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5

1 PRESIDENT POWERS: Let's
2 get started. Good
3 afternoon. Call the
4 meeting to order. Can we
5 all please rise?
6
7 (Whereupon a moment of
8 silence followed by Pledge
9 of Allegiance was then
10 recognized.)
11
12 PRESIDENT POWERS:
13 Thank you. Sergeant At
14 Arms, read the rules in,
15 please.
16 BERT DRAKE: Rules of
17 Order. Anyone upon
18 entering the Executive
19 Assembly, anyone upon
20 entering the Executive
21 Assembly must wear the
22 NYSCOPBA identification
23 tag. Chief Sector

7

1	<u>APPEARANCES:</u>
2	OFFICERS PRESENT:
3	MICHAEL POWERS, President
4	TAMMY SAWCHUK, Executive Vice Pres.
5	FRANK GILBO, Treasurer
6	CHRISTOPHER SUMMERS, Recording Secretary
7	
8	<u>Vice Presidents</u>
9	MIKE MAZZELLA, Mid-Hudson
10	SCOTT CARPENIER, Central
11	JOHN ROBERTS, North
12	CLARENCE FISHER, South -- Excused
13	JOHN HARMON, Law Enforcement
14	JOE MIANO, Western
15	
16	<u>Also Present:</u>
17	Bill Sellers, Sergeant Liaison
18	ERIN PARKER, Esq.
19	KEITH JACQUES, Esq.
20	Steven Anderson, Parliamentarian
21	
22	
23	

6

1 Stewards will sit in
2 designated areas when the
3 Executive Assembly is in
4 session.
5 Cell phones are to be
6 turned off and beepers to
7 be put on vibrating mode.
8 Recording devices are
9 prohibited unless provided
10 by membership services and
11 those directed by the
12 recording secretary.
13 NYSCOPBA members in
14 good standing will be
15 allowed to address the
16 Executive Assembly.
17 Please state your name and
18 your sector. Speakers at
19 the microphone will follow
20 the direction of the
21 Sergeant at Arms.
22 PRESIDENT POWERS:
23 Thank you. Chris, role.

8

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Good afternoon.
 4 President Powers?
 5 PRESIDENT POWERS:
 6 Here.
 7 RECORDING SECRETARY
 8 SUMMERS: Powers, present.
 9 Executive VP, Sawchuk?
 10 EXECUTIVE VP SAWCHUK:
 11 Present.
 12 RECORDING SECRETARY SUMMERS
 13 Sawchuk, present.
 14 Treasurer, Gilbo?
 15 TREASURER GILBO: Here.
 16 RECORDING SECRETARY
 17 SUMMERS: Gilbo, Present.
 18 Recording Secretary .
 19 Summers, present.
 20 VP North, Roberts?
 21 VICE PRESIDENT ROBERTS:
 22 Here.
 23 RECORDING SECRETARY

9

1 VP South, Fisher, excused.
 2 VP West, Miano?
 3 VICE PRESIDENT MIANO:
 4 Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Miano, present. Sergeant
 8 liaison, Sellers?
 9 MR. SELLERS: Here.
 10 RECORDING SECRETARY SUMMERS
 11 Sellers, present.
 12 Adirondack, Sturgeon?
 13 MR. STURGEON: Here.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Sturgeon, present.
 17 Albany Training Academy,
 18 Christiano?
 19 MR. CHRISTIANO: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 Christiano, present.
 23 Albion, Thomas?

11

1 SUMMERS:
 2 Roberts, present.
 3 VP Mid-Hudson,
 4 Mazzella?
 5 VICE PRESIDENT
 6 MAZZELLA:
 7 Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Mazzella, present.
 11 VP Law Enforcement,
 12 Harmon?
 13 VICE PRESIDENT HARMON:
 14 Present.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Harmon, present.
 18 VP Central, Carpenter?
 19 VICE PRESIDENT CARPENTER:
 20 Present.
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 Carpenter, present.

10

1 MR. THOMAS: Here.
 2 RECORDING SECRETARY
 3 SUMMERS:
 4 Thomas, present.
 5 Altona, Ayotte?
 6 MR. AYOTTE: Here.
 7 RECORDING SECRETARY
 8 SUMMERS:
 9 Ayotte, present.
 10 Attica, Puma?
 11 MR. PUMA: Here.
 12 RECORDING SECRETARY
 13 SUMMERS:
 14 Puma, present.
 15 Auburn, Thomas?
 16 MR. THOMAS: Here.
 17 RECORDING SECRETARY SUMMERS
 18 Thomas, present.
 19 Bare Hill, Perry?
 20 MR. PERRY: Here.
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 Perry, present.

12

1 Bedford Hills, Hale?
 2 MR. HALE: Here.
 3 RECORDING SECRETARY
 4 SUMMERS:
 5 Hale, present.
 6 Cape Vincent, Call?
 7 MR. CALL: Present.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Call, present.
 11 Cayuga, Hatfield?
 12 MR. HATFIELD: Here.
 13 RECORDING SECRETARY
 14 SUMMERS:
 15 Hatfield, present.
 16 Central New York Psych
 17 Center, O'Donnell?
 18 MR. O'DONNELL: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 O'Donnell, present.
 22 Clinton, Basto?
 23 MR. BASTO: Here.

13

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Bibi, present.
 4 Eastern, Osterhoudt?
 5 MR. OSTERHOUDT: Here.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Osterhoudt, present.
 9 Edgecombe, Patterson?
 10 MR. PATTERSON: Present.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Patterson, present.
 14 Elmira, Rice?
 15 MR. RICE: Here.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Rice, present.
 19 Fishkill, Murphy?
 20 MR. MURPHY: Here.
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 Murphy, present.

15

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Basto, present.
 4 Collins, Sticht?
 5 MR. Sticht: Here.
 6 RECORDING SECRETARY SUMMERS
 7 Sticht, present.
 8 Community Supervision,
 9 Ruland?
 10 MR. RULAND: Here.
 11 RECORDING SECRETARY SUMMERS
 12 Ruland, present. CCA's,
 13 Johnson?
 14 MS. JOHNSON: Present.
 15 RECORDING SECRETARY SUMMERS
 16 Johnson, present.
 17 Coxsackie, Carknard?
 18 MR. CARKNARD: Present.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Carknard, present.
 22 Downstate, Bibi?
 23 MS. BIBI: Present.

14

1 Five Points, Nelson?
 2 MR. NELSON: Here.
 3 RECORDING SECRETARY
 4 SUMMERS:
 5 Nelson, present.
 6 Forest Rangers, Carlson?
 7 MR. CARLSON: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Carlson, present.
 11 Franklin, Allen?
 12 MR. ALLEN: Here.
 13 RECORDING SECRETARY
 14 SUMMERS:
 15 Allen, present.
 16 Gouverneur, Gleason?
 17 MR. GLEASON: Present.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Gleason, present.
 21 Gowanda, Howe?
 22 MR. HOWE: Here.
 23 RECORDING SECRETARY

16

1 SUMMERS:
2 Howe, present.
3 Great Meadow, Keough?
4 MR. KEOUGH: Here.
5 RECORDING SECRETARY
6 SUMMERS:
7 Keough, present.
8 Green Haven, Moreau?
9 MR. MOREAU: Here.
10 RECORDING SECRETARY
11 SUMMERS:
12 Moreau, present.
13 Greene, Horacek?
14 MR. HORACEK: Here.
15 RECORDING SECRETARY
16 SUMMERS:
17 Horacek, present.
18 Groveland, Dillon?
19 MR. DILLON: Here.
20 RECORDING SECRETARY
21 SUMMERS:
22 Dillon, present.
23 Hale Creek, Rowe?

17

1 Lincoln, Addo?
2 MS. ADDO: Here.
3 RECORDING SECRETARY SUMMERS
4 Addo, present.
5 Livingston, Henderson?
6 MR. HENDERSON: Here.
7 RECORDING SECRETARY
8 SUMMERS:
9 Henderson, present.
10 Marcy, Roberts?
11 MR. ROBERTS: Here.
12 RECORDING SECRETARY
13 SUMMERS:
14 Roberts, present.
15 Mid Hudson, Ogorzaly?
16 MR. OGORZALY: Present.
17 RECORDING SECRETARY
18 SUMMERS:
19 Ogorzaly, present.
20 Mid State, McGowan?
21 MR. MCGOWAN: Present.
22 RECORDING SECRETARY
23 SUMMERS:

19

1 MR. ROWE: Here.
2 RECORDING SECRETARY
3 SUMMERS:
4 Rowe, present.
5 Hudson, Relyea?
6 MR. RELYEA: Here.
7 RECORDING SECRETARY
8 SUMMERS:
9 RELYEA, present.
10 ISO's, Ohms?
11 MR. OHMS: Present.
12 RECORDING SECRETARY SUMMERS
13 Ohms, present. Kirby
14 Forensic, Stewart?
15 MR. STEWART: Here.
16 RECORDING SECRETARY
17 SUMMERS: Stewart,
18 present.
19 Lakeview, Gruber?
20 MR. GRUBER: Here.
21 RECORDING SECRETARY
22 SUMMERS:
23 Gruber, present.

18

1 McGowan, present.
2 Mohawk, Hluska?
3 MR. HLUSKA: Here.
4 RECORDING SECRETARY
5 SUMMERS:
6 Hluska, present.
7 Moriah, Trombley?
8 MR. TROMBLEY: Here.
9 RECORDING SECRETARY
10 SUMMERS:
11 Trombley, present.
12 Ogdensburg, Mitchell?
13 MR. MITCHELL: Here.
14 RECORDING SECRETARY
15 SUMMERS:
16 Mitchell, present.
17 Orleans, Gold?
18 MR. GOLD: Here.
19 RECORDING SECRETARY
20 SUMMERS:
21 Gold, present.
22 Otisville, Hawkes?
23 MR. HAWKES: Here.

20

1 RECORDING SECRETARY
2 SUMMERS:
3 Hawkes, present.
4 Queensboro, Odom?
5 MS. ODOM: Here.
6 RECORDING SECRETARY
7 SUMMERS:
8 Odom, present.
9 Riverview, Aldous?
10 MR. ALDOUS: Here.
11 RECORDING SECRETARY .
12 SUMMERS:
13 Aldous, present.
14 Rochester Psych Center,
15 Raven?
16 MS. RAVEN: Here.
17 RECORDING SECRETARY
18 SUMMERS:
19 Raven, present.
20 SSO Central, Barrett?
21 MR. BARRETT: Here.
22 RECORDING SECRETARY
23 SUMMERS: Barrett,

21

1 RECORDING SECRETARY
2 SUMMERS: Tonney V,
3 present.
4 SSA's, Schiavone?
5 MR. SCHIAVONE: Here.
6 RECORDING SECRETARY
7 SUMMERS:
8 Schiavone, present.
9 Shawangunk, Figueroa?
10 MS. FIGUEROA: Here.
11 RECORDING SECRETARY
12 SUMMERS:
13 Figueroa, present.
14 Sing Sing, Mikolajczyk?
15 MR. MIKOLAJCZYK: Present.
16 RECORDING SECRETARY
17 SUMMERS:
18 Mikolajczyk, present.
19 Southport, Deburgomaster?
20 MR. DEBURGOMASTER: Here.
21 RECORDING SECRETARY
22 SUMMERS:
23 Deburgomaster, present.

23

1 present.
2 SSO Mid-Hudson, Smith?
3 MR. SMITH: Present.
4 RECORDING SECRETARY
5 SUMMERS:
6 Smith, present.
7 SSO Northern region, no
8 rep. SSO Southern Region,
9 Henderson?
10 MR. HENDERSON: Here.
11 RECORDING SECRETARY
12 SUMMERS:
13 Henderson, present.
14 SSO Western Region,
15 Compton?
16 MS. COMPTON: Here.
17 RECORDING SECRETARY
18 SUMMERS:
19 Compton, Present.
20 Security Officers,
21 Tonney V?
22 MR. VIARCCHARILLI:
23 Yes.

22

1 Sullivan, Bell?
2 MS. BELL: Here.
3 RECORDING SECRETARY
4 SUMMERS:
5 Bell, present.
6 Taconic, Gordon.
7 MS. GORDON: Here.
8 RECORDING SECRETARY SUMMERS
9 Gordon, present.
10 Ulster, Speenburgh?
11 MR. SPEENBURGH: Here.
12 RECORDING SECRETARY
13 SUMMERS:
14 Speenburgh, present.
15 Upstate, Coryea?
16 MR. CORYEA: Here.
17 RECORDING SECRETARY
18 SUMMERS:
19 Coryea, present.
20 Wallkill, Holbert?
21 MS. HOLBERT: Here.
22 RECORDING SECRETARY SUMMERS
23 Holbert, present.

24

1 Washington, Cory V?
2 MR. VANDERWARKER:
3 Here.
4 RECORDING SECRETARY SUMMERS
5 Vanderwarker, present.
6 Watertown, Nevills?
7 MR. NEVILLS: Here.
8 RECORDING SECRETARY
9 SUMMERS:
10 Nevills, present.
11 Wende, Keenan?
12 MR. KEENAN: Good
13 afternoon.
14 RECORDING SECRETARY
15 SUMMERS:
16 Good afternoon. Keenan,
17 present.
18 Willard, Moore?
19 MS. MOORE: Here.
20 RECORDING SECRETARY
21 SUMMERS:
22 Moore, present.
23 Woodbourne, Gutierrez?

25

1 Thank you.
2 PRESIDENT POWERS: We
3 have a couple awards and
4 recognitions today. Joe?
5
6 VP WEST MIANO: Joe
7 Miano, Western Region VP.
8 If we could have Wende
9 Correction Officer David
10 True come to the front of
11 the room please.
12 I received this e-mail,
13 it says, on a damp, chilly
14 night October 14th in
15 Western New York, Wende
16 Corrections Officer David
17 True was home bound in an
18 UBER car. Traveling north
19 of Orchard Park, a suburb
20 of Buffalo, in a well
21 traveled road at the
22 conclusion of some
23 volunteer work.

27

1 MR. GUTIERREZ: Here.
2 RECORDING SECRETARY
3 SUMMERS:
4 Gutierrez, present.
5 Wyoming, Hickey?
6 MR. HICKEY: Here.
7 RECORDING SECRETARY
8 SUMMERS:
9 Hickey, present.
10
11 Okay. The December
12 Assembly minutes have been
13 published. Are there any
14 corrections? Seeing none,
15 minutes are approved. The
16 Executive Session minutes
17 are separate. They are
18 available at the main
19 office to read. I will
20 ask for approval at the
21 next Executive Assembly in
22 Executive Session for
23 Executive session minutes.

26

1 Officer True and his
2 UBER driver happened upon
3 a one vehicle accident
4 adjacent to a train bridge
5 abutment. Officer True
6 injected himself
7 immediately into the
8 accident scene upon seeing
9 an unconscious male
10 subject, half ejected from
11 the vehicle -- from the
12 vehicle wreckage and
13 hemorrhaging blood.
14 Defaulting to his
15 department first aid
16 training, Officer True was
17 able to relax and go into
18 critical instinct mode,
19 while assuming control.
20 He ordered the UBER driver
21 to alert 911 for EMS
22 services, while
23 simultaneously employing

28

1 life saving direct
2 pressure to stop the
3 hemorrhaging.

4 Additionally, Officer
5 True was able to identify
6 a pedestrian in close
7 proximity who witnessed
8 the event unfold, so local
9 police could take meaning
10 of the accident remnants.
11 Once relieved by EMS,
12 Officer True advised him
13 of his actions, while
14 providing town police
15 information to bring
16 conclusion to this matter.

17 Unrecognized to Officer
18 True at the time, the
19 subject in the records was
20 Robert O'Leary a
21 Corrections Lieutenant
22 assigned to Wende
23 Correctional Facility.

29

1 And today we're going
2 to give a valor award to
3 Officer Dave True. It
4 says, in recognition of
5 your noble actions and
6 willingness to go above
7 and beyond. You have
8 demonstrated the true
9 meaning of heroism. Your
10 dedication and devotion
11 show you are a true asset
12 to your profession. Dated
13 March 6th, 2019.

15 (All applause and
16 standing ovation.)

17
18 PRESIDENT POWERS:
19 Scott, John Harmon.

20 VP CENTRAL CARPENTER:
21 Ted Nevills, come on up,
22 Buddy. Scott Carpenter,
23 Central Region Vice

30

1 President. As everybody
2 in this room knows, Ted
3 Nevills, this is Ted's
4 last EA, he is retiring
5 next don't month. In
6 recognition to Ted and all
7 the work he's done, we're
8 presenting him with this
9 plaque.

10 It reads, for your
11 thirty-one years of
12 dedicated service to law
13 enforcement, as well as
14 your unyielding duties as
15 a NYSCOPBA steward, chief
16 sector steward, member of
17 the Collective Bargaining
18 Committee and dedicated
19 service to your fellow
20 officers and the public,
21 we wish you the very best
22 in your retirement. From
23 the membership, the

31

1 Executive Assembly and the
2 Executive Board of
3 NYSCOPBA, we thank you.

4
5 (All applause and
6 standing ovation.)

7
8 TED NEVILLS: I've got
9 a whole lot I could say,
10 but seriously, we all do
11 what we do here because
12 it's who we are and what
13 we feel is right. So,
14 thank you very much.
15 Certainly don't do it for
16 recognition, but it's been
17 a long road and I really
18 appreciate it. Thank you.

19
20 (All applause.)

21
22 VP MID-HUDSON MAZZELLA:
23 Mike Mazzella, Mid-Hudson

32

1 region. Could we have
2 Andy Lashua come up
3 please. While Andy makes
4 his way up here, many of
5 you guys know in
6 corrections a lot of us
7 like to keep things close
8 to the vest and we don't
9 really let people know
10 what our plans are. So it
11 came as a surprise to me
12 to learn that today is
13 actually Andy Lashua's
14 last EA because is he
15 retiring also.

16
17 (All applause and standing
18 ovation.)

19
20 VP MID-HUDSON MAZZELLA:
21 So, Andy has been a
22 driving force, as you guys
23 are well aware for, back

33

1 then it was IG, now it's
2 OSI oversight. He is
3 constantly, constantly
4 fighting to make things
5 right with OSI, which is
6 like a losing battle
7 sometimes with these guys.
8 But he is also SHU Task
9 Force.

10 I don't have a plaque
11 for him, because like I
12 said, it was a surprise to
13 all of us, I found out
14 this morning. So, I was
15 gonna write something and
16 present him with a piece
17 of paper but I'll just do
18 it this way. So, if Andy
19 has a few words.

20 ANDY LASHUA: Thanks,
21 you got me. Fortunately
22 for you I didn't prepare
23 for a statement. But

34

1 thank you very much for
2 those kind words and I
3 have been doing this for a
4 little bit now. I know
5 that we can disagree from
6 time to time, but that's
7 what this forum is about.

8 But we all know at the
9 end of the day when the
10 red dots call, we all get
11 up and we all go together
12 and that's what it's
13 about. Being together
14 when times are tough and
15 staying together in good
16 times and bad. So I'll
17 miss you all, I'll miss
18 the fight, but I know it's
19 being left in good hands.
20 So, thank you.

21
22 (All applause and
23 standing ovation.)

35

1
2 VP MID-HUDSON MAZZELLA:
3 I do have one last thing.
4 If anybody has any issues
5 with the Collective
6 Bargaining agreement, see
7 Ted Nevills.

8 PRESIDENT POWERS: He
9 might be leaving early.
10 Move on to the President's
11 report here. Since our
12 last meeting in December,
13 and the placement of the
14 new legislature primarily
15 in the Senate, we've been
16 quite busy. We've had to
17 start pretty much from
18 scratch with some of these
19 new legislators. A lot of
20 them freshman legislators.

21 We started off
22 immediately in January
23 with meetings with some of

36

1 the newly elected members,
2 primarily where they are
3 holding facilities. I
4 don't have the districts
5 off the top of my head.
6 I'll name the Senators.
7 Senator Hartman, who
8 represents Green Haven.
9 Metzger who is in the
10 Hudson region as well.

11 Along with Senator
12 Skoufis, who if you're not
13 familiar with, is a friend
14 of ours from the
15 Democratic Assembly to
16 begin with. He is now
17 Senator and holds a couple
18 facilities as well.
19 Senator Ted Kennedy, a
20 long time friend of ours
21 from the Buffalo district,
22 who we reached out to --
23 did I say Ted Kennedy?

37

1 legislation.

2 We are going to get out
3 front of this peace
4 officer issue, if you're
5 familiar with it. When
6 I'm done I'll have Keith
7 come up and express much
8 of what we've been doing.

9 Typically right from
10 the jump we've been out in
11 front meeting with many of
12 these senators and
13 assemblymen. Again, one
14 of our concerns obviously
15 is HALT, alternatives to
16 long term solitary
17 confinement. We met with
18 Andrea Stewart-Cousins on
19 the 22nd of January that
20 kicked it off. That was
21 one of her first days of
22 session.

23 We had a productive

39

1 Tim Kennedy.

2 So, you know, that's
3 been our primary focus.
4 And we counted on some of
5 these legislators to help
6 us educate some of these
7 newer ones. Namely
8 Senator Kennedy, Senator
9 Skoufis to assist in some
10 of these issues that we
11 have.

12 I don't want to sound
13 redundant but we're all
14 familiar with the issues
15 that we have. And
16 recognizing the new
17 Article 7 language and the
18 budget language from the
19 Governor. He added
20 another component to it,
21 which is negligent quite
22 frankly on his part and
23 the sponsor of the

38

1 meeting with her. We
2 explained to her that HALT
3 is not a good initiative
4 or legislation to be
5 bringing into a
6 correctional setting when
7 you haven't fully
8 implemented the last
9 settlement that came down
10 which we're all familiar
11 with, the NYCLU
12 settlement.

13 So we were able to
14 press upon her that issue.
15 Probably fell on deaf ears
16 but these relationships
17 are important. Anybody
18 who is involved in
19 legislative and PAC and
20 lobbied on behalf of us in
21 your own districts,
22 recognize the values of
23 the legislators at hand.

40

1 Shortly thereafter that
2 meeting on the 22nd, we
3 met with her in her
4 office. We turned around
5 and we met with the new
6 chair of corrections,
7 crime and corrections,
8 Luis Sepulveda out of the
9 Bronx. And we had a quick
10 meeting with him. One of
11 his new staffers was kind
12 of a surprise to us. We
13 seen her before in the
14 ranks in the Assembly.
15 True left individual,
16 Diane Goodwin, who used to
17 work for Weparin, I
18 believe, and the
19 Conference.

20 And so, we had a
21 productive meeting with
22 them. But he made it very
23 clear to us. We educated

41

1 to us. He says, I'm
2 looking to get people out
3 of jail. And that's
4 exactly how he put it.
5 And I have some numbers
6 that I'll share with you,
7 that I shared with a
8 coalition that I helped
9 put together with many of
10 our friends in City
11 Corrections, Onondaga
12 Corrections.

13 We reached out to many
14 counties months ago, Dan
15 Valente reached out, this
16 was probably a year ago,
17 right, Dan? All the
18 counties, the larger
19 counties that have the
20 correctional settings that
21 deal with a lot of the
22 issues that we deal with.

23 So we created a

43

1 him quite well on HALT and
2 the NYCLU settlement and
3 what was coming forward.
4 They made it clear that
5 was one of their
6 initiatives, one of their
7 focuses.

8 And he also made it
9 very clear to us in that
10 meeting -- and it was
11 productive -- it was good
12 back and forth. We
13 educated them. I think we
14 got through to him a
15 little bit. But
16 ultimately the Conference
17 is going to sway him in
18 anything going forward
19 anyway.

20 But at the end of the
21 day, and I'm not going to
22 mix it up. I'm gonna tell
23 you exactly what he said

42

1 coalition, it consists of
2 ourselves, New York City
3 Corrections, Westchester,
4 Suffolk, Nassau and Rikers
5 New York City -- I
6 mentioned New York City.
7 So that coalition is off
8 and running. And we all
9 have the same agenda. We
10 think together pushing
11 that agenda is going to be
12 stronger than just one
13 voice here in the state.

14 Their issues are our
15 issues. Much of what
16 we've had to deal with is
17 this strong push for the
18 HALT legislation. And
19 we're -- as we met
20 Sepulveda, the very same
21 day we met with the
22 correctional chair in the
23 Assembly, David Weparin.

44

1 We expressed to him -- of
2 course he's familiar
3 somewhat with our issues.
4 And since he's been the
5 chair of the committee now
6 for two years, I think
7 this is his third year.

8 So we've got had open
9 dialogue with him.
10 Shortly thereafter we met
11 with Senator Kennedy off
12 the floor of the Senate.
13 We had a good meeting with
14 his top staffer. On the
15 29th we attended the
16 public protection
17 hearings.

18 We didn't testify in
19 those hearings this year.
20 We submitted written
21 testimony. There was a
22 snow storm that day, it
23 was a long day, they

45

1 weren't getting through
2 the agenda. We probably
3 would still be sitting
4 there had we decided to
5 testify.

6 We decided we probably
7 weren't going to testify
8 early on. Just for the
9 similar fact that, if
10 anybody in here watched
11 it, I'm sure some of you
12 may have watched some of
13 that, the Commissioner's
14 testimony, you could see
15 up there from some of the
16 legislators up there,
17 their mindset. Their
18 mindset is very much
19 clouded from what we
20 actually deal with
21 compared to what they
22 think we deal with.

23 That's been our issue

46

1 there. And it's a
2 struggle, it's an ongoing
3 struggle. It's an ongoing
4 struggle well before I got
5 up here and the previous
6 administrations and
7 previous boards. That
8 struggle is real, it's
9 alive and it will
10 continue. So that's why
11 we impress upon you to
12 educate your legislators
13 back in your districts.

14 So that testimony was
15 held on the 29th, when we
16 turned around and we kept
17 up with our meetings with
18 many of the members that
19 attended that. Senator
20 Skoufis we had a good
21 conversation with him on
22 the 30th.

23 Senator Metzger, as I

47

1 mentioned is in the
2 Mid-Hudson region. We had
3 a good conversation with
4 her. Met up with her
5 actually yesterday at a
6 labor breakfast that
7 Tammy, myself and Keith
8 attended.

9 Senator Kaminsky from
10 Long Island, we very much
11 strongly impressed upon
12 them the issues of HALT.
13 We got some assurances
14 from them that if we can
15 garner up enough support
16 in that conference, they
17 will be a voice for us on
18 the floor regarding this
19 HALT legislation.

20 This is all happening
21 very fast at the end of
22 the January. And if
23 you're paying attention to

48

1 the political land, by the
2 time the Governor released
3 his budget and you saw
4 what the state legislature
5 started doing, they were
6 passing those left and
7 right. They were passing
8 things through that was --
9 it was difficult to keep
10 up with.

11 Not a lot of it had to
12 do with us. A lot had to
13 do with reforms they were
14 looking at. Not just from
15 law enforcement aspect but
16 every entity in the state.
17 And that in the mix
18 we were sticking our nose
19 into the mix with some of
20 these senators that have
21 facilities in their
22 districts.

23 And we also have good

49

1 friends that have been
2 established in the Senate
3 Conference prior to this
4 board. So we maintained
5 contact with many of them
6 as well. Newly -- I was
7 turned on to Senator
8 Hartmann by Westchester
9 County President Alonzo
10 West. And we had a very
11 productive meeting with
12 Senator Hartmann.

13 So we've got a small
14 little coalition inside
15 the Senate Majority that's
16 willing to step up on our
17 behalf and we'll continue
18 to create that dialogue
19 with them.

20 We move into February.
21 As I mentioned, a lot of
22 this stuff was coming fast
23 and furious. We were

50

1 concerned about some one
2 house bills that were
3 going to come in or
4 criminal justice reform
5 package that might come
6 in, that might include
7 HALT. It was a very
8 stressful time and a very
9 tedious time.

10 We kept on top of it.
11 Keith was on the hill
12 every day, along with
13 Chris Duryea, Dan, myself,
14 Tammy. We were up there
15 keeping our ear to the
16 ground to see how things
17 were progressing. Our
18 meetings with Metzger and
19 Hartmann went well. They
20 understand our issues.

21 Thankfully, Hartmann is
22 somewhat educated prior to
23 coming in as a State

51

1 Senator, as a Westchester
2 County executive prior to
3 that. Attended a couple
4 fundraisers first part of
5 February. We started
6 reaching into GOER to see
7 where our pay bill was at.
8 Mike and John will talk a
9 little bit more about that
10 during the CBC committee
11 meeting.

12 We're constantly -- we
13 have our foot on the
14 pedal. I have had
15 meetings with Captain
16 McCormick. We are
17 continuing to put that
18 push on. And there's been
19 some speculation but none
20 of it has been confirmed
21 that they were going to
22 put our pay bill with the
23 State Police.

52

1 I've spoken with State
2 Police President Tom
3 Mungeer, he assures me --
4 at the point when I called
5 him, he didn't care where
6 his pay bill was at that
7 point. He was like, I'm
8 not putting any political
9 pressure out there to move
10 my pay bill right now.
11 And I impressed upon
12 him -- there's speculation
13 they may lump State Police
14 in with ours all together.

15 It's not going to slow
16 down the process any.
17 It's just a great deal of
18 money, it's a lot of
19 check-offs, jump through a
20 lot of hoops. Through
21 GOER, the Governor's
22 office, the legislature
23 ultimately will review it

53

1 everybody's hands as much
2 as possible. Some of our
3 hang up right now is with
4 DCJS. And it has to do
5 with only sixteen and
6 seventeen year olds in our
7 adolescent facilities,
8 namely Hudson and
9 Adirondack. And our
10 female facilities. And
11 DCJS is holding it up.

12 I talked to our law
13 firm about possibly
14 pursuing a lawsuit, much
15 like New York City did
16 when they started to
17 implement Raise the Age or
18 the Adolescent Offender
19 program, when they started
20 to institute that in the
21 Bronx, they had -- they
22 had a quick settlement in
23 the courts that allowed

55

1 before it goes anywhere
2 else to make sure
3 everything is there. And
4 we'll continue to proceed
5 forward. Like I said,
6 John and Mike will talk
7 about that.

8 Attended a PEC
9 breakfast on the 5th.
10 Again, we were in
11 negotiations or talks with
12 many of the senators on
13 the floor on Tuesday the
14 5th. Followed up on some
15 issues. Franklin,
16 Otisville, many other jail
17 house issues. Auburn,
18 Willard. OC spray, I want
19 to talk real quick here
20 about OC spray.

21 There's a lot of
22 concern out there. We're
23 trying to get it into

54

1 them to implement OC spray
2 for thirty days.

3 The Commissioner and
4 even the President of the
5 union, Elias Husamudeen
6 would not agree to allow
7 you get it for thirty
8 days. After thirty days
9 you pull it, before you
10 know it you got all sorts
11 of issues. So they agreed
12 not to do it.

13 Their lawsuit is
14 continuing on. We entered
15 the thought of possibly
16 joining in on that
17 lawsuit. They're well
18 into it by now. And
19 depending on whether --
20 we've reached out to their
21 counsel. We'll see what
22 their pending litigation
23 is and what they think

56

1 might happen. And we may
2 end up following up with a
3 lawsuit ourselves
4 regarding OC spray for the
5 sixteen, seventeen, and
6 the female facilities that
7 we have issues at.

8 And namely, more
9 importantly, to continue
10 to the push to get it into
11 all of our hands. We all
12 know the majority of the
13 facilities have it and not
14 every post has it. And
15 we're coming up on some
16 issues in our facilities
17 where the OC is not
18 implemented and we're
19 having significant
20 assaults on staff. It's
21 almost as if the convicts
22 know it's not there and
23 they're taking that

57

1 we don't know what the
2 facilities are. Many of
3 you already know this,
4 there's always been
5 speculation out there that
6 there's a list. I have
7 never personally seen one.
8 But, you know, throughout
9 the years we've seen many
10 facilities come up on a
11 closure list and not come
12 to fruition.

13 Or some are saved and
14 some are not. This comes
15 with a 35 million dollar
16 price tag the Governor
17 entered into his budget.
18 And from this point
19 forward, from what we
20 understand and Keith will
21 expand on this a little
22 more, one of houses may
23 have backed off it, but I

59

1 action.

2 That's just me
3 speaking. I'm not saying
4 that's happening, I'm just
5 saying that's the way I'm
6 seeing it when it comes to
7 my desk.

8 Senator Gallivan
9 entered a resolution for
10 Officer week -- Correction
11 Officer week. That's the
12 annual one May 5th through
13 the 11th, I believe we
14 have a function in
15 Washington that week
16 possibly prior to the
17 Donald Bingham Memorial.

18 The 14th, the thirty
19 day amendments came out.
20 We were notified of the
21 three jail closures. It's
22 kind of a bitch of a
23 situation, they put us in,

58

1 don't think that's
2 necessarily a shining
3 start for us at this point
4 because it could be
5 negotiations in the budget
6 process.

7 So Keith will expand a
8 little more on that. We
9 don't know what the
10 facilities are. We've
11 already started, came up
12 firing regarding the
13 double bunks. Our maximum
14 security prisons are at a
15 hundred percent capacity.
16 I'm not gonna sit here and
17 tell you they're not gonna
18 close max, but I'd bet my
19 paycheck on it. They're
20 not gonna close the max;
21 we're running full
22 capacity.

23 Our mediums, however,

60

1 another story. You take
2 the top bunks down,
3 there's three thousand,
4 three hundred and
5 forty-two in the state in
6 the medium facilities. If
7 you take those down, put
8 all those convicts into
9 single racks, now you only
10 got 280 something beds. I
11 don't know if Mike Morrow
12 is in the room, he is the
13 one that put that all
14 together. But, that's
15 basically it.

16 And you might have seen
17 some quotes from me being
18 archaic and inhumane, but
19 if you can't beat them
20 sometimes maybe you join
21 them. That's the advocate
22 way of speaking, when you
23 realize it, what I put

61

1 announce it until later.
2 You know, but it gave
3 communities an opportunity
4 fight for these
5 facilities. And so we're
6 trying to get to the left
7 legislators and show them
8 double bunking is
9 inhumane. And one at time
10 we used to rally for it.
11 In reality we didn't want
12 them to come down, I guess
13 it affected employees when
14 they right sized in 2000
15 and 2001.

16 Now here we are on the
17 other side of the coin and
18 now we are trying to
19 prevent any closures. And
20 that will be our
21 initiative and goal going
22 forward. Any ideas that
23 you might have, don't

63

1 into an analogy for any
2 reporter who asks, picture
3 myself and Mike Mazzella
4 living in a cubicle that's
5 the size of a parking
6 space.

7 And that's what I'm
8 trying to deliver. To
9 give them that perception,
10 which I never lived with
11 Mike Mazzella so. And
12 that's some of the
13 analogies that we're
14 using. And we have to try
15 and make a difference. We
16 don't know which ones they
17 are.

18 I'm not familiar and I
19 don't know of it came
20 about when they listed the
21 seven jails. I think they
22 did the same process; they
23 didn't necessarily

62

1 hesitate to send them to
2 us. We probably got
3 another month left.

4 But to jump back into
5 the politics in the state
6 right now, it's a funky
7 situation right now. The
8 Governor -- they were all
9 singing Kumbaya after
10 election day. They were
11 all together, all the
12 Democrats running all
13 three branches of
14 government. Well, now
15 it's a nice little game of
16 cat and mouse going on
17 right now.

18 You got, the Governor
19 is kind of hell bent on
20 the Senate right now. And
21 a lot of it had to do with
22 that Amazon deal that
23 doesn't have anything to

64

1 do with us. It has a lot
2 to do with the communities
3 in New York City, it
4 doesn't have anything to
5 do with law enforcement;
6 but we're sure to utilize
7 that in any way we can.

8 And we saw in one of
9 our statements where we
10 kind of used that analogy
11 when he announced the
12 closures, where here you
13 are talking labor friendly
14 and you're going to build
15 this big unit down in
16 Queens and it's going to
17 employ forty thousand.
18 And then you turn around
19 and you whack the labor
20 intense organizations by
21 closing three facilities.

22 So that was kind of the
23 analogy we spun at him.

65

1 He wasn't too keen on it
2 when it came out, but it
3 is what it is.

4 So that's kind of where
5 we're at with some of
6 this. You've seen --
7 Keith will expand a little
8 more for us here. If
9 there are any questions
10 you might have for me or
11 Keith. Again, these
12 meetings are constant.
13 There's a lot of phone
14 conversations. We're
15 getting a lot of
16 questions.

17 We did an interview
18 this morning with the
19 Chief leader over the
20 closures and HALT, so
21 we're getting out there.
22 And we're doing what we
23 can. Again, any

66

1 suggestions going forward,
2 don't hesitate to reach
3 out. Follow-up with a
4 couple of phone calls
5 regarding some significant
6 assaults on staff. As far
7 as we're concerned, all
8 assaults on staff are
9 significant.

10 When you get one, make
11 sure you report them to us
12 and that way I can call
13 the District Attorney and
14 impress on him to file
15 charges on our behalf.
16 And it's very important
17 for that employee if the
18 Department chooses not to
19 file charges to go and
20 have them file the charges
21 themselves, the affected
22 employee assaulted.

23 The week of the 25th, I

67

1 believe, the tablets came
2 out in the female jails
3 and the Raise The Age
4 jails, the tablets are --
5 the pilot program is up
6 and running.

7 21st is another day I
8 had a meeting with Captain
9 McCormick regarding the
10 pay bill. Had a
11 conference call with this
12 newly created coalition of
13 NYSCOPBA regarding many of
14 our issues. And we are
15 recognizing that HALT,
16 peace officer and these
17 prison closures are on the
18 forefront right now. Keep
19 in mind there's plenty
20 behind it.

21 You've got a Senate
22 sponsor now for the
23 correctional ombudsman,

68

1 the thing that we pushed
2 back on years ago and now
3 they have a sponsor.
4 Public Protection Law
5 Civil Rights Law 50-A is
6 up for grabs. They've got
7 sponsors, I believe, in
8 both houses for that now,
9 so they're moving forward
10 on that.

11 If you're not familiar
12 what 50-A is, it's your
13 personal history folder,
14 it's your information, and
15 that's significant. The
16 NYPD is pushing back and
17 this new coalition as
18 well.

19 In speaking with Elias
20 Husamudeen, the president
21 for City Corrections, he
22 enlightened me on some of
23 his population numbers.

69

1 deplete.

2 We've seen the
3 depletion here. We're
4 starting to see these
5 reforms starting to take
6 place and there's more
7 coming. And some of these
8 reforms are genuine
9 concern. And we'll be
10 meeting with this
11 coalition to see how we
12 can offset this and bring
13 it back to this body for
14 discussion as we go
15 forward. But those
16 numbers are alarming for
17 us.

18 I don't promote
19 incarceration or anybody
20 to go out and commit
21 crimes, but this is our
22 livelihood. This is the
23 reality. This is what

71

1 I'm going to share them
2 with you because they're
3 scary. About a year ago
4 he had almost 11 thousand
5 inmates, along with 11
6 thousand correction
7 officers. Today he's got
8 11 thousand correction
9 officers and 7100
10 convicts.

11 With bail reform coming
12 down the pipe, which might
13 very well become a
14 reality, he expects that
15 jail population to drop to
16 5000 to 5500. That's what
17 we're looking at. Rikers
18 even now -- if you go to
19 Rikers, if you get
20 convicted down in Rikers
21 you come upstate. Then
22 they come to us. Those
23 numbers are starting to

70

1 we're dealing with. Had
2 some nice busts; had a
3 nice bust at Greene a
4 couple weeks ago on a
5 Sunday. Three busts for
6 some drugs. We had an
7 unfortunate incident at
8 Wallkill and I won't bring
9 up.

10 Again, still updating
11 with Captain McCormick.
12 One thing I did find out
13 on the 26th is the bill is
14 still in GOER. I believe
15 it's drafted. I believe
16 it's done. And we're --
17 now we're going to be
18 impressing upon the
19 Governor to have it
20 released from GOER.

21 Some conversations with
22 the chief out of Albion.
23 They had a significant

72

1 assault on staff, thirty
2 year employee at Albion.
3 Some significant neck and
4 facial injuries and head
5 injuries. And the female
6 is a very high profile
7 female. We're curious
8 about some security
9 protocols, but we were
10 assured that the DA out
11 there would prosecute once
12 he gets the report.
13 That's pretty much all
14 I've got. Anybody got
15 anything for me? Seeing
16 none. Tammy?

17 EXECUTIVE VP SAWCHUK:
18 Good afternoon everyone.
19 Had a meeting with Matt
20 Rams on Code 14, it has to
21 do with the GI bill. So
22 if you have new recruits
23 or somebody coming in from

73

1 the Albany Training
2 Academy, make sure you get
3 that paperwork to them and
4 the person who does the
5 certification so they can
6 get their GI bill
7 reimbursement.

8 PERB conference on
9 outside employment was on
10 1/31. Follow-up with VP
11 Carpenter on the results
12 of the step down program
13 at Mid-State Correctional
14 Facility and they were
15 numerous. Please continue
16 to get me that
17 information. I will be
18 going out to Mid-State
19 step down facility in the
20 very near future.

21 I got questions about
22 new disciplinary
23 guidelines coming out.

74

1 The Department hasn't
2 issued anything as far as
3 new disciplinary
4 guidelines coming out.
5 The disciplinary
6 guidelines that they have
7 are still in affect from
8 2015.

9 As Mike said, there was
10 a prison violence meeting
11 with the department on
12 January 8th. We had four
13 cases for J and E in the
14 month of January. Light
15 duty IP hearing was in
16 January on the 11th. And
17 we're still working with
18 at Department on
19 eliminating those two
20 categories that they
21 added. We're also working
22 on outside -- the outside
23 employment for that to be

75

1 dismissed.

2 As Mike said, we had a
3 meeting with Andrea
4 Stewart-Cousins on HALT.
5 If you picked up your
6 packet from Lisa, you will
7 see in the folder there is
8 a HALT, S-16 and 2019
9 Article 7 SHU reform
10 language and what are the
11 differences. Keith
12 Jacques did a great
13 comparison chart that
14 shows you the differences
15 between the Governor's
16 proposal and Article 7 and
17 the HALT bill itself.

18 If you have any
19 questions on that you can
20 follow-up with me,
21 follow-up with Keith.
22 We had a PEC breakfast on
23 the 5th. Attended an

76

1 annual fundraiser up at
2 Clinton Correctional
3 Facility for the Mahoney
4 Hockey Tournament. They
5 raised 7600 for the
6 charity; great job.

7 Toured Eastern
8 Correctional Facility and
9 Moriah Correctional
10 Facility; great job guys.
11 You're really doing some
12 really good things in
13 these facilities as far as
14 the members being
15 educated. Because there
16 weren't many questions
17 when I toured either of
18 them. So the information
19 is getting back from the
20 chiefs to the members and
21 that's good.

22 On February 27th, I
23 toured with John Harmon,

77

1 there. This one in
2 particular that's not such
3 a clinical setting like
4 ECMC or St. Peters
5 Hospital, where you're
6 being locked on a ward.
7 These are facilities that
8 offer recovery programs to
9 help people.

10 I have a pamphlet up
11 here with me. We were
12 going to bring some to the
13 EA, but they didn't get to
14 the Desmond on time. But,
15 they are at the office and
16 we'll bring them to the
17 next EA. If you want any
18 information on that, you
19 can either call Catch a
20 Falling Star, Cindy Goss
21 or you can reach out to
22 me.

23 But suicide, mental

79

1 Frank Gilbo and Chris
2 Summers the Future
3 Recovery Health Care
4 Facility. What this
5 facility is, it's a
6 recovery for addiction,
7 substance abuse, mental
8 health, PTSD. This
9 program is pretty amazing.

10 Unfortunately,
11 currently it's not in
12 network but I'm working
13 with Sharon Smith to get
14 this facility in network.
15 It deals with issues of
16 addictions, deals with
17 issues of mental health.

18 These are serious
19 problems. Many face them.
20 Many of our family members
21 face them, our children
22 face them. There are
23 recovery facilities out

78

1 health touches all of us.
2 If you think it doesn't, I
3 mean sitting here today,
4 you know, I got an
5 unfortunate text from one
6 of our own employee's
7 son's best friend
8 committed suicide today.

9 So it happens, be on
10 alert for it. Watch for
11 behavioral changes with
12 your members inside the
13 facilities and try to get
14 help and offer assistance
15 the best way you can,
16 because it's real.
17 Thank you.

18 PRESIDENT POWERS:
19 Keith?

20 KEITH JACQUES: So I
21 was planning on limiting
22 my comments to three
23 areas; HALT, prison

80

1 closures and the peace
2 officer status language
3 that the Governor
4 proposed. But in light of
5 the fact I have gotten
6 probably fifteen questions
7 since I worked in this
8 morning about this
9 particular bill that is
10 out there, that people are
11 reading and are very
12 concerned about, it would
13 basically prevent any
14 overtime money from being
15 included in final average
16 salary determinations.

17 And a bill like that
18 obviously is extremely
19 troubling. But, we've got
20 to try and keep things in
21 context. That bill has
22 been introduced by an
23 Assembly Republican Member

81

1 way on Facebook or social
2 media, just reach out and
3 let us know, because that
4 is almost laughable.

5 Fitzpatrick introduces
6 bills like that all the
7 time and I don't bother
8 wasting the Board members
9 time or PAC Committees
10 time with discussing those
11 bills, because it's a bill
12 that he introduces every
13 year and it's never, ever,
14 ever, ever going to go
15 anywhere.

16 So, we're on top of it.
17 We are aware of these
18 things. We make sure we
19 pay close attention to the
20 issues that actually have
21 the potential of doing
22 some damage.

23 So, with respect to

83

1 from Long Island who is a
2 fiscal conservative, who
3 is trying to introduce
4 legislation that shows his
5 constituents that he is
6 being fiscally
7 conservative.

8 That bill has
9 absolutely no chance of
10 going anywhere in the
11 world. And that's one of
12 literally probably 200
13 bills that have been
14 introduced by Senate
15 Republican members, and if
16 I shared them with you you
17 would want to crawl out of
18 your skin.

19 Those bills are
20 introduced quite a bit.
21 And to the extent that you
22 see a bill like that and
23 if it starts making it's

82

1 HALT, the Governor
2 introduced his own SHU
3 reform proposal as part of
4 the budget. And he did
5 that in an effort to try
6 and jam the Legislature.
7 The Legislature made it
8 very clear that they were
9 going to pass HALT three
10 weeks ago.

11 As President Powers
12 said, he met with Majority
13 Leader Stewart-Cousins, it
14 wasn't as genuine as I
15 hoped she be on where they
16 were on that bill.
17 Because within a day after
18 that meeting, it became
19 clear that that was one of
20 their top priorities in
21 the new Senate Majority.

22 So, we immediately
23 started working to try and

84

1 drive a wedge between
2 certain members of that
3 new conference, Jim
4 Skoufis, Peter Hartmann,
5 Jen Metzger, Tim Kennedy,
6 Todd Kaminsky. These are
7 all Democratic Senators
8 that are relatively
9 pro-law enforcement.
10 Kaminsky is a former
11 Federal Prosecutor,
12 although I have heard he
13 is not the most favorable
14 guy to the police unions
15 down in Long Island.

16 But at least he
17 understands criminal
18 justice issues. Metzger,
19 Hartmann, Skoufis, these
20 folks have jails and
21 members in their regions
22 and so we really
23 immediately took to having

85

1 weekend where African
2 American and Hispanic
3 legislators come to
4 Albany. It's actually
5 really an impressive
6 event.

7 But they wanted to
8 celebrate the passage of
9 HALT at that event. So,
10 we had our work cut out
11 for us. I will say it was
12 a victory because we were
13 able to get those five or
14 six senators to stand up
15 in conference, when Senate
16 majority members were
17 meeting privately, and
18 challenge the leadership
19 on moving HALT.

20 It got to the point
21 where Chief Counsel for
22 the Senate majority leader
23 actually came to us and

87

1 to not only educate them
2 on what things are like
3 now inside prisons with
4 respect to SHU, how we got
5 here -- a lot of them
6 didn't know about the
7 NYCLU and what that meant.

8 Then we had to educate
9 them on how HALT would be
10 devastating to our members
11 and to the inmates, and we
12 made it very clear to them
13 that if they voted in
14 favor of HALT, that
15 we were going to make sure
16 that our members took it
17 out on them in two years.

18 At the time we started
19 having these meetings, the
20 Senate Majority was
21 moving, they wanted to
22 pass it before caucus
23 weekend. Which is a big

86

1 said, all right, can you
2 give us some amendments to
3 HALT that you can live
4 with. And we said no, we
5 can't deal with any
6 changes to SHU, but we're
7 going to do everything we
8 can to stop HALT.

9 So we were able to kill
10 it at that point at least
11 from passage at that point
12 in time. We've been
13 having continuing
14 conversations with both
15 the Senate and the
16 Assembly about our
17 concerns with HALT. And
18 look it, no one likes
19 Governor Cuomo, he hasn't
20 treated our members well
21 in a lot of ways. With
22 the bill that he put in to
23 the proposed budget is ten

88

1 times more favorable than
2 what this HALT bill will
3 do.

4 You know, the advocates
5 keep talking about, New
6 York has to do what
7 Colorado is doing because
8 Colorado has a statutory
9 scheme that only allows
10 fifteen days consecutive
11 time in SHU. And that's
12 what HALT will do. So, if
13 it worked in Colorado, it
14 can work in New York. And
15 we talked about before
16 that Colorado does have
17 that time limitation, but
18 they also have two
19 separate type of
20 facilities and programs
21 that inmates will be
22 transitioned to once they
23 stop -- once they finish

89

1 inmates the same way the
2 restraint occurs in
3 Colorado.

4 That is not in the HALT
5 proposal. The standing
6 point is that would
7 explain some of the
8 differences between the
9 Governor's proposal and
10 HALT. The Assembly
11 yesterday had a meeting
12 and they moved the HALT
13 bill out of the committee,
14 now it's going to go to
15 the Ways and Means
16 Committee. And the
17 legislature is starting to
18 sort of push back on the
19 Governor.

20 The Governor has made
21 it very clear, you're
22 going to negotiate off of
23 my bill. The legislature

91

1 their fifteen days in SHU.

2 When they're in one of
3 those traditional units,
4 while they are allowed out
5 of cell for a very limited
6 time, the Department of
7 Corrections in Colorado
8 has the ability to
9 restrain those inmates
10 when they're outside of
11 their cell.

12 The Governor's proposal
13 is very similar to
14 Colorado's. It creates
15 these two transitional
16 units. Inside those
17 transitional units once he
18 or she finishes the SHU
19 time and go to the
20 traditional units, they
21 are given out of cell time
22 but the Department has the
23 ability to restrain these

90

1 is saying, no, we want
2 HALT. But because we were
3 able to stop the momentum
4 in the Senate, we got the
5 Governor's Office and the
6 Senate Assembly in the
7 middle of a fight and
8 we're going to continue to
9 stoke those fires to make
10 sure they keep going.

11 But I know people
12 probably don't want to
13 hear it, but there are
14 going to be changes coming
15 down the pipe. The
16 Governor's proposed
17 something in the budget,
18 he knows the Legislature
19 wants to do this HALT and
20 he's trying to prevent
21 them from doing it because
22 it would be catastrophic.

23 Right now I think the

92

1 second floor still
2 believes that they're
3 going to get the
4 Legislature to come their
5 way and to work off the
6 Governor's proposal. And
7 the Governor is
8 threatening vetoing HALT
9 if it should pass both
10 houses. But at least the
11 momentum that the
12 Legislature had three or
13 four weeks ago has
14 considerably slowed.

15 And we are going to
16 continue to fight,
17 continue to make sure that
18 we're poking the
19 Legislature, poking the
20 Governor, make sure the
21 Governor's poking the
22 Legislature. We want
23 them -- you know, the more

93

1 they fight, the less
2 likely HALT is going to be
3 enacted in its current
4 form, which is really
5 troubling. That's HALT.

6 The peace officer
7 status proposal. I don't
8 know if people are aware,
9 the Governor's part of his
10 Executive Budget put
11 language in the thirty day
12 amendments. So, the
13 Governor proposes his
14 budget in January, and the
15 constitution authorizes
16 him to amend his budget
17 once without legislative
18 approval, as long as he
19 does it within thirty
20 days, that's why they call
21 them thirty day
22 amendments.

23 As part of the thirty

94

1 day amendments, language
2 was inserted into the
3 budget which was supposed
4 to streamline the peace
5 officer statute CPL 2.10
6 and 2.20. The problem is
7 that if you read the
8 language, there's an part
9 in these thirty day
10 amendments, it would limit
11 peace officer status for
12 all peace officers; not
13 just the people in this
14 room, all peace officers
15 in the State of New York.
16 Their peace officer status
17 would be limited to on the
18 job situations only.

19 We found out about it.
20 We immediately got on the
21 phone with the second
22 floor and the Department,
23 and made sure that they

95

1 understood that this was a
2 huge issue for us.
3 Frankly, some of them
4 didn't even realize it.
5 They said, oh, that's not
6 to us. Well, you should
7 read the language, because
8 we're reading the language
9 and we've already dealt
10 with peace officer issues,
11 some of our members,
12 ASHTAs for example, that
13 language has been
14 interpreted by the
15 Commissioner to prevent
16 those members from getting
17 peace officer status.

18 So we used that as one
19 of the arguments; hey, if
20 this thing is ambiguous
21 at all, we're concerned
22 that the Department and
23 some of the other

96

1 governmental agencies
2 around the state are going
3 to try and withhold peace
4 officer status from their
5 peace officers.

6 And we've got an
7 agreement now, the
8 Governor's Office has said
9 and the Assembly has
10 actually agreed to this
11 yesterday, that at the end
12 of the day once the final
13 budget is negotiated that
14 language is going to be
15 taken out.

16 There was also a
17 troubling bill that was
18 introduced by Senator
19 Hemmling. And frankly,
20 Senator Hemmling Office,
21 they didn't even realize
22 what the language said.

23 We called Senator

97

1 folks don't want you guys
2 and gals in peace officer
3 status unless you're on
4 the job. That's the
5 reality we live in.

6 So, it was very
7 concerning when we saw
8 that language, thinking
9 now that's in play. But
10 we've gotten an agreement
11 with someone that carries
12 a lot of weight in the
13 Assembly that when they
14 discuss it and negotiate
15 it at the table, it's
16 going to be taken off and
17 it's gonna be fixed.

18 And the last issue is
19 obviously the proposed
20 prison closures. As
21 President Powers said, we
22 have a lot of empty beds
23 and we've been screaming

99

1 Hemmling office after we
2 saw the budget language,
3 we talked to her, we gave
4 them amendments they
5 needed to introduce. That
6 bill has been amended by
7 Senator Hemmling, so now
8 if the bill gets in the
9 legislature it has not
10 legs. But it's been fixed
11 so that we're ensuring
12 that all peace officers
13 who have peace officer
14 status, you know,
15 full-time to the extent
16 those officers have a full
17 time, it's not going to
18 change and be fixed in the
19 budget process as well.

20 And it's a little bit
21 tricky because we have a
22 new legislature in place
23 and some of these new

98

1 about the need to take
2 down those top bunks in
3 the medium dorms. Because
4 if you take those down,
5 you don't have the
6 argument that closures
7 will occur.

8 The problem is once the
9 Governor puts something in
10 the budget and he ties a
11 cost to it, and it's --
12 he's estimating 35 million
13 dollar savings to the
14 state by closing three
15 facilities. If the
16 Legislature wants to fix
17 that, in other words, if
18 they want to kick that out
19 of the budget and say
20 we're not going to agree
21 with you Governor Cuomo,
22 they can. But in order to
23 do that, they got to come

100

1 up with 35 million dollars
2 to buy back the savings
3 the Governor originally
4 had in his budget.

5 Now, the Assembly
6 indicated yesterday they
7 are going to reject the
8 Governor's prison closure
9 proposal when they
10 actually issue their own
11 formal resolution. Each
12 house will issue a budget
13 resolution which is
14 essentially their formal
15 position on the Governor's
16 proposal.

17 The Assembly has said,
18 okay, when we issue our
19 formal resolution, we're
20 going to say we're
21 disagreeing with the
22 Governor's prison closure
23 proposal. My guess is the

101

1 legislation that's out
2 there?

3 Again, guys and gals,
4 there's a lot of bills
5 that are introduced that
6 are really problematic. I
7 even -- I'm reluctant to
8 share with the Board
9 because I know it's going
10 to drive some of these
11 folks crazy if they see
12 them. So, if you see
13 something like that, just
14 forward it to your leader
15 and they can forward it on
16 to us and we'll give them
17 an opinion as to whether
18 or not the bill is real.

19 ANTHONY HENDERSON:
20 Anthony Henderson. There
21 was recently a bill that
22 my sergeant showed me that
23 was introduced by DCJS,

103

1 Senate could do the same
2 thing. That's all well
3 and good, except that's
4 nothing more than them
5 creating a position, if
6 it's going to actually
7 happen, one of those
8 houses is going to have to
9 pony up 35 million
10 dollars. And I don't see
11 either house being willing
12 to use 35 million for this
13 issues.

14 I mean, they're out of
15 control for some of the
16 spending they want to do.
17 So, I don't think it's as
18 high on their priority
19 list, but we're going to
20 continue to work on that.
21 Any questions about HALT,
22 prison closures officer
23 status issues or any other

102

1 which will create more
2 peace officer titles and
3 also give, if not all,
4 peace officers the right
5 to carry.

6 KEITH JACQUES: This is
7 the Hemmling bill. So
8 DCJS wrapped it up and had
9 it introduced through
10 Hemmling. This is the
11 peace officer bill that
12 we're talking about. With
13 that bill there was some
14 language that was included
15 that made it clear from
16 our perspective that peace
17 officer status could be
18 limited to when you're on
19 the job.

20 What DCJS wanted to do,
21 if you look at the peace
22 officer statute, it's 2.10
23 of the Criminal Procedure

104

1 Law. And there's a 120
2 different titles that are
3 listed in peace officer
4 status. Some have the
5 ability to carry, some
6 don't have the ability to
7 carry. There are
8 duplicative paragraphs.
9 For example, there is like
10 two paragraph 63, so it's
11 very confusing.

12 So what DCJS wanted to
13 do, they wanted to
14 streamline it. They
15 wanted to create a more
16 easily readable statute,
17 so they're going to put
18 peace officer -- these are
19 the list of peace officers
20 that have the ability to
21 carry; these are the peace
22 officers that don't have
23 the ability to, but the

105

1 problem is they added
2 additional language that
3 is troubling and that's
4 what we're fixing and
5 that's what we're doing.

6 ANTHONY HENDERSON:
7 Thank you for that, for
8 that clarification.

9 KEITH JACQUES: Yep.

10 JOSHUA: Joshua Alt,
11 Great Meadow. There's a
12 good argument on that.
13 We're not required to
14 maintain peace officer
15 status. So, if they want
16 to bring something like
17 that forward, all you're
18 going to get is a jail
19 full of correction
20 monitors. They're not
21 going to be able to
22 maintain what they want to
23 maintain. I'm just

106

1 putting that out there
2 like that.

3 KEITH JACQUES: Any
4 other questions?

5 PRESIDENT POWERS:
6 Thanks, Keith. Frank?

7 TREASURER GILBO:
8 Good afternoon. NYSCOPBA
9 treasurer report. Total
10 cash 9.65 million. Three
11 hundred, twenty-five
12 thousand legal defense two
13 point 35 three million,
14 unrestricted bonds, 5.98
15 million. Restricted bond,
16 1.45 million. General
17 Ops, eight hundred
18 fourteen thousand.

19 Okay. In your packets
20 and what we sent in the
21 e-mail, the revised
22 budget. If you want to
23 take that out and I'll go

107

1 over the 2019 budget. So,
2 we got.

3 DONN ROWE: Point of
4 the order. The budget
5 would be unfinished
6 business or new business.
7 I see you just mailed out
8 the treasurer's report for
9 February with January's.

10 TREASURER GILBO:
11 January is not done
12 because of the audit
13 that's still ongoing.

14 DONN ROWE: So, we got
15 no cash flow or anything?

16 TREASURER GILBO:
17 That's the way it's done
18 every year.

19 DONN ROWE: At the at
20 least EA we requested a
21 detailed --

22 TREASURER GILBO:
23 Profit and loss and --

108

1 budget sheet and profit
2 loss.

3 DONN ROWE: Profit and
4 loss you sent out February
5 25th. I mean, you had
6 them at the last EA but
7 the budget worksheets
8 didn't go out.

9 TREASURER GILBO: They
10 were sent.

11 DONN ROWE: Budget
12 worksheets weren't sent.
13 They were sent to me, they
14 weren't sent out.

15 TREASURER GILBO: I
16 think they got sent to
17 everybody.

18 DONN ROWE: Maybe they
19 did, but they should have
20 went out by e-mail.

21 TREASURER GILBO: They
22 did.

23 DONN ROWE: Point of

109

1 order. The budget needs
2 to be in unfinished
3 business or new business
4 if you're proposing a new
5 budget.

6 TREASURER GILBO: Okay.
7 That's the treasurer's
8 report. Thank you.

9 PRESIDENT POWERS:
10 Move into departmental
11 reports. Is Sharon
12 around?

13 SHARON SMITH: Good
14 afternoon. As you know
15 there were a lot of
16 changes to the health
17 insurance with the
18 contract being ratified.
19 I'm just going to
20 generally go over a few
21 things and give you a few
22 extra bit of information
23 on them.

110

1 When we know the
2 effective dates, we do not
3 know that, when these
4 changes will take effect.
5 Once we know that, I will
6 make sure I get all the
7 detailed information out
8 to you so you have it in
9 plenty of time for any of
10 your members that might
11 have questions.

12 First, there will be a
13 special option transfer
14 period, that the State
15 will allow. So anybody
16 that wants to change their
17 health insurance, they're
18 going to allow them to do
19 that.

20 If you're not aware,
21 the Empire plan rates will
22 go down a little bit, and
23 that results in some of

111

1 the HMOs going up a little
2 bit. Because the state
3 only pays a percentage up
4 to the Empire plan rate.
5 So being that the Empire
6 plan rate is going down,
7 that's going to jack up
8 the HMO rates a little
9 bit.

10 So, those people will
11 have the option if they
12 want to change their plan,
13 they're not happy with
14 that or whatever. So that
15 will take place before the
16 changes take effect and
17 then they can get into the
18 new program, if they want
19 to.

20 Those changes -- that
21 option change will have to
22 be done at personnel. It
23 won't be allowed online,

112

1 so members will have to go
2 down to personnel to fill
3 out the paperwork to
4 change that. An adjusted
5 rate flyer will go out to
6 all the members homes
7 beforehand again, during
8 this period so they're
9 well aware what the rates
10 are, the new rates are and
11 then they can decide
12 accordingly.

13 There's been -- I know
14 I have gotten a lot of
15 calls on dependent care
16 and manage account. As
17 you know NYSCOPBA members
18 were not eligible for the
19 employer's share because
20 we didn't have a contract.
21 They will allow people in
22 it to get that employer's
23 share once all of these

113

1 up to a max of six hundred
2 dollars per implant.

3 And due to these
4 changes, the current
5 dental plan -- if you're
6 currently in the preferred
7 plan, you will move into
8 what they call the
9 preferred premiere plan.
10 It's a name change just
11 to, you know, for their
12 business to separate you
13 out because you're going
14 to have benefits that some
15 others don't.

16 So because of that,
17 there will be new dental
18 cards issued to everyone.
19 So new cards will be going
20 out. Members want to make
21 sure when they get them to
22 cut up their old cards
23 because the new cards will

115

1 changes take affect.

2 The members won't need
3 to do anything. They will
4 deposit those monies into
5 the account. They won't
6 allow anybody into just to
7 get that employer's share
8 for this year, but anybody
9 presently in it will be
10 given that money.

11 Under the dental
12 coverage, as you know
13 there's some increases.
14 You know, the total max
15 for covered services will
16 be moving up to three
17 thousand; orthodontics
18 moving up to three
19 thousand dollars. The
20 composite white fillings
21 will now be a covered
22 benefit. And dental
23 implants will be covered

114

1 have the new benefits.

2 If you take in your old
3 card, you know, it could
4 cause some confusion.
5 Under the vision care,
6 alternate digital
7 progressive lenses will be
8 covered with participating
9 providers at a ninety
10 dollar copay.

11 And on the yearly exams
12 for contacts, members will
13 now be allowed to get a
14 yearly exam. Currently,
15 you know, somebody gets
16 contacts -- they get
17 contacts and the next year
18 they need to get more
19 contacts, they can't get
20 them without an exam. New
21 York State law you have to
22 have another exam and
23 that's not covered. So,

116

1 this will allow you to get
2 that second exam. It will
3 not allow you to get
4 contacts again that second
5 year if you use it all up
6 the first year. But it
7 will allow for the exam.

8 And you have to have
9 gotten those contacts
10 through a Davis Provision
11 participating provider in
12 order to get that benefit.
13 There were a lot of copay
14 increases. Unless you
15 want me to, I can go
16 through them, but I think
17 you probably all know the
18 increases in your copays.

19 Your basic medical
20 deductible for non
21 participating providers
22 will go up to twelve fifty
23 a year and the basic

117

1 order if you get a thirty
2 day supply, it's the same
3 as retail. But if you get
4 the thirty-one to ninety,
5 there is a reduction in
6 the copays. So that's a
7 little bit different than
8 what you have now, so I
9 wanted to point that out.

10 The New To You Program,
11 I talked about that last
12 time, that's gone. That
13 was gone January 1st.
14 That was when you had
15 to -- if you got a new
16 drug, you could only get a
17 30 day, you had to get
18 that three times before
19 they allowed you to get a
20 90 day supply. That is
21 gone so members can
22 certainly get a 90 day
23 supply on a new drug.

119

1 medical coinsurance
2 maximum will go up to
3 thirty-seven fifty.

4 And when they make that
5 change this year, any
6 amount for any members
7 that had expenses applied
8 like currently your
9 deductible is a thousand
10 dollars, so anybody that
11 had money towards that
12 deductible, when they make
13 that change they will put
14 that towards the new
15 deductible. You won't
16 lose anything for the year
17 for what you've already
18 paid.

19 Prescription drugs, a
20 couple things. You know,
21 copays are going up on
22 that. I just want to
23 mention that with the mail

118

1 Regarding the flexible
2 formulary with the
3 contract, you'll now be
4 under the advanced
5 flexible formulary. So
6 you will see there will be
7 more exclusions, up tiers,
8 down tiers; and several
9 drugs will be involved in
10 that. Just like they do
11 in beginning of the year
12 when they make changes,
13 anybody that's on a drug
14 that is going to be
15 excluded or moved in the
16 tiers, will get a letter
17 notifying them of that,
18 giving them -- what do I
19 want to say -- other drugs
20 they can talk to their
21 doctors and so forth to
22 take something else if
23 they don't want to do

120

1 that. Especially the
2 exclusions, if you're
3 going to lose that drug
4 they might want to talk to
5 their doctor to give you
6 other things that are
7 similar too.

8 And remember that for
9 the exclusions there's
10 always that appeal
11 process. There is an
12 appeal process if your
13 drug is excluded. Again,
14 the copy of the advanced
15 formulary will be mailed
16 to everyone's home, so
17 everybody will get that
18 information beforehand
19 also.

20 And let's see, skilled
21 nursing was changed to a
22 120 days a year. But know
23 that one day of skilled

121

1 is pending, depending on
2 the new effective date but
3 they will all be sent to
4 everyone. As soon as I
5 know what that effective
6 date is, I will get a memo
7 out to all of you and
8 I will give you all this
9 information again and keep
10 you apprised of when those
11 reports are coming and so
12 forth, so you're aware of
13 it for your members.
14 Anybody have any
15 questions?

16 TED NEVILLS: Ted
17 Nevills, Watertown. Just
18 one thing I'd like to make
19 clear, I have had some
20 calls and I know John
21 Harmon had, some of the
22 other members on
23 collective bargaining

123

1 nursing facility services
2 counts towards a half day
3 of that 120, so in realty
4 you get 240 days of
5 skilled nursing facility
6 coverage.

7 And Empire Plan special
8 report, I know they worked
9 on it, I have seen it, I
10 have seen the draft. I
11 helped them with it, read
12 it and talked to them
13 about anything that -- any
14 issues that I had with it,
15 and new copay cards. All
16 of that will be mailed to
17 you as well. They're
18 gonna have a new dental
19 and vision brochure sent
20 out to everybody which
21 will show you all those
22 new changes.

23 So all this information

122

1 regarding doctor copays.
2 Some people have come back
3 and said my copay is
4 twenty-five dollars now.

5 Well, it's not. Your
6 copay will not change
7 until your salary increase
8 comes into effect.
9 However, your doctor
10 doesn't know if you're a
11 CSEA member, NYSCOPBA
12 member, UUP, etcetera.
13 They've seen a number of
14 CSEA members, they just
15 figure everyone's copay is
16 twenty-five dollars. If
17 we don't know the
18 difference and pay the
19 twenty-five dollars, then
20 that is on us. So we have
21 to educate our members to
22 let them number the copays
23 are still twenty dollars

124

1 until the salary increase
2 goes into effect. If you
3 notify your doctors office
4 that you over paid, they
5 will refund your money.
6 But it's important that
7 the members know that it
8 doesn't go into effect
9 until the salary increase
10 comes out.

11 SHARON SMITH: Yeah.
12 I've gotten several calls
13 on that. And if you have
14 a member that that happens
15 to, I've had some call me
16 and tell me the provider
17 refuses to reimburse them.
18 Have that member call me
19 because I'll get the
20 information from the
21 provider and I'll have
22 United Health Care contact
23 them and they get their

125

1 change that is coming
2 through Workers' Comp
3 health and safety kind of
4 thing is with the pay
5 bills is the family sick
6 leave. Right now
7 depending on birth of a
8 child, bonding, that kind
9 of thing you get five
10 days. And with medical
11 necessity you can have
12 upwards of fifteen.

13 With the new contract
14 when it goes in under the
15 pay bill, it's gonna be
16 upwards of thirty. Now,
17 you need medical
18 documentation from the
19 doctor to get anyone
20 that's filed guaranteed
21 but instead of fifteen
22 it's thirty. Any
23 questions for me? Great.

127

1 money back. It has not
2 gone up. That is true.
3 Just on a personal
4 note, I would personally
5 like to thank Ted, I'm
6 gonna miss him. If you
7 don't know, he joined the
8 Joint Committee --
9 NYSCOPBA'S Joint Committee
10 on health insurance in
11 1995. And has been on the
12 committee with me ever
13 since.

14 And he was always
15 there, he represented you
16 people very well. I mean,
17 he was always ready to
18 work and I'm gonna miss
19 him. I wish you good
20 luck. Thank you.

21 PRESIDENT POWERS:
22 Thank you, Sharon. Dana?

23 DANA : Hi. The one

126

1 PRESIDENT POWERS:

2 Thanks, Dana. Dana?

3 DAN VALENTE: Good
4 afternoon everyone. I
5 just want to cover a few
6 things real quick. Back
7 in February when the HALT
8 legislation was
9 anticipated to go before
10 the legislature as Mike
11 and Keith mentioned
12 earlier, we had put out
13 call to action to the
14 membership.

15 I think it was pretty
16 successful. I don't know
17 exact numbers, but I do
18 know we met with Senator
19 Metzger earlier in the day
20 before that call to action
21 went out. And the next
22 day her chief of staff is
23 calling me saying, we want

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1 to be as helpful as
2 possible.

3 So just, you know,
4 means that many of our
5 members were reaching out
6 to her office and she
7 understood the importance
8 of listening to us and
9 listening to our issues,
10 because we do have a lot
11 of members and facilities
12 especially in her
13 district. She has seven
14 facilities in her district
15 with well over a thousand
16 members.

17 So, you know, it's
18 important to understand
19 that when we're speaking
20 to them, they might not
21 initially understand or
22 know what we're talking
23 about, but we keep

129

1 that, we're reaching out
2 to other members of the
3 legislature. Some of the
4 new members that may or
5 may not have ever been in
6 a facility, to get them
7 inside so they can see for
8 their own eyes just for a
9 short amount of time, the
10 work that you guys do; you
11 guys and girls do and the
12 importance of them to
13 educate themselves on
14 those issues.

15 We have some other
16 tours planned. I know
17 that I've been working
18 with Assemblyman
19 Palmesano. We went in to
20 South Port a couple weeks
21 back. He reached out to
22 the Assembly Chair David
23 Weparin, invited him to

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1 pushing, we're going to
2 keep on them. We're gonna
3 make sure they do
4 understand those issues,
5 so when those issues come
6 before them on the floor,
7 that they're educated
8 before they make their
9 votes.

10 We followed it up with
11 her as well, we did a tour
12 of Eastern, we brought her
13 into the SHU. Up to that
14 point she had never been
15 in prison facility in her
16 life. So, before she goes
17 on the floor and starts
18 voting on bills that are
19 going to impact our
20 members, we want to make
21 sure she's seen it with
22 her own eyes.

23 And we're expanding

130

1 come tour South Port and
2 Elmira, some day in the
3 near future. That's in
4 the works. We're going to
5 be continuing to do that
6 and, again, branching out
7 to all the new members and
8 old members alike.

9 Yesterday we held our
10 Lobby Day. We had about
11 forty or so chiefs or
12 stewards involved. I
13 think it was pretty
14 successful. We had some
15 good conversations, very
16 candid conversations.
17 Sometimes we had to agree
18 to disagree, but I think
19 at the end of the day we
20 opened a lot of eyes with
21 the information that we
22 were providing them.
23 Everybody did a fantastic

132

1 job. The conversations
2 were really well
3 articulate. Members were
4 respectful even when they
5 might not have seen it our
6 way. When I say members,
7 I mean our members.

8 So it was very
9 beneficial, I believe.
10 Something that we need to
11 continue to do. Not just
12 in Albany but also in the
13 district offices, so if
14 there is anyone that was
15 unable to make it or were
16 there and weren't able
17 to see the legislators
18 that they represent,
19 please reach out to me or
20 take it upon yourselves to
21 set up those meetings in
22 the home office. We're
23 happy to help you with

133

1 reincorporated that. It's
2 continuing to grow. It
3 continues to be a very
4 productive two hours. We
5 get a lot of legislators
6 in or out, we're making
7 those contacts, informing
8 them of the issues and
9 maintaining those
10 relationships.

11 And finally, once this
12 budget is negotiated,
13 there's really no telling
14 whether or not this budget
15 will be on time. Since
16 Governor Cuomo has been in
17 office, he's made it a
18 point to have his budgets
19 adopted on time by the
20 April 1st dead line. He's
21 indicated this year that
22 it's not necessarily --
23 the timing isn't a

135

1 that and come out and join
2 you in those meetings.

3 March 19th we have a
4 legislative reception
5 planned in Albany. We
6 reach out to all the
7 legislators. We invite
8 them to come to an event
9 sponsored by NYSCOPBA.
10 Executive Board and PAC
11 Committee, some of our
12 vendors as well, they were
13 be attending that. And
14 it's gotten -- it's
15 picking up steam year
16 after year.

17 We started this a
18 couple years back,
19 previous to that it wasn't
20 permitted based on the
21 lobbying rules but they
22 relaxed some of those
23 rules. So we've

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1 priority, rather than
2 having the right budget in
3 place.

4 So, whether or not this
5 is going to be done by
6 April 1st, we just don't
7 know yet. There's a lot
8 of unknowns. There's a
9 lot of politicking,
10 there's a lot of
11 negotiations that still
12 have to take place over
13 the next three or four
14 weeks that's going to
15 really tell us. End of
16 the day, in order for this
17 bill -- or the budget to
18 be adopted by April 1st,
19 it technically it should
20 be negotiated by say the
21 25th of March that allows
22 bills to get introduced
23 and the age of the bill,

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1 each bill has to have a
2 three day age period.

3 But in the past as you
4 know Governor's in the
5 past have used the method
6 of necessity, which
7 circumvents that three day
8 age requirement. So,
9 really the timing is going
10 to tell us everything on
11 whether or not this budget
12 is going to be on time or
13 not.

14 Once the budget is
15 concluded, we will be
16 pursuing all the
17 legislative bills that are
18 on the docket. Death
19 Gamble, aggravated
20 harassment, the double
21 bunking; all those bills
22 that we prioritized in the
23 past we'll revisiting

137

1 those. The PAC Committee
2 will reprioritize those.

3 And in particular for
4 the law enforcement
5 members, yesterday's Lobby
6 Day, they really stepped
7 up, I got to be honest.
8 The law enforcement
9 members were there and
10 they were supporting
11 corrections throughout.
12 There was no -- we didn't
13 have anything on the
14 agenda for them
15 specifically, because most
16 of their issues are
17 legislative issues that
18 are not contained in the
19 budget.

20 Sure there's capitol
21 improvements and some of
22 the things going on in
23 those facilities, but

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1 yesterday it was mainly to
2 address prison closures
3 and HALT. And they really
4 stepped up and they went
5 to bat for the brothers
6 and sisters in
7 corrections. Because of
8 the limited agenda for
9 them, we're going to be
10 holding another Lobby Day
11 forwards the end of
12 session in late May, early
13 June, to push their
14 legislative agenda to get
15 their bills prioritized in
16 the legislature.

17 So, for all the chiefs
18 that are in the law
19 enforcement sector, please
20 keep an eye on that,
21 please make every effort
22 to attend. Again, that
23 will be closer to the end

139

1 of May, early June. Are
2 there any questions
3 anybody has about anything
4 I just spoke about or
5 anything I didn't speak
6 about, please feel free.
7 If not, I'll be around and
8 I'll be happy to take your
9 questions then. All
10 right. That concludes my
11 report. Thank you.

12 PRESIDENT POWERS: Bill
13 Naylor?

14 BILL NAYLOR: Good
15 afternoon. The Governor
16 in December signed
17 legislation to allow
18 retirees to pay off
19 retirement loans, so as it
20 stands -- as it stood
21 before he signed that
22 legislation, if you had
23 retired with a retirement

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1 loan, it would have been a
2 reduction to your pension
3 for the rest of your life.
4 So since he signed that,
5 you still have to pay that
6 off or you can pay that
7 off, and that would allow
8 you to go back to your
9 full pension; the amount
10 that you would have
11 gotten.

12 Dental and vision rates
13 have been updated for the
14 retirement packets that we
15 have for 2019. Chapter
16 stats for January and
17 February, we've added 128
18 retirees, six honorary
19 retirees. We've had
20 sixteen members pass, four
21 failed to renew. And we
22 have 10,751 members in the
23 retiree chapter. Any

141

1 questions for me? Nope.
2 Thank you.

3 LINDA KEOGH: Linda
4 Keogh, Five Points. The
5 repayment of the loan is
6 that once you retire you
7 repay whatever your
8 monthly payment is and
9 once your balance is zero,
10 it goes back up to what
11 you were supposed to be
12 getting?

13 BILL NAYLOR: No.
14 Under the legislation, so
15 we'll say you retire with
16 a ten thousand dollar
17 retirement loan, in order
18 to repay that it has to be
19 a lump sum payment, they
20 don't allow for a payment
21 plan. So if you waited
22 five years to pay this
23 back essentially, you

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1 still owe that ten
2 thousand dollars that you
3 had when you retire. Even
4 though you received that
5 reduction all along. So
6 you still owe the ten
7 thousand and the other
8 part of that is that you
9 cannot use your deferred
10 comp, you know, as tax
11 free to transfer it over
12 to pay for it.

13 LINDA KEOGH: All
14 right. So if I owe ten
15 thousand dollars, before I
16 retire I got to pay that
17 full ten thousand so I get
18 full pension.

19 BILL NAYLOR: Then you
20 go back to whatever that
21 reduction was, that goes
22 away, and you go back to
23 your full amount.

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1 LINDA KEOGH:
2 Thank you.

3 BILL NAYLOR: Ted, I
4 strongly suggest you don't
5 take out a retirement
6 loan.

7 TED NEVILLS: Ted
8 Nevills, I have a recent
9 interest in the retirees
10 unit. The question is
11 some people have asked
12 about the ability to take
13 money out of your deferred
14 comp to pay for health
15 insurance and retirement,
16 which is currently at
17 three thousand dollars.

18 What would it take
19 to -- I mean, is it an
20 actual law that allows
21 that to happen? What
22 would it take to raise
23 that amount because the

144

1 three thousand doesn't pay
2 for the family plan for
3 the entire year.

4 BILL NAYLOR: Correct.
5 Thanks covered under IRS
6 Publication 575. And in
7 order to change that, we
8 would basically have to
9 lobby that on a federal
10 level. It would be have
11 to be a legislative law on
12 the federal level to get
13 that increased.

14 TED NEVILLS: Has there
15 been any discussion on
16 that at all?

17 BILL NAYLOR: There's
18 been some discussion. I
19 don't know that there's
20 been any movement on it.
21 That is the only -- I've
22 reached out to Gillibrand,
23 Schumer and Fazzo for me

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1 at the time, and nothing
2 back from them about
3 trying to get that done.
4 So, if you have members
5 that are interested in
6 doing that, like Mike
7 said, I would strongly
8 suggest you contact your
9 federal representative.

10 TED NEVILLS:
11 Thank you.

12 BILL NAYLOR: Anything
13 else? Thank you.

14 PRESIDENT POWERS:
15 Jimmy? Happy Birthday,
16 Jim.

17 JIMMY MILLER: We
18 have a new product that is
19 going to benefit everyone
20 in the union. This is
21 going to be a newsletter
22 that everyone is going to
23 receive on a weekly basis.

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1 It's a company called
2 Meltwater that we're going
3 to utilize to track not
4 only NYSCOPBA news, but
5 the social media which
6 obviously in this day and
7 age has become so large.
8 A lot of what we see as
9 far as news that goes on
10 comes through social
11 media, through Twitter,
12 Facebook, Instagram.

13 This new program is
14 going to be able to
15 monitor -- and this is
16 just a template right now
17 of what you're going to
18 see, what's going to be
19 e-mailed to you.

20 So, if you don't have
21 an e-mail address,
22 everybody in the
23 organization, if you don't

147

1 have one, please try and
2 register one so you'll be
3 able to receive this. As
4 you can see, it's covering
5 some of the things that
6 have happened in the past
7 couple weeks. The Albion
8 incident, the incident
9 down in Wallkill and
10 Adirondack, as well as the
11 social media, what we were
12 involved in.

13 One of the things I
14 wanted to touch upon,
15 NYSCOPBA did a sponsorship
16 for Make A Wish out of
17 Northeast New York, which
18 covers the Capital Region
19 all the way up to the
20 Canadian border. And
21 during the month of
22 December they raised
23 260,000. NYSCOPBA was one

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1 of the principle sponsors
2 of this. Really great job
3 by everyone involved.
4 John Roberts was involved
5 in some of the press
6 events, as well Tammy
7 Sawchuk.

8 This will give us --
9 everyone an idea of
10 covering everything
11 without you having to
12 research anything. You
13 will get it on a weekly
14 basis, the chiefs will get
15 it on a daily basis once
16 we compile it each day.

17 But that's basically
18 the template. We can do
19 anything we want with it.
20 We can change the photos
21 out. We can work with the
22 templates, if there's any
23 ideas. We're trying to

149

1 roll this out initially
2 next week and then refine
3 it as we move forward.

4 That's it for my
5 report. Obviously I
6 touched on the
7 Make-A-Wish, adopt the
8 wish campaign for
9 December. Any questions
10 on this? If you do --
11 it's a pretty extensive
12 program. They cover about
13 fifteen thousand media
14 outlets throughout the
15 country. And we can
16 refine it however we want.

17 Obviously NYSCOPBA some
18 of the issues going on,
19 prison closures, HALT,
20 we're going to use those
21 key words but we can
22 expand it out as well to
23 outside of the Albany

150

1 area, outside of the New
2 York region, as well as
3 doing, you know,
4 monitoring issues
5 involving corrections
6 across the country.
7 Anything else? Mike?

8 VP MID-HUDSON MAZZELLA:
9 Are you done?

10 JIMMY MILLER: Yeah.

11 VP MID-HUDSON MAZZELLA:
12 Jimmy, I just have a
13 comment, not a question.
14 Jimmy mentioned about
15 e-mailing it to everybody
16 as long as your e-mail
17 address is on file. All
18 chief stewards have a
19 NYSCOPBA.org e-mail
20 address. If you're not
21 using it, make sure you
22 talk to Stephanie and then
23 cancel it because each

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1 personal is costing us
2 seven dollars a month for
3 that e-mail address. So
4 keep that in mind, if you
5 have a NYSCOPBA.org e-mail
6 address and you're not
7 using it, I suggest you
8 use it.

9 JIMMY MILLER: This is
10 really important. Thanks,
11 Mike, for mentioning that,
12 is the fact that, like I
13 said, Dave Viddivo and I
14 went through training last
15 week. And we basically
16 decided that we'll send
17 this template, which is
18 basically a newsletter out
19 to the entire organization
20 on a weekly basis. More
21 than likely on Monday
22 morning, Monday afternoon.

23 We'll send it out to

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1 the chiefs so you can
2 monitor what's going on.
3 It's obviously easy to use
4 Google alerts and get
5 information what's going
6 in local newspapers or TV
7 stations or radio stations
8 that are covering
9 NYSCOPBA. But the social
10 media aspect is the key
11 component, because whether
12 it's a legislator
13 mentioning NYSCOPBA or
14 tweeting about it, or if
15 it's your own member
16 that's hashtagging
17 NYSCOPBA, we'll be able to
18 monitor everything that's
19 being said on NYSCOPBA as
20 well as you, so it's a
21 really, really good tool
22 in advancing what we've
23 had in the past. Thank

153

1 you.
2 PRESIDENT POWERS: Ten
3 minute break.
4
5 (Recess taken.)
6
7 PRESIDENT POWERS:
8 We'll move into committee
9 reports. John and Mike?
10 VP MID-HUDSON
11 MAZZELLA: Mike Mazzella,
12 co-chair of the Collective
13 Bargaining committee.
14 There was some discussion
15 earlier from Mike Powers
16 regarding where we're at
17 with the pay bill and
18 stuff. There was
19 conversation by Sharon
20 Smith regarding health
21 insurance. Does anybody
22 have any questions
23 regarding the collective

154

1 bargaining process, where
2 we're at, what's going on?
3 I believe if nobody has
4 any specific questions,
5 we'll just move on to the
6 next committee report.
7 Pay bill is in GOER, we're
8 waiting for them to get it
9 down to the floor.

10 PRESIDENT POWERS:

11 Waiting for the Governor
12 to call it out.

13 VP MID-HUDSON MAZZELLA:

14 Anything else? Thank you.

15 PRESIDENT POWERS:

16 Heath?

17 HEATH ALLEN: Heath
18 Allen, Election Committee.

19 It's an election year so
20 I've got to read all these
21 procedures to you.

22 Procedures and guidelines
23 for the stewards, section

155

1 steward elections for
2 corrections. The date,
3 July 31st will be the
4 election date.

5 You guys should have
6 received the procedures
7 and the guidelines in your
8 packets, for corrections
9 and for law enforcement.

10 Sector election committee
11 must be established one
12 hundred twenty days prior
13 to the date of the sector
14 elections; no later than
15 March 29th.

16 So we have to have this
17 paper filled out and send
18 back to NYSCOPBA by March
19 29th. This tells you who
20 is going to run your
21 election at your jail.
22 The election committee
23 will ensure that the

156

1 member services sends the
2 self-nominated forms out
3 for the law enforcement
4 union members on May 2nd,
5 2019.

6 This will include a
7 self nomination form for
8 all Law Enforcement for
9 the title sector stewards.
10 This is the Law
11 Enforcement one I'm doing
12 first, if everybody didn't
13 catch on.

14 The self nomination
15 form will include a box
16 for chief sector steward
17 as well. Those of you
18 interested in running for
19 this position at your
20 sector, must check the
21 box, print and sign your
22 number; see number twelve.

23 The Law Enforcement

157

1 self nomination forms must
2 be received back to
3 NYSCOPBA's main office no
4 later than close of
5 business June 3rd, 2019.
6 The election committee
7 will separate and open the
8 self nomination forms at 9
9 a.m. on June 4, 2019.

10 Any member in good
11 standing who wishes to
12 observe the opening of the
13 nomination forms may be
14 present. After the
15 opening of the self
16 nomination forms, the
17 nominees will be checked
18 by the member services
19 to see if the member is in
20 good standing.

21 All law enforcement job
22 titles will send their
23 ballots to NYSCOPBA main

158

1 office for counting by the
2 NYSCOPBA election
3 committee. Therefore
4 there is no need for
5 absentee ballot procedure.
6 June 5th, 2019 the
7 election committee will
8 place the sector stewards
9 nominees names on the
10 correct Law Enforcement
11 ballot by random draw.
12 The ballot will then be
13 submitted to membership
14 services of NYSCOPBA for
15 mailing.

16 Membership services
17 will be responsible for
18 mailing all ballots to
19 their representative Law
20 Enforcement members within
21 four business days; June
22 11th, 2019. Do not vote
23 for more than the number

159

1 of sector stewards you are
2 entitled. If the facility
3 allows for three stewards,
4 vote for three or less.
5 If you vote for more than
6 the entitled number, your
7 ballot will be voided.

8 The number located at
9 the top of the ballot is
10 the number of sector
11 stewards your facility is
12 entitled to. The ballots
13 must be returned to
14 NYSCOPBA's main office no
15 later than close of
16 business July 30th, 2019.

17 The election committee
18 will start counting all
19 ballots at NYSCOPBA's main
20 office at 9 a.m. on July
21 31st, 2019. Any members
22 in good standing wishing
23 to observe the count by

160

1 the election committee may
2 be present.

3 The election committee
4 will send out ballots to
5 the elected sector
6 stewards within two
7 business days of the
8 election to select the
9 chief steward from each
10 designated statewide
11 regional sector. August
12 2nd, 2019 these ballots
13 must be returned no later
14 than fifteen business
15 days; August 23rd, 2019.

16 In the event there is a
17 tie, there must be a
18 run-off. Elections must
19 be completed within thirty
20 days, thirty business
21 days, October 4, 2019,
22 from the date of the chief
23 sector stewards election.

161

1 The election challenge
2 policies. All election
3 challenges must be
4 postmarked three business
5 days after the date of the
6 first election. All
7 election challenges shall
8 be submit in writing to
9 the NYSCOPBA election
10 Committee for review and
11 settlement. A written
12 challenge must state any
13 alleged improprieties and
14 witnesses to such
15 improprieties.

16 All challenges that are
17 sent in by US mail should
18 be sent via certified
19 mail, return receipt
20 requested to the NYSCOPBA
21 election committee
22 chairperson challenges.
23 Also be accepted within

162

1 the three business days
2 time frame via fax or via
3 election committee at
4 NYSCOPBA.com --
5 NYSCOPBA.org. And/or hand
6 delivered to the NYSCOPBA
7 headquarters. A copy of
8 your written challenges
9 must be sent to NYSCOPBA's
10 recording secretary at
11 NYSCOPBA headquarters in
12 Albany.

13 August 5th, 2019 must
14 be postmarked fax date,
15 e-mail date or hand
16 delivered date stamped.
17 That is for the Law
18 Enforcement.

19 Procedures and
20 guidelines for sector
21 steward election for
22 corrections, election date
23 July 31st, 2019. The

163

1 procedure and guidelines
2 must be posted at your
3 facility. Sector election
4 committee must be
5 established a 120 days
6 prior to the date of the
7 sector elections. No
8 later than March 29th,
9 2019.

10 Each sector shall have
11 a three member election
12 committee. Volunteers
13 should be asked for a
14 sector meeting -- to be
15 asked for at a sector
16 meeting. Please note,
17 that union leave will not
18 be granted.

19 In the event that more
20 than three members ask to
21 be on the committee, the
22 sector shall hold an
23 election by its members

164

1 for the three committee
2 members. The facilities
3 with multiple entries
4 shall have the option of
5 five member election
6 committees.

7 Any member who is
8 running for the office at
9 the sector level shall not
10 serve on the sectors
11 election committee.
12 Election committee
13 nominations must be posted
14 on the agenda for your
15 sector meeting.

16 The sector steward
17 nomination meeting must be
18 held at least sixty days
19 prior to the date of the
20 election. That would be
21 May 31st, 2019.
22 Nomination date, time and
23 place must be posted.

165

1 the sector election
2 committee, will contact
3 member services at
4 NYSCOPBA's main office to
5 verify a member in good
6 standing status of
7 nomination for the sector
8 stewards. This must be
9 done no later than fifteen
10 days after the nominations
11 and the copies of all the
12 local ballots sent to the
13 NYSCOPBA election
14 committee.

15 All nominees must be
16 posted at the facility,
17 June 24th, 2019. Secret
18 absentee ballots will be
19 allowed for members in
20 good standing. Once
21 requested, the person
22 requesting will be
23 ineligible to vote at his

167

1 Per the constitution to
2 be eligible to run for and
3 hold office as a sector
4 stewards one must be an
5 active member in
6 continuous good standing
7 for no less than six
8 consecutive months at the
9 time of the nomination.
10 Employees of NYSCOPBA are
11 not eligible to hold
12 sector and employee
13 positions simultaneously.

14 Nomination acceptances
15 or rejections will be
16 submitted in writing to
17 the sector election
18 committee within one week,
19 seven days of the sector
20 nominations; June 7th,
21 2019.

22 After sector
23 nominations are made by

166

1 or her work place.
2 Members requesting
3 absentee ballots must
4 notify their sector
5 election committee chair
6 person in writing no more
7 than 35 days prior and no
8 less than fifteen days
9 prior to the date of the
10 election. Said absentee
11 ballot request must be
12 sent to member services,
13 who will in turn forward
14 the absentee ballots to
15 the requesting member from
16 June 26th, 2019 to July
17 16th, 2019.

18 Absentee ballots
19 timeline must be posted.
20 Absentee ballots will be
21 sent to NYSCOPBA's main
22 office for counting by the
23 NYSCOPBA election

168

committee. NYSCOPBA
election committee members
who are running for the
office on this sector
level cannot participate
in absentee ballot counts
for their sectors.
Absentee ballots must be
received at NYSCOPBA main
office by the close of
business the day before
the election; July 30th,
2019.

All members in good
standing are allowed to
witness the opening and
counting of absentee
ballots by the NYSCOPBA
election committee. By
February of the election
year, the NYSCOPBA
election committee will
set the date for the

169

members of the sector
election committee need to
be present during the
dropping of the ballots
into the box.

At the facilities with
multiple entry points, the
sector election committee
shall designate a mutually
convenient site for the
location of the ballot
boxes. Sector election
committee members will be
paid a stipend of 250
dollars. This will be
paid by NYSCOPBA at the
sector level.

Once the election is
complete, no election is
necessary, only the sector
election chairperson will
be paid a stipend.

A challenge and/or

171

sector elections. Article
6 of the constitution will
be adhered to; July 31st,
2019.

All sector steward
elections will take place
on the same day. The
elections will be held on
the set date from six a.m.
to four thirty p.m.,
except for shock
facilities will be six
a.m. to six p.m. The
election time and date
must be posted at least
thirty days prior to the
election; July 1st, 2019.

Each sector shall
secure a locked ballot
box. The ballot box keys
will be in the possession
of the sector's election
chairperson. At least two

170

run-off election. If
necessary after the main
election, then the
committee will be paid an
additional 150 dollar
stipend. The ballots will
be counted immediately
after the election hours
are ended. Results will
be posted immediately
after the ballot counting
is completed and
confirmed. Except for
where absentee ballots are
being used. Results for
confirming winners in the
sectors where absentee
ballots can not be posted
until the completion of
the absentee ballots count
by the NYSCOPBA election
committee.

All members in good

172

standing are allowed to witness the opening and counting of the ballots. When making your secret ballot, do not vote for more than the number of stewards that your sector is entitled. Ballots will be voided. The number is located at the top of the ballots is the number of sector stewards that your work site is entitled.

In the event there is a tie, must be posted within forty-eight hours of the original election; August 2nd, 2019. The run-off election must be completed with 14 business days from the date of the election; August 20th, 2019.

Chief sector steward

173

sector steward selection. Sector election committee stipends will be paid after membership services is notified from the sector election committee chairperson of the chief sector steward selection.

Election challenges policy. All election challenges must be postmarked within three business days; 8/5/19. After the date of the first election, all election challenges shall be submitted in writing to the NYSCOPBA election committee for review and settlement. A written challenge shall state any alleged improprieties and witnesses to such

175

determined within in 14 business days after the sector steward elections are reported to member services and also forwarded to the Executive Board.

The sector stewards shall elect one steward from that sector as a chief sector steward. The sector election committee chairperson at each sector or work place location, must call the election committee at NYSCOPBA main office with the election results within 24 hours of their election.

Membership services must be called within 14 business days with the results of the chief

174

improprieties.

All challenges that are sent by US mail shall be sent via certified mail, return receipt request to the NYSCOPBA election committee chairperson. Challenges will be accepted within three business days; 8/5/19. Time frame via fax, e-mail, election committee NYSCOPBA.org and/or hand delivered to NYSCOPBA headquarters. A copy of your written challenge must also be sent to the NYSCOPBA recording secretary at the NYSCOPBA headquarters.

Any challenges decisions made by the statewide election

176

1 committee are final and
2 cannot be appealed.
3 August 5th, 2019 must be
4 postmarked, fax dated,
5 e-mail dated or hand
6 delivered and stamped.

7 Election material
8 policy. All election
9 ballots or nomination
10 forms must be retained for
11 at least one hundred
12 twenty days. After the
13 one hundred twenty days
14 all election materials can
15 be discarded.

16 Now we got to vote. To
17 accept procedures and
18 guidelines for sector
19 steward elections for
20 corrections and for law
21 enforcement. Everybody
22 say aye?
23

177

1 (All respond with aye.)

2
3 HEATH ALLEN: Any nays?
4 Good. Just make sure you
5 go back and post it on
6 your boards so the guys
7 know. You get your
8 election committees
9 together, you send that in
10 by March 29th, and follow
11 the rules.

12 We have committee
13 vacancies. The Grievance
14 Legal Committee has a
15 southern vacancy. Dave
16 Luther?

17 DAVE LUTHER: Kay
18 Gordon, out of Taconic.

19 HEATH ALLEN: Kay
20 Gordon, sounds good. Any
21 questions? Thank you.

22 PRESIDENT POWERS:
23 Thanks, Heath. Frank,

178

1 finance?

2 TREASURER GILBO: I
3 just wish to thank the
4 Constitution and Bylaws
5 and Finance Committee, we
6 sat down about the
7 separation payment
8 benefit. I don't really
9 have much to add to my
10 report, but had I been
11 able to present my budget,
12 it is financed in the 2019
13 budget so you're aware.
14 Thank you.

15 PRESIDENT POWERS:
16 Steve Carknard, PAC
17 committee.

18 STEVE CARKNARD: 2018
19 balance sheet PAC account,
20 December 31st, 2018.
21 Starting balance as of
22 11/28/18, \$98,899.00.
23 Deposits and transfers,

179

1 November and December
2 transfers, fifty thousand
3 dollars. DiNapoli, 2018
4 refund of ten thousand
5 dollars. Total income,
6 sixty thousand dollars.

7 Checks paid, check
8 number 3009, four
9 thousand, four hundred
10 dollars. Total expenses
11 four thousand, four
12 hundred dollars. Ending
13 balance, \$154,499.00
14 dollars. 2018
15 expenditures, \$289,675.00.

16 PRESIDENT POWERS:
17 Elado?

18 ELADO MARTINEZ: Good
19 afternoon. I got a few
20 things to cover. I don't
21 think we ever covered me
22 being the chair of the
23 Vets Committee. So for

180

1 the record, we met today,
2 the committee voted to
3 recognize me as the chair
4 and Kirk Perry as
5 recording second.

6 Moving on, we have
7 certified correction
8 problems at the jails,
9 which I will try to
10 rectify tomorrow, we'll
11 get that moving again.
12 DD214, when your vets come
13 into the jails, your DD214
14 don't go to the next jail.
15 So make sure, that is in
16 your packet, there's --
17 that flyer says post,
18 please post so that each
19 veteran knows that the
20 DD214 have to be
21 resubmitted at each jail.
22 Some facilities send them
23 and others don't.

181

1 As far as the five days
2 for the health related
3 PTSD issue, we still
4 haven't heard anything, so
5 I guess it continues on.
6 We don't know what
7 restrictions or guidelines
8 they're going to put on
9 them. So just bring your
10 doctor's note and we'll
11 take it from there.

12 And that's it. We're
13 still working on the vets
14 trip for this year. Any
15 questions for anybody?
16 Please, if anybody has any
17 new members that come in
18 and they qualify for GI
19 benefits, notify me. The
20 number goes straight to my
21 phone so they can't say I
22 didn't get it. Any
23 questions? Thanks.

182

1 PRESIDENT POWERS:

2 Pete?

3 PETE STETZ: I got
4 four amendments for second
5 reading. First one
6 Article 3, membership.
7 Membership in association
8 shall consist of three
9 types. First active,
10 membership shall be open
11 to all employees
12 represented by the
13 association. Second,
14 associate membership shall
15 be open to all retired
16 employees of any
17 bargaining unit
18 represented by the
19 association. Third,
20 honorary membership shall
21 be open to those
22 individuals who have been
23 determined by the

183

1 association to have made
2 outstanding contributions
3 to the association or its
4 members.

5 Associate or honorary
6 members cannot hold office
7 or vote on association
8 business. Any individuals
9 employed by an
10 establishment whose
11 employees are represented
12 by the association, shall
13 be eligible for membership
14 in the association upon
15 their first day of
16 employment.

17 To become an active
18 member an employee must
19 execute and provide to the
20 association a dues
21 deduction authorization
22 membership card, in a form
23 prescribed by the

184

1 association. Individuals
2 granted membership in the
3 association shall maintain
4 their status as members in
5 good standing by
6 maintaining their dues
7 obligation.

8 Adding the following
9 language: paying back the
10 Rainy Day Fund in a timely
11 manner which the member
12 has contractually agreed
13 to repay in a timely
14 manner and by upholding
15 the constitution and
16 bylaws. Submitted by Mark
17 Deburgomaster.

18 Wisdom, to include
19 language to outline the
20 member's responsibility to
21 the Rainy Day Fund and/or
22 ultimately maintaining
23 their status of a member

185

1 payable through payroll
2 deductions. Commencing
3 January 1st, 1999 the dues
4 for active members of the
5 association shall
6 automatically increase by
7 the same percentage as the
8 increase in salary of
9 members of the collective
10 bargaining unit. No such
11 increases in dues of the
12 association shall be
13 effective until the
14 effective date of each
15 such increase in salary of
16 members of the collective
17 bargaining unit.

18 The Executive Board
19 shall compute and announce
20 the amount of the revised
21 dues, whenever there is to
22 be an increase in dues
23 based upon an increase in

187

1 in good standing. Any
2 further discussion on
3 that?

4 In order to send this
5 out to membership
6 ratification, all in favor
7 of doing such signify by
8 saying aye?

9
10 (All respond with
11 aye.)

12
13 PETE STETZ: Anyone
14 opposed?

15
16 (No response.)

17
18 PETE STETZ: Second
19 One, Article 7 dues. The
20 dues for an active member
21 shall be fifteen and fifty
22 cents; fifteen dollars and
23 fifty cents per pay period

186

1 salary. Dues for
2 associate members,
3 striking and honorary
4 members, shall be fifty
5 dollars per year. Adding
6 the following language,
7 and the dues for honorary
8 members will be twenty
9 percent more than the
10 associate member.

11 There shall be no dues
12 for honorary members. The
13 dues obligation shall be
14 waived for any member who
15 has taken off the
16 respective agencies
17 payroll due to any of the
18 following. Suspension
19 from Notice of Discipline,
20 military leave, sick
21 leave, FMLA or Workers'
22 Compensation leave, until
23 such time as the member

188

1 returns to the payroll or
2 his employment is
3 terminated. Submitted by
4 John Harmon, Law
5 Enforcement Vice
6 President.

7 Wisdom, because they
8 not retired from NYSCOPBA.
9 They are resigning -- they
10 are a higher cost to this
11 benefit. This allows
12 individuals to join that
13 would normally not be able
14 to be a part of the
15 association. Any
16 questions, discussion with
17 that?

18 VP MID-HUDSON MAZZELLA:
19 Mike Mazzella, Mid-Hudson
20 Region Vice President. In
21 the amendment that we
22 received in the packet,
23 the part that you said is

189

1 had stricken out, where it
2 says dues for associate
3 members and honorary shall
4 be fifty dollars per year
5 and dues for honorary
6 members, that part is not
7 stricken out in the copy
8 that we have.

9 PETE STETZ: I see
10 that. And also where it
11 says there shall be no
12 dues for honorary members,
13 I believe that should have
14 been stricken as well.
15 Because you're talking
16 about dues for honorary
17 and then this says no dues
18 for honorary. So as it
19 stands, we couldn't vote
20 to send this to the
21 members anyway.

22 So in the copy that we
23 all have, where it says

190

1 dues for associate
2 members, we should strike
3 and honorary member, and
4 then where it talks about
5 twenty percent more than
6 associate member, next
7 sentence, there shall be
8 no dues for honorary
9 member also needs to be
10 stricken. So I will make
11 sure -- those are stricken
12 Mike proposed amending the
13 amendment to, striking
14 there shall be no dues for
15 honorary members, correct?
16 All those in favor to
17 accept the amendment --

18 VP MID-HUDSON MAZZELLA:
19 He's asking for a vote to
20 strike, there shall be no
21 dues for honorary members.

22 PETE STETZ: All those
23 in favor --

191

1 VP MID-HUDSON MAZZELLA:
2 If you want to take, an
3 honorary member out first,
4 maybe vote on that first.
5 PETE STETZ: Okay. So
6 first line, and honorary
7 members, strike that. All
8 those in favor of
9 accepting that?

10
11 (All signify "aye".)

12
13 PETE STETZ: And
14 secondly, it was now
15 proposed striking out
16 there shall be no dues for
17 honorary members. All in
18 favor signify by saying
19 aye?

20
21 (All respond with aye.)

22
23 PETE STETZ: With that,

192

1 we'll go forward and send
2 this out for membership
3 ratification. Again, all
4 in favor signify by saying
5 eye?

6
7 (All respond with aye.)

8
9 PETE STETZ: Anybody
10 opposed?

11
12 (No response.)

13
14 PETE STETZ: All right.
15 Article 12, business
16 agents, Section B,
17 business agent slash
18 assistant vacancy. The
19 Executive Board, we're
20 striking the word may and
21 adding the word shall,
22 fill any business agent
23 assistant vacancy on an

193

1 thirty days prior to the
2 date of the meeting to
3 call chief sector stewards
4 of the region.

5 A regional meeting
6 shall be conducted within
7 two weeks after the
8 closing of the business
9 agent assistant vacancy
10 posting. There must be at
11 least 2-3 of the regional
12 chief sector stewards or
13 their designees present at
14 the meeting, with fifty
15 percent plus one majority
16 requirement of those
17 present on any vote taken
18 to replace the business
19 agent or assistant.

20 In case that a regional
21 meeting is not practical
22 because of the
23 geographical limitations,

195

1 interim basis. Business
2 agent assistant shall be
3 filled on a permanent
4 basis by the respective
5 regional vice president of
6 the approval of the
7 respective region or unit.

8 The following procedure
9 will govern this process.
10 The regional vice
11 president will inform the
12 recording secretary to
13 post the business agent
14 slash assistant position
15 vacancy, which shall be
16 posted for thirty calendar
17 days. The regional vice
18 president shall provide
19 notice of the meeting to
20 all chief sector stewards
21 via telephone, and the
22 agenda shall be sent via
23 certified mail at least

194

1 the next scheduled
2 Executive Assembly meeting
3 will be utilized so long
4 as appropriate notice is
5 provided. This article
6 shall be subject to the
7 authority of the Executive
8 Assembly as provided by
9 the Certificate of
10 Incorporation. Submitted
11 by Don Roberts, Marcy.

12 Wisdom, changing the
13 option to direct the
14 Executive Board in regards
15 to filling the vacancy of
16 business agent. Any
17 questions or discussion
18 with that? Seeing none.
19 We'll move forward to send
20 out for membership
21 ratification, all in favor
22 signify by saying aye.
23

196

(All respond with aye.)

PETE STETZ: Any
opposed?

(No response.)

PETE STETZ: Article
15, constitutional
amendments. Any proposed
amendment to the
Constitution and Bylaws
must be submitted in
written form and sent to
the chairperson of the
Constitution and Bylaws
Committee. Any proposed
amendment to the
Constitution and bylaws
requiring resources of the
association will also be
sent to the finance
committee for review and

197

analysis.

The proposed
constitutional amendment
shall be returned to the
member of origin no later
than thirty days after
receipt by the
Constitution and Bylaws
Committee. Each proposed
constitutional amendment
shall be submitted by the
Constitution and Bylaws
committee, and if
applicable, the finance
committee, to the
Executive Assembly with
the respective
recommendations for
adoption or rejection of
the proposed amendment
within thirty days after
the receipt or as soon as
practical.

198

Each proposed amendment
shall be read at the next
scheduled Executive
Assembly for first
reading, discussion,
debate and amending
purposes. After the
constitution and bylaws
committee report is
completed, each chief
sector steward or its
designee in receive a copy
of the said amendment.

Add the -- striking
next, add following
scheduled meeting, of the
Executive Assembly,
striking members of the
Executive Assembly, adding
the word there shall, and
adding this sentence, be a
second reading proposed
amendment without debate,

199

discussion or amendment.
And there shall be a vote
on the amendment unless
the proposed amendment is
withdrawn. Striking vote
on each proposed
amendment.

The adoption of each
proposed amendment must be
by 2-3 vote of the
Executive Assembly within
sixty days following the
adoption of the
constitutional amendment
by the Executive Assembly.

The membership of the
association shall be
entitled to vote by mail
ballot in favor of or
against the amendment.
Acceptance of the
amendment by majority vote
of the members voting

200

1 shall constitute
2 ratification of the
3 amendment, and it shall
4 thereupon become
5 effective. Submitted by
6 Mark Deburgomaster, South
7 Port.

8 Wisdom, to streamline
9 proposed constitutional
10 amendments. Questions,
11 discussions with that?
12 John?

13 VP LAW ENFORCEMENT
14 HARMON: John Harmon, Law
15 Enforcement VP. My
16 question is as --
17 typically we're supposed
18 to follow Roberts Rules.
19 It was determined maybe a
20 couple years ago that on
21 the second amendment -- on
22 the amendment second
23 reading that we can speak

201

1 on that amendment, if
2 there is issues that arise
3 between the first reading
4 and the second reading.

5 I'm just curious why
6 we're getting away from
7 Roberts Rules.

8 PETE STETZ: The way
9 the committee reviewed it,
10 and we took, I guess you
11 could say our
12 interpretations, when we
13 read the portion of
14 Roberts Rules, we thought
15 we were in the right as
16 far as going forward with
17 this. It's a practice
18 we've done. Yes, years
19 back we had the one EA
20 where coming on the
21 changing of the officers
22 at the locals, there was
23 questions and it was quite

202

1 a debate over it. Instead
2 of just going forwarding,
3 reading it in, having a
4 second reading and voting,
5 it became another debate.

6 And I guess the
7 question, I don't recall
8 it being resolved, is when
9 do we draw the line.

10 Like, we just had this
11 simple amendment made on
12 the previous article read.
13 Do we bring that back to
14 the membership and wait
15 another two months or do
16 we stop it here.

17 I mean, how we meet
18 every two months or this
19 year we got a couple
20 meetings it takes three
21 months, it's a time --
22 some of these articles
23 that go through can be

203

1 time sensitive and this
2 is --

3 VP MID-HUDSON MAZZELLA:
4 Pete, just to expand on
5 what you just said. We
6 just had a constitutional
7 amendment in a second
8 reading that we were able
9 to amend. If we weren't
10 able to do that, the maker
11 of the motion would have
12 had to withdraw the
13 amendment, start all over,
14 have another first
15 reading. So, how would
16 this streamline the
17 process if we just proved
18 that by being able to
19 amend something at a
20 second reading, we were
21 able to streamline it?
22 Just wondering.

23 VP LAW ENFORCEMENT

204

1 HARMON: John Harmon, Law
2 Enforcement VP. And
3 again, my interpretation
4 and I'm not saying it's
5 everybody else's, of
6 Roberts rules is that we
7 are allowed on the
8 amendments second reading
9 to speak and debate. And
10 that was a long discussion
11 we had here with the
12 Parliamentary actually
13 making a determination
14 that we are allowed to
15 debate at the second
16 reading.

17 So, I'm a little
18 confused honestly about
19 why we're going ahead with
20 something that our
21 Parliamentary that
22 decided we can debate it
23 based on Roberts Rules. I

205

1 question whether the
2 amendment itself is out of
3 order.

4 MARK DEBURGOMASTER:
5 Deburgomaster, South Port.
6 The initial opening of
7 this was the debate that
8 happened several years ago
9 when they got into
10 discussion. It was
11 brought to the committee,
12 it was unclear on Roberts
13 Rules ruling. This was
14 some question as to
15 whether you could or could
16 not have that. It was put
17 in front of this body, I
18 will be honest, I thought
19 we withdrew it. Shame on
20 me. I motion to withdraw
21 it.

22 PETE STETZ: So the
23 amendment to --

206

1 PRESIDENT POWERS:

2 We're going to need a
3 second.

4 VP LAW ENFORCEMENT

5 HARMON: I'll second.

6 PRESIDENT POWERS:

7 Seconded by John Harmon.

8 Any discussion? Pete,
9 it's yours.

10 PETE STETZ: So Article

11 15 will be withdrawn.

12 Motion to withdraw the

13 Mark Deburgomaster,

14 seconded by John Harmon.

15 All those in favor of
16 accepting, signify by
17 saying aye.

18
19 (All respond with aye.)

20
21 PETE STETZ: Any
22 opposed?
23

207

1 (No response.)

2
3 PETE STETZ: New
4 business, what was
5 produced last month or for
6 this, was joint committee
7 to discuss -- to have
8 finance and Constitution
9 and Bylaw Committee review
10 the deferred compensation
11 liability fund currently
12 in use and report back to
13 the Executive Assembly.
14 Is this fund
15 constitutional and
16 financially approved.

17 From the constitution
18 and bylaws, the deferred
19 compensation liability
20 fund in its current form
21 we feel is
22 unconstitutional, citing
23 Article 9, Section G.

208

1 Which is, Article 9 is the
2 Executive Board, Section G
3 is compensation. In
4 addition to the salaries
5 reimbursed to their
6 employer for union leave,
7 the members of the
8 Executive Board shall
9 receive compensation for
10 providing services to the
11 association as follows.
12 President, twenty-five
13 thousand per year.
14 Executive vice president,
15 twenty-two thousand, five
16 hundred per year.
17 Recording secretary,
18 treasurer and vice
19 presidents, fifteen
20 thousand dollars per year.
21 The use of the
22 separation benefit has
23 been in place since 2002.

209

1 to the next Executive
2 Assembly meeting based on
3 the legal opinion being
4 handed out today and
5 nobody being able to
6 review it?

7 TREASURER GILBO: John,
8 the plan is to give it to
9 everybody, bring it back
10 to your members; and we're
11 gonna vote on it at the
12 next EA.

13 VP LAW ENFORCEMENT

14 HARMON: Thank you.

15 TREASURER GILBO: Just
16 an FYI, the policy that
17 you're getting was written
18 and done with both the
19 financial and the
20 Constitution and Bylaws
21 Committee.

22 PRESIDENT POWERS: With
23 no opposition, we'll move

211

1 The finance committee will
2 present a break down of
3 the benefit. And in turn,
4 both the committees are
5 essentially bringing it to
6 this body needs to either
7 create a policy to put in
8 place pertaining to what
9 is provided in the fund or
10 to interpret it as to be
11 adopted into Article 9,
12 Section G. Questions,
13 discussion on this?

14 VP LAW ENFORCEMENT

15 HARMON: John Harmon, Law
16 Enforcement VP. Is there
17 a legal opinion on this?
18 Is there A reason why it
19 wasn't part of the packet;
20 why it's being handed out
21 now? The legal opinion
22 was given today?
23 Shouldn't this be tabled

210

1 into tomorrow's agenda.
2 Hang on, sorry.

3 DAVE VIDDIVO: Is Pete
4 going to address the
5 proposal that was handed
6 out at the last EA
7 regarding the Rainy Day
8 Fund? Do you want to have
9 that discussion on the
10 Rainy Day Fund, possible
11 constitutional amendment?
12 I know it was a little
13 handled differently.

14 The proposal that was
15 handed out regarding the
16 Rainy Day Fund -- is was
17 -- if this body would like
18 to keep the Rainy Day Fund
19 at two dollars, thirteen
20 hundred biweekly, with no
21 separation benefit, then
22 it would be moot, we
23 wouldn't even have to

212

1 discuss it. If you want
2 to move forward by talking
3 about raising the dues to
4 keep the fund as its
5 original intent, then we
6 should discuss it today.
7 If not, that's fine, too.

8 PETE STETZ: It was
9 tabled. There was a
10 packet that was handed out
11 at the last Assembly
12 breaking down the three
13 options. And the chiefs
14 or designees were supposed
15 to bring it back, get
16 membership input and how
17 do we fix this. And so,
18 this is where we are. You
19 got the options, we --

20 DAVE VIDDIVO: Do you
21 guys want to push this off
22 to unfinished business? I
23 can make copies and you

213

1 guys can discuss it or you
2 can table it to the next
3 EA.

4 PRESIDENT POWERS:
5 All in favor of tabling
6 this until the next EA,
7 signify by saying aye.

8
9 (All respond with aye.)

10
11 PRESIDENT POWERS: This
12 will be unfinished
13 business from a motion by
14 Don Roberts and Derrick
15 Hale to eliminate the
16 Rainy Day Fund. The
17 information was given to
18 you at the last EA, take
19 it back, share it with
20 your members. There are
21 three options. Keep in
22 mind, we can keep the same
23 option that we have now.

214

1 I don't know what the
2 current balance is. Donn?

3 DONN ROWE: The motion
4 was simply to eliminate
5 the Rainy Day Fund, that's
6 what it is, unfinished
7 business. So I don't see
8 why we don't vote. If you
9 want to eliminate it, you
10 vote yay. If you want to
11 not eliminate it and
12 consider the options, vote
13 no.

14 PRESIDENT POWERS: We
15 can do that as well. Do
16 you understand what he
17 said?

18 The motion is to
19 eliminate the Rainy Day
20 Fund -- let me read it.
21 To eliminate the Rainy Day
22 Fund. Wisdom, to follow
23 the guidelines as written

215

1 in the summary plan, the
2 policy adopted by the
3 Executive Assembly, if the
4 fund can not sustain
5 itself it would be
6 eliminated. The motion is
7 made by Don Roberts,
8 seconded by Derrick Hale.

9 We moved it the last EA
10 to postpone it. And as
11 Donn said, we can do one
12 of two things. We can
13 support it or vote no, and
14 send it back and review it
15 for further discussion and
16 bring it up another time.
17 We can move the motion and
18 come back and still review
19 it. Everybody understand?

20 VP MID-HUDSON MAZZELLA:
21 Mike Mazzella, Mid-Hudson.
22 If you're going to call
23 for a vote on this motion,

216

1 I stand opposed to
2 eliminating the Rainy Day
3 Fund based on the wisdom.
4 Because it is self
5 sustaining, there is over
6 327 thousand dollars in
7 the account now. So, it
8 is self-sustaining, which
9 makes this point kind of
10 moot. But, thank you.

11 PRESIDENT POWERS: Any
12 further discussion?

13 DON ROBERTS: Don
14 Roberts, Marcy
15 Correctional. The fund it
16 not sustaining itself. As
17 of today there should be
18 \$1,500,000 in an account
19 if everybody walked out
20 the door today with the
21 one dollar that everybody
22 put in. So it's not where
23 it needs to be as

217

1 everybody is telling us it
2 needs to be.

3 I understand we're not
4 going to walk out the door
5 today, but dollar for
6 dollar there should be
7 \$1,500,000 somewhere that
8 if everybody did walk out
9 the door today, we could
10 pay them out of that fund.

11 TREASURER GILBO: Right
12 now we are paying thirteen
13 hundred dollars and we are
14 not paying separation
15 benefit -- well, we are
16 paying, but not going
17 forward. Anybody who has
18 retired in the last --
19 they will all be paid and
20 going forward we don't
21 have to pay them any more.

22 VP MID-HUDSON MAZZELLA:
23 That was my point, that it

218

1 was self-sustaining.

2 Because the point that the
3 Brother just made saying
4 that you need to have
5 money in there for
6 payouts, we eliminated the
7 payout, so therefore it is
8 self-sustaining.

9 MELINDA KEEL: Melinda
10 Keel, Five Points. Couple
11 EAs ago Comptroller
12 Dinapoli was here and we
13 asked him a question about
14 if you're on the Rainy Day
15 Fund and you get back pay,
16 that the money was
17 supposed to go directly
18 from the Comptroller's
19 office to NYSCOPBA, to
20 repay the Rainy Day. And
21 we haven't heard back from
22 him?

23 PRESIDENT POWERS: We

219

1 have heard back from him.
2 Actually before he left
3 this hall, he didn't
4 understand the question
5 when it was posed to him.
6 Keith, do you want to
7 elaborate?

8 Keith, this is the
9 question when the
10 comptroller was here and
11 somebody asked him about
12 having the Rainy Day Fund
13 come --

14 KEITH JACQUES: He
15 didn't understand the
16 question that was asked,
17 when I explained to him
18 what it was that we were
19 trying to do, he said
20 there was no way that his
21 office could actually send
22 the funds from the
23 comptroller's office

220

1 directly to NYSCOPBA. The
2 funds have to go back to
3 the actual member.

4 PRESIDENT POWERS: Any
5 more discussion on the
6 motion? Matt?

7 MATT KEOUGH: Matt
8 Keough, Great Meadow. I
9 know firsthand without
10 that fund, I would have
11 had ten officers that
12 would have lost their
13 house. I don't know how
14 any of you folks can sit
15 here and even remotely
16 think about getting rid of
17 that fund.

18 It's two dollars a
19 paycheck. I have one of
20 my guys with me today that
21 without that money he
22 would have lost his house.
23 Sixteen months they dicked

221

1 him around over a cop
2 killer. I don't know for
3 one second if you never
4 use it, I don't need my
5 separation money back
6 because that means that I
7 never needed and I don't
8 care about the hundred
9 bucks they would have
10 given me.

11 Are you kidding me,
12 it's a hundred dollars.
13 You're gonna spend that
14 drinking beer tonight.

15
16 (All applause.)

17
18 DEB FLOYD: Floyd,
19 Bedford Hills
20 Correctional. About the
21 Rainy Day Fund, Whether
22 it's a dollar or two
23 dollars, whatever it is, .

222

1 PRESIDENT POWERS: You
2 don't have to yell.

3 DEB FLOYD: I'm not
4 yelling, it's my voice.
5 If it's a dollar or two
6 dollars, whatever it is,
7 we not complaining about
8 that about the Rainy Day
9 Fund. Okay. What we
10 upset about, is once they
11 get that money, if they
12 supposed to pay us back,
13 they need to pay us our
14 money back. That's all we
15 saying. Okay. We
16 understand that ten guys
17 would have lost their
18 house, three guys or
19 whatever. We got that.
20 But after that get back to
21 work and the state done
22 dicking them around,
23 whatever the hell you want

223

1 to say, pay us our money
2 back. That's what we need
3 is our money back. That's
4 all we asking for.

5 If I did some work, if
6 I'm out on the street and
7 yawl give it to me, you
8 expect your money back.
9 That's all we saying, give
10 us our God dam money back,
11 simple as that. Or get
12 rid of the fund.

13 PRESIDENT POWERS:
14 Thank you, Debbie. And
15 listen --

16 MATT KEOUGH: Matt
17 Keough, Great Meadow. I
18 agree with you. I can
19 look at myself in the
20 mirror every day because I
21 know I'd pay the money
22 back. We can't fix stupid
23 either.

224

1 PRESIDENT POWERS: Hold
2 up, there are plenty of
3 checks and balances in
4 place here, Deb, for us to
5 be able to. We do have to
6 hunt some people back for
7 the money, but we continue
8 to push and we'll get the
9 money.

10 MATT KEOUGH: I have no
11 problem sending somebody
12 to collections if they
13 don't pay us back.

14 PRESIDENT POWERS
15 Neither do we now David
16 Viddivo.

17 DAVE VIDDIVO: JUST
18 like Mike said, there's
19 provisions in place to get
20 the money back. Frank is
21 on top of it, our
22 accountants are on top of
23 it. It's starting to

225

1 but do we have a million
2 bucks to pay that if
3 twenty-one thousand, five
4 hundred retired today,
5 yeah, we have the money to
6 pay that back.

7 So our sustainability,
8 the money that is being
9 recovered on these awards
10 is not part of that
11 calculation on that two
12 dollars per pay period;
13 it's above and beyond.
14 That two dollars will
15 sustain this fund on
16 thirteen hundred dollars,
17 every two weeks, without a
18 separation benefit.

19 PRESIDENT POWERS:
20 Thank you, Dave. Back to
21 the motion. Any more
22 discussion? I'll read the
23 motion in again. To

227

1 work. The money is
2 starting to come back in.
3 Let's see, fifteen members
4 are currently have been
5 referred to outside
6 collections. So that's
7 ongoing. Some settlements
8 have occurred, some
9 payments have occurred.

10 But just keep in mind
11 as far as sustainability,
12 Brother Don is correct
13 technically. If
14 twenty-one thousand, five
15 hundred people walked out
16 the door today, we're on
17 the hook for paying back
18 that money; that
19 separation segment that we
20 suspended. Don is correct
21 on that.

22 So, yeah, we're in a
23 hole for a million bucks

226

1 eliminate the Rainy Day
2 Fund. The wisdom, to
3 follow the guidelines as
4 written in the summary
5 plan and policy adopted by
6 the Executive Assembly if
7 the fund cannot sustain
8 itself it would be
9 eliminated. The motion is
10 made by Don Roberts,
11 Marcy; Derrick Hale,
12 Bedford.

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

16
17 (No response.)

18
19 PRESIDENT POWERS: All
20 opposed?

21
22 (All respond with nay.)
23

228

<p>1 PRESIDENT POWERS: 2 Motion is defeated. 3 Another unfinished 4 business. Motion to move 5 the committee meetings 6 back to NYSCOPBA main 7 office instead of meeting 8 the morning of the 9 Executive Assembly. The 10 Executive Assembly 11 schedule will return to 12 the original schedule, the 13 meetings commencing on the 14 first day at nine. This 15 will also include the two 16 days of EOL time. 17 Wisdom, if there is no 18 substantiated cost savings 19 to the association, by 20 having the committees meet 21 on the first morning of 22 the Executive Assembly, 23 the Executive Assembly</p> <p style="text-align: right;">229</p>	<p>1 budget. Could we have 2 sixty percent approval 3 from this body to move the 4 2019 budget, all signify 5 by saying aye. 6 7 (All signify "aye".) 8 9 PRESIDENT POWERS 10 Anybody opposed. 11 12 (No response.) 13 14 PRESIDENT POWERS: 15 Thank you. 16 17 TREASURER GILBO: Okay. 18 You should have received 19 the budget in your 20 packets, but I will go 21 over the differences from 22 last year, the one that we 23 made from last year, since</p> <p style="text-align: right;">231</p>
<p>1 schedule should be 2 restored to meeting a full 3 day on the first day. 4 Motion is made by Chris 5 Summers, seconded by John 6 Harmon. 7 RECORDING SECRETARY 8 SUMMERS: Chris Summers, 9 recording secretary. I 10 move to withdraw that 11 motion. 12 PRESIDENT POWERS: 13 Second? John Harmon 14 second. Is there any 15 discussion with the 16 motion? All in favor of 17 the motion -- to withdraw 18 the motion, I apologize. 19 20 (All response with aye.) 21 22 PRESIDENT POWERS: 23 New business, Frank,</p> <p style="text-align: right;">230</p>	<p>1 we settled the contract, 2 we know we're getting our 3 25.9 money and our regular 4 dues and increased dues, 5 so we made a new one. 6 John is going to touch 7 on that. 8 VP LAW ENFORCEMENT 9 HARMON: Just, the 25.9 10 monies is actually in the 11 budget language in the 12 thirty day bills. The 13 25.9 -- the labor 14 management monies, the 15 training monies, it's all 16 in there. So it is 17 proposed in the budget, 18 the money is part of the 19 contract. That is in 20 there. 21 TREASURER GILBO: Okay. 22 Total union dues, thirteen 23 million, nine hundred</p> <p style="text-align: right;">232</p>

1 fifty thousand. That's an
2 increase of nine hundred
3 fifty thousand dues rate
4 per the contract.
5 Interest income, increase
6 of twenty-five thousand
7 due to a meeting with
8 Peter Gregory and
9 reviewing the holdings, so
10 we get a little more
11 interest.

12 Building rental income,
13 increase of fourteen
14 thousand due to a new
15 tenant in the building,
16 the rehab on the first
17 floor. Employee benefit
18 fund income, increase of
19 seventy thousand due to
20 the new 25.9 rate per the
21 contract. Total increase
22 of income projected to be
23 one million fifty-nine

233

1 going to do -- as you know
2 it's NYSCOPBA's 25th
3 anniversary this year,
4 we're going to do a
5 spending for all members;
6 each member is going to
7 receive a gift.

8 Legal fees, due to the
9 attorney contract rate,
10 new contract. Public
11 relations expense.
12 Increase in advertising,
13 three hundred thousand.
14 Association department
15 went up six thousand.
16 Special sector funding,
17 when this contract passed
18 you now how you get 34
19 dollars? It's going up to
20 39 dollars. So, you will
21 have more money in your
22 sector spending.

23 Union leave, increase

235

1 thousand.

2 Now the expenses.
3 Employee payroll expense
4 increase of sixty
5 thousand. Now, that deals
6 with the changes to
7 employee and union
8 salaries, adding the
9 deferred comp, which we
10 were discussing in the
11 thing we handed out, so
12 now it will be see-through
13 in the budget. It was
14 always there, but now it
15 will be a separate one.

16 Taxes and fringe
17 benefit expense, increase
18 of twenty thousand. This
19 increase in health
20 insurance and payroll
21 taxes. Member benefits
22 expense, increase of four
23 hundred thousand. We're

234

1 of a hundred thousand.
2 Additional union leave was
3 not in the budget last
4 year. The building
5 expenses went down. Any
6 questions?

7 DONN ROWE: Rowe, Hale
8 Creek. Can you explain
9 the other various
10 consulting in 5810, 11,
11 the eighty-eight thousand.

12 TREASURER GILBO: Catch
13 a Falling Star, the
14 various programs that we
15 have. Additional
16 consulting and stuff like
17 that. I will get you the
18 list but that's the
19 initial --

20 DONN ROWE: That is
21 listed as fifty-five
22 thousand. The arbitration
23 fee, contract fee,

236

1 obviously you don't have
2 this information, but how
3 much was that contract
4 ratification?

5 TREASURER GILBO: What
6 do you mean how much?

7 DONN ROWE: We went
8 from fifty to
9 seventy-five, how much was
10 it?

11 TREASURER GILBO: We
12 haven't got the total bill
13 yet.

14 DONN ROWE: You don't
15 know ballpark?

16 TREASURER GILBO:
17 Around fifty-five thousand
18 I think Dave said.

19 DONN ROWE: So, why are
20 we budgeting seventy-five
21 then?

22 TREASURER GILBO: Just
23 to make sure we have

237

1 enough.

2 DONN ROWE: The
3 additional PR, can you
4 break that down, where
5 that went?

6 TREASURER GILBO: We
7 haven't spent it yet.

8 DONN ROWE: Where are
9 you putting it? PR is
10 broken down into
11 advertising, PR
12 consultant, promotions,
13 statewide sponsorships.
14 Where is that three
15 hundred thousand dollars
16 going?

17 TREASURER GILBO: Right
18 now, it's just in case we
19 need it. You know, next
20 Executive Assembly you say
21 let's spend a hundred
22 thousand dollars on a
23 campaign against the

238

1 Governor or something like
2 that.

3 DONN ROWE: Well, that
4 would be in advertising
5 you would put it. But, if
6 we put it in statewide
7 sponsorship, we could be
8 throwing money all over
9 the place.

10 TREASURER GILBO:
11 There's no break down.

12 DONN ROWE: The finance
13 committee didn't have
14 input to break it down?

15 TREASURER GILBO: No.
16 Any other questions?

17 Thank you. Okay. Can I
18 get unanimous consent to
19 pass the 2019 budget, all
20 signify by saying aye?

21
22 (Response of aye from
23 the floor.)

239

1
2 TREASURER GILBO: Any
3 nays?

4 DONN ROWE: Rowe, Hale
5 Creek, no.

6 TREASURER GILBO:
7 Thank you.

8 PRESIDENT POWERS:
9 Okay. We have a motion to
10 do in new business.
11 Motion reads, all cover
12 letters, resumes sent to
13 the Executive Board when
14 filling an Executive Board
15 vacancy, shall be
16 distributed to the
17 Executive Assembly via the
18 EA packet, prior to the
19 Assembly confirming the
20 board's appointee.

21 Wisdom, to afford the
22 EA the same background
23 information provided to

240

1 the E Board regarding the
2 qualifications of all
3 applicants. Additionally,
4 in the event that the
5 Executive Assembly does
6 not confirm the board's
7 appointee, an informed
8 timely decision can be
9 made from the remaining
10 candidates. The candidate
11 wishes to not share their
12 background information
13 with the EA, he or she
14 shall indicate such in
15 their initial submission.

16 Motion is made by Chris
17 Moreau, Green Haven;
18 seconded by Kenny Gold.

19 VP LAW ENFORCEMENT

20 HARMON: John Harmon, Law
21 Enforcement VP. So, in
22 the motion it says the
23 Applicant will notify in

241

1 want their information
2 shared?

3 KENNY GOLD: Kenny
4 Gold, Orleans. It's
5 written that way because
6 some people don't want
7 people to know what
8 they're doing or not.
9 That person obviously
10 wouldn't be considered by
11 the EA because it's not
12 there. It's their choice
13 to not be considered at
14 that point.

15 VP LAW ENFORCEMENT

16 HARMON: John Harmon, Law
17 Enforcement VP. I
18 actually don't have
19 anything to say on that.
20 So, if somebody chooses to
21 have confidentiality as we
22 all know with politics
23 with this organization,

243

1 the resume and the cover
2 letter that they don't
3 want their information
4 shared?

5 PRESIDENT POWERS: All
6 cover letters, resumes
7 sent to the Executive
8 Board when filling an
9 Executive Board vacancy,
10 shall be distributed to
11 the Executive Assembly via
12 the EA packet, prior to
13 the Assembly confirming
14 the board's appointee.

15 VP LAW ENFORCEMENT

16 HARMON: So, say a
17 candidate is not chose by
18 the Executive Assembly,
19 then the candidate that
20 chooses not to have their
21 information shared, how
22 would that candidate be
23 considered, if they don't

242

1 and they just want the
2 Board who has
3 constitutional authority
4 to choose somebody, which
5 this body said last
6 Executive Assembly that we
7 need choose -- or two
8 assemblies ago that we
9 need to chose somebody,
10 and then they choose to
11 remain confidential, they
12 therefore eliminate
13 themselves from contention
14 even though they might be
15 the most qualified?

16 I think that goes
17 exactly against what this
18 body said several EAs ago,
19 when we had the debate
20 about the previous
21 Executive Board position.
22 I'm opposed to this
23 motion.

244

1 VP WEST MIANO: Joe
 2 Miano, Western Region VP.
 3 The problem is, if the
 4 candidate wishes to not
 5 share their background
 6 information with the EA,
 7 he or she shall indicate
 8 such in the initial
 9 submission, has to be part
 10 of the motion. Because
 11 the wisdom is not going to
 12 be part of the motion.

13 If you want that to be
 14 part of it, it should be
 15 added to the motion.
 16 Because if not, everybody
 17 is going to see what
 18 everybody else submitted
 19 based on solely the
 20 motion.

21 PRESIDENT POWERS:
 22 Mike?

23 VP MID-HUDSON MAZZELLA:

245

1 point.

2 PRESIDENT POWERS: Do
 3 you want to write that,
 4 Chris, put that caret in
 5 there? Al?

6 AL ZAPPALA: Al
 7 Zappala, Shawangunk. I
 8 think what Chris is trying
 9 to say is, if you want to
 10 put your information in a
 11 packet to make this
 12 Assembly more aware of
 13 what you are or what you
 14 have done, you can do
 15 that. If you don't and
 16 this is Assembly already
 17 knows you, you're still a
 18 candidate. All he's
 19 trying to see is put
 20 information out there to
 21 the Assembly so you can
 22 decide what this guy did
 23 or what this guy did.

247

1 Mike Mazzella, Mid-Hudson.
 2 The other issue that I
 3 personally have with it is
 4 the fact that it talks
 5 about when filling an
 6 Executive Board So, for
 7 instance, if you have a
 8 regional vice president
 9 vacancy, this motion is
 10 saying that the whole
 11 Assembly will get the
 12 resumes. When it's only
 13 the members of that region
 14 that will vote for that
 15 Regional VP, therefore it
 16 shouldn't be everybody
 17 gets a copy.

18 CHRIS MOREAU: Moreau,
 19 Green Haven. I'm okay
 20 with making an amendment
 21 for the regional VPs. So
 22 that would be distributed
 23 within the region at that

246

1 But let's say Andy Rice
 2 wants to run for a
 3 position, we all know Andy
 4 is on Collective
 5 Bargaining, we all know
 6 what Andy's done, if he
 7 don't want his information
 8 out there, that's totally
 9 fine, but we all know
 10 because we see Andy up
 11 there at the head of the
 12 mic all the time. It
 13 doesn't disqualify him.

14 PRESIDENT POWERS:
 15 Still with that in mind,
 16 you still have the
 17 regional aspect. If
 18 you're talking about the
 19 statewide positions that
 20 one thing.

21 VP LAW ENFORCEMENT

22 HARMON: John Harmon, Law
 23 Enforcement VP. The

248

1 second on the motion
2 said you would be
3 disqualified, just for
4 informational purposes.
5 It was said by the maker
6 of the motion, one of the
7 makers of the motion, that
8 you would be disqualified.

9 KENNY GOLD: Kenny
10 Gold, Orleans. John is
11 right. Basically this is
12 just transparency. We
13 just sat here a couple EAs
14 ago and ripped apart the
15 whole policy, the whole
16 procedure, what goes on
17 here. Picked apart what
18 choices were made.

19 If you go in and you
20 want to put that you want
21 to run for president, if
22 Mike leaves today, this is
23 for to us decide. If they

249

1 appoint Frank Puma and we
2 don't like Frank as a
3 candidate because Donn
4 Rowe is a stronger
5 candidate, that's what the
6 whole idea of bringing
7 this up was for, is to
8 take it out of their
9 hands.

10 Does that clarify
11 anything? The idea is,
12 it's their choice whether
13 they want -- because if
14 you take your name out of
15 it, you don't want anybody
16 knowing it, how is anybody
17 here supposed to know
18 that. Because you might
19 have other aspirations or
20 whatever you may want to
21 do for not letting anybody
22 know that.

23 PRESIDENT POWERS: Any

250

1 consideration for taking
2 this back and reviewing it
3 and bringing it forward
4 again? Could we have a
5 second to the amendment?
6 The amendment? All in
7 favor?

8 All resumes and cover
9 letters sent to the
10 Executive Board shall be
11 distributed to the
12 Executive Assembly via the
13 EA packet prior to the
14 Assembly confirming the
15 board's appointee with an
16 exception for regional VP
17 vacancies?

18 VP LAW ENFORCEMENT
19 HARMON: Point of order, I
20 believe that the motion
21 itself is unconstitutional
22 because the constitution
23 gives the authority to the

251

1 Executive Board to fill
2 that.
3 CHRIS MOREAU: Moreau,
4 Green Haven. I'm not
5 asking for any changes to
6 the constitution. I'm
7 just asking for the
8 members of the Assembly to
9 be given more information.
10 The same information the E
11 Board would be seeing.

12 PRESIDENT POWERS:
13 Chris, you're basically,
14 if a vacancy becomes
15 available statewide
16 positions, you're asking
17 for all the candidates
18 information to be shared
19 with the Executive
20 Assembly and the chief
21 sector stewards, correct?

22 CHRIS MOREAU: Correct.

23 PRESIDENT POWERS: And

252

1 for, with the exception of
2 the regions.

3 CHRIS MOREAU: Correct.

4 VP LAW ENFORCEMENT

5 HARMON: John Harmon, Law
6 Enforcement VP. Chris,
7 I'm a little confused on
8 the intent here because
9 the constitution says that
10 the Executive Board shall
11 select basically, fill and
12 appoint. So, if the
13 Executive Board appoints
14 a -- to a vacancy on the
15 Executive Board, and it's
16 not -- the Executive
17 Assembly does not agree
18 with that, who would be
19 the candidate to fill that
20 role then? Would it be
21 only those who have chose
22 to have their name public?
23 Because that itself goes

253

1 against the whole wisdom
2 of the constitutional
3 language. Because anybody
4 who puts -- anybody -- I
5 mean, there's nothing that
6 says who or how many that
7 we shall appoint, from
8 what pool.

9 CHRIS MOREAU: The idea
10 being if we do not approve
11 the appointee from the E
12 Board, at least we have
13 the information on the
14 remaining interested
15 parties.

16 VP LAW ENFORCEMENT

17 HARMON: But what happens
18 if, say you choose to
19 be -- remain anonymous,
20 and the choice of the
21 appointee was not approved
22 by the Executive Assembly
23 and we have to choose from

254

1 the Executive Assembly or
2 an official of the union,
3 then we're actually --
4 it's actually
5 unconstitutional because
6 we're actually eliminating
7 a person from the
8 Executive Assembly from
9 availability the
10 possibility to be chose.

11 CHRIS MOREAU: I'm not
12 requesting to restrict any
13 possibilities --

14 VP LAW ENFORCEMENT

15 HARMON: I'm referring to
16 the words in the motion.
17 There is a restriction in
18 that.

19 VP MID-HUDSON MAZZELLA:
20 First of all, I understand
21 what the -- I'm sorry,
22 Mike Mazzella, Mid-Hudson
23 Region Vice President. I

255

1 understand what it says in
2 the wisdom, but look at
3 what it says in the
4 motion. It says all,
5 right? It doesn't say,
6 unless you so chose not
7 be -- you know, have your
8 information shared with
9 the EA.

10 So, I understand what
11 why you wrote in the
12 wisdom part. But the
13 actual motion is directing
14 the Executive Board to
15 give the EA all of the
16 candidates resumes, right?
17 Except for the amendment
18 where it says except for
19 regional vice presidents.
20 So with that amendment to
21 regional vice presidents
22 part, so we're saying that
23 you don't even have to

256

1 give the regional chief
2 stewards the names of the
3 people --

4 CHRIS MOREAU: I'll
5 strike the restrictive
6 language. I just want the
7 information.

8 VP MID-HUDSON MAZZELLA:
9 I understand what you're
10 saying. But like I said,
11 we talked about the wisdom
12 of the motion, but let's
13 talk about the wording of
14 the motion itself. So the
15 way you want it is, all
16 resumes that are submitted
17 for a vacancy should come
18 to the EA?

19 CHRIS MOREAU: Via the
20 EA packet.

21 VP MID-HUDSON MAZZELLA:
22 But we just voted on to
23 amend -- did we vote on to

257

1 amend yet? No. So on the
2 amendment, you're saying
3 that now you want to
4 strike your amendment or
5 are you keeping the
6 amendment?

7 CHRIS MOREAU: I'm
8 keeping the amendment for
9 the regional VP.

10 VP MID-HUDSON MAZZELLA:
11 So no regional VP
12 candidate resumes will
13 even go to the chiefs of
14 that region? So it's only
15 for the four statewide
16 positions have to come
17 down? Does that include
18 sergeant liaison, by the
19 way.

20 CHRIS MOREAU: All
21 statewide positions.

22 PRESIDENT POWERS:
23 Scott?

258

1 VP CENTRAL CARPENTER:
2 Scott carpenter, Central
3 Region VP. Talk about
4 regional VPs, technically
5 John Harmon's position is
6 regional VP even though
7 he's a statewide. So,
8 would this include John
9 Harmon's position? I'm
10 just -- technically he's
11 is a regional VP, you
12 would you have to include
13 him in the --

14 CHRIS MOREAU: Yes,
15 that would include the
16 regional VP, in the
17 regional VP group. All
18 statewide.

19 PRESIDENT POWERS: Any
20 other discussion on the
21 motion? Motion reads --

22 AL ZAPPALA: Hold on.
23 Al Zappala, Shawangunk.

259

1 If I can just say one more
2 thing, I know everybody is
3 sitting here and
4 everyone's laughing and
5 there's all this debate
6 and John Harmon is kind of
7 against this position.
8 But here is my position,
9 this is a fifteen million
10 dollar corporation and if
11 you want to run for an
12 open spot to run the
13 fifteen million dollar
14 corporation, you need to
15 submit your resume. And
16 if you feel you have to
17 hide your resume and not
18 put it out, what else are
19 you gonna hide if you're
20 in that position?

21 PRESIDENT POWERS:
22 I will read the motion,
23 the amendment to the

260

1 motion. All cover
2 letters, resumes sent to
3 the Executive Board when
4 filling --

5 CHUCK THOMAS: Excuse
6 me, Chuck Thomas, Auburn.
7 I just have a quick
8 question regarding this.
9 The constitution is pretty
10 clear how vacancies are
11 filled at this point in
12 time, correct? And I
13 think what's being asked
14 really isn't unreasonable.

15 I just think merely
16 it's how you're trying to
17 do it with the language,
18 accomplish it via the
19 language. So let's clear
20 the language up and make
21 it function properly so
22 everybody can agree to it.
23 I agree with him on the

261

1 fact that if you're going
2 to take over a position,
3 we should have a rough
4 idea what you are and
5 where you're at, in how to
6 proceed. I think we
7 should have that ability.

8 But, again, the
9 constitution is very clear
10 beyond that. Thanks.

11 PRESIDENT POWERS:
12 Thanks. Kenny?

13 KENNY GOLD: We
14 probably should take this
15 and bring it back next EA.
16 Clean up the language.

17 CHRIS MOREAU: I'll
18 make a motion to table it.

19 PRESIDENT POWERS:
20 Withdraw the amendment?

21 CHRIS MOREAU: Withdraw
22 the amendment.

23 PRESIDENT POWERS:

262

1 Second? Heather. Any
2 other discussion with the
3 amended motion? All in
4 favor withdrawing the
5 motion? All in favor
6 signify by saying aye?

7
8 (All respond with aye.)

9
10 PRESIDENT POWERS:
11 Anybody opposed.

12
13 (No response.)

14
15 PRESIDENT POWERS:
16 Thank you. Withdrawing
17 the --

18 CHRIS MOREAU: Make a
19 motion to table the motion
20 until the next EA.

21 PRESIDENT POWERS: Can
22 I get a second on the
23 withdrawal motion?

263

1 BOB GLEASON: Yeah.

2 PRESIDENT POWERS: Bob
3 Gleason, second. Any
4 discussion on the
5 withdrawal of the motion?
6 All in favor signify by
7 saying aye?

8
9 (All respond with aye.)

10
11 PRESIDENT POWERS
12 Anybody opposed?
13 Thank you. That concludes
14 new business. Anybody got
15 any new business?

16 PAUL MIKOLAJCZYK: Paul
17 Mikolajczyk, Sing Sing
18 prison. I move at this
19 time NYSCOPBA file
20 litigation so that all
21 members receive state time
22 to take any promotional
23 exam.

264

1 The wisdom of the
2 motion is currently tour
3 three is not given state
4 time to take promotional
5 tests. If case training
6 which is always on state
7 time for all tours, then
8 shouldn't state exams be
9 as well?

10 PRESIDENT POWERS: I
11 got an opinion, a legal
12 opinion on the motion,
13 hang on.

14 VP MID-HUDSON MAZZELLA:
15 Is there a second on the
16 motion?

17 CORY VANDERWARKER:
18 Cory VANDERWARKER,
19 Washington.

20 PRESIDENT POWERS: I'm
21 going to ask Erin to
22 respond to this. Sixty
23 percent approval from this

265

1 body to hear this motion.
2 All in favor signify by
3 saying aye.

4
5 (All respond with aye.)

6
7 PRESIDENT POWERS
8 Anybody opposed.

9
10 (No response.)

11
12 PRESIDENT POWERS:
13 Thank you. Erin?

14 ERIN PARKER: Just
15 taking a look at this,
16 just quickly at this
17 point. Promotional exam
18 situations and time off to
19 take promotional exams,
20 exist in two separate
21 places. Both the Civil
22 Service Rules, as well as
23 separate and distinct

266

1 provisions in your
2 Collective Bargaining.

3 So, I can not even say
4 there would be a mechanism
5 to file litigation on
6 this. These are pieces
7 that are a function of the
8 Civil Service Rules and
9 collective bargaining.

10 PAUL MIKOLAJCZYK: Paul
11 Mikolajczyk, Sing Sing
12 Prison. Sixty percent of
13 our membership gets state
14 time to take an exam;
15 thirty percent don't. And
16 we're saying that there is
17 no litigation recourse
18 that we can take to fix
19 that? That's got to be,
20 if nothing else, some form
21 of discrimination.
22 Because somebody doesn't
23 work the other two tours,

267

1 he takes the test, then
2 goes to work and is not in
3 any way paid for it.

4 ERIN PARKER: The tour
5 that you have as an
6 employee is not a suspect
7 classification that would
8 get you any sort of
9 litigation under a
10 discrimination anything.
11 Just because you were
12 treated differently does
13 not automatically rise to
14 discrimination. You have
15 to be treated differently
16 because of what are called
17 suspect classifications.
18 Age, race, gender, sexual
19 orientation, religion.
20 Your tour of working is
21 not a suspect
22 classification that gets
23 you a discrimination

268

1 claim.

2 PAUL MIKOLAJCZYK: So
3 then there's no avenue
4 that we can get the same
5 benefit for that other
6 thirty-three percent?

7 ERIN PARKER: No.

8 There are provisions in
9 your collective bargaining
10 regarding state tests and
11 the time you get off.
12 There are also provisions
13 in Civil Service rules.

14 PAUL MIKOLAJCZYK: So
15 our contract says that the
16 guys on tour three don't
17 get compensated for taking
18 the test?

19 ERIN PARKER: I would
20 have to take a look at the
21 exact language of the
22 contract. And at the
23 moment it's sitting over

269

1 legal opinion, a written
2 legal opinion that we can
3 all review, to see if this
4 is something that we want
5 to pursue. Or make the
6 motion to direct that we
7 look into the possibility
8 of filing litigation.

9 But when the motion is
10 directed to file
11 litigation, somebody can
12 come up here and direct us
13 to file litigation that we
14 know is going to fail.
15 And if you have an
16 attorney that files
17 litigation that they know
18 is going to fail, those
19 attorneys could face
20 disbarment for filing
21 frivolous lawsuits.

22 So we would need --
23 that puts all of us in

271

1 there. I'd be happy to
2 look at it for you later
3 but I know there are
4 negotiable provisions
5 about it.

6 PAUL MIKOLAJCZYK:
7 Well, I'll table the
8 motion and we can discuss
9 it tomorrow morning?

10 VP MID-HUDSON MAZZELLA:
11 Can I make a point? When
12 we bring motions to the
13 Executive Assembly to
14 direct that we file
15 litigation without first
16 researching and having a
17 legal opinion as to
18 whether we'd be
19 successful, not
20 successful, whether we can
21 or can't, I think it would
22 be better if we took this
23 motion and sent it for a

270

1 danger. So, we would need
2 written legal opinions
3 before I would suggest
4 anybody makes a motion
5 that directs us to file
6 any kind of litigation.

7 PAUL MIKOLAJCZYK: Paul
8 MIKOLAJCZYK, Sing Sing
9 Prison. I wouldn't want
10 to put this association in
11 any kind of jeopardy. But
12 there was another
13 association just twenty
14 years ago that said you
15 can absolutely not file
16 litigation without getting
17 OJT's representation. They
18 told us that until our
19 ears bled. OJT's cannot
20 get representation.

21 We get a new dog in
22 town, we file litigation
23 against it, and now OJT's

272

1 get representation. So, I
2 agree, I don't want to put
3 anybody in any kind of
4 jeopardy about any kind of
5 reprisals. But it seems
6 that there are things that
7 should be looked into and
8 if you don't give
9 direction and you make
10 suggestions, they just sit
11 on the back burner.

12 That's why I made this
13 motion. I don't think
14 it's right that
15 thirty-three percent of us
16 that take promotional
17 tests, don't get
18 compensated for it.
19 That's my only issue.
20 Thank you.

21 ERIN PARKER: Just so
22 you know, there was a law
23 change that led to

273

1 probationary employees or
2 OJT's being able to have
3 representation.

4 DONN ROWE: Submitted
5 by Governor Spitzer.

6 PRESIDENT POWERS:
7 Mike?

8 MIKE CARLSON: Mike
9 Carlson, Forest Rangers.
10 I believe that our Civil
11 Service Law already
12 addresses this. So my
13 question to the maker is,
14 if I have a Saturday off
15 and the test is on a
16 Saturday, should I get
17 paid for it because half
18 my members who work
19 Saturday who are taking
20 the test actually do get
21 paid for it? But Civil
22 Service Law doesn't cover
23 that while I'm not

274

1 working.

2 PAUL MIKOLAJCZYK:
3 Shouldn't anything we do
4 on state business be
5 compensated for? And if a
6 guy is on his non RBO,
7 goes and takes an eight
8 hour test and then told
9 put your uniform on and go
10 back into prison, where
11 everybody else didn't,
12 shouldn't they be
13 compensated?

14 MIKE CARLSON: Well,
15 the rules actually pertain
16 to that under Civil
17 Service Law now, on how
18 much time you can take the
19 test, how much time it
20 takes to get to the test,
21 so all that is already in
22 law under Civil Service
23 rules and regs. So that's

275

1 where you're gonna find
2 that, that you're looking
3 into. It won't be in our
4 contract. It's in the
5 Civil Service Law.

6 PRESIDENT POWERS: Keep
7 the questions to --

8 PAUL MIKOLAJCZYK: Mr.
9 Speaker, I never said it
10 was in the contract, I
11 apologize.

12 MIKE CARLSON: No,
13 that's where you'll find
14 it if you want to know
15 where the answers are.

16 ANTHONY HENDERSON:
17 Anthony Henderson,
18 Creedmoor. We had the
19 subject also be brought by
20 Creedmoor recently. We
21 think it's unfair also.
22 This is something I think
23 has to be negotiated at

276

1 the table, not so much a
2 legal action. Would you
3 agree?

4 PRESIDENT POWERS:
5 Yeah.

6 ANTHONY HENDERSON: But
7 I understand the
8 gentleman's point.

9 PRESIDENT POWERS:
10 Donn?

11 DONN ROWE: Rowe, Hale
12 Creek I'm going to be real
13 quick with this. I think
14 everybody in this room
15 agrees with what Paul is
16 saying, but litigation is
17 not the way to go about
18 it, period.

19 PRESIDENT POWERS:
20 Thank you, Donn. Matt?

21 MATT KEOUGH: Matt
22 Keough, Great Meadow.
23 It's a voluntary test.

277

1 It's not something that is
2 mandated for you to do.
3 If you choose to do it,
4 make concessions for it.

5 PRESIDENT POWERS: Any
6 other more discussion on
7 the motion? Move that
8 NYSCOPBA file litigation
9 so that all members
10 receive state time to take
11 any promotional exam. The
12 wisdom of the motion,
13 currently tour three is
14 not given state time to
15 take the promotional test.
16 If CA training is always
17 given state time for all
18 tours, then all state
19 should be as well. Motion
20 is made by Paul
21 Mikolajczyk, Sing Sing.
22 Seconded by Pete Drake out
23 of Moriah.

278

1 PAUL MIKOLAJCZYK:
2 I will withdraw the motion
3 if we can have the Health
4 and Welfare Committee look
5 into this issue and report
6 back to us.

7 PRESIDENT POWERS: You
8 want a legal opinion or
9 you want to advance it to
10 a committee?

11 PAUL MIKOLAJCZYK: That
12 would be fine, Mr.
13 President. Thank you.

14 PRESIDENT POWERS: Are
15 you withdrawing the
16 motion?

17 PAUL MIKOLAJCZYK: No,
18 sir. I'm withdrawing the
19 motion.

20 PRESIDENT POWERS:
21 Second? Name please?

22 MR. OSTERHOUDT:
23 Osterhoudt, seconded.

279

1 PRESIDENT POWERS:
2 The maker of the motion
3 Paul Mikolajczyk is
4 withdrawing the motion.
5 Seconded by
6 Mr. Osterhoudt. Any
7 discussion? All in favor?
8
9 (All respond with aye.)

10
11 PRESIDENT POWERS: Any
12 opposed?

13
14 (No response.)

15
16 PRESIDENT POWERS:
17 Motion is withdrawn. Any
18 other new business?

19 PAUL MIKOLAJCZYK: Paul
20 Mikolajczyk, Sing Sing
21 Prison. I move that
22 NYSCOPBA will send via
23 e-mail all copies of all

280

1 motions made at the EAs to
2 all stewards who have an
3 e-mail address with the
4 union hall. This will be
5 done within fourteen days
6 at the end of the EA.

7 Wisdom of the motion,
8 this will aid all stewards
9 to best inform the dues
10 paying members of what and
11 how things are going and
12 being done. It's just
13 good transparency.

14 PRESIDENT POWERS: We
15 give all that information
16 to chiefs at the
17 meetings. We have a
18 motion. Sixty percent to
19 hear this motion? I need
20 sixty percent to move this
21 new business. Is there
22 sixty percent in the room
23 to support this motion.

281

1 need the more information,
2 the better.

3 So point of
4 information, and correct
5 me if I'm wrong
6 Mr. President, financial
7 report will be mailed out
8 with the EA packet prior
9 to each EA. Adopted April
10 20, 2005; amended December
11 9th, 2015 to read
12 e-mailed. So let's get
13 our financial reports out.

14 And to fill a stirring
15 rumor, on October 9th, the
16 Executive Board followed
17 many Executive Board's
18 history and gave us six
19 hundred fifty dollar bonus
20 to employees of the
21 Association. Did they
22 also give bonuses to
23 officers of the union,

283

1 All in favor signify by
2 saying aye?

3
4 (Response of aye from the
5 floor.)

6
7 PRESIDENT POWERS: All
8 opposed?

9
10 (Response of nay from the
11 floor.)

12
13 PRESIDENT POWERS:
14 Motion goes down.

15 Donn?

16 DONN ROWE: Rowe, Hale
17 Creek. I should say this
18 off the record, but Frank
19 I'm not beating up on you,
20 all right, Buddy? I'm
21 just looking for a little
22 transparency and a little
23 education out here. We

282

1 meaning yourselves?

2 PRESIDENT POWERS: Yes.

3 DONN ROWE: Yes? I
4 make a motion that this
5 body interprets employees
6 as business agents, union
7 leave employees and EAs
8 employees; and not
9 officers of the union.
10 And I ask that you have
11 that six hundred fifty
12 dollars deducted from your
13 pay.

14 PRESIDENT POWERS: Is
15 that your motion? You got
16 it written? Five minute
17 break, no more than five.

18
19 (Whereupon, a brief
20 recess was then taken.)

21
22 PRESIDENT POWERS:
23 Let's find our seats.

284

1 Could we get the doors,
2 please?

3 We have a motion
4 under new business, sixty
5 percent approval to move
6 this motion signify by
7 saying aye?

8
9 (Response of aye from the
10 floor.)

11 PRESIDENT POWERS
12 Anybody opposed?

13
14 (Response of nay from
15 the floor.)

16
17 PRESIDENT POWERS: Nays
18 please stand. So we have
19 approval to move the
20 motion.

21 The motion reads, where
22 the Executive Assembly
23 interprets employees of

285

1 the union, sergeant
2 liaison, business agents
3 Albany headquarters, union
4 leave employees and any EA
5 titled employees, the
6 distribution of 2018
7 holiday bonus will be
8 recovered through payroll
9 deductions of all
10 Executive Board member
11 officers, whereas they are
12 not employees. Motion is
13 made by Donn Rowe. We
14 need a second.

15 SHAWN KEENAN: Second.

16 PRESIDENT POWERS:
17 Shawn Keenan. Discussion
18 on the motion?

19 VP LAW ENFORCEMENT

20 HARMON: John Harmon, Law
21 Enforcement VP. We get a
22 W-2, I think that
23 qualifies me as an

286

1 employee. And if this
2 does go through, then I
3 need an amended 2018, 1099
4 for my taxes. And I will
5 set up a payment plan ten
6 percent.

7 SHAWN KEENAN: Shawn
8 Keenan, Wende. I also
9 received a W-2. Does that
10 entitle me -- for
11 committees over six
12 hundred dollars, we all
13 did. So that -- but that
14 includes all of us then.
15 1099 is the same --

16 PRESIDENT POWERS:
17 Donn?

18 DONN ROWE: Rowe, Hale
19 Creek. Again, this is
20 a long standing policy of
21 this organization to give
22 a holiday bonus to our
23 employees which has been

287

1 carried out by, I believe,
2 almost every board. It
3 was never received by the
4 Executive Board officers
5 of the organization.
6 But -- I don't know past
7 '14, so if '14 on,
8 Christmas of '14 on, I
9 have no idea. But when I
10 was there for six years,
11 it was never received by
12 the officers.

13 Again, in the
14 Constitution it addresses
15 who is employees, who is
16 officers, we are officials
17 of the union. Nothing
18 personal, Billy, but I
19 argued at the mic when we
20 created your position that
21 you're an elected employee
22 basically.

23 So, again, this is not

288

1 a shot but I tell you
2 what, I went to my members
3 and they said, look at
4 these assholes, they
5 giving themselves holiday
6 bonuses and we ain't got a
7 contract. And I said,
8 they give holiday bonuses
9 to all employees.

10 So if you're going to
11 change shit like this, you
12 should do it in front of
13 everybody. Because I got
14 a big problem with it, I
15 got a huge problem with
16 it. Just like the two
17 weeks opposed to one week
18 and all that other stuff.
19 And we'll talk about that
20 when that comes up.

21 But this kind of stuff,
22 put it out there for
23 everybody. To put it in

289

1 there as employees, and I
2 don't think any member of
3 our organization
4 interprets the Executive
5 Board as employees of this
6 organization.

7 You receive a
8 compensation that is
9 taxable, yes. But that's
10 all it is. You're an
11 elected employee. You're
12 an located officer of this
13 union, you're not an
14 employee.

15 PRESIDENT POWERS:
16 Mike?

17 VP MID-HUDSON MAZZELLA:
18 Mike Mazzella, Mid-Hudson
19 Region Vice President.
20 Being that this motion was
21 made here today, I haven't
22 had an opportunity to go
23 back and research the

290

1 Executive Board minutes.
2 But I do know that this
3 bonus has been paid to the
4 Executive Board and all
5 employees since 2015.

6 So, it's been in the
7 expense reports -- thanks,
8 let's try to get that
9 money back, too. It's
10 been in the Executive
11 Board minutes. I believe
12 John Telisky was the one
13 that made the motion that
14 passed. I can't tell you
15 for sure, like I said, I
16 haven't had a chance to
17 research it, if he brought
18 it up during his report
19 back in 2015. But this
20 isn't something that
21 happened today.

22 So, if you want to
23 change back to a policy

291

1 saying that you guys
2 aren't entitled to it, I
3 can understand that and
4 then make it policy. But
5 I don't see looking back
6 to recover money that was
7 paid in my opinion legit,
8 so that's my opinion.

9 EXECUTIVE VP SAWCHUK:
10 Mike?

11 PRESIDENT POWERS:
12 Powers, President. To
13 reiterate to what Mike
14 said, I believe I have
15 been receiving this since
16 2014, since I became
17 president. Shit like
18 this, there was never ever
19 intent -- and I can speak
20 for everybody on that
21 board -- shit like this
22 doesn't happen. This is
23 in no way, shape or form a

292

1 hoodwinking of any fucking
2 kind.

3 I take offense to the
4 fact that it come across
5 that way and directed that
6 way in any capacity.

7 We've been receiving this
8 since 2014. I'm not sure
9 if John talked about it in
10 his treasurer's report or
11 if he did one of his quick
12 run downs and slammed it
13 down the throat of his
14 membership, which we all
15 know John Telisky the
16 former treasurer was able
17 to do. And he's done it a
18 number of times.

19 I'm not suggesting
20 there was any hoodwinking
21 here or anything else of
22 that nature. But we've
23 been receiving this since

293

1 to -- doesn't believe --
2 they believe that you're
3 employees of this
4 organization, then fine, a
5 simple motion like that is
6 fine.

7 But there is no policy
8 in place that I'm aware of
9 and if there is a policy
10 I'll step off on it. But
11 how it was paid -- was it
12 paid by check or was it
13 paid in your salary, what?
14 How was it paid?

15 TREASURER GILBO:
16 Gilbo, treasurer. It was
17 paid by check tax.

18 DONN ROWE: Separate
19 check?

20 PRESIDENT POWERS: In a
21 payroll check.

22 TREASURER GILBO: No,
23 it was a separate check.

295

1 2014, and I could care
2 less if I get it again.

3 EXECUTIVE VP SAWCHUK
4 Donn?

5 DONN ROWE: Rowe, Hale
6 Creek. First of all, if
7 there is a policy that was
8 created, I will certainly
9 withdraw the motion. But
10 I don't believe there's a
11 policy. It's been in
12 motion form to employees
13 and it's always been like
14 that, everything that I
15 have read.

16 And, again, officers of
17 this union are not
18 entitled to that. They're
19 not employees, period.
20 And that should be the
21 interpretation of this
22 body. That is my opinion.
23 This body doesn't want

294

1 DONN ROWE: What is it?

2 To say it was in a
3 financial report is wrong
4 also unless you're a
5 forensic investigator.

6 TREASURER GILBO: It
7 was a separate payroll
8 check.

9 DONN ROWE: And how was
10 it listed? Holiday bonus?

11 DAVE VIDDIVO: Yes,
12 Holiday bonus.

13 DONN ROWE: I'd like to
14 see it in a report because
15 I haven't seen it.

16 TREASURER GILBO: It's
17 been in the budget every
18 year and --

19 DONN ROWE: It's not in
20 the budget, it's not in
21 the budget lined out.

22 TREASURER GILBO: It's
23 not lined out but it's in

296

1 the budget for salary.

2 And --

3 DONN ROWE: It wasn't
4 in the budget for '14,
5 I'll tell you that.

6 TREASURER GILBO: And
7 if you read the Executive
8 Board meeting minutes it's
9 always in there.

10 DONN ROWE: Yeah. And
11 it says to employees and
12 its always been the
13 employees of the
14 organization, not officers
15 of the organization.

16 PRESIDENT POWERS: All
17 right. We're not going to
18 be debating each other on
19 the floor here, everything
20 comes to the Chair. Dave?
21 Frank, who's up?

22 TREASURER GILBO: It is
23 also, not that makes it

297

1 budget as far as the

2 worksheets? I think

3 everybody got those,
4 didn't they? All the
5 chiefs get the worksheets?

6 PRESIDENT POWERS: That
7 would have been in
8 October?

9 DAVE VIDDIVO: I
10 believe Frank e-mailed out
11 in the last six weeks
12 maybe? Did you get those
13 or no? Please say yes.
14 Is that a yes or no?
15 So you guys did get the
16 worksheets.

17 So in the worksheets it
18 is spelled out. I know
19 Donn is referring to the
20 budget line, it is under
21 payroll, but it's also
22 spelled out in the
23 worksheets as far as

299

1 right, it's under the
2 Certificate of
3 Incorporation, so it's
4 within the means to do it.

5 DONN ROWE: What's
6 under the Certificate?
7 May I ask, what is under
8 the Certificate of
9 Incorporation? That you
10 can spend six hundred
11 fifty dollars.

12 PRESIDENT POWERS: I'm
13 assuming you're referring
14 to the cost of the holiday
15 bonus?

16 DONN ROWE: Thanks for
17 pointing that out, Frank.
18 I didn't know that.

19 PRESIDENT POWERS:
20 Dave?

21 DAVE VIDDIVO: My
22 question is, did you guys
23 get the breakdown on the

298

1 holiday bonus. So go to
2 payroll, under payroll,
3 you guys just approved
4 this budget. Is there a
5 holiday bonus line in
6 there, Donn?

7 Does it say employees?
8 On page seven; staff,
9 union leave, what's the
10 number, thirty-four I
11 believe maybe. What's the
12 number? How many?
13 Thirty-four. So that is
14 the entire building,
15 there's thirty-four people
16 that work out of NYSCOPBA
17 plus the business agents
18 on the road.

19 So, it is in the budget
20 in black and white for you
21 guys to read. It does
22 include the board members,
23 thirty-four people. And

300

1 whether you're opposed to
2 it or not, it is in the
3 paperwork that was
4 submitted to you guys for
5 review, so you know that.
6 Just trying to put it out
7 there.

8 PRESIDENT POWERS: Any
9 other discussion with the
10 motion? I will read the
11 motion again.

12 DOUG WESTERVELT: Hold
13 up. Westervelt, South
14 Port. It's what's going
15 on here is the
16 transparency is not there.
17 It's employees -- so being
18 on the finance committee
19 we go through this, we get
20 a line with a number in
21 it, and what do we have to
22 do?

23 Because there's

301

1 the employees of our
2 building, not our elected
3 officials.

4 PRESIDENT POWERS:
5 Mike?

6 VP MID-HUDSON MAZZELLA:
7 Just a little history.
8 October 20th, 2015 the
9 motion was made by John
10 Telisky. Now, the past
11 motions have always been
12 to give all employees of
13 NYSCOPBA a Christmas
14 bonus. The motion made by
15 Telisky says to give all
16 personnel of NYSCOPBA a
17 Christmas bonus. So,
18 that's when it was
19 interpreted that the
20 Executive Board is
21 included under personnel.

22 Now, being as it may be
23 receiving that Christmas

303

1 supposed to be trust here
2 and transparency. And if
3 you guys consider
4 yourselves -- it's
5 employees. When I was on
6 the committee when we
7 approved the Christmas
8 bonuses for employees. So
9 if you guys consider
10 yourself employees, you
11 shouldn't be voting, if
12 that's what you want. But
13 you're voting and you're
14 officers.

15 So, it's not
16 transparent enough that --
17 I guess what we got to do
18 as a finance committee, we
19 got to sit in here and
20 dissect every single
21 number of the budget.
22 That's what's got to be
23 done. It was meant for

302

1 bonus, as a legal motion
2 made by an Executive Board
3 member in 2015, which by
4 the way there were two
5 board members absent from
6 that vote, but I don't
7 believe I did anything
8 wrong by accepting the
9 bonus. Therefore, by now
10 saying that you believe it
11 was wrong and we should
12 pay it back, I think is
13 wrong. That's my opinion.

14 PRESIDENT POWERS: Joe?

15 VP WEST MIANO: Joe
16 Miano, Western Region VP.
17 The reason why that
18 changed it to all
19 personnel is because the
20 office manager didn't get
21 that bonus. So that's the
22 reasoning, I remember
23 Telisky saying it and

304

1 that's why they changed it
2 to all personnel.

3 And every year, at
4 least once a year, I'm not
5 sure maybe once a year,
6 they do the audits, the
7 financial audits. They
8 spend three, four days
9 going through all this
10 stuff. Maybe somebody
11 needs to start paying a
12 little closer attention to
13 it.

14 PRESIDENT POWERS: Any
15 other discussion? I'll
16 read the motion.

17 Whereas the Executive
18 Assembly interprets
19 employees of the union as
20 sergeant liaison, business
21 agents, Albany
22 headquarters, union leave
23 employees or any EA title

305

1 employees, the
2 distribution of the 2018
3 holiday bonus will be
4 recovered through payroll
5 deduction of all Executive
6 Board officers, whereas
7 they are not employees.

8 Motion is made by Donn
9 Rowe, seconded by Shawn
10 Keenan. All in favor of
11 the motion signify by
12 saying aye.

13
14 (Response of aye from the
15 floor.)

16
17 PRESIDENT POWERS: Ayes
18 stand, please. All
19 opposed.

20
21 (Response of nay from the
22 floor.)

306

1 (Whereupon, the members
2 in favor of the motion
3 stated their name for the
4 record.)

5
6 PRESIDENT POWERS:
7 State your name for the
8 record.

9 DONN ROWE: Rowe, Hale
10 Creek.

11 SHAWN KEENAN: Keenan,
12 Wende.

13 MARK DEBURGOMASTER:
14 Deburgomaster, South Port.

15 MR. THOMAS: Thomas,
16 Auburn.

17 CHRIS HICKEY: Hickey,
18 Wyoming.

19 ANDY RICE: Rice,
20 Elmira.

21 PRESIDENT POWERS
22 Thank you.
23

307

1 (Motion for Executive
2 board members to repay
3 holiday bonus is
4 defeated.)

5
6 PRESIDENT POWERS: Any
7 other new business?

8 PAUL MIKOLAJCZYK: Paul
9 MIKOLAJCZYK, Sing Sing
10 Prison. NYSCOPBA shall
11 not allow any contract
12 vote to be printed that
13 doesn't have all the zeros
14 of the contract clearly
15 defined within its pages.
16 Along with this, the
17 percentage of the medical
18 insurance members pay,
19 i.e. the thirty-one
20 percent, will be clearly
21 printed as well.

22 The wisdom of the
23 motion, in our last

308

1 contract there were
2 thirteen zeros, none of
3 the zeros were in the
4 contract. Three zeros to
5 salary, five zeros to
6 expanded duty pay, five
7 zeros to location pay.

8 Article 1112 speaks of
9 retroactive medical costs
10 but doesn't state how the
11 amount is formed, going
12 from paying twenty-five
13 percent to the thirty-one
14 percent. This is just
15 plain transparency.

16 PRESIDENT POWERS:
17 Sixty percent approval to
18 hear this motion signify
19 by saying aye.

20
21 (No response.)

22
23 PRESIDENT POWERS: All

309

1 and we're asking for it.

2 So, with you saying
3 that we're looking into
4 filing litigation or where
5 we're going with that, I
6 kind of need more of an
7 answer for my members.

8 PRESIDENT POWERS: I
9 apologize if I wasn't too
10 clear. It falls within
11 DCJS. They're the ones
12 that are preventing it
13 from allowing it in
14 certain facilities and
15 certain aspects.

16 New York City
17 Corrections filed a
18 lawsuit about a year ago
19 maybe, right when they
20 enacted their offender
21 treatment program; raise
22 the age we'll call it.
23 When they enacted it, they

311

1 opposed?

2
3 (All respond with
4 nay.)

5
6 PRESIDENT POWERS: All
7 Any other new business?
8 Mr. Relyea?

9 MR. RELYEA: Relyea,
10 Hudson. I know you
11 brought it up in your
12 report as far as we are
13 looking into why chemicals
14 aren't being used in
15 adolescent and female
16 jails. I'm kind of
17 curious what their
18 reasoning is and then kind
19 of a more of a defined
20 answer as to why we're
21 going with it, being that
22 I got a lot of members, a
23 lot of guys getting hurt

310

1 didn't have it and they
2 wanted it. So they filed
3 a lawsuit.

4 It came to an interim
5 stipulation, brief
6 settlement during the
7 process. And if any of
8 the lawyers are in here
9 and I'm wrong correct me
10 please, but they came up
11 with an agreement through
12 a settlement aspect to
13 allow them to have it for
14 thirty days. And I think
15 in the Bronx somewhere,
16 detention center for
17 sixteen, seventeen year
18 olds.

19 They allowed it for
20 thirty days, then they
21 were going to come back
22 and reassess the
23 situation. New York City

312

1 Corrections Commissioner,
2 long with the president of
3 the union was not in
4 agreement with that. They
5 didn't want to have
6 anything to implement and
7 then have them take it
8 away.

9 It might have been
10 valuable to them, but that
11 was their decision.
12 They're continuing with
13 their lawsuit. I spoke
14 with the lawyer for the
15 City Corrections, you may
16 remember him, Steve
17 Isaacs, who helped with
18 our negotiating team at
19 one point for Collective
20 bargaining. He's the
21 attorney -- he assisted
22 with the lawsuit I had our
23 law firm reach out to them

313

1 to see if we could be
2 named in the lawsuit with
3 them, because it applies
4 to us.

5 But it was right
6 through the city things,
7 so we're still in contact
8 with City Corrections to
9 find out where they're
10 lawsuit is, if they're
11 coming down to a decision.
12 And we'll see what the
13 decision comes back and if
14 extends a lengthy period
15 of time through the review
16 of our law firm, we'll
17 look to possibly file our
18 own.

19 MR. Relyea: Have they
20 given a reason as to why
21 they're not giving it?

22 PRESIDENT POWERS:
23 They're children?

314

1 I have a feeling, like
2 with Miano and some of the
3 guys in the west, they
4 didn't have it Willard and
5 Willard is a turn-around
6 program. That is when we
7 started to discover --
8 we were assured at one
9 point everybody was gonna
10 have it. Then they ran
11 into this hiccup.

12 And they're in support
13 of giving it to everyone.
14 In our talks with the
15 department they're in
16 support of giving it to
17 all facilities. Of
18 course, we wanted to have
19 it on everybody's hips.

20 MR. Relyea: We're
21 actually being told
22 they're not supporting it,
23 they're not wanting it.

315

1 PRESIDENT POWERS: That
2 is your administration.

3 I have had assurances
4 from the department in
5 talks about this. That is
6 how we got here. They are
7 in favor of having it.
8 We had a significant
9 incident at Albion about a
10 week and a half ago. As I
11 mentioned Hudson has had
12 its fair share over the
13 last six months and
14 Adirondack had a busy week
15 about a week ago.

16 MR. Relyea: I just had
17 an officer assaulted
18 Monday night in another
19 clear case of --

20 PRESIDENT POWERS:
21 We're staying on it.
22 We'll keep you updated as
23 we get more. Anything

316

1 else? Thanks to all the
2 staff.

3 TED NEVILLS: Nevills,
4 Watertown. Just one thing
5 I want to make this body
6 aware of. On February
7 14th, 2019 at one o'clock
8 in the morning we had a
9 horrific fire in
10 Watertown. One our
11 officers, Ken Boda, his
12 brother and his four
13 children, ages four to
14 fifteen were killed in
15 this fire. Ken -- there's
16 one surviving daughter,
17 Haley, 13 years old, it's
18 just an unbelievable
19 tragedy.

20 We have set up an
21 account for this family.
22 It looks like Ken Boda is
23 going to be attempting to

317

1 attention Sandra Brunette
2 at Community Bank. So
3 anything this body can do
4 and wants to do, will
5 certainly be appreciated
6 by everybody involved.
7 Thank you.

8 PRESIDENT POWERS:

9 Thanks, Ted. We thank you
10 for your years of service
11 with NYSCOPBA, along with
12 Andy Lashua and anybody
13 else who failed to tell
14 us. Keep in mind all the
15 services that you provide
16 and we appreciate it.

17 One quick note here, it
18 hasn't been confirmed
19 completely yet but we may
20 be losing Clarence Fisher.
21 Rumor he's going to be
22 taking an appointment to
23 Council 82 and reporting

319

1 get custody of her. It's
2 going to go out on the
3 NYSCOPBA website. I have
4 the information as well.
5 I will read it in. It's
6 an account at Community
7 Savings Bank, 1125 Arsenal
8 Street, in Watertown, New
9 York.

10 And if you're
11 sending -- some of the
12 locals in our hub have
13 sent five hundred,
14 Watertown sent a thousand
15 dollars. This girl is
16 going to require a lot of
17 care for a long, long
18 time; a lot of counseling,
19 that type of thing.

20 If people are sending
21 or wish to send checks
22 it's, For The Benefit of
23 Haley M. Boda, and it's

318

1 to Sing Sing on Monday.

2 We're waiting on his
3 resignation here and then
4 we'll start the process
5 with Brother Luther in the
6 southern region and we'll
7 go from there.

8 So, with that, wish you
9 all a good night.

10 Quickly, jump off the
11 record here. Motion to
12 adjourn. Neil Gruber.
13 Second, Shawn Keenan. All
14 in favor?

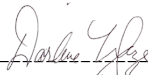
15 (All respond with aye.)

16 (Executive Assembly
17 adjourned.)

18 * * * *

320

1 STATE OF NEW YORK)
 2 SS:
 3 COUNTY OF ERIE)
 4 I, DARLENE L. JERGE, a
 5 Notary Public in and for the State
 6 of New York, County of Erie, DO
 7 HEREBY CERTIFY that the minutes of
 8 the EXECUTIVE ASSEMBLY were taken
 9 down by me in a verbatim manner by
 10 means of Machine Shorthand, on
 11 MARCH 6, 2019. That the Minutes
 12 were then reduced in writing under
 13 my direction. That the minutes
 14 were taken to be used in the
 15 above-entitled action.

16 I further CERTIFY that
 17 the above-described transcript
 18 constitutes a true and accurate and
 19 complete transcript of the Minutes.
 20
 21 
 22 DARLENE L. JERGE,
 Notary Public.
 23

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