

## **EXECUTIVE BOARD MINUTES**

**Date:** May 24, 2017 9 am

**ROLL:** Michael Powers, President  
Tammy Sawchuk, Executive Vice President (Excused)  
Mike Dildine, Recording Secretary  
Dave Viddivo, Treasurer  
Paul Lashway, VP Central  
Mike Mazzella, VP Mid-Hudson  
Joe Miano, VP Western  
Clarence Fisher, VP Southern  
Chris Hansen, VP Northern  
John Harmon, VP LE  
Bill Sellers, Sergeant's Liaison

**Attorney:** L. Schaefer – LMWF

**Guests:** Keith Jacques - LMWF

**Minutes:** April 18, 2017 and May 9, 2017 Minutes unanimously accepted

**Directive Changes:** Sent via email from B. Cronin with the following directive changes: 2201, 2788, 4302, 2001, 4066, 3056, 2106, 2605, 2011, 4067, 4933b, 4933, 4038, 8370, 4302, 6902, 4003, 9218, 2115

**Next meeting:** June 27, 2017 9am Albany

**Correspondence:** None received

### **President's Report–**

- Fielded numerous concerns over inmates in area during staff frisk and addressed the DOCCS
- 4/24 Met with Assembly leader Heastie and Morelli over SHU concerns, our death gamble legislation and Raise the Age issues over random drug testing. Amended legislation has been drafted by Attorney Jacques to address this issue and is being pushed to the legislators.
- 4/26 Met with Assemblyman Weprin and Assemblywoman Jenne
- 5/1 Held our successful rally in the capital
- 5/8 Met with Senate Dem leaders
- 5/9 Attended the IDC press conference over new legislation sponsored by the IDC that acknowledges PTSD for Corrections officers as a Worker's Comp injury
- 5/10 dealt with the fall out over poor press in Albany papers due to alleged action by members. Personally apologized to legislators that attended the IDC press conference
- 5/15 Attended Donna Payant Memorial

- Met with G. Wornock to further discussions and plans to deal with Janus v AFSCME Supreme court case
- 5/22 Executive VP Sawchuk and Sgt's Liaison Sellers attended the Boys and Girls Club annual awards ceremony
- Janus v AFSCME issues discussed. Finance committee will meet and set contingency plan in place.

### **Executive Vice-President's Report –**

- 4/22 & 4/23 Hero's Cup
- 4/28 & 4/29 Labor Conference Murphy Institute
- 5/1 Unity Rally Thanks to everyone who attended
- 5/3 Meeting with member regarding NOD
- 5/5 Attended Fundraiser for Alzheimer's
- 5/11 Law Enforcement Memorial
- 5/15 Donna Payant Memorial
- 5/19 Law Enforcement Memorial Washington CF
- 5/15 Meeting with Sue Cunningham Workers Comp Issues
- 5/23 Meeting with Sue Cunningham regarding clear bag- Cornell would not test will use a different vendor.

### **Treasurer's Report-**

- Gen Op 11.98m
- Bond Investment Unrestricted 9.1m
- Bond Investment Restricted 982K
- Lease signed with Equinox Inc...Five years plus one...start date July 1<sup>st</sup>
- Contracted with Excelsior Construction to do the lease fit for space downstairs.
- Contracting with Center for Security for Security features on First floor
- Executed a letter to end retainer agreement with Bolton St. Johns
- Sent out 60 day letters to six members responsible to reimburse RDF
- Final RDF and LDF Summary Plan descriptions mailed to all members, posted on website
- 5500 for the RDF filed for 2016
- Pension Audit and NYSCOPBA year-end audit still not completed
- Attended NLEM

- Attended Payant Memorial
- Site Visit Franklin CF
- Met with Cooley (PR items) to discuss VP's on-line store
- Attended Alzheimer Charity Event
- Attended PERB conference regarding Clear Bag IP
- RDF payouts 88,600 Balance 352,570
- LDF payouts 8739.84 Bal 941,329 w/Inv. Acct 1.923m
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### **Regional Vice-President's Reports**

#### **Law Enforcement Report:**

- OMH Assault Report Bill second report was reviewed and like the first it was inaccurate. OMH is using inmate reporting not staff reporting.
- Collective Bargaining Committee and Negotiation impasse filed and GOER replied that they do not agree with impasse and want to continue to negotiate.
- SUNY compressed/ Alternate scheduling MOU is completed and some SUNY Police Departments have contacted NYSCOPBA to begin process of entering into MOU.
- SHTA Retirement issues continue to be identified. Kirby PC is currently being reviewed. The other forensic facilities will follow.
- WTO seniority and retirement issue has been resolved. Letter received from retirement guaranteeing both options to the former WTOs.
- Upgrade information for titles needs updating for new applications. Rochester SSOs have reached out to look into possible application.
- OMH Statewide will be rescheduled after steward elections.
- OPWDD Statewide was cancelled. Meeting about some issues to take place next week. Major discussion will be about Broome and Valley Ridge issues and update on closure status.
- Roswell Park meetings to discuss the arming of officers with Doug and Greg Myers, attorney. Final version of MOU being completed shortly.
- Legal Opinion on audio and video installation at CNYPC
- Working on Statewide MOU for seniority lists for OMH and OPWDD.
- Legislation update: 24hr PO for SSOs in State Senate, Justice Center removal.
- SED issues with the Director of Labor Relations. Continues to not answer grievances and confer. Need to have meeting with Commissioner.
- Justice Center issues beginning to come up again. Notice of Interrogation and Interview issues. Length of investigations and updates to ongoing investigations.
- Article 78 Dave Olivo AWOM approved, John Ciaccia MHPC wrongful termination,
- Grievance hearing on Triborough Bridge heard. Awaiting answer.
- CNYPC issues being addressed.
- CNYPC workers compensation discrimination case prehearing held and going forward.
- Helen Hayes Hospital and GBHC part-time/ hourly SSO issues being handled by law firm. NYSCOPBA has previous decision on this issue.
- LE Lobby Day is June 7<sup>th</sup>, Al is working with Lisa and Dan to resolve any issues and confirm attendance.

- Gave interview for newspaper article that was forwarded by J. Miller.
- Many staffing issues, Budget not approving items for agencies.

### **Southern Region Report:**

4/18/17 – Attended Eboard meeting in Syracuse

4/19/17 – 4/20/17 – Attended PR committee meeting and EA in Syracuse

4/20/17 – In office

4/25/17 – Sing Sing C.F. Lock down. Observed the frisk of B block

4/26/17 – In office

4/27/17 / In Office

4/28/17 – Visited Lincoln C.F. / Luncheon

5/1/17 – Attended rally at State Capitol

5/2/17 – Incident / Employee death at Queensboro C.F.

5/3/17 – Spent the day at Queensboro C.F. / CISM team at the facility

5/4/17 – In office

5/5/17 – Q & A at the ATA

5/8/17 – In office

5/9/17 – Attended IDC press conference in the State Capitol

5/10/17 – In office

5/11/17 – Queensboro C.F. / OSI interviews concerning incident on 5/2/17

5/12/17 – In office

5/13/17 – Attended C.O. K. Brown's funeral

5/15/17 – Attended the Donna Payant memorial at Green Haven C.F.

5/16/17 – Southern region lobby day

5/17/17 – Attended Sing Sing's steward's meeting. Sing Sing C.F. received threatening mail

5/18/17 – In office

5/19/17 – Assisted Sen. Jeff Klein in the Bronx

Total N.O.D.=31, 1-Withdrawl- Dean Mowat- SSCF, Settlements- 2017- 7, *Settlement-1- C.O. M. Juarez*, Arbitration Termination- 1-Philip Roundtree-4-14-2017

Resignation-2- I.S.O. Dopwell, C.O. D. Smith Edgecombe, *Rainy day fund- 1*, Step II- BHCF & Taconic -3/17/2017, Separation of Service (CSL Section 71) since- Jan. 2017- 2

Sgt. Alfred Clauberg 4/22/2017

1- Member Suicide- K. Brown Queensboro

**Western Region Report:**

4/18/17-Office, Executive Board meeting, Travel to Syracuse

4/19/17-Executive Assembly in Syracuse, Publicity & Meetings committee Mtg

4/20/17-Executive Assembly in Syracuse, Arbitration in Buffalo

4/21/17-Office, Arbitration in Buffalo

4/24/17-Office, Q&A at Buffalo CF

4/25/17-(3) Q&A's at Buffalo CF, Step 2's at Gowanda and Collins, Court w/member

4/26/17-Meeting w/Outside Attorney, Workplace Violence Meeting

4/27/17-Workplace Violence Meeting, Q&A in Utica

4/28/17-Office, EHS exam w/member

5/1/17-Attended Rally in Albany, WR Lobby Day gathering

5/2/17-Attended WR Lobby Day in Albany

5/3/17-Office, Arb Prep w/Member in Buffalo

5/4/17-Office, (3) Q&A's at Buffalo CF, Arbitration in Batavia

5/5/17-Office, Wende Site Visit, Arbitration in Batavia

5/8/17-Office, (3) Q&A's at Buffalo CF

5/9/17-Office, Arb Prep w/Member in Albany, Emergency E Board Mtg in Albany, IDC Press Conf.

5/10/17-Office, Range Training

5/11/17-Office, Range Training

5/12/17-Office, Q&A in Utica, (3) Q&A's at Buffalo CF

05/15/17-Office

05/16/2017-Office

05/17/17-Office, Arb. Waterloo

05/18/17-Office, Arb. Waterloo, Albion Site Visit

05/19/17Office

05/20/17 Sen. Nozzolillo Park Bench Dedication Auburn

05/22/17 Office, Arb. Auburn, Q&As (6) Utica

05/23/17 Office, Arb. Auburn, Travel to Albany

05/24/17 Eboard, Q&As(2) Buffalo Mtg. With Seneca Co. DA Budelmann Auburn

Western Region Disciplines - Suspended – 28, NOD's – 71, Admin Leave – 7, RDF Eligible - 13

### **Central Region Report:**

\*May 1<sup>st</sup> Attended NYSCOPBA rally in Albany

\*May 2<sup>nd</sup> Central Region office

\*May 3<sup>rd</sup> Luncheon Albany office

\*May 4<sup>th</sup> 5<sup>th</sup> 8<sup>th</sup> Central Region office

\*May 9<sup>th</sup> Attended IDC press release Albany Capital

\*May 10<sup>th</sup> 11<sup>th</sup> 12<sup>th</sup> Central Region office

\*May 15<sup>th</sup> Attended the Donna Payant memorial at Green-Haven CF

\*May 16<sup>th</sup> 17<sup>th</sup> 18<sup>th</sup> 19<sup>th</sup> Central Region office then attended membership BBQ Marcy and MID-State QWL

### **Mid-Hudson Region Report:**

04/19-04/20 Executive Assembly

04/24/17 - Q&A

04/27/17 - Meeting with member for pre-arbitration meeting in Greeneville NY

04/28/17 - Two Q&A's in Albany

05/01/17 - NYSCOPBA Rally in Albany

05/09/17 - Press Conference and EBoard Meeting in Albany

05/11-05/15 - Police Week in Washington DC

05/18/17 - Disciplinary Arbitration in NYC

05/20/17 - Sgt Ken Rain Memorial Ride benefiting American Cancer Society

05/23/17 - Lobby Day

05/24/17 - Eboard meeting

On 4/25/17, Correction Officer Jennifer Jackson from Ulster CF saved the life of a choking civilian.

On 5/4/17, Assault on staff at Hudson. Violent inmate kicked a metal door shut on an Officer's hand. Initial report was that the fingertip on his middle finger was severed.

On or about 5/13/17, Coxsackie Correctional facility was locked down due to multiple inmate on inmate assaults/Slashings and staff assaults. Waiting on information to be provided.

The Mid-Hudson Region Night of Unity with the Hudson Valley Renegades will be on June 21st this year.

We have an Officer at Coxsackie who had an allergic reaction to the clear plastic bag. A reasonable accommodation form was submitted with no response yet. The Officer was told to carry food in their pockets by the administration.

Members have been reporting that regardless if they have medical issues or not, they are being forced to be sprayed by the pepper spray.

Received a report that a possible ex-inmate has been trolling FaceBook and has downloaded and posted personal pictures of Officers calling his post Police Line-up from Greene. There are some threatening statements in the comment sections of the posts.

### **Northern Region Report:**

April 19th executive assembly

April 20th executive assembly

April 21st law enforcement hockey tournament Massachusetts Clinton Correctional hockey team

April 22nd law enforcement hockey

April 23rd law enforcement hockey

April 24th met with lawyers Washington arbitration

April 25th Q&A upstate

April 26th Albany office

April 27th Q&A Clinton

April 28th law enforcement symposium NYC

April 29th NYC symposium

May 1st Albany rally

May 2nd Albany office

May 3rd Albany office met with lawyers

May 4th Albany q and A's Franklin

May 8th Albany office

May 9th Northern Region Lobby day  
May 10th Albany office  
May 11th Albany office  
May 12th met with lawyers Albany  
May 15th pick up golf prices northern region golf tournament  
May 16th met with member out of Clinton for disability  
May 17th Albany office  
May 18th meaning Plattsburgh United Way  
May 19th Albany office  
May 22nd Ogdensburg Malone Plattsburgh golf price pickups  
May 23rd breakfast with Senator Ritchie

### **Unfinished Business:**

Arbitration Panel Member- Will hold for action until a neutral panel member is named in order to allow for the best NYSCOPBA arbitrator

2019 EA Dates- Will look at alternatives for a 2019 June Lake George EA and present the dates to the EA at the June meeting

Small Letter- Approved unanimously and will be sent

### **New Business:**

Declaration of Impasse- Declaration of Impasse was filed with PERB and GOER's response to challenging that declaration as shared with the board.

O.A.P.- Various issues with getting O.A.P. settlements as in the past. We will request a meeting with OAP, Shipley and Martuscello to address the concerns

Representation at Q & A's- Will remind chiefs that NYSCOPBA owns the decision of representation at Q & A's

Lobbyist- Will continue with K. Jacques as our primary lobbyists through this legislative season. After the season will work with Jacques to obtain another lobbyist to assist

PR Firm- Will issue RFP's for an Albany based PR firm

July E Board Meeting Date Change- Meeting will remain as scheduled on July 11, 2017

Worker's Comp Specialist- The job has been posted to the NEA as required and will then be sent out publicly to fill S. Cunningham's position after her retirement in July 2017

September EA conflict- Will change committee meetings to the afternoon on day one of the September EA



Increasing election committee reimbursements to 250 for all members- Referred to the Election and Finance Committees

Stewart Article 78- motion approved unanimously

Ciaccia Article 78 Appeal- motion approved unanimously

CON11-0305 Recommended Closure- motion approved unanimously

Light Duty Assignments- Request front the field to get any information of light duty assigned officers doing normal duty functions. Look into a possible Improper Practice.

**Motions:**

To file an IP on behalf of SHTA Stewart

Motion made by: J. Harmon  
Motion unanimously approved

To file an IP on behalf of SHTA Ciaccia

Motion made by: J. Harmon  
Motion unanimously approved

To close class action grievance CON11-0305

Motion made by: M. Dildine  
Motion unanimously approved

To approve the Rainy Day Fund application for M. Regnet

Motion made by: Executive Board  
Motion referred back to member for clarification

To approve the Rainy Day Fund application for J. Panko

Motion made by: Executive Board  
Motion unanimously approved

To approve the Rainy Day Fund application for A. Lafontant

Motion made by: Executive Board  
Motion approved unanimously

To approve the Rainy Day Fund application for A. Flores

Motion made by: Executive Board  
Motion approved unanimously

To approve the Rainy Day Fund application for C. Wilson

Motion made by: Executive Board  
Motion approved unanimously

To approve the Rainy Day Fund application for J. Gales

Motion made by: Executive Board  
Motion approved unanimously

To approve the Rainy Day Fund application for T. Booth

Motion made by: Executive Board  
Motion denied unanimously

To approve the Rainy Day Fund application for L. Lewis

Motion made by: Executive Board  
Motion approved unanimously

To approve the Rainy Day Fund application for G. Sech

Motion made by: Executive Board  
Motion approved unanimously

To approve the Rainy Day Fund application for P. Asberry

Motion made by: Executive Board  
Motion approved unanimously

To approve the Rainy Day Fund application for B. Corey

Motion made by: Executive Board  
Motion approved 6 – 1 with one abstaining

Action without a Meeting:


I move that NYSCOPBA no longer provides or pays for any alcoholic beverages during the "pre-Lobby Day" receptions and the Sgt's school party for our members.

Wisdom:

After recent events at two pre-lobby day receptions and at the Sgt's party, NYSCOPBA could be held liable for actions taken by intoxicated members and we must take action to protect our Union.

Motion made by Mike Mazzella, MHRVP. Motion amended by M. Powers seconded by M. Dildine

Action passed unanimously

A handwritten signature in black ink, appearing to read "Mike Dildine", written in a cursive style.

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Mike Dildine, Recording Secretary