

ANDREW M. CUOMO Governor

ANTHONY J. ANNUCCI Acting Commissioner

# MINUTES NYS DOCCS/NYSCOPBA STATEWIDE LABOR/MANAGEMENT MEETING MAY 4<sup>TH</sup>, 2018 – 10:00 AM ALBANY TRAINING ACADEMY, ROOM B22

- 1) Staffing
- 2) Health and Welfare
- 3) OSI
- 4) Safety and Security in Facilities
- 5) Updated Regarding Secure Vendor/Package Room Program
- 6) Use of Force Training
- 7) SL Sergeant List
- 8) Inmate Misbehavior
- 9) Outside Hospital
- 10) Police on Pipe Rounds
- 11) Wellness Checks
- 12)ISO Radios
- 13)Body Cameras
- 14) Fit Bits and E-Cigarettes
- 15)Mid-State CF S-Block/Building 125 Step Down Program
- 16)Secured Gate in Front of Classroom
- 17) Mohawk CF "Mandatory Recreation"
- 18) Altona/Franklin CF's Metal Silverware

# Management Agenda Items

- 1) Raise the Age
- 2) Population Management
- 3) CDMAC Mentoring Program

# Issue #1 - Staffing

#### **Union's Concern**

The union would like to discuss the following:

- Staff shortage/additional staff (still lacking 192 items from Staffing Memo)
- 1.7 Relief Factor a second officer is needed in the control console due to increased movement created by the SDP Unit (particularly at Mid-State Correctional Facility).
- Clinton Correctional Facility still no items from June 6, 2015 that are filled daily.
- Great Meadow Correctional Facility Not enough staff in the ICP Unit.

# Management's Response

- The staffing reviews that were conducted in accordance with the Article VII and subsequent MOU have been complete and reflect an increase of 188 items, DOCCS is not in agreement with the referenced 192 items. When we receive BFL funding, the posts will be added.
- NYSCOPBA has made a 2<sup>nd</sup> S-Block Console Officer a priority at every facility with an S-Block since the start of the Staffing Reviews. To date, only 12 Block at Five Points has received approval for such a post on Tour 2. To specifically address Midstate- NYSCOPBA requested BFL for an S-Block Console #2 during the 2014 C&SR/MOU but it was denied with alternative recommendations. They requested a S-Block Console #2 Temp Posts which was denied on 5/11/16. The Step-Down Program started on or about Jan 2017 which is when we created the items on the Plot Plan. The items were deemed sufficient by the facility at the time and the facility was directed to put them up for bid and train them before the program became operational.

Acting Executive Deputy Commissioner Martuscello stated that since this discussion occurred during the staffing reviews, we should see the process through prior to engaging in additional staffing discussions.

- Clinton CF was part of the final year of the staffing reviews which have not been funded to date. They will be added to the Plot Plan upon approval of funding.
- Great Meadow When the ICP Program was implemented there was no BFL awarded to cover the staffing of it. The facility requested, was approved for and is currently utilizing 7 Temp Posts. We have not received additional funding to make these positions permanent, however, Great Meadow is consistently running above their allotted BFL in security services.

Joseph Miano stated that there is so much activity and pandemonium in the console area and the need for a second officer is crucial.

Associate Commissioner Charles Kelly stated that only one gate should be open at a time, as such, the rationale for supporting an item is inconsistent with this policy.

A/EDC Martuscello stated that staffing reviews were conducted and there will be continued discussions. Mike Marro will share NYSCOPBA's plan with Deputy Commissioner O'Gorman for him to take another look at it.

#### Issue #2 -- Health and Welfare

# Union's Concern

The union would like to discuss the following:

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- Establish a Joint Health and Welfare Committee (EMIT Room, Nitrile Gloves-NARK II)
- Bio-hazard/sharps bins for used razors (safety hazard)
- Search Tool-Kit Some facilities have these kits for searching feces on a drug watch

# Management's Response

A/EDC Martuscello informed the union that DOCCS is willing to establish a Joint Health & Welfare Committee. Article 22 of the contract allows for such a committee, a committee exists that includes GOER, which has not met in some time, however, if the request is to form a DOCCS/NYSCOPBA only committee, the Department would be amenable to such committee. Mr. Martuscello requested that the union advance the names of four (4) representatives for the committee, management will do the same, and the committee could meet bi-annually for the first year and then annually thereafter.

President Michael Powers stated that he will provide the Department the names of the four committee members as soon as possible.

 Acting Executive Deputy Commissioner Martuscello reminded NYSCOPBA about the All Superintendents Memorandum, "Used Disposable Razor Collections and Disposal-Revised" which was implemented in September 2014. This memorandum identifies the procedures for the safe collection, and disposal procedures for used inmate razors. Mr. Martuscello reminded NYSCOPBA that they were the ones who filed the complaint with PESH.

A/EDC Martuscello further stated that the Department is willing to listen to new ideas but the Department is required to adhere to the PESH complaint.

• In relation to Search Tool kits, Mr. Martuscello stated that the Department would send out a friendly reminder to abide by the procedures for drugs and special watches identified in Directive #4910, "Control of & Search for Contraband". A memorandum was issued by Deputy Commissioner O'Gorman on May 8, 2018.

Clarence Fisher expressed NYSCOPBA's interest in every facility conducting wellness checks to those staff members who are unaccounted for over a period of time. NYSCOBPA is concerned for safety of its members.

Mr. Ayotte informed the union that facilities have been conducting wellness checks but those employees conducting these checks should proceed with caution. Mr. Martuscello suggested that facilities reach out to local authorities to conduct wellness checks rather than relying on staff. There needs to be a

balance with safety of the workforce being the primary concern. The Department is unaware of any previous issues.

Acting Commissioner Annucci stated that the Department should focus on getting employees help, but people tend to not want to share their personal issues with other staff members.

A/EDC Martuscello informed the union that a survey was conducted at Coxsackie Correctional Facility but there was a low turnout from staff responses. He further informed the union that DOCCS Research Unit has engaged the California Department of Corrections who conducted a wellness survey via a contract with Berkley College. He recommended that DOCCS and NYSCOPBA engage the Governor's Office of Employee Relations to use joint funding to support conducting a similar survey using an outside entity.

#### Issue #3 - OSI

#### **Union's Concern**

The union would like to discuss the following:

- Union witness during surprise frisks by OSI or any outside agency
- Union representatives present during employee front gate searches. This will help quell most of the situations that may arise
- Need a better set-up for OSI frisks

# Management's Response

A/EDC Martuscello stated that under the Taylor Law, staff are not entitled to union representation in these instances and will not be afforded one. Each inspection is unique depending on the facility, however, DOCCS makes improvements to the process as it moves along. Executive Vice President Sawchuck and other Regional Vice Presidents met with OSI to discuss issues that were encountered during the inspections. This was a productive meeting. DOCCS and NYSCOPBA should continue to have dialogue. DC O'Gorman will continue to meet with OSI to iron out specific problems.

# Issue #4 - Safety and Security in Facilities

#### Union's Concern

The union would like to discuss the following:

- Armed Front Gate/Lobby Officer
- Active Shooter Procedures
- Policy/protocol for procedure in the event of a classroom emergency involving unrestrained (Phase III) inmates; such as fights, civilian hostage, medical emergencies, etc)
- Installation of "gas ports" in the classroom to be used in case of emergency situations requiring deployment of chemical agents.

# Management's Response

A/EDC Martuscello informed the union of the following:

• Front gate/ Lobby officer armed: ACA Standard 4-4204 (Mandatory) Written policy and procedure govern the use of firearms, including the following: Except in emergency situations, employees carrying firearms are assigned only to watchtowers, gun walks, mobile patrols, or other positions that are inaccessible to inmates. Most facilities have inmate porters assigned to clean the lobby. This proposal presents a risk as the front gate officers interact with inmates and visitors on a daily basis. Further, most facility policies mandate the closing of the front lobby when a firearm is in place. This proposal would be counter-productive to such security policy. DC O'Gorman further mentioned issues with inmate movement and the amount of traffic in lobbies and front gate areas.

The union specifically expressed concern over an incident that occurred at Elmira Correctional Facility's front gate where a female visitor was very confrontation and threatening. She has not yet been arrested but a warrant has been issued. The front gate areas are very vulnerable and they all should be armed posts.

DC O'Gorman stated that each facility is different. Emergency drills are being conducted and indicated that NYSCOPBA work with Acting Colonel to come up with ideas on training for the front gate and perimeter patrol Correction Officers.

Mike Marro stated that employees need to be in a safe and secure area and lobby areas should be electronically sealed and equipped with quick containment devices and electronic releases. A/EDC Martuscello informed the union that management will take a more extensive look at this.

- Active shooter procedures: Based upon each facility's unique physical plant, issuance of statewide procedures is not possible. If all existing protocols are followed (Dirs. 4900 & 4936) then an active shooter scenario within one of our facilities becomes negligible. DC O'Gorman will work with the Colonel to develop a training for front gate officers.
- <u>Policy for classroom emergencies</u>: emergencies that occur in a classroom setting should be responded to based on our training and the nature of the incident. Such protocols should be developed at each facility on an individual basis.
- <u>Classroom gas ports</u>: Gas ports in classrooms is not feasible for a host of reasons, including
  physical plant issues, concentration of chemical agent in a small space and so on. They are
  utilized in the messhall and frequently in auditoriums, dependent on the facility. DOCCS is in
  the process of training and deploying pepper spray to all facilities which could be used if a
  classroom issue occurs.

DC O'Gorman stated that classrooms are no different than any other areas. A pattern cannot be laid out. It comes down to supervisors and individuals on how to deal with hostage situations. Every situation is different.

# Issue #5 — Updates Regarding Secure Vendor/Package Room Program

#### **Union's Concern**

The union would like an update regarding secure vendor/package room

# program. Management's Response

A/EDC Martuscello stated that the program was suspended to allow time for DOCCS to review the previous pilot, including feedback from NYSCOPBA, the Superintendents, inmate population, grievances and stakeholders. DOCCS is currently reviewing Directive #4911 for possible revisions along with revamping #4911a. As part of this review, DOCCS will also engage other states as it initially did to learn how they overcame some of the hurdles expressed during the pilot. DOCCS has no timeframe to re-launch the pilot, however, is still supportive of the initiative.

Mr. Mazzella indicated that inmates are allowed to order from catalogues at Fishkill and Ulster Correctional Facilities.

A/EDC Martuscello informed the union that DC O'Gorman is looking at all catalogues that come in.

### Issue #6 — Use of Force Training

#### **Union's Concern**

The union would like to discuss changing the use of force training hours from two to four. Mr. Powers stated that this training is so vital to staff and four hours is not enough. Mr. Powers request that use of force training be re-evaluated.

# Management's Response

At the request of the union, in order to accommodate the Glock Transition, starting with calendar year 2017, DOCCS reverted to the DCJS prescribed mandate for use of force training. This carried over to calendar year 2018 as DOCCS is training all security staff in the use of pepper spray for deployment later this year. We will reevaluate exceeding the DCJS mandate in training year 2019.

Scott Carpenter indicated that there is no pepper spray in the S Block visiting room at Mid-State Correctional Facility.

A/EDC Martuscello stated that deployment was post specific, however, DOCCS would follow-up with the facility on this.

Clarence Fisher asked to have a discussion on eyewash stations. DC O'Gorman informed him that he is presently looking into eyewash stations.

# Issue #7 - SL Sergeant List

#### **Union's Concern**

This item was removed from the agenda.

#### Issue #8 - Inmate Misbehavior

#### Union's Concern

The union would like to discuss the following:

- Numerous misbehavior reports going untimely serious acts of inmate misbehavior going without punishment.
- Prolong no contact for inmates.

# Management's Response

A/EDC Martuscello informed the union that the Office of Special Housing/Inmate Disciplinary Programs reverses annually less than 1% of Tier III hearings due to being untimely. Although DOCCS does not track dismissals at the facility level, we are unaware of hearings going untimely as an issue.

President Powers indicated there are a lot of serious tickets being issued. NYSCOPBA does not believe that Central Office is advising Superintendents to allow tickets to go untimely but they are seeing this occur at a few facilities.

AC Kelly indicated he would follow up with those facilities once information is provided to him. Inmates have to be held accountable for their behavior.

Joe Miano indicated that there are untimely inmate misbehavior tickets at Orleans and Auburn Correctional Facilities. Mr. Miano introduced the folder of untimely inmate misbehavior tickets from Auburn Correctional Facility.

AC Kelly instructed the union to call him or send him an e-mail on any facilities who are not issuing tickets in a timely manner. DC O'Gorman stated that Central Office (Special Operations) normally tracks high-profile incidents to ensure the inmates are held accountable.

The union stated that the evidence collector's training at Wende Correctional Facility is out of date and tickets are being dismissed.

Acting Commissioner Annucci indicated the following:

- 1) Training is of upmost important and if there are areas where training is needed, bring it to the Department's attention.
- 2) A Hearing Officer (a former District Attorney) has been assigned to Upstate Correctional Facility.

There is no reason for tickets being lost. Things are improving but the union was instructed to reach out to Central Office on specific problems and it will get addressed.

President Powers expressed concern with inmate prosecutions.

A/EDC Martuscello stated that OSI went around the State to talk to District Attorneys for their feedback on prosecutions. AC Kelly stated that the Dutchess County District Attorney was invited to visit local facilities and the Green Haven Hub Superintendent met with their local District Attorney regarding inmate prosecutions.

\*Acting Commissioner indicated that District Attorneys get reimbursed by DOCCS under state statute for any inmate prosecutions.

# Issue #9 - Outside Hospital

#### **Union's Concern**

The union would like to discuss outside hospital bid officers' ability to take home their weapons. Tammy Sawchuck further added that Collins to Buffalo General is not cost effective.

# Management's Response

DOCCS will not entertain a request for bid officers' to be issued Department weapons. There are established procedures in place which provide for the safe and secure transfer of weapons at an outside hospital. When issues arise, they have been addressed, including working with the hospital.

DC O'Gorman indicated that he will work with the specific Superintendents on this to ensure issues are addressed as they arise. Hub Superintendent Eckert is looking into ECMC to come up with a solution.

# Issue #10 - Pipe Round Policy

## **Union's Concern**

The union would like to discuss the policy on pipe rounds.

## Management's Response

A/EDC Martuscello directed the union to refer to Directive #4941 published since March 20, 2018.

# Issue #11 - Travel Status Meals

#### Union's Concern

The union would like to discuss the following:

 When on an outside medical trip, an officer cannot call the Chart Sergeant and ask for a relief to go home and eat his dinner.

# Management's Response

A/EDC Martuscello indicated that since a grievance has been filed and is working through the grievance mechanism, it is not appropriate to discuss in the Labor Management forum.

#### Issue #12 – ISO Radios

#### Union's Concern

Tammy Sawchuck requested that radios be returned to ISO's. It only takes a split second to call for assistance in an emergency situation on a radio versus dialing from an I phone

# Management's Response

A/EDC Martuscello stated that a prior decision was made to give the ISO's cell phones, on a Statewide basis, vs. radios.

At each bureau, there are no central personnel managing the radios to ensure any calls coming in will immediately be heard. The cell phones can be programmed with speed dial to ensure that the ISO's can either call the receptionist or other staff to assist with emergencies. The cell phones can be used to contact the local police department for immediate assistance, if necessary.

There have been concerns about parolees being able to hear the law enforcement radio communications while in the waiting area, which poses safety concerns.

Clarence Fisher stated that the Regional Directors in the Brooklyn and Bronx areas have instructed their Bureau Chiefs to monitor radios. A/EDC Martuscello advised the union to work with ADC Anna Enright and her staff on this issue.

## Issue #13 – Body Cameras

#### **Union's Concern**

The union would like to discuss a better way to wear body cameras.

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# Management's Response

This program is still in its pilot stage. All feedback received, including the methods of attachment to the user, are continually evaluated during this pilot and the program will be evaluated at the end of the pilot period.

A/EDC Martuscello stated that Special Operations has been engaging in conversations with the vendor regarding this issue. There have been a variety of discussions and they are still looking for a better solution. DOCCS was awarded an \$800,000 grant through BJA for expansion with an RFP to be issued in the near future. DC O'Gorman stated that a longer and stronger clip is a possibility. Tammy Sawchuck stated that the problem is not with the camera clip but with the shirt.

A/EDC Martuscello stated that the Department is having ongoing discussions with the vendor and they are listening very carefully.

# Issue #14 – Fit Bits and E-Cigarettes

#### Union's Concern

The union would like to discuss allowing fit bits and E-cigarettes in the facilities.

## Management's Response

These electronic items are specifically prohibited in Directive #4936 to maintain the security and integrity of the facilities. Some items have capabilities that would compromise such integrity which would aggravate the risk to our facilities, staff, inmates and the surrounding communities. It would also put undue pressure on front gate staff to determine the capabilities of the various devices.

A/EDC Martuscello stated that there are too many configurations with the fit bits and as for e-cigaretts, there is currently legislation that would prohibit it in public buildings.

# Issue #15 - Mid-State CF S-Block/Building 125 Step Down Program

#### **Union's Concern**

The union would like to discuss drafting out of inmate in a timely manner to avoid acting out in the S-Block/Building 125 Step Down Program

#### Management's Response

There was an issue with the first four inmates that had graduated from the program being drafted out. There was a miscommunication between departments that led to the delay. The issue was resolved and the process has been streamlined to avoid further issues.

#### Issue #16 - Secured Gate in Front of Classroom

#### **Union's Concern**

The union would-like to discuss the fact that the Mid-State Administration never acted upon having a secured gate in front of the classroom.

# Management's Response

A/EDC Martuscello informed the union that a 16-12 has been submitted and approved for the project. Tom McQuade from Facilities Planning was scheduled to visit the facility the week of April 30<sup>th</sup> to discuss the project and get things moving forward. A/EDC Martuscello further added that this has been denied a couple times but DOCCS is moving forward.

DC O'Gorman stated that he will follow-up with the facility.

#### Issue #17 - Mohawk CF

#### **Union's Concern**

The union would like to discuss "mandatory recreation" and the need for additional staff to monitor the 150 plus inmates in the area for mandatory recreation at Mohawk Correctional Facility.

# Management's Response

A/EDC Martuscello indicated that since a grievance has been filed and is working through the grievance mechanism, it is not appropriate to discuss in the Labor Management forum.

#### Issue #18 - Altona/Franklin CF's

#### **Union's Concern**

The union would like to discuss metal silverware at Altona and Franklin Correctional Facilities.

# Management's Response

A/EDC Martuscello stated that there are currently 12 facilities that utilize metal silverware across the State. The decision to use metal silverware or plastic is left to the facility Superintendent. There are pros and cons to each, however, based on a recent review, DOCCS has determined that leaving it at the facility level is appropriate.

Furthermore, this was discussed at the local labor/management level at Franklin Correctional Facility to which the Superintendent reviewed what was occurring around the State and determined that he would continue the use of metal silverware, however, would be willing to re-discuss if an issue arose. Rather than bring it back to the labor/management process, NYSCOPBA decided to negotiate in the press, which is an inappropriate forum for this to be discussed.

#### **MANAGEMENT AGENDA ITEMS:**

# Raise the Age

A/EDC Martuscello presented an overview of "Raise the Age". October 1, 2018 begins the first phase. The population is down at Adirondack Correctional Facility. Training is in progress at Hudson Correctional Facility. The 2<sup>nd</sup> phase for the Groveland Annex is October of 2019 with a population projection of around 220 upon full implementation.

Superintendent Shanley at Coxsackie Correctional Facility met with the local JSU and they will be closing June 1, 2018. This will be re-purposed as a regional mental health unit.

A/EDC Martuscello further added that a draft directive for the Adolescent Offender Facilities is presently in circulation and NYSCOPBA will be provided with a copy once finalized. Under the Juvenile ACA/PREA standards the maximum bed capacity for an AO facility will by 150, with a unit capacity of 16..

Acting Commissioner Annucci indicated that the Senate toured Hudson Correctional Facility. This will be a system within a system

# **Population Management**

Overall inmate population is down approximately 2% from last year. Presently, 49,600.

The Department will be looking at the population numbers for future dorm consolidations.

Mike Marro expressed concerns with top bunks. A/EDC Martuscello indicated that it is his understanding that there is proposed legislation on the topic, however, the Department is in compliance with SCOC regulations and does not have any variances.

# Commissioner's Diversity Management Advisory Committee (CDMAC)

DC McKay presented an overview of the CDMAC Mentoring Program, will be launching a pilot at certain locations and then scaling statewide. This program will be hosted out of the Training Academy and will be an opportunity for further staff development. It is expected to go live by January of 2019.

Overall, the CDMAC consists of six sub-committees which are:

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- 1) Equal Employment Opportunities and Demographic Committee
- 2) Mentoring Committee
- 3) Training and Development Committee
- 4) Inmate Grievance and Discipline Committee
- 5) Policy, Procedure and Planning Committee
- 6) Communications Committee

CDMAC specific training has been provided to the entire executive staff.

Presentations have previously been given to CSEA and PEF, NYSCOPBA was invited to view the presentation.

AC Amoia indicated three tracks that them mentoring program would cover:

- 1) Peer mentoring
- 2) Career Enhancement
- 3) Leadership and Development

All unions will be invited to view this presentation and to provide their input.

Acting Commissioner Annucci stated that the experiences of Correction Officers will be very valuable in the mentoring program. The DOCCS workforce is what makes the agency what it is. DOCCS fundamentally has excellent staff and is way above other corrections departments across the country.

Daniel Martuscello

Date

Acting Executive Deputy Commissioner

Michael Powers

NYSCOPBA President

# MINUTES NYS DOCCS/NYSCOPBA STATEWIDE LABOR/MANAGEMENT MEETING JANUARY 26, 2016 – 1:00 PM ALBANY TRAINING ACADEMY, ROOM B22

# Follow-Up Issues

- 1) Weapon Used by Department
- 2) Directive #2020
- 3) FMLA

#### **New Issues**

- 1) Implementation of DOCCS Directives
- 2) Use of Force
- 3) Hands-on Training in Use of Force
- 4) Sergeants Training
- 5) Increase in Notices of Discipline
- 6) Use of Drones

# Follow-Up Issue #1 – Weapons Used by the Department

#### Union's Concern

Michael Powers requested a discussion on the weapon that is used by the Department. This issue had been discussed at the April, 2015 meeting and he would like to know if there is an update.

# Management's Response

Deputy Commissioner Bellnier stated that the transition would begin in the Spring of 2017 with the recruits qualifying with the glock and the facility/Central Office staff transitioning to the glock during the annual requalification. The facilities would be issued the required number of glocks, as well as maintain their current inventory of revolvers until the transition is completed. Full transition is expected by June 2018 after next year's weapons training cycle.

The Regional Training Lieutenants should schedule the transition so the bid transportation and armed post officers would be scheduled first, as well as a sufficient number of resource staff to cover these posts when these staff members are at training or off. Glocks could be assigned to these posts when these officers have been transitioned. As the transition occurs, the lesson plans will be reviewed.

The range training will be altered to begin with the cohort of officers as described. For the rest, the Department would maintain the regular schedule based on re-qual dates and issue Glocks and S&W accordingly.

#### #2 - Directive #2020

#### Union's Concern

President Powers requested a discussion on DOCCS Directive #2020. Specifically, a proposal to allow other types of weapons to be acquired, owned and possessed by virtue of Peace Officer status. Particularly an AR-15 as it is a weapon used by the Department and he also inquired about carry-on badges.

# Management's Response

DOCCS understands the request. At the present time, DOCCS has no mechanism to appropriately track the purchase of an AR-15 on the basis of the employees' peace officer status. Further complicating the issue is the subsequent disposal of the weapon upon retirement if the employee did not continually qualify with the weapon prior to their retirement. No formal decisions have been made on this item.

DOCCS has inquired with the State Police to determine if they or any other jurisdictions have developed a tracking system so the Department could consider adopting and found the State Police do not have a plan in place yet. Deputy Commissioner and General Counsel Bruen stated that there are a number of logistical challenges in tracking. Being able to prove legal possession is most important. This issue will continue to be reviewed and discussed with the State Police.

#3 - FMLA

#### Union's Concern

Erin Parker requested a discussion on the Family Medical Leave Act. Specifically, the interval of required medical certifications under the FMLA for disabled veterans.

# Management's Response

Deputy Commissioner Martuscello stated that the Department has given some consideration with regard to the intervals of required certifications under the Family and Medical Leave Act for disabled veterans and at this time we do not believe that we need to modify how we administer FMLA. The Department's required recertification if the employee's condition is expected to continue for more than six months is compliant with the regulation. Additionally the questions on the certification only ask the employee's health care provider to provide information related to duration of incapacity over the next 6 months.

The Department understands that this request has risen out of one employee's grievance who is a disabled veteran, however, there are many employees who have lifelong chronic conditions that we require recertification from every six months in order to determine if the employee's condition has changed and that the employee remains qualified to utilize the FMLA benefit which includes the use of accruals.

Deputy Commissioner Martuscello stated that the directive allows enough flexibility to deal with situations such as this. He also informed the union to let Director Ayotte or him know if there are any recertification issues that arise. He can agree to work on the few officers being affected.

# #1 - Implementation of DOCCS Directives

#### Union's Concern

President Michael Powers requested a discussion on the implementation of DOCCS Directives on Use of Force and Counts.

# Management's Response

Deputy Commissioner Martuscello stated that the Department is currently in the processing of revising the Use of Force lesson plan. On January 20, 2016, the lesson plan was provided to President Powers for review and comments for consideration prior to issuance for annual 2016 training which begins on April 1st. With regards to counts, a draft memorandum was shared on the same date as the lesson plan and will be issued shortly. The memorandum, among other things, reiterates the requirements as outlined in Directive #4945 — Inmate Counts.

President Powers stated that there have been conversations back and forth on this issue. The directives are not specific. Additionally, there needs to be hands-on use of force training.

Deputy Commissioner Martuscello indicated that de-escalation was added to the Use of Force Lesson Plan and that a training DVD on unarmed defensive tactics has been developed for in service training. A copy of the DVD will be provided to the union for review. Deputy Commissioner Martuscello also stated that Directive #4944 — Use of Physical Force was in the process of being updated and a draft copy of the directive would be shared with the union in advance of issuance. The draft copy of Directive #4944 was provided to President Powers on February 10, 2016.

When a staff member is involved in a critical incident, they are allowed to speak with a CISM member. CISM is very well received by employees, as such, as you will see in the draft directive, we are going to offer staff the opportunity to speak to CISM after certain uses of force.

The Union expressed concern over staff questioning themselves on uses of force and the feeling that they will be disciplined as a result. Deputy Commissioners Martuscello, Bellnier and General Counsel Bruen stated there are hundreds of uses of force recorded yearly, however, there are not hundreds of Notices of Discipline issued. The clear majority of staff use the appropriate force. Good training, documentation and techniques protect staff. There have been a lot of questions regarding the use of force and the need to make sure they are conducted correctly. It is important that new staff members be trained properly. Bad events get the most attention.

Joe Miano inquired about OSI re-evaluating cases from 8 ½ month ago. Inmates file complaints on cases that have already been signed off on. Deputy Commissioner Martuscello pointed out the contract allows for discipline to be brought within 9 months of an event (longer if it involves conduct that would constitute a crime), however, Deputy Commissioner Martuscello agreed to look at the cases Mr. Miano mentioned. Mr. Miano will provide Deputy Commissioner Martuscello the names involved in the two OSI cases out of Attica and one from Wyoming Correctional Facilities. Further discussions were had regarding investigations starting at the facility level but can come from other mechanisms. Superintendents need to do an exhaustive review as well. Just because the facility signs off on a case does not prevent an investigation or discipline. Some inmates complain just to complain. There have also been an increase in outside complaints.

# #1 - Implementation of DOCCS Directives (Continued)...

Dave Viddivo asked if there has been an increase in complaints. Deputy Commissioner Bellnier stated that there has been an increase in complaints based on the recent publicity and intensive focus on the Department.

Deputy Commissioner Martuscello pointed out that 292 Notices of Discipline were issued to NYSCOPBA represented employees in 2014 versus 275 Notices of Discipline issued to NYSCOPBA represented employees in 2015. Suspensions for 2014 were 133 and for 2015 were 144.

Dave Vidivo stated that <sup>3</sup>/<sub>4</sub> of those 2015 suspensions were done in the last six months. Deputy Commissioner Bellnier also added that there have been a number of off duty arrests.

The union requested that use of force videos be reviewed prior to reports being written. The Department stated that this was discussed at length during our 2014 Labor/Management meeting and could not be agreed to. There may be limited situations where it may be appropriate to have staff review video footage, however, the decision to do so must remain a management determination and will not be done on a regular basis.

Mike Dildine stated that since the Clinton incident, the numbers of uses of force have gone up. Staff are dealing with a different inmate. There are a lot of inconsistencies in uses of force, eg. cannot hit an inmate in the head. NYSCOPBA pointed out that the language in the revised training manual with respect to use of force involving a blow to the head is internally inconsistent. Specifically, the word "prohibited" is used to describe this action, yet, the next paragraph provides for circumstances when you can use force "by any means necessary." The issue is the word 'prohibit'- because in fact this act is not completely prohibited. Deputy Commissioner Bellnier indicated that this can occur- the issue is defense- is there a reason why lesser force could not be used. Deputy Commissioner Bellnier stated that when Sergeants review use of force reports where there was a head hit, this can be justified when there were no other means to subdue the inmate. Instructions have been out there for years. There needs to be justification for defense.

Mike Dildine stated that staff fear being disciplined instead of defending themselves. There needs to be hands-on training. Deputy Commissioner Martuscello asked the union to articulate their information back to him and he would be happy to hear their input.

Assistant Commissioner O'Gorman stated that there is sometimes poor wording in use of force reports. More time needs to be taken in writing reports. Well written reports need to be completed.

DOCCS indicated that as part of the revision to Directive 4944, new forms are being created to make it easier to report uses of force. Questions have to be asked when a report doesn't make sense or is incomplete. Superintendents have to sign off on all reports. There are times when we see incomplete reports and then issues arise.

The Union also expressed concern that the Facility Operations Manual changes do not get communicated to staff members. There must be more clarification between the directive and the Facility Operations Manual and what is getting communicated to staff. Every facility is different. If it is not clarified in the facilities, then it does not get communicated.

President Powers stated there needs to be clearer instructions in the directives when it comes time for discipline and he is asking for DOCCS to review their recommendations, get the information out to the

facilities and to keep an open dialogue. Deputy Commissioner Martuscello stated that DOCCS always welcomes communication and feedback with the union.			
			10.11

# #2 - Use of Force

# Union's Concern

The union would like to discuss the issue of use of force.

# Management's Response

This issue was addressed during the discussion of New Issue #1.

# #3 - Hands-on Training in Use of Force

## Union's Concern

The union would like to discuss hands-on training in the use of force.

# Management's Response

The Department is in the process of developing and reviewing a refresher video on unarmed defensive tactics for use in the 2016 training year. The Department shared a copy with the union for review and input.

This issue was addressed during the discussion of New Issue #1.

# #4 - Sergeants Training

#### Union's Concern

President Michael Powers requested a discussion on training for Sergeants and the possibility of providing the training prior to being appointed as a Sergeant.

# Management's Response

Deputy Commissioner Martuscello stated that the Department is running Sergeant school on the following dates:

Dec. 7 through Dec. 18<sup>th</sup> Feb. 1 through Feb 12<sup>th</sup> Feb. 15 through Feb 26<sup>th</sup> March 7<sup>th</sup>- March 18<sup>th</sup>

Deputy Commissioner Martuscello further stated that after the March training, the Department will caught up in Sergeant's training. At this point, the Department asked if the union is requesting Sergeant's school prior to appointment, however, if the Department decides to transition to this model, we would no longer promote a Correction Officer to the title of Correction Sergeant without them first attending the school. The Department would utilize the rule of 3 to bypass anyone not trained. The union will review this option.

Mike Dildine asked if there was a way to train Sergeants prior to their being placed in SHU 200's, or for more seasoned Sergeants to be placed in the SHU's. Deputy Commissioner Martuscello indicated that we could follow the exact wording of the contract and have staff bid shift and squad only, which would provide flexibility on who is assigned to an actual job, allowing for the facility to assign the more seasoned Sergeants to the SHU. Dave Viddivo requested SHU training be a part of Sergeants school.

# #5 - Increase in Notices of Discipline

## Union's Concern

The union would like to discuss the increase in the number of Notices of Discipline being issued.

# Management's Response

The number of Notices of Discipline issued to NYSCOPBA members are consistent with the previous years. This issue was addressed during the discussion of New Issue #1.

#### #6 - Use of Drones

#### Union's Concern

The union would like to discuss the use of drones. Specifically, ensuring a uniform policy providing clear guidance on drones.

# Management's Response

Deputy Commissioner Martuscello stated that it is the Department's understanding that there has been legislation sponsored in both houses that would prohibit flying a drone over a correctional facility. Both DOCCS and the union are requesting from the Legislature new laws and regulations to strengthen how we deal with drones. The Federal Bureau of Prisons and the National Law Enforcement Correctional Technological Committee are working on solutions to the drone issue.

Deputy Commissioner Kevin Bruen stated that the FAA is improving their policy on the use of drones. Erin Parker asked if this was a piece of legislation and Deputy Commissioner Bruen indicated that it is.

The Department is monitoring what the FAA is doing and is plugged into how this is handled countrywide. NYSCOPBA requested a specific policy to handle drones. Deputy Commissioner Bellnier stated that the State Police must be notified if drones are flown within 500 feet of a correctional facility. They should be treated the same as if they were a helicopter or plane.

#### Additional Issues:

<u>Directive 4943 Body Cameras:</u> Mike Powers inquired about body cameras. Would there be an inmate rulebook change and is there movement in legislation. Inmate movement is an issue. Is there a set date and how is this being phased in.

Deputy Commissioner Martuscello stated this will need to be staged over several months.

Erin Parker inquired about the specific responses to Directive #4943 draft that NYSCOPBA previously submitted to DOCCS.

Deputy Commissioner Martuscello stated that he reviewed their comments on this issue and for NYSCOPBA to take another look at the directive, as the changes were simply a change in technology (body camera vs. handheld), not a change in policy.

<u>Use of Force:</u> NYSCOPBA noted several discrepancies in the new use of force lesson plan that contradict each other and the issue this creates during arbitrations when it appears DOCCS has two different policies on when and how force can be used. NYSCOPBA asked for clear direction and training on when and how DOCCS wants us to use force. DOCCS again discussed the new training video which will be shown to members in the next training cycle. DOCCS asked that NYSCOPBA put in writing the discrepancies that were noted.

Mike Dildine stated that there needs to be a proper amount of staff going into a cell and who determines the number of staff.

Deputy Commissioner Bellnier stated that its dependent on the inmate and it is a judgment call. Joe Miano stated that there are certain parameters correction officers have in use of force training and would like to see a memorandum spelling it out. Deputy Commissioner Bellnier stated that a memorandum cannot be crafted to cover every potential use of force scenario. The lesson plan is clear on when and why type of force is appropriate.

Assistant Commissioner Charles Kelly stated that the All Superintendents memorandum was reissued three years ago. Assistant Commissioner James O'Gorman stated that it is incumbent of senior staff members to aide newer staff. Sergeants need to take an active role in supervising staff. Deputy Commissioner Bellnier stated that Correction Officers should have a yearly review of their job description in order to test their knowledge of their duties.

Tammy Sawchuck suggested fostering a mentoring program.

Inmate Accountability: Erin Parker requested that the Department issue an inmate accountability memorandum. Staff have been given conflicting direction. They have always been told to make sure there is a living breathing body. The draft memo provided to NYSCOPBA does not address these concerns.

Deputy Commissioner Martuscello indicated that the draft memo was shared with President Powers and would be issued shortly. He further mentioned that there is an infrared pilot being done at six facilities that will assist staff in conducting night counts, however, staff need to ensure that there is a living, breathing body present as per directive.

Hooded Sweatshirts: The union inquired about hoodies being provided to outside crew. Deputy Commissioner Martuscello indicated that hoodies would be removed and outside work crews would be provided a knit hat.

Commissaries/ Cans: The union inquired about the procedure for commissaries moving to having no cans. Acting Commissioner Annucci stated that a backlash is expected but as long as this change is explained, the transition should go smooth. He further added that we have experience in making incremental changes, similar to the prohibition of smoking indoors.

#### Additional Issues Continued...

Erin Parker inquired about Tour 1 supervisory rounds. There will be times when some leeway is needed. Specifically, a supervisor may not be able to physically observe a count due to another incident at the facility that needs attention. Deputy Commissioner Bellnier stated that the policy allows for flexibility when it is justifiable, such as when an incident occurs.

Mike Dildine suggested that, if a supervisor cannot watch a count, to note in the logbook why. Announced vs. unannounced rounds. PREA says there should be no announced rounds. Deputy Commissioner Bellnier stated that announced rounds can be conducted, however, regular rounds should be unannounced. Furthermore, the draft revision indicates that logbook entries must be specific. The Union asks that this direction be clearly made - including at Sergeant's School.

Raffles: CERT Team disbursement. \$10,000 is raised yearly. Deputy Commissioner Bruen stated that New York State gambling rules cannot be violated. Raffles are ok but 50/50's are the problem. Counsel's Office can assist in the determination of what is considered illegal gambling.

Artic Gear: The use of this gear is more specific to the job not the person. Deputy Commissioner Martuscello told the union to send him specific incidences or arctic gear requests that need review. NYSCOPBA asked for an update on PT arctic gear and the status of the re-bid. DOCCS indicates rebid for better quality good was completed and the gear is available.

Daniel F. Martuscello III Deputy Commissioner

Michael Powers

NYSCOPBA President



ANDREW M. CUOMO Governor ANTHONY J. ANNUCCI Acting Commissioner

# MINUTES NYS DOCCS/NYSCOPBA STATEWIDE LABOR/MANAGEMENT MEETING APRIL 14, 2015 ALBANY TRAINING ACADEMY, ROOM B22

# Follow-Up Issues

- 1) Responses in FOIL Requests
- 2) Workplace Violence Training
- 3) Uniforms
- 4) Artic Gear
- 5) Weather-related Absences
- 6) Weapons Restrictions

#### **New Issues**

- 1) Body Scanner
- 2) Assaults on Staff
- 3) Officer Suicide and PTSD
- 4) Additional Staff
- 5) Post Closings
- 6) Job Description Changes
- 7) Preparedness for Trips in Bad Weather
- 8) Fax Lines
- 9) K2 Increase in Penalty
- 10)Weapons
- 11) Directive #2020
- 12) Medical Certifications Under FMLA for Disabled Veterans
- 13) Transportation of Parolees

Acting Commissioner Annucci began the meeting by stating that he values the opportunities to meet with the union and he is excited to listen to their ideas and suggestions and hopes to have some resolution to their issues.

# Follow Up Issues

# #1 - Response in FOIL Requests

#### Union's Concern

The union wanted to discuss FOIL request responses. Specifically, the union is concerned over the amount of time it takes to process FOIL requests and they asked if there is something that they can do to expedite FOIL requests. Every form that comes back is a "blanket" form. Erin Parker asked if the Department could review the FOIL 30 day blanket review letter. Every single request gets this 30 day letter which is the default maximum under the regulations. Following that, there are numerous continuing delay letters sent. The union asked if DOCCS could get additional staff in the FOIL Unit.

# Management's Response

Deputy Commissioner Bruen stated that his priority is to get through the backlog of FOIL requests. He stated that the volume of FOIL requests at DOCCS is significantly larger than in other State agencies. He stated that the DOCCS' FOIL Unit is understaffed and also he has made a big commitment with training in the field. The number of FOIL requests are up over 1/3 from last year. He informed the union to call him with specific issues they are concerned with and will try and speed up their requests.

Acting Commissioner Annucci stated that the volume is an issue and it is drowning in litigation. DOCCS is under scrutiny with the media. DOCCS is trying to be sure it reaches the right decisions before issuing responses. He informed the union with the upcoming move to Building 9, DOCCS does not have enough space for additional staff.

# #2 - Workplace Violence Training

#### Union's Concern

The union discussed workplace violence training and that this is not being conducted during line-up. There is a disconnect at the facilities with the lack of computer access for Sergeants and Officers. Rank and file members cannot receive training on the computer. This was an issue last year with another training module. Mr. Powers stated the directive is not being adhered to and the incidences of workplace violence are not being discussed at labor/management meetings. The union believes workplace violence needs to be discussed at the facility level more than once a year. Mr. Blasio indicated that some Superintendents seem to believe that the Workplace Violence meetings are just once per year – this is not the case, there should be discussions at monthly meetings.

# Management's Response

Deputy Commissioner Martuscello stated that the reading of training bulletins at line-up has always been used as a means to deliver the information contained in the bulletins. DOCCS does not anticipate providing more robust training via this mechanism. Last year, the Governor's Office of Employee Relations provided this training through CD's. A statewide workplace violence meeting will be conducted on April 15, 2015. Deputy Commissioner Martuscello asked the union to pinpoint the locations where there is a breakdown and let Robert Kennedy know. At the Hub Superintendents meeting on April 16, 2015, the Superintendents will be reminded to conduct monthly labor/management meetings and will urge dialogue with the unions on workplace violence. Mr. Kennedy stated that he will reinforce to the Superintendents to have monthly labor/management meetings and he will share all reports from facilities at the meeting on April 15, 2015.

#### #3 - Uniforms

#### Union's Concern

The union wanted to discuss uniforms. President Powers stated that there are constant complaints about the current uniforms and requests a better quality uniform for NYSCOPBA members. President Powers inquired about the test program at Greene Correctional Facility and the Training Academy. Tammy Sawchuk inquired about the inventory issue at Auburn Correctional Facility and asked if the old uniforms are still in production. The union also inquired as to a date the new uniforms would be available. The union also asked about a discussion on real BDU pants.

# Management's Response

Deputy Commissioner Martuscello stated that new uniforms will be issued within four to six months. Robert Kennedy informed the union that the test programs were conducted at Greene Correctional Facility and the Training Academy and got back positive feedback. The shirts are a more breathable poly-cotton blend.

Deputy Commissioner Martuscello stated that a more relaxed fit with more flexibility and a breathable cloth is planned. The pants will be the same color. Deputy Commissioner Bellnier stated that there are too many pockets on the BDU pants.

President Powers asked if NYSCOPBA can have a seat on the uniform committee and DOCCS informed him that NYSCOPBA already does have a seat. Deputy Commissioner Martuscello informed President Powers to provide Mr. Kennedy with the names of staff members they would like to attend these meetings.

The union additionally requested that their members receive more of a dress uniform when attending special events, such as funerals. The union stated DOCCS uniforms look like transit authority uniforms and Ms. Sawchuk stated that other agencies have classier uniforms. The officers are looking for more of a ceremonial jacket. Mr. Mazzella stated that DOCCS' Officers are not as presentable as other agency's staff members. Deputy Commissioner Bellnier stated that DOCCS will not change uniforms for that reason and that the present uniforms are fine. The Department is proud of the Class A uniform. Acting Commissioner Annucci stated that he has received letters commending DOCCS' officers' appearances.

Mr. Kennedy stated there is a flag and patch issue but DOCCS is transitioning and moving forward. The union inquired about a date and Mr. Kennedy stated he will provide that to the union.

#### #4 - Arctic Gear

#### Union's Concern

President Powers inquired about the unavailability of arctic gear, regarding gear that was requested and approved. Erin Parker mentioned the unavailability of gear at Orleans Correctional Facility which has resulted in a grievance being filed. Mike Dildine inquired about the problems at Lakeview Shock Inc. CF with the lack of artic workout gear.

# Management's Response

Deputy Commissioner Belinier stated that, he has approved the issuance of more arctic gear. He stated that the answer may not always be yes, but he will take a closer look at this.

With respect to artic workout gear, Assistant Commissioner Corcoran stated that he had looked at one sample but it was of terrible quality. Another sample will be arriving any day for Mr. Corcoran's review.

David Divido asked if the Department would reconsider the purchase of arctic hats. Deputy Commissioner Bellnier stated there may be a cost issue but will look into it.

Directive #3083 addresses the issue of arctic gear requests and authorization (Page 3 of Directive #3083 is attached – see Item 7). Management finds no reason to depart from the current policy.

#### #5 - Weather-Related Absences

#### Union's Concern

The union would like to discuss weather related absences. President Powers specifically asked for more clarity in this issue. Staff were unable to get to work because of roadblocks and local law enforcement denying them access due to road closures. The union stated not only did the State Police prevent NYSCOPBA members road access, but it also the Sheriff's Department and local law enforcement. The union would like to see an executive order where Correction Officers are considered essential staff. Erin Parker mentioned the State of Massachusetts' emergency order from the November, 2014 storm which detailed essential staff and suggested advancing an example to the Executive Chamber. President Powers would like to see more clarity on employees calling in sick during weather-related incidences. More information needs to be provided to new staff members. The union expressed concern over trips and staff being stuck out in weather-related incidences. They mentioned the State van being stuck on the Thruway for twenty-four hours.

Chris Hansen mentioned that during Hurricane Irene, a Correction Officer who is a Fire Chief was not reimbursed for his time because his area was not declared a state of emergency.

Erin Parker inquired if Institutional Safety Officers are considered essential or non-essential staff.

# Management's Response

Deputy Commissioner Martuscello stated that he has addressed this issue with the NYS Police informing them that all NYSCOBPA employees are deemed to be essential employees and are expected to report to work during weather emergencies. DOCCS' Counsel's Office maintains ongoing communication with the State Police on this. Deputy Commissioner Martuscello asked the union to provide him with the State of Massachusetts emergency order.

Darren Ayotte, Director of Personnel, stated that one staff member did receive a ticket for being on an inaccessible road, but the ticket was thrown out by the local court because of the "essential staff" status.

Deputy Commissioner Martuscello stated that reminders and communications are sent out about this issue. He will look at revising the memorandum to the field. Deputy Commissioner Bellnier stated that he has addressed the trip issue with the Superintendents and the need to determine what is an emergency and to review the necessity of trips. Also, DOCCS is looking into placing emergency kits in vans. Deputy Commissioner Bellnier stated he will give specific instructions and reminders to all Superintendents. Everyone knew the storm was coming, but no one predicted seven feet of snow. Deputy Commissioner Martuscello stated that the decision of ISO's being considered essential or non-essential during a weather-related event would need to come from the Regional Directors. He additionally suggested that staff check on the DOCCS website for further information.

If during a weather emergency a Superintendent determines that incidental time off can be approved then essential NYSCOPBA employees can request and be approved to use PL or Annual Leave if the

employee has no PL available. If however incidental time can not be approved then the employee is expected to report to work, if the employee can not make to work then they are considered AWOL.

#### Weather-Related Absences Continued...

Due to the extreme nature of the snow storm in Western New York in November 2014, the Department allowed those essential employees who could not make to work at locations in counties identified as impacted by the snow emergency to charge leave credits to cover their absences despite their being considered essential employees.

Additionally, in February of 2015 in response to receiving direction from GOER notification went to Superintendents and Regional Directors who facilities or regional offices are located in counties identified as impacted by the November snow emergency that all staff who could not report during the period of November 19 through November 21, 2014 (other than those who called in Personal Sick or had pre-approved leave) were not required to charge leave credits to cover their absences. Direction was given to take immediate steps to restore accruals charged during this period.

# #6 - Weapons Restrictions

#### Union's Concern

President Powers requested a discussion on the review process for weapons restrictions. Erin Parker asked who the committee members are and how information is reviewed. The union inquired about an appeal process. Tammy Sawchuk asked if an employee can be put on weapons restriction for time and attendance issues or work attitude. The reason for time and attendance questions on the form to request reinstatement is wanting the Superintendent to have knowledge of the employee (so employee work record is necessary). Michael Mazzella stated that there is no process at the facility level.

# Management's Response

Deputy Commissioner Martuscello stated that on February 27, 2015, Darren Miller, Director of Operations, OSI, issued an email outlining procedures in dealing with weapons prohibitions. A copy of the policy was provided to Michael Powers prior to the labor/management meeting.

Stephen Mahar stated that he has been addressing this issue over the past ten months. DOCCS is taking this issue very seriously and trying to make changes. The committee will meet monthly to every six weeks. DOCCS is trying to put together an application and streamline the process. DOCCS is looking for more information and input from supervisors. There is higher number of returns (50%) in lifting weapons restrictions.

There is no appeal process. The employee would need to reapply after six months. Deputy Commissioner Martuscello stated that no employee should be put on weapons restriction for time and attendance issues.

Deputy Commissioner Martuscello stated that the facility level is the first step.

# #1 - Body Scanner

#### Union's Concern

The union would like to discuss the possibility of a new type of body scanner to replace the BOSS chair. The union believes the BOSS Chair is no longer up to date technology. Specifically, President Powers suggested the equipment the TSA uses. Mr. Blasio inquired about money for equipment.

# Management's Response

Deputy Commissioner Bellnier stated that BOSS chair has proven effective for detecting contraband on inmates. It is a reliable and durable piece of equipment which has been around for 15-20 years. TSA equipment can be easily defeated and is costly. New body scanning technology is costly. Management will continue to explore new methods of detection devices and is willing to consider reviewing new types of technology presented by the union.

Deputy Commissioner Martuscello stated that he had suggested quarterly sub-committee meetings and had asked for two names of NYSCOPBA members for this sub-committee from John Telisky

Assistant Commissioner O'Gorman stated that the pepper spray testing was conducted at the Training Academy and will continue to look into the newest technology.

Deputy Commissioner Martuscello stated that there is a flat budget. When DOCCS identifies needs, it will jockey to get the money. DOCCS will address needs as it needs to.

Mr. Robert Kennedy the Product Evaluation Committee directive is now in draft form. DOCCS is open to any suggestions the union has to offer.

# #2 - Assaults on Staff

### Union's Concern

President Powers expressed concern over the continuing rise in number of assaults and violence on staff. He further stated that there are multi-faceted concerns with the closing of posts and the shortage of staff. These issues have an impact on staff assaults. There is a need for more staff and better equipment (pepper spray). More eyes and ears are needed on walkways. NYSCOPBA indicates they believe they are still owed more staff from the last budget round that was not provided. The union asked if DOCCS can work with DOB to bring up staffing levels.

# Management's Response

Management continues to focus its efforts to address all incidents involving violence or the threat of violence in its facilities. Numerous initiatives have been developed to support that effort:

- S.M.A.R.T.
- Staffing reviews
- Quarterly violence meetings with NYSCOPBA
- Training Initiatives:
  - 1) De-escalation
  - 2) Cell extraction/equipment enhancement
- Increase focus of inmate on staff assaults

Acting Commissioner Annucci stated that this is a very serious and multi-faceted issue. His number one concern is for the safety of staff and visitors. He indicated there are different initiatives underway. He reviews incidences on a daily basis. There were forty-eight assaults in March, 2015. This number is down from previous months. He further stated that fifteen/twenty years ago, things were different, which brings many challenges for the Department.

Acting Commissioner Annucci stated that he is willing to look at anything and everything and Deputy Commissioner Bellnier stated that this is a priority. March's number is a significant positive indicator. Acting Commissioner Annucci stated that he looks at the different types of injuries and 75% of those injuries are not serious, however, he does not want to diminish staff assaults. This is a complex problem and not just as a staffing issue. DOCCS reiterates its commitment to improve safety through the SMART Program. Nothing can happen unless the system is fundamentally safe.

Deputy Commissioner states that he reviews reports every day. The SMART Team examines coverage, walkway movements, and origin of fights. Quarterly violence meetings are conducted.

The union stated it is particularly important to conduct staffing reviews and conduct quarterly violence meetings. Deputy Commissioner Bellnier stated that he does not have all of the answers but does have good staff to look at each incident. When a particular facility calls with an issue, the Department works with them and puts in place responses to deal with their problems.

President Powers indicated that training is needed. With respect to the staffing reviews, President Powers indicated the union is glad that they are here and that we have a voice at the table. We do

have concerns about whether that voice is listened to. Also with the staffing reviews, at one facility you learn that walkway coverage is needed, that information can be transferred to other facilities as well — this can be proactively done. Staffing - we believe this is a start. More eyes and ears on the ground. When you don't have a vantage point on a walkway or a rec area — that is a problem. It can be fixed with staffing.

Mike Dildine expressed concerns regarding the mail room with respect to drugs being found on stamps. He also expressed concern regarding the issue of contact visits and how it relates to drugs and other contraband within the prison system.

### Assaults on Staff Continued...

Acting Commissioner Annucci stated that he remembers the Department had double-bunking and staff assaults were very high in the 1990's. DOCCS now has more violent offenders and are losing the more experience security staff. We have a much younger security staff now. Most of the staff assaults are at the maximum security facilities. We need to ask the more experienced Correction Officers for their suggestions and feedback.

Deputy Commissioner Bellnier stated that a SMART review was completed at Bare Hill Correctional Facility and there is good walkway coverage at Washington Correctional Facility. He stated that at the HUB Superintendents meeting, he will discuss this with the Superintendents. There were issues with inmate movement at Elmira Correctional Facility and the SMART team work with them. They now have more equipment and have seen a reduction in the number of events as a result of the SMART review.

Erin Parker inquired about contraband in commissaries and visiting rooms. Deputy Commissioner Martuscello stated that there is a new Statewide Commissary System at the Office of the State Comptroller. This will be a centralized commissary requirement and also mentioned the Friends and Family program sent in from a secure vendor.

Deputy Commissioner Bellnier agreed with the importance of the issue of contraband in the visiting and package rooms and there is new technology in the package rooms (vending machines). There is the Visitor Recognition System for undetectable contraband. Staff need to be vigilant.

Mike Dildine expressed concern that information concerning major events does not get out to the field. Deputy Commissioner Bellnier said the information does get to the Superintendents and is careful that the information does not get misinterpreted and the Superintendents should be disseminating this information to his staff. The information provided on Unusual Incident Reports is only preliminary.

Assistant Commissioner O'Gorman stated that the Assistant Commissioners will be sending out emails to their facilities to keep them informed on issues and Deputy Commissioner Bellnier stated that cameras are a deterrent to staff assaults.

Acting Commissioner Annucci stated that the Milburn Consent was just lifted at Green Haven Correctional Facility. Green Haven needs to be a rewards facility. The Department is seeing fewer demands for maximums and will continue to take down double cells.

Vincent Blasio expressed concern that employee morale is low and is worried with the games that inmates play with outside hospital stays.

Acting Commissioner Annucci stated that every employee is important and deserves to be treated with respect. No matter what position an employee holds, all staff are important and need to be listened to. This meeting is provided valuable information and it has to be reiterated to the Superintendents to hold more labor/management meetings. Acting Commissioner Annucci stated that he will listen to any suggestions on employee moral.

### Assaults on Staff Continued...

It is not like the old days when Department events were held such as the Olympics and to let him know of other practical things to increase morale. Employee morale is very important to him. He will be issuing a memorandum to all employees regarding suicide, solutions and getting help.

Tammy Sawchuk asked if inmates who are on weekend hospital stays can be put in the closest RMU. Assistant Commissioner Hilton stated that we cannot put an inmate into an unfamiliar facility. Deputy Commissioner Martuscello stated that he is working on putting staff on-call for one-on-one hospital watches. Assistant Commissioner O'Gorman stated that in some cases, inmates are taken back to their assigned facility and are put on a one-on-one watch. Deputy Commissioner Martuscello stated that the Department is focusing on situations where there is no OMH staff on duty over the weekends.

President Powers expressed concern over the morale aspect. Employees are timid now, disciplines are up. Positivity and recognition would carry a great deal of weight.

### #3 - Officer Suicide and PTSD

### Union's Concern

President Michael Powers requested a discussion about training in the recognition and prevention of officer suicide and PTSD and how this subject is a prevalent aspect in the DOCCS field. He requested more dialogue with staff members take place on this issue. The union suggested that DOCCS look into the correction officer suicide and stress presentation that the State of Massachusetts presently uses and, if possible with a grant, DOCCS can provide this training.

# Management's Response

Deputy Commissioner Martuscello stated that NY Works is a great resource. He advised the union to provide him with any ideas they may have.

Assistant Commissioner Hilton stated that training is provided for all new recruits. He is working with other states on this and will be implementing a lot of training.

John Shipley suggested the use of PRC joint funds for education training. Assistant Commissioner Hilton said he will work with Mr. Shipley on accessing joint funds.

Management further provides (following the meeting) the following information.

- Suicide prevent training is offered to all new recruits and annually suicide prevention is provided to all DOCCS staff, including custodial staff.
- All staff that work in mental health programs receive eight hours of training about types and symptoms of mental illness, suicide prevention and how to effectively and safely manage inmates with mental illness.
- All DOCCS employees who work in SHU receive four hours of training annually by OMH.
- In 2012, two hour training coverage Suicide Prevention for DOCCS supervisors. This
  was delivered to every facility executive team and all supervisors. This training covered
  the prevention of suicide and understanding how it relates to the Department's mission.
- Training on formal tools used to document observation of an inmate's mental status, completion of suicide prevention screening instrument.
- In conjunction with OMH, a two hour training for supervisors at facilities with part-time or no OMH services were trained in December, 2014. This training covers signs and symptoms of mental illness, the mental health referral process, and responsibilities of supervisor with regard to the prevention of suicide.
- In 2014, all employees regularly assigned to RCTP's received eight hours of training which was jointly developed and delivered by OMH and DOCCS. This training covered not only operational issues, but communication with inmate-patients in RCTP, Recovery and Treatment of Inmate-Patients. This training will be provided annually. For 2015, the training will begin on April 21, 2015.
- Additionally, all DOCCS employees receive one hour of training in the prevention of suicide.

- Training is provided to the recruits on the effect of trauma on staff, reaching out for help and positive coping skills at all recruit academies.
- For staff health, recovery was added into the 2013 training and 2014 RMHTU trainings.
   This will continue in the scheduled 2015 training that begins in May.
- Self-care was most recently provided at the CAR training.
- In addition, training on stress management for working in a correctional facility was provided to all employees to utilize on training days.
- CISM trainers are qualified to provide trauma training on facility training days.
- CISM teams are sent out to facilities to provide support and education on dealing with stress after a crisis situation.

# #4 - Additional Staff

# Union's Concern

The union would like to discuss the placement of additional staff for facilities.

# Management's Response

This will be dependent on outcome of staffing reviews and availability of funded items.

Both parties agreed that this topic was covered under previous agenda items already.

# #5 - Post Closing

### Union's Concern

The union wanted to discuss the closing of posts. Specifically, the problem is the process of reporting post closings and overtime guidelines. President Powers stated it is important to continuously reiterate post closings and the need for documentation. With rise in facility violence, there are serious concerns in closing posts with less staff. Through OSC findings, the Department is 33.6% higher in overtime hours.

# Management's Response

Management continues to meet quarterly with NYSCOPBA on post closures. A request has been submitted to ITS to modify the post closed report. The report will be modified to include reasons for post closure and a longer period for report retrieval/retention.

Deputy Commissioner Bellnier stated that safety and security are his first concern and balance needs second. He will remind the Superintendents to look at the safety and security aspect before closing posts. Recently, the numbers have gone down. As a former Superintendent, Deputy Commissioner Bellnier understands that overtime needs to be controlled and less posts closed. He will again share the Post Closing memorandum with the Superintendents.

# #6 - Job Description Changes

### Union's Concern

President Powers wanted to discuss changes in job descriptions and the input from the local union. Certain aspects of jobs are being changed without the local union's input. The facilities need to be reminded that they need to get local union input on job description changes.

# Management's Response

Deputy Commissioner Bellnier will issue a memorandum to all Superintendents clarifying the issue and provide direction for adherence to policy.

# #7 - Preparedness for Trips in Bad Weather

## Union's Concern

President Michael Powers wanted to discuss preparedness for trips in extreme weather including necessary equipment and in-place rescue plans.

# Management's Response

Deputy Commissioner Bellnier indicated that the Department is looking into purchasing a rescue plan kit. Deputy Commissioner Martuscello stated that he will explore funding for this purchase.

Additionally, President Powers inquired about the snow removal equipment issue at Wende Correctional Facility. Assistant Commissioner Corcoran stated that a purchase order for this equipment has been approved.

# #8 - Fax Lines

# Union's Concern

The union would like to see dedicated fax lines in all facilities. It is difficult to fax anything to a facility. Outside offices, including doctors' offices complain about the in-ability to fax to a facility based on the archaic "extension" system. This causes an issue of members being placed on leave without pay when doctors' offices cannot get medical documentation faxed directly to the facility. The union gave a few examples of grievances on this issue and facilities that have had significant faxing issues.

# Management's Response

Deputy Commissioner Martuscello stated that each facility currently has a main fax as an extension of the main line into the facility.

The addition of a dedicated/independent fax line would have a fiscal impact. Additionally, it is unknown which, if any, facility telephone lines have sufficient capacity.

# #9 -K2 - Increase in Penalty

### Union's Concern

President Powers inquired about the K2 increase in penalty and inquired whether it could rise to the crime of promoting prison contraband.

# Management's Response

Deputy Commissioner Bellnier stated that current confinement sanctions for 1st offense are lower than those for a positive urinalysis test and/or drug possession, based on the charge 113.13 versus that of 113.24 and/or 113.25, however, the reality is that until the substance is deemed a drug and/or controlled substance, the rule violation charge must remain the same. As previously stated, the confinement sanction is less for the first offense, however, it does match the others at the 2nd and 3nd or more offense level.

This is not a crime on the street only a violation of the Public Safety Law when it is being sold. Deputy Commissioner Bellnier stated that K2 in the facilities is not a crime, but considered contraband.

# #10 - Weapons

# Union's Concern

President Powers inquired about transitioning the Departmental weapon to a 9mm. A 9mm is the more common weapon used by Law Enforcement. The Department is currently transitioning to 9mm for other titles – such as Institutional Safety Officers. CERT members of DOCCS also use the 9mm) and are trained in it through DOCCS).

# Management's Response

Deputy Commissioner Bellnier stated that he is presently looking into this and wants to resolve this issue. We are at a point now where the Department needs to transition.

Training for the new weapon will have to be looked into as well. DOCCS will need to run two ranges for training. DOCCS is looking at how to transition.

Deputy Commissioner suggested to the union to provide him with their proposal on how to make this transition.

The union has since provided the proposal requested.

# #11 - Directive #2020

# Union's Concern

President Powers wanted to discuss the revision of Directive #2020 to allow other types of weapons to be acquired, owned and possessed, by virtue of Peace Officer status. Particularly, an AR-15, as it is a weapon used by the Department. President Powers stated that he has been approached by many NYSCOPBA members expressing their need for additional weapons training.

# Management's Response

Deputy Commissioner Martuscello stated that DOCCS will look into this further.

### #12 - Medical Certifications under FMLA for Disabled Veterans

# Union's Concern

DOCCS Directive on FMLA requires employees to submit medical documentation for FMLA (certification or re-certification) every six months (or as necessary). The regulations under the FMLA require them annually, but indicate that an employer may request as often as every 6 months. Union request that DOCCS uses that discretion, and does not automatically require re-certification at 6 months. This is especially true in the case of veterans, as it is difficult for veterans to get the necessary appointments at the VA to have the recertification done every 6 months.

# Management's Response

Deputy Commissioner Martuscello informed the union that he will give their suggestion some thought.

# #13 - Transportation of Parolees

### Union's Concern

The union would like to discuss the lack of proper equipment and weapons for uniformed correction officers when parolees are being transported. Specifically, NYC transportations and the lack of weapons for the officers. The union suggested a plain-clothed officer be assigned to transport parolees.

# Management's Response

The RTF inmates are cleared for outside assignment. As such, they are not restrained and escorting staff are not armed – this is the same as inmates assigned to outside work crews. Where it is warranted, Deputy Commissioner Bellnier has made arrangements with OSI to provide armed escorts in chase vehicles when RTF inmates are transported to a parole reporting station.

Deputy Commissioner Bellnier informed the union that the Assistant Commissioners receive notification from Assistant Commissioner McGrath on inmate transportation and these trips are looked at for needs (eg. Can the inmate be put on the bus, OSI meet halfway)? OSI has helped out with inmate transportations.

Deputy Commissioner Bellnier stated that there is no armed coverage for work gangs. He will not send an armed officer with an inmate who is unrestrained. There are too many risk factors and this is a potentially dangerous situation. He further stated that evaluations are done by the Deputy Superintendents for Security on the inmate and the DSS assigns the amount of restraint during a transport.

Deputy Commissioner Bellnier stated that he will not water down an officer's authority on transportation detail by being plain-clothed.

# Additional Issues

Deputy Commissioner Martuscello reminded the union the importance of PREA compliance. More female staff are needed at Albion Correctional Facility for cross-gendered frisks. There are challenges with the availability of female staff at Albion Correctional Facility. There will be an increase in the number of female-only posts at Albion Correctional Facility. Voluntary overtime was suggested.

Also, Deputy Commissioner Martuscello expressed concern about the number of NYSCOPBA members out on workers' compensation. In February, 2015, 560 officers are out on Workers' Compensation. Deputy Commissioner Martuscello asked for the union's help to bring this number down.

Daniel F. Martuscello III
Deputy Commissioner for

Administrative Services

Michael Powers

**NYSCOPBA** President



STATE OF NEW YORK

# DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

THE HARRIMAN STATE CAMPUS – BUILDING 2 1220 WASHINGTON AVENUE ALBANY, N.Y. 12226-2050

DANIEL F. MARTUSCELLO, III
DEPUTY COMMISSIONER
FOR ADMINSITRATIVE SERVICES

ANTHONY J. ANNUCCI ACTING COMMISSIONER

# MINUTES NYS DOCCS/NYSCOPBA STATEWIDE LABOR/MANAGEMENT MEETING JUNE 3, 2014 ALBANY TRAINING ACADEMY

# **FOLLOW-UP ISSUES**

- 1) SHU 200 Upstate CF
- 2) Gas Mask
- 3) Cell Extraction Training/Procedures
- 4) Synthetic Drug Testing
- 5) Evacuation Fire Hood

# **NEW ISSUES**

- 1) Inmate Mattresses
- 2) Criminal Charges Against Inmates Who Start Fires
- 3) Media Review
- 4) Time and Attendance
- 5) Use of Line-up
- 6) Available Information (audio/video) when Completing Reports
- 7) Arctic Gear
- 8) Outside Employment
- 9) Beards
- 10) Distribution of Class D Directives
- 11) FOIL Requests
- 12) Single Bunking at OMH Level Facilities
- 13) SHU Issues:
  - a) Staffing/Overall Expansion of Duties
  - b) SHU Unit
  - c) "Live" Counts
  - d) SHU Time Cuts

Acting Commissioner Annucci began the meeting by stating that he has an open door policy with NYSCOPBA for any concerns or issues they have and understands how stressful their jobs are and truly appreciates their service to DOCCS. Acting Commissioner Annucci additionally expressed his deepest regrets to NYSCOPBA for the recent passing of two Correction Officers. One at Sing Sing Correctional Facility and the other at Clinton Correctional Facility.

NYSCOPBA President Donn Rowe stated that he appreciates the open dialogue between his union and DOCCS.

FOLLOW UP ISSUES #1 – SHU 200 at Upstate CF

### Union's Concern

President Donn Rowe inquired about the ventilation issues in SHU 200 at Upstate Correctional Facility.

# Management's Response

Deputy Commissioner Martuscello indicated that the units have been installed at Fishkill, Greene and Upstate Correctional Facilities. Five units have been purchased for Five Points Correctional Facility and one has been installed. In reviewing the energy impact of the new units, it has been determined that the AC units are not very energy efficient and use a very large amount of water, which results in increased operating costs for water and sewage due to the high volume of water needed to make these units operational. Facilities Planning has estimated the operating costs of these units and the proposed other Six S Block not yet installed, and have determined the costs could exceed \$490,000 annually. The inefficiency of these units will also jeopardize the Department's ability to achieve compliance with Executive Order 88 Energy Conservation.

Deputy Commissioner Martuscello also stated that DOCCS has explored different alternative units that have a substantially reduced operating cost, an increased energy rating, and will offer the same cooling effectiveness. It has been determined that a Split/Pack AC unit should be used instead of the water cooled units. The installation of the Split/Pack AC unit would be a little more difficult and probably would have to be performed by an outside contractor. It would also require an approved 1612 prior to installation. Faciltiies Planning has estimated that the operating costs of the existing 13 units and the proposed other Six S Block not yet installed would be approximately \$25,400 and would make it easier to achieve compliance with Executive Order 88 Energy Conservation.

Deputy Commissioner Martuscello stated that since the initial units were installed as a test, DOCCS is going to convert one of the existing units at Upstate Correctional Facilities and install one at Mid-State Correctional Facility. DOCCS will then monitor to compare the performance of the two different units.

President Donn Rowe further asked if DOCCS could update him as the installations progress and Deputy Commissioner Martuscello agreed. President Rowe also inquired about the cost and Assistant Commissioner Corcoran stated between \$2,000 and \$3,000 each.

### #2 - Gas Mask

# Union's Concern

President Donn Rowe asked for an update on the manufacturing of the 3M 400mm filter for the gas mask and also inquired about a tighter fitting mask.

# Management's Response

Colonel Kirkpatrick stated that the present mask and filter (CTF-12) is an excellent mask and filter. The mask is NIOSH approved with a 40 mm threaded filter. The only filters NIOSH approved are the CTF-12 and CBRNF12. The CTF-12 filter filters out chemical agents (CN, CS and pepper spray) and is utilized in a chemical agent environment. The CBRNF12 filter is for a chemical, biological, radiological and nuclear environment. There is a low profile filter (CFSC50) NIOSH approved. Avon stated that approval from NIOSH will take some time. DOCCS will continue to check on the NIOSH approval process with Avon for this filters' availability.

# #3 - Cell Extraction Training/Procedures

### Union's Concern

President Donn Rowe inquired about cell extraction training and procedures. Specifically, President Rowe would like to see more training on cell extraction and policies and procedures available in each facility.

# Management's Response

Cell extraction training is part of CERT training for those security staff members on a facility CERT team. Any facility may request cell extraction training through their Regional Training Lieutenant or by contacting the Albany Training Academy. Cell extraction training is taught by the Department's Defensive Tactics Instructors (DCJS certified) using the Department's approved Cell Extraction Lesson Plan.

Deputy Commissioner Bellnier indicated that DOCCS has a cell extraction lesson plan and it is impossible to have a point by point training plan. DOCCS has a new Training Director, Leroy Fields, and cell extraction procedures is on his list of upcoming training sessions.

The union asked if the lesson plan was updated and Colonel Kirkpatrick said it is updated and, additionally, added that if there are facilities that do not have the appropriate equipment used during cell extractions, they need to request it.

Deputy Commissioner Bellnier stated that he will bring this issue up at the all Superintendents meeting and ask them to review their cell extraction training procedures and he would like to know when the last time the facilities conducted cell extraction training.

Mike Dildine asked if all facilities have the lesson plan available and Deputy Commissioner Bellnier stated that they should have the lesson plan available and appropriate staff available to do the training. Deputy Commissioner Martuscello stated that DOCCS will follow up and make sure that all facilities have a copy and also will provide NYSCOPBA with one.

John Telisky inquired about force level and indicated that there are many different components. It is subjective and there are many different scenarios (ex. medium or maximum).

Deputy Commissioner Bellnier stated that there is no amount of instruction to handle cell extractions and one has to rely on basic training and common sense. Escalation of force is a judgment call. Malicious intent is a serious problem but one should try and do the right thing. Every police officer gets training in escalation of force and the same regulations apply to DOCCS security staff.

Michael Mazzella inquired about facilities using a "cheatsheet". Deputy Commissioner Bellnier indicated that facilities need to have proper training and the adequate amount of people in cell extraction situations.

Deputy Commissioner Bellnier further added that when reading Unusual Incident Reports, there are times that there is improper utilization of equipment and facilities need to have equipment readily available during

these situations. Good preparation and training is very important and that on-site training is available and done on a regular basis and the proper individuals give these instructions.

Deputy Commissioner Bellnier further added that Colonel Kirkpatrick will be working with Eddie Burnett on cell extraction procedures.

# #4 - Synthetic Drug Testing

### Union's Concern

President Donn Rowe inquired about the new recognition training for synthetic drug testing. Specifically, when staff do cell searches, they have no idea what they are looking for.

# Management's Response

The synthetic drug testing memorandum has been issued. Testing will begin upon facilities ordering and receiving necessary supplies.

Assistant Commissioner O'Gorman stated that DOCCS has samples from across the State and will put a drug recognition training program together. Deputy Commissioner Bellnier further added that Correction Officers are doing a great job in the package rooms and are in tune with identifying these items.

### #5 - Evacuation Fire Hood

# Union's Concern

President Donn Rowe inquired about the status of the evacuation fire hood. This is a concern with S Blocks.

# Management's Response

The hoods have been ordered and awaiting delivery. When received, they will be placed in S Block console and Five Points and Upstate CF consoles.

Deputy Commissioner Bellnier stated that he will talk to the Superintendents about doing on-site instructions, live drills and simulations in order to get the supervisors up to speed on this.

President Rowe inquired about gas training with dummy rounds. Colonel Kirkpatrick stated that it is available at some facilities. Have to be conscientious of the range. Live rounds are cheaper to use then dummy rounds.

President Rowe indicated bid officers and resource officers should get training in firing of live rounds. Colonel Kirkpatrick stated that there is an issue with different weights/sizes and different types of ammunition. This is something the Department will have to look at. Deputy Commissioner Bellnier asked Colonel Kirkpatrick to take a look at the facilities that do not do training with live rounds.

# NEW ISSUES #1 – Inmate Mattresses

### Union's Concern

President Donn Rowe indicated that the union would like to explore a different type of mattress for inmates. Presently, the plastic covers cause a great deal of smoke during cell fires and mentioned the Green Haven Correctional Facility incident.

# Management's Response

Deputy Commissioner McKay stated that the mattresses used now consist of a flame retardant green PVC vinyl cover and a densified polyester core that meets 16 CFR Part 1633-Federal Standard for the Flammability (open flame) of mattress sets.

In 2012, the Department transitioned to the densified polyester mattress from the previous cotton core which would pancake/flatten out over time. The densified polyester core is made of recycled materials and may also be recycled post use.

Both the older cotton mattress and the densified polyester are typical standard mattresses used in correctional environments that meet applicable Fire Codes and American Correctional Association (ACA) standards for Flammability and other Fire Safety performance requirements.

Corcraft staffs consistently try to keep abreast of the latest materials being utilized within the correctional/institutional environments and are receptive to hear from staff and will research new products to assist in moving the needle to improve safety for our facilities.

DOCCS has a production evaluation committee and perhaps a member from NYSCOPBA be placed on this committee to voice concerns on NYSCOPBA's behalf.

President Rowe mentioned issues with the strong cords on the mattresses and this issue needs to be reiterated at certain facilities.

Deputy Commissioner McKay stated that he would look into the issue of the mattress cords.

Michael Mazzella also mentioned the issues with toxicity levels.

# #2 - Criminal Charges Against Inmates Who Start Fires

### Union's Concern

President Donn Rowe inquired about the Department's pursuit of criminal charges against inmates who purposely start fires.

# Management's Response

Directive #6910, "Criminal Prosecution of Inmates" governs DOCCS policy. DOCCS Inspector General's Office has an active role in assisting Superintendents.

Acting Commissioner Annucci stated that he is extremely nervous about fires and that smoke is the immediate danger. Anyone deliberately setting fires will be punished to the fullest extent of the law. He further added that if there are facilities that are having problems, the Department needs to be informed.

Assistant Commissioner O'Gorman further added that it is very important to treat every intentionally set fire as a crime scene in order for the proper prosecution.

### #3 - Media Review

### Union's Concern

President Donn Rowe inquired about the possibility of an expansion in media to include television shows, movies magazines, etc. Also, there should be a more stringent approval process on what violent offenders are allowed to view. Some correction officers are offended by certain programs. The union gave an example of the program "Sons of Anarchy" being a program that inmates should be prohibited from viewing.

# Management's Response

Deputy Commissioner McKay stated that the facilities do a good job in controlling what is viewed but some do sneak through. Facilities should be previewing programs. Movies can be controlled, however, television cannot.

Acting Commissioner Annucci stated he understand the union's concern. The Department does not want inmates watching inappropriate programs but this is a first amendment issue. If there is some specific program that the union feels crosses the line, please let the Department know and action will be taken. Acting Commissioner Annucci stated that this is very challenging. Deputy Commissioner and Counsel Maureen Boll further added that in some situations, programs were brought to the Department's attention ahead of time and they were able to be blocked in advance.

Rented movies and television programs are not reviewed by Facility Media Review Committees under Directive #4572, Media Review. The media review guidelines have been established by court decisions and include publications, printed materials off the internet and newspapers, and audio tapes. The courts have determined that inmates will not be prohibited from subscribing to newspapers, magazines or periodicals, but shall be informed that individual issues may be withheld if materials contained therein is confirmed to be in violation of the media review guidelines. Therefore, publications, such as "Buttman" and "Don Diva" cannot be listed as "Banned Publications" due to the content of the publications, however, the vendors could appear on the Disapproved Vendor List.

Directive #4556, Entertainment Media, covers rented movies and television programs. Movies and television programs rated "X" and "NC-17" are not allowed. Other movies and programs that include scenes that violate the same guidelines as established per Media Review may be denied. These include programs and movies that:

- Promote the sexual performance of a child; depict or describe sexual beastiality, sadism, masochism, necrophilia or incest.
- Incite violence based on race, religion, sex, sexual orientation, creed or nationality.
- Advocate and present a clear immediate risk of lawlessness, violence, anarchy, or rebellion against government authority.
- Incite disobedience toward law enforcement or prison personnel.
- Give instruction in the use or manufacture of firearms, explosives, or other weapons.
- Provide instruction in Martial Arts.
- Describe methods of lock picking.
- Describe methods of escape from a correctional facility.
- Describe procedures for the brewing of alcohol or the manufacturing of drugs.

- Describe techniques in rioting or instruction in hostage or riot negotiation techniques.
- Describe methods for smuggling prison contraband.
- Describe or promote the formation of gangs or unauthorized groups inside a correctional facility.

NOTE: Revisions to Directive #4556, Entertainment Media, are under consideration to clarify the process and guidelines for reviewing rented movies and television programs, and the process for reviewing "Not-rated" (NR) movies and television programs.

# #4 - Time and Attendance

# Union's Concern

President Donn Rowe inquired about attendance issues as it relates to inclement weather situations and if it would be possible for the issue of weather related absences be included in time and attendance training. He would like the time and attendance rules related to weather situations to be more clear.

# Management's Response

Deputy Commissioner Martuscello stated that all Department employees represented by NYSCOPBA are considered to be essential employees for the agency. As such, it is the policy of the State of New York and the Department that all essential employees (employees who provide essential services) are expected to report to work or to remain at work to maintain custody of inmates in Department facilities.

Deputy Commissioner Martuscello stated that weather related time and attendance rules can be included in the statewide time and attendance training.

Attached is a copy of the GOER policy on Severe Weather and an Extreme Weather Fact Sheet that was put together by the Time and Attendance Audit Unit.

NYSCOPBA acknowledges receipt of the attached policies. These documents are the Department's position on the issue and NYSCOPBA does not agree with all of the contents of the documents.

# #5 - Use of Line-Up

### Union's Concern

President Donn Rowe inquired about disseminating information during line-up. He stated that some facilities are good at providing information from the previous shifts while others provide no information to staff and he would like to see as much information as possible be provided to staff during line-ups.

# Management's Response

Deputy Commissioner Bellnier stated that it is important that line-ups are held correctly and staff are given all information and he will bring this issue up at the All Superintendents meeting and remind them of the importance in this.

Deputy Commissioner Bellnier stated that the Department can do more snapshot training and more visual training. Assistant Commissioner O'Gorman stated that when a major incident happens, the accurate information needs to get out to the field.

A memorandum will be issued to all Superintendents regarding dissemination of information at line-ups.

# #6 - Available Information (audio/video) when Completing Reports

### Union's Concern

President Donn Rowe inquired about the use of all available information (audio/video) as well as proper relief when completing all required Departmental reports. Specifically, the accuracy of all reports.

# Management's Concern

It is the responsibility of facility management to review all incidents and reports following an incident and to determine what evidence can be shared with staff. In certain circumstances, Central Office guidance may be warranted. All reasonable efforts should be made to relief staff for report preparation and ensure reports are submitted in an expeditious manner.

Deputy Commissioner Bellnier stated he has no problem having staff review what happened. Staff should be able to review, however, sometimes things are amiss and need further review. In some cases, reports will not be able to be reviewed by staff.

President Rowe asked if the reason reports are sometimes unavailable for review is because of possible employee misconduct and Deputy Commissioner Bellnier indicated yes and that Lieutenant and Captains review them first and from their review, reports are written.

Mike Dildine expressed concern over possible technicalities during arbitration hearings. Mr. Shipley stated that reports are not used in cross-examination.

John Telisky stated that if staff are allowed to view the use of force videos before writing their reports, they would have the capability to complete a more accurate report.

President Donn Rowe asked why does watching the video even change anything? The video shows what it shows.

Acting Commissioner Annucci stated that there can be some complicated situations. Certain situations where an officer is out of view of the camera. DOCCS will not discipline an employee if the use of force is in good faith, but a some officers do go overboard.

Deputy Commissioner Bellnier stated that if a crime is committed, the evidence cannot be released. The expertise and good judgment of the Superintendents has to be relied upon in terms of video and audio reviews.

John Tilesky asked if the superintendents know they have that latitude. Deputy Commissioner Bellnier informed the union to advise him if there is a specific situation.

It was agreed by DOCCS that staff can review videos/audios once viewed and deemed appropriate by supervisor staff.

# #7 - Arctic Gear

### Union's Concern

President Donn Rowe inquired about the availability of arctic gear and requested that a survey be conducted to find out the need for arctic gear at the facilities. Some posts have gone from two hours to four to six hours and the need to get out of the elements exists at some facilities.

### Management's Response

Deputy Commissioner Bellnier stated that Directive #3083 allows for artic gear if there is a legitimate need and specific situations. He additionally stated that if there are specific situations, let him know.

Directive #3083, "Uniform/Equipment Issue and Appearance" outlines procedures for request and authorization.

The union also inquired about the possibility of cell phone storage on facility grounds. Deputy Commissioner Bellnier stated that no cell phone storage will be allowed in any facility. This would create an extremely dangerous situation.

# #8 - Outside Employment

### Union's Concern

President Donn Rowe inquired about outside employment and an increase to a 20 hour maximum.

# Management's Response

Deputy Commissioner Martuscello stated that it is the Department's policy to allow employees to engage in outside employment with approval up to 20 hours maximum per week. It has been the position of the Department that any amount of outside employment work hours beyond that would adversely affect the best interest of the Department, however, that Directive is currently under review and may require additional changes. The Department will consider this request during the review process and will likely have other revisions which will be provided to all of the impacted unions at that time.

### #9 - Beards

### Union's Concern

President Donn Rowe inquired about the issue of beards and allowing everyone to have one if they want. There are Correction Officers who would like to grow beards having to work alongside other Correction Officers that have them. He feels all Correction Officers have the right to grow beards.

The union also inquired about proper seal on masks and some officers who are clean shaven cannot get a proper mask seal. Also, those posts where correction officers have to wear respirators and there is a lack of a proper seal.

# Management's Response

Since the 1990 TB explosion, the Department has taken proactive measures. There were health and safety reasons for this implementation.

### #10 - Distribution of Class D Directives

### Union's Concern

The union would like the see the distribution of Class D Directives to NYSCOPBA. It is appropriate that NYSCOPBA has a copy of these Directives to represent its members.

### Management's Response

The request for copies of D Directives has been made by NYSCOPBA in the past and responded to.

Deputy Commissioner Martuscello stated that the Directives are available in facilities and all staff have access to them. The Department cannot agree with the distribution of D Directives.

D Directive contains information affecting safety and security which are distributed to manual holders and facilities superintendents only. D Directives contain confidential information which is not distributed beyond those responsible to implement the restricted policy and procedure. The Department is unwilling to release the requested information as it has no control over the documents once disseminated, however, they are accessible to staff in the facility.

# #11 - FOIL Requests

### Union's Concern

President Donn Rowe inquired about the possible cooperative effort regarding FOIL requests. He said there are problems again.

# Management's Response

Deputy Commissioner Martuscello stated that the Department is not opposed to this and open to dialogue.

Deputy Commissioner and Counsel Maureen Boll indicated that FOIL requests are voluminous and they are handled by Central Office FOIL Unit with only a few staff members. The Department gets 6,000 requests a year and with have such a small staff, these requests are difficult to expedite. The Department apologizes and will keep the dialogue open.

The union also stated that it took 18 months to get documents from a FOIL request.. Deputy Commissioner Boll stated that each FOIL request is handled individually and in certain circumstances, new records need to be provided. The union asked if each FOIL request starts from scratch each time and the Department indicated yes and real-time data is important to have. Deputy Commissioner Martuscello stated that eighteen months is too long.

# #12 - Single Bunking at OMH Level Facilities

### Union's Concern

President Donn Rowe inquired about single bunking at OMH Level 1 and 2 Facilities. At these facilities, they would not double bunk any inmates and are there any instances where the inmate population can be reduced.

# Management's Response

Directive #4003 governs the process for review and approval by the DSS to house inmates in double cells. The OMH level of the inmate is considered as party of that review. There is not requirement for such review of inmates for assignment to a double bunk in a dormitory setting.

Deputy Commissioner Bellnier stated that the population at mediums can be reduced. Mohawk Correctional Facility has been converted to Level 2. Marcy Correctional Facility has been completed. Additional staff put in for at Mid-State Correctional Facility. Open dorms at Bare Hill Correctional Facility within two weeks. The teams are out there looking.

Acting Commissioner Annucci stated that space is tight. Deputy Commissioner Bellnier stated that double bunks were taken out of maximums. In a perfect world, DOCCS would have reduced numbers.

The union also inquired about open dorms.

Deputy Commissioner Martuscello stated that the 9th dorm will be open at Bare Hill Correctional Facility.

Deputy Commissioner Bellnier stated that another location needs to be created to take the pressure off. There has been an increase in the number of OMH Level 1's and 2's and facilities are improving in their diagnosis of these inmates.

Acting Commissioner Annucci stated that 16% of the caseload are OMH Level 1 or 2.

Deputy Commissioner Bellnier stated staffing audits are being done at Marcy and Bare Hill Correctional Facilities. Wyoming audit will be completed in July, 2014. DOCCS will provide the staffing reports to the union for review and comments.

### #13 - SHU Issues

### Union's Concern

President Donn Rowe inquired about the following SHU related issues:

- Staffing/Overall expansion of duties increased rounds, unit activity hearings, call-outs, off unit transports, administrative rounds.
- 2) SHU Unit specific training
- 3) "Live" Counts
- 4) SHU Time Cuts

President Donn Rowe specifically inquired about changes at Southport and Upstate Correctional Facilities. He also requested more training for Sergeants and Correction Officers. They need more than 16 hours of training and a better orientation.

The union would like to see statewide training for all sergeants who end up in SHU.

# Management's Response

Directive #4945 "Inmate Counts" provides appropriate methods and procedures for counting inmates. Management does not support this change.

SHU staff have input into the time cut process through the SHMC. NYSCOPBA should address with management any specific concerns related to this process.

Deputy Commissioner Bellnier indicated that he will take a look at the 16 hour training and see what part of the training is dedicated to SHU training.

Donn Rowe inquired about live counts issues. Staff need to be sure the inmate is breathing and alive. The more the Department focuses on this issue, the better off it is. Very important to do proper counts and do quality rounds. There were nine suicides within the last year. The Department's focus should be on good policies and procedures for live counts.

The union inquired about time cuts in SHU. There has been over-reaction and pressure by the administration.

Deputy Commissioner Bellnier stated that the point is well taken and he agrees. Last month, the numbers in SHU were up.

Deputy Commissioner Bellnier stated that if there is a particular facility that has issues, bring it to the attention of the Superintendent or to Mr. Bellnier himself. It was agreed that more emphasis be put on SHU training and will meet to continue to talk about it.

It was indicated that there is better control in the package rooms in regards to contraband.

Deputy Commissioner Boll stated that last month, there was a big spike in SHU time. Biggest SHU population involves the revolving door guys.

# OTHER ISSUE

President Donn Rowe inquired about the Employee Benefit Fund and if the Department get guidelines and direction out to the field.

Deputy Commissioner Martuscello stated that the Department will be issuing a directive on this.

Daniel F. Martuscello III

Deputy Commissioner

Michael Powers

NYSCOBPA President

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NYSCOPBA - Statewide Labor Management Meeting Notes

Date: January 17, 2013

Agenda Item 1 - Quality of Correction Officer and Sergeant Uniforms

NYSCOPBA – Over years we have had uniform quality improvements, however, there are still problems with the pants and shirt quality. Members report that the pants fade after a few washes. Asking that DOCCS look into better products, they are out there.

DOCCS – We have formed a committee to work with Corcraft in obtaining new/better material for the uniforms. Would like NYSCOPBA to be a part of the committee. We are aware of the issues and are actively working to fix it.

NYSCOPBA will email Dan Martuscello names of individuals for the uniform/corcraft committee.

Agenda Item 2 - Storage of Staff Personal Cell Phones at all facilities

NYSCOPBA – this has been addressed at some facilities, but not at all. Looking to have lockers placed inside the facilities for this purpose. For example: Franklin CF – right now staff have to leave their cell phones in their cars. When it is cold out, like 20 below, the battery on the phone will be dead when they come out to their cars at the end of their shift. Storage lockers outside the facility will result in the same problem, is there space within the facilities where lockers can be placed for staff to use to store their phones? This same issue is right here at the Academy – trainees have to leave their phones in their cars, and you will see them running out to make calls and charge the phones.

DOCCS – we will look into it and make sure that facilities have lockers/storage space inside, perhaps in the lobby for staff phones. Need to figure out best place for this. Problem is people forget to take their phones out of their pockets or bags.

# Agenda Item 3 - Towers/Walkway Shacks/SHU 200 - Ventilation, Heating

NYSCOPBA – Towers, especially medium towers are not the safest buildings to enter, the stairs ice over in the winter, have to defrost the windows, lack of heat, and in the summer temperatures can reach 100-120 degrees. We are not asking for AC but definitely need better ventilation. LeClaire addressed some, but not all of the issues. We want a person up there who is alert and that is not necessarily happening when they have to deal with heating/cooling issues.

DOCCS – we do not have any records of complaints from staff or facilities related to this issue, but facilities are aware of the issues and are looking into them. We should standardize this, ie this kind of tower equals this size heater, etc. Need input from staff about the conditions. Reiterated that if staff need relief or feels overcome, just let people know and relief will be sent. We will need to do evaluations as to tower locations, and what is needed.

NYSCOPBA – Walkway Shacks. Used to be a 3 hour shift and has turned into a 6 hours to full-shift. Again no heat/ventilation in these areas. Portable or direct heat in order to get out of the elements.

DOCCS – We need to look at how long officers are out there, and assess on a case by case basis for needs like electricity, phone, heat. We just can't have these things becoming a domicile sealed off from the rest of the facility, with distractions like radios etc.

NYSCOPBA – not looking for that, just want a place where they can get out of the elements. The Corcraft portable sheds/shacks are good.

NYSCOPBA – SHU 200. Need better ventilation in these areas, heat can be unbearable. Need some air movement, again not asking for AC. Upstate gets very warm, very busy area in the jail. 3 months in summer gets very warm, stairs get

humidity on them which is dangerous. Staff up there would kill for a portable AC unit. Greene is very busy as well and in need.

DOCCS – we did a study on this and two years ago we got a price of \$260,000 to install AC. We did put in portable AC unit at Fishkill, doesn't cool area, but did make it more bearable, moved air around. It cost \$6,000 for this. Upstate would need 5 of them. We will have to reassess and maybe try them out at other facilities.

Agenda Item 4 – Gas Mask

NYSCOPBA – The current gas mask with the side canister is cumbersome. Moisture builds up in them, can't get it out and starts to cut off the air supply. Can we get a front loaded mask?

DOCCS – we have a new mask for demonstration. Law enforcement has to have a 40mm thread on filter, similar to military style gas masks. 3M has the market on this filter which is large. We have worked with the manufacturer of the gas mask, they listened to our concerns and have developed a new, smaller filter. They are just waiting for approval on the filter. Provides the same protection with smaller, more compact filter. We are aware of the issue and have been actively working on a solution.

Agenda Item 5 - Training/Policy & Procedures - AR15, Gas Training, Cell Extraction

NYSCOPBA – AR15 – We have a lot of officers at Sing Sing and other downstate facilities with no training, or they are not qualified for AR15. Had to pull people off the tower because they were not qualified. We know that you are working on it.

DOCCS – training/qualification was at 42% and is now up to 60%. Its not a job requirement and we are getting better.

NYSCOPBA – Gas training. Looking for training for tower bid staff. Need hands on training, shooting gas gun and grenades.

DOCCS – we are looking into simulated projectiles that give off smoke so that anyone at the range can fire the gun. Only issue we face is the 5-70, looking for smoke rounds/training munitions. Have spoken with the manufacturer about this need. Grenades are pretty simple, we used to have training ones made out of maple & metal. Looking into getting new ones.

NYSCOPBA – Cell extraction. Looking for uniform procedures for this. Need more training and practice sessions. We have officers that have no training on cell extraction and some facilities are better than others at providing training. Can you standardize this? Need more consistent training. Especially for 2 man cell extractions and Supervisors need to be included in this training.

DOCCS – just signed 1612 to construct mock cells for training. Looking at it for S blocks and max prisons. Going to develop more standardized procedures and get officers trained. CERT officers get training regularly. We tell facilities that anytime they need staff training to contact us and we will send out trainers.

Agenda Item 6 - Alternative Equipment - than use of physical force

NYSCOPBA – Would like to have tasers for use on out of control inmates.

DOCCS – We are concerned about staff and inmate injuries. We are held accountable for everything we do. Are there any alternatives to tasers? There are two types of tasers, the drive stun, which requires you make contact with the offender before the shock is administered and the wire shoot taser, where the gun deploys wires with barbs on the ends and then the shock is administered. We did look at both kinds of tasers and put it through a committee. The committee recommendation was that the use of tasers was just not practical for us. They present issues when offenders barricade

themselves in the cell and injuries can result from deployment. The use of pepper spray also presents problems with recovery time for individuals exposed to the spray, as well as cell cleanup.

NYSCOPBA - what about stun shields?

DOCCS – we tried those before here at the academy and those too present unique problems. If staff get hit with the shield they go down and out, which presents further safety issues. We can look at it again if changes have been made to the technology. We've also looked at flash grenades, rubber bullets, tasers, etc. We tell manufacturers to show us what they've got for consideration.

Agenda Item 7 - Introduction of Synthetic Drugs - Departmental Policy, Testing

NYSCOPBA – what actions are the department taking with regards to directives and testing? And how can the offender be charged with possession?

DOCCS – very difficult to keep up with testing because as soon as a test is developed for one synthetic drug the makers change the formula. IG's office is very active in identifying these drugs and testing. Out west seems to be the bigger problem area.

A memo was sent out on charging offenders with violations. A medical eval should be ordered and the offender can be written up for intoxication (document symptoms), contraband, mood altering...stay away from saying he was in possession of charges. We have seen fewer challenges/appeals on the contraband, mood altering and intoxication tickets.

NYSCOPBA – Have you contacted the military about testing procedures? They have developed new tests.

DOCCS - we can look into that.

Agenda Item 8 - Employee Evaluation Directions - Include Appeal Process

NYSCOPBA – asking that the appeal process be provided to staff at time the evaluation is completed. Stated that they have staff members that aren't aware of the appeal process. Asked in the alternative that a one or two line sentence be added to the evaluation form saying that they can appeal it and how to do so.

DOCCS – We don't feel that we need or should have to hand out the appeal paperwork at the time the evaluation is completed. If the staff member is not happy with the evaluation it should be up to them to ask for the appeal. We get the form from GOER and not sure if they will change the form or not.

Agenda Item 9 - Probationary Termination - 4.5 Hearing Committee

NYSCOPBA – Would like DOCCs to provide the staff member with more meaningful notice, create a panel and allow them to be heard. Would like to see a panel that provides a report.

DOCCS – We take probationary termination very seriously. To create a separate panel is not necessary. We try to advise the facility to educate and explain to the individual the reasons why they are being terminated.

Who would be on the panel? NYSCOPBA responded – personnel member, security member, uniformed member and they would accompany the probationer.

We already conduct a detailed review of probationary termination requests, in some instances, have not agreed with the recommendation and have not proceeded to termination. You can tell your people that when we terminate they have an opportunity to provide additional facts they believe we didn't know about for consideration.

NYSCOPBA – They should know why they are being terminated. We get calls from members saying "I'm getting terminated and I don't know why." If becomes a search and rescue mission and we wind up going to the exit interview to find out what was going on.

DOCCS – we advise the facilities to tell the employee the reason for termination. In instances where you do not think this occurs and you feel a face to face is necessary in those rare instances where they truly don't understand their termination, we will do that. Some facilities do a better job than others and we are trying to do a better job. Additionally, the number of individuals that are terminated are in the teens, its not a large number.

# Agenda Item 10 – Medical Documentation

NYSCOPBA – A lot of the issues have to do with uniformity, whose involved, knowing roles and follow through. Confidentiality is also an issue, would like to see another reissue on the rules and regs regarding who gets to see what. Can't emphasize the need for confidentiality enough. All employees should have their records handled professionally and confidentially. Civilian staff don't seem to get that. Additionally, spoke about issues with conforming paperwork, members getting hit with AWOLs for non-conforming medical documentation after they have been allowed to return to work. Also, workers compensation authorized MRI, it's a prognosis, not a diagnosis, out of work for treatment/evaluation, does not necessarily mean they are unable to work. Staff should not be allowed to return to work, if their paperwork is non-conforming, but that is what is happening, they return to work, and later get an AWOL for non-conforming paperwork, then they file a grievance and the whole process is a mess because they weren't AWOL they were at work only the paperwork wasn't correct. If they come in with incorrect paperwork the facility should not allow them to go back to work. When a person is sick it should be a reasonable process.

DOCCS – We will re-issue policy and make sure that is happening. We are looking at standard notices of deficiencies, looking to create this, so that staff are aware of how to fix deficiencies. They have 72 hours to fix, if it goes past the 72 hours then that's what it is. We agree its clogging up the grievance process; a lot of these AWOLs are for these issues. If we clear it up on the front end, hopefully grievances will go down. We expect the paperwork to include the date of the injury and the date of return to work. We have created a form for them to take to their doctor for completion.

NYSCOPBA - Transferring out sergeants while on workers comp.

DOCCS – we don't do this because there is a true need for a body to fill the hole. It hurts everybody. If we can fill all positions, then maybe we can look at it. We get into trouble when we do it in this case, but not in that case. What do you do with a small facility? They take a real hit on this, it is a no win situation. Right now we are saying no.

NYSCOPBA - temporary probation counting towards permanent retention.

DOCCS – Directive 2219 allows for this. Civil service law governs. Case by case basis. Look at employee and evaluations. Still have to serve minimum. We rarely say no. The employee has to ask for it, if facility says no, tell them to make a phone call and we can review it. There is a process in place for this, and it does work.

NYSCOPBA – Temporary Sergeants be made permanent upon expiration of the promotional exam which they were appointed.

DOCCS – we were very successful on doing this the last time. We do make a conscious effort to do so. However, there are instances when there are no positions/items to put them in. That's our goal, but we can't violate rule 3.

NYSCOPBA – we appreciate that you worked hard the last time. Know that its not easy to always do this.

DOCCS/Commissioner – I'd like to think that we have been working well together for the past few years, and there will always be things we can't come together on. With the merger we are working on new manual and will give it to you for review/input.

# Additional non-agenda items.

- Consolidations of dorms we don't have enough staff. It is easier to show
  savings when we close dorms. Looking at closing/consolidating another half
  dozen dorms. We are that tight. Trying to spread the closings around. Also
  need to have empty dorms for future increases. Looking to reduce double cells at
  Sing Sing, Shawangunk, etc. Looking at different facilities for dorm closures.
  Haven't finalized the list yet.
- Attrition rate is still at about 80 per month. Will see new recruits for the next few
  months. As long as attrition rate remains the same, we will be allowed to
  continue academies.
- Reduction of number of Max prisoners. This is due to various factors including individuals being sent from Medium to Max for mental health issues, or disciplinary infractions, now being returned to medium facilities.
- 4. Hurricane Sandy issues down in the city with regards to getting gas. NYSCOPBA suggested that DOCCS look into what NYPD and city did, contracting with Hess for their employees to get fuel. The Governor is looking at this on a statewide basis to require back-up generators at gas stations.

Daniel F. Martuscello III

**Deputy Commissioner** 

Donn Rowe

**NYSCOPBA President** 



COMMISSIONER

#### STATE OF NEW YORK

#### DEPARTMENT OF CORRECTIONAL SERVICES

THE HARRIMAN STATE CAMPUS – BUILDING 2 1220 WASHINGTON AVENUE ALBANY, N.Y. 12226-2050

ISRAEL RIVERA

# AGENDA/MINUTES NYS DEPARTMENT OF CORRECTIONAL SERVICES/ NYSCOPBA STATEWIDE LABOR/MANAGEMENT MEETING JULY 25, 2007

#### #1. Training

- a) Training Notices Being Provided to NYSCOPBA Contact Person
- b) Request for Copies of Training Advisory Committee Meeting Minutes
- c) Specialty Jobs
- d) Continual Training for Inmates (eg. asbestos removal)

#### #2 Staffing

- a) Partial Swaps and Military (Four hours)
- b) Outside Hospital Coverage (Two on One)
- c) Long Term Detached Assignments

#### #3 Health & Safety

- a) Flu Shots
- b) Exhaust Fans
- c) Winter Attire
- d) Air Conditioning
- e) Chairs

#### #4 Miscellaneous

- a) Locker Room Privacy
- b) Inmate Standard Dress Code
- c) Cell Phone Storage
- d) Frisks at Camps
- e) Commitment to Insuring That Labor/Management Agreements Are Adhered To
- f) Media Review for Television/Videos



# #1a - Training Notices Being Provided to NYSCOPBA Contact Person

#### Union's Position

The Union is requesting that all notices for training be forwarded to the NYSCOPBA contact person.

# DISCUSSION

#### Union

Would like to be able to share concerns on all aspects of training when notices are sent out.

Example; ION training. Selection was made without consulting Union in regards to ranking of who should attend.

# Management

Will advise Union of training for their input. Asked NYSCOPBA to provide us with name of contact person. Would also like to change the terminology from training to staff development.

Union Update: John Pappas will be NYSCOPBA's contact person. He can be reached at 427-1551 ext. 253



# #1b - Request for Copies of Training Advisory Committee Meeting Minutes

#### Union's Position

The Union requests copies of Training Advisory Committee meeting minutes from all facilities.

# DISCUSSION

# Management

The Training Advisory Committee meets quarterly. ACA standards (4-4076) require minutes of these meetings. Local Union reps may request a copy of these minutes through their Supt. We are not required to take minutes of instructor selection meetings. For example; WTO, Train the Trainer, etc. Not sure if you want minutes taken due the fact that negative information could be made about a candidate. We will look into the process; think we can work something out. Unions have representation at all meetings and selection committees.

#### Union

The issue stems from someone being selected, but some one else goes and are being told will get to you next time around and are overlooked again.

Management: The issue has come up before. We try to be accommodating when concerns arise in the selection process. Real issue seems to be local to a facility, not systemic.

# #1c - Specialty Jobs

#### Union's Position

The Union requests that specialty jobs be created by the Department (i.e. locksmith, movement control, etc.). Specifically, facilities have different employees doing the same job. The older facilities have no standardization.

# DISCUSSION

#### Union

If there is a need, looking for bid job for specific jobs such as locksmith and movement and control for facilities that are similar in size, population and staff.

# Management

Every facility is different. Need a list of facilities you're looking to have bid job in. We will look into it. Each Union, however, has an issue with what is known as "exclusivity", meaning no Union wants to see a job go to another Union.

# #1d - Continual Training For Inmates

#### Union's Position

The Union would like to discuss the continual training for inmates (i.e. asbestos removal, etc.). This issue came about from a grievance where they were taking officer/inmates from one facility to do a job at another facility.

# DISCUSSION

#### Union

Example; Officers/inmates from another facility used to do asbestos removal at facility due to lack of trained individuals.

#### Management

Other inmates may need to be used to prevent in-house inmates being in areas that they should not be in for security reasons. A certified person is needed to do asbestos removal. Will talk with DC Haponik in regards to getting more inmates trained.

DC Haponik contacted James Hoffman, who contacted Fred Steup and was advised that a new crew of 6 inmates has been just trained at Attica.



# #2a - (1) Partial Swaps and (2) Military (Four hours)

#### Union's Position

The Union would like to discuss the issue of (1) partial swaps and (2) military (four hours).

# Management:

- (I) Partial Swaps Last years proposal was for unlimited partial swaps no limitations. Spoke about one (1) hour partial swaps. DC Leclaire stated concerns about constant movement in and out of facility. Union asked to come back with more detailed proposal. NYSCOPBA did that by returning with a proposal of four (4) hour swaps.
- (2) Military The Department does not allow either portion of a swap to be worked if either employee is serving in the military during a period of ordered duty. This determination is based on direction we received from GOER stating that employees cannot be reinstated to the payroll until they are discharged from active military duty.

The Department has contacted the U.S. Department of Labor to request their advice with respect to USERRA, which gives protection to employees who are called to military service. The Department was told that USERRA gives no protection to employees that would allow them to work swaps. In fact, the U.S. Department of Labor informed the Department that they have advised employers that employees should not be in work status during a period of ordered military duty.

The Department's directives preclude working swaps when an employee is on ordered military duty. Directive #2223 states that if an employee cannot work a swap, he/she must contact the originally scheduled employee. If the originally scheduled employee cannot work, he/she will be considered AWOL. Clearly, an employee on ordered military duty cannot be contacted and/or would not be allowed to work his/her civilian job.

Lastly, the temporary additional payroll benefits that employees receive while on ordered military duty and the NYS Time and Attendance Rules may be impacted by allowing these swaps.

The Department has given NYSCOPBA a full answer to this inquiry via Mr. Keith R. Jacques, of Sheehan, Greene, Carraway, Golderman & Jacques, LLP.

# (i)

# #2b - Outside Hospital Coverage (Two on One)

#### Union's Position

The Union would like to discuss the issue of outside hospital coverage (two officers for one inmate). Example: Great Meadow maximum security 11-7 shift and the officer needs to go to the restroom? Who covers for him?

# DISCUSSION

#### Union

Example; One on one, Officer taking inmate to ER at hospital and needs relief. OR One Officer with a weapon covering inmate. Inmate can not always be secured to hospital bed. Major concern of the Union is safety and security.

# Management

There is a policy out there being followed — Directive 4904. Don't see any major problems with one on one where appropriate. Each case will have to be looked at on a case by case basis. Advise Supt. or DC Leclaire if any issues arise with local hospitals.

# (B)

# #2c - Long Term Detached Assignments

#### Union's Position

The Union would like to discuss the issue of long term detached assignments (i.e. Training Academy, etc.) and the policy in regards to bid jobs. Example: Coxsackie has several on detached assignments and this creates overtime. The Union is looking for a policy to fill jobs. A suggestion: resource person.

# DISCUSSION

#### Management

Believe the issue is how many Officers are available to work, not bid jobs. If you look at facility BFL, every attempt is being made to over fill. Continuously arguing with Budget to fill items. There is no quick answer to situation. We are trying to fill items. Every facility has local rules about Temporary Bid Jobs. DOCS is not going to get additional items to cover detached assignments.

# #3a - Flu Shots

# Union's Position

The Union would like to discuss the issue of flu shots available for staff members and not just those working in RMU.

# DISCUSSION

#### Union

This is a high issue amongst Union members. Are the people making the standard aware of a facility setting?

# Management

Requirements from the Dept. of Health are being followed. Doing what is felt to be appropriate for health care staff. Will not be making any changes right now. DOH only recommends flu shots for staff working in long-term health care facilities. DOCS has interpreted that to include security staff on RMH bid jobs.

# #3b - Exhaust Fans

#### Union's Position

The Union would like to discuss the issue of exhaust fans. Cookie cutter facilities are using purge system which means exhaust fans only come on when there is a fire. The Union is looking for additional exhaust fans that will get rid of excessive heat.

# DISCUSSION

#### Union

We are looking for air movement within the setting. Are purge fans considered exhaust fans? Need some direction in regards to memo put out 11/13/06, stating that fans can run for 10 minutes every hour.

# Management

Ceiling fans are not considered exhaust fans. Exhaust fans have duct work. Exhaust fans or smoke purge fans do have restrictions for winter, not summer. Will take a look at how long to run fans in summer depending on temperatures to heat out and circulate air. We are currently meeting all building codes. Will have Facilities Planning update its 11/13/06 memo regarding heating and ventilation equipment usage.

# #3c - Winter Attire

#### Union's Position

The Union would like to discuss the issue of winter attire (i.e. knit caps, shock facilities, winter coats, etc.). Specifically, the Union would like the Department to allow knit caps for those individuals who want to wear them during inclement weather. Staff should have the choice to wear knit cap or standard hat.

# DISCUSSION

#### Union

Suggesting that we get rid of the "Elmer Fudd" hat and replace it with a knit cap. It could be blue with the DOCS emblem on it. That way it would be different from the one the inmates wear.

# Management

Will check with Corcraft and outside vendor; will get samples of knit caps to show NYSCOPBA. In addition, FYI, Shock facilities will be getting winter coats per Directive 3083.

Update – Knit caps will replace current winter hats as soon as possible.

# A)

# #3d - Air Conditioning

# Union's Position

The Union would like to discuss the issue of air conditioning (i.e. towers, S-blocks, etc.)

# DISCUSSION

# Union

Looking for air conditioning due to temperatures exceeding 100 degrees in towers and S-Block. This has been going for 6 years. Some people put in their own air conditioners and were told to remove them.

# Management

Not only is it difficult to put in air conditioning, it would also be very expensive. You do have my commitment to come up with a plan (and test it) to reduce the temperature in the towers and S-Blocks. Analysis and differing options are being explored by the Department.

# #3e - Chairs

# Union's Position

The Union would like to discuss the issue of the quality of chairs. Specifically, the Union has received complaints that the new chairs with wheels don't swivel and tip forward.

# DISCUSSION

# Union

The current sled base chair is heavy. Without wheels, they are ruining the floors.

# Management

What would you like? If casters were to be put on the sled base chairs, would this be acceptable? Union – yes

# #4a - Locker Room Privacy

#### Union's Position

The Union would like to discuss the issue of more privacy in locker rooms. At a previous meeting, it was agreed that partitions would be put in co-ed locker rooms. To date, some facilities still do not have the partitions.

# DISCUSSION

#### Union

List of 7 facilities without privacy partitions given to Assoc. Comr. Rivera,

# Management

The list was given to Asst. Comr. Williams, which included Clinton Annex, Collins, Lakeview, Ulster, Wyoming, Greene, Franklin. He will look into it this. We have chipped away at the number of facilities that still need privacy partitions; down to just 7.

Asst. Comr. Williams contacted Maynard Porter, who canvassed the Superintendent of the 7 facilities listed. None have current changing area issues. Steps have been taken in the past to remedy the issues; steps range from designating bathrooms for changing, to realigning locker rooms to accommodate privacy.

# #4b - Inmate Standard Dress Code

# Union's Position

The Union would like to discuss the issue of the standard dress code for inmates outside of confined area.

# DISCUSSION

# Union

Would like to see a minimum standard dress code for inmates out of their dorm or cubical.

# Management

Agree - good suggestion.

# #4c - Cell Phone Storage

#### Union's Position

The Union would like to discuss the issue of cell phone storage. They would like the facilities to provide lockers for cell phone storage for staff. They have checked with a company that has provided literature.

# DISCUSSION

# Management

Is this still a real issue? Where do you suggest placing the storage compartments?

# Union

Issue continues to be brought up; main concern is for bikers and public transportation. Suggest placing the storage compartments inside at the facility. Suggested that local sectors talk with Administrator to identify possible location.

MANAGEMENT – will look into with the Union and see what we can come up with. Have to look at each facility setting. No one solution works for each facility. Major concerns have been addressed at most facilities.

# 1973

# #4d - Frisks - Camps

# Union's Position

The Union would like to discuss the issue of strip frisks for inmate returning from visits. This issue is believed to be out of Camp Gabriels.

# DISCUSSION

# Union

Concern is that inmates at Camps know they will not be frisked; suggest changing the policy.

# Management

Facilities are following Directive 4910. Frisks are being done; if there is reasonable cause or suspicion – strip frisks can be ordered.



# #4e - Commitment to Insuring That Labor/Management Agreements Are Adhered To

# Union's Position

The Union would like the Department's commitment to insuring labor/management agreements are adhered to and continued communication.

# DISCUSSION

# Management

The Department will abide by all documented labor/management agreements.

# #4f - Media Review for Television/Videos

# Union's Position

The Union would like to discuss the issue of media review for television and videos. Specifically, they would like to *establish* a policy on what can be viewed on television. Recently, at Groveland Correctional Facility, a correction officer shut the day room down because he felt that what was being aired on the television was inappropriate (HBO).

# DISCUSSION

#### Union

The Union is aware that population is in opposition of in cell TV's. Union does not oppose to inmate TV's with controls.

# Management

Need to take a look at the Media Review Policy, but would rather stay away from it and look into the idea of each facility electronically controlling the programming of in-cell and the rec. room TV's.

# DISCUSSION - Other Issues:

A. Union - Resigning? What is the policy on accepting resignation? Example; Fishkill case - person wants to resign instead of having disciplinary case go to arbitration. Told no resignations are being accepted. Looking for a neutral reference.

Management - Resignation can be submitted, but does not have to be accepted. Need to sit down with Counsel's Office for dialogue. Will look into and talk.

B. Union - Reinstatement of Correction Officers. Confusion in regards to amount of training needed upon return. Looking at section from Training Manual received from Bruce Olsen.

Management - Will have Bruce Olsen follow-up with Dan Martuscello III for clarification.

C. Union - US Flag on CO's uniform is incorrect; backwards.

Management - We are not the only Agency that does it. There is something on file in regards to the location of the US Flag on uniforms. Will get back to you on it. (Mailed to Larry Flanagan)

D. Union - Retirement shields; Unions position is that the current policy is outdated. Suggest changing to allow adding military time to state service time to add up to 25 years of service. Would also suggest that all security rank staff retiring from DOCS, with any amount of time, be able to receive a shield.

Management - Refer to Personnel Procedure Manual, Section #411 — Retirement Package Guidelines, which state; uniform staff for normal retirement and ordinary disability retirement, badges will be issued to employees with at least 5 years of uniform service..

E. Union - Altona C.F. has issue with lead in the water. The Union has purchased 25 water purifiers. Why has this not been corrected?

Management - Why has no one said anything? Union - Has been on agenda before.

Management - AC Williams will look into the matter.

F. Union - Throwing incidents (Upstate). Union is looking for commitment that "throwing" will be looked at very closely. These incidents should be handled aggressively. Suggest that some type direction be put out saying, "Due to number of throwing incidents, back of cell order needs to be instituted." The perception out in the field is that the Administration

does not care. Propose the Department look into using drug loo MK5 service and taser for handling difficult inmates. Also, it is felt that inexperienced staff needs training on how to handle the situation.

Management - Agree 100%. Comr. and DC Leclaire will talk to Supt. Woods. Not sure why there is a rash of throwing incidents. Put your proposals together and send in, will look into and advise.

**G. Union** - BERT meeting; no date set yet to discuss. Assoc. Comr. Rivera has information.

H. Union - Bidding of Temporary Job Vacancies. Request to fill vacancies in adherence to current agreement. See attached.

Management - Agree to follow current agreement.

Union - Appreciate the improved communication with DOCS.

Management - What about boots? Union - Incorporate with Directive 3083.

Management - Was not aware that it was an issue to incorporate with Directive; understanding was, it would be a one-time deal. There is already a policy out there in regards to footwear.

Brian Fischer Commissioner Larry Flanagan

NYSCOPBA President

9-20-07

Date



# STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES

# THE HARRIMAN STATE CAMPUS 1220 WASHINGTON AVENUE

ALBANY, N.Y. 12226-2050

LUCIEN J. LECLAIRE, JR. ACTING COMMISSIONER

DEPUTY COMMISSIONER ADMINISTRATIVE SERVICES

# MINUTES NYS DEPARTMENT OF CORRECTIONAL SERVICES/ NYSCOPBA STATEWIDE LABOR/MANAGEMENT MEETING NOVEMBER 8, 2006

#1	Partial Swaps
#2	Statewide Policy for Training
#3	Repayment Schedules (Time & Attendance Issues)
#4	Temporary Jobs
#5	Transportation
#6	Visitor Issues
#7	Recruitment disqualifications and felony record employment
#8	Staffing Issues
#9	Miscellaneous
#10	Old Issues
	0.0

- 1) Secure area for cell phones
- 2) Leave Donation Program

The meeting commenced with the introduction of Superintendent John Lempke by Acting Commissioner Leclaire. Mr. Lempke will temporarily be handling Assistant Commissioner Filion's duties.

# #1 - Partial Swaps

# Union's Position

Larry Flanagan asked if the Department would consider partial day swaps from one half an hour and up as opposed to the eight hours it currently is. He stated that it would be beneficial to the union as well as to the Department in that the change would help with time and attendance issues, etc.

# Management's Response

Acting Commissioner Leclaire indicated that in 2005, the Department handled over 500,000 swapping transactions and we are obligated to maintain the current system. This workload was absorbed by the Staffing Office with no additional staff. This would be a difficult policy to change mainly because the amount of new records this would produce. The Department wants to keep the workload at current levels with no additional staff.

Acting Commissioner Leclaire stated to the union that the Department would entertain a more in-depth, detailed proposal on this issue.

Larry Flanagan asked if the Department could institute a Statewide policy for the selection of employees for Departmental training. Specifically, he referred to the training of the Weapons Training Officer.

# **Management's Position**

Acting Commissioner Leclaire stated that the Department will follow Directive #2406. He indicated the Department will deal with specific issues as they arise, however, all things being equal, seniority will prevail.

Assistant Commissioner Filion indicated that the Training Selection Committees consist of a member of each bargaining unit and told the union to contact John Lempke if they had any problems.

Acting Commissioner Leclaire agreed with the union's request that the Department send out a reminder to all facilities instructing them to comply with Directive #2406.

This e-mail was sent to all Superintendents on November 13, 2006 (copy attached).

MESSAGE ID: 489253 DATE: 11/13/06 TIME: 08:44am PRIORITY: 000

TO: 999EXCKXB - Breen, Kevin

Associate Commissioner Cen - Labor Relations

FROM: 999EXCLJL - Leclaire, Lucien

Acting Commissioner

Cen - Executive Direction

SUBJECT: Training Advisory Committees

To: All Superintendents

From: Lucien J. Leclaire, Jr., Acting Commissioner

Subject: Training Advisory Committees

The procedure for the selection of employees for any Instructor Development Course is outlined in Directive #2406, "Training Advisory Committees," Section VI. It is a detailed process that has worked well for many years.

All facilities must ensure that subcommittees are established to select and nominate staff to attend Instructor Development Courses. The Training Selection Committees must include the facility Executive Team and a member of each bargaining unit (CSEA, NYSCOPBA, PEF, and C82). It is the Committee's responsibility to follow all guidelines in the selection process.

Sent to: SUPERS ALLSUPTS Sent to: Supers (to) (to)

# #3 - Repayment Schedules (Time & Attendance Issues)

# Union's Concern

The union discussed the issue of repayment schedules as it relates to time and attendance. Specifically, Mr. Flanagan indicated that this has a tremendous impact on the employees who are required to pay back money and are not informed prior to the deductions coming out of their paychecks. He requested that there be better communication to those employees and that they be notified before the deductions begin.

# Management's Position

Russell DiBello indicated that a memorandum will be issued to the payroll offices informing them that employees need to be notified prior to any deductions being taken from their paychecks. Assistant Commissioner Filion indicated that the Department is required to follow guidelines from the Office of the State Comptroller in that repayment deductions must be a minimum of 10%, however, Russell DiBello informed the union that the Department will take into consideration certain hardship cases when it comes to the amount of deductions.

The e-mail was sent to all Superintendents on November 8, 2006 (copy attached).

MESSAGE ID: 474738 DATE: 11/08/06 TIME: 12:53pm PRIORITY: 000

TO: 999EXCKXB - Breen, Kevin

Associate Commissioner Cen - Labor Relations

FROM: 999EXCROD - DiBello, Russell O.

Assistant Commissioner Cen - Executive Direction

SUBJECT: Payroll Overpayments

Whenever it comes to your attention that an employee has been overpaid either because of a payroll processing error or the result of a time and attendance review, the employee must be notified in writing of the amount of overpayment and the method for recovering that overpayment, before the overpayment is recovered.

The method for recovering the overpayment should be consistent with the Office of the State Comptroller's guidelines as identified in Payroll Bulletin #470.

We do not want employees being surprised when they open up their paycheck and see a lesser amount than they anticipated without proper advance notification.

Additionally, withholding an employee's paycheck because they refuse to sign a form verifying receipt of an Employee Manual is an unacceptable business practice that we do not condone.

These are not widespread concerns, but nevertheless, they are concerns that you should be aware of an address accordingly.

Sent to:	PAYROLL	<li>t&gt;</li>	(to)
	DSA	<li>t&gt;</li>	(cc)
	PERSONNEL	<li>t&gt;</li>	(cc)
	EXECTEAM	<li>t&gt;</li>	(cc)
	SUPERS	<li>t&gt;</li>	(cc)
	999PERDFM	Martuscello, III Daniel F.	(cc)
	999BUDSLD	Downey, Sandy L.	(cc)

# #4 Temporary Jobs

# **Union's Position**

The union discussed the issue of temporary jobs (eg. construction, etc.) and a formula for the number of staff needed and how established.

# **Management's Position**

The Department abides by the temporary bidding agreement first written by Jack Vandecar in the early 1970's. Basically, this agreement allows for the bidding of all temporary posts that we anticipate will last six month or more or temporary posts that have lasted for more than five months unbid.

President Flanagan made the observation that an arbitrator has recently ruled that we will be required to bid, from resource, all temporary posts with lifetimes of more than two weeks.

Actually, this is inaccurate. Arbitrator Douglas did not rule in that fashion but signed a Consent Award between the parties that at Arthur Kill Correctional Facility, by the agreement of the parties, this would occur. This settlement was non-precedential, Arthur Kill Correctional Facility specific, and contained language about the settlement's very limited use. It does not apply to more than one facility in the Department and in that specific case because of an agreement that was not to be used to affect other facilities.

With respect to the raised topic of facilities resource pool distribution, the Department agreed that Phil Battiste, Director of Security Staffing, would meet with John Pappas to discuss this matter.

The union discussed the issue of inmate medical needs being addressed by security staff during trips. Specifically, at Coxsackie Correctional Facility, officers did not want to transport inmates who were on oxygen. Also, the union would like to know what the Department's position is on state of emergencies and the policy for overnight status. Specifically, Kevin Walker expressed concern over a recent incident involving the flooding in Ulster County. Two correction officers were put in danger when they were directed to drive through flooded roads. Then, they were forced into overnight status. As a result, a grievance was filed. This grievance is currently pending at the Step 3 Level (Governor's Office of Employee Relations).

# **Management's Position**

Acting Commissioner Leclaire informed the union that if an inmate is required to be on oxygen because of an emergency situation, he should be transported by ambulance. However, if an inmate is on oxygen therapy, security staff will do the transport.

The Department is currently evaluating an oxygen concentrator which is low maintenance, easy to use and will require no adjustment.

Acting Commissioner Leclaire indicated that he was unaware of the recent situation in Ulster, however, it is the Department's policy that during emergency weather conditions, only trips that are absolutely necessary should be sent. He also indicated that Associate Commissioner Richard Roy will do a clarification to the facilities regarding the Department's policy on emergency weather conditions.

Associate Commissioner Roy stated that there must have been a communication issue with regards to the two correction officers being directed through flooded roads and the Department's concern is always safety. As far as being forced into overnight status, it is always the decision of the Deputy Superintendent for Security.

The union requested that a policy be created regarding the removal of a visitor from the facilities and a policy on supervision of the same. Specifically, they are concerned when a visit is denied, the visitor remains in the entranceway for the entire day until the bus returns. The union feels that when a visit is denied and the visitor has to stay at the facility the entire day, most often, the officer feels like a babysitter.

Additionally, the union requests the creation of a policy regarding the Inspector General's office to utilize Correction staff to conduct strip frisks at facilities or any member requiring to leave and conduct frisks at the State or local police barracks.

# Management's Position

Acting Commissioner Leclaire stated that sensitivity needs to be given when a visit has been denied and the visitor has no place else to go. In some cases, that means that they have to stay at the facility until the bus returns. The location of the facility (if in a remote location) and how far the visitor traveled should be taken into consideration. Understanding and consideration need to be applied during these situations.

If a situation arises where the denied visitor is unruly or disruptive, the local police should be called to have them removed from facility grounds.

NYSCOPBA asked how many hospitality centers there were and civilian volunteers and the Department said we would get them that information.

The Office of the Inspector General or the State Police will conduct the frisking of visitors who are the target of investigations, where possible. In the event that it is not possible (eg. the Inspector General or the State Police do not have an investigator of the same gender), facility staff will be asked to do the frisk. When possible, the Inspector General's Office will notify the officer about the frisk prior to it occurring.

The union discussed the issue of recruitment disqualifications and felony record employment.

# **Management's Position**

The Department currently contracts out its Psychological Screening to Law Enforcement Psychological Services (LEPS) and have been with this company for over ten years. Unlike any other agency that is required to have candidates undergo psychological testing, the Department has a Licensed Psychologist on staff that reviews the determination of the vender for quality assurance and to ensure that candidates are disqualified on the basis of psychological suitability. Under no circumstances are candidates disqualified as a result of being related to or knowing a current Correction Officer. This is evident at the Academy graduations, where on average, six second generation recruits graduate.

The Union provided a list of names of candidates who were psychologically disqualified. Of the people the Department was able to identify, the Department's Licensed Psychologist reviewed each file and the determinations are appropriate.

The Union requested that the Department review the breakdown of psychological disqualification by region to determine if persons from Western New York had a higher disqualification rate. This was done for 2005 and to date in 2006 and the percentage of those tested and disqualified was consistent across the five regions of the State.

The union also requested a copy of the psychological screening RFP and contract which will be provided to them.

With regard to felony employment, Departmental Directive #2239: Processing Civilian Job Applications/Employees with Criminal Records outlines the Department's procedure for hiring employees with records. As an overview, the facility Superintendent makes a recommendation to the Office of the Director of Personnel, it is reviewed and then forwarded to the Deputy Commissioner for the discipline the employee is being hired for for final approval. When being reviewed, such factors as how long ago the crime was committed, type of crime committed, work history since incident, if incarcerated with the Department, inmate discipline record, program completion and so on.

In addition, the law does not allow for an agency to not hire an individual solely based on his criminal record, but a review of the circumstances surrounding the incident and his history must be done. This is not the case with Peace Officer positions where a felony bars employment.

#### #8 Staffing Issues

#### Union's Position

Larry Flanagan discussed staffing issues as they relate to post closings and shortage of staff. Specifically, when post closings and staff shortages presents a security risk. The message received is to keep overtime down. NYSCOPBA does not want security to take a back seat to budgetary concerns.

# Management's Response

The Department informed the union that fewer than 3% of posts are closed. It is a judgment call by management to determine what posts are closed. It is the Department's position that when a function ceases to exist, the post be closed. The Department has done a good job in keeping vacancies filled. The Department will review any case the union considers a violation.

Additionally, the Department will reissue a response to facilities regarding security versus overtime.

The union requested the number of redeployed facilities. The Department informed the union that eight are considered redeployed.

The union also had an issue with outside hospitals. When there is an outside hospital assignment, they would like to see two correction officers with the inmate. At Great Meadow, there was an outside hospital assignment with one correction officer assigned to the inmate.

Acting Commissioner Leclaire informed the union that if they have specific concerns, the Department will review them.

#### #9 Miscellaneous

#### **Union's Position**

The union discussed the issue of holding paychecks from employees. The utilization of an employee's paycheck should not be a bargaining chip. An example was given where paychecks being withheld until employees signed for their employees' manual.

Kevin Walker mentioned the issue of the closing of Harlem Valley. There will be a major impact on the security staff who have relied on Harlem Valley. Recently, a meeting was held between Bob Strang (EAP) and Robert Lozaro (OGS) concerning the relocation of the staff that will be affected and the possibility of building modulars on Fishkill Correctional Facility's property. The union asked that the Department keep with apprised of the situation with the closing of Harlem Valley.

Larry Flanagan expressed concern that at Oneida Correctional Facility, informal counselings being placed on yearly performance evaluations.

### **Management's Position**

The Department agreed with the union that paychecks should not be held from employees.

Acting Commissioner Leclaire informed the union that the Department will work with OGS in finding alternate housing for the employees presently housed at Harlem Valley and will also keep the union apprised of the closure of Harlem Valley.

Peter Brown called Oneida Correctional Facility regarding the removal of informal counselings from employee's performance evaluations.

#### #10 Old Issues

#### Union's Position

The union again raised the issue of cell phones being allowed in a secure area in the facilities.

Larry Flanagan inquired about NYSCOPBA employees being able to donate Sick Leave to the Leave Donation Program.

# Management's Position

Acting Commissioner Leclaire stated it is the Department's policy to prohibit cell phones in correctional facilities, however, if the union could come up with a proposal, the Department would take a look at it. The Department's policy does allow employees to secure cell phone in their vehicles on site or while attending training, meetings, conferences, etc.

Dan Martuscello stated that the Leave Donation Program has been negotiated between the Governor's Office of Employee Relations and NYSCOPBA. The Department is without the authority to change the components of this agreement without the consent of the Governor's Office of Employee Relations.

Lucien J. Leclaire, Jr.

Acting Commissioner

Larn Flanagan, President

NYSCOPBA



# STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES

# THE HARRIMAN STATE CAMPUS 1220 WASHINGTON AVENUE ALBANY, N.Y. 12226-2050

GLENN S. GOORD COMMISSIONER

CHARLES M. DEVANE DENTY COMMISSIONER ADMINISTRATIVE SELEVICES

August 30, 2006

# HAND-DELIVERED MAIL

Mr. Larry Flanagan President NYSCOPBA 102 Hackett Boulevard Albany, New York 12209

Dear Mr. Flanagan:

Attached please find the signed copy of the NYSCOPBA Statewide Labor/Management meeting that was held on January 24, 2006.

Sincerely,

Peter B. Brown Director of Labor Relations

PBB/mmg



# GLENN S. GOORD COMMISSIONER

# STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES

THE HARRIMAN STATE CAMPUS 1220 WASHINGTON AVENUE ALBANY, N.Y. 12226-2050

> CHARLES M. DEVANE DEPUTY COMMISSIONER ADMINISTRATIVE SERVICES

# MINUTES

# NYS DEPARTMENT OF CORRECTIONAL SERVICES/

# NYSCOPBA

# STATEWIDE LABOR/MANAGEMENT MEETING

# January 24, 2006

Item #1	Sergeants Having Access to FPMS	Computer System
Item #2	Due Process for Sergeants	ī
Item #3	Sergeants Duties	
Item #4	On-The-Job Training for Correction	n Officer Trainees
Item #5	Space Availability for Retirement C	Consultants
Item #6	Gang Training	
Item #7	Frisk Gloves	
Item #8	Gender Specific Jobs	
Item #9	Cell Phones	
Item #10	Leave Donation Program	
Item #11	Miscellaneous	

#### NYSCOPBA AND DOCS ATTENDEES

#### NYS DOCS

John R. Patterson, Executive Deputy Commissioner
Anthony Annucci, Deputy Commissioner & Counsel
Charles M. Devane, Deputy Commissioner, Administrative Services
Lucien Leclaire, Deputy Commissioner, Security Services
John Nuttall, Deputy Commissioner, Program Services
Dr. Lester Wright, Deputy Commissioner & Chief Medical Officer
Gary Filion, Assistant Commissioner
Russell DiBello, Chief Fiscal Officer
Peter Brown, Director of Labor Relations
Daniel Martuscello, Director of Personnel
Charles Harvey, Director of Diversity Management
Michele Grinvalsky, Labor Relation
Matthew Bloomingdale, Labor Relations

#### NYSCOPBA

Diane Davis, Recording Secretary
Dave Faile, Sergeant's Liaison
Lawrence Flanagan, Jr., President
Lou Giampaglia, Special Assistant to the President
Tom Haas, Central Region Vice President
Lyndon Johnson, Northern Region Vice President
Al Mothershed, Western Region Vice President
Willie Perez, Southern Region Vice President
Doris K. Rafferty, Executive Secretary
William Sheehan, Esq., NYSCOPBA Counsel
John Telisky, Treasurer
Kevin Walker, Mid-Hudson Region Vice President

#### ITEM #1 - Sergeants Having Access to FPMS Computer System

#### Union's Concern

President Flanagan requested that sergeants have additional access to the FPMS computer system in order to be afforded accurate information with regard to the mental state, history, behavior, assault history, etc. to assist in pro-active versus reactive measures. Specifically screen #'s 7, 8 and 20.

#### Management's Response

Deputy Commissioner Leclaire indicated that information on these particular screens is protected and sergeants cannot be afforded routine access to the information contained on these screens. It was suggested that as situations arise on a need to know basis, sergeants should approach a member of the facility's executive staff and explain the underlying reason for the request.

#### ITEM #2 - Due Process for Sergeants

#### Union's Concern

Larry Flanagan asked that sergeants to be afforded due process with regard to their permanent item (4.11) denial. When a probationary termination occurs, the union believes that there should be an appeal process up to and including an arbitration hearing.

Additionally, sergeants' representative Dave Faile made reference to a particular employee's probationary termination.

#### Management's Response

Dan Martuscello indicated that since 2000, there have only been three probationary terminations for sergeants. He further indicated that this issue is one controlled by Civil Service Classification Service Rules. It is one we are not empowered to change. Rule 4.5 of the Civil Service Classified Service Rules empowers the appointing agency with the authority to terminate an individual's employment while on probation if the probationer's conduct or performance is not satisfactory.

Mr. Martuscello also indicated that nowhere does Rule 4.5 indicate that a "third party" review be conducted. However, this rule does require that, upon the request of the probationer, an interview shall be granted with the appointing authority or his representative. As a result of this interview, the probationer is afforded an opportunity to present his or her case and provide any information or documentation to support their case for possible reinstatement.

In addition, it should be noted that the termination process includes a review at the executive level at the facility. It also includes a review by the Senior Personnel Administrator, Associate Personnel Administrator, and Assistant Director of Personnel before being presented to the Director of Personnel for final determination.

As a further check and balance to ensure that the termination is not arbitrary or capricious, the termination package is reviewed by our Office of Diversity Management.

Given these extensive reviews at a number of different levels by many different individuals, the Department does not feel an additional review is either required or appropriate.

Deputy Commissioner Charles Devane informed the union that Dan Martuscello will review the particular case which Mr. Faile referred to.

#### ITEM #3 - Sergeants' Duties

#### Union's Concern:

President Larry Flanagan requested that the administration provide a written list of what sergeants' duties could be combined without compromising safety and security and the priority thereof.

The union also indicated that sergeants' jobs have gotten away from the classification standards and requested that a committee be formed to reexamine sergeants' duties.

#### Management's Response:

Deputy Commissioner Leclaire indicated that this list would be impossible to create and combining sergeants' posts or expanding areas of supervision is a management decision that must be based on staff needs required to provide essential facility workload. Sergeants' workload must be evaluated on a daily basis and cannot be predicted.

Deputy Commissioner Leclaire indicated that it had been eight or nine years since sergeants' classification standards have been reviewed and told the union that Assistant Commissioner Filion will schedule a meeting to reexamine sergeants' duties.

#### ITEM #4 - On-The-Job Training for Correction Officer Trainees

#### Union's Concern

President Larry Flanagan requested that correction officer trainees report to their home facility to complete their on-the-job training as was previously done. He also requested that more seasoned qualified correction officers be required to train the correction officer trainees.

#### Management's Response:

Assistant Commissioner Filion indicated that a committee is reviewing the issue of on-the-job training. Bruce Olsen, Director of the Training Academy, will provide the results of this review to the union once it is complete.

#### ITEM #5 - Space Availability for Retirement Consultants

#### Union's Concern

President Larry Flanagan requested that retirement consultants be given access to a private room, outside telephone line and be allowed to bring a laptop computer into the facilities to provide one-on-one consultations with its members. He also asked if the Department can make provisions to have employees released in order to meet with retirement consultants.

#### Management's Response

Deputy Commissioner Leclaire indicated that the Department will direct each superintendent to designate an area in the administration building where this may occur. He also stated that MIS will be asked to provide appropriate outside lines for the laptop. The Department recognizes the importance of getting employees accurate information.

Assistant Commissioner Filion made the suggestion of allowing retirement consultants in on employee training days.

#### ITEM #6 - Gang Training

#### Union's Concern

President Larry Flanagan requested to have updated gang training to include identifying signs, language, etc.

#### Management's Response

Deputy Commissioner Leclaire stated since it has been several years since these videos were created, the Department will begin work developing new training videos to accomplish this similar to those that were created. They will be available for line-ups and other training sessions. Additionally, the Unauthorized Group lesson plan has been updated and Train-the-Trainer sessions have been conducted by staff from Crisis Intervention. Training sessions are being scheduled regularly during facility training days and during hub-wide training sessions. This fiscal year, available training time is very limited due to other training mandates. The Department expects that next year, we will be able to continue to offer this training more frequently.

#### ITEM #7 - Frisk Gloves

#### Union's Concern

President Larry Flanagan would like to broaden the usage of Department frisk gloves to include operating manual gates, brakes and cell bars. He specifically referred to Sing Sing Correctional Facility.

#### Management's Response:

Deputy Commissioner Leclaire stated that since the original inception of cut-resistant frisk gloves, the Department has routinely addressed requests from NYSCOPBA to broaden the scope of their use. The approval of such requests was contingent upon a demonstration that the protection that cut-resistant gloves provided would benefit staff while performing specific duties.

Deputy Commissioner Leclaire also stated a more comprehensive study needs to be done and the union would have to make the Department aware of specific locations where there are problems. The Department is not closing the door on expanding the use of the frisk gloves, but more information needs to be provided. Deputy Commissioner Leclaire also indicated that the Department has allowed personally owned winter gloves.

President Flanagan indicated that they will gather more information on this issue.

### Item #8 - Gender Specific Jobs

#### Union's Concern

The union would like the Department to provide a list of all Department gender-specific jobs.

# Management's Response

Deputy Commissioner Leclaire indicated that it would be difficult to list gender-specific jobs in that they may change day to day. He further stated that the Department follows Directive #2230 (attached) as it pertains to the assignment of correction officers.

Since this meeting, the Department has had discussions with the NYSCOPBA Women's Committee regarding this issue.

### Item #9 - Cell Phones

#### Union's Concern

Larry Flanagan stated that because cell phones have become a way of life for employees, he would like to see an area identified in the facilities where employees can secure their cell phones. He suggested the arsenal as a secure area. It was also suggested that employees be allowed to carry the battery of their cell phones into the facilities while on duty.

# Management's Response

Deputy Commissioner Leclaire indicated that this is a difficult issue and it has been a topic of many discussions. Cell phones are not permitted inside correctional facilities. He also stated that he does not see a solution to this, however, he is receptive to any ideas the union can come up with.

Larry Flanagan indicated that the union will get back to the Department on this issue.

### ITEM #10 - Leave Donation Program

#### Union's Concern

President Flanagan stated that the union would like to have the leave donation program to include utilization of sick leave.

#### Management's Response

Director of Personnel Dan Martuscello indicated that the Leave Donation Program guidelines are set forth by the Governor's Office of Employee Relations. In order to make a change in this program, the union would have to negotiate this with the Governor's Office of Employee Relations.

The Department would support the union on this issue.

# ITEM #11 - Miscellaneous

### Union's Concern

# Retirement Badges

Larry Flanagan indicated that the union would like the people who have 25 years of service, including military service, and people who are over 62 with less than 25 years to receive retirement badges.

Dan Martuscello stated that a request for a badge has to be made within one year of retirement and agreed that he would provide the union with a copy of the procedure.

Deputy Commissioner Devane stated that this is an old procedure and the Department will take a look at it, speak to Commissioner Goord regarding this issue and will follow-up with the union.

# North Country Hub Transportation

The umon feels that the transportation overtime in the north country hub is not distributed equally.

Deputy Commissioner Leclaire indicated that the Department is dealing with this in a most efficient way. Coordination within each hub has been directed and rotation of responsibilities is distributed in a fair manner. The Department puts its trust in the Deputy Superintendents in that they manage their resources and overtime. The Department is heartant to micro-manage.

The Department stated that if there are specific facilities where there are problems, they need to let us know.

Peter Brown agreed to discuss this issue with Lyndon Johnson.

# Minority Black and Hispanic Employees in Supervisor Titles

NYSCOPBA Southern Region Vice President Willie Perez passed out a chart he compiled consisting of the ethnic ratio among security staff in the Department and indicated that he would like to see the hiring of more minorities in supervisory titles. He mentioned the Suffolk County using an A & B list with seniority and test score and New York Police Department gave residency scores to include numbers of minorities, and asked if the Department can implement something before the examination comes out to create a program to include a number of minorities.

Deputy Commissioner Devane stated that it is in the Department's best interest to have a number of supervisors in the minority rank. The Department agreed to do its own comprehensive analysis and share it with NYSCOPBA. Deputy Commissioner Devane suggested that President Flanagan look into creating a committee to investigate options on increasing minority numbers.

#### Item #11 - Miscellaneous Items Continued...

Dan Martuscello further added that the Department created a sensitivity review committee for sergeants' examination to make sure that questions are fair. This committee consisted of two panels. One panel was made up of four African Americans, while the other panel had three Hispanics. Their role was to ensure that all questions were fair and not bias to one ethnicity. This was all reviewed before the examination went to the final printing stage.

The union also addressed the issue of not receiving the Departmental Directives in a timely fashion and also requested a current list of veterans.

The Department informed the union that this would be taken care of and we will provide a list of deployed and veteran officers to NYSCOPBA

Charles M. Devane

Deputy Commissioner

Larry Flanagan Jr.

NYSCOPBA President



# GLENN S. GOORD COMMISSIONER

# STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES

THE HARRIMAN STATE CAMPUS 1220 WASHINGTON AVENUE ALBANY, N.Y. 12226-2050

> CHARLES M. DEVANE DEPUTY COMMISSIONER ADMINISTRATIVE SERVICES

# **MINUTES**

# NYS DEPARTMENT OF CORRECTIONAL SERVICES/

# NYSCOPBA

# STATEWIDE LABOR/MANAGEMENT MEETING

# January 5, 2005

Item #1	Cleaning and Maintenance of all Mechanical Restraints
Item #2	Stab-proof vests
Item #3	Pepper Spray
Item #4	Stress Management Education/Prevention
Item #5	Post Closings
Item #6	State Housing Revenue
Item #7	Replacement of Chino Jacket
Item #8	Cell Phone Problems at Camp Georgetown
Item #9	Leave Donation Policy
Item #10	Motor Vehicle Form DMV-104
Item #11	Indemnification
Item #12	Inspector General Items
Item #13	Swap Boards
Item #14	Confidentiality of Employee Medical Documentation
Item #15	Discontinuation of Transporting Funeral Trips via Buses

#### ITEM #1 - Cleaning and Maintenance of all Mechanical Restraints

#### Union's Concern:

The union asked that the Department establish a statewide policy regarding the cleaning and maintenance of all mechanical restraints for all statewide and hub transportation.

The union received an estimate from Presto Ultrasonics for a unit that would clean and disinfect 200-300 sets of restraints at \$6,715 plus the cost of cleaning/disinfecting supplies (This unit also cleans Hepatitis and lubricates restraints). In addition, the union wants training available at each HUB for correction officers to learn how to maintain this equipment.

Additionally, the union discussed their concerns of overusage of mechanical restraints.

#### Management's Response:

Deputy Commissioner Leclaire indicated that although they seem quite expensive, he will look at the Presto Ultrasonics units and he will reexamine the Department's August 28, 2001 policy that describes the appropriate procedures for cleaning Central Transportation restraint equipment.

#### ITEM #2 - Stab-Proof Vests

#### Union's Concern:

The union would like to have a serious dialog with the Department on the issue of providing officers with stab-proof vests and also have the Department take a look at the 2001 tests that were conducted at the five facilities. The union feels wearing of the stab-proof vests could begin at the maximum security prisons as well as the special housing units.

#### Management's Response:

Management indicated that if a decision is made by the union to have all correction officers wear stab-proof vests, this would be a mandatory-wear requirement just like any other piece of equipment and an annual inspection would be part of this requirement.

The union will let the Department know of their position on this matter.

#### ITEM #3 – Pepper Spray

#### Union's Concern:

The union proposes pepper spray, along with batons, be used as an alternative use of force to quickly stop assaults on staff and inmates alike, to reduce injuries to both, and reduce the possibility of litigation on the use of force.

Additionally, they propose that supervisors carry C/S gas; but this aerosol dust is not accurate. It is designed to fill a space and causes damage to the eyes.

The union contended that Riker's Island and the State of California allow officers batons as well as chemical agents.

#### Management's Response:

Management indicated that a brief survey was conducted to ascertain how many states, if any, allow front line correction officers to carry O/C or any chemical agent on their person. It was found that only a handful of states permitted such. None of the states that allowed officers to carry O/C, permitted batons inside correctional facilities. The Department has long recognized the use of chemical agents as an escalation of force beyond physical force and baton.

Additionally, a single canister of O/C has the potential to completely incapacitate an entire response team. This proposal would put dozens into populations.

The Department would not favor such a proposal.

#### ITEM #4 - Stress Management Education/Prevention

#### Union's Concern:

The union indicated that the Department is taking the rights steps toward stress management education and prevention, however, enough has not been done. They would like to see, as soon as possible, a progressive, proactive education towards stress reduction training during work hours and in-service training, such as family support groups, counseling, counseling for officers who have been exposed to HIV and family orientation programs.

#### Management's Response:

The Department has same or similar concerns in regards to this topic. Deputy Commissioner Devane informed the union to forward any information on this subject to Assistant Commissioner Gary Filion so he may follow-up and coordinate our efforts with the Training Academy.

#### FTEM #5 - Post Closings

### Union's Concern:

The union would like to see all job posts and shifts on the Plot Plan filled each day to ensure the safety of the facilities for staff and inmates alike.

#### Management's Response:

The Department agrees that safety and security is the top priority.

The closing of posts when the function does not exist or the function can be postponed is an integral part of appropriately managing our available resources and to offset vacancies, absences or overtime. Critical posts are not impacted and facilities are to adjust response capabilities, if necessary. All facilities understand that the overall safety and security is their primary concern.

On an average day, less than three percent of posts are being closed and many are for partial days.

#### ITEM #6 – State Housing Revenue

#### Union's Concern:

The union is requesting that revenue generated from state housing be returned to each facility for upkeep and improvements of those state housing locations. Proposed amount to be returned equals 85% of the \$1.8 million generated to maintain these buildings.

#### Management's Response:

Management indicated that money from this resource goes to the State General Fund. The Department has asked the Division of Budget every year for access to these funds and is turned down. The problem is if they do this for Correctional Services, they would have to do this for every agency. Russell DiBello stated that the Department is not opposed to asking Division of Budget again this year, but thinks their answer will be the same.

### ITEM #7 - Replacement of Chino Jacket

#### Union's Concern:

The union would like to replace the chino jacket with a three-season jacket. They indicated that they want a unified professional looking jacket. The chino jackets do not hold up well and are not water repellent.

#### Management's Response:

Management stated that it is willing to discuss this issue with the union again. The projected cost is \$2 million. The Department will schedule a meeting in the near future through Labor Relations to discuss the feasibility of NYSCOPBA's request to provide a multi-season jacket.

#### ITEM #8 - Cell Phone Problems at Camp Georgetown

#### Union's Concern:

The union would like to discuss the cell phone problems at Camp Georgetown. Cell phones that were issued for work crews are not always reliable due to dead zones. They mentioned the problem with cell phones at the NYS Fairgrounds. The repeaters cut off and they are not dependable.

#### Management's Response:

Management indicated that the intended use of cell phones was not to replace radios. Mention was made that the new telecommunications contract (two to three years away) will result in new devices that will greatly reduce these communications problems. Management will have the Communications Office look into this problem.

Currently, the facility reports very few problems with the current communications set up.

#### ITEM #9 - Leave Donation Program

#### Union's Concern:

The union would like to see the current Leave Donation Program amended to include sick leave and/or personal leave.

#### Management's Response:

Management indicated that the Leave Donation Program is a negotiated benefit. Management does not have the authority to change statewide guidelines. Changes must go through the Governor's Office of Employee Relations and would have to be looked at for all State agencies.

#### ITEM #10 - Motor Vehicle Form DMV-104

#### Union's Concern:

The union discussed the DMV-104 form and whether or not the Department requires NYSCOPBA to fill it out or if the Department fills it out. The information on the form goes to DMV and can, in turn, be used by inquiring agencies and could result in an officer's personal insurance rates being increased. The argument is that it is needed for the record, unless there is a claim by an outside party. There should be no need for this form. A simple "TO/FROM" should suffice.

Additionally, they indicated that no personal injury or damage amount less than \$1,000 should require staff to fill out this form.

The union would also like to know about threshold damage amount.

#### Management's Response:

Management indicated that research into this issue indicates that it may be possible to accommodate this request by the union. If approved by the Commissioner, it will require a change in standard procedures which can be accomplished by a change to Directive #2932.

As presently written, Section (III)(J) of Directive #2932 specifies that if a State vehicle is involved in an accident, it is the operator's responsibility to complete and process an Accident Report Form (MV-104), a copy of which is attached, in accordance with Section 605 of the New York State Vehicle and Traffic Law. This form is then sent up the chain to either the Facility Business Office (for facility vehicles) or the Division of Support Operations (for Central Office vehicles). Thereafter, the form is filed with the Department of Motor Vehicles (DMV).

In discussing this issue with the DMV Special Counsel who oversees this area, Neil Schoen, we learned that two alternatives may be possible. First, it is possible that this form can be filled out to contain the necessary factual information describing the accident, but it does not have to be completed by the operator himself or herself. The Special Counsel pointed out that pursuant to Vehicle and Traffic Law (VTL) Section 605, when the operator of the vehicle is a correction officer, as well as a police officer or firefighter, it is the "owner" of the vehicle that can submit the report. Under Section 128 of the VTL, the term owner "includes a person entitled to the use and possession of a vehicle." Hence, in the case of a correction officer who operated the vehicle, the report can actually be completed instead by such person's supervisor, or other higher ranking authority in the facility, since presumably, such person would also be legally entitled to drive the subject vehicle. In fact, one member of Counsel's Office does remember giving this advice to the field on a prior occasion.

The second possibility may be to continue to have the correction officer operator fill out the form, but to leave out any personal identifying information such as his or her driver's license. Mr. Schoen represented that it would not be necessary to include such personal identifying information on the form. If so, this would prevent insurance companies, which are permitted to access such files that are maintained by the DMV, from taking any adverse action against the operator. This would address the union's concern that an employee's personal automobile insurance rates not be affected by any accident that occurs while the employee is driving a State vehicle.

#### ITEM #10 -- Motor Vehicle Form DMV-104 (Continued..)

Perhaps the best response to give the union at this time is that we will continue to research the issue. If we get a written confirmation from the DMV to the effect that their reporting requirements can be satisfied without the necessity of the operator of the vehicle having to disclose any personal identifying information, then that might be the simplest way to address the matter to everyone's satisfaction. In the alternative, in lieu of the correction officer driver, we could have the form completed by a higher ranking supervisor in the facility. In either case, a proposed revision to the directive would have to undergo the clearance process.

Deputy Commissioner Annucci indicated that he will look into the union's inquire about the threshold damage amount.

MV-104 (5/02) PAGE 1 of 2

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Use andy for acadents that retained in New York State

New York State Department of Motor Vehicles
REPORT OF MOTOR VEHICLE ACCIDENT
www.nysdmv.com

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#### SECTION A

You must report within 10 days any accident occurring in New York State cowing a fatality, personal injury or damage over \$1,000 to the property of any one person. Failure to do so within 10 days is a misdemeanor. Your license and/or registration may be suspended until a report is filed. Check the "RUSH" box at the top of page 1 if your license is suspended for failure to report this accident on time. You must fill in all information requested on the report.

Then fill in the boxes numbered 1-7 and 23-30 in the right margin on page 1 by entering the number of the item from Section B that best describes the circumstances of the accident, If a question does not apply, enter a dash ("-"). If you do not know an answer, enter an "X".

INSTRUCTIONS - PLEASE PRINT OR TYPE ALL INFORMATION - USE BLACK INK First - fold sleng this shaded, dotted line."

Don't fold <u>internet</u> form. Instead, place page 2 over page 1, with the arrows on page 2 pointing to the boxes on the right edge of page 1.

VEHICLE INVOLVEMENT - If you were in an accident involving:

- two-cars, enter your information in the VEHICLE 1 section and the other driver's information in the VEHICLE 2 section.
- a pedestrian, bicyclist or other pedestrian (a person using a non-motorized conveyance such as in-line skates, skateboard, sled, etc.), enter the information in the "Driver" spaces provided for Vehicle 2, and check the PEDESTRIAN, BICYCLIST or OTHER PEDESTRIAN box.
- a vehicle other than a motor vehicle (such as a snowmobile, mini-bike, sircycle) all-terrain vehicle, trail bike, or other non-motor vehicle), enter the driver, registiant and vehicle information in the space provided for VEHICLE 2.
- an unoccupied vehicle, enter all available information. Be sure to enter the correct vehicle Plate Number and Vehicle Type in the VEHICLE 2 block.
- more than two vehicles, fill out additional accident reports. On these reports, place the information for the third vehicle in the space marked VEHICLE 1 and mark it #3. Use the space manked VEHICLE 2 for the fourth vehicle, and mark it # 4 and so on. Additional forms are available at any Motor Vehicles office or from the DMV website: week angelmy office.
- ORIVER Enter the information for each driver EXACTLY as it appears on his/her driver lifense.
- REGISTRANT Enter registrant information EXACTLY as it appears on the registration of each vehicle involved in the accident.
- WEHICLE DAMAGE Indicate if the accident exceeds the \$1,000 threshold for property damage to any one vehicle or property caused by the accident, and describe the vehicle damage.
- ACCIDENT LOCATION Enter the county, locality and street(s) where the accident occurred. Check the box if there is an intersecting street. If available, identify a permanent landmark nearby, such as a business, school, shopping mall, parking lot, water tower, railroad, mountain or cell tower.
- ALL INVOLVED List the names of all persons involved in the accident, and provide the date of death if anyone was killed in, or as a result of, the accident. If more than four people are involved, complete another report. In the ALL INVOLVED section of that report, provide the required information for everyone else involved in the accident. Enter the following codes in the appropriate columns:

WHICH VEHICLE OCCUPIED (Column 8) - Enter the appropriate number or letter

Vehicle 1

Vehicle 2

B. Bicyclist

P. Pedestrian

O. Other Pedestrian

POSITION IN/ON VEHICLE (Column 9) - Enter the number from this diagram which corresponds to each person's position.

Driver 2-7. Passengers 8. Riding/Hanging on Outside

# SAFETY EQUIPMENT USED (Column 10)

 None Lap Belt

Child Restraint Only

Air Bag Deployed.

8. Air Bag Deployed/Lap Belt

3. Shoulder Restraint 9. Air Bag Deployed/Shoulder Restraint 4. Lap Belt Restraint

A. Air Bug Deployed/ Lap Belt/Restraint

B. Air Bag Deployed/Child Restraint

6. Helmet (Motorcycle Ouly) O. Other

Eln-Line Skåjerliticycitst

C.Helmet Galy D.Helmet/Other

E.Pads Only F. Stoppers Only

INJURY (Columns 16A-C) - Check all column(s) that upply and DESCRIBE INJURIES:

- A Severe lacerations, broken or distorted limbs, skull fracture, crushed chest, internal injuries, unconscious when taken from the accident scene, unable to leave accident scene without assistance.
- B Lump on head, abrasions, minor lacerations.
- C Momentary unconsciousness, limping, nausea, hysteria, complaint of pain (no visible injury), whiplash (complaint of neck and head pain).
- INSURANCE Enter damage to private property, if any, insurance policy information and VIN.

Attach additional reports to page one. Each page of the report must be numbered in the upper left corner. Mark additional sheets #2, #3, etc. Date and slen on the bottom line of each attached report. THE REPORT MUST BE SIGNED BY THE DRIVER OF VEHICLE 1, UNLESS HE OR SHE IS UNABLE TO SIGN BECAUSE HE/SHE IS INJURED OR DECEASED.

Send original to: ACCIDENT RECORDS BUREAU 6 EMPIRE STATE PLAZA

PO BOX 2925

ALBANY NY 12220-0925

#### SECTION B

USE TO COMPLETE

INSIDE THE BUXES ON

BOXES 1-7 and 23-30 ON PAGE 1 PEDESTRIAN/BICYCLIST/OTHER PEDESTRIAN LOCATION Pedestrian/Bioyolist/Other Pedestrian at Intersection Pedestrian/8/cyclist/Other Pedestrian Not at Intersection PEDESTRIAN/BICYCLIST/OTHER PEDESTRIAN ACTION

Crossing, With Signal
 Crossing, Against Signal
 Crossing, No Signal, Marked Crosswalk

Crossing, No Signal or Crosswalk

Riding/Walking/Skating Along Highway With Traffic

Riding/Walking /Sketing Along Highway Ageinst Traffic Emerging from in Front of/Bahind Parked Vehicle

Going to/From Stopped School Bus

9. Getting On/Off Vehicle Other Than School Bus

11. Working in Roadway

Playing in Roadway
 Other Actions in Roadway

14. Not in Roadway

#### TRAFFIC CONTROL

Traffic Signal

Stop Sign

4. Flashing Light Yield Sign

Officer/Guard

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No Passing Zone RR Crossing Sign 13, Maintenance Work Area 14. Utility Work Area Polica/Fire Emergency

16. School Zone RR Crossing Fleshing Light

LIGHT CONDITIONS

Daylight 3. Dusk 5.Dark-Road Unlighted 4. Dark-Road Lighted Dawn

ROADWAY CHARACTER

Straight and Level Straight and Grade Straight at Hillcrest Curve and Level 5. Curve and Grade 6. Curve at Hitorest

0. Other

10. RR Crossing Gales

Stopped School Bus-Red

Lights Flashing

Construction Work Area

ROADWAY SURFACE CONDITION

Muddy Dry
 Wet Slush 3. Snawlice €. Flooded

5. Steet/Hail/Freezing Rein Fog/Smag/Smake
 Other

> 5. South

2. Cloudy 3. Rain, 1. Close Snow



WEATHER

North Northeast

8. Scuthwest East West Northwest

Changing Lanes

18. Police Pursuit

6. In-Line Skater

8. Other Pedestrian

Snow Embankment
 Earth Embankment

Rock Cut/Dilleh

10. Other Object (Not Fixed)

7. Deer

16. Making Right Turn on Rad 17. Making Left Turn on Red

26

2

2

→ Vah.29

Second

Event

Southeast B.

Passing

14. Merging

15. Backing

20. Other

COLLISION WITH

PRE-ACCIDENT VEHICLE ACTION 11. Avoiding Object in Roadway

1. Going Straight Ahead 2. Making Right Turn Making Left Turn

4. Making U Turn 5. Starting from Parking

Starting in Traffic Slowing or Stopping

Stopped in Traffic 8.

9. Entering Parked Position Parked

LOCATION OF FIRST EVENT On Roadway

2. Off Roadway

# TYPE OF ACCIDENY

 Other Motor Vehicle Pedestrian. Bicyclist

Animal

5. Railroad Train

COLLISION WITH FIXED OBJECT 11. Light Support/Utility Pole 21. Median - Not At End

12. Guide Rail - Not At End 13. Crash Cushion 14. Sign Post

 Tree 16. Building/Wat 17. Curbing 18. Fence

19. Bridge Structure 20. Culvert/Head Wall 24. Fire bydrant 25. Guide Rail - End Median - End 27. Barrier

30. Other Fixed Object

NO COLLISION

Overturned
 Fire/Explosion

Submersion
 Ran Off Roadway Only

40, Other

#### ITEM #11 - Indemnification

#### Union's Concern:

The union proposes that the Department either purchase or reimburse the employee the cost to purchase a million-dollar liability policy. The State claims to be self-insured in regard to automobile insurance. If an employee gets in an accident with a State vehicle while on duty, are they legally required to indemnify said employee for any and all damages? Are they legally required to indemnify said employee for any civil damages as a result of the accident? What gives the Department the right to charge an employee with a Notice of Discipline as a result of an accident while on duty? Is it an attempt by the Department to recoup some, if not all, of its losses. This is not indemnification.

#### Management's Response:

There are two relevant provisions of law. The first is Public Officers Law Section 17 which is mostly applicable to federal civil rights actions brought against Department employees. In essence, it provides that the State shall provide for the defense of an employee in any civil action in any State or Federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties. It further provides that the State shall indemnify and save harmless its employees in any State or Federal court, or in the amount of any settlement of a claim, or shall pay such judgment or settlement, provided that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public employment or duties; the duty to indemnify and save harmless or pay prescribed by this section shall not arise where the injury or damage resulted from intentional wrongdoing on the part of the employee.

The second relevant provision of law is Correction Law Section 24. It provides in pertinent part that no civil action shall be brought in any court of the State, against any officer or employee of the Department, in his personal capacity for damages arising out of any act done or the failure to perform any act within the scope of the employment and in the discharge of the duties by such officer or employee. Any claim for damages arising out of any act done or the failure to perform any act within the scope of the duties of any officer or employee of the Department shall be brought and maintained in the Court of Claims as a claim against the State.

In a typical automobile accident scenario involving the operation of a State automobile by a Department employee for a State purpose, such as the transportation of an inmate to an outside hospital, the employee would be considered to be acting within the scope of employment. Furthermore, a typical accident would involve an allegation of negligence by the operator of the vehicle. As such, the employee would not even be a named defendant in a lawsuit since the action would be brought against the State in the Court of Claims.

If somehow or another the injured party were able to allege a constitutional violation and bring a federal lawsuit, then Public Officers Law Section 17 would apply and the employee would be defended and indemnified, so long as the act or omission was not the result of intentional wrongdoing.

#### ITEM #11 – Indemnification (Continued...)

Separate and aside from the defense and indemnification provisions of the law, it is at the discretion of the Department to initiate disciplinary proceedings against an employee if there is some type of alleged misconduct at issue in the operation of the vehicle. Any actions by the Department in this regard are based solely on the determination that some type of misconduct may have occurred. It is not taken with any intention to try and offset any potential costs that may be incurred by the State as the result of litigation.

#### ITEM #12 - Inspector General Items

#### Union's Concern:

The union is requesting that items for officers on detached assignment to the Inspector General's Office and the Training Academy be filled permanently or, at least, temporarily. Smaller facilities have a difficult time dealing with these detached assignments.

#### Management's Response:

The Department monitors bi-weekly "fills" at all facilities to balance available staff with vacancies and absences.

The Department does not and will not receive funding to set up items for the Inspector General's Office and Training Academy employees.

#### ITEM #13 - Swap Boards

#### Union's Concern:

The union requested the ability to do swap boards for members out on extended illnesses. This will allow officers to work a day for another officer out on extended leave that might otherwise be placed on leave without pay or leave at half pay. This can be done with the understanding that there is no payback day expected.

#### Management's Response:

In accordance with Directive #2223, Intershift/RDO Swaps, Section B, Definition, "...a swap is defined as a total exchange with two parts: the initial swap and the payback." This policy was put in place to ensure paybacks on a one-for-one basis. This request would be in direct violation of Directive #2223.

In addition, such provisions would be illegal.

### ITEM #14 - Confidentiality of Employee Medical Documentation

#### Union's Concern:

The union is requesting that all facilities adhere to the memorandum issued in 1999 from then Director of Personnel Lee Gould concerning Confidentiality of Employee Medical Documentation.

### Management's Response:

Management indicated that this policy is still in effect and audited yearly. Personnel will reissue the memorandum and take necessary steps to comply with its contents. (See attached)

MESSAGE ID: 892676 DATE: 02/01/05 TIME: 02:16pm PRIORITY: 000

SUBJECT: Medical Documentation
HEMCRANDUM

To: All Superintendents

All Deputy Superintendents for Administration

All Head/Principal Clerks Personnel

From: Daniel F. Martuscello III, Acting Director of Personnel

Subj: Confidentiality of Employee Medical Documentation

Date: February 1, 2005

This memorandum is a reissue of the Department's policy repording the confidentiality of employee medical documentation and applies to all employees. Please ensure that the following steps have been implemented and documented to allow medical documentation to be processed in the safest most secure manner:

I. Identify by name and title, one person covering each shift, and backup in case of absence, who will be designated as the facility's Medical Information Officer will be siven access to medical information, including doctors' notes, relative to all employees within the facility. All other individuals are excluded from having access to this information, except as discussed below:

Included in the group of individuals who may be selected by the Superintendent as the Medical Information Officer are the following Executive Team Members:

- \* Superintendent
- · First Deputy Superintendent
- Deputy Superintendent (any suffix)
- Assistant Deputy Superintendent
- \* Correction Ligutement (Attendance Control Officer)
- Watch Commander (regardless of rank) On the day shift, the Watch Commander may be designated as backup only.

In facilities of a size that Deputy Superintendent titles are not classified, the following titles may be designated as Medical Information Officer:

- Director of Community Correctional Center
- \* Assistant Director of Community Correctional Center
- Correctional Services Program Administrator (functioning as DSP)
- Institution Steward (functioning as DSA)
- X Correction Captain (functioning as DSS)

The names and titles of the Medical Information Officer on each shift and their designated backup will be provided to the Local Union Prosident, as well as all amployees of the facility. New employees should be given this list when they are in processed into

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the facility. This list should also be reissued to all employees whenever it changes or when a facility has a significant turnover in staff.

In instances where the Medical Information Officer on a shift other than the day shift is the Watch Commander, he/she may review only the medical information that covers absences of four or more consecutive work days or in those instances when executive staff has directed, in writing, that a specific employee's medical documentation must be revioused prior to allowing him/her to return to duty. Medical documents that do not meet these criteria will remain seeled, to be reviewed by the day shift Medical Information Officer. Additionally, Watch Commanders will NOT have access to the employee's confidential medical file.

2. When an employee submits a doctor's note or other medical information, he/she has the option of giving this material to their immediate supervisor or providing it directly to the designated Medical Information Officer. An employee cannot be required to give the medical information to his/her supervisor.

An employee assigned to the first or third shifts may submit medical documentation to the Medical Information Officer assigned to his/her regular shift OR may submit such documentation to the day shift Medical Information Officer prior to returning to duty on his/her regular shift. If the amployee selects option two, the day Medical Information Officer will notify the appropriate shift watch Commander that the amployee has submitted the required medical documentation.

When the medical information is provided to the supervisor, it is to be placed in a scaled envelope and sent to the Medical Information Officer. That scaled envelope, in addition to containing the name and title of the Medical Information Officer, must contain the following statement;

"Confidential medical information, not to be spened by anyone other than the Medical Information Officer."

You are to ensure that all internal facility policies are modified, if needed, to ensure that this envelope will not be append by other than the Medical Information Officer. The Medical Information Officer cannot delegate this task to any other staff member. The Medical Information Officer SHALL NOT delegate his/her responsibilities to secretarial staff.

- 3. When the Medical Information Officer receives a doctor's note which conforms to departmental standards, either in a sealed envelope from the supervisor or directly from the employee, he/she shall do the following:
  - Review the medical documentation in private, in his/her office or a location designated by the Superintendent;
  - Provide the supervisor and the employee with a signed receipt that reads as follows: "Received from (name of employee), a conforming doctor's note for the period (data from - data to)." This receipt is the official acknowledgement that the information submitted by the employee complies with the departmental requirements for a doctor's note;

\* Forward a copy of this receipt to the Attendance Control

#### ITEM #15 - Discontinuation of Transporting Funeral Trips via Buses

#### Union's Concern:

The union would like to see the discontinuation of the practice of transporting funeral trips via buses. For continuity purposes, a facility trip team should transport trip via van.

#### Management's Response:

Due to timing issues related to notification, location, etc., it is often difficult to utilize State transportation to funeral visits. However, whenever possible, this is a logical, efficient and safe method of fulfilling the Department's responsibility for funeral and deathbed visits.

Correction officers from one facility are not necessarily better equipped to take inmates on a fineral trip than correction officers from another facility.

Charles M. Devane

Deputy Commissioner

Richard Harcrow, President NYSCOPBA



# New York State Correctional Officers & Police Benevolent Association, Inc.

194 Washington Avenue - Albany, NY 12210 (518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



# STATEWIDE LABOR/MANAGEMENT MEETING TUESDAY, APRIL 15, 2003 MINUTES

#### IN ATTENDANCE:

NYSCOPBA		DOCS	
Richard Harcrow	Rich Casagrande	Kevin Breen	Ida Perez
Carl Canterbury	Al Fayle	Charles Devane	Scott Chamberlain
Diane Davis	Gerald Corrigan	Dr. Lester Wright	Mark Vann
Larry Flanagan	Tom Haas	Lucien LeClaire	Michelle Grinvalsky
Grant Marin	Jim Latchford	Terry Baxter	-
Paul Mikolajczyk	Dave Randall	Russ DiBello	
Mitzie Vilsaint	Dennis Spielman	Peter Brown	
Randy Page	Don Steger	Robert Kennedy	
	Robert Wolf	Claire Bee	

The meeting was opened by Charles Devane, who welcomed everyone to the Training Academy. He asked NYSCOPBA if they wanted to make a statement.

Rick introduced himself, saying it's nice to be here to discuss our officers' issues. All we want is DOCS to be fair with our officers. We would appreciate a little respect. We have a lot of good officers out there.

Everyone introduced themselves.

D – (Charles Devane) I would like to echo what you said, Rick (about the officers). Most of the people here have worked for DOCS for a long time and many have a lot of facility experience. There is nothing this department wants more than understanding. We fully understand what your job is and why you have to do the things you do. We hope you can understand the way we view our employees. There are certain responsibilities and things you have to do. We have never really had a problem in the past. We should move beyond the difficulties because in the end we all want safe facilities and to be able to go home safe at night. We feel no less about this than you do. The whole trick is to get the two (2) parties to agree. The important thing today is to talk because we are committed and we must not just give lip service. When you have 22,000 members, there are a lot of changes. That's why we're here today. I hope we can agree on some things and keep the facilities as safe as they have been.

#### 1. SWAPPING

- A. The Union proposes an amendment to the current swapping directive to allow members who work shock camps to sway 2, 12-hour days for 3, 8-hour days.
- N This is past practice that was not allowed previously. It started at Monterey. That's where I'm from. For 15 years we were able to do 2, 12-hour days and 3, 8-hour days as long as the officer was willing to do it fifteen years of no problems. All of a sudden we can't do it.
- D (Terry Baxter) This is the first time I've heard that it was actually permitted before. When was it actually stopped?
- N When the new directive came out.
- D There appear to be a lot of complications. You want to make sure that the officer is qualified to work the different jobs, for instance, with the D.I. When you're trying to mix and match the 12-hour shift with the 8-hour shift, from their perspective, it was a much smoother operation without doing this.
- N Just because he was working for the 12-hour individual.
- D I would like to know I have it clear you are expected to go out on certain activities.
- D Was it done in a controlled environment where the person ordering the swap was familiar with the person being asked to do the sway. Whoever is doing this is supposed to be looking at the swaps very carefully.
- N From my perspective, the directive covers this problem of 2, 12-hour shifts vs. 3, 8-hour shifts, and you could still match those to make sure the person is able to perform their duties. Overtime doesn't come into play there.
- D We have a proposal on the table to get rid of 12-hour slots at shock treatments. We want to get all the officers back to 8 hours.
- N When will this happen?
- D -- When we get to the contract.
- N It has to do with the time we have to take.
- N He has a valid point in that the contract will be out there for 2 years.
- D We didn't know what was going on at Monterey. I think what Kevin is saying is we can't do anything to pre-empt something they are discussing. Kevin will bring that information to the table. It is good for us to hear from you as to why this is a good thing for the employee.

- N Are you saying this would interfere with the negotiating process?
- D If we have a change in direction before negotiations play out then it is inappropriate. We want to gather as much information from the other side so that we don't do something dumb.
- N How about if we agree to a swap?
- D That's a good proposal. Let us think about it.
- N Is cost effectiveness an issue? Is this why this is being looked at as going back to 8 hours for everybody?
- D Not really.
- N They were forced into this but they have done their duty all these years. Now they're taking this back.
- D This worked without a problem for many years.
- N I'm talking about the 12-hour shift. You're talking about everybody taking 8 hours. You're changing the 12-hour shift back to an 8-hour shift. You're going to turn these facilities upside down.
- D When we opened Willard, it set the model for the shock camps and that is why we are pushing this into negotiations.
- N How can a dedicated person keep doing their job. The D.I.'s are there when crews come back from work at Summit. D.I.'s communicate with your crew positions during the day. I wish we had communication with all shifts. Some programs are less intensive. They are only 3 months. They don't march OPD. Working 12-hour days gives the D.I. communication with all three shifts.
- N Is this a fiscal efficiency decision?
- D There is no mention that that's part of it. But we believe our program can work with an 8-hour shift. That's some of the communications that exist.
- N There really is no release. The plan is to water this down.
- N (Carl) Obviously, when we open this up we should get back to the swap itself. When this article gets opened, I don't think we should be negotiating.

- D We are not negotiating because we are not dealing with 8-hour shifts and 12-hour shifts.
  Administratively, it's difficult to change from 8-hour to 12-hour shifts. It becomes cumbersome for the department.
- N You're watering down. We use to put out a good product. We have guys from 1987 who have put their hearts into it. I just don't think we should eliminate.
- D It's the Union's position that the 12-hour position should stay. We would not have known what your opinion is on this and you said it very well. It's the last thing we want to do.
- N You can go back to the swap—we work a lot of hours, a lot of overtime, we work stressful jobs, we don't make a lot of money. We should make more. So we need a couple of perks. It comes from the law. In this country you usually get paid for your work. The officers don't feel like they're getting anything.
- D Perception is the same as reality. There is nothing we would rather see than higher pay. You get better people, it's in our interests, and whatever is going to happen on that is going to happen; benefits or anything like that. It's to our benefit.
- N Keeping the swap is to your advantage.
- D As long as it is done properly, it is a win/win situation. This agency is on notice that it has to make sure that there is no abuse. We don't know the extent that people use swapping. Times are a little different now without the directive. We don't want to wind up in a situation like we did before.
- N (Al Fayle) I'd like to get the guys from the shock camps to give us a reading about how the members are going to react.
- N I'm responsible for a platoon. If you are going to take away the 12-hour day, you are going to be taking away some of their dedication.
- D Are you saying that pretty much all officers feel this way about keeping the 12-hour day?
- N Yes. I'm responsible for a platoon from the time they're up to the time they go to bed.
- D You don't have to tell us about that. There's no question about it. We don't want to screw up a good program.
- N Another thing you're going to see I take a lot of handing off. They want to stay on the same 3 days. It becomes a way of life. I have the 3 days off. You get accustomed to that.
- N There's a continuity factor too. If they have a problem they stay behind and they work on that problem. But coming off the odd hours when there is no one to follow, they look at the older

fellows as father figures. We turned it around. These people don't want to go home ----- 12 or 8 hours.

#### 1. SWAPPING

- B. The Union requests that for those instances when employees are absent due to Workers' Compensation, long-term illness, or disciplinary reasons, the oneyear payback period be extended by the same length as the absence.
- D It presently exists for the military.
- N I've been docked 16 hours of personal leave time. The guy I was supposed to work for was out on Workers' Compensation and did not return back to work until the "one-year pay back time" for the swap had passed. He was given 2 days pay and I had 2 PL's taken from me.
- N That to me is a form of discipline for something I am not responsible for. I believe that in good faith the swap goes through. All we're looking for is the same as the military. We are para-military. The military are volunteers. We're volunteers to protect the people of the State of New York. We put our lives on the line every day. We deserve the right. You train us to be professional. I want to work for you should you come back after a year, and the directive says you can't because you work under a certain guideline. I'm being disciplined through no fault of my own under the directive. We are just looking for an extension for all of our members.
- D With regards to your own personal case, you can always get on the phone to talk to someone about it. There will be times when we are making changes. Maybe some will be something that will make common sense.
- D (Terry Baxter) I understand from your perspective it seems like a penalty. We would like to show the controlling agency that this is how we track it and everyone stays in the confines of that program. I think the directive as it is written now gives us a lot of leeway. It creates a lot of paper work for time keepers. It starts to re-open things. Ninety-nine percent of the Shocks who do swaps would honor it. But we have to show that we know what is going on. If we lose control, it would be against us.
- N You opened it up for the military. Any injured CO would like that same thing extended to them. They don't want to feel they are being penalized because they got sick. If I fail to do my swap, I know I may not be able to swap again. We're just asking for the extension to be put out there for everyone just like the military.
- N You're creating more paper work.
- D (Terry Baxter) It's an agreement between two individual employees. It's an agreement between the two employees but something the department has to administer. We can't control, nor should we have to control, the unknown. I have to track the unknown.

N – If we're hiring people to work swaps, that does that tracking. The tracking in a computer program now is available.

D – It's easier said than done. If someone has long-term WC they might be out for six months to a year.

N – What DOCS has done for the military is great. I know there to be problems with the program. If you change the program to allow the swaps it would be great to make an officer honor their swaps. If an officer is injured in the line of duty comes back after nine months and has to make up his swaps, then swaps have to be honored.

D – I would say the purpose of the directive is to have control. We are right now gathering information on what our swapping experience has been. We have a tracking system. There may be some loopholes where some squeak through. You always get a few who are trying to beat the system. I assume in the next couple of months we will have those statistics. We might want to look at the directive, sit down and have a separate meeting about that particular issue of extending it to WC. You can bring these things to the meeting and we will bring our things to the meeting. It's only been out for a short period of time. It's smarter for you to make sure there are enough people to show up for work, that things are staffed properly. There are only a few who abuse the system and we want to make sure they don't get away with it. We can talk about your issue and the Shock Camp issue and discuss how we can make this directive better. We will be calling in the next month or two.

N – If officer A is out on extended leave you are looking at how much overtime you had to pay.
Officer B can't work for officer A. You have to cover but you still have to pay overtime.

D – When an officer is out sick he can't work for him?

N – He is on long-term illness. He can't work for that person because of the illness. Just let the guy cover him.

D – (Terry Baxter) There might be a legal problem there. In terms of the law I don't think they can do that. I'll check it out.

D – Swapping is an important enough issue to go over the directive.

N – It saves money.

N – As soon as the swap is not able to be paid back, the Directive takes either my PL's, vacation time, or money, to pay the owed officer in which time the Department pays the owed officer one day's pay for each swap not covered. We want the Department to look at why I have to go through the grievance process. When we sit down we have to discuss things like the officer who wants to work but can't because of his health.

D – You would be a good person to come to this meeting and give us the benefit of your experience.

#### 2. RETIREMENT

- A. The Union requests that the retirement badge eligibility criteria be changed to include all employees who are eligible to retire at an officer or sergeant rank.
- N If an officer doesn't have a full 25 years he doesn't get a badge. A lot of our officers came in at age 40 and are not going to have 25 years.
- D We didn't think about the number of people who come to the Academy when they are older.
  We are not adverse to doing that but I can't say it will happen now. We have to see how much it will cost. It's a good thing. I can't guarantee it today. We can try to approximate the cost and we will do the things we have to do on our side, and, hopefully, we can do it eventually.
- N If you were to temporarily allow them to purchase the badge can they get paid back eventually by the Department? Give them the option of reaching into their own pockets until you can get the money. That's an option you might want to utilize.
- D In New York City Corrections, the Union pays for the shields. We are way ahead of the curve in issuing shields.
- N We can bring it up at an Executive Assembly to ask if they want to do this.
- D You make a good point. It obviously clears the financial side of the issue. We'll get back to you on it. If we look at the numbers, maybe we can find the money to do it. You gave us good information today. We have no difficulty with the badges. We prefer the Department being the one who gives out the badges.
- N (Grant Marin) Here are some of the things I have put on paper. (Grant distributed hand outs to DOCS personnel.)

#### 3. PROTECTIVE CLOTHING

A. Officers should be provided protective outerwear, including footwear, when performing jobs in extreme weather conditions in which normal clothing issue does not provide sufficient protection. Inside and outside crews are to be included as well as rounds men where appropriate and yard officers.

- D I think you should know we do provide cold-weather gear from the superintendent. With few exceptions, it is approved. To be quite honest with you, they look at the crews. They don't necessarily look at the guys in the yards, those who can get shelter. Depending on how you look at it, it can be very expensive. Even though we tried to issue gear to a position instead of a person, the officers don't like sharing uniforms with other officers.
- N When you talk about that, footwear is mentioned here. The footwear is bought by officers Some don't get any. There are guys with green shoes or brown shoes. Right now, this winter especially, there are guys working in three-four feet of snow with leg boots on.
- D I didn't know we supplied footwear.
- N Years ago you did.
- D To me it's a personal choice. We let the people choose for the weather conditions they will be in.
- D I don't think it's going to happen. Keep it black. There are going to be people who have green and brown. That's their choice. I honestly don't see that changing.
- N Are they still purchasing refridge-wear?
- D I don't know. We'll have to check on that.
- D The normal amount spent for refridge-wear has been spent.
- N We're not getting any replacements.
- D Probably because the budget item is dry.
- N If something goes out that you can replace with refridge-wear, it would be good.
- D It's in the directive how to request.
- N Some are sent out into the woods without them.
- D If they need more pairs of refridge-wear for a D.I., write a request that a position requires refridge-wear.

#### 4. SERGEANT ISSUES

## A. All sergeants included in the back filling agreement.

D - This is about the fifth time we have heard this over the past 15 years. Coincidentally, I was around when this first came up. It was kicked around. Because of the limited number of

sergeants, it was impossible to do this in 1985 and now. It is an overtime issue to extend back filling. It is totally impossible due to cost, to enter into an agreement on this.

B. The time-off formula for sergeants does not give reasonable incidental time off allowances. The Union requests that a minimum of one personal leave per day be applied at those facilities that currently provide for less.

D – This is really similar to the last issue. In small facilities where the number of sergeants is low, it goes back to being able to fill that position. Nor can we collapse enough positions. For the most part, this is a local issue where they know how many days they can give off. We don't care what type of agreement they have but it would be very expensive at small facilities.

#### 5. STAFFING

A. The Union requests that jobs which become vacant due to any employee absence of more than 8 weeks be posted for temporary bid until said job becomes permanently vacant or the employee returns to work.

N – What we're looking for is continuity. It makes for a smoother-running operation. Officers like to know when they're working. Sometimes these guys go the whole summer without a weekend off.

D – We could probably. Is four months better than six? We like to have charts out six weeks in advance. Six weeks and another month to be posted.

N – This is a temporary bid. The person out is going to be out for 10-12 weeks. The job is bid, posted for three days, bid by seniority. When you have the consistency, officers are constantly being trained, coming out of Resource. You throw the temporary bid up and when the person comes back to work that person goes back to the Resource Pool.

D - You put a twist on it. I didn't read this right. Speed bidding - is it a good thing or not?
When you start talking about the bidding guideline that benefits officers, you have varying facts.

N - It wouldn't be a permanent bid.

D – Like the military—If I have a chance to bid, it changes..

N – (Inaudible)

N - Military - community service project crews - never a different guy going out to that job every day. If you have the same guy going out every day for consistency....

D – I think what Lucien is saying, who should be able to bid?

- N Officers would know ahead of time his job is going up for bid. You let senior officers know for the next 12 weeks he would have the same post for 12 weeks.
- D Is he excluded from the way it's written?
- D Right now it's somebody who is out over the long term. I would suggest that you guys put your heads together and define how you want it done and who would be excluded and give it to Kevin. We are going to make some concessions, but I see you're talking about something different. It is very controversial.
- N I don't like speed bidding. A long-term guy isn't going to bid a temporary.
- D Even if I'm stuck in a permanent long-term job, if I have a chance to bid on another job, I would.
- N Once he makes a decision to bid that job does he lose his position?
- N I don't recognize speed bidding. Over the last 6-9 months there has to be -----talk from Building #2 to not put these jobs up for bid. It seems like I'm very frustrated that this agreement can be improved. I know that's not part of the agenda.
- D Is that a statewide agreement?
- N It was faxed to us in 1999.
- D If that's a statewide agreement we can make a change ASAP to do what the agreement says to do.
- N I have no temporary bids at Lakeview. There has never been a temporary bid posted.
- D If we have an agreement, we will comply with that agreement.
- N The agreement in the long run does help you in the long run. We have four military. We will deplete our resources. If it's a win/win situation.
- N If it is a position that is not as crucial to daily operation, I don't want 30 people in his job for the next 30 days. Even if he is out for 30 days, do you want his job? When he comes back he returns to his position.
- D It sounds simple but you have to understand that when you look at 70 facilities, establishing statewide standards is difficult. If you folks want to do something different you'll have to let us know.

#### 6. LIGHT DUTY

- A. The Union requests that light duty assignments be tailored to reflect the physical capabilities of the employee and that a statewide policy be made to reflect the types of duties that are and are not appropriate. Refer to Statewide Labor/Management from grievance.
- N We need miscellaneous jobs that somehow make us feel more productive. Instead of sitting home, let him do something that's productive to the Department if you're open to this.
- D One of the problems with light duty it was not our intention to provide for people who are out on personal illness. Personal illness would be dealt with at each facility. When we needed WC light duty the light duty spots were filled with personal injury illness. We would rather give these positions to WC cases. We can't put them in CSEA or PEF jobs. To address another thing we have to match physical ability to light duty assignments according to the Attendance & Leave Manual put out in 1993. When we bring an officer back to light duty, we do try to match the job with the physical capabilities of the employee. If you don't believe that is happening, we would like to know about it.
- N Try to let us know what your stance on light duty is for personal illness.
- D Light duty slots were filled with personal illness, which was not our intention. We put a discretionary clause in there because originally it was to protect the WC cases.
- N From my perspective, I have had the problem where all light duty positions are filled.
- D The positions are open now for WC cases.
- N So the discretion of the local Department is just the facility, or does it go higher?
- D It goes to administration.
- D If you feel you're getting gigged, get on the phone to Kevin's office. We will correct it.
- N No one is getting on light duty?
- D When you get to a small facility, your flexibility goes away. The Deps are trying to protect those light duty positions for WC.

#### 7. PROBATIONARY EMPLOYEES

- A. The Union wishes to include probationary employees with the full scope of full Union representational rights.
- D I can tell you that the Governor's Office of Employee Relations would never permit us to go down this road. They don't permit us to do this when it is not available to CSEA, PEF, etc. It

would require a change in the Civil Service Laws. It gives us time to evaluate an employee without outside influences. We can decide whether it's an employee we want to keep or let go.

- D We just don't have the authority to do that. As an aside, the number of probationary employees who have an early problem is very small. It's not a large number. We're not experiencing a big number of problems.
- N At Five-Points, a fairly new employee was brought to the office. You know that your can come up at any point. All we are asking for is, if that employee is being called to be interrogated, we just want to be able to let the officer know.
- D If we did anything differently for your Union members it can't happen. The reason we have PL and LR offices is so you can let us know what is going on. If a probationary is having a hard time we like to know about it. You can call us and let us know and we will deal with it. They are your Civil Service Laws.
- N Can we contact you after the fact? Say, the guy resigned.
- D We have the determination on our side that all our employees are treated fairly. If they are not treated fairly, you get on the phone. That is the appropriate way to deal with a situation like that.
- N What if he's being treated unfairly?
- D What you are asking for is not possible. It is out of our hands. You can go to GOES or Civil Service Employee Relations.
- N Since DOCS is the individual interrogating him, I don't know if I agree with that position.

#### 8. PRE-SHIFT BRIEFING ADJUSTMENTS

- A. The Union requests that pre-shift briefing adjustments be made on a biweekly basis, showing a complete breakdown of the time and specific dates adjusted. Has been done in the past.
- N What we are looking for here is a payroll period adjustment for \$130.00 and all we're asking for is that it be noted what this is for and how many hours are involved.
- D We go through the Comptroller's Office. The reason you can't get dates and times is that the computers don't accept anything unless it's only so many lines. The system cannot accept information that has too many lines. You can request this information from the time keeper the exact dates and times. We can get those details for your. When they upgrade they will be able to accommodate more lines. It's simply not possible now. They can check with their time keeper and find out.

- N You have to put that information into the computer.
- D The time keeper calculates the time. If they put all the information (2 hours @ such & such) they are only the dollar amount gets accepted.
- N Can they get a copy of that?
- D There aren't that many people who would want that.
- N At Sing Sing we have a civilian staff and 900-1,000 officers and officers who don't punch in in a timely fashion. It would be an easy thing for them to see.
- D-I will give you this. I know Sing Sing is a big problem. I will talk to the Superintendent to see if there is a way to deal with the officers differently from other facilities. There are too many officers. We can't hire anyone to work there. I don't mean to play down the problem. It's bigger there.
- N Is it possible to come out with quarterly statements? Can they print out statements? Can quarterly statements be issued to our employees? They want to know where every cent is going. I don't know why. I guess they feel they would be better off if they had that information in front of them.
- D-Can't be done on payroll. If the time keeper can do it we will look at it. I would be a big job and I'm not sure it will be correctable.
- N Maybe something attached to the check.
- D May be a heavy workload involved in that. I would like it to be more agreeable in Sing Sing.
- N What kind of information is the time keeper supposed to keep.
- D There's an amount you're entitled to for pre-shift briefing. They would have to have all of those times and dates. They want to see all the dates that it pertains to. If you're not happy with the information you go to the time keeper and keep going up the ladder if you don't get the right answer. I believe this is a big problem at Sing Sing.
- N Does the print out from the facility come out the same time the quarterly statement is sent out?
- D Let me get a couple of payroll people from Sing Sing together to share information.
- N Why can't she just hit the print button?
- D Maybe she can.

#### 9. MISCELLANEOUS

- A. Some facilities are requesting additional defibrillators due to either size or layout of the facility. Ex: Clinton, Butler
- D Clinton and Butler already have additional defibrillators. Thirteen facilities total have more than one AED. We have allowed more than one in several facilities.
- N I'd like to bring up something. They claim that the AED is good to have around. The problem is response time. They should be set up in a place with minimum response time. Some places would have a 10-minute response time. There is an 02 packet and canister for oxygen so that if you run into a complication be has the basic equipment to respond. (BLSP Basic Life Support Pack approximately \$361) We also would like to see some sort of protocol. Most facilities have EMT's. The chances of a person surviving are much better with the BLSP. At Clinton two died with just the AED. Would they have died if the BLSP was available. I think the problem was the response time, the way we have it set up. When this Code Blue is calling, if the BLSP is available, the chances of survival are better.
- D You are correct that rapidity is important. In the majority of cases when the defibrillator is applied it doesn't do any good. It does help in a number of cases. We have had 14 cases where they have survived, including 4 employees. If a person can't get where I can get oxygen, it has to go beyond that. If we started adding oxygen tanks and meds, pretty soon we're slowing down the response time because they have to stop to pick up three times. Rather than trying to make a plea for a BLSP, let's have the defibrillators available and find an outside source of funding for buying other units. I did a survey this week. There were a couple whose layout disturbed me and we will look at that.
- N In other words, it's not a good idea to have this with the BLSP.
- D I don't think so.
- N You say the EMT is not authorized to do this until emergency comes.
- N Would it fall under the Good Samaritan Law?
- D Maybe
- D It's like everything else. We have all these things that are available to us. Of course we'll look at it.
- N It's a small package.
- D If it looks like a good idea and it saves lives, sure.

#### FRISK GLOVES – LUCIEN LECLAIRE'S MEMO

- N Can the crew officers wear them when they issue or receive tools? Can crew officers wear them?
- D I don't see anything wrong with that. The original benefit is very similar to what you're talking about. I will get something out.
- N There has been a problem with inmates coming into facilities who are not supposed to be at minimums. The come in on a Wednesday. On Thursday we have to put two officers on them because they aren't supposed to be there. Last Wednesday was the last one we had. We had a guy come in on Wednesday. They picked him up Thursday. They got orders Friday to move him to Attica, when the roads were terrible. The safety of the officers is a concern.
- D I would like to think that mistakes of that magnitude do not happen but I'm sure it does. I will find out what happened in your particular incident. I can't guarantee no one will ever make a mistake.
- N I would say we are shipping out two to three guys every month.
- D The one you were talking about was last Wednesday?
- N Yes
- N It's not only Georgetown. It's Pharsalia and others.
- N Is there anything we can do to disinfect the frisk gloves after someone else has worn them? How do we disinfect?
- D We'll find out from the manufacturer.
- D We have a couple of issues.

# 1. LOCAL LABOR/MANAGEMENT AGREEMENTS

All future local labor/management agreements shall include sunset clauses. The purpose of such sunset clause is to provide the Department and the Union a period of time to evaluate the impact of any agreements and to implement modifications or eliminations, where warranted. Such sunset clauses will be a maximum of one year, in most cases.

D – In the future, if they are entering into local facility agreements, we are recommending sunset. It gives both the union and management time to look back to see if it looks good for management and the union and allow for modification or change. We believe this will be productive for both sides. We are going to go along with this.

- N Future agreements will have a sunset clause? All future agreements, you're going to want to sunset?
- D We just want to leave it open to change.
- N You've been doing this for a number of years anyway.
- N Basically, you are just formally notifying us of this.

#### 2. TRAINING RESPONSIBILITIES

Given the cost to the Department of Correctional Services to train employees to train security staff at facilities, all employees who have had such training will be required to perform such training depending on facility needs.

This may require that such employees be temporarily removed from bid jobs to accomplish such functions.

It is the Department of Correctional Services' position that this does not violate the backfilling agreement.

- D Security staff had been selected, relieved of their jobs to come down here to train. There are many people who want to train and we believe it is clearly in the Department's rights to have them do training once they complete the program. We need to maximize our resources and we would like to use these people for training.
- D For the most part, we have a training person in each facility, but sometimes we need staff. We will go with volunteers first and then we rotate them. We're not forcing anyone the train. That person is going to be asked to train when we put him in that position.
- N Does this include bringing them in on their RDO's?
- D No. What we're talking about is the person who came to train, goes back to a facility, and says he doesn't want to train again.
- N (inaudible) ----
- D (inaudible) ---- slots are limited. We will only have one school. We get backed into a corner when we really need the staff.
- N This might not be too bad for those who have just come on the job.

- N We know there's a problem with training. I don't agree to what you're saying. Maybe they should sign something. Perhaps in the future the individual who is taking this training should be notified. WTO's are political. Some guys really want this job.
- D There is a directive and you guys were directly involved in this directive.
- N What if they are willing to relinquish their certification, say, I don't want to do the training any more?
- D They still have no out to do training.
- N I'm in my last 5 years. If I bid a transportation job before retirement and I relinquish my certification, it won't do anything. ——— Right now I do about 90% of the training. I can see the retirement problem. How can we circumvent the contract?
- D We have to backfill to do this training.
- N I'm just a little concerned about how this would be handled. It opens a real problem for us. We have a contact here. I'm using my seniority. It will open a Pandora's Box. What about those who are there and want to stay there?
- D You're talking about a guy who wants to bid another job, not employees who want to stay there.
- D Obviously, it's not in our best interest to bring a CO into a job he doesn't want to do.
- N They think, "you're taking my rights away and I don't like that".
- D At Mohawk there was only one trainer.
- N No, this guy said, "I don't want to do it."
- N If you have a guy who did it more than five years ago, and you tell them they have to do it, you're going to get grievances on it. In the next few years you would want to move on to something else, but now you're a trainer.
- D You made a good point. We'll look into it. If he doesn't want to re-certify....
- N Before the guy goes, we train him. He can sign something to agree to training for a certain length of time.
- N I see a problem with a guy at his 20-years.
- N You could have a transportation bid and never be on it.

D – It's in no one's best interest to be forced into training. In those rare cases when we have no other choice regarding the situation. If we have time to react to that, we can rightfully give your ------------ If we have the warning we can go with people who are certified to do it. In a perfect world it is not always going to work out that way.

- D Our purpose is not to re-train people.
- N We just want to get our side out.
- D You also want to get trained too.
- N There is an issue if you decide to do it. What's the thought process in bringing them back? That's something to consider.
- D If we are done I see some new faces around the table. We take copious notes and we record the minutes. As for the commitment on our side that I'll meet with superintendents at facilities, you can rest assured we will do it. When we say we will get back to you we mean it. From your side, I have to say that your agenda is a good one. These are all workable things. Some are a little difficult but they are big issues for Labor/Management. They are not huge issues. Thank you for the professional way you conducted yourselves at today's meeting.



# New York State Correctional Officers & Police Benevolent Association, Inc.



194 Washington Avenue - Albany, NY 12210 (518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org

TO:

All Chief Sector Stewards

FROM:

Brian Shanagher, Presiden

RE:

Agenda

DATE:

April 25, 2001

Enclosed please find a copy of the Statewide Labor/Management Meeting agenda.

If you should have any further questions, please call me at 888-484-7279, Extension 266.

/sac

CC:

Executive Board Business Agents



# New York State Correctional Officers & Police Benevolent Association, Inc.

194 Washington Avenue - Albany, NY 12210 (518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



# MONDAY, APRIL 30, 2001 AGENDA

# DOCS Today

No personal information or pictures of officers or their families in <u>DOCS</u>
<u>Today</u>. <u>DOCS Today</u> should remove the promotions, retirements or deaths of all officers or Sergeants.

# 2. Inclement Weather

Absences due to weather related emergencies should be marked accordingly so as not to be used against officers and Sergeant's for the time and attendance.

# 3. UI Log Books

Each facility permit a Union Steward to review the UI log at least 1 time per shift for informational purposes.

# 4. Union Offices

The union requests that union offices be made available at all facilities to include a locking door, dedicated phone lines that the union will pay, so as to accommodate fax machines, and computers.

# 5. <u>Issues regarding community work crews and work gangs that leave</u> facility property.

## Issues to include:

- Training for work done
- Compliance with OSHA Standards
- Safety equipment to be supplied to conform to OSHA Standards and Vehicle Traffic Laws, etc..
- Communication equipment to include radios with repeaters and cell phones
- Crew Sergeants be added to those facilities that have none
- New Departmental procedures be developed to ensure compliance with new safety rules
- The use of gray uniforms for the officers who work in areas that ticks may be present so that they can easily be seen

# Training

40 hours of in-service training be given to all officers and Sergeants. Stop the practice of using 8 hours of pre-shift briefing to make up the forty hours.

# 7. Worker's Compensation

- 1. 80% of Correctional Officers cases are initially controverted by the Department, when only 4% of the rest of state workers cases are controverted. Why is DOCS systematically controverting compensation cases?
- DOCS to fully advise any employee who may be on worker's compensation of their rights and procedures to be followed to help speed up any compensation claim.

# 8. Use of documentary information by officers and Sergeants

Before filling out reports or making any statements written or orally. Documentary information to include video disc, video tape, audio disc, audio tape or pictures.

# Equip vehicles that may enter NYC to comply with the new Emergency Vehicle Law.

All state vehicles that transport inmates, especially in cases where officers follow ambulances to NYC hospitals.

## 10. Press Releases

DOCS issue a press release any time an officer or Sergeant is assaulted or for any serious incident such as serious disturbances or riots.

# 11. Auburn License Plate Shop

Inmates that work at Auburn Plate Shop no longer have access to civilian addresses through the handling of license plates.

# 12. RMU's

Set up a committee to establish Departmental standards and procedures for all RMU's.

# 13. Medium Facility Yard Towers

- Yard towers should be staffed with new additional items. The Union will lobby for these new items in next year's Governor's Budget. We want the support of the Department.
- 2. Toilet facilities to be added to all new towers that lack these facilities.

# 14. AR-15 Training

All officers that work at facilities that have armed towers that use AR-15's should be trained in their use. This training should be incorporated in the 16 hour training that is already given at all maximum facilities.

# Temp Sergeants

Assurances that the situation that took place after the expiration of the last Sergeant's test is not repeated (temp vacancy holder).

# 16. Transportation

- Staffing issues on buses
  - a. Lack of Sergeants
  - Officer to inmate ratios
  - c. Combined trips
  - Agreement that officers shifts as carried on SISU designed start time for purposes of calculating overtime.

# Security of the Buses

- a. Safety cages (keys in cages)
- Telephone line from front to back of bus
- c. Cellular phones
- d. Spit nets
- e. Additional weapons (pepper spray)
- Central iron additional restraints are necessary
- Restraint equipment to be decontaminated on a frequent basis
- NO non-secure coaches

# Safety on Buses

- Weight on buses being exceeded with baggage
- b. Ventilation
- Noise level
- Maintenance and cleanliness of buses
- e. Policy agreement for inmate use of toilet areas

# S-Blocks - Upstate, Southport, SHU's 17

# Staffing issues

- Extra Officer in control bubble on Tour II
- Extra Officer on Tour II. Split job between S-Block packages and S-Block Law Library
  - Make Saturday visits part of Plot Plan job ပ

# Security Issues

- Solidarity pens for all S-Block Upstate and Southport visits
  - Boss chair used for all SHU visits in and out
- All inmates who are normally hand-cuffed should be cuffed behind the
- S-Block emergency bubble keys are inaccessible during emergencies. Keys need to be placed in an accessible location ö
  - Upstate and Five Points need emergency personnel carriers (possibly golf carts) ø

# Safety Issues:

- Shield order in effect for entire disposition of unhygienic acts a. Full-time maintenance person b. Shield order in the



GLENN S. GOORD COMMISSIONER

# STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES

THE HARRIMAN STATE CAMPUS 1220 WASHINGTON AVENUE ALBANY, N.Y. 12226-2050

> CHARLES M. DEVANE DEPUTY COMMISSIONER ADMINISTRATIVE SERVICES

# MINUTES

# NYS DEPARTMENT OF CORRECTIONAL SERVICES/ NYSCOPBA

# STATEWIDE LABOR/MANAGEMENT MEETING

# April 30, 2001

Item #1	Downsizing	
Item #2	DOCS TODAY Personal Information	
Item #3	Inclement Weather	
Item #4	Unusual Incident Log	
Item #5	Union Offices	
Item #6	Community Work Crews and Work Gangs Outside Facility Property	
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Item #8	Controverting Workers' Compensation Cases	
Item #9	Use of Documentary Information by Officers and Sergeants	
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Item #11	Press Releases	
Item #12	Auburn License Plate Shop	
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Item #14	Medium Facility Yard Towers	
Item #15	AR-15 Training	
Item #16	Temporary Sergeant Appointments	
Item #17	Transportation, Staffing, Security, and Safety Issues	
Item #18	S-Block Staffing, Security, and Safety Issues	
Additional Items		

# ITEM #1 - Downsizing

# Union Concern:

The union asked for information regarding downsizing. They specifically wanted to know if Bayview Correctional Facility is closing.

# Management Response:

The Commissioner said Bayview is not closing, but they may move work release from Bayview to another facility.

The Commissioner briefed the union on current downsizing initiatives.

# ITEM #2 - DOCS TODAY Personal Information

## Union Concern:

The union is asking that no personal information or pictures of officers or their families be published in DOCS TODAY magazine. They also feel that DOCS TODAY should not publish promotions, retirements or deaths of any officers or sergeants. The union said the magazine is circulated to the inmates, and it often contains information about employees and their families. The union requested that the Department obtain signed releases for photographs.

# Management Response:

The Commissioner said all photos are taken by Mike Houston from Public Information. He told the union that Mr. Houston has instructions not to take pictures if people object to it. The Commissioner said he is not aware of any articles about employees' families. He said any information they print is public information, and he doesn't see a problem with it; but he said he would look into their request to have signed releases for photographs and get back to them.

# ITEM #3 - Inclement Weather

## Union Concern:

The union feels that absences due to weather-related emergencies should not affect an employee's time and attendance record. The union cited a particular storm in November 2000, when employees were unable to get to work. They said an emergency may be declared in one location but not another, so some employees may be able to get to work and others won't. They feel that under these circumstances, employee absences should not be considered an occasions. They want these absences marked so it is clear that they are weather related. They do not want them to be calculated.

# Management Response:

Assistant Commissioner Brace Baker said when employees can't make it to work, they are given the option of using accruals. He said the Time and Attendance Rules state that every unscheduled absence is an occasion, and he said he is unsure whether or not we can do what the union is asking. The attendance officers have been told to use discretion and not hold it against the employees, but this excuse can't be used by employees who abuse it. Associate Commissioner Kevin Breen said the problem arises when the employee already has a bad record. The Commissioner said that the hub superintendents have all been instructed to use discretion, but there are some instances when these absences do count. He said we would try marking this type of absence with an asterisk so that it would be taken into consideration before an employee is put on time and attendance monitoring. The Commissioner said we will try it for one winter, and if there are problems we will revert back to the old system.

# ITEM #4 -- Unusual Incident Log

## Union Concern:

The union wants facilities to permit a union steward to review the UI Log at least once per shift for informational purposes only.

They also asked if the Department maintains captain's log books. The union said that in 1992, personal information was inappropriately put into one of these log books. They said there is a captain's log book at Willard Drug Treatment Campus, and they want the facility to have it eliminated.

# Management Response:

Deputy Commissioner Lucien Leclaire said that since there are no rules governing review of UIs, the Department will have to devise a formal rule that will allow the steward to look at the log.

The Commissioner said he believes that captains' log books are no longer used, and the hub superintendents agreed. The Commissioner said that if there are captains' log books, he will address it. Associate Commissioner Kevin Breen said that about seven or eight years ago, Commissioner Coughlin directed that no employee performance information should be put in a captain's log book. He asked the union to let him know if it is still happening. Mr. Breen said that keeping informal records of verbal counselings is necessary, but he agreed that this type of information shouldn't be in the captain's log.

# ITEM #5- Union Offices

# Union Concern:

The union is requesting that union offices be made available at all facilities to include a locking door and dedicated phone lines, paid for by the union, in order to accommodate fax machines and computers. They say they have a system that their people in the field could tap into, and they would like to use it in the facilities. They said they would pay for the telephone lines.

# Management Response:

Associate Commissioner Kevin Breen said according to the Governor's Office of Employee Relations, we are to provide space for union offices where available. He said all the unions would like private offices with dedicated phone lines and locks on the doors; but when there are no accommodations available, sometimes the unions must share offices. He said some facilities have enough room for each union to have its own office, but we can't say we can do it for everyone in every union. Mr. Breen said employees are not permitted to have modems in the facilities because we can't provide absolute security. He asked if everyone has access to outside lines, and the union said some don't have it in their offices. Mr. Breen said he would look into it if the union would give him a list of names of those people. He said we have an agreement with PEF that in an emergency they may use the superintendent's fax machine, and we would be willing to do the same for NYSCOPBA. The Commissioner said if the union collects all the facts regarding which locals have private, secure offices, we will review their requests. The Commissioner reiterated that at this time, he is not inclined to approve this request; but he will review it.

# ITEM #6- Community Work Crews and Work Gangs Outside Facility Property

# Union Concern:

- 1. The union wants training for the work being done at outside sites. They said some has been started, but much of it has not been completed. The training guidelines say if unsafe conditions exist, the officer in charge of the work crew should call the facility; but they said there are so many dangerous situations that if the officers adhere to that, they will be calling the facility every day. The union says they need more than just forest management training; if someone is out with a crew and there is a dangerous situation, someone could get hurt.
- The union wants compliance with OSHA standards. The union said there have been major discrepancies where these standards have been left out.
- 3. The union says the safety equipment supplied by the Department does not always conform to OSHA Standards, and Vehicle and Traffic Laws are not always adhered to. They said the inmates do not have the special footwear required by OSHA; and some of the equipment, such as cones, men working signs, and safety vests, is not available. They say the superintendents tell them there is not enough money to purchase what they need.
- 4. The union wants communication equipment to include radios with repeaters and cell phones. Some crews have none of this equipment; and some have no radios, but they have cell phones. The union asked why some facilities have cell phones and others don't. They said work crews should not leave the facility grounds without some means of communication. The union said in some cases, they can't use the cell phones or radios because they don't work. If there is an accident and there is no phone nearby, the officers don't feel safe doing that job anymore. The union said there is a liaison issue with the State Police, where they will not accept the DOCS calls. In Peekskill, on one occasion it took a half hour to get a call to the Sheriff's Department; and then they didn't answer the call. They can't even get them to accept radio checks to see if they can get a call through.
- 5. The union wants crew sergeants added at facilities where there are none. The procedure states that a crew sergeant or another supervisor should be assigned to check on the crews at the work site. They said there is a big void in this area; seven or eight facilities have no crew sergeant. There are instances where no one has checked the site for three years. Where Officer Curtis was killed, it had been five years since a site check was done.
- The union wants new Departmental procedures to be developed to ensure compliance with new safety rules.
- 7. The union wants light-gray uniforms for officers who work in areas where ticks may be present so they can be easily seen. They said light-colored clothing is the best way to detect ticks, and mosquitos are also less likely to go to light-colored clothing. They also need some education for officers who can't recognize ticks. They were told they would have insect repellent in September last year, which was too late.

# Management Response:

- 1. The Commissioner said the new directive has been out for only a few months (September 7, 2000), and we are doing our best to make the work sites as safe as possible. We are working with the Department of Conservation on a joint training video on field safety in forest management and construction activities for outside crews. The script has been written and filming has begun. The Commissioner said when there are problems at a work site, the work crew supervisor should let the superintendent know.
- Deputy Commissioner Leclaire said if the Department standards are being met, then the OSHA Standards should also be met.
- Mr. Leclaire said Stewart Kidder, Director of Support Operations, sent out a memo to the
  facilities explaining that we are working to improve the situation; but it will take more time.
  As far as crew safety equipment, it is going to take some time to reach our goals. He asked
  the union to be patient.
- 4. Deputy Commissioner Leclaire said the crews should not be going out with no means of contacting the facility, and the Commissioner said we will expand communication so it won't happen. He said there should be some way to communicate within a reasonable time. The Commissioner said he will tell the hub superintendents to see that cell phones are made available. He said they meet with the State Police executive staff once a year, and they are due to meet again soon. He said he will raise the issue of the police not responding to calls from the work sites.
- Deputy Commissioner Leclaire said he will correct the problem regarding work site inspecttions. He said if necessary, the watch commanders can be assigned to do inspections.
- 6. The Commissioner said we will find out which facilities are not in compliance with the directive and take care of it. Mr. Leclaire said he will send out a memo to the superintendents regarding compliance, and he said he would have the superintendents send him a status report.
- 7. Mr. Leclaire said he and Dr. Wright issued a memo about Lyme disease last year, and they will reissue it this year. He said he will be able to supply them with insect repellent quickly. He said they are considering several options, including light-colored chaps to wear over the clothing, but they are not considering going back to the gray uniforms.

The Commissioner said we should have a committee to address these issues on an ongoing basis, because safety is a mutual concern. The union agreed to set up a formal committee.

# <u> STEM #7 – Training</u>

# Union Concern:

- The union says that 40 hours of in-service training per year is not being done at all facilities.
  They are opposed to using eight hours of pre-shift briefing for training purposes. The union said the private prisons have a 40-hour minimum training requirement; and regardless of what the ACA requirements are, they want more training. They said they will lobby for more training.
- The union said that officers who are candidates for UDT are required to take a physical.
   They asked that the Department pay for the physical. They would like the candidates to either see a State doctor or have the Department pay the co-pay.

# Management Response;

- The Commissioner says this is a funding issue. We are required to do 32 hours of training per year, and we have funding for 32 hours. He said we have enough staff to do only the mandatory training. Training Academy Superintendent John Maloy said most other states use pre-shift briefing toward training hours, so it is not an uncommon practice. He said we use that time to show training videos, etc., and we are trying to expand on the information we provide during pre-shift briefing. He said pre-shift briefing is considered training because it is informational. He said that our Department has much more training than most states, and all we can do is try to make that eight hours more meaningful. Mr. Maloy said ACA requires only 32 hours of training. He conducted a survey and found that many officers receive more than 40 hours of training. The Commissioner said we will not oppose them if they want to lobby for more training, and he said he will get specific information to help them in this effort.
- The Commissioner said we will consider one of these options.

# FTEM #8 - Controverting Workers' Compensation Cases

## Union Concern:

Eighty percent of correction officer cases are controverted, when only four percent of the rest of state worker cases are controverted. Why is DOCS systematically controverting compensation cases? They said it is never stated what is reasonable for controverting cases. They always say a case was controverted for "good and sufficient reason," but the reason is never provided. The union wants the Department to provide "good and sufficient reason" if they recommend that a case be controverted. They said that the superintendents recommend to SIF that they be controverted. These controversions set up an adversarial relationship with the medical community and the facility. They asked that basic information be provided so they can proceed appropriately with the medical community. They said that getting the C-3 form out quickly would help. They said when a case is controverted and is found to have some merit on appeal, it becomes a problem getting the accruals back.

The union also said the AIDS and Hepatitis C medications make people sick, but they are being denied workers' compensation by SIF because they don't believe the medication is the cause. SIF is also not honoring the bills when the medication is supposed to be paid for.

 The union is asking that the Department fully advise employees on workers' compensation of their rights and apprise them of the procedures necessary to expedite compensation claims.

# Management Response:

- Director of Personnel Terence Baxter said the facilities don't have the authority to controvert a case. He asked the union to provide him with specific examples. He said they can't be controverted at the local level, but the union disagreed.
- Bruce Baker said we will sit down with their people and see what we can do to rectify
  this situation. The Commissioner said we will get more involved, and asked them to get
  the information to us.

# ITEM #9 - Use of Documentary Information by Officers and Sergeants

# Union Concern:

The union is requesting that officers and sergeants be permitted to review documentary information before filling out reports or making any written or oral statements. This would include video discs, video tapes, audio discs, audio tapes, and pictures. The union says sometimes the officer becomes the scapegoat in a public-scrutiny situation. He said officers who don't remember something sometimes end up being disciplined. The union says inmates often have access to the videos, so it doesn't seem fair that their members are not permitted to view them. They suggested that a room be made available where officers could view the tapes.

The union said that at Upstate Correctional Facility there are cameras in the break room. When they asked facility administration if they could shut off the video, they said the Commissioner had ordered that it be on. They also said there are cameras in the locker room where they change their clothes.

# Management Response:

Associate Commissioner Kevin Breen says there are thousands of reports filled out every year in our system, and the purpose of this is to find out what the officer recollects. He says sometimes the officer sees more than what the video tape shows. The Commissioner asked if the tape is viewed at the arbitration, and Mr. Breen said that it is admissible under the Discovery Act. The Commissioner said he will have to get back to them on this issue.

The Commissioner said it is not necessary to have the video camera running in the break rooms and locker rooms.

# ITEM #10- Emergency Vehicles in New York City

# Union Concern:

The union says that all state vehicles that might enter New York City while transporting inmates (vehicles from Bedford Hills, Sing Sing and Taconic), especially in cases where officers follow ambulances to New York City hospitals, should be equipped to comply with the new Emergency Vehicle Law. They say it is sometimes necessary to disobey traffic signals when following an ambulance. If the driver can't speed or ignore traffic laws, he can't follow the ambulance.

# Management Response:

The Commissioner said we will have to reevaluate this issue. We will have to research the frequency of use of chase vehicles. He said we may have to provide training. He will get back to the union when the research is done.

# ITEM #11 - Press Releases

## Union Concern:

The union wants DOCS to issue a press release any time an officer or sergeant is assaulted for any significant incident, such as serious disturbances or riots. When we do issue a press release, the union would like a copy faxed to them.

# Management Response:

Management reviews the necessity of a press release for all unusual facility incidents. Some require public notification; others don't. This is generally an evaluation made by Jim Flateau and the Commissioner, and it is based on what the Department wants released. It may not always be exactly accurate, but it is the best information we have at the time. The Commissioner said we will fax our press releases to them, and they agreed to fax their press releases to us. He suggested that he and Mr. Flateau meet with the union to try to resolve differences.

## ITEM #12 - Auburn License Plate Shop

#### Union Concern:

The union's position is that inmates who work at the Auburn plate shop should no longer have access to civilian addresses through the handling of license plates. After hearing how the process works, they still maintained that one inmate was able to get the address of an officer who worked at the facility. They say that the pallets are stored near the inmates' bathrooms.

## Management Response:

Director of Industries John Conroy explained the process of how the license plates are packaged, addressed, stored, and mailed. The Commissioner said he is assured that inmates only see the address on the envelope when they are packaging the plates. One inmate compares the license plate with the plate number printed on the envelope and hands the envelope to another inmate, who places it on a pallet. They have only about two seconds to read and memorize an address. However, the Commissioner agreed to have someone from Mr. Leclaire's unit go to the facility and reevaluate this issue from a security perspective.

## ITEM #13 - RMUs

## Union Concern:

The union would like to set up a committee to establish standard departmental procedures for all RMUs.

## Management Response:

The Commissioner didn't feel that it was necessary to set up a formal committee; but he told the union that if they produce an agenda, we will meet with them to discuss this issue.

## ITEM #14 - Medium Facility Yard Towers

#### Union Concern:

- 1. The union is asking that yard towers at medium facilities be staffed with new additional items. They want extra officers in s-blocks and in the bubble at Upstate Correctional Facility. They said that in some places the resource pools are depleted. The union says some facilities with towers are running three to four extra officers per shift, and they feel that we should use the resources available. They want to look at facilities where there are extra people because of debunking. They feel we should be able to use those people. The union said they are just trying to buy time until the next budget. They will lobby for these new items in next year's Governor's Budget. They are asking for the support of the Department.
- The union is requesting that toilet facilities be added to all new towers that don't have them.

## Management Response:

- The Commissioner said that when the towers were built, it was understood between Council
  82 and the Department of Correctional Services that no additional staff would be provided.
  We used what money we had to build the towers in an efficient manner. He said the Division
  of the Budget originally said we could have ten officers in the s-blocks, and he told them it
  was not enough; we now have 24.
- Mr. Leclaire said he does not want to use people from facilities where we have taken down bunks. He doesn't want to get use to using people we may not have in the future. He said he prefers to identify posts that can be consolidated. We have looked at every facility we have downsized, and we are adequately staffed.
- The Commissioner said we will look into the possibility of portable toilets.

## ITEM #15 - AR-15 Training

#### Union Concern:

The union feels that all officers who work at facilities with armed towers where AR-15s are used should be trained to use them. This training should be incorporated in the 16-hour training that is already being done at all maximum facilities.

The union said there is a need for scopes at facilities where the yard is 300 yards away.

## Management Response:

The Commissioner said we don't have a range for AR-15s, and to train 500 officers for two posts is excessive. Mr. Leclaire said we don't train every officer for every job. The Commissioner said we will survey all the facilities and see how many people are already trained.

Mr. Leclaire said if we receive a request for a scope, we will consider it if the superintendent agrees that it is appropriate.

## ITEM #16 - Temporary Sergeant Appointments

#### Union Concern:

The union wants assurance that the situation that took place after the expiration of the last sergeants' test is not repeated (temporary vacancy holder).

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The union said when an officer gets promoted to sergeant, there is nothing in writing; it is all done by telephone. They want formal notification, and they suggested electronic notification.

### Management Response:

Assistant Commissioner Bruce Baker said that the appointed temporary sergeant is appropriate under Civil Service law; and as long as the situation doesn't change, the sergeant stays in the temporary position. He said we have 66 temporary sergeants, nine of whom were appointed off the old list. He said whenever we can fill a job permanently, we will do that. He said we are trying to keep the numbers down as much as possible so we can avoid the situation that occurred in 1997.

Mr. Baker said we would consider electronic notification of promotions.

# ITEM #17 and #18 - Transportation, Staffing, Security, and Safety Issues/S-Block Staffing, Security, and Safety Issues

It was agreed at the meeting to establish a committee to address these two issues. Associate Commissioner Kevin Breen asked the union to give us a list of names, and we will establish the committee within the next two to three weeks.

## ADDITIONAL ITEMS

## Frisking Gloves

## Union Concern:

The union said the officers need frisking gloves.

### Management Response:

The Commissioner said he did not object to the officers having frisking gloves, but he does not want them wearing black gloves.

## **Defibrillator Demonstration**

Gerald Geoghegan from the Training Academy demonstrated the new defibrillator.

Glenn Sa

Commissioner

Brian Shanagher

President, NYSCOPBA

All Correction Policy Local Presidents January 23, 1998 Page Two

In September of 1995 our Constitution was changed. This gave the Correction Chairs a status of recognition to a statewide office by virtue of a statewide election, that previously was to represent the Correction Policy Committee at the Executive Board by virtue of a committee election. By the changes made in our Constitution we, in fact, eliminated the "committee" and installed independent elections to the Corrections group. Since Correction Policy is now self governing, the only issues that need to be brought up at the Executive Board are those issues that affect Council 82 as a whole or for expenditures of large sums of money that aren't available in the Correction Policy treasury. Here are two distinct examples: the issue to fund a 175 thousand dollar media campaign. Because of the large expenditure, it would have to come to the Executive Board for funding. The other example is the Testo issue. Had this issue remained in Correction Policy where it belonged, and wasn't brought to the Executive Board, I feel we could have expedited the issue with a suitable resolve. While Law Enforcement was supportive on this issue, the decision they helped make did not have a direct impact on To relinquish our ability to decide any Correction Policy issue is counter productive to all of our issues. Council 82 issues should be addressed at the Executive Board, and Correction Policy issues need go no further than Correction Policy unless it has a direct impact on Council 82 or would include the Law Enforcement group.

Since Correction Policy now has statewide elected officials, it should be restructured in order to become more effective. This is being addressed. On December 29 & 30, 1997 I held my first Correction Policy Executive Board meeting. This Executive Board consists of both chairs, the elected officials of Correction Policy and the 5 Regional Chairs. In that meeting, the first part of restructuring occurred. Our By-Laws will be rewritten to reflect how to better serve our members and the Regional Chairs should be bringing that agenda to their regions. We also discussed basic changes that would benefit Correction Policy. This restructuring has begun and I hope that all our local leaders become a part of it.

All Correction Policy Local Presidents January 23, 1998 Page Three

I called Commissioner Goord's office twice, shortly after the convention, just to introduce myself and chat. Both times he was not in and did not return my calls. He could have missed me because I am in and out of my office at times. Usually when someone from DOCS calls, it goes through the receptionist. So, if he did call she would have told him I wasn't in if I had left. Most of my calls go to Kevin Breen. So far, he has been able to accommodate my questions and requests. To tell the truth, I don't think Glenn Goord can be of more assistance to me then Kevin Breen is and I don't feel I have to go through Glenn Goord to accomplish everything needed. The only time Kevin says that he has to get back to me is when I'm asking questions that he has to get the information on and he does get back to me. Any decisions that have needed an immediate answer he gave it. I have had an opportunity to meet the Commissioner and we did discuss some general issues as well as the upcoming statewide labor/management. He did seem receptive to ideas and concerns presented, but now it is more a matter of scheduling on our part.

As for attacking DOCS, I have no intentions of doing that. Since Testo's removal from Labor Relations, I have been able to conduct Correction Policy business and schedule meetings that benefit our members unhindered. A statewide Labor/Management meeting is being put together as of this writing and DOCS has been very cooperative. The recent NOD's that I have seen appear to be more in line with the offenses and Flateau has ceased his personal attacks on our members. DOCS was also very cooperative with me during the disaster in the Northern Region and was not hesitant in resolving any problems at the facilities I reported to them. I see no reason to maintain hostilities with so much to be done and a positive response from DOCS to resolve issues. I will remain cautious, but I feel it is time to move ahead instead of lingering over what has already been decided by the Executive Board. Should a resurgence from DOCS surface, then my position will change and I will addressed it in a swift and firm manner!



All Correction Policy Local Presidents January 23, 1998 Page Four

As for any locals that are considering withdrawing from Correction Policy because of the "lack of initiative on the labor/management front," all I can say is "why did you wait until there was one?" Since Patty and I took office 5 months ago, we have had 2 conferences with DOCS that included our maximum and medium facilities; 2 agency level meetings for the new SHUs; scheduled an agency level meeting for a facility (that we walked out of); held a Correction Policy Executive Board meeting; and are scheduling a statewide Labor/Management meeting to include all locals. If this is lacking for labor/management, then I'm at an end to think of how to increase it other than making the Vice Chairman full time. Working with a part time Vice Chairman, in itself, is a hindrance and I am very grateful to Patty for spending a good amount of her "time off" in Albany helping me without compensation (an issue I would like to see addressed at policy).

There is no squeaking coming from Correction Policy. I feel Patty and I have been making a lot more noise than just squeaks. Our style may not be what some expected, but I feel that we are getting some positive results that will benefit the members more than expected in the short and long term. While moving ahead, we have not neglected what was started before we got there and are completing some old business that will benefit our members. We are still in the process of making contacts and adjusting to our elected positions.

In closing, I would like to reiterate how Local 1264 feels about the importance of being politically involved. The majority of what is needed by our members will come from legislation and our legislators. We must take an active and aggressive role this year to accomplish our political objectives. We do this by rewarding our friends and setting fires in the yards of our enemies, but before we do either, let's make sure we sort them out properly, a mistake can be costly.

JB/cb

cc: Correction Policy Executive Board Council 82 Staff Representatives



## CORRECTION POLICY COMMITTEE New York State Law Enforcement Officers Union, Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFLICIO

HOLLIS V. CHASE BUILDING 63 COLVIN AVENUE, ALBANY, N.Y. 12206 (518) 489-8424 (518) 489-8430 FAX

Prilat COPY to

## <u>MEMORANDUM</u>

*Chairman* John Butler

Vice Chairman Patricla Rybak

Secretary Mike Mikulak

*Treasurer* Mike Caponero

Trustess Raiph Mannetta John Kurtelawicz Christopher Hickey

Sergeant at Arms Dan Kane TO:

All Correction Policy Local Presidents

FROM:

John Butler, Correction Policy Chairman DE

DATE:

January 23, 1998

I would like to take your time to address a recent mailing from Local 1264, Coxsackie Correctional Facility's Executive Board on the "Labor Relations Overview." This is the part that I feel is not accurate and needs clarification.

The statement that I said "Correction Policy served little purpose inside labor/management and could be eliminated" is incorrect. In fact, at this time, this would be the most prevalent of functions of Correction Policy. One comment I did make about Correction Policy was that if it remained structured as it was, then it could be eliminated. I also stated that while the policy group could be eliminated, the positions were needed to perform the other functions of Correction Policy. In essence, the meetings were a waste of time if the Correction issues are going to be brought before the Executive Board.

The reason, I believe, is simple. When the issue pertains to Corrections and the members of Correction Policy insist on bringing them to the Executive Board to be resolved, then why have a Correction Policy meeting. A bigger question I have is why would Correction locals want Law Enforcement locals to be included in making decisions for Corrections. Once a Correction issue is brought to the Executive Board, any decision made on this issue must include Law Enforcement. I firmly believe that Correction Policy issues should remain in Correction Policy and resolved in Correction Policy through the Correction Policy Chairs.



## CORRECTION POLICY COMMITTEE

## New York State Law Enforcement Officers Union, Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

HOLLIS V. CHASE BUILDING 63 COLVIN AVENUE, ALBANY, N.Y. 12206 (516) 489-8424 (518) 489-8430 FAX

Chairman John Butler

Vice Chairman Patricia Rybak

Secretary Mike Mikulak

Treasurer Mike Caponero

Trustees Ralph Mannetta John Kurtelawicz Yristopher Hickey

Sergeant at Arms
Dan Kane

TO:

All Department of Corrections Local Presidents

and Local Secretaries

FROM:

Patricia Rybak, Correction Policy Vice-Chairman

DATE:

April 13, 1998

RE:

Statewide Labor/Management Meeting on April 7, 1998

Recently, a Statewide Labor/Management meeting was held at the Bonnie Castle Resort in Alexandria Bay. This was the first of a new forum on this meeting. As you will be able to tell by the responses received from Commissioner Glenn Goord, the meeting went very well.

First and foremost, you will find enclosed a copy of the "letter of support" towards our goal of reallocation from Commissioner Goord. This letter is a big piece in attempting to attain our goal.

The following responses are taken from my notes of this meeting. The official minutes of this meeting will be forthcoming.

## Agenda Item #1:

## Quality of Uniforms

The Commissioner has agreed to form a committee, along with Council 82, to review the entire uniform currently issued. An upgrade of quality is the goal and the Department's commitment.

### Agenda Item #2:

#### White Turtlenecks

The Commissioner agreed with the proposal, with the exception of color, that this will be discussed within the uniform committee established above. Certain details must be worked out in the uniform committee, prior to the implementation of a change in the uniform directive.



### Agenda Item #3:

### Free Weights

There is a meeting scheduled for Thursday, April 16, 1998. Further information on this issue will be forthcoming.

## Agenda Item #4: Jury Duty

The Commissioner is placing employees on jury duty on the day shift. If not a full day at jury duty, you will have to return to work. If you live Upstate (per se) and are called to jury duty, the Department will give you a letter to attempt to get you relieved from jury duty. If, in fact, you still have to report for jury duty, then when you are finished with jury duty for the day, you would have to use your own accruals. We will be meeting with the Department to further discuss this issue. Alternatives to the Commissioner's proposal will be discussed.

### Agenda Item #5: Present Revolver to 9MM

The Commissioner admitted he has some concerns and he would like to meet with us about this issue, but if we wanted them, we have them. He informed us that he believes it is roughly a 2 million dollar ticket item and cannot be done without appropriate funding. This will require assistance from all concerned.

## Agenda Item #6: Timé Cuts

The Commissioner discussed the new SHU's opening and hoping this would help the situation. The Commissioner did agree to have a policy set in place, so that when time cuts were utilized, certain aspects would be taken into consideration, such as staff assaults and also to include the SHU officers into the process.

## Agenda Item #7: Cell Extraction Equipment Training and Policy

The Commissioner stated \$300,000 was placed into the budget for stab proof vests. If approved, they would be acquired. In the meantime, a letter would be sent to the facilities to begin training as soon as possible. Uniform cell extraction equipment has been certified for the facilities. Need assessments are currently being done.

Agenda Item #8:

North Country Ice Storm, for those officers living in the counties effected, but working in other areas of the State.

The Commissioner stated this was not a correction issue. The Governor's Office of Employee Relations (GOER) handles this. The Commissioner did agree to send a letter of support on behalf of these officers to GOER.

Agenda Item #8B:

Preparing a plan with the Department, in case a need arises, such as the Ice Storm of '98, to allow our people proper relief to attend to their personal needs.

The Commissioner agreed that "each local" should get together with their administration and prepare a plan and upon completion, be entered into local Red Book. The Commissioner stated he would send a memo to the locals pertaining to this issue.

Agenda Item #9:

Security Staffing for the Medium Wall Towers

The Commissioner mentioned the sixty (60) officers approved in the subcommittee by the Senate. If, in fact, the budget passes change, then we have our Tower officers.

Agenda Item #10:

Withdrawn by Council 82

Agenda Item #11:

The Department's New Task Force

on Workers' Compensation

The Commissioner presented us with a copy of new Directive 2218 - Outside Employment and a revised addition of Directive 2208A. I had requested an overall review of these, prior to the meeting by Council 82 General Counsel Robert Hite. With the information Robert Hite had given me, I requested of the Commissioner to meet again on this issue. The Commissioner agreed.

## Agenda Item #12: Outside Hospital Duty Assignment

The Commissioner agrees there is a problem. The problem being staffing, but believes, at this time, staffing will continue to be a problem. The Commissioner suggested shackling the inmate to the hospital bed for the time needed for the officer to utilize restroom facilities and the officer would then be responsible for logging this into the log book. We requested to meet on this issue again and the Commissioner agreed.

Agenda Item #13: Reaffirming our present agreement on Resource Pool established in 1993.

The Commissioner agreed.

Please note, above there are several issues that the Commissioner agreed to meet further on. I have established a meeting date of Thursday, April 16, 1998.

I will forward the information as soon as it is feasible. If you have any other questions, please do not hesitate to contact me at the Council 82 office.

PR:pt Enclosure

cc: J. Butler

**Executive Committee** 

W. McMillan

All Staff Representatives



Chairman Curt Bowman

Vice Chairman Louie Delmonte

Secretary Mike Mikulak

Treasurer Mike Caponero

Trustees Raiph Mannetta John Kurtelawicz Terry Wilhelm

Sergeant at Arms Dan Kane

## CORRECTION POLICY COMMITTEE

## New York State Law Enforcement Officers Union, Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

HOLLIS V. CHASE BUILDING

63 COLVIN AVENUE, ALBANY, N.Y. 12206-

(518) 489-8424

(518) 489-8430 FA

March 31, 1997

Mr. Kevin Breen Assistant Commissioner Department of Correctional Services 1220 Washington Avenue Building #2

Albany, New York 12226-2050

Re: Maximum Facility Statewide Labor/Management Meeting

Dear Kevin:

We are requesting that a statewide labor/management meeting for maximum facilities be scheduled as soon as possible.

Please contact our office with a date and time when you will be available for this meeting. The following is our agenda.

#### 1) Time Cuts:

Inmates doing keeplock time are having their sentences cut anywhere from three (3) months to two (2) ½ years. (Even assault on staff.)

#### 2) TB Tests:

If inmates refuse the TB test, they should be put in isolation rooms with restricted movement.

#### 3) Visiting Rooms:

Maximum facilities visiting rooms should be run in a uniform standard. The Union wants solid tables with inmates on one side and visitors on the other. This would aid the correction officer to control contraband.

- More random frisking of areas in our maximum facilities.
- Procedures on extraction of inmate in a double-celled environment.

- 6) Vehicles (unsafe). Remove safety door.
- Gang Awareness Training (In-service training).
- 8) Review and Monitor Committee.
- Level zero status for inmates in an SHU facility. Also, cells in the hospital area.
- 10) Discharge of Firearms Review. No set policy.
- Miscellaneous.

Sincerely,

Curt Bowman

Correction Policy Chairman

Louie Delmonte

Correction Policy Vice-Chairman

CB/LD:pt

cc:

R. Abrahamson

M. Graney

**Executive Committee** 

W. McMillan

J. Kraft

#### CORRECTION POLICY MEETING

#### FEBRUARY 12, 1996

A Correction Policy meeting was held on February 12, 1996 at the Quality Inn in Albany, New York, beginning at 1:13PM. The purpose of this meeting was to formulate an agenda for a Statewide Labor/Management meeting.

Eliot began meeting by speaking about the recent incidents at Coxsackie, Mt. McGregor and Green Haven Correctional Facility. He stated the Coxsackie piece we were set with, we need more information of Mt. McGregor and Green Haven is getting the list of names of the people down there. He read a statement put together by Bob Lawson regarding these issues. He stated he was fed up with Mr. Flateau from the Department of Correctional Services making light of everything.

## The body approved press release as written.

Eliot stated the number of incidents in the system today are totally out of control. We should not be accepting them. We want to work with you by increasing staffing etc.

Someone from the floor asked if it will be put out statewide or just the Albany area.

Eliot stated the press release will be statewide. We put it out in the local area and also the AP, UPI, etc. plus we will be doing a press conference. All locals will also get copies.

Terry Wilhelm - Mt. McGregor: The incident at McGregor was not a situation it was attempted murder.

Eliot asked Terry to get that information to Bob Lawson. He stated we should have the presidents involved at the press conference as well.

Eliot went on to say that Nazziolio and Feldman have been invited to address the body. We have been pushing staffing, diseases, cell space etc. These people are the key guys in the legislature. We were asked by COBA for assistance in privatization. I have asked them to present their request regarding privatization and three quarter disability to the body. They are looking for joint legislative efforts. We also brought Bill Rouse, numbers cruncher for AFSCME, in for information on PAC conference.

Larry Weiss - Mid-Orange: Can we have everyone there?

Eliot: No problem, we will go with what you people want to do.

Chuck Restle - Marcy: The Correction Policy Executive Board has not met. Last time Georgetown was being released from Central Region.

Eliot: Can we do that before we go to selecting the people.

Chuck Restle: No problem as long as its done.

#### Eliot - Agenda Item #1 - Double Celling:

We began the week of the ratification. A couple of meetings were called with the Executive Branch. We attended those meetings. Governor's Office of Employee Relations, Division of Budget and the Governor himself. They gave us various information on the budget. Double cells were not mentioned. In our meeting with the Governor we told him double selling was not satisfactory. We met with Commissioner Coombe and raised double celling again. The cells will be 100 square feet instead of 48 square feet. It was still unacceptable to us. We continued to press that. Feldman held meetings and we came out very strongly against double celling. We testified before the legislature against double celling. Senator Stafford said you want more cells but not double celling. I said absolutely. Commissioner Coombe came and spoke to different people and said if we do not get off double celling they will all be double celled. There is a study to see how double celling works across the Country. Commissioner Coombe said if we keep this up we will end up with double celling. Council 82 will not support that.

Bob Hite reported on the legal piece of double celling.

Double celling started in proposed budget in January. In March they started passing paper on it saying take a look at this etc. We took the position we were opposed to it. It went from paper to the State Commission on Correction developing standards of double bunking. We brought an Article 78 challenging the rule on double celling. We challenged the rule SEDC wanted. The other issue was the standard violated SEDC regulations regarding footage for cells. It was in front of the judge in November. We got the decision in December saying SEDC had violated their own standards. He agreed with us and vacated the rule. He also said it violated SEDC footage of 60 square feet for single cell or 50 square feet per inmate in the case of two. Under the law the state gets an automatic stay so we could not require the state to take down the cells. The state can not expand practice. It was appealed in December. They have 15 more days before they have to file briefs. It should be within a maximum four or five months. The state adopted a permanent rule almost the same as the first. We challenged it. They have not complied with their own standards.

Proposed pre-fab cells: They are talking about pre-fab cells and square footage of 100 square feet per cell. /If the new pre-fab cells are 100 square feet all the Commission has to do is change the rules and our argument goes away.

Eliot: Is there any objections to opposing double celling?

#### Body said no.

Joe Kraft: DOCS has not given us allot of information on pre-fab cells. On February 9 we met with Department. The Department is saying the pre-fab will be done with the large medium facilities; 200 beds, 100 cells. They have not identified locations as of yet.

Eliot recommended leaving double celling on agenda for statewide labor/management meeting.

Paul Macko - Hudson:

We should include double bunking on that also

Eliot: Good point. Not a problem with this end.

Ken Seymour - Arthurkill: C Block cells, what are we going to do with C Block. When I asked if they were going to double bunk I was told they would be keeping it for the overflow.

This issue will be put on labor/management agenda for clarification

Eliot: Next item - contingency post agreement

Joe Kraft: It was established in 1988 between Phil Coombe and Dick Bischert. It was suppose to give incentive for people to come to work. If you reach 209 man days. Never got off the ground. I suggested to Eliot to relook at it. On page 5 it talks about agreement. Joe read #5. Instead of having word "contingency post" deal with staffing functions. Joe suggested they put this on the statewide agenda and deal with functions. I think that would be the best approach. Right now there is no incentive. It has no effect.

Larry Weiss - Mid-Orange: Redeployed facilities - they agreed to no contingency posts or closing of posts.

Eliot: So we should set aside these facilities

Joe Kraft: Redeployed facilities are not supposed to be touched. What I am saying is climinate contingency post entirely.

Ken Seymour - Arthurkill: Every bid job on plot plan is not a contingency post. Local does not condone contingency posts. Do not condone any closed posts. There should be no such thing as contingency post.

Mary Fallon - Groveland: We have an agreement to make these cuts. We had labor relations in and they do not acknowledge we have this agreement.

Joe Kraft: She is right, they are not paying attention to it.

Ronald Schindler - Gowanda: My facility is running 34 people short. As to closing non-plot plan posts first. They are closing existing posts on the plot plan.

Bill Branch - Adirondack: What is the difference between function and contingency post.

Joe Kraft: Contingency posts are utilized to reduce overtime.

Eliot: Does everyone understand what Joe is saying.

Joe Kraft: When function goes away, they can close that job. If the officer has no inmates in his area the function goes away.

Larry Flanagan - Shawangunk: It doesn't sound like there is any difference.

Joe Kraft: I get these calls every day. There is confusion between two issues. I am not dealing with functions with management. Its a very simple issue. Do we want to continue agreement? I know they do these things but what I brought up was contingency posts.

Larry Flanagan: So you are asking us to agree to something just changing the words?

Joe Kraft: This body will make that decision.

Bob McGeady - Downstate: In redeployed facilities there are no contingency posts. If we go into post functioning close, redeployment will still be exempt?

Joe Kraft: Just because we make an agreement here, the Department may not agree with us.

Bob McGeady: I don't want job functions to close at redeployed facilities. We don't want to address that.

Curt Bowman - Clinton: When they realigned all jobs it was supposed to do away with contingency posts. If you talk about closing functions that will open a can or worms. Lets leave it alone.

Mark Iodice - Mohawk: Have we made the agency follow this agreement?

Joe Kraft: Nothing happened in 1988. It was suppose to be when the local reached 209 man days it went to the Superintendent and he would sit down with the local. Now we are back to not doing it again. You have an agreement but no one is following it. Its not working.

Richard Wagner - Oneida: We were realigned in 1991 and have no contingency posts. We work under functions. It works well in our facility because no one plays with it. Functions work the best in our place.

Al Mothershed - Livingston: Since we opened we lost 36 items. Do not have contingency posts. Will close 11-7 rovers. They consider that contingency post. They said the function has gone away. Contingency posts still there, they are not telling you they have them.

Eliot: So which way do you feel the body should go?

Al Mothershed: If you are going to have contingency posts you need the agreement. If not you don't need the agreement.

Officer Kane - Midstate: If we go with function the facility is eliminating functions. Going with

function will not work.

Joseph Earnes - Cayuga: Same problem as Al Mothershed. If we start enforcing contingency posts what will happen to those other facilities

Joe Kraft: I don't know how the agency will react. The agreement right know does not do anything. When I deal with agency they talk job functions. Now in Article 25 we have agreement on grievances dealing with safety issues. There is no easy solution with staffing. They will close posts to fill positions. When I talk to agency they will go from contingency posts to functions. They have different avenues to go. The agreement out there is not working.

Joseph Eames: If we try to enforce that will they throw more into it?

Terry Wilhelm - Mt. McGregor: When you talk function they post functions. If you go straight language you will go to that.

Jim Sandford - Fishkill: We have redeployed facilities not under agreement, redeployed facilities who jumped on agreement and non-redeployed facilities who did not. Before we make a decision we should have another meeting with this one topic with every president. I don't think we should sign on to anything right now.

Eliot: You are suggesting we polel each local to see how it effects them?

Frank Arizmendi - Green Haven: We have to fight B and C first. That is our biggest problem. In Green Haven if we have non-fixed post they will go first. We have to check with Budget before any one else.

Joe Kraft: I agree. I am assuming with our contacting or sitting with our legislative people. You have a 1.7 relief factor instead of 1.8. You still have this agreement that is not working.

CO Freedman - Oncida: Whenever we have an agreement with the state they do not work under it. They are not accountable. We have to make them accountable for an agreement. They have to do what they say they will do.

John Seresky - Summit: None of our functions seem to exist. They say we will close it down. They will close a crew down and give his inmates to another crew. To go to straight function we are suppose to have 14 people on weekends, we have 7. They say that function ceased to exist.

Sal Armola - Collins: Dealt with contingency posts in the beginning. We ended up with not closing any contingency posts. If you do not have inmates in an area there is no officer. The agreement was causing allot of problems, now we have functions. The hour or less is a big problem with us also. Contingency posts should be eliminated from the vocabulary.

Dan Bates - Georgetown: In 1990 we lost transportation items. On a day to day basis, we have 16 crews, we average less than 1/2 now. They are not getting trips set up right. They will take extra

immates and put them with other officers. During the week they close each crew down. Gave example of visiting room having no officers, recreation room officer covered visiting room leaving no officer in recreation room.

Joe Kraft: I have been asked to do several things. Security staffing as a whole. I am trying to deal with staffing for 70 facilities. That is one of the reasons I brought this up. From what I am hearing this is causing more confusion. It may fix your facility but not Arthurkill etc. We need to make it consistent so we are all dealing with the same terminology. Its a stumbling block. We should go back in and force the agency to follow agreement but I am not sure that will solve the problem.

Wayne Loeven - Otisville: Our facility is built on contingency posts. Once we received the 90 inmates we are staying up there. Now they are using the work functions. Some days they will say mill is closed. We have never recognized contingency posts. We are against contingency posts and functions.

Eliot: If you don't want to deal with this fine. Do you want to survey or is it not what you want.

#### Body agreed to survey all facilities.

Dave Stanson - Collins: We defeated contract 4 to 1 first time around. At regional meeting Article 7 was brought up. The route of problem was Article 7. It is not a contract stopper. We cannot enforce agreements.

Bob Hite: Article 7 broke down with labor/management, they go to step 3's, they do not go to arbitration.

Eliot: If we can put something together I think we can get them to enforce it.

Bob Hite: You have other recourse. You can go to PERB. Just because you cannot grieve it you can go to other recourse.

Ken Seymour - Arthurkill: Don't we have agreement that posts cannot be closed to avoid the payment of overtime? They are playing games with us. That is in direct violation of agreement.

Eliot: Contract says change of shifts not jobs.

Paul Macko - Hudson: In 1994 we averaged 214 man days. We set meeting up with staffing committee. They said you designate four fixed posts that you want do designate contingency posts. Agreement doesn't work. Be careful what you ask for because you might get it.

Motion by Paul Macko (Hudson) with second by Teddy Braithwaite (Bayview) to table discussion. Motion passed.

Motion by Paul Macko (Hudson) with second by Teddy Braithwaite(Bayview) to survey each

local, get information, give back to locals with next labor/management meeting. Motion passed.

Ed Draves introduced Sen. Mike Nazzolio:

Sen Nazzolio: Honored to be here. Has significant background in correction. Work place safety is primary concern. Last year he talked about legislation sponsoring, Inmate dousing etc. Some correction locals in his area are Auburn, Cayuga, Butler CF, Butler Shock, and Willard. Drug Treatment Campus as well as prisons have problems of inmates using body fluids etc. With HIP etc., it has become very hazardous in the work place. Introduced a bill. We wanted HIV testing, the Assembly did not like that. His bill would make offense a crime. He pulled back HIV mandatory testing. Negotiated bill through year and they came back to E Felony. Most DA's would plea bargain to misdemeanor. Thought about you and said it is an insult to correction officers. I walked away from the table. Through your efforts we are taking this bill back and it will be passed tomorrow. He pledged it will be passed rapidly. The Assembly and Governor will support. It will be a Class D felony for any inmate to engage in this. PLS has been a thorn in your side forever. They have given all efforts to lawyers and inmates to make your job more hazardous. The law libraries in the prisons are better then Syracuse's law library. Your taxes support them. Attorney General must defend these cases. Cases are also being brought by highly qualified, highly expensive attorneys in New York City. One case example: brought by New York City law firm very big and very expensive. Convicted rapist who was moved, Department moves inmates around several times, had law firm bring a large suit. Judge granted inmate \$150,000 because he could not practice his religion. The law firm received \$550,000 for representing him. I am reaching out to Council 82, I want to change entire immate grievance procedure. I held help getting a program established. We want to defunct PLS. A Council 82 member brought to my attention an incident at Attica where documents were found under the cover of legal mail and inmates were encouraged to disobey the officers during the celebration of the Attica uprising. The paralegal was fired. It took another staff, in the efforts to stop using mail to smuggle contraband into facility. It makes your job more difficult. It causes fights etc. We believe work place safety is very important, we owe it to you to make these places as safe as possible. We are fighting hard. Those are my major focuses in the next couple of months. I also want to go into the issue of expansion. I can only tell you, I was there, we are talking overcrowding, making your job safer. The only way we can make your job safer is to build more facilities. The Governor's position is to take 8,800 bed expansion, I need your support on this. We are very committed to pushing for that expansion.

Bill Mammoliti - Butler CF: Thanked Senator for coming to facility. His visit was very helpful. Jack Engelhardt was also there.

Senator Nazzolio: I visited the facilities in my district. We are going to try to push every few weeks to visit facilities.

Mike Martino - Mid Husdon PC: When you talk about PLS we have NHLS. I was brought up on charges when someone pushed our local people to patients. We have asked to provide us with oversight. Spoke about assault. Agency won't do anything because the patients are incompetent. We need oversight. I need you to come to our facility to meet with us. Our Commissioner says we

are not human. We have established informational picket line February 20th from 7AM to 5PM.

Senator Nazzolio: Lets work with Ed and Eileen and see what we can do.

Mike Caponero - Ulster: Inmate Grievance Procedure - we have coordinator, we have 3,000 step 3 grievances with employer, where is the justice. Maybe they should take those coordinators to hear our grievances.

Larry Weiss - Mid-Orange: How do you feel about double celling?

Senator Nazzolio: I am against it and I will not support the expansion in our present facilities. I thank you for working so hard over it least year, you took the expansion and made it work. I am not going to commit at this time on the new construction. If the cells are twice as big we have to analysis it. I don't believe we should add on more cells in the existing facilities. I would support retrenching it in our older facilities.

Larry Weiss: What about the new facilities?

Senator Nazzolio: The new facilities I am not opposing a double celling at this point if it is as safe, it could be handled. If security precautions are taken that I can support it. I ask you to look at the fact not what the existing cells are, but the specifications for.

Ron Schindler - Gowanda: Is it true when Gowanda was built it was suppose to be 2,250 inmates, but money ran out because it was sent to New York City?

Senator Nazzolio: Not to my knowledge.

Ron Schindler: I have 1,500 empty beds yet across the street you have double bunking.

Senator Nazzolio: The Gowanda expansion in 1993 helped some what. Those numbers are not familiar to me. Governor Cuomo opposed expansion. Arthur Eve opposes expansion. You have to focus on expansion.

Mark Iodice - Mohawk: What is your personal opinion on 20 year bill and cost of living (COLA)?

Senator Nazzolio: I am a sponsor of 20 year bill. I will continue to do so. COLA - It is very frustrating that we could not get that. My name is on 2 or 3 bills and I am the major sponsor on one.

Mark Iodice: Where is the hang up?

Senator Nazzolio: All employee unions are together on this. Retirees are the only ones who lobbied for this for years. I think we are getting very close to it.

Frank Arizmendi - Green Haven: How do you feel about officer contracting MDR TB. In June,

1996 he will be fired and get one third of his pay.

Senator Nazzolio: We had the same thing. I will do everything I can to compensate in any way possible for those losses.

Frank Arizmendi: He is getting 1/3 rate now because of compensation law.

Senator Nazzolio: It should be full pay

Eliot: We need some help because its part of Civil Service Law

Senator Nazzolio: Ed and my staff are working on a draft bill. You will look at it.

Richard Wagner - Oneida: The Senator came to Oneida even though we are not in his district. We had problem in SHU. He came and worked real hard for us even though we are not in his area.

Mary Fallon - Groveland: Some courts receive money for DA prosecuting.

Senator Nazzolio: Just found out. DA hired with hope if they bring enough claims they will get funds. Some complaints being brought were thrown out. The same rules apply to all counties. It is basically a case to stopping a procedure or injury happening in the facility. The County needs the ADA and then it is up to DA to prosecute.

Work Release Day Reporting: All sentences have been changed. Class D felony is not a violation felony. Somebody should take this into to consideration

Senator Nazzolio: My original bill was a C Felony. I would make it a B Felony if I could.

He is not eligible for parole if it is A or B Felony but can with C, D, and E Felony.

Senator Nazzolio: I appreciate the time you gave me today. My door is always open to any one. We will not agree on everything but you have somebody who will fight to make your job better. I will keep your day in and day out challenges in mind. We will do all we can to make your jobs less hostile.

Eliot: Our members appreciate your coming and speaking to us. We have had incidents in Green Haven, Mt. McGregor, Hudson, etc., we will be coming to you for more security, more SHU's etc.

Next item - ID/PMS

Eliot: Warren McMillan had meeting with agency on Friday, Joe Kraft will identify problems.

Joe Kraft: On 2/29 all civilians are being told they're gone. Some arrangements have been made. On 2/15 jobs goes up for bid; 3/15 will come down. Resource will be training winner of award. We were told these jobs will go back on plot plan. Plot plans will be put back just the way

they were. Superintendents can put in for changes. Facilities will not interfere with local agreements covering bidding.

Bob Hite: Award refers to Oneida HUB. People who were put out of jobs will be put back. Any one effected, lost jobs, lost time, PERB award says they will be made whole. Had long discussion, mandatory former officers be given first crack at it. Officers displaced have to be given first chance come back as it was. Some facilities want to change it, they will have to go through the process, award will not interfere with that.

Richard Wagner - Oneida: If they come back to the plot plan how can they change it. It can be offered to those taken off the job.

Chuck Restle - Marcy: We went through this. We had agreement. We were told we are going to go back to posting bids as they were under old system. We post bids but if bodies are not in facility they would go back down. There was a question about page 8 and 1.2 should have been 3.4 we should have gotten 4 bids back. We have labor/management agreement in some facilities. If person opted to bid off he is not guaranteed job back.

Bob Hite: That's consistent

Joe Kraft: To make it clear, they transformed civilian items to security items.

Larry Weiss - Mid-Orange: Right now they are temporary

Joe Kraft: It is a permanent bid. We are getting items back. No trade off.

Rodney Rivers - Altona: Will they be transferring anyone?

Joe Kraft: Not as far as I know. Unless budget approves more bodies we might have to go back to overtime.

Bill Stranahan - Attica: ID officer retired after job gone. Have been training people. Have not put bid up because they want to change it.

Joe Kraft: The have to go back as it was and then request a change.

Warren McMillan: I would like to keep it as an agenda item to make sure it is going to work.

#### Body agreed to leave on agenda

Eliot: We have three members of COBA here, Correction Captains, Correction Sergeants, and Deputy Wardens, Lieutenants. These organizations and Council 82 have not spent allot of time working together. They are faced directly with privatization. They have a response and they want our support. I said they had to come before you.

When I was asked to come and speak to a couple of people I said sure I would Norman Seabrook: be glad. One thing about me is I tell the truth. I am real. You may like some of the things I say, or Union men are married, union men have children, how many of you are in state corrections? Not for long, trust me. If the New York City Mayor has his way you will not have a job. He is a republican and very aggressive in saving money. He is willing to jeopardize public safety. He is looking to privatize New York City jails. I have been to Tennessee to see their privatized jail, the state run organization. There is a \$2.00 difference. Organization called Correction Corporation of America. Private organization going into states, taking over jails. This organization contributes many dollars into campaign funds. Everyone is making money. Governor, Mayor, everyone. Privatization is a very real issue in New York City. I represent 10,000 members, parity with New York Police Department. Its no secret we will be out of a job. We need to take our show on the road. I don't think you know the impact. You may put in 20 years of service, they will not give a shit. We need to stick together. City correction was doing one thing, captains doing one thing, lieutenants doing something else. Eastern and Coxsackie doing something different. They are starting to attack in New York. I will not tolerate that. Set the inmates free, I am not going for privatization. Its coming, its real. I am asking for your support because I may take the hit, some may lose, and then they will come to you. They will say we did it in New York City we can do it here. Some of you will say the hell with privatization. Look at your family and say I may not have a job in six months. In Tennessee they do not allow inmates to go to law libraries. They are not allowed in certain parts of the facility. You have 3 officers doing the work of all of you in here. New York City is different, we have laws we have to follow, you have to provide services to them. They don't think about us being slashed, beaten, molested, etc. Inmates don't want privatization. City is saying lets start with transportation. Lets get a guy out of the street and drive inmates back. and forth. The same laws do not affect him as they do us. Are you giving up your pensions? These \$6 an hour guys will do that. We cannot let them take the job. You get a guy retired he wants to do correction officer job. He goes to class, has keys, he does not have the one thing we all have in common, we have a silver shield. The mayor has been allowed to direct different groups of people. When we won the election in June we had a meeting and decided we will work together. We will do everything that has to be done to stop privatization. I cannot sleep at night. I cannot sell you out. It gives me more pleasure to stick it to the mayor then have him stick it to me. I would like to develop a bumper sticker with shields from State, City, County Sheriff's and Police Departments which says "support your local correction officers. Privatization jeopardizes public safety." They say you are having a lobbying day on 2/28. I want to bring up 20 buses from New York City that day. I want the people in the state to say wait a minutes they are starting to communicate. Then we take it on the road until we end up in Washington and say no more Mr. President. If they get my job they will get yours. When are we going to show them we are together. The only people that can do it is us. If you do not get your shit together now with all of us we are all out because the private run companies will come in and make bids, they are not involved in the Taylor Law, they don't have indemnification, who will pay the money for the law suits. Tennessee said we covered our people. We covered everybody. He's a correction officer. I cannot tell you how a correction officer feels, no one can. I have been asked about inmates being abused. I don't give a shit. As long as you are a team player we are talking about the reality of losing our jobs. It doesn't have anything to do with race, agenda, etc. We will all lose if we do not stick together. Had inmate shot today. Inmate gets into altercation, correction officer breaks it up. Has puncture wound, sent to hospital, doctor say fragment from bullet in arm, shut facility down. Sent in 200 correction officers to conduct search.

Privatization is the wake up call we needed to make us work together. If you lose your job today where will you go tomorrow. Some of us, I would say, 20% of you have college educations. I need your support. We have got to let them know we are together. The politicians have to understand we mean it. Lets make the public understand what we are doing. Lets take our show on the road. Thank you.

Peter Meringolo - Correction Captains: Would like to tell you something about myself. President for the captains last five years. We have a mayor who is very powerful. I am afraid our next battle is our jobs. You know the job you do. You do it better then anybody. They want to say goodbye to you. Our captains are equivalent to your sergeants - first line supervisors. Correction Captains Association (CCA) my union is not the same as privatization. They are saying to managers of our department that they are hiring them back for six months so they can train these guards to do your job. People that I worked with, slept next to, are now wardens. They are saying they don't need us any more. We have a mayor who does not listen to logic. He is not banking on us to re-elect him. Former captains will now come on to pick up benefits. If they do it in New York City they will do it upstate. We need to work together. You know your job and I am trying to show you it may be working with the mayor. We met with our department, they swear they are not privatizing, but they meet every night. Two companies have expressed interest. They will give them the managers, I have been fighting management for 22 years. I work for retirees. If I could take their benefits away from those people I would. We need a unified effort. If the mayor and Governor can do it to New York City who is to say they won't come here. We need your help. The state is a big system. What they are doing to us will come to you. They are not telling us the truth. Our managers wrote off the proposals. Our wardens, chiefs etc. wrote off the proposals. Once they do it they will use New York City. Thank you for your time and I really need your support.

#### Pat Walsh Asst.. Deputy Warden - Lieutenants - 200 members

I want to thank Norman. It in the past we have never worked together. Privatization affects us all. No one thought the merger would happen, but it did. Its important, he is targeting privatization. Bronx houses 400 inmates. They will put privatization in their and show how it works. Nothing but games. 3/4 bill affects us all. You will not lose fighting privatization with us. Its important, we have no games here, we have to be on the same page. It will do nothing to grow. Its all about money. Anyone who knows our job knows what we do. Thank you once again. Its a positive thing. Its important. Together we can get the bills passed.

Eliot: They are asking for our support on two bills. The 3/4 disability and anti-privatization. We read the bills. We agreed we would take a look at them. Tomorrow we will take a vote on it and let you know.

Bob McGeady - Downstate: We deal with your bus people all the time. If you need anything from Downstate you let me know.

Mike Surprenant: Seen them on TV. Their present argument is very concise. He is carrying banner.

Eliot: Those are the 2 issues they have asked for our support. They have also offered to give us

education on their 20 year pension plan. We will set something up so they can talk to you about it.

I will tell you how not to do it. If you are going to do 20 year pension you Peter Meringolo: need to be on same page with all uniform officers. Gave example of what happened to them: First bill excluded everyone above the rank of correction officer. There is no pension system that differentiates rank. The COBA former leadership felt there was no life after correction officer. Correction officers would pay additional 5% above 3% they are paying. It in my local you roll over. I stopped those contributions from turning over. You are an officer with a 20 year pension, you pay 5% above 3% in other words you pay 8.11%. Lower rate for brand new officer coming on. get promoted prior to 15 years on the job additional contribution given back to you. When they give them back to you you have to pay tax. If you have over 15 years you do not take promotion because your contribution stays with city. That was the first bill under Phil Seely. What are your options? We went in "you do not want to do this". Some actuary said do it separately, do it with blended numbers. PATTERN: Same percentage for all. You have to look at where you are going to be at 20 years. If you are going to have a 14 and 16 year old at home you are not going anywhere. Understand where you are. If you decided to stay past 20 all that money you have paid is a waste. We have a bill now that stops paying at 20. You need to stop paying after 20. You could learn from all of our mistakes. We tried to say the officers did it wrong. They said we could not use the roll over. We put a bill in not to affect the 8,000 correction officers, but to change the pension numbers of the brand new officers coming in. We passed it through the City Council but lost it up here because correction officers came in and said no we negotiated that. You should know had the officers backed them in conjunction with everyone, the difference was about \$1.80 per check. We feel the union had an obligation to go back and tell their members. Captains sent letters saying screw the people who screwed us. We have a pay structure that is disgusting. I have no problem sharing that with you because you need to know it. Meet with actuary and get blended number. If you are serious it has to be a blended number and officers are not paying for higher rank. You have to bay for a 20 year. 8.25% of your salary. Hold seminars to educate your members. We can guarantee you how not to do it.

Chuck Restle - Marcy: What options do you have

Peter Meringolo: New officers are paying 6.61% and are automatically in pension. The problem for them is when they are promoted.

Chuck Restle: Do it the right way, what if we do not want to fund it. Are you saying the best way is to fund it ourselves?

Peter Meringolo: No everyone told us this is not the way to go if you want to fund it. My advise is if you can get the state to do it do it. If not then do it the right way.

Norman Seabrook: If you are hired before 1988 you pay 11.8%. If you were hired after 1988 pay 6.61%. Again we want a working relationship with you. We would like to meet quarterly. We need to protect ourselves from what is coming after us.

Eliot: Wants to thank again everyone for coming. Hopefully the right thing will take place

tomorrow at the Board meeting.

Eliot introduced Bill Rouse, number cruncher from Washington, who also sat in on negotiations.

Bill Rouse: Regarding discussion on New York City 20 year self funded plan. Ours is a blended number. Their problem was they had 3 different funds. We are talking a 20 year self funding pension for all correction officers, sergeants, lieutenants and SHTA's. Same amount being paid by everyone. They tiered amounts being paid with hire date of 7/1/88 with new hires paying 6.11% with tendered officers paying 8.11%. Everyone was going to pay for their pension. Existing 10 year officers are going to pay a high percentage in a10 year period. They made the decision it was a pay as you go. That is a big difference from what we are talking about. We are forcing new hires to join the 20 year. They will be paying more then then 10 years. The fact sheet is a bare bones 20 year and out. The minimal cost to get a 20 year pension. Any changes on this fact sheet will cost more money.

Larry Weiss - Mid-Orange: They get the 1/60 after 20 years?

Bill Rouse: Yes, a bill was introduced for a 20 year. Only Tier I people will get 1/60. Tier 3 do not have 1/60 under the plan you have today.

Mike Iodice - Mohawk: Sure we do.

Bill Rouse: No you don't. I don't know all the ins and outs of your plan but I sat for approximately 6 hours with retirement people and my understanding is Tier 3 is 25 years half pay with no 1/60. If you leave after 15 you can take reduced plan at age 55.

Al Mothershed - Livingston: We have 25 years and out, no age

Bill Rouse: No I am talking if you leave after 15 years.

Bill reviewed the fact sheet he had passed out.

Any employee with less then 20 years could opt into program. If you have 20 years and 1 day you cannot opt in plan. You will have fixed window. Electing into plan is voluntary. You will only have one opportunity to decide. You have to evaluate your financial direction, family direction, what are you going to be doing 10 years from now. All new hires will have to participate in plan. They cannot participate in 3%, 25 year pension. It will have to be the 20 year higher contribution. We asked retirement for a number. They said 3.5%. 20 and out, no additional 1/60 would be 6.5%. It would be pre federal tax dollars but after state taxes. The vesting period remains 10 years. Employees who leave before 10 years get 100% of contribution dollars back. After 10 years you do not. Transfer into another agency it is not clear yet what would happen. We do not now about the extra 3.5%. They feel you would not get refund it would stay in the plan. Benefit would be as Tier 3 now. Pension benefit people regardless of age. Example: your plan now - person with 10 years making \$35,000, opts into the self funded plan. Also assume that his annual salary increases an average 2 percent every year. Under the 20 year plan, the employee would contribute \$355,409 between years 11 and 20, while under the 25 year plan the employee would contribute \$11,727.

Under this scenario the employee has paid an additional \$13,682 over ten years in order to retire at 20 years. If you opt into the 20 plan and decide not to retire at 20 years, you cannot. 13 1/2% was computed, you pay 6 1/2%. Once you get to 20 and you see you cannot afford to retire you cannot change your mind. Contribution will stay at 6 1/2%. I asked for estimate if we would allow people who cannot retire, could they get back to 25 and lower contribution to 3%. You could go down to 3% but could not get 3 1/2% back. She said it may increase the 3.5% a little. The other thing we asked them to cost out was 20 years with 1/60. The cost will be more then 3 1/2%

Larry Weiss - Mid-Orange: In Tier 3 after 25 years you get base salary plus 3%. With this you get base salary and no more.

Bill Rouse: You can structure it any way you want but it will cost. We can say we want 20 year with 1/60. You have to decide what you want, write a bill, and go back to the state. You write a bill for a pension plan it goes to ERS, they issue a fiscal note to the state, that fiscal note is only good for that session. This 3 1/2% may not be good anymore. She said the number probably would not change but I don't know that.

Eliot: This gives you a base line that you can begin to work with.

Jim Sandford - Fishkill: I always thought Tier 3 received 1/60, now you are saying no.

Bill Rouse: I am saying I am not the expert.

Mark Iodice - Mohawk: 1/60 at age 62

Ed Draves: Any age, 25 year, one half pay. We will check that out. But we can redesign with 1/50 or 1/60 etc. Each one of these things will cost. One of the things is, do we really want to self fund. You should also know Governor Patakie will have to run for re-election, he will not have allot of funds. Maybe some way he could be our friend. It in 1997 New York State is mandated to have a constitutional convention. When they PUC'd us on pension system we stopped it because the constitution said no public employee pension benefit could be reduced. No way can they reduce your pension. It in 1997 I am not sure what that convention will be like and what will come out of it. If we self fund before that it may work against us. They were trying to steaf our pension and the New York State constitution stopped them.

Bill Mammoliti - Butler CF: How would that affect Tier 2?

Bill Rouse: The same as everyone with less then 20 years.

Dave Stanson - Collins: This was sent out to local presidents about 3 or 4 months ago. At our meeting we came up with a vast difference between Tier 1 and Tier 3 retirement. Tier 3 is affected by that. State would love this. Its another divide and conquer. Who initiated the self funding of this.

Eliot: It happened at the end of the last session. There was an attempt by some leaders who were

saying if Council 82 could get it, it would help in negotiations etc. So those papers went out. A bill was produced. Some people were suggesting that would not be the place for our members.

Bill Rouse: This bill was never introduced. It was put together and put to ERS. It never went any where. It was never introduced. It would be \$231 million dollars a year for the state to fund a 20 year pension.

Bob McGeady - Downstate: I was told it was good for the 10,000 correction officers. That is the impression I got.

Eliot: That has not been related to us.

Bill Rouse: The 10 year correction officers have to contribute 8.11%.

Joseph Eames - Cayuga: How does this effect the 20 year increment?

Bill Rouse: This is the bare minimum.

Joseph Earnes: Why don't we put together one with all the frills, this one and a medium one. Put it out to the members and see what they want.

Bill Rouse: I don't know about no contribution at all. There are some things we cannot ask for.

Joseph Earnes: We are going to lose money by working more than 20 years.

Bill Rouse: They need to know how many people will go beyond 20. They can do that one initial bump in. But they cannot know when some one gets to 20 and cannot afford to retire.

Joseph Earnes: If you choose not to put more money in after 20, it has no bearing on it.

Bill Rouse: That's true for a new hire. It would be easy for new hires. We will find out.

Officer Freeman - Oneida: Why do you get penalized if you opt and stay after 20?

Bill Rouse: They have classified every one for a large group. If I had 19 years and this plan came to me I would pay 20% to get in.

Ed Draves: Tier 3 officer - if you work more then 25 you pay your 3%. It pays for the whole fund. Even if you pass this my guess is going to be you still have to pay 3% after 20 years.

Frank Arizmendi - Green Haven: In 1976 it wasn't 25 years it was age 62 with half salary. It took 6 years to change it. We have to get our foot into the door. They had opportunity to get into 20 year but we keep on talking 20 year. Tell them what the facts are, we gave them 2 choices, our people will choose.

Bill Rouse: In the past when you did changes the state paid for it. Any changes you make in the future you will pay for.

Frank Arizmendi: The City retirement system is broke. Mayor turned it down because they could not pay it.

Al Mothershed - Livingston: We need to do allot more homework on this. Tier 1 has good retirement system, Tier 2 is a little worse, but they pay nothing, Tier 3 we pay. Now we want to go somewhere else.

Eliot: No one here is recommending you do that. We have been asked for this information.

Mike Martino - Mid-Hudson PC: We need to look where we came from and where we are today. We have new paper now. We have come to SHTA's in same retirement as correction officers. There is an opportunity, because of money, we have talked about comparability, if you look at a self funded bill based on, with correction officers we have a 20 year self funding. If we go self funding I would like a fiscal note for SHTA's.

Mike Caponero - Ulster: Are you very quietly recommending we hold off?

Ed Draves: Bill Rouse is an economist. I want to talk about the political realities. You had an institution here were you were told 20 year was won. You were told we have won major pension victories here. This institution also told allot of people about the 20 year. You were never on the one inch line. That is a real problem. For the members they want to know why didn't we get the one inch. We were 55 yards away from it that is why. If you lie to the members and tell them we have this, it is not true. We have to look at the 231 million dollars. That is allot of money. Can we make it 23 million. I do think there is two big political things we have to remember. Patakie's running again and the constitutional convention. The economics for this state for the entire Patakie run sucks. I want us to realize we have a brand new Governor, we have not taken a shot as a unified union.

Mike Caponero: Why should we put more into new retirement if they are going to take it?

Ed Draves: What I am saying is its real complicated stuff. This meeting today is the most we have talked about it. We need to develop a plan and some real cost funding.

Bill Rouse: The City people came up and asked for help in 3/4 disability. You have to remember 3/4 also costs money. If its not done in the order, the cost for 3/4 disability is 1.3%. Once you pay for one benefit you will pay for all your benefits.

Eliot: If I hear you correctly, you want us to come up with some bares and ruffles, 1/60 opting out after 20 with questionnaire, showing them all, get it back to us and Ed and Eileen will have trade bills drafted as plan holder.

Mike Martino - Mid-Hudson PC: SHTA's should be included. Its all political. We need your

support.

#### Body agreed

Ed Draves: Assemblyman Dan Feldman has been chair of the crime and correction for 8 years. He did a terrific round of hearings for us. Did tour in Central New York, saw conditions, held 2 important hearings, we could talk about double bunking, staffing and TB. Those hearings led to passage of aggravated harassment. Saw expansion called for in DOCS budget.

Assemblyman Feldman: I wish my fate was in your hands. This year has been looking better for correction officers. One of the things that became clear in the hearings, we have a tremendous shortage of SHU cells. You cannot run a system without space. Based on those hearings I think we will be able to get allot of those SHU's done. Double celling we have opposed. I must acknowledge, if they are going to build a cell planning to house two, I cannot oppose that. Norman Seabrook spoke on privatization. You do not have that problem yet. To me its crazy. Years ago I looked at it. I found those companies take the money making inmates and leave you with the crazies. There has not been to date plans to privatize at the state level. TB infected nurses - we have made some head way in that area. Lots of new construction, we will probably continue to oppose. I will try to be a politician who will not talk too long.

Ken Seymour - Arthurkill: They want to privatize transportation.

Assemblyman: It may be a useful point.

Eliot: We appreciate your coming to our meeting. We have had several incidents in Green Haven, Coxsackie, Mt. McGregor etc. That is a main thing that will bring us to you. Our prime concern is the staff etc. These incidents are happening more and more.

Assemblyman: You make the cuts, you are guarantee this, that is what we are opposing. Talk to me, send me information, that is the best way I can help.

Eliot: We have another hour or so of work, do you want to take break or keep working? Body decided to keep working.

Labor/Management Agenda Continued:

#### Regional Medical Units:

Joe Kraft: I think everyone has this hand out. The list came from DOCS the other day. Attica 3 staff, Elmira 6, Green Haven 8, Mt. McGregor 1, Shawangunk 1, Sullivan 13, Wallkill 3, Otisville 3, Auburn 7, Great Meadow 2, Coxsackie 3

#### Body agreed to keep on agenda

Patricia Rybak - Eastern: Pertaining to transportation. I have six transportation right now and

no one has told me Ulster will be transporting.

Joe Kraft: I understand. They are telling us they are not taking anyone off the plot plan they will use them as they need them. The medical staff will be determining where the transporting will be going and who.

Patricia Rybak: I am looking to protect my six officers.

Joe Kraft: If they are not functioning in their post they will go into resource pool for that day.

Eliot: How do you want us to address this?

Patricia Rybak: I don't know. Those six people have to be protected.

Joe Kraft: They have said they are not touching the transportation officers yet.

Patricia Rybak: Why can't they share HUB transportation? Its not like Ulster has to be the whole transportation

Eliot: Maybe we should put it on again.

Joe Kraft: We might be protecting Eastern, what are we doing to Ulster?

Mike Caponero - Ulster: They will take six bid jobs at Eastern and say OK Ulster you have six new transportation officers.

Patricia Rybak: You are reception not transportation.

Mike Caponero: We are transportation.

Bob McGeady - Downstate: Downstate was to have all transportation, we lost physical people from Downstate to Ulster.

Joe Kraft: The Department is telling us they are taking no transportation people from Eastern. If we put it on the agenda they might take those six people and put them at Ulster. If they said we are going to lose the people at Eastern I would say yes.

John McCabe - Moriah: Moriah does not have transportation officers on plot plan. I am being told they will close posts not hire overtime. If we have trip going to Clinton, Adirondack or Coxsackie they are going to close posts. We do not have the bodies to do it.

Joe Kraft: That issue involves going to the Department and saying you need more people.

John McCabe: They will close a crew job and have you take a trip. When I say that's a fixed post they tell me we are doing it anyway. Go ahead and grieve it.

Officer McAdam - Franklin: Now we are back to a level where they go into resource pool. If a trip comes up they come out and do the trip.

John Seresky - Summit: We started sending trips to Walsh. 24 the other day. They left first thing in the morning, did not get back until after 5PM. They will not be paid overtime. We use to send them to Coxsackie etc. Now we are closing four officers posts down for the day.

Bill Branch - Adirondack: Got letter from Albany stating all medical trips will go from Clinton. They are trying to get resource pool so they can pay with people.

Larry Weiss - Mid-Orange: You have to be careful what you ask for. If you address those six items they say they might take them.

Joe Kraft: The only suggestion I could make if transportation is an issue the body wants to address then you put in on the agenda.

Chuck Restle - Marcy: We started it before. It doesn't work. We pass each other on the Thruway. We have the same amount as we had post HUB. Don't open a can of worms if you don't have to.

Joe Kraft: One of the most single issues that I hear is transportation. We don't have enough people to do transportation when facility is functioning at 50%. The RMV's will cause adjustment. I would not advise going in and then help them fix the problem. Unless we can fix it for everyone I would suggest we be very careful.

Patricia Rybak - Eastern: Drop it from agenda

# Body agreed to drop from agenda

#### **HEPA Respirators:**

John Stanforth: You have to meet the requirements to be approved to use a respirator. Employee must be clean shaven to meet the criteria for wearing HEPA respirators. This started two and a half years ago. We have not resolved the issue. Officers who wear respirators must be clean shaven. Resource pool - how many need to be clean shaven. What policy do we want to implement?

Joe Kraft: They are being sited now. Department of Labor will force them. DOCS position is all beards must go. I understand CSEA has made some kind of agreement on this. We are going to go back at labor/management. If we do not the agency will implement something. They will follow through with what the Department of Labor wants.

Eliot: We need to be able to get something that certain teams be involved.

Rodney Rivers - Altona: It in Plattsburgh they did a new study, nurses are not wearing them any

more. They were not any more affective then any other mask.

John Stanforth: They have other respirators now but it is still required that respirators be utilized when an employee is exposed to TB or suspected cases of TB...

Bill Branch - Adirondack: A transportation officer has to be clean shaven?

Joe Kraft: We all have to be clean shaven.

Eliot: They have not implemented it. That is their position.

Al Mothershed - Livingston: What kind of mask have they approved?

John Stanforth: There are several different ones. There are new NIOSH approved respirators to protect against TB. They are newly made in response to the criteria set by NIOSH. In the past there were no specific respirators approved to protect people from TB.

Dan Bates - Georgetown: I have two grievances pending on this at step 3. Two dorms no ventilation. We have officers turning fans on for air. Now they are saying we have to shave to work in the dorms. If we are going to talk about masks lets talk about fresh air in dorms.

Eliot: I don't think anything should prohibit us from talking about air as well as respirators.

Mike Caponero - Ulster: Wants to add to agenda. Being reception center, inmates need x-rays and TB testing. Inmates refused, put in SHU, they should be put in isolation. We have a couple of asshole doctors. If they are going to force everyone to shave we should all wear masks for 8 hours a day.

Richard Wagner - Oneida: Inmate under keep lock status. They let him out to go to hearing because it violated his rights not to be at hearing.

Bill Branch - Lyon Mt: We contacted John Standforth about our facility. Filed grievance - OSHA said they had to ventilate our facility. Two weeks before they were suppose to start they canceled because they did not have the money.

Bob McGeady - Downstate: If he refuses TB he goes in cell. He doesn't come out for nothing. If medical people need to move him they come to move him. We feed them under the door. We do not go into cell.

Eliot: Stick to HEPA respirators.

Someone from floor: Officer who works in those areas have to take physicals. Can they be pulled from their bid?

John Stanforth: If they are required to wear that equipment. We must find out how will this

effect job bidding? What happens if they cannot wear equipment? If you have a bid as transportation officer and have to do TB transportation, they would have to wear HEPA respirators. If they had beard or could not wear equipment, they would have to be removed from that trip. He should be able to stay on job except he could not be assigned to TB transports.

Someone from floor: If they pull these guys from their bids we need to know.

John Stanforth: When the Department talks about respirators they are talking HEPA respirators, SCBA and gas masks. You have to meet criteria. So they are saying anyone who in the course of there job, that must use equipment, have to be clean shaven. We need to deal with respirators and beards and how that effects job bidding and job qualifications.

Eliot: Anything else? We will keep that on list, Also with protocol and Wagner's issue.

# Body agreed

#### Crew Sizes:

Joe Kraft: It is at Beacon, Commissioner had size down to 10 to 12. Only Beacon has crew of 12 at Harlem Valley. We are looking to limit the number of inmates to 8 to 10 rather than 10 to 12.

Ken Seymour - Arthurkill: How many officers?

Joe Kraft: One. They are keeping them down pretty good. Has to do with inside/outside crews.

Paul Macko - Hudson: 24 crews from 5AM. Our minimum is 6 and we try to keep it between 6 and 10. Working at Empire Plaza, Campus, Training Academy etc. I don't want to see 10 and have them tell my officers you will have crews of 10.

Bill Mammoliti - Butler CF: 15 outside crews working in woods. One and one half hours from facility. They would force us to take 12 inmates. Through labor/management we got down to 10. 8 should be an adequate number. My concern is a health concern.

John McCabe - Moriah: Shock says crew size is a 12 man van and that it what you will take out. It is a safety issue and health issue.

Joe Kraft: My original thought was to reduce what we already have agreed to.

Motion by Mike Caponero (Ulster) with a second by Bob McGeady (Downstate) to change policy of 10 to 12 to maximum of 8 to 10 on both outside and inside crews. Lower as far as possible.

#### Discussion:

Someone from the floor: We should not use a number. Give Joe Kraft the right to go to meeting and see what he can get. Go as low as we can.

Bill Branch - Lyon Mt: We have 5 crews that go out. Directive said 10 inmates 2 staff in van.

Albany sent memo saying keep the crew at least 10 men at all times.

John Seresky - Summit: On ground crews right?

Joe Kraft: Outside crews - these are all outside crews however they are working inside buildings some times.

John Seresky: Our outside crews are kept down to 6 to 8.

Joe Kraft: I am not suggesting we change the number only the number of max being lowered. We want to insure where places are doing 12 it can come down a little.

Dan Bates - Georgetown: Our camp is all work release. Through labor/management we are down to 10. Our vans are for 8.

Mary Fallon - Groveland: Do they get extra funding for outside crews?

Someone from the floor: At our facility they get 54,000 a year for each crew.

Move Motion - Metion passed

#### Jury Duty:

Bob Hite: Last legislative session law was 5.12 of Judicial Law, effective 1/1/96 correction officers are no longer exempt from jury duty. We need to sit down and negotiate a policy. There is a directive that deals with it but it was fashioned for a time and group that was exempt.

Warren McMillan: Major concern is afternoon or evening shifts. If they are on jury duty they will have to come in and do those shifts.

Bill Vega - Sing Sing: We will say you had the option now

Warren McMillan: They can do that now. You have some officers who served on jury duty and are coming back to work. Unless you are a witness.

Larry Weiss - Mid-Orange: If you go on jury duty, wouldn't that count as time worked?

Warren: Nothing protects that. To deal with this we need to deal with the change in the law.

Tony Cola - Queensboro: When an officer goes to jury duty they need to turn over their check to the state. If you are on the wheel you have to work Saturday and Sunday, he would be entitled to overtime.

Bob Hite: You do not have to turn the check over if you go to jury duty and you are on RDO.

Tony Cola: But if you are on the wheel you have to work Saturday and Sunday you should get overtime. They used to change squads.

Bob Hite: Technically there is nothing to prevent the state from putting you on the wheel so as to avoid the paying of that extra time.

Teddy Braithwaite - Bayview: I served on jury duty. You are required to report for work Monday through Friday they have to pay overtime for Saturday and Sunday.

Eliot: We will check it out and see.

Mark Iodice - Mohawk: Did jury duty change in the new contract?

Eliot: No

Warren: The problem is if you work afternoon and evening shifts.

Motion by Curt Bowman (Clinton) with a second by Frank Arizmendi (Green Haven) while on jury duty you work 8 to 4, with weekends off.

Discussion:

Joe Kraft: Some of the guys on 3 to 11 do not want their shifts changed.

Ken Seymour - Arthurkill: Why would a guy want to work 3 to 11 when he works 8 to 4.

Jack Engelhardt: The directive says (Jack read directive) I can tell you that the note you get when you are on jury duty says dates not time. If you change 9 to 4 weekends off, you have to report as miscellaneous.

Bill Vega - Sing Sing: Does the directive say that?

Jack Engelhardt: You will not get a note saying you were on jury duty. If you are changing your shift what option do they have.

Bill Vega: You said people are made to work 3 to 11, the directive says they are to be given the day off. The contract says they are to get time off.

Jack Engelhardt: If you serve on jury duty during the day you do not have to report 3 to 11 that night. When you get done with jury duty for two hours allot of people are calling in and saying what do I do now? They are told to report to work.

Richard Wagner - Oneida: The issue is only if you had to work your two days off your work week ends if you have Monday and Tuesday off.

Mark Iodice - Mohawk:

Warren made a statement Jack made another.

Jack Engelhardt:

Directive 2209 2A6 - the note from the clerk does not say time. If you work

8 to 4 they will not change you to 3 to 11.

Curt Bowman:

I am totally confused. The lieutenant changes days off etc.

Jack Engelhardt:

If you work 3 to 11 you like it. If we change it to 8 to 4 the days you are off

jury duty you have to work miscellaneous 8 to 4.

Curt Bowman:

They have to give you time off under directive. If you are on jury duty 9 to

11 what will they do?

Jack Engelhardt:

They will tell you to report for work at 3

Eliot read directive again. The issue we need to deal with is the word "may" it should be "shall"

Bill Vega:

What about Article 7?

Warren:

You are going into new ground. Transportation officer going to Buffalo from

downstate.

Joseph Earnes - Cayuga:

What is it you are asking us? We do not have allot of information on

this. Are you asking us to keep this one here and then bring it back to them

Eliot: No we will bring back what we have accomplished.

Joseph Eames:

You should have given us allot more information then you did.

Eliot: It is my understanding that previously we put the list out and go forward. The language says they "may" it doesn't say they "shall" give you the time.

Someone from the floor:

Do we have a date for labor/management meeting

Eliot: No

Curt Bowman - Clinton:

Wait till we have elected officers.

Eliot: We can discuss that.

Motion defeated

Motion by Mark Iodice (Mohawk) with a second from Frank Arizmendi (Green Haven) to change the work "may" to "shall" in directive 2209 #6.

#### Discussion:

Bob Hite:

You have a potential loop hole in the directive that the Department can not change

RDO's.

# Motion passed

#### Electric Fences:

Eliot: No post should be taken down. They thought they could put up electric fences. They are talking potential impact. Closing towers 88 - 200 items, our position has been you really need these posts. Do we know its going to work. Don't take down posts, do not remove item. Are we on right track?

Curt Bowman - Clinton:

What did the State say?

Eliot: They have not selected location yet

Curt Bowman:

They are going to start in four months, closing towers etc.

Eliot: They are assuming they will get it in budget.

Curt Bowman:

So I can tell my members they have no budget for it?

Eliot: They are trying to send it to the legislature. Anything else?

Bill Branch - Lyon Mt.:

It will also save money because they will close towers.

Eliot: We will not agree to that.

Jim Sandford - Fishkill:

We can go to the press and say do you want Con Ed to be your

protectors

Eliot: Bob Lawson could do a mock press release on that.

# Body agreed

#### Division for Youth Conversion:

Starting in April they are going to take 18 and 19 year olds into the system, 16 and 17 years olds will be taken into our system. 13, 14 and 15 year olds will be left with Division of Youth. Greene is going through construction.

Eliot: I suggest we keep it on agenda.

Mike Caponero - Ulster: Half of them are coming in. We have approached it at labor/management and we got a song and dance. They will probably be classified max.

Eliot: We should talk about how inmates are being classified.

Mike Caponero: A PEF person wanted to know how we treated these people. They are told they were treated the same.

Joe Kraft: Greene has multiple murderers now. May be new topic.

Eliot: Makes sense to do it.

Department Investigations/Issuance of Directive 0102

Warren McMillan: IG hearings at your facility - We have had problems at Oneida, Clinton, etc. We want union representation at all IG hearings. We are looking at a reviewer instead of writer. We are saying he is entitled to union representation if he wants one.

Mike Caponero - Ulster: You have to add internal investigation.

Teddy Braithwaite - Bayview: Is it true that they have to give you 48 hours notice?

Eliot: 24 hours

Warren: They have concerns with murders or suicides which will be a problem.

Ken Seymour - Arthurkill: Captain wants two from management, they do not want union there.

Eliot: OK

Bob Hite: Directive 0102 is something we are going to cover with staffing. 0102 just explains what the rights are. If you are compelled to answer questions you get 0102. They do not have to give that to you but they will if you ask for it.

Eliot: T&A

Bob Hite: There has been an issue about department requiring documentation, what that is really, changes at facility level rather then state level. It in 1987 Bischert negotiated the guidelines. They are now starting to insist on confidentiality. It will be a discussion. You have implied consent. You implied consent to give up some information. You do not have to go into drug programs. Most facilities do not have the problem. You can not say absolutely not.

Frank Arizmendi - Green Haven: Has problem with that. They will open up the notes, give it to secretary, give to file clerk etc.

Bob Hite: We did discuss the procedure. Whether you consent or not they have to talk about procedure and safeguard the confidentiality. Tell your people to tell their physicians to be generic if its not enough go back.

Frank Arizmendi: We have good employees, why are you punishing good employees. If they have a problem officer go after that officer not everyone.

Al Mothershed - Livingston: Once this gets past confidentiality now you have a deputy superintendent take your documents and determine if your fit for duty, overrule your physician.

Bob Hite: He will send you to EHS. We have 14.11 so you will not be hung out to dry. If you are out for a period of time its your 10/20 rule.

Al Mothershed: What if I exercise my family medical leave?

Bob Hite: All that says is its leave without pay. If you don't want to get paid for the time your off. There is always a fitness for duty question.

Mike Caponero - Ulster: Why can't I bring a note that says I was at the doctor's office today?

Bob Hite: Fitness for duty issue. This is not like we are starting from scratch, we have a T & A guideline in place.

Eliot: You have to document for us cases where its going on.

Teddy Braithwaite - Bayview: Officer injured, claimed sent to state insurance fund for evaluation. Doctor examined him, doctor said sprain, could report to duty. Another doctor said pinched nerve. Captain said you have to report for duty. Where is the appeals board?

Jack Engelhardt: Its compensation. We did not have appeals panel until last ratification of contract. I am working on a case where a man crushed his toe. None of the people at work said anything about crushed toe. He has been asked to FAX any information about it to us. He has not. We have to meet with the Governor's Office to send out bids for physicians to do this for us. If a guy needs appeal its done between me and John Standforth. Nothing in documents says anything about his toe.

Someone from floor: I hear fit for duty. I bring note saying fit for duty before I return to work.

Bob Hite: The state has a right to make individual determination of your fitness for duty. They do not have to rely on your doctor. That's why we have EHS doctors. Your doctor initiates process. You get questioned when you come back in.

Mark Iodice - Mohawk: Had problem with time slips. Did some research on labor/management back to 1986. Unless you are a time abuser they do not need doctor slips.

# Hardship Transfers:

Eliot: Gave example of an officer's wife is dying of cancer. Home in Buffalo, works at Midstate, 60 to 70 people ahead of him on list, wanted to get back to Buffalo. Policy is you have to go to each person on list. One person could veto it. Do you want to deal with this. Do you want to set up a committee on this. The DOCS says the union is responsible for this. We have not looked at this issue. I promised this person I would bring it up here.

Chuck Restle - Marcy: Dealt with issue where he wanted a leave of absence, it was denied. We cannot do anything about it here. You need a committee to look into it.

Eliot: I am only talking about setting up committee to look at it.

Mike Caponero - Ulster: Do not touch it, agency could do more.

Curt Bowman - Clinton: I don't think we should shoot it down right now.

Larry Weiss - Mid-Orange: What is a hardship to one person might not be hardship to another. I do not think there should be any allowance.

Motion by Joseph Eames (Cayuga) with a second by Dan Bates (Georgetown) to set up committee to research and bring their findings back to this forum.

Discussion:

Bill Branch - Lyon Mt: Would like to wait until a Correction Policy Chairman is elected.

Joe Scott - Coxsackie: I agree it will open up a can of worms

Chuck Restle - Marcy: Is it a standing committee forever?

Eliot: No, it would report back to you

#### Motion passed

Eliot: The only issue we did not bring up

Frank Arizmendi - Green Haven: Will be making some motions tomorrow. Had two officers die. Will be requesting Council 82 pay for families hotels and transportation. Also give letter to Officer Rushford - get it to Governor. Also, in 1984 we took people out of union. I would like to see them come back reinstated the TUFCO people. Also we would like to see the staff contract.

Jack Engelhardt: On transfer list - December 1995 Joe Eames called and said couple of people not part of revision. Allot of people left off revision. We called Bruce Baker and found it to be 202 people. Grievances started coming in. Talked to Commissioner Coombe. They have corrected that

problem. You may hear some people are 2 or 3 slots lower. It was corrected to make it right. We are in the process of negotiating new procedure. It will get their by FAX. You have up until the day before cut off and a designated person would FAX it.

Motion by Mark Iodice (Mohawk) with second by to move Mohawk from Central Region to Western Region. Motion passed.

Jack Engelhardt: Scramble system for promotions - the problem is your scramble stays with you for the rest of your career. The DOCS is willing to do scramble each time you take promotional exam.

Larry Weiss - Mid-Orange: Why can't they scramble by seniority?

Jack Engelhardt: We talked about that, there was a snag with Civil Service. We wanted to go to point system, they said absolutely not. The problem with seniority is when you take a promotion you are already using it for certain points.

Bob McGeady - Downstate: They took 3 points away from me. I got 88 I am in 85 scoring.

Bob Hite: The argument is you are already given seniority points when they do the raw score.

Eliot: Other issue - Ed and Eileen wanted to go over allot of things with you. What do you want to do with scramble, keep it in Labor/Management?

# Body agreed to leave it on the agenda as straight seniority.

Eliot: I suggest each region pick 5 people. Someone also said to wait until you have officers. If you do not trust each other to send 5 people from each region, its your call. If you want to wait fine but people have been telling me we need a policy committee meeting, allot of issues coming up. Allot of issues and they need to be dealt with. We have gone for 7 hours getting information. Allot of work is going on. I will deal with the issues any way you want, but you said you wanted a meeting as soon as possible.

David Doty - Ogdensburg: It is not necessary to try and streamline, I think two from each region is plenty.

Bill Branch - Lyon Mt: Coughlin had it divided up as max, medium, minimum and camps

Eliot: This is were you have to decide

Bill Branch: We have always agreed to it.

Eliot: Do we have separate meetings with each group?

Bill Branch: That is what we said

Eliot: So?

Jack Engelhardt: This agenda effects everyone. Maybe we should do everyone this time and from here on go down to each group.

Eliot: How many on committee?

Motion by Joe Scott (Coxsackie) with a second by Chuck Restle (Marcy) to make committee 5 per region. Motion passed.

Eliot: Do you want to deal with this now or after the election.

Mike Caponero - Ulster: No we do have an elected vice chairman. Have a meeting as soon as possible with vice chairman chairing meeting.

Eliot: Meeting as soon as possible with Louie Delmonte chairing meeting

# Body agreed

Mike Caponero - Ulster: Correction policy needs a treasurer and secretary - now is the time to do it.

Eliot: You have to complete that after your elections

Motion to adjourn. Passed

Meeting adjourned at 8:35PM



# CORRECTION POLICY COMMITTEE New York State Law Enforcement Officers Union, Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIÓ

HOLLIS V. CHASE BUILDING 63 COLVIN AVENUE, ALBANY, N.Y. 12206 (518) 489-8424 (518) 489-8430 FAX

Chairman John Butler

Vice Chairman Patricia Rybak

Secretary Mike Mikulak

Treasurer Mike Caponero

Trustoes Raiph Mannetta John Kurtelawicz Çhristopher Hickey

Sergeant at Arms Dan Kane

# MEMORANDUM

TO:

All Correction Policy Presidents

FROM:

John Butler, Correction Policy Chairman

DATE:

June 26, 1998

SUBJECT:

Correction Policy Minutes for May 12, 1998

Attached are the minutes taken by Mike Mikulak, Correction Policy Secretary at the Correction Policy meeting on May 12, 1998 at Alexandria Bay. A stenographer was scheduled to attend, however, she didn't show up due to a mix up on the dates. The original meeting was scheduled for May 13, 1998. One was present for the Executive Board meeting which was originally scheduled for May 14, 1998 but was moved up to May 13, 1998.

A previous package has been sent out to all Correction Policy Presidents on the Labor/Management meeting which contains the update given by Vice Chairman Patty Rybak at the Correction Policy meeting.

JB/cb Attachment

# MINUTES OF MEETING HELD ON

#### MAY 12, 1998

# Mike Graney:

Was talking about the upgrade. There is no guarantee, we are still working had on it.

Civil Service has put out a survey about the upgrade. They have picked 900 members to do the survey.

# Mike Caponero:

Went over the Treasurer's Report. There is \$58,112.00 on hand.

#### Local 399:

Why is there so many CD accounts?

# Mike Caponero:

Try to get as much interest as possible.

#### Dick Whitford:

Motion to accept.

# Local 738:

2nd Motion. It was carried.

#### Ralph Mannetta:

Went over books (audit) this morning. All monies were accounted for. When regions have meeting, would like to have sign in sheets handed in. Also, all checks should have vouchers.

# Andy Guynup:

We still have a cap of \$250.00. Yes.

#### John Butler:

Talk about State Labor Management meeting. I feel it was a good meeting. Any suggestions to make it better. Any questions on the meeting itself.

#### Dick Whitford:

What happened to the open forum minutes?

# Patty Rybak:

We are still talking with the State on them. You will receive them in the near future.

#### Local 1406:

How can we get the Commissioner to come to more meetings (max, med, min)? Is there a mandate for the Commissioner to attend?

#### John Butler:

Has to attend two meetings. The Commissioner has agreed to this.

#### Local 1406:

Make a motion to have all State Labor Management meetings as a whole; 2nd carried.

#### Mike Alphonse:

I brought up the batteries issue. The Department came down. I feel nothing is being done.

#### Patty Rybak:

Read this document. We will also look into this.

#### Local 3551:

Would like the Department to come up with a system (batteries).

#### Jim Littlefoot:

Mr. Grier from the Department is responsible to give out batteries to each facility.

#### Dick Wagner:

Our facility came up with a system, every battery has a number on it, the same as radio.

#### Groveland:

Try to get a video to show us how batteries are (rotate, charged, tri-analyzer). Also the vehicle radios.

#### Louis Delmonte:

Did State get a new bid on batteries?

# Patty Rybak:

Has new list for new radios in 1998. Jim Gersion is in charge of batteries-432-2627.

#### Mike Garcia:

Why are they still pulling my rover?

## Patty Rybak:

Have a memo addressed to your superintendent informing his supervisors not to pull the rover.

#### Patty Rybak:

Read a memo about vehicles.

#### Bill Branch:

Having problem with vacation. Mrs. Austin wants to change vacation-relief officer from Squad 8 to on the wheel. Also, trip officers are not allowed to take trips if they are off the weekend.

# Randy Page:

If facility is filling jobs every day, give them temporary bids.

Jim Littlefoot:

Discuss detached service - officers that are filling there job on a temporary basis. It should be permanent. What is the Department's answer?

John Butler:

I am compiling information on detached services.

Patty Rybak:

Would like to bring you up to date of what we are working on. Gave an update on Labor/Management meeting in a separate package to Correction President's.

Mike Garcia:

Why are Lt's. in Labor Management?

Larry Weiss:

Made motion that Correction Policy Article 10 the Lt's.

Local 399:

2nd.

Larry Weiss:

Rescinded his motion.

Bob Hite:

Article #10 has to be done by a person.

Joseph Paul:

The Commissioner hasn't done anything he said he will do at the State Labor meeting.

Mark Lewandowski:

The Department said Sgt.'s and Lt.'s. are Management. I want Correction Policy to do something about the State Labor meeting we had. Not this lip service I feel we are getting from the Department.

# Larry Weiss:

Motion made that Bernie Smith can speak. 2nd - carried.

Bernie Smith:

Won partial victory that Sgt.'s and Lt.'s have the right to discuss problems with CO's (like to new S.H.U.). If there is an issue in Labor Management, just bring in the Lt. to answer it. Then he should leave.

Dan Grant, Local 1406:

Labor Management (max, med, min) Let's commit. I make a motion that Sgt.'s, Lt.'s and CO's in Council 82 that we are one and extend an invite to the Sgt., Lt., back into Correction Policy. 2nd.

Open Discussion:

There was a open discussion about the Sgt.'s and Lt.'s from them being part of Council 82 - to them discipline CO's. Also checked with Bob Hite.

Dick Whitford:

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Motion to table the motion - 2nd by Mark.

Dan Grant, Local 1406:

Rescinded his motion.

John Butler:

Frisk gloves, would like someone to make a motion.

Tom Love:

Motion made that Correction Policy buy 375 frisk gloves, and to be sold back to the members at cost.

Scott Brown:

2nd. Discussion.

# Al Fayle:

Wants to know why we are bringing this up again. The State should buy them. We should file a law suit.

#### John Butler:

We are looking into legals.

#### Local 3551:

It's nice if you buy your own gloves, but if there is a UI, and you have gloves that are not approved, your job is on the line.

#### Local 1136:

We brought something that our local needed, then the State paid our local back because they felt there was a need.

#### Local 2566:

Are these gloves approved by the Department? Yes.

#### John Butler:

This is just guarantee payment to the company so we can buy them. Those in favor?

# Larry Weiss:

Motion to have roll call vote (failed).

#### Larry Weiss:

Appeal roll call vote - Division of House.

#### Local 1406:

If there is a need for these gloves, then the State should buy them. If it is a safety need, the State has to give us a safe place to work.

John Butler:

All in favor. 27 against 22.

By-laws - go to your regional meeting.

Tom Love:

Made motion to have Correction Policy to reimburse Wyoming \$1,700.00 for a picket held on March 4, 1998 - with approval of itemized receipts.

Pete Littlefield:

2nd. Carried.

Pete Littlefield:

Made motion that Council 82 reimburse Correction Policy for Statewide Labor Management meeting held on April 6, 7, 8, 1998.

Kingston Bachert:

2nd. Carried.

Don Rowe: Motion

Whereas, on numerous occasions in the past, there have been misunderstandings and alleged errors committed in the written minutes of previous meetings of the Correction Policy Committee which have been time consuming to correct and the source of heated debate sometimes culminating in accusations of official misconduct. To end this problem, Local 1264 proposes the following remedial process.

Be it moved that all future motions of substance, and amendments to such motions affecting policies, fiscal disbursements, and matters relating to the conduction of business of this committee be submitted in writing to the presiding officer of the meeting coincident with the motion's or amendment's verbal introduction on the floor of the meeting. Such written submissions should include the maker's name and local name and number. Seconders of motions or amendments will be added by presiding officer.

Exempted from the provisions of this motion are procedural motions whose sole purpose are to affect the conduction of the meeting in session, such as motions to adjourn, accept reports and minutes, moving motions or motions for division of the house and/or roll call votes.

Jim Littlefoot:

2nd. Motion defeated.

Rick Beal:

Motion that this body goes to the Executive Board to seek outside council to file a law suit against the State to seek restitution on behalf of the aggrieved officers on the current Sgt.'s. list.

Michael Alphonse:

2nd. Motion carried.

Dan Grant, Local 1406:

Made motion that this body endorse a policy that any statement mailed out in a letter from a Council 82 executive committee member to be considered derogatory in nature be reviewed and approved by the executive committee.

Jim Littlefoot:

2nd. Motion passed.

Dick Whitford:

Motion to adjourn. 2nd. Carried.

#### ADIKONDACK CORRECTIONAL FACILITY

#### Back To Map

Medium (Male) Michael Giambruno, Superintendent Box 110

Ray Brook, New York

12977-0110 (518) 891-1343

Local 866 Richard Wittford -President Staff Rep. White

#### ALBION CORRECTIONAL FACILITY

#### Back To Map

Medium (Female) plus AnnexAnginell Andrews, Superintendent 3595 State School Road Alhion, New York 14411 (716) 589-5511

Local 923 Barry Pawlowski -President Staff Rep. Kuligowski

#### ALTONA CORRECTIONAL FACILITY

#### Back To Map

Medium (Male) Ismael C. Colon, Superintendent Box 125, Devil Den Road Altona, New York 12910 (518) 236-7841

> Local 1660 Randy Barie - President Staff Rep. Sears

ARTHUR KILL CORRECTIONAL FACILITY

#### Back To Map

Medium (Male)
Bert Ross, Superintendent
2911 Arthur Kill Road
Staten Island, New York
10309-1197
(718) 356-7333

Local 2398
John Schiavone President
Staff Rep. Hill

#### ATTICA CORRECTIONAL FACILITY

#### Back To Map

Maximum (Male)
Walter Kelly, Superintendent
Box 149
Attica, New York
14011-0149

(716) 591-2000 Local 1040 Richard Harcrow -President Staff Rep. Ottaviani

#### AUBURN CORRECTIONAL FACILITY

#### Back To Map

Maximum (Male)
Hans G. Walker,
Superintendent
Box 618, 135 State Street
Auburn, New York 13021
(315) 253-8401

Local 1447 Bruce Delaney -President Staff Rep. Lesniak

#### BARE HILL CORRECTIONAL FACILITY

#### Back To Map

Medium (Male) plus Annex Peter Lacy, Superintendent Caller Box #20, Cady Road Malone, New York 12953 (518) 483-8411

Local 3552 Art Jolley - President Staff Rep. Sears

#### BAYVIEW CORRECTIONAL FACILITY

#### Back To Map

Medium (Female) Dennis Breslin, Superintendent 550 West 20th Street New York, New York 10011-2878 (212) 255-7590

> Local 2825 Steven J. Bonello -President Staff Rep. Hill

# BEACON CORRECTIONAL FACILITY

#### Back To Map

Minimum (Female)

Napolean Mitchell,

Superintendent

P.O. Box 780

Beacon, New york 12508-0780

(914) 831-4200

Local 3791

Mike Garcia - Presid

Mike Garcia - President Staff Rep. Beachy

BEDFORD HILLS CORRECTIONAL FACILITY Reception & Classification Facility

```
Back To Map
```

Maximum (Female) Elaine Lord,

Superintendent 247 Harris Road

Bedford Hills, New York

10507-2499 (914) 241-3100

Local 1265

Eric Ford - President

Staff Rep. Beachy

#### BUFFALO CORRECTIONAL FACILITY

#### Back To Map

Minimum (Male) Lyle Starkweather, Superintendent P.O. Box 300

Alden, New York 14004

(716) 937-3786

Local

Dennis Harrington -

President

Staff Rep. Middaugh

# BUTLER SHOCK INCARCERATION

FACILITY

#### Back To Map

Minimum (Male)
Daniel Alexander,
Superintendent
P.O. Box 388, Route 370
Red Creek, New York 13143
(315) 754-6216

Local 3706

Roger Wood - President Staff Rep. Lesniak

#### BUTLER ASACTC

Back To Map

Medium (Male)

Local 3690 Mike DeAngelis --President Staff Rep. Lesniak

#### CAPE VINCENT CORRECTIONAL FACILITY

# Back To Map

Medium (Male) Floyd Bennett, Superintendent Route 12B, Box 599 Cape Vincent, New Yo

Cape Vincent, New York 13618

(315) 654-4100

Local 3539 Pat Pratt - President Staff Rep. Sawyer

CAYUGA CORRECTIONAL FACILITY

```
FACILITY
             Back To Map
                           Medinm (Male)
                           Thomas Eisenschmidt,
                            Superintendent
                            P.O. Box 370
                            Scotch Settlement Road
                            Gouverneur, New York
                            13642-0370
                            (3),5)287-7351
                                      Local 3691
                                       Greg Nichols - President
                                       Staff Rep Sawyer
             GOWANDA CORRECTIONAL
             FACILITY
             Back To Map
                            Medium (Male)
                            Mel Williams,
                            Superintendent
                            P.O. Box 350
                            Gowanda, New York 14070
                                       Local 3986
                                       Tom Love - President
                                       Staff Rep. Kuligowski
             GREAT MEADOW CORRECTIONAL
             FACILITY
             Mental Health Facility
             Back To Map
                            Maximum (Male)
                            James Stinson,
                            Superintendent
, ),)
                            Box 51
                            Comstock, New York 12821
                            (518) 639-5516
                                       Local 1279
                                       Terry DeLuca -
                                       President
                                       Staff Rep. White
              GREENE CORRECTIONAL FACILITY
             Back To Map
                            Medium (Male) plus Annex
                                                    Bab Wood 5 DSS. - Giler
                            Arthur A. Leonardo, -
                            Superinendent
                            P.O. Box 8
                            Coxsackie, New York
                            12051-0008
                            (518) 731-2741
                                       Local 2691
                                       John VanErp -
                                       President
                                       Staff Rep. Zeller
              GREEN HAVEN CORRECTIONAL
              FACILITY
             Back To Map
                             Maximum (Male) plus Annex
                                                       Secty adell
الأر
                             Christopher Artuz,
                             Stormville, New York 12582
                             (914) 221-2711
```

Local 152 Jerry Surber - President Staff Rep. Zeller

Back To Map Medium (Male) Joseph McCoy, Superintendent P.O. Box 1150 Moravia, New York 13118 (315) 497-1110 Local 3551 Thomas Mulhern -President Staff Rep. Ottavania CHATEAUGAY ASACTC Back To Map Medium (Male) John Sabourin, Superintendent P.O. Box 320, Route 11 Chateaugay, New York 12920 (518) 497-3000 Local 3687 Brad Perrotte - President Staff Rep. Sears CLINTON CORRECTIONAL FACILITY Back To Map Maximum (Male) Daniel Senkowski, Superintendent Box 2000 Dannemora, New York 12929 (518) 492-2511 Local 1272 Andy Guynup -President Staff Rep. Sears COLLINS CORRECTIONAL FACILITY Back To Map Medium (Male) Victor Herbert, Superintendent Helmuth, New York 14079-0200 (716) 532-4588 Local 1406 Ron Dowdall - President Staff Rep. Kuligowski COXSACKIE CORRECTIONAL FACILITY Back To Map Maximum (Male) Dominic Mantello, - Seeky - Scane Superintendent Box 200 West Coxsackie, New York 12051-0200

DOWNSTATE CORRECTIONAL FACILITY

(518) 731-2781

Local 1264 Steve Murdaz -President

Staff Rep. LaDuke

Maximum (Male)
John McGuiness,
Superintendent
P.O. Box 445
Fishkill, New York 12524-0455
(914) 831-6600
Local 399
Robert McGeady President
Staff Rep. Beachy

#### EASTERN CORRECTIONAL FACILITY

#### Back To Map

Maximum (Male) plus Annex Robert Mitchell, Superintendent P.O. Box 388 Napanoch, New York 12458-0388 (914) 647-7400 Local 1041 Jose Martinez -President Staff Rep. LaDuke

EDGECOMBE CORRECTIONAL FACILITY

#### Back To Map

Minimum (Male)
Alexandreen Dixon,
Superintendent
611 Edgecombe Avenue
New York, New York
10032-4398
(212) 923-2575
Local 1996

Local 1996 Raymond Hall -President Staff Rep. Hill

ELMIRA CORRECTIONAL FACILITY
Reception & Classification Facility

# Back To Map

Maximum (Male) Floyd Bennett, Superintendent Box 500

Elmira, New York 14902-0500

(607) 734-3901 Local 1240

Kingston Bachert -

President

Staff Rep. Middaugh

FISHKILL CORRECTIONAL FACILITY

Back To Map

Medium (Malc) Wayne Strack, Superintendent P.O. Box 307 Beacon, New York 12508 (914) 831-4800 Local 1255 Michael Alphonse -President Staff Rcp. Beachy FRANKLIN CORRECTIONAL FACILITY Medium (Male) plus Annex Charles Dufrain, Superintendent P.O. Box 10 Malone, New York 12953 (518) 483-6040 Local 3355 Raymond Head -President Staff Rep. Sears FULTON CORRECTIONAL FACILITY Back To Map Minimum (Male) Frank Headly, Superintendent 1511 Fulton Avenue Bronx, New York 10457-8398 (718) 583-8000 Local 1996 Raymond Hall -President Staff Rep. Hill GABRIELS (CAMP) Back To Map Minimum (Male) James Murphy , Superintendent P.O. Box 100 Gabriels, New York 12939-0100 (518) 327-3111 Local 1285 Doug Kipping -President Staff Rep. White GEORGETOWN (CAMP) Back To Map Minimum (Male) Wilfredo Batista, Superintendent R.D. #1, Box 48 Georgetown, New York 13072-9307 (315) 837-4446 Local 1876 Wayne Strader -

President

GOUVERNEUR CORRECTIONAL

Staff Rep. Patterson

Back To Map

```
GROVELAND CORRECTIONAL
FACILITY
```

#### Back To Map

Medium (Male) plus Annex

Timothy Murray, Superintendent

Route 36, Sonyea Road

Sonyca, New York 14556-0001

(716) 658-2871

Local 2566

Fred Backer - President Staff Rep. Middaugh

#### HALE CREEK

Back To Map

Facilty Address

Local 3703

Donn Rowe - President

Staff Rep. Kraft

HUDSON CORRECTIONAL FACILITY

Back To Map

Medium (Male)

Herbert McLaughlin,

Superintendent

Box 576

Hudson, New York 12534-0576

(518) 828-4311

Local 738

John Leone - President

Lenne Succession DSS

Staff Rep. LaDuke

JOHNSTOWN ASACTC (HALE CREEK)

Back To Map

Medium (Male)

Hazel Lewis,

Superintendent

279 Maloney Road

Johnstown, New York 12095

(518) 736-2094

Local 3703

Donn Rowe - President

Staff Rep. Patterson

LAKEVIEW SHOCK INCARCERATION

FACILITY

111

Back To Map

Minimum (Male/Female)

Ronald Moscicki,

Superintendent

P.O. Box T

Brocton, New York 14716

(716) 792-7100

Local 3613

Louie Delmonte -

President

Staff Rep. Kuligowski

LINCOLN CORRECTIONAL FACILITY

```
Back To Map
               Minimum (Male)
               Joseph Williams,
               Superintendent
               31-33 West 110th Street
               New York, New York
               10026-4398
               (212) 860-9400
                           Local 1996
                           Raymond Hall -
                           President
                           Staff Rep. Hill
LIVINGSTON CORRECTIONAL
FACILITY
Back To Map
                Medium (Malc)
               Paul Belinier,
                Superintendent
                P.O. Box 49
                Sanyea, New York 14556
                (716) 658-3710
                           Local 3714
                           Paul Youmans -
                           President
                           Staff Rep. Middaugh
LYON MOUNTAIN CORRECTIONAL
FACILITY
Back To Map
                Minimum (Male)
                Earl Couture,
                Superintendent
                Box 276
                Lyon Mountain, New York
                12952-0276
                (518) 735-4546
                           Local 300
                           Bill Branch - President
                           Staff Rep. Sears
MARCY CORRECTIONAL FACILITY
Back To Map
                Medium (Male)
                Carl Smith,
                Superintendent
                P.O. Box 500
                Marcy, New York 13403
                (315)768-1400
                           Local 3559
                           Chuck Restle - President
                           Staff Rep. Patterson
MID-ORANGE CORRECTIONAL
FACILITY
Back To Map
                Medium (Malc)
                Henry Garvin,
                Superintendent
                900 Kings Highway
                Warwick, New York
```

10990-0900 (914) 986-2291

Local 2998

```
- President
Staff Rep. Cambareri
MID-STATE CORRECTIONAL
FACILITY

Back To Map
Medium (Male) plus Annex
Joseph Costello,
Superintendent
P.O. Box 216
```

Marcy, New York 13403-0216

(315) 768-8581 Local 2169

Joe Healt - President

Staff Rep. Lesniak

#### MOHAWK CORRECTIONAL FACILITY

#### Back To Map

Medium (Male)
Walter Evans,
Superintendent
P.O. Box 8450
6100 School Road
Rome, New York 13440
(315) 339-5232

Local 3623

Al Fayle - President Staff Rep. Patterson

# MONTEREY SHOCK INCARCERATION FACILITY

#### Back To Map

Minimum (Male) John Burge, Superintendent R.D. #1

Beaver Dams, New York

14812-9718 (607) 962-3184

Local 3705 Dave Bonham -President

Staff Rep. Ottaviani

# MORIAH SHOCK INCARCERATION FACILITY

#### Back To Map

Minimum (Male) Bruce Olsen, Superintendent P.O. Box 999 Mineville, New York 12956-0999 (518) 942-7561

Local 3566 John McCabe -President Staff Rep. White

# MT. MCGREGOR CORRECTIONAL FACILITY

#### Back To Map

Medium (Male) plus Annex Isreal Rivera, Superintendent

P.O. Box 2071 Wilton, New York 12866-0996 (518) 587-3960 Local 3023 Teddy Willette -President Staff Rep. White OGDENSBURG CORRECTIONAL Medium (Male) John O'Keefe, Superintendent One Correction Way Ogdensburg, New York

13669-2288 (315) 393-0281

> Local 781 Mike LaLonde -President Staff Rep. Sawyer

ONEIDA CORRECTIONALFACILITY

#### Back To Map

FACILITY

Back To Map

Medium (Male) Edward Reynolds, Superintendent 6100 School Road Rome, New York 13440 (315) 339-6880

Local 3533 Richard Wagner -President Staff Rep. Lesniak

ORLEANS CORRECTIONAL FACILITY

#### Back To Map

Medium (Malc) Sally Johnson, Superintendent 35-31 Gaines Basin Road Albion, New York 14411 (716) 589-6820

Local 1333 Scott Brown - President Staff Rep. Kuligowski

OTISVILLE CORRECTIONAL FACILITY

# Back To Map

Medium (Malc) Ernest Eddwards, Superintendent P.O. Box 8 Otisville, New York 10963-0008 (914) 386-1490

> Local 2967 Jane Cole - President Staff Rep. Cambareri

PARKSIDE CORRECTIONAL FACILITY

Back To Map

Medium (Female) unknown, Superintendent 10 Mount Morris Park West New York, New York 10027-6395 (212) 860-6835

> Local 1996 Raymond Hall -President Staff Rep. Hill

#### PHARSALIA (CAMP)

#### Back To Map

Minimum (Male) James Wilkinson, Superintendent

South Plymouth, New York

13844-9729 (607) 334-2264

Local 3792

Bob Springer - President Staff Rep. Patterson

#### QUEENSBORO CORRECTIONAL FACILITY

#### Back To Map

Minimum (Male) Brian Fischer, Superintendent 47-04 Van Dam Street Long Island City, New York 11101-3081 (718) 361-8920

Local 1996 Raymond Hall -President Staff Rep. Hill

RIVERVIEW CORRECTIONAL FACILITY

#### Back To Map

Medium (Male) Wayne Barkley, Superintendent P.O. Box 158

Ogdensburg, New York 13669

(315)393-8400

Local 3545 Randel Page - President Staff Rep. Sawyer

#### ROCHESTER CORRECTIONAL FACILITY

## Back To Map

Minimum (Male) Lyle Starkweather, Superintendent 470 Ford Street Rochester, New York

```
14608-2499
               (716) 454-2280
                           Local 2556
                           Dennis Harrington -
                           President
                           Staff Rep. Middaugh
SHAWANGUNK CORRECTIONAL
FACILITY
Back To Map
                Maximum (Male)
                Louis Mann,
                Superintendent
                P.O. Box 750
                Wallkill, New York 12589-0750
                (914)8952081

    Local 3276

                           Larry Flanagan -
                           President
```

#### Staff Rep. Cambareri SING SING CORRECTIONAL FACILITY

#### Back To Map

Maximum (Male) plus Annex (Tappan)

Superintendent 354 Hunter Street Ossining, New York 10562-5442 (914) 941-0108

> Local 1413 Courtney Nixon -President Staff Rep. Zeller

# SOUTHPORT CORRECTIONAL FACILITY

Special Housing Facility

#### Back To Map

Maximum (Male) Michael McGuinnis, Superintendent P.O. Box 2000 Pine City, New York 14871 (607) 737-0850

> Local 3544 Dan Morgan - President Staff Rep. Ottaviani

# SULLIVAN CORRECTIONAL FACILITY

# Back To Map

1)

Maximum (Male) plus Annex Robert Kuhlmann, Superintendent -P.O. Box AG Fallsburg, New York 12733-0116 (914) 434-2080

Local 591 Duane Hannold -President Staff Rep. LaDuke

SUMMIT SHOCK INCARCERATION FACILITY

```
Back To Map
               Minimum (Male/Female)
               Edwardo Nieves,
               Superintendent
               R.F.D.
                Summit, New York 12175-9608
                (518) 287-1721
                           Local 3704
                           Douglas Bartow -
                           President
                           Staff Rep. Patterson
TACONIC CORRECTIONAL FACILITY
Back To Map
                Medium (Female)
                Bridgit Gladwin,
                Superintendent
                250 Harris Road
                Bedford Hills, New York
                10507-2498
                (914) 241-3010
                            Local 2718
                            Stanley Henderson -
                            President
                            Staff Rep. Zeller
 ULSTER CORRECTIONAL FACILITY
Reception & Classification Facility
 Back To Map
                Medium (Male)
                Robert K. Mitchell.
                 Superintendent
                 Berme Road
                 P.O. Box 800
                 Napanoch, New York 12458
                 (914) 647-1670
                            Local 3702
```

JIM WALSH Mike Caponero -President Staff Rep. LaDuke

#### WALLKILL CORRECTIONAL FACILITY

#### Back To Map

Medium (Male) Sunny Shriver, Superintendent Box G Wallkill, New York 12589-0286 (914) 895-2021 Local 613 - President Staff Rep. Cambareri

WASHINGTON CORRECTIONAL FACILITY

#### Back To Map

Medium (Male 16+) John Mallory, Superintendent Box 180

Local 1169 Christopher Hickey -President Staff Rep. Middaugh

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## STATEWIDE LABOR/MANAGEMENT MEETING

#### AGENDA

- 1) COMMUNICABLE DISEASES UPDATE
- WORKERS COMPENSATION -
- a) would like to reaffirm post labor/management agreement on reoccurring injuries which states it will be evaluated solely on medical documentation and should not be controverted otherwise.
- 3) "TIME AND ATTENDANCE DIAGNOSIS" Employees are now required to produce documentation from their doctors on their diagnosis. Union feels this is in violation of their basic rights to privacy.
- 4) MEDICATION Union feels that the dispensing of medication especially "prescription drugs" are the duty of medical staff. Liability, of course, being one of the concerns.
- 5) RESTRICTED INMATES Many of our New York City facilities are experiencing back logs of inmates as a result of inmates violating work release. Inmates often times are held over for months waiting to get moved. Union requests immediate removal of inmates when they violate.
- 6) "CLASS B" UNIFORMS

Union requests that "Class B" uniforms be worn in all non-public posts.

#### 7) STAFFING ~

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- a) 1.8 correction officer relief union feels this is vital to maintain security. Our correction officer relief factor was reduced by the legislature from 1.8 to 1.7. Union requests agency support in the legislature for re-establishing the 1.8 correction officer relief factor.
- b) Abolished Posts when a function ends on a post union expects it will not be covered by resource. If a function continues, jobs should be established to cover those functions.

# The following members will be attending this Statewide Labor/Management meeting for the Union:

William White 1279 Adam Cassiack 🗸 🛚 🗀 🗀 🗸 Wendell Hill √ 1996 Dan Kuligowski John Englehardt √1264 Michael Graney 1441. George Badillo 613 Brian Norton / 1169 James Sandford 1255 John Beachy 1413 Al Rodgers Lyndon Johnson 1272 Daniel Powers 3559 3533 Joseph Tilson✓ 3545 Phil Sawyer James Daniels 🗸 2169 Bruce Paul 3552 Art Jollev Larry Hyland 2556 Robert Covert / 1040 Joseph Whalen√ Con Paul -

Great Meadow Corr. Pac. Woodbourne Corr. Fac. New York City Collins Corr. Fac. Coxsackie Corr. Fac. Auburn Corr. Fac. Wallkill Corr. Fac. Wyoming Corr. Fac. Fishkill Corr. Fac. Green Haven Corr. Fac. Sing Sing Corr. Fac. Clinton Corr. Fac. Marcy Corr. Fac. Oneida Corr. Fac. Riverview Corr. Fac. Greene Corr. Fac. Franklin Corr. Fac. Bare Hill Corr. Fac.

Groveland Corr. Fac.
Attica Corr. Fac.
Downstate Corr. Fac.

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## CORRECTION POLICY COMMITTEE

# New York State Law Enforcement Officers Union, Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

HOLLIS V. CHASE BUILDING 63 COLVIN AVENUE, ALBANY, N.Y. 12206 (518) 489-8424 (518) 489-8430 FAX MEMORANDUM

Chairman John Butler

Vice Chairman Patricia Rybak

Secretary Mike Mikulak

*Treasurer* Mike Caponero

Trustees Stan Henderson John Kurtelawicz Sristopher Hickey

Sergieant at Arms Dan Kane TO:

All Correction Local Presidents

FROM:

Patricia Rybak, Correction Policy Vice-Cha

DATE:

December 14, 1998

RE:

Frisk Gloves

On December 3, 1998, I was notified by Department of Correctional Services Assistant Commissioner Kevin Breen that the frisk glove material we had brought to them was APPROVED!

It is a navy blue leather, which the company specially dyed for us. I know this is not the color black, which would make the purchasing an easier task, but on the other side of that, are the safety concerns we have had on behalf of our officers.

I have authorized the company to begin assembling the gloves and have forwarded a check for \$5,000.00 with a commitment of purchasing the gloves. As Correction Policy authorized, a total of \$10,000.00 will get this project up and running. It will take some time for the company to acquire stock in these blue frisk gloves. I will keep you informed as we move along with this.

As a reminder, the gloves will be sold for just under \$30.00. Occupational Safety Specialist John Stanforth and I have been attempting to devise a plan for purchasing gloves in the future. We will further discuss this at Correction Policy, as I would like to hear your input.

If you have any other questions, please feel free to contact me at the Council 82 office. I look forward to seeing you all on December 15th.

PR:pt

cc:

Executive Committee

W. McMillan

J. Stanforth

All Staff Representatives All Local Secretaries

All Sergeant Stewards



## Law Enforcement Officers Union Council 82

AMERICAN PEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEE'S AFL-CIO

HOLLIS V. CHASE BUILDING 63 COLVIN AVENUE, ALBANY, N.Y. 12206 (518) 489-8424 (518) 489-8430 FAX

#### **MEMORANDUM**

TO:

All Correction Policy Local Presidents

FROM:

Louie Delmonte, Acting Correction Policy Chairman

DATE:

March 19, 1996

RE:

Contingency Post vs. Job Function

As you are well aware, during the February 12, 1996 Correction Policy meeting there was allot of discussion and mixed opinions on contingency post vs. job function. Listed below are ideas and concerns that were raised from the Policy group.

Contingency Post - Leave the agreement alone but enforce it.

- Eliminate contingency post entirely
- Leave the agreement but possibly change some language
- Leave contingency agreement where contingency posts exist, eliminate it where they do not.

Job Function:

Some locals work under function and say it works because the administration does not play games.

Function does not work because of the problem of who decides if the function exists or not

No consistency

The other part of the problem is re-deployed facilities and how the whole mix effects them.

As you know, there is no easy solution to staffing. It has been an ongoing problem between Council 82 and the Department of Correctional Services. At the Policy meeting, a motion was passed to survey each local on this issue. Attached is a copy of the 1988 contingency post-agreement and a copy of the minutes from the Policy meeting. I would appreciate your input on this issue.

paj

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cc: Eliot Seide

Warren McMillan

Joseph Kraft



## Law Enforcement Officers Union Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

HOLLIS V. CHASE BUILDING 63 COLVIN AVENUE, ALBANY, N.Y. 12206 (518) 489-8424 (518) 489-8430 FAX

#### MEMORANDUM

TO:

All Correction Local Presidents

FROM:

Curt Bowman, Correction Policy Chairman

Louie Delmonte, Correction Policy Vice-Chairman

DATE:

October 18, 1996

RE:

DOCS/Council 82 Statewide Labor/Management Meeting

Enclosed please find a copy of the minutes from the July 16, 1996 Department of Correctional Services/Council 82 Statewide Labor/Management meeting. We apologize in the delay in sending you these minutes.

If you have any other questions, please feel free to contact us at the Council 82 office.

CB/LD:pt Enclosure

CC:

R. Abrahamson

M. Graney

W. McMillan

J. Kraft

J. Mann



GLENN S. GOORD ACTING COMMISSIONER

All Superintendents

STATE OF NEW YORK

DEPARTMENT OF CORRECTIONAL NUMBER OF

Kevin Breen, Asst. Commissioner

THE HARRIMAN STATE CAMPA"

1220 WASHINGTON AVUNUS ALBANY, N.Y. 12226: 050

FYI

## MINUTES

# DEPARTMENT OF CORRECTIONAL SERVICES/ **COUNCIL 82 STATEWIDE**

## LABOR/MANAGEMENT MEETING

JULY 16, 1996

Item #1:

Labor/Management Meetings

Item #2:

Pre-Fab Cells

Item #3:

C-Block at Arthur KW (Double-Bunked)

Item #4:

ID & PMS

Item #5:

**Crew Sizes** 

Item #6:

Green Haven RMU

Item #7:

Health and Safety (Ventilation in the Dorms)

Item #8:

Medical Documentation

Item #9:

Jury Duty

Item #10:

Division For Youth Conversion

itam #11:

Other

#### ITEM #1 - LABOR/MANAGEMENT MEETINGS:

#### Union Concern:

The union asked for a commitment from the Department to have individual labor/management meetings for maximum, medium, and minimum security facilities. They requested two general statewide meetings and a minimum of one additional meeting each year for the specific classifications of maximum, medium, and minimum. In addition, they requested that dates now be set aside for the scheduling of these meetings.

#### Management Response:

Acting Commissioner Goord agreed to chair two general statewide labor/management meetings per year. He also agreed that one statewide labor/management meeting will be held each year for the following classification facilities—maximum, medium, and minimum. These meetings will be chaired by Deputy Commissioner Devane and/or Deputy Commissioner Bartlett. Depending on scheduling requirements, Acting Commissioner Goord may or may not attend these meetings.

#### ITEM #2 — PRE-FAB CELLS:

#### Union Concern:

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Given the passage of this year's State budget, the union requested information on the number of funded pre-fab cells and their locations. The union requested staffing information as it relates to the addition of pre-fab cells.

The union indicated that Gowanda is expecting a substantial increase in the immate population. They stated that this cannot be done without adequate, additional staff. They asked what our plans are as they relate to security staffing.

The union requested information on what the Department's plans are for policies and procedures on cell extraction from double-celled units.

The union requested information on what facility will carry out the death penalty when needed.

#### Management Response:

Deputy Commissioner Bartlett indicated that given types of inmates assigned to crews, he saw no need to reduce crew sizes below 12. Acting Commissioner Goord stated that with the exception of the camps and shock facilities, there are very few crews going out with 12 or more inmates. He further stated that it is not cost-effective to send out 4 or 5 immates with a correction officer to perform crew-related duties. We should not be getting into jobs that require small crew sizes. If a particular assignment appears to the union to have too many inmates assigned, appropriate supervisory staff in the facility should be notified, and their concerns will be addressed. If, through no fault or negligence on the part of the officer, an inmate absconds from a work crew, the officer will not be held accountable.

The issue of crew sizes at Summit was addressed. Acting Commissioner Goord stated that if there are so many immates going out on crews at Summit, there may be an overage of staff left at Summit to guard a minimal number of immates. He intends to look into this issue.

Acting Commissioner Goord was not familiar with the issue raised regarding Wallkill and the number of inmates assigned to field work. He will obtain a briefing from the Superintendent regarding this issue.

Assistant Commissioner Baker stated that the transportation vehicles available to the Department are now regular crew vans. Some vehicles used prior to the purchase of regular crew vans are, indeed, smaller but were all that was available to us at the time of purchase. Mr. Baker indicated that obtaining new or replacement vehicles from DOB is extremely difficult. Given the size of this Department, we were only allowed the purchase of 13 additional vehicles for the current fiscal year. The Department is currently conducting a statewide survey of vehicle needs.

Regarding the OGS crews in Albany, Acting Commissioner Goord stated that our original agreement with OGS provided for reimbursement for security costs for supervising work crews in this region. OGS has recently been reluctant to provide such reimbursement and, as a result, certain crews have been abolished. Acting Commissioner Goord stated that there is no reason that these services should be provided to OGS for free. The Department is working to resolve our differences with OGS and hopes to restore the abolished security crew items.

He will look into available funding for metal detectors where needed.

#### Management Response:

Acting Commissioner Goord stated that the expansion at Gowanda will involve the addition of 1,232 immates. In addition, pre-fab cells are planned for Southport (75 units), Marcy (100 units), and Willard expansion. He further stated that these cells will be single-cells. This does not mean they will not be double-celled if capacity needs dictate this in the future.

Acting Commissioner Goord indicated that addition of these immates will be accompanied by necessary security staff. Correction officers will be phased-in as the immates are received. He further stated that we currently have 245 security vacancies statewide, and he will get as much manpower to Gowanda as soon as possible. The Department has ongoing correction officer classes to improve our staffing needs.

Acting Commissioner Goord requested that the union identify two individuals to meet with Department officials for periodic briefings on expansion issues.

#### ITEM #3 - ARTHUR KILL C.F.-C-BLOCK:

#### Union Concern:

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The union indicated that C-Block at Arthur Kill at one time was scheduled for demolition. Since the building is still in existence, they requested information regarding the Department's future plans for this space.

#### Management Response:

Acting Commissioner Goord stated that given capacity needs in this Department, he is reluctant to give up any space whatsoever. While there are no current plans to house inmates in this area, future capacity needs may dictate the use of this space. At the present time, we cannot give a firm answer to this question.

#### ITEM #4 -- I.D./P.M.S.:

#### Union Concern:

Oncida, Cayuga, and Lakeview. The union stated that at certain facilities, while the ID/PMS jobs are being posted and bid, soon after bid, some of these positions are being closed down, and the officers in these bid positions are being assigned elsewhere. They feel this is unfair, since an officer reassigned from one of these positions is locked into his bid position for 60 days.

#### Management Response:

Acting Commissioner Goord agreed with the union that the ID/PMS jobs were initially to be restored as they were prior to the Department's action abolishing the security positions. He further stated that Department needs dictate where employees are assigned and that a review is being done of staffing needs in the ID/PMS areas. Changes in required staff in these areas must and should have been discussed with the local unions at the affected facilities.

Assistant Commissioner Breen agreed to look into complaints about Cayuga, Oneida, and Lakeview.

#### ITEM #5 — CREW SIZE:

#### Union Concern:

The union stated that they have many general concerns regarding the staffing of crews both inside and outside the correctional facility. They indicated that crew sizes of 10-15 inmates with one correction officer are unacceptable. They stated that it is impossible to maintain proper security and supervision of these crews when, often times, these inmates are assigned to work locations outside the sight of the correction officer. They further indicated that funding for four items for the OGS crews in Albany has been eliminated. They asked if there was a possibility for this funding to be restored.

They gave as an example Wallkill Correction Facility, which they allege has three officers supervising 150 inmates in field work. The union further indicated that the inmates assigned to Wallkill are, generally, those with a more serious criminal history.

The union indicated that the vehicles used for the transportation of crew inmates are too small once they are loaded with equipment necessary to perform their duties. They suggested that the Department consider purchasing diesel-powered vehicles for fuel efficiency purposes.

They inquired whether there was adequate money in our budget to purchase walk-through metal detectors for medium and minimum security facilities.

#### ITEM #6. -- GREEN HAVEN R.M.U.:

#### Union Concern:

The union requested a copy of the tentative plot plan for Green Haven's Regional Medical Unit. The union voiced concern over the door to the hospital area because it can be opened only from the outside. Originally, cameras were supposed to be installed, but they were eliminated.

#### Management Response:

The tentative plot plan calls for eight additional officers. This is based on the present infirmary closing. The new hospital area is much bigger. Acting Commissioner Goord was not aware of the issue with the door and assured the union that it would be looked into.

#### ITEM #7 - HEALTH & SAFETY-VENTILATION:

#### Union Concern:

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- 1. The union requested that a committee be established staffed by union and management to specifically address health and safety issues. The union gave as examples certain facilities that either failed to maintain or turn off ventilation systems because they are too noisy or not working properly. Facilities specifically identified were Greene and Watertown. The union stated that health and safety needs are so critical that a special committee is warranted.
- 2. The union stated that at certain facilities, officers that are the victims of being thrown on with urine, feces, and body fluids of inmates are often required to remain in contaminated uniforms to ensure that evidence collection and photographs are taken. The union requested that procedures be implemented at all facilities to ensure that officers so situated can remove such clothing and shower as soon as possible.

#### Management Response:

The Department provided the union with an updated schedule of the plans the
Department has to upgrade ventilation statewide. Mr. Rupert of Facilities
Planning indicated that ventilation units at Greene have been repaired. The
Department is currently considering the need for a air quality survey at
Watertown. As for routine maintenance, facilities should be providing for this.

Acting Commissioner Goord agreed with Council 82 that a separate committee should be established for the purpose of addressing health and safety issues. The union should provide the names of their committee members to the Department. The Department will provide to Council 82 people assigned to this committee.

Acting Commissioner Goord fully agreed with the union that correction officers who are thrown on with body fluids and feces should be given the opportunity to change their clothes and shower as soon as possible. Executive Deputy Commissioner Patterson explained that the Department is currently developing a statewide policy for the collection of evidence regarding such incidents. He emphasized the need for the proper collection and protection of evidence.

Mr. Patterson would like written input from the union regarding their concerns, specifically identifying problem areas with specific locations.

#### ITEM #8 — MEDICAL DOCUMENTATION:

#### Union Concern:

The union stated that at many facilities supervisory staff continue to request specific medical information regarding illness. In addition, they allege too many people are handling confidential information and that this should be stopped. The union requested that a specific contact person be available in Main Office to discuss and resolve disputes regarding medical documentation. The union requested that medical documentation only indicate that the employee was seen by a physician. They further allege at certain facilities, the Time and Attendance Guidelines are not being followed and, in effect, are being expanded upon. Sing Sing uses no discretion at all in implementing time and attendance policies as is required by the policy.

#### Management Response:

Assistant Commissioner Breen stated that it is the Department's policy that the Department require only a general description of the illness, a statement that the employee was seen by a physician and was not able to work, and the expected date of return to duty. He further stated that the Department originally required specific details

of the illness, but, at the request of Council 82 several years ago, changed this policy to a general description of the illness. The purpose of this change was to address the confidentiality issue. While general procedures dictate that several parties must review medical documentation, it should be limited as much as possible.

The Department recently issued two specific memos to facilities advising them of what was required in a doctor's note. Council 82 should advise the Bureau of Labor Relations of specific problems in this area.

In addressing the union's request that no description of illness be included, Mr. Breen indicated that it would be impossible to apply discretion in the application of attendance rules without this general information. For example, we would not know if an employee had a chronic medical problem. Mr. Breen agreed to look into the issue of discretion as it relates to the Time and Attendance Guidelines at Sing Sing.

#### ITEM #9 - JURY DUTY:

#### Union Concern:

The union expressed concern that given new legislation which no longer exempts correction officers from serving on jury duty, that security staff would experience serious scheduling conflicts and, in certain circumstances, would be required to work several weeks without a day off. They expressed further concern that employees working outside of areas of their permanent residence would be unable to comply with jury duty requirements. The union asked the Department to explore directive modifications to address these issues.

#### Management Response:

Assistant Commissioner Breen stated that given the fact that this is new legislation no longer exempts security staff from jury duty, the Department would need time to gain experience with the various problems that may arise—scheduling conflicts, extended work period. Assistant Commissioner Breen further stated that the various county Commissioners of Jurors have been very cooperative in postponing jury duty for correction officers who work outside the county of their residence. Any problems with this should be brought to Mr. Breen's attention.

#### ITEM #10 - DIVISION FOR YOUTH CONVERSATION:

Withdrawn.

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#### ITEM #11 - OTHER:

#### Union Concern:

I. Use of Social Security Numbers: The union expressed concern that employees' social security numbers are being used on various documents, including training records, for identification purposes. The union expressed concern that many of these documents are unsecured and that personal information can be obtained through the use of social security numbers. They expressed further concern that confidential, personal information is inadvertently being turned over to PLS and ultimately inmates. The union suggested that the Department coordinate the handling of these documents, which include employee names and social security numbers, with the Attorney General's Office to ensure proper reduction prior to release.

The union expressed further concern that court cases involving correction officers are being placed in personal history folders. The union is completely against this policy.

- Absconder Team Bidding: The union expressed concern that security employees selected for the Inspector General's Absconder Unit are not being put up for bid. They request an answer to a grievance filed regarding this issue.
- 3. Fire and Safety Officer Qualifications: The union expressed concern that the awarding of the fire and safety officer bid job at facilities is being abused. They allege that awarding of these positions is nothing but the "Red Apple Club". They requested that these jobs be bid and that the officers be selected by seniority and trained after receiving the bid. Examples were given at several locations, including Bedford Hills.

The union asked why new trainers were being picked by training lieutenants and Hub superintendents instead of the Training Advisory Committee.

4. <u>Inmate Drug Testing/Bid Job:</u> Council 82 questioned why the bid jobs for immate drug testing officers were eliminated from the plot plan although the work is still being done by the closing of other posts to provide coverage. The union is requesting that the drug testing items be restored.

5. Transporting of Inmates Out of State: The union asked whose responsibility it is for the transporting of inmates out of state. Is done by CERT or is it specifically assigned to Central Office staff?

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 Directive #4403: The union expressed concern regarding the search of female visitors at various facilities. Specifically, the union used female visitors who wear metal underwire bras as an example.

The union asked for a specific policy on how to handle these situations.

The union requested uniform-specific guidelines for female visitors. They also requested that uniformity for visitor IDs be addressed.

- Making Temporary Security Items Permanent at Double-Bunked Facilities: The
  union asked the Department's position on this issue. In addition, they asked
  Assistant Commissioner Baker to provide the number of temporary employees and
  locations.
- 8. Special Housing Units: The union indicated that they believe there is a need for more extensive use of plastic prototype shields on cells in SHUs. They stated that there is a prototype in use at Attica which appears to work in a very efficient manner. The union further stated that if an inmate in SHU threatens to throw body fluids and feces on correction officers, he should be placed behind such protective shield.

The union further questioned the need for privileges for immates in SHU. Specifically, they questioned a Level 1, Level 2, and Level 3 process at Southport.

- Allegations By Inmates Of Mistreatment: The union requested that a standard form be developed for responding to inmate allegations of mistreatment to be filled out by the correction officer. They further stated that action should be taken against inmates for lying regarding alleged mistreatment.
- The Sergeants' Test: The union requested the date and qualifications for the next sergeants' test.
- 11. <u>Time-Off Formulas:</u> The union requested that prior to any change in facility time-off formulas for security staff be implemented, that they be given the opportunity to provide input. They asked that current time off formulas be maintained as they are until such time as discussions take place.
- Temporary Bids: The union expressed concern that jobs filled on a routine, and sometimes daily, basis from the resource pool should be put on the plot plan.

- 13. Uniforms: The union stated that allocations of uniforms for facilities have been reduced. They further stated that the uniform issue for Green Haven has not been received. They were supposed to get 1,500 but only received 780.
- 3/4 Disability Legislation: Council 82 requested from Acting Commissioner Goord his position on his support of the 75 percent line-of-duty disability legislation.
- Privatization: The union asked Acting Commissioner Goord for his position on privatization.

#### Management Response:

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1. Use of Social Security Numbers: Acting Commissioner Goord stated that a change from the use of social security numbers to another unique identifier appears on the surface to be a very complicated and time-consuming project. Executive Deputy Commissioner Patterson stated that he is participating in a task force with the Attorney General's Office and that one of the topics being addressed is the release of sensitive documents which include employee names and identification. We do expect, at some time in the future, to have guidelines related to this issue.

In response to the union's request to be part of the task force, Mr. Patterson advised that as an alternative, he would ensure that they are apprised of any developments in this area.

Mr. Breen indicated that the only court cases being placed in personal files of employees are those in which the employee has been found to have acted inappropriately.

2. Absconder Team Bidding: Assistant Commissioner Breen stated that it has been the long-standing past practice of this Department that these positions are not subject to bid. These positions are assigned to the Inspector General's Office, and selection for employment in the Inspector General's Office is not subject to the normal bidding procedures. He further indicated that employees assigned to the Inspector General's Office are selected on several factors, including background, experience, demeanor, education, and seniority—all weighted accordingly.

Mr. Breen will ensure that this grievance is heard in the near future.

3. Fire & Safety Officer Qualifications: Assistant Commissioner Breen indicated that years ago, the most qualified employee bidding for this position was selected. At the request of Council 82, a more restricted bidding process was initiated which set minimum qualifications of one year as a volunteer fireman. If employees meet the one year qualification, seniority would then be the determining factor. Mr. Breen

indicated that he was aware of problems in the Westchester County and New York City areas where volunteer fire companies do not exist. In those situations, alternate selection procedures are used with seniority as a primary consideration and training provided as needed.

Acting Commissioner Goord agreed to look into the union's concerns.

- 4. <u>Drug Testing Officers:</u> Acting Commissioner Goord agreed to look into this issue, but he stated that the reduction in the number of drug tests performed did not require a full-time person assigned to these duties. He agreed to look into it further.
- Transporting of Inmates Out of State: Transportation of inmates out of State is done by Warrant and Extradition staff and, occasionally, by employees of the Inspector General's Office and facility staff.
- 6. <u>Directive #4403</u>: Acting Commissioner Goord indicated that current procedures for the search of female visitors are generated by this Department and, therefore, the officers should not have a concern for liability in this area. He further indicated that he intends to look at airport security procedures and its possible application to a correctional setting.

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Acting Commissioner Goord agreed to look into dress codes for visitors, especially females.

- 7. Making Temporary Security Items Permanent at Double-Bunked Facilities: Acting Commissioner Goord indicated that, at this time, making temporarily assigned correction officers permanent at their current locations would result in as many as 500 displacements. He further stated that when budgeted expansion takes place, the number of displacements may be greatly reduced, and we should probably look at the issue again at that time. He stated that he has no vested interest one way or another on this issue but was concerned about disrupting employees' lives at the present time.
- Special Housing Units: Acting Commissioner Goord agreed to look into this issue, but he emphasized that there are laws and regulations by which the Department must abide. He directed Deputy Commissioner Bartlett to look at the prototype in use at Attica.
- 9. Allegations By Inmates Of Mistreatment: Acting Commissioner Goord stated that the use of a standard form is not possible. He stated that the standard TO/FROM is necessary for legal and operational needs. Executive Deputy Commissioner Patterson stated that the issue of lying by inmates is addressed at Tier 3 hearings.

- 10. The Sergeants' Test: Assistant Commissioner Baker indicated that the next test is tentatively scheduled for October 1997. The Department has asked Civil Service to speed up this process. Qualifications for the exam have not changed. Mr. Baker indicated that we are going to use zone scoring, but may modify the scramble system in the interest of fairness for all employees.
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- 12. <u>Temporary Bids:</u> Acting Commissioner Goord agreed with the union, but he stated that there are jobs that need to be performed daily, but that we do not have the resources to do them. It is very difficult to get permanent items from DOB.
- Uniform Allowance: Assistant Commissioner Baker will look into the uniform issue. We have received very few complaints regarding uniform issues. If there are specific problems, Mr. Baker should be advised.
- Disability Legislation: Acting Commissioner Goord indicated that he understands
  this legislation and Council 82's needs, but does not have the final say. It is a
  legislative issue.

15. Privatization: Acting Commissioner Goord stated that he has no plans to privatize any aspect of security services with the Department of Correctional Services. Acting Commissioner Goord stated that it is his belief that we can perform security services better than any private entity.

Glean S. Goord

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Acting Commissioner

Richard Abrahamson President, Council 82

Curtis Bowman

Correction Policy Chair

Michael Graney

Executive Vice President



## Law Enforcement Officers Union Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

HOLLIS V. CHASE BUILDING 63 COLVIN AVENUE, ALBANY, N.Y. 12206

(518) 489-8424

(518) 489-8430 FAX

MEMORANDUM

TO:

All Correction Local Presidents

FROM:

Curt Bowman, Correction Policy Chairman

Louie Delmonte, Correction Policy Vice-Chairman

DATE:

October 18, 1996

RE:

DOCS/Council 82 Statewide Labor/Management Meeting

Enclosed please find a copy of the minutes from the July 16, 1996 Department of Correctional Services/Council 82 Statewide Labor/Management meeting. We apologize in the delay in sending you these minutes.

If you have any other questions, please feel free to contact us at the Council 82 office.

CB/LD:pt Enclosure

CC:

R. Abrahamson

M. Graney

W. McMillan

J. Kraft

J. Mann

#### ITEM #10 -- DIVISION FOR YOUTH CONVERSATION:

Withdrawn.

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#### ITEM #11 - OTHER:

#### Union Concern:

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Glenn \$. Goord ( )
Acting Commissioner

Richard Abrahamson President, Council 82

Curtis Bowman

Correction Policy Chair

Michael Graney

**Executive Vice President** 



# **CORRECTION POLICY COMMITTEE**

# New York State Law Enforcement Officers Union, Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

HOLLIS V. CHASE BUILDING 63 COLVIN AVENUE, ALBANY, N.Y. 12206 (518) 489-8424 (518) 489-8430 FAX

Chairman Curt Bowman

Vice Chairman Louie Delmonte

Secretary Mike Mikulak

Treasurer Mike Caponero

Trustees Raiph Mannetta John Kurtelawicz ∖gry Wilhelm

Sergeant at Arms Dan Kane TO:

All Correction Local Presidents

FROM:

Curt Bowman, Correction Policy Chairman

Louie Delmonte, Correction Policy Vice-Chairman Lib

RE:

New Time-Off Formula Issued by D.O.C.S.

DATE:

November 22, 1996

On November 11, 1996 in a briefing given to us by D.O.C.S., we were informed that the agency would be implementing the attached new formula for calculations of time-off. We raised objections to these new calculations, as they will result in a reduction in time-off offered to our members. The agencies position is that this is being generated by fiscal restraints being placed on them by the Division for Budget to reduce overtime.

Council 82 does not agree with this new formula, we believe that the old method was generic enough to accomplish the task. The facilities have been told to recalculate the time-off and to go to the Locals to discuss the impact. When you meet with your Superintendent on this issue, reasonable accommodations should be made for any changes. If you are having any problems with this issue, please let us know.

This is part of an overall problem that we are having with staffing issues. We feel the burden of State finances should not be placed on the backs of our members and to this end we will remain committed. We will continue to work with D.O.C.S. and the State Legislature to increase our staffing levels to where they should be for a secure and safe work place.

If you should have any questions, please do not besitate to call us at Council 82.

CB/LD Enclosures

cc:

Executive Committee

All Staff Representatives



# STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES THE RAIRMAN STATE CAMPUS 1220 WASHINGTON AVENUE ALBANY, N.Y. 12226-2050

CLENN S. GOORD ACTRIC COMMERCINES GEORGE BARTLETT

DEPUTY COMMISSIONER

COMMIS

#### MEMORANDUM

TO:

All Superintendents

FROM:

George J. Bartletf, Deputy Commissioner

RE:

Leave Days Earned Formula

DATE:

November 15, 1996

In an effort to standardize the method used to establish vacation schedules, I am forwarding the attached Leave Days Barned Formula to you. This formula and approval procedure must be completed each year prior to the start of the vacation schedule. The formula must be completed and approved by the Security Information Staffing Unit to begin in January, 1997. In order to meet this deadline, you must forward the formula and total days carned form to them no later than November 26. Preliminary calculations indicate that this formula may result in a change to vacation or incidental leave schedules for approximately forty facilities.

The formula is based on Correction Officers assigned to your facility effective November 15, 1996. Should the fill level change significantly (+ - ten officers), you must contact the Security Information Staffing Unit for approval to adjust the schedule. You should be able to absorb changes of less than ten officers through available vacation slots.

Time is short. The determination to rebid should be addressed with your Union Local. Meet with them as soon as possible to begin this process.

Questions can be directed to the Security Information Staffing Unit at (518) 432-6495 Fax - (518) 432-6495 Ext. 2551.

Attachments

oc: Security Information Staffing Unit

File

#### FORM FOR COMPUTING TOTAL DAYS EARNED BY CORRECTION OFFICERS

TOTAL DAYS EARNED=		FACILITY:
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YEAR	SENIORITY		HOL+PL		NUMBER OF	
STARTED	YEARS	EARNED	EARNED	EARNED	CO'S	ACCRUED
1996	0	13	17	30		1
1995	1	14	17	31		ļ
1994	2	15	17	32		
1993	3	16	17	33		
1992	4 .	17	17	34		
1991	5	18	17	35		
1990	6	19	17	36		T -
1989	7	20	17	37		
1988	8	20	17	37		
1987	9	20	17	37	· ·	
1986	10	20	17	37		
1965	11	20	17	37		
1984	12	20	17	37		
1983	13	20	17	37		1
1982	14	20	17	37		
1981	15	20	17	37		
1980	16	20	17	37 .		_
1979	17	20	17	37		<del>                                     </del>
1978	18	20	17	37		
1977	19	20	17	37		····
1976-72	20-24	21	17	38		· ·
1971-67	25-29	22	17	39		i
1966-62	30-34	23	17	40		-
<1962	35+	24	17	41		1

11/15/98

CODAYSBL.WK4

## Formula for Computing Leave Days Earned for Vacation and Incidental Schedules

Facility:	·					
Policy:	Provide each officer the opportunity to use leave time earned in a year.					
	Annual and incidental leave schedules must not exceed total evenly distributed throughout the year.	I days carned and n	oust be			
			•			
Total Of	Ficers assigned to facility (11/15/96)		. т.			
	ber of officers not participating in tion/incidental schedule		2.			
	ber of officers on long-term absence, not expected to return in months or more		3.			
	Sub-total officers participating in schedule (subtract lines 2 and 3 from line 1)		4.			
	the total days earned for the number of officers on line 4 from al days earned below:	m the current senior	rity list.			
Total	days carned for officers participating in the schedule		5.			

KAA/Respected 11/14/96

#### STATE OF NEW YORK



#### DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

TO:

All Superintendents

ALBANY, N.Y. 12226

FROM:

Kevin Breen

Assistant Commissioner

FYI

MINUTES



## N.Y.S. DEPT. OF CORRECTIONAL SERVICES/

### COUNCIL 82 STATEWIDE LABOR/MANAGEMENT MEETING

April 27, 1993

#### ITEM #1A -- 20 YEAR HALF PAY RETIREMENT

#### Union Concern:

The union requested the Commissioner support, through the legislature, an act to amend the retirement and social security law regarding 20 year half pay retirement for all titles with peace officer status.

#### Management Response:

The Commissioner stated, as in the past, he believes the 20-year retirement bill for all employees who have peace officer status is appropriate. He agreed to write a letter of support.

#### ITEM #1B -- SALARY GRADE REALLOCATION

#### Union Concern:

The union requested the Commissioner's support in reallocating salary grades for correction officers, sergeants, and lieutenants. They feel that the jobs have changed drastically over the years and the death rate has risen. Civil Services's position is that duties of correction officers have not changed much. The reallocation is now in the appeal process.

#### Management Response:

The Commissioner stated that reallocations are difficult to come by. Everyone wants more money for the people who work for them. Generally speaking, the Commissioner supports the reallocation and higher salary level. It is a reflection of the additional responsibilities and difficult tasks. Bottom line--it becomes a big money issue. Sometimes decisions are not made on what's right, but what's affordable. When you consider moving 18,000 employees up three grades, it becomes a big money issue.

#### ITEM #2 -- INFECTIOUS DISEASES

#### Union Concern:

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- A. Establish an Agency level review process for health and safety issues. The union wants Council 82 Health Services staff to meet with the Department's Health Services staff.
- B. The union would like a commitment that decontamination procedures are being adhered to statewide.
- C. The union was concerned that some employees may be having allergic reactions to Hepatitis vaccinations and asked if another vaccination was available.
- D-F. Movement and control of infected or potentially infected inmates. Requests Agency support for mandatory testing/HIV of inmates. Requests support for deregulation of confidentiality laws. Universal precautions don't work in correctional environment. They want to make transportation officers part of the medical team.

When transporting inmates to hospitals, correction officers are met by hospital medical personnel in masks, gowns, and caps. This is not comforting to correction officers who have been in close proximity to these inmates during transport.

The union stated that there is a law in Nevada which makes correction officers part of the medical team. They would like to see the same implemented in New York State. They feel laws are prohibiting them from protecting their people the best way they can.

#### Management Response:

- A. The Commissioner approved a separate Health and Safety Committee. He advised the union to set up a Committee to meet with Dr. Greifinger. Tom Kennedy will provide names of Committee members.
- B. Dr. Greifinger stated that the Health Services Policy Manual, Section 1.12C, regarding post ex

posure protocol was just reissued. This concerns procedures to be followed for high risk exposure. An E-Mail was sent to all superintendents noting changes. He will provide a copy of the E-Mail to the union and well as a copy of the Health Services Policy Manual. The Department is presently working to extend on-call counselors, 24-hours per day to assist employees involved in such incidents. This is presently a pilot program at Clinton Hub. The Department feels this program will evolve nicely over the next year.

- C. Dr. Greifinger explained that the vaccinations are given in three doses and are made with yeast. Yeast allergies are very rare. If allergic, personal physician should be consulted. There is no other vaccination available. After the third vaccination, a blood test can be taken to see if the body has developed antibodies. Per OSHA and the Department of Labor, this test is not necessary.
- D-F. There are policies and procedures out there. Essentially, they evolve around universal precautions. People should be told to use universal precautions—you have to be careful with everyone.

The Commissioner considers correction officers on medical units part of the medical team.

As for addressing the issue of hospital staff in protective clothing, the Commissioner said that the issue has been looked into and there is no medical reason to do this. All correction officers are issued gloves, and masks are provided in transportation vans.

The Commissioner noted that universal precautions apply to AIDS, not TB. TB is spread in an entirely different way. He is more concerned with TB than AIDS. We know how to avoid AIDS, but not TB. Transportation officers should be told if they are transporting someone with TB. The strictest confidentiality laws apply to AIDS.

The Commissioner stated that we are taking our lead on health issues from the Department of Health—they are the experts. In regard to mandatory testing for inmates, the Commissioner's position has not changed. It is not required.

Almost every state that had mandatory testing has changed it. If the legislature feels we should do mandatory testing of inmates and relax confidentiality laws, we will do it. Until the law changes, current policies will remain in effect.

The union asked if it would be feasible to have inmates being transported to wear masks. Dr. Greifinger feels this would be overdoing it and may foster hysteria.

The union is hopeful that some of these issues can be resolved at future Health and Safety Committee meetings.

#### ITEM #3 -- TIME AND ATTENDANCE

#### Union Concern:

- A. Discretion is not being exercised in the application of time and attendance guidelines.
- B. There are many instances where facilities are not accepting medication documentation. They asked if a standard form could be established to document absences.

#### Management Response:

A. The Commissioner stated that administrators have been told to use good judgment and discretion. The Commissioner gave an example--when someone is on time and attendance abuse and is out because of an emergency, i.e., daughter run over by a car, he feels that absence should not be counted as time abuse. Some administrators are not taking the time to look at reasons why an employee is absent, they are looking at numbers only. This is not using discretion.

The Commissioner stated that at the next Superintendents' Meeting he will explain what the meaning

of discretion is. The union asked the Commissioner to direct superintendents to hold meetings with their supervisors immediately following the Superintendents' Meeting. The Commissioner will see what he can do.

Assistant Commissioner Breen stated that many are unclear as to time and attendance guidelines. The reason why a person is absent should be taken into consideration. He often deals with facilities directly and advises them to take employees off time and attendance abuse if it is not warranted.

The Commissioner agreed to send something out to planning lieutenants describing his interpretation of the term "discretion". If problems arise, the union was directed to contact Assistant Commissioner Breen.

In regard to paternity leave, Joe Murphy stated Civil Service requires use of annual leave. As of July 1, the new Family Leave Law will impact this. If medical related absence, doctor's note is required and accrual may be charged to sick leave.

B. The Commissioner feels reissuing his 1988 memorandum would suffice. Assistant Commissioner Breen said that a more specific memorandum giving examples would be sent to all planning lieutenants. He feels a standard form is not a good idea.

#### ITEM #4 -- WORKERS' COMPENSATION

#### Union Concern:

- A. The union would like to establish an Agency level process to review all outstanding contractual grievances where disputes have arisen from Workers' Compensation claims. Many grievances are not resolved until they reach the arbitration process. They would like to meet with Assistant Commissioner Breen to resolve these grievances. They stated that some of the grievants would also like to be present.
- B. The union stated Workers' Compensation claims relating to TB testing are not being charged to Worker Compensation and should be.

One case out of Sing Sing was mentioned where a correction officer had a reaction to Hepatitis test and was out for three days. The facility denied Workers' Compensation.

C. Off-duty peace officer incidents. The union discussed an incident involving an off-duty officer where he was hurt when involved in altercation with an ex-inmate. His claim was negated--reason stated that he is not a peace officer 24-hours a day. The union does not agree with this.

The union mentioned another incident where an offduty correction officer stopped a fleeing felon in a court in Buffalo and his claim was denied.

The union hopes the new light duty policy will ease the burden of Workers' Compensation claims.

D. Reinforce commitments to the light duty assignment process.

#### Management Response:

- A. Assistant Commissioner Breen stated that given the fact that we have a new policy on Workers' Compensation, we should try to "clean the slate". Mr. Breen feels it is not necessary, in most cases, for the grievant to be present.
- B. The Commissioner agreed with the union. Follow-up doctor visits should be covered under Workers' Compensation also. If someone has a positive PPD, this does not mean he cannot work.

Concerning the Sing Sing case, Dr. Greifinger stated that a reaction should not require him to be out of work. The Commissioner stated if someone had a reaction to the vaccine and got a rash as a result, he should get Workers' Compensation as long as a doctor's note was provided stating the rash was a result of the vaccine and the employee is unfit for duty.

Dr. Greifinger recommended all people who tested positive be retested. The TB test is not an absolutely accurate test, but it is the only one there is. That's why the test is followed-up by an x-ray.

The Commissioner referred further discussion on this issue to the Health and Safety Committee.

- C. The Commissioner agreed to personally look into these incidents. The facts as stated are clearly within the scope of employment. No blanket statement has ever been made. All cases should be looked into.
- D. The Commissioner stated that he spent a great deal of time explaining light duty to superintendents and what we hope to do. We are not supposed to take jobs off the bid list for light duty assignments. We have a commitment to make this policy work, and it is up to labor and management to make it work.

#### ITEM #5 -- STAPFING

#### Union Concern:

- A. The union asked the Commissioner's feelings in regard to where we are going over the next few years concerning double-bunking, expansion, etc.
- B. Update on new correction officer hiring for the present fiscal year.
- c. Re-establish 1.8 relief factor. They don't have the resources to cover jobs that need to be done every day.
- D. Requests additional correction officer items to accomplish increased transportation duties. Transportation officers from other facilities are being utilized.
- E. Arthur Kill's prison ward has been manned 24-hour per day for the last five years and is maintained by the resource pool.
- F. Cease filing abolished/civilianized posts and nonplot plan posts with resource officers. There are 20 jobs every day that are being filled out of the resource pool at Green Haven.

The union requested total number of Work Release, Day Reporting, and double-bunked inmates.

- G. Requests approval for additional squad and shift bidding for various/various assignments. Some facilities are limiting numbers. They would like a commitment on what percentage of jobs that can be bid.
- H. Requests all locals be provided with SISU reports upon request.

#### Management Response:

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A. The Commissioner explained that the way the budget was constructed would have taken down double-bunking with the takeover of Gowanda. However, this was rejected by the Legislature, primarily the Assembly. The Commissioner explained that the Budget was passed subject to chapter amendment. We are to work with the Legislature to come up with alternatives or appropriate housing space for the double-bunks we have. The Legislature is not willing to give us any new capacity or even talk about Gowanda. We now have 2,000 double-bunks and expect another 1,000 this year. We don't have the room. The Assembly would like to see us expand work Release in New York City.

The Commissioner's position is with 2,500 in the Work Release/Day Reporting Program, it works well. Now, there are 6,300 inmates in the Program--this is too many.

The union asked what they can do. The Commissioner encouraged them to lobby the Legislature to approve expansion. The Commissioner does not need assembly approval to build prisons, only to staff them. He does not feel it is appropriate to build at this time, since Gowanda would cost much less and house many more inmates. We could expand Collins by 200 beds if approved by DOB.

If we go back to 2,500 inmates in Work Release, it means we need to find 4,000 beds. Gowanda, Willard, and Harlem Valley Will all be empty and can hold in excess of 7,000 beds.

The Governor and Commissioner agree we need space, and Gowanda is it. Legislature does not agree.

The union stated Washington has to be dealt with. How do we resolve the issues? The Commissioner stated that this issue cannot be resolved at this table. The problem needs to be dealt with in the normal course of events. If it means the executive staff going there, it will be done.

- B. We finally got DOB approval to start correction officer recruit classes.
- C. The 1.8 ratio was funded by the Legislature for one year and was not refunded.

Washington security staffing—It is not right for the Legislature to set staffing ratios in individual facilities. The Commissioner supports re-establishing the 1.8 relief factor. A Court of Appeals decision stated that the Legislature may not add any language to the Budget as presented by the Governor. It is unconstitutional. What this means is when the Governor presents the Budget each year, the Legislature will have to be in agreement with it when it is presented. Currently, we prepare our Budget in July and August and it goes to DOB mid-September. The Legislature has no part of the development process of the Budget. They, then, get it, make changes, and it gets passed. Now, the Legislature will have to be involved in the development of the Budget. It will be negotiated early on in the process.

The Commissioner talked about authorized fill level vs. budgeted fill level. If authorized fill level is 100 and budgeted fill level is 96, only 96 item can be filled.

D. The Commissioner stated if there is a drastic increase in trips since last year, he will look at the reason why. He feels far too many medical trips are being scheduled.

They should not use officers from different facilities on the same trip.

E. He agreed to look into staffing at Arthur Kill's prison ward.

- F. A non-plot plan post is not a post. They are not supposed to be filled every day. If superintendents fill such posts and the Commissioner hears about it, there will be trouble. Jobs not on the plot plan should not be filled. We are down 270 correction officers. We will hire correction officer staff as quickly as possible.
- G. The Commissioner stated that the Department's various/various bidding standard is 50% various/various, 25% bid squad and shift, and 25% shift. This is a minimum unless there is a local agreement. If not getting 50%, let Commissioner know.
- H. No problem.

#### ITEM #6 -- HEALTH AND SAFETY

#### Union Concern:

- A. The union requests plexi-glass screens on transportation vehicles.
- B. The union requests correction officers cease distributing all prescribed medications. It was noted that at some facilities, medication is being delivered to the blocks in glass bottles. They would like to check paper bags, which the medication is delivered in, to ensure there are no glass bottles.
- C. The union requested removal of sewing kits and hot pots from all facilities. As a result of an incident, a correction officer had to have a needle surgically removed. There was an injury to a correction officer last year as a result of a hot pot. Most incidents involving hot pots are inmate-on-inmate.

#### Management Response:

A. The Commissioner said he will comply with their request. Deputy Commissioner Goord was directed to insure that they are installed.

B. The Commissioner stated that the correction officer is simply delivering a package. They have no liability, someone else is responsible. This is the Department's policy

In regard to syringes and insulin, correction officers are required to monitor inmate's intake of insulin, since we do not have round-the-clock health care in all facilities and some diabetics are required to take insulin more than once per day. It was noted that diabetic inmates on Work Release are allowed to carry syringes and insulin.

The union was advised that brown paper bags will no longer be used. Medication will be packaged in opaque plastic ziplock bags. There should be no glass bottles allowed.

C. The Commissioner feels eliminating hots pots and sewing kits is not warranted. Hot pots may be taken away from inmates as a form of discipline if they are being misused. Some medium security facilities do not allow hot pots in cubes. The Commissioner will look into keeping needles in the officer's station.

#### ITEM #7 -- UNIFORMS

#### Union Concern:

- A. Issue:
  - Sizing not appropriate
  - Quality is lacking
  - Approval to wear Class "A" uniform until complete allotment of Class "B" uniforms are issued.
- B. Officers in towers or end of galleries are having a hard time distinguishing between greys and greens. Wants to be easily recognized. Officers wearing vests or using a stripe across the back of the uniform was mentioned as options. It is primarily a yard issue. A superintendent denied the union's request to wear a hat on the unit.
- C. Class "A" shirts are not fire retardant.

- D. Coats are too cumbersome and are not warm. Asked the Department to look into refrigawear--better coat, very warm.
- E. Requests approval to display American flag on right shoulder:
- F. Needless changing of uniforms during tour of duty.
- G. Service stripes on Class "B" uniforms.

#### Management Response:

- A. Bruce Baker stated that we can get specific sizes. Let us know. The grey issue will be complete in about three weeks. The quality has not changed in 10 years. The Commissioner said wait until people get the greys and we will evaluate our status.
- B. The Commissioner agreed that this is a problem. He asked if changing the directive to allow wearing hats inside the facility would help. The union responded, "it wouldn't hurt". He does not want officers wearing vests inside the block but would allow them in the yard. The Commissioner understands the issue and will work something out and get back to the union on resolving the problem.
- C. Class "B" uniform cloth is 35% cotton & 65% polyester, which is not fire retardant. Anything with polyester is not fire retardant. The Class "A" uniforms are a wool blend, which is the only material that is fire resistant.
- D. The Commissioner agreed to look into what is available and will get back to the union. Cost is an issue.
- E. The Commissioner approved the union's request, but stated everyone has to wear it. The uniform directive will be revised. The Commissioner will specify exact location and will be 2" x 3 1/2". If someone chooses not to wear it, they will be disciplined for being out of uniform.

At this point, the union requested a caucus. They decided to get back to the Department after consultation with their attorneys.

- F. If you're going from Attica to Wyoming, you don't have to change. If you go from Attica to the hospital, you have to change. I will put something out on it.
- G. The Commissioner stated that he will not permit military ribbons on Class "B" uniforms. Service stripes may be worn on Class B uniforms.

#### ITEM #8 --- FACILITY NEEDS

#### Union Concern:

- A. Requests wall towers for medium security facilities. There are 400-500 inmates in the yard with only two officers. They feel wall towers would send a message to inmates when potential for problems arise.
- B. Enclosure of correction officer stations—having access to inmates but also having access to day room especially on 7-11 shift—quick access/egress.
- C. Discussion of clerical responsibilities, i.e., health benefit administrators. Believes it to be a systemwide problem. Paperwork not being filed appropriately.

#### Management Response:

- A. Per Deputy Commissioner Goord, towers in medium security facilities are not needed.
- B. The Commissioner will get back to the union on this issue. He stated he has reservations on this topic.
- C. Per Joe Murphy, most of the problem lies with Civil Service computer system. High turnover of clerical help, especially in NYC caused a backlog. If information is not entered into computer system, it cannot be processed.

Assistant Commissioner DiBello stated that most facilities have money for overtime meals and travel. Additional funds had to be identified at a couple of facilities. This usually happens at the end of the fiscal year. Mr. DiBello will look into the problem backlog at Arthur Kill.

#### ITEM #9 -- WORK RELEASE FACILITIES

#### Union Concern:

- A. Request for airport-type x-ray machine. Inmates carrying tote bags into facility have to check each one. Queensboro has only two officers processing them. Using hand scanners is very time-consuming.
- B. Privatization--There are no set procedures regarding taking inmates out of residential treatment centers.

### Management Response:

- A. The Commissioner is going to spend a great deal of time in the City in future weeks to improve procedures.
- B. The Commissioner stated that there was a strong initiative in the Legislature to provide drug treatment to day reporters and work release inmates. As a result, legislation was passed--200-bed CASAT----majority to go to volunteer agency. We were instructed to contract for residential treatment. When an inmate completes CASAT, he then goes into a community reintegration facility and some, based on treatment plan, go into a residential treatment program. They are still inmates while in this program. There is no reason that inmates leaving cannot be delivered to the door.

#### TTEM # 10 -- UNION RECOGNITION

#### Union Concern:

- A. Requests each facility provide office space for the union.
- B. Requests re-enforcement of commitment to abide by labor/management agreements at the local level. They requested to meet with the Commissioner more frequently but does not want to be locked into a time frame.

#### Management Response:

- A. The Commissioner stated that some facilities do, others do not. Generally, superintendents are making accommodations. He asked the union to advise him of the facilities not being reasonable.
- B. The Commissioner will reissue the memorandum on honoring local labor/management agreement.

#### ITEM #10 -- OTHER

#### Union Concern:

- A. Issuance of retirement IDs are taking 2-3 months.
- B. Washington CF: \$500,000 appropriation—Washington justified additional staff. DOB is controlling and won't free up money

#### Management Response:

- A. Joe Murphy stated the material goes out in the mail the day he is informed.
- B. The Commissioner was not aware of the funding of Washington security staff until the budget was passed. From a policy perspective, he does not believe it is a good thing for the system to pick and choose facilities to get staff based on the ability or power of certain legislators. There are other needs as pressing as those at Washington. We have to deal with the big picture.

If it was done constitutionally, it would probably not have been vetoed. We have to work together to get staff for everyone.

Thomas A. Coughlin III

Commissioner

Michael Czerniak Correction Policy Chairman

Executive Director

Thomas P. Kennedy III

President

### Statewide Labor/Management Meeting

#### April 27, 1993

#### Desmond Americana



Local leaders in attendance are on the attached list.

Those in attendance for the Department of Correctional Services are on the attached list.

Mike Czerniak: It has been a long time since we sat down and talked, December, 1991. We have allot of new people here.

Both teams introduced themselves.

Mike: We would appreciate a moment of silence for the slain correction officer in Ohio.

#### Agenda Item #la - 20 year half pay retirement

Mike: We are requesting the Departments support for the 20 year retirement.

Commissioner Coughlin: I have read the bill. I am familiar with the concept. In preamble you take everybody from contract.

Joe Puma: They are all members of Council 82

Tom Kennedy: There are two titles - police officers and peace officers.

Commissioner Coughlin: Elevator operator

Tom Kennedy: They are security officers (local 1798)

Commissioner Coughlin: OK - I have taken a position before on this. I thought 20 years was appropriate for correction officers. Other people SHTA's etc., anyone who has job as a peace officer, you have my support on. I will support this.

Joe Puma: The lobbying we will do. Every time they ask how does the agency feel

Commissioner Coughlin: You tell them the Commissioner is 100% behind this. I will write a letter stating that.

Tom Kennedy: It has been kicked back because the agency has not supported.

Commissioner Coughlin: I will write you a letter. You can tell the legislators I support this.

Resolve: Commissioner Coughlin is in full support of the 20 year retirement and will send a letter stating so

#### Agenda Item 1b - Salary Grade Reallocation

Mike Czerniak: We feel the job has changed over the years. It was all included in the packet. We are in the appeal process now. We request your support

Commissioner Coughlin: This has been around a long time.

Tom Kennedy: This is the first time. In 89 we had the attorneys submit the allocation.

Commissioner Coughlin: I think it came up last year. I think reallocations usually are difficult to come by. Everyone wants more money for the people who work for them. I support reallocation the way it is layed out here. Its not a subject of negotiations but it becomes in all our conversations. Its a reflection of responsibility and difficult tasks. Generally I would support reallocation but I also have some needs that we should talk about. Correction officers grade 15 in todays world should be a higher grade. That is general support for reallocation. Some of the ones done in the past couple of years should have had a broader view.

Tom Kennedy: We are not saying clerks should not get raises but if they get a raise so should we. Our attorneys went through pain to show how the job has changed. It is not negotiable but we know Civil Service makes phone calls.

Commissioner Coughlin: Labor/management meetings serves the frustrations, negotiations and finding out where administration stands on certain positions. Your asking me how the Department feels about reallocations. My response is correction officers should get more money with their duties today. I support that. How that is done through Civil Service is very archaic. The bottom line is you are talking about 18,000 people in the Department getting bumped up 3 grades, 14 to 17. That becomes big money issue. Sometimes decisions are made not on what is right but what is affordable.

Tom Kennedy: Kevin Breen was very helpful for us, getting information on numbers etc. Much of the information given to Civil Service was by Kevin.

Commissioner Coughlin: Its going to come down to dollars and cents.

Joe Puma: We know you are on our side. You have always been there. Getting us facts etc. It always seems to stop on the second floor. The Governor said two years ago correction officers are different. At Gouverneur he said we deserve something. At negotiations Kevin was tough. We could not do it there. This is the perfect place to take care of it. Its one way of taking care of the correction officer.

Commissioner Coughlin: Before it gets to second floor it gets to the first floor. Sometimes the first floor has the ability to write very scarey information. It helps if thee is support from the third floor (legislature). Its a concerted effort on everyone's part.

Tom Kennedy: You could not make these things separate issues. Our people went through allot of things in the last couple of years. Maybe the support would help. Our death rate is unbelievable. More people die in their 30's because of the stress.

Resolve: Commissioner Coughlin will support reallocation

#### Agenda Item #2 - Infectious Disease

#### 2a - establish an agency level review process for health and safety issues:

Mike Czerniak: Council 82 has established a Health and Safety Committee. We would like a commitment saying your committee people will meet with our people.

Commissioner Coughlin: I think health issues with TB and AIDS etc. become something that has risen to the top of allot of conversation. It can not be handled at a group like this. With everyone not just Council 82. I felt strongly enough to agree with Health and Safety committees. I don't have a problem establishing one for uniform employees. It will get it off the statewide table. So many times there are policies in effect that are not used in some facilities. If we have Health and Safety committee that deals with issues, Dr. Grifinger from the DOCS, get them worked out at that level everyone will be happy. Set the committee up, Bob will meet, to see if we can reach accord. Its good to do it at a small meeting rather then at a big meeting.

Tom Kennedy: We will get names and sent them to Dr. Grifinger.

Resolve: A Health and Safety Committee will be set up in an attempt to resolve health and safety issues.

### Agenda Item #2b - review decontamination procedures

Mike Czerniak: There are some procedures out there. We would like a commitment that these are being followed statewide. Example: Change of uniforms etc.

Commissioner Coughlin: This is one of the issues I was just talking about. Is it being done all over, probably not. Why? Some administrations decided not to.

Dr. Grifinger: Directive 4320, Section 1.2C and the health services policy manual. 1.12C HIV and Hepatitis B have just been added. A person gets to shower, change of clothes and counselling if necessary. In Clinton HUB it has worked great. We are working to establish it statewide. People on call 24 hours a day, very sensitive to human issues and employees get right support.

Tom Kennedy: One issue, many locals have agreements but they are not abiding by them. We are looking for your commitment that you will follow decontamination. They have change of uniform lockers but no uniforms in the lockers. We can agree but if it doesn't happen on the local level what good is it.

Commissioner Coughlin: We just sent, March 23, a memo to all superintendents. It updates the last one. People have to abide by it. Where they do not, you have to pick up the phone and call Kevin.

Tom Kennedy: Coordinator is Lyndon Johnson and Chairman is Mike Graney. It has to be transcended, we will send you a list of names of our committee

Joe Puma: This is the policy?

Commissioner Coughlin: We will give you a copy of the whole health services manual.

### Agenda Item #2c - review agency policy for hepatitis vaccinations

Mike Czerniak: Question - is there a fourth shot test available? Also, some of our people are allergic to actual test, is there another test?

Dr. Grifinger: Vaccine in 3 doses - made with yeast. You should take precautions if you are allergic to yeast. This is very rare. If they decide they do not want the vaccine there is no other. But they could get the vaccine in a very low dosage. Blot check - some people recommend you have it done after third dose. We have checked with OSHA and the Department of Later, they do not require it. We have decided not to do it because your antibodies do not go up after three doses.

Tom Kennedy: OSHA and Department of Labor.

Dr. Grifinger: Yes - its a blot test done with hepatitis B and antibodies

Tom Kennedy: We will check with our people.

## Agenda Item #2d - movement and control of infected or potentially infected inmates

Mike Czerniak: Its not much comfort when our people are told that you are at high risk. We understand there is problem with confidentiality etc., but its not much comfort to now know who you are moving etc.

Commissioner Coughlin: This has been on the table a number of times. There are policies and procedures out there. They all revolve around universal precautions. If you are moving someone we know is HIV positive, people should be told to use universal precautions and I hope they are being told. If not I want to know about it. HIV positive not sick, that person should fall into the category of any other inmate. You have to be careful how you deal with him. I hope you are not saying that everybody HIV positive we have to tell everybody. That gets into (e) and (f) of your agenda.

Mike Czerniak: Take inmate to hospital, they are confronted with gowns and masks etc.

Commissioner Coughlin: We don't know how to solve that. It happens in Midstate. When we looked at that we found there was no medical reason for this person to be gowned and masked. It gets involved in political movement. I am not the most liked person there. They are doing things out in Rome/Utica where they are not doing any place else. Dr. Grifinger has had people out there on a committee who talk to doctors. Its not necessary for them to be gowned our masked.

Tom Kennedy: Lets talk about (d) (e) and (f) as one thing. We have Axelrod. We have a new Department of Health Commissioner. We understand the political impact. The Governor is saying he protects confidentiality. It puts us in a bad position. I remember a conversation we had and you got jumped for it. The problem is the law made us part of a medical team.

Commissioner Coughlin: I consider correction officers on medical units part of the medical team. Now is resource part of the medical team. My concern is safety of employees and following the law.

Tom Kennedy: That is labeling. One of the things we have learned we have to know how to protect ourselves and how to deal with the inmate. "Informed judgement" is the best way. Universal protection doesn't work all the time.

Commissioner Coughlin: We keep taking steps to make the problem better. Gloves on the belts, masks on transportation vans etc.

Mike Czerniak: Does universal precaution mean inmate should have mask on

Commissioner Coughlin: Universal precautions apply to AIDS, or you have TB which you use all universal precautions that are not going to help you. TB is spread entirely different from AIDS. Masks are for TB not AIDS. I am much more concerned by TB then AIDS.

Mike Czerniak: Our people are told treat everything as AIDS.

Tom Kennedy: Universal precautions - Department of Labor came out with airborne doctors. We wrote in response to Petricio thing. We are not being told, our people cannot protect themselves. They are prohibiting us from doing it. What is Chassin's idea on this.

Joe Puma: What would it take to make transportation officers part of the medical team.

Dr. Grifinger: The confidentiality thing applies to AIDS

Commissioner Coughlin: On TB active cases we are telling everybody.

Dr. Grifinger: It is a mess.

Tom Kennedy: If I am negative we have many negatives because the guy is HIV

Commissioner Coughlin: We are going to change that. That has come up in a major review. Anergy tests. Health Department is seriously considering doing anergy tests. We have not been doing them. You get allot of false negatives on skin tests. They criticize us for not doing the test. Central office and the Department of Labor is developing an additional. Anything we are told to do on TB we will not argue it. If we are told to do anergy panels we will do it. We are taking our lead from the Health Department. If Chassin says do this we will do it.

Joe Puma: I have to go back to medical team. If they are not telling us they are not telling us. The have been in vehicle for 6 hours with this inmate

Commissioner Coughlin: If your transporting a person who is infected with TB you are told.

Tom Kennedy: We are talking about HIV. We should know.

Commissioner Coughlin: Then we get down to (f). Mandatory testing, my position has not changed. It is not required if you

follow universal precaution. Its a good political issue. Mandatory testing doesn't do anything in legislature. If they feel politically, nothing to do with medically, they should do mandatory testing of inmates, I will do it. I make the distinction between medical and political. We can talk about the transportations at the health and safety meeting. I am going to follow everything the Health Department tells me.

Mike Czerniak: Would it be feasible to wear masks?

Dr. Grifinger: Upstate had all inmates wearing masks. It is not necessary. Medical staff says its not necessary but when you get there put a mask on inmate.

Mike Czerniak: When you see hospital staff treating them like that and we are unprotected

Commissioner Coughlin: I don't want to make light of the issue but there are half truths and politics on one side. I have to listen to Chassin and Dr. Grifinger on this.

Joe: After this meeting, these guys go back to work and they see space suits etc. The officer on medical team, I am concerned. Suppose a guy dies in the back of a van etc. Allow people in contact with inmates

Tom Kennedy: PACC conference we brought Dr. Grifinger in. We just want our problems known and keep chipping away at it. You want to move transportation team to health and safety committee

Commissioner Coughlin: Yes but there will be problems with it. When you are talking about resource, vacation relief etc. doing it we have a problem.

Tom Kennedy: OK

#### Agenda Item #3 - Time and Attendance

Mike Czerniak: (a) discretion is not being exercised in the application of guidelines. We have allot of incidents where discretion is not be used. People disciplined for time and attendance still being on documentation, have chronic illness etc., maternity leave etc.

Commissioner Coughlin: Whenever you use discretion people aretold to use good judgement. If a guy is a time and attendance problem and his daughter gets hit by a car, he is out, you should not count that as absence. I think some of the administrators are not as diligent as I am. They go to the numbers. They never go back into documentation and see the daughter was hit or the wife had a heart attack.

Tom Kennedy: The same time you beat up on managers for overtime you are saying use discretion. They think they do not have the same skills as you do. They are not acting with discretion.

Commissioner Coughlin: I suggest - we tried to write this to reflect what I thought should be done. There is not much difference between us and you. Why don't you try writing it for me and see if you can come up with something better.

Tom Kennedy: That is very unfair. You hold the strings. I can not find a better word then discretion. They are not be reviewed close enough. How do we enforce discretion. How do we make the manager accountable. The grievance procedure doesn't work, that is why we came to you.

Commissioner Coughlin: Just try it. The best thing, the next time we have superintendents meeting I say here is what I mean by discretion on time and attendance - listen to me Walt Kelly. It will get passed down the line to a sergeant and it will be entirely different.

Tom Kennedy: Your right. We leave this table and we feel great. How do we stop it. Its your people who are not using discretion.

Commissioner Coughlin: Is it at the sergeant level or the lieutenant level

Joe Puma: Time and Attendance officer level. When Frank Klein gets a hold of it its finished. If its a bad sergeant or lieutenant, chop him.

Commissioner Coughlin: We can deal with this with the sergeants and lieutenants locals.

Joe Puma: Why not the superintendents level

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Commissioner Coughlin: Good idea. We need to talk to lieutenants, let me see what I can do.

Kevin Breen: Allot of officers are unclear on what the requirements mean. If facility is required to record all absences, discipline comes in when he is suppose to look at why the absences. The planning lieutenant is suppose to say this absence doesn't meet the time and attendance.

Tom Kennedy: That is what we are looking for

Kevin Breen: I deal with it once a week. Someone is placed on time and attendance that should not be. I call the facility and say take him off.

Commissioner Coughlin: We reinforce it with superintendents but maybe its not getting down to planning lieutenants. The check on this is Kevin's office. I will put something out to planning lieutenants who are responsible and say this is what discretion means.

Mike Czerniak: On maternity leave, why is it vacation and not sick

Joe Murphy: Attendance rules say annual leave must be used. I also understand the federal government will have new rules sometime around July 1. Civil Service is working on it now.

Mike Czerniak: If your wife have c-section you have to be home

Joe Murphy: If its a medical related absence you can use sick leave. I think you will see some of that changed.

#### Agenda Item #3b - establish a standard form to document absence

Mike Czerniak: We discussed this before. What is generic to you or me. Some facilities accept employee out because of blood work, some do not. We try to handle it on the local level. There are too many incidents where they are not accepting the doctor's note.

Commissioner Coughlin: The obvious answer is I will reissue the memo. I think it goes back to planning lieutenants. I understand the issue and I am not arguing with it. We have to make sure it gets down to planning lieutenants.

Joe Puma: Article 6 managers have a right to manage

Kevin Breen: We can issue a memo that is more specific with examples. Send it to planning lieutenants. I don't think a standard form for doctors is a good idea.

Mike Czerniak: We thought because the forms are not being accepted now. But if you can do the memo that would be fine.

#### Agenda Item #4 - Workers' Compensation

Mike Czerniak: 4(a) establish an agency level process to review all outstanding contractual grievances where disputes have arisen from worker's compensation claims. There is allot of claims that have been unresolved. We would like to get together and resolve some of these claims.

Commissioner Coughlin: There are about 1000. OER wants to get rid of them. You want to sit down and go over them with Kevin.

Kevin Breen: There maybe some middle ground on them.

Tom Kennedy: We are hoping the joint committee on workers comp. will resolve some of these. We would like to review them and find middle ground.

Kevin Breen: Given the fact we have a new workers comp. lets clean the slate and start fresh.

Larry Germano: We want to sit down and discuss them but the grievants want to be there.

Commissioner Coughlin: Go by HUB or by facility.

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Larry Germano: We have always been against file review

Kevin Breen: When these cases are settled its by phone calls

Larry Germano: At third step. We are looking to sit down and discuss them.

Kevin Breen: If the grievant needs to be there we can work with that but we cannot have 1500 people walking in

Commissioner Coughlin: Then you do not talk about that case

Mike Czerniak: We will arrange something to sit down and go over all the cases and wipe the slate clean.

Commissioner Coughlin: If we can sit down and clean up that mess without OER that is a step forward. Now we have the workers comp. committee

Joe Puma: The problem is numbers. You have the staff, we have the staff, OER doesn't

Larry Germano: Whatever the agency says, OER will go along with

Kevin Breen: OER will be more then happy to kick those back to step 2

## Agenda Item #4b - review agency policies on infectious disease - workers compensation claims.

Mike Czerniak: Any claims that are related to TB test they get 4 hours to get the test. Anyone going back for return visits they are being told to use their own time.

Commissioner Coughlin: That is wrong. We will deal with that. Has positive test gets 4 hours, doctor says come back in 2 week that should be covered. My concern is if guy has positive PPD that does not mean he can not work.

Tom Kennedy: The follow up care is the big piece

Commissioner Coughlin: I don't have problem with that. The one concern is the potential to tell employees that because they have positive skin test they cannot go back to work

Joe Puma: We didn't talk about follow up care before. Your letter says it has to be covered. Pasquini, personnel office, McGregor.

Tom Kennedy: The local level managers get a hold of it

Joe Murphy: It was unclear on what the memo said. It is now taken care of

Commissioner Coughlin: He says it is

Joe Murphy: Talked to Dr. Grifinger and he called the facility

Bob Cronin - Second step decision backed up Pasquini

Kevin Breen: Has looked at it on a case by case basis. The facility should be taking doctor's note

Joe Puma: Can somebody find out where the problem is and take care of it.

Kevin Breen: It will be taken care of

Mike Czerniak: Sing Sing officer had reaction to test and was out of work three days, was denied workers comp.

Dr. Grifinger: That is Hepatitis there is no yeast in TB

He was denied Mike Czerniak:

Dr. Grifinger: Reaction to test should not be covered.

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The second of the second Commissioner Coughlin: Let me make a ruling. If doctor came back and said the guy had reaction to vaccine, the hives are workers comp. related and should not have been charged his own time as long as there is a doctor's note saying the hives were a reaction to the vaccine.

John Sandforth: Had bad vaccine. Employee tested positive. Follow up says he is not positive. One correction officer went for x-rays, medicines, had reaction. The follow up came back, once you become positive what should an employee do other then go to doctor.

Dr. Grifinger: Last fall we discovered false positive. reported it to the FDA. They recalled it. By then we found out most people who had false positive had 6 months go by so it was too late. People tested we recommended they be tested again.

John Standforth: Is there anything we can do to prevent false positive. Can you wait 3 weeks, 3 months, to have another test.

Dr. Grifinger: You can have as many tests as you want

Commissioner Coughlin: Maybe he has a point. Right now if you get a test and its positive you go on medication you don't get retested.

Tom Kennedy: That is up to your doctor

Commissioner Coughlin: OK it goes to the doctor then

Dr. Grifinger: It is not an accurate test, its just the best there is. There are always false positives and false negatives.

Tom Kennedy: So there is no other alternative

Commissioner Coughlin: There is nothing that says positive skin test, wait 2 week, if positive again go through procedure.

Dr. Grifinger: No one has recommended that

Commissioner Coughlin: It takes those cases of false positives and goes through procedure and gets sick. Lets refer it to health and safety committee. I think we can work something out.

#### Agenda Item #4(c) - Discussion on off duty peace officer incidents

Mike Czerniak: People are injured off duty, claims denied.

Commissioner Coughlin: We look at those on a case by case basis. A flat statement that any off duty injury is not something I am going to do. I am willing to look at all cases and make a judgement on it. .65 :157 215 1.50

Bob White: Example: Officer off duty in his own neighborhood, in bar, playing pool. People find out he is a correction officer. Somewhere in the process an individual starts harassing officer. Gives officer piece of paper with his name and DIN number. Officer realizes he is on parole. Individual stabs him. Sheriff's department arrests individual. Officer files paper work. Dep. of Administration says he was not peace officer 24 hours a day and negates claim.

Tom Kennedy: We have a memo that says if you are acting lawfully

Commissioner Coughlin: What facility

Tom Kennedy: Mohawk

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Commissioner Coughlin: Has this guy identifies himself as inmate, cuts him and walks out, I will look at that one.

Tom Kennedy: We are saying its more and more often. Who reviews them

Commissioner Coughlin: Joe Murphy

Our people have been told you told them to Mike Czerniak: controvert all those claims.

Joe Murphy: That is not true. Its something they are hiding behind.

Commissioner Coughlin: What we don't want is correction officers pulling people over for speeding. That is outside the scope of your duty. The facts you have given me is clearly in the scope of duty. If an inmate hands you a piece of paper and gives you his DIN number and then cuts you that is within scope. Everyone of these situations, a blanket statement that everything you do off duty will be covered is not true. Everyone should be locked at individually. Its no big deal to look at them.

Joe Puma: Workers comp. has been a problem for a long time. Negotiations we came a long way. I am sure people have been blanketing or controverting.

Commissioner Coughlin told Joe Murphy to look at this

# Agenda Item #4(d) - re-enforce commitments to the light duty assignment process

Mike Czerniak: We would like your commitment on light duty.

Commissioner Coughlin: I think what is in the contract is a major step. It is not without its problems that's why we have the committee. We have spent allot of time explaining to superintendents, what we mean, what we hope to have. The training is all done. Is some lieutenant going to try and screw it around, probably. They are not supposed to take job off bid. I have a commitment to make this work. I am on the hook. Both of us have to make it work right. We have got to do something about how we deal with workers comp. I don't want someone to impose something on us. Its up to us to make it work.

Kevin Breen: The contract says we can take people back to light duty. It gives us the discretion to take people back on sick leave. We are going to be very careful. We will be bringing people on workers comp. back before sick leave. It will cause you problems. You have employees on below average record who will want to come back. We are going to be as fair as we can.

Tom Kennedy: We negotiated that very clearly. We said you could not have it both ways. Article 6 is seeping in. We said if you are going to take people from workers comp. we said we have to bring people back on sick leave. We will be watching it.

Kevin Breen: We better not go into facility and see an employee brought back because he is the superintendents brother in law.

Tom Kennedy: We will sit down in the joint committee and talk about it.

#### Agenda Item #5 - Staffing

# 5(a) - Agency position on inmate expansion, double bunking, facility construction and conversion of Gowanda PC

Mike Czerniak: What we are looking for is your feelings on where we are going.

Commissioner Coughlin: The way the budget was constructed would have taken down all double bunking. It was not appropriated. budget proposal, we take over Gowanda that is how you take down double bunking. That was rejected by the Governor and he came up with the other alternative. It didn't get very far in the legislature. All my discussions in the legislature, both hours said double bunking, no Governor and no alternative. You will handle your problem with double bunking. I said that was not acceptable. The Budget was not going to get passed because of what both houses were saying. As a result of being able to reach agreement they PTACed. They PTACed the entire budget on expansion. We are supposed to negotiate on this. We have had two meetings. Both houses are not wiling to give us any new capacity and will not even talk about Gowanda. 2000 double bunks now. Will increase 1000 in next year and we do not have room. I have to get them off the dime to figure out a way of doing it. The assembly would like to see us expand work release in NYC, I said no. My position is that we should not have 6300 people NYC because the program is not working. The work release was fine with 2300 inmates, at 6300 they are not. There is a major reluctance in legislature to do anything for Department of Correctional Services.

Jim Mann: Buffalo News - Gowanda tabled - Eve is sitting on this based on half way house in Buffalo. That is what is in the paper.

Commissioner Coughlin: Eve is not holding legislature hostage. He was one of the major opponents on expansion and Gowanda was mentioned specifically. There is no linkage. Eve clearly opposes expansion. Speaking of Assembly Cahill spoke against the expansion. Its not the Black and Peurto Rican Caucus, its the entire assembly.

Mike Czerniak: What is the next step then

Commissioner Coughlin: In the budget it talks about 400 new beds. The assembly and senate said you can not put another smaller bed on. I told them I did not need their permission to put another smaller bed on. I could move into several places. That made them very nervous. If you take that concept forward, I am not taking over Gowanda, I am expanding Collins. All 2500 beds could be piece by piece expansion. They tried to block that. There is a piece that forbids Gowanda to close. This conversation is very frank. I need some help. When you talk about expansion you tell them they did not support expansion.

Joe Puma: The problem is Senator DiAndra is out there saying you do not agree with the additional staffing at Washington.

Commissioner Coughlin: I think its bad legislature, setting staffing ratios in facilities. The restoration of 1.8 relief factor, if they want to do something that is what they should do not using relatives is better. What makes Washington any different then Greene.

Joe Puma: Your right we should have 1.8, Gowanda and Brentwood. Maybe these senators are trying to chip away.

Commissioner Coughlin: If anybody says that I knew about the 15 items, I didn't. After the budget was passed someone said what ; 15 items. That is the first time this has ever been I think that is a mistake. Governor vetoed without is this 15 items. talking to me. NYS Bankers Association decision came out day before budget. It said the legislature may not add any language to the budget as presented by the Governor. Its the Court of Appeals. Its unconstitutional. You take that ad, it became unconstitutional. The legislature had to pass a major legislative bill that changed the Governor's budget and that how they thought they would get around it. The decision means when the Governor presents budget the legislature has to be in agreement. We prepare our budget in July, goes to Budget until September, legislature has no part. They get it and make changes. The Court of Appeals says the legislature will be involved when we start working on it. If every body does it we will never have a late budget any more. There are things we have to do. We finally got budget approved to start some classes. Even if you look at authorized fill levels it says 100 officers, your actual fills are 96. - You ask where are the 4 officers. There is a budget fill level. You have authorized fills and your budget fills. No matter who wants to acknowledge, they are part and parcel to fill that. If I am authorized 100 officers I want 100 officers not 96. If I prove to them that the relief factor of 1.7 is wrong and it should be 1.8 and they ignore that, they system will always be staffed low. I will support every position that is rational and 1.8 is rational.

Tom Kennedy: 1.8 we have got to have it back

Commissioner Coughlin: No question

Tom Kennedy: Budget fill game has got to stop. Transportation officer sucks down resources. Not only do we not have enough people but the resource cuts that down.

Commissioner Coughlin: You are not going to find any opposition for reasonable staffing levels from this side of the table. I don't agree with 1.7 staffing factor. My problem is budget, your problem is legislature.

Joe Puma: I know you agree with us. 6300 work release, 200 double bunking, 1000 state ready. We are going to get hurt. Why can't we sit together on this. Its not 15 items its about the whole system. Its going to happen. It is a shell game for the legislature. We need help. It will be us together. We have always said this is the best. We will take the weight in the news papers not the legislature.

Tom Kennedy: You are hearing frustrations. The bottom line is our guys have to deal with it.

Commissioner Coughlin: I know work release is on the agenda but the legislature now thinks its a given, a facility like Fulton who in 79 had 150 people in it now the count is 1000.

Joe Puma: Its a tenement for convicted felons.

Commissioner Coughlin: Our problem is if we go back to 2500 in work release it means I have to find 4000 beds. I am willing to look for them. Gowanda, Willard, Harlem Valley. All of them will be empty. There are 7000 beds. They are there. For years during the 80's, we were opening 4 or 5 facilities a year. Governor was getting allot of criticism from legislature saying all you want to do is build prisons. The Governor said in the fall of 90 OK you say what I have been doing is wrong. We are going to do it your way and we will not build any. Friendship, romulas, Johnstown, Altamont have been authorized. The Governor Said I will do it your way. You can do two things. One, take mandatory off second felons, they legislature refused, the assembly refused 2 years in a row. They have refused to talk of alternatives. 75 - 80% probation eligible get probation. 20% come to us. They are speaking out of both sides of their mouth. At the very end of negotiations, when it was obvious they would not do anything, the Governor said Gowanda is the space. The Governor says we need Gowanda, Willard and Harlem Valley. I would appreciate your help.

Tom Kennedy: We have sent letters on Gowanda

Commissioner Coughlin: You have my commitment on expansion and

Tom Kennedy on Washington Correctional Facility:

No resolve, we have problem with young inmates and administration

Commissioner Coughlin: Can't resolve issue at this table. Commissioners Goord, Breen and Coombe and I will go there if necessary. I am getting letters from Washington so I know there is problems and I will deal with this issue shortly.

Agenda Item 5(d) - request addition correction officer items to accomplish increased transportation duties

Commissioner Coughlin: That is one way of looking at it. There is a second way. How many trips are appropriated. What causes the extra trips. They are medical trips. There are too many medical trips being taken. I have to deal with that myself.

Mike Czerniak: They are taking people from other facilities

Commissioner Coughlin: They should not be doing that. I can not give you, across this table, more transportation officers. I can give you a commitment to look at the number of trips. Look at the incidents each day and you will see everyone is taken to an outside hospital. I will look at it in great more detail.

Mike Czerniak: Arthurkill has prison ward. They will not give us item number for it. Its manned by resource officers.

Commissioner Coughlin: I know the hospital. Let me look into it. One on one coverage

Tony Sportiello: 1 - 2. Always manned, never closed. Should have items. We use other hospitals also

Commissioner Coughlin: We will check on it

# Agenda Item #5(e) - cease filling abolished/civilianized posts and non-plot plan posts with resource officers

Mike Czerniak: Our view is if its civilian post it should be civilian relief.

Tom Kennedy: We all know there is an IP. We have been advised by our attorneys not to discuss this.

Commissioner Coughlin: OK

Tom Kennedy: What Mike is talking about is the Civilian post you took prior to that

Commissioner Coughlin: Non-plot plan posts

Tom Kennedy: Them too

Commissioner Coughlin: Can I make a suggestion. Lets table until we get some clear indication on the IP. Lets talk about non-plot plan posts. Its non-plot plan posts that comes up all the time. My response is what do you mean if its non-plot plan its not a post. Somebody at the institution, 99.9% of posts...you want to talk about red apple club. I am talking about 1/10 of 1% are red apple posts. The reason we close them is we do not want them. If a superintendent fills them and we find out we tell him mo. We tell them its not on the plot plan any more. The superintendent says your right and the following day the guy is back there filling it.

Tom Kennedy: We all know there are non-plot plan posts and non-plot plan posts. There are some we have agreed we have to do something with. It goes to Budget and Commissioner Goord etc. We are talking to plot plan posts that are depleting resource. There is no arrangement etc. Every meeting we have discussed this. We still have the superintendent saying yes it will not be there and its there the next day.

Commissioner Goord: We can track everything above post everyday. I know we man a center tower, we know that it is a non-plot plan post. So your saying when there is any agreement its OK

Commissioner Coughlin: If you got 5 transportation officers and you got 10 trips and you take one officer everyday there should be a plot plan.

Joe Puma: At Green Haven there is 20 jobs coming out of resource

Commissioner Coughlin: It comes to additional officers. If the job is not on the plot plan it should not be filled. If Coxsackie made agreement on middle tower that should be done. I could agree that there are posts being filed that should be filed everyday that should have back up resource. Everyone of them require me to get more officers. We are down 279 with trips etc. I have to get them first. We can hire 279 right now. 225 are getting ready to go to classes. We will hire them as quickly as we can. Hopefully between now and the end of session we can get something resolved on 1.8

Joe Puma: Needs numbers. Statewide we will need total number of work release, double bunking, half way houses etc. We will need them to go forward with our campaign.

Kevin Breen: No problem

# Agenda Item #5(f) - request approval for additional squad and shift bidding for various/various assignments.

Mike Czerniak: There was an agreement that we signed with you. Some facilities are not being allowed to set up an agreement, they say we will give you 3 jobs we have done our part.

Commissioner Goord: We have guidelines that we used for percentage. But we left that up to facilities.

Mike Czerniak: They say its to much work etc.

Commissioner Goord: We have taken care of that before. If they are not following the agreement that is a different issue

Commissioner Coughlin: 50% various/various; 25% bid shifting; 25% squad. We will let that float based on local agreement. This is the standard unless somebody wants to do it locally. Then I don't care if a local place works it out. If you are not getting 50% I want to know about it.

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Mike Czerniak: We will do our numbers

Commissioner Goord: If the facility says how do we shoot for it, we give them the same numbers.

Commissioner Coughlin: If you do not have any shift and squad you have a problem with your facility we should know about it.

Lou Joseph: 5 and 70 -

Commissioner Coughlin: That is not right

Mike Czerniak: We will get our numbers together.

# Agenda Item #5(g) - request all locals be provided with SISU reports upon request

Commissioner Coughlin: No problem, we will get copy

### Agenda Item #6 Health and Safety

### 6(a) request plexi-glass screens on transportation vehicles

Mike Czerniak: We put up with throwing, spitting etc.

Commissioner Coughlin: How many places have plexi-glass know

Tom Kennedy: I think you have to make it available

Commissioner Coughlin: Thats fine with me. I will put something out on it

# Agenda Item 6(b) - cease officers distributing all prescribed medications

Mike Czerniak: Queensboro is still giving medications

Commissioner Coughlin: We have talked about this allot. The officer is delivering a package. He is doing no more. No responsibility, no liability. He is delivering a package, that's all. Someone else is responsible to make sure the right stuff is in it. I cannot change that. That is the policy. I don't expect correction officers to look at medication. If it comes from our pharmacy that is what it is. The medication that comes down that is the medication. We have never disciplined anyone on this. Do not worry about it.

Mike Czerniak: They would be indemnified then

Commissioner Coughlin: Absolutely. No insulin and syringes

Dr. Grifinger: We do not have around the clock health staff. They might need to get insulin and syringes at night

Tony Cola: At my facility allot of inmates get insulin at 7AM. Why can't they wait until medical staff come on. At the last labor/management meeting Commissioner Coughlin said you are going to look at procedures and issue new procedure. There has been nothing.

Commissioner Coughlin: There is a procedure. You want them to come down at 7AM when the nurse is there so she can watch them.

Dr. Grifinger: That's fine when she is there but some people need insulin more then once a day. It is PRM. Most people are OK with two shots a day but some need more.

Joe Puma: We understand we are indemnified but

Commissioner Coughlin: But some people need it 7AM, 8PM etc.

Tony Cola: They can take their insulin and syringes with them if they are on work release.

Commissioner Coughlin: We could say let him have his insulin on the floor. The guy goes out with needle and insulin. Turns it in when he comes back. But a guy who takes zantac puts them in his pocket, takes it whenever. The issue is the needle isn't it

Dr. Grifinger: I have one shift 5 days if that

Commissioner Coughlin: I don't have answer. My response is if work release, maybe we should let them have the needle on the floor. If you don't want him to have needle let him have incline and control needle. Let him keep his insulin and just open up for needed.

Commissioner Goord: We couldn't you have a pack ready and have them give themselves a shot and give you back the needle.

Tom Kennedy: Why don't we do this. In the next week or so we will sit down with superintendent and people working down there and see if we can figure it out.

Mike Czerniak: Medication is coming into facilities in glass

Dr. Grifinger: There should be no glass bottles

Mike Czerniak: Franklin has glass bottles delivered. Inmates are complaining because correction officer saw what kind of medication they receive.

Commissioner Coughlin: Too bad. If you look in bag to make sure there is no glass bottle, no one should be getting medication in glass bottles.

Mike Czerniak: Can you put something out that says no glass bottles.

Commissioner Coughlin: Its out there. The problem is pharmacies deliver in glass. If you have been having glass bottles delivered there is no reason you cannot look in the bag.

Tom Kennedy: How about plastic bags

Commissioner Coughlin: We will stop using brown paper bags to deliver medication, we will use plastic bags. We will deal with the issue

# Agenda Item #6(c) removal of the following items from all correctional facilities: sewing kits and hot pots

Mike Czerniak: Have had number of incidents with needles and hot pots. They stick needles in officer's chairs etc. Hot pots has been around forever.

Commissioner Coughlin: Does it happen yes, does it happen allot, no. One injury last year from hot pot. If you take hot pots out what do you get. The stingers etc. One of the issues in OHIO was taking the hot pots. They have been around for years. We went to them because more people were getting hurt when they were hooking them up to the light bulbs.

Mike Czerniak: Can we institute policy when an inmate is involved you take it away from him.

Commissioner Coughlin: OK sure. If that happens, when he gets disciplined, take it away from him. 99.9% inmates do not misuse them

Tom Kennedy: In Louisiana the inmates had very limited things. When we gave them hot pots we did not have the facilities they do now. In the cubes is the problem. The hot pots have to be looked at

Commissioner Coughlin: Where was the injury?

Commissioner Goord: Orleans

Brian Moore: The white of his eye was the color of a beet. There were 3 officers involved.

Commissioner Coughlin: I am not making light of the injury that is one injury out of 80,000 inmates. To take it away is a mistake. Let me take a look, do all mediums allow hot pots in the cubes

Tom Kennedy: Otisville, Franklin, Bare Hill does not allow hot pots in cubes

Commissioner Coughlin: Let me take a look at cube hot pots. We will take that inmates pot away for a period of time or permanently.

Tom Kennedy: Needles

Commissioner Coughlin: Inmates have to have sewing needs to repair clothing. Are you going to give it to officer

Tom Kennedy: They can take it out of state shop

Commissioner Coughlin: Let me look at it maybe we can put it in officer station

#### Agenda Item #7 - Uniforms

# 7(a) issue - sizing not appropriate; quality is lacking; approval to wear Class A uniform until complete allotment of Class B uniforms are issued

Mike Czerniak: There is a problem on how uniforms came out

Commissioner Coughlin: Doing major shift in reissue you will have problems.

Bruce: We are looking at the problems. We talked to manufacture. We can get special sizes, will take about 30 days. Quality is the same as we have had.

Commissioner Coughlin: What's wrong with quality

Joe Puma: It's shitty.

Commissioner Coughlin: When is the gray issue going to be completed

Bruce: About 3 weeks

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Commissioner Coughlin: Let me take a little bit of time. Lets get them all out there. I am not saying its the way it should be

Lou Joseph: There is a directive out there which middle management is enforcing even though officers are not getting complete uniforms

Commissioner Coughlin: The overwhelming number, the grays going out, if superintendents are complaining you do not have a jacket I can not justify foolish behavior on sergeants. We are doing the best we can. Its never been perfect. We have to live with it a little while.

Tom Kennedy: If that same attitude was applied out there

Commissioner Coughlin: We should not have a problem

Tom Kennedy: Until we get this done, everyone has to give and take. That is not what we face out there

Commissioner Coughlin: I will take care of that

## Agenda Item #7(b) - discussion on difficulty of recognizing the officer's uniform

Mike Czerniak: We have had some discussions with people on wall towers not recognizing gray and green. We would like something like a vest etc. that we could recognize them.

Commissioner Coughlin: I saw it myself at Sing Sing. I raised the question. You have to look close. Questions come about in the yard, your suggesting a vest

Mike Czerniak: Like the highway department wears

Commissioner Coughlin: What else any other suggestions. Is it just a yard issue or unit

Glen Williams: Lights went down in rain storm, officer was wearing raincoat that is how they could tell it was an officer

Commissioner Coughlin: Actually when you get down to it it is the same with Class A

Tony Sportiello: You would be correct with the light but on the gallery, with the color of the cells and it reaching through

Commissioner-Coughlin: #/Your: right

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Tony Sportiello: We asked to wear hats, we were turned down as not being in 3083.

Commissioner Coughlin: Does everyone think caps will help problem

Tom Kennedy: It will not hurt

Commissioner Coughlin: I think we have to do something in the yards. I have no program with orange vests, but I don't want them in blocks with vests. Let me work on something

Joe Puma: Maybe a florescent strip, hats etc.

Commissioner Coughlin: Let me work out something

#### <u> Agenda Item #7(c) - uniforms are not flame retardant</u>

Mike Czerniak: The gray jacket goes up like this paper.

Tom Kennedy: Fire and safety officers showed us. Do your own test on it.

Commissioner Coughlin: There cotton polyester. The same as Class A's

Bruce - 35% cotton not treated. Only wool is flame resistant

Tom Kennedy: That would make the Ike jacket a problem also

Bruce: That is wool blend

Commissioner Coughlin: Class shirt is polyester. Nothing with polyester is fire retardant

#### Agenda Item #7(d) - review outer garment (coat)

Mike Czerniak: Reefer jackets are to cumbersome.

Commissioner Coughlin: I never liked them

Tom Kennedy: They are absolutely useless. They are not warm

Commissioner Coughlin: What are you suggesting

Tom Kennedy: A mid coat like they are at the shock camps

Commissioner Coughlin: I will take a look at what is available

and get back to you

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Tom Kennedy: We have some ideas also

## Agenda Item: #7(e) - approval to diaplay the American flag on the right shoulder

Commissioner, Coughilante Are, you sure a strain

Joe Puma: How are you going to do it

Commissioner Coughlin: The language is clear. How it is on there, how to wear it

Mike Czerniak: Of their choice

Commissioner Coughlin: No. It says you may wear it. If you are here asking me to allow you to wear a flag on your uniform, everyone will have to wear it. There will be no choice. We would attach them with the issue. You would get them sewed on

Larry Germano: We would need to be specific

Commissioner Coughlin: You will have to be very specific. Every piece of uniform shifts, Ike jackets, etc. 24 flags

Larry Germano: You are going to supply that

Commissioner Coughlin: Its part of the uniform. Everyone will wear it

Mike Czerniak: You will revise directive

Commissioner Coughlin: They are still inmates in residential treatment

Tony Cola: Went to MSC facility. We have to go from Queens to Brooklyn cannot draw gun etc. Doesn't make sense.

Commissioner Coughlin: It doesn't make sense to me either. Met me look at that. There is no reason they cannot deliver inmates to door

Joe Puma: Looks like we will both be spending allot of time in NYC

#### Agenda Item #10 - Union Recognition

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### 10(a) request for each facility to provide office space for the union

Mike Czerniak: Combination of 3 unions or each separately. Some facilities are not allowing to have any room at all

Commissioner Coughlin: This is very touchy. Some places do very well and other paces do lousy. Generally speaking, superintendents are making accommodations. I want to know where they are not. If I do a memo I have to charge you. If you call us we can look into it. I am committed to making everyone's life easier but don't make me put a directive out.

### Agenda Item #10(b) - request for re-enforcement of the commitment to abide by labor/management agreements at the local level

Mike Czerniak: There are some places having more problems abiding

Commissioner Coughlin: Will reissue memo. Gets copy of all minutes. They should be having meetings so they don't come up to this table.

#### Agenda Item #11 - Discussion

Mike Czerniak: We would like to do this more frequently.

Commissioner Coughlin: Fine. How many times do you want to do it

Tom Kennedy: We have issues, you have issues. We are going to do it more often. If we say every 6 months I don't want to wait 6 months.

Commissioner Coughlin: Anytime you want a meeting I will meet with you. Lets leave it when you feel you want a meeting get a hold of Kevin and we will meet.

#### Retirement ID

Mike Czerniak: Issue of retirement ID's can you send it out a little quicker

Commissioner Coughlin: He is suppose to have it the day he retires

Joe Murphy: We get Email every day and the Council will call. If there is a problem they are not telling us. Gets done the next day.

Commissioner Coughlin: I sign them as soon as I get them

Mike Czerniak: Rick Kingsley from Washington would like to address the 15 items

Rick Kingsley: I want to clear up the \$500,000 appropriation. We sat down with our people, local administrators, and your people. Washington justified additional staff. They kept telling us DOB would not give us money. That's why we went after money. When we got it we thought we had all worked together. We thought you supported it. We did not want to get into the political end of it

Commissioner Coughlin: I didn't know about that money until the Budget got passed. It got involved in politics. The issue of wither or not Washington needed the items never came up. It got involved in more politics then you and I are aware of. From policy prospective I don't think its good to be able to pick and choose individual facilities to get staff through legislation. Stafford is a good person but its bad thing. There are needs in the system that are as serious as the needs at Washington. We are agreed Washington needs staff like Greene and Sing Sing. You have to back everybody. As a union and management we have got to ease that problem.

Rick Kingsley: I understand that. Her is something we had and we accomplished something.

Commissioner Coughlin: You missed what I said. If it was done constitutional it probably would not have gotten vetoed. I did not talk to him before he vetoed it. That's what the Court of Appeals said he had to do. The governor had to veto because a much larger agenda. We have to work on your agenda which was very reasonable. We have to work on that together.

Tom Kennedy: You are going to get involved in it we are going to get involved

Commissioner Coughlin: Yes I said I would do that and I will.

Recessed at 2:09PM.

\*\*\* REQUESTOR: 999EXCGSG - Goord, Glean S. Cen - Executive Direction

COUNCIL 82

AFSCME AFL-CIO

INBASKET PRINT SYSX

MESSAGE ID: 203130

DATE: 01/08/93 TIME: 05:22pm PRIDRITY: 000

TO:

999EXCGSG - Goard, Glenn S.

Deputy Commissioner

Cen - Executive Direction

BUILDING #2

STATE OFFICE CAMPUS ALBANY, NY 12226

FROM:

999EXCUDW - Dewitt, Ward DEPUTY COMMISSIONER FOR ADM Cen - Executive Direction

BUILDING 2

STATE OFFICE CAMPUS ALBANY, NY 12226

SUSJECT:

ACCENCUM TO E-MAIL #281251

TD:

ALL SUPERINTENDENTS

FROM:

GLENN S. GOORD, DEPUTY COMMISSIONER

₹E :

TEMPORARY ASSIGNMENT IG ESCAPE/ABSCONDER UNIT

ALL EMPLOYEES HAVING BID JOBS WHO TAKE THIS TEMPORARY ASSIGNMENT TO THE IG ESCAPE/ABSCONDER UNIT WILL HAVE THEIR JOBS PUT UP FOR BID ON A TEMPORARY BASIS. THE SUCCESSFUL BIDDER WILL RETAIN THE JOB UNTIL THE EMPLOYEE RETURNS FROM THEIR TEMPORARY ASSIGNMENT AT THE IS ESCAPE/ABSCONDER UNIT.

WHILE THE EMPLOYEE IS ON TEMPORARY ASSIGNMENT TO THE IG ESCAPE! ABSCONDER UNIT, HE/SHE WILL NOT BE ALLOWED TO SID ON ANY OTHER JOB IN HIS/HER HOME FACILITY. HE/SHE MAY ONLY BIG ON A JOB UPON RETURN TO THAT FACILITY ON A FULL-TIME BASIS.

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- c) <u>Post Changes</u> Programs and necessary facility functions are being arbitrarily closed resulting in the further erosion of the security of our correctional facilities.
  - d) <u>Training</u> Request training for facility management.
- 8) H.U.B. Union feels that the implementation of this concept will change terms and conditions of employment, which are mandatory topics of bargaining and cannot be lawfully altered unilaterally. We have demanded impact negotiations with the State of New York on this concept and would like to discuss it in this forum.
- 9) Weapon Training Officers It has been suggested that W.T.O.'s can be utilized to do training in facilities other than the ones in which they are assigned. It is the union's position that it is in violation of post practice and procedures.
- 10) UPDATE OF NEXT YEAR'S BUDGET
- 11) OTHERS

#### STATE OF NEW YORK



THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226



## MINUTES

# N.Y.S. DEPARTMENT OF CORRECTIONAL SERVICES/ COUNCIL 82 STATEWIDE LABOR/MANAGEMENT MEETING

December 7, 1993

#### ITEM #1 -- BUDGET BRIEFING:

#### Union Concern;

The union requested a briefing on the proposed 1994 Executive Budget for this Department to include specifically, its impact on security staff, i.e., doublebunking, new facilities, correction officer hiring, and other expansion.

#### Management Response:

Assistant Commissioner DiBello stated that what we are trying to do for next year is capitalize on the good programs, i.e., expansion of shock and CASAT and community day reporting. These programs help us balance population. What we are looking to eliminate is double-bunking, overcrowded work release (capacity has been doubled) and revert back to the program it used to be. We plan to discontinue using work release as a population management tool and instead, use it as a stepping stone to get inmates out of our system.

We are attempting to get the Federal Government to take illegal aliens out of our system. If they don't, we will demand that they reimburse us for cost of their custody which will give some relief to our budget situation. As of this day, we have 209 Mariel Cubans in our system that have past their minimum sentence. This number rises every day. Currently, there are about 2,000 illegal aliens in our system.

The elimination of double-bunking will be our highest priority. We are proposing to take down 2,540 double bunks.

Proposed space enhancements will include:

- Takeover of Gowanda.
- B. Expand shock. We are looking into changing eligibility criteria so that more inmates would be eligible. We may convert Butler back to a shock facility.
- C. Expand Day Reporting by increasing the number of inmates that graduate from the CASAT Program. Currently, there are 2,300 day reporters. We would like to increase that number to 3,500.

n. Probation diversion program. The idea behind this would be to contract ..... local countles and Probation to divert potential inmates from our system. Under consideration is particular convictions and crimes which would fall into this category.

In addition to balancing of space, we are highlighting priorities, i.e., medical teleconferencing (video cameras would be installed in facilities and monitors placed in hospital emergency rooms so that doctors can make visual inspections of inmates, thereby, reducing the number of medical trips).

Assistant Commissioner DiBello stated that there is an increase in the number of inmates going to outside hospitals for treatment which has increased medical expenses. Additionally, there has been a retroactive increase in daily hospital rates, therefore, it costs us more than was anticipated in our budget.

We are asking for resources to develop a unit which would enable us to better manage transportation of inmates.

We have requested in next year's budget to bring staff up to 100 percent Hub staffing (244 correction officer positions added to our base). If the Division of the Budget is supportive of our budget as proposed, we are looking at an increase of 1,400 security items.

The union asked about wall posts at two medium facilities. They were advised that they are being designed by OGS and we expect construction in the spring.

#### ITEM #2 -- STAFFING CONCERNS:

#### Union Concern:

A. The union requested an update on our proposal to reinstitute contingency post planning statewide for those facilities who continue to work below 208 man days.

The union stated that problems exist with superintendents closing posts because functions cease to exist. This continues to occur at Sullivan.

The union believes there is not criteria as to who decides whether a function ceases to exist.

Red dots are closed down on the midnight shift.

B. Transportation update. The union stated that a major problem in the number of trips. Officers are pulled out of the resource pool for trips. The union suggested that this issue be looked into.

At Clinton, there is an excess of six trips per day. There are many trips for prenatal care for women at Taconic. The union suggested we look into additional transportation officers.

## Management Response:

A. Deputy Commissioner Goord stated that we are approximately 150 short of budget fill level. Commissioner Coughlin stated that this is part of our Hub staffing request. In January, we will have hired everyone we are authorized to.

The Commissioner's belief is that we will not be able to resolve this issue to everyone's satisfaction. Management has the ability to abolish posts, but not to backfill. Deputy Commissioner Goord stated that he has spoken to Superintendent Kuhlmann in an effort to reduce overtime at that facility. Program monies are being used to pay for overtime.

The Commissioner stated that everything is intertwined, e.g., if there are five people out on Workers' Compensation, there is no relief. The obvious answer is overtime, however, this is not a good answer fiscally. We have got to get staffing ratios up to where they should be.

The Commissioner noted that there is an appropriation for overtime every year, and he is willing to pay it when it is legitimate.

The union will follow-up with the Commissioner on this issue.

of 2,400 - 2,500 hours per week was being spent on medical trips. After considerable effort, we are now averaging 1,700 hours per week. Cutting back on post and hours spent on hospital trips has helped reduce number of hours spent on hospital trips.

The Commissioner talked about the construction of four regional medical units which will start this summer. Doctors will be brought in to the units to care for inmates.

As a follow-up to a previous labor/management meeting, the union inquired about condition/maintenance of vehicles. Assistant Commissioner Breen stated that a status report was sent to the union. They have not yet received it, but noted that they will follow-up with the Commissioner or Assistant Commissioner Breen following their review.

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#### ITEM #3 -- TRAINING:

#### Union Concern:

The union stated that officers are currently receiving 32 hours of training per year in most cases. They feel additional training is needed would like to work with the Department to accomplish same. It was suggested that the inmate gang issue could be a training topic. Also suggested was report writing and use of force training.

#### Management Response:

Per the Commissioner, a new directive is going to be issued on gang pharphernalia. He noted that the majority of our training time has been used up for more general topics, i.e., cultural diversity and mandated training. He feels it's time to focus more on jobrelated issues. If some of the mandated training, i.e., sexual harassment, is pushed back, we can spend time on topics such as report writing, use of force, etc.

## ITEM #4 -- UNIFORMS:

#### Union Concern:

- Class B uniform update.
- The union feels that correction officers should be allowed to wear hash marks on their uniforms and carry Inmate Rule Books in their uniform shirt pocket.
- Flags/visibility vests.
- 4. The union requested that the Department purchase raincoats for officers. They claim there are some available for officers on outside posts in the Arsenal. They feel all officers should be issued a lightweight, hooded raincoat.

## Management Response:

 Class B Jackets: Bruce Baker stated that we had trouble gettiong some of the larger sizes of the Class B jackets. Facilities are expected to receive all but approximately 50 jackets from the original conversion orders from last year by December 17. The current vendor for Class B jackets has accelerated delivery.

Pemale Class B Skirts: The number of skirts needed was underestimated. We have a back order for approximately 200. We did not have enough flexibility with vendors in terms of material, weight, etc., and decided that Industries will produce Class B skirts. Bruce Baker stated that different weights of grey is a very difficult color to match. Overall quality and delivery from Industries is expected to be better than what was provided by the vendors.

The 1993-94 replacement issue is on target.

Commissioner Coughlin agreed to change the directive to allow correction officers to wear hats on units. This is optional.

 The Commissioner will allow correction officers to wear hash marks on their Class B uniforms and carry Inmate Rule Books in their vest pockets. He directed Deputy Commissioner Goord to handle these issues.

3. Bruce Baker will notify the union as to when flags patches for uniforms will be available. Individuals will be responsible for putting them on uniforms currently in their possession.

Visibility vests will be ordered in two sizes. They are expected to be delivered in about 60 days.

4. Bruce Baker stated that it would cost the Department between \$600,00 - \$700,000 to provide all officers with raincoats. The Commissioner stated that we will look into their request but that cost is a major consideration.

#### ITEM #5 - LABOR/MANAGEMENT FORMAT CHANGE:

Labor and management agreed to the following schedule for labor/management meetings for specific levels of security:

- Maximum facilities
- Medium/ASAT
- Work Release/Minimum
- Camps/Shock Camps
- Sergeants
- Lieutenants

#### ITEM #6 -- OTHER:

#### Union Concern:

 Inmate grievances/tier investigations are tieing up the system with unnecessary allegations. They allege that the grievance procedure is being used as retaliation on officers who serve the tickets. This is very time-consuming.

The union asked what rights their members have against allegations made by inmates.



THOMAS A. COUGHLIN III CONUMBERONE?

STATE OF NEW YORK

## DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

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All Superintendents

ALBANY, N.Y. 12226

FROM:

kevin Breen Assistant Commissioner

FYI

## MINUTES

## N.Y.S. DEPARTMENT OF CORRECTIONAL SERVICES/ COUNCIL 82 SERGEANTS' STATEWIDE LABOR/MANAGEMENT MEETING

December 14, 1992

#### Present for Management:

Thomas A. Coughlin III, Car. Glenn Goord, Deputy Cmr. Kevin Breen, Asst. Commissioner Russell DiBello, Asst. Cmr. Jos Murphy, Dir., Human Res. Mgt.

## Present for Union:

Joseph Puns, Exec. Director Thomas Kennedy III, Exec. Dir. Ernia Benevento. Coxsackie CF Paul Tirado, Pres., Sgts.' Local Rocky Martinez, Taconic CF George Martin, Mid-State CF Ray Kowalski, Mid-State CF Ron Ashby, Auburn CF Karen Ricotta, Lakeview Shock Tim O'Leary, Great Headow CF

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## ITEM #1 -- COMMISSIONER COUGHLIN

#### Union Concorn:

The union requested Commissioner Coughlin attend Statewide Labor/Management meetings.

## Management Response:

Mr. Breen indicated at the beginning of the labor/management meeting that the Commissioner expressed an interest in attending the meeting and would, schedule permitting. Commissioner Coughlin did, in fact, attend and chair the meeting about one quarter of the way through such meeting. The Commissioner indicated that he would attempt to attend future meetings if his schedule permits.

## ITEN #2 -- UNIFORMS:

#### Union Concern:

Mr. Benevento indicated that now that correction officers have an agreement on Class B uniforms, he would like such agreement extended to sergeants. Mr. Benevento further indicated that uniform issues for sergeants are being delayed at certain facilities. He further requested that officers who choose to wear Class A uniforms on posts where Class Bs are designated be allowed to do so.

#### Management Response:

Deputy Commissioner Goord expressed to the local that subsequent to the agreement with the correction officers' local regarding Class B uniforms, we have become awars of what appears to be a serious problem in distinguishing between immates and officers wearing class B uniforms. The Department is currently looking into this.

Mr. Goord indicated that many of the recommendations proposed by the union for Class B sergeant uniforms are already designated Class B. Mr. Goord advised

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Mr. Benevento to develop a list of positions which he feels are appropriate for class B, and we will look into it. Mr. Goord further indicated that he will look into the delayed issue of uniforms for sergeants.

Mr. Goord stated that if a post is designated for Class Bs, a sergeant cannot elect to wear class As.

## ITEM #3 -- PERNANENT ITEMS

#### Union Concorn:

Mr. Benevento requested an overview of how permanent sergeant items are assigned. He also questioned the assignment of seniority dates and what procedure is used to develop same, i.e., scramble system. He asked what the status of the double-bunked items are, i.e., permanent vs. temporary. Mr. Benevento raised the issue of certain facilities such as Lakeview, Butler ASACTC, and Shock Incarceration Facilities which were formerly designated as one facility but, in the union's opinion, should be two facilities. Mr. Benevento wanted to know the current status of this situation.

He questioned why certain permanent sergeants have hold items. He questioned the reason for it and whether sergeants in temporary items can transfer. There was a further inquiry from a member of the local, Sergeant Rocky Martinez, who holds a temporary appointment in Taconic and would like to transfer to Arthur Kill. He believes at the current time, there is no transfer list. Mr. Benevento requested a quarterly seniority list.

#### Managament Response:

When a permanent vacancy occurs in a security supervisor item in a facility, we must check the time in title contract seniority of each individual serving in that title in that facility on either a contingent permanent or regular temporary reassignment basis. We must also check the reassignment list for the subject facility to see if the individual who is number one on the list is on the list for transfer of hold item only. We must then compare the time in title contract

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seniority of the individuals serving either contingent permanently or on a regular temporary reassignment at the facility, and the top person on the reassignment list if down for transfer of hold item only, and whoever is the most senior person gets the permanency at the facility.

Double-bunking items have been set up with an expiration date of March 31, 1993. We have not received any paper work extending the items past the end of the fiscal year as of now.

Mr. Goord and Mr. Murphy indicated that the confusion at Lakeview regarding its designation as one facility or two separate facilities has been resolved. It is now designated as separate facilities. Mr. Murphy indicated that permanent sergeants should not have hold items. He stated that the hold item list may have to be updated. Per Mr. Murphy, employees in temporary items cannot transfer. Mr. Murphy agreed to provide the union with quarterly seniority lists upon request.

## item fa -- Minotes:

#### Union Concern:

That all superintendents be supplied with a copy of the minutes of this meeting and meet with the sergeant's representative at facilities to review them.

Mr. Benevento indicated that there is a problem of convincing superintendents of the purpose and intent of the labor/management minutes and that a commitment from us in regard to this request could resolve that problem.

## Management Response:

Management agreed to comply with the union's request.

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#### ITEM #S -- TIME OFFE

#### Union Concerd:

Mr. Benevento indicated that there appears to be an ongoing problem at certain facilities with sergeants getting approved time off. He indicated that at Lakeview Shock, there is a serious problem with incidental time off. At Washington Correctional Facility, there is a 30-day notice requirement for a request for time off. At certain facilities, although sergeants are getting tentative approval for time off, they must report to the facility to insure that proper coverage is available on the day in question prior to receiving final approval.

## Management Response:

Clenn Goord indicated that all correction sergeants should be allowed to take time off that they accrued during the year for personal leave and vacation. He will reinforce this commitment by way of these minutes to all superintendents. Mr. Goord indicated that specific problem facilities will be locked into by the Department, but encouraged each facility local to work out their own agreements. Both the union and management agreed that a statewide time off agreement was not necessary. Per Commissioner Coughlin, facilities are to set up agreements to allow correction sergeants to take the time they earned, and superintendent are to adhere to such agreements.

#### ITEM #6 -- TRIPS:

#### Union Concern:

Mr. Benevento indicated that there is a problem of consistency in how trips are handled as far as supervisory coverage is concerned. Some facilities require a sergeant's presence, others do not. Mr. Benevento requested a clarification of the policy guidelines regarding same.

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#### Management Response:

Mr. Goord indicated that the Department will look at its policy regarding supervisory coverage on trips and make necessary clarifications.

## ITEM #7 -- UNION RIGHTS AND RECOGNITION:

#### Union Concern:

Mr. Benevento expressed concern that the sergeants' local at the facility level was not being given the recognition afforded correction officers' local and the locals of CSEA and PEF. Mr. Kennedy indicated that certain superintendents are confusing supervisory meetings with labor/management meetings. He indicated that they are two separate entities and should be treated as such.

#### Management Response:

Commissioner Coughlin stated that the sergeants' local should be afforded the same recognition and rights as any other local in the State. He further stated that he would send a confirming letter emphasizing this to the facility superintendents.

## ITEM #8 -- LABOR/MANAGEMENT AGREEMENTS:

#### Union Concern:

Mr. Benevento and Mr. Kennedy both indicated that at certain facilities, superintendents fail to adhere to labor/management agreements formerly agreed to at prior labor/management meetings. They stated that such actions were not an oversight, but a blatant disregard for such agreements. They gave numerous examples of facilities where such problems exist.

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#### Management Responses

Commissioner Coughlin and Deputy Commissioner Goord both re-emphasized the Department's commitment to adhere to local labor/management agreements. It was made clear to the local that local labor/management agreements are subject to change, but that according to the union contract, sergeants' local was to be advised of such changes prior to their implementation.

## item #9 -- Backfilling:

#### Union Concern:

Mr. Benevento indicated that at many facilities, backfilling sergeant items and closing sergeant item posts is a common occurrence. He stated that long-term sick leave, workers' compensation, and the lack of a relief factor for sergeants results in sergeants being overloaded with duties and being repeatedly assigned to areas of supervision and areas of responsibility not formerly under their supervision. He further stated that because of Department pressure, superintendents are refusing to hire overtime, refusing to get additional sergeants, and placing an undue burden on the current sergeants on staff.

#### Management Responses

Commissioner Coughlin committed to taking a close look at the following:

- The number of sergeant vacancies.
- Overtime for sergeants in the facilities, or lack thereof.
- A procedure to insure that temporary sergeants are assigned quickly when long-term vacancies exist.

It is agreed that there will be future discussions on this issue once this data is formalized.

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## ITEM #10 -- TIER ASSISTANCE:

#### Union Congern:

The union indicated that there are many problems statewide with tier assistance. Their major problem is that they feel it is a conflict of interest. Specifically, they do not believe that sergeants should perform tier assistance for areas which they specifically supervise. Mr. Benevento further indicated that given all the duties sergeants are required to perform, tier assistance is an unnecessary burden and should be eliminated.

## Management Response:

Per the Commissioner, tier assistance is an issue at all statewide labor/management meetings for all unions. Nobody is happy about doing it, but it is a responsibility that must be performed. He agreed with the local that sergeants should not perform tier assistance for problems in areas which they directly supervise. The Department will put out specific direction in this regard. The Commissioner further indicated that the Department is looking into a more efficient, equitable and consistent policy for assigning tier assistance responsibilities.

#### TTEN \$11 -- STAPPING:

#### Union Concern:

Mr. Benevento indicated that there is a shortage of supervisory staff in the sergeant area at most facilities in the State. He would like the Department to look into several areas.

- Filling permanent and temporary vacancies as quickly as possible.
- The Department hire overtime, rather than continuing collapsing the sergeant posts.

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The union gave many examples of problem areas at various facilities statewide.

## Management Response:

The Commissioner again agreed to look at overtime for sergeants and the collapsing of sergeant posts. He further stated that long-term absences should be covered by temporary correction sergeant appointments. He directed Glenn Goord to look at this problem and develop a policy for the assignment of temporary correction sergeants where temporary vacancies exist. Mr. Benevento specifically addressed the Lakeview situation where there was an increase in correction officers but no increase in supervision. Glenn Goord indicated that we will make every effort to maintain adequate staffing levels, but also indicated that he does not have any hope of getting additional sergeant items approved by the Division of the Budget.

## ITEM #12 -- OTHER:

#### Union Congarat

Mr. Benevento indicated that higher level supervisory staff are not giving sergeants the respect that they should be getting. He indicated that many higher level supervisory staff resort to insults, foul language threats and intimidation to get their point across, and this should not occur.

## Management Response

The Commissioner agreed that this type of behavior is not acceptable and advised the union to make the Bureau of Labor Relations aware of any instances in this regard.

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## ITEM #13 -- SCRANBLE SYSTEM (PRONOTIONS)

#### Union Concern:

Union raised the issue of the disparity in the dual scramble systems used in the promotional exams. Union requested that management utilize the scramble system established by Civil Service at the time of the exam.

## Management Response:

Management agreed to utilize the scramble system established by Civil Service for promotion as well as assigning seniority to sergeants.

Thomas A. Coughlin III

commissioner

Kevin Breen

Assistant Commissioner

Thomas P. Kenned III President, Council 82

Paul Tirado

President

sergeants' Local 1871

04/38/07 15:04 Pg: 11

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# STATEWIDE LABOR / MANAGEMENT MEETING DECEMBER 7 & 8, 1993 GIDEON-PUTNAM HOTEL SARATOGA SERVINGE, NEW YORK 12800

The Statewide Lapor/management meeting was called to order around 2:45pm. by President Thomas P. Kennedy III.

#### ITEM #1 - DOCS BUDGET BRIEFING

Thomas A. Coughlin III introduced Russ DiBello, Associate Commissioner to address Item #1.

Russ DiBello opened by saying that the focus for 1994 was to expand on corrections. The department wants to capitalize on the good programs such as: Shock Incarceration, ASACT, & Day Reporting and they would like to eliminate: Double bunking, Overcrowded work release, & Mariel Cubans / Illegal aliens. They would like the Federal Government to take the illegal aliens or atleast pay for them. They plan to reduce space by: taking down 2,542 double bunks, discontinue the work release population & reduce Mariel Cubans (209) to date. They plan on enhancing existing space by: taking over Gowanda making it a substance abuse facility, expand SHOCK (change eligibility pool - inmates that have previously done State time go into SHOCK), expand day reporting (presently there are 2,300 inmates in day reporting, they want to increase it to 3,500) & probation diversion program (Counties would get X number of dollars to divert inmates from going to prisons.

Commissioner Thomas A. Coughlin III added to the idea of expanding day reporting by stating that the total number of inmates in work release stays at 4,300.

Russ DiBello stated that the State is focusing on several new initiatives for the 1994 year. These initiatives are: Correction Officer Relief Factor (this is a strong case downtown, 1.78% relief factor is inadequate - no relief coverage, looking for 810 additional officers, highest priority is Sergeants and Lieutenants), Medical Tele Conferencing (link up thru computers to medical centers to take care of inmates from the prisons), Hub Staffing (adds 244 officers, if budget works there will be a need for 1400 Correction Officers), M.I.S. Automation Systems (time keeping system, medical imaging) & Transportation (is the current transportation system reasonable or unreasonable? Looking for resources to check out the system.

President Kennedy asked that with the expansion of SHOCK, would that mean opening up Butler?

Commissioner Coughlin stated that they would reopen Butler, keep existing beds full

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December 7 & 8, 1993
Page 2 of 8

and drop drug guys. He also stated that down the road there concentration will be centered on getting Gowanda.

President Kennedy asked Commissioner Coughlin if they are still having problems with certain Legislators (Gowanda).

Commissioner Coughlin stated yes, there are certain Assembly people that are dead set on doing any prison expansion.

Executive Director Joseph Puma said that the only friend we have is the Department of Correctional Services on our Legislative issues.

Commissioner Coughlin said that they convinced the Governor last year that the problem is with the Assembly.

President Kennedy asked Commissioner Coughlin if the Federal Government is going to do something with illegal aliens.

Commissioner Coughlin stated that a lot of things are going on in the Federal Government. They are allocating 6 billion dollars on prison construction. Of the 6 billion, 3 billion will go towards Federal prisons of which 80% will be filled with State inmates. The other 3 billion will be allocated to special purpose prisons operated by the State and the Federal Government will pay X number of dollars towards operating expenses. Commissioner Coughlin said that if we keep illegal aliens then I want the dollars for them, since we staff them.

President Kennedy wanted to know what Council 82 can do regarding the relief factor. He stated that he wants officers back in the prisons.

Commissioner Coughlin said that the 1.8% relief factor is still on the table.

President Kennedy said that times are tough in the Medium prisons - tall posts.

Commissioner Coughlin said that regarding the tall posts, they are in design to do them. They recently conducted a survey - DBL yards get towers and Wyoming will get a hidden gate to get to the back of the facility.

## ITEM #2 - SECURITY STAFFING CONCERNS

Commissioner Coughlin stated that at the present time they are short 150 Correction

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Officers. Currently there are 60 new gays in the Correction Academy, in January this will bring us up to full.

President Kennedy stressed that he is concerned with the continuing of post closings. Management is not closing the contingency posts but the posts that <u>they</u> want closed like what happened at the Sullivan HUB - rescheduled function.

Superintendent Robert Kuhlmann stated that they rescheduled the job then they wouldn't need the job any longer.

Commissioner Coughlin said that no matter how hard we try, we will never resolve the problem of post closings. Management has the power to close posts but not backfilling.

President Kennedy stated that he hears what Commissioner Coughlin is saying - we will never agree. Over the last 15 years things have changed with the Union. We still need to work on the backfilling issue.

Correction Policy Chairman Czerniak says that there is no written criteria for post closings.

Commissioner Coughlin stated that everything is so intertwined, you can't just create people. When you issue overtime there are always people who don't want to work it. We have to get staffing up to par, relief factor messes us up.

Correction Policy Chairman Czerniak said that 99% of the problem of closing posts is due to the need of Officers for transportation duty.

Executive Director Puma says that we want a fair playing field.

President Kennedy stated that he wants to sit down with the Department and talk about post closings.

Commissioner Coughlin said that if you've got Correction Officers working 209 days a year and they actually work 214 days, those guys should not be screwed around with. We need to define what is required. I am willing to pay legitimate overtime. Maybe there isn't a good level playing field. Lets lay it out and keep track of it.

President Kennedy asked if the State has an update on the transportation issue. Clinton has 6 bid jobs - 3 teams - exhaust any pools - real problem.

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Commissioner Coughlin says that transportation is a real problem with him. Some Correctional Facilities send inmates out for small medical problems when they might otherwise be handled in the facilities themselves. The Department wants to get the doctors out to the facilities.

First Deputy Commissioner Phil Coombe stated that the Department found that the number of inmates leaving the facilities for slash wounds were more legitimate but were going out for 24,000 to 25,000 hours on medical leave, this ties up our officers. Hours have now decreased to 17,000. We have cut down the medical transport trips by having doctors go to the facilities.

Commissioner Coughlin stated that a lot of the transports are due to specialty conferencing. Tele Conferencing will eliminate a lot of this.

Correction Policy Chairman Czerniak said that pregnancy in the facilities gets the inmates out.

Commissioner Coughlin stated that we can't get that type of doctor into the facilities.

President Kennedy said that maybe we should look at more transportation posts and at the present status. Look at more bid jobs.

Commissioner Coughlin said that there is major construction is going on next year to develop our own primary care or rehab unit.

President Kennedy addressed the vehicle problems in the facilities. Vehicles are broken down and in tremendous shape.

Assistant Commissioner Breen said that the Department issued a system update on the vehicle problem.

## <u> ITEM #3 - TRAINING</u>

Executive Director Joseph Puma stated that for years we have said we are the best in training but we're going downhill. Our officers need training on Gangs & Court Procedures. We need to enhance the existing training.

Commissioner Coughlin says that a lot of our training time has gotten used up on cultural awareness and sexual issues. We need to take that time and get into job

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related training. The mandated items need to take a back seat.

President Kennedy stated that we are the best trained officers but we need more.

Executive Director Purna said that inservice training is not keeping up. We need that, we will work with you on this issue.

President Kennedy said that we need all parts of management involved in the training process.

Commissioner Coughlin said that the whole theory behind Q.T.T. is an enhancement to labor training.

President Kennedy noted that there was a training advisory board but it hasn't been used.

Commissioner Coughlin stated that he wants to start the training advisory board up again.

## ITEM #4 - UNIFORMS

President Kennedy stated that Executive Vice-President Jack Engelhardt has been working on the uniform issue.

Mr. Bruce Baker addressed this issue by saying that the Department has been working off existing status. It took several months to produce uniforms to our satisfaction.

President Kennedy asked if Clinton is doing uniforms.

Commissioner Coughlin stated yes. Corkraft (uniform supplier) will be able to give us more flexibility with our uniforms.

Mr. Bruce Baker stated that grey is difficult to match up the weights.

President Kennedy asked about hats on the units - optional.

Commissioner Coughlin stated no problem, change directive.

President Kennedy asked about slash marks on the uniforms - Superintendents say



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they didn't sign off on it.

3.)

Commissioner Coughlin said no problem, it's part of the directive.

Executive Director Puma wanted to know about hats in the mess halls.

Deputy Commissioner Goord said that he would come up with a format.

President Kennedy said that the officers are having a problem with inmate rule books, management is saying that they can't have them in their pockets.

Commissioner Coughlin says no problem.

President Kennedy asked about the American flags.

Commissioner Coughlin said yes, they can have them.

President Kennedy said that the officers need visibility vests.

Commissioner Coughlin said that the Department will take a look at it. The

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Mr. Bruce Baker said that the Department will order two sizes, large and extra large.

President Kennedy brought up the issue of raincoats, the officers don't have them - only certain posts have them (yard posts). Everyone can get wet, everyone needs coats. All law enforcement agencies have them. Guys in the facilities are wearing garbage bags.

Commissioner Coughlin stated that the Department will look around, it will probably run us around \$600,000 - \$700,000.

## ITEM #5 - AGENCY-LEVEL LABOR / MANAGEMENT FORMAT REVISION

President Kennedy stated that at the last Labor / Management meeting we couldn't get everything done, there wasn't enough time. We want specific Labor / Management meetings to focus on specific issues.

Commissioner Coughlin agreed to have Agency-wide Labor / Management meetings. This will be 6 meetings: Maximum, Medium/ASACT, Shocks, Camps, Sergeants, &

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Lieutenants. Having these individual meetings in a smart thing to do.

#### ITEM #6 - OTHERS

President Kennedy stated that more and more grievances of unnecessary allegations are being filed by inmates. We are not getting relief time. Management wants us to write briefs, it ties up all our time.

Commissioner Coughlin said that the Department talked about it at Auburn Correctional Facility. They want to prescreen the grievances.

President Kennedy stated prescreen but no briefs. Its getting out of control.

Deputy Commissioner & Counsel Tony Annucci stated that some grievances get thrown out in court.

Commissioner Coughlin said that instead of using the "To/From" form, lets use a form with 5 lines - no brief. Lets have Nick Sweeney and Tony Annucci look at it.

Deputy Commissioner Robert Greifinger said the Department will do a check on the grievance system.

Commissioner Coughlin stated that the Department won't accept a grievance that is in the ticket.

President Kennedy asked if the officers had any rights when it came to false inmate grievances.

Commissioner Coughlin stated that the officers can sue the inmates.

President Kennedy brought up the issue of the "transfer procedure". I have a lot of concerns with this. Our guys are upset that they haven't gotten home. We want to meet with you on this matter, lets look at it.

Commissioner Coughlin said no problem.

Commissioner Coughlin asked about the P.M.S. Accrued ID Officer. How do you propose we work on this?

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President Kennedy stated that the Council 82 Attorneys are looking at the issue. There are some concerns that have to be looked at before we can give the Department an answer.

Executive Director Puma asked what is the State's time table on this issue?

Commissioner Coughlin said tomorrow.



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DATE: 01/22/92 TIME: 01:04pm PRIDRITY: 000

:UBJECT:

Security Job Bidding

#### **IEKORANDUM**

D:

All Superintendents

ROM:

Ward DeWitt, Deputy Commissioner

Wayect: Security Job Bidding

As a result of a recent agreement with Council 82, officers in detached assignments, i.e., assignments to Central Office, inspector General, Training Academy, will be restricted from yidding for job assignments at the location at which their hold tem is assigned.

Thank you for your attention to this matter. Please share this memorandum with your local Council 82 president.

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999EXCUDU SUPERS

- Ward Dewitt (list) (cc)

(to)

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## CORRECTION POLICY COMMITTEE

# Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

HOLLIS V. CHASE BUILDING 63 COLVIN AVENUE, ALBANY, N.Y. 12206 (518) 489-8424 (518) 489-8430 FAX

March 3, 1992

Chairman Joseph G. Kraft, Jr.

Vice Chairman Rolland Thomas

Secretary Cornelius Decker

Treasurer Frank Arizmendi

Trustees
Carol Reiner
Anthony Cola
Grant Smaldone

Sergeant at Arms Louis Joseph Kevin Breen

Assistant Commissioner Department of Correctional Services

State Campus

Albany, New York 12226

Dear Kevin:

As you are aware, a follow-up meeting was agreed to concerning the conversion of Class A uniforms to Class. B uniforms in Non-Public Posts. As was discussed in the initial meeting, the conversion would be ideal during the spring issue and it was agreed we would proceed pending figures from Bruce Baker on the ordering.

Please advise me on the status of this follow-up meeting as I would like to bring a finality to this matter.

Sincerely,

Joseph G. Kraft, Jr.

pseul D. Kreit

Correction Policy Chairman

JGK:paj

cc: Joseph P. Puma

Thomas P. Kennedy III

Larry Germano James Mann

#### STATE OF NEW YORK



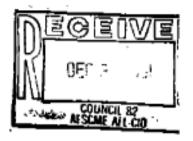
THOMAS A. COUGHLIN III

COMMISSIONER

#### DEPARTMENT OF CORRECTIONAL SERVICES

#### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226



MARD DE MITT

DEPUTY COMMISSIONER
ADMINISTRATIVE SERVICES

Criq Niast

December 27, 1991

Mr. Joseph Kraft Correction Policy Chairman Council 82 63 Colvin Avenue Albany, New York 12206

Dear Joe:

Enclosed are the revised minutes of the December 3, 1991 labor/management meeting. Please sign and return the original to my office. As soon as Commissioner Coughlin signs them, I will copy them for distribution.

Sincerely,

Kévin Breen

Assistant Commissioner

KB/cm Enclosure TINCHAS A LCOUGHLIN III

COMMISSIONER

THE STATE OFFICE BUILDING CAMPUS .....

ALBANY, N.Y., 12226

WARD DEWLTT

DEPUTY COMMISSIONER
ADMINISTRATIVE SERVICES

July 31, 1991

Mr. Thomas P. Kennedy III President Council 82 63 Colvin Avenue Albany, New York 12206

Dear Tom:

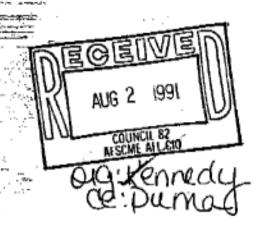
You are, indeed, right that the practice of allowing compensatory time in lieu of overtime is a violation of Federal law. Please advise me of the locations where this is allegedly taking place. An immediate cessation of this practice will be directed.

Sincerely,

Kevin Breen

Assistant Commissioner

KB/jd



10 1990

STATEWIDE AGENCY LEVEL

LABOR/MANAGEMENT MEETING

BETWEEN COUNCIL 82 AND

THE DEPARTMENT OF CORRECTIONAL SERVICES

An agency level labor/management meeting was held on January 10, 1990 at the Quality Inn, Albany, New York beginning at approximately 10:15AM.

Those present for the Union were: Joseph P. Puma, Executive Director: Thomas P. Kennedy III, President: Stephen C. Pageau, Associate Director; Joseph Kraft, Correction Policy Chairman; Larry Germano, Michael Guarino, Auburn Correctional Facility; Michael Graney, Auburn Correctional Facility; John Pappas, Sullivan Correctional Facility; Dan Kuligowski, Collins Correctional Facility; Adam Cassiack, Woodbourne Correctional Facility; John Engelhardt, Coxsackie Correctional Facility; William White, Great Meadow Correctional Facility; Lyndon Johnson, Clinton Correctional Facility; Louis Joseph, Midstate Correctional Facility; George Garlick, Midstate Correctional Facility; John Brooks, Mt. McGregor Correctional Facility; William Madden, Wende Correctional Facility; Joseph Paul, Ogdensburg Correctional Facility; Dennis Koerick, Ogdensburg Correctional Facility; Wendell Hill, New York City Facilities, Local 1996; Al Rodgers, Sing Sing Correctional Facility; Stanforth, Eastern Correctional Facility; John Beachy, Green Kingston Bachert, Correctional Facility; ility; Kingston Bachert, Elmira William Meck, Southport Correctional Correctional Facility: Facility; and Richard Hawes, Marcy Correctional Facility. Notes were taken by Patti Jacobs.

Those present for the Department of Correctional Services were: Thomas A. Coughlin III, Commissioner: Ward DeWitt, Kevin Breen, Glenn Goord, Phil Coombe, Joseph Murphy, Paul Hebert,

Correction Policy Chairman Joseph Kraft started off by stating the purpose of the agenda is we are going into the 90's with the possibility of real growth. We need to know were we are going. He also stated the communication between Council 82 and the Department has been good in the past and would hope it would continue in that direction.

Commissioner Coughlin responded by stating lets get started and as we go through it you hit all the high points. You're right the 90's will present a significant challenge. We have to keep it going.

## Item #1 Four Modular Program

Joe Kraft stated the Union requests the status of this program and its impact on the working conditions of our membership. We have concerns in staffing. We realize every facility has its own staffing needs. We have concerns with using existing staff without adding new staff. He gave an example of a facility already changing job descriptions, bid jobs, etc. He stated staffing has to be looked at.

Mr. Coughlin responded some of our facilities are a little bit more gun ho. They say lets get going. That is not what was suppose to happen. Each facility was to submit a plan. When the plans were submitted they will be going to Mike Borum and Glen Goord to see the full impact on full staffing. Those plans have not been submitted yet. There is no intention on our part to save money in going to four modulars. I doubt it can be accomplished with the traditional 8 to 4 day. It will take some thought. It will look different in each facility.

Joe Kraft stated one thing that was made obvious was you have individuals in the field who take this very serious. Can we send something out from your office to the deputy superintendents to take care of this.

Mr. Coughlin asked for an example.

Joe Kraft stated people taking a look at changing shifts to accommodate the programs. They are putting word out to the members. Shift changes and input from Union is being handled differently in different places.

Mr. Coughlin stated a problem is if we are asking the facility administration to come up with a plan we have told them to involve employee groups. That could be what is happening. It might not be made clear to the locals that this is a plan. We can make it clear to the superintendents and they in turn could tell the locals.

Joe Kraft stated a facility has already made shift changes to accommodate the plan. (Woodbourne)

Mr. Coughlin asked does it have an individual program?

Joe Kraft answered no.

Mr. Coughlin stated they should not have been making changes for four modular programs. We will follow the usual process.

Kevin Breen stated it sounds like a starting time change not a shift change.

Mr. Coughlin stated let me put something out from Central Office on that.

Joe Kraft asked can you discuss more on what we will be doing with the four modular?

Mr. Coughlin stated there is no more to it. We will get into item 6 of the agenda, the full concept will come together more clear. Lets wait till we get there.

Joe Kraft stated to reaffirm the past position of Council 82 on staffing we must have input on staffing.

Mr. Coughlin stated you have it.

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Executive Director Joseph Puma stated we are not here to negotiate for PEP or CSEA. My problem is when we have a problem like gym expansion. And in Midstate they decide they want to run their programs in the gym. That defeats both of our purposes. He is using people without any approval.

Glenn Goord stated that should not be happening. Those officers will not be used for anything else.

### Item #2 Media Review Committee

Joe Kraft stated the Union requests that the local presidents or their designee be placed on this committee. We have had a problem in the past where pictures are shown and a fight breaks out between the inmates. With Cablevision coming on may put a different slant on things.

Mr. Coughlin responded we have had allot of discussion on that.

In conversations about the media review issue the problem is not objective films but the printed stuff. That is the problem with media review. The courts have told us what we can and can not do. Remember I wanted to keep the PLS Attica report out of Attica and they told me I could not do that. Movies are easy it's the printed stuff that is hard. There will be places where PEF and CSEA will want to get in an it. I don't care. If you want to go through this it's OK with me but remember I will only go for it at the local level when it comes to Central Office our committee will deal with it.

Joe Kraft stated films were the issue - printed material, good judgement will prevail.

Mr. Coughlin stated I will make a change in the directive that will allow representatives of employee groups to be on the review committee with the clear understanding that the committee will not be final law. It will have to come to Albany for the attorneys to look at. I believe in including people not excluding them.

Joe Kraft stated I think all of the people have made a commitment to this and I don't see a problem.

## Item #3 A.S.A.T.

43.

Joe Kraft stated we are requesting to be provided with complete staffing etc. I have traveled around the state and looked at ASAT programs. The program itself works I have been told. Some of our concerns are staffing etc. He gave an example at Midstate where we are getting a mixture of whose job is who. You have a counsellor sitting there while the officer is in the other room. Council 82's position is Council 82 people do security and counsellors do counselling.

Mr. Coughlin responded I have spent allot of time looking at What we just gave you will be a model staffing pattern. The one issue you raise about Midstate is unique. understand it, they opened two ASAT units right next door to each The correction officer coverage has not change. That is because prior to the establishing of the second ASAT there was no staffing in that building. They changed the program for 12 Its a full ASAT program. After 12 weeks the inmates go back out and there will be no one but porters in the dorms. I do not ASAT a full 8 hour program. It is something they have in the residential unit and they go to their regular program during the day. That is a general statement. There could be a relapse program etc. but in theory if a guy is in ASAT he goes to work in the morning. There will be some minor modifications and every one will talk to everyone. If you read that staffing package, there is no intent to use anyone other then security people to do security work. We are merging Network and ASAT together. The officers involved in ASAT will be involved in Network. Midstate, we will have to look at.

Joe Kraft stated we see ASAT is working. Network will change the basic way ASAT is working.

Mr. Coughlin responded that is interesting. From a broad perspective Network works well. The number of incidents is lower than in ASAT. There have been allot of discussions on this. Two programs start up. Network people reported to Goord not Borum. ASAT report to Programs. The big difference is in Network the C.O. is intimately involved. In ASAT there are no C.O.'s. I have always liked Network because it involved the C.O.'s. It does not make sense to have a program reporting to two different people. You have to meld it together. The program is more network.

Joe Kraft asked will this proposal make a standard for all of the state.

Mr. Coughlin responded hopefully.

Joe Kraft stated we do not have consistency now. He gave an example of an inmate going from Attica to Mt. McGregor. They are going through the same program twice because the certification is not the same at both facilities. We need the standardization. He went on to say training is not consistent in ASAT. We need to look at that. Will this serve as a training manual?

Mr. Coughlin stated no this is not a training mahual. ASAT will play a more important role in the department. It started in 1979 at Woodbourne. Today there are 12. Next year there will be 15,000 to 16,000 people involved. As we build new facilities, and we will, the legislature will insist that some of them will be full ASAT facilities. We have got to pull together the whole ASAT program. There has to be some more rationality in the transfers. He should not have to go through the training again.

Joe Kraft asked you have someone monitoring the system?

Mr. Coughlin stated there are several people in Central Office looking at making the system run. There will be consistent training when we are finished.

Joe Kraft stated the Union needs input on this with your committee.

Mr. Coughlin asked Central Office or facility?

Joe Kraft responded both. You will have two different out looks.

Mr. Coughlin responded we have a committee in Program Services, Ray McDonough heads it up and he reports to a deputy. Let me think how we can do that. It would be almost like an advisory committee for ASAT. I don't want 62 advisory committees, maybe a one single advisory committee and not with just Council 82.

Joe Puma stated as long as we are all consistent we do not have a problem with that. We are supporting ASAT right now. We want the legislature to build more prisons.

Mr. Coughlin stated let me think now the best way would be and I will get back to you.

President Thomas Kennedy stated we went to Mt. McGregor and the biggest thing that impressed us was the C.O.'s said it works great. Our concern is setting up ASAT. Network does come in and brings in a cross bag. Bring correction officers into it. McGregor does a very good job looking at the consistencies.

Mr. Coughlin stated I feel very strongly that in order to make a program work right everyone involved with inmates has to be a part of the team. It will not work if the C.O. stands back and provides just security.

Tom Kennedy responded I did not hear the same complaints from the Network people.

Joe Kraft stated participation and actually doing the work are two different things.

John Brooks stated Network was disastrous. I do not think the officer will help ASAT. We have qualified people but the minute you put the officer involved the inmate sees security. It is more beneficial to have counsellors who can relate to these people better. The officer cannot interject. The program will go down the tubes.

Tom Kennedy stated I talked to the 3 - 11 shift. They liked the program. It was working well. We are not trying to throw grenades because it does work.

Mr. Coughlin stated we have allot of inmates in the system. We have got to look at different ways of doing business. We need C.O.'s but the C.O. role will be an involved role. Just like correction officers in the '30s were much different then the '90s. The role of the correction officer in the year 2000 is going to be different then in 1990. As the system changes the people who work in the system will have to change.

Joe Puma stated we are all for the involvement process. But we do not want to do counselling.

Mr. Coughlin stated I will seriously consider setting up an advisory committee but it will have to be on a statewide level not a local level.

#### Item #4(a) E.J.T.'s

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Joe Kraft stated there is an inconsistency in the amount of hours for training. Accreditation calls for 40 hours training.

Mr. Coughlin stated you are correct. The initial training is 40—hours. If someone has 20 years on the job and transfers, should he need 40 hours. I don't think that is necessary. The issue is transfers. There has to be an orientation period but he should not require 40 hours. E.J.T. orientation is some thing less then 40 hours. It should be 16 hours. I would like to see that standardize at 15 hours. I know people are not getting it. We are still playing catchup. I have got to wait until training lieutenants are up and running. Some of them are not up and running yet the way they should be.

Paul Hebert explained the E.J.T., I think, given the resources that 16 hours is a good concept. What happens is the person who leaves the facility for a couple of months and comes back.

Joe Kraft stated it would be common sense. The problem is different facilities give different orientation. We need some kind of standardization.

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Mr. Coughlin stated last year there was allot of vacancies in the system, even the O.J.T.'s. Vacancies are now getting down. The regular training lieutenants are down and everyone should be doing it. The sixteen hours is what we are looking for the E.J.T.'s. If it starts to get messed up in some places you have to call Kevin Breen.

#### Item #4(b) O.J.T.'s

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Joe Kraft stating when we talked about this originally it was for training.

Mr. Coughlin asked is the issue of putting O.J.T.'s on the night shift a female issue?

Joe Kraft responded no.

Mr. Coughlin asked is it standard across the State?

Joe Kraft stated it is not a male or female issue.

Mr. Coughlin took a hand count of those in the room by asked how many places have O.J.T.'s on the night shift?

Mr. Coughlin stated I will put something out that O.J.T.'s should not be on the midnight shift. Then asked how do you want to deal with the female issue?

Wendell Hill stated he has not heard of any problems from the .... City with females not working the midnight shift on O.J.T.

Mr. Puma stated a C.O. is a C.O.

Mr. Coughlin stated you have to have one female officer on a shift. I have to have it. I will put something out about keeping O.J.T.'s off midnights. If you have problems with females we will deal with that at the next labor/management meeting.

#### Item #5 Uniforms

Joe Kraft stated a memo was put out regarding uniforms. We' require the same quantity.

Mr. Coughlin stated we decided to cut back on shifts because we could save correction officer jobs. \$120,000 for one extra shirt

each. But if you want two shirts you have them. How do I go back and tell budget I spent another \$120,000. Every correction officer will get two shirts.

Joe Kraft asked how often do we get issue?

Kevin Breen stated every three years.

Joe Kraft stated at Fulton they received a memo telling them to cut it by 75%.

Mr. Coughlin stated I don't know anything about it but I will check it out.

#### Item \$6 Prison Omnibus Bill

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Joe Kraft stated we need to know some kind of an out look on the bill and a tentative schedule for opening of facilities.

Mr. Puma stated yesterday we talked allot about this bill. What is Omnibus?

Mr. Coughlin stated it's a legislative term that talks about putting a number of unrelated issues into one bill. It's just a term of account. It also had to do with both houses of the legislature agreeing on the bill. As it's a single bill it's one omnibus bill.

Mr. Coughlin went on to state there is a schedule for the projects that were approved in the bill passed in June, 1989. We are on schedule with them. They will go along but it will take a long time to talk about this. The bill that was passed in June, 1989, were based on projections that we well doing in March, 1989. Projections like 3 or 4 months before the bill was signed. The negotiations on the bill began in November, 1988. We put all of the stuff in the budget and the legislature took all of the construction out of the budget. That is why the bill was not approved until the last day of the session. The projections were based on best estimates. The biggest impact has been low level felony drug cases. The 1 to 3 and 2 to 4. There is a very-interesting statistic. Back in the mid 80's, the average length of stay was 29 to 30 months. Last year the average was 22 months. You are getting allot of short term drug guys. legislature changed the penalties. They told allo misdemeanor to felonies that took effect November 1, 1988. had no idea of the impact. I knew it would generate more inmates. In November and December of 1988 there was only two TNT. units in New York City. There were 3 more scheduled to come on April, 1989. I did not know what the impact of those TNT units would be.

At this point someone asked what a TNT unit was.

Mr. Coughlin explained it is 40 or 50 cops going into an area and breaking up drugs. A guy would be arrested for low level coke possession. They also pre-indict, no grand jury, etc. They were getting probation, time served, and out on the street again. We looked at 900 commitments. We found the completion of time and re-arrest was 13 days. As a 2nd felony offender you must go to a state facility. We did a population projection that in March or April of 1989 looked good. When the TNT Units came on they did fill more then we expected them to do. They made thousands of arrests. We watched what happened through the summer and into the fall and it became very obvious that the bill was not going to be sufficient. We did some projections that carried us through 90-92. We are about 8600 beds short. Our population projection on March 31, 1992 is 62,200 inmates - we currently have 52,000. What do you do about that? We sat down with the legislature the week before Thanksgiving in 1990 and layed on them what we think will happen in 90 and 91. I told them I need 8600 more beds. I gave them a way to do it. We just spent 800 million and we are now looking for another billion. We have an operational budget of 1.4 billion, add this to it and it will be billion. There is a reluctance on the part of the legislature to deal with this. They keep trying to find different ways to reduce population. ASAT was their response last year. We need beds and we needed them yesterday. November I presented a proposal to the legislature which included a different way of configuring facilities. There are several facilities that we could add about 600 beds to the compound. needed 4 or 5 up front. I could get 3000 beds by June, 1990. the Omnibus bill they authorized x number of prisons. They held . up 2 750's and 1 200. They said come back if you need them. We came up with a proposal that took the 150 million and generated It was the 600 bed additions at 5 facilities. 3000 beds. wanted them to approve that back in November. They refused us. In a meeting last Thursday, they were still refusing to allow us to do it. As of yesterday, at least some of the Assembly, there is a softening of position. If I were to get the go ahead today, those beds would not be on line until November. What that means is that the system will have to double bunk more then what it is doing now because of the court cases going on right now. If the legislature approves our proposal and if they approve it within next two to three weeks we could be able to start construction immediately. If we are lucky, we could have these 3000 beds by July or August. That would cut the problem of double bunking. If we double bunk the system without any agreement from the legislature to fund, we have lost the system. That is the difficult part. I don't want to double bunk the system. We can handle short term double bunking but that's all.

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Mr. Puma stated with that in mind, we both can work together. Last night Tom Kennedy and I met with Jim Yates. We told him Council 82 would fight any way we could on double bunking. They told us last night, Yates said, there is one issue Council 82 and the Assembly agree on. The Assembly does not agree on double bunking. 9:30AM tomorrow morning we will be meeting with Ken Redett. We will do what ever it takes to avoid double bunking.

Mr. Coughlin responded I want to make one thing clear. The Governor has told me personally, you do what you have to do. The Governor has not, in any manner, not be supportive of my proposal. My proposal is cheaper, quick and will get us through. I gave you guys a guarantee, I will get the gyms down, this proposal will do it.

Mr. Puma stated the feeling you had in Coxsackie last year, I will not go though the same thing again. We are taking lives. This is a major problem.

Mr. Coughlin stated It can not become a policy of the State of New York that we double bunk because the system will collapse. It cannot happen I have got to get 8600 beds.

Mr. Coughlin went on to say there is a couple of statistics - categories of inmates which says how many cases are pending more then six months. That number historically averages 14000. The number this month is 24000 cases pending more then six months. 40% of them could come to us. How many guys in New York City are convicted and waiting to be sentence. Usually that number is around 5000 a month. This month it's 8400. We get 40% of that difference. I will not be a part of double bunking. If they force that on me I am out of here. It would be a major mistake. You forget ASAT, four day modular, etc. - you lock them up and put armed officers on them.

Mr. Puma asked can you keep us advised on what is happening and I will give you the same commitment.

Mr. Coughlin responded you represent 18000 of our employees. I will tell you what is happening. I am not telling you I am trying to save money on this. I can give you a copy of the plans on the 600 beds.

Joe Kraft stated we would appreciate that.

#### SHU Units

Joe Kraft asked where are we going to put SHU Units? We need to know what we are doing.

Mr. Coughlin responded I agree there is a problem with what we have now. Maybe because we are not using the space correctly. I was at Arthurkill the other day and went through SHU looking at the people. I found a major defect in SHU regulations. They are in keep lock — it works in Great Meadow but not at Arthur Kill. It's crazy. That regulation will be changed. They have to adhere to the regulations. Keep lock go into SHU with no personal property etc. I wonder if there is not a better way, dorm facility, to punish inmates rather then putting him in SHU. We will have a drug free work place. We entered an agreement

with Council 82 going after inmates last year where each inmate will get four drug tests a year. We will have to punish him differently than putting him in SHU.

Joe Kraft asked what do you suggest?

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Mr. Coughlin responded guys get caught dirty, he loses personal items 1st time. 2nd time something else. We have to conserve SHU for assaulting officers, other inmates, bringing in drugs, etc.

Joe Kraft asked are we talking about no more SHU space?

Mr. Coughlin answered any new facility will have SHU space. The 600 bed additions will not have added SHU space.

Joe Kraft asked if you see, down the line, that it is not working will they be looking at expanding SHU's?

Mr. Coughlin responded at some point in time yes. It's not in the original plans but yes. There are inmates sitting in max facilities that are medium facility eligible. One of the things I was thinking about is sticking to the rule that if they are eligible for medium put them there. Open more medium space and back space to max.

Joe Kraft stated the P.C.'s - there are allot of them clogging the system.

Mr. Coughlin responded give me a suggestion. I have threatened to say there is no such thing as protective custody in the system any more. Do you have any suggestions? I guarantee I will listen to it.

Joe Kraft stated I know in places they have provided cell space for P.C.'s. Another thing brought to our attention is transfer from box.

Mr. Coughlin stated what should we do with P.C.'s. Set up designated places within a facility Doesn't that say a guy could go lay up there.

Joe Kraft stated maybe we shouldn't make it so easy for them to get in.

Phil Coombe stated they have to tell us who the enemy is.

Mr. Coughlin stated the real problem is a guy who is at a reasonable facility, if he wants to go to P.C. he should be made to transfer to a very nasty place.

Joe Kraft stated I think it is very important we stress the problem.

Joe Kraft went on to say recently, on gym expansion meeting, we had talked about Ogdensburg.

Mr. Coughlin stated I heard about it this morning. I will take care of it.

Joe Kraft stated one last issue we had a situation concerning a TB outbreak. We are concerned that the administrators are not honoring the health agreement we ave. I would like to reaffirm that agreement.

Mr. Coughlin responded I have absolutely no problem reaffirming that agreement. My position has been, and will continue to be, the position in that memo. There are some conflicts in the Department. The whole issue of AIDS is going to get allot more difficult to deal with. My position has been, I am not in favor of mass testing programs. The medical technology has changed. There is a treatment available. AZT. We are required to treat people if we find they are HIP positive. We are not going to do mass testing but if someone feels they live a high risk standard, they will be tested. The number of AIDS patients will go up. We will have to deal with that. On notification, the doctors are very concerned about confidentiality. I said something a number of years ago. If you look at the confidential rules put out by the health department it says members of the health care team. Doctors, nurses, orderlies, are not bound by the confidentiality My position was that in a general hospital setting everybody who comes in contact is allowed to know the problem. In a prison setting the correction officer is as much a part of the health care team as the orderly. Therefore the correction officer has the same right to know if they are dealing with an infectious person. That is my position and will be my position. To make that happen is difficult. I thought about putting an article in the DOCS paper to say just that.

Joe Kraft stated along those same lines, someone who has contact with these people are going to be tested, loses time on the job, where does he stand.

Mr. Coughlin responded comp. <u>He gave</u> an example of a female at Albion.

William

Joe Kraft asked what happens if the state insurance says no?

Mr. Coughlin responded you have attorneys don't you. I have said if a person gets cut or something, go out right now. Their doctor will recommend they go on AZT. If that is not comp I don't know what is.

Joe Kraft asked how about testing once a year for TB?

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Mr. Coughlin stated the Health Department does that right now.

- . Joe Kraft stated you are going to send something to the facilities to reaffirm your policy?
  - Mr. Coughlin stated definitely, I will reaffirm that.
  - Mr. Puma asked what is the policy on smoking in the facility?
  - Mr. Coughlin responded we have a Central Office Policy. Each facility is in the process of developing their own policy using a standard set of guidelines. A cell block cannot be designated as a nonsmoking area.
  - Mr. Puma stated I don't see it has a major problem but Clinton has set up a no smoking policy.

\*\*\* REQUESTOR: 999EXCUDU - Dewitt, Ward Con - Executive Direction \* SYSM OUTBASKET PRINT

TESSAGE ID: 311260

DATE: 01/29/90 TIME: 15:30 PRIORITY: 000

SUBJECT:

CORRECTION OFFICER TRAINING

TO:

ALL SUPERINTENDENTS

THOMAS A. COUGHLIN III, COMMISSIONER

RE:

CORRECTION OFFICER TRAINING

PURSUANT TO THE JANUARY 10, 1990 LABOR/MANAGEMENT MEETING WITH COUNCIL 82, THE FOLLOWING POLICY IS RESTATED:

CORRECTION OFFICER TRAINEES WORKING AT A FACILITY IN ON-THE-JOB TRAINING STATUS MAY NOT BE ASSIGNED TO SHIFTS BETWEEN 11:00 P.M. AND 7:00 A.M.

INEE STATUS REQUIRES SUPERVISED INVOLVEMENT WITH INMATE GRAMS, MOVEMENT AND DIRECT INMATE CONTACT. THESE IVITIES ARE NOT SUFFICIENT DURING THE "MIDNIGHT" SHIFT TRAIN NEW OFFICERS.

SUPERS		(list)	(to)
EXCTEAN		(list)	(cc)
999HRMJAM	-	Joseph A. Jr. Murphy	(cc)
999LRRKXB	-	Kevin Breen	(55)
999TRNPRH	-	Paul R. Hebert	(cc)
999PERCRH		Charles R. Harvey	(cc)

#### Management Response:

The Commissioner stated that by reason of law, each facility was expected to develop and implement a smoking policy consistent with the recently enacted Clean Air Act. Each facility should have a committee to include all of the unions. We will provide Council 82 with our policy for Main Office.

be designated as a non-emoleny area --

Thomas A. Coughlin III Commissiioner

Joseph Kraft Correction Policy Chairman



## Security and Law Enforcement Employees

AMERICAN FECERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES AFLICIO

HOLLIS V. CHASE BUILDING 61 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518:489-8424

January 17, 1990

Joseph P. Puma Executive Director Stepnen C Pageau Associate Director

President

James T. Mann Executive Vice President

Peter Killian Secretary

Roland Martin Treasurer

Joseph G. Kraft Jr. Correction Policy Chairman

Richard Stevens Law Enforcement Policy Chairman

#### Executive Board

Adam Cassiack John Beachy George Brockley John Brooks Charles Cambareri James Daniels Frank Gagliardi Nathaniel Grinnage Wendell Hill Lyndan Johnson Dennis Koerick Dan Kuliğowski John Pappas -Duffy Seefeldt Kenneth Taylor William White William Wilczek Jay Cunningham Jack Emmett Ronald Hoyt John (ppplito Richard O'Connell Richard Peffer Stephen Snyder Richard Wallikas

#### Trustees

John Shuleit Ronald Russell

Thomas P Kennedy III Mr. Edward Rooney Department of Civil Service Building #1 - Room 130 State Campus Albany, New York 12239

Statewide Labor/Management Meeting

January 9th & 10th, 1990

Dear Mr. Rooney:

Below listed are the names of those delegates who attended the Statewide Labor/Management meeting held on Tuesday, January 9th and Wednesday, January 10th, 1990. This meeting was held at the Quality Inn, Watervliet Albany, New York beginning at approximately 9:00AM and ending at approximately 5:00PM on both days.

Mike Guarino Mike Graney John Pappas Dan Kuligowski Adam Cassiack John Englehardt William White Lyndon Johnson Louis Joseph George Garlick John Brooks William Madden Joseph Paul Dennis Koerick Wendell Hill Al Rodgers John Stanforth John Beachy Kingston Bachert William Meck Richard Hawes

Auburn Corr. Facility Auburn Corr. Facility Sullivan Corr. Facility Collins Corr. Facility Woodbourne Corr. Facility Coxsackie Corr. Facility Great Meadow Corr. Facility Clinton Corr. Facility Mid-State Corr. Facility Mid-State Corr. Facility Mt. McGregor Corr. Facility Wende Corr. Facility Ogdensburg Corr. Facility Ogdensburg Corr. Facility Fulton Corr. Facility Sing Sing Corr. Facility Eastern Corr. Facility Green Haven Corr. Facility Elmira Corr. Facility Southport Corr. Facility Marcy Corr. Facility

Please arrange for these delegates to receive employee organizational leave for attending this two day meeting.

Sincerely,

Joseph P. Puma Executive Director

JPP/dmf

Stephen C. Pageau Thomas P. Kennedy III Joseph G. Kraft, Jn



### **CORRECTION POLICY COMMITTEE**

## Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

HOLLIS V. CHASE BUILDING

61 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE-518(489-8424

February 16, 1990

Chairman Joseph G. Kraft Jr.

Vice Chairman Steve Fredricks

Secretary Beverty Jamison

Treasurer

Frank Arizemende

Trustees Robert Dragoon Jose Villafane Grant Smaldone

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TO:

RE:

All Correction Local Presidents

FROM: Joseph G. Kraft, Correction Policy Char

Statewide Labor/Management Minutes

Attached are the statewide labor/management minutes that we discussed at our recent Correction Policy Meeting.

If there are any questions, please do not hesitate to contact me at the Council 82 office.

JGK:dbl Enclosure

cc: J. Puma

T. Kennedy



#### DEPARTMENT OF CORRECTIONAL SERVICES

#### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12225

THOMAS A. COUGHLIN III .



#### MINUTES

# DEPARTMENT OF CORRECTIONAL SERVICES/ COUNCIL 82 STATEWIDE LABOR/MANAGEMENT MEETING

January 10, 1996

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#### Present for Management:

Thomas A. Coughlin III, Commissioner Philip Coombe, Pirst Deputy Cmr.
Glenn Goord, Deputy Cmr.
Ward DeWitt, Deputy Cmr.
Kevin Breen, Asst. Cmr.
Joseph Murphy, Dir., Human Resources Charlie Harvey, Dir., Personnel
Paul Hebert, Dir., Training Academy Mike Bintz, Executive Assistant
Thomas Testo, Special Assistant

#### Present for Union

Joe Puma, Executive Director Tom Kennedy III, President Joe Kraft, Policy Chairman Mike Guarino, Auburn CF Mike Graney, Auburn CF John Pappas, Sullivan CF Dan Kuligowski, Collins CF Adam Cassiack, Woodbourne CF John Englehardt, Coxsackie CF William White, Great Meadow CF Lyndon Johnson, Clinton CF Louis Joseph, Mid-State CF George Garlick, Mid-State CF John Brooks, Mt. McGregor CF William Madden, Wende CF Joseph Paul, Ogdensburg CF Dennis Koerick, Ogdensburg CF Wendell Hill, Fulton CF Al Rodgers, Sing Sing CF John Stanforth, Eastern CF John Beachy, Green Haven CF Kingston Bachert, Elmira CF William Meck, Southport CF Richard Hawes, Marcy CF

Statemile 4m neeting 1-10-90 NEOL- for 1/9 + 10

## <u>5160 IN</u>

NAME no: Helpiano e Junua - GUARINO DOHN PAPPAS O Dan Kalyana Steplen Chagean \_ P. Pum Our Kast Manao Kenneg Q. R. Engellow Down a /Bork Louis Joseph George Garlick GEORGE GARLICK McCollegni 1 M/se RICHARD HAWES

C-82 (1447)

Auburn 1447

SUllivan 1406

WOODBOURNE 115 |

C82 Assoc. Direi

C-82 Ex. Direi

C-82 Prindet.

Corsactic 1264

Great Meadow 1279

Clinton - 1272

Milotate 2169

Pres. Mr. McGrana Wende 1140 Pres 181 Ogolinaling 19781 11 Free 1996 Free 1413 Since: Eastern Green Hoven Southfurt C.F. Marky C.F. Pres Correction Policy Chairman Joseph Kraft started off by stating the purpose of the agenda is we are going into the 90's with the possibility of real growth. We need to know where we are going. He also stated that communication between Council 82 and the Department has been good in the past and would hope it would continue in that direction.

Commissioner Coughlin responded by stating, "let's get started, and as we go through the agenda, you hit all the high points. You're right, the 90's will present a significant challenge. We have to keep it going."

#### ITEM #1 -- FOUR MODULAR PROGRAM DAY

#### Union Concern:

The union requested that they be fully briefed on certain major changes in inmate programming as they relate to full program days. Mr. Kraft stated that certain facilities are already taking steps toward the imposition of shift changes for certain staff. They are also interviewing officers whose jobs may be impacted. These officers, in certain cases, are bidding out of positions that may be impacted by shift changes. The union's last concern was that there should be no new programs without new staff consistent with the Commissioner's prior commitment.

Mr. Kraft requested that prior to any changes in current operations, that the impact on security staffing be fully discussed with each local.

#### Management Response:

The Commissioner began with a general discussions of his philosophy of maximum inmate programming. He emphasized the need to reduce to an absolute minimum the need for inmate call-outs from regularly scheduled programming. In order to accomplish this, certain inmate services will have to be provided outside of normal program day schedules. Such modifications may require starting time or shift changes for certain security staff.

The Commissioner stated that any shift in the program day will be covered by existing staff. There is no intention to add supplemental programs, we are simply rescheduling existing programming over a longer period of time during the day. The Commissioner made a commitment that the impact of any changes in the program day would be fully discussed with Council 82 and the locals.

Each facility has been ordered to submit a plan to accomplish the goals stated. When these plans are approved, we intend to rapidly move forward toward implementation.

The Commissioner stated that facilities should not have been making changes for Four Modular Programs. They were told to follow the usual process. The Commissioner stated he would put something out from Central Office on this.

Executive Director Puma stated at Mid-State, the officers which were put in place for the gym expansion are now being used for this and other programs. That defeats both of our purposes to maintain staffing levels.

Deputy Commissioner Glenn Goord stated this should not be happening. Those officers will not be used for anything else.

#### ITEM #2 -- MEDIA REVIEW COMMITTEE

#### Union Concern:

The union expressed concern over the types of movies and printed material that are permitted into correctional facilities. They requested that a local president, or his ddesignee, be placed on the Media Review Committee.

#### Management Response:

The Commissioner stated that he did not object to the union's request as long as it was understood that we are limited by certain laws and court rulings as to the type of materials that can be restricted. He also strongly emphasized that the Central Office Review Committee would be the final judge consistent with long established guidelines, rules, and court rulings.

#### ITEM #3 -- A.S.A.T.

#### Union Concern:

The union requested a complete staffing package for the current and future planned ASAT facilities. They would also like to be informed of the goals and objectives of this initiative. It is believed that the union can provide valuable input into ASAT.

Mr. Kraft was concerned that ASAT, which he believed to be working well for the most part, would be adversely affected by the integration of Network. Under the ASAT Program, the inmates are minimal problems to the security staff. Mr. Kraft expressed concern that at Mid-State, counselors are assuming security duties. Specifically, one correction officer is assigned to two, 40-bed units. One counselor is assigned to each unit. They expressed concern that this was a prototype of future ASAT/Network facility staffing.

The union also expressed concern over the apparent inconsistent operations of ASAT Units statewide. Mr. Kraft used as an example, an inmate who transferred to Mt. McGregor from an ASAT Unit at another facility and had to begin the program all over.

President Thomas Kennedy stated he went to Mt. McGregor, and the biggest thing that impressed him was the correction officers saying ASAT works great. Our concern is setting up ASAT.

Mr. Kraft suggested that Council 82 could be a valuable resource for ideas and constructive input. He suggested that a committee be formed for this purpose.

Executive Director Joseph Puma stated Council 82 is willing to cooperate, but that correction officers do not want to counsel. We will not cross bargaining lines.

#### Management Response:

The union was provided with a staffing package. The Commissioner said that the issue at Mid-State is unique and went on to explain that the two units were in dorms next to each other. Prior to the establishment of ASAT, there was no one in those dorms except inmate porters. The Commissioner went on to state that he was going to take a serious look at the ASAT Program at Mid-State. He had concerns about inmates being on the units for extended periods of time during the program day.

The Commissioner said that correction officer coverage has not been changed--no reductions or increases. Generally, ASAT is a full 8-hour program day.

The Department plans on merging Network and ASAT. The new ASAT/Network will be developed very shortly. There will, in the future, be designated ASAT facilities. At present, there are over 12,000 inmates involved in ASAT. He feels in order to make the residential treatment program work right, everyone involved has to be a part of the treatment. The correction officer role is an evolving role. As the system changes, the people who work the system have to change.

The Commissioner will work with Council 82 to establish a statewide advisory committee.

#### ITEM #4 -- K.J.T.'S/O.J.T.'S

#### Union Concern:

E.J.T.'s: The union claimed that the number of hours of orientation is inconsistent from facility to facility and stated that some do not provide any orientation for transferees.

Mr. Kraft stated the Department should strive for a standardization in orientation.

O.J.T.'s: The union is concerned that OJT's are being assigned to unsupervised posts on the midnight tour.

When questioned on whether this becomes an issue due to female correction officers, Executive Director Puma stated that as far as Council 82 is concerned, a correction officer is a correction officer.

#### Management Response:

E.J.T.'s: The Commissioner agreed that initial orientation should be 40 hours; however, 40 hour orientation for someone on a transfer is not necessary—it should be 16 hours. Inconsistencies may be the result of regionalizing training lieutenants and suggested the union be patient during our period of transition.

O.J.T.'s: The Commissioner agreed to send out an All Superintendents' memorandum reaffirming OJT's are not to be put on the midnight shift. He also stated that female coverage may present problems that will be addressed on a case-by-case basis. (See attached)

#### ITEM #5 -- UNIFORMS

#### Union Concern:

The union is concerned about the change in the quantity of replacement issue. This quantity was reduced due to budget cuts.

#### Management Response:

The Commissioner explained that he planned on cutting back on shirts in order to save correction officer jobs. (The cost of one replacement shirt is \$120,000.)

The Commissioner did grant the union's request for the extra shirt. He also indicated that the issue of sweaters was not impacted.

#### ITRM #6 -- EXPANSION

#### Union Concern:

The union would like a schedule of approved construction projects.

#### Management Response:

The need for prison construction flows from population projections. The bill passed in June last year was based on projections we were doing in March last year. The negotiations on the 1989 bill began with the legislature in November 1988.

The legislature set aside all prison construction items until the end of the budget process. The projections we used were based on our best estimate of what was going to happen. In the mid-1980's the average length of stay for inmates was approximately 29-30 months. Last year's average was 22 months.

The Commissioner talked about the TNT Units working out of New York and stated that the Department had no idea of what the impact would be on Corrections as a result of the number of arrests generated by the additional TNT Units.

The prison Omnibus Bill is not sufficient to meet our expected demand. We are about 8,600 beds short of where we are now. By June 1990, we will need 3,000 beds if the legislature fails to okay our current proposal. Population projection for March 31, 1992 is 62,000. We currently have 52,000 inmates in our system. Our operating budget is currently 1.4 billion dollars—will be 1.7 or 1.8 billion dollars to run the system in the next fiscal year.

If we get the go ahead to add additional beds, they would not be on line until October or November 1990. This means we will have to double-bunk. We can handle double-bunking for the short-term. If the legislature approves our proposal within the next two or three weeks, we should be able to start construction almost immediately and have the 3,000 beds occupied by July or early august. This would solve the double-bunking problem. If we double-bunk without any agreement from the legislature that more beds will be provided, we may be forced to live with double-bunking.

Council 82 as well as the Department is strongly opposed to the issue of double-bunking.

#### Union Concern:

Executive Director Puma stated with that in mind, we both can work together. Last night, President Kennedy and I met with Jim Yates, Counsel to the Speaker. We told him Council 82 would fight any way we could to avoid double-bunking. Mr. Yates stated there is one issue Council 82 and the Assembly agree on, and that is to oppose double-bunking.

Mr. Puma went on to say, "tomorrow at 9:30AM, we will be meeting with Ken Rydet, Counsel to the Senate Majority Leader. We will do whatever it takes to avoid double-bunking."

Commissioner Coughlin stated the Governor has been very supportive of his plans. He also stated that he gave Council 82 a commitment to get the inmates out of the gym, and that his new proposal will do that.

Executive Director Puma stated the Commissioner should keep the union advised, and we will do the same.

#### ITEM #7 -- SPECIAL HOUSING UNITS

#### Union Concern:

The union claims that there is not enough space in Special Housing Units, and because of this, it is affecting tier hearings and the length of time inmates are in SHU.

Mr. Kraft went on to say that the PC's are clogging up the system and should be dealt with. Council 82 would be willing to work with the Department on a plan.

#### Management Response:

The Commissioner agreed that SHU space is limited, but questioned whether we were making the best use of a limited resource. The Commissioner suggested that there may be more meaningful punishments for certain offenses, such as restriction of certain privileges, i.e., packages, phone calls, clothing restrictions, etc. By doing this, we would be able to reserve SHU space for serious violations, i.e., assaults on staff, etc. The Commissioner went on to state that another problem with the system is the number of inmates in protective custody. He gave a brief history on the evolution of protective custody as we understand it and further stated that all his efforts to limit protective custody have not resolved the problem. He continues to explore alternate ways to more productively address this issue.

The Commissioner stated that new facilities will continue to have the normal number of SHU cells, but that current plans for the 600 bed expansions do not provide additional SHU cells. He agreed to look into this at the same time that he explores alternate punishments to free up the currently available SHU space.

On the issue of PC's, the Commissioner said he is willing to listen to suggestions from Council 82 on this issue.

#### ITEM #8 -- INFECTIOUS DISEASES

#### Union Concern:

Correction officers are not notified if they are dealing with an infectious person. The union would like to reaffirm our agreement by sending out an All Superintendents' memorandum.

Another concern was in the event an employee who has contact with an infectious person loses time on the job, where does that individual stand as far as compensation is concerned.

#### Management's Response:

The Commissioner began his response by stating that his agreement on notification of staff that an inmate has an infectious disease and that necessary precautions should be taken remains as previously agreed to. He reemphasized that his reading on the laws relating to this issue are applicable to certain security staff. According to Health Department Guidelines, members of the health care team are entitled to notification of patient's infectious conditions. The Commissioner considers certain security staff as part of the health care team. The Commissioner went on to state that testing and treatment of HIV positive inmates will increase substantially. The reason for this is as follows.

During the initial stages of AIDS as a prison issue, the Commissioner was reluctant to promote widespread testing because there was, during that period, no proven, medically acceptable treatment for inmates who tested positive for the virus. There now is positive evidence that early medical intervention can have a positive result in extending the lifespan of infected persons. The Commissioner indicated that we have a professional and moral responsibility to provide medically acceptable care in such cases. As such, testing and early treatment will increase substantially.

The Commissioner went on to restate his position on universal precautions. If they are followed, the risk of infection is minute.

On the question of compensation, the Commissioner stated that the approval or disapproval of compensation claims is a State Insurance Fund determination. He further stated that if an employee is exposed to an infectious disease and requires outside medical treatment, he would support the approval of Workers' Compensation claims.

#### ITEM #9 - SMOKING POLICY

#### Union Concern:

The Union requested an update on the impact of the Clean Air Act on correctional facilities.

#### Management Response:

The Commissioner stated there can not be a smoking policy on the housing units.

The Commissioner stated that by reason of law, each facility was expected to develop and implement a smoking policy consistent with the recently enacted Clean Air Act. Each facility should have a committee to include all of the unions. We will provide Council 82 with our policy for Main Office.

Thomas A. Coughlin III

Commissioner

Joseph P. Puma

Thomas P. Kennedy II

President

Joseph Kraft \ \ C Correction Policy Chairman

. \*\*\* REQUESTOR: 999EXCWDW - Dewitt, Ward Cen - Executive Direction SYSM OUTBASKET PRINT

SAGE ID: 311260

DATE: 01/29/90 FIME: 15:30 PRIORITY: 000

SUBJECT: CORRECTION OFFICER TRAINING

TD:

ALL SUPERINTENDENTS

∹ROM:

THOMAS A. COUGHLIN III, COMMISSIONER

RE's

CORRECTION OFFICER TRAINING

PURSUANT TO THE JANUARY 10, 1990 LABOR/MANAGEMENT MEETING WITH COUNCIL 82, THE FOLLOWING POLICY IS RESTATED:

CORRECTION OFFICER TRAINEES WORKING AT A FACILITY IN ON-THE-JOB TRAINING STATUS MAY NOT BE ASSIGNED TO SHIFTS BETWEEN 11:00 P.M. AND 7:00 A.M.

TRAINEE STATUS REQUIRES SUPERVISED INVOLVEMENT WITH INMATE PROGRAMS, MOVEMENT AND DIRECT INMATE CONTACT. THESE ACTIVITIES ARE NOT SUFFICIENT DURING THE "MIDNIGHT" SHIFT TO TRAIN NEW OFFICERS.

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	999HRMJAM
	<b>タタタにRRKXB</b>

SUPERS	(list)	(to)
EXCTEAM	<li>t)</li>	(cc)
999HRMJAM	- Joseph A. Jr. Hurphy	(cc)
999L.RRKXB	- Kevin Breen	(cc)
999TRNPRH	- Paul R. Hebert	(cc)
999PERCRH	- Charles R. Harvey	(cc)



## Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES AFLED D

HOLLIS V. CHASE BUILDING 61 COLVIN AVENUE. ALBANY, N.Y. 12206

PHONE 518, 489-8424

Joseph P. Puma Executive Director

Stephen C. Pageau Associate Director

Thomas P. Kennedy III. President

James T. Mann Executive Vice President

Peter Killian Secretary

Roland Martin
Treasurer

Joseph G. Kraft Jr. Correction Policy Chairman

Richard Stevens Law Enforcement Policy Chairman

#### Executive Board

Adam Cassiack John Beachy George Brockley John Bracks Charles Cambareri James Daniels Frank Gagliardi Wendell Hill Lyndon Johnson Dennis Koerick Dan Kuligowski John Pappas Al Rodgers Duffy Seeleldt Kenneth Taylor William White William Wilczek Norm Channing Jay Cunningham Ronald Hoyt Dan Kinney Richard O'Connell Richard Peffer Stephen Snyder Richard Wallikas

#### Trustees

John Shufelt Ronald Russell ick Roberts August 29, 1990

Elizabeth D. Moore Director Governor's Office of Employee Relations Agency Building #2 Empire State Plaza Albany, New York 12223

Dear Ms. Moore:

As you are aware, the Middle East crisis has caused President Bush to activate members of the military reserve. Some of these reservists are also New York State employees, many of which we represent.

While we have yet to meet to discuss the impact of state employees being activated, an issue has arose immediately. We have that we must address advised, after an employee is activated, employee's health coverage, under NYSHIP ceases on the 30th day after leaving payroll. We were further advised, the employee could maintain coverage under NYSHIP if payment was remitted to the NYS Civil Service on a bi-weekly basis of the entire premium due (the employers contribution as well àЯ the contribution).

It would truly be unjust if the coverage under the NYSHIP for the family of an employee who was called to active duty by our President is terminated because they cannot afford the premium payments. Therefore, on behalf of these brave men and women who are being activated, we request that a waiver of premiums be granted until such time as they return to active state service.

Your immediate attention to this request is greatly appreciated and if you have any questions, or you would like to discuss this matter further, please do not hesitate to contact the Council office.

Sincerely,

Joseph P. Puma Executive Director

JPP/TPK:paj

STATE OF NEW YORK SECURITY SERVICES AND SECURITY SUPERVISORS UNITS

STATE OF NEW YORK (Governor's Office of Employee Relations),

-and-

COUNCIL 82, AFSCME, AFL-CIO,

#### EMERGENCY SUPPLEMENTAL HILITARY LEAVE

The current military emergency in the Middle East is being responded to by Americans nationwide. Included in this military response are New York State employees whose Military Reserve or National Guard units have been called to duty. The Military Law provides a period of 30 days per year during which military personnel on leave from work are entitled to remain on payroll at full pay. Thereafter, appropriate leave credits may be charged to maintain full pay status. However, pursuant to existing laws and rules, after exhaustion of credits employees would be placed on leave without pay status and would discontinue eligibility for various State benefits, including State health insurance coverage for themselves and their families.

It is in response to the current military crisis and the impact upon employees who are federally activated that the parties hereby agree:

- The State shall create a temporary leave category called Emergency Supplemental Military Leave.
- 2) State employees who have been federally activated for military service after August 1, 1990, shall be granted Emergency Supplemental Military Leave with pay after the

exhaustion of military leave with pay pursuant to Section 242 of the New York State Military Law.

- 3). While serving under such leave the eligible employee shall be in full pay status for a period not exceeding 30 calendar days or 22 working days, whichever is greater.
- 4) In no event shall such Emergency Supplemental Military Leave be granted for military service performed after March 31, 1991; nor shall more than one such grant of Emergency Supplemental Military Leave be credited to any employee during the period from August 1, 1990, to March 31, 1991.

DATED: 9/5/90 DATED: 9/5/90

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DATED: 9/5/90

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# STATE OF NEW YORK GOVERNOR'S OFFICE OF EMPLOYEE RELATIONS ONE COMMERCE PLAZA SUITE 706 ALBANY, NEW YORK 12210

ELIZABETH D. MOORE DIRECTOR NANCY L. HODES EXECUTIVE DEPUTY DIRECTOR WALTER J. PELLEGRINI GENERAL COUNSEL EMPLOYEE BENEFITS MANAGEMENT DIVISION NELSON E CARPENTER . DIRECTOR

September 4, 1990

Mr. Thomas P. Kennedy, III President Council 82, AFSCME 61 Colvin Avenue Albany, New York 12206

Dear Mr. Kennedy:

We have been asked by Governor Cuomo to review with you the status of health insurance coverage for State employee members of the Armed Forces Reserves or National Guard who are called to active duty in connection with the current situation in the mid-East. I have outlined below the current provision of law and regulation affecting such activated employees. I am also presenting a State proposal to modify current practice for those impacted by the current mobilization effort. In addition, I have enclosed language which, if agreed upon by Council 82, will be deemed a collectively-bargained agreement and, as such, will replace current practice. If you have questions or comments on the proposal, please give me a call as soon as possible. Thank you for your anticipated quick action.

#### Current Practice

State employees who are activated in the Armed Forces Reserves or the National Guard are entitled to receive Military Leave for the duration of their active service. The first thirty calendar days (or 22 work days) of such Military Leave in any calendar year is leave with full-pay. During such period the employee receives his or her full State pay (in addition to his or her military pay), continues his or her health insurance enrollment, and continues to earn leave credits like any other active employee. After that first thirty-day period of leave with full pay, the employee may be permitted to continue full pay status charging the absence to accrued annual or personal leave credits or

accrued holiday time off. Again during this period the employee continues his or her health insurance enrollment and earns leave credits like any other active employee.

Note: Certain employees may have used a portion of their 30 day military leave earlier during this calendar year and thus would be entitled to only the remaining days, however, since they are entitled to 30 days during any one continuous period of activation, they would be entitled to additional days commencing January 1, 1991, if they are still on active duty, to bring the total to 30 days for this period of active duty.

After the employee's leave credits have been exhausted, the employee's status for health insurance becomes Leave Without Pay for the remainder of the Military Leave. During such period the employee does not receive any part of his or her State salary and does not earn leave credits, and the State does not pay the employer's share of the cost of health insurance. As in any other Leave Without Pay situation, health insurance coverage continues for two payroll periods after the end of the period in which the employee was last in pay status, with the State paying the employer's share of the cost. Thereafter, if the employee has a family enrollment in the health insurance program, the employee's family coverage may be continued but the employee is required to pay the full cost.

#### Proposal

A State employee, activated in the Armed Forces Reserves or National Guard, may continue family coverage in the State Health Insurance Program, after sixty days of Military Leave and accruals (annual leave or personal leave) are exhausted, by paying the full cost of the premium for such coverage. This is a substantial cost. Family coverage under the Empire Plan would cost \$168.63 biweekly with prescription drug coverage and \$143.52 biweekly without prescription drug coverage. If we were to modify current practice, following union agreement, to charge for dependent coverage only, the cost remains substantial, i.e., \$94.19 with prescription drug coverage; \$81.61 without prescription drug coverage. The average HMO cost falls within the same range.

Clearly the cost for providing health insurance for dependents will be a major burden for many of the employees called to active duty. Therefore we propose a significant change in current policy in this regard. I have attached language which formalizes our proposal but, put simply, we propose to waive health insurance premiums, both employer and employee share, for all currently enrolled employees activated on or after August 1, 1990, for up to twelve months minus the period the employee remains in full-pay status. For example, an activated employee who receives sixty days full-pay Military Leave and selects to use thirty days vacation accrual, would be entitled to twelve months waiver of premium minus the ninety days of full-pay status. There would be no charge to the employee and no payments made to

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the health insurance carrier or HMO during the extended period. Instead, experience charges for this group would be included in the overall experience for the Plan and would marginally impact the unit premium in the following years. In effect, the insurers/HMOs would have costs which were not offset by current premium payments and would, therefore, spread these costs over the entire enrolled population. We estimate that for every thousand employees called to active duty, the biweekly premium will increase next year by \$0.29 (\$0.22 employer share and \$0.07 employee share).

If the number of activated employees is less than 1000, or the period of active duty less than 12 months, these figures will be reduced accordingly.

Changing the requirements related to health insurance coverage while on Military Leave requires the concurrence of the unions representing State employees. We believe this proposal is fair and equitable to all and supports humane public policy in this situation. Your agreement with this proposal will, once again, demonstrate that labor and management can take decisive and equitable action in an area of significant importance to us all.

Sincerely,

Neison E. Carpenter

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Enclosure

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THE PROPERTY.

The State of New York and Council 82 agree to the following modifications to current practice relating to health insurance coverage for represented employees who are members of the Armed Forces Reserves or National Guard and who are called to active duty on or after August 1, 1990 in response to the mid-East situation.

- 1) State employee members of an Armed Forces Reserves or National Guard component called to active duty, on or after August 1, 1990, in connection with the current situation in the mid-East, will be entitled to continued enrollment, for their covered dependents only, in the New York State Health Insurance Program at no cost for a period not to exceed 12 months, minus the period the employee remains in full pay status, cessation of active duty status, or their return to State employment, whichever shall occur first.
- Only employees enrolled in the State Health Insurance Plan with dependent coverage for a minimum of 30 days prior to the enrollee's activation will be eligible for this provision.
- 3) The State shall arrange with the various Insurance Carriers, under the Empire Plan, and with the various HMOs, Waiver of Premium agreements waiving both employer and employee required premiums for the period covered in #1 above.
- 4) Claims incurred by dependents of such employees will be included in the overall experience for the Plan and will thus be considered in the determination of future year premium adjustments.
- or continued by agreement of both parties. Any eligible employee called to active duty between August 1, 1990 and the sunset date of this agreement. In connection with the current situation in the mid-East, shall be entitled to the waiver of premium period covered in #1.above.

Signature below indicates agreement on the above by the State and Council 82.

New York State date

President, dar Council 82

Executive Director date

This agreement also applies to the provision of dental and vision benefits according to the conditions stated above.



reference in

## Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFLICIO

HOLLIS V. CHASE BUILDING

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#### Trustees

John Shufelt `onald Russell lick Roberts TO: All State Contract Local Presidents

FROM: Joseph P. Ama, Executive Director &

Thomas (P. Kennedy III President

RE: Middle East Crisis

DATE: September 5, 1990

Due to the current military emergency in the Middle East, many of our Council 82 members have been either activated or put on alert.

With this in mind, we have come to an agreement with the Governor's Office of Employee Relations to assist these members with military leave and their health insurance benefits.

Attached you will find the agreements in reference to-these issues that should be shared with these brave Council 82 members affected.

If you have any questions regarding this matter, please feel free to contact me at the Council 82 office.

dmf Encs.

cc: Lawrence Germano Stephen C. Pageau Walter Cavanagh

All Council 82 Field Staff Representatives All Council 82 Executive Board Members

Sept 4-5 1990 Sign in Shut Diniel M. Jowers - MARCY LOCAL 3559 Lan Kulysweki - Collins Joers 1436 Mike Gravery - Aubino " 1447 Joseph Tilson Oreida Local 3533 LKIN NOKTON: Wyomine LOCAL 1169 tarry Hyland-Groveland Local 2556 - PRANKLIN. LOCAL 3552 - FRANKLIN. LOCAL 3755 Clivion feed 1272 ART JOCKEY Bauce PAUL Lynia Johnson Willia Beach GREAT MEADOW LOCAL 1279 Theen taven focal 152 Ruelvica cocac 3545
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Downstate Local 399 Joseph Stronger of (Apriles Surcher ? Joseph DWalen APPICA LOCAL 1040 H-1-) ILES ANDRO BOS COURT WCAL 1264 Coxsackie John ENGleGARDT Tulton 1 1986 W FRUL C-82 Presidet. -cm Kennedy ... C-82 EXECUTIVE DIRECTOR Joseph P. PJMA Local 399 Downstate Joseph D Whalan James Sanders Local 1255 Pres Fishkill Joseph A. Payl Og Dens Burg Loca, 782 DOCS (Academy) Haul Hebert 0005 CHARLIE R. HARVEY = lony Annueci 

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## CORRECTION POLICY COMMITTEE

## Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFLICIO

HOLLIS V. CHASE BUILDING

61 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

Chairman Joseph G. Kraft Jr.

Vice Chairman Steve Fredricks

Secretary Beverly Jamison

Treasurer Frank Arizmendi

Trustees
Carol Reiner
Jose Villafane
Grant Smaldone

TO:

All Correction Local Presidents

FROM: Joseph G. Kraft, Jr., Correction

Policy Chairman

RĒ:

September 4, 1990 Statewide Labor/Management

Meeting

DATE:

September 26, 1990

Attached you will find the completed minutes for the September 4, 1990 Statewide Labor/Management meeting.

If you have any questions, please do not hesitate to call me.

dmf Enc.

ccs: Joseph P. Puma

Thomas P. Kennedy III

Lawrence Germano Walter Cavanagh

TO:

All Superintendents

FROM: Kevin Breen

Assistant Commission

## DEPARTMENT OF CORRECTIONAL SERVICE

THE STATE OFFICE BUILDING CAMPUS

FYI

ALBANY, N.Y. 12226

THOMAS A. COUGHLIN III COMMISSIONER

## MINUTES

## NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES/

## COUNCIL 82 STATEWIDE

## LABOR/MANAGEMENT MEETING

OCT 0.2 1930

September 4, 1990

## Present for Management

Thomas A. Coughlin III, Commissioner Philip Coombe, First Deputy Cmr. Glenn Goord, Deputy Cmr. Ward DeWitt, Deputy Cmr. Robert Greifinger, Deputy Cmr. Anthony Annucci, Dep. Cmr. & Counsel Kevin Breen, Asst. Cmr. Susan Butler, Asst. Cmr. Chester Clark, Asst. Cmr. Kevin Travis, Asst. Cmr. Charlie Harvey, Dir., Personnel Paul Hebert, Dir., Training Acad. William Righter, Dir., Budget & Fin. Michael Bintz, Executive Asst. Thomas Testo, Special Asst.

Joseph Puma, Executive Dir. Thomas P. Kennedy, Policy Chrm Joseph Kraft, President Larry Germano, Assoc. Dir. Wendall Hill, Fulton CF William White, Great Meadow CF John Beachy, Green Haven CF Philip Sawyer, Riverview CF Joseph Paul, Ogdensburg CF James Sandford, Fishkill CF Joseph Whalen, Downstate CF James Daniels, Greene CF Angelo Allesandro, Orleans CF Daniel Kuligowski, Collins CF Michael Graney, Auburn CF Robert Covert, Attica CF Daniel Powers, Marcy CF Joseph Tilson, Oneida CF Brian Norton, Wyoming CF Larry Hyland, Groveland CF Art Jolley, Bare Hill CF Bruce Paul, Franklin CF Lyndon A. Johnson, Clinton CF

#### ITEM #1 -- STAFFING

## Union Concern:

Joe Kraft opened the meeting by stating that there are serious staffing problems statewide that must be addressed. Joe Puma stated that both himself and his union members are tired of being assaulted in the prisons. He further stated that the lack of control in some facilities could be easily traced to staffing problems. Mr. Puma strenuously pointed out that the union has tried to be moderate in its approach to serious issues, but the results are not there. are continuously at odds with the Division of the Budget. He stressed that the Governor better start listening to the criminal justice experts like the Commissioner and Mr. Poklemba and not the Budget Director, or he may see a union that is a lot more aggressive in its approach to the issues at hand. Mr. Puma reminded those in attendance of what happened with the New York City correction officers' union at Rikers Island in that they achieved their demands through militant action. Mr. Kennedy reiterated Mr. Puma's concerns.

## Management Response:

The Commissioner stated that he, too, is concerned with the number and type of staff assaults. He further stated that the professional manner in which we have conducted labor relations over the past 10 years has been very productive for all concerned. As in the past, he expressed the hope that we will continue to address mutual problems in an atmosphere of trust and respect. We have worked through some tough issues in the past and will continue to do so.

## Scheduling of Unassigned Personnel

## Union Concern:

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Mr. Kraft stated that in many facilities across the State, there are local agreements that control the bidding of various/various shift and squad assignments. They work well with proper planning. Seniority is a primary considertion. On the other hand, there are some facilities that refuse to bid such assignments. The union requests that Central Office staff issue a guideline for the bidding of such assignments.

## Management Response:

The Commissioner stated that his position on seniority should be very clear to all officers in the State. His track record speaks for itself. The Commissioner agreed to have issued a guideline on bidding such jobs by seniority with the following provisions.

- A. The guideline will enhance, not supersede current local labor/management agreements.
- B. Management retains the right to make necessary realignments of shifts and squads with proper notification.

## B. Training Relief Officers

## Union Concern:

Mr. Kraft expressed concern that in many facilities, training relief jobs are not being bid. He stated that part of the problem is that the jobs were taken off the plot plan when they were included in the relief factor. Mr. Kraft stated that he would like a communication from the Commissioner clarifying this issue.

## Management Response:

The Commissioner agreed with the union's request and will have his staff send a clarifying memorandum to all superintendents. Training relief jobs will be bid.

## C. Update on Opening of New Pacilities

## Union Concern:

Mr. Kraft requested an update on the opening of new facilities. He specifically requested information on problems at Greene and Albion locations.

## Management Response:

The Commissioner stated that for the most part, construction plans are on target. We had a problem with wetlands at Albion, but modifications in construction plans provided an acceptable resolution. Greene is another issue. While we will continue to pursue permits from the Federal Government to address the wetlands problem, we may have to choose an alternate location and resubmit for an expansion at Greene in next year's budget.

The union was provided with an update of construction plans.

## D. Double-Bunking Tied in With 1.7 - 1.8 Relief Factor

## Union Concern:

Mr. Puma expressed in an emphatic manner, that he is tired of being double-dealt by the Division of the Budget. He stated that their position that the in-creased relief factor was tied in with double-bunking, is nothing but a lie. Mr. Puma went on to state that the Governor had better start listening to the experts in Corrections, i.e., Tom Coughlin and John Poklemba, and put the Director of the Budget in his place. Mr. Puma stated that his union put in hundreds of man hours and devoted a large amount of funds to lobby the Governor and the legislature to accomplish the increased relief factor and didn't receive the 757 items requested, but rather 481. He further stated that he is not giving it up without a major battle. He specifically asked the Commissioner what his recollection of the relief factor agreement was. Puma went on to state that the vacancies, double-bunking, early retirement, attrition, and the recent reserve call-up, are putting an unbearable burden on the system. He stated that he will not sit back and continue to watch his men get assaulted without taking into consideration all of the union's options.

Mr. Puma again reminded the Commissioner of the problems at the New York City Department of Corrections. Mr. Kennedy raised the issue of widespread vacancies in the system. There were several questions raised by the Committee regarding the same issue.

## Management Response:

The Commissioner began his response by stating that it is his firm position and belief that the increase in the relief factor which added 481 correction officers

to the system had nothing to do with double-bunking. The Commissioner stated that he does not know where the Division of the Budget came up with their position, but he is prepared to refute it. The Commissioner stated that he hoped that the upcoming meeting with the Governor will resolve the issue to everyone's satisfaction. Since the original date to meet with the Governor was unacceptable to the union, due to Council 82's annual convention, the Commissioner stated he would arrange an alternate date.

The Commissioner reiterated that with working together, he hoped to resolve this issue. He reminded the union that we are a big agency with a huge budget, and that adds up to big problems in terms of financial short-falls. He stated that we have already been assessed \$43 million in budget reductions. He does not know what the final bottom line will be.

In closing, the Commissioner recommended that a committee be set up to address the redistribution of security staff when double-bunking is eliminated. The union agreed. Jack Kiroy and Joe Kraft will meet with Glenn Goord and Charlie Harvey to set up a schedule for the staff takedown. The Commissioner agreed to provide all necessary data to Council 82 to prepare for the meeting with Governor Cuomo.

## ITEM #2 -- SUPERVISION OF INNATES

## A. Inmate Discipline - Discussion of Ways to Improve Correction Officer Authority

## Union Concern:

13-

Tom Kennedy opened this topic by stating that a committee had already met to discuss the following issues and that there was no point rediscussing each item in detail.

- A. Lack of consistency in hearing officer decisions
- B. Timeliness
- C. Lack of proper training of hearing officers

- D. Need for more keeplock cells
- E. Setting up disciplinary dorms
- F. Possibility of a no-frills jail

Both Kennedy and Kraft indicated that the initial meeting of the Committee was most productive and recommended that the Committee continue to meet.

Mr. William White, Local President at Great Meadow Correctional Facility, indicated that they have 176 inmates in general population keeplock. This number of keeplocked is over and above long-term confinement and SHU. They requested immediate relief. Mr. Kraft also requested that a disciplinary unit be opened at Coxsackie.

## Management Response:

Commissioner Coughlin was pleased with the progress of the Committee and also recommended its continuance. He was open to any and all suggestions and directed the Committee to develop a statewide plan. Current budget problems may have an impact, but we will try to work around it.

The Commissioner directed Deputy Commissioner Goord to address the problems at Great Meadow and Coxsackie immediately. The Commissioner was receptive to the idea of disciplinary dorms and would like the Committee to explore the concept in greater detail.

#### B. Lack of Towers

## Union Concern:

The union suggested building towers at medium security facilities. They felt it would give officers and inmates in the yard better protection than the existing perimeter patrols.

## Management Response:

As a general statement, the Commissioner feels that towers in each medium yard are not needed. He feels there is a much better response from the perimeter patrol. It may not be the case for all, but each facility should be looked at. He will get back to the union.

## ITEM #3 -- CONTAGIOUS DISEASES

## A. Reissuance of Notification Process

### Union Concern:

The union needs clarification regarding inmates with contagious diseases. Health care providers are reluctant to notify involved security staff. The union felt that the Commissioner's position was not being followed by health care employees.

#### Management Response:

The Commissioner restated his position that certain correction officers are a part of the health care team. He will reissue a memo stating his position. This issue will also be covered at the All Superintendents' Meeting. The Commissioner directed the union to contact Assistant Commissioner Kevin Breen with any individual facility problems.

The Commissioner again advised that universal precautions should always be followed.

## B. Workers' Compensation Benefits

## Union Concern:

The union is concerned that employees exposed to and impaired by infectious diseases are having their claims controverted by the State Insurance Fund. They ask the assistance of the Department of Correctional Services in correcting this situation.

An example given was an employee from Fishkill was forced to use his own sick leave and health benefits for doctors appointments after being tested positive for TB. This should be covered by Workers' Compensation.

## Management Response:

Assistant Commissioner Breen stated that we have followed up with the State Insurance Fund, and this should not be happening. Mrs. Adleman of SIC advised that any problems should be directed to her. Assistant Commissioner Breen advised the union to submit a list to him and it will be taken care of.

The Commissioner clarified that time to get confirming x-rays and medication should be paid for by Workers' Compensation. If a chest x-ray is scheduled after being tested positive for an infectious disease, Workers' Compensation will not cover the time up until the x-ray is taken for the simple reason that the employee is probably not disabled.

## ITEM #4 -- OFFICER PROTECTION

## A. Arming of On-Duty Correction Officers While in NYC Area

## Union Concern:

1.)

The union would like officers in the New York City region to be armed at all times when transporting inmates, partaking in escape drills, traveling to duty at an outside hospital post, etc.—it is not safe. This issue has been going on for many years and should be addressed.

#### Management Response:

The Commissioner agreed. Deputy Commissioner Glenn Goord will work up a policy for on-duty correction officers in New York City to be armed.

## B. Suspension of Off-Duty Firearm Possession

## Union Concern:

The union stated that there is no review process for returning a weapon to an officer after being suspended of off-duty firearm possession. The affected person has no way of knowing when he is able to get his weapon back. When an employee is prohibited from carrying an off-duty weapon and no Notice of Discipline is served, the employee is not always advised as to why they lose the right to carry an off-duty weapon.

## Management Response:

The Commissioner agreed to setting up a three monthreview process. It will be handled through Assistant Commissioner Breen's office. He also stated that the employee should be advised as to why the right to carry an off-duty weapon is revoked.

## ITEM #5 -- AFFIRMATIVE ACTION -- INVESTIGATIVE POWERS

## Union Concern:

- The purpose of the Affirmative Action Office is to deal with employee interests, not to turn it into an "Inmate Advocacy" office.
- The Affirmative Action Office is not equipped to handle such investigations. They are not properly trained and often violate the union contract as it relates to union representation.
- The union feels that inmate complaints should be handled by the Inspector General.

#### Management Response:

The Commissioner explained that Carmen Quinones, Inmate Services Coordinator of the Affirmative Action Office, was hired to handle inmate harassment complaints. He feels that she should be properly trained so that Affirmative Action is aware of employees' rights. He will work on this closely for the next few days. The Commissioner does not want inmate harassment complaints handled by the Inspector General's Office because he feels resources in the IG's office would be wasted. He will explore an alternate office to handle such issues.

Thomas A. Coughlin III

Commissioner

Joseph Puma

Executive Director

Thomas P. Kennedy Council 82 Presiden

Joseph Kraft Correction Policy Chairman

#### STATE OF NEW YORK



## DEPARTMENT OF CORRECTIONAL SERVICES

## THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

THOMAS A. COUGHLIN []]
COMMISSIONER



September 7, 1990

Mr. Thomas P. Kennedy III President Council 82 61 Colvin Avenue Albany, New York 12206

Dear Mr. Kennedy:

This letter is in response to your recent letter regarding the Affirmative Action Office investigating inmate complaints of racial discrimination. As I stated at the recent labor/management meeting, I will explore alternate methods of handling such complaints and investigations.

I will advise you of my final determination.

Thomas A. Cough Ma 11

Commissioner

CC. L. Germana

8/12/92 aldo-Of tomile



## DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

THOMAS A. COUGHLIN III **FIGHUISSIONER** 

ALBANY, N.Y. 12226

## SENIORITY SECURITY RESOURCE POOL

## (VARIOUS VARIOUS)

It is agreed by Council 82 and the Department of Correctional Services that seniority shall be the basis by which those employees in the portion of the security resource pool known as various various will select pass days, shift and job assignments.

The bidding process will be decided upon at each facility through the Labor/management

This agreement is a guideline and does not supersede current local agreements regarding the assignment of employees in the security resource

ecutive Director

Council 82

Thomas P. Kennedy

President

Council 82

Policy Chairman

Council 82

Thomas A.

Commissioner

Department of Correctional

Services

## STATE OF NEW YORK



## DEPARTMENT OF CORRECTIONAL SERVICES

## THE STATE OFFICE BUILDING CAMPUS

THOMAS A. COUGNUIN III

ALBANY, N.Y. 12226

October 29, 1990

TO:

All Superintendents

FROM:

Thomas A. Coughlin III, Commissioner

SUBJECT: EXPOSURE TO INFECTIOUS DISEASES

With the increasing numbers of inmates in our facilities with chronic illnesses and infectious diseases, it is important to notify employees of the potential of exposure to these conditions. It is our obligation as employers to insure that employees have a safe and healthy work environment. However, we are also required to comply with the mandates of State and federal laws which protect the confidentiality of the individual. With these two concepts in mind, it is necessary to notify employees of appropriate infection control measures to protect against transmission of infectious diseases.

Employees who are likely to have more than casual contact with inmates who are known to be infected will be told by medical personnel of the presence of the infectious disease and the recommended precautions. In determining whether a particular job assignment involves more than casual contact indicating a significant risk, a standard of reasonableness and common sense must be applied.

Certain relevant factors must be weighed in applying this standard which include, but are not limited to, the size of the physical setting in which the interaction between inmates and staff takes place, the foreseeability of a potential exposure to blood or body fluid, or, in the case of an inmate with a disease with airborne transmission, the potential exposure to contaminated air, and the amount and duration of actual physical contact between the inmate and staff which the

All Superintendents October 29, 1990 Page 2

assignment requires. Examples of situations where the foregoing standard would require notification would in-

- Transportation officers
- All employees in a Special Housing Unit
- Infirmary employees including the correction officers assigned to infirmary

All employees will be trained in the use of and compliance with the "universal precautions". For diseases which require respiratory isolation, such as TB, numps, and measles, the wearing of face masks is appropriate. Protective clothing, to include masks, gowns, gloves, arm guards, and eyeglasses, will be made available to staff as appropriate.

Relative to these issues, I am restating several other policies regarding the subject of exposure to body fluids while on duty:

- Those SHU inmates who are involved in incidents relating to the throwing of body fluids shall have protective shields placed on the front of their cells. The continuance of such shields on such cells shall be reviewed at specific time periods in accordance with present procedure.
- Special Housing Unit inmates who have been involved in throwing of fluids who are in need of hands-on medical attention should be removed from their cell for treatment either to an area in the SHU or Medical Unit, depending on the treatment required.
- 3. Plain plastic eyeglasses will be made available to all staff assigned to the SHU or Medical Unit on an as-needed basis. These glasses shall be stored with other protective wear.

All Superintendents October 29, 1990 Page 3

1.)

- 4. Shower facilities must be identified for use by employees who are subjected to the throwing of such fluids:
- 5. Care should be taken to prevent inmates involved in throwing body fluids at staff from keeping empty cups or containers in their cells. This restriction should also be reviewed on a regular basis to determine need for continuance of same.
- Staff or inmates who have a high risk exposure as 6. defined below, should be referred immediately to a physician experienced with HIV infection or to the emergency room of an AIDS designated center for consideration of preventive drug treatment (post exposure prophylaxis). A high risk exposure is defined as known HIV-infected blood or semen, in (not on or around) the eye, mouth, or vagina; or a penetrating injury (e.g., needlestick) with an instrument known to have HIV-infected blood on it. The facility physician, or in his/her absence, the Central Office Health Services' physician on call, may share known HIV information regarding HIV status of the source, solely to the staff member who would be a candidate for post-exposure prophylaxis or his/her physician.

It has been, and will continue to be, the Department's policy to stress the need for the use of the "universal precautions" for all employees who come in contact with the inmate population.

Please follow up with your local union leadership and your management team to insure that these new policies are implemented immediately and that current procedures are being properly followed.



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## Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFLICIO

HOLLIS V. CHASE BUILDING

61 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518: 489-8424

Joseph P Puma

Executive Director

Stephen C Pageau Associate Director

Thomas P Kennedy III
President

James T. Mann Executive Vice President

Peter Killian Secretary

Roland Martin Treasurer

Joseph G. Kralt Jr Correction Policy Chairman

Richard Stevens
Law Enforcement
Policy Chairman

#### **Executive Board**

Adam Cassiack John Beachy George Brockley John Brooks Charles Cambareri James Daniels Frank Gagliardi Nathaniel Grinnage Wendell Hill Lyndon Johnson Dennis Koenck Dan Kuligowski John Pappas Duffy Seefeldt Kenneth Taylor William White William Wilczek Jay Cunningham Jack Emmett Ronald Hoyt John Ippolito Richard O'Connell Richard Pelfer Stephen Snyder Richard Wallikas

#### Trustees

onald Russell

TO: All Correction Local Presidents

PROM: Joseph P. Pumpa Pareculive Director

Thomas P. Kenhedy Tit President

DATE: March 22, 1990

RE: DOCS Infectious Disease Memo

As you are aware, the issue of management's failure to notify our members when an infectious disease is present in the work place was recently discussed at an agency level labor/management meeting with the Department of Correctional Services.

In response to those discussions, Commissioner Coughlin issued the attached memorandum. Please review this memorandum carefully to ensure that the management at your facility complies with these guidelines.

If you have any questions, please do not hesitate to contact the Council office.

TPK/JPP:paj cc: Stephen C. Pageau Joseph Kraft Wally Cavanagh Larry Germano All Council 82 Field Staff



# STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES ALBANY, N. Y. 12226

THOMAS A COUGHLIN III
COMMISSIONER

## MEMORANDUM.

TO:

All Superintendents

FROM:

Thomas A. Coughlin Izī

Commissioner

SUBJECT:

EXPOSURE TO INFECTIOUS DISEASES

DATE:

February 21, 1990

With the increasing numbers of immates in our facilities with chronic illnesses and infectious diseases, it is important to notify employees of the potential of exposure to these conditions. It is our obligation as employers to insure that employees have a safe and healthy work environment. However, we are also required to comply with the mandates of state and federal laws which protect the confidentiality of the individual. With these two concepts in mind, it is necessary to notify employees of appropriate infection control measures to protect against transmission of infectious diseases.

Employees who are likely to have more than casual contact with immates who are known to be infected will be told by medical personnel of the presence of the infectious disease and the recommended precautions. In determining whether a particular job assignment involves more than casual contact, indicating a significant risk, a standard of reasonableness and common sense must be applied. Certain relevant factors must be weighed in applying this standard which include, but are not limited to, the size of the physical setting in which the interaction between immates and staff takes place, the foreseeability of a potential exposure to blood or body fluid or, in the case of an immate with a disease with airborne transmission, the potential exposure to contaminated air, and the amount and duration of actual physical contact between the immate and staff which the assignment requires. Examples of situations where the foregoing standard would require notification would include the following:

- Transportation officers
- All employees in a SHU
- Infirmary employees including the correction officers assigned to infirmary

\*\*\* REQUESTOR: 240SUPSDD - Dalsheim, Stephen Downstate \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* SYSM INBASKET PRINT

DATE: 03/09/90 TIME: 10:09am PRIORITY: 000 MESSAGE **IÐ**; 340174

TO:

240SUPSOD - Dalsheim, Stephen

Supt., Downstate

Downstate

Downstate Corr. Facility

PO Box 445

Fishkill, NY 12524-0445

FROM:

999EXCRBG - Greifinger, Robert Dep. Comm. & Chief Med. Off. Cen - Executive Direction BUILDING 2

STATE OFFICE CAMPUS ALBANY, NY 12226

SUBJECT: Reply to Infectious Diseases

Original Author: 240SUPSDD - Dalsheim, Stephen

In reference to Commissioner Coughlin's Feb. 21, 1990 memb, re: Exposure to Infectious Diseases, inasmuch as this memo appears to be a change from our previous interpretation of policy, we feel that it is important that we clarify one particular aspect of that memo before communicating with appropriate staff. Our question refers to Paragraph \$2, which states, "Employees who are likely to have more than casual contact with inmates who are known to be infected will be told by medical personnel of the presence of the infectious disease and the recommended precautions." Our interpretation of this sentence would be that our medical staff would be responsible for communicating to any employee with more than casual inmate contact, the nature of the infectious disease that the employee needed to be aware of. This would include Aids, Hepatitis, T.B., etc., that, when communicating this information, they should indicate what precautions should be taken, such as contact with blood and body fluids precautions. We thus anticipate that this communication would be, in our case, our Transportation Component and areas of the facility such as Special Housing. Present departmental policy would appear to make any communication such as this a violation of previous confidentiality of Aids information, as well as the penalties associated with any violation. Therefore, before we communicate this information to our medical staff and appropriate others, we would want to be confident + at this supercedes previous policy as we have interpreted them

\*\*\* Comments from 999EXCRBG - Greifinger, Robert; 03/09/90 10:05am: Thanks for the query. The memo does not really supercede other policies, but intends to reinforce two separate but related ones.

First, all the confidentiality policies, regs, and laws are

All Superintendents February 21, 1990 Page 2

All employees will be trained in the use of and compliance with the "universal precautions." For diseases which require respiratory isolation such as TB, mamps, and measles, the wearing of face masks is appropriate. Protective clothing, to include masks, gowns, gloves, arm guards, and eyeglasses will be made available to staff as appropriate.

Relative to these issues, I am restating several other policies regarding the subject of exposure to body fluids while on duty:

- A. Those SHU immates who are involved in incidents relating to the throwing of body fluids shall have protective shields placed on the front of their cells. The continuance of such shields on such cells shall be reviewed at specific time periods in accordance with present procedure.
- B. SHU immates who have been involved in throwing body fluids who are in need of hands-on medical attention, should be removed from their cell for treatment either to an area in the Special Housing Unit or Medical Unit, depending on the treatment required.
- C. Plain plastic eyeglasses will be made available to all staff assigned to the SHU or medical unit on an as-needed basis. These glasses shall be stored with other protective wear.
- D. Shower facilities must be identified for use by employees who are subjected to the throwing of such fluids.
- E. Care should be taken to prevent immates involved in throwing body fluids at staff from keeping empty cups or containers in their cells. This restriction should also be reviewed on a regular basis to determine need for continuance of same.
- F. Staff or immates who have a high risk exposure, as defined below, should be referred immediately to a physician experienced with HIV infection, or to the emergency room of an AIDS Designated Center, for consideration of preventive drug treatment (post exposure prophylaxis). A high risk exposure is defined as known HIV-infected blood or semen, in (not on or around) the eye, mouth, or vagina; or a penetrating injury (e.g. needlestick) with an instrument known to have HIV-infected blood on it. The facility physician, or in his/her absence the Central Office Health Services' physician on call, may share known HIV information regarding HIV status of the source, solely to the staff member who would be a candidate for post-exposure prophylaxis or his/her physician.

All Superintendents February 21, 1990 Page 3

It has been, and will continue to be, the Department's policy to stress the need for the use of the "universal precautions" for all employees who come in contact with the immate population.

Please follow up with your local union leadership and your management team to insure that these new policies are implemented immediately and that current procedures are being properly followed.



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# STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES ALBANY, N. Y. 12226

THOMAS & COUGHLIN III

#### 

TO:

All Superintendents

FRC::

Thomas A. Coughlin If

Commissioner

STETT:

ENTOSTEE TO DIFFERENCES DISEASES

DATE:

February 21, 1990

With the increasing numbers of invates in our facilities with chronic illnesses and infectious diseases, it is important to notify employees of the potential of exposure to these conditions. It is our obligation as employers to inside that employees have a safe and healthy work environment. However, we are also required to comply with the mandates of state and federal laws which protect the confidentiality of the individual. With these two concepts in mind, it is necessary to notify employees of appropriate infection control measures to protect against transmission of infectious diseases.

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- Transportation officers
- All employees in a SHJ
- Infirmary employees including the correction officers assigned to infirmary

Second, if an inmate has an infectious disease, HIV, hepatitis,

ecc. the listed staff are to be informed there is "an inf, disease" but not which one. TB of course would be separate because of the need for special respiratory precautions.

Call me, Tony Annucci or Mike Bintz if I haven't clarified sufficiently. Thanks.

Sent to: 240SUPSDD - Stephen Dalsheim (to) EXECTEAM (list) (to)

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## IMMATE HEALTH CARE DUFING TRANSFER

POM:		DATE:
:O:		THROUGH:
INMATE:	S HEALTH CARE LIST	THO
he Tollowing listed inmates are	to depart this faci	lity on
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(time)	tase provide necess	ary bealth services, information
nd medication.		
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Except as noted, none of the al	ove listed inmates	have any known health problems
dring medical treatment or medic drinal - Transporting Officer	eation and are appr	and to the man side
d Copy - Detaining Facility Copy - Receiving Facility Copy - medical file		(signature)
Blood & Body Ho	lerb	(name)
PREC AUTI	ous	(***)*)

All Superintendents - writing 21, 1977 Tage 2

"Tail employees will be trained in the use of and compliance with the "universal precautions." For diseases which require respirator; indition such as TB, mamps, and measles, the wearing of face masks is appropriate. Protective clothing, to include masks, goars, gloves, arm quards, and eyeglasses will be made available to staff as appropriate.

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- B. Sill irrates who have been involved in throwing body fluids who are in need of hands-on medical attention, should be removed from their cell for treatment either to an area in the Special Housing Unit or Medical Unit, depending on the treatment required.
- C. Flein plastic eyeglasses will be made available to all staff assigned to the SAU or medical unit on an as-meded basis. These glastic shall be stored with other protective wear.
- D. Shower facilities must be identified for use by employees who are subjected to the throwing of such fluids.
- E. Care should be taken to prevent irrates involved in throwing body fluids at staff from keeping empty cups or containers in their cells. This restriction should also be reviewed on a regular basis to determine need for continuance of same.
- F. Staff or imates who have a high risk exposure, as defined below, should be referred imadiately to a physician experienced with HIV infection, or to the emergency room of an AIDS Designated Center, for consideration of preventive drug treatment (post exposure prophylaxis). A high risk exposure is defined as known HIV-infected blood or seman, in (not on or around) the eye, mouth, or vagina; or a penetrating injury (e.g. needlestick) with an instrument known to have HIV-infected blood on it. The facility physician, or in his/her absence the Central Office Health Services' physician on call, may share known HIV information regarding HIV status of the source, solely to the staff member who would be a candidate for post-exposure prophylaxis or his/her physician.

All Superintendence Featury 21, 1990 Page 3

It has been, and will continue to be, the Department's policy to stress the need for the use of the "universal precautions" for all employees who come in contact with the imate population.

Please follow up with your local union leadership and your management team to inside that these new policies are implemented immediately and that current procedures are being properly followed.



Sec. 2.

## Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

HOLLIS V. CHASE BUILDING 61 COLVIN AVENUE. ALBANY, N.Y. 12206

PHONE 518:489-8424

April 2, 1990

Joseph P Puma Executive Director

Stephen C. Pageau Associate Director

TO:

All Correction Local Presidents

Thomas P Kennedy III

President

FROM:

Joseph P. Puma, Executive Director

James T Mann Executive Vice Thomas P. Kennedy III, President

Président Peter Killian RE:

DOCS Policy Manual - HIV Exposure

Secretary Roland Martin Treasurer

Joseph G. Kralt Jr.

Joseph G. Kralt Jr. Correction Policy Chairman

Richard Stevens Law Enforcement Policy Chairman Please find the attached DOCS Policy Manual for HIV exposure that Dr. Greifinger of the Department of Correctional Services recently issued.

If you have any questions, please do not hesitate to contact the Council office.

#### Executive Board

Adam Cassiack John Beachy George Brockley John Brooks Charles Cambareri James Daniels Frank Gagliardi Nathaniel Grinnage Wendell Hill Lyndon Johnson Dennis Kaerick Dan Kuligowski John Pappas Duffy Seefeldt Kenneth Taylor William White William Wilczęk Jay Cunningham Jack Emmett Ronald Hoyt John Ippolito Richard O'Connell Richard Peffer Stephen Snyder

#### Trustees

John Shufelt Ronald Russell

Richard Wallikas

JPP/TPK:dbl Enclosure

CC: S. Pageau J. Kraft

> L. Germano W. Cavanagh

All Field Staff

Page	1	o f	9	

## POLICIES, PROCEDURES AND GUIDELINES MANUAL

PPGM SECTION	SUBJECT	APPROVED BY	DATE	7.754
<u>HEALTH</u>	HIV EXPOSURE	Milas	3-26-90	19

PROTOCOL FOR EXPOSURE TO HIV POSITIVE AND HIGH RISK INDIVIDUAL

## Background

Recent reviews were done of the medical literature and reputable employee exposure surveillance programs. These conclude that the risk of seroconversion after documented high risk exposure to the blood of HIV infected individuals is present, but low. Exposure of mucous membranes to body fluid other than blood (feces, urine, saliva, semen) has resulted in no documented seroconversions to date.

When it happens, seroconversion will usually occur within 6 to 12 weeks after exposure, but a follow-up period of at least one-year with a physician on HIV client is recommended. Prophylaxis with zidovudine (AZT) has been proven effective in animal models but not in humans. However, zidovudine treatment for six weeks remains an option to be discussed with the exposed individual's physician. If zidovudine therapy is initiated, it should start at the earliest date, preferably within 24 hours of a high risk exposure.

Nationally, most high risk exposures have been caused by accidents, or loose adherence to universal precaution protocols. Therefore, frequent review and compliance with protocols is mandatory for occupational safety.

All employees with documented high risk exposures are encouraged to contact a physician, hospital, or the Department of Health for an HIV test; DOCS will assist in this referral.

## Policy

The correction work environment remains a very safe and secure one, however, certain situations may occur where employees experience significant contact with the blood and body fluids of HIV positive or high risk individuals. Significant contacts include parenteral (needle sticks, lacerations, non-intact skin) or sucous membrane (eye, mouth) exposure to blood or semen. These exposure episodes represent a real, but very small, risk to the employee's health. This policy is promulgated to offer the employee guidance, rapid access to medical assistance, and the advice of experts in the field.

## POLICIES, PROCEDURES AND GUIDELINES MANUAL

PPGM SECTION SUBJECT	APPROVED BY DATE LIEM
HEALTH HIV EXPOSURE	3-26-90 18
Procedure (See Dutline)	

I. Immediately Following Staff High Risk Exposure

Employees with significant contact with the blood or body fluid of HIV positive or high risk individuals should immediately notify the area supervisor. The supervisor will notify the medical unit, and escort the employee to the medical area. An accident report is generated according to established procedures, not mentioning HIV status of any individual. The supervisor will notify the Superintendent.

## II. Medical

In the medical area, an immediate definitive decontamination is completed. If indicated, a change of clothing is provided. Nursing staff will complete the accident report and notify the command center if medical determines it to be a significant high-risk exposure (unusual incident is generated).

The Health Services' physician or delegate, after identification of the inmate contamination source, will thoroughly review the source's medical record to establish HIV/Hepatitis serostatus. If not known, a request for testing the source inmate should be offered, with the understanding that the results would be shared with the employee. The source individual may not be compelled to be tested. In any event, a decision for early exposure prophylaxis would not await these results, but is based on present and pre-existing health conditions, and risk status.

Appropriate medical data is gathered from the employee. The employee is advised of their HIV/Hepatitis risk and afforded the opportunity for testing or having their serum drawn and stored by the facility staff or outside. These tests should include a blood count and tests for HIV and Hepatitis. Finally, the employee is advised of the zidovudine (AZT) option for significant exposure.

## III. Referral to Private M.D.

In <u>all</u> high risk circumstances, employees are referred to a private physician or HIV counseling center (see attached) for immediate evaluation and follow-up.

## POLICIES, PROCEDURES AND GUIDELINES MANUAL

PPGM SECTION	SUBJECT APPROVED BY DATE ITEM
HEALTH	HIU EXPOSURE 3-26-90 18
16 444	

If the private physician or health care provider has limited experience in this area, or is unsure as to how to proceed, Dr. Robert Dracker, SUNY Syracuse, (315) 464-5540 or Dr. Bill Hines, Oneida Correctional Facility, (315) 339-6880 are available to advise.

Frequently, when AZT is prescribed, it is not available at local pharmacies. The employee may then present the prescription to the facility infirmary and receive medication for no longer than a 48-hour period (ten-100 mg. doses).

IV. All information about the exposed employee's exposure must be held in strict confidence.

## POLICIES, PROCEDURES AND GUIDELINES MANUAL

PPGM SECTION SUBJECT APPROVED BY DATE ITEM #
HEALTH HIV EXPOSURE 3-26-90 18

PROTOCOL FOR EXPOSURE TO HIV POSITIVE AND HIGH RISK INDIVIDUAL BLOOD AND BODY FLUIDS

- I. Immediately Following Staff High Risk Exposure
  - A. Decontaminate Exposure Site
  - B. Notify Supervisor
  - C. Notify Medical Personnel
  - D. Complete Accident Report
  - E. Notify Superintendent and Command Center if medically determined as a significant high risk exposure.
- II. Medical To Determinate Significant Exposure
  - A. Medical Evaluation urgent care
  - B. Definitive Decontamination
  - C. Medical Evaluation to ascertain risk of significant exposure
    - Identify ineate
    - Pre-existing invate health conditions, check serostatus (HIV/Hepatitis) + and high risk activity
    - Counsel regarding risk
  - D. Clothing Change if indicated
  - E. Accident Report Completion
- III. Referral to Private M.D. for Significant Exposure
  - A. Issediate (within few hours) evaluation by private physician and HIV counseling center, or esergency roos.
  - Prophylactic-AZT Treatment, if recommended by private physician, should be instituted within 24 hours, only for those with significant exposure.

\*Hepatitis
(A, B, C, non A, non B)
HIV Status, T cell helper/CBC

## POLICIES, PROCEDURES AND GUIDELINES MANUAL

PPGM SECTION	SUBJECT	APPROVED BY	DOTE	17EM -
<u>HEALTH</u>	HIV EXPOSURE	May	3-26-90	18

If AZT is not available locally, dosing for 48-hour period (ten-100 mg. doses) may be provided through the facility pharmacy. This initial dosing will only be released upon receipt of an appropriate prescription by the private physician.

IV. Maintain strict confidentiality of source and exposed individual's situation in all circumstances except as described and as per DOCS regulations.



## CORRECTION POLICY COMMITTEE

# Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFG-C:C

HOLLIS V. CHASE BUILDING

61 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518 489-8424

TO:

All Correction Local Presidents

FROM:

Joseph G. Kraft Jr.

Correction Policy Chairman

Joseph G. Krafi Jr. Vice Chairman

DATE:

November 14, 1990

Steve Fredricks Secretary

Boverly Jamison

Frank Arizmendî

Treasurer

Chairman

RE:

Reissue of September 4, 1990 Statewide Labor

Management Agreement

Various/Various Guidelines

Memo on Exposure to Infectious Diseases

Trustees Carol Reiner José Villafane Grant Smaldone

Attached you will find a copy of the September 4, Statewide Labor/Management Agreement, along with Resource Pool Guideline Agreement. This should make it very clear that "seniority" will be applied when assigning people in the resource pool. Local labor/management agreements will reflect the method in which this will be accomplished.

You will also find attached, the memo that was sent to all superintendents concerning the notification process that will take place for those employees that have more than casual contact with inmates who are known to be infected.

If you have any questions, please do not hesitate to contact me at the Council office.

JGK:paj

Joseph P. Puma

Thomas P. Kennedy III

Larry Germano Wally Cavanagh





#### THE STATE OFFICE BUILDING CAMPUS.

ALBANY, N.Y. 12226

CHAS A. COUGHLIN (III COMMISSIONER

MARD DE WITT DEPUTY COMMISSIONED ADMNISTRATIVE SERVICES

27.7

January 13, 1989

#### M E M O R A N D U M

All Superintendents

FROM:

Ward De Witt, Deputy Commissioner (

SUBJECT: Training Advisory Committee

As a result of discussions at a recent Department - Council 82 statewide labor/management meeting concerning Training Advisory Committees, this memorandum reaffirms the continuing applicability of a 1981 agreement which established and defined the functions of such committees.

## DEPARTMENTAL AGREEMENT

"The procedure for selection of uniform staff to attend Correctional Services specialized training programs will be accomplished in the following manner:

The Training Advisory Committee will be established and made up of the Deputy Superintendent for Security, Training Lieutenant, Local Union President and one other local Union member.

The purpose of this committee will be to review all applications of security unit personnel interested in attending specialized training programs which have been established for security unit personnel. The Committee, after having reviewed and determined which applicants have met the criteria established for each training program, will rank those applicants in order of their seniority and such applicants will be nominated in order of their seniority.

All notices for specialized training programs will be posted for not less than 15 calendar days and where practicable 30 calendar days."

(signed)
John J. Cassidy
Director, Bureau of Labor
Relations

(signed)
Thomas F. Holland
Executive Director
Council 82

Dated: December 17, 1981

Please be certain to discuss this agreement with your fraining Lieutenant.

## Use of Female Correction Officers

Mr. Netz will issue a directive reaffirming that female Correction Officers assigned to male facilities must perform all the duties of the position, and directing that facilities cease the practice of using female Correction Officers in pon-security assignments (office work).

## 4. Mandatory Overtime

- A. The Department has made efforts to involve Superintendents in better planning to eliminate some of the need for overtime. Deputy Commissioner Corrigan personally called the six facilities identified by Mr. Chase as having the worst problem and directed the Superintendents to neet with the union to work on this problem.
- B. The Department has requested 223 additional Correction Officer positions (over and above the Downstate Correctional Facility staffing) in the Supplemental Budget.
- C. The Otisville system for reducing weekend sticks was explained by Mr. Gard and Mr. Cheeseman.

## Special Monitoring Units

This planned program was explained to the union. The Special Monitoring Units will house notorious criminals, immates with a history of assaults, escape risks, members of terrorist organizations, and genuine protective custody cases. It is not a disciplinary unit. Immates will be assigned on the basis of their history, not for committing a specific offense. Consequently, these will be fully programmed units. It was agreed that additional Labor/Management meetings at the executive level will be held to discuss implementation of Special Monitoring Units.

## 6. Security Training for Civilians

The Department has also met with CSEA on this issue recently, and intends to improve the orientation program for all civilian employees and to include those civilians who have immate contact assignments in the Department's in-service training program. Facility Superintendents have already been directed to take these steps.

## . Reassignments of Femala Correction Officers Out of Bedford Rills Correctional Facil:

These reassignment requests are presently frozen for three reasons:

- A. Due to the staffing limitations imposed by the court order in the Iola Forts lawsuit, we cannot allow any female Correction Officer to transfer out until we can replace them.
- B. The Officers are primarily seeking reassignment to New York City facilities where, due to low population, we are not assigning additional staff.
- C. No males to be assigned to Bedford Hills.

## 8. New Programs

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Significant new programs will be discussed with Council 82 prior to implementation. Department-wide programs will be discussed at statewide labor/management committee meetings or executive level labor/management meetings. New local programs will be discussed at the local level prior to implementation.

## 9. Outside Hospital Procedures

- A. Mr. Metz will review procedures relating to the arming of Correction Officers assigned in outside hospitals.
- B. Mr. Metz will investigate the installation of radios in Green Haven vehicles.
- C. Department Counsel's Office will review Council 82's request for legislation prohibiting physicians and other non-employees from giving inmates information about discharge dates, novement plans, etc.
- D. Mr. Metz will re-issue an order prohibiting all employees from giving immates travel information.

## Sergeant's Examination

The announcement has been distributed,

## 11. Removal of Green Haven from New York City Area For Recruitment

the second control of the

The Department and Civil Service are exploring a division of Regions 6 and 7 which would accomplish this purpose.

Staffing

# 12. Staffing

See item 4.

## Uniforms

Local presidents are advised to supply Mr. Van De Car with information regarding any lack of uniform parts. He will expedite their delivery through main office. Specific complaints received at the meeting on July 14, 1978 will be pursued.

## 14. Employee Time Records

- Mr. Van De Car will issue a memorandum to all facilities directing them to:
- A. Use the long, sheet-type Employee Time Record if they are not now doing so.
- B. Transfer the time record with an employee when he moves to another facility, rather than his leave credit balances only.

## Contingency Posts

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A. A representative from the Office of the Deputy Commissioner for Correctional Facilities will visit Wallkill and meet with the local there to review overall staffing, and the designation of contingency posts.

 The Department will issue guidelines regarding the temporary closing of posts, amalgamation of posts, and so-called "back-filling" of positions.

### 16. Discipline of Employees

A wide-ranging discussion took place.

### Additional Items Not on Agenda

1. Queensboro Staffing and Equipment

Mr. Metz' staff will visit Queensboro and review the problems outlined by Mr. Elliott.

2. Van at Camp Summit

Mr. Metz will look into this problem.

Great Meadow - Receipts for Immate Meals

Labor Relations will look into this problem.

### <u>Elzira</u>

A Labor/Management meeting, involving a representative from Mr. Mecz' office, will be held at Elmira to review the problems raised by Mr. Burks.

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John E. Van De Car

Director of Agency Manpower Management

- The union asked the Commissioner to reissue the various/various agreement because superintendents would not sign off on it since it was not dated.
- The union asked to confer with Personnel and Labor Relations regarding the transfer procedure.

### Management Response:

1. The Commissioner stated that the Department is looking into pre-screening grievances and suggested that a new grievance response form be established. The Commissioner's main concern is to not jeopardize the grievance program. He directed Deputy Commissioner and Counsel Annucci and Inmate Grievance Director McSweeney to look into this. The union suggested that they consult with Council 82's in-house attorney.

The Commissioner advised the union that inmates can be sued for filing false allegations.

- 2. Agreed.
- Joe Murphy agreed to meet with the union regarding the transfer procedure. Council 82 will contact the Department.

The Commissioner suggested that we meet with the union to make a decision on PMS/ID officers. The union asked for the Department's impact study results. They will get back to us after consulting with their attorneys. The Commissioner advised the union that we need their decision as soon as possible.

Thomas A. Coughlin III

Michael Czerniak Correction Policy Chair

Joseph P. Puma Executive Director

Thomas P. Kennedy III
President

Commissioner Coughlin stated that if the union wanted the summer mesh baseball caps there would be no problem, however, he indicated that he the officers could not request another hat for winter use, which he could not provide. Mr. Puma will check with officers and get back to management with the decision as to which hat they preferred.

The union stated that Sing Sing officers were told to purchase their own batons. Mr. Brian Fischer informed the union that it was up to the individual facility to order batons. He further stated that Sing Sing has just ordered 800 batons.

### OTHER ITEMS:

Commissioner Coughlin stated that the Department would like to expand Coxsackie II by 200 beds by building two new dormatories. The Commissioner feels that this can be accomplished quickly.

Mr. Nathaniel Grinnage, Arthur Kill, asked what the plans were for Arthur Kill. Deputy Commissioner Leonardo stated renovations were being done now at Arthur Kill. Commissioner Coughlin stated that he had originally wanted to build a new facility, but was defeated in the bond issue, therefore, repairs are being made to what is there now.

Thomas A. Coughlan III

Commissioner

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John Burke

Executive Director, Council 82

Date | 84

Richard J. Bischert President, Council 82

Joseph Puma

Correction Policy Chairman Council 82



### DEPARTMENT OF CORRECTIONAL SERVICES

### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12225

MAS A. COURNEIN III COMMISSIONER

CHARLE III. DEVAME DEPUTY COMMISSIONE R ADMINISTRATIVE SERVICES

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# DEPARTMENT OF CORRECTIONAL SERVICES COUNCIL 82 STATEWIDE LABOR/MANAGEMENT MEETING

JANUARY 26, 1988



### Present for Management

Thomas A. Coughlin IfI, Commissioner
William S. Coleman, Pirst Deputy Commissioner
Charles M. Devane, Deputy Commissioner
Philip Coombe, Deputy Commissioner
Jose Hernandez-Cuebas, Deputy Commissioner and Counsel
Russell O. DiBello, Assistant Commissioner
Glen Goord, Assistant Commissioner
Kevin Breen, Director, Bureau of Labor Relations
Ronald E. Geiger, Director, Security Staffing
Joseph A. Murphy, Jr., Director of Personnel
Merrill Sanderson, Associate Counsel

### Present for Union

Richard Bischert, Executive Director Joseph Puma, President Richard Rowley, Counsel for Council 82 Christopher Gardner, Counsel for Council 82 Thomas Kennedy, Policy Chairman David Dechick, Auburn Joseph Kraft, Coxsackie 🖫 Ronnie Edwards, Fishkill Dennis Koerick, Ogdensburg Elizabeth True, Albion Beverely Moses, Bayview James Mann, Attica Robert Patterson, Camp Pharsalia Jack Kiroy, Clinton Warren McMillan, Green Haven Nathaniel Grinnage, Arthur Kill James McCabe, Washington Lawrence Hyland, Groveland Ken Taylor, Bedford Hills James Waite, Elmira

### Item #1 - Pemale Staffing at Pemale Facilities

Deputy Commissioner Devane opened the discussion stating that the Department was experiencing serious operational problem at the female correctional facilities due to the shortage of female officers on various shifts. Deputy Commissioner Devane specified the problems areas as follows:

- A. Inadequate numbers of female officers to cover female designated posts.
- B. Excessive overtime for female officers who must cover these posts.
- C. Although a particular shift may have a sufficient number of female Correction Officers, many females bid jobs which can be filled by male or female staff, leaving a shortage of female staff for female only posts.
- D. Females transferring out of female institutions are often backfilled with male Correction Officers compounding the problem.
- E. Although a facility may have a total number of female staff sufficient to operate within its needs, female deployment because of the seniority bid system tends to result in shortages on one shift or another.

Deputy Commissioner Devane also spoke about our efforts to resolve this problem with Council 82 but that our efforts to date had been unsuccessful.

Mr. Richard Bischert stated that he believed that the problem was of our own making because the Department had designated too many female only posts. He also expressed concern that this issue had been raised during negotiations. Mr. Bischert went on to state that Council 82 under no circumstances would agree to a limitation of the contract rights provided in Article 3 and 24 of the negotiated agreement. Mr. Bischert stated Council 82 does not recognize sex certification of any bid jobs within the system. Mr. Rowley, Counsel to Council 82, expressed concern that our proposed policy may be discriminatory and not in accord with the Forts decision.

Commissioner Coughlin said that while both sides have their positions we still have prisons to run and must get on with a solution to this problem. He suggested that we set the major issues aside and send the staffing unit to Bedford Hills to meet with management and the union to work out a staffing chart that all can live with. Mr. Bischert stated that realignments had worked at other locations and could be successful here.

Commissioner Coughlin stated that such a realignment could displace certain officers from their current jobs. He wanted

that position made very clear.

It was mutually agreed that the staffing unit, the locals at Bayview and Bedford Hills and the administrative officers at these locations would work toward a mutual resolution within the next 30 days. Follow will take place on March 1, 1988.

### Item #2 - Monterey Shock Incarceration - Improper Practice Charges

Each issue of the improper practice charges were discussed separately.

### Vacation Scheduling

Deputy Commissioner Devane stated that the vacation schedule in effect was insufficient to run Monterey as a shock facility. Some programs would close down to allow for the old vacation schedule and RDO schedule. The Department was attempting to allow for more incidental time off with the new schedule by cutting back on vacation slots.

Richard Bischert feels that employees of Monterey should enjoy the same schedules that employees of other facilities do. The concern of Robert Patterson: President of the Comps Local, was that when the local offered a new plan it was rejected each time. In the end, the local was not involved in the final decision and just told what the scheduled would be. The last schedule suggested by the union was 6 vacation, 2 incidental. The schedule implemented by management was 4 vacation slots, 2 incident slots.

### RDO Schedule

Robert Patterson stated that the Department came in and implemented the 4-2 modified schedule. There was no discussion with the local. The proposal submitted by the union was rejected.

Ron Geiger stated that the proposal submitted by the union required additional items and therefore not usable.

Robert Patterson stated the Union proposal to change 5 to 4 and 3 to 2 did not require any additional staff. Robert Patterson also stated that only 12 DI's were placed up for bid when 14 DI's are indicated on the staffing chart.

Deputy Commissioner Coombe will check into the difference. After discussions of these issues, it was agreed that they would be discussed further between Council 82 and the Department for possible resolution at the conclusion of the Labor/Management Meeting.

### 12 hour day

Deputy Commissioner Devane stated that the purpose of the 12 hour day is programmatic continuity. The Department believes that the Drill Instructors should be there in the morning straight through to the night.

Robert Patterson stated that the DI's are not with the inmates all day. They are with them early morning, then the inmates are taken to mess, then are sent out on crews. If the DI's do take out crews, they are only taking 14 inmates. Mr. Patterson also feels that the same type of authoritative discipline could not be maintained with the crews due to the type of work being performed. Also, when the DI's are off, another officer fills in.

Deputy Commissioner Coombe responded that it would require additional staff if the DI's did not take out crews. The purpose is programmatic continuity.

Christopher Gardner, Counsel for Council 82, indicated the real issue of 12 hour day improper practice charge is the 1 week-4 days on, 1 days off, 2nd week-3 days on, 4 days off schedule. During this two week period, only 4 hours overtime is paid. The DI's should get 8 hours overtime pay.

Mr. Bischert stated the reason for the Improper Practice Charge was the refusal of the Department of Correctional Services to pay overtime for all time worked in excess of 40 hours in each work week. Commissioner Coughlin responded "if that is the only problem here, consider it resolved. All employees will receive overtime for work performed in excess of 40 hours each week."

Deputy Commissioner Devane assured the union that the DI's will receive 8 hours overtime for the week they work 48 hours.

Further discussion of an alternate schedule for DI's will take place with Council 82 and management.

### Item #3 - Camp Summit - Shock Incarceration Plans

As the numbers increase of those inmates who are eligible for shock incarceration, new facilities will open. The Department's desire is to open 2 new facilities in the coming year. This should not prove any problem for Council 82. Camp Summit is scheduled to become a shock incarceration facility March 10, 1988. The facility will close as a Camp on March 9, 1988, c.o.b. There will be no break in service for any employee.

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Commissioner Coughlin stressed that he would like to avoid the types of problems associated with opening Camp Monterey. Employees can opt to stay at Camp Summit. Physical exams will be given to those employees who want to work at a shock facility. All exams will be given through EHS and will be scheduled in Albany. If an individual is found not fit for a DI position, the employee can still remain at Camp Summit in a different position. No employee will lose employment as a result of this physical/medical.

The physical training will begin gradually. Each individual knows what they can do physically and will not be forced to exceed his/her capabilities.

The union was concerned about the attitude of a few of the trainers at Camp Monterey and inquired if those individual will be training at Camp Summit.

Phil Coombe assured the union that the problems with the trainers that arose at Camp Monterey will not again arise at Camp Summit.

All employees are expected to go through the program including officers, civilians and supervisors. It is hoped that every employee will complete the training. All training is considered in-service training.

Inmates are scheduled to arrive approximately April 10, 1988.

Bob Patterson was concerned-about the personal interviews.

Deputy Commissioner Devane stated that the interview is a discussion with the employee; what the program is about, what is expected of them, and to answer any questions the employee may have. The interviews will be done before the program.

The union was concerned with—transfers for existing staff and if an individual can transfer out once starting the program. Also, whether or not employees would have to sign a contract. Mr. Patterson was also concerned with the evaluation during training. Deputy Commissioner Devane informed the union that the issues of transfers will be handled the same way as Camp Monterey. The employee has to choose to work there, no contracts are signed. Deputy Commissioner Devane stated that the evaluations done during training do not supersede the State Performance Evaluations.

Deputy Commissioner Devane stressed that employees who choose to work at Camp Summit must have a positive attitude for this type of program. Those that don't shouldn't opt to work there. The Department will meet with the members to explain the transition and shock training this week.

Item 🛊 4 - Auburn Outside Hospital Improper Practice

The Department withdrew this item.

Item #5 - AIDS

Item #6 - Staffing

The Union withdrew these items. They will place them on their agenda for another statewide labor/management meeting.

Commissioner Coughlin informed the union that pouches with rubber type gloves will be issued to each officer for his or her protection from contaminants.

Richard Bischert suggested that the Department purchase bags to be carried by officers to place evidence in. The Department will look into this.

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Thomas A. Cough On III

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Richard Baschert

Executive Director-Council 82



# STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES

## THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12225

THOMAS A. COUGHLIN III

COMMISSION ER

April 21, 1988

Mr. Richard Bischert Executive Director Council 82 61 Colvin Avenue Albany, New York 12206

Dear Dick:

In an effort to clearly underscore the Department's position on the process to be followed for designation of contingency posts and the backfilling of correction officer posts, the following previously agreed to labor/management agreements are restated as follows:

## A. Designation of Contingency Post Process

- Facility administration, through careful analysis of security and safety requirements, prepares a preliminary list of posts to be identified as contingency.
- Pacility administrative staff are to meet with local union officials to present this preliminary plan and explain their rationale for the posts identified.
- 3. At a follow up meeting, usually one week hence, management and local union officials meet again to receive input from the union regarding their evaluation of management's proposal and to provide their input.
- 4. At a final meeting, usually one week hence, facility administrators present the final contingency post plan and notify local union officials of the date of implementation.
  - If additional posts are to be added to the original plan, this process is to be repeated.

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# DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

THOMAS A. COUGHLIN III

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April 21, 1988

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asideus.

Richard Bischert April 21, 1988 Page 2

#### Backfilling Guidelines В.

In the event that an officer's bid post is shut down either for a full shift or part of a shift and there is a possibility that a post may be reopened during that period, the following guidelines small be followed:

- Except for emergency situations or where 1. unavoidable sircumstances exist, when an officer's post is shut down on a temporary basis and subsequently the need arises to repen such post, the officer who is assigned to such bid post will be reassigned to perform such duties.
- Care should be taken when the officer's 2. bid post is shut down to assign that officer to alternative duties which allow him to be assigned to his original bid post should the need for that post become necessary.
- Coverage of a closed post for a brief period of time by an officer other than the officer normally assigned to that post shall not be considered backfilling. This may occur when it is not feasible to selieve the officer originally assigned to such bid post because of the short duration of the need for that function. A brief period of time shall be defined as one hour or less.

Every effort will be "dertaken to insure that the intent of these agreements is clearly understood and implemented at the facility level.

Couthlin III

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STATE OF NEW YORK

## DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

--- ALBANY, N.Y. 12226

THOMAS A. COUGHLIN III

COMMISSIONER

April 21, 1988

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Richard Bischert April 21, 1988 Page 2

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riomas A. Couthlin III

Commissioner



### DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

THOMAS A. COUGHLEN III

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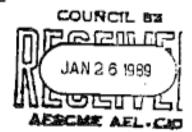
MARD DE WITT DEPUTY COMMISSIONES ADMINISTRATIVÉ SERVIÇES

### N.Y.S. DEPARTMENT OF CORRECTIONAL SERVICES

### COUNCIL 82 STATEWIDE LABOR/MANAGEMENT MEETING

October 19, 1988





### Present for Management:

Thomas A. Coughlin III, Commissioner Charles M. Devane, Deputy Commissioner Philip Coombe, Deputy Commissioner Russell O. DiBello, Assistant Commissioner Glenn Goord, Assistant Commissioner Kevin Breen, Director, Bureau of Labor Relations Joseph A. Murphy, Director of Personnel Paul Hebert, Director, Training Academy

### Present for Union:

Joseph Puma, President Richard Bischert, Executive Director Thomas Kennedy, Policy Chairman Ronnie Edwards, Fishkill"CF" Dennis Koerick, Ogdensburg CF James Mann, Attica CF Jack Kiroy, Clinton CF Nathaniel Grinnage, Arthur Kill CF Lawrence Hyland, Groveland\_CF Ken Taylor, Bedford Hills CF William White, Great Meadow CF John Beachy, Green Haven CF 💝 John Pappas, Sullivan CF John Brooks, Mt. McGregor CF Walter Carmichael, Fishkill CF Michael Guarino, Auburn CF Steven Fredicks, Oneida CF Joseph Paul, Ogdensburg CF Angelo Allesandro, Orleans CF Grant Smaldone, Mid-State CF Wendell Hill, Fulton CF

### ITEM #1 -- CONTAGIOUS DISEASES

The union contends that officers who need to know are not being informed that inmates have a contagious or communicable disease. The union gave several examples. The union insisted that steps be taken to insure that compliance with statewide labor/management agreements be more closely monitored and that corrective action be taken where required.

The Commissioner responded that he would reinforce his commitment regarding this agreement. He also reiterated his position that all employees should take universal precautions in dealing with all persons they are in contact with in a facility. This issue will be a major topic at the Deputy and First Deputy Superintendents' Conference.

Commissioner Coughlin stated that Prisoners' Legal Services had filed a lawsuit which was successful on behalf of AIDS inmates at Greene Correctional Facility. The court ruled the Department of Correctional Services could not involuntarily transfer an inmate into an AIDS ward.

### ITEM #2 -- TIME AND ATTENDANCE

The union gave examples of continued, inconsistent application of the Time and Attendance Guidelines and Workers' Compensation rules. Some problems addressed are as follows:

a) Facilities adding up total lateness for a period.

If it is over two hours, an occasion of absence is charged.

### Response:

Mr. Breen stated that tardiness under two hours on a specific day is not considered an occasion of absence. Lumping together tardiness minutes of a number of days to reach two hours and then charging an occasion of absence is not permitted in the guidelines.

b) Employees continued on time and attendance after they should have been removed.

Mr. Breen stated that Mr. Murphy would more closely monitor this activity to insure that employees are treated fairly in accordance with the guidelines.

 Pre-approved time off counted as an occasion of absence.

Mr. Breen stated that an occasion of absence should be charged only for unscheduled absenteeism. Facilities will be reinstructed in the procedure.

Verbal warnings reduced to writing.

The Commissioner stated that although a supervisor may make a note as to the date and topic of a verbal counseling, nothing should go into the personnel file in such an instance.

Workers' Compensation

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The union alleges that certain facilities, as a matter of policy, controvert most Workers' Compensation claims.

The Commissioner stated that this program should be closely controlled but that employees should be treated fairly and consistently. Specific cases of alleged, unfair treatment should be brought to the attention of Kevin Breen.

f) Workers' Compensation Medicals.

The union alleges that employees are being ordered back from Workers' Compensation leave without medicals. The Department states that when an employee submits a doctor's certificate with a projected date of return, we often proceed according to the information.

Mr. Murphy will insure\_that proper procedures are followed.

### ITEM #3 -- JOB DESCRIPTIONS

The union alleges that changes are being made in job descriptions without consultation with the local union in violation of the statewide agreement on this topic. The union alleges that such actions by local management tends to erode the credibility of the Commissioner and Council 82 officials who created the contingent post agreement.

The Commissioner agreed that substantial changes in an employee's job description should be discussed with the union in accordance with his previous agreement on this issue. This agreement will be reinforced at the Deputy and First Deputy Superintendents' Conference to be held shortly.

### ITEM \$4 -- UNIFORMS AND GROOMING

The Commissioner stated that modifications of the Uniform and Grooming directive have been held off for a long period and that it is now time to address the issue. The Commissioner provided the union with a copy of the proposed modifications and approved setting up of a four person committee to discuss the problem areas. The union will appoint two members. The Commissioner appointed Kevin Breen and Glenn Goord. A meeting is to be held in two weeks.

The union requested an extension of the current Department of Correctional Services' policy which would allow the wearing of short sleeve shirts after October 15th. Commissioner Coughlin agreed to extend the period until November 15th. Memo to facilities would be forthcoming.

### ITEM \$5 -- TRAINING AGREEMENTS

The union alleges that the function of the Training Advisory Committee is being ignored at certain institutions. Certain examples were given.

The Commissioner again reaffirmed his commitment to prior agreements and will have Mr. Hebert, Director of Training, put out a clarification of the role of the Training Advisory Committee.

### ITEM #6 -- OTHER

Arthur Kill: The union is concerned that an agreement to provide a float officer at the hospital is not always being honored.

The Commissioner stated that an agreement made at the local level is as important as one made in Main Office. He will look into the circumstances.

Mt. McGregor: The union alleges that radios are still a problem. Their order of new radios was not received.

Deputy Commissioner Devane stated he had a firm commitment from a supplier to have 35 radios by Friday, October 21st.

Shawangunk: The union requested an update on the situation in B-Block.

The Commissioner stated that he was not going to give into the demands of the inmates and that he would continue to proceed as he has previously.

<u>Department of Motor Vehicles Program:</u> The union requested an update on the program's status.

The Commissioner stated that the Department of Motor Vehicles owes the Department 5260,000. If they are not paid within the next two months, the program will be terminated.

New York City: Wendell Hill again requested that the Commissioner reevaluate his position on officers carrying weapons in New York City on escort trips. He was especially concerned that Fulton had an escape drill with unarmed officers.

The Commissioner stated that he will have his staff observe an escape drill in the future. He made no commitment on arming escort officers.

Thomas A. Coughlin III Commissioner

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Richard Bischert Executive Director Council 82

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Party Comments



### STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES THE STATE OFFICE BUILDING CAMPUS

## ALBANY, N.Y. 12225



THOMAS A. COUCHLIN III COMMISSIONER

WILLIAM S. COLEMAN FIRST OCPUTY COMMISSIONER

December 15, 1988

#### MEMORANDUM

TO:

Thomas A. Coughlin III

Commissioner

FROM:

Philip Coombe, Jr., First Deputy Commissioner

RE:

Contingency Post Agreement With Council 82

### We agreed:

- Those taken off of contingency posts would be reviewed in 6 months and, if they fell below 208 would be deemed unacceptable man-days worked.
- If after 6 months the man days worked were 208 they would be warned.
- If after 6 months 209 or above reviewed every 3 months.
- All facilities still on contingency posts would be reviewed each month for the prior 6 months. If attendance improved to our 209 for the 6-month period, they would be taken off contingency posts.

A new chart is on the way.

Philip Coombe,

First Deputy Commissioner

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### STAFFING MODIFICATION PLAN

Staffing has been the most serious issue between the Department of Correctional Services and Council 82 for an extended period of time.

Both parties agree conceptually that relief ratios are too low, that detached services performed by Correction Officers should be covered by replacement security staff, given adequate staffing levels and that new initiatives without the addition of security staff have in certain situations stretched our coverage capabilities. Our efforts to address these dilemmas have to date been generally minimal. The reasons for this have been rehashed so frequently that further discussion would be unnecessarily repetitive. Suffice it to say that budget limitations and man days worked are primary considerations whenever staffing issues are seriously discussed with appropriate parties, be it Division of Budget, the Governor's Office, Council 82 or internally.

Overtime allocations appropriated to DOCS are real numbers and real dollars. I am charged with the responsibility of maintaining essential services within such appropriations. The dilemma of accomplishing this task puts extreme pressures on the system in general, the unions and the administrators. The only option available to me was the implementation of systems to monitor and fix the expenditure of overtime dollars within our appropriation. This includes the use of contingency posts to in crease resources. In submitting staffing justification for new facilities, Division of Budget mandated that specific function justification be provided for each post approval. This process limited our ability to sufficiently staff a resource pool. Resource pool deficiencies drove overtime. Inappropriate overtime drove the need for contingency post designations. Staffing flexibility had to come from somewhere. I have always understood that it was my job to make the tough decisions and to take the heat for those policies. I also understood that the heat would come from Council 82. would have liked nothing better than to avoid such a serious difference of opinion but given the circumstances described, we were on an inevitable collision course.

We have gathered and analyzed data necessary to evaluate minimum staffing needs for each institution. It also gives us specific performance information on each facility in relation to man days worked. Man days worked are also directly correlated to post closings.

Looking at the overall Department picture, it became quite evident that many facilities were performing adequately in man days worked, others were marginal and, many were well below the acceptable standard. I directed my staff to conceptually come up with a plan that would recognize acceptable performance while not totally stripping me of the ability to manage the system in a cost effective manner. The plan is attached. It is an effort to address both of our critical needs, reasonable staffing policies within specific parameters.

### General Concept

- A. To recognize the efforts of those facilities with acceptable man days worked performance by eliminating contingency post closings.
- B. To continue contingency post implementation at facilities with unacceptable man days worked performance.

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- C. To use staffing data developed during the past six months to implement post modifications and abolishment of posts at facilities where contingency posts are eliminated. Such modifications will increase the number of officers assigned to the resource pool.
- D. To develop a process for post modifications discussed in C. above.
- E. To develop an ongoing process for monitoring facility man days worked performance as it relates to contingency posts.
- F. To continue periodic staffing reviews and evaluations at all facilities by the Security Staffing Unit.

It is extremely critical in developing this process that the terms and numbers used are clearly understood by both parties.

The following are the most commonly used terms and numbers in this context.

Man Days Worked - Time actually worked at the institution or in a related department or union function. I.E.,

Time worked at a facility.

 Time worked in training either at or away from the facility.

c. Union leave time.

d. Time worked in detached service functions, i.e., training officers, IG staff, investigation staff, etc.

Time spent in military status.

Contingency Post - A post designated for closure as security priorites change and a need for resources are more critical in another area. A post closed for one hour or less shall not be considered a contingency post closure. If a function does not exist, the officer providing such coverage shall be reassigned.

Acceptable Man - Two hundred and nine man days worked per year or more over a specific period of evaluation.

<u>Marginal Man</u> Days Worked --

Two hundred and eight man days worked per year over a specific period of evaluation.

<u>Unacceptable</u> Man Days Worked Less than 208 man days worked per year over a specific period of evaluation.

- Evaluation Period Six month initial interval. Every three months thereafter. Man days worked performance is evaluated to determine if a facility should:
  - Continue on contingency post restricrestrictions.
  - Be removed from contingency post restrictions.
  - Continue non use of contingency post c. policy.
  - Be warned that performance is unaccepd. table and notified of one month evalution.

Facilities that remain on contingency posts every will have man days worked reviewed every month.

## Staffing Plan (Two Hundred Nine Man Days Worked)

- A. All facilities currently worked 209 man days will no longer be subject to contingency post restrictions.
- B. Those facilities removed from contingency post restrictions will have their resource pools sufficiently increased in manpower to provide necessary management staffing flexibility.
- C. Such increase in the resource pool shall be generated from:
  - The use of data developed during the past six 6
    months to implement post modifications and abolishment of posts at facilities where contingency posts
    are eliminated.
  - The abolishment of designated posts in which an eight (8) hour function is not performed.
  - The combining of less than eight hour job functions.
- D. A specific number of posts for redistribution to the resource pool shall be established for each facility. Some facilities depending on current statistics, layout, current staffing, etc., may have more posts redesignated to the resource pool than others.
- E. Those posts identified for redistribution to the resource pool may be redistributed to other shift resource pools. A certain number of such posts will be various/various.
- F. Each facility (except redeployed) shall be evaluated initially after a six month period. After the first evaluation, follow-up evaluations shall be done every three months. Those facilities still on contingency posts shall be evaluated monthly.
- G. Facilities warned of unacceptable man days worked performance but not reinstated to contingency post restrictions shall be evaluated on a monthly basis until man days worked reach acceptable levels.
- H. A facility will be removed from contingency post restrictions if the previous 6 month average man days worked is 209 or above.
- Prior to a facility being reinstated to contingency post restrictions, such facility's man days worked performance shall be reviewed by an agency level board to consist of two representatives from management and two representative from the union.

J. Failure of the board to reach a consensus shall automatically trigger a review by the Commissioner. His decision shall be final.

### Implementation Process

A. Council 82 and its locals shall be provided with copies of a monthly report of the man days worked status of all facilities.

### Also Included:

- Those facilities to continue contingency posts.
- Those facilities to be removed from contingency post restrictions.
- B. Union to be advised of the number of additional officers to be added to the facility resource pool.
- C: Those facilities to be removed from contingency post restrictions shall, when notified of a specific date, have the Superintendent and the Planning Lieutenant report for a meeting in Albany with the local president and vice president of that facility and a representative from Council 82 Central Office.
- D. At such meeting, posts shall be identified for abolition and redistribution to shift resource pools. Posts may be redistributed to either shift according to need. One third of these additional posts may be designated as various/various. All posts shall be given consideration, not just contingency posts.
- E. Disputes at such meetings shall be decided by the Commissioner.

### Additional Notes

- 1. All employees issued a Notice of Discipline for attendance related misconduct shall have their swapping privileges suspended. Such swapping privileges shall not be reinstated until substantial attendance improvement is exhibited. In no case shall swapping privileges be reinstated prior to six months from the date of suspension of such privilege.
- Overtime expenditures will not be used to cover unscheduled early outs, unscheduled vacation, or unscheduled personal leave. Present local labor/management agreements will prevail.

 This program shall be considered a pilot project subject to review and/or modification in 6 months.

This proposal is submitted with the intention that through mutual cooperation we can eventually eliminate contingency posts entirely.

THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

THOMAS A. COUGHLIN III

COMMISSIONER

CHARLES M. DEVANE

DEPUTY COMMISSIONER ADMINISTRATIVE SERVICE

he CAMIN. 1988

MEMORANDUM

TO:

All Superintendents

FROM:

Joseph A. Murphy, Jr., Director of Personnel

SUBJECT:

Security Call-Ins

We have received a number of inquiries regarding the need for employees in shift positions to provide notification ("call-in") of their absence at least one hour prior to the beginning of their 'workday."

For security staff, the call must be received at least one hour before the shift begins; not one hour before pre-shift briefing.

If you have any questions in this regard, please contact your Personnel Representative on (518) 457-8128.

JAM:bc

cc: Personnel Representatives Kevin Breen

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### JULY 23, 1986 MEETING DEPARTMENT OF CORRECTIONAL SERVICES COUNCIL 82, AFSCME

### IN ATTENDANCE FOR MANAGEMENT:

Charles M. Devane, Deputy Commissioner Kevin Breen, Director, Sureau of Labor Relations Joseph A. Murphy, Jr., Director of Personnel

## IN ATTENDANCE FOR THE UNION:

Richard Bischert, Executive Director
Joseph Puma, President
Dennis Middaugh, Policy Chairman
Steve Pageau, Field Coordinator
Daisy Dobbins, Local President (Bedford Hills Correctional
Facility)
Duffy Seelfeldt, Local President (Albion Correctional Facility)
Beverly Moses, Local President (Bayview Correctional Facility)

### TOPIC I

## STATEWIDE LABOR/MANAGEMENT MEETING

All parties went over proposed agenda items for further clarification of issues. Tentative agenda is attached. A tentative date has been proposed for the middle of September.

### TOPIC 2

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## STAFFING OF FEMALE FACILITIES

After a brief presentation by Deputy Commissioner Devane of the problems we face at the female facilities due to a shortage of female security coverage, i.e., excessive overtime and burnout of staff, we entered into a lengthy discussion of how the immediate problems at Bayview and Albion Correctional Facilities could be resolved.

Prior to 1978-79 there were separate lists for male and female Correction Officers. That longstanding situation was initially developed to ensure that there was adequate representation of

female prison guards (Correction Officers) at the female inmate populated facilities (Bedford and Westfield). The same need has now arisen and the Department believes this is the most equitable solution to the long-term problem. There would be two lists for four facilities (Bedford, Albion, Parkside and Bayview). One list in seniority order would be females only; the other would be an "everybody" (male and female) list, again in seniority order.

It was a major concern of representatives of Council 82 that we strive to arrive at a resolution which would have the least amount of impact on security employees, but also would resolve the female officer problem at these locations. Mr. Bischert indicated that Council 82 would not tolerate mandatory, involuntary reassignments. If necessary, he said, the issue would be decided by the Courts.

It was proposed that once a final determination has been made of the number of female Correction Officers needed at Bayview Correctional Facility and Albion Correctional Facility, an equal number of male Correction Officers at those locations will be given the opportunity of priority reassignment to locations near their current place of employment.

In the case of Bayview, near shall be defined as Sing Sing, Taconic, ArthurKill and the remainder of the New York City facilities. For Albion, alternate locations for priority reassignment have not yet been determined. In the case of Bayview, this plan will be phased in over a three-month period. The time frame for Albion may be shorter which would be determined by facility operational needs. The less senior employees affected by this change at these locations will be priority transfer list. As vacancies develop at locations chosen on this priority transfer list, these employees will be transferred.

The history of the Court appointed "Special Master" at Bedford Hills was then discussed. It was pointed out that the "Special Master" does not function in either the best interests of the Department or Council 82 and it was mutually agreed that no one wants the Courts dictating the day-to-day operations of our facilities. To prevent this occurrence, the Department needs to have separate reassignment lists. The situation under the "Master" at Bedford has reached the point where female Correction the mandates of the Court. The Department and the Union find this unconscionable.

Dick Bischert, Joe Puma, Steve Pageau and Dennis Middaugh all indicated that they realized the seriousness of the problem and that relief was needed for the females currently working excessive overtime at that location. Their main concern beyond

this issue was that the impact be minimized on those affected male Correction Officers. They also indicated that they appreciated the Department discussing this issue with them and working together to resolve a very difficult, longstanding problem. This is a preliminary tentative agreement which will require minor modifications and will be accomplished through further discussions with Council 82.

In discussing the number of female Correction Officers required for Albion Correctional Facility, Duffy Seelfeldt, the Local President of Albion, indicated that after discussions with the Superintendent, they believe that 95 female Correction Officers was an adequate number to staff Albion Correctional Facility. Main Office staff analysts determined that a preliminary number would be 150. As soon as we determine exactly what that final number will be, we will notify Council 82.

Dick Bischert requested that we delay the opening of G Block at Albion Correctional Facility for a brief period of time so that proper arrangements can be made for the orderly distribution of staff.

In order to maintain adequate female staffing levels at Albion, Bedford Hills and Bayview Correctional Pacilities in the future, a separate female Correction Officer list will be set up. When adequate levels of female security coverage is attained at each of these locations, the regular transfer list will be used to fill vacancies beyond that point. All parties involved tentatively agreed to this procedure also.

In addition, it was indicated that a new transfer procedure would be implemented soon which would facilitate security employees getting to their most desired location of employment in the shortest period of time. Details of this procedure will be given to Council 82 in writing. It is anticipated that both of the above procedures would be implemented in September.

#### TOPIC 3

# REDUCTION IN WORK FORCE AT ATTICA, PISHKILL AND CLINTON CORRECTIONAL FACILITIES

Mr. Devane gave a brief presentation on this year's budget initiative of a reduction in force at the above mentioned locations. It appears that Attica will be the first facility affected by this initiative. When we receive further information on Fishkill and Clinton, Council 82 will be advised. Firm figures on the number of staff involved is yet to be determined. Mr. Devane indicated that, given future population predictions, this plan may be modified.



### DEPARTMENT OF CORRECTIONAL SERVICES

### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

THOMAS A. COUGHLIN III
COMMISSIONER

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CHARLES M. DEVAN

DEPUTY COMMISSION ADMINISTRATIVE SERV

## STATEWIDE LABOR/MANAGEMENT MEETING

COUNCIL 82
DEPARTMENT OF CORRECTIONAL SERVICES

OCTOBER 8, 1986



### In Attendance For Management

Thomas A. Coughlin III, Commissioner Charles M. Devane, Deputy Commissioner Glenn Goord, Assistant Commissioner Philip Coombe, Assistant Commissioner John Van DeCar, Director, Human Resources Kevin Breen, Director, Bureau of Labor Relations Joseph A. Murphy, Director of Personnel Mark Shepard, Special Assistant to Deputy Commissioner Devane

### In Attendance for Union

Richard Bischert, Executive Director Joseph Puma, President Dennis Middaugh, Correction Policy Chairman John Brooks, Mt. McGregor Correctional Facility Michael Clark, Groveland Correctional Facility Ron Edwards, Fishkill Correctional Facility Dennis Fletcher, Washington Correctional Facility Edward Gryska, Elmira Correctional Facility Jack Riroy, Clinton Correctional Pacility Dennis Koerick, Ogdensburg Correctional Facility Joseph Kraft, Coxsackie Correctional Facility James Mann, Attica Correctional Facility George Martin, Mid-State Correctional Facility Warren McMillan, Green Haven Correctional Facility Duffy Seefeldt, Albion Correctional Facility william Vega, Sing Sing Correctional Facility Nathaniel Grinnage, Arthur Kill Correctional Facility Thomas Kennedy, Great Meadow Correctional Facility

### CONTINGENCY POSTS AND BACKFILLING

The Union expressed concern that contingency posts are being identified at many locations with little or no local union input. In addition, at certain locations, posts are closed that are not included in the listing of contingency posts. Backfilling is also a problem. When the need arises to open a contingency post that has been shut down, often an Officer not assigned to that post is assigned to backfill.

Commissioner Coughlin gave Council 82 two memorandums. The first related to contingency posts. This memorandum details the procedure to be followed when identifying contingency posts. The second memorandum related to backfilling. It outlined under what circumstances backfilling is permissable or not permissable. The Union has since reviewed these drafts and they have been distributed to the facilities for implementation. Commissioner Coughlin informed the Union that if there are specific problems with the interpretation or implementation of these agreements, the Division of Labor Relations is to be notified immediately.

### OVERTIME ALLOCATION

### STAPFING OF NEW INMATE PROGRAMS

Commissioner Coughlin responded to a question of how overtime is allocated indicating that each facility in the State is given a specific overtime allocation within which these facilities are expected to operate.

Council 82 expressed concern that new inmate programs would be initiated without additional staff. Commissioner Coughlin assured the Union that new inmate programs would not be initiated without appropriate security coverage.

ITEM #2

AIDS

The primary concern of Council 82 is that Officers having more than casual contact with immates with communicable diseases are not being informed of this condition. Council 82 believes that it is imperative that such medical information be made available so that specific precautions can be taken by Correction Officers in contact with such immates.

Commissioner Coughlin indicated that he does not see confidentiality as a serious problem under such circumstances.

Commissioner Coughlin stated that he will send out a memorandum to all Superintendents outlining specific procedures for informing staff of such medical conditions. The Union expressed

concern that administrative staff are not following through on this memorandum. Commissioner Coughlin assured Council 82 that his direction on this issue will be adhered to. Specific problems should be directed to the Bureau of Labor Relations.

Council 82 indicated that specific protective equipment issued when transporting inmates with communicable diseases was not available at certain institutions. For example, surgical masks, bite-proof gloves and arm protectors and medical gowns. Commissioner Coughlin assured Council 82 that, where necessary, this equipment will be ordered as soon as possible.

The Union cited many instances where current procedures were not being followed. Commissioner Coughlin assured Council 82 corrective action will be taken.

Council 82 inquired as to the status of the Metropolitan Hospital. Commissioner Coughlin indicated that he was not satisfied with the progress of opening this unit and has since channeled Department efforts toward an expanded agreement with St. Claire's Hospital currently has operational a 20 bed unit. Its capacity will be greatly expanded and such expansion will be accomplished with 90 days.

Council 82 suggested the establishment of a Department of Correctional Services hospital. Commissioner Coughlin indicated that he has considered this alternative and, in fact, has commissioned a study to determine the feasibility of proceeding in this direction. If it is determined that such a project is feasible, the earliest such a project can be completed would be 1990:

ITEM #3

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### DRUG AND ALCOHOL TESTING

Council 82 expressed concern-that random drug and alcohol testing would be implemented statewide in the Department of Correctional Services. Deputy Commissioner Devane restated the Department policy that there would only be drug and alcohol testing of employees where reasonable suspicion exists. Deputy Commissioner Devane gave Council 82 draft guidelines for drug and alcohol testing for their review and comments. Richard Bischert informed us that he would submit this draft to their Counsel's Office for review.

Deputy Commissioner Devane expressed his concern regarding the drastic increase in the number of Driving While Intoxicated arrests of Department employees. Deputy Commissioner Devane recommended that the Department and Council 82 work together to develop a drug and alcohol review and referral procedure. The Union agreed with this proposal.

ITEM #4

## JOB DESCRIPTION FOR CORRECTION OFFICER ASSIGNED TO INDUSTRIES

Council 82 expressed concern that the wording of the job description for Correction Officers assigned to Industries contained out of title work phrases. They believe that Correction Officers should not have to train immates. They maintain that these are not the duties of a Correction Officer but are the duties of civilian industrial employees.

Deputy Commissioner Devane agreed to modify this job description. The new job description has been agreed to and has been distributed to all facilities so affected.

### JOB POSTING CORRECTION OFFICER POSITION IN MENANDS

The Union informed Management that a security position had been designated for the Menands warehouse and that proper bidding procedures were not followed. Commissioner Coughlin stated that the position should have been bid according to the Union contract and that the position would be filled through this procedure.

The Union indicated that an Officer scheduled for an interview for this position in Menands was formally counseled for being late for this interview. The officer involved had indicated that he was late because of his inability to find the Menands warehouse. Commissioner Coughlin ordered that the counseling be removed from his personal history folder.

ITEM #5

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### INMATE GRIEVANCE LOGS-

James Mann, speaking for Council 82, expressed concern that the Inmate Grievance Logs served no propose other than to harass Correction Officers. He also indicated that the vast majority of complaints filed against Correction Officers are the result of Correction Officers doing their jobs. Commissioner Coughlin indicated that the logs were initiated to determine if there was a pattern of complaints filed against specific employees. After a year of review, it was determined that no such pattern existed.

Commissioner Coughlin indicated that given these results, the Inmate Grievance Logs would be discontinued. That has since been implemented.

James Mann also asked the Commissioner for clarification of Section 114A of the Correction Law. Specifically, Mr. Mann requested a definition of "well-founded" complaint as stated in that section. The Commissioner said that he would have Counsel's Office provide such clarification.

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### PAST LABOR/MANAGEMENT AGREEMENTS

### TIME AND ATTENDANCE GUIDELINES

The Union expressed concern that the growing pressure on Superintendents to increase man days worked has resulted in such Superintendents taking their own initiative in developing their own sets of guidelines for time and attendance. The Union insisted that much time and effort has been expended in working out with the Department reasonable modification in the original statewide time and attendance guidelines. Council 82 requested that facilities be notified that they are to adhere to the statewide time and attendance guidelines and are not to implement guidelines on their own.

Richard Bischert expressed concern that many employees are being required to bring in documentation of doctor's appointments, i.e. time of appointment and verification when such doctor's appointments ended. Mr. Bischert also indicated that employees not identified as time abusers are requested to provide such information. Mr. Murphy stated that only the employees identified as time abusers should be required to provide such documentation. A memorandum has been sent to all facilities clarifying these issues. Deputy Commissioner Devane reiterated that the statewide time and attendance guidelines are the law and that there should be no local rules.

The Union asked about the 1983 Labor/Management agreement regarding the Nylon Mesh police style hats. The Union stated that the hats that they have now are too hot for the summer months. Back in 1983, Management and Union agreed to ordering mesh hats and nothing has yet been done about them. Deputy Commissioner Devane suggested that they substitute every hat with a lighter one which can be worn-year round.

The Commissioner advised that there was a cost factor involved and would look into it. The Union agreed.

The Union also suggested the Correction Officers be allowed to wear the health shoes (sneakers). They stated that these were the most comfortable shoe since Correction Officers are standing on their feet a majority of their shift.

Management informed them that these shoes were not appropriate. They stated that only if an employee has a prescription from his doctor, he can wear an orthopedic shoe.

The Union also advised Management that the pants that are being issued to the Correction Officers are not durable enough. The stitching and the pockets are tearing because of facility keys. They suggested that Management do away with the two pair of pants (winter and summer) and have just one pair which will be appropriate for the winter and summer months and possibly a pant that has an expandable waist which will be more comfortable. Management advised the Union that they would look into this.

Thomas A. Coughlin, III Commissioner

Richard Bischert Executive Director Council 82

Joseph Puma President Council 82

#### October 15, 1986

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#### MEMORANDUM

TO: All Superintendents (Nondeployed Facilities)

FROM: Philip Coombe, Jr., Deputy Commissioner

RE: Backfill, of Correction Officer Posts

In February 1978, the Department entered into a Labor/Management agreement regarding backfilling of correction officer posts. Since that time, the number of grievances filed regarding this issue clearly underscores the need to restate and further clarify the Department's position on this topic.

In the event that an officer's bid post is shut down either for a full shift or part of a shift and there is a possibility that a post may be reopened during that period, the following guidelines shall be followed:

- Except for emergency situations or where unavoidable circumstances exist, when an officer's post is shut down on a temporary basis and subsequently the need arises to reopen such post, the officer who is assigned to such bid post will be reassigned to perform such duties.
- Care should be taken when the officer's bid post is shut down to assign that officer to alternative duties which allow him to be assigned to his original bid post should the need for that post become necessary.
- 3. Coverage of a closed post for a brief period of time by an officer other than the officer normally assigned to that post shall not be considered backfilling. This may occur when it is not feasible to relieve the officer originally assigned to such bid post because of the short duration of the need for that function. A brief period of time shall be defined as one hour or less.

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Some examples of the application of this agreement are as follows:

#### Example A

Correction Officer Jones' bid posts is a housing unit. However, he is also an electrician and a significant electrical problem develops. It is assigned to work on the electrical problem and another correction officer replaces him on the housing unit. Both Council 82 and Department management agree that this is a permissible instance of "backfilling". A correction officer who is a locksmith would be a similar example.

#### Example B

Officer Jones' bid post is a housing unit. He is pulled to pack a dra and another correction officer is assigned to replace him. Both Counc 82 and management agree that this is an improper instance "backfilling" and violates our agreement. Draft packing is a duty comm to the correction officer title.

#### Example C

Officer Jones' bid post is closed temporarily and he is assigned elsewhere. No officer is assigned to replace him. However, an office on a nearby post is directed to supervise both areas for a period of time. While such an assignment might raise a legitimate safety and security issues and so must be very carefully considered, it does no violate the agreement on "backfilling".

#### <u>Example D</u>

Correction Officer Jones' bid assignment, a contingency post, involves a mix of escort duties and area supervision at certain times. His bid post is closed and he is reassigned elsewhere. In the course of the day, a variety of officers, as they become available, escort inmates who normally would have been escorted by Officer Jone had he been on his regular post. Over the course of the day, these miscellaneous escorts performed by other officers are for relatively short periods of time. This situation does not violate the "backfilling" agreement.

If questions arise on this issue which are not answered by the above examples, consult with the Bureau of Labor Relations.

Philip Coombe, Jr. Deputy Commissioner

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THE STATE DERING SUILDING CAMPUS

THOMAS A. COUGHLIN III

COMMISSIONER

PHILIP COOMBE, JR.

GEPUTY COMMISSIONER CORRECTIONAL FACILITIES

October 15, 1986

#### MEMORANDUM

TO:

All Superintendents (Nondeployed Facilities)

FROM:

Philip Cooghbe, Jr., Deputy Commissioner

RE:

Backfill of Correction Officer Posts

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- Except for emergency situations or where unavoidable circumstances exist, when an officer's post is shut down on a temporary basis and subsequently the need arises to reopen such post, the officer who is assigned to such bid post will be reassigned to perform such duties.
- 2. Care should be taken when the officer's bid post in shut down to assign that officer to alternative duties which allow him to be assigned to his original bid post should the need for that set become necessary.
- 3. Coverage of a closed post for a brief period of time by an officer other than the officer normally assigned to that post shall not be considered backfilling. This may occur when it is not feasible to relieve the officer originally assigned to such bid post because of the short duration of the need for that function. A brief period of time shall be defined as one hour or less.



### STATE OF NEW YORK

## DEPARTMENT OF CORRECTIONAL SERVICES

### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

THOMAS A. COUGHLIN III

COMMISSIONER

April 21, 1988

Mr. Richard Bischert Executive Director Council 82 61 Colvin Avenue Albany, New York 12206

### Dear Dick:

In an effort to clearly underscore the Department's position on the process to be followed for
designation of contingency posts and the backfilling of correction officer posts, the following
previously agreed to labor/management agreements
are restated as follows:

## A. Designation of Contingency Post Process

- Facility administration, through careful analysis of security and safety requirements, prepares a preliminary list of posts to be identified as contingency.
- Facility administrative staff are to meet with local union officials to present this preliminary plan and explain their rationals for the posts identified.
- 3. At a follow up meeting, usually one week hence, management and local union officials meet again to receive input from the union regarding their evaluation of management's proposal and to provide their input.
- 4. At a final meeting, usually one week hence, facility administrators present the final contingency post plan and notify local union officials of the date of implementation.

If additional posts are to be added to the original plan, this process is to be repeated.

PORRECTION LOCAL 5.

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Richard Bischert April 21, 1988 Page 2

### B. Backfilling Guids ines

In the event that an officer's bid post is shut down either for a full shift or part of a shift and there is a possibility that a post may be reopered during that period, the following guidelines shall be followed:

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Every effort will be undertaken to insure that the intent of these agreements is clearly understood and implemented at the facility level.

Nomas A. Coughlin III

Commissioner



#### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N. Y., 12226

COMMISSIONER

PHILIP COOMER, JR.

DEPUTY COMMISSIONER CORRECTIONAL FACILITIES

October 15, 1986

#### MEMORANDUM

TO:

All Superintendents (Nondeployed Facilities)

FROM:

Philip Coophbe, Jr., Deputy Commissioner

RE:

Backfill of Correction Officer Posts

In February 1978, the Department entered into a Labor/Management agreement regarding backfilling of correction officer posts. Since that time, the number of grievances filed regarding this issue clearly underscores the need to restate and further clarify the Department's position on this topic.

In the event that an officer's bid post is shut down either for a full shift or part of a shift and there is a possibility that a post may be reopened during that period, the following guidelines shall be followed:

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THE STATE OFFICE BUILDING CAMPUS

ALBAND, N. Y., 12336

THOMAS A. COUCHLIN III

PHILIP CODMOR, JR.

DEPUTY COMMISSIONER CORRECTIONAL FACILITIES

October 15, 1986

#### MEMORANDUM

TO:

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#### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12228

TOMAS A. COUGHLIN III COMMISSIONER

LEAVE (BALANCES

CHARLES M. DEVANG DEPUTY COMMISSIONE ADMINISTRATIVE SERVI

MEMORANDUM

TO:

John Burke, Executive Director, Council 82

FROM:

William S. Coleman, First Deputy Commissioner

Department of Correctional Services

RE:

Memorandum of Understanding

The Department of Correctional Services will provide quarterly statements of leave accrual balances to all members of the Security Services Bargaining Unit effective four months from the date of this Agreement.

ecutive Director

Council 82

William S. Coleman

First Deputy Commissioner

Department of Correctional Services

### STATE OF NEW YORK



### DEPARTMENT OF CORRECTIONAL SERVICES

### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

THOMAS A. COUGHLIN III
COMMISSIONER

CHARLES M. DEVA DEPUTY COMMISSIC ADMINISTRATIVE SER

### STATEWIDE LABOR/MANAGEMENT MEETING COUNCIL 82 July 22, 1985

In attendance for management were:

Thomas A. Coughlin III, Commissioner
William S. Coleman, First Deputy Commissioner
Charles M. Devane, Deputy Commissioner, Administrative Services
Philip Coombe, Deputy Commissioner, Security Services
Marion Borum, Deputy Commissioner, Program Services
Russell DiBello, Assistant Commissioner
Glen Goord, Assistant Commissioner
Dr. Raymond Broaddus, Assistant Commissioner, Health Services
John Van De Car, Director, Human Resources
Kevin Breen, Director, Bureau of Labor Relations
Joseph A. Murphy, Jr., Director of Personnel

In attendance for the union were:

Richard Bischert, Executive Director Joseph Puma, President Dennis Middaugh, Policy Chairman James Mann, Attica Robert Slattery, Sing Sing Michael Booth, Watertown Jack Kiroy, Clinton Dale Sears. Clinton John H. Brooks, Mt. McGregor Jim Kelly, Mt. McGregor Michael Clark, Groveland John Bukovinsky, Eastern Michael Graney, Auburn Michael Obora, Auburn George Brockley, Budson Joseph G. Kraft, Jr., Coxsackie Ron Edwards, Fishkill Warren McMillan, Green Haven Duffy Seefeldt, Jr., Albion Daisy Dobbins, Bedford Hills Nat Grinnage, Arthur Kill Doug DiGerlando, Otisville

Commissioner Coughlin stated that the negotiations between the State Health Department and Metropolitan Hospital were completed. The Department had been ready to go with the Hospital Ward two years ago and, at that time, had gotten 15 items some of which are currently being used at Sing Sing. The process had gotten bogged down and the expected date is beds. Mr. Middaugh stated that, since we are averaging 40-48 enough beds. The Commissioner explained that only people who are in need of accute hospital care will be admitted to that facility infirmaries would house the patients who do not require hospitalization. The Commissioner also felt that any overflow might possibly be housed at the Westchester County

Mr. Middaugh inquired at what point AIDS patients were determined to be acutely ill. Dr. Raymond Broaddus explained that any individual who would be admitted under normal hospital protocols would be admitted. Formal diagnosis is made by the State Health Department through the Center for Disease Control in Atlanta.

There was discussion regarding the informing of persons who are in contact with suspected AIDS patients. Mr. Mann stated that medical personnel are not telling the officers what the trip is about. Commissioner Coughlin mentioned that when an inmate who is not diagnosed as having AIDS but has early signs of the disease is in the hospital the hospital staff treats them, as a precautionary measure, as if they did, and that this could be a cause for alarm to officers on the trip. The Commissioner felt that something could be worked out to provide this notification.

Mr. James Mann, Attica Correctional Facility, stated that a trailer visit had recently been allowed to an Attica inmate who was an AIDS patient. Dr. Broaddus informed the union that experts had looked at the case and it had been determined that the inmate had a distorted blood picture and that he was being tested for AIDS. Mr. Mann stated that the inmate had been allowed the visit and then was taken immediately to the AIDS unit thereby giving the impression that it was a known fact that he had AIDS.

Commissioner Coughlin inquired what the union wanted to do about this problem. Mr. Middaugh states that the union felt that a specific area of isolation would be the right approach.

Commissioner Coughlin stated that the Department would not want to provide accute medical care within a prison; that it was better handled by an outside hospital ward. Commissioner together and decide where an infirmary could be established to handle the diagnosed AIDS patients and the pre-AIDS related people who do not require hospitalization. He stated that he wanted union and management to agree on a location. This unit will be a place in the system that will take all the AIDS patients who don't require general hospital care and another block in that same facility will be for the pro-domo mases. It was agreed that Mr. Devane and Dr. Broaddus would contact Mr. Bischert on August 1, 1985 in order to work on the issue.

There was some further discussion regarding the giving of physicals to officers who had become exposed to AIDS. The Commissioner agreed but only for certain officers that come into close contact with AIDS patients and further stated that we will probably have budget problems with it.

#### STAFFING:

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Mir. Middaugh stated that there is no union participation at the facilities and that, as a result, the pressure is builing.

Commissioner Coughlin stated that he did not want anyone to get the idea that his relationship with the union has changed because of the new Council 82 leadership. He further stated that he believed that, in labor/management, most issues are next one sided that management is also concerned. The system has more than 50 prisons, each with separate administrations and when there are problems out there he has to be made aware of them in order to correct them. He emphasised the need of contact by the union to Central Office Administration when problems arise. He also stated that it was his wish that facility administrations and the locals work together on

Mr. Middaugh explained that agreements are being broken at will - that there is no credibility and inquired as to what the Commissioner planned to do about it. Commissioner Coughlin stated that the problem with redeployment was that the Department was never able to get critique aproval by Division of Budget. Training of staff is another problem. Two years ago he stopped redeployment. We haven't asked for any new redeployment last year or this year. We asked for staffing. The question is how much can you get out of Budget. We have to do an up-to-date critique of the redeployed facilities and then go to Division of Budget with it. Deputy Commissioner Coombe stated that the process was almost complete - should be done some time in October.

problem at most facilities. There was some discussion regarding Deputy Commissioner Devane's trip to Mt. McGregor and his meeting with the union on some of the problems at that facility. Deputy Commissioner Devane stated that to his knowledge, these problems had been resolved. The union informed him that this was not the case. Deputy Commissioner Devane will call the facility.

Mr. Middaugh stated that there had been a Deputy Superintendents meeting in March which he, believed, gave the facility administrators the idea that they were to avoid overtime at all costs. Mr. Puma stated that we have to live within the contract and labor/management agreements. Commissioner Coughlin stated that the facilities are told to live within their budget and without violating existing labor/management agreements.

Mr. Grinnage, Arthur Kill Correctional Facility stated that he could not get to see anyone at Arthur Kill - there was no cooperation on the part of the administration at that facility.

Commissioner Coughlin directed Deputy Commissioner Philip Coombe to go down to Arthur Kill with Mr. Grinnage and Superintendent Dunham in order to resolve some of the problems there. He asked Mr. Grinnage to put into writing his concerns.

Commissioner Coughlin felt that the avoidance of overtime could be accomplished without breaking any existing labor/management agreements. He stated that it would take some work on the part of central union and central administration, but that it could be done.

It was agreed by both union and management that there should be day to day telephone calls from the union to the central office administration (Charles Devane) in order to address these problems as soon as possible.

Mr. Bischert stated that the union would bring these issues to the attention of the central office, but if there was a need to go further, he would do it. He further added that the amount of staffing grievances recently sent to the Bureau of Labor Relations should have been an indication of the problem. Mr. Breen, Director of Labor Relations stated that he would personally look at each staffing grievance at redeployed facilities. Commissioner Coughlin added that those grievances were now considered closed.

The union mentioned that at Auburn and Mount McGregor the Resource Pool is used up before you start to work at which time the facilities start closing fixed posts in order to avoid overtime. Deputy Commissioner Devane stated that he was told that that had been a temporary situation. The union informed him that it was an every day occurrence.

Commissioner Coughlin stated that he would be meeting with all of the Superintendents by area and at that time he assured the union that this conversation would be very strongly reinforced. He further added that he would be starting to go around to all the facilities in the next couple of months, and that he will meet with the union people; this will not take the place of the daily phone calls.

Mr. Middaugh stated that at the non-redeployed facilities there is not enough staffing to operate programs and there is no direction from the local administrations. The union is not contacted for input. He inquired as to the intent of the Department to get 200 items. Deputy Commissioner Devane stated that the 200 items were requested by the Department in last years Executive Budget for staffing deficiencies but were denied us. Instead we were told we could increase staff, but only at the expense of the already redeployed facilities. Mr. Middaugh inquired as to where we stood as far as getting additional staff. Commissioner Coughlin informed him that there would be no new jobs this year; that it takes four or five months to get new offficers from the start to the facility. Mr. Middaugh asked if the Commissioner had a committment to have no new programs unless there were staff to run them to which he stated yes. The union stated that there was no relief factor for programs. The Commissioner told the union that they should make their concerns known to their representatives, that there was a need for that communication from both the administration and the union; it helps to reinforce the concerns.

Mr. Dale Sears, Clinton Correctional Facility, stated that at-Clinton posts were being closed to avoid the payment of overtime. He further added that when he spoke to the First Deputy Superintendent Mr. Sears was asked which jobs he wanted to trade; that there was no discussion - he was told what was going to happen. He further added that he had documentation. Commissioner—Goughling stated that he would look at the problem. Mr. Michael Booth, Watertown Correctional Facility, stated that he had been informed by Deputy Superintendent Page that there was a committment for 10 temporary items for Watertown and that they were to report on July 8, 1985. When the items did not show up Deputy Superintendent Page tried to contact Joe Murphy, who was unavailable. Mr. Murphy stated that at the Saranac Lake Deputy Superintendent's meeting he had been asked by Deputy Superintendent Page when Watertown would be getting the 10 officers. He called his office and was told there was no items for Watertown and he informed Deputy Superintendent Page of that fact. He also stated that he told Dep. Page that perhaps when a new training class came out it may be possible to obtain some items. Commissioner Coughlin stated that the Deputy Superintendent would get a call this afternoon and it would be straightened out.

Commissioner Coughlin stated that there were 230 staff around the system which were attrition advance items - they are assigned where the Department feels they are needed the most. Mr. Middaugh stated that Arthur Kill was supposed to get 15 items. Deputy Commissioner Coombe said that Arthur Kill had gotten 14 Attrition Advance items. There was some discussion regarding Elmira's 17 Attrition Advance items, that the union felt strongly that they could not lose these items. Commissioner Coughlin stated that he would work it out somehow, but that the items would stay there.

Mr. Bishcert asked about a deficit budget to which the Commissioner replied there has not been a supplemental budget in this state in the last three years. He further stated that there usually is extra be staff out there with the Attirition Advance items. The Commissioner stated that the union was free to lobby for new jobs, speak to their Representatives.

Mr. Middaugh asked if non-redeployed facilities were going to be treated differently from the redeployed facilities. The Commissioner stated that there has to be meaningful, good faith discussions at the local level regarding staffing and that it is not now going on. He felt that he could not just put out another memo, that something more forceful would have to be done. Over the next two weeks he will be talking with 90% of the Superintendents and will spend a lot of time talking about these issues. He would like to see what effect that has. If we still have problems the Department has to hear it from the union. The Commissioner further added that he will start attending local labor/management meetings at the facilities that have the biggest problem. But first he

asked that the union allow him to tell his people how he wants it done. He requested that the union give him a list of facilities where the problems are. Hr. Bischert stated that he hoped it could be worked out; that he feels that this issue is causing a lot of problems out there.

Thomas A. Coughlin III Commissioner

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Richard Bischert Executive Director, Council 82

Joseph P. Punn

PRESIDENT, COULCIL 62

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Mr. Joseph Puma started the meeting by requesting answers at the table; if that were not possible the union requests that the minutes reflect when they could expect an answer. Se also requested that the Department stay for the entire meeting. Commissioner Coughlin stated that he would try to stay.

### STAFF SHORTAGES:

After either attending or receiving information on labor/management meetings throughout the state, it is evident that we are in for a long summer due to shortages of staff. The patented answer seems to be "....it's at Division of Budget." The following facilities, along with Correction Policy, would like some answers.

- A. New York City Facilities: (Lincoln, Fulton, Edgecombe) (11-7) officers forced to work 3-4 O.T. shifts every week.
- B. Bedford Hills Correctional Facility: Due to high-security risks (Inmates K. Bouding & J. Clark) correction officers are forced to work 3-4 O.T. shifts every week.
- C. Otisville Correctional Facility: Twenty-one jobs approved through security staffing in January 1984 still have not received items.
- D. Attica Correctional Facility: With inmate population in excess of 2,100, they need more staff.

Mr. Puma stated that while it is true that they have gotten more staff, staffing was still a big problem. Commissioner Coughlin stated that there really was very few vacancies. What happens is that there is an assessment team which goes to the facilities to evaluate staffing. When it is found that there is a need for jobs, the Department must request them - they are not automatically granted. It is a rather involved process. Commissioner Coughlin explained that the Department is given approval for items on a fiscal year basis which is April to March. He further explained that the Department's Budget Request was for 35,000 inmates. However, Legislature gave us funds for 34,000 inmates. If we had the space our population would be 33,900. Now we must go back in February to get more money - there is not enough money in our budget today to cover all our needs.

Mr. John Burke, Executive Director, stated that one of the problems was expansion - inmates are moved in before staff.and overtime is used to cover. He mentioned Elmira and the union's wish that the staffing ratio be the same as other maximum security facilties with the same number of inmates. Commissioner Coughlin stated that since 1979 we have had a 50% increase in



THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12225

DEPUTY COMMISSIC ADMINISTRATIVE SEF

IAS AL COUGHLIN III COMMISSIONER

> COUNCIL 82 STATEWIDE LABOR/MANAGEMENT MEETING August 1, 1984

In attendance for Management were:

Thomas A. Coughlin III, Commissioner Charles Devane, Deputy Commissioner, Administrative Services Arthur Leonardo, Deputy Commissioner, Security Services John Van De Car, Director, Manpower Management John J. Cassidy, Director, Bureau of Labor Relations Joseph A. Murphy, Jr., Director, Personnel Paul Hebert, Director of Training Brian Fischer, Support Operations Hazel Lewis, Senior Util. Review Nurse.

In attendance for Union were:

John W. Burke, Executive Director Richard Bischert, President Joseph Puma, Correction Policy Chairman Michael Bilotti, Arthur Kill Nick Catalfamo Dennis Middaugh, Elmira Doug DiGerlando, Otisville Ronald T. Lomato, Collins James Mann, Attica Michael Booth, Watertown Karl Simmons, Eastern Timothy Rounds, Clinton Ron Edwards, Fishkill Joe Kraft, Coxsackie Wendell Hill, Edgecombe Nathaniel Grinnage, Arthur Kill John F. Halverson, Hudson

67%. Mr. Burke mentioned that the Department's increase in programs requires a need for more jobs. Mr. Puma mentioned that inmates are now required to be keeplocked and exercised on the first day and no additional staff was received.

Commissioner Coughlin stated that he could not get all the staff—he would like until the budget of next year. Mr. Burke asked about a Supplementary Budget. The Commissioner stated that there hasn't been a Supplementary Budget in the State for at least three years. Mr. Burke inquired about a deficiency budget. Commissioner Coughlin stated that this could be done in an emergency basis during the year and that it has to be kept at an absolute minimum, therefore, we have to make priorities. He explained that the Department has a 12 million dollar rate of overtime — we have already spent 22 million dollars this year which gives us a 10 million dollar deficit.

Mr. Burke inquired as to why the Department was spending so much on overtime. The Commissioner Stated that we have reduced overtime by closing non-critical posts.

Mr. Puma stated that there seemed to be a problem with Budget and inquired as to what the union could do to impress on Budget our needs. Commissioner Coughlin stated that he just had a three hour meeting with Division of Budget at which time he went over the total of requests with priorities of A.B, C. The total was close to 300 officers. The Department has to prioritize them - Budget will probably go for most of the A's and some of the B's. Budget looks at the figures and compares them to other agencies. Commissioner Coughlin stated that he informed Budget at that time that he would not open another bed in the system unless there is a staff person there first.

Jim Mann, Attica Correctional Facility, stated that Attica had a problem with the large amount of overtime. Commissioner Coughlin stated that it was the Department's decision - whether we request more positions or utilize overtime to address immediate staffing problems.

Mr. Puma inquired as to what kind of relief the union could expect as a result of Commissioner Coughlin's meeting with Division of Budget. The Commissioner responded that he thought we would hopefully get 150 officers; and possibly more.

Mr. Puma asked when the Training Academy was going to start again. Deputy Commissioner Devane stated that we are supposed to be starting on August 13, 1984.

The union showed the Commissioner a memo from Clinton making certain posts contingency. There was a great deal of discussion regarding the definition of "contingency posts." Commissioner Coughlin stated that he felt that there are such things as "contingency posts" and it is up to management to decide which ones are or are not.

Mr. Rounds gave Commissioner Coughlin a list of approved non-plot plan positions. He stated that these items have never been filled, but officers were being pulled to cover contingency posts. Commissioner Coughlin stated that he had not seen either memo before the meeting and would have to look at them before responding.

Mr. Puma asked that locals be able to sit down and have some input into these situations. Commissioner Coughlin agreed that it would be a good idea for harmonious labor/management relationships.

Tim Rounds, Clinton Correctional Facility asked if there were plans for more staff for the setting up of the night industries program at Clinton. He further stated that Clinton no longer has a Miscellaneous pool. The Commissioner responded by informing Mr. Rounds that we expect to get 39 or 40 officers to run the night industries program.

### 2. A.I.D.S.

A. Although it has been nearly 1 year since we were promised a New York City AIDS Hospital, as of yet we have seen nothing. Union would like update on where facility stands and what the Department of Correctional Services is doing in the interim.

B. Union would like guidelines in dealing with AIDS victims. sent to all local union presidents and superintendents.

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was a meeting scheduled for August 2, 1984 with Metropolitan Sospital, City Health and the Department. The planned site is in the mental health building, but they want to relocate it to the medical building which is an area which needs less renovation. This facility will hold 24 beds. OGS is involved in negotiations now — the deadline for opening is the end of the year. Right now they are trying to identify interim holding areas for inmates if facility is not opened on schedule. This will be decided at the meeting.

Ms. Lewis further informed the union that the number of diagnosed cases in the system has remained stable. Commissioner Coughlin stated that there are three types of AIDS patients and they are 1. Accute illness - New York City Hospital, 2. Non-critical cases - Sing Sing, and 3. Pro Dromo - do not have AIDS yet. Commissioner Coughlin stated that those inmates requiring hospitalization are being housed at Westchester Medical Center. The second type of AIDS patients, who do not require hospitalization, will be housed in infirmiries at Sing Sing. The Pro Dromo case are cases where we suspect the person may have AIDS at some time in the future but does not have it at the present time.

Ms. Lewis informed the union that the Center for Disease Control decides who has AIDS. The paperwork and guidelines for diagnosing AIDS were sent out in 1982. A blood test would indicate the presence of AIDS; once the patient is sick then a biopsy is done. The Health Department and the doctor concur at that time if the person has AIDS.

Mr. Puma mentioned that protective clothing was never put in the guidelines. Commissioner Coughlin stated that the Health Department says that it is not necessary to use protective clothing, however, the Department feels that if you want it you may use it. He further stated that the Department would put out a memo stating that protective—clothing could be worn if the employee so desired.

Mr. Richard Bischert, President, inquired as to what would happen if an employee was stuck with a needle now and some time later on came down with AIDS. Commissioner Coughlin stated that it would be a legitimate Workers Compensation Claim.

### 3. TIER III DISCIPLINARY SYSTEM:-

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A. Training on Tier III not being carried out at all facilities. Due to the complexities in the system, all correction officers and supervisors should be properly trained.

- B. Major concern that hearing lieutenants are quite tentative in handing down penalties, particularly at Attica and Eastern.
- C. Possibility of an appeal system for correction officers concerning Tier III disciplinary procedure.

Mr. Puma stated that training in this area is not consistent.
Mr. Leonardo stated that all facilties have been visited and that
all Training Lts. have been trained. Sergeants have received 50%
just in Tier III. All new officers are getting the training at
the Academy. Tier III is part of the Lt. and Watch Commander's
basic training. Mr. Puma stated that less than 10% of the
officers have received the training; he will get the figures and
get back to management.

Mr. Mann stated that there were some problems with the light sentences given to the inmates in the recent Attica demonstration. He felt that they were too easy and it the disciplinary process was looked at as a joke. Commissioner Coughlin felt that it was too late to deal with now; that if it happens again he will get more involved in it.

Mr. Puma stated that when an incident occurred and an officer is required to write a report that it was difficult to get a good written report while the officer was on duty. He requested the officer be given 15 or 20 minutes of overtime in order to prepare the report. Commissioner Coughlin stated that the problem would be to distinguish which report was important enough to require it.

It was mentioned that at the last labor/management meeting the Tier III forms would include an extra copy for the officer, and that it never came about. Management stated that the agreement was that when the old forms were used up the new ones would include the extra copy. Commissioner Coughlin said he would ask Counsel's Office to look into the reasons we lost Tier III disciplinary hearings.

### 4. REVISION OF DIRECTIVE 2020:

A. Per revision, correction officers can only carry Smith & Wesson revolver 2" & 4" barrel. Other weapons may be carried, but only with a pistol permit.

New York City Police Department will not issue a carry permit to any correction officer residing in New York City because they are peace officers.

Currently, there are hundreds of correction officers who own Colt's in the New York City area.

Commissioner Coughlin stated that he would not approve anything other than the Smith & Wesson since that is what the officers are trained in. He stated that he had prepared a letter to the Commissioner in New York City that the permits should be issued to the peace officers. He stated that this was official and that the officers will now get their permits.

Mr. Puma asked for an extension of the time limits for one month to enable all concerned to get their permits. Commissioner Coughlin agreed to extend the time limits to January 1, 1985.

### ACCEPTING PROMOTIONS:

A. When does an employee assume a new assignment? Is it when he accepts the promotion or when he physically arrives at the new facility?

It was the union's wish that when a person accepts a promotion his bid job should be relinquished. If that person decides not to take the promotion and return to his former position, then he/she should not be able to return to the bid job. It was agreed by management and union that at midnight of the reporting day the person accepting the promotion would no longer have the right to his/her bid job.

### OPENING OF NEW FACILITIES:

A. Facilities seem to open before scheduling, without adequate staffing, programs, or security procedures in place.

The union is aware of need for bed space, but something should be worked out to avoid problems mentioned above.

Mr. Puma stated that the areas should be checked for contraband before being occuppied. Commissioner Coughlin stated that the Department tries to get the staff first. He further stated that it does not seem to be a problem in opening of new facilities; that the problem was the opening of new beds at a given facility. The union mentioned that when Collins opened they had the staff, but facility was not frisked, no programs in effect, etc. The Commissioner asked for suggestions to which the union stated:

- Identify Executive staff.
- Executive team in place.
- Phase in C.O.'s & supervisor at least two weeks ahead of the inmates for frisking, setting up posts etc.
- Send in inmates gradually.
- Use of inmate labor for renovation.

Commissioner Coughlin stated that he had no problem with the first three suggestions. The first two can be accomplished. He mentioned that Greene would be opening in mid September. Next week we should know the executive team. The best we could do on C.O.'s is maybe a week ahead of time. The real problem with the suggestions is the date the inmates would come in. The Department is under a lot of pressure - we have to take inmates from New York. There is no way we can do anything about the arrival of inmates.

Mr. Puma suggested that officers sit down with the executive team of the new facility and go over problems. Commissioner Coughlin agreed that this would be a good idea.

### 7. ORIENTATION FOR TRANSFERRING EMPLOYEES:

A. After checking with Mr. Paul Hebert it has come to my attention that there is no consistent orientation for transferring employees.

The union would like a set standard for this orientation.

Mr. Paul Bebert, Director of Training, stated that the Department had nothing in writing regarding training for transferring employees. Commissioner Coughlin stated that each facility had their own orientation policy. There was some discussion regarding officers not being allowed to work voluntary overtime when on orientation. A memo will go out stating that officers will be allowed to work voluntary overtime while on orientation if desired.

Mr. Puma asked that a orientation standard be set up for all facilities. Commissioner Coughlin stated that he could not respond to it at this time - that it would require some time to check into it.

### 8. TRAINING CENTER AT FISHKILL CORRECTIONAL FACILITY:

- A. With the increase in staff at Fishkill Correctional Facility and the responsibility to train Camp beacon personnel, there is a need for a training center.
- B. Per a letter from Deputy Commissioner Gard in 1980, a commitment was made by the Department to the staff at Fishkill Correctional Facility.

Mr. Ron Edwards, Fishkill Correctional Facility, stated that there was not adequate training space at Fishkill. Former Deputy Commissioner William Gard stated that he would get adequate training space for Fishkill. Mr. Edwards stated that currently training is being done in a two story 100 year old

building that is not secure. At times Beacon's visiting room is utilized for training, but that area is not secure - weapons can not be brought in. Charles Devane, Deputy Commissioner for Administrative Services, stated that the Department had been making efforts to get funds identified for the purpose of getting training space.

Deputy Commissioner Leonardo stated that a new building could be built utilizing inmate labor from Beacon. This possibility had been brought up previously by Superintendent Reid. Commissioner Coughlin agreed and will attempt to get the money for the new building.

### 9. PHONE HOME PROGRAM:

A. New system allows inmates to phone anywhere and to anyone who accepts charges.

There is no monitoring involved in this system.

Commissioner Coughlin explained that he had visited facilities in other states that had utilized this system and that it seemed to be working quite well. He stated that as far as information getting out he felt that if it was going to get out it would. He stated that the system was able to be monitored if there was a need, there was an ability to shut the entire system off, and the ability to keep a record of where phone calls are made. Mr. Michael Booth, Watertown Correctional Facility, stated that he was concerned that this might become an inmate right rather than a privilege. Commissioner Coughlin stated that it would be a privilege - not a right.

There was further discussion about the location of the phones on the housing units. The union is quite concerned of the potential problems with inmates. Mr. Puma stated that the union is against the phone home program. Commissioner Coughlin stated that the program is here to stay; that problems will be dealt with on an individual basis. Mr. Puma suggested local administrations to sit down and discuss the placement of phones. Commissioner Coughlin stated that he would agree that local labor/management sit down and discuss placement of these phones subject to his approval.

### 10. EMPLOYEES MANUAL:

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A. Discussion on various revisions in manual. (Re: Military Salute).

Mr. Puma stated that officers do not have access to rules and regulations and would like to receive copies of them. Commissioner Coughlin stated that the central union would be put on the distribution list for all directives. The union will get a list of the locals who currently do not have a book of directives and give to management who will see to it that they receive them. It was agreed that the locals who do have the books will be given an index so they may update their books.

### ADDENDUM #1:

### NEW PACKAGE ROOM DIRECTIVE

- A. New directive allows for introduction of contraband into facilities.
- B. Union would like the removal of all BIC Lighters form facilities.

The union gave a list of items they felt should be deleted from the new package room directive. They are: make-up, mirror, (plastic ok), blue/black clothing, jewelery (lower maximum).

Deputy Commissioner Leonardo stated that there were several changes being made to that directive. The issue of Bic lighters being removed is agreed to by management.

### ADDENDUM #2:

### UNIFORMS & EQUIPMENT

- A. An update on the uniform situation statewide. Problem with replacement parts.
- B. Lack of raincoats.
- C. When will we be issued-sweaters?

### EQUIPMENT

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A. Shortages of batons in facilities.

Commissioner Coughlin stated that as long as we are training 2,500 new officers a year we will be have problems with shortages of uniforms. The problem is with the manufacturer keeping up at with the orders.

Brian Fischer, Support Operations, indicated that sweaters should be in this fall. He further indicated that raincoats are ordered when they are requested. Raincoats can not be issued to every officer, but each facility should have an adequate supply.

### **₩ E Ħ O B & M D U M**

TQ:

All Superintendents, Correctional Facilities and Camps

FROM:

Raymond Broaddus, Assistant Commissioner

Health Services

SUBJECT:

Protective Clothing

DATE:

August 8, 1984

During the course of discussions in the last few labor/management meetings with our various unions, it has come to our attention that in some instances employees are not being provided with protective clothing when they come in contact with AIDS or suspected AIDS patients.

It is a policy of the Department that when an employee requests the use of protective clothing when assigned to work closely with an AIDS or suspected AIDS patient, that employee will be provided with a protective mask, gown and gloves.

Would you please see to it that your staff fully understands our commitment to all of our employee organizations.

--- RB:JJC:ld



### THE STATE OFFICE SUILDING CAMPUS

ALEANY, N. Y. 12220

THOMAS A. COUGHLIN III

ARTHUR A. LEGNARDO
OEPUTY COMMISSIONER
CORRECTIONAL FACILITIES

August 8, 1984

### MEMORANDUM

TO:

All Superintendents

FROM:

Arthur A. Leonardo, Deputy Commissioner

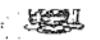
REs

Off-Duty Firearms

This is to advise you that the time limits specified in Directive #2020, Off-Duty Firearms Regulation, paragraph C-3, has been extended until January 1, 1985. Please make sure that your staff is aware of this change.

Arthur A. Leonardo Deputy Commissioner

AAL:me cc/John J. Cassidy, Director of Labor Relations



#### THE STATE OFFICE BULLDING CAMPUS

ALBANY, N.Y. 12226

i A. EDUGŅLIN III. MMISSIONĒR

DEPUTY COMMISSIONEI ADMINISTRATIVE SERVIC

#### M E M O R A N D U M

TO:

Ward DeWitt

Assistant Commissioner

FROM:

Charles M. Devane, Deputy Commissioner

Administrative Services

SUBJECT:

Distribution of Departmental Directives

DATE:

August 7, 1984

At a recently concluded Council 82 Statewide Labor/Management meeting, a discussion was held regarding the distribution of Departmental Directives to Council 82. In the past it has been Departmental policy to provide Council 82 headquarters and the respective locals at each of our facilities with copies of all new directives or changes as they were issued. Apparently, this is not being done in a consistent manner as there were several local presidents who indicated they were not receiving the directives or their changes.

Would you please check with your staff to determine and insure that Council 82 headquarters is on the mailing list for all Departmental Directives and that—the local Council 82 officials in each facility receive the same service.

cc: Commissioner Thomas A. Coughlin-III

Facility Superintendents

Mr. Tohn W. Burke

Facility Council 82 Local Presidents

CMD:JJC:1d



#### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N. Y. 12228

THOMAS A. COUGHLIN III

ARTHUR & LEDNARDO DEPUTY COMMISSIONER CORRECTIONAL FACILITIES

August 8, 1984

#### MEMORANDUM

TO:

All Superintendents

FROM:

Arthur A. Leonardo, Deputy Commissioner

RE:

Voluntary Overtime

It was recently brought to my attention by Council 82 that there have been instances where correction officers who have transferred from one facility to another have been refused the right to work voluntary overtime.

please be advised that all correction officers have the right to submit their name for voluntary overtime and they should be selected for overtime based on their seniority. The only exception to this are those correction officer trainees who are on OJT. This group of employees should not be required or allowed to work overtime until their OJT period is completed.

Arthur A. Leonardo Deputy Commissioner

AAL:me

cc/John J. Cassidy, Director of Labor Relations

SEP 1 6 1983

RECEIVED

THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

DEPUTY COMMISSIONER ADMINISTRATION RUSSELL O. DIBELLO

DEPUTY COMMISSIONER ADMINISTRATIVE SERVICES

DMAS A. CDUGHLIN II!

COMMISSIONER

#### MEMORANDOM

TO:

Russell DiBell&, Deputy Commissioner

FROM:

esidy, Director, Bureau of Labor Relations

ISSUES - COUNCIL 82 SUBJECT:

DATE:

September 16, 1983

The following is the "Laundry List" of items submitted to me by Dick Bischert.

Helen Hayes Hospital Ward (security).

I discussed this issue with Joe Snow and have Response: informed Dick Bischert, on September 13, 1983, that the Helen Hayes Hospital Ward is undergoing all of the changes required with the exception of the Sally Port, I advised Mr. Bischert to let me know if there are any further problems with this issue.

N.Y.C. Hospital for AIDS inmates.

Response: I advised Mr. Bischert and Mr. Burke that the Department was still negotiating for space and that it was my information that Thomas Hartnett, Deputy Director for Contract Negotiation & Administration, Governor's Office of Employee Relations, was going to set up a meeting with the various unions to discuss the issue at greater length. union is concerned that we do not appear to have made much headway over the past several months in our search for an AIDS hospital.

Counseling of R. L. Patterson. 3.

> Response: I advised Mr. Bischert and Mr. Burke that I had personally visited Camp Pharsalia and discussed with the Sergeant who had issued the Counseling Memorandum the circumstances surrounding that counseling. I further advised them that I was satisfied that the counseling was appropriate.

4. Uniforms, vests, sweaters, storm coats.

Response: I advised Mr. Burke and Mr. Bischert that Deputy Commissioners DiBello and Leonardo and myself would discuss this issue on Friday morning (September 16, 1983) resulting in a recommendation being made to the Commissioner in regards to this topic i.e. probably sweaters which the union feels would be most beneficial to their members.

Time and attendance problems.

Response: I advised Mr. Burke and Mr. Bischert by letter of September 7, 1983 (copy attached) that those points brought up by Mr. Bischert were already part of our Time and Attendance Program. I further advised them of the Commissioner's stance on discretion and told them that in my visits to the facilities I would once again emphasize the Commissioner's policy regarding discretion in the Time and Attendance guidelines.

Ron Cheeseman - Fishkill.

Response: I advised Mr. Bischert that I attempted several times to contact Mr. Cheeseman to no avail and that I will continue to make the attempt.

Issuing of Class B (greys) to all Camp Officers.

Response: I advised Mr. Bischert and Mr. Burke that the Commissioner has already, through Labor/Management discussions and Labor/Management minutes, advised superintendents that they should meet in local Labor/Management discussions to determine where greys might be worn. Camp Superintendents have been advised of this and are currently discussing this with their locals.

I.S.O. - Crawford Carl (paid vacation time).

Response: I advised Mr. Bischert that this item had been discussed and that Mr. Carl had been rehired as an ISO at LeSalette and that if he-is-laid off again we would authorize the lump sum payment to him upon his separation from service.

9. Grievance answer on Sgt. Cunningham (Ossining).

Response: I discussed the entire matter with Mr. Burke and Mr.Bischert. I advised them of the extra Sergeant position at the Ossining facility and told them that further discussions would be taking place regarding this matter with Assistant Deputy Commissioner Mann.

they also should be removed automatically: the six juitement discriminates against the good employees who liess than five days in nine months, they should automatically moved and notified of their removal.

le: January 1, 1983, an employee uses four days in January.

ay in June and one day in July for a total of six days.

October 1983, the nine month block would only show the syee using two days. He then should automatically be removed agree written notices of same.

JOHN J. CASSIDY

RICHARD J. BISCHERT 45

JULY 22, 1983 E:

TIME AND ATTENDANCE PROBLEMS

## stion tl: Volunteer Overtime

ployee signs up for overtime on Thursday, is scheduled to on Saturday. On Friday, he request to have his name ed due to personal needs - facility charges him with ))asion per guidelines.

### swer #1:

ployees who volunteer for overtime and remove their name . ould not be charged with an occasion. Management is not Dalized if they schedule an employee for overtime and then ncel the overtime. Should management consider paying ployees who are scheduled regardless the work, then rhaps they could be charged an occasion.

## estion #2: Bereavement Leave

aployee request bereavement leave in advance, not charged or day one as an occasion. Employee is on required doctor's otes, at six days, calls in for bereavement leave, he is nen charged with an occasion and given final warning.

### nswer\_#2:

t no time should an employee be charged with "an occasion" -ncerning bereavement leave, management could require "mentation if necessary, that would resolve their problems, JEY.

# Question #3: Removal from Time and Attendance List

Basic requirement that an employee must not use any time in a six month period to be removed from time and attendance list.



# Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES AFLODO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

August 9, 1983

Mr. John J. Cassidy Director of Labor Relations Department of Correctional Services State Campus Albany, New York 12226

bear Joe:

) Enclosed please find a list of problems along with resolutions regarding time and attendance problems which was submitted to me by Dick Bischert.

I am in agreement with this and see no reason why this could not be the Department's position rather than the position it now holds.

Would you please review the enclosed and advise me of the Department's position.

Sincerely,

tohn W. Burke

Executive Director

JWB/dmf Enc.

cc: Richard Bischert

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### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

HOMAS A. COUGHLIN III

COMMISSIONER

RUSSELL O. DIBELLO

DEPUTT COMMISSIONER

ADMINISTRATIVE SERVICES

### $\overline{M} = \overline{M} \circ \overline{B} \Rightarrow \overline{M} \circ \overline{D} \circ \overline{M}$

TO:

ALL SUPERINTENDENTS

FROM:

Casside Director, Bureau of Labor Relations

SUBJECT:

Uniform Hats

DATE:

July 18, 1983

At the June 29, 1983 labor/management meeting between Council 82 and this Department, Commissioner Coughlin advised the union that we would issue a memorandum clarifying the wearing of the uniform hat.

The union's concern was that some facilities are requiring all Correction Officers to wear the uniform hat during lineup even though many of the Correction Officers would not be required to wear the hat during the day as their assignments are not outdoors. For those officers who have assignments outdoors, the hat is mandatory and must be worn on those assignments. However, the hat is not required to be worn during line up. Those officers having such assignments which require the wearing of the hat should have their hats under their arms. All other officers should have their hats in their locker, readily available to them in case of a last minute assignment change which would require them to wear their hats.



ALBANY, N.Y. 12226

COMMISSIONER

RUSSELL Q. DIBELLO

DEPUTY COMMISSIONER
ADMINISTRATIVE SERVICES

Labor/Management Meeting. Statewide Council 82 - June 29, 1983

983 (63)

In attendance for Management were:

Thomas A. Coughlin, III, Commissioner
Russell DiBello, Deputy Commissioner, Administrative Services
Arthur Leonardo, Deputy Commissioner, Security Services
Joseph Dolan, Assistant Deputy Commissioner
John J. Cassidy, Director, Bureau of Labor Relations
Joseph Mangino, Special Assistant for Labor Relations
Dr. Raymond Broaddus, Assistant Commissioner, Bealth Services

#### In attendance for Union were:

John Burke, Executive Director Jzmes Sipe, President Richard Bischert, Policy Chairman Don Hall, Great Meadow Tim Rounds, Clinton Jin Mann, Attica Joe Puma, Coxsackie R. Vosper, Wallkill D. Seefelät, Albion P. Ackerly, Woodbourne C. LaDuke, Downstate Steve Gagnon, Adirondack Jim Leslie, Bedford Hills 'Ale Andrews, Long Island David DeChick, Auburn Echert Zeller, Green Haven Wilfred Flecha, Ossining Kat Grinmage, Arthur Kill Mike Bilatti, Arthur Kill Je Catalano, Mid-Orange John Brooks, Mt. McGregor

## Request signed minutes from August 25, 1982 meeting:

It was agreed that in the future Labor/Management minutes would be signed before distribution.

#### Unresolved issues:

Package rooms — Commissioner Coughlin told the union that there was discussion regarding this issue at the Superintendent's Conference. It was felt that there was a need for consistency in the operations of the package rooms. Thus a new Directive is being designed which recognizes the different levels of security. The Commissioner stated that when the draft was finalized, he would send a copy to the union for their comments before distribution.

Commissioner Coughlin stated that he would not support legislation to do away with package rooms. There was some discussion regarding the potential problems with closing of package rooms. The Commissioner stated that there had to be a reasonable way to do it, and so far no one seems to be able to come up with the solution.

Redeployment - the union removed this item from the agenda as a result of previous discussions with management.

District Attorneys Association - Commissioner Coughlin stated that he had spoken with Sol Greenberg, President, New York State District Attorneys' Association. Mr. Greenberg feels that District Attorneys across the State should prosecute people who commit crimes in prison. However, once the case goes to the Grand Jury, the District Attorney has no jurisdiction if the Grand Jury issues a no Bill. The District Attorneys' Association is supportive of the Department's position. There is some legislation regarding reimbursing County Courts for prosecuting State prison inmates - presently there is only an allowance for extraordinary reimbursement - the Commissioner felt that if this bill was passed we might see more willingness to prosecute.

High security facility - Mr. Bischert inquired as to what the Department's plans were regarding this issue. Commissioner Coughlin informed the union that the Legislature approved the Erie County Penitentiary and that the Department would be moving rapidly to open that facility. The Commissioner further informed the union that the Department planned to make it a Reception Center for the Western part of the State thus freeling up some space at Attica, which in time would become a higher level security facility. He also stated that the

Department would be going out to Attica within the next few days to talk about the plans.

#### Uniforms:

Mr. Don Hall stated that at Great Meadow there was a labor/management agreement to supply vests to officers. This resulted from discussions regarding the warmth of winter coats. Albany denied that request and informed Great Meadow that the issue should be discussed at a Statewide Labor/Management meeting. Commissioner Coughlin stated that Central Office had some discussions regarding the issue of winter coats and a suggestion had been made to issue a type of British Commando sweater. Commissioner Coughlin informed the union that he would get back to them by August 15, 1983 with a definite response to this issue.

The union would like the New York facilities to be able to wear their formerly issued top coat as these facilities experience less severe winters than the upstate facilities. They also expressed a desire to have a top coat and winter jacket included in a Class A uniform optional package. The Commissioner stated that this was not possible at this time.

The union inquired whether it would be alright to wear the Class B uniform inside the walls and wear the Class A uniform when outside in public. They stated that when they are wearing the Class A uniform and are required to work in a particularly dirty area that the uniform "takes a beating." The Commissioner told the union that this matter should be discussed at local labor/management meetings.

The union also expressed concern over the supply of uniforms at the facilities. Commissioner Coughlin told the union that this was probably due to the large number of new officers being hired. They mentioned that Albion had agreed upon areas where grays would be worn, however, since the new Deputy Superintendent took over, they have not been able to resolve this issue - that only two people had grays - there were not enough gray uniforms to outfit others. The Commissioner informed the union that the Department had just received a large shipment of grays, and that the problem would be taken care of. There was discussions about why Albion changed the labor/management agreement and Mr. Cassidy stated that he verild contact Albion and take care of it. Commissioner Comphlia told the union to work out the issue of wearing grays in certain areas with their individual Superintendents. Mr. Cassidy has subsequently discussed this issue with Albion and it is now resolved. Additional grays are being issued to Allion.

Female issue - Bedford Hills female Correction Officers are requesting to be able to wear bow ties and caps rather than the same tie and hat as the male Correction Officers. Commissioner Coughlin would not change the policy regarding this issue. Female Correction Officers would be required to wear the uniform pursuant to the Uniform Directive.

The union inquired as to the possibility of developing a special uniform for pregnant Correction Officers. Mr. Cassidy advised the union that the Department had had discussions with Civil Service and noted medical consultants from the Albany Medical School regarding the issue of pregnant Correction Officers. As a result of these discussion, it was the general opinion of medical personnel that Correction Officers who are pregnant should be referred to Employee Health Services who will determine whether or not the Correction Officer is capable of performing all the duties of her position. Employee Health Services makes a determination that a pregnant Correction Officer is not capable of performing all those duties, she will then be placed on Maternity Leave. Correction Officer is on probation, the probationary period will continue when she returns from Maternity Leave until she has completed the unexpired period of the probation remaining when she left for Maternity Leave. The union inquired as to whether or not this would be a statewide policy. Commissioner stated that it would be a Statewide Departmental. policy and that the policy would be explained in the minutes of this meeting. The policy will be:

When the Department of Correctional Services becomes aware that an employee is pregnant, her bureau or facility head should, through the Personnel Office in Albany, arrange for a physical examination at the New York State Employee Health Service.

Employee Health Service will, after consultation with the employee and a physical evaluation, determine what the employee's capabilities are concerning the mission of her position.

The physical and all costs related thereto will be borne by the Department of Correctional Services including the time required for the physical.\*

Lack of replacement parts - Commissioner Coughlin informed the union that there was a new collar ornament which should hold up better than the previous one. He also stated that there were plenty of replacement parts available the—Quartermaster should have them. The Commissioner also indicated that he would have the tie clasp improved. The union requested that the nylon mesh hat for summer be brought back. The Commissioner stated that he would be unable to grant this request, but would look into it further and get a sense for the cost involved.

In response to Mr. Tim Rounds' statement regarding replacement parts being available at Clinton, Mr. DiBello stated that he would see if it were possible to get some replacement parts from the warehouse.

There was also some discussion about some facilities requiring the wearing of hats at line-up. Commissioner Coughlin stated that the hats did not have to be worn at line up, but could be carried under the arm instead. Bats only have to be worn outside. He further stated that he would put something in writing to the Superintendents regarding this policy.

#### Training:

Training Academy - the union stated that they felt a real need for a consistent policy regarding bid jobs at facilities where Correction Officers are temporarily working at the Academy. It was agreed that when a Correction Officer accepts a temporary assignment at the Academy, his job will be put up for bid on a temporary basis for the duration of the time that he is at the Academy. Upon his return to his permanent assigned facility, he will immediately go back onto his previously bid job. While at the Academy he will not be allowed to bid on any other job that comes open at his permanent facility. A memo in regards to this would be sent to all superintendents.

- b. Training notices It was agreed that the Correction Policy Chairman will be sent notifications of all training schedules sent to the local unions.
- c. Job qualifications the union requested a list of job qualifications at Albany. Mr. Cassidy explained that there were
  Statewide job descriptions for fire and safety officer and
  range officer. At times facilities had added to these descriptions in order to get the most qualified person for the
  job. However, the Statewide description should not be
  altered. Other positions are done on a local level. Mr.
  Cassidy felt that Mr. Paul Hebert's memorandum regarding qualifications for training was aimed at getting the most

qualified instructor, and thereby providing the best training at the facility level. Deputy Commissioner DiBello indicated that he would request Mr. Hebert to omit criteria regarding time and attendance and performance evaluations from all future training announcements.

There was much discussion regarding the awarding of jobs to a more qualified junior person, rather than the senior person. The union maintains that seniority should prevail. They stated that at some facilities there was training being provided a preferred person in anticipation of an upcoming job vacancy. Commissioner Coughlin stated that this should not be done; that if this should happen, they should contact Mr. Cassidy and let him take care of it. However, he also stated his postion was that the most senior qualified person would get the job and that he would not change that position.

Outside Hospital Ward - the union wanted to have the statewide procedure for every facility regarding AIDS. They felt that once AIDS was diagnosed, the inmate should be removed from the facility. Dr Broaddus explained the procedure to the union regarding this issue. He stated that the Department was negotiating with New York City to obtain 30 secure beds in a New York City Hospital. He also explained that the Department was very optimistic that this would be coming about in the very near future. This would allow the Department to get the confirmed cases, as well as those suspected of having AIDS, out of the system. He explained that the Department is looking to try to develop a special infirmary in one facility. The Department still has to firm up precautionary measures in handling these cases—these cases should be treated like any other infectious disease. Dr. Broaddus stated that supplies for use in handling of these cases would be going out to the facilities shortly.

The union inquired as to training for officers who would be handling these inmates. Dr. Broaddus felt that Health services should have a traveling team to go out to each facility to provide this training. There was discussion regarding the staffing of the infirmaries. The union was concerned whether anyone would volunteer to transfer to these positions. They also inquired as to what disciplinary measures, if any at all, would be initiated in the event an officer refused to work with such cases. Mr. DiBello stated that the Department is not making an issue of this at this time, however, if the problem continued and began to have an impact on other employees, then the Department would have to address the issue.

The union mentioned the fact that at Great Meadow an inmate who was a confirmed case of AIDS was let back out into population. Dr. Broaddus explained to the union that no inmate with AIDS was to be released from the infirmary without his personal sign-off. He informed the union that this matter would be taken care of immediately.

6. Workers' Compensation - Mr. Zeller discussed the procedure at Green Haven regarding employees on Workers Compensation Leave picking up their paychecks. It is mandatory for them to provide the facility with a Doctor's note before claiming their paycheck. Mr. Cassidy explained that anyone who is out on workers' Compensation is required to submit a Doctor's note to keep the Department informed as to the prognosis and expected date of the employee's return to duty. He felt that the Doctor should send a copy of his report to the Workers' Compensation Board to the Deputy Superintendent for Administration thereby relieving the employee of providing a note before picking up his or her paycheck. It was agreed that a cover letter would accompany the minutes of the meeting informing the Superintendents to pay particular attention to this item. The union requested to eliminate Ossining from that request.

There was further discussion regarding the use of leave credits for Compensation Leave. Mr. Cassidy explained that it is proper for the facility to charge employees personal sick. leave until the Workers' Compensation Board has made a decision in regards to a requested controversion. Thereafter, the In cases where contime would be restored to the employee. troversion is not an issue, the employee should be placed immediately on Workers' Compensation Leave. Mr. Cassidy indicated that he would suggest to the Personnel Department that in those cases where controversion is requested, compensatory leave might be handled in the same manner in which Employee Organizational Leave is currently being handled i.e., it is granted contingent upon final approval by the Compensation Board. If the Compensation Board determines that the case before it is indeed controverted then all absences will be charged to the employee's leave accruals. He indicated that as soon as he had a chance to discuss this with the Personnel Department he would get back to the union.

The union also expressed their concern over the fact that when an officer is on his RDO and is sick in conjunction with that RDO, he is being required to bring in a Doctor's note. This is happening in quite a few facilities even though the employee may be a good employee. Deputy Commissioner DiBello stated that Central Office stresses the flexibility of this program to the facilities - he feels that it is being interpreted too harshly. He further stated that if there were problems in this regard they should contact Mr. Joseph Doland Problems in this regard they should contact Mr. Joseph Doland Assistant Commissioner, and that he would take care of it.

Tier III discipline - the union mentioned that some facilities are not being trained in this area and that the officers are not familiar with the procedure. Mr. Cassidy requested the union to supply him with a list of the facilities and he would take care of it.

There was further discussion regarding officers being directed to be included on the list - the union feels that this is putting officer against officer. Deputy Commissioner Leonardo explained that this was not so - that the officer was really just an assistant to the inmate and not acting with the inmate against an officer. Mr. Leonardo stated that the Department would try to go with volunteers on this issue and see how that works out.

The union also requested to have a three-part misbehavior report so that the officer could have a copy of his own. Mr. Leonardo agreed to do this when the current supply was depleted to which the union agreed.

Job bidding problems - the union asked if an employee, pending the outcome of a grievance, could be awarded a bid job temporarily. Mr. Cassidy stated that this would be possible, however, if a person loses the grievance, the employee would have to re-bid another job. A memo regarding this would be sent to all Superintendents.

Russell O. DiBello Deputy Commissioner

Cassidy

∂øhn W. Burke

Executive Director

James C. Sibe

(President

Richard Bischert

Correction Policy Chairman

#### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

ANG COUGHLIN III

RUSSELL OL DIBELLO
CEPUTY COMMISSIONER
ADMINISTRATIVE SERVICE

Labor/Management Meeting. Statewide Council 82 - June 29, 198

in attendance for Management were:

pussell DiBello, Deputy Commissioner, Administrative Services
Atthur Legnardo, Deputy Commissioner, Security Services
poseph Dolan, Assistant Deputy Commissioner

poseph Dolan, Assistant Deputy Commissioner

poseph Mangino, Director, Bureau of Labor Relations

poseph Mangino, Special Assistant for Labor Relations

poseph Mangino, Special Assistant Commissioner, Bealth Services

in attendance for Union were:

John Burke, Executive Director James Sipe, President Michard Bischert, Policy Chairman non Ball, Great Meadow wim Rounds, Clinton im Mann, Attica ice Puma, Coxsackie , vosper, wallkill .. Seateldt, Albion r. Ackerly, Woodbourne ... Labuke, Downstate steve Gagnon, Adirondack im Laslie, Bedford Hills Andrews, Long Island wid DeChick, Auburn robert Zeller, Green Haven wilfred Plecha, Ossining rat Grinnage, Arthur Kill Mike dilotti, Arthur Kill ine Catalano, Mid-Orange John Brooks, Mt. McGregor

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1. Request signed minutes from August 25, 1982 meeting:

It was agreed that in the future Labor/Management minutes would be signed before distribution.

# Onresolved issues:

Package rooms - Commissioner Coughlin told the union that there was discussion regarding this issue at the Superintendent's Conference. It was felt that there was a need for consistency in the operations of the package rooms. Thus a new Directive is being designed which recognizes the different levels of security. The Commissioner stated that when the draft was finalized, he would send a copy to the union for their comments before distribution.

Commissioner Coughlin stated that he would not support legislation to do away with package rooms. There was some discussion regarding the potential problems with closing of package rooms. The Commissioner stated that there had to be a reasonable way to do it, and so far no one seems to be able to come up with the solution.

Redeployment - the union removed this item from the agenda as a result of previous discussions with management.

District Attorneys Association - Commissioner Coughlin stated that he had spoken with Sol Greenberg, President, New York State District Attorneys' Association. Mr. Greenberg feels that District Attorneys across the State should prosecute people who commit crimes in prison. However, once the case goes to the Grand Jury, the District Attorney has no jurisdiction if the Grand Jury issues a no Bill. The District Attorneys' Association is supportive of the Department's position. There is some legislation regarding reimbursing County Courts for prosecuting State prison inmates - presently there is only an allowance for extraordinary reimbursement - the Commissioner felt that if this bill was passed we might see more willingness to prosecute.

High security facility - Mr. Bischert inquired as to what the Department's plans were regarding this issue. Commissioner Coughlin informed the union that the Legislature approved the Erie County Penitentiary and that the Department would be moving rapidly to open that facility. The Commissioner further informed the union that the Department planned to make it a Reception Center for the Western part of the State thus freeing up some space at Attica, which in time would become a higher level security facility. He also stated that the

Department would be going out to Attica within the next few days to talk about the plans.

#### Uniforms:

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Mr. Don Hall stated that at Great Meadow there was a labor/management agreement to supply vests to officers. resulted from discussions regarding the warmth of winter coats. Albany denied that request and informed Great Meadow that the issue should be discussed at a Statewide Labor/Management meeting. Commissioner Coughlin stated that Central Office had some discussions regarding the issue of winter coats and a suggestion had been made to issue a type of British Commando sweater. Commissioner Coughlin informed the union that he would get back to them by August 15, 1983 with & definite response to this issue.

The union would like the New York facilities to be able to wear their formerly issued top coat as these facilities experience less severe winters than the upstate facilities. They also expressed a desire to have a top coat and winter jacket included in a Class A uniform optional package. The Commissioner stated that this was not possible at this time.

The union inquired whether it would be alright to wear the Class B uniform inside the walls and wear the Class A uniform when outside in public. They stated that when they are wearing the Class A uniform and are required to work in a particulary dirty area that the uniform "takes a beating." The Commissioner told the union that this matter should be discussed at local labor/management meetings.

The union also expressed concern over the supply of uniforms - at the facilities. Commissioner Coughlin told the union that this was probably due to the large number of new officers being hired. They mentioned that Albion had agreed upon areas where grays would be worn, however, since the new Deputy Superintendent took over, they have not been able to resolve this issue - that only two people had grays - there were not enough gray uniforms to outfit others. The Commissioner informed the union that the Department had just received a large shipment of grays, and that the problem would be taken care of. There was discussions about why Albion changed the labor/management agreement and Mr. Cassidy stated that he would contact Albion and take care of it. Commissioner Coughlin told the union to work out the issue of wearing grays in certain areas with their individual Superintendents. Mr. Cassidy has subsequently discussed this issue with Albion and it is now resolved. Additional grays are being issued to Albion.

Female issue - Bedford Hills female Correction Officers are requesting to be able to wear bow ties and caps rather than the same tie and hat as the male Correction Officers. Commissioner Coughlin would not change the policy regarding this issue. Female Correction Officers would be required to wear the uniform pursuant to the Uniform Directive.

The union inquired as to the possibility of developing a special uniform for pregnant Correction Officers. Mr. Cassidy advised the union that the Department had had discussions with Civil Service and noted medical consultants from the Albany Medical School regarding the issue of pregnant Correction Officers. As a result of these discussion, it was the general opinion of medical personnel that Correction Officers who are pregnant should be referred to Employee Health Services who will determine whether or not the Correction Officer is capable of performing all the duties of her position. If Employee Health Services makes a determination that a pregnant Correction Officer is not capable of performing all those duties, she will then be placed on Maternity Leave. If the Correction Officer is on probation, the probationary period will continue when she returns from Maternity Leave until she has completed the unexpired period of the probation remaining when she left for Maternity Leave. The union inquired as to whether or not this would be a statewide policy. The Commissioner stated that it would be a Statewide Departmental policy and that the policy would be explained in the minutes of this meeting. The policy will be:

When the Department of Correctional Services becomes aware that an employee is pregnant, her bureau or facility head should, through the Personnel Office in Albany, arrange for a physical examination at the New York State Employee Health Service.

Employee Health Service will, after consultation with the employee and a physical evaluation, determine what the employee's capabilities are concerning the mission of her position.

The physical and all costs related thereto will be borne by the Department of Correctional Services including the time required for the physical.

Lack of replacement parts - Commissioner Coughlin informed the union that there was a new collar ornament which should hold up better than the previous one. He also stated that there were plenty of replacement parts available the—Quartermaster should have them. The Commissioner also indicated that he would have the tie clasp improved. The union requested that the nylon mesh hat for summer be brought back. The Commissioner stated that he would be unable to grant this request, but would look into it further and get a sense for the cost involved.

In response to Mr. Tim Rounds' statement regarding replacement parts being available at Clinton, Mr. DiBello stated that he would see if it were possible to get some replacement parts from the warehouse.

There was also some discussion about some facilities requiring the wearing of hats at line-up. Commissioner Coughlin stated that the hats did not have to be worn at line up, but could be carried under the arm instead. Hats only have to be worn outside. He further stated that he would put something in writing to the Superintendents regarding this policy.

#### 4. Training:

- a. Training Academy the union stated that they felt a real need for a consistent policy regarding bid jobs at facilities where Correction Officers are temporarily working at the Academy. It was agreed that when a Correction Officer accepts a temporary assignment at the Academy, his job will be put up for bid on a temporary basis for the duration of the time that he is at the Academy. Upon his return to his permanent assigned facility, he will immediately go back onto his previously bid job. While at the Academy he will not be allowed to bid on any other jobsthat comes open at his permanent facility. A memo in regards to this would be sent to allowerintendents.
  - b. Training notices It was agreed that the Correction Policy Chairman will be sent notifications of all training schedules sent to the local unions.
  - c. Job qualifications the union requested a list of job qualifications at Albany. Mr. Cassidy explained that there were
    Statewide job descriptions for fire and safety officer and
    range officer. At times facilities had added to these descriptions in order to get the most qualified person for the
    job. However, the Statewide description should not be
    altered. Other positions are done on a local level. Mr.
    Cassidy felt that Mr. Paul Hebert's memorandum regarding qualifications for training was aimed at getting the most

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qualified instructor, and thereby providing the best training at the facility level. Deputy Commissioner DiBello indicated that he would request Mr. Hebert to omit criteria regarding time and attendance and performance evaluations from all future training announcements.

There was much discussion regarding the awarding of jobs to a more qualified junior person, rather than the senior person. The union maintains that seniority should prevail. They stated that at some facilities there was training being provided a preferred person in anticipation of an upcoming job vacancy. Commissioner Coughlin stated that this should not be done; that if this should happen, they should contact Mr. Cassidy and let him take care of it. However, he also stated his postion was that the most senior qualified person would get the job and that he would not change that position.

Outside Hospital Ward - the union wanted to have the statewide procedure for every facility regarding AIDS. They felt that once AIDS was diagnosed, the inmate should be removed from the facility. Dr Broaddus explained the procedure to the union regarding this issue. He stated that the Department was negotiating with New York City to obtain 30 secure beds in a New York City Hospital. He also explained that the Department was very optimistic that this would be coming about in the very near future. This would allow the Department to get the confirmed cases, as well as those suspected of having AIDS, out of the system. He explained that the Department is looking to try to develop a special infirmary in one facility. The Department still has to firm up precautionary measures in handling these cases—these cases should be treated like any other infectious disease. Dr. Broaddes. stated that supplies for use in handling of these cases would be going out to the facilities shortly.

The union inquired as to training for officers who would be handling these inmates. Dr. Broaddus felt that Health Services should have a traveling team to go out to each facility to provide this training. There was discussion regarding the staffing of the infirmaries. The union was concerned whether anyone would volunteer to transfer to these positions. They also inquired as to what disciplinary measures, if any at all, would be initiated in the event an officer refused to work with such cases. Mr. DiBello stated that the Department is not making an issue of this at this time, however, if the problem continued and began to have an impact on other employees, then the Department would have to address the issue.

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The union mentioned the fact that at Great Meadow an inmate who was a confirmed case of AIDS was let back out into population. Dr. Broaddus explained to the union that no inmate with AIDS was to be released from the infirmary without his personal sign-off. He informed the union that this matter would be taken care of immediately.

Green Haven regarding employees on Workers Compensation Leave picking up their paychecks. It is mandatory for them to provide the facility with a Doctor's note before claiming their paycheck. Mr. Cassidy explained that anyone who is out on Workers' Compensation is required to submit a Doctor's note to keep the Department informed as to the prognosis and expected date of the employee's return to duty. He felt that the Doctor should send a copy of his report to the Workers' Compensation Board to the Deputy Superintendent for Administration thereby relieving the employee of providing a note before picking up his or her paycheck. It was agreed that a cover letter would accompany the minutes of the meeting informing the Superintendents to pay particular attention to this item. The union requested to eliminate Ossining from that request.

There was further discussion regarding the use of leave credits for Compensation Leave. Mr. Cassidy explained that it is proper for the facility to charge employees personal sick leave until the Workers' Compensation Board has made a deci-. sion in regards to a requested controversion. Thereafter, the\_ time would be restored to the employee. In cases where con-troversion is not an issue, the employee should be placed immediately on Workers' Compensation Leave. Mr. Cassidy indicated that he would suggest to the Personnel Department that in those cases where controversion is requested, compensatory leave might be handled in the same manner in which Employee Organizational Leave is currently being handled i.e., it is granted contingent upon final approval by the Compensation --Board. If the Compensation Board determines that the case :: : before it is indeed controverted then all absences will be charged to the employee's leave accruals. He indicated that as soon as he had a chance to discuss this with the Personnel Department he would get back to the union.

The union also expressed their concern over the fact that when an officer is on his RDO and is sick in conjunction with that RDO, he is being required to bring in a Doctor's note. This is happening in quite a few facilities even though the employee may be a good employee. Deputy Commissioner DiBello stated that Central Office stresses the flexibility of this program to the facilities - he feels that it is being interpreted too harshly. He further stated that if there were problems in this regard they should contact Mr. Joseph Dolan, Assistant Commissioner, and that he would take care of it.

7. Tier III discipline - the union mentioned that some facilities are not being trained in this area and that the officers are not familiar with the procedure. Mr. Cassidy requested the union to supply him with a list of the facilities and he would take care of it.

There was further discussion regarding officers being directed to be included on the list - the union feels that this is putting officer against officer. Deputy Commissioner Leonardo explained that this was not so - that the officer was really just an assistant to the inmate and not acting with the inmate against an officer. Mr. Leonardo stated that the Department would try to go with volunteers on this issue and see how that works out.

The union also requested to have a three-part misbehavior report so that the officer could have a copy of his own. Mr. Leonardo agreed to do this when the current supply was depleted to which the union agreed.

8. Job bidding problems - the union asked if an employee, pending the outcome of a grievance, could be awarded a bid job temporarily. Mr. Cassidy stated that this would be possible, however, if a person loses the grievance, the employee would have to re-bid another job. A memo regarding this would be sent to all Superintendents.

Russell O. DiBello Deputy Commissioner

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Suredu of Labor Relations

John W. Burke

Executive Director

James C. Sibe

/President

Richard Bischert

Correction Policy Chairman



# DEPARTMENT OF CORRECTIONAL SERVICES

# THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

DMAS A. COUGHLIN III

RUSSELL O. DIBELLO DEPUTY COMMISSIONER ADMINISTRATIVE SERVICES

# M E M O R A M B U M

TO:

All Superintendents, Correctional Facilities

and Camps

FROM:

John L. Cassidy Director, Bureau of Labor Relations

STER TECT -

Temporary Academy Assignments

DATE:

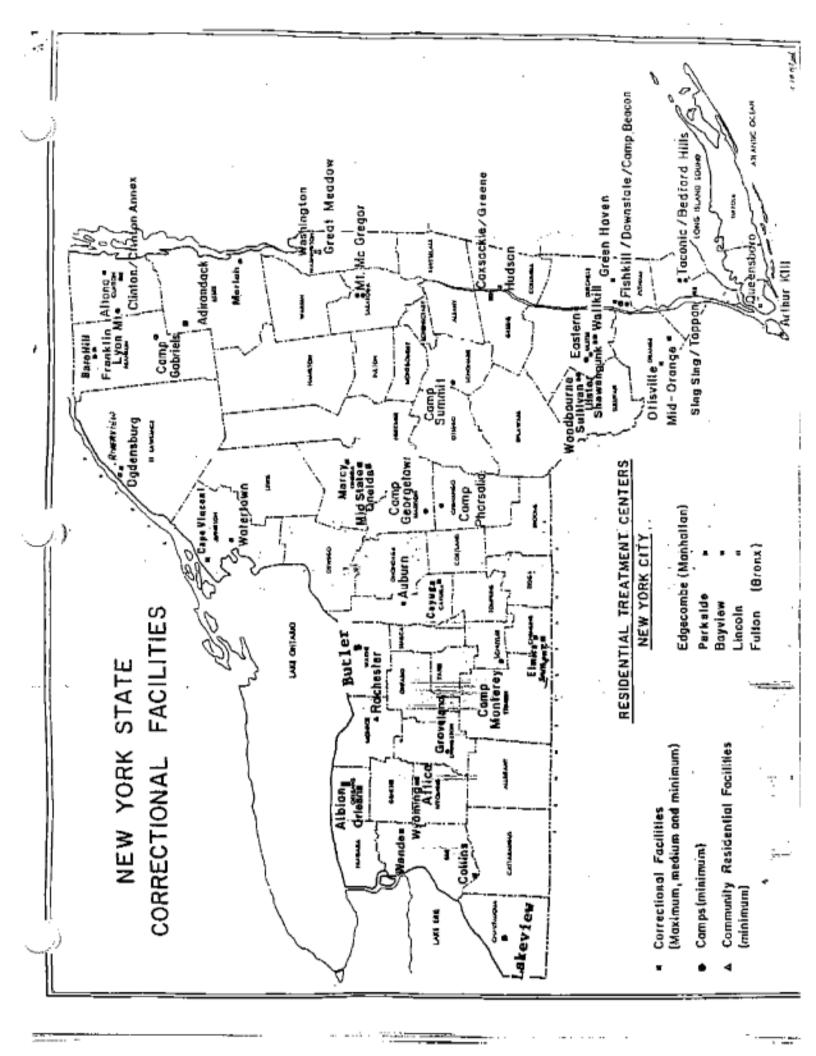
July 11, 1983

At the June 29, 1983 labor/management meeting between Council 82 and this Department, it was agreed that the following policy regarding temporary Academy assignments would go into effect immediately:

All Correction Officers having bid jobs who take temporary assignments to the Training Academy will have their jobs put up for bid on a temporary basis. The successful bidder will retain the job until the Correction Officer returns from his temporary assignment at the Academy.

While the officer is on temporary assignment to the Academy, he will not be allowed to bid on any other job in his home facility. He may only bid on a job upon his return to that facility on a full time basis.

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#### STATE OF NEW YORK



#### DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12225

THOMAS A. COUGHLIN III

COMMISSIONER

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WILLIAM S. COLEMAN

SEPUTY COMMISSIONER
ADMINISTRATIVE SERVICES

COUNCIL 82 STATEWIDE LABOR/MANAGEMENT MEETING · AUGUST 25, 1982

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In attendance for management were:

Thomas A. Coughlin III, Courrissioner
William Gard, Deputy Commissioner
William Coleman, Deputy Commissioner
Joseph Mangino, Special Assistant to the Commissioner
John J. Cassidy, Director, Bureau of Labor Relations

In attendance for Council 82 were:

John W. Burke, Executive Director James Sipe, President James Mann, Vice President Richard Bischert, Correction Policy Chairman Various Local Presidents

# Items #1 - 4 - Housekeeping Items Regarding Meeting

It was agreed that answers would be given at the table, if possible, and the minutes would be reviewed by both parties before being issued.

# Item #5 - State Vehicles

The union stated that many facilities are having problems with old and new vans. The main problem is that little or no maintenance is being done. Part of the reason is that the vehicles are used during the day and there are no mechanics at night. Council 82 is considering filing a complaint with OSHA on the conditions of these vehicles. They would like the Department to put pressure on OGS to make repairs on these vehicles. Jack Burke requested a list of where the new vehicles are going. Listed below are some of the problems with the vehicles.

# Old Vans

Bald tires
Door has to be tied with rope
Can't go over 30 miles per hour
Too much play in steering
Spare tires don't fit

#### New Vans

Panel vans - no windows
} ton capacity
No spare tire
Benches not seats
No handle inside back door

10. Camp overtime - 32 hours - memo from R. Mitchell.

Response: I advised the union that Mr. Mitchell had put out a memorandum informing Camp Superintendents that when necessary it was permissible to pay overtime in order to implement the 32 hour in-service training program even though their budget may not reflect the monies for this expenditure.

Gas training at Camps.

Response: The union is aware that this has already been completed.

I met with Jack Burke, Holly Chase, Dick Bischert, and Steve Pageau from 5:00 p.m. through 8:30 p.m. on September 13, 1983 and discussed all these and other issues. Their biggest problem at this point is the pulling of bid jobs at the Attica Correctional Facility. I have advised them that Deputy Commissioners DiBello and Leonardo and myself would discuss this on September 16, 1983 and I will get back to them with the results of that discussion.

I also met with Jack Burke, Jim Sipe and Dick Bischert for about three hours on August 14, 1983. At that time Mr. Burke advised me of his concern regarding Watertown's lack of proper staffing. I discussed this with the Watertown facility and they have advised me that they have been meeting with Central Office and Division of Budget and have been promised some relief in this area.

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Commissioner Coughlin stated the Governor has been very supportive of his plans. He also stated that he gave Council 82 a commitment to get the inmates out of the gym, and that his new proposal will do that.

Executive Director Puma stated the Commissioner should keep the union advised, and we will do the same.

#### ITEM #7 -- SPECIAL HOUSING UNITS

#### Union Concern:

The union claims that there is not enough space in Special Housing Units, and because of this, it is affecting tier hearings and the length of time inmates are in SHU.

Mr. Kraft went on to say that the PC's are clogging up the system and should be dealt with. Council 82 would be willing to work with the Department on a plan.

#### Management Response:

The Commissioner agreed that SHU space is limited, but questioned whether we were making the best use of a limited resource. The Commissioner suggested that there may be more meaningful punishments for certain offenses, such as restriction of certain privileges, i.e., packages, phone calls, clothing restrictions, etc. By doing this, we would be able to reserve SHU space for serious violations, i.e., assaults on staff, etc. The Commissioner went on to state that another problem with the system is the number of inmates in protective custody. He gave a brief history on the evolution of protective custody as we understand it and further stated that all his efforts to limit protective custody have not resolved the problem. He continues to explore alternate ways to more productively address this issue.

The Commissioner stated that new facilities will continue to have the normal number of SHU cells, but that current plans for the 600 bed expansions do not provide additional SHU cells. He agreed to look into this at the same time that he explores alternate punishments to free up the currently available SHU space.

On the issue of PC's, the Commissioner said he is willing to listen to suggestions from Council 82 on this issue.

# ITEM 18 -- INPECTIOUS DISEASES

#### Union Concern:

Correction officers are not notified if they are dealing with an infectious person. The union would like to reaffirm our agreement by sending out an All Superintendents' memorandum.

Another concern was in the event an employee who has contact with an infectious person loses time on the job, where does that individual stand as far as compensation is concerned.

# Management's Response:

The Commissioner began his response by stating that his agreement on notification of staff that an inmate has an infectious disease and that necessary precautions should be taken remains as previously agreed to. He reemphasized that his reading on the laws relating to this issue are applicable to certain security staff. According to Health Department Guidelines, members of the health care team are entitled to notification of patient's infectious conditions. The Commissioner considers certain security staff as part of the health care team. The Commissioner went on to state that testing and treatment of HIV positive inmates will increase substantially. The reason for this is as follows.

During the initial stages of AIDS as a prison issue, the Commissioner was reluctant to promote widespread testing because there was, during that period, no proven, medically acceptable treatment for inmates who tested positive for the virus. There now is positive evidence that early medical intervention can have a positive result in extending the lifespan of infected persons. The Commissioner indicated that we have a professional and moral responsibility to provide medically acceptable care in such cases. As such, testing and early treatment will increase substantially.

The Commissioner went on to restate his position on universal precautions. If they are followed, the risk of infection is minute.

On the question of compensation, the Commissioner stated that the approval or disapproval of compensation claims is a State Insurance Fund determination. He further stated that if an employee is exposed to an infectious disease and requires outside medical treatment, he would support the approval of Workers' Compensation claims.

## ITEM 19 - SMOKING POLICY

## Union Concern:

The Union requested an update on the impact of the Clean Air Act on correctional facilities.

### Management Response:

The Commissioner stated there can not be a smoking policy on the housing units.

The Commissioner stated that by reason of law, each facility was expected to develop and implement a smoking policy consistent with the recently enacted Clean Air Act. Each facility should have a committee to include all of the unions. We will provide Council 82 with our policy for Main Office.

Thomas A. Coughlin III

Commissioner

Joseph P. Puma Executive Director

Thomas P. Kennedy III

President

Joseph Kraft Correction Policy Chairman Deputy Commissioner Coleman advised the union the reasons for the conditions of the vehicles, both new and old, are:

- Standards are set by OGS; the Department has no control.
- OGS recommends replacements to Budget, where these requests are honored only if Budget sees a need for them.
- Expansion has depleted funds which might have been used for new vehicles.

Commissioner Coughlin advised Council 82 he has no problem with them going to OSHA. In this year's budget, there will be a request for new vehicles and maintenance on existing vehicles. Joe Cassidy is to check on the specs. for the new vehicles. Jack Burke will be sent a copy of the list indicating where new vehicles will be sent. Commissioner Coughlin stated that he will inform the Superintendent's about the importance of maintenance.

## Item #6 - Gas

Jack Burke asked what the Department is doing on updating the gas systems. Council 82 stated they requested a year ago that something be done with the ineffective gas. The union would like to see the use of a more potent chemical agent as the current 280 and 287 Federal Streamers are ineffective if the inmate turns his/her back orefcovers the face area. The union suggested the possible use of the duster type used a few years ago. Jim Mann would like a change in the Directive as it states only one gas can be used on an inmate even if it fails.

Deputy Commissioner Gard informed the union that a new gas system is being placed in the Elmira messhall with the messhall renovations. New systems will be placed in Ossining (messhall or auditorium) and Clinton (gym or auditorium). Funding for Ossining and Clinton will be included in this year's budget. The new system has 3 steps and covers different zones (immediate or entire area). Deputy Commissioner Gard stated that his support operations staff is getting the specs. on a new gas, finding out what it is and its effects.

# Item #7 - New Trainees

Council 82 would like the Department to shorten the probationary period for trainees since they can bid into jobs at 6 months. Probationary employees bid into high-security jobs, if that employee has to fire a weapon or use gas, and the supervisor believes this action was improper, that employee may be fired without any protection under Article 8. New officers are reluctant to bid into these type jobs because they have no protection if they use the wrong judgment. Some probationary employees

are working as Senior Officers. Although they are doing the same work as non-probationers, they are not allowed the same protection.

Deputy Commissioner Coleman stated that a possible solution is the career ladder; paying an officer more money for being Senior Officer. This may be a way of keeping the experienced officers on these posts. Commissioner Coughlin explained that recommendations for terminations are made at the facility, the final determination is made at the Central Office level. The Commissioner also stated that he will not lower the probationary period to 6 months (the standard time is one year). He wants to look at the trainee in all stages, straight from the Academy to working without direct supervision.

Council 82 stated that at several facilities probationary evaluation reports are not being done properly. The employee sometimes does not see his/her report until 2 - 3 months after it was due. This does not allow the employee to improve on his/her performance if any deficiencies are noted on the report.

The Commissioner acknowledged that this should not be happening and he would take steps to rectify the situation, i.e., advise the Superintendents and supervisors of the importance of timely evaluation reports on probationary personnel. He also cautioned that the large number of Correction Officer Trainees was having an adverse impact on the evaluation process.

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The union stated that Arthur Kill is having a problem with staffing. There are two officers each on Tour 1 and Tour 3 on the Housing Unit, however, there is only one officer on the unit during the day to supervise approximately 64 inmates. This unit had 2 suicides and a stabbing in the past 9 months.

Council 82 was informed that this can only be rectified by Redeployment, which is currently in the first stage at Arthur Kill. Commissioner Coughlin stated he will not authorize overtime for this.

Jack Burke would like the trainees qualified with the revolver and rifle before they leave the Academy.

Commissioner Coughlin agreed to qualify as many trainees on the rifle at the Academy as possible. No terminations will be made if the trainee can not qualify with the rifle while at the Academy. If the trainee does not qualify at the Academy, they will attempt to qualify while at the facility.

## Item #8 - Package Room

Jim Mann stated that he has submitted a bill to the Assembly and to the Senate that would close all Package Rooms and expand Commissaries. This bill has already cleared the Assembly and is awaiting Senate approval. Mr. Mann would like the Department's support and wants to know what position the Department is taking.

Deputy Commissioner Gard stated that the closing of the Package Rooms would create more problems than could be imagined. He is in agreement that modifications are needed in the Package Rooms, however, he is against the closing of Package Rooms.

The union requests input in the re-writing of the Directive on Package Rooms. They also have inquired as to whether or not Albion Correctional Facility will continue to have special dispensation when the new Directive comes out.

Deputy Commissioner Gard advised the union that he will send them a copy of the <u>draft</u> Directive on Package Rooms within 60 days for their review and comments. When the new Directive is issued, it will contain different levels of control for the various classifications of the facilities. Albion Correctional Facility, like all other facilities, will have to comply with the Directive as it pertains to them.

The union pointed out that at Downstate Correctional Facility reception inmates are being allowed packages and that at a recent Downstate Labor/Management meeting, the local asked that the list of permissible food stuff be revised. As a result of the meeting, the list was made longer which has now caused concern with the Downstate local. The union also indicated that at Fishkill Correctional Facility, food was being eaten in the Visiting Room which was not included in the 35 lb. limit.

Commissioner Coughlin stated that he will look at these 2 areas of concern himself.

# Item #9 - Search/Inspection

The union stated that Correction Officers should not be required to search other Correction Officers' personal belongings. Supervisors should be assigned to due this. The union also indicated that often times some people are constantly harassed through a search of their personal belongings.

Commissioner Coughlin informed the union that supervisors will not be assigned to conduct searches, that is the responsibility of Correction Officers on various posts. However, when a body search is required, that search will be done in the presence of and, when possible, by a supervisor. It is a part of a Correction Officers job to insure that no contraband enters into a facility.

Therefore, Correction Officers have a responsibility of searching packages for all people entering a correctional facility.

The Green Haven local indicated that there is a problem with a 1979 order put out by the facility administration as to what can be brought into the facility.

Commissioner Coughlin advised the union that this is a local problem and should be handled at a local Labor/Management meeting, not a statewide Labor/Management meeting.

## Item #10 - Two Hour Call-in

Council 82 feels that some facilities are being unreasonable regarding the requirement to call in 2 hours in advance when a person is going to be out sick.

The Commissioner advised Council 82 that although this is a requirement of the Attendance Rules, all facility administrators have been advised to exercise reasonable discretion in its application. When it is felt that an unreasonable decision has been made regarding this, it should be brought to the attention of the Bureau of Labor Relations.

Jack Burke stated that the new Time and Attendance memo supersedes the contract and Civil Service Law and that Council 82 is currently working on a law suit regarding this issue. Jack Burke was also concerned that Council 82 had not had the opportunity for input into these guidelines. He advised that particularly during the summer months, Correction Officers are working alot of overtime and find it nearly impossible to get a day off. The union wishes that the Department would appreciate the position of these Correction Officers.

Deputy Commissioner Coleman advised the union that the new guidelines are currently in effect only in those institutions which are Redeployed. Other institutions will not put these guidelines into effect until the administrative people have been fully trained in its use.

# Item #11 - Redeployment

The Wallkill local advised that they had several problems with the local administration and Redeployment.

After some discussion regarding jobs from the resource pool being put up for bid as trip jobs and the lack of training being conducted at the Wallkill facility, Deputy Commissioner Coleman advised the union that Joe Cassidy will visit the Wallkill facility as soon as possible to conduct a Labor/Management meeting. The union's complaints regarding Redeployment and the local administration will be aired at this meeting.

The McGregor local advised that they were also having problems with Redeployment at that facility particularly with the interpretation of what is a day shift and what is an evening shift and the effect it was having on Correction Officer assignments.

Deputy Commissioner Coleman again advised that Joe Cassidy will visit McGregor in an attempt to rectify these problems.

The Green Haven local also advised that because of Redeployment 18 Correction Officers are allowed P.L.'s. If a Correction Officer calls in shortly before his shift is to begin and requests to be allowed P.L. time for that day, the local president feels that if there is still an opening for a P.L. day that that officer requesting it should be allowed to have it. By doing this it would prevent an officer from being late to work and thus considered as an occasion of absence.

Deputy Commissioner Gard advised the Green Haven representative that under no circumstances could be permit an officer who calls in a few minutes before his shift was to start to request and be granted a P.L. day in order to prevent the officer from being late to work, that if the officer calling in was late that was an occasion of absence.

Jack Burke asked if Redeployed facilities would be reassessed.

Deputy Commissioner Coleman advised that we were attempting to make reassessments, however, as a result of expansions and the rapid growth within the system, Redeployment has been unable to keep up with the needs of the agency.

# Item #12 - Safety & Security of Facilities

Dick Bischert, Policy Chairman, requested that the Department speak to the various District Attorneys in an attempt to have them do what is being done in Chemma County (Elmira), i.e., prosecution by the Chemma County D.A. for inmates found carrying weapons, possessing other contraband, or assaulting employees. These inmates have been receiving consecutive sentences. This has substantially reduced previous problems at Elmira and has hightened the morale of the Correction Officers at that facility.

Commissioner Coughlin advised the union that he will speak to Mr. Sol Greenberg, recently elected President of the NYS District Attorney Association, in an attempt to arrange a meeting hopefully in the fall regarding this topic.

Jim Mann expressed concern regarding the procedure of Federal Marshalls leaving subpoenas at the facility as some employees may be out on extended leaves and not receive the mail placed in the facility mail boxes. Mr. Mann would like a statewide policy on this.

Commissioner Coughlin advised that he would check with Counsel's Office on this matter and see what can be done.

## Item #13 - Maxi, Maxi

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The union inquired as to whether or not the Department planned to have any more high-security facilities.

After some discussion between the Commissioner, the Deputy Commissioners and the union regarding this topic, the union was advised that the Department is looking into additional high-security settings.

# Item #14 - Directive 3083

Council 82 brought up the issue of wearing white T-shirt as specified in Directive 3083.

Commissioner Coughlin advised that a T-shirt must be white if it is visible. If it is not visible, it could be any color the wearer chooses or if an individual chooses, he does not have to wear a T-shirt.

# Item #15 - Training Relief

Dick Bischert stated that the required 32 hours is not being accomplished and Redeployment has taken training relief away from the Adirondack Correctional Facility.

Deputy Commissioner Gard advised Jack Burke that Adirondack Correctional Facility has not yet been Redeployed and that the problem regarding training relief items at that facility had been rectified earlier in the week. Deputy Commissioner Gard also advised the union that he has always had a commitment to the union and reiterated that commitment in that all facilities who have been Redeployed for a reasonable period of time will have their training completed by March 31st. However, without Redeployment it is nearly impossible to complete the 32 hours.

The McGregor representative advised the Commissioner that they do not have enough officers at the facility to conduct training or properly man the facility without incurring inordinate amounts of forced overtime.

After some discussion regarding this matter, Deputy Commissioner Coleman advised the union that he will deal directly with Jack Burke on this issue.

# Item #16 - Workmen's Compensation

Council 82 would like a mandatory third opinion if there are discrepancies between the EHS physician and personal physician.

Deputy Commissioner Coleman stated that Joe Murphy, Director of Personnel, will review all cases which may require a third opinion. While awaiting Joe Murphy's decision, the employee's status will remain the same.

# Item #17 - Trainees Pay for Maintenance at Academy

The union stated due to the fact that trainees must pay for their meals while at the Academy some only received \$86.82 in their last checks. They feel the Department should pay for their meals.

Commissioner Coughlin would not agree to the Department paying for the trainees meals.

#### Other Item

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Jack Burke stated that the Ossining Correctional Facility is not allowing overtime meals for officers who work voluntary overtime.

Joe Cassidy later advised Jack Burke that this matter had been rectified and that Ossining would in the future pay overtime meals to all officers who work overtime in accordance with Audit and Control directives.

Thomas A. Coughlin III Commissioner

John W. Burke Executive Director



#### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N. Y. 12226

THOMAS A. COUGHLIN III

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PILLIAM CA DEPUTT COMMIS COMPECTIONAL F.

September 10, 1982

#### <u>MEHORANDUM</u>

TO: Karl Pfeil, Assistant Deputy Commissioner

FROM: William Gard, Deputy Commissioner

RE: Chemical Agents

I have requested Support Operations to investigate a report that the Federal Laboratories now has available a more potent Streamer than we are presently using.

As you know, we have incidents where the streamer does not accomplish its intended purpose because the inmate can defeat the streamer by turning his back or shielding his face. If there is a more effective "weapon" available, I would like to know the specs and identification of agencies presently using the new devise. It is conceivable that there may be sources other than Federal Laboratories that may have more effective chemical agents delivery systems available. Please work with Support Operations to investigat that possibility.

Several years ago we abandoned the use of the "duster My recollection is that we stopped use of the duster subseque to the death of an inmate at Green Haven who had been subject to its use.

Please try to verify whether or not my recollection of that is true and try to locate any letters or documents that went out from the central office to the facilities at 'that time which may explain why we abandoned the duster.

Also obtain from Facilities Planning the schedule of installation of new chemical agent systems in mess halls, auditoriums, gymnasiums, etc., in facilities and, also, a lit of locations that we are requesting in the 1983-84 Budget Request.

William Gard

Deputy Commissioner

WG:me cc/Commissioner Coughlin



# STATE OF HEW YORK DEPARTMENT OF CORRECTIONAL SERVICES

#### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N. Y. 12226

HOMAS A. COUGHLIN III

WILLIAM GARD DEPUTT COMMISSIO COMMECTIONAL FACE

September 10, 1982

# MEMORANDUM

TO:

All Superintendents

FROM:

William Gard, Deputy Commissioner

RE:

Evaluation Reports for Probationary Correction Officers

It has been reported to this office that in some facilities the probationary evaluation reports are not being provided to the employee in a timely manner. Information provided to this office indicates that in some instances the probationary employee is provided his/her evaluation report as much as two to three months after the report is due.

Obviously, if this is true, then the probationary officer may be providing unsatisfactory performance without realizing that he or she is not performing to the satisfaction of the supervisor, thus the employee has no opportunity to improve on his or her performance if deficiencies are noted on the report. Even if the report is satisfactory, the probationary employee is not made aware of his or her satisfactory performance, and we may, thereby, be missing an opportunity to encourage the employee to continue the satisfactory performance.

I fully recognize the workload that we place on our supervisors; however, I think we must require of them that they do their evaluations and have their consultations with the employee as scheduled in accordance with the performance evaluation plan. The objective of performance evaluations and discussions with the employee of the evaluations is valid both from the administrator's viewpoint and from the employee's viewpoint.

It is requested that each superintendent cause the probationary evaluations to be performed promptly as scheduled

William Gard

Deputy Commissioner



## DEPARTMENT OF CORRECTIONAL SERVICES

## THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

MAS A. COUGHLIN III

WILLIAM S. COLEMAN

DEPUTY COMMISSIONER

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TO:

All Superintendents

FROM:

William S. Coleman, Deputy

SUBJECT:

Two-Hour Call-In

DATE:

September 1, 1982

At a recent Statewide Labor/Management Meeting with Council 82 it was brought to our attention that in some instances the two-hour call-in prior to a shift starting was being unreasonably enforced.

Although the Attendance Rules specifically mandate that employees who work shifts requiring reliefs should call in to the facility two hours prior to the beginning of their shift if they are going to be absent, it is expected that management will exercise reasonable discretion realizing that it is not always possible to provide two hours notice prior to an absence occurring.

Reasonableness is the key in this matter.



#### DEPARTMENT OF CORRECTIONAL SERVICES

#### THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

THINKS 1. COUGHLIN III

WILLIAM S. COLEKAM

DEPUTY COMMISSIONER

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ALL SUPERINTENDENTS

CORRECTIONAL FACILITIES AND CAMPS

FROM:

William S. Coleman

Deputy Commissioner, Administrative Services

SUMJECT:

Facility Vehicles' Maintenance

DATE:

September 10, 1982

Pacently it has come to my attention that the maintenance of facility vehicles leaves a lot to be desired. There have been far too many instances of vehicles breaking down on the road and, after close examination, it is apparent that the breakdown could have been prevented through proper maintenance. I understand that facility vehicles are utilized almost constantly and that many of our vehicles have high mileage and have not been replaced through circumstances beyond our control.

With this in mind, I am directing you to take steps to insure that all of your vehicles are properly maintained. You or a member of your staff should immediately meet with those personnel who are charged with the responsibility of maintaining facility vehicles.

One method of obtaining proper maintenance through the utilization of current staff would be the staggering of work hours which would allow maintenance personnel to be available when vehicles are not in use thus allowing them more time to properly maintain those validles. I believe that you should be able to work out, on a local basis, arrangements which would provide for proper maintenance of all facility vehicles.

Assistionally, please forward to Mr. M. J. Smith, Director of Support Operations, beginning October 1, 1982, a copy of all monthly Valide maintenance records.

THE STATE OFFICE BUILDING CAMPUS

THOMAS A. COUGHLIN III

COMMISSIONER

ALBANY NY 12226

WILLIAM S. COLEMAN

SPECIAL ASSISTANT TO THE COMMISSIONER TOR EMPLOYEE SEP.

January 7 and January 27, 1981 Council 82 Statewide Labor/Management Meeting

This meeting was begun on January 7, 1981 but due to Commissioner Coughlin's schedule, had to be concluded on January 27, 1981.

In attendance for management were:

Thomas A. Coughlin William Gard Francis Daley John E. Van De Car Ramon Rodriguez Joseph Murphy John Cassidy

In attendance for Council 82 were:

Thomas Holland John Burke James Sipe James Morrissey Various other Local Presidents

January 7, 1981 discussion:

Commissioner Coughlin discussed his proposed Legislation regarding hiring of new employees and other changes he would like to make within the structure of the Department of Correctional Services. He informed Council 82 that without their assistance (backing) such a bill could not survive. The Commissioner indicated that he would withdraw Legislation unless Coucil 82 supported it.

The union inquired as to whether or not this Legislation would assist in the establishment of a career ladder. The Commissioner replied it was his intention to develope some sort of career ladder perhaps a different rank structure which would include additional titles over and above the present titles. Commissioner Coughlin also indicated that at present there has been no decision made regarding this career ladder.

Item #1 - Unresolved issues from last Labor/Management Meeting Chapters 5 and 6

The union inquired as to where the revisions for Chapters 5 and 6 were. The Commissioner indicated that when the Powell vs. Ward court case was concluded, Chapter 5 could then be rewritten. The Commissioner also indicated that he has appointed a Task Force to review Chapter 6. As soon as the revisions are completed for both Chapters 5 and 6, the union will be apprised of that.

Item #1b - Uniforms

The union inquired as to when new uniforms would be available and wanted a description of the new uniform. The Commissioner indicated that a picture of the uniform would be made available to each facility and union local. The uniform would consist of a hat (outdoors only), blue shirt with a different collar, collar insignias, dark blue shirts with stripe on side, Ike jacket, shirt and tie clasps. The Commissioner further indicated that there will be further changes regarding the DCS shoulder insignia.

A question was presented regarding personal appearance particularly haircuts, etc. Commissioner Coughlin indicated that he preferred officers to look neat and well-groomed but has not as yet decided on what to do about haircuts, etc.

Item #1c - Adjustment Committees

Tier 3 is currently being tried in Bedford Hills and appears to be working quite well. Commissioner Coughlin indicated a memorandum would be issued by Deputy Commissioner Gard to all facility Adjustment Committees regarding the guidelines for assaults on officers and verbal abuse. The union indicated that in some facilities Chapters 5 and 6 are not being adhered to with resulting problems in Special Housing Units. Deputy Commissioner Gard indicated that Chapters 5 and 6, although being rewritten, at this time it is to early to indicate what changes will take place in them.

The Union discussed the Fresh Start Program. Deputy Commissioner Gard indicated that the old Fresh Start Program had been discontinued but that in some cases inmates were being told they were being given a Fresh Start in a new facility. This was meant to be construed as a continuance of the old Fresh Start Program.

The Commissioner indicated that sometimes it is necessary to give back to inmates those privileges which had been revoked previously.

Item #2 - Local Labor/Management Meetings

Was not discussed.

Item #3 - Backfilling of Jobs

The union is not satisfied with the interpretation of Deputy Commissioner Gard's August 16, 1978 backfilling memorandum. Specifically Section D as the union felt this Section was being abused by the facility administrators. Commissioner Gard indicated that the memorandum was correct and should not be abused. He would review the memorandum and get back to the union within about a week.

Item #4 - New Identification Cards

Not discussed.

Item # 5 - Redeployment

The union indicated that there was some problem with Redeployment particularly concerning training relief items. Commissioner Coughlin stated that training relief items would be part of a resource pool and that pool would go up for bid. He also indicated that under Redeployment, there would be no closing of fixed posts. In the case of a dire emergency, the facility would revert to critical posts. Fixed posts would be covered when the incumbent and/or relief is absent from the resource pool and when the resource pool is insufficient overtime would be utilized. There will be no closing of fixed posts.

The Labor/Management meeting was adjourned at this point and reopened on January 27, 1981.

Backfilling was discussed again, specifically, Sections C and D of Deputy Commissioner Gard's August 16, 1978 memorandum. Deputy Commissioner Gard indicated that he will clarify the memorandum somewhat but that Section D would remain substantially the same. The Commissioner indicated that noncontingency posts should not be closed as Richard Bischert, the Woodbourne Local President indicated was being done at Woodbourne. Commissioner Coughlin indicated that as soon as Redeployment was into all facility, he felt the backfilling

issue would be laid to rest as fixed posts would not be pulled.

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Commissioner Coughlin discussed the issue of staffing throughout the Department indicating that in May and June of 1980 additional officers were added to facilities requiring them. The Commissioner also indicated that there will probably be disagreements on the utilization of Correction Officers, however, such disagreements should be aired immediately rather than waiting for large meeting of this sort.

Bill Coleman, Special Assistant to the Commissioner for Employee Services, indicated that when the Redeployment Team leaves a facility it can come back in and discuss unforeseen problems with the local and management in an attempt to iron out those problems. The six month review policy is not meant to forestall a review for the full six months.

Questions concerning Mt. McGregor's Redeployment were raised with Bill Coleman replying that Budget must first review the the approved package for Mt. McGregor. This was the reason for the delay in Redeployment at Mt. McGregor. As soon as the package is returned, finalization discussions will be held with Mt. McGregor staff (union, management and Central Office staff) regarding implementation of Mt. McGregor Redeployment.

Questions were raised regarding changes being initiated prior to Redeployment. Commissioner Coughlin replied that changes can not be made in the name of Redeployment prior to final approval by the Redeployment Team, Budget and Central Office.

Question was raised concerning Redeployment at Great Meadow and if it had been cancelled. Deputy Commissioner Gard replied. that it was delayed in order to assist in the staffing problems at Green Haven and Mt. McGregor....

The Union inquired as to the 1981-82 Budget and its effect upon the Department particularly in regards to a hiring freeze. Commissioner Coughlin indicated he did not anticipate a freeze as the Governor had put a hiring priority on Corrections. The Commissioner indicated that the only job cuts he could foresee at this point for the Department would be as a result of Redeployment. Officers who leave through attrition will be replaced. Current attrition rate is approximately 46 per month.

The union inquired as to the Commissioner's position on reallocation to which the Commissioner replied he would discuss it with members of his staff.

Item #6 - Time Abuse Unit

The union indicated their unhappiness with the Time Abuse Unit in regards to counseling. Commissioner Coughlin discussed Time Abuse Unit procedures and indicated that the Time Abuse Unit will following specific guidelines and procedures.

Item #7 - Training

Commissioner Coughlin stated that as soon as Redeployment is in place, everyone will get 32 hours of in-service training.

Item #8 - Affirmative Action Plan and Programs

Not discussed.

Item #9 - Workmen's Compensation

The union indicated their displeasure with certain aspects of Workmen's Compensation procedures. Commissioner Coughlin stated that a case review would be set up in Central Office with the possibility of a third Doctor being brought in to review specific cases. Commissioner Coughlin further indicated that a review of the entire procedure would be conducted and that memoranda would be issued to facility administrators advising them as to the correct procedures to follow regarding Workmen's Compensation. The Commissioner indicated that there would be further discussions with Council 82 regarding this

Item #10 - Superintendent Budgets

Not discussed.

Item #11 - Frisking Facilities

Deputy Commissioner Gard discussed this issue to some extent and indicated that he would have further discussions regarding this matter with the union. Item #12 - Discrimination of both male and female Correction Officers - violation of Article 3.1. Job bidding and special treatment.

The union indicated that all officers should be treated alike: no discrimination -- an officer is an officer is an officer. Commissioner Coughlin indicated that this might be the more logical step to take. However, it appears that no matter how the Department goes it will end up in court. He will discuss the issue with Counsel and get back to the union as soon as possible.

We owe Council 82 answers regarding the following:

Item #1 (Chapters 5 and 6)
Item #3 (Backfilling)
Item #11 (Frisking Facilities)
Item #12 (Male and Female Correction Officers)

JJC:cms

### STATE OF NEW YORK



## DEPARTMENT OF CORRECTIONAL SERVICES

## THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12224

THOMAS A. COUGHLIN III

WILLIAM S. COLEMAN DEPUTY COMMISSIONE! ADMINISTRATIVE SERVIC

OCTOBER 15, 1981 COUNCIL 82 STATEWIDE LABOR/MANAGEMENT MEETING

In attendance for management were:

Calvin Lightfoot, Executive Deputy Commissioner
William Coleman, Deputy Commissioner
William Gard, Deputy Commissioner
John J. Cassidy, Director, Bureau of Labor Relations
Joseph A. Murphy, Director of Personnel
Joyce Lozada-Rossy, Special Assistant to the Commissioner

## In attendance for the union were:

John Burke, President of Council 82
Dick Bischert, Policy Chairman
Robert Slattery, Ossining
Rosalia Samuels, Bedford Hills
Bruce Farrell, Downstate
Kenneth Carter, Auburn
John Bissonette, Green Haven
Dominick Crisafulli, Wallkill
Stephen Pageau, Clinton
Ed Dean, Elmira
Jim Mann, Attica
Ron Cheeseman, Otisville
Pete VanScoy, Eastern
Nathaniel Grinnage, Arthur Kill
Leander McCall, Fishkill
Al Panebianco, Queensboro
Wendell Hill, Fulton

## Item #1 - Unresolved Items From Last Meeting

A. Backfilling: Commissioner Gard's memo has not been revised

Deputy Commissioner Gard will meet with Commett so we at

Deputy Commissioner Gard will meet with Council 82 to discuss the issue of backfilling. Jack Burke is to schedule the meeting and will have a listing of problems and issues raised by several locals.

Frisking of Facilities: for contraband, weapons and drugs.

The union inquired as to what instructions Mr. Pfeil has received regarding frisks (female officers will not frisk cells).

Deputy Commissioner Gard indicated that he will speak to Mr. Pfeil about this issue. All facilities will conform to Directive 2230 which controls the assignment of personnel by sex in the facilities. This directive allows for only three exceptions in the assignment of Correction Officers.

- On transfers, at least one officer will be of the same sex as that of the inmate being transferred.
- In congregate shower areas, officers will be of the same sex as the inmates.
- Where scheduled strip frisks take place, officers will be of the same sex as that of the inmates.

The union stated that many facilities have problems in having a facility shut down or partially shut down through local labor/management meetings.

After some discussion, it was agreed that if a problem does arise at the local level, a phone call should be made to Council 82 with a follow-up letter justifying the search be sent to the Superintendent with copies to Jack Burke and Deputy Commissioner Gard. Commissioner Gard in turn will respond to each letter.

C. Revision of Chapters 5 and 6 per meeting minutes of January 7, 1981 and January 27, 1981. Bedford Hills claims not applicable there.

The union requested an update on the revision of Chapters 5 and 6.

Deputy Commissioner Gard indicated that the Counsel's Office is working on the revision now. He also indicated that he will try to get a higher priority placed on Chapters 5 and 6.

The union asked if the time limits on the court action at Bedford Hills will be extended.

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Deputy Commissioner Gard will try to get an answer and forward it to Jack Burke who in turn will forward it to Bedford Hills.

DEPART: IT OF CORRECTIONAL SERVICES

... TE OFFICE BUILDING CAMPUS

ALEANY, N.Y. 12226

RICHARD D.HONGISTO COMMISSIONER

July 31, 1979

YILLIAM GARD DEPUTY COMMISSIONER

TO:

ALL SUPERINTENDENTS

FROM:

William Gard, Deputy Commissioner

SUBJECT:

DEPARTMENTAL LABOR/MANAGEMENT MEETING WITH COUNCIL 52

(July 16 and 17, 1979)

Attached is a copy of this office's report to the Commissioner of the Departmental Labor/Management Meeting with Council 52 conducted on July 16, 1979.

This report is provided for your information and for the information of all your staff. Please reproduce locally and post.

Deputy Jommissioner

ec:David Googins, Deputy Commissioner, Chief of Staff Richard J. Van Zandt, Assistant Deputy Commissioner Robert E. Nelapovitz, Assistant Deputy Commissioner Clay Hill, Assistant Deputy Commissioner Meyer Frucher, Director, Governor's Office of Employee Relations Dean R. Riley, Director of CERT Operations

Mr. Sperbeck - for reproduction & posting REM/bk 8/6/79

## DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

CHARD D HONGISTO

July 25, 1979

TO: Richard D. Hongisto, Commissioner

FROM: William Gard, Deputy Commissioner

SUBJ: DEPARTMENTAL LABOR/MANAGEMENT MEETING WITH COUNCIL 82 (July 16 and 17, 1979)

Following are the Department's responses to the union concerning the various agenda items discussed in the labor/management meeting:

### 1. C.E.R.T.

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A. Selection of Team Members

The Union requested participation in selection of C.E.R.T. nembers. The Department's response as stated by Deputy Commissioner Gard was that the authority to select would remain with the Superintendent.

The Union requested that minimum qualifications for C.E.R.T. membership be established. The Department agreed that minimum qualifications would be developed. The Union requested input into the establishment of the minimum qualification criteria. The Department responded that Union input is welcomed and will be considered.

B. C.E.R.T. Training and Pay for Same

The Union requested compensation for C.E.R.T. training conducted outside of regular duty hours. The Department responded that such compensation is included in the 1980-81 budget request. The Department stated they cannot assure that funds will be provided in the budget, but the effort is being made. The Governor's Office of Employee Relations stated they would support the Department's budget request. Further, we will make the effort, with the support of OER, to obtain funding in advance of the 1980-81 budget year.

C. Equipment Needs - Department to Furnish

The Department stated it does provided suthorized equipment and supplies.

mard D. Hongisto, Commissioner age 2 July 26, 1979

D. Former Members - First Choice to go Back to C.E.R.T.

The Department's response was that any Correction Officer can volunteer for C.E.R.T. participation. The Department repeated that the selection from the list of all volunteers will remain with the Superintendent. The Department further stated that, upon the development of the minimum qualifications, the Superintendent shall select from those volunteers who meet or surpass the minimum qualifications.

E. Portal or Portal Pay When on C.E.R.T. Operation

The Department stated its policy to be that:

- for C.E.R.T. operations at a home facility, C.E.R.T. members, if activated, would be paid for total number of hours from activation to being deactivated;
- (2) C.E.R.T. members activated for C.E.R.T. operations at a facility other than their home facility will be maintained in on-duty status from mobilization, at their home facility, to deactivation upon their return to their home facility.
- F. All Correction Officers Trained in C.E.R.T. Operations The Department stated that such training for all Correction Officers is logistically impossible.
- G. Update of Meeting Held with Training Lieutenants on June 29, 1979
  The Department stated that it would provide an update subsequent to the labor/management meeting.

## 2. Workers Compensation and Sick Leave

- A. Review and revise 10 day rule.
- B. Honor doctor's slips for returning to work; then, if it is necessary, send to an agency doctor for physical so as not to create a hardship on families. The Department should have their own physicians at the facilities do the exams and not use Health Services as that is where all the problems are.

The Department responded that it will develop a policy to standardize the criteria for such examinations and to minimize the need for these examinations. The Department informed the Union that its ideas are velcome.

ichard D. Hongisto, Commissioner Page 3 July 26, 1979

## Administrative Transfers

I.E., Correction Officer Merton to Mt. McGregor, etc. as well as others. All should be put back to their own institutions.

The Department repeated its long-standing position that it retained its right to administratively reassign staff for the good of the service.

## Regular Transfers

A. The 300 newly hired Officers are holding jobs at various facilities. Mr. Van De Car has stated that they are on temporary items and will not interfere with the transfer of people to permanent items. In other words, the transfer list should be honored and in the order of appearance on the list as in the past.

Where temporary surplus Correction Officers are assigned, the Department will continue to use the reassignment procedure to fill permanent vacancies prior to using the surplus Officers to fill such items. This may require the reassignment of the surplus Officers to other facilities within the region from which they were recruited.

With respect to the Officers at Auburn requesting transfer to Clinton, the Department stated that such requests will be honored, on an individual basis, as replacements can be provided from the reassignment list or appropriate eligible list.

## 5. The Positions at Downstate Known as Unit Managers and Assistants

- A. Being utilized as Sergeants other than in program area.
- B. Were not taken from existing Sergeant's list.
- C. Union position is if they are to be Institution Sergeants, they should have been taken from Sergeant's list and if this cannot be done, then we will petition Civil Service that these are civilian jobs and not uniform personnel.

jichard D. Bongisto, Commissioner Page 4 July 25, 1979

The Department stated that, due to unexpected delays in fully implementing the pre-release program, some of the special title personnel are being utilized outside of their planned program area. The Department further stated that, as the facility program becomes functional, these special title personnel will be phased into the program and will result in the eventual elimination of this area of concern.

The Department stated that the first effort to fill the special title positions was through the canvass of permanent Lieutenants and Sergeants who met the qualifications. That initial effort did not produce the required number of candidates. The Department then posted an announcement at all facilities inviting qualified Correction Officers to apply for these temporary positions, and then selections were made from the qualified applicants.

The Union stated they would caucus on this subject.

#### Overtime

When an employee is required to work overtime, whether it be voluntary or mandstory on his RDO, he is required to be at his work station 8 hours and 15 minutes. He is only compensated for 8 hours overtime. He should be compensated for 8 hours and 15 minutes at time and one-half or prorated the flat line-up pay that the employee is entitled to based on a 40 hour work week.

Withdrawn by Union.

#### 7. Radio System

- A. Has the technical study on improving the radio system, along with the coordination plan submitted to the Federal Communication System, been completed?
- B. If so, what are the results of that study?
- C. When can a new system be in place statewide?

The Department stated that the grant has been approved and the recruitment of technical personnel has been initiated. The Department anticipates the project will be completed in one year.

icherd D. Hongisto, Cormissioner Page 5 July 26, 1979

The Union suggested the Department review a radio communications study conducted during Commissioner Oswald's administration. The Department accepted the suggestion.

## 8. Grant Application for Legal Rights

- A. Has the grant application submitted to the National Institute of Corrections been accepted, and, if so, when will the program be implemented?
- Discussion of participation.

The Department stated that the National Institute of Corrections grant has been approved, and the current schedule is for the training of trainers to begin in September 1979. The Department also stated it will meet within several weeks with the Safe Streets Training Group; the Council 82 Policy Chairman will be invited to attend that meeting.

#### Directives: Department and Others

A. The Department has agreed to send all directives, memos, and TWX's to the Union that are sent to the facilities, etc. This is not being done.

The Department stated that all policy directives are currently being sent to the headquarters of all unions representing Department employees. The Department stated its willingness to share appropriate written communications with the Union, and the Department requested that the Union provide the Department, for its consideration, a list of specific types of communication which the Union does not now receive.

B. Certain facilities, when receiving directives, etc. from Civil Service and others, are not posting in the facilities for all personnel to view, i.e., the directive on health insurance deductions from Sam Freeman in May.

The Department will restate its policy concerning that material which must be posted for all employees to see. The Governor's Office of Employee Relations also stated that they will advise other agencies to send copies of appropriate material to Council 82 headquarters.

Deputy Commissioner Gard also updated the Union concerning the present status of the proposed takeover of Riker's Island.

ichard D. Hongisto, Commissioner Page 6 July 26, 1979

### Probation and Discipline

- A. Probationary evaluations and strike-related issues.
- B. Probation extension.
- Disciplines in general.
- D. Reconciliation Agreement

The Department advised the Union that the Department's Bureau of Personnel is reviewing all probationary reports to make certain that employees are not evaluated for the simple act of striking.

This item was the basis of an extended discussion between Mr. Frucher and the Union representatives concerning discipline and the implementation of the Taylor Law.

cc: Commissioner Coughlin
Deputy Commissioner Googins
Deputy Commissioner McNiff
John Van De Car, Director of Manpower Management
John Burns, Director of Labor Relations
All Superintendents
Mr. H. Chase
Mr. D. Fitzpatrick

#### MINUTES

DEPARTMENT LABOR/MANAGEMENT MEETING DECEMBER 7-8. 1976

LOCATION: COUNCIL 82 HEADQUARTERS

ATTENDANCE: STATE: John Van De Car

John Burns John Cassidy

UNION: Carl Gray

Hollis Chase Robert Maloney Clayton DeFayette Charles Krom - Eastern Facility Julius Elliott - Ossining Facility Edward Dean - Elmira Facility

Walter Willis - Green Haven Facili
Carl Nico - Arthur Kill Facili
William Tobin - Coxsackie Facility

Ronald Wert - Attica Facility
John Brown - Camp McGregor
Timothy Rounds - Clinton Facility
B. G. Greene - Fishkill Facility
Conrad Vacirca - Fishkill Facility

The following items were not on the submitted Agenda but were of urgent concern to Council 82. They were discussed and disposed of as follows:

1. Arthur Kill Correctional Facility - The Union expressed concern about two contingency posts at Arthur Kill that seem inappropriate to be designated as contingency posts:

A. Storeroom/Kitchen area

B. Truck Gate #2

Resolution: Mr. Yan De Car agreed to have Correctional Facility Specialist Clayton Hill get in touch with the Arthur Kill staff and review the contingency post to determine whether or not more appropriate posts should be designated rather than the two mentioned above. Mr. Hill plans on visiting Arthur Kill and will report back his findings by January 31, 1977.

Mr. Gray, on behalf of Council 82, requested that the delay in issuing of tuition refund checks from the Council 82 money for training be investigated.

Resolution: Mr. Cassidy assured Mr. Gray that the claims would be investigated and the authorization for payment will be made this week.

Mr. Gray inquired as to what was going to happen to the Officers at Iroquois.

Resolution: We explained our plan for keeping the men at Attica and Albion in the following manner. We will fill all vacancies at both facilities with those being surplus from Iroquois. The remaining nine or ten will be used to relieve untrained Officers to come to the Academy for 8-weeks of training. By the time the training is completed, we should have sufficient vacancies to absorb them at Attica and Albion. It was indicated to the Union that if this does not work out satisfactorily, we will discuss it further with them.

4. Mr. Gray asked if we could check the delay in getting Civil Service and Division of Criminal Justice Services (NYSIIS) clearances on some of the Officers who were transferred from OBAS to Corrections at Arthur Kill.

Resolution: Mr. Burns indicated that Thomas Andrews of his Office has been working on this problem and that every effort will be made to expedite the clearances and to see that proper identification cards are issued as soon as possible.

. The Agenda as submitted by Robert Maloney, Policy Committee Chairman, was then discussed.

 Union requests that the Department allow the Chairman of the Correction Policy Committee to designate a representative at 3rd and 4th step grievance hearings.

Resolution: Mr. Yan De Car pointed out that any change in the Agreement between the State and Council 82 would have to be handled with the Office of Employee Relations through the upcoming negotiations.

Request discussion in regards to status of female correction officers.

Resolution: Mr. Van De Car stated that the Department and the Correction Policy Committee of Council 82 has made it very clear that all Correction Officers are to be treated equally as far as transfers and job selection as provided for under the Law and the Agreement between the State of New York and Council 82.

11

Discuss status of provisional sergeants in regards to retaining job rights.

The Union requested that since it has taken almost four years to resolve the Lasker Decision for an interim examination to give permanent status to Sergeants, they wish to negate any agreement or understanding which exists as a result of the November 19, 1974 letter by Mr. Van De Car which gave retention rights to those Sergeants who were appointed provisionally.

The Union offered the following demand:

"that where applicable those Correction Officers who are presently holding provisional Sergeant positions that they be notified that they must exercise an option to either return to their "bid" Correction Officer job or relinquish their bid job and remain as a provisional Sergeant.

That where the "bid job" is relinquished that the Correction Officers assigned to the bid jobs who had bid them temporarily be awarded the job permanently."

Resolution: The Department agrees that each facility that is currently holding former bid jobs for employees who are serving as provisional Sergeants will notify those individuals that they have ten days from January 1, 1977, to exercise their option to return to their former bid job or retain their provisional appointment as Sergeants. Further, the Department agrees to notify facilities that if the former bid job is vacated by the individual, the bid job will be awarded to the Correction Officer holding said bid job if he is presently the incumbent by having bid it on a temporary basis. If the former "bid job" was not temporarily bid, it will be put up for bid on a permanent basis.

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Discussion of status of Sergeants list.

Resolution: Mr. Van De Car reviewed for the group the status of where the State stands with regard to the court-ordered interim examination for Sergeants. The Union requested that they be notified at the time Civil Service plans to announce the interim examination. The Department agreed to notify the Union as soon as any date was made known to them by the Department of Civil Service.

Discussion of status of Correction Officers serving on inmate grievance committees.

Resolution: Mr. Van De Car reviewed the recent agreement between Mr. Gray and himself covering the assignment of Correction Officers and Sergeants to the Inmate Grievance Committee. This agreement will take place at all facilities beginning January 1, 1977, and will supersede all other agreements pertaining to the subject.

Discussion of status of problems arising from Correction Officers being hired without receiving training.

Resolution: Mr. Van De Car pointed out to the Union that it was in an extreme emergency situation that Officers were hired directly and given only minimum training at the facilities. Mr. Van De Car informed them that our intention was, during the next few months, to bring those people, 205 of them, who have received no formal training back into the Academy setting for an eight-week training program.

 Discussion of status of problems arising from Correction Officers reporting to work prior to taking physical.

Resolution: Mr. Van De Car again stated that due to the heavy recruiting load, Civil Service's Employee Health Services unit was unable to schedule physicals for all people before reporting to work. Those physicals were scheduled as fast as Civil Service was capable of conducting them. Again, this was as a result of an emergency situation where it was necessary to get Correction Officers in the facilities where vacancies existed and will not be the practice in the future of the Department.

Discussion of Article 22 of Contract. (Indemnification)

The Union indicated their concern about the Department's inability or unwillingness to furnish legal counsel to Officers who are expected to appear before Grand Juries, Correction Commission Hearings, etc. The Union is requesting that Counsel be provided by the State for that purpose.

Resolution: Mr. Van De Car indicated that it was the Department's policy that if such counsel was to be provided it would have to be negotiated with the State and should be brought up as a matter of negotiations during the upcoming contract renewal negotiations.

Discussion of problems with uniforms, new and replacement items.

The Union pointed out that this has been an item that has been on every Labor/Management meeting agenda, both locally and departmentally, since the Department agreed to furnish uniforms to the members of Council 82. They state they have been extremely patient with delay after delay in furnishing proper uniforms as well as meeting the replacement dates for parts of the uniform needing replacement. They said there are literally months of delay from the time orders are placed by the local facilities and the requests are filled by the Green Haven Quartermastering operation. As an example, the Union claims it is typical, they supplied a list of sample orders placed from Auburn which some date back to April 1976, which still have not been filled.

They state that they think the Department has an obligation under the contract and has certainly had the time to set up a procedure which would meet the needs of the men to be properly uniformed.

This item also includes Item A on the Supplemental Agenda concerning specific problems with the uniforms for the female Correction Officers. Many of our female Officers have no uniforms whatsoever; even after they are delivered, they are found to be sized inproperly and the tailoring of the skirts and slacks totally unacceptable with regard to fitting the individuals.

Resolution: Mr. Yan De Car pointed out that the quartermastering operation has been relocated, effective November 8, 1976, to the Fishkill Correctional Facility. Mr. Yan De Car also pointed out that some of the most recent problems have been created by lawsuits being brought by vendors against the Office of General Services with regard to the required New York State bidding procedures and that these problems are being overcome as rapidly as possible. 10. Discussion of arms qualification. (Request copies of Directive 2021)

The Union pointed out that the difficulty exists in that the original issue of Directive 2021 has needed modification and as a result, it is being applied differently at different facilities. Their concern centers around two points:

- 1. The removal of an individual from his post as a result of his inability to meet the Directive requirements as to score after three tries. They pointed out they are particularly concerned with regard to the rifle recalls where a man comes close to meeting the required 75 out of a 100. They believe the intent of Deputy Commissioner Quick's Directive 2021 indicates that a person would be given some training prior to his third requalification try and this is not being done.
- 2. They indicated that at some locations in the qualification with rifles that body rest is being allowed at other locations it is not. They understand that the weapon itself cannot be rested but feel that the Directive should be clarified with regard to this. They pointed out that, for example, at Elmira Deputy Superintendent Kirk has issued a modification and they request that the Department review this matter and revise Directive 2021 so that it can be applied equally at all facilities giving consideration to the above suggestions.

The Union also brought up a memorandum issued by Superintendent Gard at Ossining which they feel is in violation of the Department's instructions with regard to Officers on duty at outside hospitals. The memorandum states that Officers are not to be armed unless specifically ordered to be armed by the Deputy Superintendent or Officer of the Day. They pointed out that this is inconsistent since inmates taken to, and returned from, hospitals are under armed guard. They request the Department review Superintendent Gard's memorandum in light of consistent application throughout the Department.

Resolution: The Department is about to issue a revised Directive 2021 which speaks specifically to the concerns brought up by the Union with regard to consistent application of arms requalification.

 Discussion on departmental policy in regard to inmates and all outside visitors, volunteers, etc., when attempt to introduce contraband is detected.

The Union pointed out that many of the facilities, but most particularly Auburn and Elmira, have been experiencing difficulties with visitors bringing in contraband. They are particularly concerned about the laxity that has developed with instructions to volunteers as to what may or may not be brought into the facilities and the behavior of volunteers at the time they enter the facilities. They ask that the policy of the Department be reviewed and made clear to the facilities so that the harassment of Officers, particularly at the main gates, can be minimized.

Resolution: The Department will immediately review the procedures being followed at the facilities that pertain to the actions to be taken with regard to visitors, volunteers or other members of the general public who attempt to introduce contraband into the facilities and appropriate instructions regarding the procedure to be followed will be issued.

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 Request department send copies of minutes of Labor/Management meetings to all correctional facilities.

Resolution: It has been the practice of the Department, as a result of Department-Council 82 Labor/Management meetings, to send to the facilities any resolutions of problems discussed at such meetings indicating the Department's position with regard to issues that are raised. We will continue to furnish the facilities with such information.

Supplemental Agenda Items furnished by Policy Committee Chairman:

A. <u>Bedford Hills</u> - problem with uniforms unique to female correction officers.

Resolution: This item discussed in item 9 above.

 Wallkill - bidding for RDO relief in conformance with the contract.

The Union requests that RDO relief jobs at the Wallkill Facility be bid as they are at every other correctional facility. They are filing a grievance on this matter and feel that Wallkill is in violation of Article 25 of the State/Council 82 Agreement.

Resolution: Deputy Commissioner Cluros has discussed this matter with the Administration of the Wallkill Facility and has issued instruction that these positions or other positions required under the State Agreement with Council 82 will be bid in accordance with the existing procedure.

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CORRECTION LABOR/MANAGEMENT MEETERS

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- NO.....5. Locker rooms and officers mess at Fishkill.
- YES.....6. Career Ladder in Correction why has it not been implemented.
- NO.....7. Setting up of disciplinary unit for Fishkill inmates as recommended by Commissioner Preiser.
- YES...... State cars for Bayview.
- YES.....9. Arsenal for Bayview.
- YES....10. Shortage of officer personnel at Coxsackie
- NO....11. Department's elimination of 45 minutes driving time from Coxsackie to Albany Medical Center.
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- NO.....13. How do we stand on getting work clothes for outdoor gang officers at Comstock.
- YES....14. Will Parkside or Parkview be manned by correction officers or counsellors.
- YES....15. There has been cause to be alarmed about Narcotic Correction Officers being assigned to man State Parole Officers in New York City and not establishing a seniority list for these jobs in New York City through the Department of Correctional Services.
- YES....16. Bring in Floroscope Units into the institution to scan all visitors due to non-metallic contraband being brought in by people.

#### Bayview

Harassment of officers by brass.

#### Clinton

 Shortage of help. Supposed to have 52 men for a new unit. As yet, they have not been assigned.

#### <u>Attica</u>

- Inmate Rules and Regulations when can we expect to receive copies of a newly revised procedure for inmate rules and regulations? Will these rules be uniform statewide and apply to all facilities? For example, the inmates can purchase items at facility commissaries only to have the same items confiscated at other facilities.
- 2. Labor/Management agreements when agreements are signed at Local Labor/Management meetings and not adhered to by the facility management, what recourse does the Local Union have when the Albany office recinds the agreements?
- 3. Inmate Visiting Program will the Department rescind some of the many open visiting privileges now afforded to inmates? The unlimited open door policy causes many inconveniences and frustrations to both inmates and employees. Inmate participation in programs become secondary due to increased visits.
- 4. Fire and Safety Hazards many items requested by officers responsible for the safety and general welfare of inmates and employeed are red-lined at the Local level with the excuse that monies and unavailable. In the event of serious injury or death, who bears the responsibility?

#### Miscellaneous

- 1. When will the new class begin at the Academy?
- Separate labor/management meeting to be set up for Bedford Hills females on a statewide level.
- Statewide seniority list.
- 4. Others

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- 3. What is the Department's position on a 20 year retirement.

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STATE OF NEW YORK

## DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

HET. OF CORRECTIONAL SERVICES

JUL 0 9 1975

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July 8, 1975

Mr. Thomas Holland
Policy Chalrman
Correction Policy Committee
Council 82
63 Colvin Avenue
Albany, New York 12206



Dear Tom:

This is in response to agenda items discussed at the Correctional Services Labor/Management Meeting of March 25:

first, my apologies for the delay in answering items discussed at that meeting.

- Statewide bidding of Centralized Transportation Unit is not possible since it must be restricted to the Green Haven Facility where the Officers are assigned and bidding will be restricted to that Facility.
- This item was not discussed. However, staffing for the Fishkill Correctional Facility has been submitted to the Facility and reviewed by local union.
- Sergeant and Lieutenant positions have been set up at Fishkill and are implemented.
- 4. We are presently reviewing the type of badge case we are using for a possibly more durable type of case to be used in the future.
- These items, since they pertain to local facilities, should be discussed at local Labor/Management Committee meetings.
- Career Ladder discussions have not proceeded because of budgetary considerations beyond the scope of the Department.
- It is our understanding that there have been segregation units set up at Fishkill for the general confinement inmates. However, the Department is looking into disciplinary procedure for mentally 111.
- 8. State cars for Bayview were provided at the time of the meeting.

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- There is a limited arsenal for Sayview particularly for weapons used in transportation and gas storage is provided.
- Coxsackie received ten (10) Correction Officers from the last graduating class of the Training Academy.
- This item was to be reviewed by the Department and has been resolved through the grievance procedure.
- This item was not discussed at the Departmental meeting; should be discussed at local Labor/Hanagement Committee meeting.
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- 14. Parkside is presently staffed by female Correction Officers in the living quarters and male Correction Officers at the main gate.
- 15. The use of Correction Officers In the New York City Parole Office has been climinated as of July 16, 1975.
- 16. We advised you at the meeting that Floroscope Units have been reviewed by Deputy Commissioner Quick's operation. They are not practical and could be considered as dangerous.
- 17. It is the policy of the Department to clear with Deputy Commissioner Quick's operation, with proper justification, before a general institutional frisk may be authorized.
- 18. Time and a half for work in excess of 40 hours per week; meal allowance would be per diem meal allowance of the meal during shift of duty, not overtime meal allowance. In the example offered, the meal would be the supper allowance of \$6.10.
- This would be the meal of the shift on a per diem basis which is \$1.65 breakfast, \$2.25 lunch or \$6.10 dinner depending on the shift.

- 20. The only time particular region candidates can be selected from a Statewide eligibility list is when a particular region has no list to draw from. If an eligibility list exists for a region, the Statewide list may not be used.
- The problems raised concerning the Inmate Visiting Program were discussed with Deputy Commissioner Quick and the duty of the Officers and the responsibility of the visitors have been clearly made known to both, so that no future problems should exist.
- 22. We have been advised by the Division of the Budget and the Office of General Services that Woodbourne Correctional Facility will be returned to the Department on September 1, 1975.
- 23. These items have been dealt with through the grievance 24. procedure.
- As requested by the Department at that meeting, specific uniform items which are missing at any facility have been submitted by Mr. Holland and have been taken care of by the central office Support Services when specifics were brought to their attention.
- 26. This item was not discussed because it was in the grievance
- Arrangements have been made to give civilian employees general orientation in security and institutional rules.
- It was recommended that these Items be discussed at local
- Labor/Management Committee meetings.
- There have been guidelines sent out from the Personnel Office to all facilities on the proper procedure for the filing of Workmen's Compensation claims.
- The facility personal history folder is the official employee history folder. Deputy Superintendents for Administrative Services have been advised that only material covered in the Departmental guidelines should be included in that personal history folder.

These items were discussed at the Correctional Camps Labor/ 39. Management Committee Meeting.

Extra Item: Selection of officers for training - it was pointed out that Officers who qualify for training. particularly advanced weapons training, will be selected based on the qualification required for such training. Seniority should be given consideration for the scheduling of those determined to be qualified and available for such training.

Sincerely.

John E. Van De Car

Director

Manpower and Employee Relations

JEV/mwb

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3/2:4/15

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COMMISSIONER

ALBANY, N.Y. 12226

July 8, 1975

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Manpower and Employee Relations

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## PROGRAMS AND POLICIES AS THEY AFFECT FACULIDIES IN THE AREA OF STAFFING AND SECURITY

A.) Coxsackie - Medical Center coverage for Clinton, Vallkill, Matteawan and other patients taking away from institution security and employee time off.

setting up a number of private hospitals to assist in the health care of our innates which will help the situation as outlined in Item A above. However, the Department has made every effort to secure additional staff or provide overtime for coverage where it has been required.

Status of Woodbourne at present time.

As the Commissioner indicated at his meeting with the local Presidents in September, the situation at Woodbourne has not changed. It is still needed by the Drug Abuse Control Commission for the housing of their residents.

C.) Ossining and other institutions - new programs are being instituted without proper coverage. Establish guidelines and consultation with Union before implementing any and all programs.

A number of additional positions have been secured. For example, 32 Correction Officer positions for evening industrial program; 22 Correction Officer positions for evening additional program and in most cases, where necessary, additional items have been provided or overtime has been used to cover new programs—instituted.

Make Commissioner aware of the infractions relative to the conduct of inmates assigned to work release and educational programs with reference to intates returning to facility appearing to be under the influence of alcohol or drugs, Request there be supervision of inmates to and from work release or educational programs.

I Par Later Branch Committee

We will inform Deputy Commissioner Quick of the examples given in D. above for his review as to whether or not work release program criteria is being followed.

#### Uniforms

- a. As Commissioner Preiser indicated at the meeting he had with the Presidents of all Council 82 Correctional Services locals, he would be interested in the Council's recommendations for modification of the present Correction Officer uniform. It was suggested that if the Council September 1974.
- b. The quartermastering of Correction Officer uniforms has been established at Green Seven and is operating satisfactorily in supplying the needs of our Correctional facilities.
  - c. New Item. Foul weather year has been assigned to each facility.
- d. New Item. We are expedition the provision of work clothes for outside and farm officers.

# 5. Safety and Security

- a. The decision to allow impates to make telephone calls is the responsibility of the Facility Superintendent under the guidelines provided by the Albany Office. In instances where an Officer feels a specific threat exists, it should be brought to the attention of the Superintendent for his decision.
- b. The determination of the posts required is a management responsibility. The people to participate in the CERT Teams have been streeted from those who volunteered for such duty.
- c. Chapters 5 & 6, which have the effect and force of law, prescribe the make-up and operation of Immate Adjustment Committees and Superintendent Rearings. Chapters 5 & 6 provide that employees bringing charges and vitnesses may be interviewed if clarification or additional information is needed for the Adjustment Committee which provides that interviewing of witnesses is required for Superintendent Neurings.
- d. The Department agreed to request Mr. Struce Robertson, our Director of Support Operations, to conduct a review of the conditions and safety of the vehicles assigned to the facilities as well as the equipment that is required in such vehicles. However, it must be pointed out that it is each person's responsibility to check a vehicle assigned to them for its safe operating condition prior to its use.

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E.) Something must be done concerning approximating of Authora visitian for which causes security problems.

As Commissioner Preiser indicated in his meeting with the local Presidents, we are assessing, at all facilities, the problems of limited visiting from space.

F.) Schething must be done regarding the problems in the mess hall and kitchen area of the Auburn Facility. Mr. Preiser's observation that there is a disparity in the pay and working conditions in this area in the private sector is irrelevant. The immates in the facility are not working in the mass hall or kitchen of their own accord, therefore, are more and to be troublesome. Those immates who are assigned are there because no one wants those jobs and, therefore, rejard the job as punishment. The Department should make these jobs more actractive so innates will want to work

Again, as Commissioner-Preiser has indicated in his meeting with the local Presidents, he is checking into the whole matter of inmate wages.

G.) At Wallkill the morale of the officers is being affected by the Superintendent playing politics in the institution.

As we indicated to you, these items are very difficult to discuss unless there are specifics as to incidents that support allegations.

H.)

a. Elmira - a better procedure for running all blocks to protect the control and safety of the blocks and locking system as well as Officers and inmates.

b. Adequate hearing of the armory facility for winter recreation.

This is a matter that should be discussed and handled by the local facility administration insofar as falls within the capital improvement budgeting area.

c. Assaults on officers is becoming an everyday occurrence. What steps is the Department taking to stop these assaults?

There are administrative instructions regarding assaults on officers. The Department has expressed its concern in the past about assaults on officers and is genuinely concerned that these matters are satisfactorily handled. We will advise Deputy Commissioner Quick of your examples.

 Constack - recreation programs and collect secreation - proper statistics for safety and security of officers and immates.

As we indicated at the meeting, we will request that Debuty Commissioner Quick review the staffing for the gallery recreation at Great Meadow.

J.) What authority do program directors have? Do they supercede the chain of command over the officers? (Natteavan)

We will request Deputy Commissioner Quick to clarify the supervisory authority of the Matteawan "program directors" as it relates to line supervision of Correction Officers.

## TRAINING - DIPARTMENT AND FACILITY

A.) Training in firearms and tactical squads should be done during working hours of on an overtime basis by the State or the Federal system paying for such training as well as the necessary equipment for same.

The Department is presently working on a program for emergency response reams and related training necessary for these teams.

 Local training committees should be set up and be part of local training program.

There has always been institutional training committees at each facility. This should discussed with the facility administration for the purpose of discussing local training needs.

C.) Woodbourne officers should receive same training as other correction institutions.

The Correction Officers assigned at Woodbourne are under the direction of the Drug-Abuse Control Commission and DACC has taken the position that the training currently being offered under the Federal Grant is not applicable to their needs for the program at Woodbourne.

D.) Refresher courses in training and education should be an on-going program for all officers.

The Department is presently making plans for the 1974-75 training of Correction Officers

E.) Are training programs mandatory? If we, why haven't correction ifficer been officially notified by the Deriverment? (Conscient)

It has been repeatedly stated during the past two years that the training programs offered to correction officers required mandatory attendance, particularly since this training has been on an overtime basis.

# INTEFORMS - INCLUDING FATEGUES

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A.) Issue sufficient amounts of wear, change and replace Career Apparel to each officer.

What is the present status of the uniform contract with regard to replace-

Is there going to be a change in the present uniform and, if so, when will this change take effect?

- C.) Uniforms are not being supplied as per the contract. Replacements are almost impossible to obtain at Auhurn. Personnel who are promoted are sumetimes required to wait a year for white shirts.
- D.) There are officers who still do not have a complete uniform.
- F.) It appears all of the above problems relate to all facilities throughout the Department.

We are currently surveying the facilities as to each officer's Career Apparel status with regard to complete initial issues; parts returned because of misfit, and necessary replacement parts if missing. Support Services operation is setting up a quarter-mastering operation at Green Haven.

B.) Camps - still waiting on outside apparel the same as other institutions.

We will discuss this with the Director of Camps as to Career Apparel that is recom-

E.) Fatigues are needed in all institutions by outside gangs, garage officers, mess hall and kitchen officers and various other jobs.

Clothing for outside jobs such as garage officer, farm officer, etc., is currently being checked by Support Services, so that necessary clothing can be provided.

# 4. STATUS OF UNION REPRESENTATIVES WHILE OF DURING UNION BUSINESS

- A.) A room should be provided for Union representatives to talk with men they represent where immates are not in the area. (All institutions)
- B.) Grievance representatives should be given adequate time to process grievances and attend grievance meetings at all steps as outlined in the contract without having to argue the point for two or more hours before each grievance meeting.

These are demands that are currently being considered at Statewide negotiations with Council 82 and cannot be discussed at this meeting.

# 5. DEPARTMENTAL MEMORAMOUNS AND CONTRACT INTERPRETATION

A.) Copies of all Labor memorandums sent from the Department should be given to the Union. Also copies of administrative and personnel memorandums should be given to the Union.

Council 82 has been sent all bulletins and announcements pertaining to operations and procedures that are pertinent to the working hours and working conditions of the Correction Officers.

3.) At Elmira and other institutions officers are being called in, questioned and harassed regarding their sick time. Letters are being put in folders. There are grievances pending concerning this. It appears Mr. McGann is very sarcastic when talking with people and also makes threats and statements which are uncalled for.

Because of the excessive absenteeism and abuse of sick time in some facilities, audits and review of the use of sick time were made and certain individuals with particularly poor attendance records are being counselled as to their apparent abuse of leave credits. This is not being done to harass anyone with a legitimate use of leave credits but it is an attempt to correct misuse.

C.) Job assignments are being changed to avoid payment of overtime in several institutions. In most cases there is no emergency existing. (Elmira)

The Department must maintain the ability to make job assignments and reassignments in order to effectively maintain the operations and the programs of the facilities.

3.) The last statement added to all job hads is "All the above states and or other duties assigned by your substitutes and they are assigned by your substitutes and they are assigned by your substitutes and they are assigned as a officers to other jobs besides the ones they were available to bus.

This item was withdrawn by your Committee.

5.) The Department is not adhering to the grievance procedure regarding time : limits for answering grievances.

The contract provides for time limits in answering stievances and where such time limits cannot be met, there is provision for these time limits to be extended by mutual agreement. We will check into cases where there appears to be delays in answers.

F.) It is the general feeling that management should have more respect for seniority.

The Department danagement has no knowledge of enyone who does not respect employees who have worked for long years for the Department.

G.) Temporary jobs should be defined for a specific amount of time, and if longer, should be put up for bid as a permanent job. (15 days)

This is presently a demand by the Union at Statewide negotiations.

## 6. RIOT EQUIPMENT

A.) Adequate helmets and masks should be provided to all officers.

The Department has recently completed a survey of additional helmets and masks that are required in the Department and when the number of new Correction Officer items required for 1974-75 is known, an order Willibe placed to secure the necessary helmets and masks.

- B.) A joint study between administration and a Union officer regarding disturbance plans. Some type of instruction should be given to the officers so they will know what to do. A plan in a book does not satisfy our needs.
- C.) Communications systems are needed in most institutions.
- D.) Tactical squads should have the best and most modern equipment to quell any and all disturbances. This equipment should be furnished immediately and not when another riot or serious problem arises.
- E.) When a tactical squad has to move into any area to quell a disturbance, they should be backed up by a squad with shot guns for the safety and security of immates, employees as well as property.

As indicated before, Commissioner Outek is revaloning a correction end, and reasonable team officers which will provide for training, equipment and procedures for function emergencies in our Correctional facilities.

## PLOT PLAY US. UNION IMPUT

A.) There should be a certain number of items for training on each institution's plot plan. Coverage and training should not be ignored due to lack of these items.

In the Department's request for additional staff for 1974-75, there has been a specific request for training officers relief for each facility.

3.) The new programs being instituted every day or every week do not take into account the needed officer coverage or the safety of all concerned. There should be discussion at each facility with the Union reparding this. Another problem in this area where there has been discussion between the Union and the administration and agreement on the mannover needs is either the Department or Budget say it is not needed. This needs to be corrected.

Please see item 1, C. In addition, there has been requested additional staff for programs in the 1974-75 Budget as indicated by Deputy Commissioner Quick at the meeting with the local Presidents in September.

C.) The plot plans need complete reevaluation and should be done by the facility administration and the Union so all coverage is adherent to the problems. We deal in people, safety and security; not in profit.

Plot plans are continually reevaluated by Deputy Commissionar Quick's group and it is Administration's responsibility to determine the staffing needs for each facility.

D.) There is a rumor that a pilot project of a 4 and I work week is to be implemented at Elmira. The local is opposed to this. The Union has not been notified officially but the rumor is causing problems.

There is no truth to this rumor.

## INMATE AND EMPLOYEE RULE BOOK

A.) Where is the immage rule book which was to be issued last September? It is long overdue.

Contract of the State of the St

1 the management of

The Employee Code of Behavior and Immate Guidelines are currently under review by the Commissioner and they will be issued after the Commissioner has fully reviewed them and satisfied himself that they need the requirements of the Pepartment.

C.) There is harassment of correction officers in their everyday duties. The State is promoting and advocating less and less discipline for inmates while at the same time instituting a policy toward the officers which resembles the restoration of rule by monarchy. While immates receive only counselling, the State or Department is attempting to extort from the officers fines which exceed panaloies being extracted from persons convicted of felenious behavior.

It is understood employees in correction are in a disciplined service but those in their charge are the criminals and certainly should be disciplined to the rules and regulations of the Department.

This relates to discipline which is currently a subject for negotiations at the Statewile negotiations with Council 32.

### SAFETY

A.) Auburn is not physically equipped to accommodate the population presently housed there.

The statistical reports supplied by our Division of Research and Statistics indicate that the Auburn inmate population has decreased over the last few years while at the same time, additional Correction Officer staff has been supplied to Auburn during the same period.

3.) There is a continual parking problem at Clinton.

This item was withdrawn by Mr. Rounds, representative from Clinton.

C.) Now that inmates have access to telephone calls, we request a front and back escort whenever inmates are being transferred from one place to another for the safety of inmates and employees involved.

Innate use of telephones must be a decision made by the facility administration.

The question of amount of escort is currently a demand by the Union at Statewide , negotiations.

D.) At Elmita there is a definite near for someons or all falleries and those to by the administration, department and units. Thy doesn't but by the realize before someone is injured ... filled.

Since you have indicated that you have been informed by the Elmira Facility attitistration that requests for construction of screens on the galleries have been made in our Budget request, we will ask Deputy Commissioner van Rekeren to check into this request.

E.) Why doesn't the department put new cell equipment in all cells, i.e. the stationary metal sinks, etc.

The Department is currently conducting a study of the present cell equipment.

F.) The department should have a leff-site rolliev on keep locked immates who pose a threat to the institution and officers. They should not be taken out of their cell, dressed and sent into the outside community unescorted to participate in Jaycees or any other programs.

The participation of immaces in various programs such as Jaycees has to be a determination made by the Department administration in conjunction with the facility

#### CAREER LADDER

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The second second

A.) What happened to this with the Department? The Union submitted a projected program and has yet to hear anything from the department.

The question of career ladders is currently a demand at Statewide negotiations.

# 11. DETERMINATION OF COURT RULING ON THE STRUEART'S EXAMINATION

A.) Has the department received a decision on this and, if so, why haven't the

There has been no determination by the court on the case pending regarding the

The number of items brought up by Facility Union Representatives at the meeting will be discussed with the appropriate Deputy Commissioner.

. . • .

#### Personal Areas

a: As was pointed out in Statewide negotiations, the provision of locker rooms, dressing areas, showers, etc., for employees is limited or state being available and the financial cost to provide such facilities. To semmitment can be made that such facilities can be provided at all of our degrectional facilities. In some cases, local arrangements have been able to so made on a limited basis.

#### Rule Books

- a. The Immate Rule Book is corrective being reviewed by Commissioner Preiser. However, I have been informed by the Commissioner char he has requested each facility to draw up specific immate rules for these facility. Due to the varying programs and security requirements this is necessary. Each facility is to submit to the Control Office their recommended rules for approval. However, general Lepartment-wide rules will not be issued until reviewed by the Commissioner.
  - b. The Employee Rule Book is smill under review by Commissioner Preiser.
- 3. Items not specifically covered by Agenda.
  - a. Attached is a list of Spanish Speaking Officers by facilities.
- b. Attached is a list of Correction Officer Work Release items funded for the major institutions. These items are assigned dependent upon the size of the Work Release Program.
- c. Vending Machines. Two different situations exist. One, in the case of machines serving employees only, employee organizations may continue to arrange for profits with the various vendors. Secondly, in the case of machines serving visitors or immates, no employee organization or the State may profit from such sales. Machines were placed in the institutions on a bid basis with reductions in the cost in some cases. It should be noted that even the arrangement in the first case above has led to some problems with the Department of Audit and Control, particularly since the State provides space, electricity and in some cases, maintenance, while the profits go to the employee organizations.

Very truly yours,

John E. Von De Car Director of Manpower and Employee Relations

JEV/mub Attachment

cc/Carl Gray



# DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

ALEANY, NY 12226

PETER PREISER
COMMISSIONER

Jame 13, 1974

Mr. Thomas Holland Cheirman Policy Committee Council 32 of AFSCME 63 Colvin Avenue Albany, New York 12206

Dear Tom:

The following is the Department's position on the agenda items submitted for discussion at our June 4 Department Labor/Nanagement Committee Meeting:

- 1. Please see separate memorandum concerning temporary vosts.
  - Staffing
  - a. Item withdrawn since proposed college to be established at Bedford Hills was not approved by legislature.
- b. Department agreed to request Daputy Commissioner Elwin to review Bedford hills programs.
- c. Most all of our facilities have had their critical posts identified. As the Council has been told at previous meetings with Commissioner Preiser and Deputy Commissioner Quick, all critical posts will be filled.
- d. It is impossible to set up permanent Items for necessary medical trips, court trips, home visits, etc. However, in each facility's approved plot plen there are miscellaneous and relief post positions which, under normal conditions, should provide adequate staff to cover these kinds of assignments. In addition, the Department is currently developing a new Inmate Transportation Program which will relieve some of the pressures on the individual institutions to provide Officer coverage for immate transfers. It is expected at this time that the Transportation Unit will be on a centralized basis.

- YES...17. Why does the Attica Correctional Facility administration have to present written documentation to the Connissionar's office in order to gain his expressed permission to have an institutional "frisk"? Is this statewide departmental policy? If so, why?
- YES...18. When a correction officer transports inmates from facility to facility and the trip commences from his home facility near the end of his regularly scheduled shift and continues through the succeeding tour of duty has begun, at what rate of overtime is he compensated and to what overtime meal money is he entitled? For exmaple: if a four man draft leave Attica at 2:30 P.M. with scheduled transfers for Auburn, Fishkill and Taconic Facilities, and the trip concludes at approximately 2:30 A.M. the next day, to what monetary rates is the officer entitled?
- YES...19. If a correction officer is scheduled to work his regular day off and he is assigned to transfer inmates from Attica to Auburn or Attica to Elmira and his assignment is completed within the normal eight hour tour of duty, at what rate is he entitled to compensation for the allowance?
- YES...20. Regional Examinations at what point in time will candidates from Region I be extended the right to have their names placed on the "statewide" list and appointed to facilities outside their designated regions? The purpose of the regional examination was to diminish unnecessary transfers. At the present time Attica has correction officers from Regions II and IV while our regional candidates are frozen from the same opportunities afforded to the above mentioned.
- YES...21. Inmate bussing program for family visitation to facilities is the officer assigned to the bussing program required to remain at the facility when he accompanies the visitors?
- YES...,22. Status of Woodbourne Rehabilitation Center, namely, when will it go back to a correctional facility and what type of inmate will they receive.
- YES....23. Interpretation of State policy on accumulation of vacation credits.
- NO.....24. Facilities (Auburn) cancelled vacation instead of advancing vacation credits.
- NO.....25. Uniforms are still not complete at Auburn and Elmira.

- NO...26. Training officers at Auburn have been denied rights enjoyed by rest of officers at other facilities.
- YES...27. Civilian employees should be given some training in security measures and rules.
- YES.. 28. Administration attempted to do away with fire round on weekends and no coverage for fire and safety, i.e. when correction officer is on vacation, sick time, etc. (Auburn).
- NO....29. Wall Posts at Auburn should be covered when overlooking housing blocks. (#2 and #11 at Auburn for fire watch).
- No....30. Workmen's Compensation at Bedford Hills is a joke.
  Officers are finding that they are being humiliated while processed through this antiquated system. It would seem this agency is a "sacred cow" and their actions demand immediate investigation. We want definite guidelines as to how one proceeds when injured on the job. Presently, this information is vague or non-existent.
- NO.... 31. (Bedford Hills) We are aware there is a confidential file apart from our personal history file and we also know that we are being treated in lieu of this file without due process of law since we are unable to gain access to these files. We feel this transgresses our civil rights, constitutional rights and our human and this must be stopped. We should have copies of all reports that refer to the individual. Any of these confidential files can be discriminatory, biased and inaccurate. How can one defend oneself if one is unaware of the accusations or even unaware of the presence of such materials in these files. This smacks of gross unfairness and is deceitful and compromises our inalienable rights to due process of law.
- NO.....32. Out-of-title work. (camps)
- NO..... 33. Unsafe vehicles. (camps)
- NO....34. Radios.
- NO.....35. Job Bidding.
- NO.....36. Safety violations. "
- NO.....37. Size of work gangs. "
- NO.....38. Shortage of officers to cover all new programs (camps).
- NO.....39. Intimidation of officers (camps).





PETER PRESER COMMISS ONER

# DEPARTMENT OF CORRECTIONAL SERVICES

THE \$TAILS OFFICE BUILDING CAVELS

41545Y, NY 1226

Octaber 15, 1974

Mr. Carl F. Stay Executive Paracter Council 11 63 Colvin Avenue Albany, Ju. York 12216

Nestine of Cocober 1, 1974

Dear Carl:

- ly least the Department's position that new, major continuing programs will not to established without alcounce staffing. In addition, a high personance of the overtime mentioned is a direct result of excessive absencesism and constitute an instance relief factor. We are accempting to correct both situations, which should result in a prented resolution of overtime. It should be noted that over 300 new Officer stank, ave been added in the tast two years, primarily for program coverage.
- 2) After consultation with the Deputy Commissioner for Legal Services, we have been informed that all legal civice to incilities and staff when necessary will be handled by the Central Office Legal Services Unit. Two attorneys have been transferral from the New York City Office to the Albany office to provide additional legal staff. There is presently a balact tiquest for anditional legal staff. We have been further advised that the local Assistant Accorney Generals should be furnishing some of the needed legal assistance: that there has been a decrease in the number of occasions where legal assistance is required by facility staff.
- 3) It is our understanding that the New York City Police Desirtment Commissioner has issued instructions which eliminate use of City Police on funeral and sick visits for this Department. Instructions are being premared for Transport Officers which will rive specific instructions as to what they should do on trips to the City of New York. Further, it is appropriate that if a funeral visit is to New York City by train or bus, that a that cab may be utilized if absolutely necessary.

- a) It is, and has been, the is strong's relieved been full it. It's a surject of the Book) that when in the art, shorted from a facility to any destination, only one of the two ifficients assigned will be armed. An enamed diffice, is assigned became to will be required to have such close contile with the innate, as in suffing any ancesting. On the other hand, the armed Officer stands by at a safe distance to avoid the possibility of being disarred. The supermentation of the Union of it we consider using both officers when they are required to so into retropolican areas is said to reviewed by the Repartment and you will be advised of our decision. However, at that line the Superment maintains it provides that only one Transfer Officer shall be also.
  - 5) IT to Adamsmy has the following firearts, qualifications for expinees:
    - A. All trainers have to stall for the a Smith & Meston March 11.

      ### revolver and with a lenimoner Fro. 1334 achiber rifle.

      A minimum scare of 103 aut of a massible 100 must be necessprished with the revolver and a minimum scare of 71 out of
      a possible 300 must be accomplished with the rifle.
    - 5. All steiness thist be invited with the Remington 870, 10 range enotion and Model No. sum submitching cun. This is to insure that all trainees will know how to load and unload properly and how to headle these weapons in a professional manner.
- has checked the Auburn uniform delivery and informs us that all orders are up-to-date with the exception of topcoats and hats. There has been a slight delay in some lowe-sleeve shirts. This is being caused by slow the only problem that we should encounter will be a temporary shortage in

has locker space, we understand from our meeting, is being resolved becally not the parking space is a subject for total discussion. We will, however, request Abbuta to periodically check the parking lot to insert that unduchorized persons are not using the lot.

7) All third step erievances are currently un-to-date and all scheduled arrievance meetings and enswers will be nec within the time limits specified.

- d) The Training Relief Officer soluted for the surpose have been alletted an relief factor. Therefore, their was somethe must coincide with the training schedule to complete the 32-hour Ta-Service Training holicays that fall during that pariod. These positions were put up for bid and if any location has misunderstandings as to the work schedule of Training shelles Officers, it should be discussed as the local level.
- Fig. 11 the Labor/Madigorene Can itaca Mealing on Catabor 1, Cauncil B2 was furrished a capy of the puidelines supplied to this Department by "Secoing at an Absenteeign Pattern".
- incossible to have a uniform black of all promoter which all interes may have in all fertilities. However, the leptorated is presented all interes may have which it feels will be coordinated for all interes to have. Additional items will be on a facility-tenfacility hasis. This should make the intere aware of what items are allowed in jeneral throughout the Department.
- 11) litts is a specific problem of the Great Headow Facility and we have been informed the Facility is southful a proposal by the Iscal Union as to how vessely a relief feath can be filled.
- 12) Although this is a specific grievance relating to the Great Meadow Facility, the Department is requesting in the 1975-76 budget additional specific Correction Officer (Spanish Speaking) posts for each facility. If these items are allowed, only these posts will be restricted for bidding purposes to Correction Officers. (Spanish Speaking). All other Correction Officers (Spanish Speaking) will bit on jobs in the normal fashion.
- 13) We are convesting additional positions in the 1975-76 budget as a result of increased visiting and packages being received in the facilities. In the meantime, if there are particular problems regarding staffing in these areas, they should be discussed at local Labor/Magagement Counities. Heatings.
  - Flease refer to answer in Itax #3.
- 15) The Union's proposal on bidding of tennorary assignments is being reviewed by the Department. We will respond in writing to this proposal.

- The addition of any oth collet runs such at DIS-TER would came to confuse the previouse of dellar runs to identify supervisory officers. This dequest is denied.
- A Department patch is being provided for wear on shoulders.
   To do not feel on American flog patch is required or necessary.
- 1. Jack finitive bas a limited number of reincodes which they furnish employeds when recessary and bases for chores and assistantal where they are required. The leavy, housed winter codes are on order.
- 17) 1./w term my Umica.
- 10) You have received a cony of ear removed to Great Meddow that they supply the togal Valor with an unabtil seniority list in <u>seniority arast</u>.
- (3) It is not the Pant thant's policy that original posts be plosed for the pulpuse of tunning prestant.
- (1) "a raws under consideration one Union's promosal for ravision in Correction Officer expect apparel.
  - 21) These icens regarding Mondbourns are apprepriate for local discus-
  - 22) ston. However, the amnouncement by the Drug Abuse Control Commission
  - : 13) that the Moodhougue Facility will be turned over to the Detartment
- 21) of correctional Services by Dacember of 1975 is still in effect. In April of 1975, we will begin plans for the training of Correction Officers at Woodhourne on a sensible which will meet the take-over of the Pacility by the Correctional Services-Department.
- 15) Orievance meetings were held at Moodbourns on all outstanding third step priorunces on October 7 and October 8.
- 26) Alber assaults on Carrection Officers by immates is covered by the procedures muchined in Chapters 5 and 6 of the Jepartment's regularizate covering Adjustment Committee Rearings and Superincendent's Hearings. Serious assiults on Officers will be brought to the attention of the State or local police for investigation by the Facility Administration when appropriate.
- 27) We will be posting the Department's policy for the use of a law payroll procedure at all facilities. A cupy will be forwarded to Council 52 when issue...

- case style tables and chairs have boun installed. To date, there has been no indication that they are a story hearth. There has been no installed of misuse of this type of table and chair where they have seen installed in other facilities.
- If) There has been no monines from the Central Office reducing the site of the labor/Management Commission at Elmira. You O'Sryan's latter was a resemblance only. This is a matter for local discussion and decision on the minimum man or required to effectively discuss matters at the local labor/Management Commission restints. However, we so believe that seven local numbers as excessive, and for a your lab least number header!
- 3., it is not possible for the To Attneme to establish posty cash funds to correct mistakes in paytoll checks.
- 31, linety Contission of Polick has lasted department-wide arms realistic courses, they accessed. It is important to point out that a consistent contilitation in versions use is necessary.
- of) Avestications which are instituted by the Derickment must be come at the time that they are accessivy. Secondly, they must be handled in a confidential manner. Therefore, it is not possible that in every when investigations are initiated.

In recard to this item and with reference made to Mr. Murnhy in Item #14. Commissioner Preiser has assered the Union that where it is necessary to temporarily remove an employee from him position pending an investigation, the employee will be informed as to the reasons for his temporary removal.

- 33) These lies have been specifically ensured and the grievance sur-24) bitted on those subjects by the Elmira Local.
- 35) Finderaum by the Union.

44-14-15

36) Some facilities presently have vater coolers installed in cell blocks. It is not possible, due to lack of adequate plumbing and vater supply in other facilities, to fastall such vater coolers. However, this is a matter which should be discussed locally in each facility as to whether or not facilities are available for such installation.

- 37) The procedures used when we this are trace in our facility will be based on the river situation of the particular instance. Correctional Emergency reports Teams (CERT) have used set up by the Department in the event that such emergency response is necessary.
- 38) The plot plan is a staffing divice to establish needed staff when securing fiscal abstocal of staffing pasterns. By their very nature, that class must be flexible and mean the staffing needs of each facility. Obviously, staffing pasterns must be revised on a continuing basic establing upon charming circumstances in uses, facility.
- 39) joins do a lacal course us the dedicted number Passifity and is presently under assession no the lacust layer.
- at leaford halls has been developed by the "woich live" for maniatory eventure at leaford halls has been developed by the Facility Administration and the local Union. Any clarification as to the procedures should be the subject of a local labor harmoment Committee Lection.

## -----

- 1) The item of vacation sencentine, added to the agence and discussed by Commissioner Preiser: A copy of the notice correcting the memorandum referred as in this discussion has been sent to Council 82.
- 2) The quantion of the Union's counter-proposal for the bilding of comporary institions is currently being reviewed by the Department and will be responded to whom own review is quantitied.....
- 3) The items in reference to Correction Officer Career Agrarel have been presented at the Union's request, specifically for modifications in the appoint issued, and are being considered by the Department. It was noted that specific requests by Ossiming and Turanic facilities for prospertype uniforms was reviewed and it has seen poinced out by the Countssianer and the D. artment many times that recommendations by the Union for modifications of the present Officer apparel will be considered. It is not the incention of the Repartment to return to a countere police-type of uniform. We will present your recommendations for uniform modification from the majority of the Council 32 locals to the Councilssioner for his consideration.
- 4) There was a specific request that we look into the approved staffing pattern for the Fishkill Correctional Facility. I have been informed that the Budget has several specific requests for additional information on the proposed staffing for Fishkill and we are explicate.

che secues. Sem unua informuticat, la lubir i full Vester, anu scolle an il approved attificam process de reen un il stille.

5) The core provided for the 1D dark and dalke will be referred to our Support Services Division for possible Phicovenent.

Very truly yours.

Zidenia ja Tam Berbar Liberaria da Maria dan

for a si Adlinopas

DIV. 1000 Atlantient



#### MEMORAHDUM OF UNDERSTANDING

#### AND THE SERIES

NEW YORK STATE DEPT. OF CORRECTIONAL SERVICE

AND)

COUNCIL 82, AFSCHE

A joint labor-management committee meeting was hell and 30, 1971 in Albany between the following represents Department of Correctional Services and Council 82 Corr Labor-Management Committee:

#### Department Management Team

John Van De Car, Director of Manpower and Employee (Chairman)

Henry P. Bankhead, Principal Agency Labor Relation

Representative, Albany

William Wilkin, Department Hearing Officer John Zelker, Superintendent, Green Raven Correctic

T. Leslie Alexander, Deputy Superintendent, Coxec

Vito Termulio, Director of Education, Albany
Richard Scown, Institution Steward, Great Meedow (
Pacility

Paul Travers, New York Parole Area Director

# Council 82 Correction Policy Labor - Management Com-

Hollis Chase Correction Policy Chairmer Gary Tavornina Labor-Management Committee John Casey Labor-Management Committee Jean Siar Labor-Management Committee - Lebor-Henagement Committee Robert Graham Andy Criscola - Labor-Management Committee - Council 82 President - Council 82 Secretary William Ciurcs Warren Cairo - President of Local 1871 Paul Bellnier - Local 1871 Labor-Hanagemen David Harris

 Department end local Labor-Management Mastings - Signed marco of understanding.

RESOLVED that in future Department and local labor-management committee mastings, written agendas will be prepared by each side and exchanged in edwards, that where requested by either side signed memorands of understanding will be prepared to indicate those subjects on which agreement has been reached, and the positions of both sides where there is disagreement. A record of each such labor-management memorands will be maintained at facility and Department levels.

 Discussion of Department cutbacks and layoffs as well as additional staffing needed (Correction Officers, Sergeants, Lieutenants).

RESOLVED - Both sides agree on the need to continue the development of new programs with appropriate staffing as related to improved correctional effectiveness and efficiency. The Department reported on its efforts to obtain Federal support for new programs.

Assaults on officers by inmetes.

RESOLVED - The Department will issue a memorandum as to its policy covering crimes against employees by inmates and procedure to be followed in such cases:

4. Plot plans for institutions and camps.

RESOLVED - The Department reported on its survey of existing custodial staffing patterns designed to provide information for ensuring the most effective utilisation of staff within the institutions. It was agreed to review final results of this survey with Council 82. This information will include job descriptions and specific qualifications.

5. Riot training and equipment.

200

RESOLVED - It was agreed that an adequate plan to include equipment and training for disturbance prevention and control is needed throughout the Department. A disturbance prevention and control program is being developed for each facility by the new Department. It was agreed that an attempt will be made to obtain additional copies of the publication "Riots & Disturbances in Correctional Institutions" issued by the American Correctional Association in October 1970. It has already been made available to all institutions

 Correction Officer qualifications and exame both entry level and promotional.

RESOLVED - It was agreed to jointly study career ladders, qualifications and examinations in the correctional series - both entry level and promotional. The need to make competitive civil service: examinations relevant to the job was stressed by both sides.

Department training.

RESOLVED - It was agreed to cooperate closely in the future to improve and expand training opportunities for correction officer staff, both mandatory and voluntary. The training items of priority in the opinion of Council 82 include: basic group counseling, frisking of persons and cells, etc., inmate classification, inmate psychology, first eid. Training should include an understanding of basic correctional programs such as parole and how the Correction officer can make a more meaningful contribution.

8. Escapes; Department policy etc. as listed in 9 of agenda.

UNDER CONSIDERATION - Department policies in the event of escapes, riots or other emergencies as to notifying the community by sounding the alarm were discussed. Council 82 took the position that failure to warm the community is a disservice. Department of Correctional Services' position on this matter is under study.

9. Communications - Departmental and Institutional.

RESOLVED - The Department confirmed that agency policy will only be issued by the Commissioner of Correctional Services and when it affects employees, a copy of such material will be provided to Council 82. Council 82 believes that where a verbal order by a supervisor contradicts Department policy, they may request written confirmation of such change in policy. The Department position is that supervisors and employees have a mutual responsibility to collaborate and communicate to one another to ensure that verbal orders and daily practices are in keeping with Department policy. There was general agreement on the need to improve communications in all levels within the Department through written policy statements, staff meetings, productive labor-management meetings and other means.

# 10. Draw. coda.

code was int nacessary. The Department of Correctional Services is now considering the need for and possible content of a dress code.

# 11. Senietty.

statewide The Department agreed to supply the union with a appointment in order. The subject of job bids was discussed. The need in order. The subject of job bids was discussed. physically classification of jobs into permanent, training, and would be ideale, the others would not. The classification of these jobs ideals, the others would not. The classification of where local was to be done by local labor-management agreement. The resolution could not be reached, the problem was to be referred to the Council 82 Department Labor-Management Committee for recommendation.

# 12. Personal History Folders.

RESOLVED - It was agreed that in accordance with Article 28 of the Security whit contract, employees shall have the right to review and will be furnished a copy of all memoranda or documents placed in personal history folders. The Department is undertaking a be utilised in the future and will welcome suggestions on this subject from Council 82.

# 13. Overtime.

resolved - 't was agreed that an overtime meal allowance of \$2.50 the institution will be an appropriate subject for local labor-seniority discussion. It was further agreed that the order of institution wide, depending on local option, and to take into amployees ability to perform the work involved.

14. Magao on Watches dated March 22, 1971.

RESOLVED - The Department agreed to review its policy on watch repairs for employees after receiving detailed views from Council 82.

15. Vacation accumulation.

RESOLVED - It was agreed that the employees have the option of accumulating vacation up to 40 days with the understanding that the use of that accumulated vacation depends on the operating needs of the institution. A memorandum setting forth this policy is to be sent to each institution and facility head.

16. Rule Book revision.

RESOLVED - Council 82 will submit its analysis of the Employee Rule Book for review, and the Department will advise and meet with the union on rule book revisions prior to promulgation.

17. Department Shield Change.

UNDER COMSIDERATION - The Department reported on its plans to have one Department shield for issuance to appropriate personnel. Council 82 and several locals have made recommendations; however, no final determination has been made as of this date.

18. Out-of-title work.

RESOLVED - It was agreed that both sides will cooperate to eliminate out-of-title work, subject to the need for developing a comprehensive personnel management development program. There was also agreement on the importance of the Department defining the role of Correction Officer, within the sime and goals of the new Department of Correctional Services.

Lockers.

RESOLVED - It was agreed that adequate lockers should be provided uniformed personnel; the Department will explore every possible avenue to obtain more lockers as needed.

20. Job assignments and work sheets.

RESOLVED - It was agreed that a copy of the institutions: permanent assignment charts with names of officers assigned will be made available to Council 83 local officials at each facility. Overtime rosters will be made available at each institution for review by the locals. It was agreed that redefining a job assignment should not be a subterfuge for evading the seniority provision of the contract. It was further agreed that only under unusual circumstances would a correction officer assigned to a permanent job be reassigned to another job on a day-to-day basis.

21. Additional Camps and Treatment Centers.

RESOLVED - Additional camps and residential treatment centers were discussed at length. It was agreed that further study will be needed before any staffing of these new facilities and progress is to be implemented. It is also understood that the progress of these progress depends on budgetary considerations.

22. Inmate clothing needs.

RESOLVED - It was agreed that the need for adequate innets clothing is an important matter for consideration by the Department. The goal should be to make such clothing available when needed in sufficient quality and quantity. It is recognized that this is a management responsibility. The union, and our employees are to be commended for their interest and concern in the new concepts being sought in our Department.

23. Inmete possessions and purchases.

RESOLVED - Council 82 directed this Department's attention to the fact that there is no standard policy concerning immates' possessions and purchases. It was agreed that a Department-wide policy is needed and will be promulgated by management.

Changes in evening programs.

RESCLUED - It was agreed that changes in work hours and conditions resulting grow evening programs will be discussed with local representatives of Council \$2 prior to implementation.

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Grievance Hearings - Labor/Management Meetings.

RESOLVED - It was agreed that both sides will attempt to develop a more effective system of time allowance for grievances and labor/management meetings with the cooperation of the State Office of Employee Relations. A memorandum has been sent to each facility on this subject.

	FOR THE DEPARTMENT	FOR COUNCIL 82
		Collis V. (1/2
	Director of Manpower and Employee	Correction Policy Chairman
-	HILL Ackilleaux	Box Leadon
/	Principal Agency Labor Relations Representative	Labor-Management Committee Nember
	- Wholenation	
	Department Hearing Officer	Labor-Management Committee Member
(ار	Superintendent, Green Haven Correctional Facility	Labor-Management Committee Member
	Deputy Superintendent, Coxsackie Correctional Facility	Labor-Management Committee Member
	Director of Education	indiventes.
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Director of Education, Albany	Member Committee
	Institution Steward, Great Meadow Correctional Facility	Council 82 President
		Wanen Ct Cairi
	New York Parole Area Director	Council 82 Secretary
		President of Local 1871
		Local 1871 Labor-Management

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Member

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of

STATE OF NEW YORK (Department of Correctional Services),

STIPULATION AND SETTLEMENT

Respondent,

Case No.: U-9825

-and-

COUNCIL 82,

Charging Party.

## STIPULATION AND SETTLEMENT

WHEREAS the Charging Party filed an improper practice charge with the Public Employment Relations Board against the Respondent; and

WHEREAS the parties have since met and conferred regarding the above-referenced charge;

IT IS REREBY STIPULATED AND AGREED that Improper Practice Charge U-9825 is withdrawn in its entirety upon execution of this Stipulation, and, it is

PURTHER STIPULATED AND AGREED that the subject Directive 2115 will be superseded by a new Directive, a copy of which is attached hereto, which will be promulgated by DOCS forthwith following the execution of this Stipulation and, it is

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PORTHER STIPULATED AND AGREED that the Charging Party, by withdrawing its Charge, does not waive the right to raise any defense, in the course of a disciplinary proceeding based on the attached policy herein, and it is

FURTHER STIPULATED AND AGREED that the terms and conditions herein shall not serve as an admission by any party nor as a precedent for any future applications, petitions, or cases.

The Charging Party is satisfied that the attached Directive and its adoption is not violative of the Taylor Law, but takes no position on the appropriateness of the attached Directive, or its legality under other provisions of law.

The State agrees to provide the Union herein with a description, from each laboratory that is used for specimen testing under the attached Directive, of the "detection limits" that are identified by each laboratory for screening of each particular substance, where such substance can be quantitatively identified.

TE OF NEW YORK

Governor's Office
of
policyee Relations

## PURPOSE

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A. The purpose of this directive is to establish a written procedure for conducting drug tests within the Department of Correctional Services of an employee when there is reasonable suspicion that such employee is under the influence of or using illegal controlled substances. An amployee will be tested only when reasonable suspicion exists that such test would yield a positive result for the presence of illegal controlled substances or their metabolites.

## II. POLICY

A. Policy Statement

The use of illegal controlled substances by an employee, regardless of the Dosition held, adversely affects the accomplishment of the Department's ability to safely confine and supervise inmates, impairs the efficiency of the workforce, endangers the lives of security of employees and inmates and undermines the public trust and is, therefore, prohibited. In order to identify possible illegal controlled substance usage, and to curtail the introduction of illegal controlled substances into Department facilities, procedures to test for the use

Department who refuses to submit to testing, may be subject to suspension and disciplinary charges.

- In determining whether to order a test in a particular case, the Department must balance an employee's reasonable expectations of privacy from unreasonable intrusions against the Department's interest in assuring the integrity and fitness of its employees and the security of its facilities.
- C. The order must be justified by a reasonable suspicion that the employee has reported for duty under influence of illegal controlled substances or is engaging in the use, distribution, or sale of illegal controlled substances either on or off duty.
- D. While the "reasonable suspicion" standard does not lend itself to precise definition or mechanical application, vague or unparticularized or unspecified or rudimentary hunches or intuitive feelings do not meet the standard.
- E. Reasonable suspicion is the quantum of knowledge sufficient to induce an ordinarily prudent and cautious person to act under the circumstances.

  Reasonable suspicion must be directed at a specific person and be based on specific and articulable facts and the logical inferences and deductions that can be drawn from those facts.

apply with full force to any subsequent incident where reasonable suspicion is found.

#### IV. PROCEDURE

- A. Whenever a supervisor reasonably suspects, based on his or her own observations, that an employee has reported for duty in an impaired condition due to the use of an illegal controlled substance or the abuse of prescription drugs, such information should immediately be communicated to the superintendent or his designee. Such communication should be made as confidentially as reasonably possible.
- B. The Superintendent or the Officer of the Day will assign a supervisor to act as an investigator to conduct an investigation of the allegation. The purpose of the investigation is to determine if the available facts objectively indicate that reasonable suspicion exists to pursue the inquiry. If the allegation is based on someone's observation of the suspected employee, the investigator must personally observe the suspected employee. If there is any reason to believe the suspected employee is trafficking illegal controlled substances, the fact shall be immediately communicated to the Inspector General's Office. The investigation should be conducted with a degree of discretion that will

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the information shall be deemed to be sufficiently identified by recording the name and location of the governmental law enforcement agency involved without disclosing the name of the confidential informant.

In disciplinary proceedings based on refusal to submit to drug testing or upon testing positive for use, the Department can not be compelled to reveal the name of any "confidential informant" nor can evidence of the contents of the report of such "confidential informant" be suppressed because of the Department's refusal to reveal the name of such "confidential informant".

- D. The Superintendent or Officer of the Day shall communicate all such information to an attorney assigned to Counsel's Office for a determination that facts required to establish reasonable suspicion are present and have been properly documented. The Communications Control Center shall be contacted in order to assist in locating an attorney during hours when these offices are closed. The attorney's determination shall be required on the appropriate form.
- E. If the attorney determines that reasonable suspicion does not exist to order testing, no testing shall

- of information (see limitation on disclosure of confidential informant in C above)
- The Superintendent or his designee shall order the G. employee to proceed to the Superintendent's Office escorted by a supervisor. Where reasonably practical, the supervisor shall be of the same gender as the person to be tested. An investigator may also serve as the escort officer. Where reasonably practical, the investigator shall be of the same gender as the person to be tested. The escorting officer shall bring the appropriate form authorizing such testing to the Superintendent or his designee. Specimen collection shall occur in a private setting free of any substances which may be used to contaminate the specimen. The escorting officer will provide the employee to be tested with a container to be used to collect the samples. Visual observation of urination will not be required or parmitted except in emergencies where no other means are possible to insure the integrity of the sample. When visual observation is permitted, the observer will be of the same gender as the employee. If the employee is unable to provide a specimen when requested, he/she will be given a reasonable time period considering all relevant circumstances to provide the sample. The employee shall be paid for all of his or her time

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- the integrity of the testing procedures including placement of the specimen in the containers and the surrender and transfer of the specimen.
- I. Throughout all aspects of these procedures, including transportation and the actual obtaining of the sample, every reasonable effort must be made to insure the dignity and privacy of the employee. All reasonable efforts shall be made to avoid public attention, and these procedures shall be carried out as discreetly as reasonably possible.
- The first specimen container will undergo a screening J. test. Any positive result of said test will be tested for verification by a confirming test conducted by a laboratory testing the first sample by gas chromatogrophy with mass spectromtry or an equivalent scientifically accepted method that provides quantitative data about the detected drug or drug metabolites. Only a laboratory licensed pursuant to section five hundred seventy-five of the Public Health Law shall be used to analyze and report on samples. If the results of the confirming test of the original specimen are positive, the employee will have the right, within 10 working days of the employees notification in writing of the results of the confirming test, to have the second specimen tested by a licensed laboratory of his or her choice

collectively negotiated agreement, and law, rule or regulation.

## . GENERAL PROVISIONS

- A. An employees refusal to submit to ordered testing or his or her refusal to cooperate in all aspects of the testing procedures shall be communicated to the Director of Labor Relations and may subject the employee to suspension and severe disciplinary charges, as appropriate, under the applicable collectively negotiated agreement, and law, rule or regulation.
- B. At the conclusion of the testing procedures, the employee may be suspended if the facts independent of the test results justify the actions and constitute a basis under the applicable collective bargaining agreement or law. In a case where an employee is judged too impaired to continue work, he or she is to be assisted with making arrangements for transport home. The employee is also to be strongly encouraged not to drive. If the employee insists on driving, the facility director or other appropriate authority should be immediately notified.
- c. When written reports of the laboratory tests are received by the Superintendent, a copy shall be forwarded to the employee who was tested and an

- G. Records concerning positive tests will be maintained confidentially in the personnel files.
- H. An employee who claims to have been tested under this policy without reasonable suspicion can assert such claim as a defense in any disciplinary proceeding brought against him/her. Nothing in this policy shall be construed to deprive an employee of any other appropriate defenses or arguments in a disciplinary arbitration.