

Assembly Member Robert Smullen  
5659 State Route 5 Suites 1-3  
Herkimer, NY 13350

Dear Assembly Member Robert Smullen:

I am writing to you as a concerned member of the New York State Correctional Officers & Police Benevolent Association (NYSCOPBA), representing correction officers and other dedicated public safety professionals across the state. I urge you to oppose S.1671(Salazar)/A.5355(Tapia), during the 2025 Legislative Session. This proposed legislation poses serious threats to the due process rights and collective bargaining protections that our members depend on to perform their vital duties safely and fairly.

S.1671/A.5355 amends the Correction Law and Civil Service Law by establishing a new disciplinary framework for employees accused of “serious misconduct,” defined as excessive use of force, false reporting, intentional failure to report such acts, introducing contraband (e.g., cellular devices, controlled substances, marijuana, or incapacitating substances), or inappropriate sexual relationships with incarcerated individuals or those under community supervision. While addressing misconduct is a valid concern, the bill’s approach is deeply problematic for our workforce for the following reasons:

- <ol>- <li>1. Erosion of Collective Bargaining Rights: It removes the disciplinary process for employees accused of serious misconduct from the protections of our collective bargaining agreement (Article 8 of our CBA) and replaces it with a new process outlined in the bill.</li>- <li>Risk of Unfair Disciplinary Actions: Employees of DOCCS will face a hearing process managed by DOCCS, but without the protections of Article 8 of the CBA, with the hearing proceeding before a DOCCS-appointed hearing officer who will make a recommendation of a proposed penalty to the commissioner of DOCCS. The commissioner would then make the final decision and would not have to abide by the recommendation of the hearing officer.</li>- <li>Permanent Loss of Negotiation Power: The bill mandates that its provisions cannot be amended by future collective bargaining agreements once effective, permanently restricting our ability to advocate for better working conditions and protections.</li>- <li>Impact on Morale and Safety: Correction officers operate in high-risk environments where their rights and morale are critical to maintaining facility security. This legislation could demoralize our workforce, jeopardizing public safety.</li>

As a state legislator, your support is essential in protecting the rights of public servants who safeguard our communities. I respectfully request that you vote against S.1671/A.5355 and work to preserve the due process and collective bargaining rights that protect our members. I am available to meet with you or provide further details if needed.

Thank you for considering this urgent matter. I look forward to your support in opposing this legislation.

Sincerely,

Chad Bernier

