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Goords Support of Reallocation

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
STATE CAMPUS - BUILDING #2
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226-2050
GLENN S. GOORD COMMISSIONER

March 17, 1998

Mr. Michael Roche
Director
Classification and Compensation
NYS Department of Civil Service
Bldg. #1, State Campus
Albany, NY 12239

Dear Mr. Roche:

I recently received a copy of a letter authored by Lawrence J. Andolina of Harris, Beach & Wilcox, Attorneys at Law, which was sent to you on February 27, 1998. Mr. Andolina seeks a change in grade for the titles of Correction Officer, Correction Sergeant and Correction Lieutenant.

I would like to formally go on record in support of the reallocation of our employees in these three titles. All staff, regardless of title within our Department, have undoubtedly the most difficult jobs of any group of State employees. On a day-to-day basis, they are exposed to situations so dissimilar to those encountered by the average State employee that there is virtually no comparison possible.

Correction Officers, Sergeants and Lieutenants face a life where their decisions and their actions can mean the difference between a well run, efficient and humane correctional system and one that is rampant with strife and disorder. I can say that, for each and every member of my uniformed staff, performance at the highest level is the norm.

As both the Commissioner of the Department of Correctional Services and a citizen of the State Of New York, I am proud to be associated with this fine group of men and women. They have demonstrated continually, through both performance and, responsibility, that they are the reason the New York State Department of Correctional Services is the finest in the land.

On behalf of our Correction Officers, Sergeants and Lieutenants, I seek your support of their petition for a change in salary grade and stand ready to provide any assistance necessary during your evaluation and deliberation of this issue.

Sincerely,
Glenn S. Goord
Commissioner

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20 year/Joe Green's Comments

John,

I came to this realization when I was first on this net.....I still feel the same way today as I did then. A 20 would be great because everyone would benefit if it was written right (the first time).

My personal feelings are as they have always been in fixing what we had, a 25 year enhancement with all the bells and whistles. Why one might ask, I feel that repairing an existing system is easier then enacting a completely new system.

If we could just add additional benefits to our current system it would also be MUCH less costly and stand a much better percentage as being passed. I keep hearing that a COLA and retirement are two seperate issues. Not so we have both in our retirement package but we also have limitations. If we could just delete the age and percentage restrictions which were in place since 1976 we could have a compromise of a very good system. If a person was older and wanted to retire with 20 years of service they could as they can with our current system (40%), but you must be 62.

As far as a COLA we have a Benefit Adjustment with a 3% CAP or less depending on the CPI. But again there is an age limit of 65. Yes you have to work until your 65 and have 25 years correction service for this benefit.

I would like to see us keep our 2% per year up till 30 years (60%) then possibly a 1.5% thereafter up to 75%. This is similar to Article 15's we are Article 14. Now this year Comptroller McCall wants to change tiers 3 and 4 to tier 2's, except that we are not included. Why? The union has not made their mind up if this is something they want to do. I would have to agree partially because I would like to retain our Benefit Adjustment. But they should be asking the members how they feel, but thats communication isn't it.....

Then we have the limit on the amount of overtime we can accumilate, 10% of the average of the previous 2 years, which works out to be approximately 7% increase per year.

We were given this retirement package when the state and local governments were not doing so well. The retirement system had 8.3 Billion dollars. I did not mind doing my part in helping out the economy but we have come full circle and the state should now upgrade our benefit/retirement package. I think we have enough history to prove our point. Such as the states and local governments were contributing 19.27% in 1976 and today it was virtually ZERO.....another zero the state love and reaps the benefits from. When will we stand up for what is ours. Other state employees are making gains in their retirement and here we sit all alone without any gain. When will OUR union do what is right for the majority of their members?? Broken promises.....

Hiker

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Step Increase Info...

How long does it take to see a upgrade?

Scott,

In 1971 after the riot the State and Union initiated and upgrade which was actually a change in title the new title was Correction Officer and replaced the titles of Prison Guard and Hospital Prison Guard. By April 1st of 1972 titles were in place and the legislature produced the needed bills to transfer all staff that were Prison Guards to the new title of Correction Officer and Correction Hospital Officer. The New titles were given the grade of 14.

The fact is that the only thing that brought about the change in salary grade was the riot and conditions of the Prisons of New York State. At that time Council 82 had little or no monies to support pro-Prison Guard legislators.

The September 97 steps taken by the members of Council 82 has change everything, PAC monies will influence the entire political arena in New York State.

It's either the PAC monies that will change the Governors and Legislators attitude of the Correction Officers or we will have to wait for another Attica with bodies strewn across the yards and galleries of one or more of our prisons.

Its just the harsh realities of our profession.

Hope this answers your question .

A.J. Sportiello
33 Years of Service to the
People of the State of New York
Sing Sing Correctional Officers Local 1413

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LABOR - MANAGEMENT MEETING SUMMARY (April, 1998)

TO: All Department of Corrections Local Presidents and Local Secretaries
FROM: Patricia Rybak, Correction Policy Vice-Chairman
DATE: April 13, 1998
RE: Statewide Labor/Management Meeting on April 7, 1998

Recently, a Statewide Labor/Management meeting was held at the Bonnie Castle Resort in Alexandria Bay. This was the first of a new forum on this meeting. As you will be able to tell by the responses received from Commissioner Glenn Goord, the meeting went very well.

First and foremost, you will find enclosed a copy of the "letter of support" towards our goal of reallocation from Commissioner Goord. This letter is a big piece in attempting to attain our goal.

The following responses are taken from my notes of this meeting. The official minutes of this meeting will be forthcoming.

Agenda Item #1: Quality of Uniforms

The Commissioner has agreed to form a committee, along with Council 82, to review the entire uniform currently issued. An upgrade of quality is the goal and the Department's commitment.

Agenda Item #2: White Turtlenecks

The Commissioner agreed with the proposal, with the exception of color, that this will be discussed within the uniform committee established above. Certain details must be worked out in the uniform committee, prior to the implementation of a change in the uniform directive.

Agenda Item #3: Free Weights

There is a meeting scheduled for Thursday, April 16, 1998. Further information on this issue will be forthcoming.

Agenda Item #4: Jury Duty

The Commissioner is placing employees on jury duty on the day shift. If not a full day at jury duty, you will have to return to work. If you live Upstate (per se) and are called to jury duty, the Department will give you a letter to attempt to get you relieved from jury duty. If, in fact, you still have to report for jury duty, then when you are finished with jury duty for the day, you would have to use your own accruals. We will be meeting with the Department to further discuss this issue. Alternatives to the Commissioner's proposal will be discussed.

Agenda Item #5: Present Revolver to 9MM

The Commissioner admitted he has some concerns and he would like to meet with us about this issue, but if we wanted them, we have them. He informed us that he believes it is roughly a 2 million dollar ticket item and cannot be done without appropriate funding. This will require assistance from all concerned.

Agenda Item #6: Time Cuts

The Commissioner discussed the new SHU's opening and hoping this would help the situation. The Commissioner did agree to have a policy set in place, so that when time cuts were utilized, certain aspects would be taken into consideration, such as staff assaults and also to include the SHU officers into the process.

Agenda Item #7: Cell Extraction Equipment Training and Policy

The Commissioner stated \$300,000 was placed into the budget for stab proof vests. If approved, they would be acquired. In the meantime, a letter would be sent to the facilities to begin training as soon as possible. Uniform cell extraction equipment has been certified for the facilities. Need assessments are currently being done.

Agenda Item #8: North Country Ice Storm, for those officers living in the counties effected, but working in other areas of the State.

The Commissioner stated this was not a correction issue. The Governor's Office of Employee Relations (GOER) handles this. The Commissioner did agree to send a letter of support on behalf of these officers

to GOER.

Agenda Item #8B: Preparing a plan with the Department, in case a need arises, such as the Ice Storm of '98, to allow our people proper relief to attend to their personal needs.

The Commissioner agreed that "each local" should get together with their administration and prepare a plan and upon completion, be entered into local Red Book. The Commissioner stated he would send a memo to the locals pertaining to this issue.

Agenda Item #9: Security Staffing for the Medium Wall Towers

The Commissioner mentioned the sixty (60) officers approved in the sub-committee by the Senate. If, in fact, the budget passes change, then we have our Tower officers.

Agenda Item #10: Withdrawn by Council 82

Agenda Item #11: The Department's New Task Force on Workers' Compensation

The Commissioner presented us with a copy of new Directive 2218 - Outside Employment and a revised addition of Directive 2208A. I had requested an overall review of these, prior to the meeting by Council 82 General Counsel Robert Hite. With the information Robert Hite had given me, I requested of the Commissioner to meet again on this issue. The Commissioner agreed.

Agenda Item #12: Outside Hospital Duty Assignment

The Commissioner agrees there is a problem. The problem being staffing, but believes, at this time, staffing will continue to be a problem. The Commissioner suggested shackling the inmate to the hospital bed for the time needed for the officer to utilize restroom facilities and the officer would then be responsible for logging this into the log book. We requested to meet on this issue again and the Commissioner agreed.

Agenda Item #13: Reaffirming our present agreement on Resource Pool established in 1993.

The Commissioner agreed.

Please note, above there are several issues that the Commissioner agreed to meet further on. I have established a meeting date of Thursday, April 16, 1998.

I will forward the information as soon as it is feasible. If you have any other questions, please do not hesitate to contact me at the Council 82 office.

PR:pt

Enclosure

cc: J. Butler

Executive Committee

W. McMillan

All Staff Representatives

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Massachusetts

Thought you might like to read a letter that I received
Ed

>>Yes Brian I met you in Manhattan, I was introduced to you as the webmaster >>by Bob Fitzmaurice, I am not on top of CCJC, I know they have done a lot for >>correction nationwide and that Billy West and Brian Shanager have been >>involved with them, and now they are spearheading a challenge to decertify >>from AF\$CME. I read that you have lost your election as VP, was this because >>you were spending too much time on the bigger picture and not on the local >>stuff? Will this mean you will become more active in CCJC? Keep in touch and keep me informed.

Thanks
Ed Kasper

From: Brian Dawe

Hi Ed,

Why we lost is a question I don't think any of us really have an answer for. Part of it may have been my national involvement but that would mean that the membership has yet to understand that privatization efforts in California affect them in Massachusetts, that social security legislation pending in Washington could cost them 6.2% of their pay, that AIDS/HIV disclosure laws in Rhode Island help us bolster the case for similar legislation in Massachusetts etc. etc., If that was the reason then the membership wasn't educated on the relevance and the "big picture".

Personally all of our opponents waged a four word campaign, "time for a change". There was no negative campaigning, in fact my opponent told everybody what a good job we had done but that ten years was long enough and that we had lost touch with the membership. I fully support the democratic process and independence, there is no question that this is the membership's union, period!

We negotiated a 33% pay increase in 6 years (\$30,208.88 - \$40,406.08) for CO's with an additional 3.1% for roll call, brand new educational incentive that added from 2.5 to 6.2% per year, approx. 1%-3% for longevity, \$700.00 per year tax free just to clean your cloths (1.7%), 5 unsubstantiated sick days where you don't need any medical evidence (like another week off per year), 5.1% grade increases for Sgt.'s and Lt.'s raising their base pay increases over six years to over 40%. In 1992 before our first contract Sergeants made \$31,788.12 as of July 1, 1997 they were making \$44,675.80 a \$12,887.68 a year increase, that's \$247.84 per week, or 40.5% pay raise in six years and that doesn't count the additional monetary benefits! For Lt.'s it went from \$35,147.32 to \$49,371.40 an annual increase of \$14,224.08 or \$273.54 per week increase (40.5%). There wasn't much more we could do. Not one other bargaining unit in the state came even close. On average other state employees got 13% for the first contract period and 9 1/2% for the other. They totaled 22.5% to our 33 - 40% for the same time period, PLUS they agreed to let the state increase the time it takes to reach top pay from 5 to 8 years, we stood fast and maintained the 5 year threshold.

In addition we had just completed negotiations for 700 new Officer positions to be on line by September and the training academy classes had already begun. There were 3300 Officers when we took over, there are over 4000 now before we count the additional 700 coming on line. We had also expanded into 3

county correctional facilities and that was taking up quite a bit of our time.

So no one really knows why what happened did, it is the democratic process, a sort of self imposed term limits if you will. But on the up side I hope to dedicate myself to the CCJC and to addressing our issues as a profession on a national level. I think I have been heading in this direction for the past two or three years and I am very serious about making a major impact nationally. But its going to take guys like you who join as members and help to spread the word. Organizational membership is a nominal \$2.00 per year per Correctional Officer the local or organization represents, hardly enough to cover operating costs even if every CO in the country were being represented in the CCJC. With 330,000 CO's nationwide thats an operating budget of only \$660,000 hardly enough to wage the type of public campaign we need. The funding is going to come from the men and women who join and pay the \$35.00 per year fee and from corporate sponsorship.

In any case I have added you to the mailing list. Have you joined yet? We are going to have to make a policy decision soon as to how much information is sent to non-members and at what cost. A great example of our need to address this is that one international union has sent the head of their Corrections operation to two conferences and then requested a meeting in Chicago to make sure the CCJC wasn't a union in disguise and wasn't going to raid them before deciding whether or not to join. They reprint CCJC sponsored legislation as their own in their Correctional updates and leave our conferences with arms full of materials and research but haven't joined to defray the costs. We certainly have welcomed them and hope that they do join, but it is getting a little old and won't go on much longer. If we are to function it cannot be simply on good will. We do not have any wealthy benefactors contributing to our cause, not yet anyway.

Monitor our site and stay in close touch will you. I'm pasteing a couple of stories I sent out to the leadership this past week on late breaking stories you might be interested in. One is about how the little independent Tennessee State Employees Association in that right to work state, defeated (for the time being at least) CCA in CCA's home state where they have been greasing the political skids for a complete take over of the prison system in Tennessee for years. It is a great David and Goliath story that really illustrates what can be done IF you are truly motivated to do something. The other is about sexual abuse and more at a private prison in Denver. Let me know what you think.

Take care, stay safe

Brian

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Sound familiar ?

In recent years state employees have watched the major erosion of their rights, benefits and dignity. Pay raises have been denied and jobs have been abolished. The Personnel "Reform" Act is the latest in a series of setbacks for the state employees. We can't afford to stand by and watch our rights disappear.

The only way to counter this assault on your rights is through collective bargaining and representation with AFSCME.

Now, with the Executive Order for Collective Bargaining, you have a once-in-a-lifetime chance to win

and keep the rights you deserve.

Here are the 6 steps to a union contract that will give you a strong voice and new rights in your work life. These 6 steps will stop the State from running roughshod over your rights.

6 STEPS to Dignity & Respect

1. Sign an AFSCME authorization card; build committees

Authorization cards are distributed in your workplace. By signing the card, you show your desire for union representation with AFSCME. (This card does NOT deduct dues.) When enough cards are signed, we file a petition with the State for a union election. During this time, we build committees in each workplace and develop a strong state employee organization.

2. Petition the State for a Union Election

With the required number of signed authorization cards, AFSCME files a petition with the State. The State reviews the cards and then sets a date for a union election.

3. Employees Vote in a Union Election

The State holds democratically run union representation elections for employees of similar job titles. Voting is by secret ballot. Voters elect AFSCME to represent them in collective bargaining with the state to determine pay increases, benefits and working conditions.

4. Union Members Choose AFSCME Bargaining Team

After employees have democratically elected AFSCME representation, they will choose a team from coworkers to present the union side during bargaining with the State. The bargaining team will survey and hold meetings with other state workers to decide priority issues for the contract proposals.

5. AFSCME Team Negotiates a Contract with Management

Having prepared their proposals, the AFSCME bargaining team offers it to the state management team. The bargaining process begins. AFSCME's team and the management team will meet on a regular schedule to discuss pay, benefits, working conditions and other terms of employment. When the union and state reach agreement, they put the agreement in writing.

6. AFSCME Members Ratify Contract

The union team then submits the agreement to union members who will vote yes or no on accepting the contract.

As you can see, Afshme is doing the same thing as NYSCOPBA, seeking to represent State Employee's. Only they are doing it in Maryland, same procedure. When its them doing the organizing its alright, but when its NYS Correction Officers seeking INDEPENDENCE and SECURITY its dissent. Go figure.
Herb Wild

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Info on Paygrade

We talked some more and he informed me that the corrections budget passed and we were getting another jail and some staff. I told him that I was not aware that C82 had put in for the upgrade for his people, his response was that they went political themselves and did all the paperwork and talked to all the politicians to justify the upgrade, and C82 had nothing to do with it. If the above is true then someone at Colvin Ave. should share the info. with the membership, I would like John Butler to respond to this because I do believe that he will give us the facts >>

***Any agency can file for an upgrade. The only thing political about it is the money added to the budget. We filed for all units in C-82. For years the promise was made but it never happened, its happening now. Each agency was supposed to gather the info needed then brought to an attorney to be compiled and submitted.

Corrections being the largest group was done a little different then the rest and took longer to compile. C-82 worked with each group compiling info. We are using 2 outside law firms for the upgrades, the amount of work just for Corrections warrants using its own firm.

To date, no state agency has had an upgrade approved. No agency will ever get 6 grades (imagine that happening). I have as much doubt that a Forrest Ranger will get 3 as much as I doubt we will.

While the previous leaders always talked about upgrades, we are actually submitting for them and getting support from DOCS and anyone else who can help. We will submit for all of our units. Isn't that what a union is supposed to do? Personally, I hope all of our agencies receive an upgrade. We sent out the application, has anyone ever seen this done? We acquired support from DOCS, has anyone ever seen this done before? We hired outside law firms so our attorneys wouldn't be taken away from the daily legal work we generate. Now we are lobbying for support from legislators so the funds can be approved once the allocation is approved. We are doing all we can to achieve it, and it ain't lip service. Its happening.

The only problem with it is the fact that it is coming at a time a challenger wants to decert us, of course no one is taking into consideration that it was started long before a challenger came forward. It was started before I was even elected. I suggest you check who is putting these upgrades down and who is making the demands of, "it isn't good enough" then see whose flag they are waving.

Putting a decert aside, an upgrade should be the one thing EVERYONE should be for. Its too bad that some members are actually fighting against us on this (and they are fighting hard). They have made an issue out of something that will benefit every CO in the state, whether its 1, 2, or 3, grades. I suggest this issue be put aside and everyone work towards an opportunity that benefits us all.

Since the upgrade is pretty well on its way and plotted until funding is needed, I'll concentrate on the details of the L/M that established what the Correction members have wanted for a long time and have now acquired. I now have to work on the funding which can only be done through the legislators.

Wish me luck, after all you do deserve it.

John Butler CPC >

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Workers' Compensation

Has anyone else received a card from with a toll-free number on it to call to report when you've been injured at work? Is this to aid the new "fraud.

Or is this part of a new fraud. If you have one number to report workers comp. And one card covers health benefits and workers comp. drugs (Rx) how are we going to know what drugs were charged to the State Insurance Fund and what charges were made by our negotiated health insurance? What I'm getting at, is the Department going to use this new system to have us pay for our own workers comp. related drugs with our health benefits? Reducing cost for the State Insurance Fund and increasing the cost to our health insurance and eventually increasing our Co-pays and over insurance cost?

HD

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New Jersey State Policemen's Benevolent Association News

Check this site of the latest New Jersey legislation passed for <http://www.njspba.com/news.html>

NJSPBA NEWS BULLETINS & UPDATES

Updated April 15, 1998

LAW ENFORCEMENT INITIATIVES DOMINATE RECENT LEGISLATIVE ACTIVITY ROB NIXON-PRINCETON PUBLIC AFFAIRS GROUP, INC.

As a driving force behind a number of legislative initiatives, the New Jersey State PBA continued to strengthen the representation of the law enforcement community with the Legislature in Trenton throughout 1997.

The New Jersey State PBA completed the 1996-1997 legislative session on a high note with the passage of the State's first paid health benefits program for retired law enforcement officers and their families. The passage of Assembly Bill 3258 completes a legislative session that witnessed several high profile law enforcement bills signed into law by Governor Initman. By maintaining a presence in Trenton and organizing an active lobbying effort, the New Jersey State PBA has successfully fought for a variety of laws which expand rights and protections for all law enforcement officers in recent months. Among the legislation which the New Jersey State PBA has successfully pursued during 1997 in Trenton are:

ASSEMBLY BILL 1762: The legislation, which was signed into law by Governor Whitman, permits retired law enforcement officers to carry handguns. The passage of this legislation was an important priority for the PBA and has since provided retired officers with an additional level of security.

ASSEMBLY BILL 1783: In an effort to provide the same powers and rights to all qualified members of New Jersey's law enforcement community, the New Jersey State PBA has strongly pursued A-1783 to expand the jurisdiction of county park police officers. The legislation was passed by the New Jersey

Senate in December and was signed by Governor Whitman in January, 1998.

ASSEMBLY BILL 1856: The legislation establishes the "Body Armor Replacement Fund" to provide grants to members of the law enforcement community to obtain new vests every five years. The bill was overwhelmingly passed by the Legislature and sent to Governor Whitman for signing.

ASSEMBLY BILL 3098: The legislation extends the PFRS Mortgage Loan Program to provide low interest loans to law enforcement officers to purchase a home. The Program was scheduled to expire in August and was strongly opposed by the Treasurer's Office. However, the PBNS bipartisan effort moved the legislation quickly through the Legislature and was overwhelmingly passed by the Senate and General Assembly in less than a month.

The New Jersey State PBA is also actively working with members of the Legislature and the Governor's Office to address our priorities for the beginning of the legislative session that opened on January 13, 1998. The New Jersey State PBA is currently pursuing legislation to create equity between the law enforcement retirement systems and provide similar benefits for all State, county, and local officers. The New Jersey State PBA will also be taking an active approach in halting the privatization of any corrections facility or law enforcement position anywhere in the State and is pursuing legislation to stop telephone solicitations by law enforcement groups. PBA members who have questions regarding a particular legislative matter should write to President Madonna or call Tony Wieners, Executive Vice President and Chair of the Legislative Committee.

Legislative Sources on the Net

[New Jersey State Legislature:](#) Information on Members of the New Jersey Legislature, An Interactive Map of New Jersey Legislative Districts, The Text, Indexes and History of Bills, The New Jersey Statutes, The New Jersey Constitution, The Latest Legislative Calendar, The Latest and Previous Issues of the Legislative Digest, and Related Legislative Publications.

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CCA Combines REIT

Date: Tuesday, April 21, 1998 10:08 AM

From todays research we find these two interesting CCA articles. Pay particular note to Doctor Crants closing comments:

"...in running this company we just focus on shareholder value and the rest of it works itself out fine."

April 21, 1998

Merger of Prison Operator Into REIT

Sends Both Stocks Down

By DAVID CAY JOHNSTON, New York Times

NEW YORK -- The Corrections Corporation of America, the nation's biggest commercial operator of jails and prisons, has seen its share price soar for a decade -- along with the prison population. But on Monday, after announcing it would merge into a real estate investment trust that had been spun off by the

Nashville company just last July, shares of both took a beating.

The Corrections shares fell as much as 13 percent on the Big Board before closing at \$29.875, off \$3.625, or 11 percent. Shares of CCA Prison Realty Trust, the real estate investment trust that will be the surviving business, also fell, closing at \$37.50, down \$2.625, or 6.5 percent.

The deal calls for each share of Corrections to be exchanged, untaxed, for 0.875 share of CCA Prison Realty Trust. Based on Friday's closing stock prices, the two companies valued the deal at \$4 billion. The merged company would not pay federal corporate income taxes, saving about \$50 million this year, but to do so it must distribute 95 percent of earnings to shareholders.

It would own and operate 34 prisons and jails and operate 43 facilities it does not own. About 5 percent of people incarcerated in the United States are in commercially-operated jails and prisons, and slightly more than half those inmates would be in places run by the merged company.

Although most of its 62,000 jail beds are in states in the South, West, and Puerto Rico, the company also runs jails and prisons in Australia and Great Britain. Doctor Crants, the chairman of both companies, said the merger would combine the tax and dividend benefits of a REIT with the high-growth prospects of a quality growth company. He said that in addition to paying out 95 percent of its net earnings, he expected 25 percent annual growth in cash flow from operations, which would increase the company's net worth.

Crants said in a telephone interview that while the thrashing by the stock market surprised him, he remained convinced that the merger was the best strategy.

But analysts who talked with him on Monday seemed skeptical. James McDonald, who follows the companies for First Analysis in Chicago, said: "The market is saying this is not a good deal for anybody." The share selloff in both companies may just demonstrate confusion about the complex deal, he said.

Brian Rutenbur, of SunTrust Equitable Securities, in Nashville, said that "prison REIT's are great if you want to own a REIT, but a lot of investors in Corrections Corporation of America were growth investors who wanted to invest in a services company."

The Corrections earnings per share grew at a compound annual growth rate of 70 percent annually from 1992 through 1997, making it one of the top performers on the New York Stock Exchange. Crants, who founded Corrections in 1983, said that when the REIT was spun off last July he expected it to be favored by REIT funds and individuals seeking big dividends and the prospect of some share price increases. Instead, he said, the buyers were mostly growth-oriented investment funds.

"In January, we learned that about 60 percent of the holders of one company also owned the other," he said. He attributed the price drop to selling by funds that had not invested in both companies. Crants said he will own 1.9 million shares of the merged company, including 415,000 Corrections Corp. options that will vest when the deal is completed in January. The company plans a one-time payout of at least \$2 a share at that time to comply with federal tax rules on merging Corrections into the REIT.

He acknowledged that the heavy cash payout required by law for the REIT not to be taxed would cause his own income taxes to rise significantly, but said that "in running this company we just focus on shareholder value and the rest of it works itself out fine."

Corrections Corp. has benefited from close ties to elected officials in Tennessee and other states,

especially Republicans who have championed the idea of contracting out government services to corporations to save money. A 1996 report to Congress by the General Accounting Office found little evidence of savings, however, saying that one Tennessee prison run by Corrections Corp. saved only about 1 percent compared with state-run prisons. {Ny Times 4/21/98}

Corrections Corp. of America, the world's largest private operator of prisons, agreed to sell itself to sister company CCA Prison Realty Trust for about \$3.4 billion in stock. The move creates a real estate investment trust that will own 34 prisons and manage a total of 77 facilities in the United States, Puerto Rico, Australia and Britain. By operating as a REIT, the combined company will save about \$50 million a year in taxes, analysts said. {Washington Post 4/21/98}

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Labor Unions Run Deceptive Ad Campaign Against Pro-Worker Ballot Initiative

Friends,

The National Center for Public Policy Research, an excellent free-market think tank in Washington, issued this news release yesterday in response to the deceptive ad campaign union bosses launched against Proposition 226.

Thanks for your continued support of our efforts!

Yes on 226

For immediate release: April 21, 1998 Contact: David Almasi (202) 543-1286 or MoneyMonitor@nationalcenter.org

Opponents of a California ballot initiative that would prevent worker wages from being spent on politics without their permission have begun a deceptive television ad campaign lacking in both truthfulness and substance.

Proposition 226, appearing on California's June primary ballot, would require employers and labor unions to obtain annual written permission from a worker before using payroll deductions or mandatory dues for state and local political activity. A poll conducted by Los Angeles Times in early April found 66% of likely voters supported Proposition 226.

In commercials that debuted this week, Proposition 226 opponents portray supporters of the initiative as out-of-state business interests. These negative attack ads, however, are themselves paid for by money partially collected from out-of-state union dues ? exactly the sort of practice that would be outlawed by Proposition 226.

"Organized labor is the true outsider in this campaign," said David W. Almasi, the editor of the Political Money Monitor newsletter. "AFL-CIO leaders are raiding worker paychecks nationwide to collect over \$10 million that they plan to dump into the campaign against Proposition 226. Los Angeles Times polling showed 58% of union member support Proposition 226. If labor unions were created to represent their membership, then what is going on here?"

According to Proposition 226 co-author Mark Bucher, over 98% of the over 10,000 donors to the "Yes on 226!" campaign are California residents. Patrick Rooney, the Indiana insurance executive portrayed by Proposition 226 opponents as a major benefactor of the campaign, has donated less than \$50,000, and maintains a personal residence in California.

"If Patrick Rooney is vilified for donating less than \$50,000, what must we do about AFL-CIO President John Sweeney?" asked Almasi. "He's bringing millions of dollars of other people's money into the state."

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NYCOPBA Constitution Lacking **Fed. Codes ******

As an individual member or local representative you have no rights under NYCOPBA.

NO BILL OF RIGHTS, NO RIGHT TO SUE, THE NYCOPBA CONSTITUTION HAS NO CLAUSE MAKING IT A CONTRACT AND BINDING WITH THE MEMBERSHIP, NO ACCOUNTABILITY OF FUNDS AND 11 DICTATORS ON THE POLLIT BEAUREAU, NO LOCAL AUTONOMY. THIS IS WHAT WE ARE STILL TRYING TO GET AWAY FROM.

BELOW IS THE LAW AS TO WHAT RIGHTS YOU MAINTAIN UNDER A UNION CONSTITUTION!!!!!!!!!!!!!!

-CITE-

29 USC CHAPTER 11 - LABOR-MANAGEMENT REPORTING AND DISCLOSURE PROCEDURE
01/16/96

-EXPCITE-

TITLE 29 - LABOR

CHAPTER 11 - LABOR-MANAGEMENT REPORTING AND DISCLOSURE PROCEDURE .

-HEAD-

CHAPTER 11 - LABOR-MANAGEMENT REPORTING AND DISCLOSURE PROCEDURE

-MISC1-

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Retirement Survey Results

20 year state funded	1351
20 year self funded	259
20 year us 3% and the state the remainder	752
25 year enhacement	521
Leave as is	227
Other	513 (such as a COLA)
TOTAL	3723 individuals voting

C82 says they will follow through with the 20 year state funded and it is suppose to be simular to the '94 Bill.....

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Letter from Hinman Straub Pigors and Manning

This is a copy of the letter I received yesterday from the Law Office of Hinman Straub Pigors and Manning. This is just another piece of evidence that who ever is spreading the rumors about the challenger law firm are nothing more than habitual liars. After reading this response I would like to inquire of the Attica Officers who were involved in this and if they would like to make any comments about the facts stated.

Tom Short

HSP&M
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April 21, 1998

Dear Tom:

I am responding to your letter of April 16, 1998 asking me to address several "rumors" in regard to our law firm's involvement in litigation some years ago involving State correction officers. Although I am familiar with the case you describe, the rumors are not accurate; let me explain the facts.

The case in question was titled Sackett v. Dylag, et. al., in which an Attica inmate, through Prisoner's Legal Services, brought a federal civil rights lawsuit against fourteen correction officers, Attica Superintendent Walter Kelly, and DOCS Commissioner Thomas Coughlin, claiming excessive use of force in violation of his constitutional rights. The case was filed in Federal District Court in Rochester in 1986. We had no involvement with the case until March of 1991, about a month before the trial was scheduled to begin. The Attorney General's office, which until that point had represented all the defendants, determined that Kelly and Coughlin were entitled to separate counsel. Our firm has experience in these kinds of cases through our representation of state troopers who are sued under similar circumstances. We were asked to step in on late notice to represent Kelly and Coughlin and we agreed to do so. John Saccocio and I handled the case.

Upon receiving the case file, we immediately contacted the attorneys representing the individual correction officers, Assistant Attorneys General Bill Goldman and Chuck Steinman. We worked closely with them, sharing strategy, tactics and information in recognition of our mutual interests in disproving the inmates claim. During the three weeks of trial we spent a lot of time with the individual correction officers, and each night we worked with two Assistant Attorneys General in preparing the defense for the next day of trial. Every major decision about the defense of the case was discussed and agreed upon between us and the Attorney General.

I think it is fair to say that the correction officers involved in the case both trusted and respected us, and we certainly felt the same towards them. I recall in particular the trial testimony of Officer Tom Dudek, whose explanation of how to properly restrain an inmate was so thorough and professional that it could be used as a training video. Regardless of where any of these officers may now stand on the challenge, they were all good guys whom we liked and whose company we enjoyed.

That's the story in a nutshell. We were not asked, nor did we refuse, to represent any correction officers in that case, nor did we take the position against the interests of those officers who were defendants in the case. We simply litigated the case against the inmate.

Very Truly Yours,
William F. Sheehan

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Workers Compensation Law ??

If Workers Comp. has its own investigation unit, then why does the Corrections Dept. have its own and does this cause a conflict? It is redundant. And Out of Title Work for those in the Corrections Title as our job is to supervise inmates.

§ 136. Workers' compensation fraud inspector general.

1. Definitions. For the purposes of this section, the following definitions shall apply:

- (a) "Inspector general" means the workers' compensation fraud inspector general created by this section.
- (b) "Assistant inspector general" means a workers' compensation fraud assistant inspector general created by this section.

2. Appointment, compensation and removal. Notwithstanding any other provision of law, the governor shall appoint the inspector general. The board shall employ and the governor shall fix the compensation of the inspector general. The inspector general shall, and may do so without civil service examination, appoint and the board shall employ, such assistant inspectors general and other persons as he or she deems necessary, determine their duties and fix their compensation. Such assistant inspectors general shall assist the inspector general in carrying out the inspector general's duties and responsibilities as set forth in this section and shall have such powers as granted the inspector general under this section. Employees appointed pursuant to this section without civil service examination shall be placed in the noncompetitive class of the competitive service pursuant to subdivision two-a of section forty-two of the civil service law and shall serve at the pleasure of the governor. The payment of salaries and compensation of employees appointed pursuant to this section shall be made pursuant to section one hundred forty-eight of this chapter.

3. Powers, duties and responsibilities. The inspector general shall investigate violations of the laws and regulations pertaining to the operation of the workers' compensation system. The inspector general shall have the following powers, duties and functions:

- (a) to conduct and supervise investigations, within or without this state, of possible fraud and other violations of laws, rules and regulations pertaining to the workers' compensation system;
- (b) to subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, papers, records and documents as the inspector general may deem to be relevant to an investigation undertaken pursuant to this section;
- (c) to report to the attorney general, the insurance frauds bureau, or other appropriate law enforcement agency, violations found through investigations undertaken pursuant to this section and to provide such materials and assistance as may be necessary or appropriate for the successful investigation and prosecution of violations of this chapter;
- (d) to submit a written report, on an annual basis, to the governor and to the chair of the board, listing all activities undertaken to the extent such activities can be disclosed pursuant to subdivision five of this section; and
- (e) to recommend legislative and regulatory changes to the governor and to the chair of the board.

4. Cooperation of agency officials and employees. (a) In addition to the authority otherwise provided by this section, the inspector general, in carrying out the provisions of this section, is authorized:

- (i) to have full and unrestricted access to all records, reports, audits, reviews, documents, papers, recommendations or other material maintained by the board or any other state agency relating to the workers' compensation system, with respect to which the inspector general has responsibilities under this section; and
 - (ii) to request such information, assistance and cooperation from any federal, state or local government, department, board, bureau, commission, or other agency or unit thereof as may be necessary for carrying out the duties and responsibilities enjoined upon the inspector general by this section. State and local agencies or units thereof are hereby authorized and directed to provide such information, assistance and cooperation.
- (b) No person shall prevent, seek to prevent, interfere with, obstruct or otherwise hinder any investigation

being conducted >pursuant to this section.

5. Disclosure of information. The inspector general shall not publicly disclose information which is:
- (a) a part of an ongoing investigation or prosecution; or
 - (b) specifically prohibited from disclosure by any other provision of law.

HDway

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Federal Judge (Denise Cote) has declared inmate rule 105.11 unconstitutional

A little information we all should know about!!!

It was reported in the NY Law Journal (Dated 4-27-98) that a Manhattan Federal Judge (Denise Cote) has declared inmate rule 105.11 unconstitutional!! This rule deals where an inmate can and can't pray!!!

What this judge basically ruled is that Corrections Officers aren't smart enough to enforce such a broad rule!!!

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SERGEANT STIPULATION AGREEMENT

IMPACT ON SECURITY STAFF OF CORRECTION SERGEANT STIPULATION AGREEMENT

THE DEPARTMENT AND COUNCIL 82 HAVE ENTERED INTO A STIPULATION AGREEMENT IN SETTLEMENT OF THE LITIGATION PERTAINING TO THOSE CORRECTION SERGEANTS WHO WERE SERVING ON TEMPORARY PROMOTION AND/OR TEMPORARY REASSIGNMENT STATUS WITHIN OUR DEPARTMENT.

AS A RESULT OF THIS STIPULATION AGREEMENT, OUR DEPARTMENT HAS AGREED TO THE FILLING OF ALL TEMPORARY FUNDED, DOUBLE-BUNK ITEMS IN OUR FACILITIES ON A PERMANENT BASIS. THE PROCESS OF CONVERTING THESE ITEMS TO PERMANENT FILLS WILL BE PHASED IN OVER A THREE-YEAR PERIOD OF TIME.

ADDITIONALLY, OUR DEPARTMENT HAS AGREED THAT ALL TEMPORARY APPOINTMENTS EXISTING DIRECTLY OR INDIRECTLY BECAUSE OF THE BACKFILLING OF EXECUTIVE TEAM APPOINTMENTS WILL BE PHASED OUT. THIS PART OF THE STIPULATION AGREEMENT WILL BE PHASED IN OVER A PERIOD OF TIME NOT TO EXCEED FOUR YEARS OR THE LIFE OF THE CURRENT CORRECTION SERGEANT LIST.

THE IMPLEMENTATION OF THIS AGREEMENT, WHICH WILL BEGIN IMMEDIATELY, WILL RESULT IN DISPLACEMENTS OF INDIVIDUALS WHO ARE SERVING IN TEMPORARY STATUS (PROMOTION AND REASSIGNMENT) IN THE TITLES OF CORRECTION LIEUTENANT, CORRECTION SERGEANT, AND CORRECTION OFFICER. AS SUCH,

SECURITY STAFF WHO POTENTIALLY FACE DISPLACEMENTS BECAUSE OF THE PROVISIONS OF THIS AGREEMENT SHOULD CAREFULLY STUDY THEIR OPTIONS UNDER THE NEGOTIATED REASSIGNMENT PROGRAM. THIS IS PARTICULARLY IMPORTANT IN LIGHT OF THE UPCOMING MAY 1 REVISION.

IT WAS WITH THE PURPOSE OF LESSENING THE IMPACT OF DISPLACEMENTS THAT THE DEPARTMENT AND COUNCIL 82 AGREED TO THE PHASING IN OF THIS AGREEMENT OVER THE TIME PERIODS NOTED ABOVE. IT IS THE INTENT OF OUR DEPARTMENT AND COUNCIL 82 TO WORK COOPERATIVELY TO INSURE THAT DISPLACEMENTS OF INDIVIDUALS SERVING ON TEMPORARY PROMOTION OR TEMPORARY REASSIGNMENT STATUS ARE HELD TO A MINIMUM.

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CSEA Backs McCall In Comptroller's Race

The Civil Service Employees Association, representing some 265,000 state and local employees, gave an early endorsement to the reelection of state Comptroller H. Carl McCall.

Speaking on the steps of the Capitol in Albany April 21, surrounded by CSEA officials and members, My. McCall pointed out that the New York State and Local Employees Retirement System has grown from \$56 billion to \$105 billion during his five years in office. As Comptroller, he is the sole trustee of the system.

Mr. McCall has proposed a performance COLA, which would provide a pension increase to the 880,000 NYSLERS members based on the pension funds's investment performance.

In a recent message to the union's membership, CSEA President Danny Donohue said: " COLA is a top priority in the state legislative session. We need to secure a brighter future, not only for our retirees who have earned it, but for every one of us employed by New York State, counties, towns, villages and school districts."

Under Mr. McCall's plan, returns on the retirement system's investments, over and above the 8.5 percent required to meet present and future obligations, would be used both to reduce employer contribution rates and provide pension increases of up to 3 percent for retirees.

Legislation incorporating the McCall plan was introduced into the State Legislature last year but not enacted. A similar bill is now before a legislative committee in Albany.

The Comptroller paid a visit on April 23 to the CSEA's Long Island region office in Commack to talk about his pension proposal.

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ATTICA PRISON GUARDS LOBBY FOR INHUMANE TREATMENT

by Ian Williams Goddard

A group of the trigger happy Attica prison guards that massacred 29 prison inmates and the 10 hostages they held during a 1971 riot are apparently not satisfied with their contribution to human suffering. Upset that there are prison inmates they have not destroyed, these guards have formed a national lobbying organization, the Corrections and Criminal Justice Reform Task Force, in an effort to halt humane treatment of prisoners.

The goal of CCJRTF will be (a) building more prisons, (b) reducing the standard of living for prison inmates and (c) terminating any hope inmates may have of ever escaping poverty and crime by ending all college education courses for prisoners [1].

The Associated Press states that since the Attica riot and ensuing massacre, reforms have made life more humane for prisoners. However, the AP states that guards who have joined this lobbying group believe these reforms must be stopped and conditions for prisoners must be made less humane, restoring once again the conditions that lead to the tragic 1971 riot and massacre.

Upset about humanitarian prison reforms, the executive vice president of the California Correctional Peace Officer's Associations, Mike Jimenez, said, "Today in America's prisons, convicted criminals get ... college education and eggs cooked to order for breakfast."

That's not true claims a spokesman for the Department of Correctional Services, James Flateau. The overzealous guards "should have done their homework," said Flateau noting that college classes were already terminated last year. Flateau also denied all charges of humane treatment cited by CCJRTF. A truly bizarre race to the bottom.

25 years after the tragic Attica riot, the pathologist who performed the autopsies, Dr. Baden, came forward to say that ALL of the hostages and prisoners were killed by the guards as they stormed the prison with guns blazing after only four days of negotiations. [2] The official big lie has been that the prisoners killed the hostages.

[1] Associated Press, 09/10/96

[2] HBO series "Autopsy"

Sept, 11 1996

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Temp Sergeants

This letter is from NYSDOCS.

Dear Sergeant Williams:

On April 21, 1998, the Department and Council 82, entered into a settlement relative to the Sergeants'

litigation. This lawsuit and subsequent settlement impacts the manner in which appointments are made to uniformed titles within the agency and will have an impact on you.

Please be aware that sometime in the maximum four year, phase-in period of this agreement, it is almost certain that you and all other employees appointed temporarily from Correction Sergeant list #31-722 will be displaced.

You will be returned to your Correction Officer hold item unless you become reachable on the current Correction Sergeant list 33-629, before displacement occurs.

We recommends highly that you take this fact into consideration when planning for your future; and specifically, when you make your selection relative to the bi-annual revision of the transfer lists that next close c.o.b. April 30, 1998.

Let me assure you that the fine work you have done for the Department is greatly appreciated by Commissioner Glenn S. Goord, the members of his executive team and the staff of this Department. Regrettably, the subject stipulation will eventually have an impact on your continued status as a temporary Correction Sergeant, and we wanted to make you aware of this situation.

Sincerely

Lee P. Gould, Director of Personnel

Sgt. Williams states that he called C-82 and spoke to Jim Mann about this situation and his seniority, and Mann hung up on him. Sgt. Williams has been a Sergeant 15 months, has tried repeatedly to get answers from the union and got nothing but a run around from C-82.

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1968-1998 RIP

History as our guide, we are in a win/win situation. Each challenge has brought about positive change. We are not engaged in a "Civil War", but rather the free exchange of opposing ideas. We should all embrace the challenge as an opportunity to make strides forward. The progress we make toward a better, more responsive and aggressive union matters more than the name on our calendar books. Council 82 needs to view the challenge as a learning experience. Competition will produce a stronger, more efficient union. Council 82's resources would be better expended incorporating NYSCOPBA's ideas into our constitution rather than "fighting" the challenge.

Council 82 has made tremendous progress in becoming a union that is more democratic and sensitive to the needs of the membership. The NYSCOPBA challenge will further our progress. The Executive Board started at ground zero in '96 and has come a long way in a short time. Given a few additional years Council 82 could be the union it was in '79. The problem is- we don't have that luxury. We are so far behind now that we cannot afford a few more years. Each additional day of inaction puts us further behind. We will never recoup from past blunders. We need to act now.

Read the arbitration decision for the N.Y. State Police. It is an excellent example of the power of binding arbitration. It also provides a view of "pattern bargaining" as seen from an arbitrators view. Further, it demonstrates the bargaining prowess of Hinman, Straub, Pigors & Manning. The law firm obviously did

their homework and presented an excellent argument for their client- an argument they won hands down. That could be us in the future.

Pattern bargaining occurs because the State and AFSCME need to pass similar contracts for all the unions. No contract can outshine the others for fear of alienating the remaining unions. Pattern bargaining is crucial to AFSCME. That is why we will never see binding arbitration under Council 82. There has not, nor will there ever be, any significant effort by Council 82 to secure binding arbitration. Binding arbitration would result in major advances for the Council 82 membership, sparking anger from CSEA and PEF. A professional negotiator will not be able to negotiate a lucrative contract for us. Their hands are tied by pattern bargaining and lack of binding arbitration.

As stated in this forum, Council 82's constitution is excellent. It guarantees the membership a voice and a vote. It would be difficult to draw up a more democratic document. However, the teeth of the constitution are dulled by the phrase "the objectives of this Council shall be the objectives of the American Federation of State, County and Municipal Employees". That single phrase undermines the entire constitution. Any amendment to the constitution not meeting this criteria is null and void.

AFSCME failed us in '79 by refusing to assist contract negotiations. They failed us each year since then by allowing Council 82 officials to blatantly steal our money. AFSCME signed off on Council 82's expenditures each year. Didn't they notice? Was it incompetence or criminal? Does it matter? We pay the AFSCME bill on time each month. Are we getting what we pay for? AFSCME is a large organization with a perpetual desire to get larger. AFSCME chose to support Correction Corporation of America in Tennessee. They chose expansion over anti-privatization of public employees. Good for them, bad for us.

Decertification from AFSCME is not possible. Council 82 is not a separate entity. You and I are AFSCME members first and Council 82 members second. The only means of breaking from AFSCME is a challenge.

The AFSCME problem aside, Council 82 is having a difficult time shaking the past. Council 82 continues to spend approximately 85% of membership dues on salary and staff reimbursement. In the first fully democratic election in the history of Council 82, it was clear that the membership was demanding a major reduction in salaried employees. That reduction never occurred. The people we elected had complete control over several positions, but didn't make the tough decisions the members demanded. This conduct cannot be tolerated. Staff Reps continue to drain the treasury at a whopping 2 million dollars per year. This is the largest expenditure of our dues, yet we have no input on the number of reps, their wages, perks, jurisdiction or even who they are. The Staff Rep system continues despite protest from the membership. Council 82 is not listening. Why?

The million dollar PAC fund is the single greatest stride that Council 82 has made for the membership. PAC is power. This power should be in the hands of the membership. Council 82's move toward a more democratic process stopped with the PAC fund. The membership should have voted on the creation of the million dollar PAC fund and we should direct its use. We should also control any political endorsements. Council 82 distributes the PAC monies and endorses candidates without membership input. This needs to stop. Our PAC monies are being distributed to local political races across the state. Politicians who are not in a position to advance the interests of Correction Officers are receiving our money. Why?

The tentative constitution of NYSCOPBA is very comparable to Council 82's, without the burden of a

parent union. It retains all the democratic processes of Council 82's constitution and goes further to enhance our rights. The 11 member Executive Board continues to be elected on a one man one vote basis. The Executive Assembly is comprised of all the Chief Sector Stewards (formally local presidents), and as with Council 82 is the highest governing body. Mandatory training for all Association Officials is an excellent idea. Requiring candidates running for office to hold a position in a Local for 1 year ensures all candidates will have a working knowledge of the Association. Mandatory attendance at Executive Assembly meetings will further enhance the knowledge base of our local officials. The "one hand in the cookie jar" concept requires the locals to use a voucher system for their expenditures; accountability of our money at work. The Association Committees will have 3 of 7 members elected from the Assembly floor, compared to Council 82's fully appointed committees.

NYSCOPBA would be accountable to the membership, not a parent organization, no more requirements that we pattern bargain. Dues would decrease. Operating capital would increase by over a million dollars. A captive, proven law firm will handle contract negotiations, lobbying and litigation. With NYSCOPBA our money and efforts will be concentrated on the needs of Correction and Police Officers. Council 82 has become too large and fragmented. Smaller units drain our resources. Correction staff comprise 80% of the membership yet receive a much smaller percentage of the benefits. Money is everything. With the continual financial drain of AFSCME, labor costs and splinter units, we do not have the operating capital to secure a brighter future for the membership.

We elected a decent team in '96, but we put them in a hopelessly diseased organization. It is no surprise that they were unable to revive the dying patient. Its time to start over with NYSCOPBA.

Gary Carlsen
