

THE Independent

Winter 2019-2020

President's Message

Michael B. Powers



First of all, I would like to wish all of the dedicated, hard-working men and women of NYSCOPBA a happy Holiday Season and wish all of your families a happy and healthy New Year. As we bring 2019 to a close, I wanted to take this opportunity to discuss some of our successes, and let you know what we will be working on in 2020.

We have several successes to be thankful for in 2019 as we continue

to fight for a safe working environment for the Security Services Unit. We know first-hand that our jobs are becoming more challenging every day, and that is why it is important to work together and support each other in the line of duty. In 2019, we finalized years of work with our new contract. This provided our officers with a 2% pay increase retroactively and for the coming years, as well as hazardous duty pay, which recognizes the difficult and dangerous nature of our jobs and ensures our members are justly compensated for the risks we face every day. With the ratification of the contract, we have received contractual Employee Benefit Fund monies which will enable us to continue programs to assist our membership. The ratification of the contract represents years of hard work from our Collective Bargaining Committee, Executive Board, law firm, legislative team and public relations team. We will remain committed to advocating for continued pay increases and benefits after this contract ends in 2023.

While being able to secure passage of legislation is important, sometimes success in Albany is measured in successfully opposing bad and potentially dangerous legislation; case in point, our successful defeat of HALT in 2019. NYSCOPBA tirelessly worked to inform state legislators and their staff why the proposed HALT legislation would threaten our safety and impact our ability to maintain a safe environment within the facilities.

Despite our success in stopping the passage of HALT in 2019, we must remain vigilant as it is expected to be back in the 2020 Legislative Session.

Our members are well aware of the continual escalation of gang violence in the state's prison system. NYSCOPBA is working diligently to share these facts with key New York State stakeholders to ensure that everyone understands the risks you face. The increase of gangs and gang violence puts additional demands on our members to ensure inmate safety, and at the same time puts our members in even more danger.

In 2019, we faced the challenges of dorm and facility closures. NYSCOPBA stood in opposition to closures by meeting with legislators, coordinating press events and press releases, and doing radio interviews. Although the closures remained in effect, we sent the message publicly that we were not in agreement. We worked diligently to minimize the impact on our affected members with two special revision requests, departmental meetings, employee informational meetings, and staffing and sergeant liaison assistance.

We are in the middle of regional Steward training to provide quality information to those newly elected and to serve as a refresher course for those who have served as Stewards in the past. NYSCOPBA provides this training to ensure quality representation at every level.

In the face of current and future challenges, we know that we significantly increase our chances of success when we remain UNION STRONG. Together we are protecting each other while supporting and promoting the work our members do every day.

Like you, I have days in which the road ahead seems steep and challenging. I have the good fortune of being reminded of the great work of our members, which always motivates me. Our members consistently go above and beyond their duties on the job and in their communities. Our members improve our hometowns in so many ways, all while serving the State of New York in public service.

I would like to thank each one of our members, as well as Chief Sector Stewards, Stewards, Sector Treasurers, Business Agents, Grievance and Staffing Specialists, Retirement Specialist, Sergeant Liaison, Special Assistant to the President, the Executive Board, our law firm, and the NEA staff for making NYSCOPBA an association we all can be proud of.

I wish you and your families Happy Holidays and a safe and prosperous New Year.

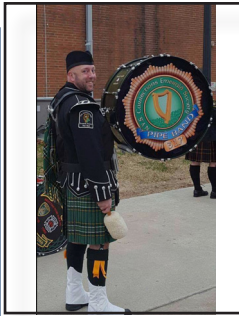
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Mid Hudson Region

Mike Mazzella

As 2019 draws to an end, I'm taking this opportunity to thank all of the members of the Mid-Hudson Region for all they do to keep our Union in a positive light. Much of what is done on a daily basis goes unrecognized by the general public. From assisting civilians in our communities who have experienced loss to pulling accident victims out of vehicles, we are more than just the men and women who work behind the walls and fences of NYS correctional facilities. We are Law Enforcement personnel who have helping and protecting people embedded in our souls. One such member of our Region epitomizes what it means to have "Blue" running through our blood. This NYS Correction Officer is always there for his Brothers and Sisters and for members of the community. If there is someone in need, you can rest assure he was involved in the fundraiser to assist the family financially. He is a member of the NYS Corrections Pipe Band and is there during our darkest hours to provide tribute to a fallen Brother or Sister. His charity doesn't stop at the facility's front door.



This member continues to do charity work during his personal hours as well. **It is an honor to recognize Correction Officer Duane Keezer of Greene Correctional facility as the Mid-Hudson Region's first "Member of the Year" for 2019.**

On a sad note, we have lost some Brothers and Sisters during 2019. Please take a moment to think of their families during this time of year:

Correction Officer William Horneman – Shawangunk C.F.
Correction Officer Dale Vincent – Greene C.F.
Correction Officer Nancy Reeves – Green Haven C.F.
Correction Officer Jermain Jenkins – Downstate C.F.
Correction Officer Patrick Brun – Woodbourne C.F.
Correction Officer Conrad Delaleu – Woodbourne C.F.
Correction Officer John Rolle – Fishkill C.F.

May our Brothers and Sisters Rest in Peace.

NYSCOPBA Executive Board

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Who We Are

NYSCOPBA was formed in 1998 and since that time has provided superior representation to our membership under the independent and democratic model. Our objectives are to improve the terms and conditions of employment, protect our members contractual rights, provide high quality representation in the collective bargaining process, communicate effectively with the membership, achieve legislative gains, and to promote the overall welfare of our members. NYSCOPBA is the largest independent law enforcement and public safety union in New York State. We are 21,000 members strong in virtually every sector of law enforcement, keeping New York Safe. We are Capital Police Communications Specialists, Community Correctional Center Assistants, Campus Public Safety Officers, Safety & Security Officers, Correction Sergeants, Correctional Officers, Forest Rangers, Security Officers, Security Screening Technicians, Motor Vehicle Investigators, Security Service Assistants, Security Hospital Treatment Assistants, Institutional Safety Officers and State Police Communications Specialists.

Happy Holidays!

Executive Vice President

Tammy Sawchuk



As a reminder, the Joint Labor/Management contractual funds (ie, Quality of Work Life and Tuition Reimbursement) have been announced and are retroactively available. The available funds are as follows:

Tuition Reimbursement

2016-2017 \$168,201
2017-2018 \$171,565
2018-2019 \$174,996
2019-2020 \$178,496

QWL Grants

2016-2017 \$296,077
2017-2018 \$301,999
2018-2019 \$308,039
2019-2020 \$314,200

The Tuition Reimbursement funds are available to you to maintain or improve job-related skills, as well as acquire skills for promotional opportunities and career mobility within New York State. Online courses and in-class courses taken at an accredited college or university are reimbursable. It is recommended obtaining prior approval to ensure seamless reimbursement for your course-work.

The QWL Grants (new and replacement equipment, etc.) are available for appliances, such as coffee makers, microwaves and refrigerators, as well as gym equipment. Additionally, the Joint Labor/Management Committee encourages Local Joint Labor/Management Committees to develop innovative programs that would improve the quality of work life.

Please refer to the program guidelines which are located on NYSCOPBA's website at <https://www.nyscopba.org/members/nys-programs-grants/>. At the same web location, you are able to obtain applications for each of these programs.

Activists and special interest groups continue to put pressure on New York's Legislature relating to what they call "solitary confinement", or SHU as we know it. We will continue to monitor any legislation that may be introduced in the 2020 Session and keep you apprised of NYSCOPBA's next steps.

For our Community Supervision members, I continue to work with the Department on issues related to your titles. I have requested a Joint Labor/Management meeting with Deputy Commissioner of Community Supervision Enright to discuss these important issues. The meeting will be held on December 18, 2019.

For some, the holidays are a difficult time. Please remember that NYSCOPBA has implemented a wonderful Member Assistance Program through Cindy Goss/ Catch a Falling Star. This program offers an independent and confidential assessment and referral program for issues such as vocational stress, substance abuse, family and marital conflicts, stress management, critical incident response and suicide prevention/intervention. This program is offered to all NYSCOPBA members. Please do not hesitate to use the program for yourself or for a Brother or Sister in need. Information may be found on our website or through your Local Stewards.

As many of you know, I am a strong advocate for suicide prevention and awareness. I continue to attend seminars and conferences in an effort to obtain insight and prevention strategies to bring to the Department and the membership. This is becoming an epidemic in law enforcement and military personnel which needs to be addressed on all levels: government, institutional/ administration, staff, community, and family. NYSCOPBA will be petitioning the State to use our 13.6 contractual funds to once again hold Suicide Awareness and Prevention training in the coming year.

I wish all of you peace and joy this Holiday Season. Know that you make a difference in your workplace and as a member of this Union!

Stay Safe!



Law Enforcement

John Harmon

Fellow Brothers and Sisters:

As 2020 quickly approaches, 2019 has left Law Enforcement Members with some good news:

- A newly negotiated contract that gave LE the arbitration salary schedule starting in April 2021. We will no longer be treated as unequal by our salary schedules. We deserve this and got it.
- NYS announcing a "new" Mid-Hudson Forensic PC. Several years ago, NYS wanted to close this facility. After a grassroots effort by NYSCOPBA and MHFPC Members, not only did it remain open, but will be rebuilt.
- Won critical cases against the Justice Center that have changed how the JC operates.
- Resolved many Improper Practice Charges that helped members in the field.

These are a few of the accomplishments from this past year. As we get into 2020, legislative, administrative and political issues will be pressed and pushed. This is some of our agenda:

- SSO 24 Hour Peace Officer
- SHTA Retirement Fix
- SSO $\frac{3}{4}$ Disability
- SSO Heart Bill
- UPCSS, SSA 25 Year Retirement
- Forensic Assault Reporting Bill Fix
- SST and SO Peace Officer
- Justice Center Removal
- Anti-Privatization for LE
- Throwing Bill for LE
- Include LE in Death Gamble
- SHTA Peace Officer Legislation Implementation
- SSA Title Structure Change to SO
- SSO, SrSHTA, SO, SST Upgrade

We have a busy and aggressive 2020 ahead of us. I look forward to working with you to accomplish our goals. I will be traveling to hopefully meet with all of you this year. Statewide Labor/Management meetings are in the process of being scheduled for all LE titles. Your input is crucial for attempting to resolve issues that affect your worksite and job. Please contact your LE NYSCOPBA Representatives to address issues at the statewide or Local levels.

As always, my door is wide open. I am always available to meet and talk. I work for you and all members of NYSCOPBA.

Have a Merry Christmas and Happy New Year!

Northern Region

John Roberts



I would like to start by wishing everyone a Merry Christmas and a Happy New Year.

As in past years, we have been very busy, from fighting proposed legislation to representing members at interrogations, defending members in arbitrations and representing members' best interest in contract grievances.

From fighting upcoming setbacks in legislation which directly affect our members, such as the January 1, 2020, bail reform, we have also had successes this year, such as the new contract which includes a review pending disciplinary suspension. This allows a third-party arbitrator to review the legitimacy of a suspension and the ability to put an employee back to work while Rick Brunelle and I work diligently to get that member the best possible outcome.

As we all know, our jobs continue to become more dangerous as years pass. If you are assaulted by an inmate, remember it is your right to report the incident to your local police agency. Also remember that NYSCOPBA is not automatically notified of the incident. You have the right to contact Rick Brunelle or myself at any time for assistance - we are here for you.

I would like to express my sincere thanks to the Local Union Representatives and Chiefs in the Northern Region. I would also like to thank each member in the Northern Region for their continuous support in the community. Please continue to submit photos from your local events. Not a day goes by where either myself or Rick Brunelle are not doing everything in our power to assure that each member's voice is heard and each member is properly represented. I looking forward to seeing each and every one of you at our next round of site visits in the coming year.

As always, please do not hesitate to contact me any time.

Recording Secretary

Chris Summers



I hope each and every one of you and your families have a wonderful Holiday Season. Please keep the family and friends of Our Fallen Officers in your thoughts.

I have been NYSCOPBA's Recording Secretary for two years now; it has been an honor dedicating my time, efforts and hard work to the membership. I continue to serve you with 100% dedication.

As of this writing, I have visited 46 of our Union's facilities and worksites. I will continue to go on site visits, listen to your issues and be the voice you deserve. I have been to Memorial services, fundraisers, funerals and wakes to show my respect and support for our Brothers and Sisters.

It has been an extremely busy and difficult year due to the continual changes happening on an almost daily basis within the Department of Corrections and Community Supervision. It is obvious that this Governor cares little about the safety of NYSCOPBA's membership, as shown by the careless decisions and initiatives he and D.O.C.C.S are enacting on behalf of the inmates, resulting in the reduction of a safe work environment. Assaults on staff are at an all-time high. Incidents of contraband being brought into our facilities, as well as being sent into our worksites, are an ever increasing threat. We must revisit our approach to educate the policymakers and public on the difficult and dangerous conditions we work under. We must be proactive on combating the failed policies enacted by DOCCS and our current policymakers. We, as a whole, need to educate the Department and the Governor to make them understand we are not the "bad guys".

I cannot stress enough the importance and need to share information from the facilities and worksites with the Union immediately. All members are conduits of such information, not just Stewards. The more information reported, the more forceful we can be in taking action.

NYSCOPBA, along with our lobbyists, helped defeat the HALT legislation during this past legislative session; however, our work has just begun. The special interest lobby groups have already been preparing to re-address this very topic during the upcoming legislative session. Also, be aware of the attacks on 50A (Personal information of Police, Firefighters and Correctional Officers), which limits what personal history the public can see from your personal history folder.

With SHU reform continuing, we must now, more than ever, become a unified front to address the growing concerns that threaten the safety and security of our worksites and threaten our well-being.

Stay Safe Brothers and Sisters

Sergeants Representative

William Sellers



I would like to extend a warm and happy Holiday Season to all NYSCOPBA members.

As 2019 winds down and 2020 ushers in, we find ourselves in this ever-changing work environment. I would like to congratulate all new Sergeants promoted in the last year. The responsibilities you inherit with the promotion are daunting. The Sergeant position has evolved so that all decisions you make are scrutinized at the highest levels. You are the safety net that Officers look up to when tense situations occur. You play a huge roll in the smooth operation of every facility/worksites and with little fanfare. I thank you for the jobs you perform every day; I am proud to serve as your representative.

I wish you and your families the very best in 2020.

Central Region

Scott Carpenter

With 2019 coming to a close and 2020 fast approaching, I want to reach out and thank each and every member of the Central Region for your continued support. 2019 has been a monumental year for NYSCOPBA as we put protracted contract negotiations behind us and enjoy the benefits of a new member-ratified agreement that addresses the fiscal realities our members face, while improving benefits and strengthening protections for them.

In the region, I continue to attend as many Local Sector meetings as schedules permit; and I feel as strongly today as I did when I first became your representative that attending those meetings is a key to hearing your concerns first hand. Also of great importance is encouraging our elected representatives in the NYS Legislature of the importance of touring the Central Region facilities and hear your concerns directly on how their actions impact the daily performance of your duties. I will continue to speak of your roles in DOCCS and ensure that your voice is heard.

In our daily dealings with the membership, we continue to assist those who are new to DOCCS and those who are in the twilight of their career as they prepare to retire. With that said, I can proudly say that the Central Region office is a key component in assisting the members of our region and with our daily office hours, our access to the members will continue into 2020 and beyond.

This past year, we saw elections at the Local Sector level that brought in new ideas and fresh perspectives which will ensure that the members are served without fail. It was truly a pleasure to attend the "new Steward training" with our Albany office team and law firm to assist new Stewards and give them the tools needed to best serve the membership that elected them.

Last year, I wrote of the importance of keeping a keen eye on the various social media platforms that can at once champion our profession and at the same time, vilify it. I will continue to address falsehoods that pop up and put forth truthful information that puts our profession and our membership in a positive light.

In closing, we in the Central Region wish you and your families nothing but the best in 2020 and remain safe and prosperous in the coming year.

Western Region

Mark DeBurgomaster

I would like to wish everyone a Happy Holiday Season and a Happy and Safe New Year.

I want to take a moment to congratulate Joe Miano and Dave Tessmer on their retirements. After decades of service to the Union and Western Region members, they are moving on in life and we wish them the very best.

Moving forward, we will be addressing the changes underway in our Department. Minimum Staffing is not a safe working environment for our members. A lack of direction by department officials who have no clue how to perform our job duties (putting us at risk on a daily basis) and the days of "Make it Work" are only a few items we will be addressing. As the newly appointed Western Region Vice President, I want everyone to know this office will continue to work for the members as it always has. Currently, we are in a changeover setting, having to replace Joe and Dave at the same time, and there will be a learning curve we have to work through, but I am more than confident that together we will get through this.

Lastly, I would like to take a moment and remind everyone, please make sure your beneficiaries are up to date as this has been an issue in the past. Also, no member should conduct any interview by telephone. In recent months, members have been called and asked to give statements over the telephone. As it cannot be verified who is on the other end of the call, members are asked not to participate in these interviews and to contact the Regional Office immediately at (585)382-3120.



Stay Strong
Stay United

Southern Region

David Luther

“Tis the Season”

Below is an excerpt and alteration from “When Home becomes a Housing Unit” by C.O. William Young
Published by Desert Waters Correctional Outreach

About Christmas time last year, I found myself hiding out in our Administration Building on a particularly busy day. As I was leaning against the counter and commiserating with several of my fellow Officers, someone who shall remain nameless (A New Jack) brought up the upcoming holidays and how excited he was. Me and my more salty co-workers collectively sighed and hung our heads. While this newer, freshly shaven, bright eyed Officer was day dreaming about eggnog and ginger bread houses, we were imagining under cooked side dishes, awkward conversations in loud houses full of people that we only see twice a year, and well, eggnog or Coquito too, I guess.

We spent the next 20 minutes joking about the generic toy aisles at Walmart that people shop in to get gifts for the kids they don't really know. We doubted that we would even put up a tree or string lights. We exchanged stories about our right wing Uncle and our tree hugging Aunts, and the unavoidable political discussions that will take place sometime between the pumpkin pie and the gag gifts. We talked about how at some point someone would ask us about work and we would no doubt respond with something inappropriate for the setting. We talked about how we would have to hurry up and get home, so we could change and then pick up the rest of the family, and fly to the in-laws where everyone was waiting to start their own festivities. We laughed because we would actually get off on time that day because no one is every sick on a holiday.

I found myself amused and bemused. I was amused because the majority of my co-workers are extremely funny, and bemused because none of us were looking forward to the holidays, which is weird because we work in a place where inmates would love to spend their holiday in a loud house with Uncle Sal and Aunt Sally instead of Uncle Armed Robbery and Auntie Manslaughter doing 8 to 12.

Then I thought about my Mother.

My Mother lost her 10 year battle with cancer in 2006, and there isn't a day goes by that I don't miss her. There isn't a Christmas or a Thanksgiving or a family function that goes by that I don't wish I could spend the day with her. I miss her under cooked green bean casserole and her loud laugh, and IF I had known that our last Christmas would be our LAST Christmas together, maybe I would have behaved differently.

Moms and Dads and Uncle and Aunts die, we all do. What if this holiday is your last holiday with your loved ones? Do you want to spend it home by yourself, because you need some “me time”? Do you want to miss out on the last serving of under cooked casserole because you are self-isolating in a corner spending time with your eggnog?

We work a job where it is a real possibility that we may not come home, and yet we act like we have all the time in the world. We skip family events and blow people off and burn our bridges under the assumption that we'll have time to reconnect and rekindle. But, what if we don't? What if Cousin Johnny moves away and your sister's husband gets transferred to another military base? What if Uncle Sal finally has that heart attack that his doctor has warned him about? What if Mom's cancer comes back and she doesn't make it through another summer? Then What??

Or what if it's you? What if you don't make it to the next family dinner? What kind of memories will your friends and your family and your children share about you in your absence?

So, here is my challenge to you. Put up that tree and string up those lights and go to as many family get-togethers as you are still invited to. Enjoy every second of every political argument and every bite of that under cooked side dish. Embrace your family. Love them and hug them, and for God's sake, Share your eggnog or Coquito!!

In conclusion: several years ago, NYSCOPBA introduced “**Catch a Falling Star**”; it is a resource that can be utilized by our own members when life burdens us and we need that extra help, no matter what it is. This program is totally Private, Confidential and Free to our members. It can be reached at 716-656-8641 and 716-435-4895.

Have a wonderful Holiday.



Health Insurance Updates

Below is a list of miscellaneous changes to the Empire Plan which take effect January 1, 2020:

1. Hyperbaric Oxygen Therapy – Hyperbaric Oxygen Therapy (HBOT) for burn/wound care is often performed in a hospital/facility setting; however, claims are processed through the Medical/Surgical Program (United HealthCare) when no other payable service is provided enrollees, resulting in those enrollees receiving an out-of-network benefit because United HealthCare has so few contracts with hospital/facility settings. Therefore, payment is made once enrollees meet their deductible and coinsurance. The State is moving the liability for HBOT to the Hospital Program (Blue Cross/BlueShield), who will then process the claims. This results in enrollees receiving an in-network benefit for such services.

2. COE Transplants and Medicare Primary Enrollees – until recently, the Centers of Excellence for Transplants Program (administered by Blue Cross/BlueShield) was available to Empire Plan primary enrollees only, unlike the Centers of Excellence Programs for cancer services and infertility, which are administered by United HealthCare. In order to align these programs, the State will now offer enhanced transplant benefits to Medicare primary enrollees through the program. Blue Cross/Blue Shield will continue to pay Medicare balances, will waive copays associated with outpatient services, and will allow reimbursement of travel and lodging when reimbursement criteria is met. Liability for related physician claims during the one-year post-transplant period will be transitioned from United HealthCare to Blue Cross/Blue Shield (which is how these claims are already processed for Empire Plan primary enrollees).

3. Immunizations/Vaccines – outpatient immunizations and vaccines are currently the liability of the Medical/Surgical Program (United HealthCare). Because United HealthCare has so few contracts with hospitals/facilities, such vaccines rendered in a hospital-based setting are covered under the Basic Medical Program for children to age 19 and denied altogether for adults. The State will transfer liability to the Hospital Program (Blue Cross/BlueShield), allowing the services to be paid as in-network services. **(NOTE: Just notified that the State is still trying to iron out coding issues and advised us that this benefit will most likely take effective at the end of the first quarter of 2020 (not 1/1/20).)**

4. New York State will require all large group insurance providers to cover up to three cycles of in-vitro fertilization (IVF) for enrollees with a medical diagnosis of infertility. The mandate also requires insurance plans to cover egg and sperm freezing for medically necessary purposes when a medical treatment may leave an enrollee sterile. The Empire Plan already covers IVF and fertility preservation procedures subject to a \$50,000 maximum benefit allowance, but will implement the mandate as follows:

If an enrollee reaches the Empire Plan's \$50,000 maximum benefit allowance for infertility services without yet having received the mandated three cycles of IVF, the plan will still cover services for up to three cycles. Enrollees using Centers of Excellence for Infertility will be allowed to continue participation in that program and be allowed coverage for travel, meals and lodging. An enrollee who reached the \$50,000 benefit max in both 2017 and 2018 combined and who may now be entitled to continue IVF treatment is encouraged to continue utilizing the Centers of Excellence network, which will ultimately be more cost effective than if using non-COE infertility services providers.

5. The Empire Plan's NurseLine (1-877-769-7447 – Option 5) will have some updates. In an effort for members to make better use of the NurseLine and increase awareness of benefits available to them, communication will be more strategic in order to receive information when needed. The strategy will maintain a friendly and generic appeal to members and will include no personal or protected health information:

6. Members who have provided an e-mail address through myuhc.com will receive information via email. Members can un-subscribe from emails at any time by contacting NurseLine or by clicking "unsubscribe" at the bottom of an email.

Members who don't have an email address on file will receive an annual NurseLine postcard ensuring awareness of the program but reducing unwanted paper mailings.

Monthly health and wellness articles will be sent to those who have an email address on file. Articles will be linked to a personalized NurseLine website customized for the Empire Plan population. Articles are for general health and informational purposes only, vetted by United HealthCare for clinical accuracy. Members are encouraged to contact the NurseLine with any health-related questions.

Members who are new to the health plan will receive a postcard with the NurseLine phone number, encouraging them to call with questions about services and benefits available under the Empire Plan. The NurseLine will help answer health-related questions and direct calls to the appropriate component(s) of the Empire Plan regarding claims or benefit questions.

Members with an email on file will receive a "Happy Birthday" email annually which includes a link to a list of preventative screenings that may be appropriate for their selected age, reminding them to talk to their doctor about immunizations that may be due. Members will be further encouraged to contact the NurseLine with any health-related questions.

United HealthCare plans to reach members through email and postcards up to three times per year for those who may need additional support or have questions following a recent serious illness. Members will not be contacted if they are already engaged in a case or disease management program or are in the midst of treatment. The goal is to increase awareness of Empire Plan benefits, thus improving health outcomes.

The State encourages members to sign up for myuhc.com (using Empire Plan Group #30500) to access benefit and coverage information, track annual out-of-pocket spending, connect with customer service and/or switch to paperless Explanation of Benefits (EOBs). The site contains great information and can help track medical expenses (useful if signing up for the Health Care Spending Account).

Should anyone have any questions regarding the above, contact the Empire Plan at 1-877-769-7447 or Sharon Smith, Health Benefits Specialist, extension 236.

Legislative Update

Dan Valente, Legislative Director

Following the 2018 elections, Democrats in the state legislature gained control of both of houses of the legislature; the first time since 2009-10. In the first legislative session of full democratic control, we have seen several criminal justice reforms signed into law. Beginning in January 2020, New York State will end cash bail for many nonviolent crimes and will require that prosecutors have 15 days to tell people accused of crimes the details of all the evidence they have against them. These reforms have raised concerns from several members of the law enforcement community across the state, NYSCOPBA included. However, amendments to the newly enacted laws are unlikely to take place regardless of the concerns raised. We will continue to monitor these reforms as they are enacted in the coming months.

Specific to issues related to the members of NYSCOPBA, Governor Cuomo has recently proposed a set of reforms aimed at changing the way NYS utilizes Special Housing Units. These reforms are very similar to the proposal that the governor attempted to incorporate in the 2019-20 Executive budget; the same proposals that NYSCOPBA was successful in getting removed from the governor's budget proposal. Nevertheless, the majorities of each house of the legislature continued to pursue these reforms as stand-alone legislation. The legislation is commonly referred to as HALT. NYSCOPBA's opposition to the HALT bill, along with the concerns from many other unions and associations across the state, prevented this bad bill from advancing in the legislature at the end of the 2019 session. In the end, the governor and the leaders of the legislature agreed that SHU reforms will be enacted as regulations and not legislation due to union opposition and the unfunded costs contained in the HALT bill. Ultimately the costs of HALT are too high to impose on the state and local governments.

In early September, DOCCS proposed new reforms (nearly identical to the reforms proposed in the 2019-20 budget) that will attempt to alter the way in which SHU's are utilized. As with all new agency regulations that are proposed, a 60-day public comment period is required before any new regulations are enacted. In response to these proposed reforms, NYSCOPBA gathered several members from across the state to review and share their concerns about the state's proposal. NYSCOPBA's law firm then submitted an official response to the proposal during the 60-day public comment period and incorporated the concerns that the members shared. It should be noted that while DOCCS is required to respond to NYSCOPBA's submission, they are not obligated to incorporate any of NYSCOPBA's recommendations into the final enacted reforms.

I encourage all members of NYSCOPBA to review the new reforms proposed by the state, as well as NYSCOPBA's response opposing those reforms.

When the state legislature reconvenes in January, we expect another attempt to pass the HALT bill, as well as other legislation aimed at amending Civil Rights Law 50-a. 50-a is an attempt to make public the personnel files of every law enforcement officer in the state. NYSCOPBA is strongly opposed to this legislation as well, and we will be lobbying your elected officials to ensure that they are aware of our position and the potential unintended consequences of such a bill.

As always, if you have any questions or concerns with proposed legislation, or if you have any new ideas for legislation, please contact NYSCOPBA Legislative Director Dan Valente at 518-427-1551, ext 306, or by email at dvalente@nyscopba.org.

Thank you all for the work that you do and please have a safe and happy Holiday Season.



Nascar Model Car created by NYSCOPBA Retiree Herbert Buck, Coxsackie CF

Happy Healthy Holidays

Treasurer

Frank Gilbo

Brothers and Sisters: I hope the Holidays find you and your families happy and well. Here is a copy of the 2020 NYSCOPBA Budget. The two highlights of this budget are NYSCOPBA's booth at the State Fair in Syracuse and the new HVAC System at Headquarters on 102 Hackett. Please do not hesitate to call me at 518-427-1551, ext. 240, if you have any questions about this or anything else! Stay Safe.

NEW YORK STATE CORRECTIONAL OFFICERS & POLICE BENEVOLENT ASSOCIATION, INC.

2020 BUDGET WORKSHEET

	2020 BUDGET	2019 BUDGET	DIFF
Ordinary Income/Expense			
Income			
4400 · Union Dues	14,150,000	13,950,000	200,000
4600 · Interest Income	300,000	250,000	50,000
4660 · Retired Members Dues	495,000	465,000	30,000
4750 · Rental Income/Building	88,500	88,450	50
4800 · Miscellaneous Income (Norvest and other affinity programs)	65,000	65,000	-
4850 · Employee Benefit Fund Income (Income from 25.9) and 4810 · Joint Health Benefits	1,073,000	1,050,000	23,000
Total Income	16,171,500	15,868,450	303,050
Expense			
5100 · Employee Payroll (Salary, Hourly and Stipends)	1,425,000	1,350,000	75,000
5200 · Taxes & Fringe Benefits (all fringe tax and benefits)	460,000	420,000	40,000
5640 · Depreciation and Amortization (of capitalized fixed assets)	90,000	90,000	-
5650 · Equipment Lease and Rental (copier, postage machines)	42,000	38,400	3,600
5660 · Insurance (commercial, liability, fiduciary)	68,500	65,000	3,500
5670 · Repairs and Maintenance (equipment)	15,000	15,000	-
5680 · Member Benefits (hostage/life ins, scholarships, retiree) (catastrophic, retirement, health fairs, calander contract books awards)	1,350,000	1,700,000	(350,000)
5725 · Political Action Contributions (related to political activity)	400,000	400,000	-
5726 · Legislative Related Expense (related to political activity)	250,000	250,000	-
5730 · Postage & Mailings (US Postal and UPS usage)	90,000	75,000	15,000
5735 · Printing & Outside Copying (independent, contract, arbitration)	125,000	125,000	-
5750 · Office Expenses (supplies)	175,000	175,000	-
5760 · Travel Costs (mileage, tolls, per diem, lodging, cmte meetings)	1,300,000	1,300,000	-
5800 · Professional Fees Accounting (internal and audit)	85,000	80,000	5,000
5810/1 · Consulting and Temporary Staff	135,000	143,000	(8,000)
5820 · Legal Fees (retainer, lobby, disbursements)	3,000,000	2,950,000	50,000
5830 · Arbitration (State wide elections, contract)	150,000	75,000	75,000
5840 · Public Relations (Media Image enhancement/PSA)/ 5931-2 SAP	1,300,000	1,250,000	50,000
5840.1 · Regional Public Relations	200,000	200,000	-
5860 · Occupancy (four regional offices rent and utilities)	81,000	80,000	1,000
5876 · Association apartment (rent and utilities)	46,500	46,000	500
5900 · Miscellaneous Expenses (payroll fees)	16,500	8,500	8,000
5920 · Sector Operations (meetings, telephone, travel, office)	1,107,500	1,107,500	-
5924 · Special Sector Funding	833,625	731,000	102,625
6000 · Telephone (main and regional offices, cell phones)	90,000	90,000	-
6120 · Training/Seminars/Regional Meet (CSS, etc.)	90,000	90,000	-
6130 · Union Leave (officers, business agents, support staff)	2,450,000	2,750,000	(300,000)
8000 · Building Expenses (utilities, maintenance, real estate taxes)	795,875	264,050	531,825
Total Expense	16,171,500	15,868,450	303,050
Net Income	0	-	-



In this column, we will highlight a few issues regarding injuries arising from inmate assaults and other acts of inmates.

When a DOCCS employee is injured on the job, they must complete Form 1203 – “Employee Accident/Injury Report.” This form asks for basic background information—facility, date and time of accident, accident location, whether the employee remained on duty, etc.—and provides a few lines for the employee to describe the accident.

Although the space provided for the employee statement is limited, and an employee might be expected to complete this form while injured or under time constraints (before they go to outside hospital, before their shift ends), it is critically important that employees give a thorough statement, using more paper or space if necessary. It is particularly important that employees are clear about (1) whether the injury was due to the act of an inmate; and (2) if the injury was due to the act of an inmate, how specifically the injury occurred.

This same advice is true for non-DOCCS employees. Although the form may vary somewhat from agency to agency, it is important that any injured employee give a sufficient description of how their injury occurred.

In our experience, employees often give a very brief description of their injuries. For instance, an employee might write: “Pain in knee and shoulder after use of force on Inmate Smith.” This statement does not actually link the injuries to an action of Inmate Smith; the employee could have suffered the injuries while helping a fellow employee off the ground, moving a locker in a cell, or running toward the incident. If the employee sustained injuries as a result of restraining an inmate, helping an inmate up from the ground, or similar circumstances, the paperwork should say so. If the employee sustained injuries as a result of an assault by the inmate, the paperwork should say so.

The description provided in the paperwork becomes important if an employee challenges a Civil Service Law Section 71 determination or applies for disability retirement.

Under Section 71, an employee out of work due to

an injury sustained on the job is entitled to a leave of absence for up to one year, unless the injury is the result of an assault, in which case they are entitled to a leave of absence for up to two years. If the individual is terminated at one year because the agency does not believe the injury was the result of an assault, we would need to bring an action under Article 78 to challenge the agency’s determination that the injury was not the result of an assault. In such a challenge, the documentary evidence related to the injury will be important. If we argue that the injury was the result of an assault, but the paperwork the employee completed at the time of the injury does not describe assaultive action by an inmate (i.e., “during the use of force, the inmate punched me” or “when I attempted to restrain the combative inmate, I fell to the ground”), the case may not be successful.

If an employee applies for performance-of-duty disability retirement and the State disputes whether the permanent disability was the result of an act of any inmate, a hearing will be held. If the employee testifies that they were injured as the result of an act of any inmate, but the paperwork they completed does not include the proper detail or does not indicate a link between the act of an inmate and the injury, the employee’s testimony may not be seen as credible and the employee may not prevail in the hearing. Credibility issues arise where an employee’s testimony differs from the initial paper work.

Disability retirement uses the term “act of any inmate.” Although that phrase is not defined in the law, the Court of Appeals recently determined in *Walsh v. NYS Comptroller* that an “act” of an inmate can be either voluntary or involuntary. In other words, an employee may be eligible for performance-of-duty disability retirement if they are struck by an inmate purposefully, but also if an inmate falls on them unintentionally (as in the *Walsh* case).

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by Bill Naylor, Retirement Specialist

Deferred Comp Limits Increased

Effective January 2019 the IRS authorized increases to contribution limits to your Deferred Compensation plans. The increases are as follows:

- for active employees who participate it increased from \$18,500 to \$19,000.
- catch-up contribution limits increased from \$37,000 to \$38,000.
- the age 50 plus deferral limit increased from \$24,500 to \$25,000.

Retiree Chapter Life Insurance

As a Retiree Chapter Member, you are covered by a \$20,000 group life insurance policy. Renewed membership in the Retiree Chapter is contingent upon us setting up automatic dues deductions. To do this, we need your retirement number. Submit your retirement number to us as soon as you get it.

Honorary Membership

If you resign from or are promoted out of your NYSCOPBA represented title, you may be eligible to continue membership in our Retiree Chapter provided you meet the qualifications of Article 3 of the NYSCOPBA Constitution. Which states that to become an honorary member, you must be able to prove outstanding contributions to NYSCOPBA or its members. If approved for honorary membership, you will be eligible to enroll in the dental and vision plans, as well as reimbursements, discounts and benefits provided through NYSCOPBA. However, honorary members **are not entitled** to the \$20,000 life insurance.

Dental Options in Retirement

Upon retirement, you lose dental coverage. If you choose COBRA, you need to sign up within 60 days of Civil Service mailing you the application. COBRA coverage is

a continuation of the same plan you had while an active employee. COBRA lasts 36 months. Once it expires, you can sign up for a Direct Pay policy with EmblemHealth or options through Norvest: Basic Dental Plan - Covers basic and preventive services. Enhanced Dental Plan - Includes all services covered by the Basic Plan as well as major care. Open Enrollment is from January – February with changes effective in April. You are required to continue coverage until the following April.

Vision Options in Retirement

Upon retirement, you lose vision coverage. If you choose COBRA, you need to sign up within 60 days of retirement. COBRA coverage is a continuation of the same plan you had while an active employee. COBRA lasts 36 months. Once it expires, you can choose the free Davis Vision Discount, which is a pre-purchase discount services plan offered to Chapter Members, as well as their dependents. Norvest also offers the VSP Vision Plan. There is a monthly cost for this plan and it operates more like an insurance plan. Open Enrollment is from February – March, with changes effective in May. You are required to continue coverage until the following May.

Retiree Chapter Reimbursement Program

Chapter Members are still entitled to the \$100 eyeglass/contacts reimbursement and the Retiree Committee is proud to announce the addition of two new reimbursements that will be **effective January 1, 2020**.

- \$50 dependent eyeglass/contacts reimbursement for dependents up to age 23
- \$100 members' only dental reimbursement. Reimbursement of up to \$100 for any out of pocket dental services not including premiums. Dependents are not eligible for this reimbursement.

Medicare Coordination with the NYS Health Insurance Program

Under the Empire Plan, when you or your dependent/domestic partner become Medicare eligible, you (or your dependent/domestic partner) must sign up 3 months prior to turning 65 for Medicare Parts A & B (do not sign up for Parts C or D). Effective the day your Medicare becomes primary, your Empire Plan becomes secondary.