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1	APPEARANCES:	1	AGENDA (Continued)
2	<u>OFFICERS PRESENT:</u>	2	
3	MICHAEL POWERS, President	3	PAGE
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7	MICHAEL DILDINE, Recording	7	
8	Secretary	8	
9		9	
10	<u>Vice Presidents</u>	10	
11	MICHAEL MAZZELLA, Mid-Hudson	11	
12	PAUL LASHWAY, Central	12	
13	CHRIS HANSEN, North	13	
14	CLARENCE FISHER, South	14	
15	JOHN HARMON, Law Enforcement	15	
16	JOE MIANO, Western	16	
17	<u>Also Present:</u>	17	
18	Bill Sheehan, Esq.	18	
19	Keith Jacques, Esq.	19	
20	Steven Anderson, Parliamentarian	20	
21		21	
22		22	
23		23	
24		24	
	2		4

1	MOTIONS		1	PRESIDENT POWERS:
2		PAGE	2	Let's find our seats.
3			3	Call the meeting to order.
4	To approve the Minutes	26	4	Good afternoon.
5	To Continue with Cindy Goss		5	
6	Employee Program	87	6	(All respond good
7	To move for the chief sector steward		7	afternoon.)
8	position be offered to the steward		8	
9	receiving the highest number of votes of		9	PRESIDENT POWERS: Can
10	the sector. If the steward receiving the		10	we all please rise.
11	highest number of votes of the sector		11	
12	declines the chief sector steward		12	(Whereupon, the Pledge
13	position, the chief sector steward		13	of Allegiance was
14	position will be offered to the remaining		14	conducted and moment of
15	stewards, in descending order based on		15	silence recognized.)
16	the number of votes received at the		16	
17	sector.	231	17	PRESIDENT POWERS:
18	To move to tomorrow's agenda	244	18	We'll have the assembly
19			19	rules read in by the
20	To move to hear motion made on		20	Sergeant-at-Arms, Bill
21	floor	272	21	Makuch.
22			22	SERGEANT AT ARMS:
23	To adjourn	317	23	Executive Assembly Rules
24			24	of Order. Anyone upon
		5		7
1	DISPOSITION OF MOTIONS		1	entering the Executive
2			2	Assembly must wear the
3	To approve the minutes -- carried	27	3	NYSOPBA identification
4			4	tag. Chief Sector
5	To continue with Cindy Goss		5	Stewards will sit in
6	Employee Program -- carried	88	6	designated areas when the
7	To move for the chief sector steward		7	Executive Assembly is in
8	position be offered to the steward		8	session.
9	receiving the highest number of votes of		9	Cellular phones are to
10	the sector. If the steward receiving the		10	be turned off and beepers
11	highest number of votes of the sector		11	are to be put on vibrating
12	declines the chief sector steward		12	mode. Recording devices
13	position, the chief sector steward		13	are prohibited unless
14	position will be offered to the remaining		14	provided by membership
15	stewards, in descending order based on		15	services and those
16	the number of votes received at the		16	directed by the recording
17	sector -- defeated.	231	17	secretary.
18	To move to tomorrow's		18	NYSOPBA members in
19	agenda -- carried	244	19	good standing will be
20	To move to hear motion made on		20	allowed to address the
21	floor -- carried	272	21	Executive Assembly.
22	To adjourn -- carried	318	22	Please state your name and
23			23	your sector. Speakers at
24			24	the microphone will follow
		6		8

1	the direction of the	1	VICE PRESIDENT HARMON:
2	Sergeant-at-Arms.	2	Present.
3	Thank you.	3	RECORDING SECRETARY
4	PRESIDENT POWERS:	4	DILDINE:
5	Thank you, Bill. Mike,	5	Harmon, present.
6	roll call.	6	VP Central, Lashway?
7	RECORDING SECRETARY	7	VICE PRESIDENT LASHWAY:
8	DILDINE: Afternoon.	8	Present.
9		9	RECORDING SECRETARY
10	(All good afternoon.)	10	DILDINE:
11		11	Lashway, present.
12	RECORDING SECRETARY	12	VP South, Fisher.
13	DILDINE: Good morning.	13	VICE PRESIDENT FISHER:
14	President Powers?	14	Present.
15	PRESIDENT POWERS:	15	RECORDING SECRETARY
16	Here.	16	DILDINE:
17	RECORDING SECRETARY	17	Fisher, present.
18	DILDINE: Powers, present.	18	VP West, Miano?
19	Executive VP Sawchuk?	19	VICE PRESIDENT MIANO:
20	EXECUTIVE VICE	20	Here.
21	PRESIDENT SAWCHUK: Here.	21	RECORDING SECRETARY
22	RECORDING SECRETARY	22	DILDINE:
23	DILDINE:	23	Miano, present.
24	Sawchuk, present.	24	Sergeant's Liaison,
9		11	
1	Treasurer Viddivo?	1	Sellers.
2	TREASURER VIDDIVO:	2	MR. SELLERS: Here.
3	Present.	3	RECORDING SECRETARY DILDINE:
4	RECORDING SECRETARY	4	Sellers, present:
5	DILDINE: Viddivo,	5	Adirondack, Sturgeon?
6	Present.	6	MR. STURGEON: Here.
7	Recording Secretary	7	RECORDING SECRETARY
8	Dildine, present.	8	DILDINE:
9	VP North, Hansen.	9	Sturgeon, present.
10	VICE PRESIDENT HANSEN:	10	Albany Training
11	Here.	11	Academy, Christiano?
12	RECORDING SECRETARY	12	MR. CHRISTIANO: Here.
13	DILDINE:	13	RECORDING SECRETARY
14	Hansen, present.	14	DILDINE:
15	VP Mid-Hudson,	15	Christiano, present.
16	Mazzella?	16	Albion, Green?
17	VICE PRESIDENT	17	MR. GREEN: Here.
18	MAZZELLA:	18	RECORDING SECRETARY
19	Here.	19	DILDINE:
20	RECORDING SECRETARY	20	Greene, present.
21	DILDINE:	21	Altona, Guerin?
22	Mazzella, present.	22	MR. GUERIN: Here.
23	VP Law Enforcement,	23	RECORDING SECRETARY
24	Harmon?	24	DILDINE:
10		12	

1	Guerin, present.	1	Ruland, present.
2	Attica, Summers?	2	CCAs, Johnson?
3	MR. SUMMERS: Here.	3	MS. JOHNSON: Present.
4	RECORDING SECRETARY	4	RECORDING SECRETARY DILDINE:
5	DILDINE:	5	Johnson, present.
6	Summers, present.	6	Coxsackie, Donnelly
7	Auburn, Delaney.	7	Coxsackie, Donnelly?
8	MR. DELANEY: Here.	8	Downstate, no
9	RECORDING SECRETARY DILDINE:	9	representative.
10	Delaney, present.	10	Eastern, Bennett?
11	Bare Hill, Plonka?	11	MS. BENNETT: Here.
12	MR. PLONKA: Present.	12	RECORDING SECRETARY
13	RECORDING SECRETARY	13	DILDINE:
14	DILDINE:	14	Bennett, present.
15	Plonka, present.	15	Edgecombe, Patterson?
16	Bedford Hills, Hale?	16	MR. PATTERSON:
17	MR. HALE: Here.	17	Present.
18	RECORDING SECRETARY	18	RECORDING SECRETARY
19	DILDINE:	19	DILDINE:
20	Hale, present.	20	Patterson, present.
21	Cape Vincent, Call?	21	Elmira, Rice?
22	MR. CALL: Here.	22	MR. RICE: Here.
23	RECORDING SECRETARY DILDINE:	23	RECORDING SECRETARY
24	Call, present. Cayuga,	24	DILDINE:
13		15	
1	Kuhn?	1	Rice, present.
2	MR. Kuhn: Here.	2	Fishkill, Sonko?
3	RECORDING SECRETARY	3	MR. SONKO: Here.
4	DILDINE:	4	RECORDING SECRETARY
5	Kuhn, present.	5	DILDINE:
6	Central New York Psych,	6	Sonko, present.
7	O'Donnell?	7	Five Points, Nelson?
8	MR. O'DONNELL: Here.	8	MR. NELSON: Here.
9	RECORDING SECRETARY	9	RECORDING SECRETARY
10	DILDINE:	10	DILDINE:
11	O'Donnell, present.	11	Nelson, present.
12	Clinton, Roberts?	12	Forest Rangers,
13	MR. ROBERTS: Here.	13	Carlson? MR.
14	RECORDING SECRETARY	14	CARLSON: Here.
15	DILDINE:	15	RECORDING SECRETARY DILDINE:
16	Roberts, present.	16	Carlson, present.
17	Collins, Keller?	17	Franklin, Hill?
18	MR. KELLER: Here.	18	MR. HILL: Here.
19	RECORDING SECRETARY DILDINE:	19	RECORDING SECRETARY
20	Keller, Present.	20	DILDINE:
21	Community Supervision,	21	Hill, present.
22	Ruland?	22	Gouverneur, Gleason?
23	MR. RULAND: Here.	23	MR. GLEASON: Present.
24	RECORDING SECRETARY DILDINE:	24	RECORDING SECRETARY
14		16	

1	DILDINE:	1	DILDINE:
2	Gleason, present.	2	Gruber, present.
3	Gowanda, Guest?	3	Lincoln, Yehudah?
4	MR. GUEST: Here.	4	MS. YEHUDAH: Here.
5	RECORDING SECRETARY	5	RECORDING SECRETARY
6	DILDINE:	6	DILDINE:
7	Guest, present.	7	Yehudah, present.
8	Great Meadow, Raimo?	8	Livingston, Henderson?
9	MR. RAIMO: Here.	9	MR. HENDERSON: Here.
10	RECORDING SECRETARY	10	RECORDING SECRETARY
11	DILDINE:	11	DILDINE:
12	Raimo, present.	12	Henderson, present.
13	Green Haven, Carlson?	13	Marcy, Zeina?
14	MR. CARLSON: Here.	14	MR. ZEINA: Here.
15	RECORDING SECRETARY	15	RECORDING SECRETARY
16	DILDINE:	16	DILDINE:
17	Carlson, present.	17	Zeina, present.
18	Greene, Barnes?	18	Mid Hudson Psych, Noel?
19	MR. BARNES: Here.	19	MR. NOEL: Here.
20	RECORDING SECRETARY DILDINE:	20	RECORDING SECRETARY
21	Barnes, present.	21	DILDINE:
22	Groveland, Martinez?	22	Noel, present.
23	MR. MARTINEZ: Here.	23	Mid State, McGowan?
24	RECORDING SECRETARY	24	MR. MCGOWAN: Here.
17		19	
1	DILDINE:	1	RECORDING SECRETARY
2	Martinez, present.	2	DILDINE:
3	Hale Creek, Krom?	3	Mcgowan, present.
4	MR. KROM: Here.	4	Mohawk, Whitehead?
5	RECORDING SECRETARY	5	MR. WHITEHEAD: Here.
6	DILDINE:	6	RECORDING SECRETARY
7	Krom, present.	7	DILDINE:
8	Hudson, Okonski?	8	Whitehead, present.
9	MR. OKONSKI: Here.	9	Moriah, Gilbo?
10	RECORDING SECRETARY	10	MR. GILBO: Here.
11	DILDINE:	11	RECORDING SECRETARY
12	Okonski, present.	12	DILDINE:
13	ISO's, Ohms?	13	Gilbo, present.
14	MR. OHMS: Here.	14	Ogdensburg, Mitchell?
15	RECORDING SECRETARY DILDINE:	15	MR. MITCHELL: Here.
16	OHMS, present.	16	RECORDING SECRETARY
17	Kirby, Stewart?	17	DILDINE:
18	MR. STEWART: Present.	18	Mitchell, present.
19	RECORDING SECRETARY	19	Orleans, Rice?
20	DILDINE:	20	MR. RICE: Here.
21	Stewart, present.	21	RECORDING SECRETARY
22	Lakeview, Gruber?	22	DILDINE:
23	MR. GRUBER: Here.	23	Rice, present.
24	RECORDING SECRETARY	24	Otisville, DeJager?
18		20	

1	MR. DEJAGER: Here.	1	SSAs, Christian?
2	RECORDING SECRETARY	2	MR. CHRISTIAN: Here.
3	DILDINE:	3	RECORDING SECRETARY
4	DeJager, present.	4	DILDINE:
5	Queensboro, Smith?	5	Christian, present.
6	MR. SMITH: Here.	6	Shawangunk, Zappala?
7	RECORDING SECRETARY	7	MR. ZAPPALA: Here.
8	DILDINE:	8	RECORDING SECRETARY
9	Smith, present.	9	DILDINE:
10	Riverview, Aldous?	10	Zappala, present.
11	MR. ALDOUS: Here.	11	Sing Sing, Luther?
12	RECORDING SECRETARY	12	MR. LUTHER: Present.
13	DILDINE:	13	RECORDING SECRETARY
14	Aldous, present.	14	DILDINE:
15	Rochester Psych, Raven?	15	Luther, present.
16	MS. RAVEN: Here.	16	Southport, Westervelt?
17	RECORDING SECRETARY	17	MR. WESTERVELT: Here.
18	DILDINE:	18	RECORDING SECRETARY
19	Raven, present.	19	DILDINE:
20	SSO Central, Parmly?	20	Westervelt, present.
21	MS. PARMLY: Here.	21	Sullivan, Fuller?
22	RECORDING SECRETARY	22	MR. FULLER: Here.
23	DILDINE:	23	RECORDING SECRETARY
24	Parmly, present.	24	DILDINE:
21		23	
1	SSO Mid-Hudson, Smith?	1	Fuller, present.
2	MR. SMITH: Here.	2	Taconic, Dowling?
3	RECORDING SECRETARY	3	MR. DOWLING: Here.
4	DILDINE:	4	RECORDING SECRETARY DILDINE:
5	Smith, present.	5	Dowling, present.
6	SSO Northern, no	6	Ulster, Scampoli?
7	representative.	7	MR. SCAMPOLI: Here.
8	SSO Southern, Pomaes?	8	RECORDING SECRETARY
9	MR. POMALES: Here.	9	DILDINE:
10	RECORDING SECRETARY	10	Scampoli, present.
11	DILDINE:	11	Upstate, Gary?
12	Pomaes, present.	12	MR. GARY: Here.
13	SSO West, Jones?	13	RECORDING SECRETARY
14	MR. JONES: Here.	14	DILDINE:
15	RECORDING SECRETARY	15	Gary, present.
16	DILDINE:	16	Wallkill, Holbert?
17	Jones, Present.	17	MS. HOLBERT: Here,.
18	Security Officers,	18	RECORDING SECRETARY DILDINE:
19	Tonney V?	19	Holbert, present.
20	MR. VACHAPARAMBIL:	20	Washington, Chaplin?
21	Yes.	21	MR. CHAPLIN: Here.
22	RECORDING SECRETARY	22	RECORDING SECRETARY
23	DILDINE:	23	DILDINE:
24	Tonney V, present.	24	Chaplin, present.
22		24	

1	Watertown, Nevills?	1	
2	MR. NEVILLS: Here.	2	(All respond aye.)
3	RECORDING SECRETARY	3	
4	DILDINE:	4	RECORDING SECRETARY
5	Nevills, present.	5	DILDINE: Opposed?
6	Wende, Keenan?	6	
7	MR. KEENAN: Here.	7	(No Response.)
8	RECORDING SECRETARY	8	
9	DILDINE:	9	RECORDING SECRETARY DILDINE:
10	Keenan, present.	10	Thank you. The minutes
11	Willard, Bellinger?	11	from the January executive
12	MR. BELLINGER: Here.	12	session will be sent out
13	RECORDING SECRETARY	13	with the next EA, we
14	DILDINE:	14	received them late so we
15	Bellinger, present.	15	didn't get to put them out
16	Woodbourne, Gutierrez?	16	there. So they will be
17	MR. GUTIERREZ: Here.	17	sent out for the next EA
18	RECORDING SECRETARY	18	in April and you'll have
19	DILDINE:	19	to approve those at that
20	Gutierrez, present.	20	time. Thank you.
21	Wyoming, Krzemien?	21	PRESIDENT POWERS: Good
22	MR. KRZEMIEN: Here.	22	afternoon. Few things I
23	RECORDING SECRETARY	23	want to talk about today,
24	DILDINE:	24	give you an update as to
25		27	
1	Krzemien, present.	1	what we've been up to
2	VP Mid-Hudson,	2	since our last meeting.
3	Mazzella?	3	In fact in December myself
4	VP MID-HUDSON MAZZELLA:	4	and John Harmon worked on
5	Here.	5	an issue regarding a
6	RECORDING SECRETARY DILDINE:	6	problem with at OMH
7	Mazzella, present.	7	commissioner. We
8	Coxsackie, Donnelly?	8	addressed that situation
9	MR. DONNELLY: Here.	9	and we were fortunate
10	RECORDING SECRETARY DILDINE:	10	enough to have an
11	Donnelly, present.	11	administrator removed from
12	Downstate no	12	the training program at
13	representative. SSO'S	13	through OMH.
14	North, no representative.	14	December 15th we had
15	That will do it.	15	some issues at Auburn
16	The minutes were sent	16	again, I believe, another
17	out. Does anybody have	17	block lock-downs. Right.
18	any corrections to the	18	December 20th, every
19	minutes from the December	19	Tuesday, myself and Keith
20	meeting? Hearing none,	20	Jacques and George DeRosa
21	consent to accept the	21	meet weekly to talk about
22	December 2016 minutes.	22	the legislative session
23	All those in favor signify	23	coming up. The 22nd as
24	by saying aye.	24	you're all well aware the
26		28	

1 MOU regarding the  
2 collective bargaining  
3 agreement came out.  
4 December 29th -- I'm  
5 sorry January 4th,  
6 legislative session came  
7 back in to play. We've  
8 been active with that ever  
9 since. January 5th we met  
10 here regarding the  
11 collective bargaining  
12 agreement -- or, I'm  
13 sorry, on the 6th.  
14 On the 9th, January  
15 9th, we met with the new  
16 chair. As you're all well  
17 aware, Danny O'Donnell is  
18 no longer the chair of the  
19 Assembly Corrections  
20 Committee. David Weprin  
21 out of Queens is the new  
22 chair. Myself, Keith  
23 Jacques and George DeRosa  
24 with David Weprin on the

29

1 9th. On the 11th -- I  
2 apologize, I apologize,  
3 excuse me. On January  
4 8th, at Attica there was a  
5 multi man fight, which  
6 ended up resulting in a  
7 lock-down.  
8 I know that chemies  
9 were dispersed, there were  
10 no injuries to staff or  
11 injuries. There was high  
12 praise from the department  
13 to the staff at Attica.  
14 The lock-down was  
15 requested by us and was  
16 shortly there granted due  
17 to the incident. There  
18 were multiple fights, I  
19 believe, throughout the  
20 facility on that date,  
21 total of four.  
22 With that being said,  
23 you know, our facilities  
24 are alive and well.

30

1 January 9th, Clinton had a  
2 four man fight in the  
3 hallway. On the 9th,  
4 shortly thereafter,  
5 another five man fight  
6 which ultimately resulted  
7 in a fourteen man fight in  
8 the yard. Chemies were  
9 dropped from different  
10 vantage points. There  
11 were no staff injuries.  
12 And again, high praise.  
13 And I apologize, on the  
14 11th we met with Assembly  
15 Chair David Weprin. On  
16 the 12th, NYSCOPBA was  
17 served in a lawsuit, we're  
18 not going to get into that  
19 on the record. On the  
20 13th, there was a fight at  
21 Washington, a six to ten  
22 man fight. One convict  
23 ended up with thirty-five  
24 stitches, another with

31

1 fifteen. They had fifteen  
2 shipped out of the  
3 facility shortly  
4 thereafter.  
5 On the 17th, myself,  
6 Joe Miano, Al Mothershed,  
7 Dave Tessmer met with  
8 Congressman Tom Reed about  
9 a very important topic  
10 that I stress to you now,  
11 that when we discuss it,  
12 you keep your phones at  
13 bay and you pay attention,  
14 because this is something  
15 that is vital and it's  
16 coming down the road and  
17 it has a great possibility  
18 to impact us as a whole.  
19 So with that being  
20 said, we meet with  
21 Congressman Reed who is a  
22 member out of Corning, New  
23 York and the House of  
24 Congress. And he was also

32



1 a member of President  
2 Trump's transition team.  
3 Southern region contract  
4 meetings started off on  
5 that day and pretty much  
6 through the end of January  
7 those meetings took place  
8 throughout the state.

9 We had some allegations  
10 of some wrong-doing up in  
11 Riverview regarding some  
12 alleged sexual activity  
13 with an inmate. Didn't go  
14 anywhere, investigation is  
15 ongoing. On the 20th I  
16 had reached out to two  
17 important legislators in  
18 the Republican senate and  
19 the Democratic Assembly  
20 regarding our Death Gamble  
21 legislation.

22 They are the two  
23 sponsors carrying this  
24 legislation for us. We

33

1 went and met with them. I  
2 had conversations with  
3 both of them, and we're  
4 going to be looking to  
5 progress that forward.  
6 Keith and George can  
7 update up when they come  
8 up and give a legislative  
9 report as to how we're  
10 rolling with that.

11 Again, the following  
12 week the 23rd to the 27th  
13 contract meetings were  
14 going off across the  
15 state. We had an issue  
16 with Mid State, I believe  
17 or Marcy. Marcy. We'll  
18 dealing with that. Paul  
19 Lashway and myself.  
20 We had some serious  
21 assaults on staff at Green  
22 Haven during that week.  
23 And that's primarily where  
24 we've been through the

34

1 month of January.

2 On the 30th we attended  
3 a press release to sponsor  
4 or to support legislation  
5 from Senator Akshar and  
6 Assemblyman Abbate. And  
7 that legislation is called  
8 the Community Protections  
9 Heros Act. That  
10 basically, and Keith can  
11 delve into this a little  
12 bit, but I'll give you a  
13 synopsis of it. And  
14 we were fortunate enough,  
15 initially the legislation  
16 didn't include  
17 corrections, but it's any  
18 aspect of law enforcement  
19 that responds to an  
20 incident in their duty  
21 where a crime may be  
22 committed either to them  
23 or to a responding  
24 officer.

35

1 We've seen some of that  
2 across the nation in some  
3 areas. And that  
4 legislation was put  
5 forward by Senator Akshar  
6 and Assemblyman Abbate;  
7 two pretty good strong  
8 sponsors. We got behind  
9 that. I was fortunate  
10 enough to attend that  
11 conference on the 30th,  
12 that press conference,  
13 along with Mike mazzella  
14 and Chris Hansen.

15 And I had a opportunity  
16 to network with a great  
17 deal of our law  
18 enforcement brothers and  
19 sisters and leaders of the  
20 collective bargaining  
21 units throughout the  
22 state. Namely, Elias  
23 Husamudeen who is the new  
24 COBA President. COBA is

36

1 the New York City  
2 Department of Corrections.  
3 Tommy Farrell the  
4 legislative director for  
5 the Fraternal Order of  
6 Police. Tom Mungeer, Dan  
7 Sisto of New York State  
8 Police. Many members of  
9 the EMT communities  
10 throughout the state and  
11 from Buffalo, from Buffalo  
12 to New York City, along  
13 with firefighters  
14 throughout the state.

15 It was a very well  
16 attended press conference.  
17 It went off very well and  
18 it's a good piece of  
19 legislation that we're  
20 going to get behind and  
21 push, push quite hard.  
22 And I'll touch upon my  
23 interactions with the  
24 leaders of these locals as

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1 talking very clearly and  
2 poignantly about our  
3 issues in our facilities.  
4 Also on the 1st, an  
5 unfortunate situation and  
6 I'm sure you're all well  
7 aware, there was an  
8 incident in Delaware, our  
9 brothers and sisters in  
10 corrections in Delaware.  
11 With a hostage situation  
12 taking place at a maximum  
13 security facility in  
14 Delaware.

15 And that started on  
16 February 1st. And on the  
17 2nd, tactical team  
18 breached the block, went  
19 in and took control of it.  
20 And much to our dismay,  
21 much to our concern,  
22 Sergeant -- Lieutenant  
23 Scott Floyd was killed in  
24 the line of duty. Steven

39

1 we get talking about Janus  
2 versus AFSCME.

3 On the 31st, I attended  
4 the public protection  
5 hearings and submitted  
6 testimony and answered  
7 questions regarding the  
8 issues at hand for  
9 NYSOPBA versus the  
10 Department of Corrections.  
11 On the 1st, February 1st,  
12 excuse my, I'm a little  
13 under the weather, I  
14 apologize. But at any  
15 rate, on February 1st I  
16 was on the radio show in  
17 Albany, Paul Vandenburg  
18 show. That was well  
19 attended.

20 We got a lot of good  
21 reviews from that and it  
22 was pretty much off the  
23 cuff conversation. And  
24 we were open minded and

38

1 Floyd, I'm sorry, Steven  
2 Floyd, my apologies.

3 So, you know, with that  
4 being said, you know,  
5 recognize that our dangers  
6 are real. They're there  
7 before us and can happen  
8 at any given time. And  
9 more importantly now more  
10 than ever, in situations  
11 such as this, it's more  
12 important to stick  
13 together now more than  
14 ever, ever before.  
15 Recognizing that the  
16 realities are real.

17 You see the violence in  
18 our facilities, we report  
19 them. We accurately  
20 report them. We report  
21 them to the people that  
22 matter, and that's what's  
23 important and that's what  
24 needs to continue. And we

40

1 need you in the field to  
2 do it as well. Also on  
3 the 1st, this is something  
4 I want to touch upon, I  
5 want to get it out of the  
6 way now.

7 There was an incident  
8 in Collins where they had  
9 OSI, we're familiar with  
10 what happened in Auburn.  
11 They had a similar  
12 situation but it was a bit  
13 condensed. They went in  
14 and searched a couple  
15 employees lockers looking  
16 for some information, they  
17 didn't really obtain any.  
18 But what's important for  
19 you to understand is an  
20 agreement that we have had  
21 since the Auburn incident  
22 and up in Watertown and  
23 Mid State, as of late, if  
24 OSI rolls into your

41

1 facility and you're privy  
2 to it, inform your  
3 stewards back in the  
4 facility to let your  
5 administration know, that  
6 a local union rep is  
7 allowed for awhile until  
8 we roll out some things  
9 here with the department,  
10 to attend these searches  
11 that are going on.

12 If OSI rolls in with a  
13 targeted search of your  
14 areas, a local union rep  
15 is entitled to be able to  
16 go down. By directive,  
17 they're not. This is a  
18 directive that the  
19 department has always had  
20 in place, but now they're  
21 starting to enact it.  
22 We're starting to see some  
23 of that shit coming  
24 around. It's due to

42

1 alleged allegations made  
2 against many of our  
3 members in the field about  
4 contraband being down back  
5 in the facility and we  
6 being complicit in putting  
7 it there.

8 So keep that in mind  
9 and please share this with  
10 your stewards. And if you  
11 have any issue with your  
12 facility administration,  
13 reach out to me so I can  
14 run it up the ladder. We  
15 have been pretty quick to  
16 remedy it, we remedied it  
17 pretty quick at Mid State  
18 almost within twenty  
19 minutes we were able to  
20 turn it around. But it's  
21 important for us to be  
22 able to protect our  
23 members rights when this  
24 shit goes down.

43

1 JIMMY SONKO: Jim  
2 Sonko, Fishkill. Mike,  
3 just a question if a union  
4 rep is not present, with  
5 the Dep having a combo or  
6 a key to every one of our  
7 lockers, are they saying  
8 we're still responsible  
9 for everything inside?  
10 Because my Deps been  
11 caught stealing grinding  
12 wheels and keys out of an  
13 arsenal, and he's got the  
14 locker combination to our  
15 locker, and him and OSI  
16 are going to go there  
17 alone and find something.

18 PRESIDENT POWERS:  
19 That's one of the reasons  
20 why we got to know in the  
21 beginning. And this is a  
22 trial run. You know, this  
23 was due to a lot of  
24 bickering back and forth,

44

1 myself and Deputy  
2 Commissioner Bellnier.  
3 Quite frankly, it wasn't  
4 bickering, it was a lot of  
5 yelling.

6 They want the shit to  
7 stop, we want the shit to  
8 stop. And I told them we  
9 can't do it unless we do  
10 it together. It's plain  
11 and simple. If you're not  
12 going to allow our guys to  
13 go down and back, who is  
14 to say there's not a  
15 fucking corrupt cop with  
16 OSI. You're alleging that  
17 we are, who's to say it's  
18 not at the other fucking  
19 level.

20 That was the back and  
21 forth that we went over.  
22 And he ultimately agreed  
23 that if this happens in  
24 facilities, that we will

45

1 be able to have a local  
2 union rep. I asked  
3 initially when Auburn  
4 jumped off, to have  
5 myself, Joe, Dave and Al  
6 attend at Auburn and  
7 we were denied and that  
8 ensued the argument. And  
9 then before you know it  
10 we were allowed to have  
11 local union reps.

12 Also on the 1st, I  
13 believe they had a large  
14 fight in the field house  
15 on February 1st, between  
16 eighteen and twenty  
17 convicts, chemies  
18 dispensed. First time  
19 since 2001. The threats  
20 are there. They're real.  
21 That is what we need to  
22 focus on people. We need  
23 this information. We got  
24 to have this information.

46

1 Elmira ended up with a  
2 lock-down, I don't know  
3 how many days it was. It  
4 was four, four and half,  
5 maybe three.

6 So again, as I  
7 mentioned on the 2nd down  
8 in Delaware the tactical  
9 teams rolled into Delaware  
10 and took back the  
11 facility. On February  
12 6th, the mental hygiene  
13 public hearings were  
14 attended. We submitted  
15 testimony on behalf of law  
16 enforcement vice president  
17 John Harmon.

18 There was a PEC  
19 breakfast, Tammy will talk  
20 about that, on the 7th.  
21 The morning of the 7th.  
22 Also on the 7th there was  
23 an assault on staff in  
24 Goveurnor on the eleven to

47

1 seven shift. And I'll  
2 give you a quick run down  
3 on that. Basically what  
4 happened was it was on the  
5 eleven to seven shift,  
6 inmates were coordinating  
7 into the bathrooms. The  
8 officer did his job,  
9 stepped up, limited how  
10 many inmates could go into  
11 the bathroom at the same  
12 time.

13 One of the inmates  
14 didn't like the rule,  
15 popped the officer in the  
16 nose, busted his nose.  
17 The inmate retreated back  
18 to his cue. The officer  
19 activated his pin,  
20 response team showed up.  
21 And shortly after the  
22 response team showed up,  
23 the inmate was taken out  
24 of the cube, taken out

48

1 into the rec area,  
2 secured. And was getting  
3 ready to move off the  
4 unit, he created a  
5 disturbance trying to  
6 quell the other inmates to  
7 come forward. About  
8 thirty inmates came out of  
9 their wracks and started  
10 to head towards the rec  
11 area.

12 Shortly thereafter the  
13 officer who was assaulted,  
14 ordered the inmates back  
15 and they denied direction  
16 until a sergeant gave the  
17 order. Shortly after that  
18 night, they put more staff  
19 on that unit. They called  
20 in some more staff, I  
21 believe, on some of the  
22 other units, not all of  
23 them, I'm not sure. Total  
24 of ten. The next day they

49

1 and approximately fifteen  
2 to twenty -- fifteen to  
3 twenty more went to  
4 various S-200s. So that  
5 was taken pretty  
6 seriously.

7 On February 8th, which  
8 myself, Tammy Sawchuk,  
9 Dave Viddivo, Mike Dildine  
10 Dan Valente and Keith  
11 Jacques had a meeting at  
12 NYSCOPBA about a situation  
13 I want to get into now  
14 called Janus versus  
15 AFSCME. I know I  
16 mentioned it back in  
17 December, I mentioned it  
18 again at the January EA.

19 Janus versus AFSCME is  
20 a lawsuit in the Seventh  
21 Circuit Court in at State  
22 of Illinois. That is very  
23 similar to Friedrichs  
24 versus California. The

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1 stuck the entire midnight  
2 shift, they called in more  
3 overtime, they  
4 concentrated movement,  
5 the next day, slow  
6 movement.

7 And ultimately what  
8 transpired is a shake down  
9 of the unit and place, and  
10 of the thirty convicts I  
11 believe all of them were  
12 taken out of the facility.  
13 And that was due to Paulie  
14 and I pushing hard to have  
15 some remedy taken, Paulie  
16 Lashway to have some  
17 remedy taken and  
18 recognizing the severity  
19 of it shortly after the  
20 Delaware situation.

21 So, with that being  
22 said, they boded thirty  
23 convicts out. Five or six  
24 I believe went to Upstate,

50

1 people that are pushing  
2 the lawsuit are looking to  
3 push it through the  
4 Seventh Circuit Court in  
5 Illinois to get it  
6 through, recognizing they  
7 don't have much of a say.  
8 And that they anticipate a  
9 loss. And the reason why  
10 it's strategic, they're  
11 looking to move it into  
12 the Supreme Court.

13 The Supreme Court,  
14 which is stacked up with  
15 pretty right-winged  
16 conservative judges at  
17 this point, along with  
18 President Trump's new  
19 selection for the Supreme  
20 Court gives this case a  
21 little teeth and it allows  
22 this case to possibly fly  
23 through. That would  
24 federally regulate our

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1 union activity. It could  
2 potentially create right  
3 to work.

4 Right to work -- and  
5 we had handed out shortly  
6 before we all started  
7 here, was a sheet that on  
8 the top says, Janus versus  
9 AFSCME. If you read it,  
10 it says, it's a case in  
11 which public employees are  
12 seeking to invalidate the  
13 rights of unions to  
14 correct agency, shop fees.  
15 It could ultimately find  
16 its way to the Supreme  
17 Court of the United  
18 States.

19 A decision with the  
20 Janus Plaintiff's  
21 establish a nationwide  
22 right to work law,  
23 preventing unions from  
24 collecting agency and shop

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1 fees from public sector  
2 employees who choose not  
3 to join a union. What you  
4 have underneath there and  
5 the question that we posed  
6 to you, which is real, and  
7 this needs your attention,  
8 and this needs your  
9 attention back in the  
10 facilities, is what could  
11 this mean for someone who  
12 chooses not to join  
13 NYSOPBA?

14 And everything you see  
15 listed below that question  
16 and answer and more. Is  
17 what this -- is what our  
18 membership could lose.  
19 This could change a lot of  
20 things. There's three  
21 bullets I want to talk  
22 about today. One of them  
23 is Janus versus AFSCME.  
24 The other one is Public

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1 Officer Law 50-a. And the  
2 other one is the  
3 constitutional convention  
4 which is coming up in  
5 November in the State of  
6 New York.

7 And Dan and Keith will  
8 talk a little bit more  
9 about that and give you a  
10 shake down of that as we  
11 get going. But these are  
12 very critical issues for  
13 labor, period. And it has  
14 to be taken very very  
15 seriously. We're going to  
16 need activation from the  
17 membership. We're going  
18 to need activation from  
19 our committees. And we're  
20 going to need activation  
21 and partnership with other  
22 unions.

23 Some of which I  
24 mentioned earlier on

55

1 January 30th, the whole  
2 conversation in the  
3 morning with all these  
4 other leaders was Janus  
5 versus AFSCME, because we  
6 recognize this threat to  
7 be real.

8 If you look across the  
9 nation now, and you see  
10 politically what's  
11 happening, we have  
12 twenty-seven states in our  
13 union that are right to  
14 work states. We have  
15 three that are on the back  
16 burner right now. New  
17 Hampshire, Pennsylvania,  
18 and shit, I lost that  
19 third one again. I was  
20 thinking of it this  
21 morning. Iowa.

22 Iowa, the whole state  
23 is broken down as a  
24 Republican leadership.

56

1 The Governor, State Senate  
2 and the State Assembly;  
3 conservative right.  
4 They're going to be right  
5 to work. That's going to  
6 diminish anything that --  
7 if any union in Iowa has  
8 anything similar to what  
9 we have, it's going to  
10 diminish that.

11 This has to be taken  
12 seriously and it has to  
13 get back to our members.  
14 Because we're going to  
15 need activation, we can't  
16 fight this alone. We've  
17 got other unions, like I  
18 said, COBA, there's a task  
19 force set up lead by the  
20 troopers second vice, I  
21 think he is, vice  
22 president or legislative  
23 director, we're a part of  
24 it.

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1 Fraternal Order of  
2 Police, COBA, who I'm  
3 going to shortly meet  
4 with, Elias. Because if  
5 you, and not to get off on  
6 a tangent, but if you  
7 think about COBA and think  
8 about what they dealt with  
9 at Rikers, it's almost a  
10 mirror as to what we're  
11 dealing with now. Five,  
12 six years ago they dealt  
13 with, they dealt with  
14 disciplinary guidelines.  
15 They've got federal  
16 oversight camped in their  
17 facility. They've got  
18 city oversight,  
19 governmental oversight in  
20 their facility.

21 It's almost a precursor  
22 for what we have going on.  
23 That was part of the  
24 conversation I had with

58

1 the president of COBA.  
2 We're kind of coming to  
3 the tail end of it, it  
4 hits like a son of a bitch  
5 he said, but you're just  
6 getting to it. Nobody in  
7 the state wants oversight  
8 of any kind in any state  
9 agency.

10 But this is a real and  
11 it's before us. The  
12 constitutional convention  
13 kind of comes into play  
14 here. In November every  
15 twenty years Dan will  
16 touch upon it in his  
17 legislative meeting.  
18 Constitutional convention  
19 comes up. If it goes to a  
20 vote and the state votes  
21 to have a constitutional  
22 convention to review it's  
23 constitution, that opens  
24 up everything; your

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1 pension, the comptrollers  
2 office, your right to  
3 work.

4 A lot of these right to  
5 work states don't call it  
6 right to work any more.  
7 They call it right to work  
8 for less because that's  
9 what we can lose. We can  
10 lose things that we have  
11 established now that are  
12 on the books, that we  
13 protect and fight for  
14 daily. We can lose these  
15 things. This shit is  
16 real.

17 We've dealt with a lot  
18 this board. You have  
19 dealt with a lot in the  
20 facilities. This scares  
21 the shit out of me. We  
22 have one thing going for  
23 us. The political nature  
24 of the State of New York.

60

1 Some of these right to  
2 work states where you're  
3 seeing this make America  
4 great and the Trump  
5 movement, you see a strong  
6 conservative Republican  
7 sway. And you're seeing  
8 it not only at the federal  
9 level; you got three  
10 houses in the federal  
11 level but they're all  
12 Republican; right wing  
13 Republican.

14 I'm a Republican and I  
15 see the damage that could  
16 come down the road here.  
17 Iowa is predominantly  
18 Republican. New Hampshire  
19 is predominantly  
20 Republican, but they have  
21 some labor friendly  
22 senators in their State  
23 Senate that might be able  
24 to sway this vote for New

61

1 friendly. We're not  
2 overly concerned with  
3 that. We're going to be  
4 meeting with the leader.  
5 We're going to be  
6 discussing this and how  
7 important it is for the  
8 State of New York to  
9 maintain the benefits that  
10 union worker have across  
11 the nation. And more  
12 importantly the state,  
13 more importantly us.

14 We all know the senate  
15 layout, kind of a nice  
16 little cluster fuck, if  
17 you will. You have the  
18 GOP, Republican controlled  
19 senate. They're great  
20 friends of ours. There's  
21 no question on that.  
22 They're labor friendly.  
23 And we also have the IDC,  
24 which is the Independent

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1 Hampshire. Pennsylvania  
2 is back and forth, but  
3 we've already lost a few.

4 Our biggest push right  
5 now is to meet with law  
6 enforcement union heads,  
7 to be able to come  
8 together as this task  
9 force is being put  
10 together. Because some  
11 states are excluding law  
12 enforcement and emergency  
13 personnel. That's our  
14 first endeavor, if this  
15 comes to this.

16 But, again, to get back  
17 to the political layout  
18 for the State of New York.  
19 The New York State Senate  
20 is predominantly  
21 democratically controlled  
22 by New York City, quite  
23 frankly. Traditionally,  
24 democrats are labor

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1 Democratic Conference  
2 which consists of seven  
3 senators, soon to be  
4 possibly eight, out of the  
5 mainline Democrats that  
6 caucus with the  
7 Republicans.

8 Through some of the  
9 intervention of this task  
10 force and through  
11 NYSCOPBA, the Independent  
12 Democratic Conference has  
13 come out with a four point  
14 plan to oppose any right  
15 to work. Bear with me a  
16 minute. I got it  
17 somewhere. Shortly --  
18 here it is, my apologies.  
19 The Independent Democratic  
20 Conference lead by  
21 Senators Klein, Savino,  
22 new elected Marisol  
23 Alcantara, Valeski out of  
24 Central, you have Avella

64



1 out of the City, and  
2 Carlucci out of  
3 Westchester.

4 They have proposed a  
5 four point plan to shoot  
6 down the right to work and  
7 I'll read to you their  
8 four points. Oppose right  
9 to work legislation at the  
10 state level. Demand our  
11 federal representatives  
12 work to prevent passage of  
13 a nationwide right to work  
14 law. Insure that no state  
15 funding is provided to any  
16 organization promoting  
17 right to work laws. And  
18 create a campaign to  
19 educate voters on the  
20 negative aspects of a  
21 constitutional convention.

22 As I mentioned about  
23 the constitutional  
24 convention, if that were

65

1 members from the  
2 legislative front and from  
3 anybody who will listen.

4 And more importantly,  
5 as the constitutional  
6 convention draws near,  
7 we'll be asking you to ask  
8 you, your family, your  
9 members, your neighbors,  
10 your dogs, anybody who can  
11 vote to not support a  
12 constitutional convention.

13 So these are the things  
14 that are before us now.  
15 And they're real and  
16 continue to deal with the  
17 Attica issues, the Auburn  
18 issues, the Clinton  
19 issues, the Collins  
20 issues, the Sullivan, the  
21 Wyoming, the Franklins,  
22 our issues in OMH. The  
23 assaults, the continued  
24 violence that comes on.

67

1 to go through and open up  
2 that door, that opens up  
3 everything.

4 The state pension plan  
5 which is protected at this  
6 moment could balance our  
7 budgets. This is real and  
8 it commands all of our  
9 attention. On our meeting  
10 on the 8th between myself,  
11 Tammy, Dave, Mike, Dan and  
12 Keith, along with Jim  
13 Miller and our MPS team,  
14 we have put together a  
15 informational packet, if  
16 you will. It's not  
17 complete, we're just  
18 starting to put it  
19 together. And we'll be  
20 e-mail blasting very  
21 serious points of  
22 information out to our  
23 members and asking for  
24 activation from our

66

1 Our agendas just got  
2 bigger. Needs to be taken  
3 seriously. And we'll be  
4 disseminating information,  
5 probably by the first part  
6 of next week. You will  
7 see your first e-mail  
8 blast and we'll be sending  
9 them out shortly  
10 thereafter.

11 Dan Valente is working  
12 with the task force along  
13 with Tammy and our members  
14 from PEC, and other law  
15 enforcement aspects and  
16 unions. And we'll be  
17 putting together  
18 information going along  
19 and moving forward.

20 So please, take this  
21 back to your members, it's  
22 important. And it needs  
23 to be emphasized and  
24 seriously talked about. I

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1 know the participation at  
2 the local levels aren't  
3 good, but make it part of  
4 the jailhouse talk too.

5 That's pretty much all  
6 I've got at this point.  
7 Does anybody have anything  
8 for me?

9  
10 (No response.)

11  
12 PRESIDENT POWERS:

13 Thank you. Tammy?

14 EXECUTIVE VP SAWCHUK:

15 Good afternoon.

16  
17 (All good afternoon.)

18  
19 EXECUTIVE VP SAWCHUK:

20 Just a couple of things  
21 I'd like to discuss, as  
22 Mike had mentioned I  
23 attended the PEC breakfast  
24 with Dan Valente and I'm

69

1 sure he will get into it  
2 with his legislative  
3 report.

4 And some of the things  
5 that they talked about was  
6 Janus versus AFSCME, 50-A,  
7 the constitutional  
8 convention. Like Mike  
9 said, for anybody out  
10 there who doesn't know  
11 what a constitutional  
12 convention is, that's  
13 something that would go on  
14 the ballot in November and  
15 be will voted on. And if  
16 passed, they open up the  
17 New York State  
18 Constitution.

19 That's a serious issue  
20 for a lot of reasons. One  
21 of them that they brought  
22 at this PEC meeting was  
23 pensions and  
24 recalculations. And I

70

1 know that's a big concern  
2 to everybody in this room  
3 and every retiree out  
4 there.

5 So, I'm sure Dan will  
6 get into that a little bit  
7 more. We're still waiting  
8 on the decision for the  
9 appeal for the ISOs. Alan  
10 Ohms, are you in here?  
11 Alan? For those of you  
12 who don't know or weren't  
13 present, we had filed an  
14 upgrade application for  
15 the ISOs, along with  
16 Michael Rodd. That  
17 decision was denied,  
18 appealed. We should have  
19 had -- we met with the  
20 commissioners, we should  
21 have had a decision by  
22 February 5th. They went  
23 out to one of the parole  
24 offices on a report day

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1 and they asked for a  
2 thirty day extension,  
3 which was agreed to.

4 So we're still waiting  
5 for that decision on that  
6 upgrade application.  
7 Also, like Mike said, we  
8 went to -- we took some  
9 buses, Mike Mazzella  
10 orchestrated it, down to  
11 Delaware. We had a  
12 hundred twenty-one  
13 members, two color guards  
14 slash honor guards,  
15 Wyoming and Sing Sing who  
16 participated. And I can  
17 tell you that it was, it  
18 was a little overwhelming.

19 There had to be at  
20 least three thousand union  
21 staff there, I believe  
22 outside of Delaware. And  
23 I believe we were the  
24 second largest contingency

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1 there, some would say  
2 we were the largest. So I  
3 would like to thank  
4 everybody who participated  
5 with that.

6 I would also like  
7 to say this. We all know  
8 that this is a thankless  
9 job. But I urge everyone  
10 never to lose sight of the  
11 dangers we all face.

12 Whether we are working  
13 in a correctional  
14 facility, a forensic psych  
15 center, a parole office,  
16 or many of the work sites  
17 across the state, we have  
18 an obligation to keep each  
19 other safe. This union  
20 has been addressing  
21 anything from staffing  
22 issues to commissary  
23 issues, weapons, drugs,  
24 K-2. OC spray, replacing

73

1 the thirty-eight with a  
2 Glock. Numerous directive  
3 changes to include  
4 disclaimers on the inmate  
5 contraband received and  
6 Garrity rights.

7 This board is never on  
8 the level playing field in  
9 my mind. It's a constant  
10 uphill battle with DOCCS  
11 and OMH and OPWDD. I can  
12 only hope at the end of  
13 the day, that we're all  
14 doing our due diligence to  
15 create a safer work  
16 environment for all our  
17 members.

18 No one here today wants  
19 another Delaware. No one  
20 here today wants an  
21 Attica, South Port, Sing  
22 Sing, Coxsackie, Mohawk,  
23 ever to happen again.  
24 We're all brothers and

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1 sisters. Let us always  
2 have each others back  
3 regardless of our opinions  
4 or ideologies.

5 The reason why I'm  
6 making that statement is  
7 because I don't think that  
8 day in Delaware anybody  
9 was thinking about  
10 cartoons, Facebook,  
11 contracts. They were  
12 thinking about safety.  
13 We were thinking about a  
14 gate closing behind us and  
15 walking into a psych  
16 center never returning  
17 home to our family. I saw  
18 that family and I'm a  
19 changed person because of  
20 that, you can believe  
21 that.

22 I'd also like to  
23 mention that I took a tour  
24 of the Ronald McDonald

75

1 house in Albany at the  
2 request of one of our  
3 members at the central  
4 region whose daughter was  
5 critically injured in a  
6 car accident and he had  
7 hospitality there. It's  
8 an amazing place, it truly  
9 is. If you ever want  
10 to know where to send your  
11 SEFA money, send it to the  
12 Ronald McDonald house if  
13 you don't know where to  
14 send it.

15 They host twenty-five  
16 families and it's pretty  
17 impressive what they do.  
18 Also I got a couple calls  
19 again on tuition  
20 reimbursement. Because we  
21 are out of a contract,  
22 they will not process the  
23 applications and they'll  
24 just return them. Just be

76

1 conscious of that, make  
2 your members aware of the  
3 fact because we are out of  
4 a contract just to hold on  
5 to their paperwork, and  
6 once we either settle this  
7 contract or go to  
8 arbitration, or some years  
9 down the road, hopefully  
10 we'll be able to revert  
11 back and get the members  
12 money back.

13 That's all I have  
14 today, if you have any  
15 questions.

16 (No response.)

17 EXECUTIVE VP SAWCHUK:  
18 Thank you.

19 PRESIDENT POWERS:  
20 Tammy reminded me of  
21 something here, there's a  
22 directive out, 0102, and  
23  
24

77

1 lawyers, make you sure  
2 you're aware of that.

3  
4 (Unidentified comment  
5 from the floor).  
6

7 PRESIDENT POWERS:  
8 0102.

9 KEVIN DONNELLY: Mike,  
10 Kevin Donnelly, Coxsackie.  
11 They're also trying to  
12 push that at the facility  
13 level when they do their  
14 interview.

15 PRESIDENT POWERS:  
16 Sometimes without an  
17 attorney or a business  
18 agent. So don't -- we  
19 recognize it, that's what  
20 we came to at the  
21 conclusion yesterday.

22 TREASURER VIDDIVO:  
23 Afternoon guys and gals.  
24

79

1 it has to do with  
2 questions and answers  
3 interrogations with OSI.  
4 And it has to do with your  
5 Garrity rights.

6 Some of you may have  
7 seen this as you roll in  
8 they're asking you to sign  
9 a document stating that,  
10 you know, you're either  
11 compelled to answer or  
12 not. We suggest and we  
13 strongly talked about this  
14 yesterday at the board,  
15 that you don't sign  
16 anything in any OSI.

17 You don't sign off on  
18 your interview at the end  
19 of it, you don't sign  
20 anything in the beginning  
21 of it. So take a review  
22 of 0102, and when you go  
23 in with your business  
24 agents and/or your

78

1 (All good afternoon.)  
2

3 TREASURER VIDDIVO:  
4 Everybody should have  
5 received their financials  
6 handout, sent out. I will  
7 cover that first. We took  
8 in one million, eighty-six  
9 thousand, five hundred  
10 four and seventy-four  
11 cents for January. We  
12 spent one million,  
13 eighty-five thousand, six  
14 hundred and sixteen  
15 dollars and eighty-two  
16 cents. In the black,  
17 eight hundred eighty-seven  
18 dollars and ninety-two  
19 cents.

20 Legal defense fund, we  
21 spent five thousand, two  
22 hundred thirty-eight  
23 dollars on outside matters  
24 and twenty-four thousand,

80

1 three hundred thirty-seven  
 2 dollars on attorneys,  
 3 dealing with six of our  
 4 members legal defense fund  
 5 cases. A total of  
 6 twenty-nine thousand, five  
 7 hundred and seventy-six  
 8 dollars disbursed.  
 9 Current fund balance,  
 10 eight hundred eighty-seven  
 11 thousand, twenty-nine  
 12 dollars and eighty cents,  
 13 including the bond which  
 14 is also the legal defense  
 15 fund. The account balance  
 16 total is one million,  
 17 eight hundred sixty-five  
 18 thousand, eight hundred  
 19 and seventy-five dollars.  
 20 Rain Day Fund, we spent  
 21 sixty-one thousand, five  
 22 hundred and fifty dollars.  
 23 Current balance in  
 24 NYSCOPBA account and

81

1 Norvest account is two  
 2 hundred twenty-seven  
 3 thousand, nine hundred and  
 4 thirty-eight dollars.  
 5 Those are the financials.  
 6 Somebody asked me about  
 7 dues, if this contract  
 8 were to be ratified. So,  
 9 I'll give you those  
 10 numbers right now so you  
 11 have them and can take  
 12 them back, if in fact the  
 13 contract is voted in.  
 14 Currently, we pay  
 15 twenty-six dollars  
 16 nineteen cents biweekly.  
 17 Looks like each year it's  
 18 going to go up forty-six  
 19 cents, forty-seven cents,  
 20 forty-eight, forty-nine  
 21 and fifty.  
 22 Currently, it's  
 23 twenty-three, sixty-five  
 24 when you take out the two

82

1 dollars for the Rainy Day  
 2 Fund and one dollar for  
 3 the legal defense fund.  
 4 So the grand total at the  
 5 end in dues is twenty-five  
 6 fifty-nine. And then you  
 7 have to add back in the  
 8 three dollars. So the  
 9 total is twenty-eight  
 10 fifty-nine biweekly, by  
 11 the end of the contract,  
 12 which would be -- that  
 13 would start April 1st,  
 14 2020.

15 All right. I want to  
 16 talk about something that  
 17 we supplied to the body at  
 18 the last EA. Jimmy Sonko  
 19 had his reorganizational  
 20 committee. He gave you  
 21 guys a sheet with a bunch  
 22 of numbers on it for  
 23 meals, mileage, per diem,  
 24 hotels; the whole gamut of

83

1 the cost of the board and  
 2 the BAs.  
 3 Under one of those  
 4 headings that said meals,  
 5 there was some numbers  
 6 there that although our  
 7 very accurate, right on  
 8 the penny, it was a little  
 9 misleading and apparently  
 10 this got out to the  
 11 members and they had  
 12 questions about it and  
 13 accusations. And  
 14 ultimately Facebook  
 15 friendly and the whole  
 16 nine yards.

17 And certain individuals  
 18 on it, and I'm just going  
 19 to use Al Mothershed, he  
 20 had seven hundred dollars  
 21 for meals on that sheet.  
 22 I just want to make it  
 23 clear to you guys that,  
 24 you know, the board

84

1 members, the BAs, they  
2 don't leave their office  
3 in the middle of the day  
4 and go down to the diner  
5 and have lunch and charge  
6 it back to NYSCOPBA. I  
7 would never pay it.

8 It's a business  
9 expense. It's a business  
10 meal. You know, their  
11 conducting a meeting, Q  
12 and A, arbitration, what  
13 have you; or getting  
14 reimbursed for a regional  
15 meeting. Which was a case  
16 for Al Mothershed. So,  
17 just kind of clean that  
18 up, clear it up. Get it  
19 out to the membership that  
20 if they do have questions,  
21 have them call me. I can  
22 explain all those lines as  
23 to what it is, what  
24 they're getting paid.

85

1 And like I said, if  
2 they weren't entitled to  
3 it, they wouldn't be  
4 getting it. Another thing  
5 we have to clean up from  
6 the December EA, we had  
7 Cindy Goss from MAP  
8 contract, we were paying  
9 them ninety thousand  
10 dollars. They've decided  
11 to lower the cost and  
12 bring it down to \$5,500  
13 per month. We have the  
14 contract in place, we just  
15 need to have it approved  
16 by you.

17 It's a reduction in  
18 price but its not a  
19 reduction in services;  
20 same services apply. So  
21 having said that, with  
22 unanimous consent, we'd  
23 like to continue having  
24 MAPS as a our secondary

86

1 other work alongside EAP,  
2 and provide those  
3 important services to our  
4 members. So all those in  
5 favor signify by saying  
6 aye.

7  
8 (All respond aye.)

9  
10 TREASURER VIDDIVO: Is  
11 there anybody opposed or  
12 any questions?

13  
14 (No response.)

15  
16 TREASURER VIDDIVO:  
17 Thank you. I just want to  
18 touch on something. Tammy  
19 went up north and was part  
20 of the, and Chris Hansen,  
21 and Clinton had a pond  
22 hockey tournament, is that  
23 what it is, Chris? So I  
24 just want to put out there

87

1 that they raised four  
2 thousand dollars for St.  
3 Jude and it was an awesome  
4 event and everybody had a  
5 great time.

6  
7 (All applause.)

8  
9 TREASURER VIDDIVO: The  
10 building lease,  
11 unfortunately the massage  
12 therapy decided not to put  
13 an offer in. But I did  
14 recently receive an offer  
15 from Equinox. I don't  
16 know if any of you are  
17 familiar with Equinox, but  
18 they're on outfit in  
19 Albany. They provide  
20 services for, I believe  
21 homeless people, disabled  
22 services, outreach group  
23 to help the community.

24 They've submitted an

88

1 LOI to us, Letter of  
2 Intent, to do a four year  
3 lease, but within that  
4 lease there was a -- they  
5 would like some  
6 renovations done on the  
7 building on the first  
8 floor.

9 So we got the proposals  
10 back. And the amount was  
11 forty thousand dollars to  
12 do renovations, including  
13 painting. It's a large  
14 space, thirteen thousand  
15 square feet. So, we were  
16 looking for twelve dollars  
17 a square foot, they  
18 offered nine dollars for  
19 the first three years,  
20 nine twenty-five for the  
21 fourth year.

22 So just to keep you  
23 guys up to speed, we're  
24 going to do a

89

1 counter-proposal to offset  
2 that forty thousand  
3 dollars in renovations  
4 included in the lease, and  
5 ask them for ten dollars  
6 for three years and ten  
7 twenty-five for the fourth  
8 year.

9 I'll keep you up to  
10 speed on that as it goes  
11 forward, they want to take  
12 possession April 1st. So,  
13 we're kind of going to  
14 have to move quickly to  
15 get the renovations done,  
16 painting done to have it  
17 done April 1st. But  
18 that's a nice chunk of  
19 income we're going to have  
20 coming back in.

21 No parolees, I asked  
22 that question. At least  
23 they told me there's no  
24 parolees, you know how

90

1 that goes.

2 I just wanted to update  
3 you guys back I think it  
4 was October EA we talked  
5 about the Rainy Day Fund  
6 and an appeal process.  
7 And I haven't forgotten  
8 about that. We are  
9 actually still working on  
10 that. There's a lot of, I  
11 don't know, federal red  
12 tape when it comes to  
13 these plans. That they  
14 have to involve ERISA  
15 attorneys, ERISA  
16 accountants.

17 And what we have done,  
18 we have to provide SPD's,  
19 summary plan description  
20 for those two funds. We  
21 also have to spell out the  
22 appeal process. Its got  
23 to be T's crossed, I's  
24 dotted. We are done with

91

1 the legal defense fund  
2 SPD's. The Rainy Day Fund  
3 appeal is still being  
4 worked on.

5 But I'm pretty  
6 confident that it will all  
7 be done and ready to go  
8 for the April EA. So at  
9 that point anyone who has  
10 been turned down for that  
11 fund can submit an appeal.  
12 There's not going to be  
13 any time frame on it. It  
14 will be at that point  
15 anybody that has been  
16 denied can put an appeal  
17 in.

18 Let's see, Quill, as  
19 you guys know we set up a  
20 Quill account for the  
21 chiefs, treasurers,  
22 whoever does your supply  
23 ordering. And out of the  
24 fifty-nine people,

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1 fifty-nine accounts for  
2 all of you, we've only had  
3 about thirteen guys  
4 actually gone and fulfill  
5 signing up for the  
6 account. So if you  
7 haven't in this room, and  
8 there's many of you,  
9 please do so.

10 You should have gotten  
11 an e-mail, all you have to  
12 do is click the link. Put  
13 a user name in, make a  
14 password and sign off for  
15 it. If you didn't get the  
16 e-mail, shoot me a text,  
17 shoot me an e-mail, walk  
18 up to me and say, Dave, I  
19 didn't get the e-mail and  
20 we'll take care of that.

21 Let's see, I have also  
22 sent you guys out, Sonya  
23 and I sat down and we  
24 developed a treasury

93

1 training. I sent the  
2 e-mail out maybe three and  
3 a half, four weeks ago. I  
4 have gotten back  
5 thirty-two out of  
6 fifty-six, that's a little  
7 better than the Quill, but  
8 it's still about  
9 twenty-four of you who  
10 haven't responded.

11 Everything is already  
12 setup, starting next week,  
13 the 21st. The EOL time is  
14 all set, hotels are all  
15 set. If you didn't  
16 respond for whatever  
17 reason, if you didn't  
18 respond because you're not  
19 running again and you're  
20 giving it up, that's one  
21 thing. Just once again,  
22 shoot me an e-mail, text  
23 me, Dave, I'm done, I'm  
24 moving on, I don't need to

94

1 be trained again. That's  
2 fine. Pass it on to  
3 whoever is possibly going  
4 to be taking your place or  
5 if you have a treasurer  
6 that's sticking around,  
7 have them get ahold of us.

8 We're going to be  
9 having make-up dates and  
10 I'll send out another  
11 e-mail and give you guys  
12 an opportunity for doing  
13 the secondary training,  
14 which is going to be  
15 probably in April. But I  
16 appreciate the thirty-two  
17 facilities that did  
18 respond. This isn't a bad  
19 turn out. What I'm going  
20 to attempt to do, looking  
21 at the finances about it,  
22 we're testing a few  
23 products to give to  
24 treasurers their own

95

1 device to use for local  
2 treasuries.  
3 I've tested a few, I  
4 tried to keep the price  
5 reasonable. I have tested  
6 a few devices, they really  
7 haven't been all that good  
8 as far as pictures and  
9 taking photos, because I'd  
10 like you guys to take  
11 photos of your documents  
12 in real time and send them  
13 to us in real time. That  
14 could be great. That's  
15 the goal. But these  
16 devices really haven't  
17 lived up to the  
18 specifications that we're  
19 looking for.

20 So I might end up  
21 giving them something like  
22 an iPad or Samsung or  
23 something like that, so  
24 that they can utilize that

96



1 for the treasury. I know  
2 you guys all have laptops,  
3 you should have laptops.  
4 And this would be a  
5 secondary device for your  
6 local, for your treasurers  
7 to use. So that you're  
8 going to get the documents  
9 up to Albany quicker.  
10 It's still a problem.

11 We just had, which I'll  
12 get into in a second, we  
13 just had our audit. And,  
14 you know, it's like the  
15 number one thing they  
16 asked me, and I'm sure  
17 they've asked John for  
18 many years. How can you  
19 get these documents  
20 quicker, how can you get  
21 these things up here in a  
22 timely fashion.

23 So we're going to  
24 continue to work on. I

97

1 know it's volunteer, you  
2 don't get paid and all  
3 that stuff. But we'll  
4 keep working on that,  
5 trying to get that  
6 facilitated.

7 Like I said, we had our  
8 preaudit on February 4th.  
9 The account firm brought  
10 us in, asked me a bunch of  
11 fun questions, I gave them  
12 a bunch of fun answers.  
13 And it went well actually.

14 The full audit was last  
15 week. Terry Kehrli and  
16 Bill Ruland were the  
17 trustees for the audit.  
18 And I'm going to have  
19 Terry come up and just  
20 give a quick synopsis as  
21 to how that went. And  
22 explain, you know, what  
23 they did and the process,  
24 and answer any questions

98

1 that you have. That's  
2 going to conclude my  
3 report. So, does anybody  
4 have any questions for me  
5 before Terry comes up?

6 JOSEPH HORACEK: Joe  
7 Horacek, Greene  
8 Correctional Facility. I  
9 know we like to save money  
10 here, we could use that  
11 money in other places.  
12 Looking at your budget  
13 report for 2015, 2016.  
14 Promotional items, such as  
15 stickers, pens, mugs and  
16 calendars.

17 We have spent five  
18 hundred, twenty-one  
19 thousand, two hundred  
20 thirty-four dollars and  
21 forty-four cents in 2015.  
22 This year 2016, without  
23 December's report, two  
24 hundred thirty-five

99

1 thousand, four hundred  
2 sixty-five dollars and  
3 fifty-two cents. That's a  
4 total of seven hundred,  
5 fifty-six thousand, six  
6 hundred and eighty-eight  
7 dollars and ninety-six  
8 cents.

9 What company are we  
10 spending three quarters of  
11 a million dollars in two  
12 years on stickers, pens  
13 mugs and calendars.

14 TREASURER VIDDIVO:  
15 About ninety percent of  
16 that, maybe ninety-two  
17 percent of that is JCB.  
18 The other eight percent is  
19 some place in Utica.  
20 John, what's the company?  
21 Cooley.

22 And Joe, agreed. When  
23 I sat down and did my  
24 budget this year, we will

100

1 not be spending that kind  
2 of money on JCB this year,  
3 I promise you that.

4 JOSEPH HORACEK: Quick  
5 internet search, if we  
6 bought five thousand pens,  
7 we'd get them for  
8 thirty-five cents a piece.  
9 Five thousand mugs,  
10 eighty-two cents a piece.  
11 A hundred thousand  
12 stickers, twelve hundred  
13 dollars. That's pennies  
14 to what we spent, which I  
15 feel is --

16 TREASURER VIDDIVO: JCB  
17 just so you know, we spend  
18 a ton of money on the  
19 plaques for the  
20 retirement. It's a huge  
21 chunk that we're going to  
22 spend with them because  
23 everybody gets a plaque.  
24 So, I don't think that

101

1 anybody has any interest  
2 in cutting those. Maybe,  
3 you do. I mean, we can  
4 discuss it.

5 JOSEPH HORACEK: I have  
6 no interest in getting  
7 them cut.

8 TREASURER VIDDIVO:  
9 Okay. They're fifty  
10 dollars a piece, so that's  
11 a big chunk.

12 JOSEPH HORACEK: Does  
13 that fall under stickers,  
14 pens mugs and calendars.

15 TREASURER VIDDIVO:  
16 Falls under the same line.  
17 Plus shirts, plus jackets,  
18 plus pens, plus mailings,  
19 signs.

20 JOSEPH HORACEK: That's  
21 all under promotional  
22 items.

23 TREASURER VIDDIVO:  
24 Yes.

102

1 JOSEPH HORACEK: Okay.

2 TREASURER VIDDIVO:  
3 Same line, but it's still  
4 going to be getting cut,  
5 just so you know. Terry?

6 TERRY KEHRLI: I'm  
7 Officer Kehrli from Mid  
8 State, and I witnessed the  
9 audit along with Bill.  
10 There was no  
11 abnormalities. The two  
12 girls that came down were  
13 very thorough. And  
14 actually Bill and I were  
15 kind of joking about the  
16 fact that they were nose  
17 to the grindstone for the  
18 entire time.

19 It was a lot like  
20 watching paint dry. But  
21 any questions they had,  
22 they were quick to answer  
23 them and provide whatever  
24 paperwork they needed.

103

1 There was nothing left  
2 unanswered. Does anyone  
3 have any questions?

4  
5 (No response.)

6  
7 TERRY KEHRLI: Thank  
8 you.

9 TREASURER VIDDIVO: One  
10 more thing I didn't cover.  
11 1099s were sent out for  
12 the Rainy Day Fund As you  
13 guys know, maybe you don't  
14 know, when we supply the  
15 Rainy Day Fund, it's  
16 nontaxable. Everybody  
17 that gets it, gets a 1099  
18 and that money is at that  
19 point in then taxable for  
20 the member that receives  
21 it.

22 I had a couple  
23 questions, if you get  
24 these, and I spoke to a

104

1 few of you already today,  
2 if you get these for the  
3 1099s, I mean, you know,  
4 it can be a panicking  
5 moment when you get a 1099  
6 for twenty-five thousand  
7 dollars and have to pay  
8 taxes it on it.

9 Some of the individuals  
10 that I sent letters out to  
11 requesting the funds be  
12 returned because they got  
13 back pay awards, just let  
14 them know that if they  
15 send the money in for the  
16 back pay award I will send  
17 them an amended 1099 so  
18 they don't have to pay the  
19 tax on it.

20 Obviously they're  
21 replenishing the fund, but  
22 it's not going to the IRS,  
23 it's coming back to  
24 NYSCOPBA. So let them

105

1 know, the day I get that  
2 money, I put in the bank,  
3 it clears, the next day  
4 they're going to get an  
5 amended 1099 to file with  
6 their taxes.

7 So if anybody has any  
8 questions regarding that  
9 and you may not be able to  
10 answer it, direct them to  
11 me and I will give them  
12 the answer. If I can't  
13 answer it, I will direct  
14 them to our CPA. Any  
15 other questions?

16 (No response.)

17  
18  
19 TREASURER VIDDIVO:

20 Thank you.

21 PRESIDENT POWERS:

22 We'll have Keith Jacques  
23 and George DeRosa's come  
24 up give us the legislative

106

1 report, reporting over the  
2 executive budget and any  
3 questions you might have  
4 regarding anything we  
5 discussed about Janus  
6 versus AFSCME.

7 KEITH JACQUES:

8 Afternoon everyone. I'm  
9 happy to answer any  
10 questions about Janus or  
11 the constitutional  
12 convention or any other  
13 things that President  
14 Powers spoke about.

15 I'll give you a very  
16 brief run-down of the  
17 executive budget.  
18 Everyone should have a  
19 budget memo in their  
20 packet of materials. Not  
21 a heck of a lot in the  
22 budget this year.

23 One of the things we  
24 are still trying to do,

107

1 George and I, we're trying  
2 to get if NYSCOPBA's death  
3 gamble legislation  
4 incorporated into the  
5 executive budget. We'll  
6 be working with the  
7 legislature in an effort  
8 to have the legislature  
9 add the death gamble  
10 legislation to one of the  
11 Article 7 bills.

12 That bill has already  
13 been introduced in both  
14 the Senate and the  
15 Assembly. We already have  
16 commitments from both  
17 Addie Jenne and Patty  
18 Ritchie that that bill  
19 will be a high priority  
20 for both their offices.  
21 As a matter of fact, Addie  
22 Jenne has indicated that  
23 is her number one priority  
24 bill this year.

108

1 So in the budget, the  
2 Governor is projecting an  
3 increase of a hundred  
4 twenty-six FTEs, within  
5 the DOCCS budget. That's  
6 a net increase. There's  
7 actually looking at a  
8 gross increase of a  
9 hundred sixty-five, but he  
10 is citing a reduction of  
11 thirty-nine FTEs, under  
12 the assumption that the  
13 proposal that he's looking  
14 to implement is going to  
15 be implemented.

16 And this is a proposal  
17 related to the visitation  
18 program in the maximum  
19 facilities. The Governor  
20 wants to limit visitation  
21 in maximums to the  
22 weekends only. I can tell  
23 you that right now that  
24 both the senate and the

109

1 going to keep that  
2 proposal out of the  
3 budget, which will simply  
4 mean the legislature will  
5 have to come up with the  
6 2.6 million dollars in  
7 savings when they actually  
8 sit down and figure out  
9 how much money they have  
10 to work with, before the  
11 budget is finally enacted.

12 As I said the Death  
13 Gamble Legislation right  
14 now is not a part of the  
15 executive budget, but it  
16 wouldn't necessarily  
17 happen until the  
18 legislature introduced  
19 their Article 7 proposals.  
20 And those Article 7  
21 proposals, we have not  
22 seen those yet. They  
23 probably will be coming  
24 out in March.

111

1 assembly are ver opposed  
2 to that. I know George  
3 has had some can  
4 discussions, some candid  
5 discussions with the  
6 second floor. And I think  
7 they've indicated that's  
8 pretty much -- it's not  
9 looking good for that  
10 proposal to be  
11 implemented.

12 The Governor sought a  
13 savings of about 2.6  
14 million dollars in the  
15 budget if that plan was  
16 implemented He assumed  
17 that attrition of about  
18 thirty-nine FTEs.  
19 Obviously we opposed  
20 anything that would result  
21 in an reduction of our  
22 members. Obviously the  
23 legislature is going to  
24 fight it. We're probably

110

1 SHAWN CARLSON: Shawn  
2 Carlson, Green Haven.  
3 What you're talking about  
4 as far as the three day  
5 visitation. Apparently,  
6 Bill Nye or whatever, sent  
7 our superintendent at  
8 Green Haven a proposal of  
9 job cuts, and was told it  
10 was going to be  
11 implemented within the  
12 first couple weeks of  
13 March. So what you're  
14 saying is that's probably  
15 going to be null and void?

16 KEITH JACQUES: That's  
17 correct. In order for the  
18 Governor to implement  
19 this, it has to be enacted  
20 as part of his executive  
21 budget proposal, because  
22 he is proposing a change  
23 within his budget.

24 The legislature, for

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<p>1 people that attend the PAC 2 seminars, you know, we 3 drive around the state and 4 talk about the budget 5 process, they understand 6 the legislature actually 7 has authority with respect 8 to Article 7 proposals. 9 Not so much with respect 10 to appropriation bills, 11 but this proposal was 12 actually part of an 13 Article 7 bill. 14 So the legislature can 15 actually take that out. 16 So we've had indications 17 from not only the Assembly 18 but the Senate as well, 19 you know, that they're 20 going to remove it. Now, 21 they asked our position on 22 it. Our position has 23 always been, you know, 24 look, if anybody proposal</p> <p style="text-align: right;">113</p>	<p>1 thing. It's a proposal 2 that would essentially 3 require people who retired 4 with less than thirty 5 years of service, to 6 provide increased 7 contributions towards 8 their health insurance and 9 retirement. 10 Now, specifically 11 excluded from that 12 proposal again this year, 13 is anyone in a 14 correctional title and 15 anyone in a security 16 hospital treatment title. 17 So obviously that excludes 18 most people, we still have 19 several titles, VP 20 Harmon's membership that 21 would be impacted by this 22 if that was enacted as 23 part of the executive 24 budget when it's finally</p> <p style="text-align: right;">115</p>
<p>1 is going to decrease the 2 number of FTEs, the number 3 of officers, we're going 4 to oppose it. We don't 5 care what it is. We don't 6 want to see a reduction in 7 our members at all. 8 And I think the 9 conversation, George can 10 expound upon that in a 11 little bit, but I think 12 the second floor is even 13 realizing now that that 14 proposal is, you know, not 15 looking good because 16 there's such opposition to 17 it. 18 Once, again, the 19 Governor is proposing an 20 increase contribution rate 21 for certain retirees, 22 beginning October of 2017. 23 If you recall the last 24 budget he did the same</p> <p style="text-align: right;">114</p>	<p>1 enacted. 2 Both houses are 3 obviously opposing that 4 again this year. Not 5 clear as to where that's 6 going this year. We will 7 certainly let the 8 Executive Board and the 9 Assembly know as we know 10 more information about 11 that. 12 Raising the age. Okay. 13 So this is, this is 14 something that appears to 15 have some traction this 16 year. Speaking with 17 Arnold about this, he's 18 from Hudson and this could 19 have an impact there. The 20 Governor proposed a raise 21 the age proposal as part 22 of his executive budget 23 which would increase 24 juvenile jurisdiction to</p> <p style="text-align: right;">116</p>

<p>1 age seventeen and age 2 eighteen. January 1, 2019 3 and January 1, 2020 4 respectively.</p> <p>5 There was a raise the 6 age hearing that was held 7 by the Senate IDC, the 8 Senate Republicans 9 participated as well. We 10 attended the hearing, we 11 did not provide any 12 testimony. We were there 13 taking copious notes. 14 What's interesting is that 15 almost everybody that 16 testified, testified that 17 they weren't in agreement 18 with the Governor's 19 proposal. But that they 20 were in agreement that 21 something needed to happen 22 here.</p> <p>23 I think there's a 24 chance that some sort of</p> <p>117</p>	<p>1 of an impact on NYSCOPBA's 2 membership.</p> <p>3 I told Arnold this, and 4 I'll tell the members 5 this, when we're asked 6 what is NYSCOPBA's 7 position on raise the age, 8 we always tell the 9 members, we're not policy 10 makers, we don't make the 11 laws, it's not our job to 12 make the laws. It's our 13 job to maintain care, 14 custody and control of the 15 inmate population. It 16 doesn't matter what the 17 inmate demographics are.</p> <p>18 But we're also very 19 clear to explain to the 20 people because some of the 21 people, particularly from 22 Downstate either don't 23 understand it or don't 24 want to hear it, these</p> <p>119</p>
<p>1 raise the age proposal 2 could be implemented this 3 year. I don't think it's 4 going to be the Governor's 5 proposal, there's just too 6 much opposition to that.</p> <p>7 The New York State 8 District Attorney's 9 Association they have 10 provided their own 11 proposal. And we just 12 received a copy of that 13 yesterday. I haven't had 14 a chance to review that 15 yet.</p> <p>16 Obviously the District 17 Attorney's Association is 18 much more pro law 19 enforcement than the 20 liberal legislators that 21 have been pushing this for 22 years. So, anything that 23 they're proposing, I think 24 would have certainly less</p> <p>118</p>	<p>1 aren't sixteen or 2 seventeen year old choir 3 boys. These are some of 4 the most violent and 5 aggressive inmates in the 6 system. And we're very 7 clear to convey that to 8 whoever, you know, wants 9 to hear, and frankly, we 10 convey it to people that 11 don't want to hear our 12 position.</p> <p>13 So we don't take an 14 official position on the 15 actual policy proposal 16 itself. It's something 17 NYSCOPBA has never done. 18 But we're very clear we 19 maintain care, custody and 20 control of whoever is 21 incarcerated and we're 22 always looking to protect 23 the rights of the officers 24 doing the work guarding</p> <p>120</p>

1 those inmates.  
2 But again, I think we  
3 could see something this  
4 year. I don't think it's  
5 going to be the Governor's  
6 proposal but discussions  
7 are starting to ramp up.

8 Any questions on  
9 anything that I have  
10 covered so far budget  
11 wise? Yes, Mike?

12 MIKE CARLSON: Mike  
13 Carlson. Why is the  
14 Governor trying to push  
15 that, raise the age?

16 KEITH JACQUES: It's a  
17 liberal agenda and a  
18 couple reasons. We dealt  
19 with the liberal  
20 legislators who seem to  
21 have only a concern for  
22 the inmates, the inmate  
23 patients in forensic  
24 institutions without any

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1 real regard it seems for  
2 the correctional officers,  
3 the security hospital  
4 treatment assistants, the  
5 SSOs that are providing  
6 public safety.

7 So, this is a proposal  
8 that would help. The  
9 Governor's mind I think  
10 juvenile inmates, it's a  
11 pro-inmate proposal, which  
12 is not surprising it's  
13 being proposed by the  
14 Governor.

15 I think he's also  
16 looking at the fact, and I  
17 think people are starting  
18 to open their eyes to  
19 this, that there is only  
20 two states in the union  
21 that still process  
22 criminals, sixteen and  
23 seventeen year olds; New  
24 York State is one of

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1 those.

2 I think that that's why  
3 there's sort of a little  
4 bit more of a ground swell  
5 this year. But I think  
6 the Senate IDC and frankly  
7 the Republicans sat in on  
8 that public hearing are  
9 doing the right thing in  
10 realizing that this has  
11 got some legs. So if  
12 something is going to  
13 happen, let's make sure  
14 it's something we control.  
15 Something that we can live  
16 with, something that is  
17 protective of the  
18 interests in law  
19 enforcement, because  
20 that's who those people  
21 have an interest in.

22 Any questions on any of  
23 that? Any questions on  
24 Janus, Constitutional

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1 Convention. One thing I  
2 want to point out, bill  
3 signed into law last year  
4 to benefit the members  
5 that work at the four  
6 forensic and psychiatric  
7 facilities, the SHTAs and  
8 SSOs, the assault  
9 reporting law with that.  
10 I'm pretty sure I  
11 recognize that it was a  
12 bill that was modeled  
13 after the assault  
14 reporting law for DOCCS.

15 The way that the law  
16 was drafted, it was pretty  
17 clear in our mind that at  
18 some point beginning in  
19 January of this year, OMH  
20 was required to provide  
21 the first report to the  
22 legislature and put it on  
23 their website, about the  
24 number of assaults

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1 occurring in those four  
2 forensic facilities.  
3 I had a conversation  
4 with Senator Warts office  
5 two days ago. Senator  
6 Wart was the sponsor, he  
7 was a sponsor for the bill  
8 that became law, asking  
9 them if they had heard  
10 anything from OMH yet.  
11 Have you seen the assault  
12 report? We're waiting on  
13 it. They had not.  
14 Senator Wart reached out  
15 to the commissioner, the  
16 commissioner indicated  
17 that, well, we drafted the  
18 report but it might not be  
19 in compliance with what  
20 the law requires so we're  
21 hoping to get something in  
22 the next few weeks.  
23 So, it looks like in  
24 early March we'll have

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1 something. I think George  
2 has had some  
3 conversations, I think the  
4 report is prepared but I  
5 think there's significant  
6 concern on OMH'S part  
7 because of the number of  
8 assaults that are going to  
9 be published in that  
10 report. We're the ones  
11 pushing that. We wanted  
12 to shine a light on what's  
13 going on within the  
14 forensic facilities. So I  
15 think once that report is  
16 made public, we'll be able  
17 to ring that bell pretty  
18 loudly.  
19 Questions on Janus and  
20 the Constitutional  
21 Convention? I think Dan  
22 will cover the legislative  
23 agenda, where we are on  
24 that. But one thing about

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1 the constitutional  
2 convention, New York's  
3 constitution requires that  
4 every twenty years that  
5 whether or not there  
6 should be a constitutional  
7 convention has to appear  
8 on a ballot. That's  
9 what's happening in  
10 November. Twenty years is  
11 up. So there's going to  
12 be a vote to determine  
13 whether or not there  
14 should be a constitutional  
15 convention.  
16 Now, the legislature,  
17 99 percent of the  
18 legislative members are  
19 opposed to this, they  
20 don't want it. They're  
21 going to do everything  
22 they can to voice their  
23 opposition to it. If this  
24 did happen, if there was a

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1 vote to hold a  
2 constitutional convention,  
3 what would then happen is  
4 you would have a vote to  
5 determine who the  
6 delegates in the  
7 convention would be, and  
8 those delegates that are  
9 named to the convention  
10 would then have the  
11 responsibility of deciding  
12 what issues are going to  
13 be voted upon by the  
14 general public, if the  
15 constitution was opened  
16 up.  
17 Should that's kind of  
18 the process. Should there  
19 be a constitutional  
20 convention, number one.  
21 If the people vote yes,  
22 then they have -- you have  
23 to vote in delegates. And  
24 delegates would then have

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1 to figure out what's going  
2 to be on the agenda for  
3 that constitutional  
4 convention.

5 Questions on anything?

6 UNIDENTIFIED SPEAKER:

7 Keith, do you know the  
8 cost of that convention?

9 KEITH JACQUES: I think  
10 it's in the neighborhood  
11 of three hundred eighty  
12 million dollars. Which is  
13 why -- that's one of the  
14 things the Governor is  
15 hanging his hat on in  
16 terms of opposing it, the  
17 cost.

18 And the legislature is  
19 looking at that as well.  
20 There's only one -- from  
21 what I have seen so far,  
22 correct me if I'm wrong,  
23 Brian Bolt, the minority  
24 leader of the Assembly is

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1 Assembly in contrary to  
2 what the other legislators  
3 are doing.

4 Which is why he is the  
5 only one out there saying  
6 anything. So we had a  
7 meeting yesterday with  
8 some of the leaders in the  
9 Republican Conference in  
10 the Assembly. They wanted  
11 to sit down with NYSCOPBA  
12 and talk about our issues.  
13 We shared our issues. We  
14 talked about Janus. We  
15 talked about  
16 constitutional convention.  
17 We also talked about the  
18 fact about the members are  
19 not happy, we got a leader  
20 out there saying we  
21 absolutely got to have  
22 this constitutional  
23 convention.

24 So we delivered that

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1 the only person that's  
2 really kind of come out  
3 forcefully saying there  
4 should be a constitutional  
5 convention.

6 He's saying there  
7 should be because he wants  
8 ethics to be more, you  
9 know, brought front and  
10 center. He is not  
11 interested in, you know,  
12 opening up our pensions.  
13 Although obviously that  
14 could have happen. But  
15 the other reason I think  
16 he's so vocal, he's the  
17 leader of forty-two  
18 Republicans in the  
19 Assembly, they have  
20 absolutely no clout. So  
21 the only why he gets any  
22 press in at all, is if he  
23 takes positions contrary  
24 to the Speaker of the

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1 message to him. Again, I  
2 don't know think there's  
3 any real desire on  
4 anyone's part to actually  
5 hold a constitutional  
6 convention at this point.  
7 We just need to educate  
8 the voting public on that.

9 Dave's question is, is  
10 there any public  
11 interaction with the  
12 delegates. I think there  
13 probably is. You know,  
14 it's not really clear who  
15 the delegates would be. I  
16 don't know if there is  
17 some legislative members  
18 that really want to be  
19 delegates, because they  
20 could control the agenda,  
21 they would be able to  
22 limit significantly.

23 What's included, I'm  
24 not really sure. When was

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1 the last time there was an  
2 constitutional convention?  
3 '68. So, I don't know.  
4 We'll certainly -- we'll  
5 learn more about the  
6 Constitutional Convention  
7 as the time draws near,  
8 but I agree with what  
9 President Powers said in  
10 his president's report.  
11 The biggest concern right  
12 now in my mind is the  
13 Janus case.

14 All right. Because if  
15 the Supreme Court Rules  
16 that people don't have to  
17 join unions, and yet they  
18 can still reap the  
19 benefits of collective  
20 bargaining, that would be  
21 catastrophic. And that  
22 list that you see in front  
23 of you, that list of  
24 services that members

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1 could potentially lose.  
2 People should  
3 understand that NYSOPBA  
4 is the only bargaining  
5 unit that provides those  
6 services to its  
7 membership. CSEA is  
8 meeting next door, their  
9 statewide legislative PAC  
10 are at this meeting. CSEA  
11 members don't get any of  
12 that stuff. They don't  
13 have access to attorneys,  
14 they don't have the  
15 benefits, Rainy Day Fund,  
16 legal defense fund you  
17 folks have put in place  
18 for your members.

19 So it's important for  
20 the members to understand  
21 that if Janus goes south  
22 which, you know, who knows  
23 what the Supreme Court is  
24 going to decide. But if

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1 that happens, members need  
2 to understand how critical  
3 it's going to be to  
4 continue to maintain their  
5 membership with NYSOPBA,  
6 if they want to continue  
7 to maintain all those  
8 benefits and that's not  
9 even all of them listed  
10 there.

11 So, an education from  
12 you to your members in the  
13 jails is going to be  
14 vital.

15 MR. DeROSA: The only  
16 other piece of business  
17 that I'll add is that the  
18 Governor just appointed  
19 Jay Rubin as the new state  
20 operations director. He's  
21 going to replace Jim  
22 Malatras. He officially  
23 takes over next month but  
24 he's already been in

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1 Albany all week. And he  
2 has begun acclimating  
3 himself with all the  
4 issues that he's going to  
5 have to face.

6 I am going to meet with  
7 him tomorrow for the first  
8 time. I will walk him  
9 through a number of our  
10 issues and I'll schedule a  
11 meeting for the leaders of  
12 the organization to sit  
13 with him and have a  
14 conversation. So, we will  
15 be doing that as early as  
16 tomorrow.

17 PRESIDENT POWERS: Ten  
18 minute break and we'll go  
19 into department reports.  
20 True ten minutes.

21 (Recess taken.)

22  
23  
24 PRESIDENT POWERS:

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1	Let's get started. Back	1	(No Response.)
2	on the record. Start with	2	
3	departmental reports.	3	SHARON SMITH: Okay.
4	Sharon?	4	Thank you.
5	SHARON SMITH: Good	5	PRESIDENT POWERS:
6	afternoon. I have good	6	Thank you, Sharon. Susan?
7	news. My report will	7	Welcome back.
8	probably be shorter than	8	
9	my walk up here. I only	9	(All applause.)
10	have two issues since our	10	
11	last meeting. There's not	11	SUSAN CUNNINGHAM: Yes,
12	too many changes right now	12	I'm back. Like a bad
13	in the health insurance.	13	penny, I keep showing up.
14	I had mentioned awhile	14	I don't really have much
15	ago that the Flex Care	15	since I haven't been here
16	Spending Account,	16	in quite awhile. But just
17	Independent Care that was	17	a little bit in -- before
18	out for bid for who was	18	I left in December I did
19	going to take over for	19	check with OSC about the
20	next year as the vendor,	20	federal tax refund
21	and Wage Works did win	21	information, and they --
22	that contract.	22	OSC has received the
23	So, they have presently	23	federal tax refunds for
24	have it, so I just thought	24	2012 through most of 2014.
137		139	
1	I would mention that, so	1	Refunds will be sent in
2	Wage Works will continue	2	lump sums. For example,
3	with that program. And I	3	if you were out 2012, 2013
4	just received some	4	and 2014, payments for
5	paperwork the Empire Plan	5	those years will be in a
6	prescription drug vendor	6	lump sum. A few claims
7	program, that continues	7	are left over from 2014
8	until December of 2018.	8	and those refunds were
9	So they're putting it	9	requested back in early
10	out early, but I think	10	December.
11	they go slower because	11	During the first
12	there's so much involved	12	quarter of 2017 federal
13	in the prescriptions and	13	taxes will be refunded in
14	so forth. So that's going	14	ninety days or so.
15	out to bid. So I will	15	Employees will be provided
16	keep you updated on that	16	a corrected W-2 and about
17	as it progresses. And	17	ninety days later should
18	that's really all I have	18	be receiving refunds. So
19	from the last time	19	you're not going to have
20	anything new. Unless	20	to wait a year for your
21	anybody has a question on	21	federal taxes. That's
22	any issues that they're	22	about all I have. Any
23	getting from the members?	23	questions?
24		24	DOUG WESTERVELT:
138		140	

1 Westervelt, South Port.  
2 People are having surgery,  
3 their surgeons are keeping  
4 them out to the end of the  
5 month, the state is  
6 ordering them back to  
7 work. How does this work?

8 SUSAN CUNNINGHAM: That  
9 is from an Independent  
10 Medical Exam probably.  
11 Because they can't order  
12 them back to work unless  
13 they have an Independent  
14 Medical Exam. That seems  
15 pretty quick thirty days.

16 DOUG WESTERVELT: I'm  
17 just using time, okay,  
18 we'll go to the end of the  
19 month. The surgeon has  
20 you out to the end of the  
21 month, then I have to  
22 believe they went to see  
23 the state doctor and  
24 they're ordering him back.

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1 So how does he take  
2 preference?  
3 SUSAN CUNNINGHAM:  
4 Usually what happens is  
5 somebody is having  
6 surgery, they will --  
7 State Insurance Fund and  
8 the insurance company,  
9 usually it's about three  
10 months. It depends on the  
11 surgery. If the  
12 independent medical  
13 examiner says you have to  
14 return to work, light duty  
15 then full duty, the only  
16 way they can challenge  
17 that is by doing a dispute  
18 resolution.

19 Okay. Which means they  
20 have to speak to their  
21 doctor about whether the  
22 doctor agrees they can do  
23 light duty or not. And  
24 then the doctor would fill

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1 out a form, a dispute  
2 resolution form, which is  
3 in our packet, get it from  
4 the facility. The -- it  
5 goes to National Medical  
6 Review, National Medical  
7 Review looks at the  
8 doctor's reports, the  
9 treating doctor's reports,  
10 and the independent  
11 medical examiner's report;  
12 and makes a determination  
13 whether they agree or they  
14 don't agree.

15 The dispute resolution,  
16 National Medical Review is  
17 only looking at level of  
18 disability. If you're  
19 fifty percent or less  
20 disabled, the feeling is  
21 that you can do light duty  
22 and you have to return to  
23 work in sixty days.  
24 That's the process.

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1 That's all we have to  
2 dispute an independent  
3 medical exam.  
4 DOUG WESTERVELT: Well,  
5 we have an individual that  
6 was out and he is there  
7 light duty. The surgeon  
8 didn't want him back  
9 until, we'll use the  
10 twenty. The state doctor  
11 comes back and says no, he  
12 comes back to work  
13 tomorrow. We've had less  
14 than a week notice to have  
15 them come back superseding  
16 the surgeon's  
17 documentation.

18 And then the kid had to  
19 go from Elmira to Syracuse  
20 just to get the paperwork  
21 to put in for -- to get it  
22 in five days, five  
23 business days.

24 SUSAN CUNNINGHAM: You

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1 mean for the dispute?

2 DOUG WESTERVELT: Yes.

3 SUSAN CUNNINGHAM: It's  
4 supposed to be three  
5 business days, but nobody  
6 really pays attention to  
7 that.

8 DOUG WESTERVELT: See,  
9 that has to be fixed.  
10 Because right there, we  
11 got this -- we're dealing  
12 with high medical costs,  
13 but somebody has got to  
14 get on the same page here.  
15 Because the state doctors  
16 are sending the guys back  
17 when the other doctors are  
18 keeping them out.

19 Then we have to go to  
20 the doctor, you got to  
21 call your doctors, you got  
22 to pay the cost. You got  
23 to travel to Syracuse or  
24 wherever, and it's just

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1 wrong. And it's got to be  
2 figured out.

3 SUSAN CUNNINGHAM:  
4 Well, that's our medical  
5 evaluation plan. That's  
6 what was decided at --  
7 before even I came. That,  
8 you know, the State  
9 Insurance Fund has the  
10 right to get an  
11 independent medical exam.  
12 Whatever the independent  
13 medical exam says, you  
14 have to go by or you do  
15 the dispute. That is the  
16 medical evaluation plan  
17 that we have in place.

18 I know that the, you  
19 know, many times the  
20 doctors, the National  
21 Medical Review or  
22 whatever, you know,  
23 facility we're using, does  
24 come back and agree with

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1 the IME. But we -- that's  
2 the only process we have  
3 right now. And that was  
4 already decided before --  
5 it's been in place for a  
6 long time.

7 DOUG WESTERVELT:  
8 They're being ordered back  
9 to work right away.

10 SUSAN CUNNINGHAM:  
11 Right.

12 DOUG WESTERVELT: Their  
13 surgeon doesn't have them  
14 coming back, but yet, they  
15 have to come back to work  
16 within that working week.  
17 What if he gets hurt  
18 again?

19 SUSAN CUNNINGHAM: They  
20 don't have to return to  
21 work. They can say, I  
22 want to do the dispute and  
23 then they don't go back to  
24 work.

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1 DOUG WESTERVELT: Then  
2 we use our sick time.

3 SUSAN CUNNINGHAM:  
4 You're on leave without  
5 pay until the doctor  
6 provides the medical.  
7 That's the evaluation  
8 plan. I mean, I can't  
9 change that. But that is  
10 our medical evaluation  
11 plan.

12 Once National Medical  
13 Review gets the medical  
14 reports, they are put back  
15 on the payroll. If the  
16 National Medical Review  
17 agrees with the treating  
18 doctor, they get that time  
19 back, those three days or  
20 five days, whatever it is.  
21 If they don't agree, then  
22 they just lose those days.

23 I mean, it's not the  
24 best plan, but it's the

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1 plan that apparently was  
2 agreed to. Joe?  
3 VP WEST MIANO: Joe  
4 Miano, Western Region VP.  
5 Just an FYI, when the  
6 member is going to these  
7 IMEs, they're entitled to  
8 bring a union rep with  
9 them. We go to several of  
10 them. When the members  
11 call and ask us, because  
12 if anybody has ever been  
13 to one of those, it's like  
14 a conveyor belt. Those  
15 doctors are whisking  
16 people in and out of that  
17 exam room in a matter of  
18 two or three minutes.  
19 I'm not kidding when I  
20 say two or three minutes.  
21 Anybody that's ever been  
22 to one of them, can vouch  
23 for that. They're just  
24 whisking them in and out.

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1 So if they take a union  
2 rep with them, they'll  
3 feel better, they get more  
4 attention, and the doctor  
5 is doing a more thorough  
6 examination on them.  
7 They're not just whisking  
8 them out.  
9 Because if you talk a  
10 member who went there  
11 without a union rep with  
12 them, I guarantee they  
13 weren't in that office  
14 actually seeing the doctor  
15 longer than three minutes.  
16 SUSAN CUNNINGHAM: You  
17 can videotape, too. And  
18 in the past the doctors  
19 could refuse, the IME  
20 doctors could refuse you  
21 doing that. But there's a  
22 new law -- new, well they  
23 call it subject, at the  
24 Workers' Compensation

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1 Board, that the  
2 independent medical  
3 doctors have to let you  
4 record or bring somebody  
5 in with you.  
6 DOUG WESTERVELT: If  
7 they don't, we can leave?  
8 Yes, no?  
9 SUSAN CUNNINGHAM: If  
10 they don't allow it?  
11 DOUG WESTERVELT: Yes.  
12 SUSAN CUNNINGHAM: If  
13 they don't allow it, I  
14 would call the State  
15 Insurance Fund while  
16 you're there and say,  
17 they're not allowing me to  
18 videotape. But let  
19 somebody know, you know,  
20 that this is happening.  
21 VP WEST MIANO: Never  
22 in a IME.  
23 SUSAN CUNNINGHAM:  
24 That's been in a place for

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1 a little while now, so it  
2 would be rare that a  
3 doctor would say no,  
4 you're not going to do  
5 that. It is the only  
6 thing we can do to, you  
7 know, work out somebody  
8 not going back to work.  
9 That's the medical  
10 evaluation plan. It  
11 doesn't always work out,  
12 but that's, you know,  
13 because we have this  
14 contract that provides  
15 members to get their full  
16 salary and, you know, use  
17 no accruals for six  
18 months, then use their  
19 accruals, then half pay.  
20 You know, that's not  
21 real -- Workers'  
22 Compensation in the real  
23 world, you wouldn't get  
24 that. So, because of the

152

<p>1 contract that's why we</p> <p>2 have the medical</p> <p>3 evaluation plan in place</p> <p>4 for the IMEs. Any other</p> <p>5 questions?</p> <p>6</p> <p>7 (No response.)</p> <p>8</p> <p>9 SUSAN CUNNINGHAM:</p> <p>10 Okay. Thank you.</p> <p>11 PRESIDENT POWERS:</p> <p>12 Thanks, Susan. Dan?</p> <p>13 DAN VALENTE: Good</p> <p>14 afternoon everyone.</p> <p>15 First, I just want to go</p> <p>16 over our legislative</p> <p>17 agenda, our priority list</p> <p>18 for 2017.</p> <p>19 This is a new</p> <p>20 legislative cycle so all</p> <p>21 the bills had to be</p> <p>22 reintroduced, assigned new</p> <p>23 bill numbers. In some</p> <p>24 cases they had to be given</p> <p style="text-align: right;">153</p>	<p>1 correction officer. That</p> <p>2 bill is again been</p> <p>3 reintroduced, and we will</p> <p>4 be pushing that</p> <p>5 legislation during the</p> <p>6 Lobby Days.</p> <p>7 Subpoena notification</p> <p>8 bill, which was a mandate</p> <p>9 brought on by this body</p> <p>10 back in the October EA.</p> <p>11 It would require notice to</p> <p>12 be provided to an employee</p> <p>13 of DOCCS who is the</p> <p>14 subject of a subpoena</p> <p>15 brought on by the</p> <p>16 department, we will be</p> <p>17 pursuing that. Again, the</p> <p>18 SSO peace officer status,</p> <p>19 would give the SSOs</p> <p>20 twenty-four hour peace</p> <p>21 officer status.</p> <p>22 Currently, they only</p> <p>23 receive that status during</p> <p>24 their work assignments.</p> <p style="text-align: right;">155</p>
<p>1 or assigned to new members</p> <p>2 of the legislature.</p> <p>3 It was always discussed</p> <p>4 earlier, the Death Gamble</p> <p>5 Legislation. That's going</p> <p>6 to be our priority</p> <p>7 legislation. If in fact</p> <p>8 it does not get included</p> <p>9 with the executive budget,</p> <p>10 that is going to be our</p> <p>11 primary concern for the</p> <p>12 budget to get that</p> <p>13 legislation and that</p> <p>14 language included. So</p> <p>15 that the members have that</p> <p>16 death benefit, and can</p> <p>17 feel safe in those years</p> <p>18 in their career.</p> <p>19 Aggravated harassment,</p> <p>20 intentional extortionation,</p> <p>21 this is a bill we've been</p> <p>22 working on for years. It</p> <p>23 would make it a felony to</p> <p>24 intentionally spit on a</p> <p style="text-align: right;">154</p>	<p>1 New legislation we're</p> <p>2 going to introduce would</p> <p>3 impact our SHTAs. It</p> <p>4 would essentially allow</p> <p>5 then to give them an</p> <p>6 opportunity to reopen</p> <p>7 their retirement</p> <p>8 elections. We've been</p> <p>9 told we found that many of</p> <p>10 the facilities for the</p> <p>11 SHTAs are employed when</p> <p>12 they first start their</p> <p>13 careers, they're told</p> <p>14 which retirement plan</p> <p>15 they're going to be</p> <p>16 enrolled in rather than</p> <p>17 given the option, which</p> <p>18 they're entitled to. They</p> <p>19 can be enrolled in the</p> <p>20 twenty-five year half pay,</p> <p>21 which is what the</p> <p>22 correction officers have</p> <p>23 or they also have the</p> <p>24 opportunity to be in the</p> <p style="text-align: right;">156</p>

<p>1 ERS, which would be the 2 thirty years of service, 3 fifty-five years of age 4 option. 5 So we're drafting that 6 legislation, actually the 7 legislation has been 8 drafted. We are in the 9 process of obtaining 10 fiscal notes, what that 11 cost would be to state. 12 And once it does get 13 introduced officially, we 14 know the cost, we'll be 15 pursuing that legislation 16 as well. 17 As President Powers 18 spoke about earlier, the 19 Community Hero Protection 20 act which was introduced 21 by Senator Fred Akshar. 22 That bill would make hate 23 crimes against certain law 24 enforcement, first</p> <p>157</p>	<p>1 inmates against correction 2 officers for crimes that 3 were committed in the 4 facilities. When we were 5 asked about our position 6 on that legislation, we 7 raised serious concerns 8 with that language. 9 We had conversations 10 with the bill sponsors. 11 And we were able to get 12 that language removed from 13 legislation. It was 14 amended and now our 15 members would fall 16 underneath that type. 17 It's not just correction 18 officers, either. There's 19 a variety of different 20 titles, it also includes 21 peace officers. 22 So, it's a wide ranging 23 bill and it has great 24 implications based on the</p> <p>159</p>
<p>1 responders, correction 2 officers, it would make 3 those crimes hate crimes. 4 So we, as we were told 5 earlier, we participated 6 in that press conference, 7 we provided statements for 8 the press release that 9 came out of that. 10 And we're going to be 11 working with bill 12 sponsors, the legislature 13 and all the other law 14 enforcement organizations 15 that are supporting this 16 bill to see if we can get 17 that bill enacted into 18 law. It's an excellent 19 bill. 20 Real quick, 21 additionally when that 22 bill was introduced there 23 was language that would 24 exclude the actions of</p> <p>158</p>	<p>1 environment that law 2 enforcement is going 3 through throughout the 4 country, you know, these 5 unprovoked attacks and, 6 you know, just safety and 7 security within the 8 community, for being 9 targeted only for the 10 uniform that you wear. 11 It's unjust and this is a 12 good bill and we will be 13 supporting this 14 wholeheartedly. 15 Tammy and Mike had also 16 spoken about the public 17 employees conference. 18 It's an organization that 19 NYSOPBA is a member of. 20 There's eighty unions that 21 are part of this 22 organization. A lot of 23 these organizations are 24 law enforcement unions.</p> <p>160</p>



1 Many out of the New York  
2 City area, but there are  
3 some statewide  
4 organizations that are  
5 included within the  
6 membership.

7 They have a very good  
8 network. That's why  
9 we're -- when we went to  
10 this breakfast and all the  
11 talk about the  
12 constitutional convention,  
13 all the talk about the  
14 Janus versus AFSCME case,  
15 they have formed a  
16 committee that's going to  
17 be looking more closely at  
18 both of these issues and  
19 developing campaigns and  
20 educational platforms to  
21 inform the members of the  
22 organization, families and  
23 public.

24 To make sure everybody

161

1 to me. I really  
2 appreciate the members who  
3 are willing to step up and  
4 disseminate the  
5 information.

6 Hopefully by talking  
7 about this now, it will  
8 jog your memory and it was  
9 just something that you  
10 happened to forget at your  
11 last local meeting and I'm  
12 going to be getting a  
13 whole bunch more. We  
14 really want to establish a  
15 nice database that is  
16 reached in all facilities  
17 so that we can --  
18 essentially we're going to  
19 take some of the work off  
20 your plate as chiefs and  
21 as stewards, because we're  
22 going to reestablish -- if  
23 you want the job yourself,  
24 take it.

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1 has the tools to make the  
2 decisions that are going  
3 to lend the best result  
4 for us, essentially voting  
5 no for a constitutional  
6 convention in November.  
7 And doing our best to  
8 combat the decisions that  
9 come down in the Supreme  
10 Court. That might be  
11 something that we can't  
12 contest, but we definitely  
13 need to have our voices  
14 heard.

15 The last EA we  
16 discussed facility PAC  
17 reps. The response has  
18 been minimal; we'll call  
19 it minimal. About twelve  
20 people got back to me on  
21 that. So, for those that  
22 did, I really appreciate  
23 you getting it out to your  
24 members and getting back

162

1 Some of you have guys  
2 do a great job getting the  
3 information back, we hope  
4 that all of you do it.  
5 But we need to get the  
6 information out, and time  
7 and time again we had  
8 conversations with members  
9 or chiefs or stewards  
10 whoever the case may be  
11 and, oh, we didn't know  
12 anything about that.

13 Well, politically, I  
14 don't want that to fall  
15 back on anyone. So, I  
16 want to get that person in  
17 place so that we can get  
18 the information out to the  
19 members so that they have  
20 the right information  
21 about whatever events are  
22 taking place, different  
23 types of membership  
24 engagement that we need to

164

1 take part of. And just so  
2 that we have an active  
3 membership that is in the  
4 know, educated and ready  
5 to stand up and have our  
6 voices be heard.

7 Finally, the Lobby Days  
8 have been scheduled. And  
9 by the end of this week  
10 we'll have information out  
11 to all you guys as far as  
12 the flyers that we would  
13 like to have you post on  
14 the bulletin boards, the  
15 registration documents  
16 that we'll have put on.  
17 We'll also blast that  
18 information out to all the  
19 members that we have on  
20 file, as part of the  
21 e-mail and text messaging  
22 goes. And we'll have that  
23 out by the end of this  
24 week.

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1 blasted out to all the  
2 stewards, all the members.  
3 It will be posted on the  
4 website. And it will be  
5 out there. So, you know,  
6 we'll look forward to  
7 starting to receive those  
8 registrations. The  
9 legislative agenda that I  
10 discussed will essentially  
11 be the agenda that we will  
12 be pushing during those  
13 Lobby days, pending any  
14 unforeseen circumstances  
15 that may arise in the  
16 meantime.

17 That's all I have for  
18 my report. If anyone has  
19 any questions, I'll be  
20 happy to address them. If  
21 not, thank you. Have a  
22 good day.

23 PRESIDENT POWERS:  
24 Thanks Dan. Bill Naylor,

167

1 So real quick, just  
2 so you know which region  
3 is going on which date.  
4 On Tuesday May 2nd will be  
5 the western region.  
6 Tuesday May 9th will be  
7 the northern region.  
8 Tuesday May 23rd will be  
9 the Mid-Hudson region.  
10 The southern region will  
11 be going on May 16th,  
12 Tuesday May 16th. Law  
13 enforcement sector will be  
14 going on Wednesday, June  
15 7th. That's the only  
16 really novelty was the  
17 Wednesday, but I'm sure  
18 we'll have a great  
19 turn-out as we always do.  
20 And finally, the central  
21 region on Tuesday, June  
22 6th.

23 So, again, all this  
24 information will be

166

1 retirement?

2 BILL NAYLOR: Good  
3 afternoon. Last week I  
4 was able to attend the  
5 Advisory Council meeting  
6 with the state  
7 comptroller. It was  
8 basically on the health of  
9 the retirement system.  
10 Right now there's a  
11 hundred and eighty-five  
12 billion dollars in the  
13 retirement system.

14 They're paying out  
15 within the third quarter,  
16 they're paying out a  
17 little over ten billion  
18 dollars. They're expected  
19 to exceed eleven billion  
20 in the next fiscal year.  
21 With that, there was some  
22 things that came up.  
23 Right now there's a  
24 hundred eighteen thousand

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1 retirees stateside that  
2 are actually retired in  
3 the retirement system.  
4 So, one of the big  
5 notes that the comptroller  
6 had brought up was that  
7 out of those hundred  
8 eighteen thousand members,  
9 there's about seventeen  
10 percent that retire with  
11 an outstanding retirement  
12 loan. The figure that  
13 they use as the average  
14 was twelve thousand seven  
15 hundred fifty-three  
16 dollars per member.  
17 So, to do the math on  
18 that, that's a big chunk  
19 of change that the  
20 retirement system doesn't  
21 recoup, because as you  
22 know when you retire with  
23 an outstanding retirement  
24 loan, that doesn't get

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1 paid back. That money is  
2 lost. Even though it  
3 offsets the members  
4 retirement for the rest of  
5 their life, that money  
6 doesn't get recouped, so  
7 that's money lost.  
8 So one of the things  
9 they're looking at is  
10 possibly going to what the  
11 federal government does  
12 with their retirement  
13 loans. And they allow  
14 their employees to borrow  
15 up to fifty percent or  
16 fifty thousand dollars,  
17 whichever is less.  
18 Currently our members or  
19 New York State Retirement,  
20 you can borrow up to  
21 seventy-five percent on  
22 your retirement.  
23 So, he's looking to  
24 kind of limit how much

170

1 money might get lost.  
2 That would have to be done  
3 legislatively. So, that  
4 was just one of the fixes  
5 that they were looking to  
6 I guess limit how much  
7 money they're losing every  
8 year.  
9 Good guy letters, I'm  
10 still getting phone calls  
11 on good guy letters.  
12 There is no such thing as  
13 good guy letters. It's  
14 actually a pistol permit  
15 recommendation. In order  
16 to get a pistol permit  
17 recommendation, they have  
18 to request a release of  
19 authorization, personnel  
20 procedure 415 through the  
21 facilities personnel  
22 department.  
23 What the facility does  
24 is they check the record

171

1 and they research as far  
2 as personnel information  
3 at the facility level.  
4 That is forwarded up to  
5 DOCCS personnel. Once  
6 DOCCS personnel gets that,  
7 they collaborate with OSI  
8 and Labor Relations to see  
9 if there is anything on  
10 the members file. And  
11 then after all that  
12 information is compiled,  
13 the pistol permit  
14 recommendation gets  
15 written and sent to the  
16 agency that is requesting  
17 the recommendation and a  
18 copy goes to the member.  
19 So the member doesn't get  
20 to see it before it's  
21 printed and sent off. It  
22 gets sent to the agency  
23 first.  
24 The retirement online,

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1 the new retirement online  
2 is up and running for  
3 active members. You can  
4 request a retirement loan  
5 on line, update your  
6 contact information and  
7 change beneficiaries.  
8 This is phase one. For  
9 retirees, you can print  
10 your employment  
11 verification letter,  
12 update contact information  
13 and view your pension  
14 stubs on line.

15 Eventually, it's going  
16 to get to a point where  
17 active members will  
18 actually be able to track  
19 their FAS as they're  
20 going. So you won't have  
21 to set up one and one, or  
22 anything like that.

23 And then again, in  
24 phases two and three,

173

1 after you retire. Once  
2 you receive that bill,  
3 contact deferred comp fill  
4 out the public safety  
5 officer's authorization  
6 form and they'll  
7 automatically do a trustee  
8 to trustee transfer to the  
9 retirement system.

10 Now, if you're looking  
11 to go transfer the entire  
12 three thousand dollar  
13 amount, at one time, then  
14 I would suggest in the  
15 department report that I  
16 submitted, there's a form  
17 letter in the back called  
18 a Civil Service Refund or  
19 hold refund letter, what  
20 that is is for you to  
21 notify Civil Service that  
22 you're transferring over  
23 the entire three thousand  
24 dollar amount and for them

175

1 you're going to be able to  
2 file for retirement and do  
3 everything on line. What  
4 that does is there's no --  
5 there's an history  
6 electronic history of you  
7 processing the  
8 applications. So there's  
9 no getting it lost in the  
10 mail or delays with snail  
11 mail or having to have it  
12 notarized; it's all done  
13 electronically.

14 Deferred comp I'm  
15 getting questions on how  
16 to set up deferred comp.  
17 The process on that for  
18 deferred comp to pay  
19 off -- to use your  
20 deferred comp to offset  
21 your health insurance, you  
22 have to first wait until  
23 you receive your first  
24 health insurance bill

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1 to hold that money.

2 If you don't send in  
3 that letter to Civil  
4 Service and request for  
5 them to hold the refund,  
6 they're going to send it  
7 back the remaining amount,  
8 the bill back to deferred  
9 comp or they're going to  
10 send it to you. So if you  
11 want to utilize that, you  
12 send that hold refund  
13 letter to Civil Service  
14 and they'll hold that  
15 three thousand dollar  
16 amount and they'll just  
17 eat away at that. Once  
18 that's gone, then you will  
19 start to receive bills in  
20 the mail again.

21 Chapter stats, we added  
22 a hundred eighty-three  
23 retirees as of the end of  
24 the January. We actually

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1 had a hundred seventeen  
2 retirees in January.  
3 That's the highest January  
4 on record since 2007 when  
5 we started tracking the  
6 stats for retirees.  
7 We had twenty-five members  
8 pass. Eight failed to  
9 renew. And our current  
10 total is nine thousand  
11 three hundred eighty-one  
12 retirees in the chapter.  
13 That's all I have. Any  
14 questions for me?

15  
16 (No response.)

17  
18 BILL NAYLOR: All right  
19 Thank you.

20 PRESIDENT POWERS:  
21 Thanks, Bill. We'll go  
22 into committee reports.  
23 We'll start with Joe.  
24 Election Committee?

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1 committee, let me read the  
2 thing to you.

3 If you have an increase  
4 to sector stewards at the  
5 sector meeting, please  
6 send the minutes regarding  
7 the change to NYSCOPBA'S  
8 recording secretary,  
9 membership services. All  
10 documents to increase your  
11 sector stewards must be  
12 received before the sector  
13 nominations occur.

14 Everybody got this  
15 letter? Here is the  
16 important part. If we do  
17 not have a record of your  
18 increase of sector  
19 stewards at your facility,  
20 the election committee  
21 will enforce the number of  
22 stewards you are allowed  
23 by the constitution at the  
24 time of the sector steward

179

1 JOE BELLINGER:  
2 Vacancies in the  
3 committees. Retirement  
4 committee we have two  
5 vacancies once out of the  
6 west and one out of the  
7 central.

8 VP WEST MIANO: Joe  
9 Miano, Western Region VP.  
10 Al Mothershed, Livingston.

11 JOE BELLINGER: Al  
12 Mothershed out of  
13 Livingston. Central  
14 region?

15 VP CENTRAL LASHWAY:  
16 Guy Williams, Cape  
17 Vincent.

18 JOE BELLINGER: Guy  
19 Williams out of Cape  
20 Vincent. That's all we  
21 have for vacancies.

22 In your paperwork you  
23 received a notification  
24 from the election

178

1 elections in July of 2017.

2 So that means that if  
3 you already have it on  
4 record, it's good to go,  
5 you don't have to change  
6 anything, stay as they are  
7 until you change it back.  
8 But if you have it  
9 increased in the last  
10 year, you need to have a  
11 motion in the minutes to  
12 Stephanie to put that on  
13 record. Any questions on  
14 that?

15 Procedures for law  
16 enforcement, the  
17 nominations, it's on  
18 number three of the  
19 procedure guidelines law  
20 enforcement title, work  
21 site sector steward  
22 elections. It's on number  
23 three. The election  
24 committee will ensure the

180

1 membership services sends  
2 the self nomination forms  
3 out to law enforcement  
4 unit members on April  
5 21st, 2017. This will  
6 include a self nomination  
7 for all law enforcement  
8 with the title of sector  
9 steward. The self  
10 nomination forms will  
11 include a box for the  
12 chief sector steward as  
13 well.

14 Those of you who are  
15 interested in running for  
16 the position at your  
17 sector, must check this  
18 box, print and sign their  
19 name. Any questions on  
20 law enforcement?

21 On to the adopted  
22 procedure guidelines for  
23 sector stewards for  
24 corrections. The

181

1 for the sector meetings.  
2 Here is the important  
3 part. Please note, union  
4 leave will not be granted,  
5 members have to be on  
6 their own time. In the  
7 event that more than three  
8 members ask to be on the  
9 committee, the sector  
10 shall hold an election by  
11 its members for the three  
12 committee members.  
13 Facilities with multiple  
14 entries shall have the  
15 option of a five member  
16 election committee. Any  
17 member who was also  
18 running for office at the  
19 sector level shall not  
20 serve at the sector  
21 election committee.  
22 Election committee  
23 nominations must be posted  
24 on the date of the agenda

183

1 procedure guidelines must  
2 be posted at your  
3 facility. Everybody  
4 should have this packet,  
5 it's in the folder.  
6 Anybody not have it?  
7 Number two, the sector  
8 election committee must be  
9 established a hundred and  
10 twenty days prior to the  
11 date of the sector  
12 elections. That day is no  
13 later than March 22nd,  
14 2017.

15 What does that mean?  
16 That means you need to  
17 hold an election for the  
18 election committee at your  
19 sector by March 22nd.  
20 Questions?

21 Number three, each  
22 sector shall have a three  
23 member election committee.  
24 Volunteers should be asked

182

1 for your sector meeting.  
2 And here's one I'm  
3 going to jump the gun  
4 here, for the nominations  
5 for sector steward,  
6 executive steward  
7 nomination meeting must be  
8 held at least sixty days  
9 prior to the day of the  
10 election. Nomination  
11 meetings for sector  
12 stewards must be held by  
13 May 21st, 2017.  
14 Nomination date, time and  
15 place must be posted.

16 Now, if you flip over  
17 to the last page, the  
18 sector election committee  
19 form. This is the form  
20 you put your committee  
21 name, address, telephone,  
22 the facility and the  
23 facility phone number.  
24 Every year we have to

184

1 chase these down. I get a  
2 list from Stephanie and  
3 I'm calling probably  
4 thirty jails trying to  
5 hunt down this form.

6 Once that committee is  
7 in place, forward this to  
8 Stephanie, bring it to the  
9 next meeting. It doesn't  
10 really help to fill it out  
11 here, because you don't  
12 have all the information  
13 just putting the person's  
14 name on here doesn't work,  
15 because we need the phone  
16 numbers. Questions?

17 The tally for the  
18 contract ballots is on the  
19 website, if anybody is  
20 interested in where we're  
21 at with that, how many  
22 ballots have been received  
23 so far. Any questions for  
24 the election committee?

185

1 there and keep spiraling  
2 out of control. Because  
3 what will happen is  
4 they'll void the whole  
5 election and we'll end up  
6 doing it all over again.  
7 So if you could, just keep  
8 an eye on your election  
9 process as we go.  
10 Thank you.

11 PRESIDENT POWERS:  
12 Thanks, Joe. Veteran's,  
13 Eladio? Shawn PAC?

14 SHAWN KEENAN: Good  
15 afternoon. I'm not going  
16 to beat a dead horse here.  
17 Dan went over most of the  
18 stuff. If anybody's got  
19 questions on the Lobby  
20 Days, come see me, we have  
21 those dates.

22 We're holding on the  
23 21st of March, a  
24 reception. It's going to

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1 Seeing none, you have the  
2 nominations for the  
3 election committee and  
4 then the sector elections  
5 are in may.

6 The responsibility of  
7 the chief sector stewards  
8 during the election  
9 process is, what we see a  
10 lot of times is once the  
11 committee is in place the  
12 chief sort of disappears  
13 in some places. The job  
14 of the chief is still to  
15 oversee what's going on  
16 with the election and the  
17 process. If you had see a  
18 bump in the road and  
19 you're not sure how to  
20 handle it, you need to  
21 call myself, call  
22 Stephanie, call somebody  
23 to get the answers.

24 Just don't let it set

186

1 be the executive board,  
2 PAC committee and any PAC  
3 reps from the facilities  
4 that we have at this  
5 reception. It's going to  
6 be for the Assembly and  
7 Senate, kind of a mix and  
8 mingle, shake hands, kiss  
9 babies type thing. Make  
10 better friends.

11 We have a lot more  
12 stuff as far as what we're  
13 trying to get involved in.  
14 That will be going on at  
15 the Renaissance Albany on  
16 the 21st of March, six  
17 p.m. to eight p.m.

18 Dan, mentioned earlier  
19 about the facility PAC  
20 reps. It's tough to get  
21 people involved, but we  
22 need to get more people  
23 involved on these PAC  
24 issues to take -- I can

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1 come back to our western  
2 regions and I can make all  
3 the statements I want.  
4 But if the guys aren't  
5 taking it back into their  
6 facilities and getting  
7 that information out, we  
8 have a lot of stuff coming  
9 up with the PAC and the  
10 legislature, as far as the  
11 Janus decision, those  
12 things. The conference  
13 that's coming up, the  
14 constitutional.

15 We need to get active.  
16 We need to let our  
17 representatives know what  
18 our position is on this.  
19 And in order to do that,  
20 we have to have voices in  
21 the local level, county  
22 and each region. Those  
23 facility reps help  
24 disseminate that

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1 information and get our  
2 people more involved. I  
3 can stand up here and  
4 preach to everybody all  
5 day long and it doesn't go  
6 farther -- the ones that  
7 are doing the work are  
8 here, so I'm talking to  
9 the choir.

10 We need to go back and  
11 get more people in the  
12 choir and get them active.  
13 There are people there  
14 that might be shy, they  
15 won't just step up. Go to  
16 people that you know that  
17 might be politically  
18 active. Ask them if they  
19 want to do it, get them on  
20 the e-mail list with Dan.  
21 Dan will send them all the  
22 information.

23 They can contact any  
24 one of the reps that sit

190

1 on the PAC committee for  
2 each region. We're more  
3 than glad to talk to get  
4 them involved. Again, the  
5 Janus versus AFSCME, we  
6 can't get behind that  
7 enough. I think you guys  
8 understand the  
9 ramifications. If you  
10 don't, please get with  
11 somebody and please  
12 understand it could be  
13 severe.

14 Lobby days, the seats  
15 are going to be limited.  
16 Please get your guys in,  
17 get them in early, get  
18 your stuff reserved as far  
19 as rooms. We're going to  
20 be doubled up in rooms so  
21 that we can fit everybody  
22 that wants to come. Joe?

23 VP WEST MIANO: Joe  
24 Miano, Western Region VP.

191

1 When was it said that they  
2 were going to be limited  
3 the number of people to  
4 attend Lobby Days?

5 SHAWN KEENAN: Well, as  
6 far as the number of rooms  
7 that we have available  
8 that we're going with,  
9 we're going to be doubling  
10 up rooms to get people in.  
11 We're going to try to take  
12 as many as we can from  
13 each region.

14 VP WEST MIANO: We went  
15 through this last year,  
16 and every fall we go  
17 around asking people to  
18 get involved politically.  
19 And now come springtime,  
20 we're going to tell them  
21 there's a limit to the  
22 number of people that can  
23 go. I don't know if Dan  
24 is still here.

192



1 SHAWN KEENAN: I don't  
2 believe we're going to  
3 turn anybody away. What  
4 we're trying to say is, to  
5 get guys in, we don't want  
6 to do the last minute  
7 thing like we have in the  
8 past. Let me people know  
9 you will be doubled up in  
10 rooms. It's the only way  
11 we're going to make it  
12 work to get as many rooms  
13 booked as possible.

14 PRESIDENT POWERS:  
15 Excuse me, if I can.  
16 We're just asking for  
17 quick return basically.  
18 Because last year with  
19 some of the high volume,  
20 namely the west and the  
21 north, which was combined  
22 with the central, what  
23 we've done is we broke it  
24 down for each region. We

193

1 didn't combine any two  
2 regions.

3 So with that being said  
4 we're looking to be able  
5 to make sure that we can  
6 get rooms. We ran into a  
7 problem getting rooms last  
8 year due to high volume in  
9 some of the regions. So  
10 the more -- we may have to  
11 double up. Two guys  
12 coming from Riverview, or  
13 you get eight people  
14 coming from Riverview,  
15 guys can be double  
16 bunked -- doubling up.

17 VP WEST MIANO: Even  
18 the department is getting  
19 rid of double bunks.  
20 That's why if you have a  
21 hard date and there's no  
22 exceptions beyond that  
23 date, you don't have to  
24 worry about it being too

194

1 close to the day of the  
2 event.

3 SHAWN KEENAN: I can  
4 safely say, Joe, I don't  
5 believe we're going to  
6 turn anybody down. We  
7 haven't reached those  
8 numbers. I'd like to get  
9 to that point. I'll go  
10 over our ballot sheet for  
11 2017 so far.

12 Right now as of  
13 February 14, 2017, you had  
14 a starting balance as of  
15 1/31/17 of eighty-seven  
16 thousand, five hundred  
17 fifty-nine dollars.  
18 Deposits and transfer,  
19 January transfers were  
20 twenty-five thousand.  
21 Total income of  
22 twenty-five thousand.  
23 Checks paid out, five  
24 thousand two hundred.

195

1 Total expenses five  
2 thousand two hundred.  
3 Ending balance of one  
4 hundred seven thousand,  
5 three hundred fifty-nine  
6 dollars. 2017, year to  
7 date expenditures, seven  
8 thousand, eight hundred  
9 dollars. I've got nothing  
10 else. Anybody?

11  
12 (No response.)

13  
14 SHAWN KEENAN:  
15 Thank you.

16 PRESIDENT POWERS:  
17 Thanks, Shawn. Eladio,  
18 Veterans.  
19 ELADIO MARTINEZ: Good  
20 afternoon. The one thing  
21 I've been working on or  
22 we've been working on, is  
23 getting new veterans,  
24 being new hires, new

196

1 veterans in the jails,  
2 they have to be certified.  
3 If they qualify for the GI  
4 bill, it's kind of a  
5 tedious process. It has  
6 to be a certified official  
7 at your jail to put in for  
8 the members GI bill money.

9 If he goes past his  
10 years, he will lose that  
11 money. So the problem is  
12 having a certified  
13 official at each jail.  
14 That's what we've been  
15 working on for like three  
16 jails. So if you have new  
17 veterans, have them  
18 contact us through the  
19 e-mail is probably the  
20 easiest. It's Vets  
21 Committee at NYSCOPBA dot  
22 org, and we'll take it  
23 from there.

24 Veterans, whether

197

1 have to get his  
2 information.

3 Grave markers, we have  
4 grave markers for various  
5 wars, conflicts. We have  
6 Vietnam, we have  
7 Afghanistan, Desert Storm  
8 and Iraq. And we have  
9 regular USMC, Army, Air  
10 Force and Navy. God  
11 forbid any one of us pass  
12 away, we have two of each  
13 on hand. We're developing  
14 a point of contact list  
15 for every jail, working on  
16 that as well as a  
17 certified official at each  
18 jail for the veterans.  
19 The e-mail vets committee  
20 at NYSCOPBA dot org, we'll  
21 see if we can make  
22 something up so everybody  
23 can put it up on their  
24 bulletin boards at their

199

1 you're combat or  
2 non-combat veteran, and  
3 you haven't bought your  
4 time, if you wait past  
5 this March there might be  
6 a possibility that you  
7 might not able to buy back  
8 because it's not included  
9 in the budget. So for the  
10 non-combat guys, if you  
11 can buy it, but it. It's  
12 better to have it and not  
13 use it. It will be  
14 returned to you if you  
15 don't use it, if you go  
16 past your twenty-five  
17 years.

18 Currently we have three  
19 members overseas. We have  
20 one out of Coxsackie, one  
21 out of Downstate, one out  
22 of Clinton. And there's  
23 one being activated out of  
24 SSO out of Mid Hudson, I

198

1 jails. And we're still  
2 working on the Veterans  
3 Remembrance Tour for  
4 September. That's all  
5 I've got. Any questions?

6 (No response.)

7  
8  
9 ELADIO MARTINEZ: Okay.  
10 Thank you.

11 PRESIDENT POWERS:  
12 Thanks, Eladio. Ten  
13 minute break.

14  
15 (Whereupon, a short  
16 recess was then taken.)

17  
18 PRESIDENT POWERS:  
19 Let's find our seats.  
20 Clear the hall. Let's get  
21 started. Continuing with  
22 committee reports.

23 VP WEST MIANO: Real  
24 quick, Mike. Joe Miano,

200

1 Western Region VP. I  
2 just -- normally we wait  
3 until the second day to  
4 recognize people that it's  
5 their last EA, this is  
6 Bill Makuch's last EA.  
7 He's going to be retiring  
8 shortly and I just want to  
9 recognize him, so people  
10 have a chance to wish him  
11 well. He's been a very  
12 big advocate for any union  
13 he's been involved with  
14 and very active in the PAC  
15 and I just want to wish  
16 him well.

17  
18 (All applause and standing  
19 ovation.)

20  
21 PRESIDENT POWERS:  
22 Bill, we wish you the  
23 best. Thanks, Joe.  
24 Committee reports. Chris

201

1 Hansen, health and  
2 welfare.  
3 VP NORTH HANSEN:  
4 Good afternoon, Chris  
5 Hansen, Northern Region  
6 VP. I'm doing a dual  
7 committee report. We met  
8 this morning and I think  
9 everything all the chiefs  
10 got a copy by now. We did  
11 a joint health and  
12 welfare, retiree committee  
13 meeting. The onus was on  
14 Telemed.

15 I think this is one of  
16 the most important things  
17 that has come down the  
18 read for NYSCOPBA. I  
19 attended many contract  
20 meetings and I saw how the  
21 copay raises went over;  
22 obviously not too well.

23 Telemed, and I'm sure  
24 you all have seen Telemed

202

1 at your facilities.  
2 Inmates get Telemed. You  
3 go on a video and you get  
4 diagnosed by a doctor.  
5 Just bear with me with  
6 this because it's all  
7 relatively new.

8 What this program is,  
9 and what we've talked  
10 about doing is, we'd like  
11 to start the program out  
12 with our retirees. We've  
13 got ninety-three hundred  
14 retirees and here is how  
15 the program works. Just  
16 like they do inside the  
17 prison, you dial up your  
18 Telemed. There's a group  
19 of over five thousand  
20 physicians for Telemed.

21 And, again, I did RFPs,  
22 and I've done several  
23 RFPs. I had one person  
24 come in and do a

203

1 demonstration to the  
2 committees this morning  
3 and some of the board  
4 members have seen this  
5 over the last two, three  
6 months. This has been  
7 going on for about nine  
8 months.

9 So, Telemed is dialing  
10 up on your WiFi. You can  
11 do it in your living room,  
12 you can do it on your  
13 phone. The key thing  
14 about Telemed is there's  
15 no copays. The union  
16 would pay a flat rate to  
17 kick off the program. The  
18 committees have talked  
19 about kicking it off with  
20 the retiree chapter. It's  
21 a smaller group. We'd be  
22 able to read the  
23 statistics a little bit  
24 better and see how much

204

1 usage we got out of it.  
 2 So, again, you would  
 3 dial it up at home,  
 4 there's no copays. The  
 5 doctor can prescribe  
 6 medication to you, just  
 7 like he would a regular  
 8 doctor. And they can give  
 9 you notes just like a  
 10 regular doctor. The only  
 11 downside on this is if you  
 12 cut your finger off or you  
 13 break a leg, it's not  
 14 something you would use  
 15 Telemed for. This is for  
 16 those groups of people,  
 17 what did we talk about,  
 18 forty-five hundred  
 19 families who use the  
 20 emergency room seven times  
 21 or more. This might be  
 22 good for those forty-five  
 23 hundred families that use  
 24 the emergency room seven

205

1 times or more.  
 2 The two biggest drugs  
 3 that are dispensed are  
 4 Amoxicillin and Z-Pack.  
 5 The way they explained it,  
 6 the Z-pack is for the  
 7 adults an their winter  
 8 woes and the Amoxicillin  
 9 is for the children for  
 10 your all around yearly  
 11 sicknesses for your kids.  
 12 So, again, we're going  
 13 around watching the  
 14 collective bargaining  
 15 committee talk about  
 16 increased copays, the  
 17 projections on usage of  
 18 copays would be about  
 19 fifty-four percent less  
 20 with your average  
 21 illnesses.  
 22 So, the reason we  
 23 presented it to the  
 24 retirees and the health

206

1 and welfare committee was  
 2 to get a cross-section of  
 3 how the retirees would  
 4 feel about something like  
 5 this. The people that  
 6 were here from the  
 7 retirement committee feel  
 8 that it's a great thing.  
 9 And the health and welfare  
 10 committee thinks it's a  
 11 great thing.

12 But the nice thing is,  
 13 this is something that if  
 14 it comes out positive for  
 15 the retiree committee, we  
 16 could possibly roll this  
 17 into the general  
 18 membership through a  
 19 contract negotiations down  
 20 the road. Not saying that  
 21 that could happen, but the  
 22 projections look like that  
 23 the state would be willing  
 24 to do this. I know we are

207

1 in the contract talks it  
 2 was brought up and the  
 3 state turned it down just  
 4 for the fact that every  
 5 union was not on board  
 6 with it at this point.  
 7 And they would love to  
 8 see it. And we could  
 9 possibly get them to pay  
 10 for a bunch of -- or for a  
 11 large share of the  
 12 Telemed. Again, this one  
 13 group came in and he did a  
 14 presentation. I had seven  
 15 other RFPs done by  
 16 Norvest, and we'll look at  
 17 them down the road and  
 18 look at the numbers; and  
 19 they all vary. But the  
 20 program could be  
 21 instituted for the  
 22 retirees for three dollars  
 23 per member per month. And  
 24 it comes out to about

208

1 three hundred twenty-four  
2 thousand dollars.  
3 Presently, I'll give  
4 you some numbers.  
5 Presently, the retiree  
6 chapter takes in thirteen  
7 thousand, two hundred  
8 fifty dollars per year for  
9 about the ninety-three  
10 hundred members that we  
11 have. We have a death  
12 benefit and an eye program  
13 that we give to those  
14 retirees for that thirteen  
15 thousand, two hundred  
16 fifty dollars.  
17 That death benefit and  
18 eye program cost  
19 seventy-six thousand,  
20 eight hundred dollars.  
21 It's a twenty-four hundred  
22 dollars a month for the  
23 twenty thousand dollars  
24 death benefit and four

209

1 thousand dollars a month  
2 for the eye program. So,  
3 the discussion here would  
4 be it would be a great  
5 thing to give the retirees  
6 another added program and  
7 it's a cost effective  
8 program.  
9 But there's also a cost  
10 that comes with it. And I  
11 have spoke to both health  
12 and welfare committee and  
13 the retirees who this  
14 would directly impact. We  
15 have talked for many years  
16 about the twenty-five  
17 dollar retiree dues. And  
18 whenever we hear that  
19 nasty word raising dues  
20 everybody gets upset about  
21 it and shy's away from it.  
22 But obviously the  
23 numbers speak for  
24 themselves, that the

210

1 retirees pay in about one  
2 eighth of what they're  
3 getting out. And believe  
4 it or not, the active  
5 member pays for the rest  
6 of that program, if you  
7 didn't realize that. All  
8 our active members pay for  
9 the retiree program,  
10 except for that thirteen  
11 thousand dollars.  
12 In our conversations,  
13 and if we implemented this  
14 program, it would about 36  
15 dollars a year per member.  
16 So, for the nine hundred  
17 thirty it would be 36  
18 dollars a piece. Again,  
19 having conversations over  
20 the years about raising  
21 the union dues, we  
22 discussed raising the  
23 union dues.  
24 Raising the union dues

211

1 is a constitutional  
2 amendment. And retiree --  
3 I'm not retiree, excuse  
4 me. So that's a  
5 constitutional amendment.  
6 So I guess from me to use  
7 is, I would be willing to  
8 write a constitutional  
9 amendment to raise the  
10 union dues. But I'm not  
11 going to write a  
12 constitutional amendment  
13 to raise the retiree  
14 contributions if there is  
15 no support.  
16 So, the facts are on  
17 the table about the  
18 program. The program is  
19 going to put actual money  
20 back into the retirees  
21 pocket. It's going to put  
22 money back into the union  
23 coffers, because now the  
24 retirees will be picking

212

1 up more of their fair  
2 share of their benefits.  
3 And it's a win-win  
4 situation as far as I look  
5 at it, because there's  
6 other programs -- and Bill  
7 Naylor has been in the  
8 process of trying to  
9 educate the retirees about  
10 our programs. The eye  
11 program itself gives you  
12 back a hundred dollars a  
13 year if you use it.  
14 So, there's a lot of  
15 ways to get your money  
16 back. And to me, you  
17 almost come out in the  
18 black at the end of the  
19 day, when you pay your  
20 hundred dollar union dues  
21 or retiree chapter union  
22 dues. So, I just think we  
23 should be on the cusp of  
24 trying to look at ways to

213

1 save our members money.  
2 And after seeing the  
3 collective bargaining  
4 committee go through all  
5 their meetings and talk  
6 about copays raises and  
7 medical insurance, here is  
8 a unique way I think of  
9 saving our members money  
10 through a creative idea I  
11 guess you could call it.  
12 And it would rectify a  
13 lot of situations that I  
14 heard during the  
15 collective bargaining  
16 process about the three  
17 most used emergency rooms  
18 are in the north country.  
19 One in Plattsburg, one in  
20 Canton and one in Malone.  
21 At this point we might not  
22 have to use those  
23 emergency rooms as much  
24 any more.

214

1 And, yes, again,  
2 anybody who uses emergency  
3 room it all comes out of  
4 our own pocket. So just  
5 remember, every time we do  
6 it, it effects all of us.  
7 We should be looking  
8 proactively on how to save  
9 money through our  
10 insurances. I think this  
11 is unique way to do it.  
12 And that's kind of it in a  
13 nutshell.  
14 I will sit down with  
15 the board, we'll look at  
16 the RFPs from the other  
17 groups, but I'm just  
18 throwing this out on the  
19 table to everybody here  
20 today. I'm a little bit  
21 educated in it. Mike  
22 Dildine and Dave Viddivo  
23 met yesterday and we  
24 discussed it, talked about

215

1 it.  
2 Bill Naylor and four or  
3 five other members of the  
4 board sat in the room  
5 about three weeks ago and  
6 talked about it. We've  
7 had about three, four  
8 meetings with different  
9 individuals looking at it.  
10 And everybody looks at it  
11 at face value as a good  
12 thing.  
13 So, I would like to  
14 open up the floor to any  
15 discussions as far as  
16 wanting to know a little  
17 bit more about the  
18 program, if it's something  
19 if we wanted to do  
20 something like this we  
21 have to go through the RFP  
22 process. But we want to  
23 try to get it moving as  
24 fast as possible to try to

216

1 get some statistical  
2 breakdown to see how  
3 effective it will be for  
4 the retiree chapter.  
5 TREASURER VIDDIVO:  
6 Chris, what was the  
7 percentage you said that  
8 currently which is about  
9 fifteen percent; what  
10 would that percentage  
11 increase if the dues were  
12 to increase to a hundred  
13 for the retiree?  
14 VP NORTH HANSEN: I'm  
15 sorry, I don't understand  
16 what you're saying.  
17 TREASURER VIDDIVO:  
18 Right now the active  
19 members pay eighty-five  
20 percent.  
21 VP NORTH HANSEN:  
22 Right, of the total cost,  
23 yeah.  
24 TREASURER VIDDIVO: So

217

1 really not productive to  
2 go up such a small amount.  
3 I've talked to a lot of  
4 retirees, I haven't talked  
5 to all of the retirees,  
6 but quite honestly, they  
7 feel the package they have  
8 now for twenty-five  
9 dollars is fantastic.  
10 When you get a twenty  
11 thousand dollar death  
12 benefit when you retire,  
13 you're probably only going  
14 to be around for  
15 twenty-five years. That's  
16 a hundred -- that's two  
17 hundred fifty dollars or  
18 five hundred dollars.  
19 It's a pittance compared  
20 to what you're going to  
21 get out of that  
22 twenty-five thousand  
23 dollar death benefit.  
24 So, the numbers add up.

219

1 the retiree is paying  
2 fifteen, what would that  
3 go up to, as far as paying  
4 for their full benefit  
5 package? Are they going  
6 to be paying eighty  
7 percent or a hundred  
8 percent?  
9 VP NORTH HANSEN: If we  
10 raise the retiree dues,  
11 well, if you look at a  
12 seventy-five dollar  
13 increase to a hundred  
14 dollars, and that's a  
15 number that's being kicked  
16 around, just for the fact  
17 that if you went up  
18 seventy-five dollars to a  
19 hundred, you probably will  
20 never have to have this  
21 conversation again for a  
22 long, long time. But  
23 if you went up twenty-five  
24 dollars to fifty, it's

218

1 It's just whether or not  
2 people want to look  
3 into -- look at it as a  
4 realistic thing they want  
5 to look at. It's not  
6 something you would have  
7 to pursue. Again, we can  
8 do it on a one time shot.  
9 We can even have a  
10 conversation about it  
11 being funded by the active  
12 members for one year,  
13 going to a pilot program,  
14 before you talk about the  
15 union due raises.  
16 But this -- if you did  
17 this simultaneously, you  
18 would level out the  
19 payment for the retirees,  
20 lessen the payment from the  
21 active members; and still  
22 get the retirees another  
23 program that's well worth  
24 it.

220

1           You guys know what the  
2           copays are. If you use  
3           this three, four times, if  
4           will pay for itself in a  
5           year.

6           (Comment from the  
7           floor.)

8  
9           VP NORTH HANSEN: Any  
10          input at all, great idea,  
11          no shitty idea.

12          TREASURER VIDDIVO: I  
13          got a question, have you  
14          thought about or talked  
15          about doing some type of,  
16          or reaching out to the  
17          retirees to get their  
18          input as to whether they  
19          would still send money in,  
20          if we decided to raise the  
21          dues.

22          VP NORTH HANSEN: Well,  
23          Bill could do a canvassing  
24          of them, but he could send

221

1          out a blast. Bill, what  
2          do you have right now for  
3          e-mails; half, three  
4          quarters?

5          BILL NAYLOR: Retiree  
6          e-mails, we have a fair  
7          amount. I'm not sure the  
8          exact number. I'd have to  
9          get with Stephanie to find  
10          out how many we do have.  
11          Off the top of my head, I  
12          don't have that number.

13          VP NORTH HANSEN: If  
14          the body wanted to do some  
15          kind of blast out to those  
16          retirees and do a survey,  
17          that may be proactive.  
18          That wouldn't hurt. And  
19          at the same time we can do  
20          a break down of the twenty  
21          thousand dollar death  
22          benefit, the eye program  
23          and educate the people.  
24          The eye program is really

222

1          under utilized. I mean,  
2          you go get an eye checkup  
3          and get a hundred dollars  
4          and it justifies itself.  
5          Jimmy?

6          JIM SONKO: So you want  
7          somebody to survey  
8          ninety-three hundred  
9          retirees to see if they  
10          want to pay an extra  
11          seventy-five dollars for  
12          what we're giving them for  
13          twenty-five dollars? I'll  
14          give you that vote now,  
15          save all your foot work.

16          VP NORTH HANSEN: Maybe  
17          that's the logic why we  
18          get in some of the  
19          situations we get in Jim,  
20          that logic.

21          BILL NAYLOR: Out of  
22          nine thousand, three  
23          hundred and eighty-one  
24          retirees, we have six

223

1          thousand, four hundred and  
2          seven e-mails.

3          VP NORTH HANSEN: I  
4          mean, I see no harm, no  
5          foul in it. Especially if  
6          you do an explanation of  
7          how much their benefit is  
8          worth. This is an added  
9          benefit. When you retire,  
10          you're getting older, you  
11          have more ailments, this  
12          is something you might be  
13          utilizing.

14          Also, this is a  
15          national program. All  
16          these people are bona fide  
17          doctors. That basically  
18          what they're doing is they  
19          work part-time for this  
20          company. You can pick  
21          your own doctor, they all  
22          have a resume. You can  
23          deal with it a different  
24          every time, you can get

224



1 one you feel comfortable  
2 with, they can refer to  
3 their own people.

4 And it just seems like  
5 a pretty good way to go.  
6 So, do we want to have a  
7 motion to see if you  
8 people want to survey the  
9 retirees to see how they  
10 feel about it?

11 PRESIDENT POWERS:  
12 Can't motion.

13 VP NORTH HANSEN: All  
14 right. So, unless anybody  
15 is adamantly opposed,  
16 we'll have the committee  
17 put together a survey,  
18 Bill will institute the  
19 survey and we'll put a  
20 time guideline on it.  
21 Give an explanation of not  
22 just that benefit but  
23 everything they're getting  
24 and by the next EA we

225

1 should be able to have a  
2 response. We'll give them  
3 a short window. All  
4 right. Thank you. That's  
5 it.

6 PRESIDENT POWERS: Mike  
7 Dildine, collective  
8 bargaining and  
9 constitution and bylaws.

10 RECORDING SECRETARY DILDINE:  
11 We have no collective  
12 bargaining report, there's  
13 nothing new to report. In  
14 your packet we handed out  
15 today's business. I'm  
16 going to start there, even  
17 though it says new  
18 business, because it was  
19 handed out today, because  
20 of the way we did the  
21 committee meeting now, we  
22 don't believe it's fair  
23 that you vote on something  
24 you haven't had a chance

226

1 to look at.

2 So what we'd like to do  
3 unless someone has an  
4 objection is to push that  
5 off until April, that  
6 issue on the Sergeant  
7 Liaisons voting or not.  
8 So in the meantime, he  
9 would not vote as per the  
10 last time? Does anybody  
11 have an issue with that?

12 So we will come back in  
13 April, it will be in your  
14 packet, for either a  
15 recommendation or a an  
16 amendment to address that  
17 issue. Any objections?  
18 All right. So that takes  
19 care of that.

20 We have one second  
21 reading that was in your  
22 packet. Article six,  
23 election of officers.  
24 Everybody should have that

227

1 if they have their packet  
2 with them. So, A, sector  
3 stewards, I'm only going  
4 to read the paragraph that  
5 changes.

6 Second paragraph,  
7 elections for sector  
8 stewards shall be held for  
9 each sector as soon as  
10 practicable and in any  
11 event, not more than sixty  
12 days following  
13 certification of the  
14 association, and the term  
15 of office for sector  
16 steward shall be two  
17 years.

18 So if this goes to the  
19 members, they vote, that  
20 sentence is stricken, it's  
21 crossed out. In bold  
22 print is the new language.

23 The chief sector  
24 steward position will be

228

1 offered to the steward  
2 receiving the highest  
3 number of votes of the  
4 sector. If the steward  
5 receiving the highest  
6 number of votes of the  
7 sector declines the chief  
8 sector steward position,  
9 the chief sector steward  
10 position will be offered  
11 to the remaining stewards,  
12 in descending order based  
13 on the number of votes  
14 received at the sector.

15 This will be conducted  
16 by the election committee  
17 chair person or designee  
18 in accordance with the  
19 adopted sector election  
20 guidelines. If there are  
21 no elections, the steward  
22 shall elect the chief  
23 sector steward. The  
24 amendment was submitted by

229

1 Carl Canterbury. Its  
2 wisdom, NYSCOPBA was  
3 founded on the premise,  
4 one man, one vote. This  
5 change will more  
6 accurately reflect the  
7 wishes of the members  
8 casting votes at said  
9 sector/work site. This  
10 change would further  
11 enhance and encourage  
12 membership involvement by  
13 providing the sector work  
14 site member with a voice  
15 in the election of the  
16 respective NYSCOPBA  
17 representative slash  
18 delegate. Constitution  
19 and bylaws committee  
20 recommendation was not  
21 adoption. The first  
22 reading was December 14,  
23 2016, today is the second  
24 reading. So we have to

230

1 vote.

2 As a reminder, a vote  
3 in the affirmative means  
4 you want to send this to  
5 the membership for a  
6 ratification vote. A vote  
7 no means you do not want  
8 to send this to the  
9 members for a ratification  
10 vote. We all clear on  
11 that? All those in favor  
12 signify by saying aye?  
13

14 (No Response.)

15  
16 RECORDING SECRETARY DILDINE:  
17 Those opposed?

18  
19 (All respond Nay.)

20  
21 RECORDING SECRETARY DILDINE:  
22 I heard no ayes, motion is  
23 defeated, it will not be  
24 sent to the members.

231

1 That's all I've got.

2 PRESIDENT POWERS:  
3 Thanks, Mike. Kenny Gold,  
4 publicity.

5 KENNY GOLD: Good  
6 afternoon. The PR  
7 committee met this  
8 morning, as probably did  
9 every committee. The  
10 first thing we discussed  
11 and it was in pretty good  
12 detail, the option of as  
13 we all know this  
14 organization is looking at  
15 possibly creating a  
16 foundation.

17 We talked in detail and  
18 we wanted to really see if  
19 it truly fits the needs of  
20 our members and what we're  
21 looking for. Going back a  
22 little bit, this was  
23 derived in some senses due  
24 to the raffle that we had

232

1 in 2015 with the  
2 motorcycle, as I'm sure  
3 you are all familiar with.

4 Last year about this  
5 time, maybe April, we  
6 passed out stuff for a  
7 truck, all that other  
8 stuff, going to  
9 Make-A-Wish, but we found  
10 out all these obstacles  
11 with the Gaming Commission  
12 and getting licensing and  
13 all that other really  
14 nonsense, to try to give  
15 money to charitable  
16 organizations.

17 A lot of the  
18 discussions that we talked  
19 about regarding the  
20 foundation, we still would  
21 have these same obstacles  
22 with the foundation or  
23 without the foundation.  
24 For example, if we were to

233

1 have a major raffle like  
2 we did a truck or  
3 motorcycle, what we should  
4 be doing per New York  
5 State Gaming, is going to  
6 every different township,  
7 village that we're going  
8 to sell these tickets in  
9 and actually get a permit  
10 for it.

11 I mean, there's many  
12 things, we have to be  
13 trustees or part of that  
14 organization. These are  
15 all things that came up  
16 why a foundation would be  
17 beneficial to us.  
18 Obviously we didn't decide  
19 one way or the other  
20 whether the foundation was  
21 beneficial or not.

22 The main thing that  
23 came out of it though,  
24 we were looking in the PR

234

1 Committee, we talked to  
2 Keith Jacques and Bill  
3 Golderman quickly, as well  
4 as Dave Viddivo about  
5 possibly reaching out,  
6 there's attorneys in our  
7 Buffalo part of Lippes  
8 Mathias, the law firm that  
9 we have, that specialize  
10 specifically in gaming,  
11 racing, that's their forte  
12 so to speak. Looking at  
13 possibly getting the  
14 committee to meet with  
15 that attorney and try to  
16 go up somewhere in Albany  
17 and meet with people from  
18 the Gaming Commission, to  
19 try to rectify some of  
20 these problems.

21 Because quite frankly  
22 all we're trying to do is  
23 have a raffle and donate  
24 money or some sort of

235

1 event to donate money to a  
2 decent charity. The  
3 problem there is it also  
4 negatively impacts us  
5 because we had to get rid  
6 of the fair last year. It  
7 was the first time a lot  
8 of our members were  
9 getting involved.

10 Whether it was selling  
11 tickets, whether they went  
12 somewhere. Granted, we  
13 did -- they were provided  
14 hotels and mileage but  
15 they were engaging for the  
16 union doing stuff for  
17 charitable and getting our  
18 words and our image out  
19 there that we're not just  
20 these people that all the  
21 negative publicity that we  
22 hear today in the news  
23 about.

24 So, the committee is

236

1 going to look at from  
2 there, like I said,  
3 meeting with people  
4 from the Gaming Commission  
5 to try to get some sort of  
6 statewide licensing or at  
7 least some sort of  
8 wording. I'm sure it's  
9 going to be difficult  
10 because it's not just  
11 NYSCOPBA that has these  
12 problems. It's all these  
13 other charitable  
14 organizations,  
15 firefighters, and so on  
16 and so forth.

17 But we got to try  
18 somewhere. And while the  
19 foundation -- the  
20 committee is working on  
21 creating a foundation,  
22 it's still, I can't speak  
23 for the board, but they  
24 met with Signal Thirty

237

1 actually selling those  
2 tickets, and I guess they  
3 went pretty fast.

4 So that's where we're  
5 at when it comes to  
6 looking at gaming licenses  
7 and foundation. The next  
8 thing we discussed was  
9 just a lot of the, you  
10 know, from the different  
11 regions, a lot of people  
12 were complaining about the  
13 lack of NYSCOPBA PR that  
14 they're seeing out there.

15 We see a lot of things  
16 against us. But they see  
17 mainly our commercials and  
18 our main PR is gauged  
19 towards Albany rather than  
20 out into the actual  
21 regions, whether it be  
22 billboards, commercials,  
23 any sort of PR that we do.

24 So, that being said

239

1 yesterday, which is a  
2 foundation for the  
3 Troopers, and they said it  
4 takes a good ten years  
5 until it's actually up and  
6 running the way they  
7 wanted it to run. There's  
8 a lot of hiccups,  
9 paperwork, all that stuff  
10 that comes along with it.

11 So, in the meantime  
12 we're trying to expedite  
13 something because we  
14 definitely saw a lot of  
15 positive feedback when it  
16 came to the raffle we had  
17 with the motorcycle. And  
18 obviously when we handed  
19 out those tickets last  
20 April and we had to stop  
21 because Make-a-wish pulled  
22 out for all the schematics  
23 that were wrong. We did  
24 hear some people were

238

1 Jimmy Miller unfortunately  
2 had a death in the family  
3 so he wasn't able to sit  
4 with us, so we couldn't  
5 gauge more of where we're  
6 at PR wise. But we did  
7 start talking, I don't  
8 want to call it a survey  
9 or questionnaire, but our  
10 members are the ones  
11 saying they want to see  
12 this stuff.

13 Maybe we come up with a  
14 form or whether we give  
15 them an e-mail to let them  
16 e-mail somebody, to try to  
17 get our membership input  
18 specifically on what they  
19 would like to see on the  
20 billboard, what they would  
21 like to see in the next  
22 commercial.

23 Unfortunately like we  
24 talked about earlier that

240

1 happened with Delaware,  
2 those conditions that  
3 happen to that what helped  
4 arise or negative  
5 conditions, are somewhat  
6 same similar that face us  
7 every day in the prisons  
8 and the work sites. It  
9 could happen anywhere at  
10 any time, I'm not telling  
11 you guys nothing you don't  
12 know.

13 So, that might be  
14 something that members are  
15 looking to get out and  
16 that's what we were  
17 thinking. They didn't  
18 come up with anything  
19 concrete there as well.  
20 But, you know, obviously  
21 the chiefs say what they  
22 want to hear come up here,  
23 but maybe if the members  
24 are upset about it, give

241

1 them a mechanism to report  
2 back what they would like  
3 to truly see in the  
4 billboards and stuff like  
5 that.

6 The last thing that  
7 we had, and again, we  
8 couldn't really touch too  
9 much on detail, but  
10 there's a lot of different  
11 PR entities that we deal  
12 with.

13 And if our members are  
14 feeling unhappy about the  
15 lack of PR that they're  
16 seeing, the committee  
17 wanted to look into what  
18 these companies are doing  
19 for us or not doing for  
20 us, and hopefully come  
21 back to you guys with some  
22 sort of idea. Because  
23 there's a lot of people  
24 that have, you know, we go

242

1 through a lot of different  
2 firms in our motions at  
3 these EAs, from MPS to, I  
4 believe Ed Looney and  
5 stuff like that.

6 So, we would like to  
7 get back to you guys on  
8 that as well. But it was  
9 tough, we obviously didn't  
10 have Jimmy who is our PR  
11 director there to  
12 specifically break down  
13 who does what and when,  
14 and what they do and don't  
15 do. So, any questions on  
16 that? Okay. See you next  
17 April.

18 PRESIDENT POWERS:  
19 Thanks, Kenny. That  
20 concludes the committee  
21 reports and today's  
22 agenda. Recognizing the  
23 hour, do I have unanimous  
24 consent from this body to

243

1 move into tomorrow's  
2 agenda. All signify in  
3 the affirmative by saying  
4 aye.

5  
6 (All respond aye.)

7  
8 PRESIDENT POWERS:  
9 Opposed?

10  
11 (No response.)

12  
13 PRESIDENT POWERS:  
14 Thank you. Unfinished  
15 business. Anybody have  
16 any unfinished business?

17  
18 (No response.)

19  
20 PRESIDENT POWERS: No.  
21 New business. Any other  
22 new business for the  
23 body?

24 MARK GREEN: Mark

244

1 Green, Albion. I had a  
2 couple questions from our  
3 members. On January 26th  
4 we attended a collective  
5 bargaining committee  
6 meetings. And at that  
7 time we found out that the  
8 eight member committee  
9 weren't physically at the  
10 meetings with the state.

11 And when I asked the  
12 question, you know, why  
13 did this happen or who  
14 authorized this, the  
15 answer was given that the  
16 committee authorized  
17 themselves to drop down to  
18 a smaller bargaining unit  
19 because of the fact the  
20 state only had two or  
21 three people in there;  
22 they didn't want to go in  
23 there with the eight.

24 With that being said

245

1 and bringing that back to  
2 the members that couldn't  
3 be at the collective  
4 bargaining committees, we  
5 don't understand this. In  
6 2014, they voted to go to  
7 the eight member  
8 committee, correct? And  
9 we voted for our regional  
10 reps to be there.

11 So, I don't understand  
12 why my regional rep  
13 wouldn't have been in  
14 those rooms for that  
15 meeting. That was -- that  
16 part was never answered.  
17 So, I'm wondering if  
18 someone could answer that.

19 RECORDING SECRETARY  
20 DILDINE: Mike Dildine.  
21 We did answer the  
22 question.

23 MARK GREEN: You.

24 RECORDING SECRETARY

246

1 DILDINE: Can I answer  
2 first, please? The  
3 committee decided to go to  
4 a small committee. That  
5 is the answer.

6 MARK GREEN: Who  
7 authorized that?

8 RECORDING SECRETARY DILDINE:  
9 The committee.

10 MARK GREEN: How? How  
11 does that happen?

12 RECORDING SECRETARY DILDINE:  
13 It happens -- if you're  
14 asking me --

15 MARK GREEN: The  
16 committee was voted on to  
17 be an eight member  
18 committee, so we had two  
19 executive board members  
20 and one person from each  
21 region to be in that room.  
22 So that one, everybody's  
23 opinions were perceived  
24 and given.

247

1 And that didn't happen.  
2 We ended up with what you  
3 said; you, John Harmon and  
4 one other person for all  
5 these meetings and you  
6 said to us that you met  
7 with the state up to a  
8 hundred times. Is that  
9 correct?

10 RECORDING SECRETARY  
11 DILDINE: I said we met as  
12 a committee overall up to  
13 a hundred times. I didn't  
14 say it, I don't know if  
15 John said it, I don't  
16 know. Somebody was asking  
17 for a guesstimate.

18 UNIDENTIFIED SPEAKER: Who  
19 is your western rep, ask  
20 them what happened.

21 MARK GREEN: Well, I  
22 did ask my rep and my rep  
23 told me that this wasn't  
24 an agreement between the

248

1 committee. He didn't vote  
2 on it.  
3 RECORDING SECRETARY DILDINE:  
4 Well, that's --  
5 MARK GREEN: Let me  
6 finish.  
7 RECORDING SECRETARY DILDINE:  
8 Hold on, let's bring --  
9 MARK GREEN: Let me  
10 finish and then you can  
11 answer. Because I asked  
12 that question to Andy and  
13 he said, you know, to his  
14 knowledge there was no  
15 agreement, there was no  
16 vote on that. And you're  
17 telling me that there was.  
18 RECORDING SECRETARY  
19 DILDINE: I'll let the  
20 committee speak on that.  
21 ANDY RICE: I'm just  
22 going to speak on that.  
23 Mark, I did say that it  
24 wasn't necessarily a vote.

249

1 But, again, I didn't stop  
2 that from happening. We  
3 discussed it as a  
4 committee. And as a  
5 committee we didn't put a  
6 stop to it. We said,  
7 okay, let's go or  
8 however -- it wasn't a  
9 roll call vote or anything  
10 like that. It was just  
11 mutually agreed to type  
12 thing. So it wasn't vote  
13 on it was mutually agreed  
14 to.  
15 RECORDING SECRETARY  
16 DILDINE: What actually  
17 happened, and what happens  
18 in many negotiations,  
19 health insurance has  
20 always been done in a  
21 small committee. No one  
22 comes in and asks  
23 permission to do that;  
24 they do it. Every

250

1 contract has always been  
2 done that way.  
3 This time we went  
4 through health insurance,  
5 when we got to the other  
6 part, it was actually Rich  
7 Janes, although we didn't  
8 take a vote, we asked,  
9 Rich Janes said, I think  
10 it's working better this  
11 way, let's continue.  
12 Anybody got an objection?  
13 No. That was the end of  
14 it. Kevin, Dave, is  
15 that -- you guys get up if  
16 I'm misrepresenting that  
17 at all?  
18 MARK GREEN: I'm not  
19 accusing you o  
20 misrepresenting me or  
21 anyone else. What I'm  
22 saying is it was voted on  
23 by the members in 2014  
24 that this would have went

251

1 to an eight person  
2 committee.  
3 You told me there's  
4 nothing in writing saying  
5 that we couldn't do that,  
6 because I was confused. I  
7 didn't understand -- my  
8 thought was, and I was  
9 telling all my members  
10 that hey, we got eight  
11 people. There's two  
12 people from the executive  
13 committee and then there's  
14 one chief from each region  
15 that are going in there to  
16 negotiate this.  
17 And then after the 26th  
18 I had to go and tell them,  
19 sorry, that's wrong,  
20 that's not what happened.  
21 So, I just don't  
22 understand what -- why did  
23 we even have a vote for a  
24 committee? Why did we

252

1 even have a vote for a  
2 western region rep to be  
3 there, so that they could  
4 be at a committee meeting  
5 for when you got out so  
6 that you could tell them  
7 what you perceived in  
8 those meetings, is what  
9 I'm saying?  
10 Because there's no  
11 minutes from when you met  
12 with the state, correct?  
13 RECORDING SECRETARY DILDINE:  
14 Correct.  
15 MARK GREEN: So when  
16 you, Mr. Harmon and  
17 whoever else was in there  
18 with you --  
19 DAVE LUTHER: Dave  
20 Luther, the guy standing  
21 right behind you.  
22 MARK GREEN: What the  
23 three of you heard is what  
24 you brought back, correct?

253

1 RECORDING SECRETARY  
2 DILDINE: Just so -- go  
3 ahead, Dave.  
4 DAVE LUTHER: Dave  
5 Luther out of Sing Sing.  
6 Mike is exactly right and  
7 Andy is correct in saying  
8 that we discussed it as a  
9 group. That we would  
10 continue to move forward  
11 as a small group. We were  
12 moving along nicely.  
13 But you have to  
14 understand there was  
15 nothing decided by the  
16 individuals, which was  
17 myself, John and Mike, and  
18 our two attorneys, Kohler  
19 Isaacs and Billy Sheehan  
20 were there. Nothing was  
21 decided before it was  
22 talked over and reviewed  
23 in writing.  
24 We talked about

254

1 proposals and every  
2 proposal was in writing.  
3 And every member got a  
4 choice to discuss the  
5 proposals that sat in  
6 front of us. And every  
7 one of us made proposals  
8 back to the state. It was  
9 all in writing.  
10 That being said, I  
11 asked several times,  
12 different members on the  
13 committee if they had a  
14 problem with how we were  
15 conducting business. And  
16 everybody said it was  
17 working well. Nobody  
18 objected. Nobody objected  
19 to how we did business.  
20 Now, I don't understand  
21 the whole -- I just hope  
22 nobody is saying or  
23 accusing anybody of any  
24 improprieties. Okay. I

255

1 want to make that  
2 perfectly clear because  
3 then I'm just going to be  
4 pissed. Because to  
5 accuse -- it almost sounds  
6 accusatory that something  
7 transpired between the  
8 three of us in there. If  
9 that's the case, I'm still  
10 waiting for my new  
11 Mercedes.  
12 Between the three  
13 people that were sitting  
14 there, all that  
15 information, we were  
16 nothing more than a vessel  
17 that got carried back to  
18 the committee. The  
19 committee's recommendation  
20 and what they wanted got  
21 carried back to Volforte  
22 and Joe Bress, the only  
23 two representing the  
24 state. That's how it

256



1 worked. We decided as a  
2 group to move forward that  
3 way.

4 We felt it was  
5 productive. We were  
6 moving forward. But I can  
7 not emphasize enough that  
8 there were no decisions  
9 made by anybody in that  
10 room unless a decision  
11 came from the committee  
12 themselves. And  
13 everything that we  
14 received was in writing.  
15 Okay.

16 MARK GREEN: Basically  
17 that's what I was asking.  
18 Because when you put the  
19 information out on the  
20 26th, you never said  
21 anything that you took  
22 back to the committee was  
23 in writing. The  
24 perception was, is that it

257

1 in writing when you  
2 brought it back to your  
3 bigger committee; that  
4 makes more sense. But  
5 that was never articulated  
6 at that 26th meeting.

7 VP LAW ENFORCEMENT  
8 HARMON: I think one thing  
9 that maybe is a  
10 misunderstanding, whether  
11 it was this contract  
12 negotiations or a previous  
13 contract negotiation,  
14 they're often is smaller  
15 groups meeting to discuss  
16 and negotiate, especially  
17 for health care.

18 It's been done in the  
19 past with Billy Sheehan  
20 involving contractual  
21 language and discipline  
22 issues; I know that's  
23 happened. I can tell you  
24 expedited arbitration was

259

1 was just your opinions  
2 that went back to the  
3 committee. Because that's  
4 why we were asking and why  
5 we were there.

6 And again, it was  
7 nothing accusatory about  
8 any wrong-doing. It's  
9 just the fact that in  
10 2014, our chief from 2014  
11 said this is why they did  
12 this. And then our  
13 current chief now went  
14 back and said, this is who  
15 our representative is,  
16 this is who is going to be  
17 sitting in with this  
18 negotiations. But then  
19 when we went back after  
20 these meetings, a lot of  
21 people were confused and  
22 didn't understand.

23 So, now that I hear  
24 what you're saying, it was

258

1 done by Billy Golderman  
2 and Mike Volforte,  
3 privately.

4 So it's not something  
5 that's uncommon that we  
6 say, okay, we're going to  
7 take you guys over here  
8 who always handle this or  
9 handle that. I mean, Ed  
10 Green did health insurance  
11 for every single contract  
12 since I have been with  
13 NYSOPBA.

14 And it was Ed Green,  
15 and Sharon, and then maybe  
16 a few people from the  
17 state. That was always  
18 done -- actually it wasn't  
19 even done sometimes in the  
20 room. It was done -- we  
21 said okay, you guys talk  
22 about it outside.

23 So, I mean, I think  
24 there's sometimes a

260

<p>1 misconception that you 2 just have everybody in the 3 room all the time 4 discussing everything all 5 the time. And the 6 committee made every 7 single decision that had 8 to be made, to either move 9 forward or back off or 10 whatever parameters 11 we were given while we 12 were in that room. 13 And the parameters were 14 in writing in our 15 proposals. Every proposal 16 we had, that was our 17 parameters, that's where 18 we wanted to get to. If 19 we didn't get there, we 20 said okay, we didn't get 21 there. We'd go back to 22 the committee and say, 23 okay, this is where 24 they're at, this is where</p> <p style="text-align: right;">261</p>	<p>1 just like to reiterate a 2 little bit about how some 3 of this did happen. 4 Everything we did as a 5 large committee, we met 6 every time prior to 7 meeting with the state. 8 And we all went to 9 whatever location it was, 10 the smaller committee met. 11 We had our agenda prior to 12 these meetings. We went 13 in with a small committee, 14 they came back to us. 15 There were times they 16 were saying that's what's 17 offered and we would tell 18 them, absolutely not, 19 that's a deal breaker, 20 that's a walk away item. 21 We are not gonna do that. 22 So once the eight of us 23 sat down and determined 24 what our issues were, we</p> <p style="text-align: right;">263</p>
<p>1 we're at; do we counter 2 propose, how do we do it. 3 And I think that has 4 been the misconception 5 about how the collective 6 bargaining process works. 7 When it's always been 8 broken up into, I guess 9 subcommittees to negotiate 10 certain aspects of the 11 contract. Always. 12 MARK GREEN: Thanks. 13 Like I said, thanks. 14 That's the part where I 15 was talking about, I don't 16 know if it was just our 17 meeting on that evening. 18 That communication part of 19 it was never related and 20 that's where the 21 misconception came from. 22 So, thank you. 23 TED NEVILLS: Ted 24 Nevills, Watertown. I'd</p> <p style="text-align: right;">262</p>	<p>1 gave the small committee 2 direction, they went back 3 in and they followed our 4 direction. Whenever there 5 was a vote on any issue 6 whatsoever, every one 7 unanimously agreed on 8 every single thing that's 9 in that contract. 10 So everything was 11 completely above board. 12 It was unanimous, it was 13 unified. And like I said, 14 we met every time as our 15 committee before we met 16 with the state. So we 17 knew where we were at. 18 There was a lot of 19 information sent 20 electronically that we had 21 to go over before we met 22 with the state, so every 23 time the committee was in 24 full agreement in how we</p> <p style="text-align: right;">264</p>

1 proceeded.  
2 MARK GREEN: Mark  
3 Green, Albion. Did you  
4 guys also make the  
5 decision to send that  
6 letter out with the  
7 ballots as well or who did  
8 that? Where did that, the  
9 letter generated to the  
10 members?

11 RECORDING SECRETARY  
12 DIILDINE: The letter is  
13 the same letter that went  
14 out the last time. When  
15 you have a contract they  
16 always put a letter with a  
17 ballot. So how that  
18 happened this time because  
19 of the time frame is,  
20 myself, John Harmon, Bill  
21 Sheehan, I can't remember,  
22 Steve Isaacs, they were  
23 out on leave that day, we  
24 had to have it done; you

265

1 have a time frame.  
2 So what happens is, we  
3 write the letter.  
4 Basically the letter, and  
5 Steph can probably pull it  
6 up and put it up there if  
7 you want from 2012. It's  
8 the exact same letter,  
9 including the part where  
10 it says why we recommend.  
11 It's the exact same thing.  
12 But what happened is,  
13 Bill wrote it. We looked  
14 it over. We then sent it  
15 out to the committee --  
16 before you got it, the  
17 committee saw it. The  
18 reason why the committee's  
19 name was on it, we didn't  
20 think it was fair -- the  
21 last time it was Don Rowe.  
22 Don Rowe's name was on it.  
23 But that was a different  
24 procedure.

266

1 This time the board was  
2 out of it, we didn't think  
3 it was fair to put his  
4 name on it, so we just put  
5 the collective bargaining  
6 committee, we listed them.  
7 So that's how it came to  
8 be.

9 But if you want to  
10 look, like I said, Steph  
11 can get into our committee  
12 file there. It's the 2012  
13 ballot letter. It's the  
14 exact same format that was  
15 used in the past. We just  
16 followed the way it was.

17 MARK GREEN: So it's  
18 normal procedure then?

19 RECORDING SECRETARY  
20 DIILDINE: Yeah. The two  
21 before that were  
22 arbitration decisions, so  
23 the letter is totally  
24 different then because

267

1 people aren't voting. And  
2 before that, we don't have  
3 a record of it in the  
4 committee files so I had  
5 nothing to go on. So it  
6 was just done like it was  
7 done in the past.

8 PRESIDENT POWERS: Any  
9 other new business? Al?

10 AL ZAPPALA: Al  
11 Zappala, Shawangunk. By  
12 the way, if you like my  
13 shirt, we're selling them.  
14 And to clarify the  
15 message, it's to bring  
16 DOCCS back to when  
17 officers and staff were  
18 respected because in  
19 today's day and age I  
20 don't think the state  
21 respects us any more.  
22 They seem to respect the  
23 inmates more. And I  
24 almost feel like green is

268

1 the new blue is the slogan  
2 we're going to be given.

3 PRESIDENT POWERS: No  
4 offense, Buddy, and this  
5 is just a side bar. I  
6 don't know how much time  
7 you have, I have  
8 twenty-seven years, but I  
9 don't think the Department  
10 ever fucking respected us.

11 AL ZAPPALA: I got  
12 twenty years now and I've  
13 seen a lot of changes in  
14 the last twenty years and  
15 it's a shame. It's a  
16 shame they're taking  
17 everything away from us.  
18 Including, our ham, egg  
19 and cheese breakfast that  
20 we all do as comradery.  
21 The new draft directive  
22 wants to come out and take  
23 that away from you too; no  
24 raw cooked foods. But

269

1 that's another issue.

2 Anyway, I have a motion  
3 here. At the January 6th  
4 executive session,  
5 executive assembly where  
6 the vote was going to take  
7 place on the MOU proposal,  
8 myself and another officer  
9 union steward tried to  
10 attend the meeting, and  
11 because it was an  
12 executive session, and for  
13 those that don't know  
14 executive session means a  
15 private closed secret  
16 meeting; we were not  
17 allowed in.

18 That being said, under  
19 the rules of why we're not  
20 being allowed in, we're  
21 told that we can change  
22 those rules but we need a  
23 motion. And I have a  
24 motion in place that from

270

1 now on if there is any  
2 executive session, any  
3 elected NYSCOPBA official  
4 should be able to go.

5 If you are elected by  
6 your facilities, you  
7 should be able to attend  
8 said meeting. Right now  
9 these meetings are open to  
10 anybody, any union member  
11 can attend. But once we  
12 label it executive  
13 session, it goes to only  
14 voting body.

15 But like I said, my  
16 motion here is to allow  
17 all NYSCOPBA elected  
18 officials into any  
19 executive session,  
20 executive assembly meeting  
21 for the purpose to assist  
22 their chief steward in  
23 taking accurate notes of  
24 any topics to bring back

271

1 to their facility. So,  
2 like I said.

3 PRESIDENT POWERS:  
4 Al, hang on one second.  
5 We're going to need sixty  
6 percent of the memberships  
7 approval, for starters, to  
8 hear the motion. All  
9 signify by saying aye.

10 (All respond aye.)

11 PRESIDENT POWERS:  
12 Anybody opposed?

13 (No response.)

14 PRESIDENT POWERS:  
15 Thank you. I'm being told  
16 by the Parliamentarian,  
17 executive session is for  
18 voting members only.  
19 That's the reason why it's  
20 executive session. I

272

1 believe your motion is  
2 probably more than likely  
3 out of order. You would  
4 have to change -- I don't  
5 know, does it have  
6 anything to do with the  
7 constitution, Mike?

8 VP WEST MIANO: Point  
9 of order. If that is the  
10 case, you violated your  
11 own policy then in  
12 executive session. You  
13 had a stenographer taking  
14 notes at the special  
15 executive session in  
16 January.

17 Parliamentarian: As I  
18 recall, at the time you  
19 did have permission to  
20 have certain staff,  
21 attorneys and  
22 stenographers in.

23 PRESIDENT POWERS:  
24 Which was approved by the

273

1 AL ZAPPALA: Okay. But  
2 as of now, it's my  
3 understanding that  
4 currently this is no  
5 provision for executive  
6 session in our  
7 constitution. We follow  
8 the law by Roberts Rule of  
9 Order. Which Roberts Rule  
10 of Order states that we  
11 can do such a motion and  
12 that's why I present this  
13 here today.

14 Parliamentarian: You  
15 can do that before  
16 entering executive  
17 session.

18 AL ZAPPALA: At the  
19 January 6th executive  
20 session, I myself tried to  
21 make a motion. I  
22 approached. We weren't in  
23 session, we were told  
24 we were not allowed to

275

1 EA.

2 AL ZAPPALA: According  
3 to my motion, and I've  
4 read Roberts Rules of  
5 Order, it clearly states  
6 that the voting body can  
7 let whoever they want into  
8 this executive session  
9 upon a vote. This right  
10 here is a vote to allow  
11 anyone into any future  
12 executive session.  
13 Standing order forever.

14 Parliamentarian: To do  
15 that, you're going to have  
16 to permanently change the  
17 definition of EA,  
18 executive session. That  
19 will take a special rule  
20 of order and a two thirds  
21 vote, and probably should  
22 go into the constitution.  
23 It's usually done on a  
24 case by case basis.

274

1 make a motion because the  
2 session was only for  
3 talking about the  
4 contracts.

5 I mean, also reading  
6 Roberts Rules of Order it  
7 states that a session is  
8 supposed to open up as a  
9 normal general voting  
10 session and then a motion  
11 is made to go into  
12 executive session.

13 And unless I missed a  
14 meeting, I don't know when  
15 the last meeting was where  
16 we voted to go into  
17 executive session on  
18 January 6th, 2017.

19 PRESIDENT POWERS: It  
20 was mailed out to the  
21 voting members as an  
22 executive session.

23 AL ZAPPALA: It was  
24 mailed out but it has to

276

1 be voted by the executive  
2 assembly to go into  
3 executive session. Mail  
4 doesn't constitute  
5 executive session. This  
6 voting body has to approve  
7 to go into executive  
8 session.

9 VP MID-HUDSON MAZZELLA:  
10 Mike Mazzella, Mid-Hudson.  
11 I do understand what the  
12 motion -- what the intent  
13 of the motion is. The  
14 only problem with that  
15 particular motion, just as  
16 the way I see, not as the  
17 way the parliamentarian  
18 sees it or you see it, is  
19 you can't make a motion  
20 that's going to dictate to  
21 the executive assembly on  
22 how they're going to  
23 conduct a vote to go into  
24 executive session from now

277

1 can dictate to Jim Sonco  
2 six months from now that  
3 he has to vote to let  
4 elected members into  
5 executive session.  
6 AL ZAPPALA: I guess my  
7 question is, when would  
8 you be able to do this?  
9 Because I showed up  
10 January 6th to this  
11 meeting and I wasn't  
12 allowed to be in this  
13 meeting. I had a motion  
14 typed up to let us be in  
15 this meeting. I wasn't  
16 allowed to make a motion  
17 at the meeting.

18 Excuse me? Yes, and  
19 our chief was here and our  
20 chief wanted us here to  
21 assist in bringing the  
22 information back.

23  
24 (Inaudible comment from

279

1 into the future.  
2 Okay. The executive  
3 assembly is the ruling  
4 body of this organization.  
5 So, if you were to have a  
6 motion today to say all  
7 future executive sessions  
8 everybody in this room has  
9 to vote to let members in,  
10 I'm not sure if you can do  
11 that with that motion.

12 I understand the  
13 intent. But I think  
14 that's why the  
15 Parliamentarian is talking  
16 about maybe you guys  
17 should put that in your  
18 constitution to allow  
19 members, elected  
20 officials, however you  
21 want to write it, into an  
22 executive session.

23 Because I don't think  
24 with a simple motion you

278

1 the floor.)

2  
3 AL ZAPPALA: Excuse me?  
4 I'm the acting chief.

5 PRESIDENT POWERS: In  
6 January.

7 AL ZAPPALA: On that  
8 day, because I was talking  
9 to Mike Dildine he said  
10 we're not allowed to make  
11 a motion. I was here for  
12 twenty minutes and I was  
13 trying -- Mike Dildine  
14 told me I can't make a  
15 motion.

16 VP MID-HUDSON MAZZELLA:  
17 They weren't allowing any  
18 motions at the last  
19 meeting.

20 AL ZAPPALA: Matter of  
21 fact, somebody kicked us  
22 out that's pretty strong  
23 here, Tammy.

24 EXECUTIVE VP SAWCHUK:

280

1 I'll do it again.  
 2 AL ZAPPALA: All I'm  
 3 trying to say is this, you  
 4 have to understand where  
 5 I'm coming from. For a  
 6 year and a half I have  
 7 been coming to every  
 8 executive EA,  
 9 consistently. I have not  
 10 missed one; sixty percent,  
 11 seventy percent are on my  
 12 own time.  
 13 I love this union. I  
 14 take part in it. I have  
 15 only been a steward for a  
 16 year and a half. I never  
 17 knew any of this stuff  
 18 really existed. Why?  
 19 Because when you're not  
 20 seeing the information,  
 21 you don't know this  
 22 exists.  
 23 As of today, I brought  
 24 somebody who is a

281

1 potential future steward.  
 2 At our union meetings at  
 3 our facility, we get  
 4 twenty percent of our  
 5 members show up. Why do  
 6 we get them to show up?  
 7 Because we let them be  
 8 involved, we tell them  
 9 what's going on.  
 10 That is exactly what  
 11 everyone has been  
 12 preaching here with your  
 13 PAC committees. We get  
 14 PAC committees, for the  
 15 PAC meetings shawangunk  
 16 shows up and represents  
 17 regularly. Why is that?  
 18 Because coming here, I  
 19 felt included and I wanted  
 20 to bring that forward.  
 21 But January 6th, I felt  
 22 like there was a wall and  
 23 I was on the other side of  
 24 it. And there is no

282

1 reason I feel that I had  
 2 to be outside that wall,  
 3 when here I am presenting  
 4 to you ideas, thoughts,  
 5 listening to yours. And  
 6 there was no venue for me  
 7 whatsoever to enter that  
 8 meeting, even after a  
 9 twenty minute discussion.  
 10 So this I felt, after  
 11 reading -- and I did read  
 12 Roberts Rules of Order.  
 13 And Roberts Rules of Order  
 14 clearly states that the  
 15 executive assembly can  
 16 have whoever they want in,  
 17 including business agents,  
 18 employees association.  
 19 So, every time we have an  
 20 executive session and I'm  
 21 not allowed to put a  
 22 motion in, when is it that  
 23 I get to be in here, you  
 24 know?

283

1 And the best part of  
 2 this is, to get the  
 3 information back. That's  
 4 all this is about. If I'm  
 5 an elected official and  
 6 I'm being told I can't  
 7 come in here, what's the  
 8 big secret I can't come in  
 9 here for? What's being  
 10 said that you're afraid  
 11 for me to be come in here  
 12 for?  
 13 Do I have to make  
 14 another motion to lift a  
 15 gag order on the  
 16 Collective Bargaining  
 17 Committee, so now we don't  
 18 have no more executive  
 19 session because that's the  
 20 reason why we had it.  
 21 Because we didn't want  
 22 information to get out, in  
 23 case it was voted down.  
 24 Am I that much of a

284

1 threat that I'm not  
2 allowed into this meeting  
3 because I might say  
4 something?

5 PRESIDENT POWERS:  
6 That's not it.

7 AL ZAPPALA: I don't  
8 know what it is. But all  
9 I know is for twenty  
10 minutes I'm being told no,  
11 and now this as board here  
12 is giving me alternative  
13 reasons. They're the same  
14 reasons I wasn't allowed  
15 in.

16 PRESIDENT POWERS:  
17 We're listening to your  
18 motion and your concern  
19 here.

20 AL ZAPPALA: I know  
21 but --

22 PRESIDENT POWERS: Let  
23 me finish. There's two  
24 things that need to

285

1 happen. One, either the  
2 voting member has to come  
3 in with that motion before  
4 the scheduled executive  
5 session, read that in, run  
6 it through the membership  
7 to see whether or not that  
8 can apply. Or two, we  
9 have to get it into the  
10 bylaws.

11 AL ZAPPALA: Okay. May  
12 I please have Mike Dildine  
13 to the mic, because I did  
14 exactly what you said and  
15 I was kicked out.

16 PRESIDENT POWERS:  
17 Correct me if I'm wrong  
18 but --

19 AL ZAPPALA: I'm  
20 telling you for twenty  
21 minutes I presented my  
22 argument.

23 RECORDING SECRETARY  
24 DILDINE: Okay. Can I

286

1 talk?

2 AL ZAPPALA: Go ahead.

3 RECORDING SECRETARY  
4 DILDINE: Mike Dildine  
5 said exactly what he said,  
6 he said. Why? Because  
7 you were a member,  
8 you were not the chief  
9 that day. I didn't give  
10 you any bad information.  
11 You can't make a motion.  
12 That's what I told you.  
13 What happened was, all we  
14 did was, to be honest, I  
15 think our executive  
16 session was --

17 AL ZAPPALA: Your  
18 exact words were, no  
19 motions could be made.

20 RECORDING SECRETARY

21 DILDINE: Let me talk.

22 AL ZAPPALA: Not that  
23 I'm not the chief.

24 RECORDING SECRETARY

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1 DILDINE: Let me talk.  
2 So, the executive session  
3 for NYSCOPBA is kind of  
4 convoluted in my mind. We  
5 have a stenographer. I  
6 don't think we should. We  
7 just went back and looked  
8 at the history, there  
9 always was.

10 They publish minutes.  
11 Technically, under Roberts  
12 Rules of Order, you're not  
13 supposed to publish  
14 minutes for an executive  
15 session, but NYSCOPBA  
16 always has.

17 There's nothing in the  
18 constitution that talks  
19 about it that I know of in  
20 our constitution rules.  
21 So, we just did it the way  
22 it always was done. So  
23 then it was mailed out as  
24 an executive session on

288



1 the agenda.  
2 You came to me that  
3 day, because we had gotten  
4 questions asking people to  
5 come; we said no, you  
6 can't. It's never allowed  
7 in the past, you're not a  
8 member, you can't make a  
9 motion. That's what I  
10 told you. That's what I  
11 told you.

12 MS. BENNETT: Stacy  
13 Bennett, Eastern. I also  
14 tried to put a motion in  
15 that day and I am the  
16 chief. Now what?

17 VP MID-HUDSON MAZZELLA:  
18 I don't think he heard  
19 you, but it depends on  
20 what the motion was, in my  
21 opinion. Parliamentary,  
22 you can probably answer  
23 better. If there is a  
24 motion that may go into

289

1 started discussing going  
2 into executive session or  
3 not. I don't know. I'm  
4 just saying. I had  
5 nothing to do with the  
6 decision that was made up  
7 there. It was made by the  
8 chair and the  
9 Parliamentarian as to what  
10 was going on at that time.

11 AL ZAPPALA: I'm well  
12 aware of the rules. And  
13 that's why I try to make  
14 sure I dot my T's -- cross  
15 my T's, dot my I's. Yes,  
16 when Dave our chief was  
17 here, it never even got to  
18 Dave. Because I was told  
19 quote unquote, no motions  
20 are allowed to be made  
21 here today.

22 And then my follow-up  
23 question was, well, if  
24 we're not making any

291

1 executive -- actually,  
2 when the meeting was  
3 scheduled, it was  
4 scheduled as an executive  
5 session meeting, I  
6 believe, from the  
7 beginning. And we were  
8 told there could be no new  
9 motions made.

10 Now, unless you were  
11 going to make a motion as  
12 to the way the vote was  
13 conducted, whether it be a  
14 weighted vote or not a  
15 weighted vote; whether it  
16 was going to be to allow  
17 certain people or not  
18 allow certain people; I  
19 believe those motions  
20 could have been accepted.

21 Now, you know, I don't  
22 know if you gave Dave  
23 direction to bring up to  
24 let you guys in when we

290

1 motions today, then how  
2 are we voting yes or no to  
3 the contract to go to the  
4 membership. Well that's  
5 different, that's what the  
6 assembly is for.

7 So, everything that you  
8 all are telling me right  
9 now is exactly what I went  
10 through back then. And  
11 now that I bring it up,  
12 I'm getting the, well, you  
13 should have done this. I  
14 did all that and for  
15 twenty minutes I did all  
16 that. I literally for  
17 twenty minutes had a  
18 discussion with Mike. And  
19 Tammy had to come over and  
20 pull me away.

21 Because everything he  
22 hit me with, I hit him  
23 with one better. No  
24 offense. But the fact is

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1 that every time that I had  
2 an answer for him, I was  
3 shewed to the back, get  
4 out of here.

5 So, right now there's a  
6 lot of members -- and I'm  
7 going to speak openly  
8 about this. We want to  
9 talk unity, we want to  
10 talk about being together?  
11 When something like that  
12 occurs, what is the  
13 secrecy? Why am I not  
14 allowed to be in here?  
15 Why am I being shut down?  
16 And when I'm having  
17 motions, I'm told to  
18 skedaddle.

19 And his exact words to  
20 me were, hey, this is your  
21 union, you can change it,  
22 make a motion. That's his  
23 exact words. Here I am  
24 with the motion, and now

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1 I'm being told, hey, no,  
2 not today, you should have  
3 done it this way.

4 I mean, what is right  
5 and what is wrong? That's  
6 the question here.

7 VP MID-HUDSON MAZZELLA:  
8 Well, nobody said you  
9 can't make a motion today.  
10 But the motion has to be  
11 within the rules in the  
12 guidelines.

13 AL ZAPPALA: All right.  
14 So according to Roberts  
15 Rules of Order, an  
16 Executive Assembly has to  
17 open first and then moves  
18 to executive session upon  
19 a vote.

20 Did we vote in this  
21 assembly for an executive  
22 session, a secret session?  
23 Did anyone here remember  
24 voting to have this

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1 session secretly,  
2 according to Roberts Rules  
3 of Order, which we follow  
4 by the constitution? Do  
5 you remember anyone voting  
6 to go into secret,  
7 executive session? Raise  
8 your hand if you remember  
9 this.

10 So, are we saying that  
11 this January 6th meeting  
12 was an illegal meeting?  
13 Can I have a ruling by the  
14 Parliamentarian?

15 PRESIDENT POWERS: The  
16 meeting in January wasn't  
17 for the simple fact that  
18 it went out to the  
19 members.

20 AL ZAPPALA: Did the  
21 members vote --

22 PRESIDENT POWERS: And  
23 it was voted in this body  
24 to adhere to the policy

295

1 that was in place  
2 regarding the collective  
3 bargaining agreement.

4 AL ZAPPALA:  
5 Parliamentarian, is that  
6 your opinion?

7 Parliamentarian: Okay.  
8 My opinion is, by  
9 unanimous consent the  
10 president asked to go into  
11 executive session. There  
12 was no objection. Certain  
13 nonvoting members were  
14 specifically named to be  
15 in the room and business  
16 proceeded properly within  
17 executive session.

18 Whatever  
19 misunderstanding or  
20 misstatements were made a  
21 month ago, can not now be  
22 undone.

23 AL ZAPPALA: So what  
24 you're saying is --

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1           Parliamentarian: You  
2       can't unring the bell.  
3       Last month is over.  
4           AL ZAPPALA: Okay.  
5           THE Parliamentarian: Now,  
6       as far as going forward,  
7       if you want to change the  
8       rules for executive  
9       session, that is to go  
10      beyond what is discussed  
11      in your parliamentary  
12      authority, you have to put  
13      that it in a higher  
14      authority, like the  
15      constitution.  
16      AL ZAPPALA: Well, from  
17      what you're telling me is  
18      when this session opened  
19      on January 6th, which I  
20      wasn't here, I was outside  
21      the door.  
22      Parliamentarian: I  
23      can't discuss that.  
24      AL ZAPPALA: You just

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1           Parliamentarian: I  
2       can't speak to what --  
3           AL ZAPPALA: I know  
4       it's hard for you to speak  
5       because you're in a rock  
6       and a hard place.  
7           Parliamentarian: I  
8       can't speak for what  
9       anybody else did. And I  
10      can't undo it.  
11      AL ZAPPALA: Listen,  
12      the past is the past, and  
13      I get that. I want what  
14      happened on January 6th  
15      never to happen again,  
16      that's what this is about.  
17      RECORDING SECRETARY  
18      DILDINE: Just -- if you  
19      let me finish. The notice  
20      sent to the executive  
21      assembly says, executive  
22      session, executive  
23      assembly meeting.  
24      AL ZAPPALA: Again, I

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1       said, word-for-word, I  
2       believe from my  
3       recollection that the  
4       president asked for this  
5       meeting to go into  
6       executive session. You  
7       just said that to me.  
8           Parliamentarian:  
9       That's what I think.  
10      AL ZAPPALA: So what  
11      you're telling me is that  
12      Mike Dildine was out of  
13      line for not letting me  
14      stay in here until that  
15      motion was made. Because  
16      until that motion was  
17      made, this was an open  
18      meeting.  
19      And I was not allowed  
20      to be in this meeting to  
21      plead my case for this  
22      body to make an allowance  
23      for myself or any other  
24      person.

298

1       understand.  
2           RECORDING SECRETARY DILDINE:  
3       That's how we've always  
4       had done it in the past.  
5       It's never been done --  
6           AL ZAPPALA: Like I  
7       said, they used to kill  
8       Jews in the past, but it  
9       doesn't mean it's okay.  
10      If that's the way you're  
11      going to use that as an  
12      excuse, now you're  
13      starting to make me  
14      question --  
15      PRESIDENT POWERS: Al,  
16      Al, the executive  
17      session -- rules for  
18      executive session are for  
19      voting members only. If  
20      we want to change that, I  
21      gave you the two  
22      directions we need to go  
23      in order to change that.  
24      AL ZAPPALA: I

300

1 understand what you're  
2 telling me, but he's  
3 telling me to go by  
4 Roberts Rules. And have  
5 you read Roberts Rules  
6 passage on executive  
7 session?

8 PRESIDENT POWERS:  
9 There's Roberts' Rules,  
10 there's constitution,  
11 there's bylaws, there's a  
12 whole shit load that we  
13 operate by.

14 AL ZAPPALA: And you  
15 don't think I was read up  
16 on all this?

17 PRESIDENT POWERS:  
18 We're not suggesting  
19 you're not. All we're  
20 doing is we're trying --  
21 you got a motion, you've  
22 got a concern, you got  
23 something on the floor.  
24 Excuse me, you got a

301

1 executive assembly meeting  
2 for the purpose to assist  
3 their chief steward in  
4 taking accurate notes of  
5 any topics to bring back  
6 to their facility.

7 PRESIDENT POWERS:  
8 There's two ways to do  
9 that. One, have your  
10 voting member come in  
11 during an executive  
12 session and ask for that  
13 with a motion form; a  
14 voting member can make the  
15 motion.

16 AL ZAPPALA: I'm a  
17 voting member.

18 PRESIDENT POWERS: I'm  
19 talking about for the --  
20 the chief sector steward  
21 or designee, my bad.  
22 Chief sector steward or  
23 designee for the assigned  
24 executive session.

303

1 motion on the floor. You  
2 want to bring forward a  
3 the motion.

4 I was under the  
5 impression that it was  
6 ruled out of order. You  
7 can challenge the chair.  
8 Challenge the chair,  
9 that's in Roberts Rules of  
10 Order. Challenge the  
11 chair. You want to have  
12 your motion heard, take  
13 the avenues that you know.

14 AL ZAPPALA: I  
15 challenge the chair.

16 PRESIDENT POWERS: For  
17 your motion?

18 AL ZAPPALA: For my  
19 motion. Do I have to read  
20 it again? I challenge the  
21 chair for my motion to  
22 allow all elected NYSCOPBA  
23 officials into any  
24 executive session,

302

1 AL ZAPPALA: Okay.

2 PRESIDENT POWERS:  
3 And/or, seek through the  
4 the constitution and  
5 bylaws to amend the  
6 constitution and bylaws to  
7 allow executive session to  
8 have any member who wishes  
9 to attend, however you  
10 wanted it.

11 AL ZAPPALA: So  
12 basically what you're  
13 saying at future executive  
14 session we now have a  
15 voice at the mic to make  
16 this motion, that's what  
17 you're telling me?

18 PRESIDENT POWERS: The  
19 designee, the chief or the  
20 designee. So if you're  
21 the chief -- if Terry  
22 Kehrli is not a voting  
23 member and he wants to  
24 come in and make the

304

1 motion, he can't, but you  
2 can.

3 AL ZAPPALA: Without  
4 getting loud, that's what  
5 we tried to do on January  
6 6th and we were told  
7 we were not allowed to.  
8 Okay. So it was a  
9 mistake. And now we know  
10 in the future that won't  
11 happen again. That's all  
12 I wanted to make sure was  
13 happening. I wanted to  
14 make sure that January 6th  
15 never happens again.  
16 Thank you.

17 MIKE CARLSON: Mike  
18 Carlson. My question is,  
19 he said it was elected  
20 officials. Can it be paid  
21 due officials? Anybody  
22 who is the union can step  
23 up to the mic?

24 PRESIDENT POWERS: It's

305

1 members.

2 VP MID-HUDSON MAZZELLA:  
3 Just be part of the  
4 meeting.

5 MIKE CARLSON: He just  
6 mentioned elected  
7 officials only, if you're  
8 not --

9 PARLIAMENTARIAN:  
10 Individual executive  
11 session, a member can make  
12 whatever motion they  
13 choose. And if it's  
14 seconded, approved by the  
15 body, then anybody on the  
16 list can be invited to  
17 stay in the meeting. But  
18 it needs to be done prior  
19 to entering executive  
20 session. And apparently  
21 it needs to be pretty  
22 specific about who stays  
23 and who goes.

24 MIKE CARLSON:

306

1 Thank you.

2 PARLIAMENTARIAN: The  
3 notice that was sent out  
4 was correct to keep people  
5 from coming to a meeting  
6 for which they would  
7 inevitably be excluded.  
8 But just putting executive  
9 session in the notice  
10 doesn't make it true. Do  
11 you follow?

12 DAVE LUTHER: Dave  
13 Luther out of Sing Sing.  
14 I have a question, just in  
15 the interest of being  
16 correct, can we have  
17 something stricken out of  
18 the record that -- a  
19 statement that was made?

20 My concern is this. I  
21 realize the brother's  
22 passion about what he  
23 believes. There's no  
24 doubt about that. But I

307

1 find that his remark in  
2 referencing the Jews,  
3 unprofessional and should  
4 not be on the record for  
5 anybody to review.

6 Because it's going  
7 to -- our minutes go to  
8 our members, and as soon  
9 as there's a reference  
10 into it of somebody's  
11 nationality, the next  
12 thing it will be will be  
13 somebody's color. I wish  
14 to have just that portion  
15 where he made the  
16 comment -- I would just  
17 like to have it removed.

18 VP MID-HUDSON MAZZELLA:  
19 And your comments  
20 requesting to have it  
21 removed should be removed,  
22 too.

23 PRESIDENT POWERS:  
24 Okay. Five minutes -- I'm

308

1       sorry, Mike. Hang on.  
 2       VP MID-HUDSON MAZZELLA:  
 3       Not to bring all this up  
 4       again, but just to be  
 5       clear, so when we go --  
 6       when we're voting to go  
 7       into executive session,  
 8       somebody can make a motion  
 9       to include other people,  
 10      whether it be elected  
 11      members, general members,  
 12      the lady who pours coffee,  
 13      whatever. That just has  
 14      to be brought up and then  
 15      voted on by the body,  
 16      correct?  
 17      PRESIDENT POWERS: Yes.  
 18      VP MID-HUDSON MAZZELLA:  
 19      Thank you.  
 20      DOUG WESTERVELT:  
 21      Westervelt, South Port.  
 22      So last meeting you were  
 23      wrong, because you denied  
 24      my motion, correct?

309

1       Somebody was wrong. I  
 2       tried to make a motion.  
 3       PRESIDENT POWERS:  
 4       Again, with respect to --  
 5       you could have challenged  
 6       the chair.  
 7       DOUG WESTERVELT: Why  
 8       do I have to challenge the  
 9       chair, I'm not the  
 10      professional here. That's  
 11      ridiculous. I'm a prison  
 12      guard for crying out loud.  
 13      PRESIDENT POWERS: So  
 14      am I.  
 15      DOUG WESTERVELT: I  
 16      wanted to hear it.  
 17      PRESIDENT POWERS: We  
 18      all know that's the  
 19      process. That's what we  
 20      abide by in here. We are  
 21      all prison guards, I get  
 22      it. But there's  
 23      guidelines and there's  
 24      policies and procedures

310

1       that need to be adhered  
 2       to. Not to beat a dead  
 3       horse, but Roberts Rules  
 4       of Order call for it.  
 5       Any other new business?  
 6       RECORDING SECRETARY  
 7       DILDINE: Mike Dildine,  
 8       recording secretary. I  
 9       would just make a  
 10      recommendation because a  
 11      lot of these things that  
 12      we get into here, right,  
 13      and most of the time  
 14      people are trying to do  
 15      the right thing; they just  
 16      look at the way we've done  
 17      it in the past.  
 18      If you don't like that,  
 19      change it. So, a simple  
 20      solution to what Al is  
 21      talking about would be,  
 22      the next time or this  
 23      time, if the contract gets  
 24      voted down, that you

311

1       discuss at the previous EA  
 2       when you know we're coming  
 3       in to executive session  
 4       very clearly at that time  
 5       at that EA, you fix it,  
 6       you address it.  
 7       If you want to open it  
 8       up to the members or  
 9       whoever we want to, but  
 10      there's nothing -- the  
 11      problem is nothing defines  
 12      executive session in our  
 13      constitution.  
 14      So, we're arguing about  
 15      things that have been done  
 16      for years the same way.  
 17      And I told you that day,  
 18      change it going forward.  
 19      VP LAW ENFORCEMENT  
 20      HARMON: John Harmon, Law  
 21      Enforcement Vice  
 22      President. Mike, I think  
 23      the issue though is we  
 24      have to define what our

312

1 executive session is.  
 2 Because the executive  
 3 session body makes the  
 4 decision on what other  
 5 bodies can come into  
 6 executive session.  
 7 So I think before we  
 8 even go there, which I  
 9 don't necessarily  
 10 disagree, this body needs  
 11 to make a decision of what  
 12 the executive session body  
 13 is. So that when there is  
 14 a motion that comes  
 15 forward that could impact  
 16 executive session, we can  
 17 make a decision based on  
 18 who to let in and who not  
 19 to let in.  
 20 So, we have to make a  
 21 decision somewhere along  
 22 what these bodies  
 23 represent. We know what  
 24 the EA is, but we don't

313

1 necessarily know what the  
 2 executive session body is.  
 3 Parliamentarian:  
 4 Executive session is  
 5 limited to the voting  
 6 members of the executive  
 7 assembly.  
 8 VP LAW ENFORCEMENT  
 9 HARMON: Right.  
 10 Parliamentarian: But  
 11 the meeting is open to  
 12 essentially all members of  
 13 the union, if they want to  
 14 come to Albany or --  
 15 VP LAW ENFORCEMENT  
 16 HARMON: But the executive  
 17 session body has to  
 18 approve them to come into  
 19 executive session.  
 20 PARLIAMENTARIAN: Yes.  
 21 VP LAW ENFORCEMENT  
 22 HARMON: I think that's --  
 23 it's just not a matter of  
 24 a motion.

314

1 Parliamentarian:  
 2 Essentially what you're  
 3 voting on to go into  
 4 executive session is to  
 5 exclude everybody except  
 6 the voting members.  
 7 VP LAW ENFORCEMENT  
 8 HARMON: Maybe I'm  
 9 misunderstanding, but you  
 10 don't need a motion for  
 11 that. All it is at the  
 12 executive assembly or when  
 13 you discuss the process  
 14 like we did a million  
 15 times for collective  
 16 bargaining, let's say,  
 17 during that process or  
 18 during the executive  
 19 assembly, you discuss who  
 20 is going to be allowed in  
 21 the executive session to  
 22 discuss the collective  
 23 bargaining agreement or  
 24 tentative agreement, or

315

1 for a personnel matter or  
 2 whatever it may be.  
 3 Parliamentarian:  
 4 Right.  
 5 PRESIDENT POWERS:  
 6 Mike?  
 7 VP MID-HUDSON MAZZELLA:  
 8 I'd like to make a motion  
 9 to go into executive  
 10 session to talk about  
 11 executive session. Motion  
 12 withdrawn. Thank you.  
 13 PRESIDENT POWERS: Any  
 14 other new business? We  
 15 have a raffle basket, we  
 16 have a basket out front  
 17 with raffle tickets. If  
 18 you haven't got any  
 19 tickets, I'll give a  
 20 couple minutes to go get  
 21 some. Oh, they're free  
 22 tickets, just ask for one.  
 23 Before we get to that,  
 24 motion to adjourn.

316

1 SHAWN KEENAN: Motion  
2 to adjourn.

3 PRESIDENT POWERS:  
4 Second?

5 JOSEPH BELLINGER:  
6 Second.

7 PRESIDENT POWERS: Joe  
8 Bellinger, Willard. See  
9 everyone, nine a.m.  
10 tomorrow.  
11

12 (Whereupon, the  
13 Executive Assembly meeting  
14 then adjourned for the  
15 day.)  
16

17 \* \* \* \*

24

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1 STATE OF NEW YORK)  
2 SS:  
3 COUNTY OF ERIE)  
4  
5 I, DARLENE L. JERGE, a  
6 Notary Public in and for the State  
7 of New York, County of Erie, DO  
8 HEREBY CERTIFY that the MINUTES of  
9 the EXECUTIVE ASSEMBLY, were taken  
10 down by me in a by means of Machine  
11 Shorthand, on FEBRUARY 16, 2017.  
12 That the MINUTES were then reduced  
13 in writing under my direction.  
14 I further CERTIFY that  
15 the above-described transcript  
16 constitutes a true and accurate and  
17 complete transcript of the minutes  
18 taken.

19   
20  
21 -----  
22 DARLENE L. JERGE,  
23 Notary Public.  
24

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