

EXECUTIVE BOARD MINUTES

Date: June 10, 2020 Meeting called to order at 9:30am

ROLL: Michael Powers, President
Tammy Sawchuk, Executive Vice President
Chris Summers, Recording Secretary
Frank Gilbo, Treasurer
Bryan Hluska, VP Central –via phone
Mike Mazzella, VP Mid-Hudson – via phone
Mark DeBurgomaster, VP Western
Dave Luther, VP Southern
John Roberts, VP Northern
John Harmon, VP LE

Attorney: Emily Hannigan – LMWF

Guests: Bill Sellers- Sergeant Liaison, Keith Jacques - LMWF

Minutes: minutes sent via email for approval sent June 8, 2020 to this agenda.

Directive Changes:

2241	2728
4755	4935
0010	2002
4301	

Next meeting: July 14, 2020

Correspondence: None

President's Report–

As we all know we have prison closures coming are way.

Have been trying to get interviews with media outlets, but with everything going on in the world no one wants to pick up anything. As we all know and saw with 50A it has passed.

The three facilities as of now (Lakeview, Southport and Collins) have begun eliminating the phone home program. The inmates will start using the tablets to start communicating instead of the use of the phone.

Keith is looking into a super pack for legislation.

Executive Vice-President-

5/12 Office - Board Meeting / J&E Board Appeal letter sent Fishkill Mask Issue- Larry Shaffer

Edgecombe Sgt. Issue conferred with Bill Sellers / Returned member calls

5/13 Office – Election Guidelines sent / Emily Hannigan memo reviewed

ISO IP discussion Lippis / Returned member calls

5/14 Office VP Mazzella Mask Fishkill / VP Luther uniform issues Larry Shaffer T&A
probationary employee

5/15 Travel to Sing Sing Ronnie Goss Memorial / Returned member calls

5/18 Office Follow-up with Dana Betts T&A grievances / Mask Memo sent / returned member
emails

5/19 Office Follow-up with Larry Shaffer Fishkill / Follow-up with Greg Myers LD IP /
Visitation

Meeting with Mary Gulino Coovid-19 office plan

5/20 Office / Follow-up LD IP Greg Myers / Follow-up Larry Shaffer Fishkill / Returned
member calls

5/21 Office / meeting with Mary Gulino office plan to return NEA / PANE to office / Returned
member calls

5/22 WFH Follow-up with VP Luther VP Mazzella VP Hluska

5/25 Office Closed

5/26 Office / follow-up with VP Harmon VP Roberts VP Mazzella

Follow-up with Larry Shaffer / Returned Member calls

5/27 Office / Meeting with NEA / Returned member calls / Letters sent to OMH & DOCCS

5/28 Office / Meeting with Mary Gulino / follow-up with Dana Betts / Follow-up with VP
Roberts VP Mazzella VP Luther

5/29 Office / Follow-up with Larry Shaffer / Returned member calls Follow-up with VP
Mazzella

6/1 Office / FOB access only Board, NEA, PANE Notified / Returned member calls /
follow-up With VP Roberts VP Harmon

6/2 Office / communication with Matt Ramnes duty bags / Follow-up with VP
Mazzella Sullivan / Returned member calls

6/3 Office / Follow-up with Greg Myers Light Duty IP / Visitation memo
to DOCCS Returned member calls

6/4 Office / Follow-up with VP Mazzella VP Roberts VP Luther / Reviewed current grant
application

Returned member calls

- 6/5 WFH / Returned member calls / Follow-up with VP Roberts VP Luther
- 6/8 Office / Returned member calls / Follow-up with VP Harmon VP Mazzella VP Luther
- 6/9 Travel to NYC Patrick Lynch press conference
- 6/10 Board Meeting

Treasurer's Report-

Total Cash 17.32 million
Rainy Day 1.38 million
Rainy Day-Sep Fund 249 thousand
Legal Defense 3.03 million
Unrestricted bond 10.10 million
Restricted Bond 2.33 million
Gen Op 2.22 million
PAC Fund 316 thousand

Also we will be doing one (1) check run a week. We will be doing it on Thursdays.

Regional Vice-President's Reports

Law Enforcement Report:

Southern Region Report:

Month #3 COVID 19

- 5/1/20 - Yonkers Office
- 5/4/20- Yonkers Office
- 5/5/20- Yonkers Office
- 5/6/20- Yonkers Office and SSCF
- 5/7/20- Yonkers and TCF for 1 Q&A
- 5/8/20- Albany ATA for 1 Q&A
- 5/11/20- Yonkers Office
- 5/12/20- Albany for E B Meeting
- 5/13/20- Yonkers Office
- 5/14/20- Yonkers Office
- 5/15/20- SSCF for Memorial
- 5/18/20- Yonkers Office
- 5/19/20- Yonkers to SSCF for 3 Q&A

5/20/20- Yonkers to SSCF to BHCF 1 Q&A

5/21/20- Yonkers Office

5/22/20- Albany ATA for Q&A

5/26/20- Yonkers Office

5/27/20- Yonkers Office and Bedford CF

5/28/20- Yonkers Office then Taconic CF

5/29/20- Yonkers Office

Q & A - 11

Settlements- 2

Suspension – 1

Separation Of Service- 2

Settlement – 2

Grievances- 3

Western Region Report:

13th – Arb. Prep / Office / Phone interview with Sun's reporter.

14th – Office

15th – (2) Arb. Preps / Office

18th – Arbitration A-Loft Buffalo / Office

19th – Arbitration A-Loft Buffalo / Office / Issue with Auburn Transportation (Lakeview & Moriah) using other facilities to staff transportation busses. / Issue with Attorney turning over transcript to Labor Relations.

20th – Arbitration A-Loft Buffalo / Office / Spoke with member's concerning a possible Holiday for First responders.

21st – Office

22nd – Office

25th – Office Closed Memorial Day

26th – Office / Arbitration Willard

27th – Office / Arbitration Willard / Issues out of Auburn / Spoke with OSI concerning a member out of Orleans. Member will resign tomorrow.

28th – Meet with member from Orleans for resignation / Arb. Prep / Office.

29th – Office

31st – Rochester CF evacuated / CERT on standby due to rioting / Five Points have issues with inmates in 3 separate blocks.

June 2020

1st – Office / Follow up on Rochester CF issues / Follow up on Five Points issues / Follow up on Auburn Issues.

2nd – Office / Arbitration Elmira

3rd – Office / Issue

4th – Office / Issues with Rochester CF staffing out of Orleans / Issues with Facilities having Officers on stand by for Transportation of Protesters and detainees.

5th – Office

8th – Office / Arbitration A-Loft / AI on Vacation

9th – Office / Step 2 Grievances Lakeview / AI on Vacation / Travel to Albany.

10th – E-Board meeting / Step 2 Grievances Wende / AI on Vacation

****To have NYSCOPBA advocate for a National First Responders Holiday.**

****To move forward with the approved Art 15 litigation.**

****PR Director**

****Kenny Gold**

Central Region Report:

5/13/20- Zoom meeting with Chief Sector Stewards, Press Release put out for Gouverneur CF for drugs and assault on staff.

5/14/20- Conferenced with our law firm about paid COVID-19 time being overturned by central office to the officer's time. Worked on a press release for Marcy CF for Drugs found in packages. Work the CSS from Gouverneur CF on staffing issues.

5/15/20- Conferenced with our law firm with further conversations about paid COVID-19 time still being overturned by central office. Worked on a press release for Mid-State CF for assault on staff and drugs found.

5/18/20- Press releases put out for Marcy CF for drug and Mid-State for assault on staff and drugs. Work with CSS from Marcy CF on pre-approved sick being denied, also Superintendent

making officers wear masks when they can socially distance. Work on a press release for Mohawk CF for a multiple inmate fight.

5/19/20- Press release put out for Mohawk CF for a multiple inmate fight. Spoke with acting DSS from Marcy CF about denying pre-approved sick/comp appointments for 4hrs, acting DSS stated "Marcy CF will not be denying any ones slips." I also spoke with him about masks being mandatory even when officers can socially distance, he stated "this is direction from MR. O'Gorman." I reported to President Powers and he will follow up with O'Gorman.

5/20/20- Emailed Kelly Ahearn Director of Personal to obtain clarification for using the 14 day paid COVID-19. Had a zoom meeting with Chief Sector Stewards. Received reports that OSI will start to videotape their weekly walk through, confirmed with Marcy CF Superintendent and reported to President Powers.

5/21/20- Conferenced with board about masks for Officers being mandatory even when the can socially distance. I.e. walkways and/or alone on their posts. Worked with Chief Sector Stewards to get a list of officers that used their own time while directed to quarantine. I sent an email to board requesting a letter be sent out to the department opposing visits and regular transportation opening up before the whole state in phase four.

5/22/20- Conferenced with President Powers and Vice President Sawchuk about a letter going out to the department opposing visitation.

5/25/20- Memorial Day observance.

5/26/20- Assisted a member from Mohawk CF with workers compensation issues. Spoke with labor relations about a step 2 grievance about seniority in relation to job picks at Mohawk CF

5/27/20- Zoom meeting with Chief Sector Stewards. A letter went out to the department from the board concerning visitation.

5/28/20- Assisted CSS from Mohawk CF with payroll issues, members where not receiving their longevity steps on time. I spoke with personal and the issues was resolved.

5/29/20- Conferenced with CSS from Marcy CF about COVID-19 issues related to mandatory mask. Reported to President Powers who spoke with O'Gorman, O'Gorman called Marcy CF to clarify direction on masks. Mask are not mandatory if the officers can socially distance.

6/1/20- Conferenced with the executive board about jails stating masks are still mandatory, other jails in the state are also having issues with these, not just the central region. President Powers is correcting this direction with O'Gorman.

6/2/20- Worked with BA Combs on a grievance for an ISO from Syracuse for mandatory online training.

6/3/20- Worked on a press release for Marcy CF for drugs found in the package room.

6/4/20- Press release went out for Marcy CF for drugs that were found in a package sent to the facility.

6/5/20- Work in conjunction with the executive board in efforts to stop the repeal of 50-A.

6/8/20- Zoom meeting with the Chief Sector Stewards.

6/9/20- Q and A's at the state office building for two officers from Marcy CF.

6/10/20- Executive board meeting.

Central Region Currently has-

17 Grievances at step 2.

2 Grievances at step 3.

2 NOD's settled.

17 NOD's pending.

7 Officers locked out.

1 Officer on admin leave.

0 Officers on the rainy day fund.

COVID-19-

Mid-State: 41 Officers total, 18 Positive and 23 Quarantined.

Marcy: 38 Officers total, 14 Positive and 24 Quarantined.

Mohawk: 5 Officers total, 1 Positive and 4 Quarantined.

All officers are back to work at this time.

Mid-Hudson Region Report:

Greene Correctional -	<p>Still attempting to get information on two (2) assaults on staff. A female Officer was assaulted and received multiple injuries. Initial reports are that it may have been an attempted sexual assault. Multiple inmates came to the Officer's aid by turning on a body cam and pulling her pin. I will share the details once I have the official report. The other assault was on a male officer. Initial reports are that the officer has broken ribs and other injuries. Again, still waiting on the official report.</p>
Green Haven -	<p>Inmates have been "peacefully" protesting the visit extension. Inmates have been staging sit ins during the mess hall run. There is a reported increase in Gang activity with increased aggression towards staff. CIU was activated and extra Officers were posted on the yard observation posts.</p> <p>On Monday, 6/08/2020, Officers were securing B-block after a chow run when an inmate threw a "Molotov Cocktail" on the chair in the Officer's cage. The unknown inmate filled the bottle with NY Safe hand sanitizer, used mop strings as a fuse, ignited it and threw it in to the cage. The block had to be evacuated due to the thick black smoke and the paint was burned off of the walls and ceilings. The inmates were frisked going to the yard and contraband was found on inmates, including ceramic blades and commercial liquor.</p>
Sullivan -	<p>Increased gang activity. On 6/2/2020 at 7:45AM, there was a 4 inmate fight on A North housing unit. An ice pick type weapon was used and one inmate sustained multiple stab wounds to the head, torso and abdomen. OC was applied with the desired effect.</p>

	<p>At 10AM, there was an approximate 20 inmate melee in the west yard. This incident was gang related and in connection to the 4 inmate fight that occurred on the housing until earlier in the day. Several applications of OC were issued with the desired effect. During the course of the incident, an officer was struck in her hand with a broom handle. The inmate-Acosta 17R0517- was charged institutionally with assault on staff and also had charges from the NYSPBCI with assault of a Peace Officer. The Officer was taken to a local hospital and did not remain on duty</p> <p>Later in the day, there was another incident not in relation to the other UI's. An officer in the CAR unit was struck in the face, neck and chest with feces and urine. The inmate that threw on the Officer -Llanos 19A2874- was charged institutionally with Aggravated Harassment and also charged criminally by the NYSPBCI with Assault of a Peace Officer. The injured Officer was taken to a local hospital and did not remain on duty.</p>
Fishkill CF -	There are major drug issues at the facility. At lease ten (10) drug related uses of force in a week was reported recently. The inmates a being placed back on the housing units with no discipline being handed down.

Ulster CF -	There are major drug issues at the facility. The package room Officers are doing great job of finding contraband being mailed into the facility.
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COVID -	Our region has over 60 COVID-19 related grievances at the Step 2 level.
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PTSD -	As we know, PTSD is a major problem in Corrections. I ask that we research the possibility of legislation to have a PTSD presumption for 3/4 disability.
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Elections	Being that Chris Moreau has run unopposed for the Mid-Hudson Region VP, I would like to bring him out as "project staff" within the next two weeks to begin training him in the position.
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Northern Region Report:

Unfinished Business:

- Tablets in SHU with phone capabilities/wifi- looking into it and getting more info on it from the February's board meeting. A follow up phone call was going to be given to the Department from March's board meeting. Still waiting on a update. President Powers has talked to the Department of this issue. The response back from the Department was that they are in the process of trying to eliminate the phone home program, and to use the tablets for inmates to communicate home.

-Video for elections in place of meet the candidates- just was put out for thought due to the COVID pandemic. Keeping options open and to revisit at June's Board meeting.

-Video for elections in case of Meet the Candidates aren't allowed due to COVID-19

-14 Day COVID pay time off-GOER took a stand and won't move on it. Looking at fast fix remedy and we NYSCOPBA will do a state wide grievance.

New Business:

-To file an Article 78 on the behalf of M. Bailey (See motion attached)

-Contract and Discipline Extensions the board agreed to extend until the next board meeting on July 14, 2020

-EA options for July- to postpone the July EA to August. (See motion attached)

-To move forward with the approved Article 15 litigation (See motion attached)

-PR Director

-Kenny Gold- was out doing deliveries to the members in the region. He stopped at Officer Emminger's house to see how he was doing. As he was talking to CO Emminger, Emminger had fallen to the ground and was not breathing. At that POINT Kenny acted and started chest compressions until the ambulance arrived. CO Emminger is doing well. VP DeBurgomaster announced to the board he would be putting Kenny in for a valor award.

- To have NYSCOPBA advocate for a National First Responders Holiday

-To close grievance CON 17-0248 (See motion attached)

-To close grievance CON 16-0643 (See motion attached)

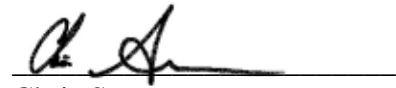
- To close grievance CON 11-0492 (See motion attached)

-50-A- The legislature has passed legislation that repeals section 50-a of the Civil Rights Law and amends the Public Officers Law to allow complaints, allegations made against law enforcement to be released to the public under FOIL. The bill adds very limited protections for law enforcement that would prevent personal information such as ss#, phone numbers, home address from being released. However, these are really the only protections under the legislation that the Gov will almost certainly sign.

Motions:

Rainy Day Fund Applications – D. Bourhill, R. Ayers, K. Gates J. Carissimi, J. Caldwell, P. Seibel (See motion attached)

Honorary Retiree Chapter Applications- N. Coley, V. Costello, D. Favreau (See motion attached)

A handwritten signature in black ink, appearing to read "Chris Summers", is written over a horizontal line.

Chris Summers
Recording Secretary

MOTION SHEET

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Motion:

To move forward on the motion from the EA floor
On the litigation on Article 15. To get an outside legal
Option from Girvin Ferlazzo.

Motion Made by: Executive Board

Motion Seconded by: _____

Motion Passed/~~Defeated~~: **6 to 3**

	YES	NO
Powers		
Sawchuk	x	
Summers	x	
Gilbo	x	
Hluska	x	

	YES	NO
Mazzella		x
DeBurgomaster	x	
Luther		x
Roberts	x	
Harmon		x

Date: June 10, 2020

MOTION SHEET

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Motion:

To postpone the July EA and move it to August. To
Move September to October if we are able to hold an
EA according to the Governors Executive order.

Motion Made by:

Executive Board

Motion Seconded by:

Motion Passed/~~Defeated~~:

UNANIMOUS

	YES	NO
Powers		
Sawchuk	x	
Summers	x	
Gilbo	x	
Hluska	x	

	YES	NO
Mazzella	x	
DeBurgomaster	x	
Luther	x	
Roberts	x	
Harmon	x	

Date: June 10, 2020

MOTION SHEET

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Motion:

To file an Article 78 proceeding on the behalf of M.
Bailey.

Motion Made by:

Executive Board

Motion Seconded by:

Motion Passed/Defeated:

UNANIMOUS

	YES	NO
Powers		
Sawchuk	/	
Summers	/	
Gilbo	/	
Hluska	/	

	YES	NO
Mazzella	/	
DeBurgomaster	/	
Luther	/	
Roberts	/	
Harmon	/	

Date: June 10, 2020

MOTION SHEET

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Motion:

To close grievance CON 11-0492.

Motion Made by:

Executive Board

Motion Seconded by:

Motion Passed/Defeated:

UNANIMOUS

	YES	NO
Powers		
Sawchuk	/	
Summers	/	
Gilbo	/	
Hluska	/	

	YES	NO
Mazzella	/	
DeBurgomaster	/	
Luther	/	
Roberts	/	
Harmon	✓	

Date: June 10, 2020

MOTION SHEET

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Motion:

To close grievance CON 17-0248.

Motion Made by:

Executive Board

Motion Seconded by:

Motion Passed/Defeated:

UNANIMOUS

	YES	NO
Powers		
Sawchuk	✓	
Summers	✓	
Gilbo	✓	
Hluska	✓	

	YES	NO
Mazzella	✓	
DeBurgomaster	✓	
Luther	✓	
Roberts	✓	
Harmon	✓	

Date: June 10, 2020

MOTION SHEET

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Motion:

To close grievance CON 16-0643.

Motion Made by:

Executive Board

Motion Seconded by:

Motion Passed/Defeated:

UNANIMOUS

	YES	NO
Powers		
Sawchuk	/	
Summers	/	
Gilbo	/	
Hluska	/	

	YES	NO
Mazzella	/	
DeBurgomaster	/	
Luther	/	
Roberts	/	
Harmon		

Date: June 10, 2020

MOTION SHEET

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Motion:

To approve the Rainy Day Fund application for
D. Bourhill.

Motion Made by:

Executive Board

Motion Seconded by:

Motion Passed / ~~Defeated~~:

UNANIMOUS

	YES	NO
Powers		
Sawchuk	✓	
Summers	✓	
Gilbo	✓	
Hluska	✓	

	YES	NO
Mazzella	✓	
DeBurgomaster	✓	
Luther	✓	
Roberts	✓	
Harmon	✓	

Date: June 10, 2020

MOTION SHEET

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Motion:

To approve the Rainy Day Fund application for
R. Ayers.

Motion Made by:

Executive Board

Motion Seconded by:

Motion Passed ~~Defeated~~:

UNANIMOUS

	YES	NO
Powers		
Sawchuk	✓	
Summers	✓	
Gilbo	✓	
Hluska	✓	

	YES	NO
Mazzella	✓	
DeBurgomaster	✓	
Luther	✓	
Roberts	✓	
Harmon	✓	

Date: June 10, 2020

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MOTION SHEET

Motion:

To approve the Rainy Day Fund application for
K. Gates.

Motion Made by: Executive Board

Motion Seconded by: _____

Motion Passed/~~Defeated~~: **UNANIMOUS**

	YES	NO
Powers		
Sawchuk	/	
Summers	/	
Gilbo	/	
Hluska	/	

	YES	NO
Mazzella	/	
DeBurgomaster	/	
Luther	/	
Roberts	/	
Harmon	/	

Date: June 10, 2020

MOTION SHEET

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Motion:

To approve the Rainy Day Fund application for
J. Carissimi.

Motion Made by:

Executive Board

Motion Seconded by:

Motion Passed/~~Defeated~~:

UNANIMOUS

	YES	NO
Powers		
Sawchuk	✓	
Summers	✓	
Gilbo	✓	
Hluska	✓	

	YES	NO
Mazzella	✓	
DeBurgomaster	✓	
Luther	✓	
Roberts	✓	
Harmon	✓	

Date: June 10, 2020

MOTION SHEET

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Motion:

To approve the Rainy Day Fund application for
J. Caldwell.

Motion Made by:

Executive Board

Motion Seconded by:

Motion Passed / ~~Defeated~~: **UNANIMOUS**

	YES	NO
Powers		
Sawchuk	✓	
Summers	✓	
Gilbo	✓	
Hluska	✓	

	YES	NO
Mazzella	✓	
DeBurgomaster	✓	
Luther	✓	
Roberts	✓	
Harmon	✓	

Date: June 10, 2020

MOTION SHEET

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Motion:

To approve the Rainy Day Fund application for
P. Seibel.

Motion Made by:

Executive Board

Motion Seconded by:

Motion Passed ~~Defeated~~:

UNANIMOUS

	YES	NO
Powers		
Sawchuk	✓	
Summers	✓	
Gilbo	✓	
Hluska	✓	

	YES	NO
Mazzella	✓	
DeBurgomaster	✓	
Luther	✓	
Roberts	✓	
Harmon	✓	

Date: June 10, 2020

MOTION SHEET

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Motion:

To approve the Honorary Retiree Chapter application
For N. Coley.

Motion Made by: Executive Board

Motion Seconded by: _____

Motion Passed/Defeated: **UNANIMOUS**

	YES	NO
Powers		
Sawchuk	/	
Summers	/	
Gilbo	/	
Hluska	/	

	YES	NO
Mazzella	/	
DeBurgomaster	/	
Luther	/	
Roberts	/	
Harmon	/	

Date: June 10, 2020

MOTION SHEET

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Motion:

To approve the Honorary Retiree Chapter application
For V. Costello.

Motion Made by:

Executive Board

Motion Seconded by:

Motion Passed/Defeated:

UNANIMOUS

	YES	NO
Powers		
Sawchuk	✓	
Summers	✓	
Gilbo	✓	
Hluska	✓	

	YES	NO
Mazzella	✓	
DeBurgomaster	✓	
Luther	✓	
Roberts	✓	
Harmon	✓	

Date: June 10, 2020