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| 19 | by DARLENE L. JERGE, Notary Public | 19 | |
| 20 | and Shorthand Reporter in and for | 20 | |
| 21 | the State of New York. | 21 | |
| 22 | | 22 | |
| 23 | | 23 | |
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5

1 PRESIDENT POWERS: Good
2 afternoon. Call the meeting to
3 order. All please rise.
4
5 (Whereupon, the
6 pledge of allegiance and a
7 moment of silence were
8 then recognized.)
9
10 PRESIDENT POWERS:
11 Scott, could we have the
12 rules read in?
13 SCOTT ANDERSON:
14 Executive Assembly Rules
15 of Order. One, anyone
16 upon entering the
17 Executive Assembly must
18 wear the NYSCOPBA
19 identification tag. Two,
20 Chief Sector Stewards will
21 sit in designated areas
22 when the Executive
23 Assembly is in session.

7

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

6

1 If you are not a voting
2 member, you will need to
3 sit in designated area in
4 the back of the room.
5 Three, cell phones are
6 to be turned off and put
7 on vibrate. Beepers are
8 to be put on vibrating
9 mode. Recording devices
10 are prohibited unless
11 provided by membership
12 services and those
13 directed by the recording
14 secretary, 622.05 EA
15 Policy.
16 NYSCOPBA members in
17 good standing will be
18 allowed to address the
19 Executive Assembly.
20 Please state your name and
21 your sector. Speakers at
22 the microphone will follow
23 the direction of the

8

1 Sergeant at Arms. Seven,
2 there will be no alcohol
3 consumption allowed in the
4 meeting while the
5 Executive Assembly meeting
6 is in progress. Eight,
7 anyone who is found in
8 violation of any of these
9 orders will be escorted
10 out of the room, effective
11 May 2019.
12 PRESIDENT POWERS: Thank
13 you. Chris, roll?
14 RECORDING SECRETARY
15 SUMMERS:
16 President Powers?
17 PRESIDENT POWERS:
18 Here.
19 RECORDING SECRETARY
20 SUMMERS: Powers, present.
21 Executive VP Sawchuk?
22 EXECUTIVE VICE
23 PRESIDENT SAWCHUK: Here.

9

1 Mazzella, present.
2 VP Law Enforcement,
3 Harmon?
4 VICE PRESIDENT HARMON:
5 Present.
6 RECORDING SECRETARY
7 SUMMERS:
8 Harmon, present.
9 VP Central, Carpenter?
10 VICE PRESIDENT CARPENTER:
11 Present.
12 RECORDING SECRETARY
13 SUMMERS:
14 Carpenter, present.
15 VP South, Luther.
16 VICE PRESIDENT LUTHER:
17 Present.
18 RECORDING SECRETARY
19 SUMMERS:
20 Luther, present.
21 VP West, Miano, excused.
22 Sergeant's Liaison,
23 Sellers?

11

1 RECORDING SECRETARY
2 SUMMERS:
3 Sawchuk, present.
4 Treasurer Gilbo?
5 TREASURER GILBO: Present.
6 RECORDING SECRETARY
7 SUMMERS: Gilbo, Present.
8 Recording
9 Secretary SUMMERS,
10 present.
11 VP North, Roberts.
12 VICE PRESIDENT ROBERTS:
13 Here.
14 RECORDING SECRETARY
15 SUMMERS:
16 Roberts, present.
17 VP Mid-Hudson,
18 Mazzella?
19 VICE PRESIDENT
20 MAZZELLA:
21 Here.
22 RECORDING SECRETARY
23 SUMMERS:

10

1 MR. SELLERS: Here.
2 RECORDING SECRETARY SUMMERS
3 Sellers present.
4 Adirondack, Sturgeon?
5 MR. STURGEON: Here.
6 RECORDING SECRETARY
7 SUMMERS:
8 Sturgeon, present.
9 Albany Training Academy,
10 Keenan?
11 MR. KEENAN: Here.
12 RECORDING SECRETARY
13 SUMMERS:
14 Keenan, present.
15 Albion, Molino?
16 MR. MOLINO: Present.
17 RECORDING SECRETARY
18 SUMMERS:
19 Molino, present.
20 Altona, Ayotte?
21 MR. AYOTTE: Here.
22 RECORDING SECRETARY
23 SUMMERS:

12

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

13

1 Ruland?
 2 MR. RULAND: Here.
 3 RECORDING SECRETARY
 4 SUMMERS: Ruland, present.
 5 CCA, no rep. Coxsackie,
 6 Carknard?
 7 MR. CARKNARD: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Carknard, present.
 11 Downstate, Cooper?
 12 MS. COOPER: Here.
 13 RECORDING SECRETARY
 14 SUMMERS:
 15 Cooper, present.
 16 Eastern, Osterhoudt?
 17 MR. OSTERHOUDT: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Osterhoudt, present.
 21 Edgecombe, Patterson?
 22 MR. PATTERSON: Present.
 23 RECORDING SECRETARY

15

1 SUMMERS:
 2 Clement, present.
 3 Cayuga, Hatfield?
 4 MR. HATFIELD: Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Hatfield, present.
 8 Central New York Psych
 9 Center, O'Donnell?
 10 MR. O'DONNELL: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 O'donnell, present.
 14 Clinton, Basto?
 15 MR. Basto: Here.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Basto, present.
 19 Collins, Morosey?
 20 MR. MOROSEY: Here.
 21 RECORDING SECRETARY SUMMERS
 22 : Morosey, present.
 23 Community supervision,

14

1 SUMMERS:
 2 Patterson, present.
 3 Elmira, Rice?
 4 MR. RICE: Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Rice, present.
 8 Fishkill, Van Tassel?
 9 MR. VAN Tassel: Here.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Van Tassel, present.
 13 Five Points, Nelson?
 14 MR. NELSON: Here.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Nelson, present.
 18 Forest Rangers, Carlson?
 19 MR. CARLSON: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 Carlson, present.
 23 Franklin, Allen?

16

1 MR. ALLEN: Here.
2 RECORDING SECRETARY
3 SUMMERS:
4 Allen, present.
5 Gouverneur, Gleason?
6 MR. GLEASON: Present.
7 RECORDING SECRETARY
8 SUMMERS:
9 Gleason, present.
10 Gowanda, Howe?
11 MR. HOWE: Here.
12 RECORDING SECRETARY
13 SUMMERS:
14 Howe, present.
15 Great Meadow, Keough?
16 MR. Keough: Here.
17 RECORDING SECRETARY
18 SUMMERS:
19 Keough, present.
20 Green Haven, Moreau?
21 MR. MOREAU: Here.
22 RECORDING SECRETARY
23 SUMMERS:

17

1 RECORDING SECRETARY SUMMERS
2 Ohms, present. Kirby
3 Forensic, Elvis O?
4 MR. OYAKHILOME: Here.
5 RECORDING SECRETARY
6 SUMMERS: Elvis O,
7 present.
8 Lakeview Shock, Gruber?
9 MR. GRUBER: Here.
10 RECORDING SECRETARY
11 SUMMERS:
12 Gruber, present.
13 Lincoln, Moore?
14 MR. MOORE: Here.
15 RECORDING SECRETARY
16 SUMMERS:
17 Moore, present.
18 Livingston, Blue?
19 MR. BLUE: Here.
20 RECORDING SECRETARY .
21 SUMMERS:
22 Blue, present.
23 Marcy, Roberts?

19

1 Moreau, present.
2 Greene, Horacek?
3 MR. HORACEK: Here.
4 RECORDING SECRETARY
5 SUMMERS:
6 Horacek, present.
7 Groveland, Hunsinger?
8 MR. HUNSINGER: Here.
9 RECORDING SECRETARY
10 SUMMERS:
11 Hunsinger, present.
12 Hale Creek, Rowe?
13 MR. ROWE: Here.
14 RECORDING SECRETARY
15 SUMMERS:
16 Rowe, present.
17 Hudson, Relyea?
18 MR. RELYEA: Here.
19 RECORDING SECRETARY
20 SUMMERS:
21 Relyea, present.
22 ISO's, Ohms?
23 MR. OHMS: Present.

18

1 MR. ROBERTS: Here.
2 RECORDING SECRETARY
3 SUMMERS:
4 Roberts, present.
5 Mid Hudson Forensic Psych,
6 Ogorzaly?
7 MR. OGORZALY: Here.
8 RECORDING SECRETARY
9 SUMMERS:
10 Ogorzaly, present.
11 Mid State, McGowan?
12 MR. MCGOWAN: Here.
13 RECORDING SECRETARY
14 SUMMERS:
15 McGowan, present.
16 Mohawk, Hluska?
17 MR. HLUSKA: Here.
18 RECORDING SECRETARY
19 SUMMERS:
20 Hluska, present.
21 Moriah, Trombley?
22 MR. TROMBLEY: Here.
23 RECORDING SECRETARY

20

1 SUMMERS:
 2 Trombley, present.
 3 Ogdensburg, Mitchell?
 4 MR. MITCHELL: Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Mitchell, present.
 8 Orleans, Gold?
 9 MR. GOLD: Here.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Gold, present.
 13 Otisville, Hawkes?
 14 MR. HAWKES: Here.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Hawkes, present.
 18 Queensboro, Smith?
 19 MR. SMITH: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 Smith, present.
 23 Riverview, Aldous?

21

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Pomales, present.
 4 SSO Western Region,
 5 Compton?
 6 MS. COMPTON: Here.
 7 RECORDING SECRETARY
 8 SUMMERS:
 9 Compton, Present.
 10 Security Officers,
 11 Tonney V?
 12 MR. VACHAPARAMBIL:
 13 Yes.
 14 RECORDING SECRETARY
 15 SUMMERS: Tonney V,
 16 present. Security Services
 17 Assistant, Schiavone?
 18 MR. SCHIAVONE: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Schiavone, present.
 22 Shawangunk, Figueroa?
 23 MS. Figueroa: Here.

23

1 MR. ALDOUS: Here.
 2 RECORDING SECRETARY .
 3 SUMMERS:
 4 Aldous, present.
 5 Rochester Psych Center,
 6 Raven?
 7 MS. RAVEN: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Raven, present.
 11 SSO Central Region,
 12 Barrett?
 13 MR. BARRETT: Here.
 14 RECORDING SECRETARY
 15 SUMMERS: Barrett,
 16 present.
 17 SSO Mid-Hudson, Smith?
 18 MR. SMITH: Here.
 19 RECORDING SECRETARY
 20 SUMMERS: Smith, present.
 21 SSO Northern Region, no
 22 rep. SSO Southern Region, Pomales?
 23 MR. POMALES: Here.

22

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Figueroa, present.
 4 Sing Sing, Paroline?
 5 MR. PAROLINE: Present.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Paroline, present.
 9 Southport, Deburgomaster?
 10 MR. DEBURGOMASTER: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Deburgomaster, present.
 14 Sullivan, Bell?
 15 MS. BELL: Here.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Bell, present.
 19 Taconic, Gordon?
 20 MS. GORDON: Here.
 21 RECORDING SECRETARY
 22 SUMMERS: Gordon, present.
 23 Ulster, Dean?

24

1 MS. DEAN: Here.
2 RECORDING SECRETARY
3 SUMMERS:
4 Dean, present.
5 Upstate, Gary?
6 MR. GARY: Here.
7 RECORDING SECRETARY
8 SUMMERS:
9 Gary, present.
10 Wallkill, Holbert.
11 MS. HOLBERT: Here.
12 RECORDING SECRETARY
13 SUMMERS: Holbert,
14 present. Washington,
15 Bender?
16 MR. BENDER: Here.
17 RECORDING SECRETARY
18 SUMMERS:
19 Bender, present.
20 Watertown, Dier?
21 MR. DIER: Here.
22 RECORDING SECRETARY
23 SUMMERS:

25

1 Thank you.
2 PRESIDENT POWERS:
3 Thank you, Chris. We have
4 a valor award this
5 morning. Mike?
6 VP MID-HUDSON
7 MAZZELLA: Good morning --
8 or, good afternoon
9 actually. Is Timothy
10 Zeller from Fishkill in
11 the room? Come on up.
12 On December 21, 2018,
13 while on the way home from
14 Fishkill Correctional,
15 Timothy Zeller observed a
16 motor vehicle accident on
17 the northbound lane of
18 College State Parkway.
19 Officer Zeller sprung in
20 action, ran across the
21 highway, ran to the
22 vehicle, took control of
23 the scene and assisted in

27

1 Dier, present.
2 Wende, Johnson?
3 MR. JOHNSON: Here.
4 RECORDING SECRETARY
5 SUMMERS:
6 Johnson, present.
7 Willard, Columbai?
8 MR. COLUMBAI: Here.
9 RECORDING SECRETARY
10 SUMMERS:
11 Columbai, present.
12 Woodbourne, Porcaro?
13 MR. PORCARO: Here.
14 RECORDING SECRETARY
15 SUMMERS:
16 Porcaro, present.
17 Wyoming, no rep.
18
19 The May assembly
20 minutes have been
21 published. Are there any
22 corrections? Seeing none,
23 minutes are approved.

26

1 removing the victims from
2 the car.
3 Once the victims were
4 removed to a safe
5 location, the vehicle
6 became completely engulfed
7 in flames. If not for the
8 actions of CO Zeller, this
9 accident would surely have
10 had a tragic outcome. So
11 today we thank Timothy for
12 his actions above and
13 beyond.
14
15 (All applause and
16 standing ovation.)
17
18 VICE PRESIDENT
19 MID-HUDSON MAZZELLA: I
20 probably should have read
21 the plaque before you
22 clapped because you might
23 have to do it again.

28

1 So presented to
2 Correction Officer Timothy
3 Zeller in recognition of
4 your noble actions, and
5 willingness to go above
6 and beyond. You have
7 demonstrated the true
8 meaning of heroism. Your
9 dedication and devotion
10 show you are a truly an
11 asset to your profession.
12 We honor you July 10th,
13 2019.

14
15 (All Applause)

16
17 TIMOTHY ZELLER:
18 Apparently I didn't get
19 the memo that we were
20 allowed to wear polos. I
21 just wanted to thank a
22 couple of people and have
23 a few things to say.

29

1 First, I want to thank my
2 family and my wife. I'd
3 like to thank the NYSOPBA
4 Executive Board and
5 Mr. Mazzella for
6 considering me for this
7 distinct honor. I'd also
8 like to thank Sergeant Van
9 Tassel from Fishkill
10 Correctional Facility who
11 is here to represent the
12 facility.

13 I'm no hero. I just do
14 what many of us were
15 trained to do and we're
16 supposed to do. We take
17 an oath. We live by that
18 oath. And that's all I
19 did that day. I'm a guy
20 who quotes, kind of an
21 inspirational person. So
22 I just want to say a
23 couple of things.

30

1 1961, JFK said, it's
2 not what you can do for
3 your country -- it's not
4 what your country can do
5 for you, but what you can
6 do for your country. I
7 return and ask you men and
8 ladies the same question.
9 It's not what you can --
10 it's not what your
11 department can do for you,
12 but what you can do for
13 your department. Give
14 back to your community,
15 make a difference.

16 Last thing I want to
17 leave you with is know
18 that we represent the
19 patch on our sleeves, but
20 we're no bigger than the
21 badge in our pocket.
22 Honor the name tag on your
23 uniform shirt every day.

31

1 Watch your six, make sure
2 everyone goes home safe;
3 and blessed are the peace
4 makers. Thank you.

5
6 (All applause and standing
7 ovation.)

8
9 PRESIDENT POWERS:
10 Well said, Officer Zeller.
11 Move to the President's
12 report. Since our last
13 meeting here, was the peek
14 of the basically the start
15 of the legislative
16 session. Last four weeks
17 basically was the heart of
18 the legislative session.

19 We faced the prospects
20 of several troubling
21 pieces of legislation,
22 potentially passed by the
23 legislature this year. To

32

1 name a couple of them,
2 HALT. Beat this room up
3 and microphone up about
4 HALT and you guys since
5 pretty much about a year
6 ago.

7 Civil rights Law 50A,
8 which would expose
9 personnel files for our
10 members and other law
11 enforcement officers to
12 public scrutiny. And
13 legislation to create an
14 independent oversight
15 agency within the prison
16 system. And many of you
17 are familiar that we
18 already have one, but the
19 legislature was looking
20 for another one to change
21 and for -- with the
22 attempt and the power to
23 change and manage the

33

1 prison system; and the
2 provisions of our contract
3 with the state, just to
4 name a few.

5 In addition, we were in
6 the early stages with
7 dealing with the State on
8 the implementation of our
9 Collective Bargaining
10 Agreement. And we were
11 specifically focused on
12 retroactive payments for
13 retirees and other
14 brothers and sisters who
15 we felt were deserving of
16 retroactive payments.

17 First, with respect to
18 the contract
19 implementation, myself and
20 the chairs of the
21 Collective bargaining
22 Committee, along with our
23 attorneys met with Mike

34

1 Volforte and Joe Bress.
2 Some of you may not know,
3 Joe Bress is the state's
4 negotiator. Mike Volforte
5 is the Director of
6 Governor's Office of
7 Employee Relations. We
8 made a very aggressive
9 presentation regarding the
10 retroactive payments that
11 we felt were eligible for
12 such payments.

13 We provided a list of
14 names of those individuals
15 who retired under the
16 Article 15 Law of the
17 retirement social security
18 law, who we feel are
19 entitled to these payments
20 and we believe are making
21 progress with the state in
22 that regard. These
23 meetings are ongoing and

35

1 we will continue to update
2 the Executive Assembly as
3 information develops.
4 We're hoping to hear
5 something a little bit,
6 maybe at the end of this
7 week, as they're crunching
8 some numbers with some of
9 the lists of individuals
10 that we forwarded to them.

11 In respect to our
12 legislative agenda, our
13 successes should not be
14 measured by the bills that
15 were passed by the
16 legislature, but rather by
17 the bills that we
18 prevented from being
19 passed. We're pleased to
20 report that through the
21 efforts of our Board and
22 our hired professionals,
23 our legislative director,

36

1 HALT was killed during te
2 the 2019 session. Killing
3 this bill was no easy
4 task. This bill was
5 sponsored by more than
6 fifty percent of the
7 Senate Democrats and more
8 than fifty percent in the
9 Assemblies.

10 Around the clock
11 lobbying and advocacy on
12 behalf of our members
13 during the final weeks of
14 the legislative session
15 prevented the leadership
16 from each house from
17 putting the bill on the
18 floor for a vote. That
19 was a huge step and we owe
20 a lot to the members here
21 in this room, who lobbied
22 on our behalf back in your
23 districts and with your

37

1 scrutiny.

2 As to HALT, there was
3 support from each house to
4 move these bills through
5 during the 2019
6 legislative session.
7 These are just a few of
8 the many, many anti-law
9 enforcement bills that
10 were introduced by many
11 legislators throughout the
12 session.

13 All NYSCOPBA's members,
14 we must remain diligent as
15 we continue to fight with
16 our brothers and sisters
17 in law enforcement to
18 ensure our interests are
19 protected, as the more
20 progressive liberal
21 policies will certainly be
22 pursued by the legislature
23 in the coming years.

39

1 legislators.

2 The fight is by no
3 means over, because
4 neither HALT nor its
5 advocates are going away
6 any time soon. Therefore,
7 I have directed our
8 professionals to take
9 steps necessary to prevent
10 this bill from coming to
11 the floor during the 2020
12 legislative session.

13 In addition to killing
14 HALT, we also successfully
15 killed two other bills
16 that I previously
17 referenced. The bill to
18 create an independent
19 oversight agency with
20 DOCCS and the bill to
21 expose personnel history
22 files of law enforcement
23 officers for public

38

1 Although the legislature
2 has adjourned for the
3 summer, we're continuing
4 and forging ahead in
5 preparation for next year.

6 Our lobbyists are
7 meeting regularly with the
8 legislative staff members,
9 and we will be traveling
10 during the summer and fall
11 to meet individually with
12 those members in their
13 district offices; and when
14 we're in the areas, we'll
15 let you know so we can get
16 some regional
17 participation as well.

18 Despite the forces
19 lined up against us in the
20 state legislature, I
21 pledge that this Board and
22 our professionals will
23 continue to fight for the

40

1 interests of everyone in
2 this organization.

3 Throughout the process
4 in the opposition of HALT
5 and the memos, we received
6 numerous opposition memos
7 to include ourselves.

8 Many of them were e-mails
9 that were blasted out to
10 the membership to show you
11 what we were doing in the
12 process. We had a ground
13 swell of support, grass
14 roots somewhat aspect.
15 We had COVA online, we had
16 many law enforcement
17 entities throughout the
18 southern part of New York.
19 We had the New York State
20 Association of Counties,
21 which is a huge entity,
22 AFSCME played a role in it
23 with us. We partnered

41

1 with a lot of
2 organizations to do this,
3 to be able to push this
4 HALT back. I'd be remiss
5 to say as much as you may
6 not approve to hear it,
7 much of the work we were
8 able to do in conjunction
9 with the Governor's Office
10 as well. They didn't want
11 it either. They didn't
12 want to see HALT come to
13 the floor.

14 Couple other things
15 just to close out. We
16 attended the memorial
17 service back in June, June
18 13th, the replaying
19 ceremony at the memorial
20 wall. If you have not had
21 a chance to get to our
22 memorial wall in Downtown
23 Albany, I highly recommend

42

1 you get there. It was
2 quite a project. We were
3 able to secure quite a bit
4 of money, actually
5 additional 250 additional
6 money above the 350
7 thousand I believe the
8 previous administration
9 secured, for the memorial
10 wall. And it's quite a
11 good, strong recognition
12 of the members that have
13 died in the line of
14 service.

15 One other thing I want
16 to bring up to you,
17 recently discovered
18 through the department
19 that the recruitment
20 aspects in the Civil
21 Service tests are not
22 going as they had planned.
23 They're not getting the

43

1 numbers that they want. I
2 have been in touch with
3 our staffing office
4 briefly. I need to touch
5 base with Mike again. But
6 the Department is looking
7 at another form of
8 possible hiring.

9 If you recall back in
10 2015, many of you may not
11 have been in the room at
12 the time, shortly after
13 the Clinton escape, the
14 Department had looked to
15 vet the process a little
16 bit strenuously as far as
17 the applicants that were
18 coming into the
19 Department. That seems to
20 have taken a back seat
21 because the numbers for
22 Civil Service applicants
23 coming in to take the test

44

1 is not what it once was.

2 They're going to be
3 looking at a continuous
4 recruitment. Meaning an
5 open enrollment period, an
6 application process. We
7 don't have all the details
8 yet. It's in the infancy
9 stages. They told us this
10 is something they're
11 looking at in our
12 communications with the
13 Department. And we'll
14 continue to maintain
15 communication regarding
16 this issue to see how it
17 all rolls out and we'll
18 keep you informed.

19 And to close out, it's
20 summer. Staff is short.
21 Facilities are hot.
22 Elmira is in lock down yet
23 again, probably just

45

1 information coming to us
2 so we can be your advocate
3 in the field. And if
4 there is anything you need
5 out there, just let us
6 know.

7 So just to close again,
8 it was a very successful
9 season. I believe this is
10 the first time and I've
11 been active on the
12 legislative aspect of
13 NYSCOPBA since pretty much
14 its inception. And we've
15 never advanced legislation
16 that we passed. We were
17 on the defense all year
18 this year. All year. The
19 defense wins Super Bowls.

20 And we had a marginal
21 victory in what we were
22 able to obtain in stopping
23 HALT. Anybody got

47

1 recently coming off, I
2 believe within the last
3 week. Issues at Auburn,
4 Attica is in lock down
5 right now in search for
6 C-block. Clinton has had
7 its issues, our mediums
8 have had their issues.
9 Franklin, Bare Hill,
10 Wyoming, Fishkill.
11 There's many issues out
12 there and you got to keep
13 the information coming to
14 us so we can adequately
15 got out in front and look
16 to be your advocate there.

17 By all means, reach out
18 when you have issues in
19 your facilities. Green
20 has been a hot bed. Green
21 has had some issues,
22 Coxsackie. So with that
23 being said, keep this

46

1 anything for me?

2 Thank you. Tammy?

3 EXECUTIVE VP SAWCHUK:
4 Good afternoon everyone.
5 Did several facility tours
6 since last time I saw you.
7 Toured Green, toured
8 Clinton, toured
9 Shawangunk. Many of you
10 have participated in your
11 local charity events. And
12 as always, I'd like to
13 thank you for your
14 contributions that you do
15 this on your own time.
16 You go out in your
17 communities and you make
18 these events successful.
19 And I thank you for that.

20 I want to talk a little
21 bit about the meeting that
22 John and I had with the
23 Joint Labor Management

48

1 Committee. I know
2 everybody has been waiting
3 for the funding and how
4 much funding is available
5 under the 25.6 money.

6 Currently we have
7 approximately a little
8 over a million dollars
9 available. That's a lot
10 of money. We are looking
11 to increase the value
12 amounts on the allowable
13 items that you purchase
14 for the facilities. John
15 and I were also able to
16 raise tuition
17 reimbursement from the
18 twelve hundred dollars to
19 fifteen hundred dollars.
20 Books and supplies from
21 two hundred fifty dollars
22 to five hundred dollars.
23 Also, as always, they like

49

1 to change the guidelines
2 and they like to say it's
3 for active members only.

4 That would be for
5 people that are currently
6 employed. John and I made
7 it perfectly clear that
8 that's unacceptable and
9 that anybody that took a
10 course will be reimbursed
11 even if they are retired
12 now. Whether they retired
13 from NYSCOPBA or Article
14 15, or whether they went
15 to the State Police or any
16 other agencies, they're
17 going to submit an
18 application to be
19 reimbursed and then that
20 application will be
21 approved.

22 I want to talk a little
23 bit about tuition

50

1 reimbursement. John can
2 chime in at any time.
3 This money because it's
4 not utilized ends up going
5 back to the general fund.
6 Part of it because it's a
7 large sum of money and
8 there's not a lot of
9 participation in tuition
10 reimbursement itself.

11 So we're trying to
12 think outside of the box a
13 little bit. And I know
14 when I go on tours of the
15 facilities, one of the
16 things that is always
17 brought up, it was just
18 brought up on my tour of
19 Clinton Correctional
20 Facility, is even though
21 we can not seem to
22 negotiate with the
23 Department reimbursement

51

1 for a gym membership, then
2 maybe we should focus on
3 some sort of reimbursement
4 to tuition reimbursement.

5 So John and I looking
6 to move forward in 2020 in
7 talks with GOER, are
8 looking to rename the
9 program to be for tuition
10 reimbursement and wellness
11 training. And for us to
12 decide what that will be
13 inclusive of.

14 I know that's a little
15 different, I know it's
16 thinking outside the box.
17 I know we have to figure
18 out a way to prove
19 participation, but if
20 there's anything out there
21 that can lead to improve
22 your health, whether it be
23 physically or mentally,

52

1 nutritionally, then we
2 need to be looking at
3 those things to get us
4 into a better place in
5 life. Maybe not at the
6 cost out of your own
7 pocket, but through
8 funding through this
9 committee.

10 If anybody is opposed
11 to that and you would like
12 to look at it from another
13 different viewpoint, John
14 and I are not opposed to
15 that either. But there's
16 a lot of money that goes
17 back and it should not go
18 back.

19 We're also revisiting
20 suicide prevention
21 training. And Chris
22 Summers and are I looking
23 at something that's called

53

1 Peer Training, which would
2 be through Cindy Goss.
3 Moving on to Cindy Goss,
4 the numbers for the last
5 sixty days since we met,
6 we had sixty-two cases of
7 referrals for treatment.
8 Two of those cases I was
9 contacted by two of the
10 chiefs in this room, these
11 individual members I think
12 through us talking about
13 this openly at this
14 Assembly meeting and
15 removing the sigma from
16 asking for help is
17 working.

18 Because two people got
19 into placement, two people
20 got help; and two people
21 are back to work and
22 that's important to us.
23 Suicide, alcoholism,

54

1 drugs, whatever it may be,
2 if you recognize the signs
3 that someone because of
4 whatever reason, stress on
5 the job, stress at home,
6 stress on many other
7 levels, we need to reach
8 out. We need to recognize
9 and we need to be
10 proactive and we need to
11 help.

12 And it's working. I'm
13 telling you it's working.
14 I see the numbers through
15 Catch A Falling Star. I
16 hear what we're doing
17 through the people in this
18 room, through stewards,
19 through members. And I
20 want to thank you for
21 being open to having this
22 conversation and moving
23 this process along.

55

1 But I would like to
2 have some input, if you
3 want to -- it doesn't need
4 to be right now. You all
5 with my e-mail and cell
6 phone number. Contact me,
7 how we can better spend
8 this money and help our
9 members because we really
10 need to do that. Does
11 anybody have any
12 questions?

13 If you have grants that
14 are prepared and you --
15 the process already in
16 place, you already gotten
17 your bids, get them in,
18 because the money is
19 available. QWL projects,
20 we discussed it at the
21 last EA, as far as new
22 construction, new
23 buildings. Not gonna

56

1 happen. If you're looking
2 to upgrade a kitchen, it's
3 a lot of work, it's a lot
4 of codes, you need fire
5 suppression systems. If
6 you're looking to expand
7 an existing building, you
8 need blueprints. You're
9 gonna have to have an
10 engineer involved. It's a
11 very, very lengthy
12 process.

13 And unfortunately, as
14 we know living in
15 different communities, the
16 codes are different,
17 everything is different.
18 There's no one set of
19 guidelines that fits every
20 single QWL because of the
21 jurisdiction that it's in.
22 Get with somebody in code
23 enforcement first if

57

1 you're looking to expand
2 and see what you need to
3 do, what needs to be done,
4 prior to submitting a bid
5 for something that you
6 really don't know.
7 Because we don't want to
8 tie up funding only to
9 find out two years, three
10 years from now that it's
11 not possible and we lose
12 the money.

13 A lot of money out
14 there, a lot of good
15 things can happen and we
16 can do a lot of good
17 things in kind.

18 So please do that, like
19 I said, you have my
20 number, you have my
21 e-mail, get ahold of me
22 and let's get this money
23 spent. Thank you.

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1 PRESIDENT POWERS:
2 Move to the Treasurer's
3 report. Frank?
4 TREASURER GILBO: Good
5 afternoon. Total cash,
6 eleven point one five
7 million. Rainy Day Fund,
8 six hundred fifty-two
9 thousand. Legal Defense
10 Fund, two point six two
11 million. Unrestricted
12 bond, five point nine
13 eight million. Restricted
14 bond, one point seven five
15 million. General Op, is
16 one point six seven
17 million. PAC fund, is two
18 hundred twenty-three
19 thousand.

20 Talk about the Rainy
21 Day Fund. Some of you
22 guys may be getting flak
23 and directed it back at me

59

1 because we're taking
2 people to court finally.
3 Couple people monthly got
4 garnished and they got
5 substantial money taken
6 from them, so they may be
7 complaining to you. But
8 other than that the Fund
9 is going great right now.

10 In your packet, as
11 always we gave you a
12 profit and loss statement
13 for the first six months.
14 As you can see at the
15 bottom we're at
16 forty-seven point two
17 percent spending. It
18 should be around fifty, so
19 we're under budget right
20 now which is a good thing.
21 Any questions for me?
22 Thank you guys again.

23 PRESIDENT POWERS: Move

60

1 into Department reports.

2 Sharon?

3 SHARON SMITH:

4 Afternoon. I only have a
5 few minor points to go
6 over from the changes in
7 the benefits, the health
8 benefits for -- that
9 became effective June 1st.
10 I really haven't got too
11 many calls on the changes.
12 But the two issues that I
13 have so I just thought I
14 would mention them again.

15 One is the Vision Care
16 Program. The issue with
17 the contacts that the
18 second year out, you know,
19 the first year you can get
20 an exam and contacts.

21 Well, now the second year,
22 that odd year out, you can
23 get another exam. Because

61

1 Dependent Care program are
2 eligible for the
3 employer's share that they
4 add depending on your
5 salary. All members who
6 were in the Dependent Care
7 Program got that, but you
8 are not allowed -- it did
9 not allow people to get
10 into it just to get that
11 amount. So that's not
12 allowed. I have had a
13 couple calls on that. You
14 had to have been in it
15 from the first of the year
16 and then they credited
17 your account.

18 The only other thing I
19 want to mention for the
20 southern Mid Hudson
21 Region, I have discussed a
22 couple times the
23 Westchester Medical Center

63

1 you have to get new
2 contacts, you don't get
3 enough for two years. And
4 by law, you have to have a
5 second exam to get those
6 contacts. So now that
7 exam is covered, but the
8 contacts aren't.

9 So, that odd year out
10 is just the coverage for
11 exam only. You had to
12 have gotten your contacts
13 through Davis Vision
14 Providers to be eligible.
15 So I just thought I would
16 mention that.

17 The second one is the
18 Dependent Care program.
19 Again, with the changes to
20 the contract, the state is
21 allowing members to get
22 the employer's share.
23 People that were in the

62

1 Health Network became out
2 of network June 1st. They
3 did not have a contract
4 with BlueCross BlueShield.
5 Well, negotiations kept
6 going and they are now
7 back in.

8 So, they're back in the
9 network. They went back
10 to June 1st, that's when
11 they went out. Any claims
12 for anybody that went
13 there after June 1st,
14 because of the way the
15 talks were going, they did
16 not process any claims
17 that were after June 1st.
18 So, they will just
19 reprocess them and all be
20 paid in network.

21 So, the members don't
22 have to do anything and
23 have to worry about out of

64

1 pocket. And the NYU
2 Langdon Health Hospitals
3 which is the second group,
4 they're still in
5 negotiations, that's still
6 ongoing.

7 The last that I got
8 notified, they're in until
9 September 1st. If they
10 don't reach a contract
11 those groups of hospitals
12 will be out. But they
13 keep moving the date,
14 which is hopeful because
15 it means that they're
16 talking. So, I'm hopeful
17 that they will stay in
18 also.

19 And that's all I have
20 unless anybody has any
21 questions on anything?
22 No. Thank you.

23 PRESIDENT POWERS:

65

1 and say they're having
2 issues -- I'm getting a
3 lot of calls at the
4 eleventh hour and
5 fifty-nine minutes, and
6 that's not much I can do
7 in the eleventh hour and
8 fifty-nine minutes. So,
9 if you can have them just
10 give me a call if
11 something is going awry
12 and I can try and get on
13 top of it, as opposed to
14 trying to back pedal.

15 Does anybody have any
16 questions for me? My
17 number, Extension 247.

18 MR. MCGOWAN: McGowan,
19 Mid State. We've got an
20 officer at Mid State who
21 got approved to come back
22 to work through his doctor
23 and the IME or the state

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1 Thanks, Sharon. Dana?

2 DANA BETTS: Good
3 afternoon. I don't really
4 have anything new. I want
5 to check in to see if
6 there is any questions
7 from the last time with
8 the directive change and
9 to talk a little bit about
10 IMEs.

11 People are going to
12 IMEs and they're saying
13 the doctor is saying one
14 thing but the report is
15 saying something else. So
16 I just want you to
17 encourage your people to
18 either video or audio
19 record their IME, so that
20 we have something to go
21 against kind of thing.

22 With that I also say,
23 if somebody comes to you

66

1 doctor is telling him he
2 can't come back to work.
3 Is there anything we can
4 do as far as that goes?
5 Does he have any appeal
6 process? I know there's a
7 one time appeal, right?

8 DANA BETTS: Well, you
9 can't appeal the EHS, you
10 can appeal the IME, yes.

11 MR. MCGOWAN: It was
12 the IME.

13 DANA BETTS: Oh, it was
14 the IME. Yeah, the
15 dispute resolution program
16 has to be put in within
17 three days of notification
18 of the results of the IME,
19 but that would be also
20 something that I'd want
21 them to call me on.
22 Because sometimes the IME
23 will say something and I

68

1 seem to have better luck
2 when I throw all this
3 medical jargon out at
4 DOCCS, and I have had some
5 success. So that's
6 something I'd like to see
7 the IME and see if I can't
8 get anywhere with DOCCS.

9 MR. MCGOWAN: Is that
10 something that happens
11 frequently, where a
12 personal doctor will tell
13 you you're clear to come
14 back and the IME says you
15 can't?

16 DANA BETTS: No, it's
17 usually the other way
18 around.

19 MR. MCGOWAN: This also
20 effects settlements as far
21 as Compensation goes. Is
22 that something that can be
23 pursued by an attorney, if

69

1 looked at again, that kind
2 of thing.

3 MR. MCGOWAN: Okay.
4 Thank you.

5 DANA BETTS: You're
6 welcome.

7 CHUCK THOMAS: Chuck
8 Thomas, Auburn. Have you
9 heard of any people from
10 Comp going with members to
11 their doctors appointments
12 and sitting in with a
13 doctor while they're
14 talking to the members?
15 Currently that's what's
16 going on here.

17 DANA BETTS: From New
18 York State Workmen's Comp?

19 CHUCK THOMAS: Yeah.

20 DANA BETTS: No.

21 CHUCK THOMAS: It's
22 happening at Auburn right
23 now. I just had two

71

1 his doctor is clearing
2 him, the state doctor is
3 keeping him out for
4 another two or three
5 months?

6 DANA BETTS: That's not
7 really an attorney thing.
8 That would be more for me
9 to get ahold of DOCCS and
10 the IME and find out, you
11 know. I found a few times
12 where the IME said they
13 had -- they list for me
14 all the different
15 documents that they've
16 looked at to make their
17 determination. And I've
18 seen where pertinent
19 documentation wasn't
20 reviewed, so then I
21 brought that back out and
22 DOCCS has given us a time
23 frame to get that opinion

70

1 members that had somebody
2 from Comp go in to the
3 doctor's appointment and
4 actually sit with the
5 member and listen to
6 everything going on. Is
7 there any direction I can
8 go on at this point?

9 PRESIDENT POWERS: Give
10 us the names --

11 DANA BETTS: Let me
12 know who that is. Because
13 my first thought is
14 they're not just
15 discussing their work
16 related injury which
17 technically isn't covered
18 under HIPPA, but we talk
19 about other things as well
20 that are covered under
21 HIPPA.

22 CHUCK THOMAS: We
23 already have a problem

72

1 with administration,
2 they're violating multiple
3 HIPPA laws already.
4 Probably about 435 cases
5 of it right now.

6 DANA BETTS: Okay. Let
7 me know and I'll
8 definitely look into that.
9 The member can bring
10 anybody they want and I
11 encourage --

12 CHUCK THOMAS: Well,
13 that's the problem. The
14 member didn't want the
15 individual there, because
16 the member was talking
17 directly with the doctor
18 regarding their situation.
19 And this person was
20 sitting there from Comp
21 listening to everything
22 going on. And they wanted
23 to know, they sent me a

73

1 message asking if it was a
2 HIPPA violation. I said
3 in my opinion it would be,
4 but again, I don't know
5 the ins and outs of it.
6 Meanwhile this individual
7 who is not a family member
8 or relative is actually
9 hearing everything
10 regarding that situation.
11 I have an issue with it.

12 DANA BETTS: Yeah, I
13 have an issue with that.
14 So, a work related injury
15 and what we do in the
16 treatment that we have
17 isn't necessarily covered
18 under HIPPA. But when we
19 go to those, they're like,
20 do you have any
21 hypertension, do you have
22 diabetes, what's your
23 family history, that is

74

1 because that doesn't have
2 anything to do with the
3 work related injury.

4 So, yeah, does the
5 person know who it was
6 from Comp.

7 CHUCK THOMAS: Yeah,
8 I'll send it all to you.

9 DANA BETTS: Awesome.
10 I will totally dive into
11 it.

12 MS. CRAWFORD: Dawn
13 Crawford from Bedford
14 Hills. I just want to
15 know if any of my twelve
16 weeks FMLA, (inaudible)
17 after my comp case is
18 over, since it was while I
19 was on Comp.

20 DANA BETTS: So it's a
21 rolling.

22 MS. CRAWFORD: Would it
23 be restored?

75

1 DANA BETTS: So if
2 you're on FMLA for three
3 months in March, and
4 you're out again -- and
5 I'm using chunks of time
6 because it's easier -- and
7 three months in September,
8 so after you use that
9 three months in September,
10 your FMLA has now expired
11 because it's twelve weeks.

12 But come, so come April
13 of next year, you need
14 FMLA, they do a fifty-two
15 week look back. And if
16 you haven't used those
17 twelve weeks of FMLA in
18 that fifty-two week look
19 back, then you're entitled
20 to more.

21 MS. CRAWFORD: Okay.

22 DANA BETTS: But every
23 time you request it, they

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1 look back fifty-two weeks.

2 MS. CRAWFORD: Okay.

3 Thank you.

4 DANA BETTS: Anybody

5 else? Thank you.

6 PRESIDENT POWERS:

7 Thank you, Dana. Bill?

8 BILL NAYLOR: Good
9 afternoon. Now that the
10 retro pay has been issued
11 to most of the retirees,
12 the final average salary
13 calculations for the
14 pension is going to take
15 quite a bit of time. The
16 unit over there is
17 overwhelmed with not just
18 doing retro calculations
19 for the pension, but also
20 doing all the other
21 calculations as it relates
22 to disability retirement
23 and regular pensions.

77

1 Nine failed to renew. And
2 our total membership in
3 the retiree chapter is
4 10,922. Any questions for
5 me? All right. Thank
6 you.

7 PRESIDENT POWERS

8 Thank you, Bill. Dan?

9 DAN VALENTE: Good
10 afternoon. I've got a lot
11 to go. I'll go as quick
12 as I possibly can. So the
13 legislative session
14 concluded late June, June
15 20th, 21st, somewhere
16 around there, ran a few
17 days later than expected.

18 Our big issue for this
19 sessions was the HALT
20 legislation, you all
21 should be familiar with
22 that by now. Happy to
23 report obviously, I'm sure

79

1 So that is going to be
2 kind of a lengthy process,
3 so if he have retirees
4 asking questions about
5 when they'll start to see
6 their pension increases,
7 that's going to take quite
8 a bit of time. And I have
9 no time frame as to how
10 long that will take so.

11 Site visits, I was able
12 to go to a resource day
13 out of Orleans in
14 February, Upstate had a
15 resource day in March. I
16 was down at Fishkill in
17 April and also at Ulster
18 in April.

19 Retiree chapter stats
20 are retirees added for May
21 and June are 134. Sick
22 honorary retirees added.
23 Sixteen members passed.

78

1 Mike covered it in his
2 report, but we prevented
3 that bill from being acted
4 on by legislature in
5 either house. Which is no
6 small feat quite frankly,
7 it had more than enough
8 sponsors, more than enough
9 support to get that bill
10 passed through the
11 legislature. So for us to
12 be able to raise enough
13 concerns and speak to
14 enough people, enough of
15 the right people, to
16 prevent that bill from
17 coming to a vote.
18 Especially in the Assembly
19 who has passed that bill
20 for five, six years in a
21 row. They didn't even
22 consider it. It's a major
23 win.

80

1 Obviously you know the
2 Governor came down soon
3 after session concluded
4 with his recommendations
5 or that he's going to be
6 putting forward
7 recommendations for
8 reforming SHU, initially
9 we know is
10 administratively. When he
11 put that recommendation
12 out or that statement out,
13 it was a long with the
14 speaker of the Assembly
15 and the majority leader of
16 the Senate.

17 Which really is kind of
18 telling that the
19 legislature is more or
20 less giving up on HALT it
21 seems. With them putting
22 out that statement with
23 the Governor and the

81

1 much harder to change.

2 So, everybody should be
3 very pleased with that.
4 And thank you for your
5 support as well. We had a
6 couple Calls of Action,
7 reaching out to
8 legislators, expressing
9 our concerns with that
10 bill. We've been doing it
11 for a number of years now,
12 we really turned it up
13 during this session.
14 Starting with the
15 Executive Budget when it
16 was introduced then,
17 straight through the end
18 of session. So, everyone
19 took a part in that, you
20 should congratulate
21 yourselves, congratulate
22 your members. It was a
23 big victory.

83

1 Governor kind of taking
2 the lead back from the
3 legislature, HALT as it's
4 currently written I would
5 venture is as good as dead
6 which is a beautiful
7 thing.

8 We'll keep an eye on
9 what those recommendations
10 are going to be and or
11 changes -- administrative
12 changes for SHUs when they
13 get proposed by the
14 Governor. There was no
15 timeline given by the
16 Governor, so it's going to
17 be at his pace. And I
18 don't think that's a bad
19 thing at this point given
20 that we would rather deal
21 with this administratively
22 than have a law
23 implemented that would be

82

1 Some of the other bills
2 that -- let me just back
3 track. So when we went
4 into session obviously
5 there had been a big
6 dynamic change in the
7 legislation with the
8 Senate being controlled by
9 the Democratic Party for
10 the first time in a long
11 time. We have always had
12 the Republican Party in
13 the Senate somewhat of a
14 backstop for us to prevent
15 bad bills from coming to
16 the floor.

17 So we knew we were
18 going to be playing a
19 little more defense and
20 not so much offense this
21 year in getting
22 legislation passed or
23 blocked. So, we ended up

84

1 playing a lot more defense
2 than we would have liked.

3 So some of the other
4 bills that we typically
5 prioritize, we weren't
6 able to invest as much
7 time and waste any capitol
8 in those. So typically at
9 this meeting every year in
10 our July or June EA, I
11 have copies of score cards
12 for everybody to put on
13 the website to just show
14 you how the legislature
15 ledge voted on the bills
16 that were of importance to
17 us.

18 Well, no bills this
19 year made it to the floor
20 for a vote; good, bad or
21 indifferent. If there's
22 information that you want
23 to know as far as how they

85

1 voted in their committees,
2 we can get that for you.
3 Just a little bit of
4 research we have to take
5 care of, but it's not
6 difficult.

7 But none of the bills
8 that were important or
9 prioritized by us made it
10 to the floor, so we don't
11 have any record of how a
12 legislator voted. So the
13 score cards this year,
14 it's a bittersweet score
15 card I suppose being that
16 have HALT never made it to
17 the floor. And I can't
18 stress it enough how big
19 it was.

20 Some of the other
21 issues that we dealt with
22 or that were pending
23 legislatively, double

86

1 bunking legislative.

2 Taking down the double
3 bunks in the mediums.
4 That bill was introduced
5 by Senator Gallivan.

6 After some of our
7 discussions with the chair
8 of Corrections Committee
9 in and the Senate, he
10 expressed interest in
11 taking that bill and being
12 the prime sponsor of that.
13 That's Senator Sepulveda.
14 He's currently now the
15 prime sponsor on that
16 bill. Senator Gallivan,
17 Keith's had conversations
18 with his office and he
19 agreed to relinquish his
20 sponsorship of that bill
21 because it will have a
22 better opportunity to pass
23 if it's in the hands of a

87

1 majority member.

2 That bill didn't make
3 it to the floor, just like
4 every other bill. But,
5 we're going to continue to
6 push that. We're going to
7 really need to reach out
8 to some of our, well
9 they're not traditionally
10 our friends, but the
11 advocacy groups. But
12 without their support in
13 the legislation, like the
14 double bunking bill, this
15 bill is never going to
16 move in the Assembly. We
17 might be able to get some
18 traction in the Senate,
19 but the Assembly, they're
20 never going to move this
21 without support.

22 So we'll be reaching
23 out to the Correctional

88

1 Association New York State
2 and many other of the
3 advocacy groups. The
4 Civil Rights Law 50A was
5 another bill that was a
6 hot topic. That would
7 basically make your
8 personnel records
9 foilable.

10 That bill picked up a
11 little bit of steam late
12 in the session. I'm happy
13 to report that that bill,
14 too, did not make it to
15 the floor for any votes.
16 That I would imagine is
17 going to be another
18 priority for the Senate
19 Dems in 2020. So we'll
20 keep an eye on that.

21 There's been
22 discussions about
23 divestment from fossil

89

1 facilities to see what's
2 going on. In fact, the
3 speaker himself was denied
4 access to Mid Hudson Psych
5 a couple years ago. And
6 so, we're hoping to get a
7 little movement on that so
8 we can kind of shine a
9 light on what's going on
10 in those facilities.

11 There's other bills
12 that we dealt with in the
13 past. The Death Gamble
14 Legislation, aggravated
15 harassment for corrections
16 and non corrections, peace
17 officer status, adequate
18 staffing legislation,
19 contraband screening
20 legislation, PTSD,
21 Worker's Comp presumption.
22 So, hundreds and hundreds
23 of bills that get

91

1 fuels in the pension fund.
2 That law has been proposed
3 by many of the progressive
4 Dems. The Comptroller has
5 come out and opposed that
6 for various reasons. But
7 they asked for NYSCOPBA's
8 opposition to that bill.
9 We were happy to provide
10 them with a memo of
11 opposition along with many
12 of the other unions across
13 the state. That will was
14 not acted upon as well.

15 The OMH visitation bill
16 that we have introduced in
17 the past, similar to the
18 corrections tour bill that
19 we have. We found that
20 OMH tends to be rather
21 secretive, doesn't allow
22 public or elected
23 officials into their

90

1 introduced every year and
2 we're tracking them all.

3 Like I said, many of
4 them didn't have any
5 action. We didn't pursue,
6 we didn't waste any
7 capitol on pushing those
8 bills because we were
9 playing defense the
10 majority of the time.

11 That's the run down of
12 the legislative cycle. As
13 far as the HALT bill goes,
14 towards the end of session
15 for years we've been
16 really the primary
17 opposition to that
18 legislation. NYSCOPBA has
19 always been openly against
20 that bill. But this year
21 at the end of session
22 there was probably a dozen
23 or so unions and other

92

1 affiliates that stepped up
2 and provided members of
3 support. Even unlikely
4 people like Association of
5 Counties which was a great
6 get, puts a lot of weight
7 behind us. AFSCME New
8 York even provided an
9 opposition memo. The
10 Troopers, the Public
11 Employees Conference.

12 All different types of
13 organizations across the
14 state, so we really did
15 have a nice ground swell
16 and a good grass roots
17 campaign to raise the
18 awareness and get people
19 opposed to that bill and
20 it was a solid effort.

21 Couple other things I
22 want to discuss is that
23 we've got voter match

93

1 they're going to be
2 sending me a list of all
3 the matches that weren't
4 able to be made so we'll
5 able to track those folks
6 down and ask them or get
7 them to register to vote.

8 If we can show that 90
9 percent, a hundred percent
10 of our membership is
11 registered to vote, this
12 carries a lot of weight.
13 We put out word on the
14 tours. There was a bunch
15 scheduled all over the
16 state right now.

17 They continue to come
18 in. So I will be reaching
19 out to the chiefs and VPs
20 of the regions to set
21 those up. We got a couple
22 scheduled this week or
23 next week, and some go

95

1 software that we've
2 introduced and are able to
3 track -- not track, but
4 keep an eye on the comings
5 and goings of politics
6 essentially. We did a
7 voter match of all the
8 local board of elections
9 recently and we came back
10 with over sixteen thousand
11 matches. So that's
12 sixteen thousand active
13 NYSCOPBA members who are
14 registered to vote. So,
15 that means there are about
16 four thousand active
17 members who aren't
18 registered to vote.

19 So that's a campaign
20 we're going to start right
21 now. I'm working with the
22 data people that did the
23 cross-referencing and

94

1 down as far as September.
2 We're trying to get as
3 many as we can scheduled
4 to get the legislators to
5 the facilities are we can,
6 so they know exactly what
7 it is they'll be voting
8 on.

9 That's about all I have
10 for now. I just wanted to
11 get that out there. If
12 anybody has any concerns,
13 I'd be happy to take
14 those.

15 MR. MCGOWAN: McGowan,
16 Mid State. You brought up
17 Sepulveda, he's a Senator
18 out of the Bronx. I get
19 into debates with him on
20 his Facebook page and I
21 would encourage everyone
22 else to do so. But in one
23 of our debates, he did

96

1 mention he's going to be
2 touring every facility
3 throughout the state. I
4 believe he just went to
5 Attica a couple weeks ago.

6 Don't be afraid to tell
7 him how you feel because
8 he's under the impression
9 that we are in agreement
10 on a lot of these issues
11 and we are not. He is so
12 far left, that it is
13 insane. Don't be afraid
14 to speak your mind to him,
15 jump on his Facebook page
16 and get in his face any
17 time.

18 Another issue I was
19 going to bring up, I spoke
20 with you a little bit
21 about it, was increasing
22 the allotment for use of
23 deferred compensation

97

1 while you're retired
2 towards your health
3 insurance, because it's
4 currently at three
5 thousand. And obviously
6 the cost for health care
7 has increased
8 significantly since that
9 was introduced.

10 We have been in contact
11 with Congressman
12 Brindisi's office, we
13 should have a meeting with
14 him soon. But I don't
15 really know what the steps
16 are. Does he have to
17 introduce legislation to
18 increase that amount or
19 what exactly do we have to
20 do to get that brought up?

21 DAN VALENTE: I believe
22 that is an issue that
23 would have to be addressed

98

1 legislatively at the
2 federal level. I'm
3 happy -- you say you have
4 a meeting set up with
5 them?

6 MR. MCGOWAN: I just
7 spoke with his office two
8 days ago and I gave them
9 the information I'm giving
10 you now and they're going
11 to look into it to see
12 what they have to do. But
13 it would be nice to get
14 more than one Congressman
15 on this, so if that's what
16 they have to do, obviously
17 the more we have the
18 better chance we are that
19 we're going to get that
20 thing passed.

21 DAN VALENTE: NYSCOPBA
22 doesn't have a federal
23 pack in place, so it's not

99

1 anything that -- I mean, I
2 guess it's going to have
3 to be a grass roots
4 effort. We're not
5 registered lobbyists with
6 the Federal Government, so
7 it's difficult for the
8 organization to really get
9 involved with this type of
10 issue. But, individually
11 like yourself reaching out
12 to a congressman as a
13 constituent, you have
14 every right to do that.
15 And we'll help you out as
16 much as we can.

17 MR. MCGOWAN: That
18 would be a huge benefit to
19 our retirees.

20 DAN VALENTE:
21 Absolutely.

22 MR. MCGOWAN:
23 Thank you.

100

1 CHUCK THOMAS: Chuck
2 Thomas, Auburn. John
3 Catco contacted me last
4 election cycle and wanted
5 to come out and tour
6 Auburn. Basically I shot
7 him down because two years
8 prior he wanted us out
9 there while he held babies
10 and kissed women, whatever
11 it is. At the end of the
12 day I don't have any time
13 for him because he had no
14 time for us at Auburn
15 during that period.

16 This last election
17 cycle he wanted to come
18 out and sit on one of the
19 unions there because he
20 felt they were having an
21 issue there. I said,
22 yeah, you are. So, can
23 you reach out to John

101

1 didn't back anything that
2 I saw. All he wanted was
3 his face out there.

4 DAN VALENTE: Sure.
5 This is not an election
6 year, so maybe you will
7 see quite more quite
8 frankly because during an
9 election year they're
10 always out campaigning.

11 CHUCK THOMAS: If I
12 start blowing his phone up
13 and start blowing his
14 whole office up, you're
15 not gonna have an
16 objection with that?
17 Because I'm just gonna
18 file four hundred phone
19 calls, I'll call him fifty
20 times a day.

21 DAN VALENTE: I'm all
22 for that modest harassment
23 if it gets you somewhere.

103

1 Catco or do you want me to
2 do it? He can bring his
3 butt down there now.

4 DAN VALENTE: Like I
5 said, we don't really deal
6 at the federal level to
7 often. If you got a
8 relationship with him or
9 not from the way it
10 sounds --

11 CHUCK THOMAS: It
12 doesn't matter to me, the
13 vice president a mile away
14 from our facility and he
15 can't show up and be like
16 hey, that's one of the old
17 facilities down there.
18 Listen I get it, he's
19 looking for his votes and
20 that's what I told him.
21 But at the end of the day,
22 he didn't back any of us
23 at Auburn at all. He

102

1 CHUCK THOMAS: What's
2 it going to do. All
3 right.

4 DAN VALENTE: Honestly,
5 we're a state
6 organization. Our issues
7 are handled by the state
8 politicians at the state
9 level. Congress members,
10 sure they might have some
11 influence at some point,
12 but they have no influence
13 over the laws that are
14 getting passed in this
15 state.

16 So, I would say be
17 respectful, tread
18 carefully. And I'm sure,
19 you know, in the end he'll
20 probably see things your
21 way.

22 CHUCK THOMAS: I mean,
23 he's not going to take

104

1 away my birthday. I don't
2 care. I'm gonna call him.

3 DAN VALENTE: I hear
4 you. Any other questions?
5 All right. Thank you a
6 lot.

7 PRESIDENT POWERS:
8 Brother McGowan regarding
9 Senator Sepulveda, that's
10 exactly what he does. He
11 did it with the department
12 as well. He recently said
13 he went out to Albion, I
14 believe last Monday and he
15 did Attica on Tuesday.
16 And I caught wind of it
17 late Sunday night from the
18 Department.

19 And the Executive --
20 the Acting Executive
21 Deputy Commissioner, Dan
22 Martuscello advised me
23 that Sepulveda was going

105

1 individual that we're
2 dealing with here.

3 He's met with us twice.
4 He says we're on board
5 with his mission when in
6 actuality we're so far
7 from it, it's ridiculous.
8 And that's one of the
9 reason why the Deputy
10 Commissioner and I offered
11 up our assistance. I'm
12 actually waiting on some
13 information regarding that
14 conversation because he
15 went in and met with the
16 ILC and I believe in both
17 facilities. I'm pretty
18 sure he met with Albion,
19 the ILC, and wouldn't
20 allow any administration
21 in with him.

22 We're trying to find
23 out what the crux of that

107

1 out there and he changed
2 his plans on Monday and
3 Tuesday. I actually
4 cancelled a vacation to go
5 to make sure that the
6 spewing that he does in
7 front of people and says
8 he meets with NYSCOPBA --
9 he's met with NYSCOPBA
10 twice; myself, personally
11 twice.

12 And they were good
13 meetings the beginning and
14 this is back in January.
15 But he does spew venom.
16 And he's actually calling
17 on a favor -- Dan can
18 attest to this, Chris --
19 he's actually calling on a
20 favor over trust issues
21 within his own conference.
22 And that is -- that kind
23 of tells you the

106

1 conversation took place.
2 I reached out to the
3 Western VP Miano a couple
4 weeks -- about a week ago
5 and he and I have both
6 been pretty busy. So I'll
7 follow up with Don Molino
8 later.

9 But anybody from
10 Attica, if they met with
11 the ILC we need to know
12 what his input coming back
13 from those meetings are so
14 we can share that with the
15 Department. Because
16 they're not in favor of
17 him either and he does
18 spew bullshit. That
19 concludes departmental
20 reports. Move in to
21 committee reports. Want
22 to take a break? Ten
23 minute break.

108

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

5 PRESIDENT POWERS:
6 Sergeant At Arms, can we
7 get the doors closed.

8 We'll move in to
9 committee reports.
10 Collective bargaining,
11 John, Mike?

12 VP MID-HUDSON
13 MAZZELLA: Good afternoon,
14 Mike Mazzella a/k/a
15 Mazzelli, Collective
16 Bargaining Committee.
17 Just so you know we have
18 met with Joe Bress, Mike
19 Belaforte, and another
20 member of GOER regarding
21 the retroactive payments
22 for retirees, Section 71
23 and 73s, and whatever

109

1 know Matt he is the new
2 Abbey Ferraro at GOER.

3 The meeting finished
4 well. They could have
5 easily told us to get the
6 hell out; we're not
7 dealing with this. They
8 have not. We've now met
9 twice; once with budget,
10 now with them. We're
11 looking for another
12 meeting. The -- of course
13 the issue is there's the
14 Article 15 retirements.
15 There's the members who
16 transferred to a, say City
17 Police Department, County
18 Corrections, like other
19 Law Enforcement titles,
20 there's some Section 70
21 issues, that's like
22 medical, those who are
23 waiting for three quarters

111

1 Section 70s we were
2 looking at.

3 Just so you know you're
4 regional vice presidents
5 have been getting back to
6 us with names of people
7 who might fall into these
8 categories. We get that
9 information and John has
10 been putting together a
11 spread sheet to give to
12 GOER for that purpose.

13 So with that being
14 said, I'll turn it over to
15 John so he can talk a
16 little more about the
17 spread sheet. Thank you.

18 VP LAW ENFORCEMENT
19 HARMON: So, as Mike said
20 June 14th, we had the
21 meeting at GOER with Joe
22 Bress, Mike Belaforte and
23 Matt Ramsey. If you don't

110

1 disability and were
2 medically terminated.

3 There's several other
4 instances, so what we've
5 done, people are reaching
6 out to their regional vice
7 presidents as we asked
8 last EA and compiling a
9 list of those who did not
10 receive retro, for
11 whatever reason. There's
12 many reasons.

13 Right now the list is
14 about 140 total. I would
15 say 75 percent are Article
16 15, maybe a little less
17 than that. And there's a
18 mix of many other reasons.
19 There's actually quite a
20 few people who should have
21 gotten paid but did not
22 get paid by the state.
23 They will definitely get

112

1 paid at some point.

2 The issue we found out
3 that's happening is the
4 agencies and/or
5 facilities, when somebody
6 is leaving, especially
7 those medically
8 terminated, who got three
9 quarter disability,
10 they're not going back
11 into their system and
12 putting them down as
13 retired; they're keeping
14 them as terminated.

15 So when payroll in the
16 Comptroller's office ran
17 the payroll report for
18 retro, they were coming up
19 as terminated and not
20 retired. And it's really
21 quite honestly it's
22 laziness. They have sent
23 paperwork to make sure

113

1 paid then what they really
2 wanted and they're not
3 gonna go back in time but
4 that's the way it is
5 because that's the way the
6 payroll bulletin had to
7 schedule it.

8 What we're looking at
9 for this is to hopefully
10 have whoever hasn't gotten
11 paid, get back to us by
12 September so we can
13 compile this list. The
14 first list had a 102 names
15 on it; probably got about
16 40 added to this current
17 list. A few more names to
18 add that the regional vice
19 presidents gave me
20 yesterday at the board
21 meeting.

22 Get another list over
23 and get one more list

115

1 they're retired to the
2 comptroller's office so
3 they get all the retiree
4 benefits, but they have
5 not updated their
6 computers to say they're
7 retired. And all it is
8 it's an annotation in
9 their payroll system.

10 That is one huge issue
11 we found out that the
12 agencies and facilities
13 are doing. One of the
14 issues also came out, the
15 pay bill was very
16 restrictive of who got
17 paid; the payroll bulletin
18 was least restrictive.
19 What was made clear to us
20 was that the payroll
21 bulletin could not do what
22 the pay bill said.
23 Therefore, more people got

114

1 over, kind of before the
2 holiday in September and
3 work with that. If you
4 didn't know if you haven't
5 gotten paid by Labor Day,
6 I don't know what you're
7 waiting for because you
8 didn't get paid. So if
9 you know people out there
10 that did not receive
11 retro, did not receive
12 anything, we need to know
13 as soon as possible.

14 I find it hard to
15 believe that you didn't
16 get paid and you're not
17 contacting anybody, but it
18 happens. But we need
19 to know by September who
20 did not get paid. So let
21 your regional vice
22 presidents know, your BAs
23 know and get those names

116

1 to us as soon as possible,
2 so we can compile a list.

3 To give you an idea,
4 this is the spread sheet
5 here. Give you some
6 things that we're looking
7 for. Of course is the
8 title you left service in,
9 whatever way you left
10 service, your first and
11 last name, facility.

12 State service
13 separation, that is how
14 you leave state service,
15 whether resignation,
16 termination, transferred,
17 whatever it may be. That
18 separation date, the
19 reason, whether it's
20 Article 15, transferred,
21 Workers' Compensation,
22 termination, Section 71,
23 Section 73, whatever it

117

1 may be.

2 If you want Article 15,
3 not that you're going to
4 get it for everybody, but
5 where to you go for
6 Article 15, like what
7 entity did you go to.
8 Whether it's a school
9 district or a local PD, or
10 whatever it may be.

11 And then there's a
12 section for notes that I'm
13 explaining some things to
14 GOER to make sure they
15 understand what this
16 member actually means, if
17 there is any notes that
18 need to be added.

19 The report from GOER so
20 far has been good. John
21 Sacosha had a conference
22 with Mike Belaforte
23 Monday. He said, you

118

1 know, he's upbeat about
2 it. What they're trying
3 to do is they needed data
4 from us because GOER could
5 not pull a Article 15
6 person just out of the
7 computer and figure out
8 how to generate a report
9 with all those different
10 things, because they don't
11 know where you went and
12 retired from.

13 Like, they know you
14 left DOCCS, they know you
15 retired in a different
16 retirement system; what
17 happened in-between there
18 is what they don't know.
19 So they need all that
20 data. They're trying to
21 pull a report to see who
22 didn't get paid and what
23 their cost would be.

119

1 The reason we want to
2 get this report, because
3 this would be the report
4 that we hand over, what we
5 know of people who didn't
6 get paid. Most people --
7 a lot more people did get
8 paid which was good. The
9 issues are one, the
10 retirees. If you have
11 retirees who were supposed
12 to get a check and didn't
13 get a check, there's a
14 chance their check is the
15 in universe somewhere.
16 Because the Comptroller's
17 Office screwed up and used
18 the retirees active
19 address and not the
20 retired address.

21 GOER was made aware of
22 that. They're looking at
23 a way to fix it or track

120

1 those who didn't get paid.
 2 But if you know retirees
 3 still complaining of not
 4 getting a check, they need
 5 to contact their last
 6 facility to see if the
 7 check is there. If not,
 8 call the comptroller's
 9 office and they'll
 10 definitely let you know.

11 If you have any
 12 problems with your checks,
 13 that's not done --
 14 NYSCOPBA doesn't get a
 15 break down of everybody's
 16 check. I would suggest
 17 you get an audit done,
 18 because you go to your
 19 payroll or call the
 20 Comptroller's office,
 21 their is a mechanism for
 22 that.

23 You can actually get an

121

1 audit of your check. And
 2 they'll actually break
 3 down exactly how your
 4 check was calculated.
 5 Everybody can do that.
 6 It's not a hard process.
 7 Sometimes it takes a few
 8 weeks for you to get the
 9 printout or whatever it
 10 may be.

11 But anybody can do
 12 that, if you want to see
 13 your calculation or if you
 14 think there's an error in
 15 your calculation. That's
 16 not done through NYSCOPBA.
 17 NYSCOPBA doesn't have a
 18 mechanism to do that. All
 19 payroll is done through
 20 the state. And the State
 21 Comptroller's Office, so
 22 no one thinks it's a
 23 conspiracy theory, they

122

1 actually give you the
 2 break down how your check
 3 was calculated.

4 So if you can break
 5 that down and say, hey, I
 6 wasn't paid enough
 7 overtime or whatever it
 8 may be, it would all be
 9 there.

10 VP MID-HUDSON MAZZELLA:
 11 Thank you, John. Does
 12 anybody have any
 13 questions?

14 MS. DEAN: Dean from
 15 Ulster. Some people
 16 resigned and came back
 17 working. Are they
 18 entitled to retro?

19 VP MID-HUDSON MAZZELLA:
 20 In our opinion, yes. So
 21 we need to get their name
 22 and date so we can add
 23 them to the list.

123

1 VP LAW ENFORCEMENT
 2 HARMON: I actually have
 3 some members on the list
 4 who are in te
 5 reinstatement category and
 6 we were told is those who
 7 get reinstated, who were
 8 out of service would
 9 eventually get retro. So,
 10 if they didn't get it yet,
 11 you need to let us know
 12 the names.

13 MS. DEAN: Okay.

14 VP MID-HUDSON MAZZELLA:
 15 Okay. Thank you.

16 PRESIDENT POWERS:
 17 Constitution Bylaws, Pete
 18 Stetz.

19 PETE STETZ: All right.
 20 We have four proposals for
 21 amendments since we last
 22 met. First one, Article
 23 6, election of Officials

124

Submitted by Tom Maska,
Mid State.

If the chief sector
steward should resign from
an elected position or
elected sector position,
A, he's asking to strike
out the word "letter", add
the word "notice", of
resignation; and adding
the following language:
electronically via e-mail
or text or in written
form, shall be submitted
to the respective vice
president and recording
secretary in accordance
with the sector reporting
policy. Adding this
language as well: if a
sector steward shall
resign from their elected
and/or appointed position,

125

the day, it only makes
sense that the texts or
e-mails should be allowed
and binding to accept as a
resignation. A chief
sector steward should also
be allowed to receive a
resignation from a steward
who would then send said
resignation to their
regional VP.

The Committee's
recommendation was for
adoption. Any discussion
on this?

VP MID-HUDSON MAZZELLA:
Sure. Mike Mazzella,
Mid-Hudson Region Vice
President. The second
portion of that amendment
where it talks about a
sector steward elected
slash appointed

127

appointed sector position,
a notice of resignation
electronically via e-mail
or text or in written form
shall be submitted to
their respective chief
sector steward who will
then submit their
resignation to the
respective regional vice
president and the
association recording
secretary in accordance
with the sector recording
policy.

The wisdom was to
allowed for resignations
to be submitted either in
writing to/from or
electronically by way of
text and/or e-mail. In
today's time where cell
phones and e-mails rule

126

position -- I don't
believe that there are any
sector stewards elected
positions after the
initial election, correct?

You have a selection
process for the chief
steward and then the
others are all done by
appointment.

PETE STETZ: They're
done by appointment unless
the standing stewards do
not fill the position in
thirty days. Then it
becomes an election.

VP MID-HUDSON MAZZELLA:
Right. But then that
falls into the portion of
the first part of the
amendment. It almost
looks like you're
duplicating what it says.

128

1 I understand what you're
2 trying to say in the
3 second part. You're
4 trying to say if the
5 treasurer or the secretary
6 wants to resign their
7 secretary or treasurer
8 position, I think is what
9 it's saying, then they
10 have to notify us as well
11 in writing. But I'm not
12 quite sure why you have to
13 notify a regional vice
14 president the secretary
15 for the sector decided to
16 step away from being a
17 secretary. Maybe the
18 maker of the motion if
19 he's still here, he can --

20 PETE STETZ: Is he
21 here?

22 VP MID-HUDSON MAZZELLA:
23 Is that what you're trying

129

1 to say Matt? Can you step
2 up so we can get some
3 clarification maybe?

4 THOMAS MASKA: Tom
5 Maska, Mid State.
6 Essentially we're looking
7 for whether you were
8 appointed or elected, if
9 you resign, you should be
10 able to write it, text
11 version or e-mail, give it
12 to the chief steward and
13 forward it to your
14 prospective region and
15 then go from there.

16 The part where it's in
17 writing just doesn't seem
18 to be realistic anymore.
19 You can't force a guy to
20 write something in
21 writing, nor does anyone
22 really write any more.

23 VP MID-HUDSON MAZZELLA:

130

1 That -- understand -- for
2 me, that part is
3 understood. And that's
4 what is covered under the
5 first, you know,
6 underlying section that
7 you've added. But then it
8 goes into adding again,
9 and it talks about elected
10 slash appointed positions.
11 It almost looks like
12 you're talking about
13 within the sector itself.
14 Like, if a guy wants to
15 step away from treasurer
16 or wants to step away from
17 secretary, then they also
18 have to put that in
19 writing to the regional
20 vice president.

21 So that's why I was
22 just -- the chief steward
23 or regional vice

131

1 president. It seems
2 redundant to have it in
3 there twice, that's all.

4 THOMAS MASKA: Okay.

5 VP MID-HUDSON MAZZELLA:
6 That's my opinion.

7 PETE STETZ: Anything
8 further with this Article
9 6?

10 LAW ENFORCEMENT VP
11 HARMON: John Harmon, Law
12 Enforcement VP. I think
13 if you clean it up and
14 just took out the, "from
15 their elected appointed
16 sector position, the
17 sector steward should
18 resign", and leave it at
19 that. Because if you're a
20 sector steward, you're a
21 sector steward; you don't
22 need to know if you're
23 elected or appointed, it

132

1 really doesn't make a
2 difference. If you
3 resign, you resign.
4 Maybe that would clean
5 the language up a little
6 bit. So I propose an
7 amendment to the
8 amendment, that you
9 strike, "from their
10 elected appointed sector
11 position".

12 PRESIDENT POWERS: The
13 way the constitution is
14 written now, if we were to
15 take the proposed change
16 from the first correction
17 you're looking to make,
18 the notice, so if it were
19 to read, if a chief sector
20 steward or sector steward
21 should resign from their
22 elected position or
23 elected sector position, a

133

1 now, a notice of
2 resignation electronically
3 via e-mail or text or in
4 written form shall be
5 submitted to their chief
6 sector steward, respected
7 regional vice president
8 and association recording
9 secretary in accordance
10 with the sector recording
11 policy.

12 THOMAS MASKA: Tom
13 Maska, Mid State. Can it
14 be and/or your regional
15 vice president. Because
16 again, a guy is typically
17 going to go to the chief
18 steward versus the VP.
19 And then the chief steward
20 would contact the VP?

21 PRESIDENT POWERS: Yes.
22 Make an amendment to your
23 amendment.

135

1 letter of resignation
2 shall be submitted -- I'm
3 sorry, a letter -- a
4 notice, I'm sorry, a
5 notice of resignation
6 electronically via e-mail
7 or text or in written
8 form, shall be submitted
9 to the chief sector
10 steward and regional vice
11 president and recording
12 secretary in accordance
13 with the sector recording
14 policy.

15 We could almost just --
16 Pete, we're basically just
17 taking from -- you're
18 omitting a letter of
19 resignation and adding a
20 notice of resignation --
21 or the word letter, adding
22 notice, now I'm talking
23 about the top paragraph

134

1 PETE STETZ: All right.
2 So continuing on, asking
3 to amend the motion as
4 written to read as
5 follows: If a chief sector
6 steward or sector steward
7 should resign from their
8 elected or elected sector
9 position, a notice of
10 resignation shall be
11 submitted to the
12 respective regional vice
13 president and recording
14 sector in accordance with
15 the sector reporting
16 policy. If the chief
17 sector steward should
18 resign from their elected
19 position --

20 PRESIDENT POWERS:
21 Nope. Nope. I threw a
22 lot of chicken scratch on
23 his paper. Let me help

136

1 you out here.

2 If a chief sector
3 steward or sector steward
4 should resign from their
5 elected position or
6 elected sector position, a
7 notice of resignation,
8 electronically via e-mail
9 or text or in written form
10 shall be submitted to the
11 chief sector steward
12 and/or regional vice
13 president and association
14 recording secretary in
15 accordance with the sector
16 recording policy. Good?
17 Thank you.

18 PETE STETZ: Any
19 further discussion on that
20 proposal to Article 6?
21 Article 7, dues. Section
22 B, Rainy Day Fund.
23 Submitted by Mark

137

1 Deburgomaster from South
2 Port.

3 NYSCOPBA has
4 established a Rainy Day
5 Fund. The dues to pay for
6 the Rainy Day Fund shall
7 be an increase of two
8 dollars, striking out the
9 five, per pay period.

10 The wisdom to restore
11 the Rainy Day Fund back to
12 its original format of
13 fifteen hundred dollars
14 biweekly, with a pay back
15 to the members at fifty
16 dollars per year as
17 outline in the original
18 plan summary. Any
19 discussion with this
20 article? The
21 recommendation from our
22 committee is to adopt it.

23 VP LAW ENFORCEMENT

138

1 HARMON: John Harmon, Law
2 Enforcement VP. My
3 understanding is that
4 there's six hundred and
5 something thousand in
6 there right now, six
7 fifty; and we're taking
8 several garnishments which
9 would put more money in
10 there. Why not just put
11 the fund back to where it
12 was?

13 PETE STETZ: As our
14 discussion was about a
15 year ago, over a year ago
16 when we were researching
17 this, we were putting out
18 more funds than we were
19 taking biweekly from the
20 dues. We were essentially
21 in the red. By
22 increasing -- we sought
23 out, and that's where the

139

1 changes came last fall, we
2 knocked it down a couple
3 hundred dollars biweekly
4 and we suspended the
5 separation benefit. And
6 it was asked as if we
7 pulled this form a few
8 times, which direction to
9 go, as far as increasing.
10 And this is the solution
11 that a member of this
12 association come forth
13 with doing.

14 MIKE CARLSON: Mike
15 Carlson, Forest Rangers.
16 Is five the number you're
17 looking for or --

18 PETE STETZ: Five
19 dollars.

20 MIKE CARLSON: Will
21 that make it work if we
22 put five or will that not
23 be enough?

140

1 PETE STETZ: One can
2 never predict the future.
3 Right now our numbers are
4 minimal of members
5 collecting the Rainy Day
6 Fund. If we go back to
7 the numbers of 30 plus
8 collecting, that's the
9 number you got to look at.
10 How much we paid out and
11 how much we take in
12 biweekly. Right now we're
13 obviously in the black
14 because of monies coming
15 back that was owed to the
16 organization. We're
17 thankful for that.

18 DOUG WESTERVELT: Doug
19 Westervelt, South Port,
20 Finance Committee. We had
21 to increase this because
22 the separation benefit was
23 never going to keep -- or

141

1 the separation benefit
2 will break the union.
3 That's why we have to
4 increase to five dollars.
5 So that will be taken out
6 of it to a separate
7 account and we'll keep it
8 whole for the whole period
9 of time for separation.

10 As far as the monies
11 that are paid out, it's
12 obvious it's based on how
13 many guys we have locked
14 out. So this was a more
15 solid number, because when
16 this was originally
17 thought of the company
18 never figured in the
19 separation benefit.

20 So that's why the
21 increase is needed. So we
22 felt that five was a
23 decent number to keep it

142

1 going, get it back up to
2 fifteen and it will
3 solidify the separation
4 benefit.

5 VP LAW ENFORCEMENT

6 HARMON: Doug, just quick.
7 So, if we keep it at the
8 current two dollars or two
9 fifty, it's good enough
10 for the current benefit,
11 correct?

12 DOUG WESTERVELT: At
13 thirteen hundred, but
14 there's no separation.
15 The separation right now
16 is froze at fifty bucks.
17 Everybody that paid in
18 will get fifty bucks at
19 separation.

20 VP LAW ENFORCEMENT

21 HARMON: So the current
22 benefit is good the way it
23 currently stands or we got

143

1 to --

2 DOUG WESTERVELT:
3 Right. To bring it back,
4 to get it up to fifteen
5 hundred and the separation
6 benefit.

7 VP LAW ENFORCEMENT

8 HARMON: Okay.

9 DOUG WESTERVELT: So if
10 you do your fifty dollars
11 per --

12 PRESIDENT POWERS:

13 You're preserving the
14 separation benefit.

15 DOUG WESTERVELT: Yes.
16 And the Finance Committee
17 backs this.

18 VP MID-HUDSON MAZZELLA:
19 I'm trying to -- Mike
20 Mazzella Mid-Hudson
21 Region. So, basically
22 when this was presented to
23 begin with the separation

144

1 benefit, just so I'm
2 clear, we are being told
3 that whoever did the
4 numbers didn't include the
5 separation benefit in
6 those original numbers?
7 That they didn't know what
8 to sustain with two
9 dollars a pay period?

10 DAVE VIDDIVO: That's
11 not correct.

12 VP MID-HUDSON MAZZELLA:
13 It was figured?

14 DAVE VIDDIVO: Yes.

15 VP MID-HUDSON MAZZELLA:
16 Another thing that
17 occurred, is we changed
18 the policy that if you're
19 using your time, you don't
20 get the benefit until you
21 run out of time. Because
22 what was happening when
23 this all started, we all

145

1 know there's some players
2 in corrections, they knew
3 if they got locked out,
4 they were getting their
5 time, using their time,
6 they were also getting
7 this benefit of fifteen
8 hundred dollars every two
9 weeks and were
10 double-dipping and we put
11 a stop to that.

12 I think those are the
13 reasons why the fund is
14 starting to increase more
15 than receiving some
16 additional compensation.
17 How much have we recovered
18 in the last two months?
19 Because we're already up a
20 100 thousand -- actually,
21 two hundred thousand over
22 the last two months.

23 TREASURER GILBO: We've

146

1 recovered about a hundred
2 thousand plus. The reason
3 why it's going good is
4 it's only thirteen hundred
5 dollars and we're only
6 paying fifty dollars out.
7 Plus, we've only had ten
8 to fifteen people out. If
9 we get a bad spell again,
10 there's 30 people on it,
11 we're gonna be right back
12 to the same spot. If it's
13 five dollars, it secures
14 the separation benefit and
15 we'll be able to fill the
16 nest egg if that happens
17 again.

18 VP MID-HUDSON MAZZELLA:
19 Understood. And the last
20 thing is we also have the
21 suspension review
22 language, which we have,
23 but I think those are more

147

1 reasons. Because if we
2 think about it, the last
3 EA I think there was three
4 hundred fifty thousand
5 dollars in the account. I
6 think that was the number,
7 about three and change.
8 And we're already up to
9 six hundred fifty
10 thousand. That's all.

11 KAY GORDON: Kaye from
12 Taconic. What I want to
13 know is that every time we
14 change things and we're
15 going after members, did
16 you make any new
17 amendments in regards to
18 solidifying repayment bank
19 in case we do hit this
20 spell.

21 Because if we don't
22 have anything in writing,
23 we still go, ahhhhh, you

148

1 got your money, no repay
2 it. Are we gonna start
3 that process over the same
4 way or do you have
5 something differently in
6 writing for repayment?

7 TREASURER GILBO: They
8 sign a contract to pay it
9 back.

10 KAY GORDON: Is it --
11 did they sign a
12 contract --

13 TREASURER GILBO: To
14 get the money they have to
15 sign a contract.

16 KAY GORDON: Okay. So
17 if they had one prior and
18 they didn't abide by it,
19 we gonna be back in the
20 same situation because
21 they sign a new contract.
22 So then what's stopping --
23 so now we're gonna pay

149

1 five dollars to the same
2 problem.

3 So what are we really
4 looking at, save the
5 separation or maybe having
6 the money being under
7 control but then we have
8 this spell they sign the
9 contract and we're back in
10 the same situation. So
11 we're going to need more
12 money to increase from
13 five to seven. So what
14 are we doing to solidify
15 repayment.

16 VP MID-HUDSON MAZZELLA:
17 One last thing --
18 thank you for yielding for
19 one second. Being that
20 it's a constitutional
21 amendment, let the members
22 decide. Right? Send it
23 out. If they want to pay

150

1 five bucks, they'll vote
2 yes. If they don't want
3 to pay five additional
4 dollars to get the
5 benefits, then they vote
6 no. So thank you.

7 AL ZAPPALA: Al
8 Zappala, Finance
9 Committee. Just to do a
10 clarification on that last
11 question. We did revise
12 the contract that you sign
13 for the Rainy Day Fund.
14 The old contract you
15 originally signed, it
16 didn't say we could go
17 after you. The new
18 contract states not only
19 will we go after you, but
20 you will pay for interest
21 and lawyer fees. So, that
22 has been modified.

23 MR. MOREAU: Moreau,

151

1 Green Have. Just to
2 clarify, if we accept the
3 five dollar increase,
4 would that mean the
5 members no longer have to
6 exhaust their accruals
7 before they're entitled to
8 the benefit?

9 PETE STETZ: That's
10 still a part of the policy
11 to use accruals.

12 MR. MOREAU: Well,
13 you were saying to the
14 original and I don't think
15 we did that originally.

16 TREASURER GILBO: Just
17 to answer a question
18 someone had, for the first
19 six months we had received
20 476 thousand dollars in
21 dues and 99 thousand in
22 pay backs since the
23 beginning of the year.

152

1 MR. FRAZIER: Parish
2 Frazier, PAC Committee,
3 Taconic. Is it possible
4 with the contract that
5 you're speaking of, can we
6 just change the language?
7 Because the Rainy Day Fund
8 is so crucial to those
9 members that need it,
10 obviously once they get
11 back on their feet and
12 they're solid again, we
13 could change the language
14 of the very contract they
15 sign. That when they
16 actually begin to get the
17 benefit, that they already
18 agree to be garnished if
19 they don't pay by a
20 certain time frame?

21 In other words, once
22 you're solid and you're
23 back to work and

153

1 PARISH FRAZIER: That's
2 fine. I'm using garnish
3 as a word that we all
4 familiar with just to make
5 a point. We can use
6 whatever legal language
7 necessary, that you agree
8 just like union dues or
9 any other payment that you
10 make, you agree in advance
11 once you are allowed to
12 get the benefit, you
13 already agreed once you're
14 back to work that you
15 automatically allow the
16 money to be paid back.

17 ERIN PARKER: That's --
18 the New York State Law
19 regulates what type of
20 money can be brought out
21 of your check and this
22 would not be one of those
23 types.

155

1 everything is straight,
2 if you don't start paying
3 it back within thirty or
4 sixty days, that you
5 automatically allow for
6 garnishment. You already
7 agree to it in advance so
8 we don't have to fight and
9 get lawyers and wait for
10 the money. Because we
11 commit to you, you should
12 commit back to us.

13 TREASURER GILBO:
14 Prestigious law firm, is
15 that legal?

16 ERIN PARKER: No.
17 Garnishment is a legal
18 term of art. So, in order
19 to get to a point in which
20 you have wages garnished
21 you have to have a certain
22 legal proceeding that's
23 has been filed.

154

1 PARISH FRAZIER: But
2 it's just like deferred
3 comp or any other thing --

4 ERIN PARKER: And those
5 are all written into --

6 PARISH FRAZIER: It's
7 like a loan, we can --

8 ERIN PARKER: Those are
9 all written in to laws
10 that those are types of
11 monies that you can agree
12 to have automatically
13 deducted from your check.
14 So Deferred Comp is one of
15 them, union dues are one
16 of them. But that is
17 actually a different law
18 to do that.

19 PARISH FRAZIER: So it
20 takes to law to structure
21 a loan in essence?

22 ERIN PARKER: Yes.

23 PARISH FRAZIER: Okay.

156

1 MATT KEOUGH: Matt
2 Keough, Great Meadow. Pay
3 back is based on an award.
4 If you get locked out for
5 six months and you only
6 get awarded three months
7 pay, that's all the
8 payment you have to make
9 back. That's what
10 everybody needs to
11 understand.

12 If you get locked out
13 for sixteen months and
14 they don't award you any
15 back pay, you don't pay
16 the Rainy Day Fund back.
17 In the State of New York
18 has two seconds to take
19 your pay and they will be
20 five months giving it back
21 to you.

22 So, I think this
23 raising it to five dollars

157

1 is a great idea, because
2 people will lose their
3 homes if we don't have
4 this. I understand I
5 stood up here before and
6 guys -- some places just
7 don't understand that.

8 The first two years I
9 was a chief I had
10 seventeen people on the
11 Rainy Day Fund in a matter
12 of eight months. Without
13 that, there would be
14 seventeen people that
15 didn't have a home, the
16 kids wouldn't go to
17 school.

18 This is a good idea.
19 You don't buy car
20 insurance hoping to wreck
21 your car. You have it
22 there in case it happens.

23 MARK DEBURGOMASTER:

158

1 Deburgomaster, South Port.
2 Just for clarification,
3 returning to original plan
4 summary was what was
5 presented to us. We wrote
6 the amendment to put it
7 back into place. There
8 was discussion on whether
9 or not the taking and
10 waiting for the using your
11 accruals prior.

12 We had the scenarios
13 come up where you have
14 four guys in use of force.
15 Three got time on the
16 books, one guy is
17 collecting right out of
18 the gate. They were
19 trying to smooth it out
20 and even it back out. The
21 five dollar increase --
22 again, when we started
23 this at two dollars a pay

159

1 period that was based on
2 no one ever paying back.
3 We sat in there with
4 the individuals that came
5 and they broke it all down
6 and they said, if no one
7 pays back, this will
8 sustain itself. We needed
9 to go back and adjust this
10 to keep the benefit where
11 it is.

12 The members, and again,
13 I can only speak for my
14 facility, they were
15 adamant. We don't care if
16 it cost five or ten
17 dollars a pay period; it's
18 insurance and we know it's
19 there. It gives peace of
20 mind to one hundred
21 percent of the people even
22 though less than one
23 percent are using it.

160

1 And you still get the
2 pay back option. You
3 know, it is what it is.
4 But the original plan
5 summary didn't require you
6 to use your time. As soon
7 as you were suspended, it
8 was approved, you got
9 paid. That was how it was
10 presented.

11 That's why the numbers
12 went to five dollars. We
13 talked with Finance
14 Committee, we crunched the
15 numbers. I will be
16 honest, I'm hoping we get
17 a war chest. And on the
18 backside, you still
19 have -- and I'm sure Erin,
20 maybe she's aware of it.
21 We still have the
22 litigation that's coming
23 up on some arbitrators

161

1 counting that pay back as
2 income.

3 So you can be out a
4 year, you win your CASE,
5 but they're gonna say you
6 collected from that Rainy
7 Day Fund for a year. They
8 want you to count that
9 like you had a job. And
10 until that litigation,
11 we're talking years
12 probably before that even
13 gets ruled on.

14 ERIN PARKER: I don't
15 think years. A year.

16 MARK DEBURGOMASTER:
17 Okay. I'll believe it
18 when I see it. I'm just
19 saying, I don't expect the
20 courts to move any faster.
21 It we aren't proactive
22 going after it and at
23 least putting it in the

162

1 members' hands to say this
2 is your insurance. You
3 may never touch it.

4 We did what we did
5 because we had to reset.
6 We were about to go
7 another million dollars in
8 the hole on the pay back
9 option. It was a slip.
10 We were trying to float
11 the fund hoping it would
12 get up there; it didn't
13 make it.

14 Now we have to reset
15 it, put it back. And I
16 don't see a problem with
17 having a war chest sitting
18 here in case we have
19 problems in the future.

20 MIKE CARLSON: Will
21 they try to tax these
22 people on the money?

23 MARK DEBURGOMASTER: My

163

1 understanding it's a
2 hundred percent taxable,
3 it's income.

4 DOUG WESTERVELT:
5 Westervelt, South Port.
6 Also, we have to use -- an
7 individual has to use
8 their accruals first.
9 Because I will have 240
10 hours on the books, I'll
11 get locked out tomorrow
12 and I apply for the fund.
13 I get it, you start paying
14 me right away, they fire
15 me, we get double dip. I
16 walk away with my 240 and
17 then I walk away with the
18 unions money, because I
19 don't have to pay it back.

20 So you have to use your
21 accruals. We missed that
22 one. That was an
23 important factor to use

164

1 your accruals first and
2 then be eligible to
3 collect.

4 PETE STETZ: Anything
5 further on Article 7?
6 Article 5, Election of
7 Officers, Section B,
8 eligibility. Eligibility
9 to be nominated for an
10 elected and to hold an
11 office as Executive Board
12 member in the association
13 shall be extended to any
14 active member who at the
15 time of nomination is at
16 least twenty-one years of
17 age at time of nomination;
18 has been an active member
19 in continuous good
20 standing for a period of
21 two consecutive years as
22 of the date of election.

23 Has served as an

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1 intends to have these new
2 requirement in place prior
3 to the next executive
4 board elections.

5 Submitted by Lawrence
6 McCormick, Gowanda. Our
7 committee reviewing this
8 discussed it. We find it
9 violates several articles
10 within our constitution --

11 PRESIDENT POWERS: It's
12 pretty much out of order,
13 isn't it, Pete?

14 PETE STETZ: Well, I
15 can't rule that it's out
16 of order.

17 PRESIDENT POWERS: It's
18 vetted by many attorneys.
19 It's been before us
20 before. These are our
21 members. This could be
22 detrimental to our
23 membership and to the

167

1 association official or
2 officer not less than six
3 consecutive months. Has
4 not been otherwise
5 disqualified under other
6 provisions as set forth in
7 this constitution.

8 Adding the following
9 line: has not worked for
10 or been assigned under any
11 of the titles or divisions
12 known as IG or OSI.

13 Wisdom to keep those
14 who are responsible to
15 investigate members and
16 titles represented by
17 NYSCOPBA, from holding
18 executive board officer
19 positions. Avoiding
20 conflict of interest and
21 preserving the integrity,
22 confidentiality required
23 for these positions,

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1 organization as a whole.
2 Ruled out of order.

3 PETE STETZ: Fourth and
4 final. Article 7, dues.
5 It was a late add on.
6 It's not part of our
7 packet. It was noted
8 attached in one of the
9 later e-mails. It was
10 submitted by Ken Gold out
11 of Orleans.

12 The dues for active
13 members shall be fifteen
14 and fifty cents, fifteen
15 dollars and fifty cents
16 per pay, through payroll
17 deductions, commencing
18 January 1st, 1999. The
19 dues for active members of
20 the association shall
21 automatically be increased
22 by the same percentage as
23 the increase in the salary

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1 of members of the
2 Collective Bargaining
3 unit.

4 Adding, not to be taken
5 retroactively from all
6 active members. No such
7 increases in dues of the
8 association shall be
9 effective until the
10 effective date of each
11 such increase in salary of
12 members of the collective
13 bargaining unit. The
14 executive board shall
15 compute and announce the
16 amount of the revised dues
17 whenever they are -- there
18 is to be an increase in
19 dues based upon an
20 increase in salary.

21 Dues for the
22 association members shall
23 be fifty dollars per year.

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1 And the dues for honorary
2 members will be twenty
3 percent more than the
4 associate member. The
5 dues obligation shall be
6 waived by any member who
7 has been taken off their
8 respective agencies
9 payroll due to any of the
10 following:

11 Suspension from a
12 Notice of Discipline,
13 military leave, sick
14 leave, FMLA or Workers'
15 Compensation leave. Until
16 such time as the member is
17 returned to the payroll or
18 their employment is
19 terminated.

20 Wisdom, no need to
21 burden a member by taking
22 additional monies from
23 years of percent increases

170

1 that have been already
2 passed as a budget for
3 said years at close.

4 This was taken in by us
5 and we forward it to the
6 finance committee for
7 their opinion on this.
8 And what I'm told is they
9 are for non adoption of
10 this. Any discussion on
11 this? Thank you. Have a
12 good evening.

13 PRESIDENT POWERS:

14 Heath, Election
15 Committee.

16 HEATH ALLEN: Heath
17 Allen, Election Committee.
18 The next step in the local
19 elections is the absentee
20 ballots. Anyone
21 requesting an absentee
22 ballot has to submit in
23 writing to the local

171

1 election committee chair
2 person their request for
3 absentee ballot.

4 The request have to
5 reach member services by
6 July 16th. Then they will
7 receive their ballot in
8 the mail. It has to be
9 mailed back to NYSCOPBA
10 member services by July
11 30th. That's all you I
12 got. Any questions?

13 VP MID-HUDSON MAZZELLA:
14 Good afternoon, Brother.
15 So I have an open
16 committee spot on Veterans
17 Committee, which I think
18 needs to be filled because
19 it hasn't been filled in a
20 while. It's a steward,
21 that I know is a veteran,
22 he's been on before. He's
23 probably going to get

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reelected again. I'd like to get it filled before -- because it's completely empty -- before we have to go to another EA, wait to get it filled there. And we won't have a representative for five months.

So, is it okay if we fill it today?

HEATH ALLEN: John Roberts, can you step up to the mic?

VP NORTH ROBERTS: John Roberts, northern region. The only problem is stewards reset as of August 1st. The committees will also reset. You're not guaranteed to be on those committees. New chiefs,

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new, whoever has been filled in since people two years ago.

So, in September we're going to have be doing this at the microphone. You will have a regional meeting I assume in August, fill your committees. You can fill it if you want, but we're going to be resetting August 1st.

VP MID-HUDSON MAZZELLA: It is for the Veterans Committee, I don't know how often they meet, because I'm not on that committee. So is there a possibility I'm going to have non representation for what, two and a half, three months?

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VP NORTH ROBERTS:

John, how many months do you meet?

VP LAW ENFORCEMENT

HARMON: Every other month at the EA. Or, if Eladio comes to the office.

VP NORTH ROBERTS:

If you want to fill it, you can.

VP MID-HUDSON MAZZELLA:

Why don't we just fill it to make it easy.

HEATH ALLEN: All right, go ahead.

VP MID-HUDSON MAZZELLA:

I nominate Joe Carroll out of Woodbourne for the Veterans Committee.

HEATH ALLEN: Any other questions? Thank you.

PRESIDENT POWERS:

Steve Carknard, PAC.

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STEVEN CARKNARD: PAC

Pack starting balance as of 5/6/19, two hundred one thousand, one hundred eighty-nine dollars. Deposits and transfers. May transfer of twenty-five thousand dollars, for a total income of twenty-five thousand.

Checks paid, 3353 to 3357, for twenty-seven thousand, seven hundred forty dollars. For a total expense of twenty-seven, seven forty. Ending balance, one hundred ninety-eight thousand, four hundred forty-nine. 2019 year to date expenditures eighty-one thousand fifty

176

1 dollars.

2 PRESIDENT POWERS:

3 Thanks, Steve. Finance?

4 CHRIS FEAR: Chris

5 Fear, Mid State.

6 ED TROMBLEY: Ed

7 Trombley, Moriah. We were
8 the trustees for the audit
9 and everything went fine.
10 No discrepancies noted.

11 TREASURER GILBO: You
12 have them in your packets,
13 take them, review them and
14 ask any questions if you
15 have them at the next EA
16 or whatever. But we came
17 through it fine. If you
18 have questions about it
19 next time, bring them back
20 to us and I'll answer
21 them.

22 We're in good standing,
23 lots of money. Go

177

1 disability or service
2 issues. It doesn't have
3 to say anything but that.

4 For some odd reason the
5 MOU for, and the special
6 paper option for the
7 Memorial Day, Veterans
8 Day, I don't know why we
9 have to cover that but
10 have had to cover that
11 about ten times with
12 members. We don't get
13 that day off for being
14 veterans. We have to
15 follow seniority at all
16 times.

17 So that's what we had
18 to cover. The Veterans
19 members tour will be
20 completed by the end of
21 today. Details will on
22 the website, so will these
23 minutes. And of course

179

1 NYSCOPBA. Thank you.

2 PRESIDENT POWERS:

3 Eladio, Veterans.

4 ELADIO MARTINEZ:

5 Good afternoon. Welcome
6 back, Joe. The committee
7 met today. We got a few
8 things to cover, one is
9 for -- we covered it last
10 month for the five
11 additional days for sick
12 time for the combat vets.
13 They need to make sure the
14 documentation is correct.

15 If anybody has any
16 questions for that,
17 Directive 2202, page four,
18 granting of prior accrual
19 sick time has to be
20 conforming to that. And
21 it has to say connected
22 with health related issues
23 connected through services

178

1 the vacancy is filled.

2 And we had three activated
3 members; two guys out of
4 Sing Sing and one member
5 out of Five Points. Any
6 questions? Okay
7 thank you.

8 PRESIDENT POWERS: We
9 do have a report from the
10 OSI Committee. Scott
11 Carpenter?

12 VP CENTRAL CARPENTER:
13 Good afternoon. Scott
14 Carpenter, OSI chair. OSI
15 committee, we called a
16 meeting with OSI and DOCCS
17 officials on June 24. The
18 main issue of this meeting
19 was false reports, getting
20 a lot reports throughout
21 the state that the PREA
22 complaints are going
23 through the roof.

180

1 We had this meeting at
2 DOCCS headquarters. The
3 meeting was the members of
4 the OSI committee, myself,
5 Steve Mehar, he was Deputy
6 Commissioner. Assistant
7 Chief Darren Miller and
8 Deputy Chief Christian
9 Nunez.

10 DOCCS claims that they
11 get on average 2200 PREA
12 complaints annually. Due
13 to the regulations with
14 PREA outlines, guidelines,
15 all PREA complaints must
16 be investigated.

17 DOCCS claims that
18 eighty percent are
19 classified as
20 unsubstantiated; ten
21 percent are substantiated
22 and ten percent are
23 classified as unfounded.

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1 reviewing it, they should
2 issue a misbehavior
3 report.

4 My suggestion to the
5 chiefs in this room at
6 your labor management
7 meetings, ask them, let
8 them know that we're being
9 told that the facilities
10 are being reported back,
11 the unfounded claims, the
12 inmate should be issued a
13 report and we need to
14 follow up on that.

15 If you're having
16 difficulty, if you're
17 having issues, let us
18 know. Deputy Chief Nunez
19 has made a statement, he
20 said if you're having
21 difficulty with your
22 facility, let him know and
23 he will call them.

183

1 Substantiated claims of
2 course are prosecuted to
3 the extent of the laws
4 that govern the acts of
5 this type. The
6 unsubstantiated claims are
7 ones that they don't
8 really -- there's no
9 evidence that said
10 something happened,
11 there's no evidence to say
12 nothing happened, so those
13 are the ones that get
14 pushed to the side.

15 The unfounded claims
16 where they find that the
17 inmate is lying and made a
18 false claim, the way they
19 explained it to us is when
20 this happens, they notify
21 the facility, send a BUCK
22 slip back. And they tell
23 the facility that after

182

1 The inmates that do
2 frequent flyers that file
3 a lot of PREA complaints,
4 they were -- the OSI was
5 very adamant about wanting
6 to help prosecute these
7 inmates when they're
8 unfounded.

9 Again, they said if
10 you're having issues with
11 your DAs, let them know
12 and they'll reach out to
13 the DA. While we were
14 also there we discussed
15 about the employee frisks
16 and their members wearing
17 name tags. They did state
18 that they would notify OSI
19 investigators to make sure
20 name tags were ordered and
21 worn.

22 They did send an e-mail
23 out, I did see a copy of

184

1 that e-mail so I know they
2 seen it out to him. So if
3 you're having issues let
4 us know and we'll address
5 it through OSI.
6 Questions, comments,
7 concerns?

8 ANDY RICE: Rice,
9 Elmira. Why are we
10 writing misbehavior
11 reports when they're doing
12 the investigation and
13 they're finding it
14 unfounded? They write
15 misbehavior reports on
16 other investigations, they
17 should be the ones writing
18 these misbehavior reports.

19 VP CENTRAL CARPENTER:
20 We're at the point as long
21 as a misbehavior report is
22 written, when they send it
23 back to the facility, the

185

1 they're refusing to
2 identify themselves, just
3 like any other DOCCS
4 employee, they should have
5 a name tag on. So if you
6 got an issue, just let us
7 know.

8 AL ZAPPALA: I just
9 needed the clarification
10 because I was going to
11 keep an eye on it.
12 Because if it's just
13 specified to the forty men
14 teams, if that's what they
15 agreed to --

16 VP CENTRAL CARPENTER:
17 Every employee of DOCCS is
18 required to wear a name
19 tag. OSI agents are also
20 employees of DOCCS. You
21 got a problem, let us
22 know.

23 VP SOUTH LUTHER:

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1 facility is being directed
2 to issue the report.

3 ANDY RICE: The
4 facility administration.

5 VP CENTRAL CARPENTER:
6 If it continues to be a
7 problem, please get ahold
8 of me. Send me an e-mail,
9 let one of the OSI
10 committee members know.

11 AL ZAPPALA: Al
12 Zappala, Shawangunk.
13 Clarification, the name
14 tag for OSI, will that be
15 every time they come in or
16 only for those employee
17 searches, when they come
18 in forty men teams?

19 VP CENTRAL CARPENTER:
20 We were specifically
21 addressing the 40 men
22 teams. But if you got OSI
23 that's coming in and

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1 Luther, southern, region.
2 Let's just back up to the
3 PREA, number one. And I'm
4 unclear as to who are
5 writing the misbehavior
6 reports number one. And
7 I'm unclear, if they're
8 going to try to prosecute
9 these frequent flyers that
10 are filing the complaints,
11 who is supposed to notify
12 the DA? The officer is
13 not going to notify the
14 DA.

15 VP CENTRAL CARPENTER:
16 No, it would fall back on
17 the facility.

18 VP SOUTH LUTHER: So
19 how do we go about
20 assuring that when the
21 case is closed as being
22 unfounded, that the
23 administrations are

188

1 actually doing this?
2 Because it's months later
3 before any officer gets a
4 notice that we have closed
5 this investigation.

6 VP CENTRAL CARPENTER:
7 Right. I have seen a lot
8 of notices come through.

9 VP SOUTH LUTHER: You
10 may, I seen them, too.
11 But they're usually nine,
12 ten, twelve months later.

13 VP CENTRAL CARPENTER:
14 Well, if they close their
15 investigation, then they
16 got to issue misbehavior
17 report.

18 VP SOUTH LUTHER: My
19 question is whom?

20 VP CENTRAL CARPENTER:
21 The way OSI directed it to
22 us was it's directed back
23 to the facility, the

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1 facility executive team is
2 recommendation to write
3 the misbehavior report.
4 Who in the executive team,
5 I would suggest you ask
6 your individual executive
7 teams who is going to do
8 that. If they want the
9 officer to write it, let
10 us know.

11 VP SOUTH LUTHER: That
12 will be interesting, that
13 would probably be less
14 painful than slamming my
15 hand in a window. Very
16 well. Thanks.

17 VP CENTRAL CARPENTER:
18 Any other questions on
19 OSI? Okay. Thank you.

20 PRESIDENT POWERS: That
21 concludes committee
22 reports. With no
23 objection, move to

190

1 tomorrow's agenda. All in
2 favor?

3
4 (Response of "Aye".)

5
6 PRESIDENT POWERS:
7 Anybody opposed?

8
9 (No Response.)

10
11 PRESIDENT POWERS: Any
12 old business? Seeing
13 none, we'll move to new
14 business. In your packets
15 first motion I believe in
16 your packets to approve
17 the amended NYSCOPBA
18 retiree chapter policy.
19 That motion has been asked
20 added to tabled by the
21 maker. The motion to
22 obtain more information
23 from our broker, our

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1 insurance broker regarding
2 some financial aspects of
3 the policy. So we'll
4 table that until the next
5 time.

6 Next motion is for
7 the southern region, all
8 active members of the
9 southern region to
10 officially appoint Dave
11 Luther as the southern
12 region vice president upon
13 approval of the Executive
14 Assembly in the southern
15 region.

16 Motion is made by the
17 executive board. Any
18 discussion with the
19 motion? Southern region,
20 all in favor signify by
21 saying aye?

22
23 (Response of "Aye".)

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PRESIDENT POWERS:
Anybody opposed?

(No Response.)

PRESIDENT POWERS:
Thank you.

(Applause.)

PRESIDENT POWERS: Next motion, it's a long one. To spend up to 19 thousand dollars to hire CPA, PLLC to review the recent retro active checks received by the membership. This review shall consist of no less than fifty volunteer members.

The sample of fifty shall be comprised of ten

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should also look at how overtime rates changed and whether the rates being paid are correct.

The executive board shall assist in this review by providing the independent CPA PLLC with any information needed to perform this review. The board shall also facilitate this review by directly collecting any information needed or requested from the independent firm conducting the review from the State comptroller's office.

The results of this review shall be posted no later than seven days upon completion of the

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members with less than five years of service, ten members with six to ten years service, ten members of eleven to fifteen years of service, ten members with sixteen to twenty years of service, ten members of twenty-one to twenty-five years of service.

These members shall be willing to hand over copies of their paystubs and any supportive documentation to support the financial review for accuracy. This sample would test the accuracy of the State Comptroller's formula in determining how the retroactive wage was calculated. This review

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NYSCOPBA'S website. And all chief sector stewards will receive an e-mail of said report. Effectively giving the members information that already should be provided. In the event that there are inaccuracies or systemic calculating errors, the information will be brought to the attention of the membership as well any other state agency deemed appropriate, to ensure compliance.

A vetted CPA PLLC will be provided at the EA. Please see attached for an example of inaccuracies.

Wisdom, to ensure the membership receives and continues to receive the

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1 contractual rights that
2 were negotiated by
3 NYSCOPBA. Provide the
4 membership proper
5 representation by
6 verifying their
7 compensation is correct,
8 ease the memberships
9 concerns about
10 inaccuracies, provide the
11 membership remedies of
12 inaccuracies. Motion is
13 made by Tom Guest of
14 Gowanda and seconded by
15 William Sticht, Collins.
16 Discussion?

17 SHAWN HOWE: Shawn
18 Howe, Gowanda. I just
19 talked to Tom, he wants to
20 pull that. Sorry to make
21 you read that.

22 PRESIDENT POWERS: Any
23 objections to pulling the

197

1 motion?

2
3 (No response.)
4

5 PRESIDENT POWERS:
6 Could we have the
7 attorneys step out,
8 please?
9

10 (Whereupon, the
11 attorneys present then
12 exited the Executive
13 Assembly room.)
14

15 PRESIDENT POWERS:
16 Motion, legal
17 representation of NYSCOPBA
18 will be restricted by the
19 contractual raises of
20 membership. I.e. Lippes,
21 Mathias, Wexler, Friedman,
22 LLP or any other future
23 lead counsel that

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1 represents the good men
2 and women of NYSCOPBA,
3 will be represented to
4 raises contractually
5 obligated by the members.
6 If the membership gets
7 zero percent, the law firm
8 gets zero to percent. If
9 the membership gets two
10 percent, the law firm gets
11 two percent.

12 Wisdom, the monetary
13 compensation on the
14 consumer should dictate
15 the value of the vendor
16 services. Motion is made
17 by Tom Guest, Gowanda,
18 seconded by William Sticht
19 Collins? Discussion.

20 PAUL MIKOLAJAC: Paul
21 MIKOLAJAC, Sing Sing
22 Prison. I would ask the
23 maker of the motion to

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1 change legal
2 representation to
3 contractual
4 representation. Just in
5 case in the future they're
6 not our legal
7 representation for the
8 contract. They shouldn't
9 get blamed if another unit
10 is representing us and
11 brings back something less
12 than effective.

13 PRESIDENT POWERS: The
14 maker of the motion is not
15 present. Paul, you're
16 looking to amend the
17 motion?
18

19 PAUL MIKOLAJAC: Yes.
20 I'd like to amend the
21 motion to say, instead of
22 the legal representation
23 for the contract,
representation for the

200

1 negotiation of the
2 contract.

3 PRESIDENT POWERS: Read
4 it for me, the first
5 sentence.

6 PAUL MIKOLOJAC: The
7 contract negotiation
8 representatives of
9 NYSCOPBA will be
10 restricted by the
11 contractual raises. And
12 then read the rest the
13 same.

14 Because there is a
15 possibility that we might
16 not use these in the
17 future to represent us in
18 our contract talks. After
19 all, we didn't do very
20 well this last time.

21 PRESIDENT POWERS: I
22 just wanted to know how
23 you wanted it worded. Is

201

1 there a second to the
2 request for amendment?

3 VP LAW ENFORCEMENT
4 HARMON: I will second it.

5 PRESIDENT POWERS:
6 We're voting on the
7 amendment. I will read it
8 again. Don't take
9 offense to the spelling of
10 your name. Motion,
11 amended motion, this is
12 what we're voting on. The
13 contract negotiated
14 representatives of
15 NYSCOPBA will be
16 restricted by the
17 contractual raises of the
18 membership.

19 I.e. Lippes, Mathias,
20 Wexler, Friedman, LLP or
21 any other future lead
22 counsel that represents
23 the good men and women of

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1 NYSCOPBA, will be
2 represented to raises
3 contractually obligated by
4 the members. If the
5 membership gets zero
6 percent, the law firm gets
7 zero to percent. If the
8 membership gets two
9 percent, the law firm gets
10 two percent.

11 Wisdom, monetary
12 compensation of the
13 consumer should dictate
14 the value of the vendor
15 services. Motion made by
16 Tom Guest, seconded by
17 William Sticht. Any
18 discussion, Dorn, on the
19 amendment?

20 DONN ROWE: Donn Rowe,
21 Hale Creek. The whole
22 motion is ridiculous. I
23 mean, you hired Kohler and

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1 Isaacs, you paid him up
2 front. You can't --
3 you're not going to be
4 able to negative with any
5 contract, expert or legal
6 representation or contract
7 or arbitration, whatever
8 it is, you're not going to
9 hire them up front by
10 saying, whatever we get,
11 you get. It's not gonna
12 happen. And it's
13 unprofessional.

14 PRESIDENT POWERS: You
15 won't get any services for
16 it. Think about -- you're
17 basically referring to the
18 amended version, he's
19 referring to the motion as
20 a whole.

21 VP LAW ENFORCEMENT
22 HARMON: John Harmon, Law
23 Enforcement Vice

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1 President.

2 PRESIDENT POWERS: On
3 the amendment?

4 VP LAW ENFORCEMENT

5 HARMON: I mean, on the
6 amendment, regardless of
7 who the representation for
8 the contract is, the issue
9 is, let's just say it is
10 Lippes, we are gonna need
11 them to break down --
12 they're representing us in
13 our contract is within the
14 retainer. It's in the
15 contract. When we go
16 outside the contract, if
17 we hire a different, as
18 Steve Isaacs did, that was
19 a separate fee.

20 So do we just build off
21 what the previous fee was
22 and go forward and add two
23 percent. I mean, the

205

1 problem is as Donn said,
2 it's tying our hands to
3 who or what we want for
4 contractual purposes. I
5 would say that would
6 probably include if we
7 hired a independent for
8 arbitration, that would be
9 included in the same type
10 of contract.

11 And the problem, the
12 precedent this sets is
13 tying our hands for
14 future vendors based on
15 other contracts that we
16 negotiate, whether it's as
17 much as fixing an elevator
18 to an attorney. I think
19 this is a -- this motion
20 doesn't hold the muster to
21 do anything for us and it
22 actually hurts us in a lot
23 of ways.

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1 EXECUTIVE VP SAWCHUK:

2 Mike?

3 PRESIDENT POWERS:

4 Yeah, I tend to concur
5 here with the -- Powers
6 President. Thanks, Bob.
7 I tend to concur. They're
8 a private business and
9 it's no different than any
10 other vendor that's out
11 there. Who are we to
12 dictate how they do their
13 business and how they
14 proceed forward with any
15 vendor.

16 John hit it on the
17 nail. Donn hit it on the
18 nail. If we do that,
19 before you know it, we're
20 not going to have
21 representation. If we're
22 looking to cap something
23 for the value that we have

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1 with what we have right
2 now, if they were to just
3 throw it up in the air,
4 I'm not saying they would,
5 but personally without
6 getting into the weeds, I
7 have dealt with a lot of
8 lawyers.

9 And when they charge by
10 the hour, man, you start
11 to see it. And if that
12 were to ever happen, I
13 don't think it ever would
14 not with an entity as big
15 as ours, but if that were
16 the case we wouldn't be
17 worried about five dollars
18 for separation benefit
19 because there wouldn't be
20 one.

21 VP MID-HUDSON MAZZELLA:
22 Mike Mazzella, Mid-Hudson
23 region. Just speaking on

208

1 the amendment. So,
2 basically you're building
3 in a possible bonus after
4 you've already negotiated
5 a fee for them to
6 negotiate a contract,
7 right, Paul? On that
8 amendment.

9 PAUL MIKOLOJAC: No.

10 VP MID-HUDSON MAZZELLA:
11 The way you're saying it's
12 for people that actually
13 negotiate contracts, let's
14 take Steve Isaacs, I don't
15 remember what his fee was.

16 DAVE VIDDIVO: One
17 fifty.

18 VP MID-HUDSON MAZZELLA:
19 We've already agree to pay
20 him a hundred fifty
21 thousand now. If he gets
22 us zero, he still gets his
23 hundred and fifty

209

1 thousand. But if the team
2 gets us two, now we're
3 going to throw two percent
4 on top of his hundred and
5 fifty thousand? I think
6 that's what you're saying.

7 PAUL MIKOLOJAC: My
8 understanding is this says
9 the legal representation
10 of NYSCOPBA will receive
11 whatever we receive in the
12 contract. But if they're
13 not the same people to
14 negotiate, because if this
15 the governing body decides
16 that we haven't gotten
17 enough for our members for
18 the last fourteen years
19 and we want a different
20 set of attorneys to
21 represent us, should this
22 attorney firm be penalized
23 for whatever another

210

1 attorney firm brings us
2 in?

3 This clearly says, they
4 get penalized or they
5 receive what we receive,
6 for their legal
7 representation, for all
8 they do throughout the
9 year. All the Q and As,
10 all the NODs. See? So
11 all I'm saying is
12 shouldn't the people that
13 do the work be held
14 accountable? And in my
15 opinion, this makes a nice
16 motion, but you people
17 might choose they didn't
18 do well enough, they want
19 a different set of
20 attorneys to represent us
21 in the contract.

22 MR. MCGOWAN: McGowan,
23 Mid-State. What's the

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1 percentage based on? If
2 we have a fee that we're
3 basing it on, how do we
4 take percentages, add to
5 or take away from it. So
6 if we give them two
7 hundred thousand dollars
8 and we don't like them, we
9 take it away? I don't
10 understand what the
11 percentage is based on.
12 Thank you.

13 PRESIDENT POWERS: Do I
14 need to read the motion
15 again? The amendment, I
16 apologize? All in favor
17 of the amendment
18 significant by saying aye?

19
20 (No Response.)

21
22 PRESIDENT POWERS:
23 Opposed?

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(All respond with nay.)

PRESIDENT POWERS: Safe to say we're good with the other motion as well? All in favor signify by saying aye?

(Response of aye from floor.)

PRESIDENT POWERS: All opposed.

(Response of nay from the floor by majority.)

PRESIDENT POWERS: Attorneys can come back in, please. Okay. Here we go. Ready? Motion, Sing Sing Prison NYSCOPBA

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representative at the next EA will make the following motion:

NYSCOPBA will send via e-mail copies of all motions made at all EAs to all stewards. This will be done ten days of the end of the EA.

Wisdom of the motion, this will aid stewards and best inform the dues paying members of what and how things are being done. Just plain transparency. Motion is made by Paul Mikolojac, Sing Sing. Do we have a second?

TOM MASKA: Tom Maska, Fishkill.

PRESIDENT POWERS Discussion on the motion?

VP MID-HUDSON MAZZELLA:

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Mike Mazzella, Mid-Hudson.

As written, you just want copies of the motions? That doesn't say results of any votes or -- so, do you want just copies of motions made or do you want what the voting results were? Whether it was seconded or not seconded? It's more information then you probably need on that motion, if that's what you want, in my opinion.

PAUL MIKOLOJAC: This motion was made at one of our sector meetings. And I believe what the maker of the motion wanted was to just know what gets adopted and what gets voted down. So on the

215

motion all you have to say is affirmed or denied.

UNIDENTIFIED SPEAKER: They're in this packet.

PAUL MIKOLOJAC: Exactly, the packet that goes out to the chiefs just prior to the EA. So now, this is what happens, our members ask what happened at the EA. Now, we all know the chiefs are doing their very best and I appreciate what all of you are doing but the reason we have other stewards is so they can help.

Now, most of the stewards don't get this information until after the fact. This would just simply help stewards say,

216

1 yeah, seven motions got
2 made; three got ratified
3 and four got defeated.
4 I'm not asking for
5 anything to be sent out
6 via mail, at any cost, but
7 just send it out e-mail to
8 those that already have it
9 on record.

10 In some cases they do,
11 some cases they don't. In
12 some cases the chiefs
13 don't get it for eighty or
14 forty days. I mean, the
15 last EA, wasn't their a
16 ninety day period between
17 the December EA and the
18 march EA. This would give
19 to the members a lot
20 earlier.

21 RECORDING SECRETARY
22 SUMMERS: Chris Summers,
23 recording secretary. That

217

1 website?

2 RECORDING SECRETARY
3 SUMMERS: After they get
4 approved. Once they get
5 approved, they go on the
6 website.

7 PAUL MIKOLOJAC: So
8 what we're asking for is,
9 can't we just have the
10 motions put out ten days
11 later? Is there some sort
12 of policy or
13 constitutional amendment
14 against it, that the
15 members get this
16 information in a more
17 timely fashion.

18 RECORDING SECRETARY SUMMERS
19 : So you're asking for
20 the motion that's not
21 approved to go out to the
22 members?

23 PAUL MIKOLOJAC: See,

219

1 motion that you're asking,
2 everything is on the
3 website. The board
4 minutes, board motions,
5 the EA minutes, the EA
6 motions. All you got to
7 do is go on the website.
8 Any member can access
9 that.

10 VP MID-HUDSON MAZZELLA:
11 I just got to ask a
12 clarification question.

13 PAUL MIKOLOJAC: Just
14 for clarification, when do
15 those motions get posted
16 from one EA to the next?

17 RECORDING SECRETARY
18 SUMMERS: The EA minutes
19 get posted after --

20 PAUL MIKOLOJAC: Not
21 the minutes, just the
22 motions. When do the
23 motions get put on to the

218

1 the minutes aren't
2 approved but the
3 motions -- the minute this
4 body votes in the
5 affirmative, monies get
6 spent, actions get taken.
7 You don't wait for the
8 minutes to get approved to
9 take action on what the EA
10 had told you to do.

11 So that's not true. In
12 some cases you spend money
13 the next day when a
14 financial issue came up.
15 You didn't wait a 100 days
16 for the next EA and say,
17 now we can spend that
18 money, now we can take
19 that action.

20 According to Article 10
21 of the constitution, this
22 is the governing body and
23 their will will be done,

220

1 not when the minutes get
2 approved. If there was a
3 hundred days in-between
4 two EAs, we don't wait a
5 hundred days to move on a
6 financial motion.

7 I don't understand why
8 they wouldn't just e-mail
9 these affirmed or denied
10 motions out to all the
11 stewards, so they can give
12 them to the members, post
13 them on their bulletin
14 boards and give out
15 information.

16 PRESIDENT POWERS: Any
17 other discussion? Chris?

18 RECORDING SECRETARY
19 SUMMERS: My only question
20 is, you have the motions
21 here right now. We go
22 through them all, you guys
23 either approve them on

221

1 read it in again?

2
3 (Response of NO from
4 the floor.)

5 PRESIDENT POWERS: All
6 signify by saying aye.

7
8 (No response from the
9 floor.)

10
11 PRESIDENT POWERS:
12 Anybody opposed?

13
14 (All respond with
15 nay.)

16
17 PRESIDENT POWERS: The
18 next motion, here we go.
19 I move at this time the
20 Sing Sing Prison NYSCOPBA
21 representative the next EA
22 will make the following
23 motion:

223

1 deny them. Why aren't you
2 taking notes, making
3 copies and taking them
4 back to your facility and
5 posting them and handing
6 them out to your stewards.
7 Isn't that why you have
8 the steward meeting?

9 KEVIN O'DONNELL:
10 O'Donnell, Acting Chief.
11 To spin off what you were
12 saying Chris, the chiefs,
13 we all do a great job, we
14 are elected by our
15 stewards to begin with.
16 If you're not going back
17 and sharing information at
18 your facilities, then you
19 obviously need to change
20 your chief sector
21 stewards.

22 PRESIDENT POWERS: Move
23 the motion. Do I need to

222

1 NYSCOPBA shall not
2 allow any contract book to
3 be printed that doesn't
4 have all zeros of the
5 contract clearly defined
6 within its pages. Along
7 with this, the percentage
8 of the medical insurance
9 members pay, i.e.
10 thirty-one percent will be
11 clearly printed.

12 Wisdom of the motion,
13 in our last contract there
14 were thirteen zeros --
15 wisdom of the motion,
16 three zeros to salary,
17 five zeros to expanded
18 duty pay, five zeros to
19 location pay, none of
20 which were in the contract
21 book.

22 Number two, Article
23 11.12 speaks of

224

1 retroactive medical costs,
2 it doesn't say how the
3 amount will be formed.
4 Going from paying
5 twenty-five percent, then
6 the give back of six
7 percent, for an increase
8 of 19.38 percent, cost to
9 the members per check.
10 It's just plain
11 transparency. Motion is
12 made by Paul Mikolojac.
13 Do we have a second?

14 MR. VAN TASSEL: Don
15 Van Tassel, Fishkill.

16 PRESIDENT POWERS
17 Discussion? This motion
18 was before us in March.
19 All in favor signify by
20 saying aye?

21
22 (Response of "Aye" made
23 by Paul Mikolojac.)

225

1
2 (Response of aye from
3 the floor.)

4
5 PRESIDENT POWERS
6 Opposed?

7
8 (Response of nay from
9 the floor.)

10
11 PRESIDENT POWERS: I
12 apologize. This was
13 brought before us in
14 March, I believe. We do
15 have a legal opinion on
16 this. Civil Service Rule
17 21.10, employee shall be
18 allowed to leave with pay
19 to take NYS Civil Service
20 Examinations at the
21 appropriate center
22 provided that due notice
23 is given by the employee

227

1
2 PRESIDENT POWERS:
3 Anybody opposed?

4
5 (All respond with nay.)

6
7 PRESIDENT POWERS: Next
8 one. I move that NYSCOPBA
9 file litigation so that
10 all members receive state
11 time to take any
12 promotional exam.

13 Wisdom of the motion,
14 currently tour three is
15 not given state time to
16 take promotional tests.
17 If it's always state time
18 for all tours, then all
19 state should be as well.
20 The motion is made by Paul
21 MIKOLOJAC, seconded by Don
22 Van Tassel. Discussion?
23 All in favor?

226

1 to the appointing
2 authority.

3 Again, this is Civil
4 Service. That is a rule
5 that governs all employees
6 covered under the
7 attendance rules. This
8 was basically vetted, and
9 Erin I believe gave an
10 opinion at the March EA.

11 ERIN PARKER: This
12 particular issue is
13 addressed by Civil Service
14 Rule, the default rule is
15 Civil Service Rule 21.10
16 that gives you the time
17 off for the exam. Any
18 further time off than just
19 for the actual exam is a
20 function of negotiation.

21 In fact, we do have in
22 our collective bargaining
23 agreement in Article

228

1 15.3D, additional time off
2 for another set of
3 individuals. There
4 wouldn't be a possibility
5 of litigation on this
6 because the Civil Service
7 Rule is the rule that's
8 the baseline. If you want
9 anything more, it would
10 have to be negotiated.

11 And other collective
12 bargaining agreements have
13 various versions of more
14 time off that they have
15 negotiated. Any
16 questions?

17 PAUL MIKOLOJAC: If
18 this is a contractual
19 issue and we didn't get it
20 in this contractual
21 go-round, I'll pull the
22 motion.

23 ERIN PARKER: This is a

229

1 to review the proposal and
2 have membership meetings,
3 instruct their chiefs on
4 how to vote. This all
5 will be done before
6 attempting to have any EA
7 vote on any contract
8 proposal in any way.

9 Wisdom of the motion.
10 One, this will allow the
11 sectors to have time to
12 have meetings and then get
13 their EA delegate
14 direction on how to
15 proceed. Two, this will
16 finally allow the dues
17 paying members to, give
18 direction to, not
19 suggestions to, the
20 contract team and the
21 executive board during
22 negotiations, which is
23 their right under both

231

1 contractual issue, if
2 you're asking that.

3 PAUL MIKOLOJAC: Okay.
4 Then I'll pull the motion.

5 PRESIDENT POWERS:
6 Maker of the motion pulled
7 the motion. Ready?
8 Another long one.

9 I move that it be
10 NYSCOPBA policy when the
11 contract team has contract
12 proposal that they wish to
13 present, the following
14 procedure will be adhered
15 to. The details of the
16 proposals shall be
17 disseminated to the
18 sectors and placed on the
19 NYSCOPBA website for the
20 dues paying members to
21 review.

22 The members will have a
23 minimum of fifty-five days

230

1 NYSCOPBA's constitution
2 and Roberts Rules of
3 Order.

4 Number three, if any
5 retroactive payments are
6 ever jeopardized, it will
7 be the members themselves
8 taking the risk the way it
9 should be. Motion is made
10 by Paul MIKOLOJAC,
11 seconded by Don Van
12 Tassel. Discussion?
13 John?

14 VP LAW ENFORCEMENT
15 HARMON: John Harmon, law
16 enforcement vice
17 president. First, are we
18 talking about a final
19 contract proposal as in,
20 we have come to an
21 agreement? Or the
22 proposals that you talk
23 about throughout the

232

1 contract negotiations?
2 Because that's -- not that
3 I agree either way, but
4 that's a big issue here in
5 determining what this
6 means.

7 PAUL MIKOLOJAC: Just
8 as the final proposal
9 comes to this board to be
10 voted on, that final
11 proposal would be sent out
12 to the members. The
13 members would have time to
14 digest, then tell their
15 delegates whether they
16 wanted to vote yeah or
17 nay, whether it be sent
18 out.

19 Currently, that doesn't
20 happen. The members don't
21 get to give the chiefs any
22 input until after the
23 chiefs have sent it out

233

1 for ratification. This
2 would simply put all the
3 weight back on the dues
4 paying members for use as
5 the delegates.

6 Just the one proposal,
7 the final proposal that's
8 going to be reviewed,
9 would be reviewed by the
10 members first to give
11 their chiefs direction.
12 The whole reason I think
13 that we set this up back
14 when we did, right?

15 PRESIDENT POWERS: We
16 do meet. We bring all the
17 chiefs up here and talk
18 about the contract.

19 PAUL MIKOLOJAC: Yes,
20 but the members don't get
21 to tell the chiefs how to
22 vote. The chiefs vote --

23 PRESIDENT POWERS:

234

1 Shouldn't be telling
2 anybody how to vote, my
3 opinion anyway.

4 PARISH FRAZIER: Parish
5 Frazier, Taconic, PAC
6 Committee. The stewards
7 are the representation,
8 the voice of the people at
9 the facility. That's why
10 they come up, that's why
11 they voted in. That's
12 already technically the
13 process itself.

14 If the chief steward is
15 who you voted for to be
16 your voice, the person you
17 believe the belief or the
18 feelings that you do, they
19 represent you, that's the
20 whole point of the
21 process. That's why the
22 chiefs decide to send it
23 back after they agree with

235

1 it. I think it's fine the
2 way it is.

3 PRESIDENT POWERS:
4 John?

5 VP LAW ENFORCEMENT
6 HARMON: John Harmon, Law
7 Enforcement VP. The issue
8 comes, and I understand
9 what you're saying Paul.
10 But the issue comes with
11 you have proposals --
12 final contract proposals,
13 means you come to a
14 tentative agreement. And
15 you have a tentative
16 agreement and before we
17 bring it here, which is
18 the governing body, we
19 send it out to twenty-two
20 thousand people because
21 that's where it's going,
22 right on Facebook and
23 Twitter, Instagram and

236

1 whatever else anybody has.
 2 And you have five million
 3 people. And then they get
 4 to review it, and then it
 5 doesn't go forward, we
 6 just put all of proposals
 7 in public's view, which
 8 technically speaking when
 9 you go to contract
 10 negotiations, in Taylor's
 11 Law you cannot negotiate
 12 in public.

13 That is why the process
 14 we have is when we come to
 15 a final contract, we
 16 announce it to our chief
 17 sector stewards that we
 18 have an emergency meeting.
 19 And we bring all the chief
 20 sector stewards here for a
 21 special Executive Assembly
 22 meeting, for you to
 23 review. And all we do is

237

1 discuss whether this goes
 2 to the members or it
 3 doesn't.

4 Discussing the
 5 proposals and giving
 6 thirty thousand, forty
 7 thousand, a hundred
 8 thousand people to review
 9 it, remember if you're
 10 doing that, you don't
 11 think PEP and CSEA and
 12 Council 82 is taking it
 13 and digesting it and going
 14 to bastardize it, no
 15 matter how good or bad it
 16 is. That's what's going
 17 to happen.

18 That's why the process
 19 we have is the process we
 20 have. And there has to be
 21 some sense of
 22 confidentiality to the
 23 contract proposal because

238

1 if it doesn't leave this
 2 room, we just go back and
 3 negotiate more. That's
 4 why we don't do that.
 5 That's why that is the
 6 process.

7 PRESIDENT POWERS:
 8 Mike?

9 VP MID-HUDSON MAZZELLA:
 10 Mike Mazzella Mid-Hudson
 11 Region Vice President. In
 12 addition to everything
 13 John just said, I can
 14 understand if this was a
 15 delicate vote to accept a
 16 contract, right? If you
 17 were voting to accept the
 18 contract, but we have one
 19 man, one vote; one women
 20 one vote; one
 21 transvestite, one vote.

22 But that's what we
 23 have; one person, one

239

1 vote. So, really it
 2 doesn't matter. If
 3 everybody here agrees to
 4 send it to the membership,
 5 the membership will make
 6 the final decision, not
 7 everybody sitting in this
 8 room.

9 So whether they have
 10 the information fifty-five
 11 days in advance or not,
 12 the purpose of us giving
 13 you the information of a
 14 tentative agreement here,
 15 so you have the knowledge
 16 of how to explain it to
 17 your members when they
 18 start asking you the
 19 questions. That's the
 20 reason, Paul.

21 PAUL MIKOLOJAC: I
 22 might have this confused,
 23 so I was understanding

240

1 that the reason the
2 motions are part of the EA
3 packet, these motions get
4 sent to the chiefs so the
5 chiefs can have a meeting
6 and ask the members how
7 they want them to vote on
8 these motions.

9 These simple every day
10 issues get asked of the
11 members, how you want me
12 to vote. But yet, the
13 most important issue that
14 we have for the members,
15 other than retirement, is
16 the contract. And at no
17 time are they part of the
18 procedure until it's
19 already decided and sent
20 out for ratification.

21 What I'm suggesting is,
22 bring the members in a
23 little bit earlier so that

241

1 they feel there's not
2 enough financial in the
3 contract, they simply say,
4 you vote no until more
5 money is brought back.

6 See, a lot of members,
7 I know you're hearing it,
8 too, are saying NYSCOPBA's
9 just doing what it wants,
10 no matter how we vote.
11 This would give them the
12 ability to put influence
13 into the negotiation
14 process that's currently
15 not here.

16 PRESIDENT POWERS: I
17 disagree with that.

18 PARISH FRAZIER: Parish
19 Frazier, Taconic.

20 PRESIDENT POWERS: This
21 is vetted, as negotiations
22 continue -- all right,
23 whatever, sorry. Parish?

242

1 PARISH FRAZIER: Parish
2 Frazier, Taconic. As I
3 recall, NYSCOPBA put out
4 something allowing every
5 member to submit their
6 opinion and ask a few
7 questions. If the members
8 are not -- if you bring
9 them to the water but they
10 won't drink, then they
11 gonna stay thirsty.

12 At the end of the day,
13 if the opportunity is
14 given and the membership
15 does not decide to take
16 advantage of the
17 opportunity, giving the
18 information in any other
19 form is really not going
20 to change their intent.

21 The option was given.
22 I don't know if you
23 remember that but it was

243

1 given.

2 VP MID-HUDSON MAZZELLA:
3 I just want to make one
4 comment on what Paul just
5 said about voting as
6 delegates on motions made
7 at an EA compared to
8 voting on a contract.
9 Every member has the right
10 to vote on a contract
11 proposal. They have the
12 right to vote on that.

13 You guys are here to
14 vote on regular, every day
15 business that goes on
16 within NYSCOPBA. So you
17 can't compare a motion
18 made at an EA to compared
19 to a contract proposal.
20 It's two totally separate
21 universes.

22 So I just wanted to
23 make that clear. That,

244

1 yes, every member has a
2 right to vote on a
3 contract. Every member
4 does not have the right to
5 vote on motions made to
6 the EA. They have the
7 right to see what the
8 motions are going to be,
9 and relay information to
10 their chiefs for them to
11 make an informed decision
12 on what's going to happen
13 with those motions,
14 because they don't have
15 the right to vote on every
16 motion. But they do have
17 a right to vote on every
18 contract. Thank you.

19 PRESIDENT POWERS: Last
20 one, Paul.

21 PAUL MIKOLOJAC: Again,
22 I might be mistaken, but
23 the survey that went out,

245

1 unless I'm mistaken, had
2 absolutely no authority.
3 Not one contract mandate
4 was made from that. And
5 whether it was
6 twenty-three hundred or
7 twenty thousand, all of
8 those surveys were
9 suggestions. They
10 weren't, if we get enough
11 votes to go in this
12 direction, we will make
13 this contract demand.

14 In fact, I went to
15 Watertown and I asked the
16 question at the Watertown
17 contract meeting, how many
18 contract demands have we
19 gotten. Well, we have
20 over forty-four proposals.
21 There are no contract
22 demands from the
23 membership.

246

1 Now, I understand those
2 surveys, and by the way,
3 the ones that included
4 uniforms were really
5 interesting. Because I
6 didn't know that uniforms
7 were even a contractual
8 issue. But, yet, the ones
9 that got mailed to the
10 Sing Sing people all said,
11 issues like uniforms.

12 PRESIDENT POWERS:
13 Stick to the motion.

14 PAUL MIKOLOJAC: All
15 this is doing -- all this
16 motion is doing is
17 allowing the members to
18 give delegates, you the
19 chiefs. That's all it's
20 doing.

21 PRESIDENT POWERS:
22 Thank you. Any other
23 discussion? All in favor

247

1 signify by saying aye?

2
3 (One response of aye
4 from the floor.)

5
6 PRESIDENT POWERS
7 Opposed?

8
9 (Response of nay from
10 the majority of the
11 floor.)

12
13 PRESIDENT POWERS: Next
14 motion. I move at this
15 time, the Sing Sing Prison
16 NYSCOPBA representative
17 will move on the floor of
18 the upcoming EA:

19 NYSCOPBA will use all
20 means, including
21 litigation to force our
22 insurance providers to
23 cover, in parentheses at

248

1 the state rate of cost as
2 any other drug, end
3 parentheses, any and all
4 prescriptions for
5 cannabis. This is to
6 include oils and gel caps.

7 The wisdom of this
8 motion, members and their
9 families should not have
10 to risk opiate dependence.
11 We should be able to use
12 all legal methods of pain
13 management. Members and
14 their families should
15 never have to worry about
16 opioid poisoning. If not
17 us, who? If not now,
18 when? Seconded by Don Van
19 Tassel. Paul, the
20 Parliamentarian advises me
21 that this motion is out of
22 order based on the fact we
23 can't force the insurance

249

1 providers --

2 PAUL MIKOLOJAC: I was
3 given the impression that
4 there has been lawsuits
5 filed by other groups
6 around the nation for
7 insurance companies that
8 have refused other kinds
9 of cancer treatments.

10 And from my
11 understanding, I'm not a
12 health major and I don't
13 know a lot about holistic
14 healing. But from what I
15 have been told in the last
16 few years, because we've
17 been researching this,
18 there are, for our
19 retirees and our family
20 members, prescribed
21 cannabis treatments that
22 have less ill effects than
23 opiates.

250

1 The insurance companies
2 simply don't want to get
3 around to providing us
4 with that option.

5 Currently, if you get a
6 prescription for cannabis,
7 you pay about four hundred
8 seventy-five dollars per
9 hundred capsules. And
10 that is every time you
11 have to go. We need to
12 tell our insurance company
13 to get off their asses and
14 take care of our families.

15 PRESIDENT POWERS: I'm
16 still going to rule it out
17 of order, Paul. You're
18 correct in some aspects,
19 not in the State Insurance
20 Fund and not in any aspect
21 of law enforcement. And I
22 believe that to be
23 correct, right, Erin?

251

1 ERIN PARKER: Correct.

2 PRESIDENT POWERS: It's
3 not that we haven't vetted
4 this before. And it could
5 be legislative, it could
6 be medical purposes. The
7 State Insurance Fund is
8 not -- we've already been
9 down this road. Erin?

10 ERIN PARKER: First and
11 foremost, medical
12 marijuana still violates
13 federal law. It is still
14 a schedule one drug. And
15 it is then therefore
16 considered a violation of
17 federal law.

18 In fact, medical
19 marijuana in New York
20 State when you get that
21 prescription, it's not the
22 same as getting a
23 prescription on a

252

1 prescription pad, because
2 physicians are not able to
3 actually prescribe a drug
4 that violates federal law.

5 So what the loophole is
6 they are actually sending
7 you to the Department of
8 Health, which the
9 Department of Health
10 issues those cards. So it
11 is a violation of Federal
12 Control Substance Act.

13 And even more important
14 towards you ladies and
15 gentlemen in this room, it
16 is also a significant
17 problem related to your
18 employment because it's a
19 US Federal Gun Control Act
20 of 1968. And that has
21 been litigated a number of
22 times.

23 The Gun Control Act

253

1 that law. Interestingly
2 enough, that law was
3 challenged, the
4 implementation of that law
5 with respect to medical
6 marijuana has actually
7 been challenged in court
8 where individuals are
9 saying that it denies
10 their right to have a
11 pistol permit and carry a
12 weapon, if they have a
13 medical marijuana card,
14 which is valid in some
15 states.

16 And the courts have
17 said, no, and dismissed
18 that decision. And it did
19 actually go up for a
20 request for a writ to the
21 Supreme Court, and the
22 Supreme Court declined to
23 hear it.

255

1 does not allow any
2 individual to possess,
3 touch, have in any way,
4 shape or form a weapon, if
5 they use or have been
6 known to ever use a drug
7 that is listed as a
8 schedule one drug under
9 the Federal Control
10 Substance Act, which
11 marijuana is.

12 And because as COs you
13 have to be able to qualify
14 on a weapon every year,
15 this is the federal law
16 that they really cite to
17 as a violation if you have
18 medical marijuana. And we
19 have actually had to
20 address disciplinary
21 action for individuals
22 within this.

23 It is a violation of

254

1 CHUCK THOMAS: Chuck
2 Thomas, Auburn
3 Correctional. Now, I
4 understand the law very,
5 very well. So, here is
6 where I'm running into the
7 problem. My wife has
8 cancer. My wife doesn't
9 carry a pistol. My wife
10 doesn't have to turn
11 around, come in and
12 requalify every year. Why
13 doesn't the law firm
14 approach this when it was
15 amended in 2015, like I
16 said, I think a year and a
17 half ago?

18 Why -- now, we are not
19 federal employees, we are
20 state employees, correct?

21 ERIN PARKER: Yes, but
22 Federal Law --

23 CHUCK THOMAS: Now the

256

1 fall back eight years,
2 back to the federal law, I
3 understand the federal law
4 regardless believe it or
5 not, fairly well. Now,
6 our families don't fall
7 under that federal law
8 portion if they're
9 underneath the state.

10 ERIN PARKER: Under the
11 gun control portion.

12 CHUCK THOMAS: Correct.
13 So, why is it as a state
14 body, we're not governed
15 under the federal law
16 unless it's convenient for
17 the state to use it.

18 You're the lawyer,
19 you're the labor lawyer
20 so you know this, right?
21 And this is where I fall
22 into the category that my
23 family is not employed

257

1 people? Workers' Comp
2 covers it.

3 ERIN PARKER: I am not
4 aware of Worker's Comp
5 covering it.

6 CHUCK THOMAS: I am
7 very well aware. Now, at
8 the end of the day, where
9 are we at? I mean, CBD
10 they're selling all over
11 the place. CBD does not
12 show up on a urinalysis
13 test; THC component does.
14 Now, medical marijuana --

15 ERIN PARKER: Are we
16 talking about true medical
17 marijuana with THC or are
18 we talking about CBD? CBD
19 is different.

20 CHUCK THOMAS: There's
21 where there is confusion.
22 No, it's not. It's one of
23 the four components of

259

1 with the state.

2 ERIN PARKER: And
3 that's the issue with
4 respect to the insurance.
5 And I get what you are
6 arguing there. With
7 respect to health
8 insurance, your wife isn't
9 going to have the same
10 legal problems with the
11 Federal Gun Control Act.

12 Now, with health
13 insurance, health
14 insurance companies will
15 not approve on their
16 prescription list a
17 medication that is not FDA
18 approved.

19 CHUCK THOMAS: Okay. I
20 got another question for
21 you. Let me ask you, why
22 is it Workmen's Comp is
23 actually covering this for

258

1 medical marijuana that
2 they use.

3 ERIN PARKER: From the
4 purposes of the law, it's
5 different.

6 CHUCK THOMAS:
7 Underneath the law, the
8 THC component may be
9 needed for some people
10 that allow the
11 interruption in the
12 receptors to facilitate
13 CBD to do its job.

14 So why do you want to
15 give my family opiates, at
16 the end of the day, which
17 is great, hey, let's hook
18 them on heroin and pull
19 them away. Now they're
20 running down the street
21 looking for heroin,
22 basically it's legal
23 heroin, yes, any opiate

260

1 out there.

2 So, are we catering to
3 pharmaceuticals here? Why
4 has the law firm not
5 approached this since
6 2015. Because underneath
7 our job, in the little
8 book that they tell us to
9 fall to, it's stipulations
10 of our employment, not our
11 families.

12 There's where my issue
13 comes in. I will tell you
14 right now, I'm not gonna
15 watch my wife get hooked
16 on heroin or Fentanyl,
17 that they want to put out
18 there. When I know dam
19 well CBD and THC is not
20 addictive.

21 You promote one thing
22 to me where somebody has
23 died from using THC or

261

1 the federal law.

2 ERIN PARKER: That's
3 correct.

4 VP MID-HUDSON MAZZELLA:
5 It's pretty simple. We
6 can't force them to do it.
7 The motion says to force
8 them. It can't be done.
9 Therefore, the motion
10 should be out of order
11 based just on that.
12 Thank you.

13 MR. MULLIN: Mullin,
14 Mohawk. I'm not here to
15 advocate for medical
16 marijuana or against it, I
17 don't care. The shock
18 value here, the New York
19 State Department of
20 Corrections has
21 implemented a law at Walsh
22 Regional Medical unit
23 medical marijuana, who

263

1 CBD, then you got your
2 story. Thank you. Have a
3 nice day.

4 ERIN PARKER: I
5 appreciate that you are
6 passionate about this --

7 CHUCK THOMAS: I am
8 because it's wrong.

9 ERIN PARKER: Okay.
10 Other issues?

11 VP MID-HUDSON MAZZELLA:
12 Well, just sticking to the
13 motion, because the motion
14 basically says to force
15 insurance carriers to
16 cover it, right? And in
17 Maine they tried that.
18 And it says, marijuana is
19 a schedule one drug, it
20 prevents the state law.
21 And the reasoning was you
22 cannot make any carrier or
23 insurance carrier break

262

1 paid for that?

2 PAUL MIKOLOJAC: Paul
3 Mikolojac, Sing Sing
4 Prison. This motion was
5 made in good faith for our
6 families and for the ten
7 thousand retirees that
8 don't have to requalify if
9 they choose to use
10 cannabis for some sort of
11 pain management.

12 If the wording needed
13 to be changed, I am more
14 than willing to sit down
15 and word this to whatever
16 needs to be done. I
17 worded it simple, turnkey
18 language. The insurance
19 companies are doing to us
20 now what they did back in
21 the '80s with anyone that
22 suffered from lymphoma.

23 They used to say

264

1 lymphoma was a death
2 sentence. They wouldn't
3 pay to treat our families.
4 The same thing is
5 occurring. Now, if the
6 wording needs to be
7 changed, I'll pull this
8 motion, I'll sit down with
9 whoever wants to, we'll
10 rewrite it and do it again
11 in sixty days.

12 The issue isn't going
13 to go away. Our families
14 are being poisoned by
15 opiates. Vicodin,
16 Percocet, Oxy, Morphine.
17 You can get all you need
18 for five dollars a scrip.
19 But for something that
20 isn't addictive, it
21 doesn't create the same
22 kind of physical effects
23 of withdrawal, we can't

265

1 alternative angel.

2 DAVE LUTHER: We
3 already did that a year
4 and a half ago when I
5 first brought this up.

6 VP LAW ENFORCEMENT
7 HARMON: Right.

8 DAVE LUTHER: Paul
9 Mikolojac and I do not
10 agree on a lot of things,
11 but in this particular
12 case I agree.

13 VP LAW ENFORCEMENT
14 HARMON: I guess the
15 question is, and I know
16 many that are in the same
17 boat as well, families,
18 what is the angle to take.
19 So, if there is an angle
20 to take that excludes us
21 but the wives, kids,
22 whatever it may be,
23 especially be the CBD oil,

267

1 get it because the
2 insurance companies don't
3 want us to have it.

4 PRESIDENT POWERS: Are
5 you pulling the motion,
6 Paul?

7 PAUL MIKOLOJAC: I'll
8 pull the motion.

9 PRESIDENT POWERS: We
10 can have some
11 conversations --

12 VP LAW ENFORCEMENT
13 HARMON: I was going to
14 add that maybe, because I
15 know from the contract and
16 doing the health
17 insurance, it's an issue
18 we couldn't approach. But
19 maybe we could send it to
20 health and welfare to look
21 at an alternative angle,
22 the health and welfare
23 committee to look at an

266

1 I know many, including
2 pets, that are doing the
3 CBD and different
4 variations of it, that are
5 very helpful.

6 So, I mean, if there is
7 an angle or some different
8 approach we can take to
9 look into this, I believe
10 we need to do it as well.
11 But unfortunately through
12 contract negotiations this
13 type of thing you just
14 can't negotiate.

15 PRESIDENT POWERS: Any
16 other new business I have
17 a couple announcements.

18 AL ZAPPALA: Al
19 Zappala, Shawangunk. Just
20 for clarification, maybe
21 the election committee can
22 give us direction. We
23 have the July 31st steward

268

1 elections coming up. And
2 just one issue is, as we
3 say, no write-ins on the
4 ballot.

5 If someone does a
6 write-in on the ballot,
7 does that make the ballot
8 totally void? And does
9 that also include any type
10 of writing on that ballot,
11 is the ballot totally
12 void?

13 HEATH ALLEN: Yes.

14 AL ZAPPALA: Okay.

15 VP MID-HUDSON MAZZELLA:
16 I have one last thing
17 before we end the new
18 business here, I just want
19 to make sure. Could I get
20 any chief or steward that
21 is in this room right now
22 who this is their last EA
23 because they're not

269

1 running again or retiring?
2 If you could all stand up.
3 This is your last EA. I
4 just wanted to thank you
5 guys for your service.
6 Thank you.

7 (All applause and
8 standing ovation.)
9

10
11 ANDY RICE: Rice,
12 Elmira. I just got a
13 couple issues that I'm
14 sure we'll all dealing
15 with. I know that our
16 jail -- you kind of
17 touched on staffing a
18 little bit earlier. We're
19 being stuck left and
20 right, all the time.

21 Probably all the big
22 jails, maybe even the
23 small jails, I don't know.

270

1 This Saturday, we got an
2 inmate festival that's
3 probably going to get ten
4 guys stuck that can't be
5 with their families on the
6 weekends.

7 This shit has got to
8 stop, and somebody
9 needs to -- Mike, you
10 hearing this?

11 PRESIDENT POWERS:

12 Sorry, go ahead.

13 ANDY RICE: Something
14 needs to be done with
15 this. I understand the
16 staffing, I get it. But
17 when we're doing inmate
18 programs that don't have
19 to be done so they can see
20 their families and we're
21 being stuck, mandated. I
22 know at our jail we're
23 being mandated probably on

271

1 average 16, 24 hours a
2 week, with five hundred
3 officers.

4 KAY GORDON: Come to
5 Bedford.

6 PRESIDENT POWERS:

7 Andy, we were able to help
8 Washington about a year
9 ago.

10 ANDY RICE: Okay.
11 Well, we have a festival
12 this weekend, can we reach
13 out to the Department say,
14 hey, let's get rid of
15 festivals.

16 PRESIDENT POWERS: I
17 don't know if I could get
18 you staffed for the
19 weekend but --

20 ANDY RICE: I'm not
21 asking for staff for the
22 weekend, I'm asking, let's
23 get rid of the festivals.

272

1 Let's help alleviate some
2 of it.

3 PRESIDENT POWERS:
4 Parish?

5 PARISH FRAZIER: Parish
6 Frazier, Taconic. I don't
7 know if it was mentioned,
8 I just wanted some
9 clarity, some of my
10 members asked me to find
11 out, just for Erin, on the
12 clear bag. I know it was
13 being negotiated what was
14 allowed. Do we get any
15 new information?

16 ERIN PARKER: We're
17 still working on it. We
18 have met with the State
19 once on exchanging bags,
20 the clear bag. We want
21 the bigger one, they want
22 this way smaller one. So
23 we're meeting with them

273

1 PARISH FRAZIER: Didn't
2 we win that though, the
3 size issue?

4 VP MID-HUDSON MAZZELLA:
5 No, that's why it was
6 negotiated.

7 PARISH FRAZIER: I'm
8 not even sure what we're
9 talking about.

10 VP MID-HUDSON MAZZELLA:
11 So, when you said did we
12 win that, are you talking
13 about the first IP that
14 was filed back in 2013 or
15 whenever it was.

16 PARISH FRAZIER: Three
17 or four.

18 VP MID-HUDSON MAZZELLA:
19 Whatever it was, correct,
20 that IP was won, but it
21 was won based on that they
22 wanted to implement a bag
23 without negotiation. They

275

1 again soon.

2 PARISH FRAZIER: Is it
3 going to be specific or
4 just another option, or is
5 it going to be an open
6 option as long as the bag
7 is clear?

8 VP MID-HUDSON MAZZELLA:
9 All right. Just, we
10 probably should have
11 talked about that earlier
12 but it didn't come up so I
13 actually forgot all about
14 it to be honest with you.
15 But the clear bag, we have
16 met with the Department,
17 we suggested a few
18 different size bags. It's
19 not going to be a specific
20 bag that you have to buy,
21 but it will have to be
22 within a certain size
23 range.

274

1 wanted to restrict the
2 size, they wanted to do
3 whatever it was.

4 So, that's why we filed
5 an IP the second time.
6 But through, you know,
7 reviewing the reasoning
8 behind why our IP was
9 filed a second time, we
10 didn't think that the
11 state -- or when I say the
12 state, we didn't think
13 that the Administrative
14 Law Judge was going to
15 jeopardize security for
16 convenience.

17 Okay. So they came out
18 with a clear bag mandate
19 and it's a specific size.
20 So we are pretty sure if
21 we were to win the IP that
22 the Administrative Law
23 Judge will agree that it

276

1 can be clear, but they
2 couldn't restrict the size
3 from the size we want. So
4 in negotiating it, we said
5 we want bigger bags, we'll
6 drop the IP.

7 So there's several
8 options we submitted.
9 One, to be honest with you
10 was brought in just as a
11 shock value, because it
12 was a duffel bag that I
13 could crawl into. And we
14 knew they weren't going to
15 approve that one. But
16 that was just to give them
17 the idea, look, we could
18 be asking for this big
19 bag, but we're not --
20 we're asking for something
21 reasonable.

22 So I submitted a
23 backpack style, a lot of

277

1 facility guys want to be
2 able to carry as a back
3 pack and the Department
4 was not against that. But
5 we also submitted -- we
6 wanted more time to submit
7 other larger type bags
8 because we didn't want to
9 get pigeon-holed into a
10 certain size.

11 So basically what we're
12 hoping to do by the end of
13 this whole situation is be
14 able to say, all right
15 guys, if you want a bigger
16 bag just make sure it's
17 within this certain size.
18 It could be a backpack
19 style, lunch bag style, as
20 long as it fits within a
21 criteria of a certain
22 size, than that's what you
23 can do.

278

1 Parish FRAZIER:

2 Thank you.

3 VP MID-HUDSON MAZZELLA:

4 But we're still in the
5 process of negotiating
6 that.

7 PARISH FRAZIER: Any
8 time frame?

9 VP MID-HUDSON MAZZELLA:

10 No. Matter of fact, we're
11 setting up a second
12 meeting probably next two
13 weeks. I'm hoping we
14 should have something by
15 then.

16 PARISH FRAZIER:

17 Thank you.

18 PRESIDENT POWERS: Can

19 I have approval from this
20 body to hear to another
21 piece of new business?
22 All signify by saying aye.
23

279

1 (All respond with aye.)

3 PRESIDENT POWERS: We

4 have a motion submitted
5 by Don Van Tassel from
6 Fishkill to change the
7 allotted amount from 125
8 dollars to 250 dollars for
9 office supplies for all
10 sectors of four hundred or
11 more members for all
12 NYSCOPBA sectors that meet
13 the criteria.

14 Motion is made by Don
15 Van Tassel. We don't have
16 a second.

17 PAUL MIKOLAJAC: Paul

18 Mikolajac, Sing Sing
19 Prison, I'll second that.

20 VP MID-HUDSON MAZZELLA:

21 Does that motion -- so we
22 want to increase it to
23 250? Since it's a motion

280

1 being made to increase
2 something that already has
3 been budgeted, do we have
4 to send that to the
5 Finance Committee? Right.

6 So I would move we send
7 that to the Finance
8 Committee for
9 recommendation.

10 PRESIDENT POWERS:
11 Second?

12 CHRIS MOREAU: Chris
13 Moreau, Green Haven.

14 PRESIDENT POWERS: All
15 in favor?

16 (All respond with
17 aye.)

18 PRESIDENT POWERS:
19 Thank you. Chris, go
20 ahead.

21 CHRIS MOREAU: I have

281

1 it's getting a little out
2 of hand, people can't get
3 to the doctors, especially
4 if they live in the city
5 and they work at Green
6 Haven.

7 PRESIDENT POWERS:
8 We're running into that at
9 a couple facilities, Green
10 being one of them, as
11 well. Green and Green
12 haven, Fishkill. Mike and
13 I actually did address it,
14 and we'll follow-up with
15 Dan Marcello to see what
16 can be done to stop that.

17 CHRIS MOREAU: And
18 secondly, as far as
19 statewide labor
20 management, I believe I
21 spoke to Erin briefly as
22 far as body cameras.
23 Obviously they're a

283

1 two things, because I know
2 you guys are trying to
3 schedule statewide Labor
4 Management. First, Green
5 and Green Haven are having
6 a huge problem with being
7 denied preapproved sick
8 leave, we're getting
9 blanket denials for any
10 requests.

11 It's getting a little
12 ridiculous. I mean,
13 people are saying they
14 have procedures and
15 they're still getting
16 denials and they're citing
17 staffing as their umbrella
18 out. So I was wondering
19 if there is anything on
20 the docket from a legal
21 stand point or, you know,
22 elsewhere to kind of cope
23 with the issue. Because

282

1 growing thing in the
2 Department.

3 I was wondering if
4 there is anyway it could
5 be brought up at statewide
6 labor agreement that
7 officers and supervisors
8 be able to view the
9 footage after an incident
10 to aide in paperwork,
11 instead of hammering us up
12 for inaccuracies.

13 PRESIDENT POWERS:
14 Sure, we'll continue to
15 ask for that. We do have
16 it actually, permission
17 from your superintendent.
18 But, we can continue that
19 conversation certainly.

20 CHRIS MOREAU:
21 Superintendent by
22 superintendent (inaudible)
23 --

284

1 PRESIDENT POWERS: I
2 know that. We all know
3 that. We all know that.
4 TOM DIER: Tom Dier,
5 Watertown. I just want to
6 go back real quick with
7 the statement with the
8 clear bags, we have
9 contractors coming into
10 our jail constantly with
11 coolers. I mean, big
12 coolers. Why aren't
13 they -- why don't they
14 fall under the same
15 stipulations as us?
16 That's all I want to say.
17 PRESIDENT POWERS: Any
18 bag coming into the
19 facility has to be a clear
20 bag. Take that up with
21 your superintendent and
22 then bring that back to us
23 and I'll bring it forward.

285

1 Tom?
2 TOM RELYEA: Tom
3 Relyea, Hudson. Just
4 looking for an update on
5 where we are with the
6 spray for the juvenile
7 facilities. Has there
8 been any progress on that?
9 PRESIDENT POWERS: We
10 sent two letters
11 requesting as to why
12 they're denying OC spray
13 to women facilities and to
14 the adolescent offenders.
15 We're waiting for a
16 response from the
17 Department with that. We
18 have had talks about it.
19 They're stuck on it.
20 A lot of it has to do
21 with the New York City
22 lawsuit. They had -- New
23 York City actually won the

286

1 lawsuit, but it's only
2 thirty days. When they
3 moved the juveniles from
4 Rikers to Brooklyn, I
5 believe, or the Bronx.
6 The judge gave them a
7 thirty day trial run for
8 the OC spray.
9 The union came back and
10 said, can you give it to
11 us for thirty days and
12 they said we can't. So
13 they're continuing that
14 litigation. We're
15 following that litigation
16 and we're -- we've sent
17 letters and requests over
18 to the Department as to
19 their rationale, formal
20 documentation so we can --
21 PARISH FRAZIER: Parish
22 Frazier, Taconic. On the
23 cooler issue, I get that

287

1 question all the time. I
2 tell my staff if it's
3 considered not allowed
4 item, we can't bring in
5 coolers, our civilian
6 staff can't bring in
7 coolers. Why would your
8 construction people be
9 able to bring in coolers?
10 UNIDENTIFIED SPEAKER:
11 Because they're not
12 employees.
13 PARISH FRAZIER: Yes,
14 they are. They are
15 considered temporary
16 employees once they're
17 vetted to come in and they
18 have to abide by the same
19 rules.
20 UNIDENTIFIED SPEAKER:
21 Well, our superintendent
22 told us no.
23 PARISH FRAZIER: Well,

288

1 the superintendent ain't
2 always right. You better
3 get that in writing. I'm
4 telling you, they are not
5 allowed to bring in
6 anything you can't bring
7 in. If it's not a tool,
8 they can't bring in a
9 cooler full of food and we
10 can't. Superintendent
11 can't override the rules.

12 File an IP, let the
13 executive board know.
14 They can't bring that in,
15 trust me. I fought that
16 issue and won. They
17 cannot bring it in.

18 PRESIDENT POWERS:
19 Monica?

20 MONICA COOPER: Monica
21 Cooper, Downstate. I put
22 a motion in last EA to
23 increase the bereavement

289

1 for active members and I
2 didn't hear anything about
3 it. So I wonder if I
4 could get it that approval
5 to get it passed.

6 PRESIDENT POWERS: It
7 is in the packet.
8 Approval to jump back in
9 to old business? Motion
10 to entertain from the
11 finance committee for
12 recommendation we had
13 before. All in favor of
14 hearing it?

15
16 (All respond with aye.)

17
18 PRESIDENT POWERS:
19 Motion to increase the
20 bereavement floral
21 arrangement from 125
22 dollars to 250 for active
23 members who pass away. To

290

1 leave the current 125 for
2 all bereavement as is.
3 Motion was made by Monica
4 Cooper and seconded by
5 Chris Moreau. Motion was
6 referred to the finance
7 committee and accepted and
8 approved --
9 recommendations from the
10 Finance Committee.

11 AL ZAPPALA: Al
12 Zappala. Finance
13 Committee recommends this
14 motion for adoption,
15 although the Finance
16 Committee did discuss that
17 there are going to be some
18 difficulties with this
19 motion.

20 There will be members
21 that will receive this
22 motion -- this benefit
23 that aren't supposed to

291

1 get that benefit. For
2 example, there will be
3 confusion, a family member
4 that passes away, you
5 might get a sector instead
6 of spending 125 will spend
7 250 for the family member
8 and not for the active
9 member.

10 So we discussed that a
11 way to combat that because
12 it would be very hard to
13 figure out, hey, we
14 already got to spend 250
15 to the florist and it was
16 for a family member, not
17 an active member. So if
18 you do spend the wrong
19 amount, not on an active
20 member but a family
21 member, than that money
22 would come out of your SSF
23 money.

292

1 Now, that's something
2 that the maker of the
3 motion would have to put
4 an amendment to. But I
5 can tell you right now
6 there will be confusion
7 among all the sectors.
8 You will be getting some
9 people not realizing it's
10 only for active member,
11 you'll get family members
12 that will be receiving
13 that benefit.

14 So, if the maker of the
15 motion would like to amend
16 that, that's up to the
17 maker of the motion.

18 PRESIDENT POWERS: It's
19 pretty cut and dry. We'll
20 move the motion. To
21 increase -- do I need to
22 read it again? All in
23 favor signify by saying

293

1 a decade, and longer than
2 that as a steward at his
3 facility and several other
4 facilities, over forty
5 years of state service, I
6 just want to thank Jose
7 Pomaes for his service.

8
9 (All applause and
10 standing ovation.)
11

12 PRESIDENT POWERS: Best
13 wishes, Jose. Just a
14 couple things real quick.
15 Keep the information
16 coming in. It's summer,
17 Brother Rice mentioned the
18 staffing issues and the
19 extra curricular
20 activities in the
21 facilities.

22 Keep that information
23 coming to us so we can

295

1 aye?

2
3 (All respond with
4 aye.)
5

6 PRESIDENT POWERS:
7 Anybody opposed?

8
9 (No response.)
10

11 PRESIDENT POWERS
12 Thank you. Any other new
13 business? Couple
14 announcements -- that
15 concludes new business.

16 VP LAW ENFORCEMENT
17 HARMON: I just want to
18 mention, I know we talked
19 about those folks that
20 aren't running again or
21 retiring, or whatever.
22 But, you have known him,
23 he's been here awhile for

294

1 continue to have those
2 discussions going forward.
3 Watch your brothers backs.
4 Keep in mind the stresses
5 of the job and your
6 families and all the
7 impacts that it has.

8 DON MOLINO: I was just
9 notified by my
10 superintendent that we are
11 getting OC tomorrow at
12 Albion.
13

14 (All applause.)
15

16 PRESIDENT POWERS: Keep
17 that -- he did a lot of
18 leg work on his own and at
19 Albion to get that.
20 That's a good step in the
21 right direction. Who
22 asked about it? Tom.
23 Good work on his behalf.

296

1 I'm glad to hear that.
 2 Good stuff.
 3 So I got one quick
 4 announcement. Bob?
 5 BOB PATTERSON: Bob
 6 Patterson, Edgecombe.
 7 Just about the OC spray. I
 8 have it at my facility, my
 9 superintendent refuses to
 10 let us use it. And he
 11 uses the fact that we have
 12 our population is split
 13 because we do have female
 14 work release inmates in
 15 our facility.
 16 We just had a labor
 17 management meeting where
 18 it was brought up and to
 19 meet them halfway, we
 20 suggested that it could be
 21 given to the supervisors.
 22 No word. And he has the
 23 right to say yays or nay

297

1 make.
 2 I just have one other
 3 announcement. Long
 4 standing NYSCOPBA union
 5 advocate recently past.
 6 Chris Zimmerman, his
 7 memorial service is
 8 Saturday, July 13th at
 9 9:30 a.m. at Our Mother of
 10 Good Council, at 3688
 11 South Park Avenue,
 12 Blasdell, New York.
 13 We mentioned
 14 Mr. Zimmerman in here at
 15 one time. He succumbed to
 16 cancer. A long fight and
 17 he sat in this audience a
 18 long time and we wish
 19 nothing but the best for
 20 his family. So keep his
 21 family in your thoughts
 22 and prayers. Keep your
 23 family in your thoughts

299

1 whether or not if we use
 2 it or not.
 3 PRESIDENT POWERS: Who
 4 is it down there?
 5 BOB PATTERSON: Steve
 6 Miller.
 7 PRESIDENT POWERS: The
 8 whole problem we had at
 9 Albion was under the
 10 premise that a female may
 11 be pregnant. That's the
 12 reason for denial. The
 13 police use it on the
 14 streets. Don brought up
 15 this good point earlier.
 16 The police use it on the
 17 streets, they don't run up
 18 to a female aggressor and
 19 ask them whether or not
 20 she's pregnant before they
 21 blast her. That's the
 22 same premise here. That's
 23 the argument that we'll

298

1 and prayers, your brothers
 2 and sisters, and stay on
 3 point. Motion to adjourn?
 4 BILL RULAND: Motion
 5 to adjourn.
 6 PRESIDENT POWERS
 7 Second?
 8 NEIL GRUBER: Second.
 9 PRESIDENT POWERS: All
 10 in favor?
 11
 12 (All respond with
 13 aye.)

15 * * * *

300

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

15 I further CERTIFY that
 16 the above-described transcript
 17 constitutes a true and accurate and
 18 complete transcript of the minutes
 19 taken.

20
 21 
 22 -----

23 DARLENE L. JERGE,
 Notary Public.

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acted 813, 91:14
 Acting 10620, 223:10
 Action 2820, 846, 935, 221:9,
 221:19, 255:21
 actions 288, 29:12, 304,
 221:6
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