

Prison News and News Articles For Correction Officers in New York State: { Page 1 }

ARTICLE LIST:

[Back to Correctional Officers Informational Page](#)

[To Page #2](#), [To Page #3](#), [To Page #4](#), [To Page #5](#), [To Page #6](#), [To Page #7](#),
[To Page #8](#), [To Page #9](#), [To Page #10](#), [To Page #11](#), [To Page #12](#), [To Page #13](#),
[To Page #14](#), [To Page #15](#), [To Page #16](#), [To Page #17](#), [To Page #18](#), [To Page #19](#),
[To Page #20](#), [To Page #21](#), [To Page #22](#), [To Page #23](#)

[Leaders are Made, not Born](#)

[SUPERVISOR COULD BE LIABLE FOR TORTIOUS INTERFERENCE](#)

[Cola Program Bill](#)

[Richard Abrahamson Speech \(5/14/97\)](#)

[Council82 president tours Roswell Park\(2/27/97\)](#)

[AFSCME/Council 82 Internal Audit \(4/26/96\)](#)

[Guards rally for expansion of prisons](#)

[Text of New York State Bill A00401](#)

[Correction Officer Report](#)

[Guards worried](#)

[Letter to the Editor \(5/3/97\)](#)

[April 30th,1997 Picket](#)

[Family Leave Act](#)

[Charges against Testo](#)

[Permissible uses of Forced Union Dues](#)

[Unit to Probe Prison Crime](#)

[ATTICA CLAMPS DOWN](#)

[NY guards to join to oppose privately-run prisons](#)

[Prison-bond vote gets support](#)

[Legislative Committee](#)

[Senate Bill number S6559-B](#)

[Back to the Titles](#)

Leaders are made, not born

Leaders are made, not born, and made more by themselves than by any external means. No leader sets out to be a leader per se, but rather to express himself freely and fully. That is, leaders have no interest in proving themselves, but an abiding interest in expressing themselves. The difference is crucial, for it's the difference between being driven, as too many people are today, and leading, as too few people do.

Leaders come in every size, shape, and disposition - short, tall, neat, sloppy, young, old, male, and female. Nevertheless, they all seem to share some, if not all, of the following ingredients:

The first basic ingredient of leadership is a guiding vision. The leader has a clear idea of what he wants to do - professionally and personally - and the strength to persist in the face of setbacks, even failures. Unless you know where you're going, and why, you cannot possibly get there.

*The second basic ingredient of leadership is passion - the underlying passion for the promises of life, combined with a very particular passion for a vocation, a profession, a course of action. The leader loves what he does and loves doing it. Tolstoy said that hopes are the dreams of the waking man. Without hope, we cannot survive, much less progress. The leader who communicates passion gives hope and inspiration to other people. This ingredient tends to come up with different spins on it - sometimes it appears as enthusiasm.

*The next basic ingredient of leadership is integrity. I think there are three essential parts of integrity: self-knowledge, candor, and maturity. "Know thyself", was the inscription over the Oracle at Delphi. And it is still the most difficult task any of us faces. But until you truly know yourself, strengths and weaknesses, know what you want to do and why you want to do it, you cannot succeed in any but the most superficial sense of the word. The leader never lies to himself, especially about himself, knows his flaws as well as his assets, and deals with them directly. You are your own raw material. When you know what you consist of and what you want to make of it, then you can invent yourself.

Candor is the key to self-knowledge. Candor is based in honesty of thought and action, a steadfast devotion to principle, and a fundamental soundness and wholeness.

Maturity is important to a leader because leading is not simply showing the way or issuing orders. Every leader needs to have experienced and grown through following - learning to be dedicated, observant, capable of working with and learning from others, never servile, always truthful. Having located these qualities in himself, he can encourage them in others.

*Integrity is the basis of trust, which is not as much an ingredient of leadership as it is a product. It is the one quality that cannot be acquired, but must be earned. It is given by co-workers and followers, and without it, the leader can't function.

*Two more basic ingredients of leadership are curiosity and daring. The leader wonders about everything, wants to learn as much as he can, is willing to take risks, experiment, try new things. He does not worry about failure, but embraces errors, knowing he will learn from them.

-excerpted from Warren Bennis, On Becoming A Leader

[Back to the Titles](#)

SUPERVISOR COULD BE LIABLE FOR TORTIOUS INTERFERENCE IF DISCHARGE WAS MALICIOUS AND OUTSIDE SCOPE OF AUTHORITY

The trial court erred, a Nebraska Court of Appeals held, in sustaining a demurrer to a complaint alleging that the employer's executive director tortiously interfered with a business relationship when he discharged the plaintiff in disregard of personnel handbook policies and procedures. The court noted initially that such a claim was not precluded by the at-will nature of the employment relationship. Concerning the defendant's required "third-party" status, the court wrote: "...the intentional interference by a fellow employee, including an officer, director, or other employee, in the employment relationship of another employee with a common employer, when it is malicious and thus unjustified or is outside the scope of authority of the interfering employee, gives rise to a cause of action for tortious interference." Maliciousness and action "outside the scope" were both sufficiently alleged, the court held, to permit the complaint to withstand a general demurrer.

Hoschler v. Kozlik (Neb. App. 1995) 10 IER 896.

[Back to the Titles](#)

Cola Program Bill

Response written by one of McCalls assistant; Mathew Shebar

Regarding the comptrollers performance COLA program bill, the eligibility requirement is the same as it has been for previous supplements, ie retired for 5 years and age 62 or 10 years and age 55. The conventional wisdom behind such a requirement is that retirees younger than 55 can still supplement their pension benefit with full or part time employment. For new retirees age 62 the theory is that they received the most recent wage increases and therefore are not in as great a need as older retirees whose incomes have been fixed for a period of time.

You are correct that, under current law, New York State receives a reduction and its employer contribution rate whenever the common retirement fund achieves a return in excess of the actuarially assumed rate of 8.5%. This should not be thought of as a kickback. While employee contributions for tier 3 and 4 are fixed at 3%, employer contributions are variable and enjoy an inverse relationship with fund performance. Recent performance has resulted in a decline in employer contribution rates to historically low levels, making our system a bargain for our state compared to other states in the nation.

However, we should not lose sight of the fact that performance can decline and employer rates can again rise. You may recall that 20 years ago employer contributions exceeded 19%. As they enjoy lower rates in good times, they are also on the hook when times are not so good.

[Back to the Titles](#)

Abrahamson Picket Speech

May 14, 1997 Richard Abrahamson President, Council 82

I'M RICHARD ABRAHAMSON AND IT IS MY PLEASURE TO SERVE AS PRESIDENT OF

COUNCIL 82, THE LAW ENFORCEMENT OFFICERS UNION. I WOULD LIKE TO THANK MY FELLOW BROTHER AND SISTER CORRECTION OFFICERS FOR TAKING THEIR TIME TO PARTICIPATE IN THIS HISTORIC EVENT. WE ARE GATHERED HERE TODAY TO SEND A CRITICAL BUT SIMPLE MESSAGE TO THE PEOPLE OF NEW YORK AND THE MEMBERS OF THE LEGISLATURE. AS WE STAND HERE TODAY, THE STATE'S CORRECTIONAL SYSTEM IS UNDER ASSAULT FROM TOO MANY INMATES, TOO LITTLE SPACE AND PRIVATEERS WHO WOULD COMPROMISE SECURITY FOR PROFIT.

TO STOP THE DAILY EROSION OF SAFETY AND SECURITY THROUGHOUT THE SYSTEM, THE GOVERNOR'S PROPOSAL TO BUILD 7,000 NEW MAXIMUM SECURITY PRISON CELLS MUST BE PASSED AS QUICKLY AS POSSIBLE. FURTHER, THE LEGISLATURE'S EFFORTS TO KEEP THE SYSTEM UNDER THE CONTROL OF TRAINED CORRECTIONAL PROFESSIONALS MUST BE COMPLETED.

THE PEOPLE WHO ARE HERE TODAY ARE THE PEOPLE WHO KNOW THE PRISONS THE BEST. IT IS THEIR RESPONSIBILITY TO MAINTAIN THE SAFETY AND SECURITY OF BOTH THE INMATES AND STAFF. THEY ARE THE PEOPLE WHO MUST DEAL WITH RUNNING A SYSTEM THAT IS MORE THAN 30% OVER CAPACITY.

THE PEOPLE HERE TODAY REPRESENT THE 21,000 CORRECTIONS OFFICERS WHO KNOW THAT MORE PRISON CELLS ARE NEEDED NOW. NOT TO SATISFY FUTURE POPULATION PROJECTIONS BUT TO SAFELY HANDLE THE CURRENT POPULATION AND THE INCREASE THAT IS COMING DUE TO ACTIONS ALREADY TAKEN BY THE LEGISLATURE. THE REALITY IS SIMPLE: WE ARE HOUSING TOO MANY INMATES IN TOO LITTLE SPACE AND THE STRAIN IS BEGINNING TO SHOW.

WE HAVE JUST BEEN THROUGH A MONTH IN WHICH 30 OF OUR OFFICERS AT COXSACKIE, AT GREAT MEADOW, AT AUBURN AND AT ATTICA HAVE BEEN INJURED IN INMATE ASSAULTS. WE HAVE JUST BEEN THROUGH A MONTH IN WHICH AT LEAST THREE OF OUR FACILITIES HAVE BEEN LOCKED DOWN. SOME MIGHT CALL THIS COINCIDENCE OR ISOLATED INCIDENTS. WE, THE PEOPLE IN THE TRENCHES, BELIEVE IT IS AN ALARM BEING SOUNDED ... AN ALARM THAT MUST BE ANSWERED QUICKLY. WE, THE PEOPLE ON THE FRONT LINES, KNOW THAT THE ONLY ANSWER IS A COMMITMENT TO BUILD MORE MAXIMUM SECURITY CELLS. THIS IS THE ONLY OPTION TO EASE THE TENSION, TO MAKE SURE THAT INMATES WHO BELONG IN MAXIMUM SECURITY ARE ACTUALLY HOUSED IN MAXIMUM SECURITY AND TO ENSURE THAT THERE IS ADEQUATE SPECIAL HOUSING UNIT SPACE TO MAINTAIN FIRM, FAIR AND CONSISTENT DISCIPLINE.

THERE ARE ALSO THOSE WHO SAY THAT THERE ARE ALTERNATIVES TO BUILDING MORE CELLS. ALTERNATIVES SUCH AS EARLY INTERVENTION WITH FAMILIES AT RISK AND IMPROVED EDUCATIONAL OPPORTUNITIES FOR OUR YOUNG PEOPLE TEMPTED BY A LIFE OF CRIME. WE HAVE NO QUARREL WITH THAT AND WE FIRMLY BELIEVE THAT THIS IS NOT AN EITHER \ OR SITUATION. PERHAPS TO TRULY PROTECT THE LAW ABIDING CITIZENS OF NEW YORK FROM CRIMINAL PREDATORS WE SHOULD RENEW OUR EFFORTS TO DO BOTH. BUT THOSE TYPE OF PROGRAMS WILL NOT ELIMINATE THE NEED FOR MORE CELLS AS WE STAND HERE TODAY. THE BOTTOM LINE IS SIMPLE: WE

MUST BUILD AND ADEQUATELY STAFF NEW CELL SPACE IF WE ARE TO PRESERVE THE SAFETY OF ALL THE PEOPLE BEHIND THE WALLS OF THE CORRECTIONAL SYSTEM.

I WOULD ALSO LIKE TO MAKE ANOTHER POINT PERFECTLY CLEAR AND MAKE NO MISTAKE ABOUT IT. IT WAS OUR SECURITY STAFF ... OUR CORRECTION OFFICERS ... OUR TRAINED PROFESSIONALS WHO BROUGHT US THROUGH THE LAST DIFFICULT MONTH. THAT PROFESSIONALISM, WHICH WE BRING TO WORK EACH AND EVERY DAY, IS AS IMPORTANT TO SAFETY AND SECURITY AS THE NEED FOR PROPER SPACE. THAT PROFESSIONALISM MUST BE PROTECTED FROM THE PRIVATEERS WHO HAVE MADE THEIR FIRST ATTEMPT TO GAIN A FOOTHOLD IN NEW YORK. WE ARE MOST GRATEFUL FOR THE RESPONSE OF OUR GOVERNOR, OUR ATTORNEY GENERAL AND OUR LEGISLATORS WHO, WITH ONE VOICE, HAVE SAID THERE IS NO PLACE FOR PRIVATE PRISONS IN THIS STATE. TODAY, COUNCIL 82 PLEDGES TO USE WHATEVER MEANS WE HAVE AT OUR COMMAND TO MAKE SURE THAT NO PRIVATE PRISON IS BUILT IN FALLSBURG OR ANYWHERE ELSE IN THIS STATE.

IN CLOSING I WOULD LIKE TO SAY THAT AS I LOOK BEHIND ME I AM PROUD OF WHAT I SEE. I WOULD ALSO ASK THE MEDIA PRESENT HERE TODAY TO TAKE NOTICE. FOR TOO LONG YOU HAVE DESCRIBED US AS EMBATTLED AND DIVIDED. LET OUR PRESENCE HERE TODAY SHOW THAT WE ARE NOW FOCUSED AND UNITED. THE MEN AND WOMEN OF THE LAW ENFORCEMENT OFFICERS UNION PUT THEIR LIVES ON THE LINE EVERY DAY TO PROTECT EACH AND EVERY CITIZEN. THE RESPONSIBILITY OF BEING THE GUARDIANS OF NEW YORK IS NOT TAKEN LIGHTLY. ALL WE ASK IN RETURN IS THAT WE ARE GIVEN THE RESOURCES TO CARRY OUT THE MISSION YOU HAVE ENTRUSTED US WITH.

THANK-YOU.

[Back to the Titles](#)

COUNCIL 82 PRESIDENT TOURS ROSWELL PARK; VOWS TO FIGHT PRIVATIZATION

For Immediate Release: February 21, 1997

(Buffalo)

Richard Abrahamson, president of the 26,000 member New York State Law Enforcement Officers Union, Council 82 today toured Roswell Park Cancer Institute, met with employees represented by Council 82 and pledged to fight efforts to privatize the facility. "It is senseless to risk the quality of care, the quality of research and the safe and secure environment that Roswell Park has provided," said Abrahamson, and the hope this institution has provided for desperately ill people. When it comes to this level of health care, there is more to be considered than just dollars and cents." Abrahamson noted that Council 82 has "serious concerns" about the quality of security that would be provided to patients, staff, and visitors at Roswell in the event privatization of the facility occurs. Security is now provided by well-trained safety and security officers who, as sworn peace officers, are accountable to the taxpayers of New York State. These members of Council 82 take their responsibility very seriously and perform their jobs very well. There is no reason to put their careers in jeopardy," Abrahamson said, pointing out that

past experiences with private security guards at the hospital caused some serious lapses in security. The union leader urged the state to rethink the privatization concept and instead "commit itself to even higher standards in cancer treatment, education, research and hospital operations" that have made Roswell Park one of the foremost cancer centers in the nation. "Public employees made this hospital great and they can make it greater," Abrahamson concluded.

[Back to the Titles](#)

Internal audit of the expenses of former officials of the Council 82

TO: ALL LOCAL PRESIDENTS

April 26, 1996

FROM: Eliot Seide, Administrator

This is to inform all members of Council 82 that AFSCME International's internal audit of the expenses of former officials of the Council, Joseph Puma, Thomas Kennedy, and Lawrence Germano, shows that the three have outstanding, undocumented expenses which total \$435,061.73.

AFSCME's manager of auditing and benefits, Charles. Jurgonis, has notified all three, by letter, that all of their undocumented expenses are payable to the union by May 10, 1996. All three have until that time to either document all or a portion of the undocumented expenses. If they fail to provide documentation, the full amount for each becomes payable to the union.

Thomas Kennedy's undocumented American Express charges total \$195,665.79. Joseph Puma's undocumented American Express charges total \$132,875.32. Lawrence Germano's undocumented American Express charges total \$106,520.62.

In his letter, Brother Jurgonis informed the three that they must repay the union by May 10 and added, "Your failure to repay any expenditure that is not adequately justified or explained will result in a bonding claim being filed with our bond underwriter for recovery of the full amount of any such expenditure."

We are working diligently with the U.S. Attorney in Albany and with the Federal Bureau of Investigation, and have encouraged them to prosecute the three to the full extent of the law.

All of us know that this process has been a long one and that we would like to have seen it move along at a faster pace. However, we wanted to be sure that all of our numbers were correct and that the union is repaid for any unauthorized or undocumented use of union credit cards. That is being done, and we are moving to the next step.

One thing that I ask everyone to remember: All three individuals in question have the opportunity to document what they can document of the expenses they incurred when they held high union office. Everything else, they must repay by May 10. They have until then to justify or repay in full.

Included with this letter is a copy of the letter sent by Brother Jurgonis to each of them, along with a summary of American Express changes for each of them, for the period January 1990 to January 1995. After they have had the opportunity to justify portions or all of what they still owe, according to our analysis, we will release the report of the specific credit card charges. That will be some time after the

deadline of May 10. Please inform the membership of this situation and assure them that we are moving as fast as possible, but we want to be absolutely accurate with our calculations in seeing that wrongdoers are brought to justice.

In Solidarity,
Eliot Seide, Administrator

[Back to the Titles](#)

Guards rally for expansion of prisons

The state's 69 facilities are at 130 percent of capacity as Pataki and the Democrats battle over solutions

SARAH METZGAR, Capitol bureau

ALBANY -- Correction officers rallied at the State Capitol Wednesday, demanding expansion of the state prison system.

"We are housing too many inmates in too little space, and the strain is beginning to show," said Richard Abrahamson, president of Council 82, the guards' union.

The rally, on the steps of the Capitol, devolved into an attack on Assembly Democrats, led by Republican Sen. Michael Nozzolio from the Rochester area.

"Tell the Assembly Democrats your lives depend upon this prison expansion plan!" Nozzolio said to the guards. Gov. George Pataki has proposed a three-year, \$635 million, 6,950-bed expansion that includes: three 1,500-bed maximum-security prisons, 11 200-bed special housing units at existing facilities and a 250-cell expansion at Clinton Correctional Facility. One of the new prisons would open in the fall of 1998, according to Pataki's plan, and the two others would open in the fall of 1999.

But Assembly Democrats have balked at the plan, agreeing only to add 400 "special housing" units for disciplinary use.

Assembly plan, dubbed "Public Safety 2000," calls for 6,000 new drug treatment beds, 1,100 new domestic violence shelter beds, 2,500 new upstate police officers, a 400-bed Division for Youth facility and a new boot camp-like shock incarceration facility. It dismisses Pataki's call for a 6,950-bed prison expansion, proposing instead that the state rely on empty county jail space.

The state's 69 prisons are at 130 percent of capacity. The state Department of Correctional Services has had to convert gymnasiums into dormitory space and install bunk beds in medium-security dorms and maximum-security cells that were designed for one prisoner.

State officials admit they have changed their classification system for prisoners, so that hundreds of violent offenders who would otherwise be in maximum-security cells can be housed in medium-security dorms.

"We used to say an inmate had to be within three years of parole to make it to a medium," Correction Commissioner Glenn Goord said Wednesday. "Now it's six years. Why? Because we need cells."

Pataki has made prison expansion a priority this year, and has assigned Robert Bellafiore, special

projects aide, to the cause.

The governor was not successful last year with his prison push, asking for 8,800 new beds and only getting legislative agreement for 1,516.

First published on Thursday, May 15, 1997

[New York State](#)

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[Back to the Titles](#)

Text of New York State Bill A00401

STATE OF NEW YORK

1997-1998 Regular Sessions

IN ASSEMBLY

(PREFILED)

January 8, 1997

Introduced by M. of A. FELDMAN, COLMAN -- Multi-Sponsored by --M. of A. GOTTFRIED, JACOBS, JOHN, KEANE, LUSTER, MAYERSOHN, ORTIZ, PHEFFER, POLONETSKY, SWEENEY, WEISENBERG -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee AN ACT to amend the correction law, in relation to the custody and supervision of persons in correctional facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The correction law is amended by adding a new section 118 to read as follows: S 118. CUSTODY AND SUPERVISION OF PERSONS IN CORRECTIONAL FACILITIES. THE DUTY OF MAINTAINING THE CUSTODY AND SUPERVISION OF PERSONS DETAINED OR CONFINED IN A CORRECTIONAL FACILITY AS DEFINED IN SECTION FORTY OF THIS CHAPTER SHALL BE PERFORMED SOLELY BY POLICE OFFICERS DESIGNATED IN PARAGRAPH (A), (B), (C) OR (D) OF SUBDIVISION THIRTY-FOUR OF SECTION 1.20, OR PEACE OFFICERS DESIGNATED IN SUBDIVISION TWENTY-FIVE OF SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW, WHICH PERSONS SHALL BE IN THE COMPETITIVE CLASS OF THE CIVIL SERVICE OF NEW YORK STATE OR LOCAL DESIGNATIONS. THIS DUTY, IN WHOLE OR IN PART, SHALL NOT BE DELEGATED, TRANSFERRED OR ASSIGNED. S 2. This act shall take effect immediately.

[Back to the Titles](#)

Correction Officer Report, from New York State Senator Mike Nozzolio, Chairman, Senate Crime and Correction Committee.

Here are the Headlines:

- Budget Alert!!!

- Nozzolio works for more staffing:
- Pataki agrees to fill 150 Positions
- Nozzolio Leads Fight For Prison Capacity Expansion
- Nozzolio Instrumental In Enacting New Law To Protect New York's Correction Officers
- Nozzolio Law Gives Fairness For C.O.s.
- Nozzolio Continues Statewide Tour Of New York State's Correctional Facilities
- Vacco Responds To Nozzolio: Private Prisons Illegal

Under the last headline **Vacco Responds to Nozzolio: Private Prisons Illegal**, here is the article

Throughout my tenure as Chairman of the Senate Crime Victims, Crime and Correction Committee, I have insisted that **PUBLIC SAFETY MUST NEVER BE LINKED TO PRIVATE SECTOR PROFIT MOTIVE.**

Protecting the public is **NOT JUST A JOB** for correction officers and the executive teams charged with running our prisons; every person who goes to work inside a prison is putting their life on the line every day. **THEY ALL PUT THEIR HEART AND SOUL INTO THEIR JOBS, BECAUSE THEY ARE MOTIVATED BY PUBLIC SERVICE - NOT PERSONAL PROFIT.**

I have felt so strongly about this issue that I recently wrote to Attorney General Dennis Vacco seeking an official opinion on the legality of private operation of prisons in New York State. **I AM PLEASED TO REPORT THAT ACCORDING TO NEW YORK ATTORNEY GENERAL DENNIS VACCO, ANY PLAN TO OPERATE A PRIVATE PRISON IN NEW YORK STATE WOULD BE ILLEGAL UNDER NEW YORK STATE LAW.**

According to Attorney General Dennis Vacco: "... the private operation of state or local governmental correctional facilities, private ownership and operation of a facility for housing state or local inmates, or private operation of a facility for incarceration of other states' inmates is **INCONSISTENT WITH STATE LAW AND, THEREFORE, UNAUTHORIZED.**"

BOTH ATTORNEY GENERAL VACCO AND I BELIEVE THAT LOCKING UP VIOLENT CRIMINALS IS A SERIOUS RESPONSIBILITY THAT CANNOT BE COMPROMISED WITH CONSIDERATIONS OF CORPORATE PROFITS. Prison privatization has been tried in other states like South Carolina, New Jersey and Texas, but the results have always been the same - inmate riots, lax security, inmate abuse and prisoner escapes.

Armed with this legal opinion from the highest legal office in the state, correction officers can now be confident that New York State will not allow them to be replaced by private for profit security.5/13/97

[Back to the Titles](#)

Guards worried

Continuing violence has Auburn correction officers very uneasy

Plattsburg 5/8/97

AUBURN (AP) - Another outbreak of inmate violence at Auburn Correction Facility a day after a lock

down ended has prison guards worried, a union official says.

"We are very concerned about the conditions right now," said Auburn corrections officers union President Chris Barrette. About 18 inmates were involved in the fight Wednesday at the maximum-security prison, the state Department of Correctional services reported.

A week ago, two fights in the main prison yard involving 17 inmates led to a five-day lock down.

That fight had to be quelled with a warning shot fired from a watch tower.

A series of stabbings last week led up to that altercation.

Barrette said tensions are high at the facility and that prison staffer expected a fight after the lock down ended.

It was unavoidable," Barrette said. "From information we had gathered we knew it was going to happen.

We took all the necessary precautions to stop it, but it happened anyways"

The three Auburn inmates were taken to Auburn Memorial Hospital where they were treated for cuts and returned to prison.

The fight on Wednesday started about 9:30 a.m. in two recreation pens in the prison's north yard.

It was quickly broken up by prison guards, correction department spokesman James Flateau said.

No officers were injured.

Correction officers recovered three razor blades and two sharpened Plexiglas knives after the fight had ended, he said. Flateau added that Wednesday's fight was unrelated to the recent altercations.

"This was totally isolated," he said.

"These were prisoners who were separated from the general prison population in special housing or locked in their cells. They were not a part of the fighting last week."

"Barrette had a different opinion.

[Back to the Titles](#)

Letter to the Editor

Batavia Daily News

Letters To The Editor

05/03/97

STATE CORRECTIONS BUDGED CUTS TOO DEEP FOR SAFETY

Editor

I am writing on behalf of members of Attica Local 1040, Law Enforcement Officers Union Council 82 (AFSCME, AFL-CIO), on a matter of utmost importance. The proposed budget by the Department of Correction will severely jeopardize the security of our state correctional facilities and put the safety of officers and inmates at even greater risk. We need your assistance and respectfully request you do every

thing you can to defeat the department's budget proposal.

The state Department of Corrections has proposed a \$10 million CUT! in overtime pay for correctional officers this year. What does this mean? The number of officers on a given shift will fall short of the number required to ensure a secure facility. The reason we need correctional officers to work overtime in the first place is because there are already severe full time staff shortages. Over 354 full time correctional officer positions are vacant and the budget does not provide funding for them.

In other words, the budget proposal does not provide for an adequate number of full time correctional officer positions and further perpetuates this shortage by cutting overtime for officers.

Today, our men and women face an extremely dangerous environment to work in. Correctional officers put their lives on the line every time they start their shift. Inmates are younger, more violent and typically involved in gang activity within facilities. Our facilities are filled well above capacity with violent, predatory inmates without an adequate number of correctional officers on duty.

Correctional officers are armed with a single baton (if that). They are routinely "gassed" by inmates throwing urine, feces and blood, are exposed to deadly diseases such as tuberculosis, hepatitis, and AIDS; and are assaulted with prison made weapons such as knives, spears, and razor blades. Between Jan. 1 and Nov. 1996, there were over 400 "unusual incidents" involving weapons, drugs and assaults at Attica State Prison alone, including 112 assaults on officers.

As correctional officers, we do the job that everyone wants done - we keep the felons away from the law-abiding public. We also work to maintain the integrity of an institution including the safeguarding of rights and safety of inmates. We do our jobs proudly and professionally. We are not asking for special treatment. What we are asking for is an adequate number of officers on duty during a given shift to do the job that needs to be done and to do it well.

For these reasons, we find the department's proposed budget nothing short of outrageous and an insult to working men and women who put their lives at risk every time they start a shift. We ask you to reject the department's proposed budget cuts for overtime pay for correctional officers. We ask you to provide the necessary resources to ensure there is an adequate number of personnel on duty for each shift at each prison. If you have any doubts as to the need of adequate personnel, we respectfully ask you to visit a facility and speak to our working men and women who know first hand they environment in which they work.

Thank you for your consideration. Please call me at 591-2000 if you would like further information.

Richard Harcrow Local 1040 President
Law Enforcement Officers Union Council 82

[Back to the Titles](#)

April 30th Picket

ATTICA AND COLLINS in THE WEST.

RESULTS : Plenty of media coverage at ATTICA, April 30th Rochester Channel 13 reported at the end of the picket segment THAT AS OF THIS EVENING LEGISLATORS STATED THERE WOULD BE

NO BUDGET CUTS TO CORRECTIONS, that was on there 11:00pm news.

On that segment reports were told what caused the 71 riot at ATTICA,

OVERCROWDING

UNDERSTAFFING

BUDGET CUTS

FILM from the riot were then shown.

It was also reported that these are STATEWIDE concerns and issues. ALSO CHANNEL 4 BUFFALO REPORTED ON THE PICKET.

MAY 1ST FRONT PAGE ROCHESTER NEWSPAPER, OFFICER WITH SIGN THAT READ PATAKI WHATS MY LIFE WORTH TO YOU?

That article stated FIVE prisons across the state also picketed.

SO CORRECTION POLICY IS A DAY LATE (2 WEEKS) AND A DOLLAR SHORT.

THANKS FOR COLLINS C.F. (DAVE STANSON) FOR THE SUPPORT IN THE WEST. ALSO A THANKS TO BOB LAWSON FOR A GREAT JOB DONE. AND ABE FOR BEING THERE AT ATTICA TOO.

[Back to the Titles](#)

Family Leave Act

FYI- Info on the Family and Medical Leave Act. As published by DOCS in Automated Timekeeping, March 1997.

Way back in Issue 4, (February 1994) we discussed the new Family and Medical Leave Act of 1993. Several NYS Attendance and Leave Manual Policy Bulletins have been issued regarding FMLA and how it is applied to NY State workers. During recent facility visits it became apparent that there may be some confusion or misunderstanding regarding FMLA.

In a nutshell, the FMLA is a federal law that was designed to protect workers who are absent from work for medical purposes from loss of their job, discrimination, or use of such absence as a negative factor in employment actions. Current State rules and the various negotiated agreements generally provide similar protection to most NYS employees, but there are a few provisions in FMLA that provide important protections.

In order to understand the provisions of the Family and Medical Leave Act, facility administrators and timekeeping and personnel staff should take the time to read information previously disseminated regarding administrating of leave under FMLA. Each facility should have copies of NYS Attendance and Leave Manual Policy Bulletins 94 - 01 and 95 - 01 issued January 31, 1994 and April 1995 respectively. If these bulletins cannot be located, you should contact your Personnel Representative for a copy.

Leave under FMLA may be requested by an employee or may be designated by the agency. Employees are entitled to Up to 12 weeks of leave each I calendar year if they meet the eligibility criteria. To be eligible for leave under FMLA, an employee must have been employed for at least 12 cumulative months, and must have been paid for a minimum of 1250 hours during the 52 weeks immediately preceding the date the leave begins.

What kinds of absences qualify for FMLA?

Birth, adoption, foster placement of a child. Caring, for a spouse, parent, son, or daughter with a serious health condition. Personal illness resulting from a serious health condition.

What constitutes a "serious medical condition"?

Inpatient care in a hospital, hospice or other medical I care facility. Continuing treatment by a health care provider. This treatment must include a period of inability to work for more than 3 consecutive calendar days and result in treatment two or more times by a health care provider or treatment on at least one occasion and a regimen of continuing treatment under the supervision of the health care provider. Generally absences for illnesses such as colds, flu, upset stomach, etc., are not intended to be covered, unless the criteria above, (2 Dr. visits) are met.

Any period of incapacity for pregnancy or prenatal care, chronic serious health condition, or absence to receive multiple medical treatments qualify. Attachment A of Policy Bulletin 95-01 has much additional information regarding "Serious Health Conditions".

Does the employee get paid leave?

FMLA entitles the employee of up to 12 weeks of leave without pay. The employee may use appropriate leave accruals during this 12 weeks. The employees absence may continue beyond the 12 weeks, however the FMLA leave provisions end.

Employees may not charge more than 15 days of sick leave for FMLA illness involving a family member, but may use annual leave, and personal leave if available once 15 days of family sick is charged. FMLA does not entitle employees to paid leave other than their available accrual credits. While on FMLA leave employees on Time and Attendance Control may not be denied the use of other accruals, however, sick leave at half pay may be denied.

Does the employee have to provide a Doctor's note?

Appropriate medical documentation must be submitted for an absence to be considered as FMLA. If no medical is submitted, the absence is treated as normal sick leave and subject to occasions being charged. Medical documentation is required to substantiate that the employee is disabled from performing his/her duties. Additionally, a diagnosis and the dates treated must be provided in order for making a determination of a "serious medical conditions". Employees wishing confidentiality regarding the exact diagnosis of a medical condition can be provided with a Certification of Health Care Provider form (attachment B of bulletin 9S-01).

For lengthy absences, periodic reports can be requested every 30 days. More frequent medical documentation can only be requested if one of the conditions mentioned on page 15 of Policy Bulletin 94 01 are met. Employees may not be terminated for an absence due to Workers Compensation or a personal illness absence over one year while they are using their 12 weeks FMLA entitlement. If you have additional questions, review the NYS Attendance and Leave Manual Bulletins first. If unable to find the answer or if the answer is not clear, please call your personnel representative.

An agreement reached with the Public Employees Federation on Professional Leave, allows PS&T Unit employees to cash in up to two days of Professional Leave in each of fiscal years 1997-98 and 1998-99. To be eligible, employees must be on the payroll any time between January 1st and March 31st in 1997 or the same dates in 1998 to receive payment that year.

Each facility should have a form to be filled out by PEF employees wishing to cash in up to two days. These forms must be received by March 31st. Payment will be made in May. Please place a comment in the timekeeping record of each employee who opts to cash in these days. If possible make the comment in the March 31st posting box, then when posting any Professional Meeting days for PEF employees, check the comment to see how many days were cashed in, and how many are then available for use. Also in fiscal year 1997-98 only, PEF employees will receive four days of Professional Leave instead of three.

Teachers, Vocational Instructors and other ten month employees are also eligible to cash in these days. Payment to ten month employees will also be made in May. Written instruction on payment of this leave will be sent to facilities as soon as it is available.

USE OF PERSONAL LEAVE NOT ALLOWED ON HOLIDAYS

The Department of Civil Service has recently confirmed that the NYS Attendance Rules do not permit the use of Personal leave credits when an employee is off from work on an official holiday that falls on a regular scheduled workday. This has an impact on the way that certain facilities allow C.O. 's and other shift workers to bid for time off. Section 21.1 of the Attendance Rules pg. 2. states "...an employee is deemed to be observing the holiday if the holiday falls on the employee's regularly scheduled workday and the employee has that day off..." Although Security employees don't accumulate holiday leave and the charge shows as a day of vacation leave, these days off are still considered as holidays.

[Back to the Titles](#)

Charges against Testo and where to file them.

Feel free to copy and paste

April 25, 1997

Robert Shea

New York State

Ethics Commission

39 Columbia Street

Albany, NY 12207

Dear Sir,

I am writing to initiate an investigation on the subject of Thomas Testo, Special Assistant to the Commissioner for Labor Relations for the Corrections Department, and his alleged interference with Judith A. LaManna while she was acting as independent Arbitrator for AFSCME Council 82/and New York State.

I request this investigation as a member of Council 82 and as a resident of New York State. Mr. Testo's actions do not only cast public doubt upon the actions and decisions of the Governors Office Of Employee Relations but on the ethics and integrity of all those he is employed under and with. Is this the type of atmosphere which encouraged, cultivated, the corruption of young State Police Investigator David Hardinge??

I have enclosed Ms. LaManna's statement or the portion of which I possess so that you may contact her in the course of your investigation as it contains her address and phone and fax numbers.

Mr. Testo has violated the following sections of Public Officers Law standards and code of ethics as well

as sections of the Fair Employment Act.

Section 74.1(f) An officer or employee of a state agency , member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

Section 74.3(h) An officer or employee of a state agency, member of the legislature or legislative employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

Section 74.4 Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law.

Sincerely,
Judith A. LaManna,
ATTORNEY AND ARBITRATOR
224 HARRISON ST.(#306),
SYRACUSE, NY 13202
PHONE (315)478-3500
FAX (315)478-0204

February 21, 1997

Walter Pelligrini
Governor's Office of Employee Relations
Agency Building #2
Empire State Plaza
Albany, New York 12223

RE: Arbitration Panel, New York State/Council 82, AFSCME

I resign, outraged, effective immediately, from the Department of Correctional Services portion of above arbitration panel. It is with great regret that I will no longer be working those Corrections representatives for whom I have a high degree of respect.

My resignation arises out of actions by Tom Testa, Special Assistant to the Commissioner for Labor Relations for the Corrections Department, which I must conclude are intended to interfere with the integrity of the arbitration process. The enclosed outline is offered to support this conclusion.

I resign after considerable thought and after consultation with, and with the concurrence of, George Nichaleau, President of the National Academy of Arbitrators.

Judith A. La Manna
cc: Kevin Breen, Commissioner DOC
Richard Abrahamson, Council 82
Pauline Kinsslla, PERB
Rick, Curreri, PERB

George Nichaleau, NAA

PLEASE NOTE: I HAVE NOT INCLUDED MS. LA MANNA'S ATTACHMENT TO HER LETTER DUE TO THE FACT THAT IT CITED ARBITRATION CASES WITH EMPLOYEE'S NAMES, ETC. I DO NOT BELIEVE IT IS PROPER TO POST HERE.

[Back to the Titles](#)

THE PERMISSIBLE USES OF FORCED UNION DUES: FROM HANSON TO BECK

by Charles W. Baird

Charles W. Baird is a professor of economics and director of the Smith Center for Private Enterprise Studies, California State University at Hayward.

Executive Summary

On April 13, 1992, in what many consider to be nothing more than an act of political opportunism, President Bush issued Executive Order 12800, which requires all federal contractors to inform their employees of their "Beck rights." The order stems from a 1988 U.S. Supreme Court opinion, *Communication Workers of America v. Beck*, in which the Court declared that employees forced to pay union dues under the National Labor Relations Act (NLRA) do not have to contribute to a union's partisan political activities. The Communication Workers of America had been using as much as 79 percent of Harry Beck's dues for such activities, almost all in support of Democratic party candidates.

[Back to the Titles](#)

ADVOCATE, LAWMAKERS PRESS FOR UNIT TO PROBE PRISON CRIME

From the "Times Union" 4/23/97

Department of Corrections Services argues that efforts to curb violence are in place now by Jane Gottlieb, staff writer

Albany - New York City Public Advocate Clark Green joined two Democratic state lawmakers Wednesday to press for creation of a unit in the state attorney general's office to investigate violence and contraband found in state prisons. Green conducted a survey that found more than 6,000 crimes are committed annually in the system.

Of these, 1,700 he said are cases of inmate on inmate assault; 962 are inmates who assault staff and 3,550 are incidents involving prison contraband. Most are not prosecuted. Green said there have been a dozen homicides in prisons in the last three years.

Green, who has been mentioned as an Democratic challenger to U.S. Sen. Alfonse D'Amato, said he was speaking on a statewide issue because he is concerned that Mayor Rudolph Giuliani's will seek to end

parole. Green prefers to extend the sentences of inmates who break the law.

His survey figures and the need for a new unit of prosecutors are questioned by the Department of Correctional Services, which cites efforts already in place to tame prison violence.

"His figures are woefully inflated to the point where they are nonsense," said spokesman James Flateau.

He called erroneous the figures on "crimes" because the incidents have merely been reported, and not necessarily prosecuted. Also, he said, there is no indication the reported "assaults" - which might include minor scuffles - would be considered as such under the Penal Code.

Flateau said Gov. George Pataki has a task force comprises staffer from the State Police, corrections department and attorney general's office, which expressly handles inmate crime. That unit relies on the assistance of local districts attorney.

Legislation proposed by Democratic Assembly Dan Feldman and Republican state Sen James Lack calls for creation of an Office of Special Prosecutor for Prison Crime that would supercede local prosecutors. The two lawmakers said local districts attorney lack the resources needed to keep up with prison crimes.

Feldman and Abate also want to start a database to track prison-crime prosecutions and to amend the law to force inmates who commit misdemeanors to serve out their sentences in state prisons, rather than in county jail as they do today.

They acknowledged that the general public is probably not concerned with prison crime, but ought to be.

"This only encourages more of it. Correction Officers are at greater risk and inmates might be more likely to prey on citizens," Feldman said.

Added Abate: "We have to create a climate so that when inmates commit crimes, they know they'll pay a price."

[Back to the Titles](#)

ATTICA CLAMPS DOWN AFTER PRISONER FRACAS

From the "Times Union"

4/23/97

Associated Press

More than 400 inmates at Attica state prison were in a lock-down Wednesday as officials investigated a recreation yard fracas that ended when guards used tear gas.

One inmate was treated for bruises at the prison infirmary after fist fights broke out around 9:30 p.m. Tuesday, said James Flateau, state correctional services spokesman. The fights started in Attica's C-yard among three groups of three prisoners. When 20 to 30 other inmates started moving toward the fighting prisoners, an officer in the tower dropped two tear gas grenades, Flateau said.

[Back to the Titles](#)

N.Y. guards join to oppose privately-run prisons

From the "Middletown Times Herald-Record"

MIDDLETOWN(AP)-- A group of corrections officers from 16 state prisons have joined forces to lobby for a ban on privately-run, for-profit prisons in New York. According to Saturday's Times Herald-Record of Middletown, members of Council 82, the union representing prisons guards, want the support of county legislators across the state in banning private prisons. The officers stated their efforts after Nashville, Tenn.-based Corrections Corporation of America announced a plan to build a 1,000-bed, minimum-security drug treatment center on the site of a former fitness resort in Sullivan County. Resolutions opposing CCA's venture were given to union members this week. They were modeled after a bill Cayuga County's legislature passed several years ago, the newspaper said. Opposition to privately-run correction centers is growing in New York state, with Attorney General Dennis Vacco, the Civil Service Employees Association and Council 82's leadership all coming out against it. Opponents warn that private prisons entertain greater risks due to lack of training on the part of their guards. The state Assembly passed legislation this week forbidding inmate supervision by anyone other than state or local corrections officers. A similar bill is pending in the state Senate. Officials in the Town of Fallsburg, where CCA bought its land, support the company however, saying it would provide much-needed jobs to a depressed area of the state.

[Back to the Titles](#)

Prison-bond vote gets support

By KENNETH LOVETT Ottaway News Service

ALBANY-- A taxpayer group and the state Conservative Party are joining critics of Gov. George Pataki's ambitious prison-construction program in demanding public approval of the \$650 million proposal.

"The legislature and the governor, whoever it may be at the time, should be up front with the voters," said Conservative Chairman Michael Long.

"They should say "This is the plan. This is the program. This is what is needed."

"The governor did it last year with the (\$1.75 billion) environmental bond act, which then passed." **Would ease overcrowding**

Because of serious prison overcrowding, Pataki wants to borrow \$650 million to build new maximum-security facilities to house 7,000 violent offenders.

Construction would take three years. The legislature would decide where to build the facilities.

The state's 69 prisons now hold about 70,000 inmates squeezed into space meant for 52,400.

Long and CHANGE-NY Vice President Brian Backstrom agree with the governor that new prison cells are needed.

Funding at issue

They differ over the financing, which would add \$100 million to the cost of the program over 30 years

payoff period because under Pataki's approach the bonds would carry a higher interest rate than bonds sold with voter consent.

"The get-tough policy on crime is clearly working in New York," Backstrom said.

"New prison cells should be a priority in spending, either through the budget or through bonding. but if you're going to bond, it should go before the public."

Administration officials say that if construction is delayed until the matter is put to a vote, prison overcrowding will get worse.

Last bond failed

The last prison bonding referendum was in 1981. New Yorkers defeated a \$500 million referendum on prison construction.

Then-Gov. Hugh Carey side stepped the voters by issuing prison-construction bonds through the Urban Development Corp., a state agency.

Money generated by the sale of those bonds was used to build 30 medium-security prisons around the state.

Demands for a referendum were raised last week by chairman of the Assembly Corrections Committee, Assemblyman Daniel Feldman.

Drug treatment urged

The Brooklyn Democrat wants to ease prison overcrowding by developing lower-cost treatment programs for thousands of low-level drug offenders sitting in expensive cells that could be better used for violent felons.

His call for a public referendum has also drawn support from the League of Women Voters, Citizens Budget Committee and the Fiscal Policy Institute.

Feldman said the consensus between liberals, conservatives and non-partisan groups can help bring pressure on the administration to stop circumventing voters by issuing prison construction bonds with only legislative approval.

Administration proceeding

Pataki administration officials wouldn't specifically address CHANGE-NY or Long's comments, but they argue that the governor's plan is completely legal and say they plan to push ahead with it.

"This funding mechanism didn't seem to bother Assemblyman Feldman when he supported prison expansion under the same mechanism under a Democratic governor in the '80s," said Pataki spokesman Patrick McCarthy.

"This is a public-safety issue, not a political issue."

[Back to the Titles](#)

Legislative Committee

Date: 96-12-08

Our energy must be put where it will do the best for our membership.

I was in attendance at the legislative committee meeting, Monday 02 Dec 1996. I was very impressed with what was discussed for our upcoming session with our "PAC". Those present were in agreement that with a more aggressive political action format we will achieve what our members want and deserve. We must make our legislators listen and act upon our bills, that are presented to them. With these bills we must have reasons and documentation to substantiate why we need, 3/4 DISABILITY, HEART BILL, IMPROVED RETIREMENT and HEALTH BENEFITS, VETERANS BUY BACK, HIV DISCLOSURE (accidental or line of duty).

While it may be difficult to get action on these bills during a special session, it is a sure thing it will not happen if we don't try. We need as many affected members as possible to contact their Senators and Assemblymen, by phone, mail, email, or visits to their district offices.

This is what working for this membership is all about. If we want change in 1997, an election year, only the membership can do it. Like brother Paul, from Attica 1040, said "Winners quit when they have WON!"

Please cooperate with John D'Alessandro, Legislative Director and update your "PAC". At each local put people that want to write letters and make phone calls, who take an active roll. There is a lot of work to be done.

The 20 year 1/2 pay -- Revising the retirement plan for CO's and Shata's Option to go from current 25 year 1/2 pay or to a 20 year 1/2 pay plan? Or pursue improvement in the current system by adding the 1/60 provision to the current tier III 25 year 1/2 pay plan.

Communications plays a big part in what is to be done. Keep in touch with John D'Allesandro, give him your ideas or what can be done to all work together. He is going to have a Web Sheet - "Shortly" and you will be able to communicate on the Internet across the state. This will be sent to all PAC chairs and committee members. Each local in every region should know who the other PAC's are at their facilities.

Another PAC conference will be held in March 1997. Tell your PAC's, what and who you want to hear from. Expanding your base in any political or legislative battle is the key to victory. "Lets fight the fight". Remember, privatization is not over with yet. Get to know who your Senators are and meet with them.

Last session, two bills were signed -- Legislation that makes the State subject to the same penalties as private employers, if employees are not paid on time. Another was the "Feces Throwing Bill". These are but two, with more to come. We need new legislation on our health benefits, so that we take everything we have now, while working, with us when we retire.

"LET'S DO IT"

Sal Armola, CO

Collins CF

[Back to the Titles](#)

Senate Bill Number S6559.B

It is now law. The Gov signed it on Tuesday 1/28/97. Tier III Correction Officers are NOW eligible to receive 3/4 disability pension. No longer a 1/3....It doesn't cover tier II.