

NEW YORK STATE
CORRECTIONAL OFFICERS AND POLICE
BENEVOLENT ASSOCIATION
EXECUTIVE ASSEMBLY

JULY 14, 2021
TURNING STONE RESORT & Casino
Verona, New York

Volume I
Wednesday Session

STENOGRAPHIC MINUTES of the
above-entitled matter, reported by
DARLENE L. JERGE, Notary Public and
Shorthand Reporter in and for the
State of New York.

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APPEARANCES:

OFFICERS PRESENT:

MICHAEL POWERS, President
KEVIN DONNELLY, Executive Vice
President
FRANK GILBO, Treasurer
CHRISTOPHER SUMMERS, Recording
Secretary

VICE PRESIDENTS

CHRIS MOREAU, Mid-Hudson
BRIAN HLUSKA, Central
JOHN ROBERTS, North
DAVID LUTHER, South
JOHN HARMON, Law Enforcement
MARK DEBURGOMASTER, Western

Also Present:

Keith Jacques, Esq.
Greg Meyers, Esq.
Lawrence Schaefer, Esq.
Steven Anderson, Parliamentarian

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4

1 MOTIONS

2 PAGE

3 To approve the Minutes 27

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1 PRESIDENT POWERS : Good

2 afternoon. Can everybody

3 hear me? I feel like I'm

4 looking out on a football

5 field here. I'd like to

6 call the meeting to order.

7 Good afternoon. If we

8 could all please stand,

9 remove your hats, have a

10 moment of silence.

11

12 (Whereupon, the Pledge

13 of Allegiance and moment

14 of silence were

15 recognized.)

16

17 PRESIDENT POWERS : If

18 we could have the assembly

19 rules read in by Aaron

20 Bovee above out of

21 Washington please.

22 AARON BOVEE:

23 Anyone entering the

7

1 DISPOSITION OF MOTIONS

2

3 PAGE

4 To approve the Minutes - CARRIES 27

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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 need to sit in the

10 designated area seated in

11 the back of the room.

12 Cell phones are to be

13 turned off or be put on

14 vibrating mode. Recording

15 devices are prohibited

16 unless provided by

17 membership services and

18 those directed by the

19 recording secretary

20 according to the June

21 22nd, 2005 EA.

22 NYSCOPBA members in

23 good standing will be

8

1 allowed to address the
2 Executive Assembly.
3 Please state your name and
4 sector. Speakers at the
5 microphone will follow the
6 directions of the Sergeant
7 at Arms. There will be no
8 alcohol consumption
9 allowed in the meeting
10 room while the Executive
11 Assembly is in progress
12 anyone found in violation
13 of any of the rules or
14 orders, will be escorted
15 from the meeting.

16 PRESIDENT POWERS :

17 Thank you, Aaron.

18 Keep in mind please, if
19 you want to speak go to
20 the microphone, clearly
21 announce your name and
22 facility. We're in quite
23 a large room so our

9

1 stenographer can get all
2 the information down for
3 the minutes. Chris, roll?

5 RECORDING SECRETARY

6 SUMMERS:

7 President Powers?

8 PRESIDENT POWERS :

9 Here.

10 RECORDING SECRETARY

11 SUMMERS: Powers, present.

12 Executive Vice President

13 Donnelly?

14 EXECUTIVE VICE

15 PRESIDENT DONNELLY: Here.

16 RECORDING SECRETARY

17 SUMMERS:

18 Donnelly, present.

19 Treasurer Gilbo?

20 TREASURER GILBO: Here.

21 RECORDING SECRETARY

22 SUMMERS: Gilbo, Present.

23 Recording

10

1 Secretary SUMMERS,

2 present.

3 VP North, Roberts?

4 VICE PRESIDENT ROBERTS:

5 Here.

6 RECORDING SECRETARY

7 SUMMERS:

8 Roberts, present.

9 VP Mid-Hudson, Moreau?

10 VICE PRESIDENT MOREAU:

11 Here.

12 RECORDING SECRETARY

13 SUMMERS:

14 Moreau, present.

15 VP Law Enforcement,

16 Harmon?

17 VICE PRESIDENT HARMON:

18 Present.

19 RECORDING SECRETARY

20 SUMMERS:

21 Harmon, present.

22 VP Central, Hluska?

23 VICE PRESIDENT HLUSKA:

11

1 Present.

2 RECORDING SECRETARY

3 SUMMERS:

4 Hluska, present.

5 VP South, Luther.

6 VICE PRESIDENT LUTHER:

7 Present.

8 RECORDING SECRETARY

9 SUMMERS:

10 Luther, present.

11 VP West, DeBurgomaster?

12 VICE PRESIDENT

13 DEBURGOMASTER:

14 Present.

15 RECORDING SECRETARY

16 SUMMERS:

17 Deburgomaster, present

18 Sergeant's Liaison, Sellers?

19 MR. SELLERS: Here.

20 RECORDING SECRETARY

21 SUMMERS: Sellers,

22 present.

23 Adirondack, no rep.

12

1 Albany Training Academy,
2 Keenan?
3 MR. KEENAN: Here.
4 RECORDING SECRETARY
5 SUMMERS:
6 Keenan, present.
7 Albion, Corrigan?
8 MR. CORRIGAN: Present.
9 RECORDING SECRETARY
10 SUMMERS:
11 Corrigan, present.
12 Altona, Ayotte?
13 MR. AYOTTE: Here.
14 RECORDING SECRETARY
15 SUMMERS:
16 Ayotte, present.
17 Attica, Tartarka?
18 MR. TARTARKA: Here.
19 RECORDING SECRETARY
20 SUMMERS:
21 Tartarka, present.
22 Auburn, Vincent?
23 MR. VINCENT: HERE.

13

1 Central New York Psych
2 Center, O'Donnell?
3 MR. O'DONNELL: Here.
4 RECORDING SECRETARY
5 SUMMERS: O'Donnell,
6 present.
7 Clinton, Basto?
8 MR. BASTO: Here.
9 RECORDING SECRETARY
10 SUMMERS:
11 Basto, present.
12 Collins, no rep.
13 Community Supervision, no rep.
14 OCA's, Sharpe?
15 MR. SHARPE: Here.
16 RECORDING SECRETARY
17 SUMMERS: Sharpe, present.
18 Cocksackie, Carknard.
19 MR. CARKNARD: Here.
20 RECORDING SECRETARY
21 SUMMERS: Carknard,
22 present.
23 Downstate, Neal?

15

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

14

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

16

1 Vantassell, present.
 2 Five Points, Wollschleger?
 3 MR. WOLLSCHLEGER:
 4 Present.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Wollschleger, present.
 8 Forest Rangers, Carlson?
 9 MR. CARLSON: Here.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Carlson, present.
 13 Franklin, Cuthbert?
 14 MR. CUTHBERT: Here.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Cuthbert, present.
 18 Gouverneur, Best?
 19 MR. BEST: Present.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 Best, present.
 23 Great Meadow, Keough?

17

1 Rowe, present.
 2 Hudson, Cox?
 3 MR. COX: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Cox, present.
 7 ISO's, Martinez?
 8 MR. MARTINEZ: Here.
 9 RECORDING SECRETARY
 10 SUMMERS: Martinez,
 11 present. Kirby Forensic,
 12 Oyakhilome?
 13 MR. OYAKHILOME: Here.
 14 RECORDING SECRETARY
 15 SUMMERS: Oyakhilome,
 16 present. Lakeview,
 17 Gruber?
 18 MR. GRUBER: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Gruber, present.
 22 Marcy, Fisher?
 23 MR. FISHER: Here.

19

1 MR. KEOUGH: Here.
 2 RECORDING SECRETARY
 3 SUMMERS:
 4 Keough, present.
 5 Green Haven, Flanagan?
 6 MR. FLANAGAN: Here.
 7 RECORDING SECRETARY
 8 SUMMERS:
 9 Flanagan, present.
 10 Greene, Landry?
 11 MR. LANDRY: Present.
 12 RECORDING SECRETARY
 13 SUMMERS:
 14 Landry, present.
 15 Groveland, Gaylor?
 16 MR. GAYLOR: Here.
 17 RECORDING SECRETARY
 18 SUMMERS:
 19 Gaylor, present.
 20 Hale Creek, Rowe?
 21 MR. ROWE: Here.
 22 RECORDING SECRETARY
 23 SUMMERS:

18

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

20

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Trambley, present.
 4 Ogdensburg, Rupert?
 5 MR. RUPERT: Here.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Rupert, present.
 9 Orleans, Sharts?
 10 MR. SHARTS: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Sharts, present.
 14 Otisville, Hawkes?
 15 MR. HAWKES: Here.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Hawkes, present.
 19 Queensboro, Smith?
 20 MR. SMITH: Here.
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 Smith, present.

21

1 SUMMERS: Laclair,
 2 present.
 3 SSO Southern Region,
 4 Henderson?
 5 MR. HENDERSON: Here.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Henderson, present.
 9 SSO Western Region,
 10 Compton?
 11 MS. COMPTON: Here.
 12 RECORDING SECRETARY
 13 SUMMERS:
 14 Compton, Present.
 15 Security Officers,
 16 Tonney V?
 17 MR. VACHAPARAMBIL:
 18 Yes.
 19 RECORDING SECRETARY
 20 SUMMERS: Tonney V,
 21 present. Security Services
 22 Assistant, no rep.
 23 Shawangunk, Zappala?

23

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

22

1 MR. ZAPPALA: Here.
 2 RECORDING SECRETARY
 3 SUMMERS:
 4 Zappala, present.
 5 Sing Sing, Harris?
 6 MR. HARRIS: Here.
 7 RECORDING SECRETARY
 8 SUMMERS:
 9 Harris, present.
 10 Southport, Capawana?
 11 MR. CAPAWANA: Here.
 12 RECORDING SECRETARY
 13 SUMMERS:
 14 Capawana, present.
 15 Sullivan, no rep.
 16 Taconic, Gordon.
 17 MS. GORDON: Here.
 18 RECORDING SECRETARY
 19 SUMMERS: Gordon, present.
 20 Ulster, Scampoli?
 21 MR. SCAMPOLI: Here.
 22 RECORDING SECRETARY
 23 SUMMERS:

24

1 Scampoli, present.
 2 Upstate, Coryea?
 3 MR. CORYEA: Here.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Coryea, present.
 7 Wallkill, Sheridan?
 8 MR. SHERIDAN: Here.
 9 RECORDING SECRETARY
 10 SUMMERS: Sheridan,
 11 present. Washington,
 12 Chapman?
 13 MR. CHAPMAN: Here.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Chapman, present.
 17 Wende, Keenan?
 18 MR. KEENAN: Morning.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Keenan, present.
 22 Willard, Cornacchio?
 23 MR. CORNACCHIO: Here.

25

1 this room are under the
 2 age of 58? Please raise
 3 your hand? There is quite
 4 a few of us.
 5 What we're doing today
 6 is we are presenting a
 7 plaque of appreciation to
 8 an officer who has
 9 fifty-seven years of
 10 service on the job at
 11 Bedford Hills Correctional
 12 Facility. It's Ruby
 13 Hughes. Would you please
 14 come up here?
 15
 16 (Standing ovation.)
 17 (All applause.)
 18
 19 PRESIDENT POWERS: I
 20 suppose the question in
 21 here everybody has in the
 22 back of their minds, is
 23 there an end in sight?

27

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Cornacchio, present.
 4 Woodbourne, no rep.
 5 Wyoming, Cleveland?
 6 MR. CLEVELAND: Here.
 7 RECORDING SECRETARY
 8 SUMMERS:
 9 Cleveland, present.
 10 The May minutes have
 11 been published. Anyone
 12 have any corrections?
 13 Seeing none, the minutes
 14 are approved. Thank you.
 15 PRESIDENT POWERS:
 16 Thank you, Chris. We do
 17 have a valor award today.
 18 Brother Luther.
 19 VP SOUTH LUTHER: Good
 20 afternoon, Brothers and
 21 Sisters. Just to just
 22 bore with me, how many
 23 individuals sitting in

26

1 RUBY HUGHES: Yes.
 2 PRESIDENT POWERS: God
 3 Bless and we wish you the
 4 best. We'll move into the
 5 president's report. Since
 6 our last meeting in May,
 7 obviously some of the
 8 biggest concerns that we
 9 had going forward, which
 10 isn't our biggest concerns
 11 right now as of yet, was
 12 the legislative session
 13 that was looming.
 14 We had many pieces of
 15 legislation out there that
 16 had a direct impact on
 17 some of our titles. And
 18 with that being said, you
 19 know, I'll have Keith come
 20 up here shortly and expand
 21 a little bit on that. But
 22 we came out of it somewhat
 23 okay, obviously. But, you

28

1 know, ultimately at the
2 end of the day there's
3 talks of a spring or
4 summer session where some
5 of these parole highlights
6 are actually considered
7 some -- less is more and
8 elder parole and some of
9 these other things that
10 are out there. We just
11 don't know if they're
12 going to be part of the
13 agenda in the summer
14 session; hopefully God
15 willing there won't be a
16 summer session.

17 But with that being
18 said, some of the
19 communications that we've
20 had with the department
21 heads as of recent, if
22 some of these were to come
23 to fruition it would

29

1 they've had some instances
2 with their homes, fire and
3 water damage that they
4 have had to remediate. So
5 some of the PR campaigns
6 that are going on that
7 have been advantageous for
8 us, we believe.

9 We think it's a good
10 positive output that's
11 benefited us to an extent.
12 You're familiar with the
13 incentive they offered to
14 the inmate population, I'm
15 speaking of DOCCS of
16 course. With that being
17 said, we kind of pushed
18 back and we are on the
19 front line, we believe
20 that we're probably the
21 biggest or the probably
22 the bargaining unit that
23 suffered the most from our

31

1 significantly impact the
2 inmate population. We're
3 well aware the inmate
4 population right now is
5 about 32 thousand. It's
6 kind of been steady the
7 last six weeks; 4 to 6
8 weeks. It's hovering
9 around 32 thousand right
10 now.

11 We're not quite sure if
12 that has to do with courts
13 opening back up since
14 COVID, but we'll be
15 closely monitoring some of
16 that. If I could get
17 Keith -- is Keith in the
18 room? Along with that we
19 obviously had some
20 positive PR, Tim Ruffinen
21 can't be with us today and
22 Sam Nejame due to personal
23 matters in their homes;

30

1 membership ranks during
2 the COVID pandemic, as far
3 as staffing, as far as
4 individuals having to
5 quarantine multiple times.

6 We've had some success
7 with our COVID grievance,
8 we've had a couple of
9 successes with that. I'll
10 have Keith explain on that
11 a little bit on that as
12 well. We recently got a
13 decision yesterday that
14 came back in our favor.
15 Keith and Greg can
16 probably talk on that,
17 that came back and some of
18 the other bargaining units
19 didn't have that same
20 affect, they didn't have
21 the same luck we had.

22 So, some of these
23 grievances are being

32

1 remedied as we speak, not
2 too many, a handful, I
3 believe. I know our
4 regionals are all over it,
5 they stay on top of it and
6 we'll continue to push for
7 that with our lawsuit for
8 the table to turn for us
9 as far as being able to
10 relieve some of the
11 individuals that were
12 under multiple
13 quarantines.

14 Many instances where
15 they had to, of no-fault
16 of their own, had to be
17 excused from work and use
18 your own time, so we'll
19 continue that push. Been
20 attending a lot of
21 political events, starting
22 to see a lot of
23 face-to-face political

33

1 everybody in this room,
2 and I'm not mitigating any
3 factor from any facility
4 as far as the need, but we
5 fully understand the issue
6 that you're having in your
7 facilities when you're
8 literally walking out the
9 gate and turning around
10 and coming back in. And
11 our conversations with the
12 Department, while not
13 fruitful at this point, we
14 through our push and
15 through the Department's
16 push we were able to get
17 this fiscal year 19
18 Academy classes, piped
19 into the pine line, I
20 believe right now. Shawn
21 Keenan, correct me if I'm
22 wrong, but I think we had
23 about class of that first

35

1 events. We'll be calling
2 on our PAC committee and
3 our members in the
4 districts. Meeting with
5 your local legislators, a
6 lot of golf events they've
7 been kicking up. One in
8 west, couple in the north.
9 They'll continue going
10 through that way, if you
11 got some members that want
12 to get out there, by all
13 means let your regionals
14 know.

15 Some of the other
16 things as I mentioned, and
17 I'll have Keith come up
18 now, but I'll talk about
19 this, less is more and
20 this elder parole. Kevin
21 and I went recently, and
22 obviously this is a
23 concern I'm quite sure of

34

1 came in about 75 and about
2 47 of them are in the work
3 force. And I believe now
4 we've got about 204 out of
5 300 that possibly came in.

6 SHAWN KEENAN: 202 on
7 count as of today.

8 PRESIDENT POWERS: 202
9 on count as of today out
10 of 300. They're really
11 ramping up the numbers
12 coming in. They started
13 with 75, then they went to
14 a 100 and then I think
15 they jumped to 150 just
16 recently, correct? So
17 with that being said
18 hopefully they don't
19 exhaust this list with not
20 having anything coming in
21 behind it, but with that
22 being said, you know,
23 hopefully God willing this

36

1 will create some relief.
 2 We'll continue to push,
 3 this Board is going to
 4 meet with the Department
 5 on August 10th. It's
 6 going to be pretty much an
 7 ad lib meeting. There
 8 won't be any minutes
 9 taken. I imagine there
 10 will be a lot of things
 11 said across the table, but
 12 we believe it will be
 13 affective. And without
 14 putting together a labor
 15 management agenda and
 16 having Annucci and his
 17 army show up, we figure
 18 we'll get Martuscello and
 19 Nolan in the room and
 20 start hammering home on
 21 some of the concerns you
 22 guys are having in your
 23 facilities.

37

1 You know, it creates a lot
 2 of — you know, goes
 3 farther beyond then just
 4 staffing the gate for an
 5 additional 8 hours or an
 6 additional pushing into 24
 7 hours. It takes a toll on
 8 a person. And that's
 9 genuine, I'll tell you up
 10 here, that's a genuine
 11 concern for many of us
 12 here.

13 With that being said,
 14 I'll have Keith talk real
 15 quick on this recent court
 16 case and some of the
 17 legislative aspects
 18 dealing with the elder
 19 parole. And then I'll
 20 explain a little more
 21 about the meeting with
 22 Martuscello and Nolan that
 23 Kevin and I had.

39

1 I know John Harmon is
 2 working hard on many of
 3 his issues and his many
 4 entities he's dealing with
 5 in the same breath, and so
 6 far so good, you know, but
 7 not we can't stress enough
 8 and trust me when I tell
 9 you, call bullshit if you
 10 want, but at the end of
 11 the day, the stressors
 12 that are going on inside
 13 these jails, and the
 14 stressors getting put on
 15 the backs of you guys and
 16 all the members back in
 17 the facilities, that comes
 18 with a lot of issues.
 19 That creates household
 20 issues, that creates, you
 21 know, issues with the
 22 family, that creates
 23 stressors on the body.

38

1 KEITH JACQUES: So,
 2 good afternoon. I'll let
 3 Greg actually talk about
 4 the parole cases. I'll
 5 give you a quick wrap up
 6 of it. It was a very
 7 unique session and it was
 8 once again a virtual. In
 9 2020 it went virtual in
 10 late March, this year the
 11 entire session was
 12 virtual, which is kind of
 13 a challenge for me and our
 14 other lobbyists to do our
 15 job representing you
 16 because frankly what we do
 17 during session, we put
 18 ourselves in the elevator
 19 in the Capitol, we make
 20 ourselves seen. We create
 21 opportunities to have
 22 meetings and conversations
 23 about your issues.

40

1 None of that happened
2 this year, in terms of
3 being able to be in the
4 building with these folks.
5 Matter of fact, the
6 Capitol opened just two
7 weeks ago, so I'm actually
8 able to go inside now and
9 at least sit with staff
10 people. You know,
11 everyone knows that HALT
12 was enacted so obviously
13 that started, you know,
14 the session off not the
15 best way for us, but it
16 certainly wasn't from a
17 lack of effort on our part
18 trying to kill it, oppose
19 it.

20 We did a report, a
21 summary report for the
22 Executive Board that
23 listed a lot of the bills

41

1 support the bill, we would
2 frankly adamantly oppose
3 it. The bill was actually
4 starting to gain momentum.
5 We said if you want us to
6 support it, here's what we
7 want. We want you to give
8 us in that language of the
9 legislation some assurance
10 that every correctional
11 officer that is required
12 to write a report, whether
13 it's a to/from, whether
14 it's a part of UI, that
15 prior to the writing the
16 report they will be
17 authorized to sit and look
18 at the video that the
19 report is based on.

20 Senator Bailey's staff
21 took that back to him, and
22 frankly, the bill died.
23 So we were able to kill

43

1 that we were following
2 this year for the union.
3 The vast majority of those
4 bills were horrible bills
5 that we were playing
6 offense on. One of the
7 issues that was brought up
8 at the last Executive
9 Assembly meeting was the
10 Senator Bailey legislation
11 that would require body
12 cameras to be worn by a
13 select group of officers.
14 It was Matt Keough who
15 brought up, you know, how
16 can we support this if we
17 can't even review the
18 camera.

19 So what we did was we
20 scheduled a meeting with
21 Senator Bailey's staff and
22 Senate Majority Council
23 and we said we would not

42

1 the momentum of the bill.
2 We told him we wanted -- I
3 actually drafted the
4 amendment, gave them to
5 the Senate, the bill went
6 away for now. Some of the
7 other bills that we
8 supported, obviously
9 double bunking was our
10 priority bill for
11 corrections this year.
12 That bill has passed both
13 houses. It's awaiting the
14 Governor, even though the
15 Department had taken down
16 most of the medium beds,
17 the medium bunks, the
18 medium double beds, we
19 still want to have that
20 statute because we don't
21 want to have the
22 department to have the
23 authority to just put them

44

1 back up whenever they
2 want.
3 We were able to
4 convince the Senate and
5 Assembly to move that
6 bill, whether or not the
7 Governor will sign it that
8 remains to be seen. Mike
9 talked about some of the
10 other bills, the elder
11 parole, this legislation
12 is kicking around that
13 would require any inmate
14 55 years of age or older
15 given a parole hearing.
16 And basically the inmate
17 would be released unless
18 there was some exigent
19 circumstances that
20 prevented that kind of
21 release.

22 The vast majority of
23 the bills that are being

45

1 not going to go anywhere.
2 I have some ideas of how
3 we can tweak the bill, my
4 thought is to get it to
5 Senator Arse and Bill
6 Jones, and hopefully we
7 can get that thing done
8 next year.

9 But again, most of what
10 we're doing this year was
11 playing defense. We're
12 trying to play defense
13 virtually. A lot of Zoom
14 meetings, a lot of
15 conference calls. Next
16 year will be much better
17 that we can start having
18 those face-to-face
19 meetings again and we're
20 already starting to set up
21 those meetings for Mike
22 and I, and Dan or other
23 board members to go and

47

1 introduced by this
2 legislation at this point
3 are not bills that are pro
4 law enforcement. It's
5 been a really tough two
6 years for corrections.
7 It's probably even harder
8 for the last couple years
9 for police groups. But
10 we're still trying to make
11 inroads with more moderate
12 Dems. I think we're
13 having some success there.

14 We're going to have to
15 amend our Death Gamble
16 Legislation. I've got
17 some ideas how to get it
18 out of the hands of
19 Senator Pat Ritchie who
20 has been a great supporter
21 of NYSCOPBA. But if it's
22 sponsored by a Republican
23 member of the Senate, it's

46

1 sit with some of these
2 legislators during the off
3 session months to further
4 develop those
5 relationships that we're
6 going to need in order to
7 accomplish those things
8 moving forward. Any
9 questions about anything?

10 PRESIDENT POWERS: So
11 behind some of that
12 we've -- the Board
13 decision and Brother
14 Moreau here we put
15 together what we call an
16 Advocate Committee. A
17 committee that would look
18 at basically assisting us
19 in educating many of the
20 members out there as to
21 the new way of having to
22 go about doing business in
23 this legislature.

48

1 Typically as you may
2 remember, we had a solid
3 relationship with the
4 Senate Republicans, we had
5 a solid relationship with
6 the Senate Dem leadership,
7 which is good and we'll
8 continue to maintain that.
9 But before we had the
10 senate Republican they
11 helped us with pretty much
12 everything, we don't have
13 that had now. We had good
14 inroads with the Assembly,
15 this organization has
16 always had good inroads
17 with the leaderships and
18 we'll continue those. But
19 as Keith mentioned, we're
20 looking to expand on that,
21 to some of these more
22 moderate Dems out there.
23 Senator Manning out of

49

1 allow it to happen. But
2 we need to further educate
3 some of legislators that
4 don't quite get it and we
5 need to have our
6 membership on the same
7 page.

8 So what we'll do -- we
9 have one meeting with this
10 committee, it was a great
11 meeting, we had a lot of
12 good talks in there and
13 we're going to meet
14 probably the first part of
15 August -- anybody who was
16 in here on the advocate
17 committee I shared it with
18 the PAC committee, we'll
19 be looking to meet August
20 4th at NYSOPBA land to
21 further discuss our
22 avenues.

23 It's a great idea.

51

1 Syracuse is a perfect
2 example. He is the only
3 Democrat in the conference
4 that voted against HALT.
5 We're grateful for it and
6 supporting it in a number
7 of different ways and
8 we'll continue to do so,
9 we'll continue to reach
10 out there.

11 Part of reason for the
12 advocate committee was to
13 help assist us in
14 educating the membership
15 in the avenues which we
16 need to pursue. By no
17 means are we caving to the
18 left or are we going to
19 cave on any of the issues
20 that continually deal
21 with; that will never
22 happen. I don't believe
23 anybody in this room would

50

1 It's a good concept, it's
2 ad hoc committee, it's not
3 a constitutional committee
4 that we have. But it's a
5 good inroad right now for
6 us. As far as some of the
7 staffing issues that are
8 all very prevalent in your
9 facilities, Kevin and I
10 reached out to Dan
11 Martuscello to suggest --
12 we kind of had a bit of a
13 fall out for awhile, it's
14 not that we weren't
15 talking but it was very
16 limited. And we reached
17 out and basically said,
18 listen, we need to talk, I
19 need to let you know
20 what's happening on our
21 front lines. And not to
22 suggest that he doesn't
23 know, but of course he's

52

1 got a completely different
2 opinion from what we're
3 doing and that's just
4 standard, right?

5 So we end up going over
6 there and meeting with him
7 and Deputy Commissioner
8 Noeth, and Kevin and I
9 spoke on some of this
10 stuff. And basically
11 they're falling back —
12 and they recognize it,
13 they're not blatantly
14 ignorant to it by any
15 stretch of the imagination
16 but they're falling back
17 on the academies.

18 Well, that's not a
19 relief right now. What
20 we've asked for is to —
21 some of these older
22 facilities that require
23 constant infrastructure

53

1 been a hot beds since
2 March, you know. And a
3 lot of these things, and
4 I'm not mitigating any
5 other facility, but it
6 just comes to mind, and
7 with that being said we
8 got a lot of things going
9 on. We have asked for
10 additional, you know, for
11 the capitol projects
12 but — I lost my train of
13 thought. Some help with
14 the transportation, you
15 know, as far as
16 transportation bids and
17 trips going out.

18 As far as the
19 construction projects
20 and there's some other
21 things, I'm sorry, I'm at
22 a loss, it will come to
23 me. But at any rate with

55

1 capitol projects to assist
2 in maybe making them so
3 that we're not
4 traditionally always
5 sucking from our resource
6 pools. That in itself is
7 a challenge with staffing
8 in any shape. I'm sure
9 Larry Flanagan, and Donn
10 Rowe and anybody else who
11 is — Paul MIKOLAJCZYK
12 even, as far as back would
13 understand that that is a
14 heavy, heavy lift. But I
15 mean, we're asking for
16 some relief for our front
17 lines that are continually
18 going back and forth,
19 humping down the tears,
20 responding to the
21 incidents, and dealing
22 with the heat in some of
23 the lock downs. Elmira's

54

1 the staffing issue going
2 forward, we really
3 expressed upon them and
4 they said, listen, they're
5 open to ideas. And we
6 kind of added a lot of
7 things, construction
8 projects, infrastructure.
9 You know, make it, make
10 it — as far as
11 construction projects make
12 it an ongoing thing, these
13 facilities are old and
14 they require a great deal
15 of maintenance and capital
16 projects; with that going
17 forward, make it part of
18 the job.

19 I spoke with Mike
20 Morrow, our staffing
21 specialist as many of you
22 know and have dealt with,
23 he's outstanding at his

56

1 job. And going into that,
2 he even understands the
3 heavy lift it will cost
4 but it's something to look
5 at going down the road as
6 we go. And recognizing
7 that facility closures are
8 on the loom here and not
9 to create doom on top of
10 doom, but ultimately at
11 the end of the day that --
12 the last thing we want to
13 do is create a push to
14 make that even greater
15 then it is.

16 So it's not our
17 position right now, much
18 of what we talk about on a
19 daily basis, you know,
20 going forward. You know,
21 it's very difficult, we
22 know it's very difficult
23 for many members in the

57

1 Department is banking on
2 this pipeline of people
3 coming in right now.
4 Donn, let me get through
5 this. And kind of banking
6 on this pipeline, the
7 Department is banking on
8 it but we're looking for
9 immediate relief. The
10 other relief I was
11 referring to is what
12 happened in Elmira a while
13 back before Deputy
14 Commissioner O'Gorman
15 retired, was he basically
16 went in there and just
17 kind of locked it down --
18 Andy, correct me if I'm
19 wrong -- he locked it down
20 just to basically kind of
21 give those guys a bit of
22 relief. That's how it was
23 explained. This was some

59

1 facilities. They're
2 turning around walking
3 through the gate, they're
4 not spending time with
5 their families, they're
6 getting stuck on their
7 RDOs, which was never the
8 case before and we're
9 seeing it, we're hearing
10 it.

11 We're trying to work it
12 out. So any great ideas
13 that you have or any
14 ideas, Don Vantassell is
15 in here somewhere and he
16 came up to me last night
17 with an idea. I bounced
18 it off Greg real quick,
19 and we'll take a look at
20 it, we'll look at the
21 legalities, possibly per
22 diem retirees in some
23 capacity. But the

58

1 time ago, this was before
2 O'gorman retired.

3 And that's what we went
4 in and asked for, we just
5 went in and say, you know
6 what, scrap the programs
7 for awhile, scrap the rec,
8 turn the TVs on, give them
9 the fucking tablets. Keep
10 them in, give our guys a
11 break, that's kind of what
12 we were looking for. They
13 said that they could look
14 at it and we talked about
15 a meeting, we'll bring it
16 on again if we don't get
17 some kind of relief in the
18 near future.

19 But that's pretty much
20 where we're at right now.
21 Like I said, we'll
22 continue this push with
23 the advocate committee and

60

1 PAC committee. In this
2 legislation keep in mind
3 we've got a general
4 election next year and
5 every seat is up; Governor
6 all the way down to the
7 Assembly. And we'll be
8 keeping a close eye on
9 that and navigating our
10 way in. Shawn will give
11 us an update in PAC
12 financials and the
13 committee report shortly.
14 But that's pretty much
15 where I'm at right now.
16 Anybody got anything for
17 me?

18 ANDY RICE: Rice,
19 Elmira. Mike, I know you
20 talked about the staffing,
21 and obviously we can't
22 make staff officers appear
23 and going across and

61

1 point. We're simply not
2 gonna be doing it.
3 Anybody can call it what
4 it is, we're not gonna do
5 a job action, we just
6 can't do the fucking job
7 they're asking us to do
8 any more.

9 And that's where we're
10 at. I don't know the
11 other facilities, but I
12 hear it, it's not a job
13 action if we simply can't
14 do the fucking job. So
15 that's the message that
16 Martuscello and Noeth and
17 those guys need to know;
18 that's what they have to
19 know.

20 And like I said, it's
21 not a job action if we
22 simply can't do it. They
23 keep giving us unfunded

63

1 offering ideas like
2 shutting shit down for the
3 inmates. But instead of
4 one hour of rec, we're
5 giving them two and a half
6 to four hours in every
7 facility across the state.
8 If we start doing the
9 minimum of what they're
10 allowed to do, especially
11 during this time, we
12 may be able to save some
13 staff getting stuck on the
14 RDOs, sixteen hours,
15 twenty-four hours.

16 I don't know how any of
17 the other jails are. I'm
18 tired of being the
19 punching bag from my guys,
20 saying we're trying to do
21 something, we're doing
22 something. There's got to
23 be -- we reached that

62

1 mandates, and keep giving
2 to convicts, that's the
3 law, we have to do it, we
4 have to do it. At what
5 expense? The members
6 expense of getting forced,
7 fucking dying, having a
8 heart attack.

9 This is fucking
10 bullshit. And I'm tired
11 of being the fucking
12 beating bag in the jail.
13 Somethings got to give.
14 Like I said, it's not a
15 job action fellas if you
16 simply can't do the job.
17 I don't care what anybody
18 says. It's not a job
19 action. We all have eight
20 hours in our plot plan
21 jobs and if we simply
22 can't the job done in
23 eight hours, it is not a

64

1 job action. It's not.
2 Something has to be said
3 across the hall to that
4 affect.

5 PRESIDENT POWERS :
6 Thank you, Andy. And it
7 will.

8 DON VANTASSELL: Don
9 Vantassell, Fishkill.
10 What I was talking about,
11 Mike, was seeing if we can
12 get some sort of waiver
13 for our retirees that they
14 could come back for a
15 couple days a week and
16 work out the kinks,
17 whatever we have to do.
18 But, they're in the
19 system, but they're
20 allowed to work and make
21 less than 30 thousand
22 dollars a year.

23 These guys could be an

65

1 Sing Sing and we're told
2 to just live with it.
3 We staff our rifle
4 towers 278 hours a day.
5 And now the Deputy
6 Commissioner has rewritten
7 very clearly saying that
8 none of our coworkers can
9 purchase an AR for
10 practice; and he put out a
11 member that says, I can't
12 allow any staff member to
13 come and practice on their
14 own time.

15 There's no allocation
16 at all for training with
17 these rifles. We don't
18 get any gas gun training
19 at all; there's no lesson
20 plan for it, there's no
21 hours for it. We're
22 putting people in towers
23 that are, to be polite,

67

1 immediate relief, just
2 send them back to the
3 academy for a couple
4 weeks, get their weapons,
5 CFR, everything they need
6 specific for the job.
7 There's construction jobs,
8 there's numerous functions
9 they could do. So I'm
10 hoping you guys bring that
11 up in the office.

12 PRESIDENT POWERS :
13 Thanks, Don.

14 PAUL MIKOLAJCZYK: Paul
15 MIKOLAJCZYK, Sing Sing
16 prison. Mr. President,
17 we've got a real concern
18 over these academy
19 classes. In the past not
20 everyone leaving the
21 academy has been trained
22 with all three firearms.
23 Then they come down to the

66

1 mediocre with the chemical
2 agent guns and firearms.
3 We'd like to see that
4 change before someone is
5 killed in a tower — or
6 excuse me, in a yard.

7 It's ridiculous to put
8 people that are not
9 proficient. The medium
10 standard isn't enough. Is
11 the Executive Board going
12 to do anything about these
13 policies that no one has
14 been putting in place
15 since he got hired.

16 PRESIDENT POWERS :
17 Since who got hired?

18 PAUL MIKOLAJCZYK:
19 Deputy Commissioner Noeth.
20 Since he's been in he's
21 put out several memos
22 about firearms, firearm
23 use, the range. And he

68

1 recently rewrote Directive
2 2020.

3 VP NORTH ROBERTS: John
4 Roberts, Northern Region
5 VP. The quote you're
6 using on firearms to
7 purchase and possess has
8 been in practice since
9 1993. It was also in the
10 directive that was
11 rewritten in February and
12 also May of this year,
13 that's not new. And I'd
14 be very careful on where
15 you tread with that
16 directive, because I
17 guarantee that there's
18 probably a few people
19 thousand that maybe
20 possess their own AR, and
21 I don't think it's a can
22 of worms we want to open.

23 PAUL MIKOLAJCZYK:

69

1 get requalified with 10
2 rounds every year. No one
3 can become proficient with
4 a high velocity, low
5 recoil rifle shooting 10
6 rounds a year. No gas gun
7 training. Things are
8 dangerous in our yards.

9 VP NORTH ROBERTS:
10 You're preaching to the
11 choir. I'm just telling
12 you that quote has been in
13 the directive since 1993.
14 I've got 3 legal opinions
15 on it in the last year.
16 That quote that you're
17 using, what purchase and
18 possess, talking way
19 before the Safe Act that
20 wasn't around in 1993.
21 The quote that you're
22 using was at the bottom of
23 directive back in 1993

71

1 You're absolutely right,
2 it was always in there
3 that we could purchase
4 revolvers and pistols. It
5 was never a factor until
6 after the Safe Act. After
7 the Safe Act it said only
8 law enforcement officials
9 could buy ARs in New York
10 State.

11 They rewrote the
12 directive in 2014 saying
13 that no correctional
14 officer or correctional
15 sergeant could purchase by
16 way of directive. We need
17 to have that changed so
18 our members can practice.
19 We're treading on very
20 dangerous ground that our
21 tower officers are not
22 proficient because they're
23 getting no training. They

70

1 that you can purchase, a
2 single revolver, whatever
3 the gun -- AR-15 was never
4 in there prior.

5 PAUL MIKOLAJCZYK: No,
6 it was not. And there's
7 no denying that. It
8 wasn't an issue until the
9 Safe Act.

10 PRESIDENT POWERS :
11 Paul, what's your ask?

12 PAUL MIKOLAJCZYK: Our
13 ask is that it be taken
14 out of the directive and
15 some provision for rifle
16 practice come from
17 Building 9. Or, or they
18 be made liable for any
19 injuries in the yards. If
20 they're not gonna train
21 our tower officers, if
22 they're not going to give
23 ample training, we make

72

1 them personally
2 responsible. Thank you.
3 PRESIDENT POWERS :
4 Okay.
5 JESSE KEENAN: Good
6 afternoon, everybody.
7 Jesse Keenan, Albany
8 Training Academy. I just
9 want to throw it out there
10 real quick. Every recruit
11 since 2014 at that Academy
12 has had the opportunity to
13 shoot all 3 firearms
14 unless they have proven a
15 safety violation, not a
16 Safe Act, a safety
17 violation. Pointing it
18 wrong, not following
19 procedures. Or, three
20 times since 2014 that I've
21 been down there, they've
22 been pulled from the range
23 due to weather.

73

1 that allows us to possess
2 these firearms. Again,
3 I'm open to being wrong on
4 that.
5 Secondly, as far as
6 staffing goes, Mike, I
7 don't believe that Mohawk
8 is unique in any fashion.
9 We can't be the only jail
10 that has staffing issues
11 created by lack of staff
12 on our part due to out of
13 title. But you know,
14 they're staffing
15 facilities, they're
16 staffing CSEA and PEF jobs
17 with NYSOPBA members.
18 And then, of course, we
19 grieve it and handle it
20 within the region,
21 etcetera, and their answer
22 always reverts back to the
23 employee manual under

75

1 I don't understand what
2 the shot at the Academy
3 was, but the bottom line
4 is they are getting their
5 shot to take a shot and
6 I'm done.
7 PRESIDENT POWERS :
8 Thank you, Jesse.
9 Go ahead.
10 PAUL MIKOLAJCZYK: Paul
11 MIKOLAJCZYK, Sing Sing --
12 PRESIDENT POWERS : Paul --
13 MR. MULLIN: Mullin,
14 Mohawk. The truth is one
15 real quick, and I'd be
16 open to being wrong on
17 this, but it's my
18 understanding that we can
19 possess AR-15s in the
20 traditional fashion under
21 peace officer status via
22 Federal Law under the
23 George Bush Administration

74

1 emergency situation they
2 can basically do whatever
3 they want to do is how
4 they address it.
5 Yes, it's not a macro
6 group of employees, like
7 the academy numbers and
8 whatnot. But I know
9 pretty much every day
10 Mohawk is running 5 or 6
11 COs doing PEF and CSEA
12 jobs. So no matter how
13 you look at it, there's 5
14 or 6 of our positions that
15 are not being utilized
16 properly because we're
17 filling these vacancies.
18 The state is claiming,
19 by State I mean the
20 administration
21 representation, it's
22 claiming that these
23 vacancies were due to

76

1 hiring freezes and
2 whatnot. We all know
3 that, yes, there are more
4 of them that existed
5 before and after, and we
6 need to actually grow some
7 teeth and bite into their
8 ass a little bit on
9 utilizing — (inaudible)

10 Every facility I
11 believe most likely is
12 utilizing the NYSOPBA
13 staff to do out of title
14 work for PEF and CSEA, and
15 the state needs to 100
16 percent fill those CSEA
17 and PEF jobs, which will
18 actually relieve our staff
19 and the out of title work.

20 PRESIDENT POWERS: Was
21 this typically during the
22 pandemic or is this still
23 continuing today?

77

1 working at the Academy.
2 NYSOPBA does not dictate
3 the lessons plans or the
4 training schedule. Common
5 sense would say, that if
6 it's raining on the day
7 they're supposed to
8 qualify with the rifles,
9 then the academy needs to
10 run a little longer; maybe
11 a day or two to cover
12 rifle qualification. Not
13 to send them in the field
14 at Max A jails where
15 they're never going to get
16 that training.

17 If I in any way
18 appeared that it was a
19 NYSOPBA member I was
20 criticizing, I apologize.
21 It is clearly the
22 Department's doesn't give
23 a shit altitude what

79

1 MR. MULLIN: This has
2 been going on forever.
3 Brian was fighting it
4 endlessly, I endlessly
5 fight it. Now we're using
6 COVID as a continuation of
7 the cover up to facilitate
8 their scheme.

9 PRESIDENT POWERS :
10 Thank you.

11 PAUL MIKOLAJCZYK: Paul
12 MIKOLAJCZYK, Sing Sing
13 Prison. So am I to
14 understand that we have
15 because of weather and/or
16 activations of the super
17 cert team, not given
18 recruits the opportunity
19 to qualify with all 3
20 firearms? Which is
21 exactly what I was saying.
22 I was not taking a shot at
23 any NYSOPBA member

78

1 happens to us that's
2 upsetting us. Thank you.

3 PRESIDENT POWERS :
4 Steve?

5 STEVE CARKNARD: Steve
6 Carknard, Coxsackie.
7 Mike, just to go back to
8 Don Vantassell. I'm not
9 sure what the conversation
10 was, but would they be
11 covered under NYSOPBA's
12 contract? I know they
13 would be covered under the
14 retirees. But does that
15 cover them if they end up
16 in the jail for use of
17 force, and there's a lot
18 of things to look at, I
19 mean, we don't need to
20 discuss it all right here
21 today. But for you to
22 remember, we have
23 seniority issues, job bid

80

1 issues, stuff like that.

2 PRESIDENT POWERS :

3 Yeah. Donn?

4 DONN ROWE: Rowe, Hale

5 Creek. Mike, food for

6 thought on this, obviously

7 I talked to you about

8 this. In '14 we raised

9 the detached assignments

10 and we all know DOCCS does

11 not wanna come clean with

12 how many detached

13 assignments they're using.

14 But I think we need to

15 push that issue and tell

16 the Department you need to

17 come clean, tell us how

18 many you got out there and

19 we'll help you with the

20 Executive Branch Division

21 of Budget, how many you

22 need in a facility.

23 Because you know and I

81

1 That's working somewhere
2 else.

3 DONN ROWE: That's
4 bidding somewhere else.

5 PRESIDENT POWERS :

6 Steve Carknard and I'm not

7 gonna guess, but I'm

8 assuming I know why Matt

9 is going to the mic now,

10 these 4 jails, Great

11 Meadow, Washington,

12 Coxsackie, Greene just in

13 the capital district with

14 headquarters being in

15 Albany, take huge hits.

16 DONN ROWE: Same thing

17 with the training issues,

18 back when Eddie Bley was

19 in. And Eddie Bley was in

20 to it, but never put the

21 money around. We asked

22 for dummy rounds, we asked

23 for these guys get

83

1 know, the argument with
2 the Division of Budget is
3 gonna be you got X amount
4 of officers assigned to
5 that facility. So you
6 need to do something about
7 that.

8 PRESIDENT POWERS : We

9 spoke briefly on that and

10 Martuscello said he had

11 something he was working

12 on in his head —

13 DONN ROWE: He's

14 scared —

15 PRESIDENT POWERS : We

16 didn't want to dive too

17 much further but —

18 DONN ROWE: He's scared

19 to tell the Division of

20 Budget how he's using

21 staff that's assigned to a

22 plot plan in a facility —

23 PRESIDENT POWERS :

82

1 trained; nobody has ever
2 shot a projective into the
3 yard. Half the — less
4 than probably 10 percent
5 of all tower officers out
6 there I would bet have
7 never done that. And they
8 need that type of
9 training. I think that's
10 what — I know Paul went a
11 little farther with that,
12 but that's what we do need
13 if that's what they expect
14 us to do our job.

15 PRESIDENT POWERS :

16 Thanks, Don. Matt?

17 MATT KEOGH: Matt

18 Keough, Great Meadow. A

19 while back John Rickey was

20 at Great Meadow. We

21 toured the facility, we

22 talked about staffing.

23 Then we went to speak with

84

1 the superintendent, we're
2 getting beat up every day.
3 We go to the
4 superintendent's office
5 first words out of his
6 mouth were, we're 30 over
7 bid. I have 20 detached,
8 20. And then the number
9 of posts we fill every
10 single day because budget
11 and finance doesn't want
12 to put my hall tower in
13 for 6 on the plot plan but
14 there's 3 officers in
15 their relief factor every
16 single day. That's a
17 temporary post, been
18 temporary post since the
19 Clinton escape. But
20 budget and finance won't
21 give us the waivers to
22 make them permanent.

23 I'm going in 50 holes

85

1 every day between the tac
2 services and ghost posts.
3 So we are not 30 over our
4 bids; on a piece of paper
5 we are. I got midnight
6 officers getting stuck 3
7 to 4 times a week. A
8 week. And I know that my
9 jail is not the worst one
10 out there because we are
11 not yet at that point
12 where we're sick and on
13 RDOs. Some days we get
14 sick and going into but
15 we're not sticking on an
16 RDO yet.

17 We're hiring 30 holes
18 every afternoon shift,
19 because that's what the
20 seniority warrants. Our
21 young guys are taking
22 their vacation in June,
23 that's their summer

86

1 vacation. We're moving
2 guys around. The State
3 doesn't care about us.
4 We're not supposed to work
5 24 hours unless it helps
6 them fill a hole.
7 Thank you.

8 PRESIDENT POWERS :

9 Thanks.

10 ANDY RICE: Rice,
11 Elmira. I just want to go
12 back to some of the shit
13 the state's talking about
14 at least in Elmira.
15 They're talking about
16 opening up and doing
17 inmate picnics and shit
18 like that, which we have
19 to staff. And I'll be God
20 damned if my guys are
21 getting stuck on Labor Day
22 weekend and staffing that.
23 You need to get across the

87

1 table before that. And
2 they use the excuse that
3 some of them are holiday
4 picnics or whatever the
5 shit is. We can't allow
6 that shit to happen this
7 year.

8 PRESIDENT POWERS :

9 Thanks, Andy.

10 AL ZAPPALA: Al
11 Zappala, Shawangunk. I'd
12 just like to add on to
13 what Andy said. Not just
14 that issue, but now that
15 COVID is starting to
16 lighten restrictions and
17 whatnot, family events,
18 they try to get 4 every
19 year, I see that coming
20 down the road. That
21 should be temporarily
22 suspended until our
23 staffing levels are where

88

1 they're supposed to be.
2 Because a family event
3 that takes place on a
4 Saturday, utilizes all
5 kinds of staff.

6 MS. NEAL: Neal,
7 Downstate. I work at our
8 transportation jail, so we
9 always have transportation
10 brought every day. So
11 just taking on what he
12 said about CSEA and PEF
13 jobs, right now, we're
14 very short staffed but
15 we've taken officers to
16 take inmates out. We're
17 the ones taking in tens
18 and stuff like that now
19 instead of the nurses
20 doing it because the
21 nurses are short staffed.
22 So we're coming in at 4:30
23 and 5 o'clock in the

89

1 Good afternoon.
2 Treasurer's report. Total
3 cash 21.92 million. Rainy
4 Day, 2.31 million. Rainy
5 Day Separation Fund, 1.39
6 million. Legal Defense,
7 3.30 million.
8 Unrestricted bonds, 10.22
9 million. Restricted
10 bonds, 2.41 million. Gen
11 Op, 4.22 million. And PAC
12 fund you got 482 thousand.

13 This was just handed
14 out by the Sergeant at
15 Arms. It's just the
16 profit and loss. So far
17 expenditures should be at
18 50 percent. You can see
19 we're less than that. I
20 can't read it, my eyes are
21 terrible — 46 percent.
22 It's been a nightmare, I
23 just found out I got Lyme

91

1 morning just to take
2 inmates in because we
3 don't have transportation,
4 the buses.

5 We're also very short
6 staffed. We're our
7 officers, like he said,
8 they're going into their
9 RDOs. If you're a
10 midnight officer, and you
11 got a single Friday, it's
12 going into your RDO,
13 you're stuck on your RDO.
14 So we do need to have
15 better staffing.

16 PRESIDENT POWERS :
17 We've pretty much covered
18 Kevin's here, we'll work
19 very closely on most of
20 these issues that we spoke
21 about. So we'll pass it
22 off to Frank here.

23 TREASURER GILBO :

90

1 disease and it's gonna be
2 a fun road. So, any
3 questions on that?

4 Okay. Couple
5 housekeeping matters.
6 Please get your things in
7 so we can switch over to
8 Bank of Green County. If
9 you haven't gotten the
10 papers to fill out, please
11 contact me. Because as
12 far as I know everybody
13 has gotten them so please
14 get them back to me so we
15 can switch over. I know a
16 lot of people are asking,
17 you know, especially in
18 the City, they can't use
19 checks any more, so you
20 want to hurry up and get
21 that rolling.

22 I want to run this by
23 and make sure everybody is

92

1 okay with it, because now
 2 we're going back to
 3 regular EAs where we're
 4 having committees in the
 5 morning. Do you guys mind
 6 if we mail your checks to
 7 you after the EAs? Does
 8 anybody have a problem
 9 with that? It's too hard
 10 to double check them,
 11 especially with the tolls
 12 nowadays, if tolls come in
 13 later and you don't get
 14 receipts? Does anybody
 15 have a problem with that?
 16 You guys are the best.
 17 Other than that,
 18 thank you. If you have
 19 any questions come to me
 20 after. Roll with it,
 21 we're doing pretty good.
 22 Hopefully everything keeps
 23 going. If you have

93

1 Greg to come up and
 2 explain the COVID
 3 litigation.
 4 GREG MEYERS: Greg
 5 Meyers from the law firm.
 6 As many of you know back
 7 in January we filed the
 8 lawsuit against the
 9 Department for them
 10 pulling our members out of
 11 working on multiple
 12 quarantines, not paying
 13 them, charging their own
 14 time. We were met with a
 15 motion to dismiss,
 16 basically the Department
 17 trying to fight the
 18 lawsuit by paying the
 19 members that happened to
 20 be a part of the lawsuit
 21 and say that they're all
 22 set.

23 We argued against that

95

1 questions on the dues,
 2 please I know there's been
 3 a lot of Facebook chatter
 4 that the dues went up 48
 5 dollars; they did not.

6 And the money is
 7 available now, 13 dollars
 8 per person. If you need
 9 to spend it, spend it.
 10 You got that extra money.
 11 And please, you know, I
 12 don't want to do it
 13 formally, please send the
 14 money by the end of the
 15 year. Some jails out
 16 there have a lot of money
 17 so please spend it. It's
 18 an accountant nightmare to
 19 carry it over. So please
 20 spend it. All right.
 21 Thank you.

22 PRESIDENT POWERS :
 23 Thanks, Frank. I wanted

94

1 saying the Department is
 2 likely to do the same
 3 thing and they're
 4 operating in bad faith,
 5 trying to fight the
 6 lawsuit. PEF tried to do
 7 the same thing; PEF lost.
 8 As of right now, we've
 9 won. So, in the sense
 10 that our motion to dismiss
 11 we beat it. PEF tried to
 12 do the same thing, they
 13 didn't beat it. So PEF's
 14 members are out of the
 15 woods right now; our
 16 members are not. We're
 17 about to push forward and
 18 continue to try to get our
 19 members the back pay
 20 they're required from
 21 their COVID leave.

22 This works in
 23 conjunction with all the

96

1 grievances that our
2 members have filed, we're
3 basically doing that right
4 now. So, I'm not sure if
5 anybody has any questions
6 about that. If any of
7 your members in your
8 facilities are dealing
9 with still having members
10 getting pulled out and
11 contact trace, but if you
12 have any questions I can
13 answer them, I'm right
14 over there or if anyone
15 has questions now.

16 ANDY RICE: Rice,
17 Elmira. Greg the
18 litigation was it for
19 people that went out on
20 COVID multiple times to
21 get covered and/or just
22 for clarification, is that
23 what the litigation is?

97

1 there couldn't keep up
2 with all of them. Some of
3 them were way back from
4 the start of COVID, right,
5 so a timeline factor. Are
6 we still covered? Are
7 these guys gonna get their
8 time back?

9 Because back in, I
10 believe it was February or
11 whatever, we had the
12 virtual EA that I kind of
13 went off, the timeliness
14 is a major issue for us
15 because nobody could give
16 us an answer. You're in
17 limbo. We're waiting on
18 this person from Albany to
19 tell us — one person is
20 telling whether — so I
21 just need to know are
22 these 150 out of luck
23 because they didn't put a

99

1 Or the guys getting sent
2 home at the front door by
3 the sergeant because they
4 had a temperature or then
5 was it a carte blanche or
6 is separate litigation?

7 GREG MEYERS: It was
8 all of the above. So, it
9 was if you got multiple
10 quarantine leaves,
11 extended leave, contact
12 trace, DOH, turned away at
13 the door, we did
14 everybody.

15 ANDY RICE: So, now as
16 it goes forward with this,
17 I have a list of over 150
18 officers that were out on
19 COVID. We have to put
20 grievances in for all of
21 them, I personally
22 couldn't keep up with all
23 of them and the stewards

98

1 grievance in on them or
2 are they gonna be put back
3 on and get their time?

4 GREG MEYERS: If the
5 lawsuit shakes out the way
6 we want it to, they should
7 be getting their time
8 back. Not necessarily the
9 problem of the lawsuit, we
10 had a representative
11 sample of 6 or 7 members
12 who all got paid but they
13 were designed to be a
14 representative sample of
15 every single person who
16 got locked, including our
17 members.

18 So if the lawsuit does
19 what we want it to, in the
20 long run, absolutely they
21 should get paid. But now
22 the Department since they
23 see the ground around them

100

1 crumbling, and now they
2 are starting to pay people
3 and telling us weeks later
4 that they ended up paying
5 them in hindsight. So,
6 you and I can talk at some
7 other point, some of them
8 might have gotten paid by
9 now because they're
10 starting to realize that
11 they're losing. So have
12 them check their total
13 fives, have them check
14 their accruals, some of
15 them are getting paid we
16 just don't know about it.
17 And the Department is
18 trying to rectify it
19 because they realize
20 they're losing. So, just
21 double check those numbers
22 but everyone should
23 hopefully be getting paid.

101

1 paid already, so they
2 should end up getting
3 paid.

4 ANDY RICE: Thank you.

5 GREG MEYERS: And if
6 you guys have anyone who
7 is kicking down your door
8 saying they didn't get
9 paid and should have been
10 getting paid, I know we've
11 been asking all you guys
12 to give the 1205s and the
13 Department has slow rolled
14 that, please try to do it
15 because we're actually
16 finding a fair amount of
17 people who ended up
18 getting paid or ended up
19 getting their accruals
20 back, they just didn't
21 know it. So, please
22 double check those
23 numbers, feel free to give

103

1 ANDY RICE: Okay.
2 Also, the members that
3 were out for extended
4 period, I have a couple
5 that were very sick. Are
6 they included in the
7 lawsuit as well over the
8 14 days of quarantine?
9 I've had at least 2, their
10 grievances were sustained
11 up to 14 days. However, I
12 talked to Mike Morrow
13 we're pushing forward to
14 Step 3, because we want
15 those 36 days the guy was
16 in the hospital for. Will
17 those guys be included?

18 GREG MEYERS: They
19 should be, because one of
20 the plaintiffs was out for
21 extended quarantine, for
22 about five weeks and that
23 person ended up getting

102

1 me a call, shoot me an
2 e-mail, we're happy to
3 take a look at it. At
4 this point we have both
5 GOER and DOCS back on the
6 field getting people paid.
7 Thank you.

8 PRESIDENT POWERS: Five
9 minute break.

11 (Whereupon, a short
12 recess was then taken.)

14 PRESIDENT POWERS:
15 All right. We'll move
16 into Departmental reports.
17 I'd like to introduce you
18 to our new health and
19 safety specialist, Chris
20 Romano. She'll come up
21 and give her initial
22 report here.

23 KRISTIEN ROMANO: Hi,

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everybody. I'm Kristen Romano, so I'll be handling all Workers' Comp and health and safety concerns for our members. So now you know my face and so don't ever hesitate to have your members call me. Because Workers' Comp and health and safety issues go hand-in-hand. So, if there is any physical hazards in your facility that you're concerned about that you can't handle at your level, please contact me so I can investigate and push forward for our members. Because physical hazards can result in an injury and injury prevention is really

105

number one, so we don't have to get to a Workers' Comp case for our members. So, what I've been working on for our members are when they get up to one year medical terminations and I partner with our members over at Lippes. I work with Larry Schwarts over there typically for that. I help our members get their accruals back when they're on Workers' Comp, initial injuries, first timers on Workers' Comp. I also work on grievances for health and safety. And I work with Mike and Bob regarding the COVID issues, hand sanitizers in the facilities.

106

And there's just one big change to our Workers' Comp issues. As of June 1st they have made a change to diagnostic testing, so there can be a one thousand dollar qualifier for diagnostic testing like MRIs or CAT scans. So now they've done away with that and you just have to look for providers that are already on the list. It's on the website and included in the new packet. I have real hard copies of the packet with updated information and updated URL link that are helpful and useful. And as soon as we get back, Stephanie will hopefully get the new

107

Workers' Comp pack online. But she's been busy with getting things together for the EA. So if anybody wants to talk to me afterwards, I'll be happy to help.

PRESIDENT POWERS :

Thank you, Kris, and welcome. Move into committee reports. We'll do CBC.

VP LAW ENFORCEMENT

HARMON: Collective bargaining committee met today. We just approved the minutes from the last meeting, that will be in the next EA packet. If the minutes are approved from today's meeting that will be in the next EA packet as well.

108

1 The two big items we
2 talked about today is the
3 contract survey. As you
4 know it's probably time
5 for the contract survey,
6 it's that time during the
7 collective bargaining
8 process we agree to a
9 format. It will be
10 similar to the format for
11 the last contract. It
12 will be available online
13 and I will talk to Steph
14 about trying to make it
15 available on the app as
16 well.

17 From there, you can
18 either fill it out online,
19 it will be processed and
20 goes to a spread sheet
21 that we'll look at in the
22 at committee. And if you
23 want to download it and

109

1 I mean, it's — once the
2 survey starts going, we
3 will start meeting a
4 little more regularly and
5 start to prepare proposals
6 and ideas and where we
7 want to go.

8 Haven't decided yet, if
9 we'll come around to
10 either the regional
11 meetings or union
12 meetings, if anything I
13 would. Instead of dealing
14 with the shit show we
15 dealt with a couple other
16 times. Because with this
17 survey questionnaire,
18 attached to it will be a
19 legal document that says
20 what our mandatory
21 nonmandatory subjects of
22 bargaining. I think
23 there's a misconception a

111

1 send it in yourself, as a
2 paper copy, you can do
3 that as well. Hoping to
4 have that sent out within
5 the next few weeks. It
6 will be a 45 day
7 turn-around, then after 45
8 days the collective
9 bargaining committee will
10 review all the requests
11 and all the survey
12 questionnaire items of
13 interest.

14 We'll tally them up,
15 create a list of ideas
16 that the membership would
17 like us to review, and
18 they'll be used as an
19 overall master list as we
20 prepare proposals. Just,
21 you know, some information
22 we're only about sixteen
23 months out. So it's here.

110

1 lot about what we can
2 negotiate or what we don't
3 negotiate, based on what
4 you can legally do. So
5 that will be attached to
6 the questionnaire for
7 everybody to review and if
8 they want to see it.

9 The other issue that
10 will be addressed before
11 the next EA will be the
12 legal representation. I
13 talked to Keith Jacques
14 already about someone from
15 his office, that we're
16 having conversations
17 shortly to that, and I
18 will be reaching out to
19 Steve Isaacs to see his
20 interests, as was done
21 before. When I get
22 updates for that, I will
23 hopefully have an update

112

1 on that at the next EA for
2 sure.

3 Does anyone have any
4 questions for me on
5 collective bargaining?

6 MR. MARTINEZ:
7 Martinez, hoping to
8 discuss the pay structure
9 for ISOs and also
10 educational incentives.

11 VP LAW ENFORCEMENT
12 HARMON: So when the
13 survey comes out, you guys
14 put those on the list or
15 you can send me an e-mail
16 personally with your ideas
17 or things that need to be
18 discussed and they'll be
19 on the topics of
20 discussion.

21 MR. MARTINEZ: ISOs
22 actually received a couple
23 surveys last year through

113

1 contract survey will be
2 blasted out and put on the
3 website and it will be
4 available to either fill
5 out online or to download
6 and send in by hand, if
7 you choose. That gets
8 sent to the committee.

9 The committee reviews all
10 those and creates a master
11 list of all the ideas or
12 proposed proposals you
13 would like us to review.

14 We review them as a
15 committee, create a list
16 of most important, least
17 important, basically.

18 Some of it based on money,
19 some of it based on
20 previous ideas, where
21 they've gone. And we
22 create that list and then
23 as we move forward we

115

1 e-mail, it was sent out to
2 the bureau chiefs
3 (inaudible).

4 VP LAW ENFORCEMENT

5 HARMON: This is only
6 internally for NYSCOPBA,
7 so we would never see it
8 even through bureau
9 chiefs.

10 MR. MARTINEZ: That was
11 an issue through Civil
12 service.

13 VP LAW ENFORCEMENT

14 HARMON: Yep, I remember
15 that. We don't receive
16 any of that information.
17 I have never seen any it.

18 MR. MARTINEZ: So,
19 you'll be handing this
20 out —

21 VP LAW ENFORCEMENT

22 HARMON: So, yeah, within
23 the next few weeks a

114

1 compile a list of proposed
2 ideas and move forward
3 with negotiations. But
4 everything that everybody
5 hands in is reviewed.

6 MR. MARTINEZ:

7 Appreciate it.

8 VP LAW ENFORCEMENT

9 HARMON: Paul?

10 PAUL MIKOLAJCZYK: Paul
11 MIKOLAJCZYK, Sing Sing
12 Prison. John, one of the
13 things that my members
14 bring up now and again is,
15 they would like to know
16 what the market rate is
17 for jailers in our state.
18 They'd like to know what
19 they could ask for that
20 would be within the
21 comparison to other jobs
22 being done right here in
23 the state, such as like

116

1 the President brought up,
2 we have stressors on us
3 that cause us to use our
4 medical more than other
5 professions, but yet,
6 we're paying 31 percent of
7 our medical and most other
8 law enforcement agencies
9 in the state don't come
10 near paying 31 percent for
11 their medical. And in
12 some cases jailers inside
13 our state are paying
14 nothing for their medical,
15 including after they
16 retire.

17 We'd like to see before
18 you ask for a survey, we'd
19 like to see the contract
20 team working with the
21 attorneys and the health
22 and welfare group put
23 together some sort of

117

1 profession in law
2 enforcement, so that our
3 members know what to ask
4 for. So it's not just a
5 dream list in asking for a
6 market rate?

7 VP LAW ENFORCEMENT

8 HARMON: Well, I don't
9 know what a dream list is
10 because everything in
11 collective bargaining
12 quite honestly is a dream
13 until it becomes an agreed
14 proposal as opposed to a
15 proposed idea.

16 But the issue is that
17 we use all that
18 information to come up our
19 proposals anyway. We take
20 the information from the
21 membership, your ideas,
22 what you're looking at, we
23 compare it to either

119

1 survey to give to us.
2 What do other agencies get
3 for college reimbursement,
4 top pay. We take 25 years
5 to get to top pay, most
6 agencies are getting to
7 top pay within 10 years.
8 Meaning they work 15 years
9 at top pay, we work one.

10 We'd like to see how we
11 rate against the other
12 turnkeys in the city.
13 Especially since this
14 article was printed and
15 the chief leader back in
16 2018 discussing how other
17 law enforcement agencies
18 came to their market rate
19 of what market rate is for
20 them.

21 Is it possible to find
22 out where we stand as a
23 profession, inside the

118

1 market rates or, you know,
2 the pay studies that were
3 done, we used it to
4 compare it to where the
5 COs are paid in New York
6 State compared to the
7 contiguous states around
8 us. We use it for
9 comparison CO pay across
10 the country, but you also
11 have to compare that with
12 other aspects of the
13 contract where it's not
14 just pay.

15 We actually talk about
16 it in the collective
17 bargaining committee that
18 even though New York State
19 Correction Officers aren't
20 the highest paid COs,
21 within the concept of the
22 top 3 to 5, we're the only
23 ones that have a

120

1 disciplinary system they
2 way we do that doesn't
3 involve either the State
4 or the superintendent or
5 the commissioner making
6 the decision.

7 PAUL MIKOLAJCZYK: 3 or
8 5 what, counties?

9 VP LAW ENFORCEMENT

10 HARMON: Top 3 or 5 state
11 correctional officers. We
12 don't use counties.

13 PAUL MIKOLAJCZYK: Why
14 don't we use counties?

15 VP LAW ENFORCEMENT

16 HARMON: Because you can't
17 use, the Dexter report
18 years ago justifies that.

19 PAUL MIKOLAJCZYK: So
20 going into arbitration we
21 couldn't use --

22 VP LAW ENFORCEMENT

23 HARMON: Can't.

121

1 state -- is the paid rates
2 of state correctional
3 officers across the
4 country.

5 PAUL MIKOLAJCZYK: So
6 the question on the table
7 is, why can't we use
8 correctional organizations
9 within our state? What
10 prevents us from bringing
11 the fact that --

12 VP LAW ENFORCEMENT

13 HARMON: Because if --
14 you're going to want to
15 use a comparison between
16 New York City Corrections
17 and that of Monroe County
18 which don't relate, is
19 actually going to hurt us.
20 That's why you don't use
21 county corrections. You
22 don't use county
23 corrections for any of it

123

1 PAUL MIKOLAJCZYK: We
2 can't use counties and
3 that's against the law?

4 VP LAW ENFORCEMENT

5 HARMON: It's not allowed
6 in arbitration. You got
7 to use the like titles in
8 like areas. Every
9 arbitration, you can pull
10 the arbitrations up
11 yourself, Paul, it's
12 always been used the state
13 rates for correctional
14 officers across the
15 country.

16 PAUL MIKOLAJCZYK: So
17 the Dexter report makes it
18 impossible for us --

19 VP LAW ENFORCEMENT

20 HARMON: No, I didn't say
21 that. I said during
22 arbitration what is
23 allowed to be used is the

122

1 because of disparity in
2 pay between the different
3 corrections of different
4 counties.

5 PAUL MIKOLAJCZYK: So
6 the --

7 VP LAW ENFORCEMENT

8 HARMON: I'll use Oneida
9 County. Oneida County is
10 some of the lowest paid
11 corrections officers there
12 is in New York State. Are
13 you going to use that as a
14 comparison? Because the
15 State will.

16 PAUL MIKOLAJCZYK:

17 That's good, because
18 seeing this article the
19 NYPD patrolman man which
20 is 23 thousand --

21 VP LAW ENFORCEMENT

22 HARMON: Don't care about
23 NYPD patrolman.

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1 PAUL MIKOLAJCZYK:
2 Compared themselves to
3 3400 Troopers, and 2000
4 Yonkers Police. Now, if
5 they can cherry pick, why
6 can't we in presenting our
7 proposals to an
8 arbitrator.

9 VP LAW ENFORCEMENT

10 HARMON: You can look the
11 information up, Paul, be
12 my guest.

13 PAUL MIKOLAJCZYK:
14 That's what I'm asking, is
15 there something that
16 prevents that?

17 VP LAW ENFORCEMENT

18 HARMON: In every
19 arbitration that we have
20 been involved in as an
21 organization or
22 preparation for
23 arbitration, the

125

1 PAUL MIKOLAJCZYK: That
2 is them preparing for
3 their arbitration.

4 SHAWN KEENAN: Hold on.
5 Preparing for their
6 arbitration. So they're
7 going to the public and
8 they're saying in the
9 public eye, we should be
10 equal to these. They're
11 not using that in their
12 arbitration.

13 PAUL MIKOLAJCZYK: Yes,
14 they are. And if you
15 like, I will leave you a
16 copy.

17 SHAWN KEENAN: If it's
18 in their arbitration and
19 they're able to do that,
20 than that's a different
21 story. But I believe
22 they're just making a
23 comparison.

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1 lawyers -- you can ask the
2 lawyers, the
3 arbitration -- what we've
4 used and what we are
5 allowed to use is state
6 correctional officers
7 salary.

8 PAUL MIKOLAJCZYK:
9 That's what I'm asking.
10 Where is it written on
11 what we are allowed to use
12 for arbitration?

13 VP LAW ENFORCEMENT

14 HARMON: I'll find
15 something for you.

16 PAUL MIKOLAJCZYK:
17 Thank you, John.

18 SHAWN KEENAN: Keenan,
19 Wende. That article is
20 that article, is that an
21 arbitration or is that
22 them comparing themselves
23 to others?

126

1 PAUL MIKOLAJCZYK: No.
2 It talks about before
3 impasse they hired their
4 panel member for
5 arbitration and he stated,
6 what -- how they came to
7 their market rate. I'll
8 be happy to give this -- a
9 copy of this to you both.
10 Thank you, both.

11 VP LAW ENFORCEMENT

12 HARMON: Any more
13 questions on collective
14 bargaining? I'll jump
15 into retirement committee.
16 Retirement committee is
17 again looking for
18 increased benefits.
19 Working, Bill Naylor and I
20 working with Roseanne to
21 look at benefits that we
22 could use. Yesterday at
23 the board meeting we

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1 agreed that quarterly
2 there will be an
3 accounting of how much
4 money there is in the
5 retiree chapter, so we can
6 look at what benefits
7 would be viable and
8 financially feasible for
9 the retiree chapter to
10 have.

11 I can tell you that in
12 speaking this past week to
13 a couple members that
14 passed away and when you
15 talk to them as retirees,
16 people are quite, you
17 know, shocked by what's
18 available in the retiree
19 chapter. We definitely
20 have the best retiree
21 chapter in the state. I
22 would agree for a law
23 enforcement union across

129

1 where you go, who does it.
2 So, we kind of want to
3 stay out of that piece, we
4 just wanted to go to a
5 verified legitimate HR218,
6 that you send us a copy of
7 that you received the
8 training that we'll
9 reimburse you for the
10 hundred dollars. That's
11 what we're looking at
12 right now.

13 We looked at some other
14 dental and vision, we've
15 looked to increase the
16 life insurance. We love
17 the life insurance to keep
18 it whole like active
19 members but right now the
20 cost is astronomical
21 because it's a guaranteed
22 benefit.

23 So we're looking at

131

1 the country we're right up
2 at the top. And we are
3 looking for more benefits
4 weekly. And every time
5 Bill and I talk we throw
6 some ideas out there.

7 We did get some
8 research done on the
9 reimbursement of HR218 for
10 the retirees. We're still
11 a little bit early stage
12 with that but as that
13 progresses or it looks
14 like something we're going
15 to do, I'll bring it here
16 for review so you guys can
17 hear about it and what
18 we're looking to do. But
19 it would be like a one
20 time reimbursement of the
21 fee, as some of you guys
22 know the fee is different
23 depending where you're at,

130

1 other options. If you
2 have ideas that you think
3 may be something, send it
4 to Bill and I so we can
5 look at it. We're open to
6 anything. We run pretty
7 good in the black right
8 now for the retiree
9 chapter, so we have some
10 money to spend. We just
11 don't have, you know, the
12 money we need if you want
13 your own vision and dental
14 stuff like that. It's
15 just too much money. But
16 our programs are very
17 good, vision and dental is
18 just as good in pricing as
19 actives, and we can argue
20 a couple aspects in there
21 are even better. Paul?

22 PAUL MIKOLAJCZYK: Paul
23 MIKOLAJCZYK, Sing Sing

132

1 Prison. Some of our
2 people that are getting
3 ready to retire as well as
4 retirees have asked, is
5 there any way in the past
6 the attorneys have given
7 us a booklet here on
8 Workers' Compensation
9 information packet.
10 They've also done one time
11 off-duty arrests. We were
12 wondering if they could
13 put some sort of packet
14 together of the ins and
15 outs of HR218 that we
16 could hand out to some of
17 these people getting ready
18 to retire.

19 VP LAW ENFORCEMENT

20 HARMON: I actually think
21 on our website there's a
22 piece on HR218. But if
23 not, for the

133

1 One of the issues that
2 we've been trying to
3 address for a while is of
4 course the parking lots.
5 They are not going to
6 approve the parking lot
7 projects. What we really
8 made — we carry the
9 liability insurance. And
10 it finally came to an
11 understanding that if we
12 carry the liability
13 insurance and someone --
14 and people have -- been
15 hurt in the parking lot,
16 then you need to do
17 something about the
18 parking lot or we told
19 them we'll exclude the
20 parking lots.

21 So I know Mohawk they
22 personally are going there
23 to inspect the parking

135

1 reimbursement, we want as
2 much information as
3 possible, we'll put
4 something together.

5 PAUL MIKOLAJCZYK:

6 Thank you very much.

7 VP LAW ENFORCEMENT

8 HARMON: Any other
9 questions for the
10 retirement committee?
11 Kevin, I'll just stay up
12 here and talk about PRC,
13 which is our QWL and grant
14 monies, we had a meeting
15 last week. I can tell you
16 with good news that the
17 money is freeing up. We
18 approved a 150 thousand
19 dollars in money in that
20 grant monies. It was a
21 very good meeting. The
22 projects are getting
23 approved.

134

1 lot. I told them the
2 parking lot from
3 personally being there is
4 like Iraq, so they need to
5 go there and either --
6 they agreed they're going
7 to look at it. They'll
8 make them do crush and
9 run, asphalt, or something
10 to help fix those parking
11 lots. I know South Port
12 is another one. I talked
13 to Mark and Dougie
14 yesterday where that they
15 are going to -- they just
16 want pictures instead of
17 traveling out there,
18 pictures would suffice for
19 that parking lot to see
20 what it looks like and
21 they'll do the exact same
22 thing they're looking to
23 do at Mohawk.

136

1 The guys at Mohawk, if
2 you don't hear anything in
3 a little while, I know the
4 roof is going on right
5 now, if you don't hear
6 anything in a little
7 while, please get back to
8 myself and Kevin, and
9 we'll make sure to follow
10 up with them on that to
11 get that done. And --
12 hold on a second.

13 One of the other issues
14 that -- let me just go
15 through the money here.
16 So prior to that meeting
17 approved 46 -- we had 46
18 applications that came in.
19 35 were approved, there's
20 eleven pending. There's
21 probably spent in the
22 neighborhood of \$500,000
23 that's been approved.

137

1 since the money has come
2 into the state, the money
3 is freeing up. So if you
4 got stuff, remember it's
5 on a last time you use the
6 grant monies approach. So
7 if you haven't used it in
8 awhile, you're going to be
9 more on the top of the
10 list. If you've use it
11 every contractual period
12 or several times this
13 contractual period, you're
14 going to be below.

15 But with over a million
16 dollars left in there, get
17 your stuff in and get it
18 approved. And if you have
19 a current application that
20 hasn't been approved yet,
21 there's probably a good
22 chance you're going to be
23 asked to get new quotes

139

1 We have about 1, 1.2
2 million dollars left in
3 it. There's only -- we
4 get to March 31st of '23
5 to get this money spent.
6 Get your applications in
7 Let us review them. The
8 money is freed up. I will
9 tell you this though,
10 unlike in the contractual
11 years in the past, they
12 are actually sending
13 people to review to make
14 sure the application and
15 what's being asked for is
16 warranted.

17 So if you have a QWL
18 and it's got decent
19 windows and you want new
20 windows, they're going to
21 tell us no. They're
22 sending people to look at
23 it. But they've been --

138

1 since prices have changed
2 dramatically since the
3 program started. Just get
4 those new quotes in,
5 because we've tentatively
6 approved a lot of
7 applications, just pending
8 new quotes.

9 So, it's going well,
10 it's working well. We've
11 talked them in to doing a
12 lot of work initially they
13 weren't going to do. So
14 get those applications in,
15 let's spend -- I don't
16 want to see a dollar left,
17 let's get the money spent
18 so we can do it.

19 The tuition
20 reimbursement program is
21 up and running. It's on
22 the website. As I talked
23 about last time, working

140

1 with GOER, I got GOER to
 2 agree to the CDL program,
 3 it's a pilot program.
 4 It's going to be mirrored
 5 after the CSEA, CDL
 6 Program. We just want
 7 to see where it goes,
 8 check the usage, see what
 9 the program entails. If
 10 anybody has been through
 11 that process before, it
 12 all depends where you're
 13 at. Some programs include
 14 everything from
 15 prelicensure fees to
 16 licensure fees, the
 17 driving test, some don't
 18 include any of it, it's
 19 kind of a, you know, pay
 20 as you play type of thing
 21 and where you're at in the
 22 process.

23 What they want to do is

141

1 So, does anybody have
 2 any questions on grant
 3 monies, tuition
 4 reimbursement? So the
 5 other issue with the QWLs,
 6 so as we know there's
 7 been, you know, over the
 8 years QWL, the state is
 9 on, we carry the liability
 10 insurance. We have
 11 unfortunately had to pay
 12 out of our own pocket for
 13 issues with QWLs over the
 14 years.

15 One thing that will be
 16 established by January 1
 17 of '22 will be a state
 18 wide policy and procedure
 19 and a bylaws for every QWL
 20 across the state. We
 21 recognize that there's
 22 going to be nuances
 23 depending on where your

143

1 try to put out some of the
 2 places that are kind of
 3 certified and approved to
 4 be a viable solution for
 5 your CDL, instead of going
 6 to some corner shop and
 7 trying to get your CDL and
 8 turn into a disaster and
 9 paying more money then is
 10 allotted through the
 11 program.

12 So all that is up and
 13 running. To give you an
 14 idea, we have only spent
 15 thirty-one thousand, five
 16 hundred dollars to date.
 17 I don't have the exact
 18 number how much money we
 19 have in that program but
 20 there is a lot more money
 21 in that program that we
 22 give back every single
 23 year.

142

1 QWL is, but there will be
 2 some guidelines everybody
 3 will have to follow. One
 4 of the big things is the
 5 usage. There's going to
 6 be one application to be
 7 used across the state and
 8 on there if you are -- if
 9 somebody outside of this
 10 room or outside of our
 11 bargaining unit wants to
 12 use it and rents it, they
 13 have to carry the
 14 liability insurance, the
 15 rider on it. And whoever
 16 is signing off on the
 17 application saying, hey, I
 18 know that person, they
 19 have to be present.

20 And some of the issues
 21 we have had over the years
 22 as some of you know has
 23 either been we subleased

144

1 it to subleased it to
2 subleased it, and nobody
3 knows who the hell is in
4 there. And we've had some
5 major problems with that.
6 We've also had some people
7 running businesses out of
8 it and getting money out
9 of it.

10 So we're trying to put
11 some rules in place so
12 there's not a major crack
13 down on the QWLs and the
14 usage of them. They're in
15 agreement with us on where
16 we're at with it and we
17 believe we can create a
18 policies, procedures and
19 guidelines that is good
20 for everybody. One of the
21 things that has to be done
22 if you have a QWL, either
23 yourself or your steward

145

1 who is a steward or
2 yourself on that
3 committee.

4 The other issues are
5 with the grant monies, if
6 you get an approved
7 application and you get an
8 e-mail from saying your
9 application has been
10 approved, don't write the
11 check out of your local,
12 wait for the state to send
13 you a check. You can talk
14 to Sandy, she'll
15 straighten all that out,
16 how the payment will be
17 made, what's going to
18 happen. If it's something
19 where there's a
20 reimbursement to NYSCOPEA,
21 before you do anything,
22 you have to make sure you
23 get ahold of Frank and

147

1 designee has to be on that
2 committee. We want to
3 take it out of the hands
4 of the desk secretary or
5 somebody in administration
6 who is overseeing the
7 calendar of it, the usage
8 of it, the rental of it.
9 We want to be make sure
10 we're actually involved in
11 the process. Because if
12 we're not involved in the
13 process, we don't know
14 what's going on and
15 ultimately we're the ones
16 responsible for what
17 happens there.

18 So, figure it out
19 amongst yourself or your
20 stewards, have a regional
21 meeting, have a jail
22 meeting, do what you got
23 to do. But get someone

146

1 Mary, to make sure there's
2 and understanding of the
3 reimbursement process
4 back, or to Kevin, how the
5 reimbursement process back
6 to NYSCOPEA is going to
7 work. So that we don't
8 have money hanging out
9 there that we're waiting
10 for New York State to
11 reimburse us. Anybody got
12 any questions?

13 KAY GORDON: Gordon,
14 Taconic. I know Luther
15 had spoken on it. It's
16 been about I think sixty
17 days almost that we were
18 approved for the QWL for
19 the roof to start. After
20 the send the letter, the
21 state also sent it to
22 finance saying they need
23 another, what is the

148

1 process? I thought once
2 they were awarded, it
3 could begin.

4 VP LAW ENFORCEMENT

5 HARMON: The problem is
6 the pricing has changed
7 dramatically since --

8 KAY GORDON: We did all
9 that already. Did all
10 that, new quotes, got
11 approved, got the money.
12 Now, for the release of
13 the money, what is that
14 process because that's
15 where we're having the
16 hang up here. What the
17 state is asking and what
18 we've been granted, and
19 it's on a card that it
20 must be itemized, but for
21 it to go here for
22 approval --

23 VP LAW ENFORCEMENT

149

1 Vantassell. John, we're
2 talking about liability
3 insurance. We have our
4 own policy at Fishkill
5 that we pay out of the QWL
6 funds.

7 VP LAW ENFORCEMENT

8 HARMON: Yep.

9 DON VANTASSELL: So,
10 what do you guys have?

11 VP LAW ENFORCEMENT

12 HARMON: So anybody who
13 doesn't have that, we got
14 to pick it up.

15 DON VANTASSELL: So, we
16 can give it to you so we
17 don't have to pay it?

18 VP LAW ENFORCEMENT

19 HARMON: One of the things
20 that has come up is in the
21 policy procedure will be
22 some way the accounting of
23 QWL rental fees will be

151

1 HARMON: I actually don't
2 know what you're talking
3 about. They mentioned
4 nothing to us about that.
5 Can you send Kevin and I
6 that information.

7 KAY GORDON: Okay.

8 VP LAW ENFORCEMENT

9 HARMON: So we can take a
10 look at it to get to the
11 bottom of it.

12 KAY GORDON: Okay. All
13 right.

14 VP LAW ENFORCEMENT

15 HARMON: The other thing I
16 will be looking into is
17 how it's being used, not
18 as a QWL being used as
19 office space. That was
20 going to be brought up as
21 well.

22 KAY GORDON: Thank you.

23 DON VANTASSELL: Don

150

1 accounted for, because it
2 shouldn't go to like
3 employee benefit fund, it
4 gets bastardized that way.
5 It needs to be some way
6 we're using it that it's
7 used for the QWL only.
8 And some of the issues
9 that we found out over the
10 years is that those funds
11 go missing or unaccounted
12 for and nobody knows.

13 So it's something in
14 the future as we get
15 closer to the 2022, we'll
16 have more information in
17 how we're going to work
18 the liability insurance,
19 the application, the
20 bylaws and all that stuff.

21 DON VANTASSELL: So are
22 you going to have
23 something in place

152

1 statewide?

2 VP LAW ENFORCEMENT

3 HARMON: Statewide, yep.

4 DON VANTASSELL: So as
5 far as like the rental
6 agreements, it's not just
7 NYSOPBA members, you know
8 that?

9 VP LAW ENFORCEMENT

10 HARMON: Yep. I'll be
11 honest with you, there's
12 been discussion because of
13 the issues and
14 unfortunately it's one of
15 those issues where just
16 because it hasn't happened
17 at your facility, it's
18 happened at other places
19 where they've talked about
20 getting out of the
21 business of the rental.
22 We are not there, we are
23 not going to agree to that

153

1 to do a tax ID number or
2 put it in somebody -- a
3 personal account. We
4 don't want to do that. So
5 if you guys are going to
6 make it a statewide thing
7 we'd like to know that and
8 get it as soon as
9 possible.

10 VP LAW ENFORCEMENT

11 HARMON: Okay. We'll talk
12 to them at our next
13 meeting about how they
14 want to go about doing
15 that process, because even
16 DOCCS was -- the meetings
17 have been going very well.
18 John Shipley actually has
19 been good and GOER has
20 been understanding of
21 where we need to be. And
22 any -- probably any
23 request that kinds of

155

1 at this time.

2 But they have talked
3 about it. So, give us a
4 chance to put all this
5 altogether. What we
6 agreed to is hopefully all
7 done by January 1, 2022.
8 So before then I will
9 report back to you guys on
10 where we're at. We got
11 some things we got to work
12 out.

13 DON VANTASSELL: The
14 reason why I'm asking is
15 we just took over our QWL
16 committee and I became the
17 chairman, and we have had
18 some serious issues. OSI
19 has been there for
20 financials. So I just
21 want to know, we're having
22 a real issue getting a new
23 check because they want us

154

1 solidify and bring it all
2 together to make it on the
3 up and up, they're all
4 interested. So we'll
5 review that and we'll get
6 back to you, Don.

7 DON VANTASSELL: That
8 could be a business
9 account with two
10 signatures.

11 VP LAW ENFORCEMENT

12 HARMON: Okay.

13 DON VANTASSELL:
14 Because they were using a
15 personal account.

16 VP LAW ENFORCEMENT

17 HARMON: Okay.

18 SHAWN KEENAN: He just
19 answered most of the
20 questions I had. But the
21 other one I had is, and I
22 brought it up at the last
23 EA, because we brought up

156

1 this parking lot issue,
2 did we ever check in to
3 DOT with their — they do
4 their training for the
5 paving.

6 VP LAW ENFORCEMENT

7 HARMON: I'll be honest
8 with you, I forgot to ask
9 them that. I'll bring it
10 up to them when I talk
11 about some of these issues
12 at Taconic and Fishkill.

13 SHAWN KEENAN: I can
14 vouch for out in the west,
15 Erie County alone, not the
16 county, the State DOT,
17 little over 5 hundred
18 thousand dollars alone
19 last year for just
20 training in paving. So
21 that's not just equipment,
22 that's the actual product
23 to put down.

157

1 the QWL. If our group is
2 the one who puts money
3 into it and generates the
4 most money for it, then we
5 should be properly
6 represented by the size of
7 our membership, as is
8 everybody else.

9 VP LAW ENFORCEMENT

10 HARMON: The issues are,
11 Andy, is that there are
12 more QWLs out there
13 without us even having a
14 representative on them
15 than there are. That's
16 the issue. So, that
17 sounds great in theory
18 right now but we can't
19 even get to that point
20 because we don't even have
21 enough people who are on
22 the committees for the
23 QWLs.

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1 VP LAW ENFORCEMENT

2 HARMON: My fault, sorry
3 about that. Andy?

4 ANDY RICE: Rice,
5 Elmira. John, the QWL
6 does that fall under the
7 EPF committee?

8 VP LAW ENFORCEMENT

9 HARMON: Does not.

10 ANDY RICE: Okay. I
11 would ask when you put
12 this together it gets set
13 up pretty similar to the
14 EPF committee, since our
15 local are the ones —
16 NYSCOPBA is the one
17 spending and putting most
18 of the money into these
19 places. Our EPF
20 committee, we have, I'll
21 say control, voting
22 control over that. And it
23 should be the same way for

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1 ANDY RICE: Well, we
2 can get to that point.

3 VP LAW ENFORCEMENT

4 HARMON: We have to.

5 ANDY RICE: What I mean
6 is, we can right the rules
7 the way they are. And if
8 NYSCOPBA chooses and
9 Elmira not be on that
10 committee and not get
11 involved, then share on
12 you and Elmira, but we're
13 protecting us as a whole
14 if we get up the rules up
15 to mirror the EPF.

16 VP LAW ENFORCEMENT

17 HARMON: The only issues
18 are with the QWLs, even
19 though we are the primary
20 financier of everything
21 that happens there, is
22 that because it's a state
23 building and it's state

160

1 use, we have to work with
2 them on the usage and how
3 some of the stuff is set
4 up. But we have made it
5 clear to them, Kevin and I
6 and Mary, that the way
7 it's going to be run is if
8 our money is the one
9 primarily financing every
10 aspect of that in our
11 contract, I really could
12 give two fucks about CSEA
13 and PEF, to be honest with
14 you.

15 There's been some
16 issues with some of the
17 QWL about them complaining
18 and bitching about usage
19 when they don't put a
20 single dollar into them.
21 And that's kind of been a
22 crawl with us about how it
23 works. And they're not

161

1 grant money, is that the
2 state's responsibility?

3 VP LAW ENFORCEMENT

4 HARMON: The parking lots
5 is a no. They're not
6 going to get into the
7 parking lots. But roofs,
8 windows, HVAC for an
9 existing QWL are. Those
10 are things you submit an
11 application for, we'll
12 review it. Like I said,
13 the only thing they're
14 going to do, they'll get a
15 plant super to go over
16 there and say, hey, they
17 need new windows, they
18 need new HVAC, it's
19 falling apart, need a new
20 roof, yeah, you're good to
21 go.

22 ANDY RICE: Thanks,
23 John.

163

1 necessarily disagreeing
2 with us. They want us to
3 help draft the policy and
4 procedure and that's the
5 way it's going to be.

6 So we have an
7 opportunity to make it
8 right for us and, you
9 know, kind of like what
10 you're saying, we're going
11 to make it right for us.
12 And then when it's
13 drafted, we'll bring it
14 here, we'll talk about it,
15 if we need to make changes
16 to it or if it doesn't
17 work, we'll figure it out.

18 ANDY RICE: The next
19 thing is our QWLs are
20 usually used for training.
21 So if we need a room,
22 parking lot, is that done
23 with QWL funds, through

162

1 KAY GORDON: Gordon
2 from Taconic. I'll bet
3 I'm the only member for
4 QWL and the issue I'm
5 running into is the
6 insurance. Because if we
7 don't have from PAC, like
8 the last three years we
9 didn't have a contract, so
10 it's being taken out of
11 EPF. So last year when it
12 was due, I'm trying to
13 figure out who pays the
14 insurance? Is it on a
15 yearly basis, do we
16 negotiate the prices for
17 the insurance or is it a
18 set rate for all QWLs you
19 have in your region. How
20 can we at Taconic get it
21 so we know going forward
22 who is charge of the
23 insurance. If it came out

164

of last year EPF.

VP LAW ENFORCEMENT

HARMON: One of the things that's been discussed when it comes to liability insurance, one, if there is no insurance on the building and it's not being maintained, it's probably going to get padlocked, to be honest. And there are QWLs that we're finding out don't have insurance because we're not always notified of that either. So that's one issue.

The other issue is, is that we are through the statewide policy we're going to be tracking and keeping track of the insurances. And as Don

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So, all those questions you asked will be discussed.

KAY GORDON: This year QWL we're trying to find out who pays it, what insurance company it is.

VP LAW ENFORCEMENT

HARMON: So are we.

KAY GORDON: Is it the state, is it negotiable?

VP LAW ENFORCEMENT

HARMON: So are we. We don't even have copies of every liability insurance that's on every QWL. I mean, it's strange at best to see how dysfunctional it is, but considering it's New York State, it's par for the course.

KAY GORDON: Right. But is it being paid

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said, how they're paid, where they're paid, where the payment is coming from, where the money is coming from. So all this stuff has to be tracked. These are all things, believe it or not, it's never been done.

So we're finding a lot more issues as we're digging into this than we realized. And that's why we finally said we have to come up with a statewide not just policy procedure application, but a tracking program and something to verify what's going on. Because there are a lot more issues than we realized digging into this.

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though? We have a company at Taconic, why can't we get who the company is? If we need to see the information, we are not privy to that.

VP LAW ENFORCEMENT

HARMON: You are privy to that information. As the representative on that committee and as a NYSCOPBA official, you are absolutely privy to that information and you're allowed to see that information at any time, which also includes the accounting of the liability insurance, the usage, the calendar of when it's being used, who approved the usage. Any of those things you're

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1 absolutely entitled to and
2 if you have a problem,
3 please let Dave know,
4 we'll let them know.

5 KAY GORDON: Thank you.

6 VP LAW ENFORCEMENT

7 HARMON: Thank you. Paul?

8 PAUL MIKOLAJCZYK:

9 Sorry. Paul Mikolajczyk,
10 Sing Sing Prison. I know
11 it was a long time ago,
12 but when I sat on that
13 committee, Penny Morales
14 kept all that. She had
15 the insurance policy
16 covering at the time the
17 33 QWL statewide.

18 So, since her departure
19 from the state is when
20 we're saying the records
21 have gotten cloudy?

22 VP LAW ENFORCEMENT

23 HARMON: Yes.

169

1 committee even seen before
2 including Shipley.

3 So to give you an idea
4 of dysfunction, you got
5 the commissioner putting
6 out an e-mail with a memo
7 from the Department saying
8 that QWLs are now open a
9 hundred percent based on,
10 you know, the guidelines
11 based on CDC, 50 percent
12 usage, distancing, all
13 this other crap. And he
14 put some horse shit
15 application on the second
16 page of it that had four
17 lines on it that didn't
18 even include all the
19 information necessary and
20 he said this is what
21 you're going to use.

22 John Shipley, I sent --
23 I got that from President

171

1 PAUL MIKOLAJCZYK: So
2 who sits on that committee
3 now?

4 VP LAW ENFORCEMENT

5 HARMON: Me, Kevin,
6 Donnelly, Mary sits in
7 there with us. And then
8 on State side is Matt
9 Ratmus from GOER, John
10 Shipley and Sandy DeJohn
11 who oversees the program.

12 PAUL MIKOLAJCZYK: And
13 Shipley can't provide us
14 with any records?

15 VP LAW ENFORCEMENT

16 HARMON: Well, I'll give
17 you an idea what just
18 happened. Last week a new
19 chief put out a memo about
20 a QWL now open and with
21 that he attached bullshit
22 applications QWL usage
23 that nobody on the

170

1 Powers, I immediately sent
2 that to the committee,
3 Shipley said, John, I've
4 never even seen this
5 document before until now.
6 So, there you go.

7 PAUL MIKOLAJCZYK:

8 Thank you.

9 VP LAW ENFORCEMENT

10 HARMON: Anybody else?

11 Thank you.

12 PRESIDENT POWERS:

13 Thanks, John. Chris,
14 constitution and bylaws.

15 RECORDING SECRETARY

16 SUMMERS: I'll make mine
17 real fast. The
18 constitution amendment
19 over the Article 7 dues
20 has been mailed out
21 already from the May EA.
22 It's due back to NYSCOPBA
23 by August 21st.

172

1 Again, in case there's
2 any confusion out there,
3 this is just to allow dues
4 collection other than
5 through payroll deduction.
6 This is not a dues
7 increase. So if you could
8 please pass that along and
9 let the members know that
10 we're not trying to
11 increase any dues.
12 Thank you.

13 PRESIDENT POWERS :

14 Thanks, Chris. Mark,
15 health and welfare.

16 MARK DEBURGOMASTER:
17 Good afternoon. This
18 won't take too long.
19 Obviously we've been
20 working on getting the
21 hearing aids approved.
22 Bluetooth compatibility
23 was the biggest issue. We

173

1 the floor).

2
3 MARK DEBURGOMASTER:
4 Anyone opposed?

5
6 (No response.)
7

8 MARK DEBURGOMASTER:
9 Thank you. Committee is
10 also looking at a couple
11 other things that -- we're
12 still looking into the
13 umbrella policy for
14 punitive damages. It's
15 been a research to say the
16 least. We've reached out
17 to several companies. We
18 reached out through G.
19 Waspac and a couple other
20 people that we talked with
21 about this.

22 We have only actually
23 come up with one company

175

1 did hear back from the
2 State, they have no issues
3 with hearing aids and
4 bluetooth compatibility
5 being used inside the
6 facilities.

7 So we do have that in
8 writing from the
9 Department now. So that
10 being said, the new
11 product is Sonic, it's
12 bluetooth capable. It is
13 vetted through the
14 committee, the committee
15 recommended adoption going
16 to this. I'd ask for
17 unanimous consent from
18 this body to move forward
19 to switch over to those
20 new hearing aids. All in
21 favor?

22
23 (Response of aye from

174

1 that would cover something
2 and the maximum they'll
3 cover is eight thousand
4 dollars total. And the
5 premium was 51 dollars a
6 pay period. We don't even
7 get any kind of award
8 that's less than 20 grand
9 or 30 grand to these
10 inmates, so it's not even
11 applicable.

12 We do have another
13 company that did say they
14 were going to do a write
15 up, a presentation for us.
16 We're going to be meeting
17 on that next month, but
18 again, trying to get a
19 specific punitive damages
20 in case the state does not
21 indemnify us or does not
22 cover us, we don't have
23 control sometimes with

176

1 these court cases.

2 And if this is the mode
3 where they're going.

4 There is two bills in the
5 Legislature right now
6 allegedly that are saying
7 you could be required to
8 have to carry some kind of
9 liability insurance.

10 According to what we've
11 been told, they're not
12 really moving anywhere.
13 There's a lot of logistics
14 with it, whether the state
15 would have to provide
16 that.

17 But as part of the
18 background, trying to be
19 proactive, we're looking
20 to seeing if it's
21 something the membership
22 could get or we could
23 provide.

177

1 now.

2 We are following up
3 with an investment group,
4 something that's been
5 proposed, the board has
6 kind of looked at it.
7 Right now they offered a
8 free consultation for
9 anybody that's doing
10 retirement planning. At
11 this point trying to get
12 them vetted or get them
13 in, or not get them in,
14 we're still waiting on two
15 reports to come back. One
16 we just requested this
17 morning as a committee,
18 but that's moving forward
19 as well.

20 We'll present that more
21 in detail probably the
22 next time we meet. Other
23 than that, is there any

179

1 PPE for handling of
2 Fentanyl and other types
3 of -- guys being asked to
4 go frisk cubes where
5 they're suspecting
6 Fentanyl, the handling of
7 the mail, stuff like that,
8 there's specific PPE out
9 there. We are waiting on
10 those. We're going to
11 talk with the Department
12 possibly about getting
13 those provided as a
14 disposable. But this
15 would be a grade where
16 it's above medical but
17 it's actually designed to
18 handle chemicals.

19 I can't imagine without
20 the Department's help
21 we'll ever get them in,
22 but it's something that
23 we're looking at right

178

1 questions? Thank you.

2 PRESIDENT POWERS :
3 Thanks, Mark. Heath,
4 election?

5 HEATH ALLEN: Heath
6 Allen, Election Committee.
7 Could I get Dave Luther
8 and Brian Hluska to the
9 mic? I got a couple of
10 committee vacancies. All
11 right. Dave, I got one
12 for health and welfare
13 committee.

14 VP SOUTH LUTHER: Okay.
15 We're going to go with
16 Dominique Stratford out of
17 Bedford Hills Correctional
18 Facility.

19 HEATH ALLEN: And you
20 got one for Veterans
21 committee.

22 VP SOUTH LUTHER: That
23 will be Israel Sanchez out

180

of Sing Sing.

HEATH ALLEN: Who is standing in for Brian?

UNIDENTIFIED SPEAKER: He's coming.

VP SOUTH LUTHER: That's it?

HEATH ALLEN: Yeah.

Brian, you have vacancy for retiree committee.

VP CENTRAL HLUSKA: I don't have anyone to nominate at this time.

HEATH ALLEN: Sounds good. In June the committee met to work on the election electronic voting. We met with the American Arbitration Association and Yes elections to see if there was any savings to be had by electronic voting

181

Thanks, Heath. Dave Luther, publicity and meetings.

DAVE LUTHER: PR and meetings committee. Couple things going on. We met a few times. The State Fair is on this year for 18 days. The committee with the consent of the Board has -- we financially will support them through the family program.

We are going to donate twenty-eight thousand dollars to the family program for the Syracuse Fair for 18 days. It guarantees us full coverage on their billboards for all 18 days. It puts our brand

183

instead of the paper voting. The quotes are not complete yet, so we're still waiting for the quotes. Once we get the quotes, we'll then explain to you guys whether it's gonna save us any money, if it's going to be any better, any worse. Hope to have them next FA.

And we will be meeting in August to count the constitutional amendments, you have or will get getting shortly. We will also be sending out the guidelines for the 2022 elections and the timelines.

That's all I got. Any questions? Thank you.

PRESIDENT POWERS :

182

or logo in their maps and on their itineraries so it's in front of everybody's face.

It will run for commercial, a commercial that we provide for them on their billboards throughout the grounds, and they will invite us out for promotion when they call in the organization to represent these families to give them their packets.

They will send us tickets for parking, they're going to send us a bunch of tickets for our members. We'll get them to all the regions to do as they see fit to do with them.

184

1 I think it's a good PR
2 move and our stuff will be
3 in their face the whole
4 time. So, any questions
5 on that?

6 Now, moving forward.
7 We're putting together,
8 we're kicking around a few
9 ideas. One we need help
10 from all the regions. We
11 want to put together a
12 back to school kind of
13 program with backpacks and
14 stuff the kids would use
15 in school; pens and
16 pencils and stuff like
17 that.

18 And once school
19 reopens, get our members
20 in uniform in the schools
21 to read or talk to the
22 kids about life; primarily
23 to read stories to a lot

185

1 that we're being promoted,
2 take photographs, get them
3 into our PR people. We
4 have an excellent PR
5 program here and I'd like
6 to continue to use it
7 fully.

8 So if anybody has any
9 questions or anybody
10 wishes to be involved,
11 this is why I need peoples
12 help from all the regions,
13 if you wish to be involved
14 in going into the schools,
15 YMCAs, or United Way
16 Foundation, stuff like
17 that, by all means reach
18 out to me or to your VPs,
19 your business agents and
20 they can reach out to me.
21 Any question? That's it.
22 Thank you.

23 PRESIDENT POWERS :

187

1 of younger kids. I know
2 other officers have done
3 it and other regions have
4 gone in and promoted
5 NYSCOPBA through the
6 reading program and giving
7 stuff away to, who do we
8 say, to fifth grade?
9 Trinketts and stuff we put
10 together.

11 That's just to get us
12 out there, put a friendly
13 face, we are human. Also,
14 there are a lot of regions
15 that do sporting events
16 amongst themselves to
17 raise money, basketball or
18 softball tournaments, or
19 ice hockey, stuff like
20 that. By all means we
21 need to elevate that. So
22 that when your region is
23 doing stuff like that,

186

1 Thank you, Dave. Chris
2 Moreau.

3 VP MID-HUDSON MOREAU:
4 I'll be quick. Grievance
5 and legal met this
6 morning. Heard three
7 grievances, closed three
8 grievances. With regard
9 to COVID grievances, it's
10 slow and steady,
11 arbitrations we're winning
12 hand over fist. The
13 biggest thing is you got
14 to make sure you're
15 getting from your members
16 the 1205s, if they're
17 being put out by an
18 employer. It's an
19 employer mandated
20 grievance that it has to
21 include a 1205 for the
22 arbitrator to rule in our
23 favor.

188

1 If it's doctor
2 mandated, then we need
3 some documentation from
4 the member saying so. If
5 we get that, we'll be
6 successful.

7 VP SOUTH LUTHER:
8 What's a 1205, Chris?

9 VP MID-HUDSON MOREAU:
10 They're medical things you
11 get from the personnel
12 office. If get to step 2
13 and you're having a hard
14 time getting the 1205, let
15 your regional VP know and
16 we'll get those for you.
17 All right.

18 PRESIDENT POWERS :
19 Thanks, Chris. Shawn
20 Keenan, PAC.

21 SHAWN KEENAN: Good
22 afternoon, Shawn Keenan,
23 PAC. This is going to be

189

1 individuals that are out
2 there that are in control
3 now.

4 We need you guys to
5 talk to your members and
6 you back in your areas,
7 regions, to talk to the
8 Assemblymen, Senators, get
9 out there. For the
10 longest time we've always
11 talked about how we're on
12 the far right-side, we're
13 on the right-side. The
14 left is what's against us.
15 We have a lot of members
16 out in the facilities that
17 sit on that fence. They
18 could be on the left side
19 but they sit near the
20 fence.

21 The individuals we're
22 looking for now to try to
23 help us and help Keith and

191

1 real quick. Starting
2 balance as of 6/16/21,
3 \$460,944. June transfers,
4 25 thousand, total income
5 was 25 thousand. Checks
6 paid out, checks 3512 and
7 3513 totalling eight
8 hundred twenty-five; total
9 expenses, eight hundred
10 twenty-five dollars. With
11 an ending balance of
12 \$485,119.

13 Pretty much everybody
14 talked about it earlier.
15 I know Keith did. We're
16 kind of changing -- we're
17 not changing directions,
18 we're just going with the
19 times. We're not rolling
20 over to be push-overs or
21 anything else; we need to
22 change our approach to the
23 way we speak to the

190

1 the rest of our lobbyists
2 go through, are those
3 individuals that ride the
4 fence, those legislators
5 that ride the fence.
6 We're never gonna get the
7 far left, they're never
8 going to see our way.

9 We need to be able to
10 talk, have viable
11 conversations with the
12 individuals that have a
13 reasonable mindset and
14 will listen. Does that
15 mean that we have to reach
16 across the aisle? Yes, it
17 does; now it does.

18 So we need you guys to
19 do just as much of that
20 back in your local areas.
21 Whether it's talking to
22 your members and doing it.
23 I've had several members

192

1 sitting in my facility
2 that sit on the left side
3 of the fence, some of them
4 quite far, but they're
5 willing to listen.

6 So, we need us to help
7 everybody up here, for
8 Mike, the rest of the
9 committee and the
10 Executive Board, to be
11 able to hold conversations
12 so that we can win these
13 battles. They're not all
14 huge battles, there's some
15 small ones but we're
16 losing ground and we need
17 to gain it back.

18 So we have to change
19 our mindset a little bit.
20 You'll look at certain
21 things when we bring it
22 out and you're gonna say,
23 how could we possibly be

193

1 or denying time for
2 members and Veterans to
3 use their five days,
4 please file a grievance.
5 And I'm sorry, Veterans
6 remembrance tour has been
7 postponed to 2022. Too
8 short notice to do
9 anything this year.
10 That's all I got. If
11 anybody is activate
12 overseas, please let us
13 know. Any questions?
14 Thank you.

15 PRESIDENT POWERS :

16 Thanks, Eladio.

17 That concludes today's
18 agenda. Does this body
19 prefer to go into new and
20 unfinished business — we
21 have a presentation
22 tomorrow. Alex Dell will
23 be coming in tomorrow, a

195

1 sitting down with an
2 inmate advocacy group, but
3 if that means that we get
4 what we're looking for in
5 the end run, we're gonna
6 have to do it. So we're
7 gonna have to change our
8 mindsets also. That's all
9 I got. Anybody got
10 anything for me?

11 Beautiful. Thank you.

12 PRESIDENT POWERS :

13 Thanks, Shawn.

14 PRESIDENT POWERS :

15 Eladio, Veterans.

16 Eladio MARTINEZ: Good
17 afternoon. Not much to
18 talk about. We had a
19 couple issues. One was
20 grievance filed on combat
21 health related issues, if
22 anybody has any problems
23 with that, DOCCS refusing

194

1 Workers' Comp specialist
2 attorney, just to give a
3 quick presentation. Is it
4 this body's wishes to go
5 through unfinished and new
6 business? Sixty percent,
7 all signify by saying aye.

8 (Response of aye from
9 the floor).

11 PRESIDENT POWERS:

12 Anyone opposed?

14 (No response.)

16 PRESIDENT POWERS :

17 Start with unfinished
18 business. Is there any
19 unfinished business? No?
20 Move into new business.
21 One piece from the board
22 is a motion to accept
23 proposed executive dates

196

1 for 2023. I believe
2 they're in your packets.
3 Any discussion? There's
4 December 13th and 14, the
5 year is 2023, not 2022.
6 All in favor signify by
7 saying aye?

8
9 (Response of aye from
10 the floor).

11
12 PRESIDENT POWERS :
13 Anyone opposed?

14
15 (No response.)

16
17 PRESIDENT POWERS :
18 Thank you. Any other new
19 business on the floor?

20 MR. MARTINEZ:
21 Martinez, Buffalo Metro.
22 ISOs would like to ask the
23 Executive Board to take a

197

1 out there. You guys need
2 to come out to the offices
3 and see what we go through
4 every day with those
5 management staff. Mark
6 has come out a couple
7 times, he saw what we do,
8 he sees a lack of
9 understanding how we get
10 treated and represented
11 inside the offices.

12 When he first got on,
13 he openly admitted he
14 didn't know what we did.
15 He came out a couple times
16 because we needed
17 representation from there.
18 He actually took our
19 invitation to go through
20 the Buffalo office, that's
21 what we need for everybody
22 to do, in order for them
23 to see that we are not

199

1 more active roll in
2 supporting and the
3 representations of the
4 ISOs throughout the
5 regions. We'd ask that
6 the Executive Board and
7 the regional VPs take a
8 more active role in
9 representing and serving
10 the ISOs in the aspects of
11 management across the
12 state.

13 A lot of our membership
14 has lost faith in the
15 union for lack of their
16 representation. We have
17 guys who refuse to file a
18 grievance because they
19 feel like nothing. And
20 honest, it's a shame, we
21 could really use your
22 support, especially with
23 the BCs, the supervisors

198

1 COs, we are ISOs, we work
2 in a totally different
3 environment. I have
4 nothing else.

5 PRESIDENT POWERS : To
6 respond, we spoke earlier.
7 And by all means, you have
8 our contact information.
9 Don't hesitate to reach
10 out. We recognize the
11 fact that your membership
12 is smaller in numbers. We
13 actually had a pretty
14 lengthy discussion
15 yesterday regarding some
16 of the ISOs and some of
17 the actions that have been
18 going on.

19 I'll be the first one
20 to sit here and tell you
21 that I was unaware of some
22 of the actions that were
23 occurring, some of the

200

1 meetings that were
2 occurring without our
3 knowledge. I believe
4 strongly that if a
5 grievance is filed out of
6 any one of your offices
7 and it gets to our level,
8 that it's not shunned or
9 put to the side in any
10 way, shape or form.

11 I know that just out of
12 the gentleman who runs our
13 grievance department. I
14 have the utmost respect
15 for him and I'm sure you
16 do as well and I know
17 you've had conversations
18 with him. With that being
19 said, you can rest assured
20 that we'll speak with Mark
21 a little bit more and in
22 our travels we'll look to
23 pop in. I, myself, will

201

1 thing, I think something
2 that's happened over the
3 years, was a lost in
4 translation about how the
5 representation for ISOs
6 works. It was designed
7 the same way that the Law
8 Enforcement groups chiefs
9 operate, where there's
10 only 4 facility chiefs in
11 law enforcement, everybody
12 else is regional or
13 statewide. I think one of
14 the things that really
15 hasn't been communicated
16 or at least for ISOs is
17 that when the rule was
18 gone from Law Enforcement
19 to the DOCCs side of the
20 house, that the
21 communication between the
22 ISO representatives and
23 their respective regional

203

1 going forward.

2 But with that being
3 said, you know, there's a
4 couple things that have
5 come to light to us
6 yesterday. I shared those
7 with you and I'm not going
8 to go into detail but
9 we'll surely address them.
10 You got my contact
11 information and many
12 others have or other ISOs
13 do as well. But genuinely
14 out of respect for your
15 concerns, we'll address
16 them and we'll address
17 them swiftly.

18 MR. MARTINEZ:

19 Thank you.

20 PRESIDENT POWERS :

21 John?

22 VP LAW ENFORCEMENT

23 HARMON: Just on the ISO

202

1 VP just got lost. You
2 know, and one of the
3 things that has to happen
4 is, for you guys as well
5 is, when you do have
6 meetings or you are making
7 or you're traveling across
8 the state to represent
9 somebody in a labor
10 management meeting, one
11 thing that was said back
12 then and how it's designed
13 for Law Enforcement, which
14 would be the same for you
15 guys, is that the ISO
16 representatives have to
17 communicate to the Board,
18 the Executive Board, that
19 being or the business
20 agent in that region to
21 let them know dates of
22 labor management meetings,
23 grievance hearings,

204

disciplinary second step.
I mean, because one of the issues that has come to light, and it does happen occasionally, but anything at the agency level hearing or any class action or anything of that nature is owned by the organization and therefore the organization has to be notified. So if something isn't said or done, that could harm the organization.

I think as long as there's open communication between you guys and the business agents in the region, to let them know hey, this is what's going on, I think that will resolve a lot of your

205

issues.

You can't — and I'm not speaking for you but, you know, being a lone wolf is going to get you destroyed by New York State. And I think as long as you guys communicate effectively with the regional VPs and BAs, you can get a lot more things done then, and maybe you guys feel better representation than has happened in the past.

VP NORTH ROBERTS: John Roberts, Northern Region VP. I take serious offense to your comment. I represent Plattsburgh, I go to the ISO office and I meet with Robert Fall, the bureau chief who since got

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promoted, I touch base with him all the time. He's a one man show up there. I also cover the Training Academy. Jesse Keenan, Steve Groom and whoever is acting chief at the time keeps me in contact. Anything catastrophic, we did a fundraiser for ISO Dunn who passed away.

I have never for once heard one phone call from you in the four years I've been representing the north as VP. So, I think that's a slap in the face to me and what I represent. If you want to talk later, I mean, I'm available 24/7 and I have been. So I don't think

207

that's an appropriate comment to try to blast the Board with.

MR. MARTINEZ: It was no offense to you. It was just the membership telling us what they feel and how they feel. I wanted to portray that to the board. If you take offense to that, I apologize.

VP NORTH ROBERTS: Well, I am the board and I represent from Albany north all the way to Ogdensburg, so — and I do visit.

MR. MARTINEZ: Like I said, that's the — just communicating that's what the membership is saying. If you take it as an

208

1 attack, it's not an
2 attack.

3 VP NORTH ROBERTS: And
4 I have never been once
5 called and said, hey, we
6 have a labor management
7 meeting on such and such
8 from any chief anywhere,
9 which is Allen, right?
10 And you work with him
11 every day?

12 MR. MARTINEZ: Yes.

13 VP NORTH ROBERTS: So,
14 maybe there needs to be
15 better communication with
16 the VPs that you want
17 represented there. I have
18 only gotten step twos from
19 Albany and they were COVID
20 grievances which are now
21 sitting at step three.
22 That's the only grievances
23 I've gotten in four years

209

1 from any ISO.

2 MR. MARTINEZ: Like I
3 said, this is downstate
4 (inaudible). If you feel
5 personally attacked, I
6 apologize.

7 PRESIDENT POWERS: All
8 right. He's here on
9 behalf of his members.
10 And I understand John's
11 position as well, our
12 position and John's. And
13 like I mentioned, we're
14 enlightened to some
15 actions yesterday, and
16 like I said, we're going
17 to address them. Paul?

18 PAUL MIKOLAJCZYK: Paul
19 Mikolajczyk, Sing Sing
20 Prison. Several times
21 today the 1205s have been
22 brought up. Now,
23 realizing that each prison

210

1 is stand alone, we have
2 had a huge problem for the
3 last decade for our 1205s.
4 The last ones we got were
5 ten months behind.

6 What we'd like to see
7 is the Executive Board,
8 and I realize I can't make
9 a motion constitutionally,
10 but we'd like to see the
11 Board petition the State
12 to get a new computer
13 program so that our
14 accruals go on our
15 paychecks.

16 We are aware that
17 several other agencies
18 already have this computer
19 program and it would sure
20 clear up a lot if we knew
21 what we were being paid on
22 for and when they were
23 accusing us of taking

211

1 vacation time. I know
2 it's a huge ask and I know
3 I can't make a motion, but
4 we would sure like to see
5 you go after that.

6 PRESIDENT POWERS:

7 Again, yesterday in some
8 of the Board discussion we
9 talked about that John
10 Roberts brought it up,
11 Brother Roberts brought it
12 up that some employees can
13 actually go to a MAC and
14 see their time accruals
15 and whatnot.

16 I recognize that -- we
17 all -- I mean, the problem
18 we're getting into with
19 this, this isn't something
20 we haven't already
21 discussed. This is
22 something that's, other
23 than staffing right now is

212

1 our biggest concern right
2 now and relief for our
3 front lines right now is
4 our primary goal, as we
5 roll into the hot summer
6 months.

7 But back in the back
8 burner the personnel
9 offices are severely
10 understaffed right now.
11 Some are, some aren't;
12 some are efficient, some
13 aren't. That's a hurdle
14 that we'll continue to
15 discuss going forward as
16 far as that. As far as us
17 asking the Department
18 to -- we can surely ask,
19 maybe ask for it, but we
20 all know that the budget
21 is -- one of the biggest
22 things we're barking about
23 now is how far behind they

213

1 Department, I don't know
2 how other jails are doing
3 it, but I know we're being
4 preempted with HALT
5 legislation. So, we're
6 trying to start -- our
7 facility is putting in
8 place we're not
9 keep-locking guys, we're
10 not disciplining guys
11 based on this is coming up
12 in April.

13 Well, it's not here
14 yet; that needs to be
15 addressed. Because we
16 need to hold on to
17 everything we got for as
18 long as we got it.

19
20 (Applause from floor.)

21
22 ANTHONY HENDERSON:
23 Chief Sector Steward,

215

1 are with everything
2 related to DOCCS.

3 PAUL MIKOLAJCZYK:
4 Thank you.

5 PRESIDENT POWERS
6 Whether it be the rehab
7 unit or whatever the case
8 may be. Andy?

9 ANDY RICE: Rice,
10 Elmira. Do we have any
11 sit downs with our HALT
12 litigations or with our
13 attorneys? Is there any
14 update on the litigation
15 itself?

16 PRESIDENT POWERS: No.
17 We haven't heard anything
18 back as of yet. We
19 haven't gotten anything
20 back from them yet, which
21 so far is good news.

22 ANDY RICE: And in your
23 meetings with the

214

1 Anthony Henderson. What
2 is a 1205 and how does
3 that relate to law
4 enforcement? That's proof
5 of documentation and I
6 don't understand what a
7 1205 is.

8 VP MID-HUDSON MOREAU:
9 We need those for the time
10 and attendance printouts.
11 They'll show that the
12 State actually charged you
13 your accruals on the dates
14 in question, so that when
15 we bring it in front of
16 the arbitrator we say
17 we're looking for these
18 four or five days; he can
19 look at the sheet and say,
20 oh, yeah, he was in fact
21 charged four or five days
22 worth of accruals.

23 ANTHONY HENDERSON:

216

1 Okay, thank you.

2 VP MID-HUDSON MOREAU:

3 But, again, the personnel
4 departments are very
5 behind, but if it gets to
6 step 2 for a grievance,
7 call the regional VP
8 because we need that
9 information.

10 ANTHONY HENDERSON:

11 Okay. Thank you.

12 MR. MARTINEZ:

13 Martinez, Buffalo. We'd
14 actually like to ask if
15 the law firm could address
16 several issues with the
17 pay scale for the ISOs.
18 There's no reason why we
19 are the lowest paid full
20 time, armed peace officers
21 in the state. We also
22 have no opportunity for
23 upgrade advancement in our

217

1 filled. There's no talks
2 of academy, there's no
3 talks of anything to fill
4 those positions. If we
5 have guys that are out,
6 they get replaced by a CO.
7 I know there's one that
8 does the training academy.
9 And I know there's several
10 that actually get covered
11 by POs and several
12 officers — we have
13 offices that are supposed
14 to be staffed by four
15 ISOs, there's only one
16 there. Bronx being one of
17 them. Bronx being as big
18 as it is, we have one ISO
19 covering them where it
20 should be 4.

21 PRESIDENT POWERS :

22 Well, let me address the
23 staffing issue for you but

219

1 facility or positions. We
2 can't even provide
3 training supervisors
4 through Albany to train
5 our other people.

6 Another one would be
7 disciplinary actions. If
8 there's an issue inside
9 our offices, we get
10 disciplined by CO
11 contract, when it would be
12 an issue with parole.

13 There's no fair direction
14 what we should be doing,
15 how we should be doing it
16 and by what guidelines we
17 should be doing it by.

18 Another thing is
19 staffing. We can't keep
20 guys on staff because of
21 these issues. We suppose
22 to have 64 positions, we
23 only have thirty-seven

218

1 as far as your
2 compensation, as far as
3 your grade scale, I spoke
4 to you briefly about that
5 as well. I don't remember
6 what year it was.

7 2015 or 2016, there
8 was — we actually had
9 your salary agreement, we
10 had you going from a Grade
11 9 to a 14. And an ISO,
12 not named, filed his own
13 upgrade and he chose to
14 push his to hearing prior
15 to us being able to enact
16 the Civil Service,
17 Department and everybody
18 else to get you to your
19 grade 14.

20 We can surely probably
21 look at that again, reopen
22 that discussion possibly.
23 I mean, John and our

220

1 former executive vice
2 president handled the
3 issue. It might be
4 something we can look at
5 again, but keep in mind we
6 pretty much had it right
7 down to the deal.

8 VP LAW ENFORCEMENT

9 HARMON: So the issue that
10 you would have with
11 another upgrade
12 application right now is,
13 and I say this to my guys
14 all the time, is that I'll
15 be very blunt and honest
16 that we had -- we had you
17 guys at a Grade 14. We
18 actually had the
19 Department -- we had
20 Darren Miller working with
21 us actually giving the
22 case for union to make you
23 guys a Grade 14 with us

221

1 denied.

2 So now you have to come
3 up with all new
4 information and why you
5 think you need that. The
6 only option that could be
7 available right now to
8 you, would be to eliminate
9 the ISO title and make
10 everybody correctional
11 officer. And those
12 positions with them, you
13 guys would be
14 grandfathered into your
15 new correctional officer
16 title at your current work
17 sites and then staffing
18 would be done by
19 correctional officers in
20 those regions. That is
21 the only angle you have
22 left.

23 And I can tell you from

223

1 and our attorneys in the
2 room with class and comp.
3 And we got derailed and
4 back-doored by a member.

5 MR. MARTINEZ: So
6 what's been done since
7 then?

8 VP LAW ENFORCEMENT

9 HARMON: Well, the problem
10 now is with class and comp
11 when you do upgrade and
12 title structure changes,
13 that the information that
14 you provided previously
15 cannot be used in a a
16 subsequent class and comp
17 application. It can be
18 used as an addendum for
19 supporting documentation,
20 but it can not be used as
21 a rationale for one
22 because the rationale they
23 used previously was

222

1 years ago that you had a
2 portion of your membership
3 that was not interested in
4 that and -- which caused a
5 discontent between the
6 membership and this body.
7 And that's kind of where,
8 you know, I think maybe
9 you're getting that a
10 little bit. What happened
11 is you had some of your
12 members who had gone rogue
13 and they've gone and tried
14 to establish meetings and
15 do things on their own,
16 without communications to
17 the region to the board
18 member to the business
19 agent. So I can tell you
20 our conversation yesterday
21 that we were completely in
22 the dark about most of
23 your issues. Because

224

1 except, I know John has
2 done it, Dave has done it
3 and Mark, but as in your
4 actual issues sometimes
5 just not being included in
6 labor management meetings
7 and being included in
8 other aspects of
9 representation, you're
10 left blind trying to
11 figure out what you want.

12 And I think one thing
13 that ISOs need to do is
14 they need to come together
15 and figure out what they
16 want. Because if there is
17 a consensus to become
18 correctional officers,
19 that can be done. There's
20 a process for that. But
21 it got kind of pushed back
22 because, you know, I can
23 tell you some of the

225

1 Donnelly, myself and
2 Executive Vice President
3 Hickey had an agreement
4 with the Department to
5 actually change to a title
6 structure change. When
7 you guys — when it went
8 from just the handful at
9 the academy to 39 now,
10 what the Department wanted
11 was when they realized
12 they screwed up, because
13 originally it was supposed
14 to be the warrant transfer
15 officers doing all those
16 jobs. Then when parole
17 went to DOCCS, the
18 Department wanted the COs
19 to do it but they were
20 looking for a cost savings
21 at first they said, let's
22 just add more ISOs. Dan
23 Martuscello then said,

227

1 comments are, I'm not
2 going back to the freaking
3 academy, I'm not going to
4 finish the training, I
5 don't want to be an
6 officer. And I can tell
7 you from my perspective
8 when I was overseeing the
9 ISO title, that it was —
10 it's never done where
11 there's a 5 grade increase
12 to your title and you have
13 a member telling you, I
14 don't want it because it
15 wasn't him getting it. It
16 was the organization. And
17 it really screwed things
18 up.

19 Now, is it a
20 consensus — I can tell
21 you this, prior to
22 President Powers and
23 Executive Vice President

226

1 hey, we screwed up, this
2 is not what we want but
3 they were only going to do
4 it as long as we were okay
5 with it and everybody was
6 on board and then it got
7 screwed up again.

8 So there needs to be a
9 consensus from your group
10 about what you want. You
11 will not get a Grade 9 to
12 14 pay increase as an ISO.
13 You're either going to
14 have to agree that you're
15 going to want to be
16 correctional officers or
17 find more different
18 information than was
19 supplied the last time for
20 the pay grade increase.

21 MR. MARTINEZ: That's
22 why if you come out and
23 come out and just see what

228

1 our job entails, what we
2 have to do, we frequently
3 carry the training we have
4 every year, I think we'd
5 be right up there on par
6 with the 14s, seeing that
7 as we're --

8 VP LAW ENFORCEMENT

9 HARMON: I understand what
10 you're saying, but what
11 you don't understand is
12 the job description that
13 you currently have and the
14 changes and the things
15 you're talking about, that
16 is what was used
17 previously.

18 MR. MARTINEZ: You're
19 talking about now, but
20 that was changed that 4
21 times in the last 8 years.

22 VP LAW ENFORCEMENT

23 HARMON: But you were

229

1 armed from the start --
2 there hasn't -- I'm just
3 being honest, I've been
4 involved in this a million
5 times. For my group this
6 is something that's talked
7 about frequently, I have
8 32 titles I oversee.
9 They're always looking in
10 to this. And It's going
11 to be difficult for you
12 guys, if not almost
13 impossible to go from a
14 Grade 9 to Grade 14 as an
15 ISO.

16 MR. MARTINEZ: What I
17 learned today, the reason
18 the grievance was denied
19 at the third step was
20 because the classification
21 we were under. Which
22 means they can actually
23 just keep adding on to our

230

1 title, title, title. We
2 have chiefs right
3 (inaudible) they can tell
4 us whatever they want to
5 tell us whatever they want
6 us to do, doesn't mean
7 that we should be doing
8 it. Just like the testing
9 thermometers which is
10 issued to these
11 supervisors and not to us,
12 from March 10th of last
13 year. It was all issued
14 to supervisor, they dumped
15 it on us. And because of
16 the classification, we are
17 now advised to do it and
18 they told us we have to do
19 it.

20 VP LAW ENFORCEMENT

21 HARMON: It goes a lot
22 further than that.

23 MR. MARTINEZ: That's

231

1 the gist of it though.

2 VP LAW ENFORCEMENT

3 HARMON: But there were
4 30, 40 titles across the
5 State of New York that
6 were doing temperature
7 checks and health and
8 welfare checks at the
9 door, not just ISOs.

10 MR. MARTINEZ: But were
11 they initially issued to
12 supervisors and trained.

13 VP LAW ENFORCEMENT

14 HARMON: Yeah. I can tell
15 you 30 facilities that I
16 do that there's 30
17 different titles doing
18 that exact job right now
19 still together.

20 MR. MARTINEZ: So even
21 though --

22 VP LAW ENFORCEMENT

23 HARMON: Because it's a

232

1 pandemic, emergency
2 situation.

3 MR. MARTINEZ: There is
4 a different situation.

5 VP LAW ENFORCEMENT

6 HARMON: What I'm saying
7 is, you have to have —
8 now if you're doing
9 temperature checks in five
10 years, okay, there's a
11 problem. But because of
12 what's going on the last
13 sixteen months, the
14 argument that you did
15 temperature checks and
16 health and welfare checks
17 at the door is not a
18 rationale to use for an
19 upgrade when there's
20 doctors that were doing it
21 and there's cleaners that
22 were doing it.

23 I mean, that's the

233

1 feel the same way.

2 There's — we have a whole
3 process for upgrade that
4 probably should be sent to
5 you guys so you can look
6 at it, the legal
7 documentation for what's
8 involved in an upgrade.

9 I can tell you I told
10 my guys this morning, I
11 think I've handed hundreds
12 of them out in the last 12
13 years of NYSCOPBA. I have
14 yet to receive one back.
15 I have been involved in
16 yours and 3 or 4 others.
17 The issues are the
18 documentation has got to
19 be perfect. And once you
20 use it, you lose it.

21 MR. MARTINEZ: So in
22 the meantime, we're going
23 to have to go back

235

1 process. I agree with you
2 that being an armed Grade
3 9 is a freaking joke, but
4 I'm telling you that the
5 angle you guys would have
6 to commit to is agree to
7 go to the correction
8 officer. That's the angle
9 you have left. The
10 rationale — everything
11 was out there and approved
12 for the 9 to the 14. And
13 it got derailed.

14 And now to redo that
15 application, the process
16 is the process. That
17 information is technically
18 void. You're allowed to
19 use that for supporting
20 documentation only. You
21 cannot use it — you just
22 can't hand the application
23 in and say, hey, we still

234

1 (inaudible) yet a PO can
2 come in, do their job for
3 higher pay at time and a
4 half, where we're
5 sometimes not even offered
6 the overtime. The POs get
7 the first stay.

8 VP LAW ENFORCEMENT

9 HARMON: Well, that's a
10 labor management issue,
11 that's not.

12 MR. MARTINEZ: It's
13 been an issue for
14 almost —

15 VP LAW ENFORCEMENT

16 HARMON: The POs get it
17 that's because it was
18 their jobs to begin with.
19 I was there when you guys
20 came on board. I oversaw
21 everybody in parole. The
22 POs were pissed that you
23 guys came on board because

236

1 you were taking their job.
2 They actually wanted to
3 file a grievance against
4 you guys for taking out of
5 title work. That's going
6 back to the beginning.
7 It's kind of more — you
8 still got some field
9 offices where the POs want
10 to do it, you got some
11 that don't want to do it.
12 You got places that ISOs
13 don't wanna do it.

14 MR. MARTINEZ: I got
15 guys doing transfers and
16 urinalysis, where some of
17 them aren't doing
18 anything. So there's no
19 consistency across the
20 board.

21 VP LAW ENFORCEMENT
22 HARMON: What I'm saying
23 is these are all things

237

1 PRESIDENT POWERS: With
2 that being said, I think
3 it's imperative that you
4 and Alan, and I forgot her
5 name, Erin, we all —
6 we'll schedule a meeting,
7 let's get our schedules
8 together, sit you down in
9 NYSCOPBA, tell Kevin and
10 John and start hammering
11 some of this stuff out.

12 A lot of this needs to
13 be addressed at your local
14 labor management and
15 anything after that —
16 statewide. That being
17 said, we would take that
18 and carry that on and
19 carry your message on.

20 VP LAW ENFORCEMENT
21 HARMON: I will get you a
22 copy of what the upgrade
23 process is so you have a

239

1 that have to be addressed
2 because there's been next
3 to zero communication from
4 your title to the regions
5 to the VPs to the BAs to
6 discuss this. There's
7 been no grievance
8 hearings, no disciplinary
9 hearings and that stuff.
10 But as the verification
11 about the job, the issues
12 and this and that, there's
13 a lot of people that are
14 in the dark. And it kind
15 of went into the dark in
16 2016 when there was a
17 pissing match right here
18 on the floor with the
19 former chief sector
20 steward.

21 MR. MARTINEZ: Well,
22 there's different chiefs
23 so.

238

1 fresh copy of the
2 information that is
3 needed. I mean, even
4 though I don't, I'm not
5 directly involved in your
6 guys representation, but I
7 can help you with that
8 process.

9 MR. MARTINEZ:
10 Appreciate it. Thank you.

11 ANTHONY HENDERSON:
12 Yeah, Chief Sector Steward
13 Anthony Henderson, Safety
14 and Security officers.
15 The problem I see here the
16 way it's the state has too
17 much of advantage and too
18 much leverage how they
19 gonna change our job
20 titles, increase it,
21 decrease it. They use us
22 to capacities we're not
23 used to. In my opinion,

240

1 basically, I think the
2 only way I can see
3 upgrades really being
4 approved is legislatively.
5 Like to give you an
6 example, when SUNY police
7 campus safety officers,
8 they were peace officers,
9 and they became police
10 officers and they got an
11 upgrade just because by
12 law their title was
13 changed but it went to a
14 higher level. That's the
15 only way I see this being
16 resolved. Because the way
17 John explained it, this is
18 a no win situation. They
19 can either say, well, we
20 agree with you or we don't
21 want to give it to you; or
22 they can say outright no,
23 or they can use financial

241

1 diligent hard work that
2 you all do. Please convey
3 that back to the
4 membership and we'll see
5 you tomorrow.

6
7 (Whereupon, the
8 EXECUTIVE ASSEMBLY then
9 adjourned for the day.)
10
11

12 * * * *

243

1 issues. So it's a no win
2 situation. I can
3 understand this man's
4 fight, I just want to make
5 that comment.

6 PRESIDENT POWERS :
7 Thanks, Anthony. Any
8 other new business?
9 Motion to recess? Shawn,
10 Neal? All in favor?

11
12 (Motion of aye from the
13 floor.)

14
15 PRESIDENT POWERS :
16 Thank you. Keep in mind,
17 obviously it's redundant,
18 you hear it all the time.
19 I want to recognize the
20 staff in the office, they
21 carry your water every
22 day. I want to recognize
23 all of you for all the

242

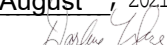
1 STATE OF NEW YORK)
2) ss
3 COUNTY OF ERIE)
4

5 I, DARLENE L. JERGE, Court
6 Reporter and Notary Public in and for the
7 County of ERIE, State of New York, do
8 hereby certify:

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

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

19 IN WITNESS WHEREOF, I have
20 hereunto subscribed my name this 30th
21 day of August, 2021.

22 
23 DARLENE L. JERGE
Notary Public

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