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18	Steven Anderson, Parliamentarian	18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
	2		4

1	DISPOSITION OF MOTIONS	1	be turned off and beepers
2	PAGE	2	are to be put on vibrating
3	To adopt the Executive Assembly	3	mode. Recording devices
4	Rules -- carried 8	4	are prohibited unless
5	To approve the minutes -- not carried	5	provided by membership
6	To review the video with meeting	6	services and those
7	minutes from February 15, 2017	7	directed by the recording
8	EA --carried 40	8	secretary.
9	To go into Executive session --carried 47	9	NYSOPBA members in
10	To accept the minutes from the	10	good standing will be
11	January 6, 2017 EA -- carried 50	11	allowed to address the
12	To approve Rainy Day Fund SPD to send	12	Executive Assembly.
13	to membership -- carried 183	13	Please state your name and
14	To approve Rainy Day Fund policy with	14	your sector. Speakers at
15	review panel -- carried 184	15	the microphone will follow
16	To approve SPD for Legal Defense	16	the direction of the
17	Fund -- carried 188	17	Sergeant at Arms.
18	To approve Legal Defense Fund policy	18	PRESIDENT POWERS:
19	to membership -- carried 189	19	Thank you. At this time
20	To approve continued contract with	20	we'll do the roll.
21	vendor Garnet River -- carried 200	21	RECORDING SECRETARY
22	To discuss impasse -- carried 269	22	DILDINE: Good afternoon.
23	To recess -- carried 360	23	President Powers?
24		24	PRESIDENT POWERS:
	5		7
1	PRESIDENT POWERS: Good	1	Here.
2	morning. Call the meeting	2	RECORDING SECRETARY
3	to order. If we could all	3	DILDINE: Powers, present.
4	rise.	4	Executive vice president
5		5	Sawchuk?
6	(Moment of silence	6	EXECUTIVE VICE
7	observed.)	7	PRESIDENT SAWCHUK: Here.
8	(Pledge of Allegiance.)	8	RECORDING SECRETARY
9		9	DILDINE:
10	PRESIDENT POWERS:	10	Sawchuk, present.
11	Thank you. Sherry, can we	11	Treasurer Viddivo?
12	have the rules read in?	12	TREASURER VIDDIVO:
13	SHERRY COMPTON:	13	Present.
14	Executive Assembly Rules	14	RECORDING SECRETARY
15	of Order. Anyone upon	15	DILDINE: Viddivo,
16	entering the Executive	16	Present.
17	Assembly must wear the	17	Recording Secretary
18	NYSOPBA identification	18	Dildine, present.
19	tag. Chief Sector	19	VP North, Hansen.
20	Stewards will sit in	20	VICE PRESIDENT HANSEN:
21	designated areas when the	21	Here.
22	Executive Assembly is in	22	RECORDING SECRETARY
23	session.	23	DILDINE:
24	Cellular phones are to	24	Hansen, present.
	6		8

1	VP Mid-Hudson,	1	MR. DELANEY: HERE.
2	Mazzella?	2	RECORDING SECRETARY DILDINE:
3	VICE PRESIDENT	3	Delaney, present.
4	MAZZELLA:	4	Bare Hill, Plonka?
5	Here.	5	MR. PLONKA: Present.
6	RECORDING SECRETARY	6	RECORDING SECRETARY
7	DILDINE:	7	DILDINE:
8	Mazzella, present.	8	Plonka, present.
9	VP Law Enforcement,	9	Bedford Hills, Hale?
10	Harmon, is excused. VP	10	MR. HALE: Here.
11	Central, Lashway is	11	RECORDING SECRETARY
12	excused.	12	DILDINE:
13	VP South, Fisher?	13	Hale, present.
14	VICE PRESIDENT FISHER:	14	Cape Vincent, Call?
15	Here.	15	MR. CALL: Here.
16	RECORDING SECRETARY	16	RECORDING SECRETARY DILDINE:
17	DILDINE:	17	Call, present.
18	Fisher, present.	18	Cayuga, Kuhn?
19	VP West, Miano?	19	MR. KUHN: Here.
20	VICE PRESIDENT MIANO:	20	RECORDING SECRETARY
21	Here.	21	DILDINE:
22	RECORDING SECRETARY	22	Kuhn, present.
23	DILDINE:	23	Central New York Psych,
24	Miano, present.	24	Lawrick?
9		11	
1	Sergeant's Liason,	1	MR. LAWICK: Here.
2	Sellers.	2	RECORDING SECRETARY
3	MR. SELLERS:	3	DILDINE:
4	Present.	4	Lawrick, present.
5	RECORDING SECRETARY DILDINE:	5	Clinton, Moore?
6	Sellers, present.	6	MR. MOORE: Here.
7	Adirondack, Moeller?	7	RECORDING SECRETARY
8	Adirondack, Moeller?	8	DILDINE:
9	Albany Training	9	Moore, present.
10	Academy, Christiano?	10	Collins, Morosey?
11	Albany Training Academy,	11	MR. MOROSEY: Here.
12	Christiano?	12	RECORDING SECRETARY DILDINE:
13	Albion, Greene?	13	Morosey, Present.
14	MR. GREENE: Here.	14	Community Supervision,
15	RECORDING SECRETARY	15	Ruland?
16	DILDINE:	16	MR. RULAND: Here.
17	Greene, present.	17	RECORDING SECRETARY DILDINE:
18	Altona, Guerin?	18	Ruland, present.
19	Attica, Summers?	19	CCAs, Johnson?
20	MR. SUMMERS: Here.	20	MS. JOHNSON: Present.
21	RECORDING SECRETARY	21	RECORDING SECRETARY DILDINE:
22	DILDINE:	22	Johnson, present.
23	Summers, present.	23	Coxsackie, Donnelly?
24	Auburn, Delaney?	24	MR. DONNELLY: Present.
10		12	

1	RECORDING SECRETARY	1	DILDINE:
2	Donnelly, present.	2	Butler, present.
3	Downstate, Cooper?	3	Great Meadow, Groom.
4	MR. COOPER: Here.	4	MR. GROOM: Here.
5	RECORDING SECRETARY DILDINE:	5	RECORDING SECRETARY
6	Cooper, Present.	6	DILDINE:
7	Eastern, Bennett?	7	Groom, present.
8	MS. BENNETT: Here.	8	Green Haven, Carlson?
9	RECORDING SECRETARY	9	MR. CARLSON: Here.
10	DILDINE:	10	RECORDING SECRETARY
11	Bennett, present.	11	DILDINE:
12	Edgecombe, Patterson?	12	Carlson, present.
13	MR. PATTERSON: Here.	13	Greene, Barnes?
14	RECORDING SECRETARY	14	MR. BARNES: Here.
15	DILDINE:	15	RECORDING SECRETARY DILDINE:
16	Patterson, present.	16	Barnes, present.
17	Elmira, Rice?	17	Groveland, Barry?
18	MR. RICE: Here.	18	Mr. MORBITO: Morbito,
19	RECORDING SECRETARY	19	no Barry.
20	DILDINE:	20	RECORDING SECRETARY
21	Rice, present.	21	DILDINE:
22	Fishkill, Sonko?	22	Morbito, present.
23	MR. SONKO: Here.	23	Hale Creek, Krom?
24	RECORDING SECRETARY	24	MR. KROM: Here.
13		15	
1	DILDINE:	1	RECORDING SECRETARY
2	Sonko, present.	2	DILDINE:
3	Five Points, Nelson?	3	Krom, present.
4	MR. NELSON: Here.	4	Hudson, Okonski?
5	RECORDING SECRETARY	5	MR. OKONSKI: Here.
6	DILDINE:	6	RECORDING SECRETARY
7	Nelson, present.	7	DILDINE:
8	Forest Rangers, Carlson?	8	Okonski, present.
9	MR. CARLSON: Here.	9	ISO's, Ohms?
10	RECORDING SECRETARY DILDINE:	10	MR. OHMS: Here.
11	Carlson, present.	11	RECORDING SECRETARY DILDINE:
12	Franklin, Allan?	12	OHMS, present.
13	MR. ALLAN: Here.	13	Kirby, Aldous O.?
14	RECORDING SECRETARY	14	MR. O: Present.
15	DILDINE:	15	RECORDING SECRETARY
16	Allan, present.	16	DILDINE:
17	Gouverneur, Gleason?	17	Aldous O, present.
18	MR. GLEASON: Here.	18	Lakeview, Gruber?
19	RECORDING SECRETARY	19	MR. GRUBER: Here.
20	DILDINE:	20	RECORDING SECRETARY
21	Gleason, present.	21	DILDINE:
22	Gowanda, Butler?	22	Gruber, present.
23	MR. BUTLER: Here.	23	Lincoln, Gelsner-Millner?
24	RECORDING SECRETARY	24	MS. MILLNER: Here.
14		16	

1	RECORDING SECRETARY	1	DeJager, present.
2	DILDINE:	2	Queensboro, Smith?
3	Gelsner-Millner, present.	3	MR. SMITH: Here.
4	Livingston, Weider?	4	RECORDING SECRETARY
5	MR. WEIDER: Here.	5	DILDINE:
6	RECORDING SECRETARY	6	Smith, present.
7	DILDINE:	7	Riverview, Dietschweiler?
8	Weider, present.	8	MR. DIETSCHWEILER: Here.
9	Marcy, Zeina?	9	RECORDING SECRETARY
10	MR. ZEINA: Present.	10	DILDINE:
11	RECORDING SECRETARY	11	Dietschweiler, present.
12	DILDINE:	12	Rochester Psych, Raven?
13	Zeina, present.	13	MS. RAVEN: Here.
14	Mid Hudson Forensic	14	RECORDING SECRETARY
15	Psych, Noel?	15	DILDINE:
16	MR. NOEL: Here.	16	Raven, present.
17	RECORDING SECRETARY	17	SSO Central, Parmly?
18	DILDINE:	18	MS. PARMLY: Here.
19	Noel, present.	19	RECORDING SECRETARY
20	Mid State, McGowan?	20	DILDINE:
21	MR. MCGOWAN: Here.	21	Parmly, present.
22	RECORDING SECRETARY	22	SSO Mid-Hudson, Harris?
23	DILDINE:	23	MR. SMITH: Smith, here.
24	Mcgowan, present.	24	RECORDING SECRETARY
17		19	
1	Mohawk, Hluska?	1	DILDINE:
2	MR. HLUSKA: Here.	2	SSO Mid-Hudson, Smith,
3	RECORDING SECRETARY	3	present.
4	DILDINE:	4	SSO Northern, no
5	Hluska, present.	5	representative.
6	Moriah Shock, Gilbo?	6	SSO Southern, Pomaes?
7	MR. GILBO: Present.	7	MR. POMALES: Here.
8	RECORDING SECRETARY	8	RECORDING SECRETARY
9	DILDINE:	9	DILDINE:
10	Gilbo, present.	10	Pomaes, present.
11	Ogdensburg, Meyers?	11	SSO West, Jones?
12	MR. MEYERS: Here.	12	MR. JONES: Here.
13	RECORDING SECRETARY	13	RECORDING SECRETARY
14	DILDINE:	14	DILDINE:
15	Meyers, present.	15	Jones, Present.
16	Orleans, Andelora?	16	Security Officers,
17	MR. ANDELORA: Here.	17	Tonney V?
18	RECORDING SECRETARY	18	MR. VACHAPARAMBIL:
19	DILDINE:	19	Yes.
20	Andelora, present.	20	RECORDING SECRETARY
21	Otisville, DeJager?	21	DILDINE:
22	MR. DeJAGER: Here.	22	Tonney V, present.
23	RECORDING SECRETARY	23	SSAs, Christian?
24	DILDINE:	24	MR. CHRISTIAN: Here.
18		20	

1	RECORDING SECRETARY	1	RECORDING SECRETARY
2	DILDINE:	2	DILDINE:
3	Christian, present.	3	Nevills, present.
4	Shawangunk, Marasco?	4	Wende, Keenan?
5	MR. MARASCO: Here.	5	MR. KEENAN: Good
6	RECORDING SECRETARY	6	afternoon.
7	DILDINE:	7	RECORDING SECRETARY
8	Marasco, present.	8	DILDINE:
9	Sing Sing, Luther?	9	Keenan, present.
10	MR. LUTHER: Present.	10	Willard, Bellinger?
11	RECORDING SECRETARY	11	MR. BELLINGER: Here.
12	DILDINE:	12	RECORDING SECRETARY
13	Luther, present.	13	DILDINE:
14	Southport, Westervelt?	14	Bellinger, present.
15	MR. WESTERVELT: Here.	15	Woodbourne, Gutierrez?
16	RECORDING SECRETARY	16	MR. GUTIERREZ: Here.
17	DILDINE:	17	RECORDING SECRETARY
18	Westervelt, present.	18	DILDINE:
19	Sullivan, Bell?	19	Gutierrez, present.
20	MS. BELL: Here.	20	Wyoming, Callan?
21	RECORDING SECRETARY	21	MR. CALLAN: Here.
22	DILDINE:	22	RECORDING SECRETARY
23	Bell, present.	23	DILDINE:
24	Taconic, Dowling?	24	Callan, present.
21		23	
1	MR. DOWLING: Here.	1	Harmon is excused.
2	RECORDING SECRETARY DILDINE:	2	Central Lashway, excused.
3	Dowling, present.	3	Adirondack, Moeller?
4	Ulster, Mainolfi?	4	MR. MOELLER: Here.
5	MR. MAINOLFI: Here.	5	RECORDING SECRETARY DILDINE:
6	RECORDING SECRETARY	6	Moeller, present. Albany
7	DILDINE:	7	Training Academy,
8	Mainolfi, present.	8	Christiano?
9	Upstate, Gary?	9	MR. CHRISTIANO: Here.
10	MR. GARY: Here.	10	RECORDING SECRETARY DILDINE:
11	RECORDING SECRETARY	11	Christiano, present.
12	DILDINE:	12	Altona, Guerin.
13	Gary, present.	13	MR. GUERIN: Here.
14	Wallkill, Holbert?	14	RECORDING SECRETARY DILDINE:
15	MS. HOLBERT: Here.	15	Guerin present.
16	RECORDING SECRETARY DILDINE:	16	SSO's northern region,
17	Holbert, present.	17	no representative. That
18	Washington, Chaplin?	18	will do it.
19	MR. CHAPLIN: Here.	19	The minutes were sent
20	RECORDING SECRETARY	20	out. I'd ask -- if there
21	DILDINE:	21	are no changes to the
22	Chaplin, present.	22	minute from the February
23	Watertown, Nevills?	23	EA, as for unanimous
24	MR. NEVILLS: Here.	24	consent to accept the
22		24	

1 minutes from the February
2 2017 EA. All those in
3 favor signify -- no ma'am
4 no ma'am.

5 MR. MAROSKO: Steve
6 Marasco, Shawangunk I just
7 reviewed the minutes and
8 it seemed like there was
9 things missing. On page
10 294 it said, I asked the
11 Parliamentarian on what it
12 is executive session; he
13 said he couldn't find it
14 and he'll get back to me
15 later. On page 300, it
16 was also supposed to be
17 added, just because it's
18 done in the past, does not
19 make it right. And then
20 on page 307, it said
21 that -- we're talking
22 about the comments about
23 the Jews here, and page
24 307 David Luther asked for

25

1 it to be stricken from the
2 record. And Mike Mazzella
3 said, strike the striking.
4 And the thing about it, it
5 was still not removed.
6 They're still in the
7 minutes. Is my
8 question --

9 RECORDING SECRETARY DILDINE:
10 The issue would be the
11 striking was never acted
12 on? Luther went to the
13 mic, when I reviewed the
14 minutes, he did, he went
15 to the mic asked for it to
16 be removed, it was never
17 acted on, so it wasn't
18 removed. The other
19 issues, the minutes were
20 the minutes.

21 AL ZAPPALA: I'd like
22 to review the videotape to
23 see exactly what was said
24 that day, because I know

26

1 what was said and it's not
2 in the minutes, and I
3 don't know why it's not in
4 the minutes.

5 RECORDING SECRETARY DILDINE:
6 You got to identify
7 yourself, please.

8 AL ZAPPALA: Al
9 Zappala, Shawangunk. The
10 purpose of approving the
11 minutes is that the
12 minutes were exactly what
13 happened. I don't feel
14 those minutes totally say
15 what happened. And I
16 would like to review the
17 tape to make sure that it
18 wasn't a mistake.

19 RECORDING SECRETARY DILDINE:
20 Per the Parliamentarian,
21 we could have a special
22 review of the minutes, I'd
23 be happy to sit down with
24 you and go through that, I

27

1 don't know if we could do
2 that at this time. But,
3 we would need consent from
4 this body to do that. You
5 need a motion, second.

6 AL ZAPPALA: I'd like
7 to make a motion to review
8 the minutes from the
9 executive session.

10 STEVEN MARASCO: Steven
11 Marasco, Shawangunk, I'll
12 make that motion.

13 PRESIDENT POWERS:
14 We're going to need you to
15 write the motion up for
16 us, Steve.

17 STEVE MARASCO: You got
18 it boss.

19 PRESIDENT POWERS: Do
20 we have a second for the
21 motion?

22 STACY BENNETT: I'll
23 second that motion.

24 PRESIDENT POWERS Stacy

28

1 Bennett.
2 STACY BENNETT: Stacy
3 Bennett from Eastern, I'll
4 second that motion.

5 PRESIDENT POWERS: Is
6 there any discussion with
7 the motion. Well, we have
8 to have it written. Let's
9 get the written motion and
10 we'll put it in the
11 record.

12 The motion reads, to
13 review the video from the
14 Executive Assembly,
15 February 15th of 2017,
16 February 18th of 2017 for
17 accuracy of the EA
18 minutes. Motion is made
19 by Steve Marasco and Stacy
20 Bennett, seconded by stacy
21 Bennett.

22 Is there any discussion
23 on the motion? I'm sorry,
24 16th, February 16th.

29

1 AL ZAPPALA: This
2 reviewing of the
3 videotape, will that take
4 place here? Where is the
5 viewing of the videotape
6 going to take place?

7 PRESIDENT POWERS:
8 We'll make arrangements
9 for you up in NYSCOPBA.

10 AL ZAPPALA: Okay. So
11 in that case, are we
12 postponing the acceptance
13 of these minutes until the
14 review of the videotape?

15 PRESIDENT POWERS
16 Absolutely.

17 AL ZAPPALA: Okay. As
18 far as the reason behind
19 that motion, at the last
20 February EA, I made a
21 comment that was meant to
22 support the reason why I
23 felt executive sessions
24 that were done in the past

30

1 were not correct. We, in
2 the past conducted
3 executive sessions
4 technically the wrong way.

5 The way an executive
6 session works is that the
7 body enters the meeting,
8 starts out as a regular
9 meeting, and upon that
10 meeting this assembly will
11 be asked shall we go into
12 executive session, meaning
13 do we make it a secret to
14 conduct business.

15 Now, it was a big
16 discussion that was
17 ensued, and I have read
18 Roberts Rules of Order and
19 I realized we weren't
20 doing it the right way.
21 And so, in an effort to
22 make a statement --

23 PRESIDENT POWERS:
24 Brother Zappala?

31

1 AL ZAPPALA: Yeah.

2 PRESIDENT POWERS: The
3 discussion is about the
4 motion.

5 AL ZAPPALA: This is
6 about the motion. I'm
7 explaining why I want the
8 motion --

9 PRESIDENT POWERS:
10 You're not the maker of
11 the motion.

12 AL ZAPPALA: I'm not
13 allowed to discuss it?
14 You said --

15 PRESIDENT POWERS: What
16 aspect of the executive
17 session is in the motion?

18 AL ZAPPALA: The
19 minutes are wrong and I
20 wanted to add comments
21 that from in the minutes
22 that were left out of the
23 minutes.

24 PRESIDENT POWERS: The

32

1 motion was exclusive for
2 the pages, I can't
3 remember the pages, but --

4 AL ZAPPALA: So I'm at
5 a loss at what you're
6 saying. So you're saying
7 that the motion needs to
8 state to add in --

9 PRESIDENT POWERS: We
10 have a second to the
11 motion. And the
12 conversation and the
13 discussion is germane to
14 the motion. To review the
15 video, which you've asked
16 for, and we'll bring the
17 discussion to a vote. The
18 motion is clear.

19 AL ZAPPALA: Yes.

20 PRESIDENT POWERS:
21 You're breaking off into
22 the executive session
23 aspect of it.

24 AL ZAPPALA: I'm

33

1 explaining what the
2 minutes were pertaining to
3 from the February EA.

4 PRESIDENT POWERS: So
5 the executive session has
6 something to do with this
7 motion?

8 AL ZAPPALA: No. The
9 definition of the
10 executive session has to
11 do with that motion. And
12 what I'm trying to explain
13 to this body before they
14 vote yeah or nay to
15 approve it, is that a
16 comment was made basically
17 referring to the fact that
18 things -- just because
19 something is not done in
20 the past, doesn't make it
21 right. And that comment
22 was left out.

23 And that comment is
24 very important in the fact

34

1 that my next follow-up
2 line was, they used to
3 kill the Jews in the past,
4 that doesn't make it
5 right. And that line
6 right there, by some
7 people that thought it was
8 a racist line, which it's
9 not racist, I have
10 ancestry that I'm Jewish
11 in the past.

12 I don't like the fact
13 that when you say -- I
14 have been told, and this
15 is -- this is -- this is
16 the -- I have been told
17 that people were thinking
18 of --

19 THE PRESIDENT: The
20 meeting is not going to
21 get out of order like it
22 did the last time. The
23 fact of the matter is, the
24 motion is on the floor.

35

1 We're discussing the
2 motion. We're not talking
3 about the comments or any
4 personal problems you
5 might have regarding the
6 perception of your
7 statement. That's not
8 what we're here to
9 discuss. We're discussing
10 the motion to move the
11 motion, period.

12 AL ZAPPALA: Okay.

13 PRESIDENT POWERS: We
14 should be talking about
15 the discussion and the
16 accuracy of the motion.
17 You're calling in to
18 question the accuracy of
19 the minutes. That's the
20 discussion.

21 AL ZAPPALA: Correct.

22 PRESIDENT POWERS:
23 Thank you. Is there any
24 other discussion regarding

36

1 the motion. All in favor
2 signify by saying aye?

3
4 (All respond "aye.")

5
6 JIM SONKO: What does
7 an aye vote stand for?

8 PRESIDENT POWERS: To
9 review the video.

10
11 (Inaudible question
12 from the floor.)

13
14 PRESIDENT POWERS: Yes.
15 I'll read the motion in
16 again. To review the
17 video from the Executive
18 Assembly of February 15th,
19 2017 and February 16th,
20 2017, for accuracy of the
21 EA minutes.

22 Motion is made by Steve
23 Marasco and Stacy Bennett.
24 Any other discussion with

37

1 the motion?

2 VP MID-HUDSON MAZZELLA:
3 Yeah, real quick.

4 PRESIDENT POWERS:
5 Mike?

6 VP MID-HUDSON MAZZELLA:
7 Mike Mazzella, Mid-Hudson
8 region vice president.
9 The motion as read doesn't
10 state who is reviewing it;
11 it just says to review the
12 video.

13 PRESIDENT POWERS: I
14 think it's open to anybody
15 actually.

16 VP MID-HUDSON MAZZELLA:
17 So anybody who wants to
18 come up on the date you
19 set, can come and review
20 the video, correct?

21 PRESIDENT POWERS:
22 Yeah.

23 VP MID-HUDSON MAZZELLA:
24 Just clarification.

38

1 Thank you.

2 PRESIDENT POWERS: The
3 treasurer says there will
4 discussion with the
5 motion?

6 All in favor of the
7 motion signify by saying
8 aye?

9
10 (All respond with "aye.")

11
12 PRESIDENT POWERS:
13 Anybody opposed?

14
15 (No response.)

16
17 PRESIDENT POWERS:
18 Motion passes.
19 Thank you.

20 RECORDING SECRETARY
21 DILDINE: So we will put
22 off the approval. Just
23 for clarification or maybe
24 a word of advice, whether

39

1 you want it or not. The
2 minutes are sent out in
3 the EA packet.

4 The reason they're sent
5 out in the EA packet is if
6 there is errors, let
7 somebody know. So if we
8 know ahead of time, we can
9 get arrange for all this,
10 you can get together, you
11 can see if it's right or
12 if it's wrong, and we can
13 correct it and we can take
14 care of it today. Rather
15 than putting it off and
16 having someone come to
17 Albany.

18 It's just a suggestion,
19 but that's why we send the
20 minutes out. Everybody
21 gets them. You know, I
22 know nobody wants to read
23 them. But if you want to
24 read them, read them. And

40

1 if you have an issue like
2 you're saying something
3 missing or is maybe
4 missing, we'll go back and
5 check. And if it's so,
6 we'll correct it.

7 But we just take what
8 our transcriptionist gives
9 us and those were our
10 minutes. That's just a
11 suggestion for the future.
12 And as far as coming,
13 reviewing them, get
14 together with us
15 afterwards, we'll set up a
16 time you can come up and
17 look at it and we'll
18 address them at the next
19 EA.

20 On the next subject, we
21 have to approve the
22 executive session minutes.
23 So I am going to ask for
24 permission from this body

41

1 to go into executive
2 session. Now, executive
3 session, if we're running
4 under Robert Rules of
5 Order is the body. I
6 would ask that the body,
7 the EA, Executive
8 Assembly, just the EA, the
9 transcriptionist because
10 there's going to be a
11 motion made to accept the
12 minutes, everyone else
13 leave the room.

14 Hold on, they didn't
15 vote on it yet. I'm just
16 asking for permission. We
17 have to approve the
18 executive session minutes.
19 The problem we have,
20 executive session not in
21 our -- under Roberts Rules
22 of Order, basically are
23 secret under Roberts Rules
24 of Order.

42

1 In the past, minutes
2 have been published; they
3 shouldn't be published.
4 Executive Assembly minutes
5 should not be published.
6 That's why they were
7 mailed to everybody that
8 was here the last time.
9 If you were here, you got
10 them and only you got
11 them, nobody else did.

12 The Parliamentarian has
13 advised you go into
14 executive session to
15 approve the minutes. If
16 you approve the minutes,
17 that's the end of it.
18 They don't get posted.
19 They're not posted on the
20 website. They're secret,
21 which is what executive
22 session means under
23 Roberts Rules of Order.

24 So I'd ask for

43

1 permission to go in to
2 executive session to
3 approve the minutes from
4 January 6th.

5 STEVE MARASCO: Steve
6 Marasco, Shawangunk. I
7 don't mean to be a pain in
8 the butt but on page six
9 of the executive session
10 minutes --

11 RECORDING SECRETARY
12 DILLINE: Hold on. No.
13 No. We can't have that
14 discussion here. You have
15 to go into executive
16 session. Or are you
17 talking about --

18 STEVE MARASCO: I just
19 want to say that I don't
20 think the minutes were
21 actually executive
22 session, because during
23 those minutes he just said
24 we're going into session

44

1 now. There was never a
2 motion and the body never
3 approved to go into
4 session. That's all I'm
5 going to say on this
6 topic. That's all I'm
7 going to say.

8 RECORDING SECRETARY
9 DILDINE: Anyways, can we
10 have unanimous consent to
11 go into executive session
12 to discuss the executive
13 session to discuss the
14 executive assembly minutes
15 from January 6th.

16 All in favor of the
17 motion signify by saying
18 aye?

19
20 (All respond with "aye.")

21
22 RECORDING SECRETARY
23 DILDINE: Opposed?

45

1 (No response.)

2
3 (Whereupon the Body
4 went into executive
5 session.)

6
7 RECORDING SECRETARY DILDINE:
8 I'd ask for unanimous
9 consent to accept the
10 minutes from the January
11 6th, 2017 executive
12 session minutes.

13 All those in favor of
14 the motion signify by
15 saying aye?

16
17 (All respond with "aye.")

18
19 RECORDING SECRETARY
20 DILDINE: Opposed?

21
22 (No response.)

23
24 RECORDING SECRETARY

46

1 DILDINE: None opposed.
2 Thank you. Motion passes.
3 Thank you.

4 STEVE MARASCO: I'm
5 opposed.

6 RECORDING SECRETARY
7 DILDINE: I'm sorry,
8 noted. All right. We'll
9 go back on the record,
10 bring everybody back in
11 and continue on.

12
13 (All previously excused
14 members returned to room
15 and the Body resumed the
16 Executive Assembly.)

17
18 PRESIDENT POWERS:
19 Keith, get the door in the
20 back, please. Can I --
21 we'll go back into
22 session, regular session.
23 We'll start with the
24 president's report.

47

1 Since our last meeting,
2 we're all well aware the
3 ballot count came back at
4 the end of February. The
5 contract was shot down
6 considerably. We're all
7 familiar with the totals.

8 On March 7th, we had a
9 meeting; myself, Tammy,
10 Dave Viddivo, I believe
11 Mike Dildine was present
12 as well, with the new
13 Director of State
14 Operations, James Rubin.
15 Along with -- on a phone
16 conference, Bill Morrow,
17 who was secretary to the
18 Governor at the time and
19 we expressed our concerns
20 regarding the contract and
21 how the vote rolled out.
22 And how the membership
23 felt regarding the
24 discipline aspect and the

48

1 health insurance.
2 We were very clear
3 about it; laid it right
4 out. We told them that
5 much of their comments
6 right from the jump from
7 the time of the MOU, and
8 the Governor's comments
9 were disingenuous. And we
10 left it at that. We
11 haven't had any follow-up
12 with them since. We're
13 working on continuing that
14 dialogue as we move
15 forward.

16 On March 8th we
17 attended the picket at
18 Auburn. It was very well
19 attended. They had a
20 great turn-out. We had
21 some good media coverage
22 there. As many of you
23 know also on the 7th, jump
24 back to the 7th, we're all

49

1 familiar with the comment
2 that the Governor threw
3 out there regarding his
4 initiative with Raise the
5 Age, where he implied that
6 staff are injured by -- or
7 inmates are injured by
8 staff.

9 We got a mix bag of
10 reactions from that and we
11 haven't had any dialogue
12 with him since then and
13 we've been pushing his
14 buttons ever since.
15 Again, the Auburn picket
16 was well attended. On
17 Friday we also met with
18 our lobbyist George
19 DeRosa, Keith Jacques and
20 a couple of members from
21 the board in Albany. And
22 we continued our push
23 against the Governor and
24 his comments.

50

1 On the 13th we had a
2 meeting with IDC leader
3 Jeff Klein. In that
4 meeting we discussed the
5 possible for potential for
6 public hearings regarding
7 the NYCLU settlement and
8 impact the NYCLU
9 settlement has had on our
10 facilities; along with the
11 interim stipulation
12 settlement of 2014.

13 And we're going to be
14 working pretty closely
15 with the his office to do
16 some public hearings
17 regarding that. And if
18 you're familiar with it,
19 much of the grass that we
20 send out regarding the
21 violence in our facilities
22 with the increase of
23 contraband, chemical agent
24 use, inmate on inmate

51

1 assaults and inmate on
2 staff assaults, you can
3 see that since the
4 inception of the interim
5 stipulation settlement of
6 2014 with NYCLU; and the
7 implementation in '15 with
8 the settlement that the
9 state entered into with
10 NYCLU, you can see the
11 significant sharp contrast
12 in the high rises of
13 assaults on staff, inmate
14 on inmate assaults,
15 contraband and the use of
16 the chemical agents. And
17 our continued push for
18 additional training.

19 On the 14th there was a
20 winter event in Albany.
21 We had a scheduled board
22 meeting we pushed that off
23 to the 21st. Many of the
24 issues on the day after

52

1 the storm on the 15th we
2 attended a meeting with
3 Senate Majority Leader
4 John Flanagan. And that
5 meeting was cancelled due
6 to the fact that they were
7 starting there budget
8 push.

9 And with that, when
10 that meeting got canceled,
11 shortly thereafter we took
12 the initiative to head up
13 to the senate chamber. We
14 met with Senator Klein's
15 Chief of Staff, Dana
16 Carotenuto, I believe is
17 her name; something to
18 that affect. It's a long,
19 long name. But we had a
20 very productive meeting
21 with her. And Senator
22 Savino has also offered to
23 enter into a Joint Op Ed
24 and opinion editorial with

53

1 fallen brothers calling
2 hours. We on March 20th
3 we had our political
4 action committee meeting
5 with our members. We also
6 had our board meeting on
7 the 21st of March.

8 Later on that evening
9 we had a very successful
10 legislative reception at
11 the Renaissance Hotel in
12 Albany. We had
13 approximately anywhere
14 from fifty, fifty-five to
15 sixty legislators show up.
16 We had a very good solid
17 turn out. And we were
18 able to discuss a lot of
19 our concerns. The PAC
20 committee came out. We're
21 going to be looking to
22 enhance that process in
23 the future to incorporate
24 some kind of legislative

55

1 NYSCOPBA regarding the
2 NYCLUJ settlement as well.

3 So we were able to
4 advance that and since our
5 contact with those offices
6 to push this public
7 hearing and this Op Ed,
8 obviously they're concerns
9 were getting the state
10 budget done and their
11 budget came through
12 shortly thereafter. Once
13 the budget was enacted
14 last week, we were
15 immediately in contact
16 with them and our media
17 outlets are working with
18 Senator Klein's office and
19 his chief of staff as we
20 speak.

21 So we're moving nicely
22 with that. On Thursday
23 the 16th, we -- I drove
24 out west to attend a

54

1 reception when we have an
2 executive assembly.

3 That's the talk right
4 now in the future to be
5 able to have many of the
6 chief stewards attend as
7 well, so that we have
8 face-to-face interaction
9 with our legislators.

10 On the 22nd, myself,
11 Joe Miano, Mike Morrow and
12 Mike Mazzella attended a
13 staffing review. I later
14 in the day met with
15 Senator Flanagan on the
16 cancellation of the
17 meeting prior to that.

18 And then on the 27th I
19 worked with Mike Morrow
20 over the staffing numbers
21 and the reviews and our
22 displeasure in the way the
23 staffing reviews took
24 place on the 22nd. Much

56

1 of that went back and
2 forth. I was able to put
3 some issues out on the
4 forefront.

5 One of them being at
6 Willard Correctional
7 facility. And some
8 concerns that Mike had
9 regarding the Downstate
10 staffing review. And if
11 you have any questions
12 with that, by all means
13 come up and talk to us
14 about that.

15 On the 28th we started
16 the process for filing the
17 injunction for the clear
18 lunch bag that we're all
19 quite familiar with, I'm
20 sure, at this point.
21 Unfortunately we were
22 unsuccessful. I'll have
23 Erin come up shortly at
24 the end of my speech here

57

1 in our corner, I think
2 they just took a different
3 political stance and they
4 realized that at one point
5 your interests apparently
6 aren't -- our interests
7 apparently aren't your
8 interests and with that
9 that's problematic. So,
10 we were able to rectify
11 that.

12 We had some
13 correspondence going back
14 with media outlet, North
15 Country Public Radio
16 regarding NYCLU and much
17 of what I just discussed
18 regarding the spike in
19 violence since 2014, '15
20 and '16.

21 On the 30th, they
22 started to implement for
23 you to sign the bag. We
24 ran into a lot of problems

59

1 to talk to you guys and
2 update you guys as to our
3 timeline and where we're
4 heading with that.

5 On the 29th, on the
6 morning of the 29th, I met
7 with Minority Leader Brian
8 Kohl of the Assembly.
9 That meeting was basically
10 just to put him on point
11 as to how some of his
12 membership was voting and
13 why we weren't
14 contributing to any of his
15 campaigns, as some of his
16 members were not
17 supporting NYSCOPBA
18 legislation but they were
19 quick to call us with
20 their hand out.

21 We were able to right
22 that ship and now we have
23 them back in our corner.
24 It's not that they weren't

58

1 with that. We addressed
2 those at each facility.
3 Watertown turned out to be
4 quite the headache for us
5 our.

6 Our biggest concern,
7 what we constantly throw
8 back to the Department is,
9 your direction that you
10 give to us and we send to
11 our members is better
12 direction than you're
13 giving to your
14 superintendents in your
15 facilities. And that's
16 problematic for us. And
17 it's problematic for you,
18 because I'm continually
19 reaching over there
20 saying, that's not what
21 you told us.

22 So hopefully they got a
23 bit of an adjustment with
24 that. We agreed to

60

1 disagree with that and how
2 it was rolled out. And,
3 you know, a lot of the
4 issues still continue to
5 come forward and we
6 addressed them as they
7 came.

8 John Harmon and I did a
9 radio interview regarding
10 some of the violence and
11 the staffing issues he's
12 got at Central New York
13 Psych on the 30th. Again,
14 some issues on the 31st
15 with Watertown.

16 Then we jump into
17 April. Meeting on
18 March -- or April 5th with
19 Rachel Small was canceled
20 and I think a lot of that
21 had to do with our current
22 relationship with the
23 second floor. We had some
24 issues regarding some

61

1 false information that was
2 being disseminated around
3 on some of the social
4 media sites that we had to
5 address. That was on the
6 5th.

7 I met with a couple
8 members on the 6th over
9 personal issues for them.
10 On the 7th, I will have
11 Erin fill us in on that.
12 On the 7th, the state
13 budget was reached. Keith
14 will come up and give us
15 an analysis on that.

16 Monday the 10th we
17 followed up with the IDC
18 and the -- our media
19 outlet regarding the Op Ed
20 and the NYCLU. And
21 we were informed that
22 Senator Klein is on board
23 with that. So we're
24 moving nicely with that.

62

1 John Harmon as I
2 mentioned earlier on in
3 the day, please keep him
4 in your thoughts and
5 prayers. And on the 11th
6 we had a meeting with the
7 Department at the Albany
8 Academy. Much of the
9 topics that we discussed
10 in this meeting first and
11 foremost was the training.

12 We have an issue with
13 the use of force training.
14 Use of force training has
15 been reduced from four to
16 two hours annually. And
17 in-house, in facility. We
18 raised objection to that.
19 We actually believe that
20 it's -- our lawyers are
21 looking at it, that may be
22 problematic for not to
23 have to use the NYCLU
24 settlement in our fucking

63

1 defense, but that being
2 said, the NYCLU settlement
3 expects four hours use of
4 force training.

5 Obviously four hours
6 isn't sufficient. That's
7 been our cause, that's
8 been our push from day
9 one. They keep falling
10 back on money. That was
11 primarily every issue that
12 we brought forward, they
13 fell back on money. Our
14 big push regarding
15 training especially use of
16 force with the high rise
17 of violence in our
18 facilities.

19 They've compromised two
20 hours of that annual
21 training to implement the
22 Glock training that we're
23 entering into. And also
24 discovered in this

64

1 meeting, that next year
2 they plan on keeping it
3 two hours to have
4 everybody trained in
5 pepper spray, with the
6 potential full roll out of
7 pepper spray by next year.

8 We don't object to the
9 pepper spray. We don't
10 object to the Glock. We
11 object to the hours
12 annually that maintain
13 forty hours since I have
14 been at the Department
15 twenty-seven years.
16 That's our issue with
17 training. There's not
18 enough annual training in
19 a year to keep us abreast
20 with the constant changes
21 that keep coming forward.

22 As I mentioned the
23 pepper spray will be
24 rolled out in all jails by

65

1 to that. We'll be
2 following up with them
3 with another letter. A
4 bit of information what
5 we've discovered, Joe
6 Miano put in my head a
7 while back that OSI is
8 going to be trained in dog
9 handling.

10 So expect OSI at your
11 front gate here in the
12 near future. They're
13 going to be coming in and
14 probably sniffing around
15 us in our new clear,
16 plastic bags. With that
17 being said, keep an eye
18 out for that. We very --
19 something that is close to
20 us regarding D designation
21 for inmates. We talked
22 about that in this hall
23 some time ago.

24 They are having issues

67

1 mid of 2018. We discussed
2 in some correspondence the
3 Department hasn't
4 responded back to us
5 regarding how they
6 anticipate us to follow
7 these directives by the
8 letter. Since
9 post-Clinton these
10 conversations are how do
11 we effectively -- and
12 we've talked about it in
13 this hall. How do we
14 effectively maintained and
15 do an eight hour day, when
16 your book is that big; and
17 we can't effectively do
18 our jobs in an eight hour
19 day, per your specs, per
20 your directives and
21 policy. How do you
22 physically expect us to be
23 able to do this job.

24 They failed to respond

66

1 in the IT department to
2 rectify that. What I mean
3 by D designation is your
4 continual problematic
5 convict in the setting.
6 And with that is a
7 mechanism to -- mechanism
8 for your pop management
9 committee meetings and for
10 general information in
11 your facilities, to be
12 more aware of our
13 surroundings.

14 As many are aware,
15 we had an incident at Mid
16 State not too long ago,
17 within the last week. One
18 of our female officers was
19 put in a position with a
20 convicted rapist and a lot
21 of information regarding
22 him was not readily
23 available for us at that
24 time.

68

1 So the D designation as
2 far as them implementing
3 that and sharing that
4 information with our front
5 lines, is due to some
6 problems with the IT
7 department in their
8 implementation.

9 Spoke a little bit
10 about some issues at
11 Collins regarding the high
12 issues of K2 that's been
13 reported to us. Including
14 some of the heavy amounts
15 of overdoses with K2, that
16 they apparently seem to be
17 mixing with opiates and
18 any other kind of Drains
19 that they can put their
20 hands on, that are
21 rendering a lot of these
22 guys pretty violent and
23 causing a lot of problems
24 in the facilities.

69

1 Shawangunk, Sing Sing,
2 Clinton, I'm sure none of
3 us are immune to it, but
4 we get a lot of activity
5 out of Collins about that
6 and we spoke a little bit
7 about some walkway
8 coverage that Joe brought
9 up as well.

10 Again, the NYCLU
11 stipulation or the
12 agreement, we've got some
13 keep-lock units that are
14 going to be coming online
15 here in June of this year.
16 Fishkill and Five Points
17 are apparently two of them
18 that will be coming up.
19 This is your step down
20 program, if you're not
21 familiar with the NYCLU
22 settlement. And mid 2019
23 pending construction,
24 Southport should be moving

70

1 online as well.

2 Some of the things they
3 followed up on us, Keith
4 will get into some of this
5 in the budget with the
6 Office of Child and Family
7 Services, the Raise the
8 Age has passed through
9 both houses and obviously
10 the Governor got his way
11 to some capacity with
12 that.

13 And we talked about
14 some of the aspects of
15 social media. Not that
16 there's a problem with
17 anything, with anybody
18 being on social media, but
19 don't put yourself out
20 there by admitting your
21 position and your
22 employment on there in any
23 way capacity. Rendering
24 an opinion is one thing,

71

1 but stating that you're in
2 service and, you know, I'm
3 not suggesting that you
4 don't do it.

5 We've been told that
6 they're going to be
7 monitoring it. Anything
8 that comes back, that's
9 against the employee
10 manual regarding any
11 language going back and
12 forth on Facebook is going
13 to be detrimental. So
14 that's where we left that
15 off.

16 As you're all aware we
17 have a rally coming up on
18 May 1st. Participation in
19 the numbers are not
20 looking very good right
21 now. We need you to go
22 back to your facilities
23 and impress upon our
24 members that this rally is

72

1 of major importance to
2 NYSCOPBA. As we sent them
3 a very clear message
4 regarding the contract.

5 And the vote as to how
6 the contract went down and
7 we need to follow that up.
8 We need to follow it up
9 strong and need good
10 participation at this
11 rally. We don't have good
12 participation right now
13 signed up. If some of
14 your members that you know
15 of that may be driving
16 themselves here, that's
17 fine. But please have
18 them sign up so we have a
19 number as to who's coming.

20 Keep an eye on our web
21 page. We have information
22 regarding obviously 4936,
23 and Erin will come up here
24 shortly and talk about

73

1 restraining order, but
2 we're not out of the woods
3 yet. But with that in
4 mind we also have a link
5 on our web page regarding
6 some of our biggest
7 concerns we need to be
8 looking forward to. And
9 that's the Janus verses
10 AFSCME case.

11 We talked about it in
12 here in the last two EAs.
13 This is very important
14 stuff. We get a lot of
15 great information from our
16 grievance coordinator Bob
17 Kronin who sends us many
18 links and many of those
19 links are informative
20 links.

21 They're informative for
22 you to share with your
23 members in your meetings
24 and these are the goings

75

1 that. But we have a log
2 on our web page regarding
3 4936, any information and
4 documentation that's
5 coming back and forth from
6 that. That went out in
7 the initial e-mail that we
8 sent out when the IP was
9 filed.

10 And also on the
11 information -- and more
12 importantly, and not that
13 4936 is not important, but
14 we've got some pretty good
15 things in place to push
16 back on this. We have
17 some support from PERB in
18 our initial IP. And they
19 supported our injunction
20 which we believe was able
21 to get it to the Supreme
22 Court in Albany County.

23 Unfortunately, we
24 didn't get the temporary

74

1 on around the nation
2 outside of New York,
3 regarding right to work;
4 and Janus versus AFSCME
5 and union rights.

6 Just as of recent the
7 Governor of, where is
8 Walker from?

9 VP WEST MIANO:
10 Wisconsin.

11 PRESIDENT POWERS:
12 Wisconsin, has just taken
13 away union contracts.
14 Well, he's not taking them
15 away but he's allowing
16 private contractors to
17 come in and do state jobs.
18 Which typically in most
19 states require union
20 activity, and he's
21 offering it up on both
22 sides now.

23 This is real and it's
24 coming and we need to be

76

1 out in front of it. We've
2 got Dan Valente out front
3 with Gordie Warnatt from
4 the State Police, who is
5 chairing a small
6 committee. I reached out
7 to the New York City
8 Corrections, the president
9 Elias Husamudeen, the COPA
10 president. We've reached
11 out to some of the other
12 law enforcement presidents
13 regarding this to create a
14 strong coalition to push
15 back in all aspects of law
16 enforcement regarding
17 right to work.

18 One other thing, real
19 quick here, under new
20 business we can save the
21 questions for under new
22 business. But effective
23 June 1st we'll be looking
24 to look for a new

77

1 don't know if anybody else
2 has, but South Port we're
3 a Shu box throughout, but
4 in our one particular
5 block, D-block doesn't
6 have a strip frisk pen.
7 We have strip frisk pens
8 down in the draft, but you
9 don't want to have one in
10 the SHU.

11 And two weeks ago we
12 just had an incident where
13 an inmate came off the
14 wall and refused to be
15 frisked. And they ended
16 up doing what they had to
17 do, and so on and so
18 forth. But it would never
19 happened if we had a strip
20 frisk pen and it's a
21 simple issue.

22 PRESIDENT POWERS: We
23 were actually on a site
24 visit last week. Tammy

79

1 lobbyist. We have -- the
2 board spoke yesterday and
3 George DeRosa effective
4 June 1st will no longer be
5 associated with NYSCOPBA.
6 So, with that being said,
7 that concludes my report.
8 Thank you. Any questions,
9 sorry?

10 DOUG WESTERVELT:
11 Westervelt, South Port. I
12 want to ask you directly
13 Mike to talk to the powers
14 to be, I don't understand
15 at my facility, we've
16 taken it to labor
17 management meetings, to
18 get a strip frisk pen in
19 our SHU box. And they
20 refuse to address it.

21 PRESIDENT POWERS: Give
22 me some particulars and
23 I'd be happy to do that.

24 DOUG WESTERVELT: And I

78

1 pointed out I believe
2 Marcy might have one, the
3 RMHU.

4 VICE PRESIDENT SAWCHUK:
5 It was Marcy.

6 PRESIDENT POWERS: All
7 right. So give me some
8 particulars, by all means.
9 Anybody else?

10 UNIDENTIFIED SPEAKER:
11 Mid State, too.

12 PRESIDENT POWERS:
13 Thank you. I'm sorry,
14 gees, Erin. I'll have
15 Keith come up shortly
16 thereafter and do the
17 budget discussion as well.
18 This is in regards to
19 4936.

20 ERIN PARKER: Good
21 afternoon, everyone. I
22 just want to give you a
23 little bit of a time line
24 as to everything that has

80

1 been done with respect to
2 the clear bags and 4936,
3 since the beginning and
4 what we can expect moving
5 forward.

6 The moment the
7 memorandum was put out
8 notifying the
9 superintendents and then
10 to all of the members
11 about the clear bag, an
12 improper practice charge
13 was put together and filed
14 with PERB. That improper
15 practice charge alleges
16 just about the clear bags.
17 That the bags are
18 mandatory subject of
19 bargaining and they did
20 not bargaining that with
21 NYSCOPBA's union; it only
22 has to do with the bags.

23 And that's because we
24 wanted to file it

81

1 with PERB. If PERB finds
2 that you have met the
3 grounds for a preliminary
4 injunction, then they
5 authorize you to go to
6 Supreme Court in Albany
7 County to get that
8 injunction.

9 The grounds for
10 injunction are as follows:
11 That there's reasonable
12 cause to believe that an
13 improper practice charge
14 occurred; and that there
15 is irreparable harm.
16 Irreparable harm is the
17 harder to allege; it's the
18 harder thing to allege and
19 harder thing to prove. It
20 has to be something that
21 happens to an individual
22 that could not be fixed
23 later by an award, if PERB
24 were to rule in our favor.

83

1 immediately. And as you
2 know the directive changes
3 which are far more
4 detailed, didn't come out
5 until about three weeks
6 after that. So, the
7 improper practice charge
8 was filed immediately.

9 Shortly thereafter, we
10 put did together papers to
11 file what is called a
12 preliminary injunction.
13 That preliminary
14 injunction would stop
15 DOCCS from implementing
16 the clear bags, while we
17 litigated the underlying
18 improper practice charge.

19 A preliminary
20 injunction for an improper
21 practice charge, so at
22 PERB is a multi-step
23 process. First you have
24 to file all of the papers

82

1 We did brainstorm and
2 put together affidavits
3 and argument regarding
4 irreparable harm, which
5 included items such as
6 privacy, inside and
7 outside the facility.
8 Safety, particularly
9 outside the facility with
10 individuals who do public
11 transportation. And then
12 some practical concerns
13 regarding spoilage of
14 food.

15 All of the papers for
16 the injunction were
17 submitted to PERB. The
18 State had an opportunity
19 to respond and PERB
20 actually found in our
21 favor. And that's a huge
22 lift. I want you guys and
23 the body to understand
24 that. It's very difficult

84

1 to get an injunction.
 2 So PERB felt very
 3 strongly that we should
 4 get an injunction. They
 5 wrote a decision -- it's
 6 actually done by PERB's
 7 counsel. The decision
 8 provides that we have
 9 reasonable cause to
 10 believe that an improper
 11 practice charge occurred.

12 Primarily relying on
 13 the case law of the lunch
 14 box case ten years ago.
 15 And they also found that
 16 we had irreparable harm.
 17 They can't issue the
 18 injunction. PERB has to
 19 require us to go to
 20 Supreme Court Albany
 21 County and convince a
 22 judge to sign the
 23 injunction.

24 In order to do that we

85

1 put together papers and
 2 we were before a judge on
 3 August -- excuse me, April
 4 13th. And those papers
 5 requested not only the
 6 preliminary injunction,
 7 but something else that's
 8 called a temporary
 9 restraining order.

10 Preliminary injunction,
 11 it's going to take us a
 12 few weeks for the judge to
 13 make an determination on
 14 the preliminary
 15 injunction. So we asked
 16 that judge right then and
 17 there, to sign a temporary
 18 restraining order while
 19 we were waiting for a
 20 decision on the
 21 preliminary injunction.
 22 Sorry guys, I forewarned
 23 you this is a complicated
 24 process.

86

1 So the judge did not
 2 sign the temporary
 3 restraining order. But
 4 that particular judge did
 5 give us what's called a
 6 quick return date on the
 7 preliminary injunction.
 8 Meaning, where we are
 9 today as you know they
 10 have implemented the clear
 11 bags. They can implement
 12 them because there was no
 13 temporary restraining
 14 order. But we appear back
 15 before a judge on May 4th
 16 to have the judge
 17 determine the preliminary
 18 injunction.

19 Now, that judge may not
 20 determine it right then
 21 and there. We may still
 22 have to wait for a
 23 decision of that judge.
 24 But that's the next step

87

1 in the process. It's
 2 seeing if this judge,
 3 reading all of our papers,
 4 will give us a preliminary
 5 injunction.

6 If they do, DOCCS will
 7 have to stop using the
 8 clear bags until the end
 9 of the improper practice
 10 charge. If we get the
 11 preliminary injunction,
 12 PERB requires that the
 13 improper practice charge
 14 be expedited.

15 So, if any of you guys
 16 have been through PERB
 17 before, PERB can be
 18 lengthy. But if we get
 19 the preliminary
 20 injunction, then PERB's
 21 rules actually state that
 22 you have to have a hearing
 23 and a determination within
 24 sixty days.

88

1 So if we get the
2 injunction, we move very
3 quickly to an IP hearing.
4 If we do not get the
5 injunction, if the judge
6 finds that they do not
7 think there is irreparable
8 harm, waiting for the
9 determination on the IP,
10 then of course the IP
11 still moves forward. And
12 we will still fight all
13 the way through on the
14 improper practice charge
15 on the clear bags.

16 So that's the status
17 today and what we're
18 looking at going forward.
19 It's important to note
20 that the current
21 litigation, both the
22 improper practice charge
23 and preliminary injunction
24 is only about the clear

89

1 bags.
2 It's not about the
3 other items that are
4 listed in the directive as
5 items that are either
6 welcome or prohibited into
7 the facility. We are
8 looking right now, we will
9 most likely be filing a
10 separate improper practice
11 charge to challenge those.
12 We will be.

13 There are certain items
14 in there that are
15 unilateral changes related
16 to comfort, related to
17 food. Those things in
18 PERB's eyes can be
19 mandatory subjects. So
20 there will be a separate
21 improper practice charge
22 regarding the complete
23 revisions to 4936,
24 specifically that list on

90

1 the last two pages.

2 That will be different
3 than the actual clear bags
4 litigation. That's where
5 we are today. Questions?
6 Comments?

7 SHAWN KEENAN: Keenan
8 out of Wende. Nowhere in
9 there did I hear anything
10 about HIPPA.

11 ERIN PARKER: I can
12 answer that. HIPPA, the
13 HIPPA law is very specific
14 what are called covered
15 HIPPA entities. HIPPA
16 doesn't mean that, that
17 any one can get in trouble
18 for releasing public
19 health information. It
20 doesn't say that if you
21 have something that you're
22 required to have in a bag
23 that can be seen by other
24 people, that that's a

91

1 HIPPA violation.

2 HIPPA is a doctor, a
3 hospital, a clinic, a
4 dentist office, any types
5 of individuals who provide
6 medical treatment towards
7 other people. So, DOCCS
8 is a HIPPA covered entity
9 with respect to inmates,
10 because DOCCS runs
11 hospitals, nursing
12 station, clinics, to treat
13 inmates.

14 DOCCS is not a covered
15 entity with respect to
16 medical information under
17 HIPPA related to your
18 medicine. Also, HIPPA is
19 about punishing doctors
20 and medical professionals
21 for releasing information.
22 There's nothing about you
23 having something on you
24 that can be released

92

1 that's a HIPPA violation.
 2 DOUG WESTERVELT:
 3 Westervelt, Southport.
 4 Strip pat frisk, strip
 5 frisks to be conducted,
 6 front page it says,
 7 employee's manual, we have
 8 to submit it to them. But
 9 then you get on five of
 10 seven, and it says strip
 11 frisks are not allowed
 12 without a search warrant.

13 So, the people in our
 14 jail are talking like,
 15 look it, if they want to
 16 strip frisk me, I don't
 17 have to submit because it
 18 states right here you need
 19 a search warrant. So,
 20 what direction do they
 21 take?

22 ERIN PARKER: What page
 23 are you looking at?

24 DOUG WESTERVELT: The

93

1 front page, guidelines
 2 two.

3 ERIN PARKER: Yep.

4 DOUG WESTERVELT:
 5 Section 2.30, employees
 6 manual.

7 ERIN PARKER: Yep.

8 DOUG WESTERVELT:
 9 States, we have to submit
 10 to a pat frisk or strip
 11 frisk.

12 ERIN PARKER: Yes, they
 13 may be conducted. And
 14 then the later part --

15 DOUG WESTERVELT: Strip
 16 search, but a strip search
 17 is still naked, it's
 18 naked. All right. But,
 19 and that's where are we
 20 at? Because these guys
 21 aren't picking it up,
 22 strip frisks are not
 23 allowed without a search.
 24 And I understand, what's

94

1 the definition? Cavities
 2 verses stripping down? So
 3 you're telling me you
 4 don't have to bend over?

5 ERIN PARKER: That
 6 would be my understanding
 7 of the difference.

8 DOUG WESTERVELT: Well,
 9 that has to be cleared
 10 because these guys are
 11 gonna sit back and say,
 12 no, I'm not submitting
 13 because it says right
 14 here, so now they're going
 15 to be written up. So,
 16 what do they have to do?
 17 Where is the legalities?

18 ERIN PARKER: I will
 19 write that down and we
 20 will have to get back to
 21 you.

22 DOUG WESTERVELT:
 23 Thanks.

24 STACY BENNETT: Stacy

95

1 Bennett, Eastern. I'm not
 2 exactly sure where this
 3 falls. But in Directive
 4 4936 it references three
 5 directives that have
 6 nothing to do with
 7 officers. You have
 8 Directive 4910, which is
 9 control and search for con
 10 traband on inmates.
 11 Nowhere in there does it
 12 pertain to officers
 13 besides the report that we
 14 have to write.

15 4937 is urinalysis
 16 testing of inmates, which
 17 another thing doesn't
 18 pertain to officers. It
 19 pertains to the urinalysis
 20 testing of inmates with
 21 report writing from
 22 officers.

23 The third one is
 24 contraband drug testing

96

1 also on inmates. Why are
2 we referencing three
3 directives that have
4 nothing to do with us,
5 besides the report writing
6 aspect of this?

7 ERIN PARKER: Well,
8 first, we're not
9 referencing them. These
10 are the --

11 STACY BENNETT: I'm
12 just asking, I don't know
13 where this falls. But I'm
14 trying to find out why
15 they're referencing and
16 putting us on the same
17 page as inmates, when they
18 don't have anything to do
19 with this directive.

20 ERIN PARKER: First and
21 foremost, 4900 does deal
22 with employees walking
23 through -- or 4910, I
24 apologize.

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1 STACY BENNETT: 4910,
2 4937 and 4938, I have them
3 all and I have read them
4 all, page by page, word
5 for word. And nowhere
6 does it say anything about
7 us, besides report
8 writing.

9 ERIN PARKER: And I'm
10 flipping through right
11 now, and although they are
12 referenced in that top
13 reference section, I'm not
14 seeing where they're
15 referenced in the body of
16 this.

17 STACY BENNETT: Well,
18 that's my point.

19 ERIN PARKER: I
20 understand your point.
21 Either way, it could be
22 that there's nothing that
23 does apply in those that
24 are listed that are

98

1 involved in there.

2 It might be that it
3 could be a typo. It could
4 mean that all they're
5 taking about are the
6 reports you reference that
7 employers have to fill
8 out. I don't know beyond
9 that.

10 STACY BENNETT: Is
11 there any way that we
12 could find out?

13 ERIN PARKER: We can
14 ask, certainly.

15 STACY BENNETT: Okay.
16 Thank you.

17 DAVE LUTHER: Good
18 afternoon, Erin.

19 ERIN PARKER: Hello.

20 DAVE LUTHER: Dave
21 Luther out of Sing Sing.
22 We spoke briefly last
23 night in regards to
24 privacy bag that they talk

99

1 about in the directive for
2 personal items that may be
3 needed or medications. Is
4 that supposed to be part
5 of the supplies?

6 ERIN PARKER: Yes.
7 It's my understanding that
8 there are to be small
9 privacy bags for personal
10 medication or person
11 products, such as personal
12 feminine products. If you
13 guys are not getting them,
14 I would like to know that.

15 VP WEST MIANO: We're
16 not getting them.

17 DAVE LUTHER: I guess
18 that's your answer.

19 ERIN PARKER:
20 Thank you.

21 DAVE LUTHER: Secondly,
22 I had quite a discussion
23 Monday -- on Monday. I
24 had a discussion involving

100

1 myself, our Dep of
2 Security and one of those
3 OSI pukes that come
4 around, and they are
5 insisting, OSI is
6 insisting that they have
7 been told out of Long
8 Island City that they do
9 not have to have the clear
10 plastic bag.

11 ERIN PARKER: When they
12 walk through the front
13 gate of the facility?

14 DAVE LUTHER: Right.

15 ERIN PARKER: I think
16 that is contrary to the
17 directions we were given.
18 We'll check that out.

19 DAVE LUTHER: That's
20 why I'd like to find out.
21 Because they're walking in
22 our facility, yeah, they
23 carry their bags or their
24 paperwork, but the Dep's

101

1 and our e-mail service.
2 And that was expanded on.
3 And they've kind of
4 waffled all over the
5 place. And it lends to
6 fact that one hand doesn't
7 know what the other is
8 doing over there. And
9 what you have is you've
10 got some people that are
11 taking initiatives,
12 certain members of the
13 administration in your
14 facilities are taking some
15 matters in their own
16 hands.

17 And when you have those
18 instances, we need to know
19 about them as soon as
20 possible so we can react
21 to them. We were
22 successful in walking back
23 some issues. One being at
24 Willard regarding some

103

1 opinion and mine were both
2 the same; if you're
3 carrying anything other
4 than that paperwork, it
5 should be in a clear bag.

6 ERIN PARKER: We will
7 check that out.

8 DAVE LUTHER:
9 Thank you.

10 PRESIDENT POWERS:
11 That's one of the things
12 that was of concern for
13 us, Dave, from the
14 beginning, was the
15 direction that this
16 Building 9 is giving to
17 the facility
18 administrators. It
19 appeared to be not the
20 same direction that we
21 got. As we disseminated
22 the information down
23 through our facility --
24 down through our server

102

1 staffing numbers, at
2 Watertown. At a couple
3 other facilities.

4 But when those happen
5 you got to let us know so
6 we can get on those right
7 away.

8 ERIN PARKER: Anything
9 else?

10 AL OKONSKI: Okonski,
11 Hudson Correctional
12 Facility. I have already
13 sent an e-mail out to the
14 superintendent asking
15 permission to get the --
16 be able to take our union
17 paperwork inside the jail,
18 which states in the
19 directive either in a
20 folder or in a briefcase.
21 My superintendent never
22 gets back to me when she
23 doesn't know the answer,
24 so I'm figuring I'm never

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1 gonna get nothing back
2 from her.
3 So there's really
4 nothing in there that
5 states that we're allowed
6 or not allowed. Now, if
7 they deny us being able to
8 take our confidential or
9 union paperwork inside the
10 jail, what is our next
11 step?

12 ERIN PARKER: You know,
13 that is a very interesting
14 issue because there are
15 papers you need to bring
16 in.

17 AL OKONSKI: We need to
18 conduct business while
19 we're inside the jail.

20 ERIN PARKER: I'm going
21 to have to take a look at
22 that because there could
23 be theoretically maybe
24 some PERB concerns about

105

1 ERIN PARKER: Some
2 medications are like that,
3 it's my understanding.

4 DON DIETSCHWEILER:
5 Some. So how do we know
6 which ones are?

7 ERIN PARKER: I think
8 it's under the Federal
9 Controlled Substance Act.
10 We -- actually, I have an
11 associate in the office
12 right now digging that up
13 for me.

14 DON DIETSCHWEILER: I
15 was told just for the
16 record, so you know, our
17 superintendent relayed to
18 us and our union, it would
19 be an opaque bag with one
20 clear side that can be
21 flipped over. And I said
22 that you realize that six
23 sides of that cube, are
24 clear, right? So, what

107

1 your inability to do your
2 job in that manner. I'll
3 take a look.

4 AL OKONSKI: Thank you.

5 ERIN PARKER: You're
6 welcome.

7 DON DIETSCHWEILER:
8 Afternoon, Don
9 Dietschweiler, Riverview
10 Correctional. In regards
11 Dave, I was told by,
12 we had a sit down union
13 meeting, I had a couple
14 questions from my members
15 so in regards to the bag
16 for privacy for feminine
17 products or for
18 prescription medication,
19 isn't it state statute
20 that prescriptions be
21 contained in the original
22 prescription RX labeled
23 bottle with our name,
24 phone number.

106

1 good does that do when it
2 comes to women and their
3 feminine products. So,
4 what's where we stand at
5 Riverview. Thank you.

6 MR. CALLAN: Callan,
7 Wyoming. The problem
8 we're having now is we
9 implemented these bags
10 about a week now. Upon
11 implementation several of
12 the bags were either
13 damaged upon receipt or
14 damaged after their first
15 use.

16 We have nothing to
17 replace them with. I have
18 officers basically walking
19 in with clear plastic
20 bags. So where do we
21 stand far as replacement
22 cost, timing? Does it
23 cost you, cost the me,
24 cost the state?

108

1 ERIN PARKER: The
2 directive specifically
3 states that if the bag is
4 just broken, that you get
5 another one. But they
6 will charge you if they
7 think you broke it
8 purposely. Have you had
9 anyone particularly ask
10 for a replacement bag?

11 MR. CALLAN: I
12 physically watched a
13 gentleman open it out of
14 the package, open the
15 zipper, the zipper fell
16 off. There was a hole in
17 it, walked down the hall
18 and there was no
19 replacement available.

20 ERIN PARKER: Okay. We
21 will talk to the
22 Department about
23 replacements. Thank you.

24 VP WEST MIANO: Joe

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1 Miano, Western Region VP.
2 I got an e-mail from
3 Albion Correctional from
4 the Dep of Security. And
5 it's listed right on -- in
6 this content of the e-mail
7 it says, the small pouches
8 are not provided to staff.
9 They need to be purchased
10 personally.

11 ERIN PARKER: Really?

12 VP WEST MIANO: And it
13 also says the replacement
14 cost is nine dollars.

15 ERIN PARKER: That's
16 for the full bag.

17 VP WEST MIANO: Yes.
18 And just one other thing
19 for clarification, the IP
20 that was filed and the
21 injunction, that was filed
22 on behalf of all the
23 members of NYSCOPBA?

24 ERIN PARKER: Of

110

1 course.

2 VP WEST MIANO: And
3 NYSCOPBA was the one that
4 actually filed the IP, it
5 wasn't an individual who
6 filed it?

7 ERIN PARKER: It was
8 filed by NYSCOPBA.

9 VP WEST MIANO: Okay.
10 I just wanted to make that
11 clear for the record that
12 it was NYSCOPBA as a
13 whole, and not any one
14 individual that filed the
15 IP. Thank you.

16 TAMMY JOHNSON: Tammy
17 Johnson, Rochester
18 Correctional. My concern
19 is that inmates can come
20 in with duffel bags but we
21 cannot; we have to come in
22 with a clear bag. Why is
23 it such lopsided?

24 If they can come in

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1 with clothing, a huge
2 duffel bag because they're
3 five or two or seven and
4 zero, but we are being
5 regulated like we are the
6 criminals?

7 ERIN PARKER:

8 Absolutely. And that is
9 why NYSCOPBA is currently
10 fighting this clear bag
11 implementation because
12 DOCCS is trying to say
13 that this is a very
14 necessary safety measure.
15 Yet, there are a number of
16 things that they allow the
17 inmates to do, have, use,
18 get shipped in to them,
19 that are the same type of
20 items that they're now
21 prohibiting with us.

22 That is a huge factor
23 in arguing the underlying
24 improper practice charge.

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1 TAMMY JOHNSON: What
2 protection do we have to
3 safeguard what medication
4 we're taking? Why is it
5 that we have to have ours
6 in a plastic bag but the
7 inmates can have theirs
8 secured?

9 ERIN PARKER: Well, you
10 can also carry it on your
11 person, keep that in mind.
12 And we're going to follow
13 up on the privacy bags
14 that have one opaque side,
15 not opaque side.

16 BOB ANDELORA: Hi, Bob
17 Andelora, Orleans
18 Correctional. I got 4936
19 right here in my hand.
20 You stated that it said if
21 the bag gets damaged we're
22 going to have to pay for
23 it. That is not in this
24 directive at all.

113

1 these clear bags?

2 ERIN PARKER: I can say
3 this. I am not aware of
4 any of the other unions
5 that actually have filed
6 charges at this time.
7 There have been unions
8 that have been in touch
9 about it. They are aware
10 of it. But I am not aware
11 if and when they have
12 filed their own improper
13 practice charges.

14 And we have been
15 helping with the other
16 unions by providing them
17 the documentation that we
18 filed, so they can join
19 the fight with us.

20 AL ZEINA: Thank you.

21 MARK GREENE: Mark
22 Greene, Albion
23 Correctional. The other
24 thing was the normal wear

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1 ERIN PARKER: It's in a
2 different directive. It's
3 in the uniform directive.

4 BRUCE DELANEY: Bruce
5 Delaney, Auburn. If
6 they're making that part
7 of our uniform, we don't
8 pay for our uniforms.

9 ERIN PARKER: Correct.
10 And you don't pay for your
11 original bag and you don't
12 pay for accidentally
13 having a bag broken.

14 BRUCE DELANEY: And
15 when our uniforms get
16 ripped or whatever, we
17 don't have to pay for them
18 to get new ones.

19 ERIN PARKER: Correct.
20 Understood.

21 AL ZEINA: Al Zeina,
22 Marcy. Now, have any of
23 the other unions joined
24 the fight to try to battle

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1 and tear. That we're
2 being told by our
3 administration, normal
4 wear and tear we're only
5 going to get a replacement
6 every two years like
7 uniforms. Not if next
8 month, you know, I'm
9 sitting in the yard, the
10 bag overheats and I pick
11 it up and breaks about.
12 I'm still going to have to
13 wait the two years before
14 I can.

15 ERIN PARKER: It's my
16 understanding that if they
17 are broken by no fault of
18 your own, that they will
19 still be replaced, not
20 just on a two year cycle.
21 But if that is not
22 happening, even if for
23 purposes of availability,
24 it's on my list to contact

116

1 the Department about.

2 MARK GREENE: And
3 that's not written
4 anywhere, correct?

5 ERIN PARKER: I think
6 what it's in is 3083.

7 MARK GREENE: 3083
8 indicates every two years,
9 but it doesn't say for
10 incidentals. If it
11 doesn't say it in writing,
12 they're not going to give
13 them to us.

14 ERIN PARKER: I will
15 follow up on that. I do
16 think it was in a separate
17 memorandum. It might have
18 been in that first
19 memorandum. But we will
20 look at that for sure.

21 MARK GREENE:
22 Thank you.

23 VP MID-HUDSON MAZZELLA:
24 Mike Mazzella, Mid-Hudson

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1 you over stuff the bag, I
2 have heard that.

3 BRUCE DELANEY: They're
4 going to determine if we
5 misuse it or not.

6 VP MID-HUDSON MAZZELLA:
7 As with any uniform
8 equipment that you have
9 right now, the Department,
10 you have to write a
11 request for replacement, I
12 think it's through the
13 quarter master or through
14 the Dep of Admin. And
15 then they're going to make
16 a determination if they
17 feel it was neglect, then
18 they're going to say,
19 they're going to charge
20 you for it.

21 Of course, if you want
22 to fight it, you can fight
23 it. Whatever you need us
24 to do.

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1 Region. Just a quick
2 response to a comment that
3 was made about the uniform
4 replacement. The way the
5 directive states is that
6 if your uniform should
7 become damaged through no
8 fault of your own kind of
9 situation, you can get a
10 replacement. But if it's
11 caused by your own
12 neglect, you actually have
13 to pay for your own
14 uniform replacement.

15 So it's the same thing
16 with the bags. Is that
17 through normal wear and
18 tear or something should
19 happen; they're supposed
20 to replace them. But if
21 you take a knife and slice
22 open the front of it,
23 you're going to have to
24 buy another one. Or if

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1 BILL IHBURG: Bill
2 Ihburg, Greene. My
3 question is has anything
4 been done to send the bag
5 out for chemical analysis?

6 ERIN PARKER: Tammy is
7 going to talk about that
8 because that has been
9 reviewed and evaluated,
10 and she will give you the
11 specifics.

12 EXECUTIVE VP SAWCHUK:
13 Good afternoon. First of
14 all, it's been difficult
15 locating a lab that does
16 this type of testing. We
17 researched with PESH,
18 Susan and I, and Public
19 Employee Safety Health Act
20 of 1980 under one says,
21 there's no regulation or
22 standards for plastic.

23 Two, a complaint could
24 be made if the product,

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<p>1 the bag, melted, it could 2 cause possible fumes. And 3 three, there are many 4 harmful byproducts in 5 plastic that if tested, 6 could give a false 7 positive. 8 We did come up with one 9 lab, it's called Avomeen. 10 And they can do testing on 11 off-gassing, which comes 12 with a cost of 13 approximately six thousand 14 dollars. And the second 15 test, harmful ingredients 16 screening which comes with 17 a cost of ten thousand 18 dollars. 19 So, it's roughly 20 between fifteen and 21 sixteen thousand dollars 22 to get the bag tested. 23 Just to let you know that 24 out of the gate. The bag</p> <p style="text-align: right;">121</p>	<p>1 of studies already. It's 2 referred to as the poison 3 plastic. There's tons of 4 VOCs that come off this 5 polyvinyl chloride. 6 EXECUTIVE VP SAWCHUK: 7 When they gave me mine, it 8 sure smelled like poison, 9 so. 10 BILL IHBURG: It 11 smelled terrible. And 12 there's a ton of damage 13 that can occur from it and 14 that's your irreparable 15 damage right there. But I 16 think sixteen thousand 17 dollars in our budget, I 18 mean, I know Dave is not 19 right here, but whatever. 20 EXECUTIVE VP SAWCHUK: 21 That's why we'll talk 22 about it now. 23 BILL IHBURG: Do it 24 real quick before he comes</p> <p style="text-align: right;">123</p>
<p>1 has not been sent out 2 because we want to get the 3 opinion of this body if 4 it's worth sending it out. 5 We don't know how those 6 test results will come 7 out. 8 BILL IHBURG: Tammy, do 9 we know what they're 10 saying it's made out of? 11 Are they saying it's made 12 out of PVC or are they 13 saying vinyl? 14 EXECUTIVE VP SAWCHUK: 15 There's nothing on the tag 16 in the bag -- the bag I 17 got, I believe from Greene 18 is from China. There's 19 nothing on that lists what 20 the plastic is made of. 21 BILL IHBURG: Because 22 If it's PVC, that's what 23 vinyl shower curtains are 24 made of. And there's tons</p> <p style="text-align: right;">122</p>	<p>1 back. 2 RECORDING SECRETARY 3 DILDINE: Mike Dildine, 4 recording secretary. Just 5 so everyone knows, there's 6 another side to this one. 7 There are no PESH or OSHA 8 laws that regulate 9 finished products. So if 10 we test it, and I don't 11 care it either way, if you 12 test it and find that, as 13 far as I understand, 14 there's no -- we can't 15 legally do anything with 16 that information. Other 17 than maybe I can see where 18 it would help at PERB. 19 But you can't use it to 20 sue them for the bag, 21 which amazes me that there 22 isn't. But there is no 23 guidelines for finished 24 products.</p> <p style="text-align: right;">124</p>

1 BILL IHBURG: Right. I
2 just felt we could use it
3 as ammunition for our PERB
4 case. And do what the
5 state does to us, they
6 stack up a thousand
7 charges on us and prove
8 two. So, why shouldn't we
9 pursue every avenue and
10 not just put all our bags
11 in one basket.

12 EXECUTIVE VP SAWCHUK:
13 I can tell everyone here,
14 they do have a quick
15 turn-around time of twenty
16 days. So, I mean, if
17 there is no opposition to
18 send the bag out to be
19 tested, then we most
20 certainly can do that. So
21 if there's anybody opposed
22 to sending the bag out to
23 be tested, other than Dave
24 Viddivo?

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1 away.

2 EXECUTIVE VP SAWCHUK:
3 I know.

4 SHAWN KEENAN: If we
5 can't use it, and they're
6 going to say it's not
7 admissible in court for
8 any reasons whatsoever or
9 anything to help us, why
10 would we do it?

11 EXECUTIVE VP SAWCHUK:
12 I understand your concern
13 with that, but I can't
14 make that judgment call
15 not knowing what the bag
16 is made of.

17 MR. MCGOWAN: McGowan,
18 Mid-State. Why don't we
19 wait to see how the IP
20 goes before we spend that
21 kind of money. Because if
22 we win that, this is all
23 pointless.

24 EXECUTIVE VP SAWCHUK:

127

1
2 (No response.)

3
4 EXECUTIVE VP SAWCHUK:
5 Well, seeing none, then
6 that's what we'll do.

7 SHAWN KEENAN: Shawn
8 Keenan, Wende. If we
9 can't use that information
10 for a fight, why would we
11 pay that money?

12 UNIDENTIFIED SPEAKER:
13 To put it in the
14 newspaper.

15 EXECUTIVE VP SAWCHUK:
16 I wouldn't want to say
17 that we couldn't use it
18 until I knew what the bag
19 was made of and if it was
20 toxic.

21 SHAWN KEENAN: I'm not
22 opposed to spending the
23 money, but I'm just
24 opposed to throwing it

126

1 That could be true.

2 STACY BENNETT: Stacy
3 Bennett, Eastern. I
4 actually have a female
5 officer at my facility
6 that actually e-mailed the
7 company that provided us
8 with these bags in China.

9 So, China is saying
10 that these bags are made
11 of clear vinyl PVC. The
12 question was --

13 EXECUTIVE VP SAWCHUK:
14 What's the name of the
15 company?

16 STACY BENNETT: It's
17 from Clear Handbags
18 customer service. Clear
19 Handbags.com. She wrote,
20 what are your bags made
21 of, what chemical makeup
22 is it, what chemicals are
23 used? Do they contain any
24 of the following:

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1 asbestos, BPA,
2 formaldehyde, heavy
3 metals, mercury, arsenic
4 and lead, hexane,
5 hexamethyl chromium,
6 methylene chloride, and
7 some other things I can't
8 pronounce.

9 And the answer -- the
10 response was, our bags are
11 made of clear vinyl PVC.
12 I can confirm they don't
13 have BPA or lead. I do
14 know -- I do not all of
15 the chemicals which are
16 used to make the vinyl.
17 May I ask, where you got
18 this list and why would
19 you think our bags would
20 contain asbestos or
21 hexane, that was her
22 response.

23 EXECUTIVE VP SAWCHUK:
24 Where did the information

129

1 she e-mailed them.

2 EXECUTIVE VP SAWCHUK:
3 Does anybody else have a
4 bag with that tag on it?

5
6 (Discussion on the floor.)

7
8 EXECUTIVE VP SAWCHUK:
9 To refer to Joe Miano's
10 e-mail from Albion from
11 Karen Adrian, she says the
12 information from the
13 company the bags were
14 purchased from, they are
15 BPA and lead free. So
16 what company? I don't
17 know how many companies
18 the state used to be
19 honest with you. I truly
20 don't.

21 But I will definitely,
22 Stacy, go on that website
23 and if you can give me a
24 copy of that, I will truly

131

1 come from, what company?

2 STACY BENNETT: It came
3 from Clear Bags dot com.

4 EXECUTIVE VP SAWCHUK:
5 Okay. But how do we know
6 that's where it came from?

7 STACY BENNETT: Because
8 that's the tag that's on
9 our bags.

10 EXECUTIVE VP SAWCHUK:
11 Okay. So there's two
12 separate bags.

13 STACY BENNETT: We had
14 one from Corp Craft and we
15 had one that was made in
16 China at this company.
17 That's why she e-mailed
18 this specific company.

19 EXECUTIVE VP SAWCHUK:
20 Mine doesn't have a
21 company name on it at all.
22 There's no tags.

23 STACY BENNETT: There's
24 a tag on ours, that's why

130

1 appreciate it.

2 CHRIS SUMMERS: Chris
3 Summers, Attica. I don't
4 have a question about the
5 bags, but the directive
6 with the search of
7 employees, I'm wondering
8 if anybody else is having
9 problems during shift
10 change, where they're
11 trying to get these trips
12 out and the inmates are
13 watching us?

14 And their directive at
15 the very bottom it says,
16 no inmates will be allowed
17 to remain in the area or
18 allowed to view screening
19 procedures with electronic
20 searches of staff being
21 conducted.

22 We're told that the
23 time lines with their
24 trips and court staff to

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1 get going, so they can't
2 stop. So I'm wondering if
3 anybody else is having
4 problems with that that
5 they're still moving
6 inmates while we're being
7 searched?

8 EXECUTIVE VP SAWCHUK:
9 I haven't received any
10 complaints in regards to
11 that. I don't know if
12 anybody else has.

13 CHRIS SUMMERS: I just
14 found this out yesterday
15 it was brought to my
16 attention, so I'm bringing
17 it to you guys. I'm just
18 wondering if anybody else
19 in the state is having
20 problems. Because the
21 state wants more and more
22 out of us, and they keep
23 pushing everything, they
24 should follow their own

133

1 Mazzella, point of order.
2 We were talking about
3 sending the bag out for
4 testing, that's fifteen
5 grand. That's way
6 underneath what the cap is
7 for the executive board to
8 spend on a daily basis
9 without approval.

10 So, if you just want to
11 give a quick head nod and
12 everybody here say go
13 ahead and spend it, then
14 we just spend it. We
15 don't need a motion, we
16 don't have to bring it up
17 as new business.

18 EXECUTIVE VP SAWCHUK:
19 That's all I'm looking
20 for, just if I have
21 consensus.

22 VP MID-HUDSON MAZZELLA:
23 Everybody wants to have
24 the bags tested?

135

1 directive.

2 EXECUTIVE VP SAWCHUK:
3 Agreed.

4 TREASURER VIDDIVO: I
5 think we should make the
6 motion they discussed
7 about the test, we should
8 probably put that in place
9 right now, in case the IP
10 doesn't succeed, so that
11 we'd have it ready to go
12 and we can make that move.

13 EXECUTIVE VP SAWCHUK:
14 Okay.

15 RECORDING SECRETARY
16 DILDINE: I don't think we
17 need a motion.

18 EXECUTIVE VP SAWCHUK:
19 All right. So I'm going
20 to ask for unanimous
21 consent to send the bag
22 out in case the IP --

23 VP MID-HUDSON MAZZELLA:
24 Point of order, Mike

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1
2 (All reply in the
3 affirmative.)

4
5 VP MID-HUDSON MAZZELLA:
6 All right. We'll have the
7 bags tested.

8 VP SOUTH FISHER: Here,
9 here, Michael.

10 ANDY RICE: Rice,
11 Elmira. Just a comment on
12 Directive 4936. It also
13 states that a sergeant or
14 higher will be there for
15 the metal detector search
16 of any employee. I don't
17 know about your jails, but
18 we don't have a sergeant
19 assigned to our front
20 lobby.

21 I went in to my captain
22 and my dep and said, we're
23 not doing any metal
24 detector searches unless

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1 you put a sergeant out
2 there. And we got into a
3 little pissing match but
4 there was a sergeant out
5 there for any time that
6 metal director was used.

7 But it's in their
8 writing and there's no
9 other way to interpret it,
10 it says that a sergeant or
11 higher will be there.

12 EXECUTIVE VP SAWCHUK:
13 Thank you, Andy.

14 VP WEST MIANO: While
15 we're on the subject of
16 employees -- excuse me,
17 Joe Miano, Western Region
18 Vice President. While
19 we're on the subject of
20 employee searches, it was
21 brought up at the meeting
22 last Tuesday with the
23 Department, as far as
24 searching security staff

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1 when they enter the
2 facility, then they close
3 up shop when the civilians
4 start coming in.

5 And I addressed that
6 with them directly, and
7 they said they want
8 to know right then and
9 there when that occurs.
10 So, if you get a facility
11 search and they're
12 searching security staff,
13 and as soon as the six
14 thirty or whatever your
15 day shifts or three to
16 eleven shift, whatever
17 time it may be, as soon as
18 they stop searching
19 security staff and the
20 civilians are coming in,
21 we need to know
22 immediately.

23 Because they told us
24 point blank that Joyce

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1 Mitchell was a civilian.
2 That came from
3 Martuscello's mouth, that
4 Joyce Mitchell was a
5 civilian that brought in
6 that contraband into that
7 facility. And we need to
8 know immediately when it
9 happens at the facilities.

10 CHRIS GRANDE: Hi,
11 Chris Grande, Marcy
12 Correctional. On the bag
13 issue, if we're going to
14 test the bags we have to
15 test all the different
16 bags that are manufactured
17 by different
18 manufacturers, correct?

19 ERIN PARKER: Yes.

20 CHRIS GRANDE: So
21 that's fifteen thousand
22 dollars for each
23 manufacturer, correct? It
24 doesn't make sense to test

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1 just one if there is four
2 bags floating around out
3 there.

4 EXECUTIVE VP SAWCHUK:
5 Yes.

6 CHRIS GRANDE: Okay.
7 Thank you.

8 ERIN PARKER: Anybody
9 else?

10 (No response.)

11 ERIN PARKER: Thank you
12 all.

13 PRESIDENT POWERS:
14 Keith? We'll Have Keith
15 come up and talk about the
16 executive budget briefly.

17 TED NEVILLS: Excuse
18 me, Mike, before we -- Ted
19 Nevills, Watertown. Was
20 that directive as far as
21 pat frisk on employees. I
22 don't have it in front of
23
24

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1 me but I read it, and it
2 appears in there, permits
3 for an officer to pat
4 frisk an officer with a
5 sergeant supervising that.

6 Is that your
7 interpretation of that?

8 PRESIDENT POWERS:
9 That's the way it's always
10 been.

11 TED NEVILLS: Right.
12 But at this point they're
13 looking to implement more
14 of this. I think that
15 should be part of our
16 issues as far as
17 vehemently opposing that.

18 PRESIDENT POWERS: As
19 Erin mentioned, our IP
20 regarding 4936 is
21 forthcoming. Again, much
22 of the information we're
23 receiving is good
24 information and we need to

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1 nothing legally we can do
2 about it because it's been
3 in place for, you know,
4 probably more than thirty
5 years.

6 So, there's nothing you
7 can do about that
8 particular part of that
9 directive. Also just so
10 you know, the scenarios
11 that are in that
12 directive, I had gotten
13 some complaints about it
14 prior.

15 Well, they can strip
16 frisk us or frisk us on
17 the word of an inmate as
18 long as he hasn't given
19 bad information before.
20 All that has been in the
21 directive. This is not
22 new. That's been in
23 there. So, we can't fight
24 stuff that's been in

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1 keep having that
2 information come forward.
3 And as we do progress
4 forward, by all means,
5 continue to send your
6 concerns forward.

7 VP MID-HUDSON MAZZELLA:
8 Mike, just real quick.
9 Unfortunately you can't
10 argue against that because
11 it's been a directive for
12 more than the twenty-three
13 years I've been --

14 PRESIDENT POWERS: You
15 can't fall back on past
16 practice.

17 VP MID-HUDSON MAZZELLA:
18 What he's talking about is
19 employees, officers pat
20 frisking officers. He
21 said we should be
22 vehemently against that.
23 Although we could be
24 against it, there's

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1 there. We can only fight
2 the changes, just so you
3 know.

4 TED NEVILLS: I
5 understand that, but they
6 have not implemented those
7 procedures in the past, in
8 least our facility so.

9 PRESIDENT POWERS: They
10 don't implement a lot of
11 what they have in black
12 and white quite frankly.
13 Jimmy?

14 JIM SONKO: A while
15 back when Fishkill was
16 charged with the Taylor
17 Law for not following
18 their policy, one of my
19 grievances stated, how do
20 we get a hundred
21 seventy-one members
22 through one gate and
23 checked by one metal
24 detector. Is the state

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1 ready to compensate us now
2 that they're making our
3 delay at the gate about a
4 half hour, forty-five
5 minutes? I mean, punch in
6 your card at 6:15 is
7 becoming a real hassle.

8 PRESIDENT POWERS:
9 Again, we got an issue
10 apparently that happened
11 yesterday or this morning,
12 I'm not sure. We were
13 made light of it. And
14 when we get more
15 information regarding it,
16 we'll address it. And
17 same and similar, when you
18 have these instances, get
19 them to us. Joe said it,
20 I have been saying it here
21 forever.

22 When you have these
23 instances, get them to us.
24 Don't let them hook you up

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1 with a tardy if you're
2 standing out in the cold,
3 waiting to walk in to your
4 facility. When it does
5 happen, file your
6 grievances and get it to
7 us and get us the
8 information, so that we
9 can act and either remedy
10 the grievance or take to
11 the level we need to take
12 it. Keith?

13 KEITH JACQUES: I'll
14 try and keep this quick,
15 because I'm sure people
16 want to take their break.
17 Everyone should have a
18 copy of the memo that I
19 drafted dated April 11th,
20 regarding the executive
21 budget as President Powers
22 indicated.

23 The legislature and
24 Governor's office came to

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1 an agreement on April 7.
2 The bills actually hadn't
3 been finalized in printing
4 until Sunday April 9th,
5 that's when they passed
6 most of the budget bills.

7 The big sticking point
8 for negotiation between
9 the legislature and the
10 Governor's office was
11 Raise the Age. It was all
12 over the paper, I'm sure
13 everyone knew it. Both
14 the Governor and the
15 Assembly were adamant they
16 wanted new facilities that
17 were run by Office of
18 Children and Family
19 Services, OCFS.

20 The Governor's office
21 and the Assembly did not
22 want DOCCS to be in charge
23 of that. The Senate,
24 Senate Republicans and

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1 Senate IDC did. They
2 wanted DOCCS to have
3 control and some authority
4 over these facilities.

5 At the end of the day,
6 we do have the creation of
7 a few facility called an
8 adolescent offender
9 facility. It will be
10 managed by DOCCS. The
11 security component within
12 those facilities will be
13 NYSOPBA members,
14 correctional officer.

15 The Raise the Age
16 statutory language
17 references new types of
18 training and techniques
19 that will be imposed upon
20 these officers that work
21 in these facilities. We
22 are not really sure what
23 those techniques are going
24 to be.

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1 The programs and
2 services will be run by
3 OCFS, but again, security
4 will be done by NYSCOPBA
5 members, correctional
6 officers.

7 An interesting add into
8 the bill text at the
9 eleventh hour, when the
10 Governor proposed his
11 Raise the Age language in
12 the original budget
13 proposal, there was
14 nothing in his proposal
15 that dealt with random
16 drug testing.

17 There was a two line
18 add-in to the new Raise
19 the Age statute that is
20 now statutory. That
21 basically says that any
22 employee of these
23 adolescent offender
24 facilities, and they'll be

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1 run by DOCCS, any employee
2 whether it's an
3 administrator, a
4 correctional officer, a
5 civilian, they will be
6 subject to random drug
7 testing.

8 Now, when the Raise the
9 Age was passed by the
10 legislature and
11 essentially signed into
12 law on Sunday April 9th,
13 the legislature then went
14 on a two week hiatus,
15 they're going to be coming
16 back april 24th. We've
17 already reached out to the
18 leadership in all houses
19 to try to figure out,
20 number one, where did this
21 language come from; and
22 who was responsible for
23 inserting it into the
24 final product.

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1 It wasn't Senate
2 Republicans. My guess is
3 that it was in the
4 Assembly, because the
5 assembly was pretty
6 adamant that they wanted
7 OCFS to be in charge of
8 these facilities. But we
9 will find out, what the
10 intent was and which party
11 was responsible.

12 And in our meeting, in
13 our DOCCS executive
14 meeting President Powers
15 referenced, DOCCS was
16 unaware that this language
17 was going to be added to
18 the final product. Again,
19 it's literally two lines
20 in a budget bill that's
21 probably ninety-five pages
22 long. And it simply says
23 all employees of these
24 adolescent offender

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1 facilities will be subject
2 to random drug testing.
3 That is it on Raise the
4 Age.

5 Many of the problematic
6 provisions with the
7 budget, the issues that
8 we had problems with,
9 those things have been
10 excluded from the final
11 version of the budget.
12 I'll briefly cover them.

13 There are a couple
14 different initiatives that
15 related to Medicare Part B
16 premium reimbursements
17 that might have had an
18 impact on retirees in
19 retirement. And I won't
20 get into the semantics,
21 but both of those
22 proposals were removed
23 from the budget as they
24 were opposed by both the

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1 Assembly and the Senate.
 2 There was a proposal
 3 that would have required
 4 increased health insurance
 5 contributions for certain
 6 retirees that don't have
 7 thirty years of service.
 8 Specifically excluded from
 9 that proposal were all of
 10 our correctional officers
 11 and sergeants and security
 12 hospital treatment
 13 assistants.

14 So anyone in law
 15 enforcement that wasn't an
 16 SHTA would have been
 17 impacted by that, but that
 18 has also been removed from
 19 the final version of the
 20 budget. There was a
 21 proposal that would have
 22 reduced the number of days
 23 at maximum secure
 24 facilities, visitation

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1 within a local jail or a
 2 state prison. That could
 3 have been a problem for
 4 our folks that work in
 5 forensic units because
 6 when you're reducing the
 7 number of patients, you're
 8 arguably going to reduce
 9 the number of beds, and we
 10 could see some closures as
 11 a result of that.

12 That was taken off the
 13 table as well.
 14 Interestingly, the New
 15 York State Business
 16 Council and the Senate
 17 Republicans were working
 18 together to try and
 19 drastically reform the
 20 Workers' Compensation
 21 program in New York State.
 22 It wouldn't of had any
 23 impact at all on the
 24 contractual benefit of our

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1 days. That would have
 2 resulted according to the
 3 Governor a savings of two
 4 point six million dollars.

5 He saw an attrition of
 6 thirty-nine positions as a
 7 result of that proposal;
 8 that was also removed from
 9 the final version of the
 10 budget. The Assembly
 11 actually added the two
 12 point six million dollars
 13 to prevent that proposal
 14 from happening.

15 There was a jail based
 16 restoration and competency
 17 proposal. Right now
 18 felony defendants that
 19 need restoration to
 20 competency, those
 21 restorations occur within
 22 our forensic units. This
 23 proposal would have
 24 allowed that to occur

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1 members, but it would have
 2 impacted the members when
 3 they're relegated to
 4 receiving the statutory
 5 benefit.

6 The vast majority of
 7 those egregious proposals
 8 were not incorporated into
 9 the final version of the
 10 enacted budget.

11 There is one provision
 12 relative to Workers'
 13 Compensation that we have
 14 already started to work
 15 on. There was a proposal
 16 added that allows
 17 posttraumatic stress
 18 disorder to be compensable
 19 under Workers'
 20 Compensation, but only for
 21 certain types of first
 22 responders; police
 23 officers, firefighters,
 24 and emergency medical

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1 technicians; EMTs and EMS
2 workers.

3 We have already reached
4 out to Senator Savino who
5 is big in labor and we
6 said we can't have this.
7 We got to amend this law
8 to include corrections.
9 COBA it's my understanding
10 has already done that as
11 well. I'm not really sure
12 why corrections was
13 excluded.

14 The way the language
15 reads, is people that are
16 first responders who
17 provide authorized medical
18 care, they didn't think
19 corrections I guess should
20 have been included in that
21 group. Frankly, I think
22 we're going to be
23 successful in getting that
24 amended because I know

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1 that, like I said, not
2 only us are screaming
3 about it, but COBA has
4 voiced a pretty loud
5 opposition to the current
6 language as well.

7 Finally, one last thing
8 that was added to the
9 budget. There was a
10 proposal that's now in
11 law. Any member can now
12 deduct from their state
13 taxation, union dues,
14 beginning in January of
15 2018. You got to itemize
16 your taxes. If you
17 itemize your taxes, you
18 can deduct what you pay in
19 union dues from state
20 taxation purposes.

21 A lot thrown at you.
22 Any questions on that?

23 MIKE CARLSON: Keith,
24 Mike Carlson. When are

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1 they going to implement
2 this new facility that
3 you're talking about for
4 the youth?

5 KEITH JACQUES: It's
6 unclear and DOCCS doesn't
7 even know. The way the
8 language reads is they're
9 going to be able to --
10 authorized to implement
11 one or more facilities.

12 We know certain things
13 for sure. For example,
14 inmates -- juvenile
15 inmates at Rikers Island,
16 by April 1, 2018 they've
17 got to be gone unless
18 there's exigent
19 circumstances that would
20 allow them to stay. But
21 they can only stay until
22 October 1, 2018. As of
23 October 1, 2018 every
24 juvenile inmate at Rikers

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1 Island has to be gone.

2 Well, that raises the
3 question, where are they
4 going? Because we haven't
5 really thought that far in
6 advance, this is the
7 Governor taking a shot at
8 Mayor DiBlasio, and my
9 guess is that there's a
10 possibility that some of
11 those inmates could end up
12 having to come into the
13 state facilities, these
14 adolescent offender
15 facilities that are going
16 to be created. But it
17 remains unclear at this
18 point, we're not sure.

19 ARNOLD OKONSKI:
20 Okonski, Hudson
21 Correctional Facility.
22 Pretty much as everyone
23 knows now, Hudson is the
24 youth facility as of right

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1 now. So, more likely than
2 not, the odds of us
3 staying the youthful
4 facility, because this is
5 what they've done, they've
6 put eighty million dollars
7 worth of construction
8 within one years time to
9 upgrade that facility.

10 So, my members and I'm
11 pretty sure everyone else
12 wants to know, is this
13 what we're looking at? Is
14 Hudson going to be the
15 youthful offender
16 facility? And if so, are
17 we going to be subject to
18 the random drug tests
19 and/or are going to have
20 any way to fight that,
21 since we've never had to
22 do that before.

23 KEITH JACQUES: The
24 question that was actually

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1 asked of the
2 administration at that
3 executive meeting we had,
4 and the answer essentially
5 is it has to be a new
6 facility. The adolescent
7 offender facility has got
8 to be something -- they
9 didn't say no; they made
10 it sound like it was
11 unlikely. But we didn't
12 get a definitive answer on
13 that.

14 ARNOLD OKONSKI: So,
15 it's unlikely that Hudson
16 will be it then?

17 KEITH JACQUES: Unsure.
18 That's what DOCCS said.
19 We're not sure. We asked
20 the question because
21 that's what we thought.

22 ARNOLD OKONSKI: We
23 might know by the 24th,
24 everybody is coming back,

162

1 to start discussing where
2 all this is at?

3 KEITH JACQUES: Yes.

4 ARNOLD OKONSKI: All
5 right. Keep me in the
6 loop.

7 KEITH JACQUES: Of
8 course. Always do.

9 MIKE CARLSON: Keith,
10 was there money set aside
11 for this in the budget?

12 KEITH JACQUES: For
13 Raise the Age?

14 MIKE CARLSON: Yeah,
15 for these new facilities.
16 It's got to cost hundreds
17 of millions.

18 KEITH JACQUES: There
19 are going to be costs
20 associated with this.
21 It's hard to explain. But
22 Unfortunately, there are
23 pockets and pools of money
24 that the state can delve

163

1 into so that there may be
2 general protection pools
3 of money that can be
4 utilized for certain
5 initiatives like Raise the
6 Age.

7 There's not a specific
8 line item for amounts of
9 millions or billions of
10 dollars for Raise the Age,
11 but the fact that it was
12 the Governor's Article 7
13 bill, and this was such a
14 significant proposal,
15 there's clearly funding
16 available for any of the
17 infrastructure costs that
18 are going to occur as a
19 result of these adolescent
20 offender facilities.

21 Any other questions?

22 PRESIDENT POWERS:

23 Thanks, Keith. We'll have
24 Tammy give her report.

164

1 EXECUTIVE VP SAWCHUK
2 Just a couple of things.
3 Like Mike said, we
4 attended a funeral for a
5 fallen brother from the
6 Green County Sheriff's
7 Department. Also on 3/4,
8 I attended the Comradery
9 Cup up north for the
10 second annual. Thanks to
11 all those who
12 participated. It was a
13 great charity event.
14 March 7th we did meet
15 over in the Governor's
16 office with Mr. Morrow and
17 Mr. Rubin. We made it
18 quite clear that the
19 tentative agreement vote
20 was historical for
21 NYSCOPBA. We also made it
22 clear that as far as
23 negotiation, contemplating
24 any changes with Article

165

1 8, that was not going to
2 happen.
3 So, on the 6th, we had
4 a meeting. We discussed
5 changes that was going on
6 with the second floor, the
7 administration over the
8 Governor's office and what
9 we perceived was going to
10 happen. And as we all
11 know, Mike said today,
12 that Mr. Morrow was being
13 replaced with Melissa
14 DeRosa, and that did
15 happen.
16 Went to the Auburn
17 picket, thank the guys for
18 that. That was a great
19 turn out. I believe there
20 was close to three
21 hundred, maybe more people
22 there. Fantastic job. I
23 attended a Domestic
24 Violence Conference out in

166

1 Syracuse. We discussed
2 the clear bags.
3 There's a couple of
4 people who asked me the
5 last time regarding the
6 SHU stipulation and who
7 signed it. And the rumors
8 out there on Facebook of
9 whose signatures are on
10 it. And if the union had
11 any involvement in the
12 negotiating of the NYCLU
13 settlement.
14 We have reiterated time
15 and time again, absolutely
16 not. Not one conversation
17 at all with NYCLU, period.
18 I did -- they asked me to
19 print it out, they didn't
20 want to review it on line.
21 So, there were a couple of
22 you here who asked me to
23 print it out and bring it,
24 so you could review it and

167

1 see it. And I did bring
2 that with me and I have it
3 up front, if you would
4 like to review it.
5 Site visit to Mid State
6 and Marcy. You guys do a
7 great job out there. It's
8 tough. Staffing levels
9 are low, you're
10 chronically mandated to
11 work doubles and it just
12 sucks. And I know that.
13 And I know the morale is
14 low out there. Hopefully
15 you're going to get a new
16 Dep of Security soon.
17 That's our wish for you
18 guys.
19 All right. That's
20 about all I have. Mike
21 Powers told me let's take
22 a ten minute break and
23 we'll get back to it when
24 we return. Thank you.

168

1
2 (Whereupon, a brief
3 recess was then taken.)
4

5 PRESIDENT POWERS:
6 Okay. We'll get started.
7 We'll move to the
8 treasurer's report.

9 TREASURER VIDDIVO:
10 Good afternoon. All
11 right. Everybody back?
12 Did everybody get their
13 financials? I put them
14 all in front of your
15 seats, hopefully you got
16 them. Anybody need them?
17 Treasurer's report,
18 Rainy Day Fund. Larry,
19 can you grab that pile and
20 if you need one, just put
21 your hand up, if you're
22 missing it. Missing that
23 many? My bad. While
24 Larry is passing those

169

1 out, I'm going to get
2 started.
3 Total income -- this
4 February's report, March,
5 I didn't finish on March
6 yet just because we were
7 going through our annual
8 audit. So I'm going to
9 cover the last report that
10 I have available for you
11 and that's February.

12 Income, one million two
13 twenty-five, one ten.
14 Expenses for the month,
15 one million, two
16 twenty-three six
17 twenty-five. So for the
18 month we were in the black
19 approximately fifteen
20 hundred dollars; fourteen
21 eighty-four to be exact.

22 Rainy Day Fund numbers.
23 Payouts, ninety-nine
24 thousand, three hundred

170

1 dollars. It's a little
2 high but we had three pay
3 periods in March, so don't
4 get alarmed there. Total
5 in both accounts, Norvest
6 and NYSCOPBA, three
7 hundred two thousand, nine
8 hundred ninety-six. So,
9 the Facebook rumor that
10 the Rainy Day Fund is
11 bankrupt is not accurate.
12 We have three hundred two
13 thousand, nine hundred
14 ninety-six in there as of
15 today.

16 I gave you -- in the
17 packet I gave you the
18 actual payouts. What's
19 that? I'm sorry, the
20 Rainy Day Fund payouts, I
21 gave you guys the itemized
22 payouts for the individual
23 members so as chief sector
24 stewards you can look at

171

1 those. Please don't share
2 those with everybody.
3 This is somewhat
4 confidential. I'm sure
5 everybody doesn't want
6 everyone knowing who is
7 getting what, so this is
8 for your review only to
9 make sure your members are
10 on there that should be
11 getting it.

12 And like I said, keep
13 that confidential to
14 yourself. Thanks. Legal
15 defense fund, we paid out
16 twenty-five thousand,
17 eight hundred forty-five
18 dollars. Current account
19 balance NYSCOPBA account
20 balance, nine hundred
21 fifty-four thousand, seven
22 hundred ninety-seven. The
23 bond balance for the legal
24 defense fund nine hundred

172

<p>1 seventy-five thousand, two 2 hundred three. So that 3 gives us one point nine 4 three million in the legal 5 defense fund. 6 General ops, currently 7 twelve point two nine 8 million. We have a 9 unrestricted bond 10 investment of 11 approximately eight 12 million. And a restricted 13 bond investment of like I 14 said, nine hundred 15 seventy-eight thousand 16 with the legal defense 17 fund. 18 All right. So, here we 19 are with the -- as you 20 guys all know the contract 21 was defeated. Within 2017 22 budget, included within 23 that budget was 24 approximately nine hundred</p> <p>173</p>	<p>1 two five; I got one point 2 one four seven for it 3 because the premium was 4 still pretty good, even 5 though it was going to 6 mature in September. 7 So that was a good sale 8 and we had just got our 9 interest payment on it the 10 week before, so it was 11 kind of a double bang for 12 the buck. That's sitting 13 in a money market account 14 with our investments. 15 They have possession of 16 it. I told them to hold 17 on to it until we actually 18 need it which going to be 19 coming up. 20 But unless somebody 21 goes to the mic right now 22 and tells me otherwise, 23 that they want to have a 24 discussion on reducing the</p> <p>175</p>
<p>1 thousand dollars for 2 Article 25 money. That 3 was included in the 4 budget. 5 What I did this week is 6 to prepare for today with 7 you guys, I made an 8 assumption that you guys 9 didn't want to go back 10 into the budget and cut 11 services or benefits for 12 the membership. So I had 13 to sell a bond. 14 We have a union leave 15 bill due coming up in 16 June. It's going to be 17 about one point three 18 million dollars and we're 19 not going to have the 20 money to do that, to pay 21 that. So this bond I 22 sold, it was maturing in 23 September. And the face 24 value was one point one</p> <p>174</p>	<p>1 benefits and reducing the 2 money that we pay out for 3 sectors or what have you, 4 I'm going to use that 5 bonds. Is there any 6 objection to that? 7 8 (No response.) 9 10 TREASURER VIDDIVO: 11 Okay, good. In your 12 packets for the EA you 13 guys received your legal 14 defense fund, Rainy Day 15 Fund, summary plan 16 descriptions. You should 17 have gotten four of them. 18 Two is the plan 19 descriptions, two are the 20 actual policies. Does 21 everybody have those? 22 It's under committees. 23 Okay. It's under your 24 committee packet, I'm</p> <p>176</p>

1 going to knock it out
2 right now.

3 So, what we have here
4 is both the legal defense
5 funds and the Rainy Day
6 Fund, both fall under
7 ERISA guidelines. So,
8 under ERISA guidelines we
9 needed to create a
10 summary, a plan
11 description that every
12 member is to receive
13 explaining the benefit
14 that they receive through
15 these plans.

16 We had an ERISA
17 attorney and ERISA draft
18 these, with the help of
19 Bill Golderman, thanks
20 Bill. And this is what
21 they came up with. I'm not
22 going to read these into
23 the minutes unless you
24 want me to. I don't think

177

1 it's necessary to, you
2 have that in front of you.

3 If you haven't read
4 through them, you can kind
5 of breeze through them
6 right now. I'm looking at
7 the Rainy Day Fund right
8 now, summary plan
9 description. It says who
10 we are, gives the general
11 information of the
12 purpose. It gives the
13 eligibility and
14 enrollment. How much it
15 costs each member.

16 And a commencement and
17 termination of benefits.
18 Explains what the
19 supplemental income is.
20 Covers the amount of
21 coverage, covers
22 exclusions from coverage.
23 It specifies the plan
24 administrator which is

178

1 NYSCOPBA. Who the sponsor
2 is, which is the plan
3 administrator, which is
4 NYSCOPBA.

5 Trustees, being the
6 treasurer and the
7 recording secretary. And
8 there's something on the
9 bottom there that we're
10 going to talk a little bit
11 more about. It's called
12 the review panel.
13 Something that we had
14 discussed a few EAs back,
15 where an individual could
16 appeal when they were
17 denied the Rainy Day Fund.

18 So that is all in there
19 now. And what I will do
20 with this SPD for the
21 Rainy Day Fund is to ask
22 for unanimous consent to
23 approve it and to send it
24 out to the membership.

179

1 All those in favor
2 signify by saying aye?

3
4 (All respond with "aye.")

5
6 TREASURER VIDDIVO:
7 Anyone opposed?

8
9 (No response.)

10
11 TREASURER VIDDIVO:
12 Okay. So that's going
13 out. Along with the SPD
14 for that is the policy.
15 The policy is basically
16 the same policy that we
17 came up with when we
18 established the fund.
19 They did not make any
20 changes to this. It
21 basically is the same
22 exact thing.

23 With the exception of,
24 once again, the review

180

1 panel which is the appeal
2 process; that was added.
3 So based on those changes,
4 I'd ask for unanimous
5 consent to -- so I'd ask
6 for unanimous consent to
7 approve the Rainy Day
8 policy with the new review
9 panel.

10 All those in favor
11 signify by saying aye?

12
13 (All respond with "aye.")

14
15 TREASURER VIDDIVO: Is
16 anybody opposed?

17
18 (No response.)

19
20 TREASURER VIDDIVO:
21 Okay. So Rainy Day Fund
22 is out of the way. SPD
23 legal defense once again
24 we had to come up with a

181

1 discretion, could give out
2 more depending on the
3 circumstances. It's no
4 longer that, it has to be
5 a defined benefit so it's
6 twenty-five thousand
7 dollars.

8 Unless there's an
9 objection to that and you
10 want to make it higher,
11 you know, speak now or
12 forever hold their peace.
13 But I think twenty-five
14 thousand dollars has been
15 sufficient to cover just
16 about every legal defense
17 application we've had.
18 They normally don't go
19 higher. I think the
20 biggest one we've had
21 since our brothers in
22 Attica needed it was about
23 nine thousand dollars. So
24 twenty-five thousand bucks

183

1 summary plan description
2 for the legal defense
3 fund. We also had to file
4 fifty-five hundreds,
5 basically tax forms to say
6 we established this four
7 years ago. That cost us a
8 few about bucks because
9 we were four years late in
10 filing these.

11 But anyway, this is the
12 SPD. The Only thing that
13 has changed in this, that
14 we all discussed back when
15 we started the legal
16 defense fund is because
17 it's an ERISA plan, we had
18 to put a defined benefit
19 on the amount that we
20 could give to each member.
21 And originally the policy
22 was twenty-five thousand
23 dollars or you could give
24 out -- the Board at its

182

1 is covering it.

2 So, without objection
3 everyone in favor of this
4 new -- do you have a
5 question? All those in
6 favor for this SPD to go
7 out for the legal defense
8 fund signify by saying
9 aye.

10 All in favor of the
11 motion signify by saying
12 aye?

13
14 (All respond with "aye.")

15
16 TREASURER VIDDIVO:
17 Anybody opposed?

18
19 (No response.)

20
21 TREASURER VIDDIVO:
22 Okay. And finally, legal
23 defense fund policy. Once
24 again, just covers

184

1 everything that we've
2 already set up.
3 Eligibility, the benefit,
4 the amount of coverage,
5 which I just discussed.
6 Exclusions, terminations
7 and that once again we
8 included the review panel.
9 Hopefully you've read this
10 as well.

11 So all those in favor
12 signify by saying aye, to
13 send this out to the
14 membership?

15
16 (All respond with "aye.")

17
18 TREASURER VIDDIVO:
19 Anybody opposed?

20
21 (No response.)

22
23 TREASURER VIDDIVO:
24 Okay. I had -- Sonya and

185

1 that training, we got it
2 down to about thirty days
3 ago, sixty thousand. Last
4 week thirty thousand; and
5 as of today, we're
6 basically down to zero
7 missing documents for you
8 as a whole.

9
10 (All applause.)

11
12 TREASURER VIDDIVO: So,
13 give yourself applause. I
14 mean, this is your
15 finances and your money.
16 And keeping track of what
17 we spend and how we spend
18 it is important. And
19 kudos to you guys, the
20 chiefs and the treasurers
21 for stepping up and
22 getting it done. I
23 appreciate it. It makes
24 my life easier, makes

187

1 I had conducted treasury
2 training up in Albany.
3 That was excellent. I
4 think everybody that came
5 up enjoyed it, as far as
6 the information they were
7 given.

8 When we had the
9 training at the time, a
10 big reason why I wanted to
11 bring guys up and get you
12 in there get you
13 accustomed to doing this
14 job was the missing
15 documents. I know it's
16 pretty boring and you guys
17 don't probably want to
18 talk about it too much.

19 But we had a hundred
20 twenty-nine thousand
21 dollars in missing
22 documents, as far as your
23 expenses at the local
24 level at the time. Since

186

1 Sonya's life easier,
2 Nicole, Mary, everyone in
3 the office that deals with
4 this. So, keep it up.

5 When we had the
6 training I talked about
7 getting the treasurers
8 tablets and I brought them
9 here today. What we did
10 was the forty sectors that
11 came to the training, I
12 have a tablet here today
13 for your treasurers or
14 your acting treasurer or
15 the chief for now, until
16 the elections.

17 At your leisure today
18 and tomorrow, go up there,
19 there's a sign-up sheet.
20 You have to sign that
21 you're receiving the
22 tablet. Stephanie is
23 going to give it to you.
24 It's very simple, it's got

188

1 your name on the outside
 2 and it's got your two
 3 digit code, 01 up to 40,
 4 depending on what your
 5 facility is.
 6 What you need to do is,
 7 it's very simple. But
 8 what you need to do when
 9 you bring it back, you
 10 need to install your
 11 Office 365. This gives
 12 you ability to download
 13 all your documents, gives
 14 you the ability to send
 15 documents to us via
 16 e-mail. It's very simple.
 17 Stephanie made it very
 18 easy.
 19 There's a little
 20 envelope in there. It's
 21 got your key code, you
 22 sign on with your facility
 23 name. I think Adirondack
 24 is number one. So

189

1 Adirondack 01, sign on,
 2 download your Office 365.
 3 Inside that envelope is
 4 the license agreement.
 5 Sign it and throw in the
 6 mail and you're all set.
 7 So that's all you have
 8 to do to get that up and
 9 running. You know,
 10 obviously it's for the
 11 treasurer. I'm giving it
 12 to these forty individuals
 13 because they came to the
 14 training with the thought
 15 of running again and
 16 staying on as treasurer.
 17 If for some reason
 18 they're no longer the
 19 treasurer, then we're
 20 going to have to push that
 21 off to the next treasurer
 22 and sign a new license
 23 agreement. We'll worry
 24 about that when the time

190

1 comes. But for now,
 2 they're ready to go.
 3 Quill, your accounts
 4 are up and running.
 5 Everybody seems to be
 6 using them properly. Like
 7 I told them at the
 8 training treasury, go
 9 ahead and spend a little
 10 extra, get some back-ups
 11 in your ink, get your
 12 printers.
 13 Do whatever you need,
 14 over the first couple
 15 months I was going to
 16 approve anything over one
 17 twenty-five; not anything,
 18 but for the most part I
 19 was going to approve
 20 things over one
 21 twenty-five to get you
 22 established. And now that
 23 we're in to April, I'd
 24 like to see that come back

191

1 down to one twenty-five
 2 like it's supposed to
 3 monthly, which it already
 4 has, so we're good there.
 5 Just a quick update on
 6 the office lease. That is
 7 in the attorney's approval
 8 right now. Tom Latin who
 9 is doing the lease for us,
 10 he drafted it, sent it
 11 over to Equinox, Equinox
 12 attorneys got it, they
 13 sent it back saying, you
 14 know, we don't want to do
 15 this, we don't want to do
 16 that. Tom went down it
 17 and gave them the okay on
 18 certain things, there are
 19 a few things we have to
 20 adjust.
 21 But it's going back and
 22 forth with the attorneys.
 23 So, that's where we're at
 24 with that. That would be

192

1 a six year lease,
2 hopefully commencing on
3 June 1st. I just want to
4 clarify two things on the
5 committee policy.
6 First thing is if you
7 come to the EA for the
8 committee, you're entitled
9 to the stipend; the one
10 fifty stipend. I think
11 everybody understands
12 that. If you go to Albany
13 for a committee because
14 you have to have a
15 committee and the chair
16 sets up a committee
17 meeting, there's no
18 stipend. You're getting
19 travel, you're getting per
20 diem, you're getting all
21 that so there's no stipend
22 for the committee meetings
23 in Albany; it's just at
24 the EAs.

193

1 We sat down today, the
2 committee, and we decided
3 that the committee members
4 that aren't chiefs that
5 come here just for the
6 committee purpose, you can
7 get a room for both nights
8 and we're going to do EOL
9 for both nights if you
10 decide you want to stay
11 for the whole meeting.
12 Sometimes it's useful
13 you stay for the whole
14 meeting, other times it
15 may not be necessary. But
16 we're going to leave that
17 up to your discretion,
18 whether you want to stay
19 for the whole meeting or
20 drive in the day of,
21 depending on where you
22 live.
23 If you live close by
24 obviously, like Terry,

194

1 he's forty-five minutes
2 away, he didn't get a room
3 last night, it's common
4 sense. But if you're a
5 hundred fifty miles, two
6 hundred miles obviously
7 you want to get a room;
8 and we'll leave that up to
9 your discretion to do
10 that. You go through the
11 same process, you contact
12 Lisa and she'll set that
13 up for you. And that's
14 for ever EA, for every
15 committee that comes out
16 at those EAs.
17 Last but not least,
18 we have a new contract
19 with Garnet River.
20 Basically they gave us a
21 reduction in cost because
22 we asked them to, they
23 were very nice about it.
24 So we did well with that,

195

1 but I just need your guys
2 approval.
3 It's basically for
4 Stephanie and membership
5 services to do what they
6 do as far as the website
7 and all IT services. So,
8 just for the record, it's
9 five hundred hours,
10 \$43,000 is the cost, which
11 comes out to about
12 eighty-six dollars per
13 hour. And if we don't use
14 the five hundred hours, it
15 carries over to the
16 following year, the first
17 three months we get to use
18 it.
19 Like I said, it's a
20 reduction in cost.
21 They've been great.
22 Stephanie enjoys working
23 with them. So I'm to
24 propose that we approve

196

1 this contract.
2 All those in favor
3 signify by saying aye?
4
5 (All respond with "aye.")
6

7 TREASURER VIDDIVO:
8 Opposed?
9

10 (No response.)
11

12 TREASURER VIDDIVO:
13 Thank you. All set.
14 Thanks.

15 PRESIDENT POWERS:
16 We'll move into
17 departmental reports.
18 Sharon?

19 SHARON SMITH: Good
20 afternoon. I'm just going
21 to go -- there's not too
22 much new. I sent out a
23 couple memos last couple
24 weeks. I thought I'd

197

1 Information was also
2 put on the civil services
3 website, if any member
4 wants more information on
5 it, they can go to civil
6 services' website under
7 the what's new section and
8 they have the information
9 there also.

10 I also received word
11 that under the Empire plan
12 previously, there's 3D
13 mammogram that was not
14 covered under the plan.
15 It was considered unproven
16 technology so it was never
17 covered under the Empire
18 plan. Well, recently,
19 effectively 2/20/17 that
20 is now a covered service.

21 So if anybody has that
22 service done, it will be
23 covered. If it's a
24 network provider, there's

199

1 mention them again. I
2 recently sent one out,
3 there's -- under the
4 Empire Plan there's a
5 voluntary recall for the
6 Epipen and Epipen junior.

7 There were two reports
8 of an auto injector not
9 working correctly. So
10 anybody -- any member that
11 has, you know, filled or
12 has that prescription did
13 receive a letter from the
14 Empire plan, telling them
15 the product -- you know,
16 what products are effected
17 by lot number and they can
18 look right on their
19 prescription and see if it
20 affects them. And it
21 included instructions and
22 phone numbers and so
23 forth, so that they could
24 get that replaced.

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1 no copay. If it's through
2 a nonparticipating
3 provider, it would be
4 subject to the deductible
5 and coinsurance. And that
6 information is also on the
7 civil service website
8 under what's new.

9 I mentioned last time
10 that the Empire
11 prescription drug program
12 is out for bid. The
13 contract with CVS Caremark
14 does not expire actually
15 until 12/31/18, but it's a
16 huge contract so they
17 already put it out.

18 They're still working
19 actually on the request
20 for proposal, it has not
21 gone out to the vendors
22 yet. So I just thought I
23 would give you that
24 update. They're still

200

1 finalizing language and so
2 forth on that, and I'll
3 keep you updated on that.

4 And I thought I would
5 mention a reminder, I
6 haven't mentioned it in a
7 long time. I still get a
8 lot of calls from members
9 about their dental plans,
10 they're showing they're
11 not covered, they want to
12 add a spouse, the spouse
13 isn't showing covered.

14 Your dental and vision
15 benefits are not union
16 benefits. We can't do
17 eligibility. We're not
18 part of that process.
19 You're dental and vision
20 are state benefits, so any
21 eligibility issue they
22 need to go to their
23 personnel right at the
24 facility, they do it

201

1 there. And I know they go
2 down there and personnel
3 tells them you have to
4 call your union, they do
5 it.

6 That's not the case,
7 you know, I send the
8 member back. We cannot do
9 it. And if they don't
10 know what they're doing,
11 they should contact civil
12 service. They have a
13 person there that can walk
14 them through how to do it.
15 The system right in
16 personnel does
17 eligibility, they just
18 need to punch it in and
19 get them in there.

20 So I just thought I
21 would mention it, maybe
22 there's some new chiefs
23 and so forth that weren't
24 aware of that. Most

202

1 members think they're
2 union benefits. So I
3 thought I would mention
4 that.

5 That's all I have today
6 unless anybody has any
7 questions or anything?
8 Thanks.

9 PRESIDENT POWERS:
10 Thank you, Sharon. Dan
11 Valente.

12 DAN VALENTE: Good
13 afternoon everyone. Since
14 we last met, Keith went
15 over the budget so that
16 process was unlike I've
17 ever seen in Albany, which
18 leaves a lot to be said.
19 But nevertheless, the
20 budget is in place and we
21 will continue to look it
22 over and anything that
23 comes up, we'll be sure to
24 report that back.

203

1 I don't anticipate
2 anything that Keith hasn't
3 already uncovered, but in
4 the event something does,
5 we'll be sure to report
6 that back. President
7 Powers touched on the
8 legislative reception we
9 held on March 31st. It's
10 the first time we've done
11 it in a long time.

12 The lobbying
13 restrictions were relaxed
14 which will allow us to do
15 these sorts of events. So
16 we'd like to continue to
17 hold these events every
18 year. The turn-out for
19 legislators was, in my
20 opinion, was very good.
21 We had about fifty-five
22 legislators show up.

23 Interesting part of it
24 was we had a lot of our

204

1 friends there, a lot of
 2 Senate Republicans who
 3 have continued to support
 4 NYSOPBA and their members
 5 and our legislation. But
 6 in addition to that we had
 7 a lot of New York City
 8 Dems. A lot of
 9 legislators who were in
 10 their first terms who took
 11 the time to show up and
 12 speak to the Board and to
 13 the PAC committee; and
 14 those that were in
 15 attendance and learn about
 16 our issues.

17 So I think it really
 18 opened up the door to new
 19 conversations in educating
 20 legislators who might not
 21 typically hold the same
 22 perspective as ours. But
 23 they showed up and they
 24 were willing to listen.

205

1 the budget.
 2 Right now the way the
 3 EAs fall, in February
 4 we're in Albany,
 5 typically, which is
 6 somewhat of a throw-away
 7 month for the legislature.
 8 There's mostly budget
 9 hearings and there's not a
 10 lot of session days. When
 11 we come back to Albany
 12 it's not until June which
 13 is when session is winding
 14 down.

15 What I would like to do
 16 is try to get an EA
 17 scheduled for either March
 18 or May in Albany, every
 19 year either one of those
 20 two months, so that we can
 21 incorporate the EA in
 22 these legislative
 23 receptions, so we're
 24 having more people there,

207

1 So, again we want to
 2 continue to improve on
 3 those relationships. And
 4 educate the legislators
 5 who might be opposed to
 6 some of the initiatives
 7 that we're trying to get
 8 implemented.

9 When the schedule for
 10 to 2019 EA comes out, one
 11 of the things that I would
 12 like to consider is to
 13 change the dates so it
 14 would allow the EA to
 15 attend these events. The
 16 ideal months for these
 17 events to take place would
 18 be in March when the
 19 budget negotiations are
 20 taking place and also in
 21 May when we're really
 22 ramping up to push our
 23 legislative agenda and all
 24 of the bills outside of

206

1 we're having more
 2 conversations and we're
 3 educating more
 4 legislators.

5 This was somewhat of a
 6 small scale event that we
 7 put on. We'd like to kind
 8 of spice it up a little
 9 bit, make it a little bit
 10 more well attended, bigger
 11 venues, things of that
 12 nature that would attract
 13 more legislators. So
 14 that's something I would
 15 like you all to consider.

16 Starting on May 2nd
 17 will be the beginning of
 18 our six Lobby Days for
 19 2017. Attendance is very
 20 good in most regions.
 21 Some regions are pretty
 22 short, I'll just give you
 23 the quick numbers on the
 24 run down I have as of the

208

1 other day.
 2 Law enforcement, we
 3 have about ninety members.
 4 The west is up to a
 5 hundred and twenty-four,
 6 which I believe is the
 7 most that we've had since
 8 I have been doing these.
 9 Central region we got to
 10 get them up, they're about
 11 thirteen. So, we can get
 12 those members from those
 13 facilities to come out,
 14 that would be great.
 15 Hundred and four from the
 16 north. South, which at
 17 the time I had forty-five.
 18 I received a stack from
 19 Dave Luther, so we're
 20 probably upwards of, I
 21 would say sixty-five,
 22 seventy. And Mid Hudson
 23 ten members currently
 24 registered.

209

1 So again, we got to get
 2 facilities in the Mid
 3 Hudson and the central
 4 region to get their
 5 members to send in their
 6 registration forms. Real
 7 quickly, the legislative
 8 priorities that we will be
 9 pursuing is the Death
 10 Gamble Legislation,
 11 aggravated harassment, the
 12 subpoena notification
 13 which was mandated by this
 14 body for us to prioritize
 15 that legislation. SSO
 16 peace officer status and a
 17 bill that was introduced
 18 earlier this year which is
 19 the Community Heros
 20 Protection Act.
 21 It's designated to
 22 charge hate crimes towards
 23 those who commit crimes
 24 against first responders.

210

1 And correction officers
 2 are in fact listed
 3 underneath the term of
 4 first responder or are
 5 eligible to fall
 6 underneath that
 7 legislation.
 8 So those are the bills
 9 that we will be pushing.
 10 It's going to be a lot of
 11 the same type of agenda as
 12 we saw last year. Most
 13 regions are going to be at
 14 the Renaissance Hotel this
 15 year. Two of the regions
 16 were unable to get room
 17 blocks for those dates,
 18 but I think this will be a
 19 little more convenient
 20 being at the Renaissance.
 21 It's right down the
 22 hill from the Capitol, so
 23 rather than getting on a
 24 bus to get to the Capitol,

211

1 we'll just have to walk up
 2 the hill. And information
 3 will be sent out to all
 4 the attendees several days
 5 in advance so that they're
 6 aware of what to expect.
 7 And you can count on that
 8 going out a week before
 9 each of the Lobby Days.
 10 Any questions on Lobby
 11 Days? Meetings are being
 12 set up. We'll have a
 13 whole slate of meetings
 14 being set up with the
 15 legislators. We set up
 16 hearing room. Some reason
 17 last year we had a hearing
 18 room which is where they
 19 typically hold like budget
 20 hearings or public
 21 hearings.
 22 We reserved that so
 23 some of the larger groups
 24 we have like Ogdensburg,

212

<p>1 Riverview, for example, 2 Attica, they have a huge 3 group of members coming 4 which is great. Sometimes 5 when we get into these 6 legislative meetings, 7 we're in offices that are 8 very small. And it's 9 tough to get the numbers 10 that we have attending 11 comfortably into those 12 rooms.</p> <p>13 So we went and reserved 14 these hearing rooms so 15 that we have a little more 16 space. And those who are 17 interested in attending 18 certain meetings, say with 19 like Senator Gallivan, 20 most people would like to 21 sit down and listen to 22 what he has to say. We'll 23 have plenty of room for 24 anybody who wants to sit</p> <p style="text-align: right;">213</p>	<p>1 there's a section that 2 says, attending, will not 3 need a bus. So if you're 4 driving yourself, please 5 still register so we can 6 account for the numbers 7 and please ask your 8 members to do the same.</p> <p>9 We want to get as many 10 as people there as 11 possible. Right now we're 12 hovering around the four 13 hundred mark. Which 14 that's, if everybody shows 15 up. We have a history 16 with this organization 17 where people sign up and 18 then they don't show. It 19 costs money. It costs 20 time. And quite frankly, 21 we need -- I would argue 22 seven hundred fifty 23 minimum just to have a 24 strong showing.</p> <p style="text-align: right;">215</p>
<p>1 in on those meetings.</p> <p>2 And last thing I want 3 to cover is the rally. It 4 was said earlier that our 5 numbers are low. That is 6 very true. What we need 7 to do, I want to get a 8 show of hands, who here is 9 planning on going to the 10 rally?</p> <p>11</p> <p>12</p> <p>13 (Indication from floor.)</p> <p>14</p> <p>15 DAN VALENTE: That's 16 good, because I only got 17 fourteen that are 18 registered online of the 19 chiefs. So, if you could 20 do us a favor, just 21 register online. Go on 22 the website and click that 23 you're coming. 24 On the drop-down menu</p> <p style="text-align: right;">214</p>	<p>1 We got a week and half 2 out until the rally is 3 going to kick off. And 4 right now our numbers in 5 my opinion don't justify 6 having a rally. I hear a 7 lot of issues that you all 8 were talking about this 9 morning or earlier this 10 afternoon. So clearly 11 there are a lot of issues 12 that need to be addressed.</p> <p>13 I'm just not seeing the 14 initiative I suppose on 15 the part of the membership 16 to sign up for the rally 17 or to get on the buses. 18 The only way that we're 19 going to know that you're 20 coming is if A, you sign 21 up on the sheets hanging 22 in your facilities and you 23 get those sheets back to 24 me; or you go on the</p> <p style="text-align: right;">216</p>

1 website and you register
2 and sign up.

3 And that way we have a
4 record that, you know, you
5 intend on coming. We want
6 to ensure that everybody
7 who wants to come has a
8 seat on the bus. We got
9 twenty buses staged
10 throughout the state in
11 various -- all over the
12 state. We try to make it
13 as convenient as possible.

14 Many buses have five,
15 six people on it. We're
16 talking about fifty-five
17 passenger buses right now.
18 It doesn't justify
19 spending eighteen hundred
20 dollars or fifteen hundred
21 dollars on a bus to bring
22 five members from a region
23 in the state.

24 So, if you have a list,

217

1 which you were asked to
2 bring those lists with you
3 today, I'll be around
4 today and I'll be around
5 tomorrow as well, please
6 get me your lists so we
7 can input that information
8 and be prepared. So we
9 can order T-shirts and
10 lunches and have the
11 signs; and make sure that
12 everybody is accounted for
13 so that we're prepared and
14 have all the resources in
15 place that we need.

16 Right now we have
17 fifteen legislators that
18 are scheduled to speak at
19 the rally. That's one
20 more than chiefs
21 registered for online.
22 So, we're going to get
23 that number up hopefully
24 as far as the members are

218

1 concerned. We need to get
2 that number up. And we're
3 going to get the number of
4 legislators up.

5 And there's going to be
6 people that -- stragglers,
7 you know, people that just
8 show up. That's fine.
9 But if they're going to
10 show up and drive their
11 own vehicles. Great. But
12 if there is eighty-five
13 people that show up to a
14 location in Orchard Park,
15 and we only have twenty
16 people signed up for that
17 bus, there's not going to
18 be enough room on that bus
19 for all those people.

20 So we just want to make
21 sure we're prepared. So
22 everybody who wants to
23 come has the ability to do
24 so. So please get the

219

1 numbers to me as soon as
2 possible so we can prepare
3 accordingly. That's all I
4 have on the legislative
5 front.

6 AL OKONSKI: Okonski,
7 Hudson Correctional
8 Facility. I'm under the
9 understanding that we had
10 until the 24th
11 twenty-fourth for the
12 sign-up sheets, that we
13 weren't instructed to
14 bring them here today. So
15 what you said that we were
16 instructed to bring them
17 today, I was unaware of
18 that.

19 DAN VALENTE: It was
20 more a request. I sent
21 out an e-mail earlier in
22 the week saying -- asking
23 the chiefs to bring the
24 sheets or at least provide

220

1 me with the numbers that
2 are on those lists.

3 AL OKONSKI: I never
4 received no e-mail from
5 you.

6 DAN VALENTE: I sent it
7 out in group e-mail that
8 went to all the chief
9 sector stewards. I don't
10 know if you have an issue
11 with your computer or
12 whatever.

13 AL OKONSKI: I have
14 another question also. If
15 we don't make the seven
16 hundred mark, when we call
17 you up with the numbers
18 that are marked up on the
19 sheet, is the rally
20 cancelled?

21 DAN VALENTE: That's
22 not for me to decide. I
23 think that seven hundred
24 is a respectable number.

221

1 Right now where we're at
2 with four hundred, I think
3 that visually it doesn't
4 carry the message that we
5 want to the carry as of
6 strength and unity and
7 respect. That's just my
8 personal opinion. That's
9 a decision that has to be
10 made by this body and by
11 this Executive Board.

12 AL OKONSKI: Okay.

13 DAN VALENTE: As far as
14 the drop dead date goes,
15 obviously it should be
16 sooner than later. We got
17 a lot of money out there
18 on these buses that we
19 paid for and reserve.

20 They're not cheap and
21 we stand to lose a lot of
22 money if we don't at least
23 cancel these buses, if
24 that's going to be the

222

1 course that this body
2 chooses. If we don't give
3 those companies enough
4 notice that we're not
5 going to be using their
6 services. We have
7 contracts with them and
8 they would enforce their
9 cancellation policies.

10 BILL CONNOLLY: Hey,
11 Dan, Bill CONNOLLY from
12 Attica. I went to Lobby
13 Days last year and one
14 thing I did not look at,
15 which I recommend anybody
16 that does go to Lobby
17 Days, is to review the
18 score cards.

19 I found myself in an
20 office with a guy who a
21 former chief thought that
22 this guy was the best
23 thing since sliced bread.
24 When I went back and

223

1 looked at the score card,
2 this guy didn't support
3 any NYSCOPBA initiatives.

4 I want to be in the
5 office of Danny O'Donnell.
6 I want to be in the office
7 of people that aren't
8 supporting that. The guy
9 that's supporting us,
10 thank you very much. He's
11 in my district, I'll send
12 him an e-mail. But I want
13 to get face-to-face and
14 anybody that goes to that,
15 needs to get face-to-face
16 with the guy that doesn't
17 support us.

18 DAN VALENTE: Thank
19 you.

20 VP SOUTH FISHER: Go
21 ahead, get face-to-face
22 with Danny.

23 BILL CONNOLLY:
24 Actually, I did e-mail

224

1 O'Donnell. And his
2 response because I asked
3 him about why he didn't
4 support the aggravated
5 harassment. And you know
6 what his response was? As
7 an attorney, I have been
8 spit on, he's a public
9 attorney. And I said to
10 him, well, if you're a
11 professional, you wouldn't
12 allow that to happen
13 because that's what we are
14 and we're not going to
15 allow that to happen.
16 Thank you.

17 DAN VALENTE: Just to
18 respond to that, as far as
19 the score cards go, we
20 have all the score cards
21 listed on the legislative
22 page of the website. It
23 is a really good tool to
24 use to understand how

225

1 western region Lobby Day,
2 you know, we're usually
3 meeting with a lot of
4 friends and folks who
5 support our initiatives.
6 So, I mean, we can try to
7 work some of those
8 Downstate New York City
9 Dems into the other
10 regions so you get an
11 understanding of what
12 their perspective is and
13 hopefully they can get an
14 understanding of what
15 yours is.

16 I find that that
17 sometimes is not fruitful.
18 We've been in meetings, I
19 think Clarence was in a
20 meeting a couple times
21 down in the southern
22 region where we're sitting
23 with legislators and their
24 staff and they get

227

1 legislators are voting on
2 our issues.

3 I recommend everyone
4 take a look at those. And
5 I'll get those at least
6 for the past year sent out
7 to all the Lobby Day
8 attendees in advance, so
9 that they familiarize
10 themselves with the way
11 certain folks are voting.

12 As far as the meetings
13 go with the legislators, a
14 lot of the -- those who
15 are opposed to our issues,
16 many of those members are
17 located in New York City
18 area. You're not going to
19 get a lot of opposition
20 from legislators on
21 NYSCOPBA issues better
22 located upstate.

23 So it's difficult so,
24 for instance, for the

226

1 hostile, I mean, they
2 really do get hostile.

3 And one of the meetings
4 we were sitting with
5 Senator or former Senator
6 Ruth Thompson, she used to
7 chair the Corrections
8 Committee when the Senate
9 Dems were in charge and
10 had the majority in the
11 Senate.

12 She stopped -- she cut
13 our conversation off in
14 mid sentence and said,
15 listen, I hear what you're
16 saying. But my concern
17 isn't with the people that
18 you're representing; my
19 concern is with the
20 people -- of the people
21 you're representing are
22 watching.

23 So they make it very
24 clear that their

228

1 perspective and their
2 ideas are geared towards
3 protecting the inmates and
4 not the officers. And I
5 don't know, I mean,
6 obviously those
7 conversations need to be
8 had, and education needs
9 to be had as well and they
10 need to be brought up on
11 what it's really like.

12 But I don't know if in
13 that type of environment
14 where you have a group
15 full of NYSCOPBA members,
16 who are not going to take
17 kindly to what they say, I
18 guess I don't know if that
19 is the proper forum for
20 that.

21 But we can definitely
22 try to work some meetings
23 in with committee members
24 on the Corrections

229

1 around for no reason,
2 nobody was there to talk
3 to.

4 DAN VALENTE: I don't
5 know what you mean by the
6 go home days, because our
7 Lobby Days are on
8 Tuesdays, which are
9 typically the second day
10 of the session that week.
11 I do know what you're
12 talking about.

13 There are sometimes
14 where the schedules are
15 unpredictable. When I'm
16 setting up these meetings
17 weeks in advance and
18 they're not being told
19 when session or conference
20 is going to be until the
21 day before.

22 So it's difficult
23 sometimes when those
24 calendars come out on

231

1 Committee for all regions,
2 so that those who are
3 making decisions on the
4 bills and or governmental
5 employees who might not
6 traditionally support
7 NYSCOPBA's issues, at
8 least we're setting up
9 those meetings and having
10 those conversations. I'd
11 be happy to do that.

12 BOB ANDELORA: Bob
13 Andelora, Orleans. Is
14 there any guarantee that
15 these meetings will take
16 place? I went to Lobby
17 Days last year and I've
18 got to say, we walked into
19 several vacant offices.
20 Because, we conveniently
21 scheduled our Lobby Days
22 on their travel day coming
23 back in. So, you know, we
24 did a lot of walking

230

1 their end and they have
2 all these meetings lined
3 up. And we might be
4 relegated to meet with a
5 member of their staff.
6 Which, you know, quite
7 frankly some of our
8 members don't look kindly
9 on that.

10 It's somewhat out of
11 our control for that -- to
12 control that. Quite
13 frankly, some of those
14 staff members are running
15 those office and know more
16 about the issues than the
17 legislators do themselves.

18 So, it works both ways.
19 I do my best to try to
20 schedule the meetings, to
21 make it as coordinated as
22 possible so that say, for
23 Senator Gallivan, we're
24 not meeting with Senator

232

1 DiPietro at the same time,
2 so that everyone has the
3 opportunity to meet both
4 representatives.

5 It's difficult to set
6 up those meetings and make
7 sure everything goes off
8 without a hitch, not
9 knowing what the calendar
10 is going to be up until
11 the day before. I try my
12 best.

13 BOB ANDELORA: Who
14 determines what days we go
15 to Lobby Days out there?

16 DAN VALENTE: I bring a
17 recommendation to the PAC
18 Committee and the PAC
19 Committee agrees or
20 disagrees, and then we
21 bring it to the board and
22 it gets signed off on.

23 BOB ANDELORA: Based on
24 how it's gonna go this

233

1 only day which they're
2 basically have a bookends
3 on each side of them,
4 where they're stuck in
5 albany, so Tuesdays are
6 designated Lobby Days for
7 the legislature throughout
8 the legislative session.
9 Any other questions?

10 BRIAN FINI: How ya
11 doing, Brian Fini, Attica.
12 I got a question. When we
13 go to these legislators
14 and we want to sit down
15 and talk with them, is
16 there any way we can come
17 up with a video of
18 testimonials, footage from
19 inside the jails, that
20 show what we deal with,
21 instead of blowing smoke
22 up their ass.

23 Show them, look it,
24 this is what we deal with

235

1 coming one, if we have the
2 same more or less no show
3 that we had last year, I
4 would urge that we try to
5 push for somewhere more in
6 the middle of the week.

7 DAN VALENTE: There's
8 only so many session days.
9 The session days calendar
10 is set in December. In
11 May legislators are in
12 session typically Monday,
13 Tuesday, Wednesday.
14 Thursday, Fridays --
15 Wednesdays is a go home
16 day for the legislature.
17 They usually have session
18 in the morning and then
19 they're on the road back
20 to their districts.
21 Monday, they're all
22 driving in to Albany and
23 session is not until the
24 afternoon. Tuesday is the

234

1 here, here is footage,
2 here is the testimonial
3 from the officer, put it
4 on a DVD, bring it in and
5 say, look it, these are
6 our concerns, this is what
7 we deal with on a daily
8 basis, this is why we need
9 your help. Is there any
10 way we can do that?

11 DAN VALENTE: I think
12 that's a good idea. I
13 don't see any reason we
14 can't do that. That's
15 something that -- we do
16 have like behind the walls
17 DVD that have been
18 produced in the past,
19 which quite frankly are
20 very outdated and need to
21 be updated. But are there
22 testimonies from members
23 and stuff, other than
24 that?

236

1 RECORDING SECRETARY
2 DILLDINE: We can do
3 testimonials we work in
4 Attica, we have footage,
5 cameras everywhere now,
6 footage of incidents,
7 testimonials from the
8 officers along with all
9 the reports, take it to
10 our legislators and say,
11 look, listen, here is why
12 we need your help; this is
13 what's going on. We're
14 not being listened to by
15 the Governor, we're not
16 being listened to by
17 DOCCS, this is why we need
18 your help. Is there any
19 way we can make that
20 happen?

21 DAN VALENTE: I don't
22 know the answer to that.
23 I would think that DOCCs
24 would probably have an

237

1 It's something you can do
2 a testimonial from, your
3 living room couch, you
4 know, as an experience you
5 may have encountered to
6 forward to your legislator
7 or anybody for that
8 matter.

9 DAN VALENTE: I don't
10 know -- I think a
11 testimony face-to-face is
12 a lot better than
13 testimony on DVD. So
14 maybe those folks who are
15 having those issues or
16 been involved in
17 incidences, should sign up
18 for Lobby Days and come
19 talk to legislators
20 face-to-face and show them
21 their injuries or talk to
22 them about their personal
23 experiences.

24 I know that has a

239

1 issue with releasing any
2 footage related to any
3 incidents that take place.
4 But that's a discussion
5 for the attorneys to kind
6 of vet and the Board to
7 make a decision on.

8 PRESIDENT POWERS:
9 Therefore lies the problem
10 in reality. DOCCS owns
11 the videos. I mean, if we
12 can do something as a
13 sector steward doing a
14 testimonial in front of a
15 camera, maybe that might
16 be an option. But
17 anything job related, we
18 can't forward on. An
19 officer in uniform or
20 certain situations inside
21 a facility.

22 They own the videos.
23 We don't own the videos.
24 But it's a good idea.

238

1 significant impact. We
2 saw that with the
3 enactment of the
4 aggravated harassment, the
5 toilet bowl water
6 component. We had members
7 from Attica come to our
8 lobby days and share their
9 personal stories about
10 getting thrown on and in
11 my opinion that's what got
12 that bill over the hump
13 and got signed into law.

14 But I do like your
15 idea. Any other
16 questions, I'd be happy to
17 answer them? Please get
18 me your numbers for the
19 rally. If you have them
20 today, I'll take them. If
21 not, please send them to
22 me as soon as you possibly
23 can. Thank you.

24 PRESIDENT POWERS:

240

<p>1 Thanks, Dan. Bill Naylor?</p> <p>2 BILL NAYLOR: Good</p> <p>3 afternoon. Retirement on</p> <p>4 line is up and running, so</p> <p>5 please put out to your</p> <p>6 members that the huge</p> <p>7 advantage for them to get</p> <p>8 registered online is that</p> <p>9 they can correspond with</p> <p>10 retirement directly. If</p> <p>11 they're looking for</p> <p>12 retirement loans, they can</p> <p>13 apply for those directly</p> <p>14 online and they can change</p> <p>15 the contact or update</p> <p>16 their contact information.</p> <p>17 I've been getting quite</p> <p>18 a few questions about</p> <p>19 disability retirement</p> <p>20 offsets, specifically to</p> <p>21 three quarters. And I</p> <p>22 just want to kind of</p> <p>23 clarify that there are</p> <p>24 offsets with the three</p> <p style="text-align: right;">241</p>	<p>1 that based on your</p> <p>2 actuarial table would be</p> <p>3 like four hundred dollars.</p> <p>4 We're just using that for</p> <p>5 ease of math, four hundred</p> <p>6 thousand dollars. If you</p> <p>7 receive a lump sum</p> <p>8 settlement for future</p> <p>9 wages in the amount say of</p> <p>10 a hundred thousand</p> <p>11 dollars, you're being</p> <p>12 compensated for those</p> <p>13 future wages by Workers'</p> <p>14 Compensation, that's going</p> <p>15 to offset your four</p> <p>16 hundred thousand that</p> <p>17 retirement sets aside for</p> <p>18 you.</p> <p>19 So now you only have</p> <p>20 three hundred thousand in</p> <p>21 that pot and you'll have</p> <p>22 already received a hundred</p> <p>23 thousand from Workers'</p> <p>24 Compensation to make you</p> <p style="text-align: right;">243</p>
<p>1 quarter award. And it</p> <p>2 strictly goes to lump sum</p> <p>3 payments for future wages.</p> <p>4 So, if a member is</p> <p>5 awarded three quarters --</p> <p>6 a three quarter disability</p> <p>7 retirement and they</p> <p>8 receive a lump sum award</p> <p>9 for their Workers'</p> <p>10 Compensation injury, any</p> <p>11 of that lump sum award, if</p> <p>12 that goes towards future</p> <p>13 wages it will offset their</p> <p>14 three quarter award for</p> <p>15 the rest of their life.</p> <p>16 So it's a life time</p> <p>17 offset.</p> <p>18 So basically, to</p> <p>19 explain it, when you</p> <p>20 receive a three quarter</p> <p>21 award for performance of</p> <p>22 duty disability</p> <p>23 retirement, New York State</p> <p>24 says okay, the cost of</p> <p style="text-align: right;">242</p>	<p>1 whole for the four hundred</p> <p>2 thousand. So, just kind</p> <p>3 of go back to your members</p> <p>4 and say, look, before you</p> <p>5 start with the Workers'</p> <p>6 Comp stuff and everything</p> <p>7 else, make sure they're</p> <p>8 all very aware that any</p> <p>9 lump sum settlements</p> <p>10 towards future wages can</p> <p>11 offset the three quarters</p> <p>12 for the entire longevity</p> <p>13 of their retirement. To</p> <p>14 include if they pass it on</p> <p>15 to their spouse or</p> <p>16 whatever, that amount is</p> <p>17 that amount for the</p> <p>18 remained of the retirement</p> <p>19 benefit.</p> <p>20 Also, if you receive a</p> <p>21 disability retirement</p> <p>22 whether it's ordinary or</p> <p>23 three quarters, and you</p> <p>24 decide to work after you</p> <p style="text-align: right;">244</p>

1 receive that benefit,
 2 there is a clause where
 3 you're kind of limited in
 4 how much you can make.
 5 So the rule of thumb
 6 for that is, and again
 7 I'll use ease of math, if
 8 your final average salary
 9 is a hundred thousand
 10 dollars, and you get a
 11 three quarter award for
 12 seventy-five thousand
 13 dollars, you're limited to
 14 today earn twenty-five
 15 thousand dollars a year to
 16 make you whole to your
 17 final average salary.
 18 Anything over that could
 19 offset your three quarter
 20 award.
 21 I hope you understand.
 22 Has it been enforced?
 23 From what I know, no, it
 24 hasn't yet, but they could

245

1 if they wanted to. So
 2 that's something to just
 3 be aware of. That even
 4 though you received your
 5 disability award for three
 6 quarters or even an
 7 ordinary disability award,
 8 up to one third, that it
 9 could -- you are limited
 10 on how much money you can
 11 make after you receive
 12 that.
 13 We've had some issues
 14 with military buy-back
 15 applications as far as the
 16 DD214 that is submitted to
 17 retirement. The only
 18 copies they'll accept is
 19 what's called a Member 4
 20 or a Member 2 DD214.
 21 There's actually four
 22 copies of the DD214 that
 23 you get when you leave
 24 military service. And

246

1 it's members one, two,
 2 three, and four copies.
 3 They will only accept
 4 the Member 2 and Member 4,
 5 due to the fact that those
 6 are the only two copies
 7 that show discharge
 8 status. Whether it's
 9 honorable, dishonorable or
 10 other than honorable.
 11 We just rolled out or
 12 are in the process of
 13 still rolling out the new
 14 retiree dental plan.
 15 Guardian is gone, we no
 16 longer have Guardian.
 17 We're now over to Emblem
 18 Health. The members that
 19 were already enrolled in
 20 the guardian plan, have
 21 already been enrolled in
 22 the Emblem plan. The open
 23 enrollment kits for those
 24 that have not enrolled

247

1 yet, those will be going
 2 out in the next few weeks.
 3 Emblem Health is
 4 finalizing their marketing
 5 paperwork and stuff, and
 6 that should be done by the
 7 end of this week or next
 8 week. So open enrollments
 9 will be opening up here
 10 pretty soon for that.
 11 As far as the status
 12 for the retiree chapter.
 13 We added over the course
 14 of February and March,
 15 we've added ninety-nine.
 16 We've had fifteen members
 17 pass, eight failed to
 18 renew. Our membership
 19 total is nine thousand,
 20 four hundred fifty-one
 21 members in the retiree
 22 chapter. That's all I
 23 have. Any questions?
 24 JIM SONKO: Yeah.

248

1 Going back a little bit, I
2 don't know if I caught you
3 right there. But you said
4 any award they receive can
5 offset their three
6 quarter -- so you're
7 saying like anybody that
8 had an award for their
9 knee, for like -- is that
10 what you're going at?

11 BILL NAYLOR: No, no.
12 You're talking schedule
13 loss of use.

14 JIM SONKO: Different
15 thing.

16 BILL NAYLOR: Yeah.
17 That doesn't affect it.
18 Any other questions?
19 Thank you.

20 PRESIDENT POWERS
21 Thank you, Bill. Jim
22 Miller.

23 JIMMY MILLER: Good
24 afternoon. One topic I

249

1 voice out there. Reach
2 out to a larger
3 constituency, not only to
4 yourself but the public,
5 do a cost analysis and
6 then move forward with
7 that.

8 And then present that
9 plan to you, hopefully at
10 the June EA. So the only
11 thing I would ask you, if
12 you do have any particular
13 ideas, if you have any
14 concerns, if there is some
15 issues you want to
16 address, obviously you can
17 e-mail me, but you also
18 can relay that information
19 to anybody on the
20 committee or Kenny who is
21 the chair.

22 So, as we move forward
23 with that, hopefully it
24 will be somewhat more

251

1 wanted to brief you on
2 from our meeting with the
3 PR committee this morning.
4 We've come to the
5 conclusion that the PR
6 committee is going to play
7 a larger role moving
8 forward in the next couple
9 months, which Kenny will
10 brief you on in the
11 marketing and the branding
12 of NYSCOPBA.

13 What we're going to do
14 next month is meet with
15 the advertiser who buys
16 all of our ads and try to
17 develop a comprehensive
18 plan moving forward.
19 Obviously recognizing that
20 we are limited with the
21 budget to see if there is
22 a better way of
23 advertising and branding
24 to get -- have a larger

250

1 effective to deal with
2 some of the issues you are
3 dealing with right now,
4 that are hot bed issues
5 that are of concern for
6 you. Have a bigger voice
7 out there that will
8 attract some more
9 attention.

10 And we'll do our best
11 to try to accomplish that,
12 obviously within our
13 budget or work within
14 whatever money we have
15 available to accomplish
16 that. And look at ways to
17 diversify the ways in
18 which we do advertising,
19 beyond just TV, look into
20 some other avenues. And
21 that's all I have for now.
22 Thank you.

23 PRESIDENT POWERS:
24 Thanks, Jim. We'll move

252

1 into committee reports.
 2 Mike, Constitution and
 3 Bylaws and Collective
 4 Bargaining.
 5 RECORDING SECRETARY
 6 DILLDINE: We'll do
 7 collective bargaining
 8 first. Obviously everyone
 9 know -- we know how the
 10 vote went. So, just to
 11 let you know where we are
 12 and what we've done since
 13 then.
 14 Obviously we went
 15 around the state, we did
 16 our twenty-six meetings.
 17 Law enforcement did other
 18 nine. So, from the
 19 meetings it's pretty clear
 20 what the members don't
 21 like. They don't like the
 22 discipline, they don't
 23 like the health insurance.
 24 And it's different in

253

1 regions we found.
 2 But overall it's the
 3 discipline, right?
 4 Discipline, health
 5 insurance, five year deal.
 6 There's lots of things the
 7 membership didn't like.
 8 As I said when we were out
 9 there and I got asked the
 10 question by many people,
 11 what happens if it gets
 12 voted down.
 13 Well, you go back and
 14 negotiate or more than
 15 likely you end up at
 16 impasse. When it was
 17 voted down, contacted the
 18 state's negotiator not to
 19 a proposal or anything,
 20 just to see, you know,
 21 what's the time frame, if
 22 we meet again, whatever.
 23 Made it very clear they
 24 are concentrating on the

254

1 other unions, which we
 2 would expect.
 3 So the committee met,
 4 decided to wait until we
 5 come here, because we're
 6 not going to get a meeting
 7 with them anyways until we
 8 decide to meet to get
 9 direction from the body.
 10 And the committee was
 11 pretty clear that we
 12 understand the issues.
 13 I think we had a
 14 mandate that they didn't
 15 like the disciplinary
 16 changes and we don't like
 17 the health insurance the
 18 way it was done. The
 19 issue we had, which we
 20 explained at all those
 21 meetings, is the
 22 state's -- they want
 23 something in discipline,
 24 that's fine, that's their

255

1 right, they want something
 2 in discipline, that's
 3 fine, we don't have to
 4 agree.
 5 So, the way the
 6 committee is looking at it
 7 at this point, if they
 8 stick with that, say the
 9 state sticks with, you
 10 know, listen, we want what
 11 that was; then we can't do
 12 that. That's what we feel
 13 from the membership it's
 14 pretty clear, right?
 15 So, there are two
 16 options. Eventually we're
 17 more than likely going to
 18 end up at impasse. We can
 19 declare impasse at any
 20 time. When you declare
 21 impasse, what happens is
 22 with PERB, they would
 23 assign a mediator and you
 24 go to mediation, that's

256

1 the next step.
 2 At mediation there's --
 3 say we were to do it that
 4 way, tomorrow we declared
 5 impasse. Once you get the
 6 meeting set up, as I said
 7 it takes time, you go to
 8 the mediator. There's a
 9 good chance if we did that
 10 the mediator would send us
 11 back to negotiations
 12 because we had no meetings
 13 with the state after the
 14 contract was voted down.
 15 So our options are to
 16 do to it that way or
 17 schedule a meeting, try to
 18 schedule a meeting, put a
 19 proposal in, the committee
 20 would have to come up with
 21 a proposal. Obviously the
 22 proposal, you know, would
 23 be, you know, I think it
 24 was clear; some three year

257

1 deal, no discipline, no
 2 health insurance,
 3 whatever, maybe some soft
 4 money, whatever that may
 5 be.
 6 And at that point if
 7 the state sticks to what
 8 they're saying with now,
 9 they would say absolutely
 10 not, we can't do it with
 11 the discipline, but we
 12 have a mandate from the
 13 members at that point, we
 14 declare impasse.
 15 Those are our options.
 16 The committee is going to
 17 meet again. I think at
 18 this point we were
 19 teetering both ways. And
 20 you don't know. You don't
 21 know if that mediator
 22 would send us back to
 23 negotiation. But if he
 24 does, that will slow the

258

1 process down even more
 2 than if we just have the
 3 meeting.
 4 And who knows, maybe
 5 they'll come in and say,
 6 you know what, we changed
 7 our mind, we're willing to
 8 look at something other
 9 than discipline and then
 10 we'd have to go forward
 11 and negotiate. But as
 12 with everything we're
 13 getting from them at this
 14 point, they're not willing
 15 to look at that. That's
 16 fine. We're not willing
 17 to look at it, that's
 18 fine. That's the
 19 definition of impasse.
 20 So, I think the
 21 intention at this point is
 22 to go back in with a
 23 proposal, probably
 24 somewhere around three

259

1 years, no discipline, no
 2 health insurance changes,
 3 some soft money, maybe
 4 some of that language,
 5 because we have really
 6 good language in that
 7 contract, we're probably
 8 going to lose it all, but
 9 you try to get it.
 10 And if they stick with
 11 that point, unless you
 12 guys disagree, if they
 13 stick with that point on
 14 discipline, I think we're
 15 done. So at that point we
 16 declare impasse.
 17 Now you go to impasse,
 18 go through mediation.
 19 Bill Sheehan can correct
 20 me if I'm wrong.
 21 Generally they want three
 22 mediation meetings; you
 23 don't have to. This all
 24 takes time, as I explained

260

1 before, this thing takes
2 forever to get through.

3 Once you get through
4 that and it's clear you
5 can't get to a decision,
6 then you petition for
7 arbitration. We get to
8 arbitration.

9 Chances are in this
10 time line, and it's just a
11 guesstimate, you're
12 looking at somewhere
13 around this time, maybe
14 after the first of the
15 year when you actually get
16 to arbitration. That will
17 be the process, you go to
18 arbitration.

19 Arbitration as we've
20 explained many times, it's
21 interest arbitration. It
22 only deals with the
23 monetary issues; wages,
24 health insurance, Workers'

261

1 Comp; anything that deals
2 with money.

3 And the rest of the
4 contract you would have to
5 negotiate at that time.
6 So that's where we're at,
7 pretty much where we're
8 at. I know, there's no
9 secrets, there's people
10 that are making motions to
11 send us to impasse. I'm
12 fine with that.

13 The only thing I worry
14 about there is that it may
15 delay the process because
16 we may get sent back to
17 negotiations again. We
18 don't know for sure. The
19 mediator can do whatever
20 he wants. But the
21 mediator -- the law
22 dictates that that
23 mediator has that right to
24 do what he wants.

262

1 If the mediator thinks,
2 all right, your members
3 voted it down but you
4 didn't come back with
5 anything else, so you're
6 really not negotiating in
7 good faith, which we have
8 to do under the Taylor
9 Law, then I'm sending you
10 back. That would slow us
11 down.

12 So at this point the
13 committee is going to
14 talk. I think the
15 committee is leaning more
16 towards actually putting a
17 proposal in unless this
18 body thinks differently;
19 we can do that. Question?

20 DAVE LUTHER: I do have
21 a motion that was mandated
22 by my membership last week
23 at the meeting. And I
24 know it needs sixty

263

1 percent to be heard on the
2 floor today.

3 RECORDING SECRETARY
4 DILLDINE: Correct.

5 DAVE LUTHER: The
6 motion reads this, the
7 contract committee and the
8 Executive Board are to
9 abandon any further
10 negotiations with the
11 state, and the Governor's
12 Office in regards to
13 ongoing contract talks.
14 To proceed directly to
15 mediation and impasse,
16 followed by arbitration.

17 Wisdom of the motion,
18 the request of the union
19 for a suitable salary
20 increase as well as
21 longevity issues, location
22 pay, decrease in steps to
23 pay raise, no increase in
24 the standard duty pay.

264

1 The hundred day rule was
2 not -- is still in affect,
3 leads this membership to
4 believe that the
5 Governor's Office doesn't
6 have any intentions of
7 bargaining an honest and
8 fair dealing.

9 Any further discussion
10 on the contract proposal
11 is a waste of time to the
12 membership and the union
13 as a whole. The motion is
14 made by myself and
15 seconded by Robert
16 Patterson out of
17 Edgecombe.

18 RECORDING SECRETARY
19 DILLDINE: We need sixty
20 percent from the body to
21 act on this motion.

22 All in favor of the
23 acting on this motion
24 signify by saying aye?

265

1 is the only law
2 enforcement or first
3 responders longevity that
4 I can find in this state
5 that goes backwards in
6 value. Our twenty year
7 step is less than fifteen,
8 our twenty-five is less
9 than our twenty.

10 The hundred day rule
11 not only smokes you as an
12 officer coming in; if you
13 come in between October
14 27th and April 1st, it
15 does you again as a
16 sergeant and again as a
17 lieutenant.

18 These items alone are
19 costing us and our members
20 thousands of dollars. And
21 he said, take it away.
22 I'm not going to listen to
23 this. We just came off
24 the worst law enforcement

267

1
2 (All respond with "aye.")

3
4 RECORDING SECRETARY
5 DILLDINE: Opposed?

6
7 (No response.)

8
9 RECORDING SECRETARY
10 DILLDINE: Discussion on
11 the motion? Anybody?
12 PAUL MIKOLOJAC: Paul
13 Mikolajac, Sing Sing
14 Prison. From my
15 understanding, the
16 Governor said no to any
17 reduction in steps. In
18 eighteen years of NYSCOPBA
19 this May, we have not
20 reduced the number of
21 steps by one at all.

22 The only increase to
23 longevity was the '04
24 contract. Our longevity

266

1 contract in history, and
2 now we have an option of
3 going to arbitration.

4 You the body can do it.
5 You can follow all the
6 procedures but just stick
7 to the guns and say, we
8 will not stand for any
9 zeros or pattern
10 bargaining, is what
11 NYSCOPBA was originally
12 set for.

13 I mean, it was a long
14 time ago, but wasn't it?
15 Thank you.

16 CHRIS GRANDE: Chris
17 Grande, Marcy
18 Correctional. I got a
19 question about the
20 computation of the
21 overtime that was in this
22 last proposal.

23 RECORDING SECRETARY
24 DILLDINE: That's not

268

1 where -- this is
2 discussion just on this
3 motion. Just on the
4 motion to proceed to
5 mediation, impasse,
6 followed by arbitration.
7 That's what we're
8 discussing right now. Any
9 other discussion on that
10 motion? Hearing none --
11 are you getting up Steve
12 to talk about this?

13 STEVE MARASCO: Steve
14 Marasco, Shawangunk. I
15 just want to make it
16 clear, if you go to this
17 arbitration and mediation,
18 are we going to stick with
19 it until the end or are we
20 going to buckle? I mean,
21 that's really the key, ya
22 know what I'm saying?
23 We're wasting money.

24 RECORDING SECRETARY

269

1 updated. Like I said,
2 don't get excited that
3 this thing is going to
4 move fast; it doesn't move
5 fast, it's going to take
6 some time.

7 But they'll keep you
8 abreast of that,
9 everywhere you go, as you
10 know, it may be all summer
11 before you get to
12 anywhere. When they get
13 there, they'll address it
14 and we'll deal with it.

15 PRESIDENT POWERS:
16 We'll create a log as well
17 on the website, once this
18 ball starts moving. We'll
19 create a log and keep you
20 updated as that goes.

21 CHRIS GRANDE: Okay.
22 Chris Grande, Marcy
23 Correctional. A
24 misunderstanding from the

271

1 DILDINE: On the motion.
2 We can't -- this body
3 decides that. It's got to
4 pertain to the motion.
5 Any other discussion on
6 the motion?

7 All those in favor of
8 the motion signify by
9 saying aye?

10
11 (All respond with "aye.")

12
13 RECORDING SECRETARY

14 DILDINE: Opposed?

15
16 (One response of nay.)

17
18 RECORDING SECRETARY

19 DILDINE: Just one. Okay
20 Motion carries. So what
21 we will do is we will
22 draft paperwork to declare
23 impasse, we'll go to
24 impasse. We'll keep you

270

1 way they compute the
2 overtime in the last
3 contract proposal. The
4 way the figures that I
5 come up with, they want to
6 go from two thousand hours
7 to two thousand eighty
8 hours to compute that.

9 An average salary, just
10 putting out at thirty
11 dollars an hour, working
12 off the one point six
13 three percent or one point
14 six three at two thousand
15 hours would be forty-eight
16 ninety. If you had thirty
17 dollars at one point five
18 zero, which they want to
19 change it to, to the two
20 thousand eighty hours, it
21 would be forty-five
22 dollars. A difference of
23 three ninety an hour for
24 every hour of overtime you

272

1 work.
2 They're telling me it's
3 minimal. At the last
4 meeting that they had,
5 informational meetings
6 promoting this contract.

7 RECORDING SECRETARY
8 DILDINE: Any meeting I
9 attended, I never told
10 anyone it was minimal. I
11 told them just what you
12 just said. Twenty eighty,
13 they're going to -- it's
14 different for everyone,
15 depending on where you
16 fall in the scale. And
17 the difference is twenty
18 eighty.

19 So, basically they take
20 your annual salary, divide
21 it by two thousand hours
22 presently, that's how they
23 do it. You come up with
24 an hourly rate, you

273

1 multiply it times one
2 point five. That's how
3 they used to do your
4 overtime.

5 Under their proposal,
6 you would take the annual
7 salary, divide it by
8 twenty eighty, because
9 that's the new hours,
10 multiply it times one
11 point five, come up with
12 the new one. It's
13 different for -- and I
14 never told anyone --

15 CHRIS GRANDE: But
16 based on thirty dollars an
17 hour, which I think that's
18 got to be around a fifteen
19 year step, give or take.
20 I'm not sure dollar for
21 dollar, but I'm close I
22 think. But it's a
23 difference of like three
24 thirty, four dollars an

274

1 hour.
2 What you're telling me
3 is that you're going to
4 have to work eighty more
5 hours a year to make the
6 same amount of money that
7 you were making.

8 RECORDING SECRETARY
9 DILDINE: It is what it
10 is.

11 CHRIS GRANDE: But the
12 thing is that shouldn't
13 even be in the contract
14 negotiation. That's
15 something that the
16 state -- you told me
17 yourself that the state
18 has been miscalculating
19 this stuff for years and
20 they finally caught it.

21 Well, this isn't a
22 miscalculation. If the
23 state miscalculates
24 something, they're going

275

1 to take it right back
2 then. And then we want to
3 put it in the contract, so
4 now we're bound. As soon
5 as it's in that contract,
6 we're bound to that.

7 RECORDING SECRETARY DILDINE:
8 All right. Well, we're
9 discussing something that
10 really has no bearing at
11 this point, but I'll
12 answer your question. The
13 state can negotiate, and
14 now that we are, right now
15 we declared impasse,
16 right, that's what we just
17 did. We're going to
18 declare impasse.

19 We're going to go to
20 arbitration. Believe me,
21 that subject is going to
22 be broached at arbitration
23 by the state. We can't
24 just so no, we're not

276

1 going to talk about it.
2 And in arbitration, we
3 don't have any say. The
4 arbitrator is going to do
5 whatever he wants to do.
6 The calculations is the
7 calculation.

8 I explained the
9 calculation the same at
10 every meeting I attended.
11 I attended every meeting
12 but one. The calculation
13 is just what I said it
14 was. Right now, your
15 annual salary divided by
16 two thousand hours times
17 one point five. Under
18 their proposal we agreed
19 to it's twenty eighty,
20 divided by whatever.

21 But, can they just
22 propose it? Yes. They
23 did it to the Troopers.
24 They just did it to them.

277

1 overtime, so we're losing
2 money there.

3 RECORDING SECRETARY
4 DILDINE: I guess what I'm
5 not understanding is
6 what's the point here?
7 What are you getting at?
8 We're going to
9 arbitration, it doesn't
10 matter.

11 CHRIS GRANDE: Okay.
12 It doesn't matter.

13 RECORDING SECRETARY
14 DILDINE: I'm not making
15 arguments --

16 CHRIS GRANDE: Because
17 the informational meetings
18 that we had, we were
19 pretty much, this is the
20 best we're going to get,
21 this is the way it's going
22 to be, you're going to
23 lose it anyway, so why not
24 vote it in.

279

1 CHRIS GRANDE: Right.
2 But the other state
3 agencies, Ed Con, DOT, I'm
4 assuming we're all in the
5 same overtime rate,
6 correct?

7 RECORDING SECRETARY
8 DILDINE: No, we're not.

9 CHRIS GRANDE: Because
10 they must have negotiated
11 it differently.

12 RECORDING SECRETARY
13 DILDINE: Everybody's
14 contract is different.
15 It's the same basis, it's
16 set up FAS, and forty hour
17 weeks and all those
18 things. Yes?

19 CHRIS GRANDE: So, by
20 doing this here, we're
21 going to lose probably
22 five hundred hours in our
23 pre-shift briefing because
24 that is calculated by the

278

1 Well, why would you
2 vote something in if
3 you're going to lose it
4 anyway? The state hasn't
5 taken it yet, in this
6 informational meeting it's
7 been a few months -- the
8 contract didn't pass, it's
9 been over a month, they
10 didn't take anything. So,
11 why are we putting this in
12 the contract?

13 RECORDING SECRETARY
14 DILDINE: I don't want to
15 get in to rehashing all
16 that because it makes no
17 difference. As we said at
18 those meetings, the
19 committee felt you were
20 getting something for it.
21 And whether you agree or
22 disagree, the members
23 disagreed, that's fine.
24 I'm not going to argue

280

1 with you; it is what it
2 is.

3 But that's why they did
4 it. We explained that at
5 every meeting why we did
6 it. Because our feeling
7 was, to do what they're
8 doing to the Troopers now,
9 they just took it from the
10 Troopers three months;
11 they didn't get anything
12 for it. Our feeling was
13 try to get something for
14 it.

15 It didn't work. That's
16 fine. I get that. And
17 when they go to
18 arbitration, it won't be
19 me, when this gets to
20 arbitration finally, I'm
21 sure we'll make the
22 argument that it's wrong.
23 The problem we have is the
24 same problem we had going

281

1 in; the law allows them to
2 do it with the stroke of a
3 pen.

4 That was our problem.
5 And in arbitration, we'll
6 we see what happens. I
7 don't know. Anybody can
8 make guesses, you know.
9 The guess was, the
10 arbitrator will give it to
11 them because that's the
12 law. The comptroller
13 changes his rules and
14 regulations, and that's
15 the end of it.

16 Just like the law now
17 says that anybody working
18 at these new facilities
19 can be drug tested. We
20 don't like that, we can't
21 change it. So that was
22 the only thinking behind
23 it. I just don't know how
24 it's relevant now.

282

1 CHRIS GRANDE: Thank
2 you.

3 RECORDING SECRETARY
4 DILDINE: Anybody else for
5 me for Collective
6 Bargaining, before I can
7 on to Constitution and
8 Bylaws?
9

10 (No Response.)
11

12 RECORDING SECRETARY
13 DILDINE: Try to stay with
14 me, there's a lot here.
15 You all got this, I mean,
16 hopefully we've read it
17 and discussed it with our
18 sectors, that's what we're
19 supposed to do before we
20 get back here. They were
21 in your packet.

22 Three -- we have three
23 new amendments for a first
24 reading. The first one,

283

1 very lengthy. It's
2 Article 5, election of
3 officers. And it's seven
4 pages. I'm just going to
5 read you the wisdom, just
6 because I'm not going to
7 read our whole
8 constitution to you
9 because this covers a lot
10 of the constitution.

11 I'll read the wisdom,
12 then as we go through,
13 because what the maker of
14 the amendment did was try
15 to change the constitution
16 what he thought the EA
17 eventually did. But I'll
18 read it to you and
19 then we'll -- I'll read
20 the wisdom.

21 It was submitted by
22 Mark DeBurg, Southport.
23 To comply with the
24 direction of the Executive

284

1 Assembly recognizing the
2 sergeant's liaison or law
3 enforcement equivalent as
4 a nonvoting official of
5 the Executive Assembly.
6 And to clarify the
7 position of sergeant's
8 liaison or law enforcement
9 equivalent, as an official
10 of the association and not
11 an officer of the
12 association, Executive
13 Board member as defined in
14 Article 9 of the
15 constitution.

16 So that's the wisdom as
17 we go through it so it
18 maybe helps you understand
19 what he is trying to do.
20 Article 5, first page of
21 that, of what you have,
22 under A, executive board
23 officers, he is striking,
24 the term of office for all

285

1 right, no changes. You go
2 down through -- there's
3 changes in certain parts,
4 so that's the second page.

5 You get to the third
6 page, there's no changes
7 but it's all part of the
8 same thing so he put it
9 in. Fourth page, add
10 Section E, sergeant's
11 liaison or law enforcement
12 equivalent, a state wide
13 elected sergeant's liaison
14 or law enforcement
15 equivalent official, will
16 serve as a member of the
17 Executive Assembly, with
18 all the rights of the
19 Executive Assembly, except
20 the right to vote.

21 To be elected
22 simultaneous with the
23 Executive Board and a
24 three year term of office

287

1 executive board officers,
2 and he strikes, and the
3 sergeant's liaison or law
4 enforcement, right, so
5 he's taking the sergeant's
6 liaison basically out of
7 the officers. So that's
8 what he is striking on the
9 first page.

10 Later on in the second
11 paragraph, again, he takes
12 out and its stricken, you
13 see there's a
14 strike-through, or
15 sergeant's liaison or law
16 enforcement equivalent.

17 Section B, completely
18 remove under this
19 amendment, because he's
20 taking them out of being
21 an officer and making them
22 an official. So now,
23 Section C, you Cross C
24 off, that becomes B,

286

1 as set forth in Article 5,
2 section A. Only
3 supervisors can vote on
4 this position. To be
5 eligible for this position
6 you must meet a
7 supervisor's criteria and
8 the following:

9 One, at least
10 twenty-one years of age at
11 the time of election.
12 Two, has been an active
13 member in continuous good
14 standing for a period of
15 two consecutive years as
16 of the date of the
17 election. Three, has
18 served as an association
19 official or officer, not
20 less than six consecutive
21 months. And four, has not
22 been otherwise
23 disqualified under any
24 other provisions as set

288

1 forth in this
2 constitution.
3 All right. Next page.
4 So now you skip to Article
5 10, because Article 10
6 discusses the Executive
7 Assembly so he made
8 changes to Article 10. A,
9 under A, voting body. The
10 voting body of the
11 Executive Assembly shall
12 consist of the members of
13 the Executive Board and
14 all chief sector stewards
15 of the association. And
16 the added print is in
17 bold.
18 And the non voting
19 sergeant's liaison or law
20 enforcement equivalent, so
21 what he's doing is adding
22 sergeant's liaison to the
23 EA as an official, not an
24 officer. No other changes

289

1 there. I think that's it
2 for the changes. Hold on,
3 let me make sure I didn't
4 miss something.
5 Any discussion on the
6 amendment? I'm sorry, I
7 read the wisdom already.
8 I'll read it again just in
9 case. Submitted by Mark
10 DeBurgomaster to comply
11 with the direction of the
12 executive assembly,
13 recognizing the sergeant's
14 liaison and law
15 enforcement equivalent as
16 a nonvoting official of
17 the executive assembly to
18 clarify the position of
19 sergeant's liaison or law
20 enforcement equivalent, as
21 an official of the
22 association and not an
23 officer of the association
24 slash executive board

290

1 member as defined in
2 Article 9 of the
3 constitution.

4 The Committee's
5 recommendation was
6 adoption. This is the
7 first reading. Open for
8 discussion. Dave?

9 TREASURER VIDDIVO:
10 Mike, can you just talk
11 about what the committee
12 talked about as far as,
13 because currently the
14 sergeant liaison is an
15 officer, statewide elected
16 officer. Just what was
17 the discussion amongst the
18 committee and what was the
19 overall wisdom to move
20 them into an official
21 capacity as opposed to an
22 officer capacity?

23 RECORDING SECRETARY
24 DILDINE: Well, I think

291

1 Mr. DeBurgomaster can
2 discuss what he was doing.
3 The committee discussion
4 was basically on, he
5 brought to the committee,
6 and if I speak wrongly
7 correct me, Mark. When he
8 brought it to the
9 committee, he went back
10 and researched this over
11 the years.

12 What he was trying to
13 do was put it into the
14 constitution the way the
15 body put it in in the
16 first place; what was the
17 intent of the body. And
18 he felt that the body's
19 intent was to create the
20 position, not a board
21 member, not a voting
22 member. And he felt the
23 only way you can do that
24 it to put it in the

292

1 constitution the way he
2 has changed it.

3 I'm not speaking for or
4 against here. I'm just
5 telling you, and he can
6 speak for himself.

7 MARK DEBURGOMASTER:
8 Just basically, Dave, Mark
9 Deburgomaster, Southport.
10 When you went through and
11 you researched it, there's
12 confusion over this
13 position for the last
14 twelve years. This isn't
15 new. This has been going
16 on since November of 2002.

17 That position was voted
18 on and created by the E
19 Board as an employee.
20 They had discussion back
21 then when they made that
22 vote. The point was even
23 in 2005 when it came
24 forward, the discussion

293

1 them or that position as
2 an officer. And I think,
3 this is just my personal
4 opinion being attached to
5 that position for so long,
6 that it has changed
7 significantly since that
8 discussion.

9 No disrespect to that
10 discussion at the time.
11 It was, you know, very
12 heated, articulated and
13 well discussed as you know
14 because you looked it up.
15 But I think the position
16 has evolved for the
17 sergeant liaison only being a
18 statewide elected officer,
19 official, employee,
20 whatever you want to call
21 them. That position is
22 due the recognition and
23 the position in the
24 constitution that it

295

1 was when the amendment was
2 on the floor, we're going
3 elect an employee.

4 Researching it back,
5 this was the discussion
6 we had. Because right now
7 we're getting legal
8 opinions, we're getting
9 asked for interpretations.
10 We had to vet and go back
11 to the very beginning of
12 the position.

13 TREASURER VIDDIVO:
14 Okay. I completely you
15 went that discussion then.
16 I think at the time the
17 discussion certainly was
18 to put the sergeant
19 liaison, I don't recall
20 the employee part of it,
21 I'm sure you researched it
22 and it was in there.

23 Ultimately they put it
24 in the article to include

294

1 currently holds.

2 I think that is
3 something that we should
4 all consider when voting
5 on this. And I strongly
6 would like to see it stay
7 where it is as an officer.
8 It's a statewide elected
9 position and it's a
10 position that, like I
11 said, has morphed into
12 representing people on a
13 daily basis for all
14 different issues for
15 sergeants.

16 So, I would like to see
17 it stay as an officer
18 position. Thank you.

19 MARK DEBURGOMASTER:
20 Just one real quick thing.
21 We looked at this as a
22 committee when we walked
23 in after we did the
24 research. We've been told

296

1 by the Parliamentarian
2 when he first came on that
3 there were issues with
4 this position.

5 The legal opinion that
6 was generated by the law
7 firm also said we needed
8 to do clean-up language
9 with this position. That
10 being not clear, we had to
11 reset and go back to the
12 original intent of the
13 position.

14 We also did make the
15 move, because it does
16 state in those EA minutes
17 going all the way back to
18 2002 to 2005, this
19 position would grow and
20 would evolve over time.
21 The biggest hang-up we had
22 and it was our belief,
23 they moved this position
24 under Article 5 because

297

1 short. I totally
2 understand what you're
3 saying about the history.
4 This is twelve years later
5 and I think that it
6 deserves the recognition
7 of an officer position,
8 where it is now, in the
9 constitution. That's all
10 I'm saying.

11 RECORDING SECRETARY
12 DILLINE: Any other
13 discussion?

14 AL ZAPPALA: Al
15 Zappala, Shawangunk. Can
16 I just got a little
17 clarification on that
18 motion so --

19 RECORDING SECRETARY
20 DILLINE: Just to be
21 clear, amendment, just to
22 be clear.

23 AL ZAPPALA: Sorry,
24 amendment. So, as the

299

1 that was the only way they
2 could get the ballots out
3 and do a statewide
4 election for the
5 sergeants.

6 It wasn't designed to
7 create it as an E Board
8 member. It's further
9 supported by that in 2005
10 when they amended the
11 constitution for this,
12 they also amended Article
13 9, which was the Executive
14 Board. They chose not to
15 include the sergeant's
16 liaison in that section.

17 That's the biggest
18 hang-up is that the
19 sergeant's liaison doesn't
20 show up as an Executive
21 Board member in the
22 definition.

23 TREASURER VIDDIVO:
24 Once again, I'll keep this

298

1 amendment stands, if it
2 goes through, does that
3 sergeant's liaison still
4 keep their office up in
5 Albany? I'm a little
6 confused.

7 RECORDING SECRETARY
8 DILLINE: All the
9 amendment does, my
10 interpretation, just mine,
11 the interpretation takes
12 him from being an officer
13 to an official. Makes him
14 a member of the Executive
15 assembly body with no
16 voting power.

17 AL ZAPPALA: Basically
18 his duties stay the same,
19 where he works out of
20 stays the same. It's just
21 going from this to this,
22 but everything stays the
23 same.

24 RECORDING SECRETARY

300

1 DILLINE: Correct. Any
2 other discussion? All
3 right. That will move to
4 June for a second reading,
5 at the June EA. The next
6 one, Article 12, business
7 agent slash temporary
8 assistants, which is
9 added, that is added. And
10 in bold -- remember,
11 strike out means they come
12 out; bold means it's new.

13 I got to read all this
14 because it's all new. So
15 I'll give you a second to
16 dig it out, it should be
17 the next one in the
18 packet.

19 Article 12 business
20 agents, so he's adding an
21 entire new section. So
22 right in the beginning
23 under the title, slash
24 temporary assistant, all

301

1 shall name a primary and
2 alternate individual who
3 will be available to be
4 called out on union leave
5 as a temporary assistant.
6 The following procedures
7 shall apply with respect
8 to the designation of one
9 primary and one alternate
10 being named for each
11 region.

12 These designation
13 procedures are used only
14 for temporary assistants
15 and are in lieu of the
16 vacancy procedures
17 outlined in Section D
18 above.

19 A, each region shall
20 designate a primary and
21 alternate individual in
22 the same manner a
23 designation of committee
24 members is made as

303

1 of this is new language.
2 E, temporary assistant. I
3 or 1, I'm sorry. A
4 temporary assistant shall
5 be an employee working
6 directly for the
7 respective regional vice
8 president on an as-needed
9 basis.

10 The temporary assistant
11 would assist the region
12 with the unforeseen need,
13 of regional representation
14 including but not limited
15 to, interrogations,
16 arbitrations, labor
17 management functions and
18 assistance to the sector
19 stewards. The duty shall
20 not include site visits
21 unless pertaining to a
22 case or PR function.

23 Two, each region
24 including law enforcement

302

1 outlined in Article 11.

2 B, any steward is
3 eligible for consideration
4 and designation by their
5 respective region. C, the
6 primary and alternate
7 individual eligibly called
8 out as a temporary
9 assistant, shall remain on
10 the regional eligible list
11 for a term of two years.
12 There is no limitation to
13 the number of terms an
14 individual may serve.

15 Should an individual
16 term as an eligible
17 primary or alternate
18 expire prior to the
19 expiration of the need for
20 the temporary assistant,
21 for an individual who is
22 currently out in the
23 temporary assistant
24 capacity, the individual

304

<p>1 may remain in the</p> <p>2 temporary assistant</p> <p>3 position until the next</p> <p>4 executive assembly where</p> <p>5 new designations by the</p> <p>6 region can be made.</p> <p>7 If the new designation</p> <p>8 by the region is a</p> <p>9 different individual, that</p> <p>10 individual will take the</p> <p>11 place of the prior</p> <p>12 individual on leave as a</p> <p>13 temporary assistant</p> <p>14 immediately; unless there</p> <p>15 is a specific need for</p> <p>16 continuity purposes for</p> <p>17 the prior individual to</p> <p>18 continue to handle a</p> <p>19 specific case or issue.</p> <p>20 A determination</p> <p>21 regarding the need for</p> <p>22 continuity, if any, will</p> <p>23 be made by the region at</p> <p>24 the time of the new</p> <p>305</p>	<p>1 action.</p> <p>2 If approved, the</p> <p>3 regional vice president</p> <p>4 will call out on union</p> <p>5 leave the individual</p> <p>6 designated by the region</p> <p>7 as the primary temporary</p> <p>8 assistant. If that</p> <p>9 individual is unavailable</p> <p>10 or unable to serve, the</p> <p>11 alternate shall be used.</p> <p>12 Furthermore, the</p> <p>13 Executive Assembly will</p> <p>14 take action to review the</p> <p>15 need for the temporary</p> <p>16 assistant and take action</p> <p>17 to approve and/or</p> <p>18 disapprove such, such</p> <p>19 leave, should be</p> <p>20 L-E-A-V-E, at each</p> <p>21 regularly scheduled</p> <p>22 executive assembly.</p> <p>23 Four, as addressed in</p> <p>24 subsection three above,</p> <p>307</p>
<p>1 designation.</p> <p>2 Three, if a regional</p> <p>3 vice president believes</p> <p>4 that a temporary assistant</p> <p>5 is needed for the region,</p> <p>6 he or she shall submit the</p> <p>7 request to the executive</p> <p>8 board, along with a</p> <p>9 description of the need of</p> <p>10 the assistance and an</p> <p>11 estimate on the length of</p> <p>12 time the assistance will</p> <p>13 be needed.</p> <p>14 The executive board</p> <p>15 shall review and take</p> <p>16 action on the request at</p> <p>17 the next scheduled</p> <p>18 executive board meeting.</p> <p>19 In the event of urgent</p> <p>20 necessity, action without</p> <p>21 a meeting can be conducted</p> <p>22 by the respective regional</p> <p>23 vice president, e-mailing</p> <p>24 the executive board for</p> <p>306</p>	<p>1 the executive board and</p> <p>2 the Executive Assembly</p> <p>3 have the authority to</p> <p>4 determine when the need</p> <p>5 arises to bring an</p> <p>6 individual out as a</p> <p>7 temporary assistant and</p> <p>8 when to terminate the</p> <p>9 leave based on the</p> <p>10 unforeseen need ceasing.</p> <p>11 Furthermore, the</p> <p>12 individual regions have</p> <p>13 the authority to designate</p> <p>14 who will be the primary</p> <p>15 individual for each region</p> <p>16 based on the parameters</p> <p>17 and terms addressed above</p> <p>18 in subsection two.</p> <p>19 Notwithstanding, any</p> <p>20 individual on the</p> <p>21 available temporary</p> <p>22 assistant list, i.e., the</p> <p>23 primary and alternate for</p> <p>24 each region, is also</p> <p>308</p>

1 subject to the removal for
2 cause procedures outlined
3 in Section C above.

4 Wisdom, to have a
5 specific designated policy
6 with respect to the
7 individuals chosen to come
8 out on temporary leave for
9 union business when
10 necessary. The policy
11 will address appointment
12 procedures as well as a
13 showing of necessity for
14 an individual to be
15 brought out as a temporary
16 assistant.

17 The temporary staff
18 will work with the
19 direction of the primary,
20 out of the regional office
21 as to where their
22 assistance will be needed.
23 Submitted by Pete Stetz,
24 Cocksackie. Constitution

309

1 why we have different
2 roles. You guys have the
3 roles in the facilities,
4 we have the roles in the
5 regions. And the thing
6 that I have an issue with
7 is that if something is
8 going on in the western
9 region, I know what's
10 going on in that region.

11 And the people in that
12 region we try and keep
13 them up to date as to
14 what's going on; good or
15 bad. The problem with
16 that is, we have no say, I
17 really have no idea what's
18 going on in other regions
19 except what's relaid to
20 me. So, if there is
21 something going on in
22 another region, even the
23 people from another region
24 may not be aware of what

311

1 and Bylaws Committee
2 recommendation was
3 adoption. And I
4 understand the financial
5 committee recommendation
6 is not adoption, correct?

7 TREASURER VIDDIVO:
8 Correct.

9 RECORDING SECRETARY
10 DILLINE: Discussion on
11 the amendment?

12 VP WEST MIANO: Joe
13 Miano, Western Region VP.
14 Some of the issues I have
15 with the amendment is that
16 this body has somewhat of
17 an idea what takes place
18 in the regions. And
19 there's a lot of things
20 that take place in the
21 regions that the body has
22 no idea that we do.

23 And no disrespect to
24 them, it's because that's

310

1 it is.

2 So how can the whole
3 body, the EA as a whole,
4 have a say in what another
5 region, their necessity
6 is. I don't know if
7 anybody can answer that,
8 the maker of the amendment
9 maybe?

10 PETE STETZ: Pete
11 Stetz, Cocksackie. Simple,
12 you justify existence by
13 what's going on. Whether
14 it be arbitrations, you're
15 doing interviews, the
16 need. We had a committee
17 come out that -- when we
18 toyed with realignment.
19 That brought broke down
20 numbers for all the
21 regions.

22 When you bring it to a
23 monthly meeting, be that
24 in the E Board or when we

312

1 meet here in this fashion,
2 in the EA, we can put
3 checks and balances out.
4 We've had one temporary
5 assistant that's been out
6 for a couple years with
7 one of the regions. And
8 you as well in the west
9 has had one.

10 Well, if the function
11 still exists, by all
12 means, bring it here,
13 share it with this forum,
14 share it with the E Board
15 and say we still need
16 them. If not, if you
17 can't put the need, then
18 go back to work, I'm
19 sorry.

20 VP WEST MIANO: The
21 thing is, I can't predict
22 what's going to happen
23 next week, let alone in
24 five months. Since the

313

1 beginning of January in
2 our region we've had more
3 Q and A's than the rest of
4 the regions combined.
5 We had thirty-seven in the
6 month of February alone.
7 I can't predict what July
8 is going to bring.

9 So to say that this
10 body needs to approve or
11 to maintain that approval,
12 is ludicrous. You can't
13 do that knowing what's
14 going on or what's going
15 to happen down the road.
16 It's not fair to the other
17 members whether it's the
18 western region or whatever
19 region it may be, it's not
20 fair to the members in
21 that region, when the
22 people who work there, the
23 BA and the VP, when
24 they're up to their

314

1 eyeballs in work, somebody
2 else is going to get
3 slighted. They're not
4 going to be able to give
5 the whole hundred percent
6 attention to the member
7 when they need it when
8 you're scrambling.

9 And that's why fifteen
10 months ago for the record
11 that he's out. Fifteen
12 months ago we asked for
13 the help because of the
14 that reason. We were
15 scrambling, we were up to
16 our eyeballs at work and
17 it wasn't getting any
18 better.

19 RECORDING SECRETARY
20 DILDINE: Anymore
21 discussion on the
22 amendment?

23 TREASURER VIDDIVO:
24 Yes.

315

1 VP WEST MIANO: I got a
2 couple more things.

3 RECORDING SECRETARY
4 DILDINE: I'm sorry.

5 VP WEST MIANO: This is
6 the only description of
7 any title in the
8 constitution that is that
9 specific. There is
10 nothing even close in the
11 remaining positions
12 whether it's an executive
13 board member, the sergeant
14 liaison There's nothing
15 that it this descriptive
16 in that constitution.

17 It just seems that
18 you're attacking one thing
19 on the amendment itself,
20 and you're trying to
21 handcuff the people that
22 are going to be doing the
23 work. Whether it's the
24 temporary assistant as

316

1 you're calling it, or the
2 VP or the other BAs in
3 that region.

4 And that makes it very
5 difficult to do that. You
6 know, like specifically it
7 says you can't do PR
8 events and you can't do
9 site visits unless it's
10 pertaining to a case. The
11 thing is, that sometimes
12 when we get a call in our
13 office, if something
14 happens at facility and we
15 can get to that facility,
16 that person is going to go
17 there.

18 That's not a particular
19 case, so then that means
20 that if that person goes
21 there, the VP is going to
22 be brought up on recall
23 charges for not following
24 the constitution. You

317

1 DILDINE: You're asking
2 for clarification on
3 something or stating a
4 point?

5 VP WEST MIANO: Well,
6 I'm saying -- I'll give
7 you a direct question
8 then. We have an incident
9 happened at a facility
10 right now, there's nobody
11 else available, so the
12 special assistant here or
13 the temporary assistant,
14 can't go to that facility
15 because the guidelines
16 that they're putting in
17 this amendment. So they
18 won't be able to go?

19 RECORDING SECRETARY
20 DILDINE: That's a point.
21 I can't answer that. I
22 don't know if the maker
23 can answer that. That's a
24 point, that's why we have

319

1 can't have such a specific
2 guidelines in this
3 amendment, you're going to
4 be handcuffing the people
5 that work in that region.

6 RECORDING SECRETARY
7 DILDINE: Is that it?

8 VP WEST MIANO: It's to
9 the maker of the motion.

10 RECORDING SECRETARY
11 DILDINE: Well, we can't
12 cross talk. You're
13 supposed to talk to the
14 chair, but you can't --
15 you can ask questions of
16 the chair and the chair
17 can ask questions of him,
18 but as I said, if you're
19 done, then Dave Viddivo
20 unless you had a specific
21 question.

22 VP WEST MIANO: Can I
23 get a response to that?

24 RECORDING SECRETARY

318

1 discussion --

2 VP WEST MIANO: The
3 question is this, okay, we
4 an incident at Facility X
5 right now, the temporary
6 assistant can go there;
7 yes or no?

8 PETE STETZ: If they're
9 out on leave, yes. But if
10 they're working in a
11 facility, obviously it's
12 going to take time for
13 either a primary or the
14 alternate to get to that
15 point.

16 VP WEST MIANO: No, I'm
17 talking about the person
18 that is already out on
19 leave. I'm talking about
20 they're already out on
21 leave right now and a
22 phone call comes in to a
23 regional office and says
24 specifically, we have this

320

1 going on in our facility,
2 can someone come down
3 here. Are they allowed to
4 go, yes or no?

5 PETE STETZ: Yes,
6 because he's already on
7 leave. He's assisting the
8 office -- with unforeseen.

9 RECORDING SECRETARY
10 DILDINE: I get what
11 you're saying, Joe, but
12 that would be up to this
13 body if it decides if they
14 pass the amendment or not.
15 You make the point, a
16 valid point.

17 VP WEST MIANO: As the
18 amendment is written right
19 now, he wouldn't be able
20 to do that. And if that
21 person or the VP says
22 yeah, go there, they're
23 violating the constitution
24 and would be subject to

321

1 you're looking at close to
2 a million dollar expense.

3 So that was the reason.
4 We like the idea, we don't
5 like the finance idea of
6 it. We like the idea.
7 So, we wanted to -- we are
8 opposed to it because of
9 the finances. It's too
10 open-ended.

11 Quite frankly, when
12 Kenny Gold came out last
13 year, we took on a new
14 union leave bill to pay
15 for him and we never made
16 the subtraction in the
17 budget, we shouldn't have
18 done that. So having this
19 in the constitution, it's
20 going to be available to
21 use. You would have to
22 literally budget a million
23 dollars for it to cover it
24 as a whole.

323

1 recall charges.

2 TREASURER VIDDIVO:
3 Dave Viddivo, we can
4 always amend it to include
5 those types of things,
6 Joe, correct?

7 RECORDING SECRETARY
8 DILDINE: You can amend
9 anything. The body owns
10 it at this point.

11 TREASURER VIDDIVO:
12 Exactly.

13 RECORDING SECRETARY
14 DILDINE: Joe?

15 TREASURER VIDDIVO:
16 Just quick, the finance
17 committee quick, we just
18 looked at this as a non
19 budgeted mandate so to
20 speak. It would be in the
21 constitution. If you were
22 to bring somebody out for
23 every region for every two
24 months for the whole year,

322

1 So that was the reason
2 why we opposed it.

3 RECORDING SECRETARY

4 DILDINE: Joe?

5 JOE BUTLER: Butler,
6 Gowanda. I just want
7 clarification on the part
8 that, the EA is going to
9 have to vote whether that
10 region gets to keep that
11 temporary assistant?

12 RECORDING SECRETARY
13 DILDINE: I think now, and
14 I may be mistaken, someone
15 can step to the mic and
16 correct me if they want.
17 But under our certificate
18 of incorporation, our
19 rules, the EA has to
20 approve that anyways.

21 The executive board
22 can't hire staff. The EA
23 has to approve that
24 position, no matter what.

324

1 JOE BUTLER: But as Joe
2 said, I don't feel one
3 region should tell another
4 region whether they can
5 have someone. That's not
6 my business because that's
7 their business.
8 RECORDING SECRETARY DILDINE:
9 That's the way it is right
10 now.
11 JOE BUTLER: So, for
12 the EA to vote for that, I
13 don't think that is
14 correct.
15 VP WEST MIANO: Joe
16 Miano, Western Regional
17 Vice President. The last
18 thing is, it says in there
19 a two year term. Is it
20 going to be -- are you
21 going to amend your
22 amendment if the next
23 amendment that's on the
24 slate for discussion, goes

325

1 to a three year term for
2 the sector stewards?
3 PETE STETZ: Yes.
4 VP WEST MIANO:
5 Thank you.
6 RECORDING SECRETARY
7 DILDINE: Anybody else?
8 All right. That will go
9 to a second reading in
10 June and a vote as well.
11 JOSE POMALES: Jose
12 Pomales, Brooklyn
13 developmental -- I'm
14 sorry, Kingsbury
15 Psychiatric Center. What
16 do you consider a site
17 visit, because it's
18 different for us law
19 enforcement.
20
21 QUESTION FROM THE FLOOR:
22 Can you repeat that?
23 JOSE POMALES: What do
24 you consider a site visit,

326

1 because it's different for
2 law enforcement. Because
3 like myself, I got
4 seventeen facilities, by
5 this I can't go to any
6 other facilities.
7 RECORDING SECRETARY
8 DILDINE: If you're a
9 temporary assistant is
10 what you're saying, right?
11 If you were out as a
12 temporary assistant.
13 Again, the problem with
14 when we do a amendment, we
15 read it, we have
16 discussion on the
17 amendment. Specific
18 questions are difficult,
19 number one the chair is
20 not supposed to answer
21 specific questions. The
22 maker can give his
23 interpretation, but in the
24 end, if the amendment

327

1 passes, it's this body
2 that interprets what it
3 means.
4 They're all valid
5 points and that's why we
6 do this. They're valid
7 points of discussion. If
8 you have those issues that
9 you don't think it's well
10 defined in the amendment,
11 that's the point. That's
12 all I was getting at, I
13 was trying to stop the
14 back and forth questions.
15 But that's what this body
16 has the power to do.
17 That's what this body has
18 the power to do, right
19 now, that's why we bring
20 it up.
21 And as Mr. Viddivo
22 said, this body owns that
23 amendment now. If they
24 feel they can amend that

328

1 amendment to whatever they
2 want or choose not to, and
3 vote it in or vote it out.
4 Right? Mr. Gold?

5 KENNY GOLD: Permission
6 to speak? Kenny Gold,
7 temporary assistant or
8 temporary support staff
9 from out or Orleans, or
10 whatever title they want
11 to note for the record.

12 In reading this and
13 going through this, we
14 have elections coming up.
15 And is this position an
16 employee or is it a
17 steward? I will give you
18 an example, we've got
19 elections coming up. Mid
20 Hudson needs a guy, the
21 primary guy comes out for
22 two months, is he eligible
23 for election? Because you
24 have to be a steward, as

329

1 back tomorrow or not. And
2 the second thing is, and
3 to be clear, right now the
4 way it sits, and because
5 Dave obviously put it out
6 that I'm the temporary
7 support staff for the
8 western region; month to
9 months is what I am
10 approved by the executive
11 board.

12 That position itself,
13 and maybe Pete might be
14 better in explaining that,
15 month to month is tough.
16 You know, if say Joe --
17 something happens to Joe
18 and he knows he's going
19 out two months, that
20 primary guy knows he's
21 going out for two months.

22 Month to month in this
23 position itself, first and
24 foremost, I know there's

331

1 it says, in the amendment
2 as it is.

3 If he comes out, he is
4 an employee or a steward
5 or whatever this body
6 decides. It really, it
7 really restrains a lot of
8 people from one, probably
9 wanting to do it; because
10 I'm assuming most of us
11 are here wanting to be
12 stewards. If you come out
13 for a little while, it
14 restricts you on what the
15 possibility is at your
16 local level. And your
17 terms or whatever may come
18 up.

19 And I'd kind of like
20 some clarification on that
21 because to be frankly
22 honest with you, I'm
23 sitting in that position
24 today, whether I'm going

330

1 some people out there that
2 have done it and I'm sure
3 you would agree that have
4 done it, first and
5 foremost -- you don't know
6 what really is entitled in
7 that region or in any
8 region, or what these
9 business agents do on a
10 daily basis, let alone the
11 vice president.

12 You're coming out,
13 frank, new. Is there
14 going to be some sort of
15 training for these primary
16 and supplementary people?
17 You come out -- there
18 should be some sort of
19 timing, because not only
20 does it cause problems --
21 you know, you want to do
22 the right thing for the
23 region and for your
24 members, that's what we're

332

1 doing this for. One
2 hundred percent for the
3 members.

4 It also causes conflict
5 at your own home facility
6 because you don't know
7 when you're going to be
8 back or not back.

9 To put out an amendment
10 to strictly restrict it,
11 you're doing this for
12 whatever region you may
13 be, for the set amount of
14 time that whoever may
15 decide. I guess in kind
16 of going off what Joe
17 says, when you put so many
18 restrictions on this, what
19 are we really doing with
20 it? Why don't we just say
21 we don't have the position
22 whatsoever. But, I kind
23 of would like some
24 clarification more

333

1 importantly on employee,
2 non employee and so on and
3 so forth.

4 RECORDING SECRETARY
5 DILLDINE: Again, I can't
6 give clarification on
7 that, Ken. I'm not the --
8 I'm not the all powerful
9 to give you an
10 interpretation, this body
11 is. But the discussion is
12 you're making you're point
13 you don't like this
14 amendment because of those
15 reasons.

16 KENNY GOLD: I
17 personally don't care,
18 just make sure that it's
19 clear because it could be
20 me today, it could be
21 someone tomorrow. But
22 these restrictions that
23 are there, restrictions,
24 employee, non employee,

334

1 all that other stuff, it's
2 going to be there one way
3 or the other. But if this
4 goes through the way it
5 is, we're going back
6 another four, six, eight
7 months before we can fix
8 it.

9 RECORDING SECRETARY
10 DILLDINE: Correct. And
11 this body owns it. So
12 your choices are, do
13 nothing, and in June you
14 vote it down or vote it
15 in; amend it, if you want
16 to amend it, if someone
17 wants to amend it, they
18 have that power. I can't
19 do that. That's not my
20 position. I read the
21 amendment.

22 KENNY GOLD: Well,
23 frankly, I don't know if
24 I'm an employee or a

335

1 steward, so I don't know
2 if I can amend it.
3 RECORDING SECRETARY
4 DILLDINE: I think the EA
5 decided a long time ago
6 that no, you can't amend
7 it, you're not a member of
8 the executive assembly,
9 but somebody else could.
10 But I think the EA decided
11 a year, year and a half
12 ago, you can hold two
13 positions actually. So, I
14 think that may answer your
15 question.

16 KENNY GOLD: Is there
17 something in writing or a
18 policy?

19 RECORDING SECRETARY
20 DILLDINE: It was done here
21 at the Executive Assembly.
22 The Constitution and
23 Bylaws Committee actually
24 made a recommendation not

336

1 to and the body went the
2 other way with it.
3 So, as far as any other
4 questions, as I said, I
5 can't change this
6 amendment. It's up to the
7 body if they want to
8 change it. Or, like I
9 said, you don't change it
10 and you vote no because of
11 that. That's the whole
12 purpose of this.

13 KENNY GOLD: Well, I
14 just wanted to put out a
15 couple things from someone
16 who has done the job and
17 I'm sure anybody else that
18 has stepped out and done
19 this, it's a totally
20 eye-opening experience.
21 And you might want to look
22 at, if this goes through
23 the way it is, bringing
24 those primary and

337

1 committee. Is it
2 temporary staff, the
3 duties should be directed
4 from the VP; and the
5 position held. We
6 currently have one out
7 from law enforcement who
8 retains both positions.
9 The motion is on the floor
10 right now, it needs to be
11 done.

12 RECORDING SECRETARY
13 DILDINE: The amendment is
14 on the floor right now.
15 If somebody wants to
16 change that amendment,
17 they have that power. You
18 can make a motion to
19 change the amendment, we
20 act on that motion to
21 change the amendment; and
22 now that's the new
23 amendment. That's the
24 process goes.

339

1 secondary people out so
2 they can get some
3 experience.

4 Because once you start,
5 you know, and I'm speaking
6 on behalf of pretty much
7 the business agents and
8 the vice presidents, the
9 decisions and the actions
10 you do, are a benefit and
11 also could hurt the
12 members that are in your
13 region. So, thank you for
14 taking my time and sorry
15 about that million bucks.

16 RECORDING SECRETARY
17 DILDINE: Joe Bellinger?
18 JOE BELLINGER: Joe
19 Bellinger, Election
20 Committee, Willard. The
21 question, the maker of the
22 motion, it needs to be
23 modified to answer
24 questions for the election

338

1 JOE BELLINGER: I'll
2 make a motion to amend to
3 clarify --

4 RECORDING SECRETARY DILDINE:
5 Okay. We're going to need
6 that in writing. This is
7 a lengthy thing, we don't
8 want to get something
9 wrong. What you're
10 looking --

11 JOE BELLINGER: That
12 needed to be cleaned up
13 for years.

14 RECORDING SECRETARY
15 DILDINE: What are you
16 looking to do, put it in
17 motion form, on here and
18 then we can read it. And
19 if they accept it, they
20 accept it. And that's
21 just the motion, number
22 one. You will need a
23 second. You know the
24 deal.

340

1 DAVE LUTHER: Dave
2 Luther out of Sing Sing.
3 Given the concerns that
4 have been brought up to
5 the table today, and the
6 need for clarification
7 apparently in several
8 different areas, do we
9 have the power to kick it
10 back to the constitution
11 committee and to sit down
12 with the maker of the
13 amendment to address those
14 concerns?

15 RECORDING SECRETARY
16 DILDINE: My opinion is
17 no. The constitution is
18 pretty clear on how this
19 works. We have an
20 amendment, right? Anybody
21 can make any amendment
22 they want, it comes to
23 this body. Once it's
24 here, this body owns it.

341

1 So your options are amend
2 it, don't amend it and
3 vote it down, vote it in.

4 DAVE LUTHER: So if we
5 own it, why can't we as a
6 group say go fix it?

7 RECORDING SECRETARY
8 DILDINE: Because the
9 constitution committee
10 doesn't write amendments,
11 people do.

12 DAVE LUTHER: That's
13 why I said, bring in the
14 maker of the amendment to
15 go over -- to go over the
16 changes they want to make
17 to get the clarification
18 of the questions that were
19 brought forth. That's all
20 I'm saying.

21 RECORDING SECRETARY
22 DILDINE: My only issue
23 there is that what you're
24 doing, what you're telling

342

1 the constitution and
2 bylaws committee, you
3 want -- one person at the
4 mic wants to direct us to
5 change an amendment
6 submitted by someone else
7 to their specifications.
8 I don't think that's how
9 this is supposed to work.

10 The way it's supposed
11 to work is the body has to
12 agree to do that, not a
13 committee. Because either
14 way you got to vote on it
15 in at the end. If anybody
16 disagrees with me, feel
17 free to go to the mic and
18 explain why.

19 But I think you are
20 creating a nightmare if
21 you start doing that. If
22 you say I'm going to send
23 it back to the
24 constitution committee to

343

1 sit down with the maker
2 because the maker may not
3 want to change it. They
4 may want it just like it
5 is. I don't know that.

6 That's why the body
7 owns it. The body can
8 say, like you said Joe,
9 you make a motion, Joe
10 gets up and seconds it; we
11 vote on it. If it passes,
12 the amendment gets
13 changed, we read it again.
14 If it doesn't, it stays
15 the way it is.

16 Then at the second
17 reading, when you vote,
18 you either vote it in or
19 you don't.

20 VP WEST MIANO: Joe
21 Miano Western Region Vice
22 President. We kick back
23 amendments on first reads
24 to finance committee. Why

344

1 can't we kick this back to
2 the constitution and
3 bylaws committee?

4 RECORDING SECRETARY
5 DILDINE: The constitution
6 is clear, you can kick it
7 back to the finance
8 committee for a
9 recommendation. There's
10 nothing that says you can
11 kick back to the
12 constitution and bylaws to
13 rewrite an amendment.

14 If the maker wants to
15 change this right now, he
16 has the power, just like
17 anybody else in this room
18 does. The committee
19 doesn't have the power.
20 The committee just votes,
21 whether it was unanimous
22 or not, the committee
23 votes. They may not even
24 all agree, they may

345

1 disagree with what you're
2 saying. The body owns
3 that.

4 So you have to decide
5 if you want to make that
6 motion, that's perfectly
7 fine. We'll take a time
8 out if you want, you can
9 tell me what you want to
10 change, we'll get a
11 second. If you do that,
12 that becomes the new
13 amendment.

14 JOE BELLINGER: So you
15 need a motion to amend
16 the --

17 RECORDING SECRETARY DILDINE:
18 Absolutely. A motion to
19 amend, we'll write it,
20 I'll read it, we'll get a
21 second; and then we vote
22 on.

23 JOE BELLINGER: That's
24 where we're at.

346

1 AL ZAPPALA: Al
2 Zappala, Shawangunk. Just
3 for another clarification,
4 so what you're saying is
5 that the maker of this
6 motion does have the power
7 to rescind this motion?

8 RECORDING SECRETARY DILDINE:
9 The maker of the motion
10 can pull it, yes. But no,
11 once you come --

12 AL ZAPPALA: That's all
13 I was asking.

14 RECORDING SECRETARY
15 DILDINE: No. No. I get
16 it. When you come to an
17 EA with an amendment or
18 with a motion, the body
19 here owns it. Now they
20 own it. Not the maker
21 anymore, the body. He can
22 pull it. You don't have
23 to let him pull it if you
24 don't want to. The body

347

1 owns it, with permission.
2 So, all I'm saying is, you
3 do what you want with it.
4 AL ZAPPALA: That was
5 my question. So currently
6 as of now, the maker of
7 this motion could on his
8 own could come up to the
9 mic and say, you know
10 what, I'd like to
11 rescind --

12 RECORDING SECRETARY DILDINE:
13 No, as of right this
14 minute we have a motion on
15 the floor to amend it.
16 What I'm saying is we need
17 to take a break so he can
18 write it, then I will read
19 it and we will deal with
20 that issue, but yes.

21 So seeing that, it's
22 five o'clock, take five
23 minutes and write it and
24 come back. Make it quick,

348

1 it's already five o'clock.

2

3 (Whereupon, a brief
4 recess was then taken.)

5

6 PRESIDENT POWERS: Lets
7 find our seats.

8 VP MID-HUDSON MAZZELLA:
9 Real quick, does the
10 reporter get one point
11 five or one point six
12 three over time.

13 PRESIDENT POWERS:
14 That's negotiable, we'll
15 talk about it.

16 RECORDING SECRETARY DILDINE:
17 All right. I was informed
18 with this body's
19 permission, he wants to
20 withdraw that motion and
21 put another motion on the
22 floor -- no, a request to
23 the maker.

24 JOE BELLINGER: Yes.

349

1 The request is to the
2 maker of the motion to
3 withdraw the motion to
4 address the following
5 issues.

6 RECORDING SECRETARY
7 DILDINE: Amendment.

8 JOE BELLINGER: The
9 issues of the motion to
10 the amendment. The first
11 problem, we have a
12 conflict with the
13 constitution with a member
14 holding two positions
15 within the organization.

16 Now, there's Kenny Gold
17 and one from law
18 enforcement, which we
19 addressed at the last
20 election, which I still
21 don't know where it's at.
22 But it needs to be
23 addressed, because if
24 we were to make an

350

1 amendment to the motion
2 now, we'd still be in
3 conflict.

4 RECORDING SECRETARY DILDINE:
5 Just so you know, point of
6 clarification, this body
7 ruled you could hold two
8 positions. The
9 constitution and bylaws
10 committee recommendation
11 was that you can't per the
12 constitution. This body
13 said differently.

14 JOE BELLINGER: What
15 does the constitution say
16 at this time?

17 RECORDING SECRETARY
18 DILDINE: I understand.
19 But this body interprets
20 the constitution.

21 JOE BELLINGER: Then we
22 also recommend removing
23 the restrictions of the
24 duties of that person and

351

1 the VP would direct the
2 member. And also the
3 stipend needs to be
4 addressed for people that
5 come out on leave. Are
6 they still a steward,
7 chief steward, whatever
8 when they're brought out.
9 Are they entitled to
10 stipends, obviously the
11 mileage and all that. It
12 needs to be clarified.
13 That's our recommendation
14 for the maker.

15 RECORDING SECRETARY
16 DILDINE: Mr. Stetz, do
17 you have a response to
18 Mr. Bellinger's request?

19 PETE STETZ: In
20 response I agree to
21 withdraw and bring it back
22 to the committee. And
23 with that, I ask this
24 forum when we announce our

352

1 next date, to please
2 submit any questions in
3 regards to this proposal
4 so that it may be
5 addressed at such meeting.
6 RECORDING SECRETARY DILDINE:
7 As long as -- yes, as long
8 as you are changing your
9 amendment, not the
10 constitution and bylaws
11 committee.
12 THE Parliamentarian:
13 It requires a majority
14 vote.
15 RECORDING SECRETARY
16 DILDINE: All right. So
17 everybody understand what
18 he's doing? He is
19 withdrawing -- basically
20 he's withdrawing to
21 resubmit. So all those in
22 favor signify by saying
23 aye.
24

353

1 association. And, the
2 term of office for sector
3 steward shall be two years
4 and added in bold print,
5 commencing with the sector
6 steward elections in 2019,
7 the term of office shall
8 be three years.
9 And then when you go to
10 the next page, Article 11,
11 if you change the three
12 year term, then the
13 committee member shall
14 serve a two year term
15 commencing with the sector
16 steward elections in 2019,
17 the term shall be three
18 years.
19 It just fixes that on
20 both ends. The
21 committee -- submitted by
22 Shawn Carlson, which isn't
23 on there. The committee's
24 recommendation was

355

1 (All respond "aye").
2
3 RECORDING SECRETARY
4 DILDINE: Opposed?
5
6 (No response.)
7
8 RECORDING SECRETARY DILDINE:
9 Thank you. One more, then
10 we're done. At least from
11 my part. Article 6,
12 election of officers.
13 It's basically changing
14 the term, it's in two
15 different spots. A,
16 sector steward second
17 paragraph, election for
18 sector steward shall be
19 held for each sector. And
20 this is crossed out, as
21 soon as practical and in
22 any event, not more than
23 sixty days following
24 certification of the

354

1 adoption.
2 VP WEST MIANO: Yeah,
3 it is.
4 RECORDING SECRETARY
5 DILDINE: Oh, is it on
6 here. The wisdom, it
7 would offset sector
8 steward elections from
9 executive board elections,
10 to help bridge the
11 continuity of the
12 organization. Submitted
13 by Shawn Carlson.
14 Any discussion on the
15 motion or the amendment?
16 Thank you.
17 PRESIDENT POWERS: We
18 have run out of time on
19 our recorder, I'm probably
20 safe to say. So with
21 that, we'll move to recess
22 until tomorrow 9 a.m.
23 Motion is made by Doug
24 Westervelt, seconded by

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1	Neil Gruber.	<Dates>	10th 659	294 2510	7th 5216, 5217, 653, 655
2	All in favor signify by	12/31/18 2038	11 383	29th 6022, 6023	
3	saying aye?	16th February 16th 2324	11 30818		<8>
4		22/07/2012 12	11th 6522, 14912		838, 44, 55, 16818
5	(All respond with "aye.")	2017, February 18th 2316	12 3323, 30412	<3>	
6		April 1, 2018 1629	13th 5318, 8821	3/4 16724	
7	PRESIDENT POWERS: See	APRIL 19, 2017 36112	14th 5512	300 2515	<9>
8	you tomorrow morning.	APRIL 19-20, 2017 18	15th 5518	307 2520, 2524	91059, 2887, 28319, 3016,
9		April 1st 2707	16th 311	3083 11924	33915
10	(Whereupon, the meeting	April 24th 1539	16th 2924, 5716	3083, 11923	
11	was adjourned for the	April 5th 6411	17312	30th 6214, 646	
12	day.)	April 7 14818	183 417, 519	31st 647	<A>
13		April 9th 14921, 1535	184 420, 522	359 433	A 23019
14		February 15, 2017 49, 510	187 423	360 322, 537	am 38915
15	* * * *	February 15th 2815	188 426, 525	365, 1924, 19219	abandon 2672
16		February 15th, 2017 3718	189 528	38 49	ability 1925, 1927, 22216,
17		February 16th, 2017 3719	1980 12313	3D 2025	able 5520, 5811, 5822, 5819,
18		February 2017 251	199 429		6114, 623, 6916, 7713,
19		January 6, 2017 414, 516		<4>	1079, 10724, 1622
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9	of New York, County of Erie, DO	Actual 9320, 17411, 17913	advance 5621, 16223,	alarmed 17321	amount 16113, 16512
10	HEREBY CERTIFY that the MINUTES of	Actually 3815, 4421, 6812	21422, 2291, 23410	Albany 109, 1011, 246	18721, 2462, 2479,
11	the EXECUTIVE ASSEMBLY, were taken	8216, 8713, 8723, 9114	advantage 24324	4017, 5314, 5513, 585	24710, 27723, 3366
12	down by me in a verbatim manner by	1103, 11321, 11722, 1215,	advertiser 2538	6524, 7715, 8523, 8813	amounts 727, 1671
13	means of Machine Shorthand, on	13021, 13023, 14819	advertising 25316, 25511	18319, 1955, 19616	analysis 158, 1222, 25322
14	APRIL 19, 2017. That the MINUTES	1574, 16417, 17810	advice 3924	20810, 20921, 2104	ancestry 3510
15	were then reduced in writing under	2037, 20312, 22717,	advised 4313	21011, 23715, 23722,	and/or 16412, 31010
16	my direction.	24914, 2548, 2669, 3386,	affect 5611, 25210, 25719	31222	ANDEORA 1816, 1817,
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