15 policies.

16 MR. SAWYER: What about just
17 trailers that stay on site that
18 you are not going to tow?

19 MS. PECK: Yes.

20 MR. SAWYER: Can you get a
21 separate policy for that?

22 MS. PECK: Yes.

23 What we do is when we walk
24 you through the process and the
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1 program is implemented we will ask
2 you for all of your insurance
3 needs.

4 Obviously if you put more
5 policies with Met Life you get
6 additional discounts. They will
7 walk through and ask you specifics
8 that are your situations, your
9 individual situations. And that
10 will only effect your rate that
11 you will have.

12 MR. SAWYER: Okay.

13 The one that stands alone
14 and it is on a lot, can I insure
15 that for twelve months?

16 MS. PECK: As a 12 month
17 policy, you have a choice of a six
18 month or a twelve month. Twelve is
19 as long as we will go. That is
20 also your option.

21 The premium does change from
22 six months to difference will be
23 between the six and twelve, but
24 you do have that option.

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1 I heard a good comment over
2 here. One thing I want to mention
3 is for those of you with families,
4 teen-age drivers, you may know
5 that your insurance increases
6 significantly. We do have good
7 student discounts, which if your
8 student has an average eighty or
9 above it buys a thirty percent
10 discount to four portions of your
11 auto policy. Which if you are
12 charged with that increasing or
13 you have seen one in the recent
14 past you know it can sometimes
15 double if not triple your policy
16 premium by adding a teen age
17 driver so we try to curb those
18 costs as much as possible.

19 MR. LEONE: John Leone,
20 Hudson.

21 Is this going to be afforded
22 to members of the retirees

23 chapter?

24

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1 MS. PECK: Yes. And the one
2 part to that, so you know, if you
3 are currently active and shift
4 over to the retiree section will
5 be available, the retirees can
6 join. The only difference is that
7 they might have access to payroll
8 from my understanding so that you
9 would have checking account or we
10 could facilitate the billing some
11 other way. You would still
12 maintain that group discount.

13 Just some clarification on
14 the payroll deduction discount.
15 As I mentioned, it is an eight
16 percent discount. However,
17 everyone knows that sometimes your
18 homeowners is built into your
19 mortgage company or maybe you

20 would like to pay it on a monthly
21 basis from your checking account.
22 It is what we consider a checking
23 account deduction. And there is
24 also discounts associated with
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1 that.

2 So if there is some reason
3 that you don't want to take
4 advantage of payroll deduction we
5 do provide you with an incentive
6 for what we call express or which
7 is checking account deduction.

8 MR. CARLSON: Yeah, would
9 you have paperwork that we could
10 review and we could take this back
11 to our home and see if it really
12 would apply and if we make out
13 better on this insurance rather
14 than what we carry already? You
15 know what I mean?

16 I mean, you're explaining it
17 to us and we're writing it all

18 down but what I'm saying is there
19 a way that you can actually
20 compare apples to apples so when I
21 go home and look and check this
22 against what I have already that
23 it would be beneficial?

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1 MS. PECK: We can talk about
2 that.

3 Each of the rates within
4 this program you have access to
5 discounts. Part of what we provide
6 to you through this group
7 insurance program is the discounts
8 that you have access to, but also
9 the payroll deduction, which is a
10 convenience tool. But more
11 importantly is that by working
12 with Bill Wasserback at Norvest
13 and the Board here we will provide
14 everyone in this room and your

15 organization with a quote.
16 With that being said, there
17 is no declination, which is
18 important. I feel that is
19 probably important to you. The
20 last thing you want to do is have
21 a benefit such as this and people
22 are coming to you explaining to
23 you I couldn't get insurance or
24 why was I declined, I am a good
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1 driver, things of that nature.
2 So by doing that what we
3 insure is that every one,
4 including every one in your
5 organization has the same access
6 to the same discounts.
7 However, you and I might
8 have different driving histories,
9 different vehicles, different
10 homes. In some situations the
11 rate might be more expensive. But
12 most of the time we are extremely

13 competitive in the market place.

14 One of the other things we
15 did during this process was zip
16 codes were provided to us around
17 all of your work place locations,
18 within that thirty mile range so
19 that we could provide quotes that
20 were based on scenarios that would
21 apply to your organization.

22 Met Life came in the most
23 competitive in all those quotes
24 except for one specific area that
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1 had a \$40 difference. There were
2 seven rate scenarios provided to
3 us based on your demographics.
4 That is the other thing.

5 What I can tell you is that
6 the program as a whole will be
7 better for the organization and
8 its membership.

9 If you are interested in how

10 the program works, we do have a
11 web site that you can go to. And I
12 do have information that I
13 presented to the Board that I am
14 happy to share.

15 It will help you try to
16 figure out apples to apples.

17 (Applause.)

18 VICE PRESIDENT JOHNSON:

19 Thank you.

20 Keep in mind with that with
21 Met Life, only five percent of our
22 membership has access to payroll
23 deduction through Liberty Mutual.

24 So 95 percent of us are shut out
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1 and there is no other home owners
2 or auto available. This would be
3 the only other option for now.

4 Are there in any other
5 questions about Met Life?

6 If there are none, can I
7 have unanimous consent to accept

8 the Health and Welfare committee
9 recommendation that we go with
10 them?

11 All those in favor signify
12 by saying aye.

13 (Response of "Aye".)

14 VICE PRESIDENT JOHNSON:

15 Opposed.

16 (Response of "Nay".)

17 (Inaudible comments due to
18 excessive noise from the floor.)

19 (Inaudible comments from the
20 floor by Ms. Floyd.)

21 VICE PRESIDENT JOHNSON: I
22 have a couple more things I want
23 to bring ---

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1 (Inaudible comments due to
2 excessive noise from the floor.)

3 VICE PRESIDENT JOHNSON: It
4 has been passed by unanimous

5 consent.

6 Thank you, Debra.

7 There are a couple of things

8 I would like to mention that I

9 guess are health and welfare

10 related, and I would like to go

11 off the record for the next couple

12 of things I'm going to say.

13 Could I have unanimous

14 consent to go off the record for a

15 few minutes?

16 (Response of "Aye".)

17 (Discussion held off the record.)

18 PRESIDENT FLANAGAN: Back on

19 the record.

20 This is still part of

21 Lyndon's report, but as Lyndon

22 said, he left the meeting

23 yesterday with something else to

24 attend to

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1 A second proposal was

2 presented to us yesterday at the

3 Board meeting. Its a company
4 called First Mutual Corp.
5 They do mortgages,
6 refinances and debt consolidation.
7 Apparently, the way it was
8 presented to us that they do
9 specifically law enforcement.
10 They are out of New Jersey. A
11 gentleman came in and spoke to us
12 yesterday. I believe his name was
13 Steven Etenbaum. Obviously he was
14 very excited about wanting to work
15 with us. The proposal they have
16 us is, great program, low closing
17 costs, plus a \$350 rebate
18 application fee waived, which is
19 \$250, complimentary preapproval
20 certificate, mortgages,
21 refinancing and debt
22 consolidation.
23 First Mutual Corporation has
24 five full services. We have been
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1 in the mortgage banking business
2 for over fifty years servicing
3 over 250,000 satisfied clients.

4 First mutual was founded on
5 a sincere desire to assist our
6 customers with their present and
7 future mortgages and refinancing
8 needs.

9 To this end the loan
10 officers and our entire staff will
11 deliver the highest level of
12 honesty, integrity and
13 professionalism when working with
14 the consumer. We handle all types
15 of loans and credit situations,
16 inclusive of convention loans,
17 loans for customers with credit
18 difficulties, loans to customers
19 who have not verified income or
20 assets, governmental loans, FHA,
21 VA, all under writing and
22 processing is done at our office
23 by our staff insuring our

24 061206.txt
borrowers the fastest most
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1 reliable mortgage or refinancing
2 product.

3 We can close in the
4 convenience of your home. First
5 Mutual Corporation is a leading
6 member of the Mortgage Bankers
7 Association, League of Mortgage
8 Lenders, Better Business Bureau
9 and American Financial Services
10 Association. And then they have
11 the hours down there.

12 There was a little brochure
13 that they gave us. Basically what
14 they said is their main customer
15 is law enforcement. They said
16 that they feel that they can
17 address law enforcement issues and
18 concerns. They explained to us
19 that with our people that they
20 would deal with more of a senior
21 loan officer, not a new person on

22 the job because they said they
23 have come to understand and
24 realized the concerns and
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1 difficulties related to law
2 enforcement people, police and so
3 forth.

4 There is no agreements to
5 give them contact lists phone
6 numbers or anything. They will
7 not be knocking on your door.
8 What they want to do is to be able
9 to put in facilities, I would
10 think on the union bulletin board,
11 their information and then the
12 individual at the facility would
13 contact them and they come to the
14 house and do all of the business.

15 If there are questions or if
16 you want more information we can
17 get you more information. This is
18 nothing that has to be done like

19 that. We were presented with this
20 yesterday at the board.
21 Everything that we talked about,
22 it seems like it is a good
23 program.

24 Tom.
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1 VICE PRESIDENT HAAS: Tom
2 Haas, Central Region VP.
3 He said also during this
4 presentation, and it was a very
5 good presentation, that he comes
6 very recommended also by the State
7 Police. That is how he got
8 NYSCOPBA's name.

9 I called a friend of mine
10 last night that is a trooper and
11 he does have a mortgage through
12 them. He said they were
13 absolutely fabulous. One of the
14 questions I asked this guy, on a
15 refinance, how long does it take
16 for a refinance. Refinance is two

17 or three weeks they will have a
18 whole complete refinance done and
19 a conventional mortgage within a
20 month, a conventional mortgage
21 will be done. And it is not a
22 mortgage broker, this is the bank.

23 PRESIDENT FLANAGAN: There
24 was one other piece to it too.
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1 They said what they would
2 do, let me try and get this right,
3 each person that closed they would
4 give a hundred dollars to whatever
5 organizations we want them to.
6 Could be Cops Care, whatever this
7 group decides.

8 They also specialize in bad
9 credit, no credit. There was one
10 question asked yesterday at the
11 meeting, what is the percentage
12 rate for a thirty year fixed
13 mortgage, they said today six

14 percent. They said two days prior
15 to that it was 5.87, but yesterday
16 it was six percent.

17 Any other questions?

18 MR. CARLSON: Yeah, Larry,
19 what if you're selling instead of
20 buying, are they still doing your
21 closing?

22 PRESIDENT FLANAGAN: Its a
23 refinance company, Mike.

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1 MR. CARLSON: The way they
2 are trying to sell it is that
3 they'll do your closings.

4 PRESIDENT FLANAGAN: What
5 they are selling here is the fact
6 that they will give you a mortgage
7 or a refinance, first mortgage,
8 whatever the case may be.

9 Any other questions?

10 Hearing none, I'm going to
11 ask for unanimous consent, and

12 what the motion reads that was
13 done at the board yesterday, to
14 allow First Mutual Corp to access
15 our membership for mortgages for a
16 six month trial period effective
17 December 5, 2006. And it passed
18 unanimously at the Board.

19 Having said that, can I have
20 unanimous consent, and again just
21 so we understand and can be clear,
22 the access is to provide set up so
23 they can go to the chief stewards
24 and they can put this information
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1 at the facility. That is what
2 they want. And we can put it on
3 the web site.

4 Having said that, can I have
5 unanimous consent?

6 (Inaudible comments from the
7 floor.)

8 PRESIDENT FLANAGAN: Go

9 ahead.

10 (Inaudible comments from the
11 floor.)

12 PRESIDENT FLANAGAN: Can you
13 amend what? What do you want to
14 amend it to?

15 MR. HANSEN: I want to amend
16 it to any of the proceeds that
17 they are sending back go to Cops
18 Care. They said they would give
19 money back for each transaction,
20 right?

21 PRESIDENT FLANAGAN: You
22 want to add that in there? All
23 proceeds go to Cops Care?

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1 MR. HANSEN: Unless somebody
2 has a problem with it.

3 (Inaudible comments from the
4 floor.)

5 PRESIDENT FLANAGAN: No, no
6 listen.

7 Let me ask you, because he
8 explained to us very quickly that
9 maybe you want to do scholarships,
10 maybe you want to catastrophic, he
11 said whatever we wanted to decide.

12 So, I mean, I don't care.
13 But maybe you want to think about
14 it more?

15 MR. HANSEN: I think just
16 think sometimes things like that
17 fall by the way side and may not
18 go anywhere. I would just like to
19 lock it in.

20 We can have discussion on it
21 next time around after the six
22 month even. But I think we need to
23 make sure that we generate that
24 money in a direction.

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1 PRESIDENT FLANAGAN: I
2 agree.
3 So you don't want to amend

4 i t now?

5 (Inaudible comments from the
6 floor.)

7 PRESIDENT FLANAGAN: Thanks.

8 Can I have unanimous consent
9 to allow First Mutual to have
10 access to our membership through
11 the bill boards at the facilities
12 and our web site.

13 Anybody opposed?

14 (No Response.)

15 PRESIDENT FLANAGAN: Thank
16 you. It is passed.

17 VICE PRESIDENT WALKER:

18 Kevin Walker, Mid-Hudson VP.

19 Grievance and Legal

20 Assistance.

21 Since the last Executive
22 Assembly the Grievance and Legal
23 met on 11-27. The Committee

24 considered the appeals and
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1 decision of the Grievance

2 Department to close seven
3 grievances that had been submitted
4 by members from five different
5 sectors.

6 The subject matter of these
7 grievances included overtime, out
8 of title, discrimination, staffing
9 and seniority work in progress.

10 The committee agreed with
11 the determination of the Grievance
12 Department to close four of the
13 grievances considered. The
14 Grievance Committee informed the
15 Grievance Department one of the
16 grievances would be advanced to
17 the next step based on additional
18 information provided.

19 Actions on two grievances
20 were deferred until the next
21 meeting so we could obtain more
22 information and research the
23 grievances further.

24 It was decided that these
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1 grievances would be discussed with
2 NYSCOPBA legal counsel and we
3 would get further guidance before
4 we made determinations on those
5 grievances.

6 The committee also discussed
7 draft revisions to the appeal
8 process. And we discussed that at
9 length and there is a draft that
10 has been submitted and the
11 committee will be reviewing the
12 draft for changes in the appeals
13 process, until the next meeting
14 with further suggestions. We will
15 present that before this body for
16 recommendation and final
17 application.

18 And one of the things I
19 would like to explain to you folks
20 is that in the appeal process this
21 organization has matured to the
22 extent that some grievances that

23 have made it through the Grievance

24 and Legal Committee whether that
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1 would be back to inception to
2 currently are being reconsidered,
3 once again at a secondary
4 committee grievance meeting. And
5 we lack a process for that. And
6 we feel that if it is already
7 successful filled the obligations
8 of Grievance and Legal Committee
9 meeting and there is a legal
10 recommendation on why this
11 grievance can not be pursued
12 further we need to once again
13 create another process for that to
14 occur.

15 It is basically insuring
16 that membership right and
17 membership grievances process is
18 protected.

19 So therefore, when we
20 present this new policy to you it

21 is hopefully going to address a
22 couple of those issues that were
23 not taken care of in the original
24 policy or the amendments that has
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1 occurred a after that.

2 Any questions?

3 PRESIDENT FLANAGAN: Joe,
4 you want to do the Veterans
5 Committee.

6 MR. PORCARO: Joe Porcaro
7 for the Veterans Committee.

8 I will go over the minutes
9 from our last meeting and then Tom
10 will talk to you about some other
11 items.

12 Things we discussed at our
13 November 27th meeting were the
14 respite program. The Committee
15 has determined that the only way
16 for the respite program to
17 function is for the sectors to

18 forward deployed members'
19 information directly to the
20 committee in order for us to send
21 out the care packages that we have
22 money put aside to do. This is
23 due to the inability of the
24 Department to provide us with the
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1 correct information that we need.
2 Second thing we discussed
3 was lag pay for deployed members.
4 Members on leave without pay
5 status would like to be given the
6 option of choosing to receive
7 their two weeks lag pay either at
8 the beginning or end of their
9 deployment based on his or her
10 financial status at the time of
11 the deployment. The committee is
12 seeking an answer from the
13 department on the ability to
14 comply with this request.

15 The next thing we discussed

16 was the snow emergency in Buffalo.
17 Many National Guard members who
18 were activated to help during the
19 early November snow emergency in
20 the Buffalo area were forced to
21 use their own time accruals
22 because they had exhausted them
23 through active duty service and
24 routine National Guard service.
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1 The Committee has requested
2 the state look into the matter and
3 reimbursing all effected members.
4 The committee is awaiting a
5 response to this request.

6 Public Officers Law 63, the
7 committee is sending a reminder to
8 all sectors and to all Veteran
9 Committee points of contact to be
10 sure that all members have
11 registered with their facility
12 personnel as veterans. This is

13 required in order to be able to
14 declare your option under POL 63
15 2007.

16 The exact time for the
17 declaration will be announced.

18 Military buy back issues:

19 The committee discussed two
20 members; a D. Barrier and a T.
21 Pierce, who paid for their
22 military buy back in 2001 and
23 2002. Both members were notified
24 in 2006 they were not eligible for
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1 the buy back and their money was
2 returned to them.

3 The committee and the law
4 firm were seeking to get these
5 members interest from the state
6 for the monies that were held from
7 2001 and 2002 respectively.

8 Legal opinion: The committee
9 is seeking to have mandatory
10 overtime for members who work in

11 shock camps and are deployed
12 included in their final average
13 salary, not just their base
14 salary. The law firm agreed and
15 is seeking to remedy this
16 situation.

17 Second, the committee is
18 seeking a clarification on sick
19 time for members on leave without
20 pay versus members who are on a
21 stipend. Committee is concerned
22 that the final average salary
23 calculations will be adversely
24 effected for those members on
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1 leave without pay.

2 That's the minutes from the
3 committee meeting. Tom has some
4 other issues he would like to
5 address with you.

6 MR. FLEMING: Okay, a couple
7 things.

8 We are going to have to
9 consider some important issues
10 today, as Larry talked about that
11 MOU and the way the state is going
12 to treat us with that.

13 Before we started with that,
14 I wanted to inform you guys of a
15 few things.

16 I'm going to be sending out
17 questionnaires to all members,
18 looking for input on our agenda
19 for the upcoming year.

20 Joe talked about the buy
21 back issues. We are going to look
22 for interest on those.

23 I am also going to send out
24 a heads up for all of the
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1 facilities to make sure if you are
2 a veteran you go to your personnel
3 department, let them know you're a
4 veteran, so when this new
5 selection thing comes out per

6 Public Officer Law 63 you are on
7 board with that.

8 I received a resignation
9 from Art Jolley. Art has a lot of
10 irons in the fire and he is not
11 going to be able to help us on the
12 Veterans Committee so we need to
13 come up with a new members.

14 I also continue to need more
15 point of contacts for all the
16 jails. As we discuss this MOU
17 thing you will find out that the
18 state can't provide us with
19 accurate information and we are
20 not able to come up with it on our
21 own so we need to band together
22 here and the contacts I need at
23 the jails are going to have to go
24 find out who is deployed and how
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1 long they are going to be gone. I
2 need to be able to get a hold of

3 these people.

4 Again, that being said, the

5 MOU that we have in place was

6 supposed to be signed again and

7 extended from December 31 of this

8 year. GOER wants to change it.

9 And we all feel it is because we

10 won an award, the Dennis Nichols

11 award. We need to discuss what we

12 want to do with this MOU. Because

13 it benefits our members to have an

14 MOU like this. But you need to

15 decide what you want to do, if you

16 want to throw in the court award

17 we won or do you want to

18 reconsider a different way to do

19 this MOU. I do not know how Larry

20 wants to have discussions on this

21 but it is an issue that we have to

22 resolve here pretty quick because

23 the MOU expire on the 31st and we

24 have deployed member right now who
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1 are dependent on this MOU for
2 their stipends and some leave time
3 and some health insurance
4 benefits.

5 So now is the time we should
6 be discussing this.

7 And Larry, I do not know you
8 want to proceed with this.

9 VICE PRESIDENT HAAS: I will
10 give everybody a real quick,
11 brief, history on what is going on
12 with this MOU.

13 First off, we have been
14 trying to obtain an active
15 military list from the department
16 since July of 2005 when this new
17 board took offer. Dan Monacello,
18 head of personnel in Albany, got
19 us a list. We asked for it in
20 July and I believe we got the list
21 sometime in December of 2005.

22 When we got the list,
23 three-quarters of the people on
24 the list were already back in the

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1 states. So that was no good. We
2 went to get another list from them
3 and that really wasn't very good.

4 We just received another
5 list from them. And that says we
6 have 71 members that are
7 activated. After going through
8 the list, out of the 71 members
9 that activated there is roughly
10 ten or twelve that are back in the
11 states that we can tell.

12 Now, that does not give us
13 any access to these people,
14 whether they are still activated
15 or not.

16 We ran down through
17 membership services and got phone
18 numbers and called some of the
19 phone numbers. They were either
20 changed or either disconnected and
21 we could not get a hold of the

22 people.

23 We stand there right now

24 with roughly 70 members activated
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1 that we got on the list.

2 I called Russ Delbello when
3 they brought up this MOU thing and
4 Russ Delbello, as we all know,
5 does all of the pay for DOCS. And
6 I asked Russ, if we could get a
7 list from him on the activated
8 members we have out there in
9 NYSCOPBA that are getting a
10 stipend to help us make an
11 educated decision on the MOU.

12 Russ Delbello has the
13 secretary call me back the next
14 day and said, Hey, I have your
15 list and your numbers for you. I
16 said real good. Two weeks prior
17 we got a list from Dan Monicello
18 with 71 names activated. Russ
19 Delbello gives me a list of 18

20 members that are activated. And
21 out of the 18, eleven are on
22 stipend.

23 I said, Russ, two weeks ago
24 I was given this other. He said, I
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1 don't know if I am looking in the
2 wrong spot or not but I will have
3 to get back to you.

4 So right now, to make it
5 real short and sweet, the
6 Department has no idea who is
7 activated and who is not and how
8 many are and how many are not.

9 We tried to get through each
10 facility personnel by calling
11 facility personnel. We were shut
12 down by Dan Monacello and
13 Leclaire's office and Fillion and
14 the whole bit because the
15 personnel departments were giving
16 us information not knowing who we

17 were via the phone. So we could
18 not access it that way.

19 The outcome of this whole
20 thing is going to be, the only way
21 we are going to get a list of
22 active members is by the chief
23 sector stewards out there or the
24 sector stewards in the facility to
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1 forward us the names of the
2 individuals you have activated.
3 That is the only way we are going
4 to be able to have an updated
5 list.

6 So when you guys go back or
7 if you know right now who is
8 activated, please let us know.

9 We have a respite program
10 out there for the activated
11 members and their families that we
12 would like to start utilizing. But
13 we can't utilize it when we don't
14 know who the people are.

15 So now I will get to the
16 MOU, now that the state doesn't
17 really know where we are at.
18 The old MOU that expires
19 12/31/06, to make it short and
20 sweet, if you get activated
21 militarily and you are not making
22 as much money as you were as a
23 correction officer, the state pays
24 the difference in your salary.
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1 Its called a stipend. Also, it
2 gives you an additional thirty
3 days if you get activated, not
4 only your 30 days guard duty, you
5 get an additional 30 days
6 activation.

7 The big thing is, it also
8 covers your family for your health
9 insurance for an additional twelve
10 months. You are already covered
11 for twelve. But if you get

12 activated for two years or
13 eighteen months, the MOU pays your
14 health insurance also by the
15 state.

16 Now comes Dennis Nichols.

17 Dennis Nichols was activated
18 and was over in Iraq or
19 Afghanistan. During his activation
20 he got his 15 year increment.

21 The state did not pay him
22 his 15 year increment until he
23 returned they started paying it to
24 him. He didn't get it when he got
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1 his fifteen years in.
2 A grievance went in and we
3 did what we had to do at the
4 Veterans Committee trying to push
5 it and got the law firm and took
6 it to arbitration. The
7 arbitrator, Peter Prosper, awarded
8 Dennis Nichols his fifteen year
9 longevity step from the day he

10 received the fifteen years, not
11 when he got back in duty. So the
12 state lost.

13 Now the state has a thirty
14 day right to appeal and they don't
15 appeal. Reason being I feel is
16 they knew the MOU was coming up.

17 In this new MOU they put in
18 there that the activated member
19 gets everything he is entitled to
20 in the old MOU except longevity
21 payments.

22 So when Natalie and Bill
23 Sheehan were working on this, it
24 is in direct retaliation to winning
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1 the Dennis Nichols arbitration.
2 And if you can't see it, you can't
3 see it. But that's exactly what it
4 is. And I think everybody in this
5 room can see it.

6 So, I went off the deep end

7 and I was very pissed because now
8 we are being held hostage by the
9 state saying if you want this MOU
10 for the benefit of your members,
11 you sign the MOU with no
12 longevity. If you don't agree to
13 that you are not going to have an
14 MOU.

15 That's where we stand right
16 now.

17 (Inaudible comments from the
18 floor.)

19 VICE PRESIDENT HAAS: Go to
20 the mike.

21 MR. FLEMING: The Committee,
22 when we considered all these
23 things, we came up with a few
24 choices and you guys have to
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1 decide what you want to do.

2 You can take the value of
3 the MOU as it is right now, which
4 is hard to determine because we

5 don't know the number of members
6 it is benefiting right now,
7 against the value of the Nichols
8 award, which is going to be
9 precedent setting and is going to
10 help us in the future.

11 The choices are to try to go
12 and negotiate an MOU with an
13 incoming administration, and then
14 this one means nothing to us. If
15 we can get a promise from the
16 incoming administration will
17 negotiate an MOU with us then this
18 piece of paper doesn't do us any
19 good. We don't need to sign it
20 now. We have only got until the
21 31st to decide what to do.

22 MR. PEPIN: Bill Pepin,
23 Cayuga.

24 I'll ask the question, did
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1 they adjust the stipend?

2 VICE PRESIDENT HAAS: Did

3 they adjust the stipend in what

4 way?

5 For the percentage raises?

6 MR. PEPIN: Did they make any

7 of the adjustments for monetary?

8 VICE PRESIDENT HAAS: For

9 Nichols, I do not know if they

10 have yet because it is just an

11 arbitration win that is brand new.

12 It is not even a month old yet. I

13 don't think he has received any

14 money yet.

15 Some of the guys we talked

16 about with getting to receive

17 their checks back because they

18 bought military time and they

19 didn't have the time to buy it,

20 they haven't received their checks

21 either.

22 MR. PEPIN: Far as the

23 facility kind of thing, Tom, did

24 you think about having the

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1 facility fax the information to
2 you. That way there would a been
3 a cover letter and they would a
4 known where it was going?

5 VICE PRESIDENT HAAS: The
6 facility personnel, we have to get
7 clearance from Dan Monicello to do
8 that, and they would not give us
9 clearance.

10 MR. PEPIN: Thank you.

11 (Inaudible comments from the
12 floor.)

13 MR. FRAWLEY: Frawley, Mid
14 Orange.

15 I think it is time New York
16 State stopped fucking our vets. I
17 think we got to get the
18 politicians out there, get down
19 to the VA hospital, show them what
20 these guys are doing and what they
21 deserve. Because we had a member
22 who was a vet was going to get
23 fired a couple a years ago and all

24 we needed was a couple a guys from
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1 the VFW come down and show the
2 superintendent that we were
3 serious. She changed her mind
4 real quick.

5 VICE PRESIDENT HAAS: And I
6 support that wholeheartedly.

7 I have reached out to our
8 local area politicians in the
9 Central Region and talked to them.
10 And I spoke with Al Mothershed on
11 the day this MOU was presented.

12 And Al I know has already
13 contact politicians in his area.
14 It has been brought up at the
15 Board. Larry is reaching out to
16 Pataki people and also to
17 Spitzer's people.

18 And somebody asked a
19 question earlier about what Al
20 D'Amato can do for us, being he is

21 doing nothing. He is not charging
22 us anything. This is one of the
23 things he will be reached out to
24 also, because number one he is
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1 supposedly Pataki's friend and
2 right hand man. We are going to
3 know and let them understand our
4 concern.

5 And my personal opinion, I
6 would like to walk right next door
7 to Channel 9 and just blow this
8 right out of the water. But we
9 have to think of our vets and the
10 families out there that possibly
11 could go without.

12 MR. BLASIO: Vinny Blasio,
13 Gowanda.

14 Tom, do we know that what
15 our actually options are? I mean,
16 before we make a decision
17 shouldn't we know one if don't
18 enter into this agreement if they

19 are going to single us out. Do we
20 know all our single options that
21 are available to us?

22 I mean right, that we have
23 to make a decision before December
24 31st, but I really don't think
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1 that we do.

2 I mean, do we have a legal
3 opinion as far as what our options
4 are, or has Bill talked to you
5 guys about if we don't enter into
6 this and everybody else has they
7 can't segregate DOCS out of what
8 they are doing for the rest of the
9 state?

10 VICE PRESIDENT HAAS: As far
11 as that, Vinny, we did not look
12 into that in that depth. But in
13 talking with Natalie and Bill it
14 was, This is the MOU. As we all
15 know the state more or less owns

16 the MOU. Here's the MOU, here's
17 the language. Either sign it or
18 not, because your other one
19 expires on 12-31.

20 MR. BLASIO: Yeah, I
21 understand that it expires. But
22 can they unilaterally make a
23 change and say, okay, you are
24 getting nothing any more if they
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1 don't do it for CSEA, PEF,
2 management confidential and
3 everybody else? Can they just say
4 we are only going to do this to
5 DOCS because they failed to enter
6 into an agreement?

7 They can do that?

8 MR. GREENE: Vinny, this has
9 been Bill and Natalie that have
10 been working on this, but from
11 basic relations with the state on
12 agreements like this, if they are
13 offering this to all the other

14 unions and they say, Yes, we are
15 taking it, and we decide not to,
16 legally they can do it.

17 I understand what you are
18 saying with holding you hostage
19 and the best bargaining position
20 with the whole thing, but they can
21 do it.

22 They have given us a choice
23 if we want to sign on. If we
24 choose not to sign on, that is on
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1 us. They are not going to stop
2 everyone else from signing on.

3 MR. BLASIO: I guess I
4 understand that part of it. But
5 can they just say, Okay, you are
6 not getting any benefit
7 whatsoever? What you are saying
8 is they will get zero?

9 VICE PRESIDENT HAAS: I can
10 answer the question. They don't

11 have to offer us a benefit.

12 The state goes -- are you
13 ready for this? The state goes
14 above and beyond by offering this
15 MOU.

16 They don't have to offer
17 this to us at all. And other
18 business out there whether not
19 with the state they don't have or
20 don't offer nothing. This is
21 something that the state offers us
22 which is above and beyond what
23 they have to do.

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1 MR. BLASIO: With that being
2 said, Tom, I guess what I am
3 trying to figure out is you're
4 backed into a point.

5 Obviously if everyone is
6 saying we have no other option
7 then we don't have an option but
8 to sign it, but my pretense is I

9 don't always believe everything
10 the state says to me. I'm sorry, I
11 don't believe it.

12 With that, if all the other
13 unions and every single other
14 union and you have proof that they
15 have signed it then I guess we
16 would be backed into a corner.

17 What I would like to see is
18 to make sure that every other
19 single union did sign it. And if
20 they did not then we all combine
21 forces on that issue. I don't a
22 problem with that.

23 And then if every single
24 person did it then you can go to
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1 Channel 9 or whoever the hell you
2 want to send it to and make a
3 stronger stand. But I just want
4 to make sure before we sign onto
5 it that we not the ones that are

6 leading the cause and saying, Hey,
7 NYSCOPBA did it, why the hell
8 don't you guys do it. I wanted to
9 make sure we are last, not first.
10 And that in fact that's the way it
11 is going to be perceived.

12 I don't want to be the first
13 ones and I'd like to see us
14 fighting the fight to be honest
15 with you because I don't believe,
16 you know, that this should be
17 rammed down our throat and once
18 again it is.

19 MR. FLEMING: When the
20 Committee found out about this,
21 and we are wholeheartedly with you
22 because we don't want to sign this
23 MOU if it takes away the benefit
24 of the Nichols case. We are not
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1 for it in any sense of the word.
2 I wanted you to understand
3 where we are coming from. The MOU

4 as the state has rewritten it
5 sucks. It is taking away the
6 lawsuit that we won. The choices
7 are that we sign the MOU because
8 it provides a limited benefit for
9 our members that we can not get
10 otherwise, or we try to get an MOU
11 that will benefit our members the
12 way we want it to in the future.
13 I don't feel it is a good idea to
14 just write off the Nichols award.

15 It is precedent setting and
16 it is not something I think we
17 should do.

18 MR. LITTLE: George Little,
19 Summit Shock.

20 I just want to know from the
21 lawyers is it legal after winning
22 it in arbitration with the Nichols
23 win, is it legal for them to come

24 back with this as part of the MOU?
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1 MR. GREENE: Again, the
2 answer to the question is yes,
3 because it is a new Memorandum of
4 Understanding that we are entering
5 into going forward.

6 I have to say, I have not
7 talked to Natalie or Bill about
8 this, but this is an option that
9 we are entering into and it is a
10 new agreement. If we don't want
11 to sign off on it we can take the
12 other one to court and see what
13 happens, but if that expires, and
14 I assume the agreement does expire
15 at the end of this year, and that
16 will not help the members that are
17 out there.

18 I have not read all the
19 decision, and you would have to
20 check with Natalie and Bill about
21 that, but that is what I
22 understand.

23 VICE PRESIDENT HAAS: Just
24 another thing to bring up, Lyndon
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1 just brought something up.

2 Right now if we have a worst
3 case scenario, if we have 70
4 members right now activated, which
5 we do roughly as far as the list
6 that we get, if every one of them
7 were due a longevity step, it
8 would be \$70,000. In the scope of
9 things in New York State that is
10 nothing if it is every one of
11 them.

12 I scanned through the list
13 real quick, not checking it with a
14 tooth and comb, but there is eight
15 to twelve people that are due a
16 longevity step possibly. That is
17 between eight and twelve thousand.
18 That is it.

19 Bottom line, the state lost.
20 They were pissed when we won and
21 this is retaliation. And we have
22 to stop the bleeding some where.

23 But we have also got members over
24 there that are taking bullets for
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1 us and families back here doing
2 without. And if this MOU doesn't
3 get signed will do without. But I
4 don't want to see us surrendering
5 a case that we fought long and
6 hard for either.

7 MR. MEJIA: Emile Mejia,
8 Sing Sing.

9 Larry is on the transition
10 team for Spitzer and you have
11 twenty-five days to attempt to get
12 some kind of an agreements with
13 the new administrations for these
14 veterans. If we are just going to
15 sell them out for the eight guys
16 for a longevity step when we have
17 an award, they're selling us out
18 over there.

19 I think you fight your

20 battle for them.

21 MR. BLASIO: Tom, Vinny

22 Blasi o agai n.

23 Is there a way we can find

24 out who has signed off on that?

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1 VICE PRESIDENT HAAS: I'm

2 going to attempt to. As soon as I

3 get done here, I will make some

4 phone calls and try to find out.

5 (Inaudible comments from the

6 floor.)

7 VICE PRESIDENT HAAS: I was

8 told the lieutenants did also. And

9 the one lieutenant that was

10 talking to me about it, he was on

11 the negotiating team and all that

12 good stuff, and he wasn't even

13 aware of the Nichols case.

14 So when they slipped that

15 new wording in there with

16 longevity I don't believe that

17 they realized what was going on

18 with it.

19 MR. BLASIO: Can we table

20 this until we get that information

21 out and table that until tomorrow

22 and also find out if the State

23 Police, if they are offering to

24 sign the same MOU as we are?

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1 VICE PRESIDENT HAAS: Okay.

2 MR. FLEMING: We also need to

3 find out, and I think Larry is the

4 one that is going to have to find

5 out, if we can get the incoming

6 administration to help us with an

7 MOU that benefits our members.

8 That is what we really need to

9 find out.

10 UNIDENTIFIED SPEAKER:

11 Because of the lieutenants signing

12 this MOU, I'd like to know how

13 many lieutenants are activated

14 overseas. Its probably zero out

15 there.

16 MR. FLEMING: We don't know
17 how many are actually ---

18 UNIDENTIFIED SPEAKER: I
19 just say fight the battle.

20 MR. FLEMING: So do we want
21 to table this and get some more
22 information on it?

23 Any other discussion on it?

24 That's it. Thank you.
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1 PRESIDENT FLANAGAN: While
2 we are waiting for the next
3 committee, just so we're all
4 aware, anybody that is going to be
5 sending up requests for donations,
6 send them to John now instead of
7 Denny from now on.

8 I'm not sure if everybody
9 realizes that Denny says he is
10 departing from NYSCOPBA. And as a
11 result of that we have to take
12 care of things, so what I said was

13 anybody making requests for
14 donations, catastrophic, instead
15 of sending them to Denny now send
16 them to John Telisky.

17 Joe, are you ready?

18 (Inaudible comments from the
19 floor.)

20 MR. BELLINGER: Joe
21 Bellinger, Willard. Election
22 Committee.

23 We have a vacancy on the
24 Veterans Committee. We're looking
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1 for nominations for the Veterans
2 Committee. You have to be a
3 steward. Remember that.

4 MR. JOLLEY: Art Jolley from
5 Barehill.

6 I nominate Mark Miner.

7 MR. BELLINGER: You have to
8 be a steward and a veteran.

9 Art, who was that again?

10 (Inaudible comments from the
11 floor.)

12 MR. BELLINGER: Mark Miner.

13 MR. BRUCE: Bruce, Elmira.

14 I want to nominate John
15 Bailey.

16 MS. FLOYD: Floyd from
17 Bedford.

18 I want to nominate Gerald
19 Harris.

20 MR. BELLINGER: Larry, you
21 know what I'm looking for, right?

22 Harris.

23 MR. RICENBERG: Ricenberg,
24 Downstate.

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1 Emile Mejia, Sing Sing.

2 UNIDENTIFIED SPEAKER:

3 (Inaudible identification.) Out
4 of Butler ASACTC.

5 I want to nominate Vic
6 Campino.

7 MR. BELLINGER: Anybody

8 else?

9 When Larry gets done with
10 the nomination forms we will be
11 handing them out.

12 Remember, when we get the
13 forms you are only voting for one.

14 Nominations are closed.

15 Thank you.

16 Constitutional Amendments,
17 the count, Article XV, sentence
18 five deleting the word only, total
19 votes 1,795. Total yes votes,
20 1593. No votes, 175. Voided
21 votes are 27. So it passed.

22 That's all I got.

23 In the next couple months
24 the only thing I can advise you is
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1 make sure you open your mail. You
2 will receive election literature
3 that is coming out. It is
4 important that you get the right

5 documents to your chair person,
6 which is probably starting
7 sometime in January or February,
8 you will start receiving the
9 mailings.

10 We will also hand them out
11 here and then be doubling up
12 through the mail.

13 We are looking to do some
14 regional meetings where somebody
15 from the Elections Committee will
16 be at some of the regional
17 meetings to talk to the chiefs,
18 and hopefully the chair of the
19 election committee, trying to cut
20 down the break in communication
21 and stop hopefully shortening the
22 facilities that mess up the
23 counts. I'm not sure whether it is

24 your fault or ours. We are just
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1 trying to get everybody on the
2 same page.

3 Kei th, anything el se?

4 Law enforcement will all be
5 done through the mail. That was
6 changed a couple EAs ago.

7 Anything el se?

8 That's it.

9 Thanks, Kei th. Carry on.

10 What do you got, calling in
11 your election or trying to get a
12 new steward over there?

13 MR. HANSEN: Hansen,
14 Washi ngton.

15 I'm also on the Election
16 Commi ttee.

17 I don't know if we should do
18 this under new busi ness. I'm only
19 talki ng about pol icy here, I'm not
20 talki ng about Consti tutional
21 Amendments.

22 Just a couple things that
23 are out there that are creating a
24 couple problems. I will bring them
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1 up and you can let me know which
2 way you want to pursue it.

3 This motion is to create a
4 policy that states, if a vacancy
5 occurs during a sector steward's
6 term, it is the responsibility of
7 the sector to set up an election
8 committee. If they can not, the
9 vacancy will continue until a
10 committee can be set up.

11 The reason why I put this
12 in, I ran into this at my
13 facility. And I'm still running
14 into it. I can't find enough
15 people to sit on the committee.
16 The guidelines say you need at my
17 facility five people and I am only
18 getting four. So until I get the
19 fifth individual I'll have a
20 vacancy. If it continues into
21 June or July we will just fill
22 that vacancy when we do our
23 regular steward elections.

24 This is just something I
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1 want to clear up because its a
2 bone of contention at my facility
3 and I know we, Larry and Joe and I
4 had discussion on this.

5 And again, it is not a
6 Constitutional amendment. It is
7 just something that I think can
8 happen. It is broke. And I would
9 like to put it on the floor for
10 discussion.

11 MR. BELLINGER: The
12 Constitution reads, you have to
13 fill a vacancy within thirty days.
14 If you can not fill the vacancy
15 within 30 days you go to an
16 election. And some people run
17 into that problem.

18 Chris's problem is he has
19 multiple buildings where he needs
20 minimum five people to run his
21 elections. And out of the three

22 hundred officers or so that work
23 there, he can not get five people,
24 even though we pay them \$150.
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1 MR. HANSEN: The hours went
2 down but the money did go up.
3 MR. BELLINGER: The hours got
4 tripped to four o'clock. That will
5 come out in the mail too.
6 So I guess we are looking
7 for some direction on, do we send
8 the election committee to his jail
9 to run his election? Or do we
10 hold off his election until they
11 can come up with five people to
12 run their own election?
13 You have to remember, you
14 send the election committee to
15 Washington it is an expense of
16 mileage and so on so forth.
17 The last time he had three.
18 MR. HANSEN: I ended up with

19 four.

20 MR. BELLINGER: What we are
21 looking for is, if he can't get
22 enough do we fill the void with
23 the Election Committee? Or does
24 he stand fast and not hold
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1 elections until he can get enough
2 to fill his own committee?

3 MR. HANSEN: On the other
4 elections, the two year elections,
5 you fill the post with people from
6 a committee at your facility. It
7 is just I do not know if it is
8 because they are lump money in
9 their pocket, they don't want the
10 \$150, or who knows.

11 MR. BELLINGER: Do you have
12 that written in a motion.

13 MR. HANSEN: Yes, I have
14 that written. I have a second
15 also.

16 MR. BELLINGER: Bring that

17 up here, Chris.

18 (Inaudible comments due to
19 noise from the floor.)

20 MR. BELLINGER: Hold up for
21 a minute. We're trying to get
22 some clarification.

23 TREASURER TELISKY: I have a
24 quick question for you on that
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1 policy.

2 If a sector does not want to
3 set up an election committee, we
4 are going to deploy our Election
5 committee team, it says that ---
6 what does it say?

7 MR. BELLINGER: The motion
8 says to hold off the elections
9 until they can seat their own
10 committee.

11 TREASURER TELISKY: Okay.

12 MR. BELLINGER:
13 Clarification on this is ---

14 (Inaudible comments due to
15 excessive noise from the floor.)
16 PRESIDENT FLANAGAN: Listen
17 everybody, it is my opinion from
18 talking to Joe and talking to
19 Keith that what we are talking
20 about in the motion is, I'm not
21 certain it needs to be a motion.
22 We are just looking to confirm the
23 policy we have in place, is that
24 at a sector if you don't have
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1 enough people to establish an
2 Election Committee, then the
3 elections don't go on until a
4 committee can be established.
5 That is what we presently
6 live by right now and that is
7 basically what the motion says.
8 So it is not necessary.
9 MR. BELLINGER: This is
10 outside the 30 day window.
11 VICE PRESIDENT ZULKO:

12 Larry, if I may, in regards to
13 this issue, and a lot of this is
14 timing because what could happen
15 is if there is an --- if a
16 facility can not get enough people
17 together to conduct an election,
18 technically if we continue in this
19 avenue, and this is the way we
20 have doing it is technically that
21 can go on and on and on. And that
22 is where in my opinion, and this
23 is we have had these discussions
24 over the last year and a half is
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1 that is where the state election
2 committee has to come in and
3 conduct an election. We have done
4 that in the past when some
5 facilities didn't do their
6 elections, because they could not
7 get the people together.

8 PRESIDENT FLANAGAN: That

9 motion doesn't say that at all.

10 VICE PRESIDENT ZULK0: I
11 know that. I am speaking in
12 regards to the motion and how this
13 whole things gets confusing.

14 MR. BELLINGER: The
15 difference here is, in the past
16 when we sent out the Election
17 Committee from NYSCOPBA it has
18 been from the first election, the
19 original election. This is after
20 everybody is seated and somebody
21 resigns, quits, whatever, and it
22 is to fill a vacancy.

23 Now, we have no problem
24 going out and helping people
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1 getting their seven or eight
2 people started or whatever. But do
3 we want to keep doing this two
4 years outside? Everybody is in
5 office for two years and that's
6 where we get into the treasury and

7 the expenses and so on and so
8 forth.

9 Just give us some directions
10 on how you want us to handle this.

11 Can we get the sergeant at
12 arms up here to hand the ballots
13 out, please?

14 MR. COLLINS: Tim Collins
15 from Oneida.

16 Joe, we're just talking
17 about filling a vacancy; correct?

18 MR. BELLINGER: Correct.

19 MR. COLLINS: So if the
20 first 30 days the stewards at that
21 facility, they don't appoint a
22 replacement, then after 30 days an
23 election has to take place; is
24 that correct?

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1 MR. BELLINGER: Correct.

2 MR. COLLINS: So for the
3 process of filling a vacancy,

4 could a steward then sit on that
5 election committee, just for the
6 filling of a vacancy, not nor for
7 general elections?

8 MR. BELLINGER: I believe
9 so. That was brought up. He is
10 not in the election process, you
11 know what I mean? He is not
12 running.

13 MR. COLLINS: So is that the
14 problem where they can not get
15 enough people maybe because they
16 are not using that?

17 MR. BELLINGER: You need
18 five and I know he struggled to
19 get to four.

20 MR. COLLINS: But you can
21 use stewards to fill a vacancy on
22 the election committee?

23 MR. BELLINGER: As long as
24 he is not running in that
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1 election.

2 VICE PRESIDENT JOHNSON:

3 Joe, Lyndon Johnson, Northern VP.

4 We have had a lot of
5 facilities out there that only
6 have an allowance for three
7 stewards. And I know it was a
8 problem up in Lyon Mountain
9 before, we only had one person
10 interested. And if you were to
11 have a vacancy where you only had
12 one person there, he is literally
13 handcuffed because he can not
14 conduct anything, he can not write
15 any checks or anything.

16 So if you held off until you
17 had an election committee, that
18 individual in his acting chief
19 capacity is helpless.

20 MR. BELLINGER: Its a one
21 man show.

22 VICE PRESIDENT JOHNSON:

23 That's right, its a one man show.

24 So I believe if you are
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1 going to, you should send a
2 portion of the election committee
3 to help with those elections. You
4 should not just let it go on and
5 on because it could wreak havoc
6 with that sector.

7 MR. BELLINGER: I guess we
8 will just treat this as a point of
9 information and handle this on a
10 case by case thing and we'll go to
11 the Board for approval.

12 MR. HANSEN: It is not
13 Constitutional. It was a
14 suggestion. I'll withdraw it if
15 needed or whatever. But I think
16 it is a point of information that
17 we have to deal with because it
18 happened once and it could happen
19 again.

20 And if the entities at the
21 facility can't successfully
22 conduct their election and one

23 that can put the committee
24 together.
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1 MR. BELLINGER: Chris, two
2 things.

3 What was your other one?

4 MR. HANSEN: It didn't have
5 directly to do with --- I should
6 do it under new business because
7 it really doesn't pertain to the
8 Elections Committee.

9 MR. BELLINGER: The ballots,
10 once you have voted, give Chris a
11 minute to get out front, then when
12 Larry breaks, and I do not know
13 when he is doing that, but we will
14 collect them out in the lobby.

15 If we can get a couple
16 election guys out there in the
17 lobby to help, it would be great.

18 PRESIDENT FLANAGAN: Listen,
19 you want to takes a recess while
20 we turn in the ballots? You want

21 to take like fifteen minutes?

22 Back at three, please.

23 (A break in the proceedings

24 was taken.)

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1 PRESIDENT FLANAGAN: We are

2 going to get started again,

3 everybody.

4 MR. BELLINGER: The Veterans

5 Committee count for the vacancy,

6 we'll do it, lets see, lowest to

7 highest: Vic Capone, three,

8 Gerald Harris, five, John Bailey,

9 18, Mark Miner, 25 and Emile

10 Mejia, 26.

11 So Mejia will fill the

12 vacancy.

13 That's all I have.

14 PRESIDENT FLANAGAN: Is

15 Chris Leo here?

16 While we're waiting for

17 Chris Leo, at the last EA we

18 tabled the motion to expand the
19 Legislative Committee until this
20 EA; a proposal from the
21 Legislative Committee. We are
22 looking to table it again until
23 the next EA because the committee
24 has not met and had further
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1 discussion about it. So I am
2 looking for unanimous consent to
3 table that issue until the next
4 EA, the February EA.

5 MR. BLASIO: Larry, I am
6 just a little confused on why that
7 needs to be tabled to begin with.

8 PRESIDENT FLANAGAN: It was
9 tabled because, the way that I
10 understood it was the committee
11 was going to sit down and discuss
12 it more and come back with more
13 information for the Executive
14 Assembly in regards to their
15 proposal for the increase in the

16 size of the Legislative Committee.

17 And it was the --- excuse

18 me, Department, Legislative

19 Department. And it was tabled for

20 the committee to sit down and

21 discuss it further.

22 MR. BLASIO: Maybe I am

23 wrong, but wasn't that a

24 recommendation of that committee?

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1 PRESIDENT FLANAGAN: Of

2 what?

3 MR. BLASIO: That they expand

4 the Legislative Department?

5 Wasn't that a recommendation

6 of the Legislative Committee?

7 PRESIDENT FLANAGAN: Yes, it

8 was. That was the recommendation.

9 And if my memory serves me

10 correctly, as soon as the debate

11 and discussion started on it they

12 decided to withdraw it and go back

13 and reconvene and come back to the
14 next EA, but they didn't meet and
15 that is why they are asking to
16 extend it until February.

17 MR. BLASIO: I guess I am
18 just baffled.

19 If the recommendation came
20 out of than committee, unless
21 there is new information that came
22 out, why would we need to go back
23 to the committee again?

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1 PRESIDENT FLANAGAN: From
2 what I understand, they were going
3 to go back a try to provide more
4 information to the body on why
5 they feel it was necessary to
6 increase the Legislative
7 Department.

8 With no opposition to
9 tabling that issue until the
10 February EA, hearing none, we will

11 address it at the February EA.

12 Chris Leo.

13 MR. LEO: Everybody should
14 have gotten a hand out that I
15 passed out earlier with a listing
16 of all of the newly elected
17 legislators. Obviously if the
18 name is on there the person was
19 reelected.

20 (Inaudible comments from the
21 floor.)

22 MR. LEO: That just means
23 that the particular office was
24 flipped. Used to be a Republican
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1 and now it is a Democratic.

2 None of them went the other
3 way, as you can tell.

4 You see the numbers next to
5 it I just put in so you have a
6 better idea of what the different
7 the leaders are that we deal with

8 in the Senates. It is at a 34 28
9 majority for the Republicans. And
10 in the Assembly 108 to 42 majority
11 for the Democrats.

12 And as you can see, the Dems
13 picked up one seat in the Senate
14 and three in the Assembly
15 statewide.

16 We did have, during the
17 month of October and into the
18 first week of November, we had
19 volunteers working on the Jeff
20 Brown race out in Syracuse and the
21 Senator Spano race down in
22 Yonkers. Any of the members that
23 showed up, family members and
24 friends, we gave them jackets as a
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1 way to show appreciation for
2 volunteering personal time.

3 Another thing on the second
4 page is the summary of the PAC
5 accounts. That has the balance of

6 the deposits. The last sheet,
7 which you can separate and I was
8 just trying to consolidate with
9 the paperwork here, that is a
10 breakdown by correctional
11 facility, the legislators that
12 respect the facility and the
13 amount of members that live in
14 that Assembly person or Senator's
15 district, not ones that actually
16 work. They don't have to work at
17 that facility. Just so you have
18 an idea of how many members they
19 represent.

20 The ones in the bold are the
21 majority. And when you go down to
22 the Senate list you see a lot of
23 bold and when you go down the
24 Assembly list you don't see that
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1 much, that many I should say.
2 Another thing, as we do

3 approach this new year and
4 everybody knows we will have a new
5 governor, new Executive Branch and
6 different people to deal with and
7 hopefully new outcomes with some
8 legislation that has not met with
9 the outcomes we would have liked
10 to have seen in the past. So we
11 will be reintroducing legislation
12 from the past.

13 Obviously all the
14 legislation we currently have
15 active will be reintroduced as
16 well. But as always, if you have
17 any issues or ideas for
18 legislation which maybe we have
19 not seen, which I think we pretty
20 much have 99.9 percent of the
21 issues covered after all these
22 years, and you see we carried
23 fifty bills in each house, but if
24 there is something you would like
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1 to see addressed in legislative
2 form, gets it to us now. As was
3 just mentioned, the legislative
4 committee has not met yet. But we
5 are meeting next week and this
6 will be a good time for us when we
7 sit down with the committee and
8 the Board to start getting into
9 the issues that we want to address
10 and what our priorities will be as
11 we enter a new year with a new
12 governor.

13 Maybe if each chief sector
14 steward could compile a list of
15 your priorities and maybe limit it
16 to three or five, and hopefully
17 they will overlap and pretty much
18 all be in the same area. That will
19 give us a better indication and
20 idea of where some of the issues
21 that we need to target more
22 strongly are.

23 And again, keep in mind that
24 just because something has failed

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1 in the past, we start fresh this
2 year and hopefully we will have
3 better results.

4 I think that's all I have
5 unless anyone had any questions.

6 The committee has not met so
7 there is not really a committee
8 report, strictly a departmental
9 report.

10 Yes.

11 MR. FORTIER: Ed Fortier,
12 Adirondack.

13 The legislature is coming
14 back next week, they are getting
15 recalled; is that correct?

16 I read in the paper up our
17 way that they might be
18 reconsidering that 55 25
19 retirement bill over ride of it.

20 MR. LEO: That is something
21 we are going to approach them on.

22 MR. FORTIER: If they are
23 going to meet next week, do we
24 have somebody working on that?
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1 MR. LEO: Yes.
2 MR. CARY: Jeff Cary, Five
3 Points.
4 Just wanted you to know you
5 did not include Five Points.
6 MR. LEO: My mistake then.
7 I typed those individually
8 If there are a few more mistakes I
9 thought someone else would pick
10 them up.
11 Five Points. Anybody else
12 see their facility missing?
13 Law enforcement, I have been
14 trying to work on yours. It is not
15 confusing but it is difficult
16 because of where the actual agency
17 building locations are. And when
18 we do a zip code search that is
19 not necessarily where the members

20 work. But we are going to get
21 something made up in similar form.

22 Any other questions?

23 Thank you.

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1 MR. HICKEY: Chris Hickey,
2 Constitutional and By-Laws
3 Committee.

4 We met on the 30th of
5 November for a couple of submitted
6 amendments; one dealing with
7 vacancies of elected officials,
8 particularly stewards, second
9 amendment and we will do a first
10 reading on that.

11 And another one dealing with
12 Article 19 legal counsel.

13 And also the second reading
14 in regards to the recall. And you
15 should have received with your
16 information this morning a copy of

17 the proposed Constitutional
18 Amendment, all three of them
19 actually. And if you get that out
20 you can go through this with me.

21 Proposed Constitutional
22 amendment establishing a recall
23 panel.

24 Sections one, purpose. The
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1 intention and purpose of this
2 amendment is to provide a process
3 for implementing the provisions of
4 section 706 of the not for profit
5 corporation law pertaining to
6 removal for cause a member of the
7 board of directors.

8 Section two, Article IX of
9 the Constitution and By-laws is
10 hereby amended by adding a new
11 section H to be entitled removal
12 for cause and to read as follows:

13 Number one. Notwithstanding
14 any inconsistent provision of

15 Article XI of this Constitution
16 and By-Laws, the standing
17 committee of the Association to be
18 known as the recall panel is
19 hereby established.

20 The recall panel shall hear
21 charges against members of the
22 Executive Board in cases where
23 removal for cause is sought and
24 shall make findings with respect
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1 to the charges and a
2 recommendation to the Executive
3 Assembly as to whether a vote to
4 remove such officer should be
5 conduct from among the region or
6 group electing him or her.

7 The role of the recall panel
8 shall be advisory. The Executive
9 Assembly shall determine whether a
10 recall vote to remove such officer
11 for cause shall be conducted among

12 the region or group electing him
13 or her. A determination to
14 conduct a recall vote shall
15 require a two-thirds vote of the
16 Executive Assembly.

17 The recall panel shall
18 consist of seven members to be
19 nominated and elected by the
20 Executive Assembly as follows:
21 each of the five regions of
22 correctional officers and
23 correctional sergeants, North,
24 South, west, Mid Hudson and
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1 Central shall elect one member.
2 The law enforcement sector shall
3 elect one member. And one member
4 who shall be a sergeant shall be
5 elected by the Executive Assembly
6 as a whole.
7 Any member in good standing
8 is eligible to serve on the recall
9 panel.

10 Recall panel members shall
11 serve a two year term.

12 No member of the recall
13 panel is eligible to serve on any
14 other standing committee of the
15 Association.

16 The recall panel itself
17 shall choose a chair person and a
18 clerk. The clerk shall be
19 responsible for documenting the
20 proceedings of the panel. The
21 chair person shall preside at the
22 hearings of the panel and shall be
23 eligible to vote only to break a
24 tie.

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1 Any member or group of
2 members in good standing may file
3 written charges seeking the
4 removal for cause of a member of
5 the Executive Board.

6 The charges shall clearly

7 state that a recall vote within
8 the group or region that elected
9 the accused member is requested.
10 The groups for such charges may
11 include but are not limited to
12 violation of NYSCOPBA Constitution
13 and By-Laws, failure to follow a
14 lawful direction of the Executive
15 Assembly, and involvement in
16 activities culminating in arrest
17 for misdemeanors or felonies.

18 Charges shall be filed by
19 delivering them by mail or hand
20 delivery to NYSCOPBA's Recording
21 Secretary, who shall by certified
22 mail within fourteen calendar days
23 of receipt thereof provide each

24 member of the recall panel and
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1 each member of the Executive Board
2 with a copy thereof.

3 In the event the Recording
4 Secretary is the subject of the

5 charges, the charges shall be
6 filed by delivering them to the
7 President who shall assume the
8 responsibilities of the Recording
9 Secretary for the purpose of
10 carrying out the provisions of
11 Section H of Article IX.

12 Upon receipt of the charges
13 the recall panel shall schedule a
14 hearing. The charging party and
15 the accused officer shall be
16 advised in writing of the date,
17 time and place of the hearing and
18 of the right to appear and present
19 evidence and witnesses with
20 respect to the charges.

21 Adherence to formal
22 procedure and to the strict rules
23 of evidence shall not be required.

24 Following the conclusion of
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1 the hearing the recall panel shall

2 make written findings upon the
3 charges and shall recommend to the
4 Executive Assembly whether a vote
5 to remove the officer for caused
6 should be conducted within the
7 group or region from which the
8 accused member was elected.

9 The recall panel shall hold
10 and complete their hearing and
11 issue its findings and
12 recommendations within thirty
13 calendar days following the
14 receipt of the charge.

15 A copy of the findings and
16 recommendation shall be delivered
17 to the Recording Secretary. The
18 Recording Secretary shall mail a
19 copy of findings and the
20 recommendation of the recall panel
21 to each chief sector steward at
22 least fourteen days prior to the
23 next Executive Assembly meeting.

24 Or where there are less than
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1 fourteen days remaining before the
2 next Executive Assembly meeting,
3 as soon as practicable.

4 The Executive Board may, in
5 the exercise of its authority
6 contained in Section 714 of the
7 Not for Profit Corporation Law at
8 any time during the pending
9 proceedings of the recall panel
10 and of the Executive Assembly,
11 with respect to the charges,
12 determine whether to suspend the
13 accused officer and for period of
14 time.

15 The Executive Assembly shall
16 consider the findings and
17 recommendations of the recall
18 panel at its first meeting
19 following their issuance and may
20 accept or reject them in whole or
21 in part or take such other action
22 with respect to the charges
23 consistent with law and with the

24 constitution and By-Laws as it may
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1 deem appropriate.

2 A motion to conduct a poll
3 within the group or region that
4 elected that accused officer as to
5 whether the officer should be
6 removed for cause shall require a
7 two-thirds vote of the Executive
8 Assembly.

9 A vote as to whether the
10 accused officer should be removed
11 for cause shall be conducted by an
12 independent agency under the
13 direction of the NYSCOPBA Election
14 Committee, with the ballots to be
15 mailed within thirty days of the
16 vote of the Executive Assembly
17 authorizing it.

18 The mailing shall contain,
19 in addition to the ballot, a
20 description or summary of the

21 findings and recommendations of
22 the recall panel and of the action
23 taken by the Executive Assembly
24 with respect there to.
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1 The determination as to
2 whether the accused officer shall
3 be removed for cause shall be by
4 majority vote of the members in
5 the group or region from which he
6 or she was elected.

7 This amendment was gone over
8 with Bill Sheehan with multiple
9 recommendations by him and that is
10 why it is drafted as such.

11 We will open the floor up
12 for debate or discussion on this.

13 MR. CARLSON: Mike Carlson.

14 So if I have a complaint
15 against somebody, would I send it
16 to the judicial and ethics or the
17 recall vote to determine?

18 MR. HICKEY: You would send

19 it to NYSCOPBA's Recording
20 Secretary.

21 MR. CARLSON: Okay.

22 And then that person who
23 will give it to who they think it
24 should go to?
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1 MR. HICKEY: No. It is
2 outlined in here who it will go
3 to.

4 The Recording Secretary will
5 provide each member of the recall
6 panel and each member of the
7 Executive Board with a copy
8 thereof.

9 Then if it is charges
10 against the ---

11 (Multiple voices. Inaudible
12 comments.)

13 MR. CARLSON: No, if its
14 charges --- lets say I am putting
15 charges against you not spending

16 money that you shouldn't have spent
17 or whatever.

18 MR. HICKEY: Before you go
19 there, this is just for the
20 Executive Board, not the ---
21 (Multiple voices. Inaudible
22 comments.)

23 MR. CARLSON: Just the
24 Executive Board.
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1 MR. HICKEY: Yes.
2 MR. CARLSON: If I bring a
3 charge against the Executive Board
4 that they are not doing something
5 and I put them all criminally on
6 this, then who does it go to, I'm
7 charging them all, the whole
8 board, that they're not doing the
9 right thing or they're corrupt or
10 whatever you can come up with,
11 then where does it go?

12 MR. HICKEY: We would have to
13 deal with that.

14 MR. CARLSON: Chris, it has
15 happened before.

16 MR. HICKEY: I understand
17 that, Mike.

18 Al.

19 VICE PRESIDENT MOTHERSHED:

20 Al Mothershed, Western Region VP.

21 We have been working on this
22 for over a year now. Every time
23 we bring this thing back up here
24 someone has a new argument.

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1 We have taken this back to
2 committee and taken it back to
3 committee and taken it back to
4 committee.

5 We had the attorneys work on
6 this. I sat down with them for a
7 couple hours. Bill Sheehan helped
8 re write this to finally get this
9 to the point where it complies
10 with all of the Not for Profit

11 Corporation Law.
12 And if somebody is going
13 charge somebody with anything
14 other than a recall, you are going
15 to use the J and E Committee
16 This panel is specifically
17 for a recall. If you want to
18 recall somebody to take someone
19 out of office, that is what this
20 panel is for.
21 Any other charge, you would
22 still go to the J and E Committee.
23 We are not getting rid of
24 the J and E Committee.
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1 MR. CARLSON: Okay, no, I
2 was a little confused because its
3 happened before where the whole
4 panel has been charged in prior
5 years, so that none of them could
6 actually testify, you know, so
7 this has happened before and
8 that's why I am pretty sure it

9 will happen again.

10 VICE PRESIDENT MOTHERSHED:

11 If everybody was charged all at
12 one time the information would
13 have to be turned over to the
14 panel, the recall panel, and the
15 recall panel would hold a hearing
16 just like they would normally,
17 just like they would according to
18 the way it is written.

19 MR. CARLSON: Okay.

20 If there is a charge against
21 one of the panel members, would
22 that go to the J and E? Or does
23 that go to the recall?

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1 VICE PRESIDENT MOTHERSHED:

2 Nobody on the panel is a board
3 member.

4 MR. CARLSON: I understand
5 that.

6 What I'm saying is if I am
7 saying that John Telisky is
8 stealing money and I'm putting in
9 against John Telisky ---

10 (Inaudible comments due to
11 excessive noise from the floor.)

12 MR. CARLSON: If I charge
13 John, does that go to the J and E
14 or does that go to the recall?

15 VICE PRESIDENT MOTHERSHED:
16 That's your decision.

17 If you determine you want a
18 recall, then you recall him. If
19 you determine you want a J and E,
20 then you J and E him.

21 MR. CARLSON: So if I don't
22 get the decision from the J and E
23 then I say I want a recall.

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1 VICE PRESIDENT MOTHERSHED:
2 You certainly could.

3 MR. HICKEY: Yes, you can.

4 If you want to, that is your
5 prerogative.

6 Jeff, do you have something?

7 MR. LEVY: Jeff Levy.

8 Actually it sounds like an
9 action instituted before the J and
10 E Committee could result in the J
11 and E Committee bringing it to the
12 recall panel; is that right?

13 MR. HICKEY: That would be
14 their prerogative to do so.

15 MR. LEVY: Okay.

16 Another question.

17 I think that it says that
18 the members of the recall panel do
19 not have to be stewards; is that
20 correct?

21 MR. HICKEY: That's correct.

22 A member in good standing.

23 MR. LEVY: Can be a steward
24 or not?

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1 MR. HICKEY: Yes, that's
2 correct.

3 MR. LEVY: Thank you.

4 MR. HICKEY: You're welcome.
5 Yes?

6 VICE PRESIDENT PEREZ:
7 Perez, Southern VP.

8 I just got two questions for
9 clarity.

10 Section three where it says
11 involved in activities culminating
12 in arrest for misdemeanor or
13 felony.

14 Do we wait until the
15 individual charges outside are
16 done with, or do we go ahead and
17 do a recall?

18 How do we deal with that
19 situation if a member is arrested.

20 MR. HICKEY: If that
21 particular situation were to
22 arise, the way it was left is that
23 it did not have to happen. A

24 recall vote does not have to take
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1 place.

2 If an individual or group of
3 individuals want to institute a
4 recall because of an arrest for
5 misdemeanors or felonies, they can
6 do so. And if they choose not to,
7 they choose not to.

8 VICE PRESIDENT PEREZ:

9 Second one is section five,
10 adherence to formal procedure and
11 strict rules of evidence shall not
12 be required.

13 What does that mean?

14 MR. HICKEY: That leaves it
15 as more of an informal hearing.
16 It would not be, say as the rules
17 of a court proceeding would not be
18 applied. It would be an informal
19 hearing in regards to evidence and
20 witnesses.

21 VICE PRESIDENT PEREZ: The
22 recall panel will be conducting

23 that.

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1 MR. HICKEY: Yes, the recall
2 panel would be conducting that.
3 They would elect a chair person
4 from amongst themselves and they
5 would appoint a clerk to conduct
6 the proceedings.

7 VICE PRESIDENT PEREZ: And
8 based on that informal hearing
9 they will make a recommendation?

10 MR. HICKEY: Yes, they will
11 make a recommendation.

12 Their entire process is
13 advisory. The outcome would lie
14 with the Executive Assembly.

15 And in accordance with the
16 Not for Profit Corporation Law
17 also the board of directors, i.e.,
18 the Executive Board has the right
19 to suspend any member if they

20 believe that is warranted for
21 whatever action they would do.

22 VICE PRESIDENT PEREZ: Thank
23 you.

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1 MR. HICKEY: Anybody else?

2 Mike.

3 MR. MAZZELLA: Mike

4 Mazzella, Green Haven.

5 To be on the recall panel it
6 was mentioned that you have to be
7 a member in good standing. Does
8 that violate any other portion of
9 the Constitution because you did
10 say the recall committee is a
11 standing committee.

12 MR. HICKEY: No, that does
13 not.

14 When Mr. Sheehan had looked
15 at that portion he determined that
16 if you make this an amendment to
17 the Constitution, then it is your

18 Consti tution and By-Laws and that
19 is the rule.

20 MR. MAZZELLA: So to
21 clarify, you can have a portion of
22 your Consti tution that says thi s
23 is a standing commi ttee but it
24 does not have to follow the rules
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1 of other commi ttees.

2 MR. HICKEY: No, not if it is
3 voted on and recommended and
4 adopted by the body, which would
5 be the Executive Assembly and
6 further go out to the membership
7 for rati fication.

8 Yes, Tim.

9 MR. OSBORN: Tim Osborn,
10 Mid-Hudson Busi ness Agent.

11 You talked about the recall
12 before as far as it was their
13 prerogative to remove somebody as
14 far as felony charges. A man is

15 innocent until proven guilty;
16 right.

17 Year and half later, because
18 sometimes things drags on forever,
19 they get found exonerated, what
20 happens then?

21 MR. HICKEY: If what now?

22 MR. OSBORN: If a man is
23 exonerated on outside charges, all
24 those charges are dropped or he is
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1 found innocent, what happens then
2 if he was recalled?

3 MR. HICKEY: If that's the
4 case, it does not prohibit anybody
5 from instituting a recall. Once
6 the hearing is conducted and the
7 evidence is presented and it comes
8 to the Executive Assembly and they
9 determine that whatever they
10 determine, that a recall vote
11 should take place or not, then
12 that is what it is.

13 The Executive Assembly has
14 the rule when theory in session.

15 Al .

16 VICE PRESIDENT MOTHERSHED:

17 Al Mothershed, Western Region VP.

18 Anybody that has charges,
19 outside charges, if those charges,
20 if he has the opportunity to have
21 a hearing. If somebody has a
22 recall on him he has the
23 opportunity to go to that hearing

24 and he will present his case at
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1 that hearing.

2 So if the recommendation
3 from the panel comes that he
4 should be recalled, then this body
5 will have to make that
6 determination. And if eventually
7 get exonerated or gets an ACD or
8 whatever you may get from outside
9 charges, so be it, that's what

10 happens.

11 But if this body determines
12 that guy should be recalled, then
13 he will be recalled.

14 MR. HICKEY: Yes, Jeff.

15 MR. LEVY: Jeff Levy.

16 I can compare the discussion
17 we just had to the OJ Simpson case
18 for example where he was found not
19 guilty in criminal court, yet he
20 lost a lawsuit.

21 In other words, someone who
22 had criminal charges that might be
23 adjudicated in their favor does

24 not mean that the union still has
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1 to look at them and say they maybe
2 or maybe not be able to convict
3 them in criminal court, but that
4 doesn't mean we want them to serve
5 on the Executive Board.

6 I think that having the
7 difference is something that

8 should be available to us.

9 MR. HICKEY: Yes, that would
10 be. Yes.

11 VICE PRESIDENT MOTHERSHED:
12 Al Mothershed, Western Region.

13 I just have one thing to add
14 here. You can do what you want
15 with this amendment, but bottom
16 line you have the ability,
17 everybody in this room has the
18 ability you can impeach the
19 president of the United State but
20 you can not get rid of any of us
21 board members.

22 That's just wrong. That is
23 ridiculous.

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1 (Inaudible comments due to
2 excessive noise from the floor.)

3 MR. HICKEY: Debbie.

4 MS. FLOYD: Floyd from

5 Bedford.

6 What I want to ask in here
7 talking about being arrested or
8 brought up on some kind a charges.

9 MR. HICKEY: That would be
10 in section three, the last
11 sentence.

12 I assume you are talking
13 about the failure to follow lawful
14 direction of the Executive
15 Assembly, and involvement in
16 activities culminating in arrest
17 for misdemeanors and or felonies.

18 MS. FLOYD: Yeah, okay.

19 Can you give me some
20 examples? I mean, what a you all
21 talking about? You talking about
22 stuff like being arrested while
23 here, outside?

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1 MR. HICKEY: It could be
2 anything. It could be anything.

3 It could be any misdemeanor or
4 felony arrest.

5 MS. FLOYD: So say, use me
6 for example ---

7 (Inaudible comments due to
8 excessive noise from the floor.)

9 MS. FLOYD: Say something
10 happens to me on the outside or
11 something that they going to want
12 to get rid a me?

13 Its only for you all?

14 MR. HICKEY: Its only for
15 the Executive Board. This is for
16 the Executive Board. This is for
17 the officers of the union.

18 MS. FLOYD: Okay, but tell
19 me what, what, what you know what
20 I saying, you saying okay, for the
21 Executive Board for something that
22 you all doing against us or
23 something that happened outside
24 personal?

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1 MR. HICKEY: It could be
2 anything.

3 (Inaudible comments due to
4 excessive noise from the floor.)

5 MS. FLOYD: I trying to get
6 some clarification here for real.

7 I'm saying if something is
8 happening to me personally you all
9 in the streets, this is for you
10 guys, you guys can get rid of them
11 because we can just vote you all
12 out because something happened in
13 the ---

14 (Inaudible comments due to
15 excessive noise from the floor.)

16 MS. FLOYD: --- not fair.

17 I don't think that's right.
18 I mean, your personal business
19 your personal business. What it
20 got to do with representing you
21 all if they got in trouble with
22 something that just happened to
23 happen out in the streets?

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1 MR. HICKEY: That's up to
2 this body to decide.

3 If someone were to institute
4 this procedures it is going to
5 come to the Executive Assembly for
6 determination that the recall vote
7 is going to happen or not.

8 I would have to assume that
9 it would have to be something
10 serious.

11 (Inaudible comments due to
12 excessive noise from the floor.)

13 MS. FLOYD: Yeah, I being
14 serious about this.

15 Maybe if it something
16 concerning NYSCOPBA, the union
17 itself, yeah. But something on
18 they personal level, something
19 happening with them, I don't even
20 think you all should be in they
21 business.

22 That's they business.
23 (Inaudible comments due to
24 excessive noise from the floor.)
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1 MR. HICKEY: Deb, do you have
2 anything else?

3 (Inaudible comments due to
4 excessive noise from the floor.)

5 MR. MOORE: Tim Moore,
6 Southern Region Safety Officer.

7 I have nothing but faith in
8 our Board.

9 Seriously, we just recently
10 put ourselves out there to our
11 members so we can be removed as
12 chief stewards. We just put that
13 out there as a ballot to the
14 membership. So we voted to remove
15 ourselves if necessary. So we
16 just need some balances here.

17 And I'm not making any marks
18 against the board at all. Like I

19 say, I have faith in our board.
20 But if we are going to do it for
21 the Executive Assembly, it should
22 go for all.

23 (Applause.)

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1 TREASURER TELISKY: John
2 Telisky.
3 To follow up on what Tim
4 said, the reason why this recall
5 policy was not sent out
6 simultaneously was you had to
7 tweak it again; correct? That's
8 why it wasn't sent out
9 simultaneously with the one for
10 sector stewards.

11 I have to safely assume,
12 make an assumption here, that
13 assuming here that we are using a
14 reasonable standard when we talk
15 about criminal charges. We are
16 talking about, I assume, a DWI,

17 you know, I'm just giving you an
18 example here, right. A DWI in
19 your only personal vehicle on the
20 weekend, off duty, on and on and
21 on, it is going to be looking upon
22 differently as if we're coming
23 from an E Board meeting or another
24 function representing NYSCOPBA.
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1 So it is going to be a
2 reasonable standard. Is that your
3 intent?

4 VICE PRESIDENT MOTHERSHED:
5 Yes. Let me give you an example
6 other than using the Treasurer.

7 Lets say Tom Haas, since he
8 is up there laughing and pointing
9 fingers is caught at the play
10 ground handing our Snicker bars
11 and he gets arrested.

12 Debbie, I think even you
13 would want to recall him for that

14 one.

15 Just so everybody knows, if
16 this passes, once a panel is
17 created they have to create a
18 policy. It is not going to be a
19 policy as extensive as the J and E
20 Committee because obviously they
21 are only doing recall or not a
22 recall. But they are going to
23 have to have their own policy,
24 which is going to have to come in
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1 front of this body.

2 MR. FORTIER: Ed Fortier,
3 Adirondack.

4 Number seven under the non
5 for profit section 714, is that a
6 simple majority of those present?
7 What is that determination there?

8 You have a percentage of
9 your board when they vote?

10 MR. HICKEY: It would be a
11 majority of the board.

12 MR. FORTIER: Just a majority
13 of the E Board, not those present?

14 MR. HICKEY: No, no. The
15 Executive Board has authority to
16 suspend an officer of the union.

17 The officers are the people
18 up here, the Executive Board.

19 MR. FORTIER: And my
20 question again is, we had a
21 problem a while back when three or
22 four guys didn't show up at the
23 Board meeting.

24 Is the determination a
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1 majority of those present or a
2 majority of the entire board?

3 MR. HICKEY: You need a
4 quorum to conduct business.

5 VICE PRESIDENT MOTHERSHED:
6 Just one quick point of interest.

7 The Executive Board, we
8 discussed this yesterday, and it

9 was recommended unanimously to put
10 this through.

11 MR. CARLSON: Al, I got a
12 quick question.

13 The recall committee will
14 refer this back to the EA for the
15 recall; correct?

16 MR. HICKEY: Yes.

17 MR. CARLSON: Okay.

18 Do the facts of the case
19 come to us so that we are informed
20 to make the decision whether to
21 recall or not? And is there an
22 appeal process?

23 First question.

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1 (Multiple voices. Inaudible
2 comments.)

3 VICE PRESIDENT MOTHERSHED:

4 The Assembly --

5 (Multiple voices. Inaudible
6 comments.)

7 MR. CARLSON: --- out to us
8 so we can make an informed
9 decision.

10 VICE PRESIDENT MOTHERSHED:
11 You would get a recommendation
12 from the panel.

13 MR. CARLSON: And you would
14 say that we feel that they should
15 be --- we reviewed what went on.
16 We find them corrupt and we found
17 them drunk and disorderly and
18 handing out Snicker bars and he
19 shouldn't have done it.

20 And therefore we are calling
21 a recall.

22 Should I base a recall on
23 that information or that little
24 information?

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1 VICE PRESIDENT MOTHERSHED:
2 This body will not hear the entire
3 case if that is what you are

4 asking.

5 MR. CARLSON: Right, that's
6 what I'm asking.

7 VICE PRESIDENT MOTHERSHED:
8 They will not hear the entire
9 case. They will know the nature
10 of the charges. They will know the
11 findings of the panel and the
12 recommendation of the panel.

13 Again, some of that is going
14 to have to be established in the
15 policy. How much of that will be
16 in it will be up to you guys.

17 MR. CARLSON: Okay.

18 Is there an appeal process
19 where I am the one saying Mr. Haas
20 here was handing out the Snickers
21 but I made it up because I'm
22 really, I'm tired of working with
23 him. Okay. I want to get rid of
24 him so I make up things.

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1 Where does he stand and who

2 represents that person?

3 VICE PRESIDENT MOTHERSHED:

4 There has to be a basis.

5 He is going to represent
6 himself or take his own attorney
7 if he wants. If the Board
8 suspends him and he is going to go
9 to this hearing, he is going to
10 have to represent himself and
11 present his own case or have an
12 attorney represent him.

13 MR. CARLSON: Okay. So if I
14 make up dirt against him, this
15 whole panel is going to know about
16 it even though its a lie.

17 VICE PRESIDENT MOTHERSHED:

18 It will never get to that point.

19 If you make things up and it
20 goes to this panel, the panel is
21 going to have to determine whether
22 it is factual or not.

23 If they find it to be

24 factual they will make a
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1 recommendation to this body.
2 Otherwise they are going to come
3 back to this body and say, What
4 Mike said was bull crap and we
5 threw it out.

6 MR. CARLSON: I know. But to
7 make the informed decision I think
8 most of the people are going to
9 want to know a lot of the facts
10 and that's where the problem is
11 going to run into.

12 VICE PRESIDENT MOTHERSHED:
13 You are always going to run into
14 that. You run into that now with
15 the J and E Committee.

16 MR. CARLSON: Yeah but at J
17 and E they always can appeal it to
18 the Board. You know what I mean?

19 If I'm putting charges
20 against somebody here and then we
21 fight back and forth it goes to
22 the J and E. If you are not happy

23 with that decision of if you feel
24 you were wronged you can always go
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1 to the E Board for an appeal
2 process where they will hear the
3 case and then make a determination
4 whether the J and E was wrong or
5 right. The panel here doesn't
6 have that same thing.

7 VICE PRESIDENT MOTHERSHED:
8 This body being the governing body
9 will determine whether or not you
10 get a recall. That's the bottom
11 line.

12 And if it goes out to the
13 membership, they will determine
14 it.

15 MR. CARLSON: All I'm trying
16 to do is clarify it so you know.

17 (Inaudible comments due to
18 excessive noise from the floor.)

19 MR. HICKEY: Go ahead, Deb.

20 MS. FLOYD: Chris, can I ask

21 something?

22 The stewards, do we follow

23 these same rules?

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1 MR. HICKEY: No.

2 The stewards are officials
3 of the union. The Executive Board
4 are the officers of the union.

5 That is why the current
6 sector steward recall is out for a
7 vote right now that we voted on
8 last EA to go out for the
9 membership ratification.

10 I think they have to be
11 returned by the 29th.

12 Yes, John.

13 TREASURER TELISKY: John
14 Telisky.

15 Just for clarification on J
16 and E versus recall, J and E
17 policy says you can not have your

18 own attorney. This says nothing
19 about an attorney, nothing about
20 outside counsel. Nothing about
21 that. I assume it is silent so if
22 you were one of the charged
23 parties you could have your own
24 attorney there; correct?
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1 MR. HICKEY: If it is not
2 stated in there I would assume so,
3 unless a policy is developed by
4 the recall panel to prohibit or
5 allow that to take place, which
6 would have to be approved by the
7 Executive Assembly, the policy
8 that they would institute.

9 VICE PRESIDENT MOTHERSHED:
10 Correct. Chris is correct.

11 You guys are going to have
12 to determine if you are going to
13 allow one of the Board members
14 that is being charged when they
15 bring that policy to the floor,

16 you will determine whether or not
17 you want to allow them to have an
18 attorney to go to these hearings.

19 It is going to be your
20 determination. If you want them
21 to have one, that is up to you.
22 If you don't, then they won't.

23 MR. HICKEY: Anyone else, any
24 discussion, debate or questions?
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1 None being, an aye vote
2 would be in favor for this
3 amendment to go out for membership
4 ratification. A nay vote would be
5 against it.

6 All in favor say aye.

7 (Response of "Aye".)

8 MR. HICKEY: Any opposed?

9 (No Response.)

10 MR. HICKEY: All right.

11 The motion will go out for
12 membership ratification.

13 (Applause.)
14 MR. HICKEY: Okay. There
15 was some discussion earlier in
16 regard to filling vacancies. This
17 may help or may not help.
18 It was an amendment
19 submitted from Monica Cooper from
20 Downstate pertaining to Article
21 VI, election of officials.
22 Monica wants to delete the
23 sentence, "Should the sector
24 stewards be unable to reach
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1 agreement within 30 days" and what
2 she wants to add in there is to
3 choose someone that is currently
4 on the nominations list.
5 We sent this back to her to
6 get further clarification. As it
7 stands, the committee recommends
8 not to adopt unanimously.
9 We thought that the current
10 method is fair. The way she wrote

11 it was unclear. One thing that we
12 discussed at our meeting is if
13 somebody at a sector meeting
14 wanted to make a motion that they
15 would choose somebody that was on
16 the nomination list or say the
17 next vote getter, that would be up
18 to them.

19 That is on that for first
20 reading.

21 The next item is dealing
22 with legal counsel.

23 And I will go through this.

24 Article XIX, Legal Counsel,
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1 submitted by John Butler.
2 Here's the section he wants
3 to eliminate. "Attorneys shall be
4 available to the membership for
5 arbitrations, negotiations,
6 administrative agency and state
7 and federal court litigation and

8 other services including
9 disciplinary proceedings which the
10 Executive Board may deem
11 necessary, based upon the
12 guidelines recommended by the
13 Grievance and Legal Assistance
14 Committee and adopted by the
15 Executive Assembly.

16 This is what he wants to
17 replace it with.

18 Article XIX legal counsel.

19 A legal department shall be
20 created within NYSCOPBA and
21 exclusively represent NYSCOPBA and
22 its membership. The Grievance and
23 Legal Assistance committee shall
24 recommend policy and procedure to
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1 the Legal Department. All such
2 policy shall be submitted to the
3 secretary of NYSCOPBA to be placed
4 on the agenda of the next
5 Executive Assembly meeting for

6 approval by the Executive
7 Assembly.

8 All employees of the legal
9 department shall be salaried in
10 accordance with equal New York
11 State Civil Service titles unless
12 otherwise recommended by the
13 Finance Committee and approved by
14 the Executive Assembly.

15 A legal director and
16 assistant legal director shall be
17 hired by the Executive Board and
18 approved by the Executive Assembly
19 to organize and operate the legal
20 department. Both candidates must
21 be knowledgeable in Civil Service,
22 Labor and Corrections Law. They
23 must become knowledgeable with
24 the NYSCOPBA Constitution and with
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1 any contract, manual, directive,
2 and condition of employment that

3 effects the membership of
4 NYSCOPBA.

5 The Legal director shall
6 hire, with the approval of the
7 president, all legal staff to
8 include attorneys, legal
9 secretaries, paralegal,
10 investigators, or any other title
11 as allotted and approved by the
12 Executive Assembly upon the
13 recommendations of the legal
14 director.

15 The legal director and
16 assistant legal director shall be
17 under the direction of the
18 president and or the Executive
19 Board. Any disputes between the
20 legal director, president and or
21 the Executive Board may be brought
22 to the Executive Assembly by the
23 legal director for resolution.

24 The legal director will be
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1 obligated to carry out the
2 disputed direction until presented
3 to the Executive Assembly unless
4 it is unlawful or violates the
5 NYSCOPBA Constitution.

6 The assistant legal director
7 and any employee of the legal
8 department shall be under the
9 direction of the legal director.
10 The assistant legal director may
11 be directed may be required to
12 perform the duties of the legal
13 director in his or here absence,
14 suspension or termination by the
15 president and or executive board.
16 The legal director may suspend any
17 employee of the legal department
18 with the permission of two members
19 of the Executive Board. The
20 president and two other members of
21 the executive board may suspend
22 the legal director. However the
23 Executive Assembly must approve
24 the termination of the legal

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1 director. Termination of any
2 employee of the legal department
3 other than the legal director
4 shall be by the president and two
5 other members of the Executive
6 Board. The terminated employee
7 may appeal to the Executive Board
8 and or the Executive Assembly for
9 reinstatement.

10 The legal director or his or
11 her designee approved by the
12 president of NYSCOPBA shall be the
13 parliamentarian of NYSCOPBA.

14 The legal director shall be
15 the primary legal counsel of
16 NYSCOPBA.

17 The legal director or
18 assistant legal director shall
19 report to and update the Executive
20 Board and the Executive Assembly
21 at their scheduled meetings. They

22 shall also make themselves or a
23 designee available upon request of
24 all committees with at least two
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1 weeks notice of their meeting.

2 The legal director shall
3 oversee contract grievances,
4 arbitrations, negotiations,
5 administrative agency and state
6 and federal court litigation, and
7 other services, including
8 grievance and disciplinary
9 proceedings.

10 The legal director,
11 assistant legal director and or
12 any employee of the legal
13 department shall remain neutral in
14 any and all internal politics of
15 NYSCOPBA. They shall not aid or
16 be detrimental to any members in
17 any internal campaign or election.
18 Any violation will result in a
19 mandatory termination of the

20 employee.
21 The legal director shall
22 submit an itemized proposed budget
23 for yearly costs of the legal
24 department to the Executive Board
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1 in cooperation with the treasurer
2 of NYSCOPBA. The legal department
3 budget shall be submitted to the
4 Executive Assembly for final
5 approval.

6 The legal director shall
7 negotiate with the approval of the
8 Executive Board with other law
9 firms, attorneys, paralegal or
10 investigators for legal services
11 that may be required outside of
12 the county in which the NYSCOPBA
13 headquarters are located. The
14 legal director shall also solicit
15 a statewide network to provide
16 personal and union related legal

17 services for the membership at a
18 negotiated cost per case or hourly
19 rate. Upon approval of the
20 Executive Assembly the list of
21 these attorneys and or firms with
22 a list of their services shall be
23 posted on the NYSCOPBA web site.

24 During our discussion on
James S. Covey, Court Reporter
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1 this, we just approved a contract
2 for two years back in October and
3 based on that we recommend that
4 this particular amendment be sent
5 to the Finance Committee and then
6 tabled after their research on it.

7 Even though it seems worthy,
8 the timing is bad and the
9 committee recommends to table the
10 amendment and refer it back to the
11 Finance Committee.

12 Being the first reading,
13 John Butler made that.

14 And that was it.

15 Does anybody want to make a
16 motion on this amendment to refer
17 to the Finance Committee?

18 (Inaudible comments due to
19 excessive noise from the floor.)

20 (Inaudible comments from the
21 floor.)

22 MR. HICKEY: It will
23 automatic, is that what he said?

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1 (Inaudible comments from the
2 floor.)

3 MR. HICKEY: Okay. Very
4 good.

5 Anything else? Any other
6 questions?

7 None being, the report is
8 concluded.

9 Thank you.

10 (Applause.)

11 PRESIDENT FLANAGAN: That

12 concludes business for the agenda
13 today, so without any opposition
14 we will recess until tomorrow at
15 nine o'clock.

16 (Whereupon the meeting
17 was recessed at approximately 3:45
18 p.m.)

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4 I, JAMES S. COVEY, do hereby

5 certify that I attended at the time

6 and place above mentioned and took a

7 stenographic record of the

8 proceedings and testimony in the

9 above-entitled matter, and that the

10 foregoing is a true and correct copy
11 of the same and the whole thereof,
12 according to the best of my ability
13 and belief.

14

15

16 JAMES S. COVEY

17 Notary Public/Shorthand Reporter

18 Dated: _____

19

20

21

22

23

24

James S. Covey, Court Reporter
(518) 731-8293