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5

1	APPEARANCES:
2	OFFICERS PRESENT:
3	MICHAEL POWERS, President
4	TAMMY SAWCHUK, Executive Vice President
5	FRANK GILBO, Treasurer
6	CHRISTOPHER SUMMERS, Recording Secretary
7	
8	VICE PRESIDENTS
9	MICHAEL MAZZELLA, Mid-Hudson
10	SCOTT CARPENTER, Central
11	JOHN ROBERTS, North
12	DAVID LUTHER, South
13	JOHN HARMON, Law Enforcement
14	MARK DEBURGOMASTER, Western
15	Also Present:
16	Erin Parker, Esq.
17	KEITH JACQUES, Esq.
18	STEVEN ANDERSON, Parliamentarian
19	
20	
21	
22	
23	

6

1 PRESIDENT POWERS: All
2 right. Let's find our
3 seats and get started.
4 Good afternoon. Can you
5 guys hear me? Good
6 afternoon.
7 Okay. We'll get
8 started here. Call the
9 meeting to order. If we
10 could all please stand.
11
12 (Whereupon, a moment of
13 silence and the Pledge of
14 Allegiance was then
15 recognized.)
16
17 PRESIDENT POWERS:
18 Could we have the rules
19 read in? Listen up.
20 KEVIN DONNELLY:
21 Executive Assembly Rules
22 of Order. One, anyone
23 upon entering the

7

1 Executive Assembly must
2 wear the NYSCOPBA
3 identification tag. Chief
4 Sector Stewards will sit
5 in designated areas when
6 the Executive Assembly is
7 in session. If you are a
8 nonvoting member, you will
9 not be able to sit in
10 designated seating in the
11 back of the room.
12 Cellular phones are to
13 be turned off and beepers
14 are to be put on vibrating
15 mode. Recording devices
16 are prohibited unless
17 provided by membership
18 services and those
19 directed by the recording
20 secretary.
21 NYSCOPBA members in
22 good standing will be
23 allowed to address the

8

1 Executive Assembly.
 2 Please state your name
 3 and your sector. Speakers
 4 at the microphone will
 5 follow the direction of
 6 the Sergeant at Arms.
 7 Thank you. There will be
 8 no alcohol consumption
 9 allowed in the meeting
 10 room while the Executive
 11 Assembly meeting is in
 12 progress.
 13 Anyone found to be in
 14 violation of any of the
 15 Rules of Order will be
 16 escorted from the meeting
 17 room. Thank you.
 18 PRESIDENT POWERS:
 19 Thank you, Kevin. Chris,
 20 roll?
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 President Powers?

9

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

10

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

11

1 Present.
 2 RECORDING SECRETARY
 3 SUMMERS:
 4 Luther, present.
 5 VP West, Deburgomaster?
 6 VICE PRESIDENT
 7 DEBURGOMASTER:
 8 Here.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Deburgomaster, present.
 12 Sergeant Liaison, Sellers?
 13 SERGEANT Liaison:
 14 Here.
 15 RECORDING SECRETARY:
 16 Sellers, present.
 17 Adirondack, Sturgeon?
 18 MR. STURGEON: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Sturgeon, present.
 22 Albany Training Academy,
 23 Keenan?

12

1 MR. KEENAN: Here.
2 RECORDING SECRETARY
3 SUMMERS:
4 Keenan, present.
5 Albion, Molino?
6 MR. MOLINO: Here.
7 RECORDING SECRETARY
8 SUMMERS:
9 Molino, present.
10 Altona, Ayotte?
11 MR. AYOTTE: Here.
12 RECORDING SECRETARY
13 SUMMERS:
14 Ayotte, present.
15 Attica, Puma?
16 MR. PUMA: Here.
17 RECORDING SECRETARY
18 SUMMERS:
19 Puma, present.
20 Auburn, Vincent?
21 MR. VINCENT: HERE.
22 RECORDING SECRETARY SUMMERS
23 Vincent, present.

13

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

14

1 RECORDING SECRETARY
2 SUMMERS:
3 O'Donnell, present.
4 Clinton, Basto?
5 MR. BASTO: Here.
6 RECORDING SECRETARY
7 SUMMERS:
8 Basto, present.
9 Collins, Morosey?
10 MR. MOROSEY: Here.
11
12 RECORDING SECRETARY
13 SUMMERS: Morosey,
14 present. Community
15 Supervision, Ruland?
16 MR. RULAND: Here.
17 RECORDING SECRETARY
18 SUMMERS: Ruland, present.
19 CCA, Sharpe?
20 MR. SHARPE: Here.
21 RECORDING SECRETARY SUMMERS
22 Sharpe, present.
23 Cocksackie, Carknard?

15

1 MR. CARKNARD: Here.
2 RECORDING SECRETARY
3 SUMMERS:
4 Carknard, present.
5 Downstate, Neal.
6 MS. NEAL: Here.
7 RECORDING SECRETARY
8 SUMMERS: Neal, present.
9 Eastern, Caban?
10 MS. CABAN: Here.
11 RECORDING SECRETARY
12 SUMMERS:
13 Caban, present.
14 Edgecombe, Valentin?
15 MR. VALENTIN: Here.
16 RECORDING SECRETARY
17 SUMMERS:
18 Valentin, present.
19 Elmira, Duryea?
20 MR. DURYEA: Here.
21 RECORDING SECRETARY
22 SUMMERS:
23 Duryea, present.

16

1 Fishkill, Van Tassell?
 2 MR. VAN TASSELL: Here.
 3 RECORDING SECRETARY
 4 SUMMERS:
 5 Van Tassell, present.
 6 Five Points, Helmicki?
 7 MR. HELMICKI: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Helmicki, present.
 11 Forest Rangers, Carlson?
 12 MR. CARLSON: Here.
 13 RECORDING SECRETARY
 14 SUMMERS:
 15 Carlson, present.
 16 Franklin, Allen?
 17 MR. ALLEN: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Allen, present.
 21 Gouverneur, Best?
 22 MR. BEST: Present.
 23 RECORDING SECRETARY

17

1 SUMMERS:
 2 Best, present.
 3 Gowanda, Pustulka?
 4 MR. PUSTULKA: Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Pustulka, present.
 8 Great Meadow, Keough?
 9 MR. KEOUGH: Here.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Keough, present.
 13 Green Haven, Moreau?
 14 MR. MOREAU: Here.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Moreau, present.
 18 Greene, Barnes?
 19 MR. BARNES: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 Barnes, present.
 23 Groveland, Dillon?

18

1 MR. DILLON: Here.
 2 RECORDING SECRETARY
 3 SUMMERS:
 4 Dillon, present.
 5 Hale Creek, Rowe?
 6 MR. ROWE: Here.
 7 RECORDING SECRETARY
 8 SUMMERS:
 9 Rowe, present.
 10 Hudson, Supina?
 11 MS. SUPINA: Here.
 12 RECORDING SECRETARY
 13 SUMMERS:
 14 Supina, present.
 15 ISO's, Ohms?
 16 MR. OHMS: Present.
 17 RECORDING SECRETARY
 18 SUMMERS: Ohms, present.
 19 Kirby Forensic, O'Garro?
 20 O'Garro, absent.
 21 Lakeview, Gruber?
 22 MR. GRUBER: Here.
 23 RECORDING SECRETARY

19

1 SUMMERS:
 2 Gruber, present.
 3 Marcy, Fisher?
 4 MR. FISHER: Fisher.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Fisher, present.
 8 Mid Hudson Forensic Psych,
 9 Noel?
 10 MR. NOEL: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Noel, present.
 14 Mid State, McGowan?
 15 MR. MCGOWAN: Here.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 McGowan, present.
 19 Mohawk, Mullin?
 20 MR. MULLIN: Here.
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 Mullin, present.

20

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

21

1 SUMMERS:
 2 Smith, present.
 3 Riverview, Oneill?
 4 MR. ONEILL: Here.
 5 RECORDING SECRETARY .
 6 SUMMERS:
 7 Oneill, present.
 8 Rochester Psych, Cahill?
 9 MR. CAHILL: Here.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Cahill, present.
 13 SSO Central, Barrett?
 14 MR. BARRETT: Here.
 15 RECORDING SECRETARY
 16 SUMMERS: Barrett,
 17 present.
 18 SSO Mid-Hudson, Smith?
 19 MR. SMITH: Present.
 20 RECORDING SECRETARY
 21 SUMMERS: Smith, present.
 22 SSO Northern Region,
 23 Leclair?

22

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

23

1 Shawangunk, Vance?
 2 MR. VANCE: Here.
 3 RECORDING SECRETARY
 4 SUMMERS:
 5 Vance, present.
 6 Sing Sing, Harris?
 7 MR. HARRIS: Present.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Harris, present.
 11 Southport, Sickler?
 12 MR. SICKLER: Here.
 13 RECORDING SECRETARY
 14 SUMMERS:
 15 Sickler, present.
 16 Sullivan, Gilmour?
 17 MR. GILMOUR: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Gilmour, present.
 21 Taconic, Gordon?
 22 MS. GORDON: Here.
 23 RECORDING SECRETARY

24

1 SUMMERS: Gordon, present.
 2 Ulster, Scampoli?
 3 MR. SCAMPOLI: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Scampoli, present.
 7 Upstate, Gary?
 8 MR. GARY: Here.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Gary, present.
 12 Wallkill, Sheridan.
 13 MR. WALLKILL: Here.
 14 RECORDING SECRETARY
 15 SUMMERS: Wallkill
 16 present. Washington,
 17 Howell?
 18 MR. HOWELL: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Howell, present.
 22 Watertown, Dier?
 23 MR. DIER: Here.

25

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Dier, present.
 4 Wende, Porter?
 5 MR. PORTER: Here.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Porter, present.
 9 Willard, Cornacchio?
 10 MR. CORNACCHIO: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Cornacchio, present.
 14 Woodbourne, Gutierrez?
 15 MR. GUTIERREZ: Here.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Gutierrez, present.
 19 Wyoming, Goodrich?
 20 MR. GOODRICH: Here.
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 Goodrich, present.

26

1
 2 The September executive
 3 minutes have been
 4 published. Does anyone
 5 have any corrections?
 6 Seeing none, minutes
 7 approved.
 8 PRESIDENT POWERS: Move
 9 into the President's
 10 report. We have a change
 11 in the agenda, DEC
 12 Martuscello will not be
 13 here today. So since our
 14 last meeting in September
 15 obviously there's been
 16 plenty of jailhouse
 17 issues. We've had some
 18 changes to some of the
 19 facility operations in --
 20 you'll see some of the
 21 directives coming down for
 22 some of the facilities.
 23 Some of them are changing,

27

1 Collins is a work place
 2 facility now.
 3 Certain programs are
 4 being implemented in other
 5 jails. Wallkill is now a
 6 general population jail.
 7 We're seeing a lot of
 8 changes, keep an eye on
 9 those directives as they
 10 come out into your
 11 facilities. Keep abreast
 12 of those situations.
 13 A lot of departmental
 14 communications coming out
 15 as of late. We saw the
 16 changes in the -- the
 17 issues with the
 18 urinalysis, Brother Rowe
 19 brought this up at the
 20 last EA. Some of the
 21 issues with the urinalysis
 22 procedure has to do with
 23 investigations into some

28

1 alleged false positives
2 coming down the pike.
3 A lot of it has to do
4 with the actual
5 manufacturer. The name
6 escapes me at the moment,
7 the company that the
8 Department has gone with.
9 So, typically what happens
10 if you get a hot test in
11 your facility, sample will
12 be sent out to an
13 independent lab to be
14 verified, to check with
15 the mechanics of the
16 machine that you're
17 operating within your
18 facilities. Then
19 ultimately a discipline
20 will come down shortly
21 thereafter. It's
22 basically an extenuating
23 of you're walking Tier 3

29

1 if you will. So that's
2 out there.
3 Apparently there's a
4 state IG investigation
5 with this corporation that
6 is operating out of
7 this -- that's contracted
8 with the state for the
9 operations for the E-mitt
10 testing. You see a lot of
11 issues going on with the
12 beards. A civil lawsuit
13 down in the Mid-Hudson
14 region regarding that.
15 That's put some slow down
16 on some qualifications as
17 to the policies the
18 Department has in place.
19 We filed an amicus
20 brief in support of the
21 two individuals regarding
22 that and we'll continue to
23 monitor that. Seeing a

30

1 lot of -- still continuing
2 to have a lot of staffing
3 issues. I'm still owed a
4 great deal of staff.
5 We've got a six billion
6 dollar deficit coming down
7 the pike here shortly.
8 We're seeing different SHU
9 regulations coming to
10 light. We've got a lot of
11 moving parts going on.
12 And it's at times
13 difficult to stay out in
14 front of it all.
15 Thankfully through our
16 lawyers and our
17 professionals we're
18 staying out in front of
19 most of it and staying on
20 top of it in
21 communications with the
22 Department regarding it.

Just like to touch on a

31

1 couple other things. The
2 SHU regulations, as you're
3 all aware the department
4 has introduced new
5 regulations to change the
6 way SHU is utilized.

7 We've responded to
8 these regulations in the
9 60 day comment period by
10 the end of October in
11 conjunction with our law
12 firm. These regulations
13 have been drafted
14 following our successful
15 defeat of the HALT
16 legislation from last
17 legislative session.

18 These regulations are a
19 far cry from the horrific
20 impacts of HALT and in
21 many ways will simply put
22 into regulations most of
23 the changes that are

32

1 already in place due to
2 the NYCLU settlement.

3 So we're staying on top
4 of this SHU issues and the
5 regulations that are
6 coming forward. And as
7 many of you seen we held a
8 meeting October 9th at
9 NYSCOPBA land down at the
10 bottom floor regarding the
11 SHU regulations. There
12 was a lot of information,
13 we had a good attendance
14 show up.

15 We saw a lot good
16 models regarding some of
17 the programs that were
18 going to be implemented
19 with these new SHU
20 regulations and some of
21 the NYCLU settlement
22 that's currently up and
23 going. Lakeview has a

33

1 them to take a look at
2 that. We believe they're
3 going to take a look at
4 that.

5 Steward training is
6 ongoing. Mike Morrow with
7 the assistance of the law
8 firm is doing a great job.
9 We've had a lot of
10 attendance in a lot of the
11 areas. I thank Mike for
12 his schlepping around the
13 state and helping our new
14 stewards come online.

15 Recently we attended --
16 I was invited to a round
17 table in the Bronx by
18 Senator Sepulveda. For
19 those who don't know,
20 Senator Sepulveda is the
21 sponsor for the HALT
22 legislation. This round
23 table was attended by

35

1 really exceptional one, I
2 advanced some of that cost
3 and ask the Department to
4 look at that as a security
5 basis, because some
6 facilities operate out of
7 civilian basis through the
8 step down programs and
9 some of the SHU
10 utilization through the
11 ORC Department, the
12 counseling department.

13 But we've asked the
14 Department to take a
15 strong look at Lakeview,
16 it's pretty strong
17 security procedure and
18 policy that they have
19 there. And the success
20 rate from what I
21 understand is quite good.
22 So we've advanced that to
23 the Department and asked

34

1 myself, I brought Keith
2 Jacques with me. And I
3 was invited, it was an off
4 the record conversation.
5 There was no media there.
6 There was no recording
7 devices, there was nothing
8 there. It was an
9 off-the-cuff conversation.

10 It was a good
11 conversation. Many people
12 were there, some
13 exconvicts there.
14 Obviously we had the
15 Osborn Society, the BAR
16 society, we had a couple
17 colleges there, college
18 for inmates. And a lot of
19 the components in the
20 discussion were education,
21 SHU, prison violence, I
22 can't remember the last
23 one -- parole, thank you

36

1 Keith. Those were the
2 topics of discussion.
3 We engaged in three of
4 them. We didn't
5 anticipate getting into
6 the education aspect of it
7 with Former Commissioner
8 Fisher was in attendance,
9 he's also a member of the
10 Osborn Association. He
11 brought up a good point
12 regarding -- I made
13 mention of the forty hours
14 annual training that we
15 get. I've got 30 years in
16 the department, I still
17 get forty hours of annual
18 training. I got it in
19 1989 and I'm getting it
20 today, much like the rest
21 of you.

22 So that was one of the
23 concerns that we had

37

1 regarding training. I
2 expressed that I didn't
3 think 80 hours of annual
4 training would be
5 sufficient for a
6 correctional officer due
7 to the changes that have
8 been come about since I
9 started in 1989; or many
10 of you since you have
11 started. The changes are
12 vast, they're coming quick
13 and it comes without a lot
14 of notice, as you're
15 aware.

16 So we talked about that
17 a little bit. And we
18 spoke a little bit about
19 the -- kind of opened
20 their eyes to the fact
21 that there isn't much
22 training there. There was
23 a lot of nay-saying about

38

1 corrections officers in
2 general. We did a good
3 job combating that.
4 Recognizing that, you
5 know, there are egregious
6 actors in every
7 profession.

8 We countered pretty
9 strong. And it was -- I
10 thought I was going into
11 the devil's den and we
12 kind of came out in
13 partnership with PEF,
14 along with ironically
15 enough former Commissioner
16 Fisher. And he took our
17 back on a lot of positions
18 which, are differences
19 aside over the years with
20 the former commissioner,
21 he actually led the
22 Department. So with that
23 being said, he was a

39

1 wealth of knowledge while
2 we were there.

3 But a lot of the SHU
4 regulations and the prison
5 violence all came into
6 play as one particular
7 conversation and it was a
8 good conversation. And
9 one of the things that we
10 expanded on along with PEF
11 is the concern that
12 they're looking to spend
13 millions of dollars for a
14 small percent of the
15 inmate population to house
16 them in SHU, when PEF and
17 Former Commissioner Fisher
18 are beating the drum to
19 rehab the newer kids, the
20 younger kids that are
21 coming in that don't have
22 their GEDs. We basically
23 said they were spending

40

1 their money in the wrong
2 forum.
3 It kind of opened their
4 eyes up a little bit, even
5 got some of the advocates
6 attention because you had
7 a lot of educators there
8 as well. The round table
9 consisted of about twelve
10 of us. Myself, two
11 representatives from PEF,
12 we had the BAR college
13 there, we had four
14 exconvicts as I said. We
15 had Prison Legal Services,
16 NYCLU was there. There
17 was one lady there,
18 anyway, I forgot, another
19 advocate.
20 And it was pretty well
21 received at the end of the
22 day. It was comforting to
23 be able to walk out of

41

1 there and think maybe we
2 got to them a little bit.
3 Keep your fingers crossed,
4 I am. I don't know
5 whether it will come down
6 to light, but it was a
7 good meeting. I'm glad I
8 attended. I had my
9 reservations in the
10 beginning, but ultimately
11 at the end of the day I
12 was glad I attended. I've
13 been assured that there
14 will be more round tables
15 coming forward.
16 Legislative events
17 they're already kicking
18 off. I attended the
19 Senate Dems conference
20 fundraiser the other
21 night. Met with many of
22 the members and ironically
23 enough in front of the

42

1 small pub in Downtown
2 Albany where this
3 fundraiser was held, four
4 HALT advocates out there
5 handing out flyers. One
6 of the senators who
7 supports us put his gum in
8 it and crumpled it up and
9 threw it out.
10 We recognize the
11 support that we have.
12 It's limited right now but
13 we'll continue to form
14 those relationships.
15 Senator Kennedy had his
16 event last night. It was
17 attended by new VP Mark
18 Deburgomaster. And just
19 to talk a little bit about
20 the upcoming budget and
21 the legislative session.
22 The new voting laws
23 that went into effect a

43

1 year ago, you have a
2 legislative session now
3 that doesn't start in
4 April and run until the
5 end of June. It starts
6 now with the New Year and
7 it runs through May, along
8 with that is the
9 Governor's proposed
10 budget.
11 So it's a lot of moving
12 parts, there's going to be
13 a lot of moving targets.
14 We don't know what's
15 coming out in the budget.
16 I'm sure you're all well
17 aware there's a six
18 billion dollar deficit. I
19 can't speak for former
20 leaders of this
21 organization, but I don't
22 think we've seen one this
23 big since 2010, before the

44

1 Governor came in.
2 It's quite large and
3 it's being driven by
4 Medicaid. And the lack of
5 basically the State
6 punting the issue down the
7 road and it's coming back
8 to bite them in the ass
9 and it's going to bite us
10 in the ass.

11 We don't know what
12 that's gonna bring, we can
13 make our assumptions.
14 We're preparing for just
15 about everything and we'll
16 continue to prepare for
17 just about everything as
18 we continue to move
19 forward. We did run into
20 a recent round of dorm
21 consolidations again,
22 first week in October.
23 We were quick to notify

45

1 the regions and the
2 facilities affected.
3 So, I'm not saying
4 that's a tall -- that's
5 something, it's a genuine
6 concern to us and we'll
7 keep an eye on that.
8 As far as our lobbying
9 efforts, NYSCOPBA will not
10 be renewing the contract
11 for Statewide Public
12 Affairs for 2020. We
13 appreciate the efforts of
14 Chris Duryea and his team
15 these past few years as
16 they worked closely with
17 our Executive Board, our
18 chief lobbyists and
19 legislative counsel, Keith
20 Jacques and our
21 Legislative Director Dan
22 Valente.

23 At this point in time

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1 with such drastic changing
2 political landscaping as
3 compared to a few years
4 ago, the Board believes
5 that the union would be
6 better served to remain
7 free of an annual retainer
8 with an additional
9 lobbyist, so we can hire
10 lobbying help for specific
11 issues on an as-needed
12 basis.

13 That can mean we hire
14 Statewide for a specific
15 issue, a different firm
16 for another issue or
17 hiring no one at all
18 depending on the
19 circumstances. We'll take
20 the advice of counsel from
21 our current lobbyist Keith
22 on this, working with Dan,
23 myself and the Board and

47

1 obviously with this body
2 as well.
3 The reason behind it
4 is, we formulated a lot of
5 strong relationships since
6 NYSCOPBA's inception, in
7 many houses and many
8 leaderships. And those
9 relationships still exist.
10 But there are hurdles to
11 always overcome and access
12 is everything. And those
13 are some of the things
14 that we need to kind of
15 vet as we go forward and
16 navigate these waters.

17 Keith has formulated a
18 great relationship with
19 just about everybody in
20 the LLB and in some
21 aspects of the second
22 floor. Obviously our
23 biggest hurdle is getting

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1 to the guy himself and
2 we'll continue to work on
3 that as we go forward.

4 But that is one of the
5 things that we are looking
6 at to kind of go back and
7 forth. What happened in
8 the last -- you know, we
9 had a great working
10 relationship, we did good
11 work last year. We were
12 on defense the whole time
13 and we pushed back a piece
14 of legislation that had
15 thirty-eight cosponsors,
16 enough to pass the bill.

17 And through those
18 efforts we believe that we
19 can handle our own for
20 certain issues and then be
21 able to access others to
22 be able to get us over the
23 hurdles that we have in

49

1 front of us. So that's
2 concept from the Board.

3 Some of you have
4 already heard it, Brother
5 Mazzella called me
6 Thursday evening, I
7 believe, Acting
8 Commissioner Annucci and
9 DEC Martuscello spent 24
10 hours in an SHU block at
11 Eastern. Apparently they
12 dumped the block, came in
13 in greens and went in and
14 sat in to a cell for 24
15 hours. They went through
16 the whole process, from
17 the rear gate to the front
18 through reception.

19 At any rate, this is a
20 result from last years
21 public protection
22 hearings. Senator Gustavo
23 Rivera asked the

50

1 Commissioner based off the
2 fact that he knew that the
3 Governor of Colorado, I
4 think two or three years
5 ago, spent 24 hours in an
6 SHU cell. And he came out
7 that it was doom and gloom
8 and all this, that or the
9 other thing. And Rivera
10 called out the chief at
11 last year public
12 protection hearings and
13 asked him if he would be
14 willing to do it.

15 And funny enough
16 Annucci's response was, it
17 will probably be the best
18 nights sleep I've had in
19 years. I haven't gotten
20 any reports. Mazzella
21 heard it from Eastern that
22 they were in there. I
23 started making calls, my

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1 calls weren't going
2 answered. Obviously they
3 didn't have their cell
4 phones in there so --
5 tablets, cell phone.

6 Those are a lot of
7 things that we're working
8 on from my end, it's going
9 to be a trial and error
10 thing right now. Like I
11 said, we have good
12 relations with a lot of
13 people in the right
14 houses; both majorities.
15 Our biggest hurdle is now
16 getting to the Governor.

17 I said it here a couple
18 EAs ago, who would have
19 thought he would be our
20 biggest advocate? Who
21 would have thought he
22 would be the guy we're
23 going to need to go to?

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1 When formerly we always
2 had relations with the
3 Republican majority in the
4 Senate. That's going
5 away. You're seeing
6 Republican senators
7 dropping out of races now.
8 It's just getting to be --
9 it's just this is the new
10 normal and this is the
11 world we have to navigate
12 in.

13 Many communications
14 I've had with our
15 coalition, I mentioned our
16 coalition before consists
17 of New York City
18 Corrections, consists of
19 Nassau, Westchester,
20 Suffolk, Dutchess is in
21 and out, they're kind of
22 in and out with us. But a
23 lot of their issues don't

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1 necessarily mirror ours,
2 but we support them in
3 theirs, as we ask for
4 their support with ours.
5 One of the things we're
6 going to be looking to do
7 is put on somewhat of a
8 front with this coalition
9 and in two areas right
10 now. Right now as we're
11 discussing we're talking
12 about New York City and
13 Albany, doing a heavy
14 loaded presser with
15 victims, victims families
16 and people that are
17 victims of crime and
18 remind everybody that
19 there's another side of
20 the coin here and that's
21 being ignored.

22 And that's going to be
23 one of our big pushes

54

1 coming into the new year,
2 as this budget session and
3 legislative session
4 together roll out as one.
5 So it's going to be a lot
6 of things going on here
7 back and forth, so that's
8 pretty much where we're
9 at.

10 We've seen a lot of
11 exposures in our package
12 rooms to Fentanyl. We
13 warned about it some time
14 ago. We've had a lot of
15 good busts, unfortunately
16 we've had some members who
17 were exposed to it and
18 they were rushed out of
19 their facilities.
20 Thankfully God willing,
21 they're okay. It's due to
22 our due diligence and the
23 great job that our staff

55

1 do on a normal basis.
2 We have to be out of
3 here today by 4:30 because
4 this is where the party is
5 tonight. So I'm going to
6 keep this short. If
7 anybody's got anything for
8 me, I'm happy to take any
9 questions and go from
10 there. Steve?

11 STEVEN MCGOWAN:
12 McGowan, Mid-State. Whose
13 decision was it to cancel
14 Martuscello's appearance?

15 PRESIDENT POWERS: Well
16 it was basically based off
17 all the rumblings I heard
18 this morning, from the
19 membership that they
20 weren't happy about having
21 him come in to address our
22 membership.

23 STEVEN MCGOWAN: I for

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1 one was looking forward to
2 asking him some questions.
3 And it's a little
4 disappointing not having
5 him here.

6 PRESIDENT POWERS: I
7 can understand that. This
8 is one of our concerns
9 that we had going forward.
10 And when I mentioned it at
11 the last EA, I didn't get
12 any resistance from
13 anybody in here, but the
14 rumblings this morning
15 were that it was going to
16 get kind of arrogant.

17 And I'm not looking to
18 create any issues and
19 we've got a lot to get
20 through today. And I'm
21 sure you do, I'm sure a
22 lot of us do. I'd like
23 nothing more and to have

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1 that opportunity for the
2 membership.

3 But the rumblings I
4 heard today were negative
5 and they were going to
6 be -- I had heard a lot of
7 different things and I
8 thought, you know what,
9 what's the sense of
10 putting everybody through
11 that. I conversed with
12 the Board and we decided
13 to pull it.

14 STEVE MCGOWAN: I for
15 one would like to see him
16 maybe come to the next
17 one, so we can get a few
18 things off our chest and
19 we can be respectful about
20 it.

21 PRESIDENT POWERS:
22 Another thing, too, is I
23 threw it out there in my

58

1 report last time and I
2 didn't get any backlash
3 from it. So I asked for
4 objections, I didn't get
5 any, but quite frankly it
6 should come from this
7 body. If you want to put
8 a motion together and have
9 it go through and see how
10 it plays out, I'm happy to
11 entertain that.

12 STEVE MCGOWAN:

13 Thank you.

14 PRESIDENT POWERS:

15 Donn?

16 DONN ROWE: Rowe, Hale
17 Creek. Article 25 of the
18 CBA provides a perfect
19 opportunity to ask
20 questions in an other than
21 agenda form. And I would
22 hope that the Commissioner
23 would be there and

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1 Martuscello, if he so
2 chooses. To give him an
3 open mic in this room in
4 our union hall is
5 ridiculous in my opinion.

6 And the only way I
7 would attend is if Missy
8 O'Gorman maybe did the
9 opening act. And Mike,
10 that's not what you said
11 at the last EA. I think
12 you need to read the
13 minutes. You made mention
14 of it, maybe he needs to
15 come here and address the
16 tough issues. You did not
17 ask for objection or
18 adoption of it. So he's
19 got no place for an open
20 mic in this room.

21 PRESIDENT POWERS:

22 Kevin?

23 KEVIN DONNELLY: Kevin

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1 Donnelly, Coxsackie.
 2 Mike, you touched on the
 3 staffing issues, the low
 4 levels. And now with the
 5 SHU reforms coming in and
 6 new programs being added,
 7 is this something they're
 8 going to rush and run
 9 right down our throat? I
 10 mean, we're barely
 11 keeping -- you know, we're
 12 running so much overtime
 13 right now just to fill the
 14 items we have. Is this
 15 something that they're
 16 going to rush into --

17 PRESIDENT POWERS: They
 18 have appropriated money
 19 for these SHU regulations.
 20 I know some of it is going
 21 to staff. How they
 22 appropriate that will hope
 23 to be part of the

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1 conversation to get into.
 2 I mean, regardless of the
 3 money that they're
 4 appropriating for these
 5 new SHU regulations, we're
 6 still short staffed. I
 7 mean, you guys are still
 8 sharing services from
 9 Green from what I
 10 understand.

11 KEVIN DONNELLY: That's
 12 normal for us.

13 PRESIDENT POWERS: And
 14 it shouldn't be. And it
 15 happened before we made
 16 mention of it again and
 17 we'll continue to drive
 18 that home. I mean,
 19 Green's got issues,
 20 Franklin's got issues --
 21 not Franklin -- is it
 22 Franklin? It's pretty
 23 much everybody.

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1 I mean some of them --
 2 I know that Green Haven's
 3 got issues, I know that
 4 Auburn's got an issue with
 5 some staff, the report I
 6 got today they seem to be
 7 coming on line. So, it's
 8 back and forth, there's a
 9 lot behind it but we'll
 10 continue to pound that
 11 drum and see how they're
 12 going to appropriate this
 13 for the staff. I'm
 14 assuming the actual SHU
 15 and the programs
 16 involved --

17 KEVIN DONNELLY: At
 18 this point we can't even
 19 fill our chart on a daily
 20 basis. I mean, how do
 21 they expect us to keep up
 22 with this if they're going
 23 to add new programs.

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1 PRESIDENT POWERS: I
 2 know, it's our drum, we're
 3 beating that drum.

4 KEVIN DONNELLY: Will
 5 they hold off on
 6 implementing this law and
 7 pushing it through?

8 PRESIDENT POWERS: I
 9 don't know how they're
 10 going to be able to
 11 implement them. I mean,
 12 they've got a lot of
 13 infrastructure changes
 14 they've got to do, they've
 15 got to open up some
 16 S-blocks. They've got a
 17 lot of work to do. I
 18 don't know when that will
 19 come on line but we can
 20 follow up --

21 KEVIN DONNELLY: Thank
 22 you.

23 PRESIDENT POWERS: By

64

1 all means. Anybody else?
2 George?

3 GEORGE KARAMANOS:
4 George Karamanos, Green.
5 Mike, just to piggy-back
6 what Kevin was saying, our
7 bid pull is at 443. We've
8 got a ton of new staff
9 that we are projected to
10 lose very soon after the
11 holidays, which is
12 literally going to bury
13 Green Correctional
14 facility with staffing
15 issues beyond belief.

16 Right now my guys are
17 getting stuck two, three,
18 four times a week. And
19 after these holidays come,
20 we need relief. We cannot
21 operate under the
22 circumstances we're
23 operating now. It's

65

1 impossible. Something
2 terrible is going to
3 happen. I spoke with Mike
4 Morrow. We need to have a
5 sit down and discuss and
6 rectify some of these
7 problems. It's not
8 something that we can keep
9 pushing off.

10 PRESIDENT POWERS:
11 We're not pushing it off,
12 George.

13 GEORGE KARAMANOS: No.
14 No. I didn't mean it in
15 that respect. We keep
16 waiting for things to
17 happen but --

18 PRESIDENT POWERS: So
19 do we. I got your
20 frustrations.

21 GEORGE KARAMANOS: I
22 want to be proactive for a
23 change. I want to help

66

1 this membership and I
2 don't know how to help
3 them with this staffing
4 issue. That's why I'm at
5 the mic now.

6 PRESIDENT POWERS: The
7 new people you got coming
8 in, are they coming in
9 right from the academy.

10 GEORGE KARAMANOS: Yes.
11 And they'll be gone
12 shortly after the holiday.

13 PRESIDENT POWERS: It's
14 a short stint that they're
15 there.

16 GEORGE KARAMANOS: Yes.
17 Yes. And I know everybody
18 sitting up at that Board
19 right now knows this. But
20 I guess my question is, I
21 can't fix it and I need
22 help fixing it.

23 PRESIDENT POWERS:

67

1 I will help you.

2 GEORGE KARAMANOS: All
3 right.

4 STEVE MCGOWAN:
5 McGowan, Mid-State. Where
6 are we on getting our
7 D-stat items filled? I
8 know we brought that up, I
9 don't know if it was the
10 last EA or the one before
11 that, we have I believe
12 eight that are currently
13 either OSI or super cert,
14 even though we had an
15 audit and they said they
16 would approve them for
17 September and they never
18 came through.

19 PRESIDENT POWERS:
20 I will follow up, Steve.
21 You don't have any
22 temporary staff there?

23 STEVE MCGOWAN: No.

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1 PRESIDENT POWERS:
2 Tammy?
3 EXECUTIVE VP SAWCHUK:
4 Good afternoon, everyone.
5 The cut off for tuition
6 reimbursement was december
7 1st. If you have not
8 submitted an application
9 as of yet and you're going
10 to do so soon, please do
11 so by January 1st because
12 the next meeting is the
13 first week of January to
14 review those applications
15 for approval and denial,
16 and that is done
17 quarterly. So get your
18 applications in.
19 Currently applications
20 so far that I received
21 that will be reviewed at
22 the January meeting will
23 be Orleans, Watertown,

69

1 Elmira, South Port, the
2 Niagara Falls Parole
3 Office, Mohawk, Rockland
4 and Rockland, PC. If I
5 didn't mention you, it's
6 because they haven't given
7 me that information. I
8 got this from Sam Dejohn
9 from GOER.
10 The applications are on
11 the website. So just look
12 in the index, whether
13 they're on my page.
14 We are looking to do
15 PTSD peer assistance
16 training, hopefully the
17 first quarter of 2020. I
18 can't guarantee that,
19 everybody knows how slow
20 the state works as far as
21 that is concerned.
22 In your packets I have
23 provided information that

70

1 I received for a PTSD
2 conference that I
3 attended. I'm not going
4 to review the information,
5 it's a lot of data and
6 it's very important.
7 This is traumatic. The
8 numbers are staggering
9 when it comes to PTSD
10 prevention. I know in
11 2017 we had legislation
12 they were trying to push
13 as far as presumptive and
14 presumption under Workers'
15 Comp benefits and we will
16 be looking to do that
17 again.
18 It's not just an
19 incident, a single
20 incident that you can say
21 causes PTSD. PTSD can
22 come over longevity of
23 just the environment you

71

1 work in. Like I said,
2 once again, this
3 information is valuable,
4 read it, understand it.
5 Hopefully we can move
6 forward with the training
7 and acknowledging there
8 truly is a problem with
9 it.
10 As Mike said, as the
11 special interest groups
12 continue to put pressure
13 on New York legislators
14 related to what they call
15 solitary confinement we
16 know as SHU, we will
17 continue to monitor any
18 legislation to be
19 introduced in 2020 and
20 keep everybody apprised.
21 For the Community
22 Supervision Members, we
23 continue to work with the

72

1 Department related to that
2 title. I have requested a
3 joint labor management
4 meeting with Deputy
5 Commissioner Enright to
6 discuss these important
7 issues. That meeting
8 should be held on December
9 18th, 2019.

10 For some, holidays are
11 a difficult time. Please
12 remember that member
13 assistance program is
14 there for everyone. You
15 should utilize it, it's
16 near and dear to my heart.
17 It's something I'm going
18 through right now. Reach
19 out to her, she's a good
20 lady. Thank you.

21 PRESIDENT POWERS:
22 Thank you, Tammy. Frank?

23 TREASURER GILBO:

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1 thousand. Legal defense,
2 2.62 million.
3 Unrestricted bond, 5.98
4 million. Restricted bond,
5 1.75 million. Gen Op,
6 6.01 million. PAC fund,
7 two hundred nineteen
8 thousand.

9 Keep in mind, Gen Op,
10 has got six million, four
11 million is going to go
12 back into the bond so
13 we're going to be right
14 back -- we're going to put
15 it back into the bonds to
16 make some money for us, so
17 that should be happening
18 today or tomorrow. Our
19 investors are looking for
20 the right bonds to buy.

21 I had the Sergeant at
22 Arms hand out the profit
23 and loss for the year. We

75

1 Good afternoon. First
2 thing I got is, Kevin
3 Aldous just had surgery
4 and he went through a very
5 tough time and he's still
6 recovering, so we have
7 tickets for a TV. Jim
8 bells got them, so if
9 anybody would like to
10 help, he is a chief, he's
11 one of us, so if you
12 could.

13 Now I've got some good
14 news, believe it or not.
15 The State finally paid us
16 25.9 money, so we got 3.68
17 million so we're back to
18 where we were before the
19 contract was starting the
20 negotiation process.

21 Total cash, 15.54
22 million. Rainy Day Fund,
23 seven hundred six

74

1 should be at ninety-two
2 percent. Our spending is
3 at eighty-five percent, so
4 we're seven percent under
5 budget for the year so
6 far. But as you all know,
7 it's Christmas party
8 season so let the money
9 start flying. That's Mid
10 State, they already spent
11 all theirs.

12 Reverse gear a little
13 bit, the Rainy Day Fund
14 amendment passed. You got
15 it in the mail. Whopping
16 total of like twenty-five
17 hundred people who voted
18 and it passed by forty
19 something votes. So,
20 three more dollars is
21 going to come out of your
22 dues, so we're going back
23 to the original fifteen

76

1 hundred bucks for two
2 weeks. So that's going to
3 sustain it for a few more
4 years.

5 Anybody got any
6 questions on the profit or
7 loss for the year? Okay.
8 Moving on to the 2020
9 budget. You had that in
10 your packet. I went over
11 it last. Any questions on
12 that? Hold on.

13 DONN ROWE: If you're
14 going to talk about the
15 budget, can you explain
16 the 75 thousand dollars to
17 employee payroll increase?
18 Let me preempt this, I'm
19 kind of disappointed you
20 didn't send the worksheet
21 out. That would probably
22 have answered my question.
23 That's the only question I

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1 can get out to the
2 membership that would
3 great.

4 It's on some particular
5 services. It's basically
6 different things that
7 they're moving around, you
8 know, maybe United Health
9 Care is presently changed
10 to that service so they're
11 going to move to BlueCross
12 BlueShield.

13 They're all positive.
14 They're all to help the
15 member not get any out of
16 pocket expenses. So
17 rather than go through
18 them all, I explained
19 everything in that. And
20 if anybody has any
21 questions you can call me
22 or I will be around this
23 afternoon if you want to

79

1 have.

2 TREASURER GILBO: Wait
3 till old business.
4 Anybody else got anything?
5 Thank you.

6 PRESIDENT POWERS:
7 Move into departmental
8 reports. Sharon?

9 SHARON SMITH: Good
10 afternoon. In your
11 packets you will see a
12 couple documents I had put
13 in there. One is just the
14 rates that recently went
15 out, I just provided a
16 copy of those. And the
17 second one was something I
18 typed up, there's some
19 changes to the Empire Plan
20 that will take affect
21 January 1st. I typed that
22 up, if you can post that,
23 if you can do that so it

78

1 talk to me about them.

2 There was one last
3 minute regarding the
4 vaccinations and
5 immunizations when that's
6 done at the hospital.
7 Currently that's not
8 covered at all. BlueCross
9 BlueShield doesn't pay for
10 immunizations so that's
11 been an out-of-pocket
12 expense to the member.
13 That's going to be moved
14 to United Health Care, but
15 I just received notice
16 that they're having a
17 coding issue for that. So
18 that particular one, it
19 will probably take affect
20 at the end of the first
21 quarter of 2020, not on
22 January 1st.

23 When I get notified

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1 when exactly it is, I will
2 certainly let you all
3 know. And I did mark that
4 on that paper that that
5 one may take a little bit
6 longer. The nurse line,
7 there's something on there
8 about the nurse line.
9 They're trying to -- they
10 want to make that much
11 more friendlier to the
12 members when you call,
13 they're going to have a
14 lot more services and so
15 forth.

16 So if you have any
17 questions, reach out to me
18 and I'll be glad to help.
19 And if I don't know,
20 I will find out the answer
21 for you. So you know, I
22 did put that on the
23 website. Also I put that

81

1 information in there to
2 help you get membership
3 also.

4 The option transfer
5 period is going on right
6 now, the rates are out, so
7 that goes through December
8 31st. Again, this is when
9 anybody can change their
10 plan, if they want to
11 change their health
12 insurance plan. They can
13 change their pretax status
14 if they're interested in
15 doing that.

16 They can sign up for
17 the opt out program during
18 this period. I put
19 something out before to
20 notify you that previously
21 the opt out program every
22 year anybody in it had to
23 recertify; they're not

82

1 requiring that any more.
2 So anybody that's
3 currently in it, they
4 don't have to do anything,
5 they will continue to get
6 those monies every year
7 unless they want to get
8 out, then they will go
9 down. But otherwise they
10 don't need to be
11 recertified every year.

12 This is the time for
13 anybody that's not on it,
14 to get in it. This is
15 when you can change from
16 family to individual
17 coverage without a
18 qualifying event. You can
19 change from individual to
20 family during this period,
21 but there is a late
22 enrollment provision for
23 anybody that's doing that.

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1 You can cancell your
2 insurance, if you want to
3 cancel and not have any
4 coverage, you can do that
5 now.

6 You can also enroll, if
7 you're not enrolled in it
8 you can enroll at this
9 time in the Empire so they
10 don't lose any coverage.
11 I just wanted to mention
12 again, the formulary, with
13 the new contract it went
14 from a flexible formulary
15 to the advanced flexible
16 formulary. And the
17 changes for 2020 were out,
18 there were low numbers of
19 members that were effected
20 by anything, so that was
21 good news.

22 I just wanted to
23 mention that before Stony

84

1 Brook University Hospital
2 is still in negotiations
3 with BlueCross BlueShield,
4 that has not been settled.
5 If they don't settle by
6 the end of the year, they
7 will be out January 1st.

8 From everything I'm
9 getting, they're very
10 positive an agreement will
11 be reached but I can't say
12 today that its happened.

13 So I will keep you advised
14 on that. Does anybody
15 have any questions on
16 anything? Have happy
17 holidays.

18 PRESIDENT POWERS:

19 Thank you, Sharon.

20 DANA BETTS:

21 Afternoon. Somebody
22 approached me earlier
23 today and there's been

85

1 there.

2 Phase one is right
3 after -- or Phase A, I
4 should say, is right after
5 your injury or illness
6 within thirty days or
7 until your claim is
8 established. Phase two,
9 is more like a second
10 line. It's to 90 days
11 after, second line
12 prescriptions or as first
13 line prescriptions aren't
14 effective, they can
15 request approval for
16 second phase. And then
17 there's a perioperative,
18 so it's drugs that are
19 approved for four days
20 before surgery and four
21 days after a surgery.
22 Anything that's not on
23 that formulary needs prior

87

1 talk there's a new
2 Workers' Comp formulary,
3 prescription formulary.
4 It was enacted due to
5 legislation that went
6 through in April 2017,
7 where it required Workers'
8 Comp have a formulary
9 program.

10 So, the medications
11 that are on the program,
12 not unlike our health
13 insurance where there is a
14 formulary program, but
15 it's based on the
16 effectiveness of the
17 current medication. So
18 there's three phases to
19 the formulary program.
20 New York State Workers'
21 Compensation has a whole
22 list of drugs and
23 medications that are on

86

1 approval, which means
2 waiting time for the
3 members to get the
4 medications that the
5 doctors feel as though
6 they need. And then
7 there's other medications
8 that are just totally lost
9 and members, if they're
10 insistent on the
11 medications that have been
12 effected by the formulary
13 have been notified of
14 medications maybe they're
15 taking now that they're no
16 longer going to be
17 approved.

18 Not great news, sorry.
19 Other than that, Workers'
20 Comp hardly changes. So,
21 any questions? Have a
22 great holiday.

23 PRESIDENT POWERS

88

1 Thank you, Dana. Bill?
 2 BILL NAYLOR: Good
 3 afternoon. So, site
 4 visits I was in Altona on
 5 November 16th for a
 6 retirement resource day.
 7 Did a site visit at
 8 Cocksackie on December 7th
 9 and Watertown on December
 10 14th.

11 The thing I like best
 12 about the walk-throughs is
 13 I'll get questions from
 14 tiers three through six.
 15 So somebody who only has a
 16 couple years on the job
 17 compared to somebody whose
 18 got thirty years on the
 19 job. So they're very
 20 beneficial in that respect
 21 because not all the
 22 younger members get out to
 23 the resource day, when I'm

89

1 giving those pseudo
 2 retirement seminars at the
 3 facilities.

4 One thing, the Governor
 5 on December 6th signed a
 6 bill into law increasing
 7 the Chapter 589 Public
 8 Employer Annual Earnings
 9 amount from 30 thousand to
 10 35 thousand. So, anybody
 11 who takes public
 12 employment after retiring
 13 now can make 35 thousand
 14 dollars a year so it does
 15 help.

16 My chapter stats, we
 17 added 219 members total
 18 over the last three
 19 months, four honorary
 20 members, we had
 21 thirty-seven members pass,
 22 18 failed to renew. And
 23 we had a total of 11,206

90

1 retirees in the retiree
 2 chapter. Any questions?
 3 I know John's got
 4 something.

5 VP LAW ENFORCEMENT
 6 HARMON: John Harmon, Law
 7 Enforcement Vice
 8 President. I just want to
 9 give everybody some
 10 updates from some of the
 11 changes the retiree
 12 committee adopted for our
 13 retiree chapter.

14 We're going to be
 15 updating the policy at the
 16 next EA, we're going to
 17 bring that in. It's going
 18 to include some changes
 19 and review for the
 20 honorary chapter
 21 application and criteria,
 22 but it's got to stay
 23 within the constitutional

91

1 language for outstanding
 2 service. Also decided
 3 it's going to be a hundred
 4 dollar dental out of
 5 pocket reimbursement for
 6 each member.

7 Also, the committee is
 8 going to be updating, it's
 9 going to start abiding by
 10 the current rules of other
 11 committees. So there will
 12 be a member from each
 13 region, there will not be
 14 a sergeants rep on that
 15 committee, so it will be
 16 adopted to have the same
 17 rules. There's also going
 18 to be a constitutional
 19 amendment to put in a
 20 retiree committee as
 21 standing.

22 One of the things
 23 we had to do is increase,

92

1 just so everybody knows,
2 we had some access monies
3 that we had to spend. So,
4 after looking through all
5 the options we've had
6 including sitting down
7 with Roseanne and Bill can
8 we get a dental policy or
9 vision policy, the best
10 bang for our buck was to
11 offer the reimbursement
12 instead of an actual plan
13 and that's the route we
14 went.

15 One of the other things
16 we looked into, too, was
17 also there's also a
18 retirement calculation
19 group that we're looking
20 at to help people prepare
21 for when they do retire.
22 It's just something they
23 do a break down of you and

93

1 JIMMY MILLER: Good
2 afternoon. Just briefly,
3 I wanted to give you an
4 encapsulation for the past
5 year, which is still
6 active for NYSCOPBA. As
7 of this morning we put out
8 a press release for Cape
9 Vincent where there was
10 contraband confiscated,
11 that puts you at 58 press
12 releases for the year
13 compared with 56 total
14 last year.

15 And in comparison
16 that's double the rate of
17 New York City Corrections,
18 so you guys are still
19 pretty active.
20 Unfortunately, most of it,
21 the tone of it is
22 negative. I just got back
23 analytics, the company

95

1 help where you are and
2 where you need to be.

3 MIKE CARLSON: Mike
4 Carlson, Forest Rangers.
5 When did that take affect,
6 from the 30 to 35
7 thousand, this year or
8 next year?

9 BILL NAYLOR: I have to
10 ask Keith on that one. I
11 believe it was affective
12 the day he signed it,
13 but --

14 MIKE CARLSON: So it's
15 in affect today?

16 BILL NAYLOR: Let me
17 get back to you on that
18 one, I'm not sure. Any
19 other questions? All
20 right. Thank you. Happy
21 Holidays.

22 PRESIDENT POWERS:
23 Thanks, Bill. Jimmy?

94

1 that we subscribe to that
2 tracks all of the media
3 involving NYSCOPBA, and
4 right now currently about
5 forty-five percent of the
6 articles are negative
7 compared to about six
8 percent that are positive
9 and the remaining are
10 neutral.

11 On Monday I'm going to
12 send out that report. If
13 you get a chance, please
14 take a look at it. I'll
15 put it on the website as
16 well. It's pretty
17 interesting to see the
18 changes from traditional
19 media to our increase in
20 social media coverage.
21 It's increased this past
22 year 258 percent so that's
23 pretty incredible.

96

1 But also that gives you
2 analytics on the number of
3 people that have viewed
4 articles over the past
5 year, which is pretty
6 substantial, a little bit
7 over 7two million viewers.
8 So you are getting people
9 paying attention to what
10 is going on.

11 And lastly, whether
12 most of you know or you
13 don't know, Facebook
14 hasn't been active since
15 June. We've run into
16 tremendous problem with
17 their security and have no
18 real way of contacting
19 them to rectify the
20 situation. They don't
21 have any kind of technical
22 support you can talk to on
23 the phone.

97

1 I actually finally
2 yesterday got back from
3 them an e-mail. If they
4 don't rectify the
5 situation, I will start a
6 new Facebook page in the
7 beginning of the year and
8 just ask people to start
9 following again. It's
10 gonna be a pain in the ass
11 because we do have 10
12 thousand people following
13 it right now to start from
14 the beginning, but we
15 really don't have an
16 option from there.

17 And other than that,
18 that's pretty much it.
19 Any questions? Have a
20 great Christmas.

21 PRESIDENT POWERS:
22 Thanks, Jim. Ten minute
23 break and we'll move into

98

1 committee reports.

2
3 (Recess taken.)
4

5
6 PRESIDENT POWERS:

7 We'll get started. Let's
8 move into committee
9 reports. CBC, Mike?

10 VP LAW ENFORCEMENT

11 HARMON: Just quickly, CBC
12 met this morning, just an
13 introduction to the new
14 members, had some of the
15 members form the committee
16 just to kind of share some
17 information, tell them
18 what to expect coming up
19 in the next year.
20 Probably a survey will go
21 out at the end of next
22 year. And that's about
23 it.

99

1 PRESIDENT POWERS

2 Thank you.

3 VP MID-HUDSON MAZZELLA:

4 Any questions, comments,
5 concerns? Peace.

6 PRESIDENT POWERS:

7 Heath, do you want to get
8 yours out of the way?

9 HEATH ALLEN: First

10 of all, I have some
11 committees to fill. I
12 need John Harmon, Dave
13 Luther, Mark Deburgomaster
14 and Scott Carpenter at the
15 speaker. All right. John
16 Harmon, a nonvoting member
17 for collective bargaining
18 committee, Law
19 Enforcement?

20 VP LAW ENFORCEMENT

21 HARMON: Collins Noel, Mid
22 Hudson.

23 HEATH ALLEN: David

100

1 Luther, Health and Welfare
 2 Committee?
 3 VP SOUTH LUTHER: Dana
 4 Jordan, Bedford Hills.
 5 HEATH ALLEN: Scott
 6 Carpenter, SHU task force?
 7 VP CENTRAL CARPENTER:
 8 Jamie Campich, Gouverneur.
 9 HEATH ALLEN: And Mark
 10 Deburgomaster,
 11 Constitution and Bylaws
 12 Committee?
 13 MARK DEBURGOMASTER:
 14 Andy Rice, Elmira.
 15 HEATH ALLEN: Any
 16 questions? We had a
 17 couple articles we voted
 18 on, Article 7 dues. We
 19 had total ballots sent
 20 back in 2271 ballots sent
 21 back in. We had eleven
 22 hundred and thirty-five
 23 yes; we had 1093 no;

101

1 we had forty-three voids.
 2 The article passed.
 3 Article 6, election
 4 officials. We had back in
 5 2148 ballots. 1735
 6 yesses; 368 nos;
 7 forty-five voids. It
 8 passed. Any questions?
 9 This is proposed the
 10 guidelines for September
 11 24, 2020 Executive Board
 12 officers, Sergeant
 13 Liaison, law enforcement
 14 elections. Not less than
 15 90 days prior to the
 16 scheduled election date, a
 17 letter will be sent to
 18 every member informing
 19 them that nominations are
 20 open for Executive Board
 21 officer position.
 22 The membership will
 23 have 30 days to respond to

102

1 the NYSCOPBA Election
 2 Committee with their
 3 self-nominations. All
 4 self-nominations must be
 5 returned by certified
 6 mail, return receipt
 7 requested to NYSCOPBA
 8 headquarters, 102 Hackett
 9 Boulevard, Albany, New
 10 York.

11 Only self-nominations
 12 will be accepted. Along
 13 with the self nomination,
 14 a nominee should submit a
 15 picture of themselves, as
 16 well as an essay
 17 explaining who they are
 18 and any other pertinent
 19 campaign information. The
 20 personal information form
 21 must be used by all
 22 candidates.

23 The pictures and essay

103

1 must fit within the form
 2 provided. And the essay
 3 can not be more than 300
 4 words. Every word past
 5 three hundred will not be
 6 printed. Membership
 7 services will not edit any
 8 candidates personal
 9 information form. The
 10 candidates' personal
 11 information form will be
 12 scanned AS IS by
 13 membership services for
 14 placement in The
 15 Independent.

16 If the nominee does not
 17 submit a properly filled
 18 out self-nomination form,
 19 they will not be included
 20 in The Independent
 21 newsletter introducing the
 22 candidates to the
 23 membership.

104

1 Please note, photos
2 submitted must be of the
3 candidates and are subject
4 to the approval by the
5 election committee. The
6 election committee will
7 review all nominations
8 received and will verify
9 eligibility of said
10 nominee in conjunction
11 with Article V, Paragraph
12 B of the NYSCOPBA
13 constitution and bylaws
14 entitled, eligibility.

15 The Election Committee
16 shall notify all
17 prospective candidates of
18 their eligibility status,
19 not more than twenty days
20 after the nominations were
21 open by the election
22 committee.

23 The president,

105

1 executive vice president,
2 treasurer and recording
3 secretary elections in
4 accordance with Article V
5 of the NYSCOPBA
6 constitution shall being
7 statewide and consist of
8 all members in good
9 standing represented by
10 the association.

11 The law enforcement
12 vice president election,
13 in accordance with Article
14 V of the NYSCOPBA
15 constitution shall be
16 statewide and elected by
17 the constitution -- and
18 consist of all members in
19 good standing represented
20 by their respective
21 statewide vice president
22 to whom the vice
23 presidents are responsible

106

1 for providing services to.

2 The corrections west
3 vice president,
4 corrections north vice
5 president, corrections
6 south vice president and
7 correction central vice
8 president and corrections
9 Mid-Hudson vice president
10 elections in accordance
11 with Article V of the
12 NYSCOPBA constitution
13 shall be regional and
14 elected by their
15 constituents in good
16 standing and consist of
17 all the members in good
18 standing, represented by
19 their respective regional
20 vice president to whom the
21 vice presidents are
22 responsible for providing
23 services to.

107

1 The members running for
2 a correctional regional
3 vice president position
4 must work at the facility
5 within the region
6 regardless of home address
7 in a different region or
8 transfer intentions.
9 Sergeant's liaison or Law
10 Enforcement equivalent
11 election in accordance
12 with Article V of the
13 NYSCOPBA constitution,
14 shall be statewide and
15 elected by their
16 constituents in good
17 standing, and consist of
18 all the members within the
19 rank of sergeant or law
20 enforcement equivalent.

21 Members running for
22 Executive Board president,
23 vice president, executive

108

1 recording secretary,
2 treasurer position, shall
3 run out of their region of
4 their work site,
5 regardless of home address
6 in a different region or
7 transfer intentions.

8 Elections shall be by
9 mail ballot. Members
10 shall have thirty days to
11 return the ballots and the
12 ballots shall be counted
13 immediately following said
14 30 day period. An outside
15 independent organization
16 shall conduct an entire
17 validating process for
18 Executive Board officer
19 position and sergeant
20 liaison positions.

21 Members voting for a
22 corrections regional vice
23 president, shall cast

109

1 ballots according to their
2 region of their work site,
3 regardless of home address
4 in different region or
5 transfer intentions.

6 The NYSCOPBA election
7 committee will observe the
8 counting of the ballots
9 for Executive Board
10 officers positions and
11 sergeant liaison position
12 at the site of the
13 independent organization
14 on the date of the
15 election. Any member in
16 good standing is welcome
17 to observe the ballot
18 count.

19 In order for an
20 Executive Board Officer or
21 sergeant liaison candidate
22 to be victorious in an
23 election, he or she must

110

1 receive a majority of all
2 the votes cast; fifty
3 percent plus one vote. If
4 none of the candidates
5 receive a majority of all
6 votes cast, a second
7 run-off election will be
8 conducted within two weeks
9 after the first election
10 between the two candidates
11 receiving the most votes
12 in this election.

13 Election challenge
14 policy. All election
15 challenges must be
16 postmarked within three
17 business days after the
18 date of the first
19 election. All election
20 challenges must be
21 submitted in writing to
22 the NYSCOPBA election
23 committee for review and

111

1 settlement. The written
2 challenge state any
3 alleged improprieties and
4 witnesses to such
5 improprieties. All
6 challenges shall be sent
7 certified mail, return
8 receipt requested to the
9 NYSCOPBA election
10 committee chairperson,
11 along with a copy to the
12 NYSCOPBA recording
13 secretary to NYSCOPBA
14 headquarters, 102 Hackett
15 Boulevard, Albany, New
16 York.

17 And this is the time
18 line. Proposed timeline
19 for Executive Board
20 Officers, Sergeant
21 Liaison, Law Enforcement
22 Equivalent elections.
23 September 24th, 2020, May

112

1 1st, 2020.
 2 Self-nomination forms will
 3 be mailed to every member
 4 for all Executive Board
 5 officer positions on the
 6 NYSCOPBA Executive Board.
 7 June 5th, 2020, all
 8 self-nominated forms along
 9 with pictures and essays
 10 must be received by
 11 certified mail, return
 12 receipt request by close
 13 of business that day. The
 14 self-nomination forms are
 15 to be sent to the
 16 attention of the NYSCOPBA
 17 election committee at
 18 NYSCOPBA headquarters, 102
 19 Hackett Boulevard, Albany,
 20 New York.
 21 The NYSCOPBA election
 22 committee will open
 23 self-nomination forms on

113

1 June 8th and 9th, 2020, at
 2 NYSCOPBA headquarters.
 3 All members in good
 4 standing are welcome to
 5 observe the opening of the
 6 self-nomination forms. No
 7 later than the close of
 8 business on June 12th,
 9 2020, all candidates will
 10 be notified by certified
 11 mail, return receipt
 12 requested from the
 13 NYSCOPBA election
 14 committee of their
 15 eligibility to run for the
 16 NYSCOPBA Executive Board
 17 officer position.
 18 On or about June 30,
 19 2020, the Independent
 20 Newsletter introducing
 21 candidates for the
 22 Executive Board officer
 23 position will be mailed to

114

1 every member. No later
 2 than the close of business
 3 August 4, 2020 ballots
 4 will be mailed by an
 5 independent organization
 6 to all NYSCOPBA members in
 7 good standing.

8 All ballots must be
 9 received by close of
 10 business September 23rd,
 11 2020 to the independent
 12 organization conducting
 13 the ballot count.

14 On September 24th, 2020
 15 the official counting of
 16 the ballots will take
 17 place at the independent
 18 organization approved by
 19 the Executive Assembly and
 20 will be observed by the
 21 NYSCOPBA election
 22 committee and any member
 23 in good standing who

115

1 wishes to attend.
 2 Election results will
 3 be placed on the NYSCOPBA
 4 website as soon as
 5 possible. All election
 6 results will be sent in
 7 writing to all the
 8 candidates and chief
 9 sector stewards by the
 10 chairman of the NYSCOPBA
 11 election committee.

12 All challenges must be
 13 received in writing by
 14 certified mail, return
 15 receipt requested at the
 16 NYSCOPBA headquarters,
 17 attention NYSCOPBA
 18 Election Committee, 102
 19 Hackett Boulevard, Albany
 20 no later than the close of
 21 business on September
 22 30th, 2020. Refer to the
 23 election challenge policy

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approved by the Executive Assembly.

October 9th, 2020 run-off ballots will be mailed to all members by the independent organization. All ballots must be received by the close of business November 6th, 2020. All ballots will be counted November 10th, 2020 by the independent organization approved by the Executive Assembly and observed by the NYSCOPBA election committee and any member in good standing who wishes to attend.

Election results will be placed on NYSCOPBA's website as soon as possible. All election

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results will be sent in writing to all the candidates and chief sector stewards, by the chairman of NYSCOPBA election committee.

Once election results have been certified they will be sent to all candidates and chief sector stewards by the chairman of the NYSCOPBA election committee via e-mail. Any questions? Have a good holiday.

PRESIDENT POWERS:
Kenny?

KENNY GOLD: Kenny Gold, Orleans. Good afternoon. The PR committee has met twice since the last EA. Last week we went out to the

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actual New York fairgrounds to look for a spot for the booth that we spoke about at previous EAs that we're going to have at the State Fair, which is going to be August 26th through Labor Day on September 7th.

The spot we chose was basically the same spot we had the two years we had probably three, four years ago. If we can't get there it will be somewhere near Chevy court or in that vicinity.

We met this morning to go over what we needed for the fair, to work within had the budget that we have. We're going to do a booth that's themed

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towards our charity, we haven't picked a charity yet. February, March we'll let you guys know what we have. We'll have a form for the members and we'll get it out to you guys, whether it's a blast e-mail or give it to the chiefs, what the members need to fill out, what they're entitled to.

And other than we'll have the whole -- formulate the whole plan together by the next EA, probably meet before the next EA. Other than that, the committee has been working on nothing but working on what we need to do for the State Fair in August. Any questions?

120

1 Thanks. Happy holidays.
 2 PRESIDENT POWERS:
 3 Thanks, Ken. Shawn
 4 Keenan?
 5 SHAWN KEENAN: Good
 6 afternoon. PAC Committee,
 7 Mike touched on stuff
 8 earlier, lots going on.
 9 Everything is early this
 10 year. We need you guys to
 11 be in your local areas,
 12 too, getting ahold of
 13 Assemblyman, Senators,
 14 letting them know you
 15 vote, let them know you're
 16 interested, let them know
 17 you're out there. A lot
 18 of fights, 50-A, HALT is
 19 still out there or
 20 versions of it.
 21 We need your guys
 22 support on this. We're
 23 gonna be trying to put

121

1 together something in the
 2 future like the Lobby Day
 3 we had before, but not to
 4 those extents. We want to
 5 get you guys back
 6 involved. We had good
 7 response just with some
 8 bad press. So, we need to
 9 change that around a
 10 little bit.
 11 One of the things we
 12 got, you're going to get
 13 this out here is the
 14 account for PAC. Starting
 15 balance as of November 1,
 16 221 thousand fifty
 17 dollars. Deposits,
 18 transfers in November,
 19 twenty-five thousand in
 20 transfers. Total income
 21 was twenty-five thousand.
 22 Checks paid out,
 23 twenty-seven thousand.

122

1 Total expenses was
 2 twenty-seven thousand.
 3 With an ending balance of
 4 219 thousand, fifty
 5 dollars.
 6 2019 year-to-date
 7 expenditures, 210
 8 thousand, four hundred
 9 fifty. That goes out to
 10 the different legislative
 11 parties, events that we
 12 have to attend to keep our
 13 relations. Anybody got
 14 questions?
 15 GEORGE KARAMANOS:
 16 George Karamanos, Green.
 17 Two things, Shawn. First,
 18 the HALT bill, as we
 19 discussed at the SHU
 20 regulation meeting, are we
 21 going to be a little more
 22 proactive this round so we
 23 can get in front of the

123

1 HALT bill, which I'm
 2 assuming is going to be
 3 pushed through again? And
 4 second part of my question
 5 is, where are we with the
 6 Death Gamble bill?
 7 SHAWN KEENAN: I'll
 8 refer the second to Mike
 9 and Keith on that portion.
 10 And on the first, in what
 11 regards as far as getting
 12 behind it? I mean, we
 13 have done a lot and we've
 14 held the HALT bill.
 15 That's why the Governor's
 16 bill is what was being
 17 pushed out there. I'm not
 18 sure what you're asking on
 19 that portion.
 20 GEORGE KARAMANOS: My
 21 point is we're going to
 22 continue that, correct?
 23 SHAWN KEENAN: We have

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1 been, we have been right
2 along. There's been no
3 deviation from that.
4 There's a lot bigger
5 things coming down, the
6 50-A is a big issue.
7 There's tremendous
8 amounts -- there's
9 staffing is another issue.
10 We're working in many
11 facets. No, we have not
12 given up on that, we're
13 still pushing. Keith will
14 be able to expound on that
15 a little bit better.

16 PRESIDENT POWERS:
17 We've been out in front of
18 HALT, the last time and
19 we're hearing rumblings
20 now. I talked about it in
21 PAC committee today, we
22 attended a fundraiser on
23 Monday night and I said it

125

1 co-sponsors for HALT last
2 year. They could have
3 passed it, but our push
4 pushed the majority from
5 pulling them back saying,
6 we're talking with the
7 Governor about this.

8 So it's with some
9 assistance from the
10 Governor's office we were
11 able to stave off HALT in
12 its entirety. We are not
13 comfortable with the new
14 SHU regulations obviously;
15 we weren't comfortable
16 with NYCLU. But
17 unfortunately, we don't
18 get a say in it. If we
19 do, our comments don't go
20 anywhere, but we do. Your
21 second question was?

22 GEORGE KARAMANOS:
23 Death Gamble.

127

1 in my report. You got the
2 advocates out there
3 pushing for it, they're
4 handing out flyers in
5 front of these
6 fundraisers.

7 We're already well
8 engaged in these
9 conversations with the
10 majority, that's why we
11 attend these fundraisers.
12 We have to be careful in
13 that arena because a
14 majority of them support
15 it, but we know the
16 characters that don't. So
17 we work with the
18 characters and power
19 players within that
20 conference to be able to
21 push back on HALT.

22 As I mentioned before,
23 they had thirty-eight

126

1 PRESIDENT POWERS:

2 We're pretty much playing
3 defense right now. It's
4 difficult in this arena.
5 We -- I believe we have
6 sponsors, I don't know if
7 Keith is in the room. I
8 don't know if we switched
9 the sponsorship from the
10 Death Gamble in the
11 Republican house to anyone
12 in the Senate, in the
13 Democratic Senate yet.

14 Obviously with a six
15 billion dollar deficit,
16 they're not going to
17 support anything that's
18 going to cost any money,
19 especially when it comes
20 down to retirement.
21 That's -- I think our
22 resources are better
23 staving off HALT and

128

1 pushing off 50-A, public
2 officer law, more than it
3 is to go after something
4 that's gonna cost
5 potentially hundreds of
6 millions of dollars to
7 pass.

8 That's kind of our
9 position. Death Gamble,
10 much of the legislation we
11 have had in the past still
12 sits on our table and we
13 still discuss it in the
14 forefront. But we pick
15 things top fight back
16 right now and as shawn
17 mentioned, we need your
18 help in the districts.

19 SHAWN KEENAN: Just to
20 add on to that quickly,
21 the Death Gamble has been
22 pushed to a back burner,
23 no doubt, because of the

129

1 other issues. And like
2 Mike said, there's a heavy
3 price tag attached to
4 that.

5 And in order for us to
6 hand over a heavy price
7 tag like that, we have to
8 be offensive and we can't
9 right now. We're doing
10 nothing but defense right
11 now. We're just trying to
12 stay ahead of them -- not
13 ahead of them. We're
14 trying to stay even with
15 them in this HALT talks
16 and the 50-A and forward.
17 That takes a lot of
18 resources.

19 GEORGE KARAMANOS: What
20 was the price tag on that
21 Death Gamble Bill?

22 PRESIDENT POWERS: One
23 was five -- 4.9 million I

130

1 think for five years, so
2 it's every five years.

3 SHAWN KEENAN: It was
4 actually higher than that,
5 Mike.

6 PRESIDENT POWERS:
7 Well, the original Death
8 Gamble, I believe when
9 Donn was president was
10 hundreds of millions of
11 dollars because of what it
12 encompassed. I would
13 imagine that would only be
14 escalated, you know.

15 SHAWN KEENAN: It would
16 be hire, there's more
17 eligible retirees now.

18 PRESIDENT POWERS: We
19 put a clause in the last
20 one to sunset it to five
21 years to try to make it a
22 little more attractive to
23 the legislature to support

131

1 it. We got a lot of head
2 way with it, we did.

3 SHAWN KEENAN: That was
4 also under a different
5 legislative body. That
6 was with a Republican
7 body.

8 PRESIDENT POWERS: That
9 was the first time we ever
10 got it through the Senate
11 and Assembly, that's
12 pretty big.

13 GEORGE KARAMANOS: In
14 closing my statement is
15 going to be, the SHU
16 regulation and HALT bill
17 and everything, we are
18 never going to win that
19 fight. And this is not a
20 question, it's a
21 statement. We're not
22 going to win that fight.
23 We may be able to push the

132

1 HALT bill off again, the
2 SHU regulations are being
3 implemented. And
4 ultimately what we're all
5 looking at at the facility
6 level is SHUs being closed
7 down eventually. And
8 that's a huge problem.

9 PRESIDENT POWERS:
10 That's a huge problem,
11 without question. That's
12 been our push from jump
13 street. Their goal is to
14 eradicate SHU, there's no
15 question about that. What
16 we're trying to do is
17 offset as much of it as
18 possible; we don't like
19 any of it. We have made
20 that very clearly known.

21 But in order to keep
22 some of the mechanisms
23 that we have in place, the

133

1 population that act
2 egregiously to stop the
3 process, instead of
4 spending the money on the
5 rehabilitation for the
6 younger gang-bangers
7 coming in and getting them
8 back on the street.

9 So we're kind of
10 shifting the conversation
11 and we're doing it in an
12 effort to stop as much as
13 possible, without
14 question.

15 SHAWN KEENAN: You're
16 accurate though,
17 retroactive, we haven't
18 stopped it. At this point
19 we're trying to hold it
20 off right now, but that's
21 where your help comes in.
22 Get those assemblyman, get
23 those legislators into

135

1 policy brokers are making
2 deals and they're dealing
3 on our fucking back.
4 There's no question about
5 that. I'm not going to
6 sit here and say that
7 we're supportive of HALT
8 or these SHU regulations,
9 because we're not.

10 We make it very clear
11 that there are bad people
12 in there and they need to
13 be removed from the
14 rehabilitative process.
15 It's almost as if the
16 wheels are starting to
17 turn and we're starting to
18 give them, the advocates
19 ammunition for the
20 small -- to not stave --
21 to avoid putting resources
22 and millions into a small
23 amount of inmate

134

1 your jails. Let them see
2 this dark hole that we
3 only slide a piece of
4 bread under with the
5 swinging light bulbs. Let
6 them see what those things
7 look like, make those
8 invitations, extend a hand
9 to these people.

10 Whether you like them
11 or not, you need them.
12 Most of the individuals
13 that are going to come in
14 and go, that place wasn't
15 so bad. I mean, yeah,
16 it's not a good place
17 because it's jail but it's
18 not a dark hole. They
19 need to see that and that
20 comes from you guys.

21 PRESIDENT POWERS: And
22 us, Dan is doing a great
23 job in getting the

136

1 legislators in.

2 GEORGE KARAMANOS: One
3 last thing, speaking of
4 Dan. Three years ago we
5 did go to the facility
6 level and I believe
7 appointed legislative PAC
8 people from each facility,
9 and I don't know what
10 happened --

11 PRESIDENT POWERS: A
12 point of contact.

13 GEORGE KARAMANOS: Can
14 we revisit that?

15 PRESIDENT POWERS:
16 Absolutely. He doesn't
17 get a whole lot of
18 response, you know. He
19 does it every year.

20 SHAWN KEENAN: State
21 wide in all the
22 facilities, four; four
23 responses out of the

137

1 supplement PTSD bill, I
2 spoke to Keith Jacques and
3 the language has to be
4 tweaked a little bit.
5 Because some members are
6 having surgical procedures
7 that are -- require some
8 recovery time, which is
9 about two to three weeks
10 and those five days will
11 not cover only for doctor
12 visits, doctor visits have
13 to have a time in and time
14 out. That's all I have
15 for that.

16 One other thing, this
17 is Joe Decarlo's last EA.
18 I'd like for you guys to
19 help and join us to
20 present Joe a little token
21 of our appreciation with
22 this plaque here.
23

139

1 state.

2 PRESIDENT POWERS:
3 First year we did it
4 we had a better number,
5 but yeah, we'll do it
6 again.

7 SHAWN KEENAN: Anybody
8 else? Beautiful. Happy
9 holidays.

10 PRESIDENT POWERS:
11 Eladio?

12 ELADIO MARTINEZ:
13 Good afternoon. I've got
14 a couple things. Vets
15 trip will be -- we had a
16 meeting and the vets trip
17 will be every other year,
18 that was the committee's
19 suggestion. So instead of
20 2020, we will have one in
21 2021. Details will
22 follow.

23 As far as the five day

138

1 (All applause and standing
2 ovation.)

3
4 ELADIO MARTINEZ:
5 Without Joe, a lot of
6 things wouldn't be
7 possible. He is a wealth
8 of knowledge. Any time I
9 have a question, I still
10 call him, so he's gonna be
11 missed. Thanks, Joe.

12 (All applause.)

13
14
15 PRESIDENT POWERS:
16 Scott, OSI.

17 VP CENTRAL CARPENTER:
18 Good afternoon. OSI
19 committee met this
20 morning. We discussed
21 three facility specific
22 issues. They will be
23 addressed with an e-mail

140

1 to OSI to take them to
2 task with those specific
3 issues. One was presented
4 to me after the meeting,
5 so the member out of
6 Ulster shared that with
7 the committee in e-mail
8 and we'll also address
9 that.

10 I have about weapon
11 prohibition, currently
12 there are no written
13 policies, protocols or
14 guidelines covering
15 weapons pro removal. So
16 right now it's just a
17 couple of ACs versus
18 special operations and
19 couple OSI persons that
20 meet monthly to discuss
21 cases. We will request
22 the issue be placed at the
23 statewide labor management

141

1 agenda.
2 Also, still getting
3 some reports of over
4 zealous OSI agent during
5 facility frisks. We're
6 going to address that.
7 Again, I will send out an
8 e-mail to Mahar and Nunez,
9 reminding them to tell
10 their individuals to act
11 professional and stop
12 acting like assholes.
13 With that, that concludes
14 OSI. Thank you.

15 PRESIDENT POWERS:
16 Can I have consent to move
17 into tomorrow's agenda?
18 All signify by saying aye.

19
20 (All respond with aye.)

21 PRESIDENT POWERS:
22 Anybody opposed?
23

142

1
2 (No response.)
3

4 PRESIDENT POWERS:
5 Unfinished business, any
6 unfinished business? We
7 have one piece of
8 unfinished business, it's
9 a motion.

10 To change the
11 allotted amount from one
12 \$125 to \$250 for office
13 supplies for all sectors
14 of four hundred or more
15 members for all sectors
16 that meet that criteria.

17 Motion is made by Don
18 Van Tassell, seconded by
19 Paul Mikolajak. This
20 motion was placed in July
21 of 2010, sent to the
22 finance committee. July
23 10th, 2019 sorry. Any

143

1 discussion with the
2 motion? What was the
3 committee's
4 recommendation?

5 TREASURER GILBO:
6 Nonadoption?

7 PRESIDENT POWERS: All
8 in favor?

9
10 (Response from floor of
11 aye.)

12
13 PRESIDENT POWERS: Two?
14 Could I have the ayes
15 stand?

16 Hold up. Okay. Sit
17 down. I will read the
18 motion again.

19 To change the allotted
20 amount from \$125 to \$250
21 for office supplies for
22 all sectors of four
23 hundred or more members,

144

1 of said sectors that meet
2 the criteria. Motion is
3 made by Don Van Tassell,
4 seconded by Paul
5 Mikolojak.

6 AL ZAPPALA: Al
7 Zappala, finance committee
8 Mid-Hudson. The finance
9 committee met, we reviewed
10 the motion. And in
11 essence the reason the
12 motion had come to us is
13 there were sectors that
14 were saying they use a lot
15 of ink because they have a
16 lot of members and they
17 have to make more copies.

18 Upon our committee
19 meeting, we discussed that
20 if there are sectors that
21 have to go above that \$125
22 to meet that am ink
23 requirement, that they

145

1 would assume. I just want
2 to say it's been working
3 so far. Anybody that's
4 called, I have let them go
5 over. So it hasn't been a
6 problem even Don has
7 called and gone over. If
8 you need something, call
9 me, I'll let you go over
10 for that month. We don't
11 need to spend 200 more
12 just because we got two
13 hundred more in our
14 pocket.

15 PRESIDENT POWERS:

16 Okay. Do I need to read
17 it again?

18 To change the allotted
19 amount from \$125 to \$250
20 for office supplies of all
21 sectors of four hundred or
22 more members for all
23 sectors that meet that

147

1 could give our Treasurer
2 Frank Gilbo a phone call
3 and he will authorize
4 above that amount for that
5 amount.

6 So it's not that we
7 don't want to increase the
8 amount to take care of
9 your needs, but it's just
10 that on an as-needed basis
11 as you need what you need
12 above that \$125, just give
13 Frank a call.

14 VP MID-HUDSON MAZZELLA:
15 Mike Mazzella, Mid-Hudson.
16 If this passes, out of
17 curiosity is it going to
18 affect the budget line
19 at all? I mean, we would
20 have to adjust the budget
21 for next year, I would
22 assume.

23 TREASURER GILBO: I

146

1 criteria. Motion is made
2 by Don Van Tassell,
3 seconded by Paul
4 Mikolojak. All in favor?

5
6 (Response of aye from
7 the floor.)

8
9 PRESIDENT POWERS

10 Opposed?

11
12 (Response of nay from
13 the floor).

14
15 PRESIDENT POWERS: It
16 passes. Any other old
17 business?

18 TREASURER GILBO: Okay.
19 We're going through this
20 budget. It's not going to
21 affect that much if you
22 put in orders for extra
23 copies. All right. Any

148

1 questions on the 2020
2 budget?

3 The answer to Donn's
4 question was the NEA got
5 their contractual raises
6 because our contract was
7 ratified, so they got
8 their contract raises
9 going back to 2016. Any
10 other questions?

11 With that consent, we
12 vote to pass the budget
13 for 2020, signify by
14 saying aye.

15
16 (All signify "aye".)

17
18 TREASURER GILBO: Any
19 nays?

20
21 (No response.)

22 TREASURER GILBO:
23 Thanks.

149

1 carrying now but larger.

2 The Department wants to
3 pretty much dictate not
4 just the size of the bag,
5 but the model number,
6 manufacturer, and where
7 you can actually buy it
8 from. So that's where we
9 are with that. We're not
10 going to agree with that.
11 And we're going to
12 continue on trying to
13 press the Department into
14 agreeing to not just to
15 allow that particular size
16 bag or that particular
17 bag, but anything up to
18 that size bag.

19 So that's where we're
20 at, still negotiating.

21 PARISH FRAZIER: Are
22 they suggesting a
23 manufacturer and style?

151

1 PRESIDENT POWERS: Any
2 other unfinished business?
3 Move to new business --
4 this is unfinished?

5 PARISH FRASIER: Parish
6 Frasier, Taconic. I
7 constant get questions
8 about the bag situation,
9 people want to know what's
10 going on. Where are we
11 at, what's the stickler,
12 if at all.

13 VP MID-HUDSON MAZZELLA:
14 Mike Mazzella, Mid-hudson.
15 So the bag situation is we
16 presented several types of
17 bags to the Department.
18 The last bag that I was
19 pretty confident would be
20 approved was a thirteen by
21 thirteen by nine, it was a
22 pretty nice size bag.
23 Similar to the bag you're

150

1 VP MID-HUDSON MAZZELLA:
2 Absolutely.

3 PARISH FRAZIER: Is it
4 something we can see?

5 VP MID-HUDSON MAZZELLA:
6 It's a -- the particular
7 style is on -- I'm trying
8 to think,
9 clearhandbags.com, it's
10 the only place you can get
11 it. It's the ACH 1250 I
12 think is the model number,
13 but that's not our point.
14 Our point is, you know, we
15 gave them a size of a bag
16 that we would be okay
17 with. And the Department
18 wants that particular bag,
19 that particular model
20 number, purchased from
21 that particular vendor.
22 And we're not going to
23 force our members into

152

1 buying from some place
2 they don't want to buy
3 from.

4 Just so you guys know,
5 it's the largest clear
6 lunch style bag that any
7 manufacturer makes that I
8 can find on the internet.
9 It's the largest one I can
10 find. They're okay with
11 that bag, but they want it
12 to be that bag and we want
13 it to be anything up to
14 that bag size. So if you
15 find, you know, a twelve
16 by twelve by seven in
17 Walmart for eight bucks
18 and you want it, you
19 should be able to buy
20 that. So, we're still
21 fighting with them.

22 DONN ROWE: Where is
23 the vendor from, Troy?

153

1 not going to force you
2 guys into buying a
3 particular bag from a
4 particular vendor at a
5 particular price. So
6 that's what we're working
7 on still. Any other
8 questions?

9 STEVE MCGOWAN:
10 McGowan, Mid-State. Why
11 haven't we just refiled
12 the IP, why are we
13 screwing around
14 negotiating?

15 VP MID-HUDSON MAZZELLA:
16 Because you can't just
17 refile an IP when you're
18 still negotiating, right?

19 STEVE MCGOWAN: It's a
20 waste of time, I think.

21 VP MID-HUDSON MAZZELLA:
22 We definitely have to get
23 more people involved, as

155

1 VP MID-HUDSON MAZZELLA:
2 Hey, Donn, in negotiations
3 when we were talking about
4 this bag, believe me I
5 brought that up. I don't
6 need our members thinking
7 that I have a personal
8 interest in a particular
9 company or you guys have a
10 particular interest in a
11 particular company. So
12 that's why we don't want
13 it to be set where you
14 have to buy it from this
15 place.

16 I can tell you the bag
17 is not cheap and it's, you
18 know, it's a nicely
19 constructed bag, but the
20 bag costs a certain amount
21 of money, then the
22 shipping is another ten to
23 fifteen dollars. So I'm

154

1 far as, as we talked about
2 the second floor earlier,
3 or someone that can kind
4 of convince the Department
5 that what we're asking for
6 is not unreasonable.

7 Because our issue is, I
8 don't know if this should
9 all be on the record but
10 it is now, so whatever.
11 Our issue is, if we agree
12 to this and then next week
13 that company stops making
14 that bag, then what? And
15 the Department's answer
16 is, well then, come back
17 to the table and we'll
18 renegotiate.

19 So, that's why we're
20 trying to get over this
21 hurdle. You know we're
22 going to have to keep
23 working on it and get

156

1 other people involved to
2 try to get over this
3 hurdle.

4 STEVE MCGOWAN: If they
5 said no, we're not going
6 to do what we just asked
7 them to do, wouldn't that
8 be the end of
9 negotiations?

10 VP MID-HUDSON MAZZELLA:
11 It could be.

12 STEVE MCGOWAN: Are we
13 putting a time frame on
14 it, I'm sick of hearing
15 about it to be honest.

16 VP MID-HUDSON MAZZELLA:
17 So am I, probably makes
18 about a hundred of us.
19 We're still there, we're
20 still working.

21 PAUL MIKOLOJAK: Paul
22 Mikolojak, Sing Sing
23 prison. Mike, has there

157

1 been any movement at all
2 on the people that got
3 screwed on the retro
4 money, the Article 15
5 retirements and the people
6 that retired?

7 VP MID-HUDSON MAZZELLA:
8 Can I sound like a broken
9 record and say we're still
10 working on it? Because
11 it's still being worked
12 on, we're waiting on a
13 response from Bellaforte
14 and GOER.

15 PAUL MIKOLOJAK: How
16 long have they had not
17 responded? I mean, are
18 they dealing with us in
19 good faith or are they
20 bullshitting us, kind of
21 like when we did the
22 staffing audit?

23 VP MID-HUDSON MAZZELLA:

158

1 You know, at this point
2 all I can say is this, I
3 personally hate going off
4 the record, right? But if
5 you want me to tell you
6 what I think the hold up
7 is, you're going to have
8 to go off the record.

9 PAUL MIKOLOJAK: Mr.
10 Chairman, can we go off
11 the record?

12 PRESIDENT POWERS: This
13 is an uncomfortable
14 conversation and it needs
15 to stay in this room.
16 That's all I'm gonna say.
17 Unanimous consent to go
18 off the record?

19
20 (All respond with aye.)

21
22 PRESIDENT POWERS
23 Anybody opposed?

159

1
2 (No response.)

3
4 PRESIDENT POWERS:
5 Okay, we're off the
6 record.

7
8 (Off the record
9 discussion.)

10
11 PRESIDENT POWERS:
12 Motion to go back on the
13 record?

14
15 (All response with aye.)

16
17 PRESIDENT POWERS
18 Opposed?

19
20 (No response.)

21
22 PRESIDENT POWERS: Any
23 more unfinished business?

160

1 JOE HORACEK: Joe
2 Horacek, Green. We're
3 struggling with the
4 timeline with grievances
5 at Green, where our
6 administration implements
7 a policy, we write a
8 grievance on it and it
9 takes three, four years to
10 get an answer to it.

11 Is there anyway we can
12 we streamline this
13 process, to speed it up so
14 we can actually have an
15 answer to it?

16 PRESIDENT POWERS: Bob
17 Cronin recently had a
18 meeting with GOER and some
19 of the issues he has with
20 a lot of triage. We're
21 looking to push that
22 process a little bit
23 faster. We know that

161

1 there's a backlog and
2 there's consistently been
3 a backlog. Shit, we just
4 settled one of mine from
5 Fulton in 2011 and 2016,
6 you know.

7 But we are -- Bob
8 Cronin is all over that,
9 he's on top of it. If you
10 know Bob at all, you will
11 know he pushes pretty
12 hard. He keeps me in the
13 loop on that. And he
14 keeping me informed,
15 there's no question.

16 JOE HORACEK:
17 Thank you.

18 MR. SCHAEFER:
19 President Powers, I'd like
20 to be recognized. Mr.
21 Schaefer, from Lippes
22 Mathias.

23 PRESIDENT POWERS: Yes,

162

1 how are you?

2 MR. SCHAEFER: Very
3 well. He have had several
4 meetings with GOER dating
5 back to June. And
6 actually we have a
7 proposal we've been
8 working on to replace the
9 arbitrator and it's coming
10 up. And we actually like
11 to discuss that later on
12 and possibly have a new
13 arbitrator coming in in
14 2020 with new processes,
15 streamline the process and
16 get a lot more done.

17 And I think a new
18 system with new
19 representatives from GOER,
20 may not be the hundred
21 percent solution, but it
22 will get things going a
23 lot better. We've had

163

1 several meetings since
2 June.

3 PRESIDENT POWERS: The
4 Master Arbitrator right
5 now, he's been allowing
6 some things to backlog and
7 to slow down a little bit.
8 We had a meeting with him
9 in September.

10 MR. SCHAEFER:
11 September, as well as
12 June.

13 PRESIDENT POWERS: We
14 basically told him we were
15 unhappy with what was
16 happening, he picked up
17 the pace a little bit, and
18 now we're looking to go in
19 another direction with
20 another master arbitrator.
21 And that's been driven by
22 Bob and the law firm.

23 MR. SCHAEFER:

164

1 Thank you.
 2 PRESIDENT POWERS:
 3 Thanks, Larry. Any more
 4 unfinished business?
 5 Mary? No. Move to new
 6 business.
 7 We have some motions.
 8 Motion reads, first one
 9 is for the western region.
 10 To appoint Mark
 11 Deburgomaster upon
 12 approval of the Executive
 13 Assembly. Motion is made
 14 by the board. Any
 15 discussion with the
 16 motion? Western region
 17 votes only. All in favor
 18 say aye.
 19
 20 (All respond with aye.)
 21
 22 PRESIDENT POWERS:
 23 Anyone opposed?

165

1
 2 (No response.)
 3
 4 PRESIDENT POWERS
 5 Thank you. Welcome
 6 aboard, Mark.
 7
 8 (All applause.)
 9
 10 PRESIDENT POWERS: Next
 11 motion reads, to approve
 12 Steven Anderson, the
 13 Parliamentarian, from
 14 January 1st, 2020 to
 15 December 31st, 2020 for 80
 16 dollars an hour or maximum
 17 charge will be six hours.
 18 Motion is made by the
 19 Executive Board. Is there
 20 any discussion? Contract
 21 is the same from last
 22 year, I believe. All in
 23 favor signify by saying

166

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 Next motion, to approve
 13 Keith Jacques lobby
 14 retainer from January 1st,
 15 2020 to December 31st,
 16 2020 for a total of 80
 17 thousand dollars for the
 18 year. Motion is made by
 19 the Executive Board. Any
 20 discussion? Same as last
 21 year. All in favor
 22 signify by saying aye?
 23

167

1 (All respond with aye.)
 2
 3 PRESIDENT POWERS:
 4 Anyone opposed?
 5
 6 (No response.)
 7
 8 PRESIDENT POWERS:
 9 Passes. Next motion,
 10 to approve Gramercy
 11 communications from
 12 December 14th, 2019 to
 13 December 14th, 2020 at
 14 ninety thousand dollars a
 15 year. Any discussion?
 16 Kenny?
 17 KENNY GOLD: Gold,
 18 Orleans. I think we had
 19 this conversation last
 20 year about Gramercy. What
 21 in the last year have they
 22 done differently than what
 23 Jimmy has? Jimmy said we

168

1 did 58 press releases,
2 that's a little over a
3 press release a week. We
4 haven't had any major
5 campaign go out.

6 For what they're doing
7 and what Jimmy does,
8 what's the difference?

9 PRESIDENT POWERS:
10 Jimmy doesn't handle a lot
11 of the bigger issues we
12 deal with. I mean,
13 there's a significant
14 difference really. I
15 mean, Jimmy might be able
16 to explain it a little bit
17 better. But a lot of it
18 boils right down to much
19 of what we send out gets
20 checked off by Gramercy.
21 Much of what we work
22 through, whether it be a
23 push back for HALT, much

169

1 of the advertising that we
2 did regarding the HALT
3 legislation where we took
4 out advertising, it's all
5 the political blogs, first
6 thing that popped up was
7 NYSCOPBA.

8 That's where they come
9 into play. When we're
10 pushing back for negative
11 legislation that's going
12 to affect our members,
13 certain aspects of whether
14 it be letters to the
15 department or to the
16 second floor.

17 KENNY GOLD: Wouldn't
18 that be outside of the
19 retainer though, isn't
20 that above and beyond what
21 we pay?

22 PRESIDENT POWERS: The
23 campaign was outside the

170

1 retainer. I very seldom
2 used them other than that
3 video that we're doing.
4 We're considering other
5 options with it.

6 KENNY GOLD: Seldomly
7 use Gramercy?

8 PRESIDENT POWERS:
9 Pardon?

10 KENNY GOLD: You said
11 seldomly use --

12 PRESIDENT POWERS: We
13 used Gramercy and a
14 videographer.

15 KENNY GOLD: But the
16 question though is, our
17 biggest thing is a PR firm
18 that we can call them at
19 any time or call a firm
20 anytime, if we want.

21 PRESIDENT POWERS: I'm
22 dealing with them
23 constantly.

171

1 KENNY GOLD: But we
2 can't still call them at
3 anytime if we need a major
4 campaign. We have --
5 Jimmy does our press
6 releases --

7 PRESIDENT POWERS: I
8 could call them right now.

9 KENNY GOLD: That's my
10 point. If we didn't have
11 them though, you could
12 still call them, right?

13 PRESIDENT POWERS: If I
14 don't have them on
15 retainer, he's going to
16 cater to his clients. If
17 we don't have him as a
18 client, he's got -- if I
19 don't have Gramercy or any
20 PR firm for that matter
21 and I have a hot button
22 issue that comes up, HALT
23 is moving through the

172

1 Senate or something of
2 that nature, or we got a
3 crisis at a correctional
4 facility or another
5 escape, we got a crisis
6 that needs direct
7 attention where we're
8 going to be called upon,
9 that's where they come in
10 to play. That's when you
11 bring them in.

12 KENNY GOLD: Mike, you
13 see though, just for
14 argument sake, we're
15 spending seventy-five
16 hundred dollars a month
17 just in case, that's what
18 we're looking for? That's
19 all I'm saying.

20 PRESIDENT POWERS: I
21 understand what you're
22 saying, but I don't
23 predict the Clinton

173

1 Neal Quatra tomorrow and
2 say, I need your help.
3 Well, call me next
4 Tuesday, I got meetings
5 all day today and I got
6 clients I have to cater
7 to. That's the whole
8 aspect of a retainer.

9 KENNY GOLD: I get
10 that. Our members see it
11 so we pay two people for
12 the same thing for PR.

13 PRESIDENT POWERS:
14 Jimmy only handles things
15 inside the jails and
16 things like UIs and he
17 puts together a report for
18 press releases. We can
19 turn it around just as
20 quick with him as we can
21 with anybody else. Any
22 other discussion? All in
23 favor signify by saying

175

1 escape. I didn't predict
2 a lot of the shit that
3 we're pushing back on
4 whether it be direct
5 issues regarding members
6 actions or certain things
7 that come out to play. A
8 lot of it we don't even
9 respond to because it's
10 negative in nature, but
11 when we have to respond,
12 I've got to have somebody
13 in the hopper.

14 If I don't have
15 somebody in the hopper,
16 whether it be Gramercy,
17 MBS, whoever, Baker, if I
18 don't have somebody to
19 respond, we're going to be
20 left holding our shit. In
21 other words, I can't -- if
22 we don't have a PR firm, I
23 can't call a Gramercy or

174

1 aye? Sorry, George.

2 GEORGE KARAMANOS:
3 Gramercy, is this an
4 increase from last year or
5 is this the same thing?

6 PRESIDENT POWERS:
7 Same.

8 GEORGE KARAMANOS: If
9 we vote Gramercy down, is
10 the Board gonna put in for
11 a new PR firm or --

12 PRESIDENT POWERS: I
13 would surely hope that
14 this body would approve
15 another PR firm. They are
16 needed.

17 GEORGE KARAMANOS:
18 Okay.

19 PRESIDENT POWERS: All
20 in favor signify by saying
21 aye?

22
23 (Response of aye from

176

1 the floor.)
2
3 PRESIDENT POWERS
4 Opposed?
5
6 (Response of nay from the
7 floor.)
8
9 PRESIDENT POWERS:
10 Nays, please stand. Step
11 to the mic and put your
12 names on the record,
13 please.
14 KENNY GOLD: Kenny
15 Gold, Orleans.
16 DON MOLINO: Don
17 Molino, Albion.
18 JOHN BARNES: John
19 Barnes, Greene.
20 CHRIS MOREAU: Chris
21 Moreau, Green Haven.
22 Alex Pustulka, Gowanda.
23 TOM HAWKES: Otisville.

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1 JASON PORTER: Jason
2 Porter, Wende.
3 RAY SICKLER: Ray
4 Sickler, Southport.
5 DAVE VANCE: Dave
6 Vance, Shawangunk.
7 KEVIN DURYEA: Kevin
8 Duryea, Elmira.
9 KEITH VINCENT: Keith
10 Vincent, Auburn.
11 NEAL GRUBER: Gruber,
12 Lakeview Shock.
13 JEREMY GOODRICH:
14 Jeremy Goodrich, Wyoming.
15 MR. MOROSEY: Morosey,
16 Collins.
17 PAT CORNACCHIO:
18 Cornacchio, Willard.
19 RODNEY SHARPE: Rodney
20 Sharpe, Rochester
21 Correctional.
22 DAVE DILLON: Dave
23 Dillon, Groveland.

178

1 JARED HATFIELD: Jared
2 Hatfield, Cayuga.
3 VP WEST DEBURGOMASTER:
4 Mark Deburgomaster,
5 Western Region VP.
6 JEFF HELMICKI: Jeff
7 Helmicki, Five Points.
8 PRESIDENT POWERS:
9 Motion carries. Any other
10 new business? I'm sorry,
11 hang on.
12 To approve Catch A
13 Falling Star, members
14 assistance program (MAP)
15 from January 1st, 2020 to
16 December 31st, 2020 for a
17 total of 55 thousand
18 dollars. Any discussion
19 with the motion? All in
20 favor, signify by saying
21 aye.
22
23 (All respond with aye).

179

1
2 PRESIDENT POWERS
3 Anybody opposed?
4
5 (No response.)
6
7 PRESIDENT POWERS:
8 Motion carries. To
9 approve ACR of Western
10 New York stenographer
11 services from December
12 22nd, 2019 to December
13 31st, 2020. The motion
14 made by the Executive
15 Board. Any discussion
16 with the motion? All in
17 favor signify by saying
18 aye.
19
20 (All respond with aye.)
21
22 PRESIDENT POWERS: Any
23 other new business?

180

1 PAUL MIKOLOJAK: Paul
2 Mikolojak, Sing Sing
3 Prison. I fully
4 understand that I can't
5 make a motion. But what
6 I'm asking for, what I'm
7 seeking is that this Body
8 direct the health and
9 welfare committee and the
10 attorneys to put an
11 injunction against the new
12 formulary table that
13 Workmen's Comp is trying
14 to put against our
15 members.

16 What Dana was talking
17 about earlier can affect
18 any one of us. If you get
19 injured, you get
20 prescribed medication to
21 see you through the injury
22 and Workers' Comp says,
23 you can't have it just

181

1 because we said so.
2 We are not allowed to
3 sue our employer because
4 of the Taylor Law. All we
5 have is Workmen's Comp
6 to see us through our
7 injuries. And now, they
8 are taking it upon
9 themselves to supercede
10 the direction of medical
11 doctors.

12 There's a whole list of
13 prescriptions. Many of
14 them are nonopiates so
15 they can't hide behind,
16 well, we don't want you to
17 be addicted to opiates.
18 That wouldn't happen
19 anyways if they let us
20 have cannabis, but that's
21 a whole different story.
22 You have all heard that,
23 but there are nonopiates

182

1 on this new formulary
2 table.

3 So I'm asking that this
4 Body direct the health and
5 welfare committee to work
6 with the attorneys to file
7 an injunction. Because
8 this new list takes affect
9 beginning June 5th, 2020.

10 PRESIDENT POWERS: Duly
11 noted, Paul.

12 PAUL MIKOLOJAK:
13 Thank you.

14 PRESIDENT POWERS: Any
15 other new business?
16 Steve?

17 STEVE MCGOWAN: I
18 brought it up here before,
19 I put it on the Facebook
20 page and I brought it up
21 at our regional meeting.
22 I still don't see a lot of
23 traction with it, but it's

183

1 a benefit that effects
2 every single member of our
3 union. That is increase
4 the amount of deferred
5 comp we can use to pay for
6 our health insurance in
7 retirement.

8 Health insurance costs
9 have increased every
10 single year. The amount
11 we contribute from
12 deferred comp, tax free
13 mind you, is three
14 thousand dollars. It's
15 been three thousand
16 dollars for a decade or
17 more. I know we don't
18 have lobbyists for it
19 because it's Federal. We
20 got to go through our
21 Assemblyman, Congressman,
22 or whatever.

23 Is there something we

184

1 can do, I have been
2 contacting my own and I'm
3 not getting much from it.
4 Is there something we can
5 do as a group to try to
6 get that number increased,
7 because it will help.

8 PRESIDENT POWERS:
9 Your -- Scott brought this
10 up a couple times actually
11 and we discussed it. Dan
12 Valente is looking to
13 possibly network and do
14 something with that.
15 Obviously it falls outside
16 the State of New York,
17 it's a federal issue.
18 But, you know, it surely
19 has merit.

20 STEVE MCGOWAN:
21 Absolutely.

22 PRESIDENT POWERS:
23 Surely worth discussion.

185

1 We'll be looking at that.
2 STEVE MCGOWAN:
3 Thank you.
4 PRESIDENT POWERS: We
5 can actually bring that up
6 to the health employee
7 conference down in the
8 City. Chris?
9 CHRIS MOREAU: Chris
10 Moreau, Green Haven. I'd
11 like to make a motion to
12 direct the E Board to
13 provide updates as to what
14 Gramercy is providing us
15 at each Assembly. I think
16 one of the biggest issues
17 that we have is that we
18 don't get to see what
19 Gramercy does. And when
20 we ask what they're doing,
21 we don't really get a
22 whole lot in return other
23 than they're helping Jim.

186

1 So maybe if we can go
2 back and say, they've been
3 putting out this for us,
4 they've been, you know,
5 sending e-mails to
6 senators, whatever,
7 something tangible to
8 bring back to membership,
9 we might be more likely to
10 provide support.

11 PRESIDENT POWERS: Put
12 it in writing, get a
13 second and we'll move it.

14 CHRIS MOREAU: Second
15 is Tom Hawkes, Otisville.

16 PRESIDENT POWERS:
17 Need it in writing. Can
18 we get sixty percent
19 approval of this Body to
20 entertain this motion, all
21 in favor signify by saying
22 aye.
23

187

1 (All respond with aye.)
2
3 PRESIDENT POWERS:
4 Thank you. Motion reads,
5 to direct the E Board to
6 provide updates at each EA
7 as to what our PR firm has
8 done for us month to
9 month, and present it to
10 the EA at each Assembly.
11 Motion made by Chris
12 Moreau and seconded by Tom
13 Hawkes at Otisville. Any
14 discussion on the motion?
15 All in favor signify by
16 saying aye?

17 (All respond with aye.)

18 PRESIDENT POWERS
19 Anybody opposed?

20 (No response.)
21
22
23

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PRESIDENT POWERS:
John?

VP LAW ENFORCEMENT

HARMON: John Harmon, Law Enforcement VP. Doesn't affect me yet, but can we -- just any conversation we need to have with the Executive Assembly, a little bit more detail about the beard issue we've been talking about that a lot with the Executive Board, and e-mails, Facebook and everything else.

I just want to make sure if anybody has got questions that they ask them or talk about them now, before everybody says we didn't talk about them.

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their disciplines were immediately withdrawn. And because of that the attorney did not further proceed with an injunction.

Then there were some more follow-up issues that occurred with various religious accommodation requests, so there was a temporary restraining order that was filed for them. Again, this is from a different attorney that the members went to directly, but they have been in contact with our office and we have been helpful in providing information and being involved, we are just not technically a party.

191

PRESIDENT POWERS:
Erin?

ERIN PARKER: Hello. A little update on beards for you. So, there was a piece of litigation filed on behalf of two members from Fishkill. It was filed by an outside attorney that they contacted directly. And it addresses the question of accommodations for beards for religious purposes.

It only addresses religious accommodations. It does not address medical accommodations. When it was initially filed, the two individuals who actually had very actionable complaints,

190

So, that temporary restraining order was issued the day before Thanksgiving. It was a very, very broad temporary restraining order. And many people saw a member that was issued from the Department of Corrections to all superintendents.

That temporary restraining order has now been changed. And actually a memo was issued yesterday, outlining the more restrictive temporary restraining order. What that temporary restraining order says is any individual who had a valid religious accommodation request for a beard granted or pending before

192

1 December 6th, then no
2 action can be taken
3 against them with respect
4 to discipline or
5 counseling and they cannot
6 be ordered to shave.

7 It also specifically
8 listed the few individuals
9 that filed declarations,
10 they also cannot be
11 disciplined or ordered to
12 shave. And then finally,
13 the last piece of the
14 current temporary
15 restraining order is if
16 you were to put in a
17 religious accommodation
18 request for a beard today,
19 you cannot be retaliated
20 against for putting in the
21 request. But that doesn't
22 mean it will automatically
23 be guaranteed.

193

1 The attorney handling
2 the matter on behalf of
3 the members, it is filed
4 as a class action. So he
5 does involve us, keep us
6 posted. We have at the
7 Board direction filed for
8 amicus status, that means
9 friends of the court,
10 meaning we have a vast
11 interest as NYSCOPBA to AT
12 least be heard on the
13 matter. And we submitted
14 a memorandum of support
15 for the injunction. We,
16 in order to -- you
17 actually have to move for
18 amicus status, so we're
19 waiting for the
20 determination on that.

21 So that's where we are
22 at this point. If you
23 have any questions, let me

195

1 They are still able to
2 review those religious
3 accommodation requests and
4 there are grounds to deny
5 it, they can deny it. But
6 they can't retaliate
7 against you for purposes
8 of filing it.

9 That's the current
10 status of the temporary
11 restraining order. That
12 TRO will exist until there
13 is a hearing on what's
14 called a preliminary
15 injunction. And that
16 preliminary injunction, if
17 they are successful in
18 getting it, will look very
19 similar to the TRO that
20 exists now and the hearing
21 to have it granted and
22 that will exist while the
23 litigation continues.

194

1 know. Okay. Thank you.
2 Sorry.

3 MR. MULLIN: Mullin,
4 Mohawk. For clarify sake,
5 so under the new memo
6 that's out, anybody who
7 applies is there -- they
8 do not have to shave
9 during the application
10 process?

11 ERIN PARKER: If they
12 applied for a religious
13 accommodation before
14 December 6th, then they
15 cannot be disciplined and
16 they can not be ordered to
17 shave.

18 MR. MULLIN: What if
19 they applied as of today?

20 ERIN PARKER: Today?
21 So the today part is, you
22 cannot be retaliated for
23 filing it but they do

196

1 review it and they can
2 deny it. And if they do
3 deny it, there may be
4 circumstances in which we
5 would want to know that.
6 We would get that
7 information to the
8 attorney that's handling
9 the big litigation. There
10 might be certain cases
11 where it's worth it to
12 continue getting
13 injunctions on
14 individuals.

15 But that -- that is
16 their litigation, so
17 that's their call. If
18 tomorrow thirty people
19 from your jail go in and
20 request a religious
21 accommodation for a beard,
22 30, 60, 90, a big number,
23 that's not going to be

197

1 received as favorably in
2 front of the court for
3 purposes of the TRO, then
4 if there were one or two
5 that are denied and maybe
6 we can bring those two
7 individuals forward.

8 MR. MULLIN: So minus
9 the large numbers, does
10 somebody who applied as of
11 today, do they have to
12 shave?

13 ERIN PARKER: Yes.

14 MR. MULLIN: While the
15 application process is
16 going on?

17 ERIN PARKER: While
18 it's pending, no. But
19 once it's denied -- sorry,
20 if it's denied.

21 MR. MULLIN: Correct.
22 So, as long as they've
23 applied, we're on it.

198

1 ERIN PARKER: Yes.

2 MR. MULLIN: Got it.

3 CASEY HARRIS: Casey
4 Harris, Sing Sing. What
5 about the medical?

6 ERIN PARKER: So, this
7 litigation does not
8 address the medical
9 exception in any way,
10 shape or form. Medical
11 exceptions are reasonable
12 accommodations on
13 Americans with Disability
14 Act and the New York State
15 Human Rights Law. It's a
16 very different law. It's
17 a very different issue.

18 There are far more
19 regulations, far more
20 exceptions. And that is
21 just not what this claim
22 is about. But that's why
23 we do see differences

199

1 between granting and
2 denying religious
3 accommodation beard
4 requests and granting and
5 denying medical. It's
6 because we're dealing with
7 one is a constitutional
8 claim and one is under a
9 Federal and New York State
10 Law that has a bunch of
11 regulations and
12 exceptions, and medical
13 certifications that are
14 involved.

15 CASEY HARRIS: So,
16 since this started under
17 religious does that mean
18 the medical was never an
19 issue to begin with?

20 ERIN PARKER: You can
21 still apply for a medical
22 exception. The concept of
23 a medical exception still

200

1 absolutely exists, but
2 this temporary restraining
3 order and everything about
4 this litigation doesn't
5 impact any way, shape or
6 form, good or bad, a
7 medical request.

8 CASEY HARRIS: I'm only
9 asking because at my
10 facility we had an
11 individual in my facility
12 that was made to shave
13 even though they had a
14 medical.

15 ERIN PARKER: So,
16 that's probably because
17 their medical was not --
18 they were asked to
19 recertify and they denied
20 the recertification.

21 CASEY HARRIS: It was
22 just a lieutenant in
23 particular who just went

201

1 saying that their pass was
2 no good and they had to
3 get --

4 ERIN PARKER: A new
5 one?

6 CASEY HARRIS: Yeah.
7 But there was nothing
8 there to begin with, why
9 they getting a new one.

10 ERIN PARKER: Under the
11 American with Disabilities
12 Act, the process for a
13 medical exception is very,
14 very different. And there
15 are instances in which
16 they can say, pending this
17 certification or pending
18 new medical, we are not
19 certifying it. It's a
20 very different legal
21 question.

22 CASEY HARRIS:
23 Thank you.

202

1 ERIN PARKER: Yep.

2 MR. DURYEA: Duryea,
3 Elmira. So we got guys
4 that have been giving
5 their note to the DSA for
6 reasonable accommodations.

7 ERIN PARKER: For
8 medical reasons?

9 MR. DURYEA: This is
10 for medical.

11 ERIN PARKER: Okay.

12 MR. DURYEA: And now
13 they're saying, came
14 out -- I believe it's her
15 own thing, I'm not
16 positive. 90 days they
17 have to go get another
18 one.

19 ERIN PARKER: I have
20 not yet seen a hard and
21 fast 90 day rule. I have
22 seen that they are
23 requesting periodic

203

1 medical certifications for
2 an accommodations and
3 those are allowed under
4 the law. If you want to
5 get me the memo that talks
6 about a hard and fast 90
7 days, I'd love to see
8 that.

9 MR. DURYEA: Isn't that
10 the State's responsibility
11 to set them up an
12 appointment?

13 ERIN PARKER: It is
14 not.

15 MR. DURYEA: It is not.
16 So that reasonable
17 accommodation, the
18 facility themselves can
19 deny it?

20 ERIN PARKER: It's
21 actually done by an entity
22 in DOCCS, but you're
23 asking do they have to

204

1 send you to Employee
2 Health Services or do they
3 have to pay for your
4 medical appointment?
5 That's a totally different
6 question and the answer to
7 both of those is no.

8 MR. DURVEA: Thank you.

9 MR. MULLIN: Mullin,
10 Mohawk. If it helps, I
11 have crossed this bridge
12 now multiple times myself
13 personally. And they have
14 wavered initially under
15 this new thing they came
16 out, they were demanding
17 six month renewals. I
18 debated I guess because
19 we're on the record, with
20 the Office of Diversity
21 Management, and the new
22 one at least in my case is
23 pretty much now they make

205

1 present, we'll be
2 presenting that probably
3 in the next week. A lot
4 of guys that responded
5 that they have on the
6 agenda put it in detail,
7 so we'll be giving that
8 out.

9 I'd like to acknowledge
10 Scott Carpenter. He's our
11 central region vice
12 president. Scott has
13 chosen to take lieutenant
14 and we wish him well in
15 his endeavor. I've known
16 Scott for quite some time,
17 many years as a chief
18 sitting in this room and
19 it was a pressure working
20 with you.

21
22 (All applause.)
23

207

1 that happen if any
2 stewards are interested,
3 they now want you, after
4 you're initially approved,
5 they want you to go back
6 to your doctor in a year
7 and provide a basic
8 doctor's not that says you
9 still need this
10 accommodation.

11 So they're watering it
12 down every day it goes on.
13 Basically the more you
14 present the facts to them
15 in an interesting way, the
16 more they see it your way.

17 ERIN PARKER: Anything
18 else? Thank you.

19 PRESIDENT POWERS: Any
20 other new business? Our
21 statewide labor management
22 agenda has a couple of
23 tweaks that we need to

206

1 VP WEST DEBURGOMASTER:
2 Mark Deburgomaster,
3 western region VP. Just a
4 quick question, Mike. OC
5 spray for Lakeview,
6 Bedford, have we had any
7 movement on that? I know
8 Albion did receive it.
9 Some say they can't have
10 it around the females --

11 PRESIDENT POWERS: Our
12 argument pregnant --
13 essentially pregnant
14 parolees come back into
15 the system, how does a
16 police officer know if he
17 needs to use it on the
18 street whether somebody is
19 pregnant or not.

20 It's a constant
21 discussion we've had.
22 We've had some success, I
23 don't know if Willard has

208

1 had it yet or not. So,
2 we've been pushing hard, I
3 know Al Mothershed rides
4 me pretty regularly on
5 that and I keep following
6 up.

7 They're supposed to
8 have some movement, I
9 worked with Dave Luther at
10 Edgecombe, they were
11 supposed to release it,
12 there's some hangups
13 there. A lot of it is
14 boiling down for him, not
15 necessarily out of
16 Willard, but with Dave,
17 it's the facility
18 operation procedures, the
19 FOPs.

20 So, it's constant and I
21 think we only have -- I
22 think Taconic has it now,
23 Bedford is still a lift.

209

1 And Albion has got it now,
2 Albion didn't, now they've
3 got it. It's kind of a
4 slow creep, I wonder
5 whether or not it's the
6 administration at the
7 facility level, but I'll
8 inquire about it.

9 I just want to do a
10 couple acknowledgements
11 here on the record. Keep
12 in mind it's the holiday
13 season, a lot of our staff
14 are inside the walls,
15 inside the fences. Keep
16 them and their families in
17 your thoughts and prayers
18 this year.

19 I'd like to acknowledge
20 the staff of NYSCOPBA,
21 from membership services
22 to the office manager and
23 health care specialist,

210

1 Dana, Sharon. I tell them
2 constantly and I strongly
3 believe, that this we have
4 better representation of
5 any membership from the
6 east coast to the west
7 coast.

8 We offer more for our
9 member than anybody.
10 That's been NYSCOPBA's
11 inception from the start
12 and I'm proud to be a part
13 of the fact and to
14 continue moving that
15 forward and offering the
16 benefits that we do to our
17 members.

18 Our staff do a great
19 job. They come to work
20 and work hard, I'd like to
21 acknowledge them and their
22 families for the holidays.

23 (All applause.)

211

1
2 PRESIDENT POWERS:
3 Steve, our parliamentarian
4 here, pretty much stays
5 awake for the whole thing.
6 So, he does good work for
7 us, I rely on him
8 constantly. I'd like to
9 acknowledge him and his
10 family.

11 (All applause.)

12
13
14
15 PRESIDENT POWERS: The
16 lovely Darlene Jerge, who
17 brings us Christmas gifts
18 every year and does a
19 fantastic job for us.

20 (All applause.)

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PRESIDENT POWERS: And
of course to you, and all
your families and your
friends. And sometimes
it's a difficult time of
year for many, but it's a
joyous time, enjoy your
time with your family.

Thank you so much for
your service to this
organization. It's a
privilege to work with all
of you. And, you know, I
wish you and all your
families the best.

(All applause.)

PRESIDENT POWERS: Can
we all please rise quickly
here? Have a moment of
silence for the New Jersey
police officer.

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STATE OF NEW YORK)
COUNTY OF ERIE) ss
I, DARLENE L. JERGE, Court
Reporter and Notary Public in and
for the County of ERIE, State of
New York, do hereby certify:

That said EXECUTIVE ASSEMBLY
MINUTES were taken before me at the
time and place set forth and was
taken down by me in shorthand and
thereafter reduced to computerized
transcription under my direction
and supervision.

And I hereby certify the
foregoing transcript is a full,
true and correct transcript of my
shorthand notes so taken.

IN WITNESS WHEREOF, I have
hereunto subscribed my name this
17th day of February, 2020.

Darlene L. Jerge
DARLENE L. JERGE
Notary Public

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(Whereupon, a moment of
silence was then
recognized.)

PRESIDENT POWERS:
Motion to adjourn.

BILL RULAND: Motion to
adjourn.

PRESIDENT POWERS: Bill
Ruland. Second?

NEAL GRUBER: Second.

PRESIDENT POWERS: Neil
Gruber second.

(Whereupon, the
Executive Assembly then
adjourned for the day.)

* *

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