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NEW YORK STATE

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CORRECTIONAL OFFICERS AND POLICE BENEVOLENT

6

ASSOCIATION

7

Executive Assembly

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December 6-7, 2006

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The Cl arion

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Al bany, New York

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VOLUME I I

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Thursday Sessi on

17

December 7, 2006

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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 12/7/06)

1

2

3 OFFICERS PRESENT:

4 LARRY FLANAGAN, President

5 BRIAN SHANAGHER, Executive Vice President

6 Vice Presidents

7 TOM HAAS, Central

8 KEVIN WALKER, Corrections Mid-Hudson

9 LYNDON JOHNSON, Corrections North

10 AL MOTHERSHED, Corrections West

11 WILLIE PEREZ, Corrections South

12 KEITH ZULK0, Law Enforcement

13

14 Also Present:

15 Natalie Carraway, Esq.

16 Mark Shilansky, Parliamentarian

17

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3

(Executive Assembly 12/7/06)

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AGENDA

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Call to order

6

4

Roll call

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5

New business

21

6

Adjourn

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4

(Executive Assembly 12/7/06)

1

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MOTIONS

3

To execute an amendment 22

4

To close debate 35

5

To expand the current
catastrophic policy 57

6

7

To table 72

8

To amend the canvas policy 73

9

To raise SSP 75

10

To donate \$20,000 to Cops Care 76

11

To reduce probationary
employees dues 79

12

To accept the recommendation
to sign the MOU 94

13

14

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16
17
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5

(Executive Assembly 12/7/06)

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2 DISPOSITION of MOTIONS

3	To close debate --- defeated	36
4	To execute an amendment --- defeated	57
5	To amend policy ---	72
6	withdrawn	
7	To amend canvas policy --- carried	75
8	To raise SSP	76
9	To donate \$20,000 ---	78
10	carried	
11	To reduce dues --- out of order	80
12	To accept the	95

13 recommendation (MOU) ---
14 carried

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6

(Executive Assembly 12/7/06)

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.

9 We will do the roll call.

10 VICE PRESIDENT WALKER: Good

11 morning everybody.

12 Diane was not able to make

13 it here this morning. She has

14 some family personal business.

15 So as I go through the roll

16 call, if I do not pronounce

17 somebody's name correctly, I

18 apologize and correct me.

19 Also if there is a

20 replacement for a chief steward

21 please notify me so I can write it

22 in.

23 President Flanagan.

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7

(Executive Assembly 12/7/06)

1 PRESIDENT FLANAGAN: Here.

2 VICE PRESIDENT WALKER:

3 Flanagan, present.

4 Executive Vice President

5 Brian Shanagher.

6 VICE PRESIDENT SHANAGHER:

7 Here.

8 VICE PRESIDENT WALKER:
9 Treasurer John Telisky.
10 Treasurer John Telisky.
11 Recording Secretary Davis,
12 absent.
13 VP North Lyndon Johnson.
14 VICE PRESIDENT JOHNSON:
15 Here.
16 VICE PRESIDENT WALKER:
17 VP Mid-Hudson Kevin Walker,
18 Present.
19 VP Law Enforcement, Keith
20 Zulko.
21 VICE PRESIDENT ZULKO:
22 Present.
23 VICE PRESIDENT WALKER:
24 Vice President Central, Tom
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(Executive Assembly 12/7/06)

1 Haas.
2 VICE PRESIDENT HAAS:
3 Present.
4 VICE PRESIDENT WALKER:

5 Haas, present.

6 Vice President South, Willie

7 Perez.

8 Vice President South, Willie

9 Perez.

10 Vice President West, Al

11 Mothershed.

12 Vice President West, Al

13 Mothershed.

14 Adirondack, Ed Fortier.

15 MR. FORTIER: Present.

16 VICE PRESIDENT WALKER:

17 Albany Training Academy,

18 Todd Johnson.

19 Albany Training Academy,

20 Todd Johnson.

21 Albany, Joe Miano.

22 MR. MIANO: Here.

23 VICE PRESIDENT WALKER:

24 Altona, Chris Forkey.
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(Executive Assembly 12/7/06)

1 MR. FORKEY: Here.

2 VICE PRESIDENT WALKER:

3 Arthur Kill, Edwin
4 Rodriguez.
5 Arthur Kill, Edwin
6 Rodriguez.
7 Attica, Richard Golden.
8 MR. GOLDEN: Here.
9 VICE PRESIDENT WALKER:
10 Auburn, Mike Graney.
11 Auburn, Mike Graney.
12 Barehill, Art Jolley.
13 MR. JOLLEY: Here.
14 VICE PRESIDENT WALKER:
15 Bayview, Calvin Hill.
16 Bayview, Calvin Hill.
17 Beacon, Joseph Kohler.
18 MR. KOHLER: Here.
19 VICE PRESIDENT WALKER:
20 Bedford Hills, Debra Floyd.
21 MS. FLOYD: Here.
22 VICE PRESIDENT WALKER:
23 Butler ASACTC, Dave Hickey.
24 MR. HICKEY: Here.
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1 VICE PRESIDENT WALKER:
2 Butler Minimum, Tim Casper.
3 MR. CASPER: Here.
4 VICE PRESIDENT WALKER:
5 Camp Gabri el s, Mi ke Guynup.
6 MR. GUYNUP: Here.
7 VICE PRESIDENT WALKER:
8 Camp Georgetown, Tom
9 Fl emi ng.
10 MR. FLEMING: Here.
11 VICE PRESIDENT WALKER:
12 Camp Pharsal i a, Mark
13 Reynol ds.
14 MR. REYNOLDS: Here.
15 VICE PRESIDENT WALKER:
16 Cape Vi ncent, Pat Pratt.
17 MR. PRATT: Here.
18 VICE PRESIDENT WALKER:
19 Capi tal Pol i ce, Tom Sawyer.
20 MR. SAWYER: Here.
21 VICE PRESIDENT WALKER:
22 Cayuga, Wi l ford Pepi n.
23 MR. PEPIN: Here.

24 061207. txt
VICE PRESIDENT WALKER:
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(Executive Assembly 12/7/06)

1 Central New York Psyche,
2 Tadd Ashe.

3 MR. ASHE: Here.

4 VICE PRESIDENT WALKER:

5 Chateaugay, John Sampi ca.

6 MR. SAMPI CA: Here.

7 VICE PRESIDENT WALKER:

8 Clinton, Dick Carpenter.

9 MR. CARPENTER: Here.

10 VICE PRESIDENT WALKER:

11 Collins, Daniel Keller.

12 MR. KELLER: Here.

13 VICE PRESIDENT WALKER:

14 Cocksackie, Scott Lamphere.

15 MR. LAMPHERE: Here.

16 VICE PRESIDENT WALKER:

17 Division of Parole, Jeff

18 Levy.

19 MR. LEVY: Here.

20 VICE PRESIDENT WALKER:

21 Downstate, Hugh Ricenberg.

22 MR. RICENBERG: Here.

23 VICE PRESIDENT WALKER:

24 Eastern, Tom Farrell.
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1 MR. FARRELL: Here.

2 VICE PRESIDENT WALKER:

3 Edgecombe, John Martin.

4 Edgecombe, John Martin.

5 Elmira, Martel Bruce.

6 Elmira, Martel Bruce.

7 Fishkill, James Sonko.

8 MR. SONKO: Here.

9 VICE PRESIDENT WALKER:

10 Five Points, Jeffrey Cary.

11 MR. CARY: Here.

12 VICE PRESIDENT WALKER:

13 Forest Rangers, Mike

14 Carlson.

15 MR. CARLSON: Here.

16 VICE PRESIDENT WALKER:

17 Franklin, Randy McAdam.

18 MR. MCADAM: Here.

19 VICE PRESIDENT WALKER:

20 Ful ton, Earl Boden.

21 Ful ton, Earl Boden.

22 Gouverneur, Todd Race.

23 MR. RACE: Here.

24 VICE PRESIDENT WALKER:
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13

(Executive Assembly 12/7/06)

1 Gowanda, Vincent Blasio.

2 MR. BLASIO: Here.

3 VICE PRESIDENT WALKER:

4 Great Meadow, Wilson

5 Chapman.

6 MR. CHAPMAN: Here.

7 VICE PRESIDENT WALKER:

8 Green Haven, Mike Mazzella.

9 MR. MAZZELLA: Here.

10 VICE PRESIDENT WALKER:

11 Greene, Dave Viddivo.

12 MR. VIDDIVO: Here.

13 VICE PRESIDENT WALKER:

14 Groveland, Dave Dillon.

15 MR. DILLON: Here.

16 VICE PRESIDENT WALKER:

17 Hale Creek, Donn Rowe.
18 MR. ROWE: Here.
19 VICE PRESIDENT WALKER:
20 Hudson, John Leone.
21 MR. LEONE: Here.
22 VICE PRESIDENT WALKER:
23 Kirby Forensic, Talib Bey.
24 MR. BEY: Here.
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(Executive Assembly 12/7/06)

1 VICE PRESIDENT WALKER:
2 Lakeview Annex, Chris
3 Cymerman.
4 MR. CYMERMAN: Present.
5 VICE PRESIDENT WALKER:
6 Lakeview, John Tingue.
7 Lakeview Shock, John Tingue.
8 Lifeguards, Timothy Forsyth.
9 Lifeguards, Timothy Forsyth.
10 Lincoln, Gerald Brown.
11 Lincoln, Gerald Brown.
12 Livingston, Dejohn Lambert.
13 MR. LAMBERT: Here.

14 VICE PRESIDENT WALKER:
15 Lyon Mountain, Bill Branch.
16 MR. BRANCH: Here.
17 VICE PRESIDENT WALKER:
18 Marcy, Mike Morrow.
19 MR. MORROW: Here.
20 VICE PRESIDENT WALKER:
21 Mid-Hudson Forensic
22 Psychiatric Center, Alan
23 Decovnick.
24 MR. DECOVNICK: Here.
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15

(Executive Assembly 12/7/06)

1 VICE PRESIDENT WALKER:
2 Decovnick, thank you.
3 Mid-Orange, Jim Frawley.
4 MR. FRAWLEY: Here.
5 VICE PRESIDENT WALKER:
6 Mid State, Stork Fowler.
7 MR. CARPENTER: Here.
8 VICE PRESIDENT WALKER:
9 Mohawk, Robert Centore.
10 Mohawk, Robert Centore.
11 Monterey, Bob Conley.

12 MR. CONLEY: Here.

13 VICE PRESIDENT WALKER:

14 Moriah Shock, Gayland

15 Seerup.

16 MR. SEERUP: Present.

17 VICE PRESIDENT WALKER:

18 Mount McGregor, Robert

19 Cronin.

20 MR. CRONIN: Here.

21 VICE PRESIDENT WALKER:

22 Ogdensburg, William Sellers.

23 MR. SELLERS: Here.

24 VICE PRESIDENT WALKER:
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(Executive Assembly 12/7/06)

1 Oneida, Tim Collins.

2 MR. COLLINS: Here.

3 VICE PRESIDENT WALKER:

4 Orleans, Brian Moore.

5 Orleans, Brian Moore.

6 Otisville, James McMenemy.

7 MR. MCMENEMY: Here.

8 VICE PRESIDENT WALKER:

9 McMenemy, present.

10 Queensboro, Dami en Ski nner.

11 Queensboro, Dami en Ski nner.

12 Ri vervi ew, Mi ke Powers.

13 Ri vervi ew, Mi ke Powers.

14 Rochester Psychi atri c, Judy

15 Knights.

16 MS. KNIGHTS: Here.

17 VICE PRESIDENT WALKER:

18 Rochester Buffal o Day

19 Reporting, Carl Anderson.

20 Rochester Buffal o Day

21 Reporting, Carl Anderson.

22 Safety and Securi ty

23 Offi cers, Central Regi on, Pat

24 Roach.

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(Executive Assembly 12/7/06)

1 Safety and Securi ty

2 Offi cers, Central Regi on, Pat

3 Roach.

4 Safety Securi ty Offi cers Mi d

5 Hudson, Harol d Wi nters.

6 MR. WINTERS: Here

7 VICE PRESIDENT WALKER:
8 Safety and Security Officers
9 Southern Region, Timothy Moore.
10 MR. MOORE: Here.
11 VICE PRESIDENT WALKER:
12 Safety and Security Officers
13 Western Region, Karen Terry.
14 MS. TERRY: Here.
15 VICE PRESIDENT WALKER:
16 Security Officers, Windsor
17 King.
18 MR. KING: Here.
19 VICE PRESIDENT WALKER:
20 Security Service Assistants,
21 Francis Guido.
22 MR. GUIDO: Here
23 VICE PRESIDENT WALKER:
24 Shawangunk, John Hasbrouck.
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18

(Executive Assembly 12/7/06)

1 MR. HASBROUCK: Here.
2 VICE PRESIDENT WALKER:
3 Sing Sing, Emile Mejia.

4 MR. MEJIA: Here.

5 VICE PRESIDENT WALKER:

6 Southport, Doug Westervelt.

7 MR. WESTERVELT: Here.

8 VICE PRESIDENT WALKER:

9 Sullivan, William Beach.

10 MR. BEACH: Here.

11 VICE PRESIDENT WALKER:

12 Summit Shock, George Liddle.

13 MR. LIDDLE: Here.

14 VICE PRESIDENT WALKER:

15 Taconic, Nestor Valez.

16 MR. VALEZ: Present.

17 VICE PRESIDENT WALKER:

18 Ulster, Pete Ronca.

19 MR. RONCA: Here.

20 VICE PRESIDENT WALKER:

21 Upstate, Harold Perry.

22 MR. PERRY: Here.

23 VICE PRESIDENT WALKER:

24 Wallkill, Kevin Scott.
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19

(Executive Assembly 12/7/06)

1 MR. SCOTT: Here.

2 VICE PRESIDENT WALKER:
3 Washington, Chris Hansen.
4 Washington, Chris Hansen.
5 Watertown, Wendell McCarger.
6 MR. MCCARGER: Here.
7 VICE PRESIDENT WALKER:
8 Wende, Steve McKeel.
9 MR. MCKEEL: Here.
10 VICE PRESIDENT WALKER:
11 Willard, Joseph Bellingner.
12 Willard, Joseph Bellingner.
13 Woodbourne, Joseph Porcaro.
14 Woodbourne, Joseph Porcaro.
15 Wyoming, Chris Hickey.
16 MR. HICKEY: Here.
17 VICE PRESIDENT WALKER:
18 Treasurer John Telisky.
19 TREASURER TELISKY: Here.
20 VICE PRESIDENT WALKER: Vice
21 President South Willy Perez.
22 VICE PRESIDENT PEREZ: Here.
23 VICE PRESIDENT WALKER: VP
24 West, Al Mothershed.
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(Executive Assembly 12/7/06)

1 VP west, Al Mothershed.
2 Absent.
3 Albany training Academy,
4 Todd Johnson. Absent.
5 Arthur Kill, Edwin
6 Rodriguez. Absent.
7 Auburn, Mike Graney.
8 Absent.
9 Bayview, Calvin Hill.
10 Absent.
11 Edgecomb, John Martin.
12 Absent.
13 Elmira, Martell Bruce.
14 Absent.
15 Fulton, Earle Boden. Absent.
16 Lakeview, John Tingle.
17 Absent.
18 Life Guards, Timothy
19 Forsyth. Absent.
20 Lincoln, Gerald Brown.
21 Absent.
22 Mohawk, Robert Centore.

23 Absent.

24 Orleans, Brian Moore.
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21

(Executive Assembly 12/7/06)

1 Absent.

2 Queensboro, Damien Skinner.

3 Absent.

4 Riverview, Mike Powers.

5 Absent.

6 Rochester Buffalo Day

7 Reporting, Carl Anderson. Absent.

8 SSO Central Region Pat

9 Roach.

10 MR. ROACH: Here.

11 VICE PRESIDENT WALKER:

12 Washington, Chris Hansen.

13 MR. HANSEN: Here.

14 VICE PRESIDENT WALKER:

15 Willard, Joseph Bellingher.

16 Absent.

17 Woodbourne, Joseph Porcaro,

18 absent.

19 Thank you.

20 PRESIDENT FLANAGAN: Good

21 morning, everybody.
22 According to the agenda we
23 are on to new business now.
24 We have a motion on the
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22

(Executive Assembly 12/7/06)

1 Lobby retainer and amendment I
2 believe by Donn Rowe.
3 MR. ROWE: Rowe, Hale Creek.
4 Motion is, the Executive
5 Assembly hereby directs the
6 Association President and
7 Recording Secretary to execute an
8 amendment to the original
9 agreement between NYSCOPBA and
10 Sheehan and Greene, effective
11 dates 9-12-05 through 9-11-06
12 reflecting legislative lobbying
13 services as described in the
14 lobbying retainer of 2006 dated
15 January 3, 2006, and as amended
16 April 25, 2006, pursuant to
17 Section 22, amendment of said

18 agreement.

19 This amendment will contain
20 that all fees as describe in
21 section six, legal fees, and in
22 lobby retainer 2006 dated January
23 3, 2006 and as amended on April
24 25, 2006, have been met by
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23

(Executive Assembly 12/7/06)

1 NYSCOPBA and that the semi monthly
2 installments as described in
3 section six, legal fees, of the
4 agreement for the months of
5 January, February, March, April,
6 May and June of 2006 were reduced
7 as follows:

8 January 2006, payment of
9 \$83,333 and \$80,333.

10 February both retainers were
11 reduced and we paid \$80,333 to the
12 retainer.

13 April, May and June, one
14 payment of \$83,333, one payment of
15 \$80,333.

16 Further, the Executive
17 Assembly hereby directs the
18 Association Treasurer to execute
19 an amendment to the July 2006
20 Treasurer's Report reflecting the
21 following changes:

22 Legal fees, they are right
23 now \$163,666.33.

24 Change to \$166,666.66.
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24

(Executive Assembly 12/7/06)

1 Lobbying fees, they are
2 right now, \$19,666.67.
3 Change to \$16,666.67.
4 Also the Association
5 Treasurer will send notice to
6 Sheehan and Greene that the
7 payment of \$3,000 on July 30, 2006
8 for the lobbying service will be
9 applied to the semi monthly
10 installment as described in
11 Section six, legal fees of the
12 agreement of September 12, there

13 is a typo, it should be 05, upon
14 receipt of their written approval.

15 Made by Donn Rowe and second
16 by Robert Cronin, Mount McGregor.

17 PRESIDENT FLANAGAN: Open
18 for debate and discussions.

19 TREASURER TELISKY: John
20 Telisky, Treasurer.

21 In my Finance Report
22 yesterday I touched on this. As
23 Donnie's motion says, everything
24 in this motion has already been
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25

(Executive Assembly 12/7/06)

1 completed.
2 I didn't go back in for July
3 and adjust the general op for the
4 Financial Report because it has
5 never been done in the history of
6 NYSCOPBA. So what I did was in
7 October, which I brought to your
8 attention yesterday on page 20, I
9 adjusted the balance by \$3,000 to
10 the general retainer for lobbying

11 services.

12 I received a letter from
13 Sheehan and Greene saying they
14 already did their adjustment back
15 in August. So everything you want
16 done in this motion has been
17 completed.

18 MR. ROWE: Rowe, Hale Creek.

19 That piece has been met, the
20 lobbying piece, as of yesterday I
21 believe John did that on October
22 31st.

23 As far as the other piece, I
24 have yet to see any documentation
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26

(Executive Assembly 12/7/06)

1 that we have met the retainer
2 requirement as adjusted.

3 Yesterday there was passed
4 out a document dated April 24 from
5 Keith Jacques to Larry. I do not
6 know when it was received. It
7 must have been hand delivered.

8 There is no stamp on it. But I
9 don't believe this amendment
10 suffices the reduction in the
11 legal retainer because at the end
12 of it if you read it it says, As
13 such, the union will continue to
14 allocate \$3,000 per month for
15 legislative services provided by
16 Sheehan and Greene through the
17 month of August 2006 and will
18 reduce by \$3,000 per month the
19 monthly retainer amount paid
20 pursuant to the legal retainer
21 agreement through August 26th.

22 As of the date of April 24th
23 we had already paid or reduced our
24 legal representation retainer by
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27

(Executive Assembly 12/7/06)

1 five payments of \$3,000 for
2 lobbying services. This should
3 have read, three more payments for
4 lobbying services were required to
5 total eight payment for \$24,000.

6 PRESIDENT FLANAGAN: (From a
7 floor mike.) Larry Flanagan,
8 President.

9 This motion, and let me
10 clear the air and clear the
11 waters, this motion is an attempt
12 to present to this body that there
13 was some wrong doing in regard to
14 money for NYSCOPBA.

15 We have a retainer agreement
16 with the law firm, Sheehan,
17 Greene, Carraway, Jacques and
18 Golderman. We had lobbyist issues
19 that we needed somebody up on the
20 hill on a daily basis.

21 I was asked to go down and
22 communicate with the law firm and
23 ask them if they would be willing
24 to do lobbying for us for no
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28

(Executive Assembly 12/7/06)

1 additional cost. All this
2 paperwork, there is no exchange of

3 money, there is no additional
4 funds, there is no difference of
5 more cost or less cost.

6 All that was done was put on
7 paper.

8 What troubles me the most is
9 the maker of this motion was
10 present every step of the way. He
11 is on the Finance Committee. He is
12 on the Legislative Committee.

13 And furthermore, he was
14 called back to NYSCOPBA in April
15 for a private meeting so that this
16 matter could be rectified.

17 Thank you.

18 VICE PRESIDENT WALKER:

19 Donn.

20 MR. ROWE: Rowe, Hale Creek.

21 First of all it is incorrect
22 to say I was a party in this every
23 step of the way.

24 What we have is, as of
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1 January there was a second
2 contract signed with Sheehan and
3 Greene. It was not spelled out in
4 the original retainer nor in the
5 lobby retainer that the original
6 retainer would be reduced to pay
7 the lobbying retainer.

8 I came about finding out
9 about this on the lobbying the New
10 York state Temporary Lobbying
11 Commission web site. I brought it
12 to the attention of the Treasurer.
13 I also brought it to the attention
14 of the Treasurer that we paid
15 \$3,000 in January and we paid
16 \$6,000 February.

17 And again, there is no extra
18 money here. It is a reduction and
19 an out right payments by check of
20 \$3,000 bi monthly. I said, John,
21 this is inaccurate. According to
22 the lobbying commission we are
23 paying them \$36,000 a year. Their
24 lobbying retainer, their legal

(Executive Assembly 12/7/06)

1 retainer end in September. This
2 ends at the end of the year.

3 It also says \$3,000 a month
4 paid on the first of the month.
5 Our records are all over the
6 place.

7 At the time he did not have
8 a contract in his possession.

9 I went to the Recording
10 Secretary and the Recording
11 Secretary informed me that yeah,
12 there is something faxed that
13 Larry and I signed. I will look
14 for it. They did.

15 Diane produced that to me.
16 I went to Brian Shanagher. And
17 Brian Shanagher explained to me
18 that they needed something in
19 writing stating that what their
20 services were provided as far as
21 the Temporary Lobbying Commission.

22 I understand that totally. But

23 our records need to reflect that.

24 I did get called back to the
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31

(Executive Assembly 12/7/06)

1 office on April fourteenth and we
2 did discuss this and I stated that
3 we needed to amend the original
4 retainer, the legal retainer, to
5 show that we were going to reduce
6 the retainer \$3,000 monthly.

7 I also brought up the issue
8 of the retainer ending in
9 September and we need this
10 lobbying retainer to end in
11 September or we need to bring it
12 to this body.

13 That is what was brought up.
14 This is not an attempt to say
15 monies are being spent. It is a
16 clean up of our records, of our
17 accountability.

18 The president's only
19 response to me was, Donn, is it

20 your intention to bring this to
21 the EA and I told the president
22 that it is my intention to clean
23 this is up.

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32

(Executive Assembly 12/7/06)

1 VICE PRESIDENT WALKER:

2 President Flanagan.

3 PRESIDENT FLANAGAN: We
4 appreciate your great efforts,
5 Donn Rowe, in making sure that all
6 of our documents are correct.

7 And as we can all be aware
8 of, it was April that there was an
9 amended retainer and every I was
10 dotted and every T was crossed.
11 And here we are in December
12 talking about the fact that we
13 have all this big clean up problem
14 and then we go on further with the
15 purpose of the motion is to be
16 talking about that the President

17 and the Secretary illegally bound
18 NYSCOPBA to a retainer.

19 I will read it. And it is
20 talking about additional fees,
21 additional fees, which would
22 indicate that would mean
23 additional money, additional fees
24 of \$36,000.

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33

(Executive Assembly 12/7/06)

1 The retainer was for eight
2 months, \$3,000 a month. Lets do
3 the math, \$24,000.

4 MR. ROWE: Again, there is
5 nothing in the motion or in the
6 purpose of the motion that says
7 illegal.

8 The amendment that Larry
9 spoke about was, if you read the
10 last paragraph it says ---

11 VICE PRESIDENT WALKER: Donn,
12 if I could please interrupt for a
13 minute.

14 John has rights to the mike

15 first.

16 TREASURER TELISKY: John

17 Telisky, Treasurer.

18 Lets cut to the chase. We
19 have completed what you wanted us
20 to do in your motion. We have
21 adjusted the balance sheet. We
22 have showed you the contracts we
23 have.

24 And the last piece that I
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34

(Executive Assembly 12/7/06)

1 wanted to respond to that says it
2 is going to adversely effect an
3 audit, I have a letter from the
4 CPA that says it will not
5 adversely effect the audit. We
6 just need to move on. We are done
7 with this. There is nothing else
8 we can do with it.

9 My motion is to move the
10 motion and lets move on.

11 VICE PRESIDENT WALKER: Is

12 there a second?

13 VICE PRESIDENT HAAS: Tom

14 Haas, Central Region VP.

15 Second that.

16 VICE PRESIDENT WALKER: Is

17 there any objection to moving the

18 motion?

19 MR. BLASIO: Vinny Blasio,

20 Gowanda.

21 Yes. There is two questions

22 that come out of this and I'm not

23 clear as to ---

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35

(Executive Assembly 12/7/06)

1 VICE PRESIDENT WALKER: Hold

2 on, Vinny.

3 There is a motion that is

4 seconded on the floor. There was a

5 motion made to close debate and it

6 was second.

7 All in favor of closing

8 debate, say aye.

9 MR. BLASIO: Do we get

10 debate on that?

11 VICE PRESIDENT WALKER: No.

12 This takes precedence.

13 It takes a two-thirds vote,

14 and I am getting this from the

15 parliamentarian.

16 So all in favor of closing

17 debate say. Aye.

18 (Response of "Aye".)

19 VICE PRESIDENT WALKER:

20 Opposed.

21 (Response of "Nay. ")

22 VICE PRESIDENT WALKER:

23 Standing vote.

24 All in favor please rise,
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36

(Executive Assembly 12/7/06)

1 for closing debate.

2 (A count was conducted.)

3 VICE PRESIDENT WALKER:

4 Please sit.

5 All Opposed to closing

6 debate, please rise.

7 (A count was conducted.)

8 VICE PRESIDENT WALKER: There
9 is less than two-thirds.

10 Vinny, please step to the
11 microphone.

12 MR. BLASIO: I don't know
13 who to direct this to, whether it
14 be John, Brian or Larry. But
15 there is two things.

16 VICE PRESIDENT WALKER: Just
17 direct it to the chair and make
18 your statement.

19 MR. BLASIO: Alright, Kevin.
20 Then you can tell whoever.

21 The one is, is it being
22 correctly reported to the lobby
23 commission now, was ever changes,
24 obviously if they were wrong what
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37

(Executive Assembly 12/7/06)

1 they reported to the lobbying
2 commission, so has that correction
3 been noted and done?

4 VICE PRESIDENT WALKER: If I

5 could clarify your question, if I
6 am not mistaken your question
7 would be to the Treasurer if, one,
8 it was inaccurately reported
9 first, and then the motions
10 allegation is that however, should
11 we ask the Treasurer first?

12 MR. BLASIO: All I want to
13 know is, is it correct now?

14 I don't care about the bull
15 shit before. Is it correct now?
16 Yes or no.

17 VICE PRESIDENT WALKER: The
18 point of information is to the
19 Treasurer.

20 TREASURER TELISKY: John
21 Telisky, Treasurer.

22 I answered the question
23 about ten minutes ago. Yes.

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38

(Executive Assembly 12/7/06)

1 MR. BLASIO: Then we have no

2 problem with that.

3 The second part that I have
4 on that is, does whatever
5 agreement that was bound out of
6 this, and I have not seen it, was
7 that legally done?

8 According to our new
9 certificate of incorporation
10 everything has to be brought
11 before this body to be done. So
12 if not, if the Executive Board or
13 whoever signed it, and I didn't
14 research it because I haven't gone
15 through this who issue, I mean if
16 that was done incorrectly then we
17 need to make sure that it was done
18 correctly. And if it was done
19 correctly then it kind of a moot
20 point.

21 The question is, was it done
22 correctly?

23 VICE PRESIDENT WALKER:

24 Point of information, the question
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(Executive Assembly 12/7/06)

1 is, was it done correctly.

2 Mr. President, would you
3 like to respond?

4 PRESIDENT FLANAGAN: The
5 agreement signed for lobbying was
6 done correctly. It was signed by
7 myself and the secretary. It was
8 talked to by the Board and it was
9 also talked to at this Executive
10 Assembly previously in regards to
11 how it was done.

12 The certificate of
13 incorporation does not say
14 specifically that the E Board
15 can't enter into an agreement with
16 anyone.

17 It says that the Executive
18 Board will enter into agreements
19 with approval and bringing final
20 approval from this body. So we
21 are getting into a degree of
22 semantics, and I know we all have
23 different interpretations and

24 different opinions. But the legal
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40

(Executive Assembly 12/7/06)

1 opinion that we have is exactly
2 that.

3 MR. BLASIO: All I'm asking
4 is the question, was that done,
5 yes or no?

6 PRESIDENT FLANAGAN: And the
7 first thing that I said was, yes,
8 it was done legally.

9 MR. BLASIO: Amendment and
10 everything was done in front of
11 this body and we gave you the
12 authority to enter into that
13 agreement; is that correct?

14 PRESIDENT FLANAGAN: The
15 discussion in regards to signing
16 an agreement with the law firm for
17 lobbying was brought to this body
18 and there was no opposition
19 because it was explained that
20 there was no additional cost, it

21 entailed nothing, it was just
22 something that we needed to get
23 done. And there was no opposition
24 from this body.
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41

(Executive Assembly 12/7/06)

1 So I would interpret that as
2 it was accepted by this body.

3 VICE PRESIDENT WALKER:

4 Brian.

5 VICE PRESIDENT SHANAGHER:

6 Executive Vice President, Brian
7 Shanagher.

8 As Larry pointed out, when
9 there was a need to get additional
10 lobbying done, Sheehan and Greene
11 stepped up at no additional cost.

12 It was discussed before the
13 Board and presented to the EA
14 without any objection to doing it
15 at no cost, it would just be a
16 reduction in the total retainer.

17 The filing with the
18 temporary lobbying commission were

19 all done accurately and it was my
20 question when this was brought up
21 to John Telisky to check with the
22 CPA on whether there would be any
23 accounting flaws. And his answer
24 to that was there is nothing wrong
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42

(Executive Assembly 12/7/06)

1 with it. It will not tarnish your
2 audit in any way. It is
3 acceptable.

4 I think are we just
5 splitting hairs over a bunch of
6 things here. There was zero cost
7 to this organization for this.

8 PRESIDENT FLANAGAN: Edwin.

9 MR. RODRIQUEZ: Ed

10 Rodriguez, Arthur Kill.

11 Okay. Keeping this simple
12 and keeping it real, you got one
13 side that said something was done
14 and is making specific referral to
15 specific documents. And you have

16 another side that still has a
17 question.

18 The solution to this
19 situation is to have the side that
20 says that it was done and is
21 referring to specific documents to
22 produce those document for
23 Executive Assembly review.

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43

(Executive Assembly 12/7/06)

1 VICE PRESIDENT WALKER: With
2 the permission of this body, Keith
3 Jacques, who was directly involved
4 in this, if he could step to the
5 microphone and speak, with the
6 permission of the body.

7 Are there any objections?

8 (No Response.)

9 VICE PRESIDENT WALKER:
10 Hearing none, Keith, step forward.

11 MR. JACQUES: Keith Jacques,
12 attorney for NYSCOPBA.

13 I think we would be happy as

14 a firm, if it would satisfy Donn
15 to draft a document saying that
16 for eight months we agreed to
17 reduce our general legal retainer
18 by \$3,000 per month for a total of
19 \$24,000, so that you don't feel
20 that you are obligated to pay us
21 anything. Because as it has been
22 pointed out, we agreed to do this
23 for nothing because we wanted to
24 insure that you guys got the best
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44

(Executive Assembly 12/7/06)

1 contract award possible. There
2 was no ill intent on anyone's
3 part.
4 If it would make everyone
5 feel better to have something in
6 writing saying that we did it for
7 nothing, saying that we agreed to
8 reduce our general legal retainer
9 from January through August by
10 \$3,000 and applied that \$24,000 to

11 the lobbying retainer, which
12 again, it was a paper transaction,
13 something had to be on file with
14 the lobbying commission, we would
15 be happy to do that.

16 VICE PRESIDENT WALKER:

17 Thank you.

18 Donn.

19 MR. ROWE: Rowe, Hale Creek.

20 That is solely what this
21 motion requests. But it does not
22 request that it was reduced
23 monthly by \$3,000. We had a
24 problem whether the Treasurer was
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45

(Executive Assembly 12/7/06)

1 not in possession of the contract
2 or whatever and he paid \$6,000 in
3 February, \$6,000 in March. And
4 this simply clears this up.

5 As far as the audit is
6 concerned, this is a management
7 issue. This will not come up in
8 the audit as much as what we want

9 to do. We want our members to be
10 able to look at documents and say
11 I have this contract from Sheehan
12 and Greene and I have this
13 contract from Sheehan and Greene,
14 and these are the payments and
15 this what it reflects.

16 As far as the billing for
17 legal and lobbying, there is six
18 different --- I have got all of
19 the bills. There is six different
20 changes to the billing. It is a
21 to from basically from Bill
22 Golderman to John Telisky stating
23 that, as per our conversation
24 regarding amounts due for legal
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46

(Executive Assembly 12/7/06)

1 fees, on the 15th and 30th day of
2 each month, \$83,333.33.

3 Then this lobbying piece
4 comes in and there is a hand
5 written note, \$3,000 to Keith

6 Jacques as lobbyist, 80K to

7 Sheehan Greene.

8 Then we pay it bi monthly.

9 Then we pay it monthly.

10 All it is is a simple clean
11 up that our retainer needs were
12 met, that our retainer payments
13 were met, and our lobbying
14 payments were met. That's all it
15 is. It is nothing more, you know,
16 attack or anything of that nature.

17 If Sheehan and Greene will
18 look at this and say, January,
19 February, March, April, May and
20 June, the way this reads, the way
21 we paid them is acceptable, that
22 is what this motion asks for.

23 The lobbying piece was
24 cleared up according to John.
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47

(Executive Assembly 12/7/06)

1 John has got a document stating
2 that they corrected that, that the
3 payment received for lobbying

4 services, and or actual check for
5 \$3,000 above and beyond what the
6 contact stated in front of the
7 temporary lobbying commission, if
8 that document exists, that is
9 taken care of.

10 Now all we need is we need
11 to say that the contract was met,
12 that's all, because their payment
13 was reduced.

14 VICE PRESIDENT WALKER: Any
15 further discussions on this
16 motion?

17 None being, I will read the
18 motion.

19 The executive ---

20 TREASURER TELISKY: Kevin.

21 VICE PRESIDENT WALKER: Are
22 you raising a point of order?

23 TREASURER TELISKY: Point a
24 order, Yes.

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1 John Telisky, Treasurer.

2 This is from Sheehan and
3 Greene to me dated November 15,
4 2006. Respond to motion. As per
5 your request ---

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

8 TREASURER TELISKY: ---
9 providing notice to Sheehan Greene
10 about the application of the
11 \$3,000 payment.

12 As you know, NYSCOPBA's
13 accounting department discussed
14 this very issue with our firm
15 several months ago and as such
16 payment has already been applied
17 NYSCOPBA's general legal retainer
18 obligation in accordance with
19 Chief Sector Steward Rowe's
20 proposed motion.

21 After reviewing the entire
22 we feel it necessary to clarify
23 once again the arrangement that
24 existed ---

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(Executive Assembly 12/7/06)

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

3 TREASURER TELISKY: As you
4 know, Sheehan and Greene agreed to
5 perform lobbying services at no
6 additional cost to NYSCOPBA for a
7 period of January first to August
8 31st of 2006.

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

11 TREASURER TELISKY: --- being
12 compliant the New York State
13 lobbying law, retainer separate
14 and apart from NYSCOPBA's general
15 legal retainer agreement needs to
16 be filed with the lobbying
17 commission.

18 With respect to the lobbying
19 retainer agreement, New York's
20 lobbying laws require not only a
21 brief description of the services
22 covered by such agreement but also

23 requires the parties to set forth
24 the terms of compensation per the
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50

(Executive Assembly 12/7/06)

1 agreements.

2 Because Sheehan and Greene
3 agreed to perform lobbying
4 services at no additional cost to
5 NYSCOPBA, the union simply reduced
6 by \$3,000 one of its bi monthly
7 retainer payments to the firm and
8 then issued a separate check for
9 \$3,000 for lobbying services.

10 This transaction of the
11 \$3,000 reduction in the general
12 retainer fees with the
13 simultaneously issuing of the
14 \$3,000 lobbying retainer was
15 supposed to occur on eight
16 separate ---

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

19 TREASURER TELISKY: -- eight

20 months that our firm was retained.

21 Apparently NYSCOPBA cut nine
22 separate checks to our department
23 and our firm, as described above.

24 However that did not result in
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51

(Executive Assembly 12/7/06)

1 NYSCOPBA paying any additional
2 fees to our firm since we are
3 providing lobbying services at no
4 additional cost to NYSCOPBA

5 Let me know if you have any
6 questions.

7 Thank you.

8 VICE PRESIDENT WALKER:

9 John, as a point of clarification,
10 I believe that should be
11 photocopied and distributed to
12 the Executive Assembly.

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

15 VICE PRESIDENT WALKER:

16 Donn, go ahead.

17 MR. ROWE: You know, I don't

18 think it was a point a order. It
19 is basically more information.

20 It simply states that we
21 paid monthly. We did not pay
22 monthly.

23 This motion solely defines
24 what we actually paid for lobbying
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52

(Executive Assembly 12/7/06)

1 services and legal representation.

2 For some reason we did not
3 --- the Treasurer was not in
4 possession of the contract or
5 whatever, we paid double payments
6 in February and March.

7 This is what this solely is
8 asking from Sheehan and Greene,
9 that the President and Recording
10 Secretary ask Sheehan and Greene
11 that they were met under these
12 terms under the way we paid them.

13 VICE PRESIDENT WALKER: Any
14 further discussion?

061207. txt
15 (No Response.)
16 VICE PRESIDENT WALKER: None
17 being, I will read the motion.
18 Motion.
19 The Executive Assembly
20 hereby directs the Association
21 President and Recording Secretary
22 to execute an amendment to the
23 original quote unquote agreement
24 between quote unquote, NYSCOPBA,
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53

(Executive Assembly 12/7/06)

1 Sheehan and Greene.
2 Effective dates 9-12-05
3 through 9-11-06, reflecting the
4 legislative and lobbying services
5 as describe in the quote unquote
6 labor retainer 2006 dated January
7 3, 2006, and as amended on April
8 25, 2006, pursuant to Section
9 amendment of said quote unquote
10 agreement.
11 This amendment will contain
12 all fees as described in section

13 six, legal fees, and in the lobby
14 retainer 2006 dated January 3,
15 2006 and as amended on April 25,
16 2006, have been met by quote
17 unquote NYSCOPBA, and that the
18 semi monthly installments as
19 describe in section six, legal
20 fees of the agreement, quote
21 unquote, for the months of
22 January, February, March, April,
23 May and June of 2006, were reduced
24 as follows:
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54

(Executive Assembly 12/7/06)

1 January 2006, \$83,333 and
2 \$80,333.
3 February 2006, \$80,333 and
4 \$80,333.
5 March, \$80,333 and \$80,333.
6 April 2006, \$83,333 and
7 \$80,333.
8 May 2006, \$83,333 and
9 \$83,333.

10 June 2006, \$83,333 and
11 \$80,333.
12 Further the Executive
13 Assembly hereby directs the
14 association Treasurer to execute
15 an addendum to July 2006
16 Treasurer's Report reflecting the
17 following changes:
18 Legal fees, \$163,666.33.
19 Change to \$166,666.66.
20 Lobbying fees, \$19,666.67.
21 Change to \$16,666.67.
22 Also, the Association
23 Treasurer will send notice to,
24 quote unquote Sheehan and Greene
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55

(Executive Assembly 12/7/06)

1 that the payment of \$3,000 on
2 7-30-06 for lobbying services will
3 be applied to semi monthly
4 installments as described in
5 section six, legal fees, of the
6 quote unquote agreement of 9-12-06
7 upon receipt of their written

8 proposal .

9 Made by Donn Rowe, Hale
10 Creek, seconded by Robert Cronin,
11 Mount McGregor.

12 All in favor ---

13 TREASURER TELISKY: Point a
14 order. John Telisky. Point a
15 clarification.

16 Hey listen, if they're going
17 to vote this in, if they're going
18 to vote on this motion, alright,
19 then ---

20 VICE PRESIDENT WALKER: You
21 are out of order, John.

22 What is your point of order?

23 TREASURER TELISKY: If they
24 vote on this motion ---

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56

(Executive Assembly 12/7/06)

1 VICE PRESIDENT WALKER: What
2 rule is being broken?

3 TREASURER TELISKY: This
4 motion is inaccurate and needs to

5 be clari fied.

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

8 TREASURER TELISKY: ---
9 dealing with numbers here.

10 If they're going to direct
11 me to do something the numbers
12 have to be accurate. The numbers
13 don't even add up.

14 Legal fees, \$163,666.33. It
15 supposed to be \$163,666.66.

16 VICE PRESIDENT WALKER: John,
17 you are out of order.

18 All in favor of the motion
19 signi fy by saying aye.

20 (No Response.)

21 VICE PRESIDENT WALKER: All
22 opposed.

23 (Response of "Nay.")

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57

(Executive Assembly 12/7/06)

1 VICE PRESIDENT WALKER: The
2 motion is defeated.

3 PRESIDENT FLANAGAN: We are
4 going on to more new business.
5 John.

6 TREASURER TELISKY: To
7 expand the current catastrophic
8 policy to cover members who have
9 more than one catastrophic event.
10 Approval for additional donations
11 is subject to Executive Board
12 approval.

13 Motion made by Brian
14 Shanagher and seconded by me, John
15 Telisky.

16 PRESIDENT FLANAGAN: Listen
17 up, please.

18 To expand the current
19 catastrophic policy to cover
20 members who have more than one
21 catastrophic event.

22 Approval for additional
23 donations is subject to the
24 Executive Board approval.

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1 Motion made by Brian
2 Shanagher and second by John
3 Telisky.

4 Open for debate and
5 discussion.

6 Vinny.

7 MR. BLASIO: Question if you
8 could direct it to John is really
9 the reason that why this motion is
10 being brought up and I guess after
11 we get that response we will
12 follow up.

13 PRESIDENT FLANAGAN: John.

14 TREASURER TELISKY: John
15 Telisky.

16 It has been the history of
17 NYSCOPBA only to provide one
18 catastrophic per family. And
19 there are some people that have
20 more than one catastrophic event
21 and I wanted to go into this with
22 everybody's eyes wide open because
23 I feel that there should be some

24 oversight.
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59

(Executive Assembly 12/7/06)

1 That is why I want to get
2 you guys involved with it, just
3 another layer of insulation,
4 another layer of accounting. That
5 is my purposes for it.

6 We currently have one
7 application that one person, as a
8 matter he is from your jail as a
9 matter of fact, Gowanda, that I
10 was going to put in front of the
11 board first. He had two
12 catastrophic events he claims in
13 the last four months.

14 MR. BLASIO: And I guess
15 that's where I am going with this
16 John, and I have no problem
17 whether he got approved or not,
18 but I guess what I am trying to
19 find out is, one, have we ever in
20 the past given to the same person
21 for two catastrophic events, and I

22 do not know the answer to that.

23 TREASURER TELISKY: No, we

24 have not.

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60

(Executive Assembly 12/7/06)

1 MR. BLASIO: Just let me
2 finish and then I got a question
3 for you again. And I think that
4 is the proper thing is to be
5 presented to the Board but and me
6 and you have talked about this, if
7 we give it to one person and, I
8 don't know the circumstances of
9 what this gentleman has brought to
10 you, and I am sure there is
11 validity in what he is saying.

12 But as the storm hit out it
13 puts me in a different position
14 because if we give it to him then
15 as soon as this Board, if this
16 motion passes and he gets
17 presented to the board, tomorrow I
18 will present 123 catastrophic

19 donations because if that's
20 granted to him only because his
21 set of circumstances, and in my
22 opinion and I do not know exactly
23 what he wrote to you, is identical
24 to the 123 people that could not
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61

(Executive Assembly 12/7/06)

1 make it to work.

2 And but I guess we need to
3 know, and I am hearing two
4 different things, have we ever
5 given to one person twice or more
6 than twice?

7 TREASURER TELISKY: No,
8 Vinny. I answered that question
9 already.

10 No we have not that I am
11 aware of. I can't find anyone
12 where we have.

13 And the second point that
14 you brought up about that member,
15 actually there should be some
16 input from the chief or some

17 sector steward to express the
18 validity of it, so we would be
19 coming to you about that any way.

20 (Inaudible comments from the
21 floor.)

22 TREASURER TELISKY: That
23 member put that catastrophic in
24 twice for himself. That is not
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62

(Executive Assembly 12/7/06)

1 usually the protocol but he sent
2 it down to us twice himself. He
3 did not go through the sector.

4 MR. BLASIO: And, John, now
5 that you are handling that, do we
6 have a policy put in place as far
7 as how catastrophic is designated?
8 I mean, does it have to go through
9 the sector, through a steward or
10 through the chief, and then to
11 public relations or to the E Board
12 or can they just do that on their
13 own or do we even have a policy on

14 that?

15 PRESIDENT FLANAGAN: I think
16 that most likely Denny Fitzpatrick
17 would be the best person to talk
18 about it since he has been the one
19 that has controlled the
20 catastrophic since NYSCOPBA
21 started.

22 If he doesn't mind and if he
23 can come up to the mike he can
24 probably clarify everything in
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63

(Executive Assembly 12/7/06)

1 regards to the catastrophic
2 program that we have.

3 TREASURER TELISKY: One more
4 point.

5 John Telisky.

6 I was just informed that we
7 have by one of the members of this
8 body, we have given one member two
9 catastrophics, so there is a
10 history of that, so we are all on
11 the same page.

12 Thanks.

13 MR. FITZPATRICK: Denny
14 Fitzpatrick, Public Relations.

15 In reference to the
16 catastrophic policy, the
17 catastrophic was first developed
18 to help people with family members
19 or themselves who become disabled,
20 sick, and did not cover anyone who
21 was on Workers Comp because there
22 is an outlet for that.

23 Fire was one of the primary.

24 In this particular case that
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64

(Executive Assembly 12/7/06)

1 I'm going to speak on on this
2 particular individual, I made the
3 mistake, and that is one of the
4 things I regret today, is that
5 generally speaking catastrophics
6 were always requested to come
7 through the chief sector steward
8 or the steward at the facility to

9 give some validity to the request.
10 Because if we didn't do that
11 anybody can call up and say I had
12 this and he would get a fast \$500
13 and out the door he would go.

14 On this particular
15 individual I got a call saying
16 that a tornado had hit and the
17 house was severely damaged and so
18 on and so forth and I approved
19 that and sent it through.

20 Approximately a month or so
21 ago, a couple weeks ago, I got
22 call from the same individual
23 again indicating that his basement
24 was flooded due to the storm they
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65

(Executive Assembly 12/7/06)

1 had out in Buffalo and he was
2 requesting a catastrophic at that
3 point.

4 And I told him at that
5 point, you have got to go through
6 your chief to approve that.

7 And then sequentially Vinny
8 was in the office and I talked to
9 Vinny about it and he explained
10 to me what was being done there.

11 To answer your question, the
12 general rule of thumb for the
13 catastrophic anyone who is injured
14 or sick or is going to require an
15 extensive amount of travel away
16 from their home such as in Clinton
17 many of the people there have to
18 go to Rutland and there is a
19 tremendous cost just going across
20 the bridge every day, for one
21 example. Or those up north going
22 into Syracuse or Rochester.

23 That is what we have

24 basically done with that.
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66

(Executive Assembly 12/7/06)

1 We did develop a complete
2 policy, if we have that.

3 TREASURER TELISKY: Yes, we

4 do.

5 MR. FITZPATRICK: And I
6 think that pretty much explains
7 what would satisfy a catastrophic
8 request.

9 My recommendation, and I
10 don't think it is in the policy,
11 and if it is not then maybe it
12 should be added, that any request
13 should go through a chief or a
14 steward at the facility that the
15 person comes from.

16 TREASURER TELISKY: Just for
17 clarification, John Telisky, it
18 has been added.

19 MR. BLASIO: That was added
20 to your motion, John?

21 TREASURER TELISKY: It was
22 added to the policy that it has to
23 go through the steward and the
24 chief.

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2 you out the policy just to make it
3 --- I don't have it with me. I
4 didn't know it was going to come
5 up.

6 MR. BLASIO: I am in favor of
7 your motion that someone for the
8 second time it definitely should
9 be present to the Board, and I
10 have no problem with them making
11 that determination.

12 But I guess what I am trying
13 to say is, do you have information
14 that I don't because he wrote to
15 you directly. And what Denny
16 stated, he wrote the first one
17 that I am totally unaware of. And
18 maybe I'm speaking out of turn
19 because there is more information
20 than I know and that maybe he
21 would deserve it.

22 Based on the information
23 that I see with Denny, if you give
24 it to him, I will put in for 123

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(Executive Assembly 12/7/06)

1 other people because they were, in
2 my opinion, more severely effected
3 than he was.

4 But I guess that what I
5 would like to do, or if there is a
6 policy in place already, then
7 there is no need, is to amend your
8 motion to at least say that the
9 sector either votes on it and it
10 gets through the sector in order
11 to come to you, or at least
12 following through some type of not
13 necessarily go through the chief,
14 but somebody from the facility,
15 whether it be a steward or a
16 chief.

17 TREASURER TELISKY: John
18 Telisky.

19 What we have done in the
20 past, so you know Vinny, this is
21 the first one that a member has
22 not gone through the sector that

23 I'm aware of.

24 And it what I want to try to
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69

(Executive Assembly 12/7/06)

1 do is, since it is a catastrophic
2 event like a house burning down
3 and stuff like, we made provision
4 where we have given the sector
5 after they sent me authorization,
6 the permission or whatever you
7 want to call it to write the check
8 right out of the sector so the
9 member can have the money
10 immediately, because if your house
11 burns down and you don't have any
12 money, so I want to try to stream
13 line it.

14 It is right in the policy
15 than it has to go through a chief
16 or a sector steward, and I will
17 sent that out to you guys.

18 I will amend the motion if
19 you want it put in there. I don't
20 have a problem with that. It is

21 already in the policy.

22 MR. BLASIO: No, if it is

23 already in the policy.

24 But again, if it was already
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70

(Executive Assembly 12/7/06)

1 in the policy, then I'm a little
2 confused on how we got it the
3 first time.

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

6 MR. BLASIO: And I'm not
7 blaming anybody. I'm glad that he
8 got it.

9 I just don't want to see,
10 again, you know, again, the left
11 hand doesn't know what the right
12 hand is doing, you know, Denny is
13 coming to me and he got it the
14 first time, which I was totally
15 unaware of. The only reason that
16 I caught it is because I was going
17 through the financial report and I

18 see the gentleman's name in
19 Gowanda and like where the hell
20 did this come from.

21 But if its already in the
22 policy, all I ask is that we
23 follow that and that is fine, if
24 its already in the sector
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71

(Executive Assembly 12/7/06)

1 guidelines.
2 TREASURER TELISKY: Just so
3 we're on a same page, the reason
4 why the first one got through,
5 we're making applications under
6 the article of our contract to
7 have the catastrophic,
8 scholarships taken over and be
9 paid for by our articles like
10 25.9, 25.6, 13.1, 13.6.

11 Alright, I had to draw up
12 policy in the last two or three
13 months to submit them to GOER and
14 DOCS to get that accomplished and
15 that is why we had the miss up

16 because this person submitted that
17 back in May, the first, and we
18 didn't have a written complete
19 policy back then.

20 Thank you.

21 VICE PRESIDENT WALKER:

22 Kevin Walker, Mid Hudson Vice
23 President.

24 I would like to make a
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72

(Executive Assembly 12/7/06)

1 subsidiary motion to table this
2 motion until the policy can be
3 distributed to the Executive
4 Assembly for review. And if the
5 policy needs to be tweaked or
6 changed in any manner it can be
7 done and then this motion can
8 follow through.

9 I don't believe that we are
10 bound to anything more than one
11 catastrophic as that has been the
12 constant norm that we have always

13 utilized, so I don't think we are
14 bound to a second one.

15 I know, I am debating my own
16 motion.

17 VIE PRESIDENT SHANAGHER:
18 Can I just get a second on that?

19 TREASURER TELISKY: I will
20 just withdraw the first one and we
21 don't have to do that. To save
22 time I'll withdraw it.

23 PRESIDENT FLANAGAN: If
24 there is no objection, then it can
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73

(Executive Assembly 12/7/06)

1 be withdrawn.

2 Any objection to withdrawing
3 the motion?

4 (No Response.)

5 PRESIDENT FLANAGAN: Okay,
6 it is withdrawn.

7 Next.

8 VICE PRESIDENT WALKER: I
9 have a motion we brought up at the
10 E Board yesterday.

11 Kevin Walker, Mid-Hudson
12 Vice President.

13 It is to amend the canvas
14 policy that was unanimously
15 accepted on 1-14-2000, to fill
16 vacancies.

17 The motion is to expand the
18 policy to include associate
19 members for vacancies and future
20 positions.

21 And the wisdom of the motion
22 is to be able to expand not only
23 to our dues paying membership, but
24 also to our associate membership
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74

(Executive Assembly 12/7/06)

1 to tap into the potential
2 resources that retirees may be
3 able to --- that the organization
4 can gain through retirees.

5 Motion was made by Diane
6 Davis and seconded by myself.

7 PRESIDENT FLANAGAN: Can I

8 have that, Kevin?

9 Again, the motion is to
10 amend the canvas policy
11 unanimously accepted on 1-14-2000
12 to fill vacancies.

13 And the amendment would be
14 to expand policy to include
15 associate members for vacancies in
16 future positions.

17 Again, the motion was made
18 by Diane Davis and seconded by
19 Kevin Walker and it passed
20 unanimously by the Executive Board
21 the day before yesterday.

22 Open for debate and
23 discussion.

24 Hearing none, all those in
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75

(Executive Assembly 12/7/06)

1 favor signify by saying aye.

2 (Response of "Aye".)

3 PRESIDENT FLANAGAN: Opposed.

4 (No Response.)

5 PRESIDENT FLANAGAN: Thank

6 you.

7 Next

8 TREASURER TELISKY: John

9 Telisky.

10 To raise SSP for 2007 from
11 \$12 per person to \$15 per person.

12 Cost to NYSCOPBA is
13 approximately \$69,000, thereby
14 raising the budget line by this
15 amount.

16 Motion made by me and
17 seconded by Brian Shanagher.

18 PRESIDENT FLANAGAN: Listen,
19 up, please to raise SSP, special
20 sector project, for 2007 from \$12
21 per person to \$15 per person.

22 Cost to NYSCOPBA,
23 approximately \$69,000, thereby
24 raising budgeted line by this
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76

(Executive Assembly 12/7/06)

1 amount.

2 Motion made by John Telisky,

3 seconded by Brian Shanagher.

4 Open for debate and
5 discussion.

6 Seeing none, all those in
7 favor of the motion signify by
8 saying aye.

9 (Response of "Aye.")

10 PRESIDENT FLANAGAN:

11 Opposed.

12 (No Response.)

13 PRESIDENT FLANAGAN: Passed.

14 TREASURER TELISKY: John
15 Telisky.

16 To donate \$20,000 to Cops
17 Care out of our PR budget,
18 effective January 1, 2007.

19 The wisdom, and I want to go
20 off the record with this wisdom if
21 I could because it has personal
22 contact.

23 Can I do that?

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1 PRESIDENT FLANAGAN: Is
2 anybody opposed to going off the
3 record for the wisdom of the
4 motion?

5 (No Response.)

6 PRESIDENT FLANAGAN: Hearing
7 none, we'll go off the record,
8 please.

9 (A discussion was held off
10 the record.)

11 PRESIDENT FLANAGAN: Back on
12 the record.

13 The motion is to donate
14 \$20,000 to Cops Care out of our PR
15 budget effective January 1, 2007.

16 Motion was made by John
17 Telisky and seconded by Al
18 Mothershed.

19 Open for debate and
20 discussion.

21 Hearing none, all those in
22 favor of signify by saying aye.

23 (Response of "Aye".)

24

(Executive Assembly 12/7/06)

1 PRESIDENT FLANAGAN:
2 Opposed.
3 (No Response.)
4 PRESIDENT FLANAGAN: Thank
5 you.
6 Any other new business?
7 (Inaudible comments from the
8 floor.)
9 PRESIDENT FLANAGAN: Wilson.
10 MR. CHAPMAN: Wilson
11 Chapman, Great Meadow.
12 I would like to make a
13 motion that the union reduce
14 probationary employees dues by at
15 least ---
16 PRESIDENT FLANAGAN: Wilson,
17 excuse me. That motion is out of
18 order. That would have to be
19 addressed through a Constitutional
20 Amendment.
21 MR. CHAPMAN: Okay. Sorry.

22 MR. BLASIO: Can that at
23 least be read into the record? I
24 don't even know what the motion
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79

(Executive Assembly 12/7/06)

1 is.

2 PRESIDENT FLANAGAN: The
3 motion was to change union dues
4 for probationary officers, and I
5 ruled it out of order because it
6 is a Constitutional amendment.

7 MR. BLASIO: I'm not
8 disputing that. But I don't know
9 what the motion is because he
10 didn't finish reading it.

11 PRESIDENT FLANAGAN: Go
12 ahead, Wilson, finish reading the
13 motion, please.

14 MR. CHAPMAN: Wilson Chapman,
15 Great Meadow.

16 I would like to make a
17 motion that the union reduce
18 probationary employees dues by at
19 least 27 percent due to the fact

20 that these employees are not
21 entitled to union representation
22 under 4.5 of the New York State
23 Correction Rules and Regulation,
24 and 21.2 of the employees' manual.
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80

(Executive Assembly 12/7/06)

1 I would also request that
2 the Executive Board use the
3 reopener clause of the retainer
4 agreement with Sheehan, Greene,
5 Carraway and Jacques to reduce
6 their retainer at a rate of 27
7 percent per probationary employee
8 since the lawyers are not
9 representing, quote, all employees
10 of the security service unit,
11 unquote, as stated in the retainer
12 agreement dated October 6, 2006.

13 Thank you.

14 PRESIDENT FLANAGAN: Thank
15 you, Wilson.

16 And now I will rule that out

17 of order.
18 I apologize I shot from the
19 hip.
20 MR. HARTUNG: Bob Hartung,
21 Great Meadow.
22 Larry, there has already
23 been a Constitutional amendment,
24 but I think this is something, I
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81

(Executive Assembly 12/7/06)

1 made the motion at my facility. It
2 is a hot topic. I know you are
3 deeply involved with this and we
4 have two classes of members right
5 now under the law. We have
6 probationary and the rest.
7 Probationary are entitled to
8 absolutely nothing. It came to my
9 attention when it happened at our
10 facility. I don't want to say the
11 last name the record. He was
12 terminated and ---
13 PRESIDENT FLANAGAN: Bob,
14 excuse me.

15 I hate to sound like I'm
16 being rude, but you're out of
17 order.

18 (Multiple voices. Inaudible
19 comments.)

20 MR. HARTUNG: --- not on the
21 motion, on the issue.

22 PRESIDENT FLANAGAN: Unless
23 someone wishes to challenge the
24 chair's ruling on that motion
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82

(Executive Assembly 12/7/06)

1 being out of order, it is not
2 debated on this floor.

3 MR. HARTUNG: Thank you.

4 PRESIDENT FLANAGAN: Any
5 other new business?

6 With no other new business,
7 before we adjourn we should cover
8 this issue in regards to the MOU
9 for the military.

10 VICE PRESIDENT HAAS: Tom
11 Haas, Central Region Vice

12 President.

13 Yesterday I brought up to
14 the mike and talked to everybody
15 about the MOU and how the state
16 wants to change.

17 There were several questions
18 asked at that time. I have some
19 information.

20 The other bargaining units
21 that are out there; State Police,
22 CSEA, PEF, Council 82, have
23 already signed the MOU. That
24 information came from Sarin
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83

(Executive Assembly 12/7/06)

1 Horation yesterday out of the
2 Governor's Office of Employee
3 Relations, GOER.

4 UUP is expected to sign it.
5 They have just not gotten the
6 paperwork back to them.

7 Last night I was on the
8 phone for 15 to 20 minutes with
9 Roanne Destito, Assemblywoman from

10 down in the Utica area. And she
11 is going to go through the
12 Department of Labor USERRA under
13 the federal guidelines to try to
14 get something done with this. She
15 is hoping it gets done relatively
16 fast. She knows we are under the
17 gun with this whole thing.

18 We are, right now with the
19 longevity payments and the
20 arbitration award, we will call
21 the Nichols case that we won,
22 there are three more grievances at
23 this time in the pipeline for

24 longevity payments. Regardless if
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84

(Executive Assembly 12/7/06)

1 we sign the MOU or don't sign the
2 MOU, these grievances will go
3 forward and will go through the
4 whole process because it happened
5 before the new MOU is going to be
6 signed in 2007.

7 What we have is, I talked
8 with a couple of the people from
9 the Veterans Committee and right
10 now we have roughly 71 members
11 that we can gather with the list
12 that we have that are activated
13 overseas. They are receiving
14 benefits from the present MOU,
15 which includes a stipend which
16 might be a thousand dollars a
17 month, it might be two thousand a
18 month. We really don't know what
19 their stipend is.

20 Their families, if they have
21 been activated for more than a
22 year are receiving the health
23 benefits. They also probably have
24 received the additional thirty
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85

(Executive Assembly 12/7/06)

1 days if it was their first time
2 activation.

3 Now, here's where the
4 problem comes into play. If we do

5 not sign the MOU, the 71 members
6 we have out there at this time
7 that are activated stop getting
8 their stipend. Their families now
9 that are back here in the states
10 that receive a thousand dollars a
11 month, may less and maybe more,
12 that will stop. The health
13 insurance benefits that they have
14 been extended through the MOU for
15 their families will stop.

16 Again, if we sign the MOU
17 the arbitration award called the
18 Nichols case that we won will be
19 no more. All the people that have
20 been activated up until this point
21 and received or were supposed to
22 receive a longevity payment up
23 until December 31, 2006 would
24 still receive that after we go
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86

(Executive Assembly 12/7/06)

1 through the whole process, which

2 we will probably have to do
3 knowing the state.

4 Anybody activated after 2007
5 or is activated presently and
6 earns a longevity after January 1,
7 2007 wouldn't get the longevity if
8 we sign this MOU.

9 It is going to be, you know,
10 what this body wants to do. We are
11 caught between a rock and a hard
12 place. I understand that. The one
13 thing you have to think of right
14 now when I go through the list
15 real quick, and I said this
16 yesterday, I went through the list
17 and it looks like there are
18 between eight and twelve activated
19 members at this time that will be
20 receiving a longevity payment. And
21 that would be if they stay
22 activated after 2007.

23 And then you have to
24 understand you have 71 members
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(Executive Assembly 12/7/06)

1 over there and their families are
2 back here in the states that would
3 receive nothing.

4 Now, what we are doing and
5 we will continue to do is we are
6 going to exhaust all possibilities
7 to get this wording taken out of
8 the MOU. If we don't get this
9 wording taken out of the MOU, it
10 would be my recommendation, and I
11 think there are enough members of
12 the Veterans Committee here that
13 it would be their recommendation
14 that we sign the MOU after we
15 exhaust all possibilities at the
16 very last minute. If it goes to
17 December 30th, then its got to go
18 to December 30th. And we are
19 going to try to attempt every
20 avenue possible to get this
21 changed.

22 PRESIDENT FLANAGAN: Vi nny.

23 MR. BLASIO: Vi nny Blasi o,

24 Gowanda.
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88

(Executive Assembly 12/7/06)

1 Tom, I guess you opened it
2 up when you said that Roanne was
3 looking under the federal law. By
4 entering into this MOU basically
5 we are saying we don't want that
6 benefit, so we enter into this
7 MOU, is that going to diminish
8 their right to fight that?
9 Because under that law it says
10 they will not be diminished in any
11 capacity. And obviously by this
12 MOU they will be diminished by
13 that and that was the whole basis
14 of what the Nichols case stood for
15 and he has not been paid since he
16 is from my jail.

17 But by entering into this
18 can they come back and say, yeah,
19 your right, but go fuck yourself
20 because you entered into the

21 agreement.

22 VICE PRESIDENT HAAS: That

23 would be a question I could ask

24 Natalie under the federal statute
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89

(Executive Assembly 12/7/06)

1 would a member still have a right
2 to appeal that under the federal
3 USERRA guidelines.

4 And believe me we are
5 talking with Roanne, there are
6 mixed feeling on it She says I'm
7 not going to stand here and tell
8 you it is their right. She said I
9 have had discussions with
10 attorneys from the Department of
11 Labor on the issue and she said it
12 is a mixed feeling. They don't
13 know. They will look at it and
14 see.

15 One of the things with that
16 is, when you come back you get the
17 benefit, so it is not diminished.
18 That is the one train of thought.

19 You didn't get it when you earned
20 it on your fifteen years, but it
21 was not diminished because as soon
22 as you stepped back in the
23 facility you get it, so it has not
24 been diminished.
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90

(Executive Assembly 12/7/06)

1 The thought is, if you
2 didn't get it at all then it is
3 diminished. But you are getting
4 it.

5 MR. BLASIO: Well, I mean,
6 this is just my opinion and I'm
7 not here to debate that issue, I
8 mean, that was the whole premise
9 of the whole Nichols grievance
10 that we won that that he was
11 diminished. So my opinion it is a
12 benefit that was diminished.

13 I guess what I am looking
14 for, and I don't know if Natalie
15 knows of if we can get a legal

16 opinion on that, by entering into
17 this MOU, and I'm not a veteran
18 and it doesn't effect me. I
19 called two people from our jail
20 and both them said absolutely not
21 do they want to enter into that
22 MOU. And I do not know the ins and
23 outs about it and it doesn't
24 effect me at all, so I don't think
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91

(Executive Assembly 12/7/06)

1 that, without membership input
2 that I am qualified to speak on
3 our facility behalf. But just
4 from the information I am getting
5 from the what I have seen from the
6 Nichols grievance, I just wanted
7 to make sure if we enter into this
8 that they are not going to be
9 penalized or the state has a way
10 out, and I said it earlier that,
11 you know, I don't trust the state
12 at all, and if they're going to
13 come back and say, Well, yeah, you

14 guys probably would a fought that
15 and won but here it is you signed
16 into this agreement, go screw
17 yourself.

18 VICE PRESIDENT HAAS:
19 Natalie, can you answer that.

20 MS. CARRAWAY: I don't think
21 it would deprive an employee's
22 right to sue under USERRA if
23 NYSCOPBA signed an agreement
24 because I don't know that the
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92

(Executive Assembly 12/7/06)

1 union has the ability to waive an
2 individual's right to file a
3 lawsuit under USERRA.

4 However, unfortunately, I do
5 not believe that a lawsuit filed
6 by a member under USERRA for
7 longevity payments would be
8 successful because the State has
9 no obligation to pay its employees
10 while they are military leave.

11 The only obligation that they have
12 is to make sure that their
13 position is available when they
14 get back.

15 The right to payment arises
16 solely under the MOU. So the
17 state has the ability to put
18 whatever restrictions it wants on
19 that. And as Vinny knows, I am the
20 one who arbitrated the Nichols
21 case, so it definitely galls me
22 that the State is now taking away
23 that benefit.

24 But the question becomes,
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93

(Executive Assembly 12/7/06)

1 what is larger benefit to the
2 membership; the MOU to provide
3 health insurance and payment while
4 they are out, or to not sign the
5 MOU and to hopefully try to get
6 longevity payments for the
7 officers who are already out
8 there.

9 But I do not believe, and we
10 can continue to talk to the
11 Department of Labor, but I don't
12 believe that an individual filing
13 a lawsuit under USERRA would be
14 successful.

15 MR. PEPIN: Bill Pepin,
16 Cayuga.

17 I'm not a member of the
18 Veterans Committee. I am a combat
19 veteran.

20 Those military people over
21 there got enough to worry about.
22 when you're over there, you know,
23 you're not really worried about
24 yourself so much as your family
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94

(Executive Assembly 12/7/06)

1 and their well being.
2 Now, it is tough to speak
3 for them but I think the lesser of
4 both evils, they would rather
5 fight this fight when they get

6 back.

7 Take care of the families.

8 Sign it.

9 (Applause.)

10 PRESIDENT FLANAGAN: Any

11 further debate on the issues in

12 regards to signing the MOU?

13 It is my understanding and

14 my interpretation that the

15 recommendations of the committee

16 was to exhaust all avenues, and at

17 the very last minute if need be

18 then we would sign the MOU to

19 continue on for the pay benefits.

20 Having said that, we will

21 vote on the recommendation from

22 the committee.

23 All in favor signify by

24 saying aye.

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95

(Executive Assembly 12/7/06)

1 (Response of "Aye".).

2 PRESIDENT FLANAGAN:

3 Opposed.

4 (No Response.)

5 PRESIDENT FLANAGAN: Thank
6 you.

7 Any other new business?

8 John.

9 TREASURER TELISKY:

10 Yesterday we passed a motion for
11 the ten dollars per year. I just
12 need to make a budget allocation
13 now. I have to change that budget
14 line out of the reserves, so I am
15 asking for unanimous consent. I
16 don't have a number. I'm just
17 looking for a number because I
18 have to allocate it from reserves
19 to a budget line. So it is going
20 to change the budget line that I
21 passed out for you guys.

22 And I am just looking for
23 unanimous consent to do that
24 action.

James S. Covey, Court Reporter
(518) 731-8293

1 PRESIDENT FLANAGAN: Anyone
2 opposed to John changing the
3 budget line to reflect what was
4 vote on yesterday to give the ten
5 dollars per year per member for
6 retirees?

7 (No Response.)

8 PRESIDENT FLANAGAN: Seeing
9 none, done.

10 TREASURER TELISKY: Lastly,
11 no lunch again.

12 Thank you.

13 PRESIDENT FLANAGAN: Any
14 further new business?

15 Motion to adjourn?

16 Thank you, everybody.

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

20

21

22

* * *

23

24

(Executive Assembly 12/7/06)

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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